



# AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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## AGENDA ITEM 1

November 18, 2021

**TO:** Commissioners/Alternates

**FROM:** Lea U. Choum, Executive Officer

**SUBJECT:** County of Orange Proposed General Plan Amendment H 20-01 - Housing Element Update (2021-2029)

### Background

The County of Orange has submitted proposed General Plan Amendment H 20-01 - Housing Element Update for a consistency review. The Update identifies and analyzes the County's existing and projected housing needs, and contains goals, policies, objectives, and programs to address those needs. The County's Housing Element was last updated in October 2013 (for the 5th cycle), which covered the years 2013 to 2021. It was found to be consistent with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)* and the *AELUP for Joint Forces Training Base (JFTB) Los Alamitos*.

The Housing Element is one of the seven mandatory elements of the General Plan. Section 65583 of the Government Code sets forth the specific requirements of a jurisdiction's housing element. Included in these requirements are obligations of local jurisdictions to provide for their "fair share" of the regional housing needs. This fair share is determined through the Regional Housing Needs Assessment (RHNA) process which in Orange County is facilitated by the Southern California Association of Governments (SCAG). For the 2021 to 2029 planning period, the County of Orange was allocated a total of 10,406 housing units, including 3,139 for very low-income, 1,866 for low-income, 2,040 for moderate-income, and 3,361 for above-moderate income households. The County is able to take credit for 137 units currently within the planning process which results in a remaining need of 10,269 units.

The Update has identified five opportunity areas where the County can fulfill the required number of residential units required by state law. The five areas include: Rancho Mission Viejo (4,165 units); Coyote Canyon (1,056 units); Santa Ana Country Club (435 units); Brea Canyon (1,100 units); and an existing Housing Opportunity Overlay with sites throughout the County (3,721 units). Of these areas, the Santa Ana Country Club and one parcel within the Housing Opportunity Overlay are within the Planning Area for John Wayne Airport. See Attachment #1 for a map showing the proposed opportunity sites within the Notification Area for JWA.

The other proposed sites are outside of the Planning Area for JWA and outside of the Planning Areas for JFTB Los Alamitos and Fullerton Municipal Airport so they are not included in this consistency review.

The County of Orange has submitted its draft Housing Element Update to the California Department of Housing and Community Development (HCD) for review, and has tentatively scheduled the following public hearings:

|                  |                             |
|------------------|-----------------------------|
| January 12, 2022 | Planning Commission         |
| January 25, 2022 | County Board of Supervisors |

### **AEUP for JWA Issues**

#### **Regarding Aircraft Noise Impacts:**

The Update identifies three properties as opportunity sites for new residential development within the Planning Area for JWA. The addresses and proposed number of residential units are as follows and are shown on Attachment #2:

20382 Newport Boulevard, Santa Ana (Santa Ana County Club) – 37 Units  
20491 Santa Ana Avenue, Santa Ana (Santa Ana Country Club) – 398 Units  
2651 Irvine Ave, Costa Mesa (Back Bay Commercial Center) – 245 Units

The 65 dB CNEL contour for JWA overlaps the northeastern corner of the Santa Ana Country Club property (20491 Santa Ana Avenue) and a very small part of the Back Bay Commercial Center (2651 Irvine Avenue). The remainder of these two properties abut the 65 CNEL contour and are mostly or entirely within the 60 dB CNEL. The 20382 Newport Boulevard part of the Santa Ana Country Club property lies just outside of the noise contours for JWA. See Attachment #3 for the location of these proposed opportunity sites in relation to the noise contours for JWA.

The County's previously adopted 2013 Housing Element allowed for some residential development along Newport Boulevard on the northwestern most part of the Santa Ana Country Club. The proposed Update identifies new residential uses on the remainder of the Santa Ana Country Club property, closer to the runway end where there is currently no residential use. The County's Noise Element states that new residential uses are prohibited in areas within the 65-decibel CNEL contour for airports, and allowed in other areas if interior and exterior community noise levels can be mitigated.

The proposed Housing Element Update includes a brief discussion regarding noise, but does not contain specific policies. The Noise Element of the County's General Plan, however, includes Policies 2.1-2.4 related to health effects, mitigation, notification of overflight, and avigation easements for property within the 60 dB CNEL noise contours for all airports within Orange County. Also included in the Noise Element is reference to the County's Noise Referral Zones which are defined as areas within the 60 dB CNEL noise contours. It states, "Any development

proposed which may be impacted by a CNEL from each noise source of 60 or more decibels will be evaluated on a project specific basis.” See Attachment #4 for pages VIII-20 through VIII-32 of the Noise Element.

**Regarding Height Restrictions:**

Some of the unincorporated County areas are within the Federal Aviation Administration (FAA) Notification Area and the Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces for JWA. See Attachment #5 which shows the proposed housing opportunity sites within the Obstruction Imaginary Surfaces for JWA. With respect to the FAR Part 77 Obstruction Imaginary Surfaces, the Santa Ana Country Club and Back Bay Commercial Center sites are located within the horizontal surface for JWA and in close proximity to the transitional and approach surfaces for JWA. Future residents would be exposed to significant aircraft overflight, safety impacts, noise and annoyance as approaching aircraft fly overhead. With respect to building heights, the proposed opportunity sites are located within the Housing Opportunities Overlay District and the General Agricultural (A1) zones of the County, which both limit the height of buildings to 35 feet above ground level which is well below the horizontal surface of 206 feet above mean sea level (AMSL).

**Regarding Flight Tracks and Safety Zones:**

The Update identifies three sites which would accommodate up to 680 new residential units within the Notification Area of JWA. All of the Back Bay Commercial Center property and most of Santa Ana Country Club property is within Safety Zone 6-Traffic Pattern Zone. In this zone, aircraft are flying at or below 1,000 feet above the property and there is a moderate risk level for near-runway accidents. Future residents would be exposed to significant aircraft overflight and noise due to the project’s location near this surface.

The remainder of the Santa Ana Country Club property is within Safety Zone 3-Inner Turning Zone. (See Attachment #6). According to the California Airport Land Use Planning Handbook (Handbook), this zone has a moderate to high risk level and residential uses should be limited to very low density. The Handbook defines “very low density” for suburban areas as one unit per 2-5 acres; and urban areas as “infill at up to the average of surrounding residential areas.” Locating residential uses within Safety Zone 3 would place future residents within close proximity to the airport and directly under a general aviation, low-altitude flight corridor.

Attachment #7 includes excerpts from the Safety Element. Attachment #8 illustrates flight tracks provided by the John Wayne Airport Noise Office for the County on three separate days in January, June, and October of 2019. As shown on the exhibits, there are numerous flights near the proposed new housing opportunity sites in the JWA area. The location and number of new residential units within Safety Zones 3 and 6, with some directly under the flight path of general aviation flights, suggests that this new land use would be incompatible with the operations at JWA and subject the future residents to excessive noise and safety risks.

### **Regarding Heliports:**

No heliports are proposed as part of the Update, therefore, consistency with the AELUP for Heliports was not evaluated. The Safety Element of the County’s General Plan includes an action item stating that proposals for new heliports must be submitted through the County to the ALUC for review and action pursuant to Public Utilities Code Section 21676.

### **Conclusion**

Attachment #9 is the ALUC comment letter to County staff regarding the Draft Housing Element, and Attachment #10 is the JWA comment letter. Attachment #11 to this report contains excerpts from the County of Orange submittal package. The complete Housing Element Update is available on the County’s website at:

<https://ocds.ocpublicworks.com/sites/ocpwoocds/files/2021-11/County%20of%20Orange%20-%20Draft%20HEU%20Submission%20to%20State%20HCD.pdf>

ALUC staff has reviewed the Draft Housing Element Update for compliance with the *AELUP for John Wayne Airport (JWA)* including review of noise, height restrictions, safety and overflight. The recommendation below is based on the Update’s introduction of new high-density residential sites in close proximity to the airport, specifically within the 65 and 60 dB CNEL Noise Contours, Safety Zones 3 and 6, and proximity to the approach/departure surface for JWA.

### **Recommendation:**

That the Commission find the proposed County of Orange Draft Housing Element Update inconsistent with the *AELUP for JWA per:*

1. Section 2.1.1 Aircraft Noise that the “aircraft noise emanating from airports may be incompatible with general welfare of the inhabitants within the vicinity of an airport.”
2. Section 2.1.2 Safety Compatibility Zones in which “the purpose of these zones is to support the continued use and operation of an airport by establishing compatibility and safety standards to promote air navigational safety and to reduce potential safety hazards for persons living, working or recreating near JWA.”
3. Section 2.1.4, and PUC Section 21674 which state that the Commission is charged by PUC Section 21674(a) “to assist local agencies in ensuring compatible land uses in the vicinity of ...existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses,” and PUC Section 21674(b) “to coordinate planning at the state, regional and local levels so as to provide for the orderly

development of air transportation, while at the same time protecting the public health, safety and welfare.”

Respectfully submitted,



Lea U. Chourm  
Executive Officer

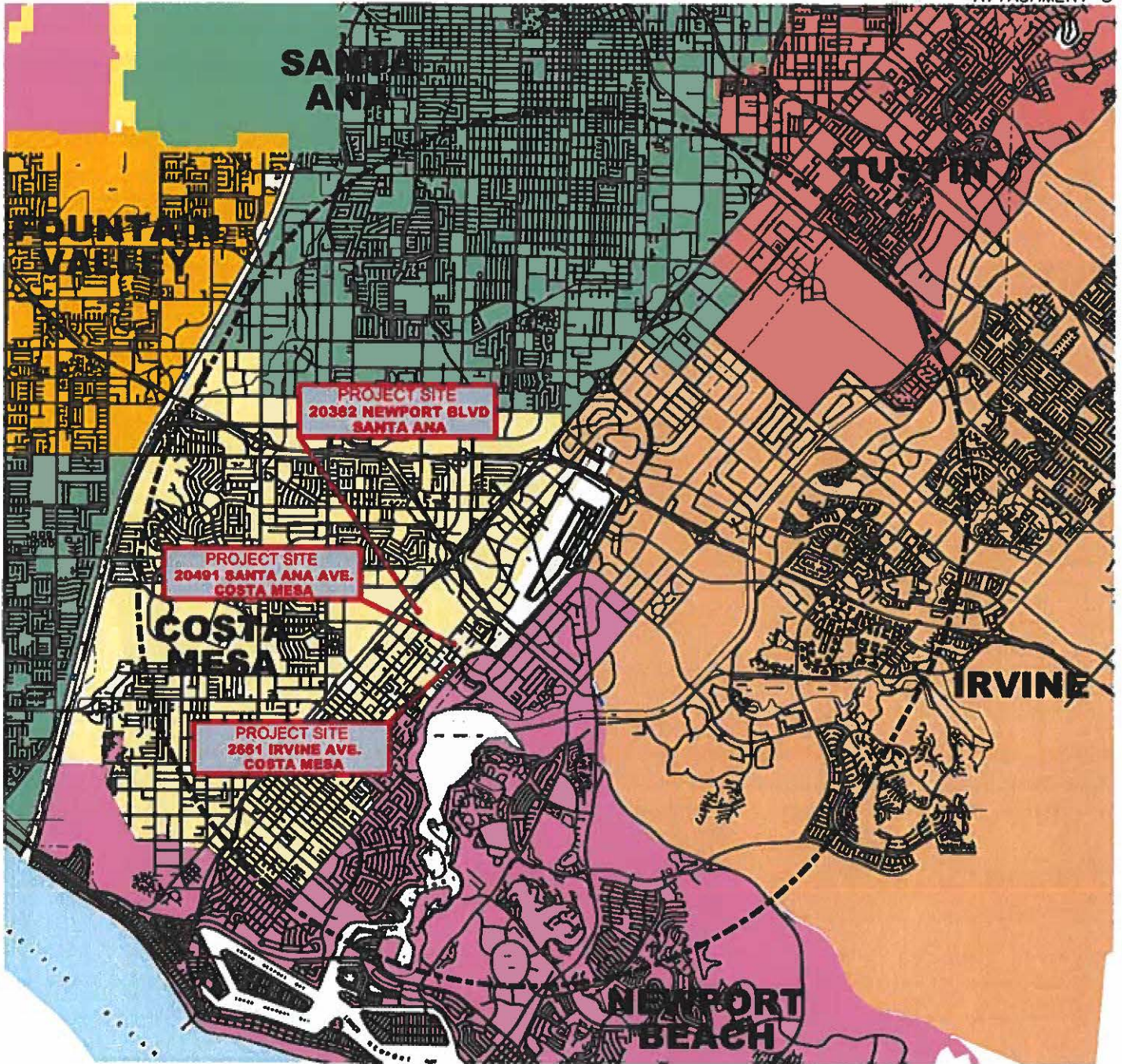
**Attachments:**

1. Notification Area and Parcels Identified
2. County Opportunity Sites - Parcels
3. Noise Contour Exhibits
4. Excerpts from County Noise Element
5. Obstruction Imaginary Surface Exhibits
6. Safety Zone Exhibits
7. Excerpts from County Safety Element
8. Flight Track Exhibits
9. ALUC Comment Letter on Draft Housing Element
10. JWA Comment Letter on Draft Housing Element
11. Excerpts from County of Orange Submittal



# AELUP Notification Area for JWA

ATTACHMENT 3



Note: County Unincorporated areas are shown in white.

## FAR PART 77

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

### LEGEND

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

## ATTACHMENT 1

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

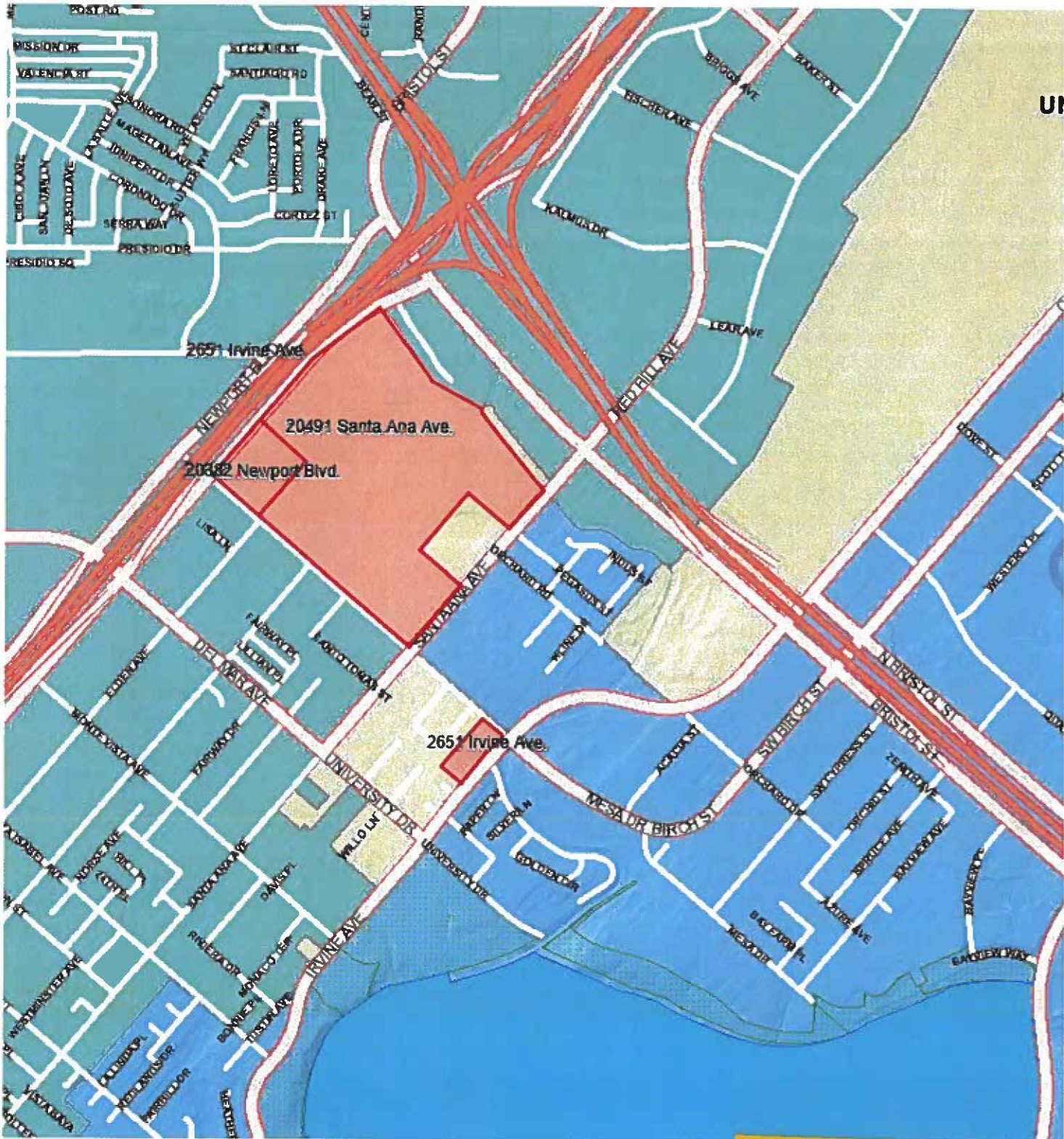
Lea Choum, Executive Officer

Date

AELUP-2007/Jwanotf-20382NewportBlvd\_SantaAna.dgn



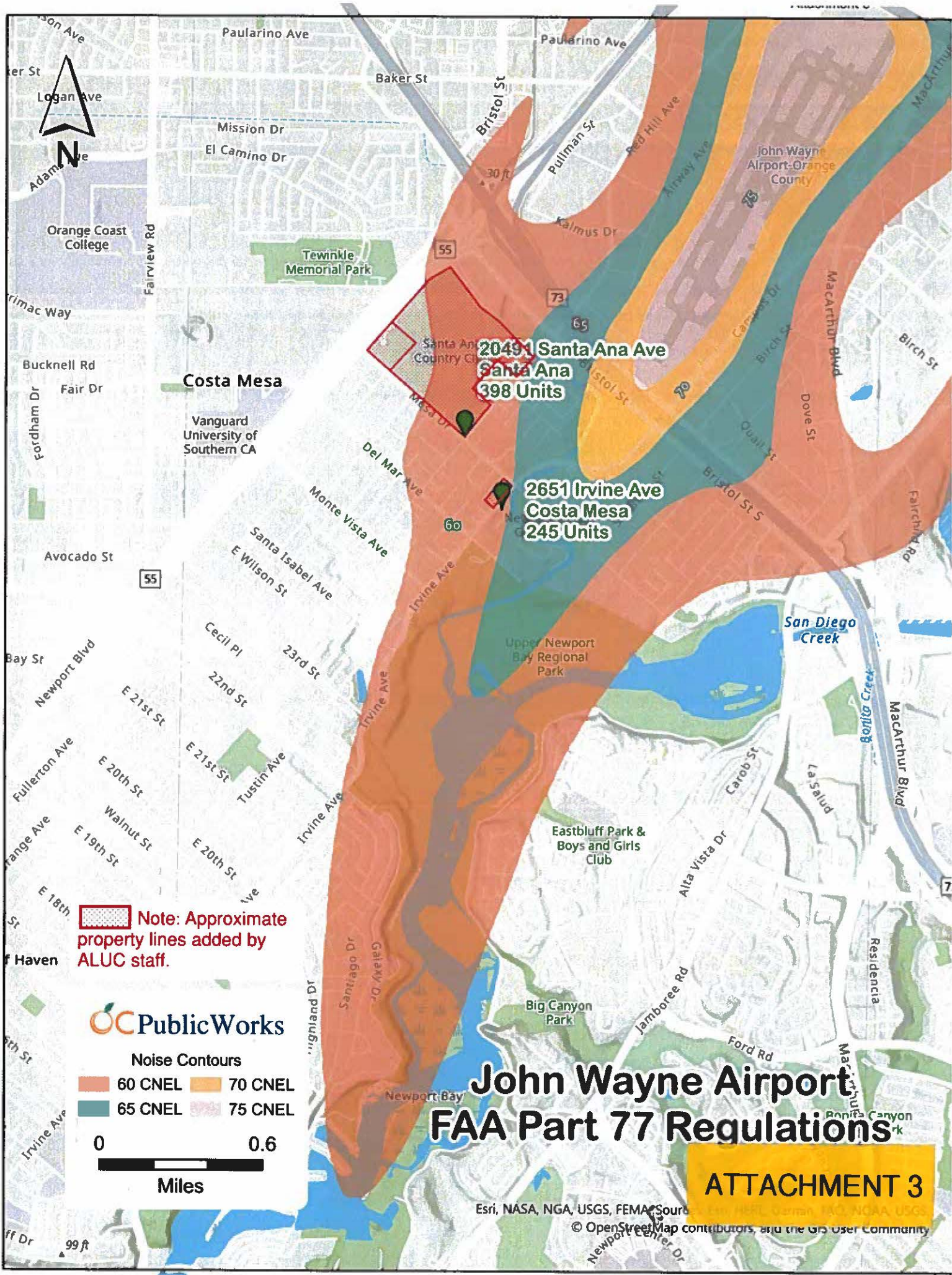
## County of Orange Housing Opportunity Sites - Parcels



20382 Newport Blvd., Santa Ana, APN: 119-200-11 - 37 Units  
20491 Santa Ana Ave., Costa Mesa, APN: 119-201-21 - 398 Units  
2651 Irvine Ave., Costa Mesa, APN: 429-101-40 - 245 Units

**ATTACHMENT 2**



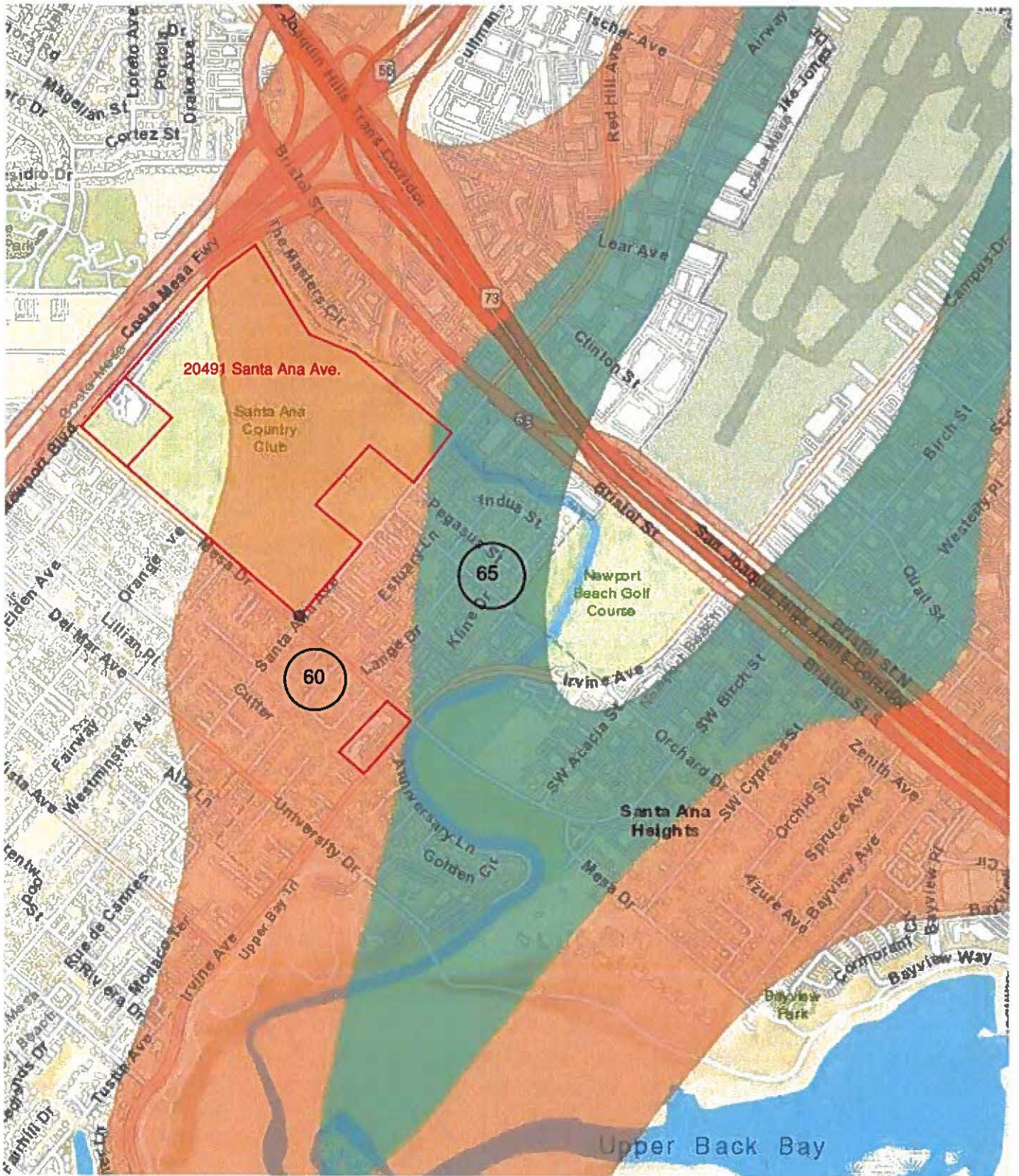


# John Wayne Airport FAA Part 77 Regulations

**ATTACHMENT 3**

Esri, NASA, NGA, USGS, FEMA, Source: The MITL, Garmin, IAG, NOAA, USGS  
© OpenStreetMap contributors, and the GIS User Community

# JWA Noise Impact Zones



## CHAPTER VIII. NOISE ELEMENT

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Some planning constraints exist. Local jurisdictions have control over only some factors which influence the level of noise in an area. Noise compatible land use planning and the discretionary review of project applications are probably the best noise prevention and control tools available to the County. However, these mechanisms are of limited effectiveness in dealing with those instances in which a pre-existing noise-land use incompatibility exists. Unless a development proposal involving a discretionary approval is made, there are no mechanisms to ensure that corrective action will be taken.

The structure of the County's economy could change significantly. While this is a remote possibility within the time horizon of the Noise Element, such shifts are conceivable. If so, there could be new sources of community noise. Similar changes could occur in the temporal work patterns associated with the local economy. If more multiple work shifts were to occur, then the proportion of traffic occurring during the evening (7 - 10 p.m.) or night (10 p.m. - 7 a.m.) time periods may increase.

While these changes would probably have a beneficial effect on peak period traffic congestion, they could increase Community Noise Equivalent Levels due to the additional weight given to noise that occurs during the evening and nighttime periods.

Technological changes are a possibility as they relate to transportation facilities. Reductions in the noise from automobiles

and trucks are certainly possible. Quieter tires or quieter engines could each lead to a significant reduction in the areas affected by noise from arterial highways. Neither of these topics is subject to local control nor are the effects of local influence very great.

As a result, the assumption made in this document is that the noise levels associated with the current vehicle fleet are the appropriate ones to use. When conclusive evidence is available that supports different assumptions, then they will be incorporated in a subsequent amendment to this Element.

A similar set of uncertainties exists as it relates to noise characteristics of future generations of aircraft, both civilian and military. Once again, the assumptions utilized here will be changed when the characteristics and utilization rates of such new aircraft are known.

Another technological change that may have an impact on the future noise environment is the role of telecommunications in the lifestyle of county residents. If there should be a significant substitution of communications for transportation, then the traffic volumes and the level of noise from arterial highways might be less than forecasted. Careful attention to and observation of changing traffic patterns will be required prior to adjusting the community noise estimates.

A final technological factor is the absolute accuracy of the estimates of future noise environments. Analytical models used to

develop estimates will be improved as new evidence becomes available. The accuracy of the data base will be improved by the acquisition of new data through various national and international efforts. When improved analytical models are available, it may be appropriate to recalculate the noise contours contained in this document.

There are fiscal constraints which affect the future noise environment as well.

Attenuation measures all have a cost associated with them. Those that are to be paid for by public agencies (such as acoustical barriers along freeways or arterial highways) must compete for scarce resources with other public needs. Cost considerations are particularly critical for retroactive improvements.

**Noise Referral Zones**

The noise contours depicted on the maps in the Existing Noise Environment section of this Element reflect transportation noise sources (i.e., arterial highways, rail lines and airports) which are, and are expected to remain, major sources of noise in unincorporated areas of Orange County.

The contours shown on the maps indicate noise-affected areas which constitute Noise Referral Zones for purposes of this Element. Such a zone is defined as that area with a total noise environment of 60 decibels Community Noise Equivalent Level (CNEL) or more. It is the level at which either State or Federal laws and standards related to land use become important and, in some cases, supersede local laws and regulations.

Any development proposed which may be impacted by a CNEL from each noise source of 60 or more decibels will be evaluated on a project specific basis. The contour figures in the Existing Noise Environment section of this Element for railroads and arterial highways depict a "worst case" situation. As used here, "worst case" means the maximum area that might be impacted, given that:

- a) No sound absorbing or attenuating effects of topography or man-made features have been considered; and
- b) The contours reflect operation of the facilities at their design level (which may be greater than the current level of traffic and may be less than that generated if the facility were upgraded after adoption of this Element).

The intent of the Noise Referral Zone is to act as a triggering mechanism or flag for development proposals in areas potentially adversely affected by high noise levels. If a development proposal falls within a Noise Referral Zone, it will be subject to evaluation and review to determine whether the project is indeed within an area where the CNEL is 60 or more decibels. It is during this initial evaluation of a project that the effect of existing development, topographic features, or other such noise attenuation measures is considered, although at a very general level of detail.

Acoustical analysis reports shall be prepared in any instance where there is the possibility

| <b>COMMON NOISE SOURCE LEVELS</b>  |
|------------------------------------|
| <b>70 dBA:<br/>television</b>      |
| <b>80-90 dBA:<br/>blender</b>      |
| <b>100 dBA: wood-working class</b> |
| <b>130 dBA: jack-hammer</b>        |
| <b>157 dBA:<br/>balloon pop</b>    |

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of unacceptable noise impacts. Thus, unless it can be shown with certainty that the project is outside the area that has a CNEL of 60 or more decibels, an acoustical analysis report will be required.

### **OBJECTIVES AND POLICIES**

This section contains the key objectives and assumptions that have guided the development of the Noise Element. They are either explained fully or are referenced with information as to where a full explanation can be found and a unifying characteristic of all assumptions is that they are consistent with those used in other elements of the General Plan.

#### **Objectives, Assumptions, and Definitions**

A key objective of this Noise Element is to ensure that each County resident's quality of life is not affected adversely by high noise levels. Thus mitigation of noise is of paramount importance.

Noise affects all land uses. Residential uses are the most noise sensitive because of structural design, 24-hour per day duration of use and because such uses typically need, and are designed to incorporate outdoor living areas. Other noise sensitive uses include schools, hospitals, and places of worship. While mitigation of the effects of excessive noise in enclosed or interior areas are feasible (if expensive), it becomes more difficult for outdoor areas (particularly for aircraft noise sources).

In general, any development that results in a situation where there is an unacceptable level of noise in any living area (interior or exterior), must be mitigated or the project or use revised to avoid the conflict.

Aircraft noise as it affects outdoor living areas<sup>3</sup> is particularly critical because it is generally impracticable to provide sufficient noise control to achieve an acceptable noise environment.

Noise sensitive land uses are defined as those specific land uses that have associated indoor and/or outdoor human activities that may be subject to stress and/or significant interference from noise produced by community sound sources.

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<sup>4</sup>“Outdoor living area” is a term used by the County of Orange to define spaces that are associated with residential land uses typically used for passive recreational activities or other noise-sensitive uses. Such spaces include patio areas, barbecue areas, jacuzzi areas, etc. associated with residential uses; outdoor patient recovery or resting areas associated with hospitals, convalescent hospitals, or rest homes; outdoor areas associated with places of worship which have a significant role in services or other educational purposes which may be adversely impacted by noise. Outdoor areas usually not included in this definition are: front yard areas, driveways, greenbelts, maintenance areas, and storage areas associated with residential land uses; exterior areas at hospitals that are not used for patient activities; outdoor areas associated with places of worship and principally used for short-term social gatherings; and outdoor areas associated with school facilities that are not typically associated with educational uses prone to adverse noise impacts (for example, school play yard areas).

Such human activity typically occurs daily for continuous periods of 24 hours or is of such a nature that noise is significantly disruptive to activities that occur for shorter periods. Specifically, noise sensitive land uses include: residences of all types, hospitals, rest homes, convalescent hospitals, places of worship, and schools.

Development in this context refers to the initial development of land from an unimproved state to the redevelopment of land in which one use is replaced by another or to a significant intensification in an existing use (e.g., replacing a single family dwelling unit with a four-plex). These types of development are the ones on which the County takes discretionary action. Table VIII-2 depicts major uses in terms of noise sensitivity.

For the purpose of complying with the Table VIII-2 criteria, the noise from all sources will be combined and rated in terms of Community Noise Equivalent Level (CNEL). For multiple noise sources, all sources can either be mathematically combined or the CNEL rating can be calculated in the following manner.

A primary, or loudest, noise source will be identified. All other sources will then be considered secondary noise sources.

Secondary noise sources that are at least 10 decibels less than the primary source can be considered to have an acoustically insignificant effect on the noise level rating and therefore will not need to be included in the CNEL calculations. If the primary source

requires abatement to comply with Table VIII-2 requirements, then the abated CNEL rating for the primary source will be used to determine the significance of any secondary source. For example, if the primary source is 75dB CNEL and requires abatement to 65dB CNEL, then any secondary source of 55dB CNEL or less can be considered acoustically insignificant. Therefore, a secondary source of 60dB CNEL would require abatement to a 55dB CNEL rating thereby making that acoustically insignificant.

Residential land use is the most sensitive because of the nature of activities which occur over a 24-hour period as well as the generally accepted need for, and design incorporating, outdoor living areas. An upper CNEL limit of 65 decibels was chosen above which noise is extremely annoying. Previous policy decisions by the Board of Supervisors have endorsed the 65-decibel CNEL as the critical sound-level criterion in guiding planning decisions for sensitive land uses.

**"Of all noises,  
I think music is  
the least  
disagreeable."**

*Samuel Johnson*

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**TABLE VIII-2.**

| <b>COMPATIBILITY MATRIX FOR<br/>LAND USE AND COMMUNITY NOISE EQUIVALENT LEVELS<br/>(CNEL)</b> |                          |                               |
|---|--------------------------|-------------------------------|
| TYPE OF USE   | <u>65+ decibels CNEL</u> | <u>60 to 65 decibels CNEL</u> |
| <u>Residential</u>  | 3a, b, e                 | 2a, e                         |
| <u>Commercial</u>   | 2c                       | 2c                            |
| <u>Employment</u>   | 2c                       | 2c                            |
| <u>Open Space</u>   |                          |                               |
| <i>Local</i>  | 2c                       | 2c                            |
| <i>Community</i>  | 2c                       | 2c                            |
| <i>Regional</i>   | 2c                       | 2c                            |
| <u>Educational Facilities</u>   |                          |                               |
| <i>Schools (K through 12)</i>   | 2c, d, e                 | 2c, d, e                      |
| <i>Preschool, college, other</i>  | 2c, d, e                 | 2c, d, e                      |
| <u>Places of Worship</u>  | 2c, d, e                 | 2c, d, e                      |
| <u>Hospitals</u>  |                          |                               |
| <i>General</i>  | 2a, c, d, e              | 2a, c, d, e                   |
| <i>Convalescent</i>   | 2a, c, d, e              | 2a, c, d, e                   |
| <u>Group Quarters</u>   | 1a, b, c, e              | 2a, c, e                      |
| <u>Hotel / Motels</u>   | 2a, c                    | 2a, c                         |
| <u>Accessory Uses</u>   |                          |                               |
| <i>Executive Apartments</i>   | 1a, b, e                 | 2a, e                         |
| <i>Caretakers</i>   | 1a, b, c, e              | 2a, c, e                      |

Note: See Table VIII-3 for definitions of the entries in this table.

TABLE VIII-3.

**EXPLANATION AND DEFINITIONS ON TABLE VIII-2**

**ACTION REQUIRED TO ENSURE COMPATIBILITY  
BETWEEN LAND USE AND NOISE FROM EXTERNAL SOURCES**

- 1 = Allowed if interior and exterior community noise levels can be mitigated.
- 2 = Allowed if interior levels can be mitigated.
- 3 = New residential uses are prohibited in areas within the 65-decibel CNEL contour from any airport or air station; allowed in other areas if interior and exterior community noise levels can be mitigated. The prohibition against new residential development excludes limited "infill" development within an established neighborhood.

**STANDARDS REQUIRED FOR COMPATIBILITY OF LAND USE AND NOISE**

- a = Interior Standard: CNEL of less than 45 decibels (habitable rooms only).
- b = Exterior Standard: CNEL of less than 65 decibels in outdoor living areas.
- c = Interior Standard: Leq (h) = 45 to 65 decibels interior noise level, depending on interior use.
- d = Exterior Standard: Leq (h) of less than 65 decibels in outdoor living areas.
- e = Interior Standard: As approved by the Board of Supervisors for sound events of short duration such as aircraft flyovers or individual passing railroad trains.

**KEY DEFINITIONS**

**Habitable Room** – Any room meeting the requirements of the Uniform Building Code or other applicable regulations which is intended to be used for sleeping, living, cooking or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

**Interior** – Spaces that are covered and largely enclosed by walls.

**Leq (h)** – The A-weighted equivalent sound level averaged over a period of "h" hours. An example would be Leq (12) where the equivalent sound level is the average over a specified 12-hour period (such as 7:00 a.m. to 7:00 p.m.). Typically, time period "h" is defined to match the hours of operation of a given type of use.

**Outdoor Living Area** – Outdoor living area is a term used by the County of Orange to define spaces that are associated with residential land uses typically used for passive private recreational activities or other noise-sensitive uses. Such spaces include patio areas, barbecue areas, jacuzzi areas, etc. associated with residential uses; outdoor patient recovery or resting areas associated with hospitals, convalescent hospitals, or rest homes; outdoor areas associated with places of worship which have a significant role in services or other noise-sensitive activities; and outdoor school facilities routinely used for educational purposes which may be adversely impacted by noise. Outdoor areas usually not included in this definition are: front yard areas, driveways, greenbelts, maintenance areas, and storage areas associated with residential land uses; exterior areas at hospitals that are not used for patient activities; outdoor areas associated with places of worship and principally used for short-term social gatherings; and outdoor areas associated with school facilities that are not typically associated with educational uses prone to adverse noise impacts (for example, school play yard areas).



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As a result of the Board of Supervisors' adoption of the Santa Ana Heights Land Use Compatibility Plan (LUCP), a projected 65-decibel CNEL noise contour was adopted for John Wayne Airport reflecting expected future flight levels and a reasonable mix of aircraft types. The policy implementation lines can only be changed as part of a Noise Element Amendment.

The County also has a regular program of monitoring noise in the vicinity of John Wayne Airport. The noise-monitoring program is used to provide supporting data to confirm applicability of the fixed policy implementation lines. The locations of other CNEL contours are plotted for both of these facilities, as well. The 60-decibel CNEL contour is the boundary of the noise referral zone. The other contours are not as important for land use planning purposes since key development policies are not based upon them.

All new residential uses, schools, places of worship, and convalescent hospitals are generally incompatible within the 65-decibel CNEL contour for any other airport or air station or for any other source of noise. These uses normally require outdoor living areas for functional or therapeutic purposes or, in the case of nearly all residential projects, to afford the full life style that is the goal of the County's General Plan. For these reasons, the ability to mitigate the effects of noise on these outdoor living areas is of paramount importance. Since it is generally impracticable to mitigate aircraft-induced

noise in outdoor living areas, such uses are incompatible.

Noise sensitive uses which have no outdoor living areas may be compatible. These uses shall be considered compatible if and only if all standards contained in this Element are met.

Non-noise sensitive uses are compatible so long as interior noise levels meet the policies and standards established by this Noise Element.

### Policies

Tables VIII-2 and VIII-3 were derived from the policies that are contained in narrative form in this chapter, from state requirements and standards and from other policies of the Board of Supervisors that relate to noise environments. The tables are meant to convey, in objective terms, the compatibility of, and standards for, the integration of land use planning and either calculated or measured noise environments.

Three general types of noise-impact and noise-mitigation situations can be identified and related to the noise environment.

First are those situations where a new use is being proposed that is impacted by an existing noise source. "New" in this context refers both to the initial development of land from an unimproved state and to the redevelopment of land in which one use is replaced by another. This is the most

common situation and is typified by a residential tract adjacent to, and impacted by, noise from an arterial highway.

Mitigation of project noise through project design in this situation is clearly a preventative approach to assure compatibility of land use with long-term outdoor noise.

A second situation occurs when an existing use is impacted by a new or expanded source of noise. This situation is typified by general planning of a new transportation facility close enough to existing uses to have noise impacts on them or the expansion of such a facility beyond currently planned levels. Again, noise mitigation through project design is a preventative approach in that noise/land use incompatibilities are avoided. This situation is one in which the project proponent is obliged to mitigate the impacts of the new source of noise.

For the first two situations, the applicable standards are depicted on Tables VIII-2 and VIII-3. In the first situation, any project that is approved must meet the standards specified through appropriate noise mitigation measures, or the project must be modified to ensure consistency with the Noise Element.

In the second situation, there must be a similar application of noise mitigation or other steps taken by the project proponent to avoid the inconsistency. In either case, the acceptable levels of noise in affected areas are as specified on Tables VIII-2 and VIII-3.

The third situation is one in which land uses and noise sources were established prior to adoption of noise policies and standards and are thus rendered incompatible "after fact." (The Noise Element's initial adoption was in 1975.) This situation is one in which existing uses are located within noise impact areas from existing sources. In most instances, these inconsistencies predate both the current knowledge of, and concern for, the deleterious effects of noise and the resulting statutes (e.g., the California Environmental Quality Act and planning laws related to local general plans). In the third situation, remedial action would be required to obtain consistency with the Noise Element's standards identified on Tables VIII-2 and VIII-3. Such action would lead to retroactive compatibility. While County policy stresses the desirability of such steps; they are voluntary on the part of individual property owners or project proponents.

- ***Major Noise Element Policies***

The policies listed below help guide the implementation of the Noise Element. They provide the link between the noise related goals of the General Plan and the programs that have been designed to accomplish the goals.

- 1. INTERGOVERNMENTAL COOPERATION***

To cooperate with other County agencies and levels of government to bring about a comprehensive and

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coordinated effort to reduce noise levels.

- 1.1 To recommend needed changes in Federal and State legislation which will be effective in reducing noise and can be efficiently administered.
- 1.2 To cooperate in efforts to develop mechanisms to assure coordination of all governmental jurisdictions in the field of noise control.

These policies involve cooperative efforts with other jurisdictions in order to achieve greater compatibility between noise and land uses. They acknowledge the regional aspects of many noise-related issues. They are implemented primarily through existing cooperative mechanisms such as Southern California Association of Governments and the County Supervisors Association of California.

### **2. PUBLIC INFORMATION AND NOTIFICATION**

To disseminate public information regarding noise and programs to reduce noise levels and their impacts.

- 2.1 To provide information to the public regarding the health effects of high noise levels and means of mitigating such levels.
- 2.2 To provide information regarding Noise Referral Zones and noise attenuation measures to developers and the public.

- 2.3 To cooperate with industry to develop public information programs on noise abatement.
- 2.4 To require that prospective purchasers or end users of property be notified of overflight, sight and sound of routine aircraft operations by all effective means including:
  - a) Requiring new residential subdivisions which are located within the 60-decibel CNEL noise contour or are subject to overflight, sight and sound of aircraft operating from John Wayne Airport to have such information included in the State of California Final Subdivision Public Report.
  - b) Requiring that Declaration and Notification of Aircraft Noise and Environmental Impacts be recorded and available to prospective purchasers or end users of property located within the 60-decibel CNEL noise contour for any airport or air station or is subject to routine aircraft overflight.
  - c) Requiring an Aviation Easement across property that is within the 60-decibel CNEL noise contours for any airport or Los Alamitos air station or is subject to routine aircraft overflight.

- d) Requiring the posting of noise impact notification signs in all sales offices associated with new residential development that is located within the 65-decibel CNEL contour from any airport or air station.
- e) Any other appropriate means as specifically directed by the Board of Supervisors.

These policies are implemented at various stages of the development review process. The intent of this section is to utilize the most efficient means of providing appropriate noticing. Thus, some of these steps occur at the tract map stage; others at the building permit stage.

**3. TRANSPORTATION SYSTEM NOISE CONTROL**

To encourage the control of noise from transportation systems as the most efficient and effective means of reducing noise at the source.

- 3.1 To enforce noise sections of the State Motor Vehicle Code.
- 3.2 To encourage the State to require adequate noise suppression devices (mufflers, etc.) for all motor vehicles operated within the County.
- 3.3 To restrict the use of trail bikes, mini-bikes and other off-road motor

vehicles in areas of the County except where designated for that purpose.

- 3.4 To study commercial truck movements and operations in the County and establish truck routes away from noise-sensitive areas where feasible.
- 3.5 To encourage development of a mass multi-modal transit system with reduced noise emission characteristics.
- 3.6 To review the Federal Railroad Noise Standards of 1974 for possible adoption by Orange County.
- 3.7 To continue the current policy of encouraging the use of noise reducing modifications to jet engines and the use of quieter jet aircraft at John Wayne Airport.
- 3.8 To employ noise mitigation measures in the design of new arterials consistent with funding capability and to support efforts by the State Department of Transportation for remedial acoustical protection for existing highways where needed by the County.

Since the County has little direct control over vehicle noise-level standards, cooperative efforts with state and

## CHAPTER VIII. NOISE ELEMENT



federal offices are important. In those instances where the County is directly involved (usage in County parks, for example), these policies are implemented through ordinances and operating procedures.

#### **4. NOISE MONITORING AND ABATEMENT**

To monitor noise levels, and adopt and enforce noise abatement programs.

- 4.1 To enforce the County's Noise Ordinance to prohibit or mitigate harmful and unnecessary noise within the County.
- 4.2 To encourage Orange County cities to adopt the County's model noise ordinance.
- 4.3 To develop and enforce standards in addition to those presently included in the Noise Ordinance to regulate noise from construction and maintenance activities and commercial public and industrial 1

land uses.

- 4.4 To consider noise reduction as a factor in the purchase of County maintenance equipment and the use of such equipment by County contractors and permittees.
- 4.5 To require that noise from motors, appliances, air conditioners, and other consumer products does not disturb the occupants of surrounding properties.
- 4.6 To continue identification of noise-producing sources, such as helicopter operations, as part of subsequent amendments to the Noise Element.

These policies are implemented jointly by the County Health Care Agency and the Resources and Development Management Department through the Noise Ordinance, and by RDMD in its procurement process for new and replacement vehicles and equipment.

#### **5. NOISE/LAND USE PLANNING**

**INTEGRATION**

To fully integrate noise considerations in land use planning to prevent new noise/land use conflicts.

- 5.1 To utilize the criteria of acceptable noise levels for various types of land uses as depicted on Tables VIII-2 and VIII-3 in the review of development proposals.
- 5.2 To prohibit new residential land uses within the 65-decibel CNEL contour from any airport or air station.
- 5.3 To limit new non-residential noise-sensitive land uses that are within a 65-decibel CNEL area from any source. Noise sensitive land uses will be permitted if, and only if, appropriate mitigation measures are included such that the standards contained in this Element and in appropriate State and Federal Codes are met. Specifically, non-residential noise-sensitive land uses include: hospitals, rest homes, convalescent hospitals, places of worship, and schools.
- 5.4 To stress the importance of building and design techniques in future site planning for noise reduction.
- 5.5 To utilize the California Noise Standards for Airports in planning for areas surrounding military as well as civilian airports.

These policies are implemented at different stages in the review of projects on which the County takes discretionary action. Tables VIII-2 and VIII-3 succinctly depict the County policies related to land uses and acceptable noise levels. The tables are the primary tools which allow RDMD to ensure integrated planning for compatibility between land uses and outdoor noise.

**6. NOISE SENSITIVE LAND USES**

To identify and employ mitigation measures in order to reduce the impact of noise levels and attain the standards established by the Noise Element, for both interior areas and outdoor living areas for noise sensitive land uses.

- 6.1 To encourage all property owners within the identified Noise Referral Zones to acoustically insulate all living quarters. This will be optional to the property owner.
- 6.2 To continue enforcement of Chapter 35 of the Uniform Building Code, currently adopted edition, and the California Noise Insulation Standards (Title 25 California Administrative Code).
- 6.3 To require that all new residential units have an interior noise level in living areas that is not greater than 45 decibels CNEL with it being understood that standard construction practices reduce the noise level by 12 decibels CNEL with the windows open and 20

**“Silence is exhilarating at first-as is noise-but there is sweetness to silence outlasting exhilaration..”**

*Edward Hoagland*

## CHAPTER VIII. NOISE ELEMENT

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decibels CNEL with the windows closed. Higher attenuation than listed above may be claimed if adequate field monitoring or acoustical studies are provided to and approved by the County.

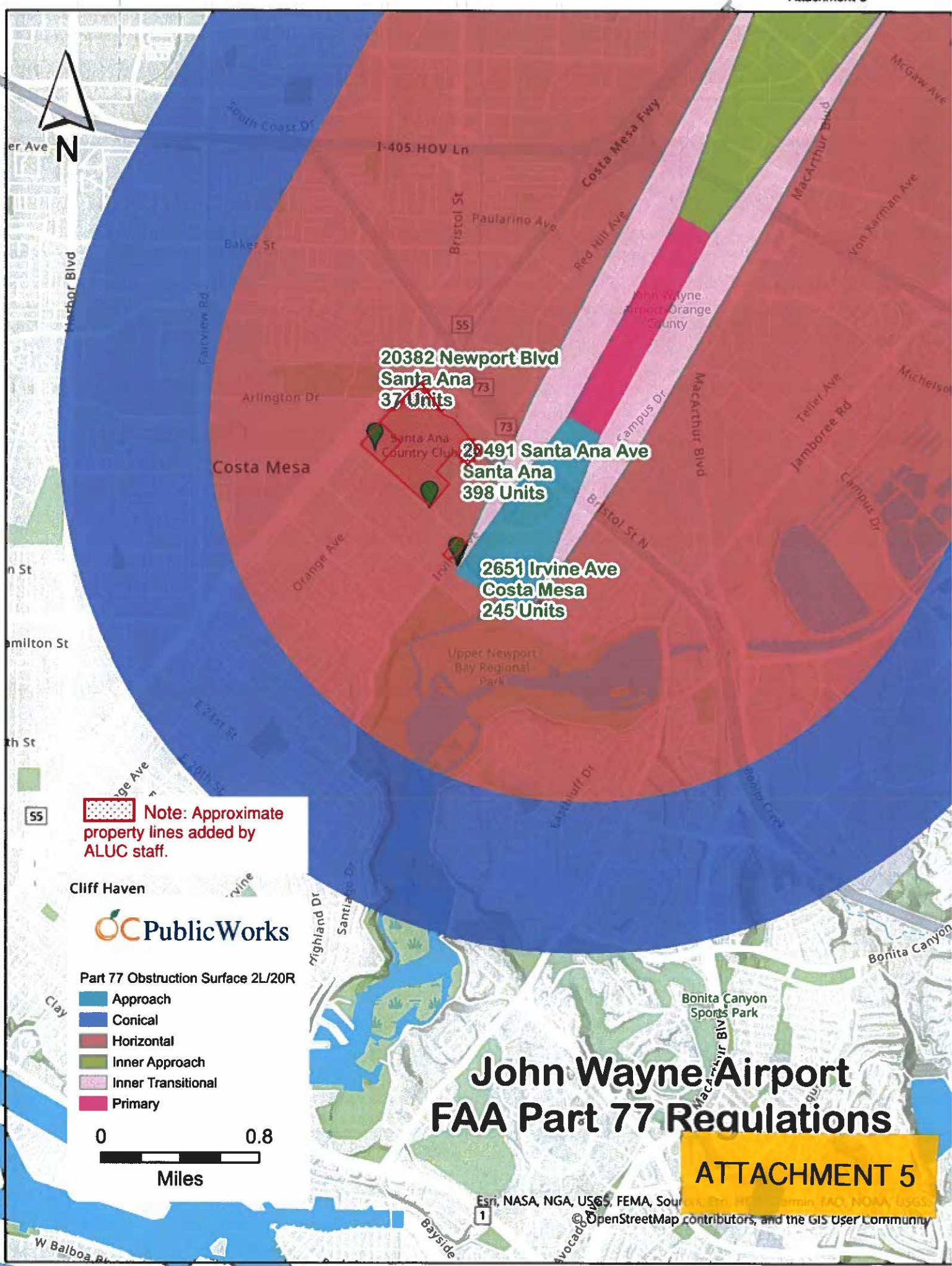
- 6.4 To require that all new residential units have an interior noise level in habitable rooms that does not exceed acceptable levels as caused by aircraft fly-overs or as caused by individual passing railroad trains.
- 6.5 All outdoor living areas associated with new residential uses shall be attenuated to less than 65 decibels CNEL.
- 6.6 To urge the use of acoustical insulation programs for schools located in the county, and where

subject to County approval, to insure that new buildings for school uses meet state and local acoustical standards.

- 6.7 To apply noise standards as defined in the Noise Element for noise-sensitive land uses.







These policies also are reflected in Tables VIII-2 and VIII-3. They are implemented in all phases of project review.

<sup>5</sup>An arterial highway, as long as it is shown on the Master Plan of Arterial Highways, may exist in its ultimate form, may exist in a partial configuration, or may only be planned. Designation of the arterial highway on the plan and the traffic and noise projections which accompany this designation are, in this context, the "existing noise source."



 Note: Approximate property lines added by ALUC staff.



- Part 77 Obstruction Surface 2L/20R
-  Approach
  -  Conical
  -  Horizontal
  -  Inner Approach
  -  Inner Transitional
  -  Primary

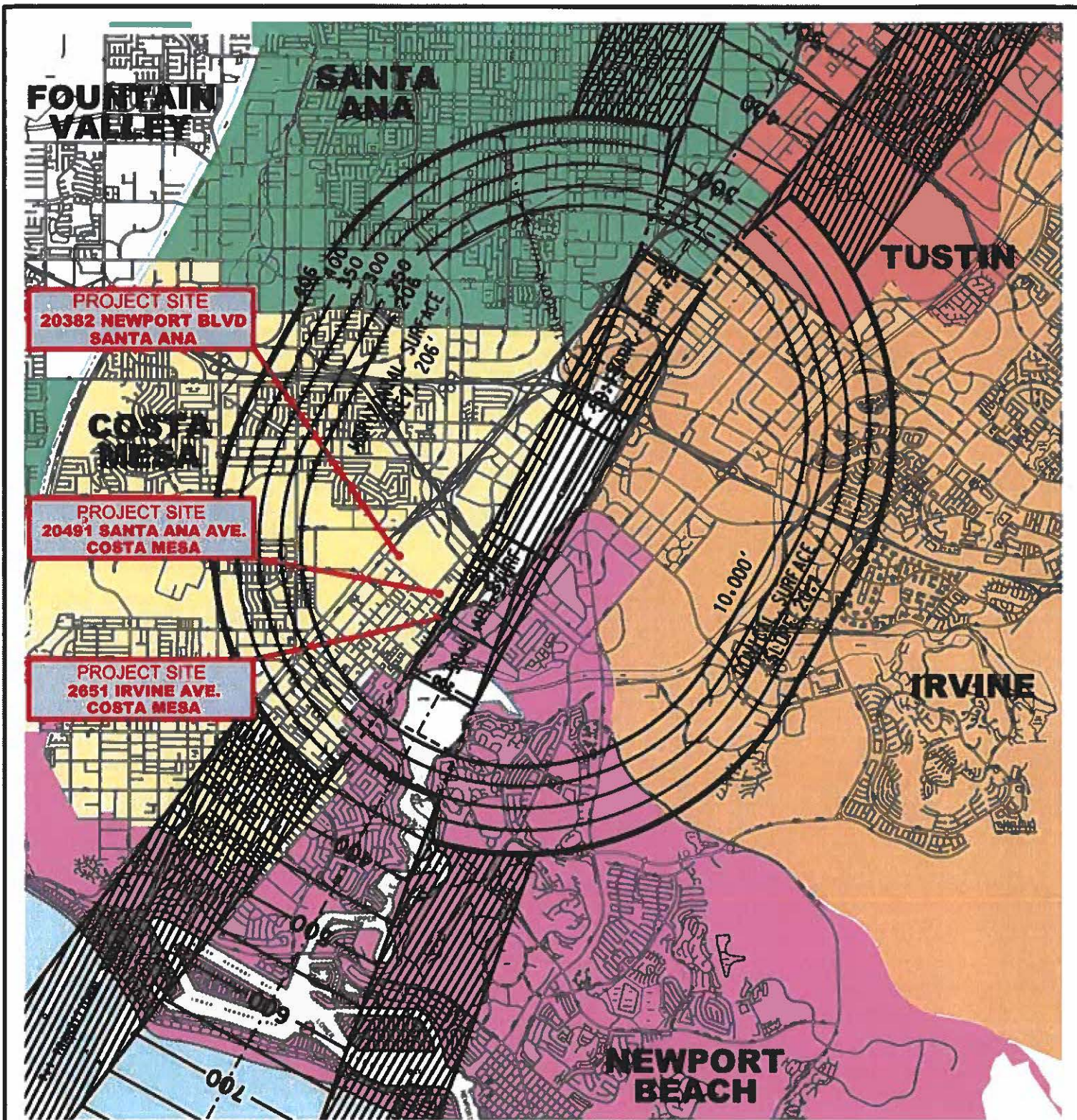


# John Wayne Airport FAA Part 77 Regulations

**ATTACHMENT 5**

Esri, NASA, NGA, USGS, FEMA, Source: Esri, IBM, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community





Note: County Unincorporated areas are shown in white.

## FAR PART 77 John Wayne Airport Obstruction Imaginary Surfaces



### LEGEND

- CITY BOUNDARIES
- AIRPORT BOUNDARIES

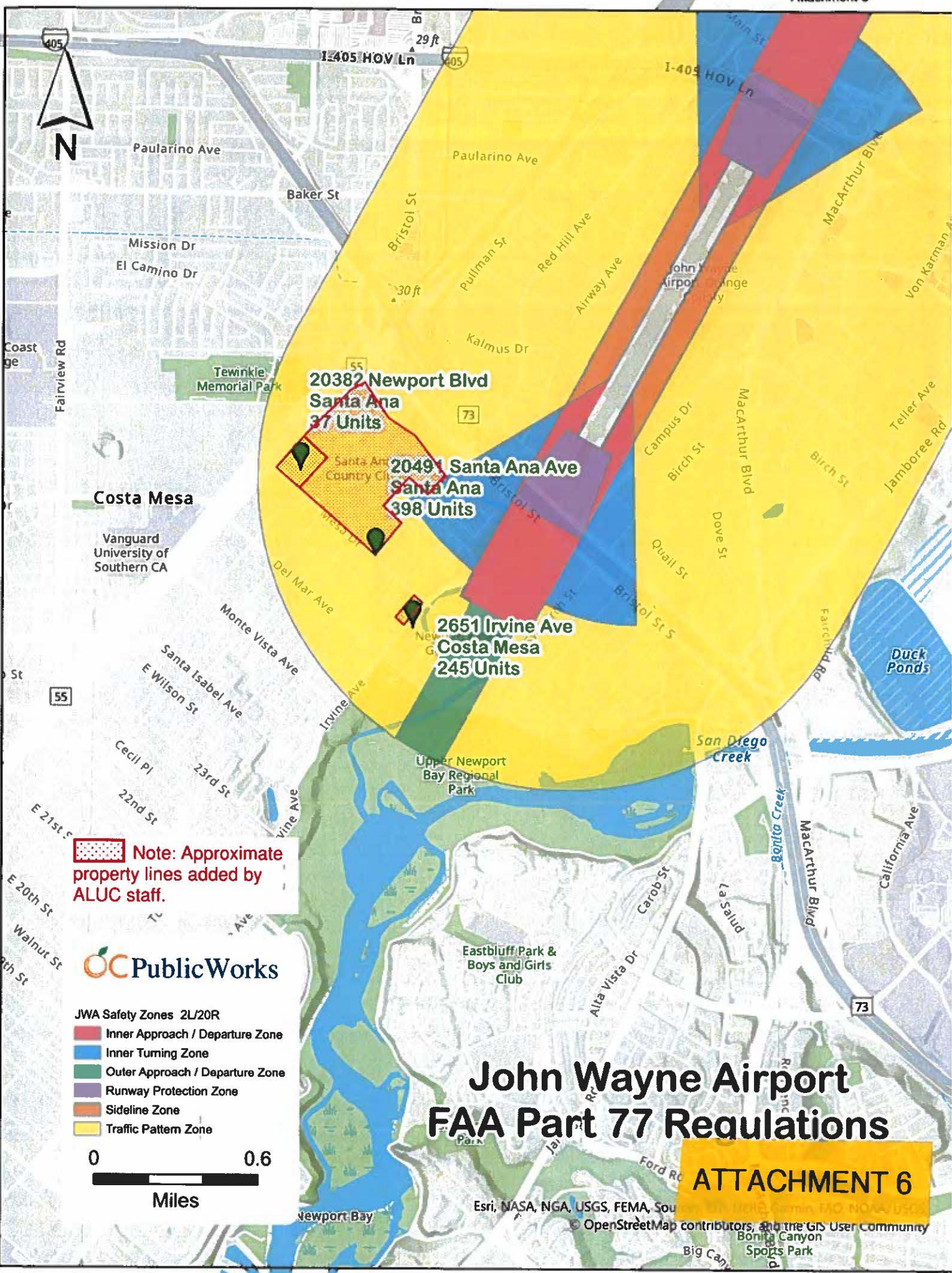
### CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Lea Choum, Executive Officer







Date

AELUP-200720382Newpor t1lbd\_SantaAna.dgn



 Note: Approximate property lines added by ALUC staff.



- JWA Safety Zones 2L/20R
-  Inner Approach / Departure Zone
  -  Inner Turning Zone
  -  Outer Approach / Departure Zone
  -  Runway Protection Zone
  -  Sideline Zone
  -  Traffic Pattern Zone

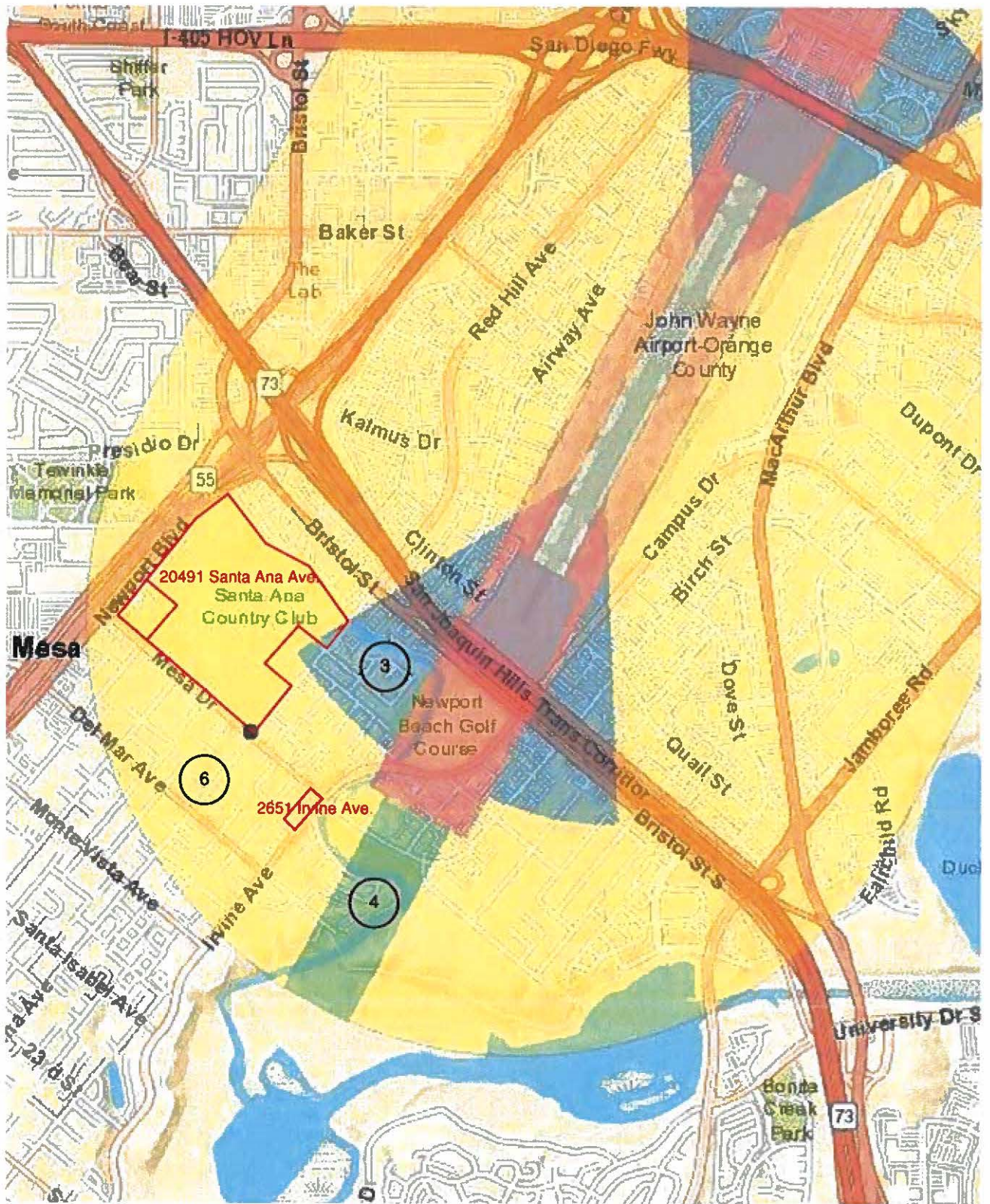


# John Wayne Airport FAA Part 77 Regulations

## ATTACHMENT 6

Esri, NASA, NGA, USGS, FEMA, Southern California Edison Company, NOAA, USGS, OpenStreetMap contributors, and the GIS User Community

# JWA Safety Zones



## 4 DEVELOPING AIRPORT LAND USE COMPATIBILITY POLICIES

### Nature of Risk

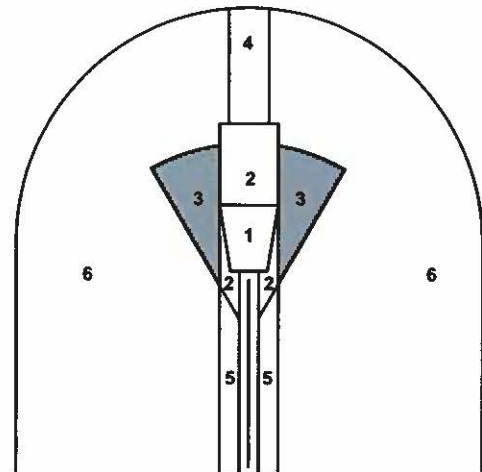
- Normal Maneuvers
  - Aircraft—especially smaller, piston-powered aircraft— turning base to final on landing approach or initiating turn to en route direction on departure
- Altitude
  - Less than 500 feet above runway, particularly on landing
- Common Accident Types
  - Arrival: Pilot overshoots turn to final and inappropriately cross controls the airplane rudder and ailerons while attempting to return to the runway alignment causing stall, spin, and uncontrolled crash
  - Departure: Mechanical failure on takeoff; low altitude gives pilot few options on emergency landing site; or, pilot attempts to return to airport and loses control during tight turn
- Risk Level
  - Moderate to high
  - Percentage of near-runway accidents in this zone: 4% - 8%



TURNING TO FINAL

### Basic Compatibility Policies

- Normally Allow
  - Uses allowed in Zone 2
  - Greenhouses, low-hazard materials storage, mini-storage, warehouses
  - Light industrial, vehicle repair services
- Limit
  - Residential uses to very low densities
  - Office and other commercial uses to low intensities
- Avoid
  - Commercial and other nonresidential uses having higher usage intensities
  - Building with more than 3 aboveground habitable floors
  - Hazardous uses (e.g., aboveground bulk fuel storage)
- Prohibit
  - Major shopping centers, theaters, meeting halls and other assembly facilities
  - Children's schools, large daycare centers, hospitals, nursing homes
  - Stadiums, group recreational uses



Refer to Chapter 3 for dimensions.

|             | Maximum Residential Densities                   | Maximum Nonresidential Intensities      | Maximum Single Acre                            |
|-------------|---|---|--|
|             | Average number of dwelling units per gross acre | Average number of people per gross acre | 3x the Average number of people per gross acre |
| Rural       | See Note A                                      | 50 – 70                                 | 150 – 210                                      |
| Suburban    | 1 per 2 - 5 ac.                                 | 70 – 100                                | 210 – 300                                      |
| Urban       | See Note B                                      | 100 – 150                               | 300 – 450                                      |
| Dense Urban | See Note B                                      | See Note B                              | See Note B                                     |

Note A: Maintain current zoning if less than density criteria for suburban setting.

Note B: Allow infill at up the average of surrounding residential area.

FIGURE 4D

## Safety Zone 3 – Inner Turning Zone

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**CHAPTER IX. SAFETY ELEMENT**


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guide pilots through the Los Angeles-Orange County basin until airport tower controllers take over during final approach.

These facilities guide thousands of planes through various types of airspace above Orange County. Among these types of airspace are the following: Terminal Control Areas (TCAs), Airport Radar Service Areas (ARSAs), and Airport Traffic Areas (ATAs) (See Figure IX-5).

The Los Angeles TCA is 52 miles long, 24 miles wide and is separated into 12 zones. A pilot may not enter any part of the TCA unless he first receives a clearance from air traffic controllers. A pilot must also possess a two-way radio, VOR (very high frequency omnidirectional radio) receiver, a transponder and an encoding altimeter.

An Airport Radar Service Area (ARSA) consists of controlled airspace extending upward from the surface or higher elevation to specified altitudes, within which all aircraft are subject to the operating rules and pilot and equipment requirement specified by Federal Aviation Regulations (FAR Part 91).

**GOALS, OBJECTIVES AND**
***POLICIES: AIRCRAFT ENVIRONMENT***

Orange County is unique among California counties because commercial, general, and military aviation installations are located within its boundaries. Air traffic generated by these facilities, coupled with air traffic transiting through the County, presents an image of crowded skies heightening the chances of aircraft accidents. However, accidents occur infrequently compared to the number of operations.

This section of the Safety Element presents a specific aircraft safety goal and policies intended to minimize existing aircraft hazards and promote aviation safety.

**Goals and Objectives**

The following specific goal is in addition to the General Public Safety Component Goals and Objectives found earlier in this chapter.

**Goal 1**

To protect the health, safety, and general welfare by ensuring the orderly expansion of airports and the adoption of measures that minimize the public's exposure to safety hazards within areas around airports.

**Policies**

1. To utilize the most recent adopted Air Installations Compatible Use Zone (AICUZ) studies for military air installations (i.e., Los Alamitos Army

## CHAPTER IX. SAFETY ELEMENT

Airfield) as the basis for safety compatibility planning in the vicinity of the facility.

2. To refer projects, as required by Section 21676 of the Public Utilities Code, to the Airport Land Use Commission for Orange County prior to their adoption or approval to determine consistency of the projects with the Airport Environs Land Use Plan (AELUP). Said projects include, but are not limited to, General Plan amendments, Zone Changes, or other discretionary action for the purpose of construction or alteration of a structure more than 200' AGL (Above Ground Level) and applicants seeking approval for the construction or operation of a heliport or helistop.
3. To support the creation of regulations requiring aircraft detection equipment.
4. To encourage the creation and updating of detailed flight charts and publications for the airspace in Orange County.
5. To encourage cooperative agreements between the County and the air installations to provide relief services in times of natural disaster.

### IMPLEMENTATION PROGRAMS:

#### *Aircraft Environment*

The following section identifies existing programs that promote aviation safety and enhance public awareness.

#### 1. PUBLIC INFORMATION AND COMMUNITY LIAISON

##### Action:

Support expanded public information and community liaison services as a means to public awareness.

##### Discussion:

This program promotes community awareness of aviation operations and safety. As an example, open houses held annually by Los Alamitos AFRC enhance community liaison. Public information and public involvement in the planning and operation of air installations are also promoted through the Airport Land Use Commission, Airport Commission, and liaison services to local jurisdictions' councils.

New or Existing Program: Existing

Implementation Schedule: Ongoing, expand as necessary

##### Responsible Agencies:

- John Wayne Airport/Airport Commission
- Department of Defense
- Airport Land Use Commission

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**CHAPTER IX. SAFETY ELEMENT**


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- Federal Aviation Administration

**Source of Funds:**

- Federal Government
- County General Fund
- Airport Funds

**2. AIR INSTALLATIONS  
COMPATIBLE USE ZONES  
(AICUZ) PROGRAM**
**Action:**

Continue to utilize and maintain the AICUZ to ensure compatible development in airport areas and to minimize public exposure to potential safety hazards associated with aircraft operations.

**Discussion:**

This program addresses compatibility problems arising between military air installation flight operations and urban development. The program strives to maintain the mission of an air installation and to protect surrounding communities from potential aircraft hazards.

**New or Existing Programs:** Existing

**Implementation Schedule:** Ongoing

**Responsible Agency:** Department of Defense

**Sources of Funds:**

- Department of Defense
- County General Fund

**3. BUYER NOTIFICATION  
PROGRAM**
**Action:**

Continue the administration of the Buyer Notification Program as designated by the Board of Supervisors Resolution 82-1368. Land use maps and planning information required by the guidelines shall be updated yearly by the sub-divider/developer or, more often, if the Director of Planning, Resources and Development Management Department is aware of planning changes which affect the subdivision and make the update a condition of approval of the map.

**Discussion:**

The Buyer Notification Program provides prospective home buyers and businesses with an overview of nearby planning and development. Information provided includes public facilities, demographics, and land use data including the location of air installations.

**New or Existing Program:** Existing

**Implementation Schedule:** Ongoing

**Responsible Agency:** RDMD

**Source of Funds:** County General Fund

**4. AIRPORT ENVIRONS LAND USE  
PLAN (AELUP)**

## CHAPTER IX. SAFETY ELEMENT

### **Action:**

To continue to refer projects as defined by Section 21676 of the Public Utilities Code and within the planning areas of the Airport Land Use Commission to the commission to determine consistency with the Airport Environs Land Use Plan.

### **Discussion:**

This program aims to safeguard the general welfare of inhabitants within the vicinities of airports and to ensure the continued compatible operation of existing and future airports including heliports and helipads and for proposed construction or alteration of a structure more than 200' Above Ground Level within Orange County. The plan seeks to ensure that urban development and air installation facilities are not concentrated in areas susceptible to potential aircraft hazards and to guard against structures or activities that adversely affect navigable airspace.

**New or Existing Program:** Existing

**Implementation Schedule:** Ongoing

**Responsible Agency:** Airport Land Use Commission

### **Source of Funds:**

- John Wayne Airport
- County General Fund

## NATURAL HAZARDS COMPONENT

The Natural Hazards Component focuses on two types of naturally occurring hazards that have the potential to significantly affect the County. Those hazards are flood and seismic/geologic hazards. Below are the general goals and objectives for the Natural Hazards Component. Specific goals, objectives and policies for the natural hazard topics are provided later in this section.

### GENERAL GOALS AND OBJECTIVES: *Natural Hazards Component*

#### **Goal 1**

Provide for a safe living and working environment consistent with available resources.

- ***Objective***

- 1.1 To identify natural hazards and determine the relative threat to people and property in Orange County.

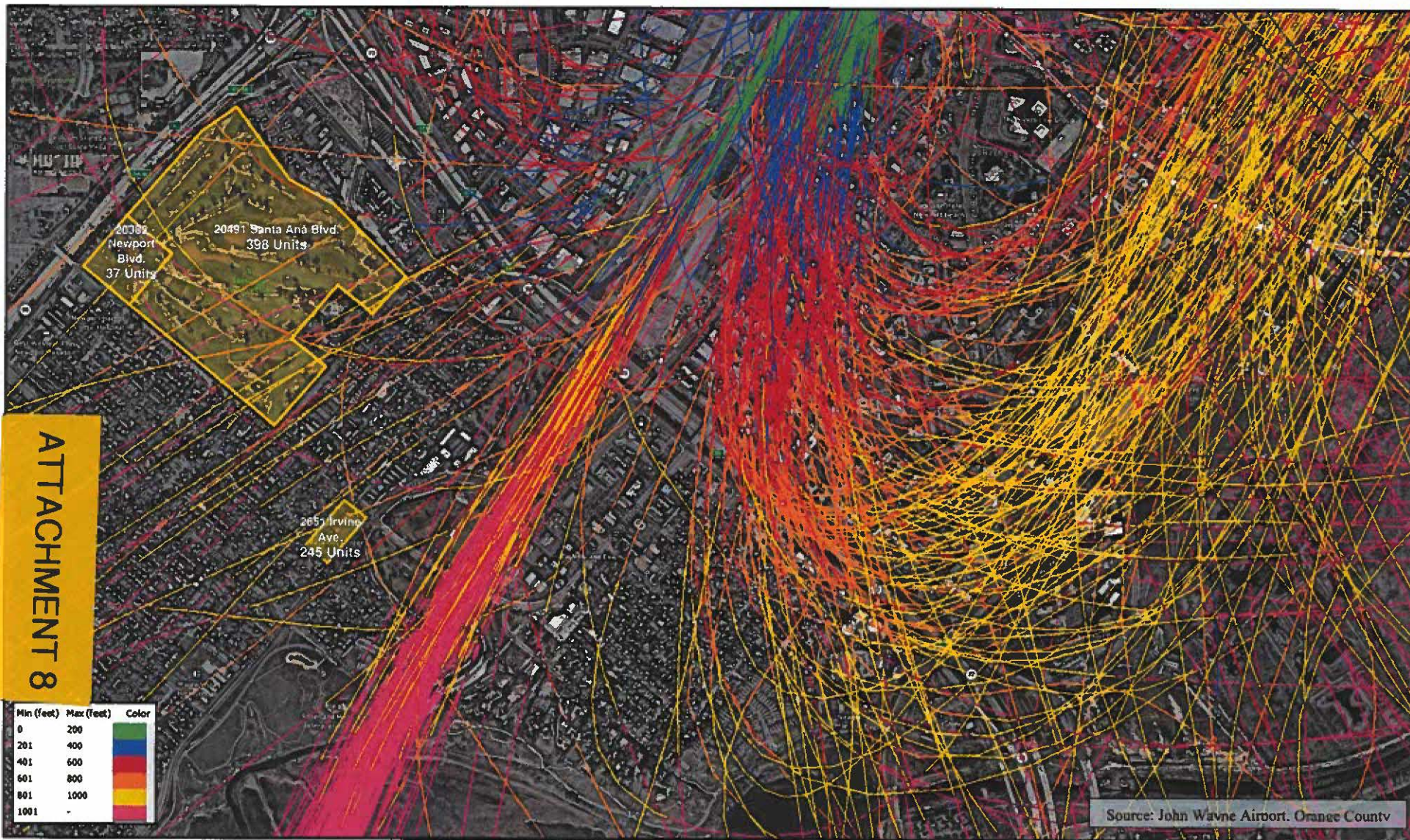
#### **Goal 2**

Minimize the effects of natural safety hazards through implementation of





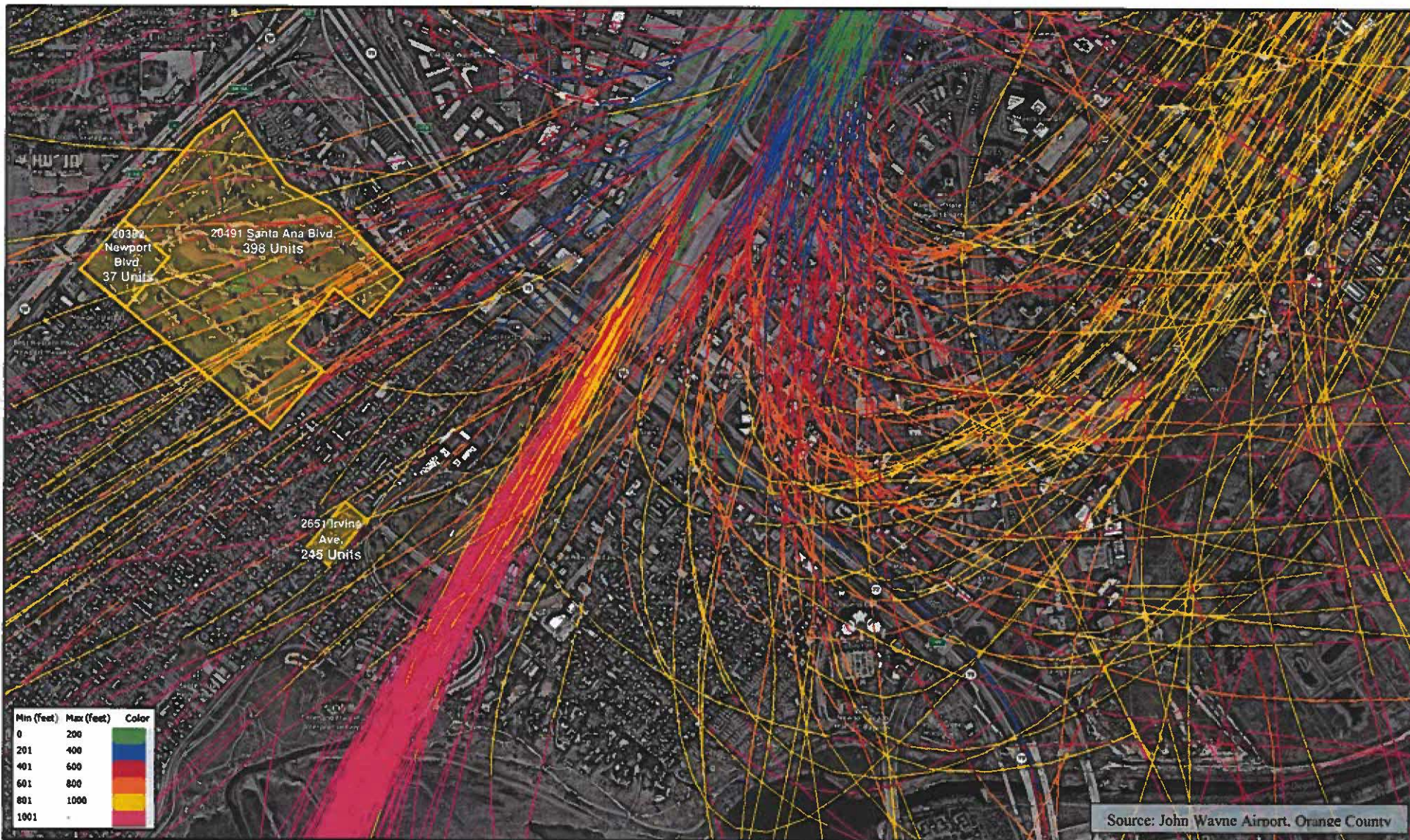
John Wayne Airport Altitude Analysis  
689 Operations  
Thursday, January 24, 2019



ATTACHMENT 8



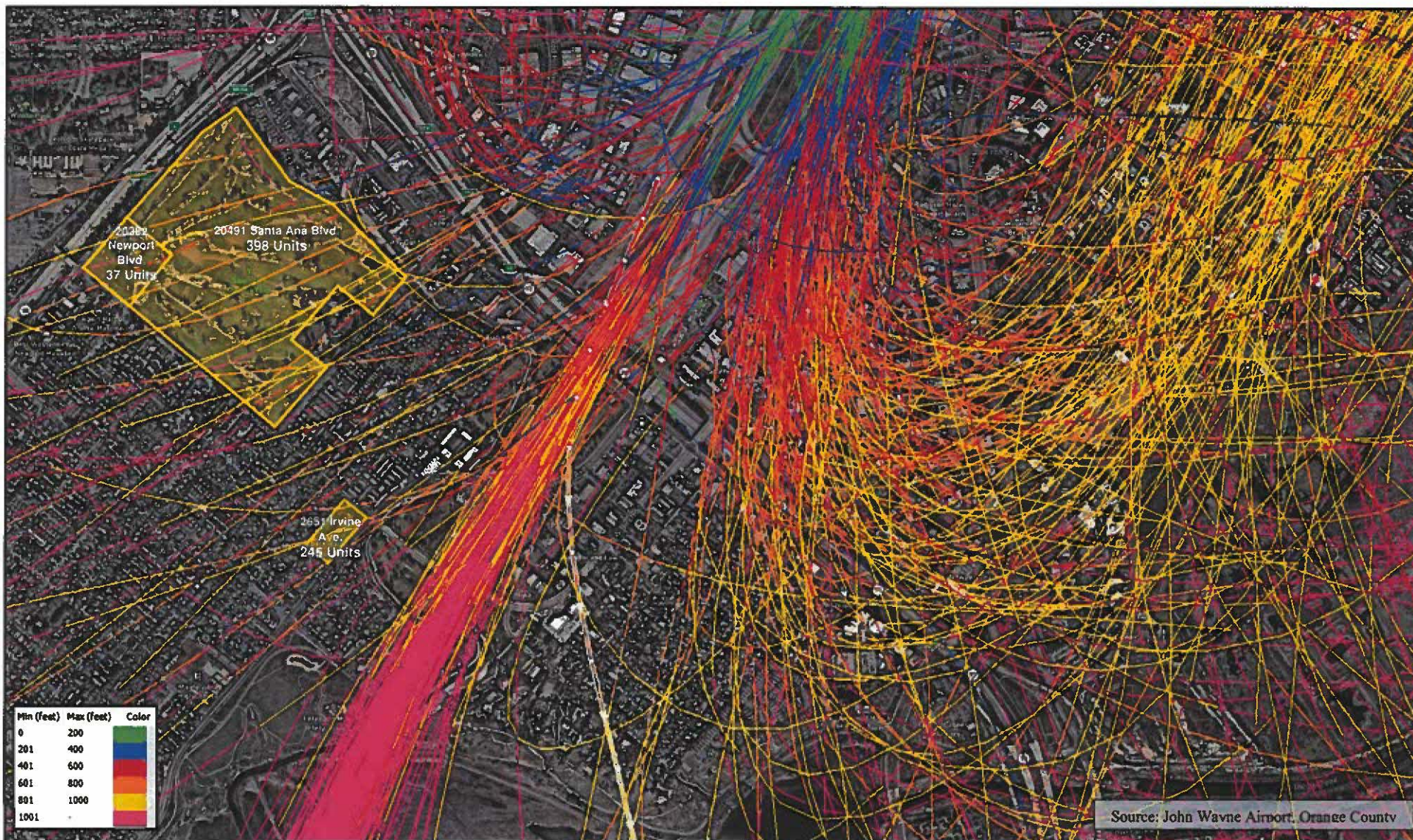
John Wayne Airport Altitude Analysis  
550 Operations  
Saturday, June 22, 2019



Source: John Wayne Airport, Orange County



John Wayne Airport Altitude Analysis  
788 Operations  
Thursday, October 17, 2019





# AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

October 15, 2021

Joanna Chang, Land Use Manager  
OC Public Works/Land Development Division  
601 North Ross Street  
Santa Ana, CA 92701

**Subject: Draft County of Orange Housing Element Update 2021-2029**

Dear Ms. Chang:

Thank you for the opportunity to review the 2021-2029 County of Orange Draft Housing Element Update. As you know, unincorporated portions of the County are located within the Notification Areas (also known as Planning Areas) for John Wayne Airport and for JFTB-Los Alamitos.

The September 16, 2021 Draft Housing Element Update identifies new housing sites which are located within the notification area for JWA, thereby requiring a submittal to the Airport Land Use Commission (ALUC) for Orange County for a consistency review prior to County Board of Supervisors approval. While the parking lot area of the Santa Ana Country Club property (APN 119-200-21) was identified in the 2013-2021 Housing Element Update as a potential site for housing, the majority of the Country Club site (APNs 119-200-11 and 119-201-21) is now identified as a potential housing site for an additional 435 units. Also, the Back Bay Commercial Center on Irvine Avenue in Costa Mesa (APN 439-101-40) is identified as a potential site for 245 new units. These two locations are of particular concern as they are located within the 60 CNEL contour, and within Safety Zone 6 for JWA.

Please use the Housing Element Submittal Form which is available at <https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/>. Complete submittals must be received by our office on or before the first day of the month to be placed on the agenda for the next scheduled ALUC meeting. The ALUC meets on the third Thursday of each month at 4:00 p.m. in the Airport Commission meeting room at 3160 Airway Avenue, Costa Mesa. If you have any questions, feel free to contact me at [lchoum@ocair.com](mailto:lchoum@ocair.com), or Julie Fitch at [jfitch@ocair.com](mailto:jfitch@ocair.com). You may also contact us by phone at (949) 252-5170.

Thank you.

Lea U. Choum  
Executive Officer

**ATTACHMENT 9**



**JOHN WAYNE  
AIRPORT**  
ORANGE COUNTY

October 15, 2021

Joanna Change, Land Use Manager  
OC Public Works/Land Development Division  
601 N. Ross Street  
Santa Ana, CA 92701

Dear Ms. Chang,

Thank you for the opportunity to review the County of Orange Draft Housing Element Update 2021-2029. The Draft includes a site inventory assessment, which identifies parcels that can achieve the County's assigned 2021 Regional Housing Needs Assessment (RHNA) for the 2021-2029 planning period. The Santa Ana Country Club (Costa Mesa Island) and the Back Bay Commercial Center on Irvine Avenue in Costa Mesa are in close proximity to John Wayne Airport (JWA) and identified as opportunity sites for future residential development. While the parking lot area of the Santa Ana Country Club property (APN 119-200-21) was identified in the 2013-2021 Housing Element Update as a potential site for housing, the majority of the Country Club site (APNs 119-200-11 and 119-201-21) is now identified for an additional 435 units. The Back Bay Commercial Center is identified as a potential site for 245 new units.

The proposed new residential uses within the Santa Ana Country Club and the Back Bay Commercial Center would be located within the 60 dB CNEL noise contour, Safety Zones and Obstruction Imaginary Surfaces for JWA. Adding new residential sites to the 60 dB CNEL noise contour would subject future residents to aircraft overflight, noise and safety impacts due to the close proximity to the airport. Specific areas that should be addressed within the Draft Housing Element are as follows:

- 1) The Draft Housing Element should discuss the noise and safety impacts to future residents of the housing sites located within the 60 dB CNEL noise contour. Primary concerns of JWA are the ability to ensure the continued operation of the airport and the ability to protect the public from adverse effects of airport noise. JWA requests that the proposed housing in the 60 dB CNEL noise contour be revised to reflect non-residential uses.
- 2) The proposed housing sites within close proximity to JWA fall beneath the obstruction imaginary surfaces for JWA. The Draft Housing Element should emphasize that potential future residents would be exposed to significant aircraft overflights, safety impacts, noise and annoyance as approaching aircraft fly overhead. It has been JWA's experience that residential uses located near aircraft approach corridors generate a significant number of noise complaints from affected residents. The County should give consideration as to how these noise complaints will be addressed should these housing sites be approved.

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

(949) 252-5171  
(949) 252-5178 FAX  
[www.ocair.com](http://www.ocair.com)

3160 Airway Avenue  
Costa Mesa, CA  
92626-4608

**ATTACHMENT 10**

- 3) The Draft Housing Element should also discuss safety concerns related to proposing housing sites within the Safety Zones for JWA. Proposed housing sites within the Santa Ana Country Club and the Back Bay Commercial Center have been identified within Safety Zone 6: Traffic Pattern Zone. Locating residential uses within this safety zone would place future residents within close proximity to the airport and locate residential development directly under a general aviation, low-altitude, primary flight corridor.

As the County develops its Draft Housing Element, we ask that compatibility with JWA be fully addressed. Since portions of the County jurisdiction fall within Airport Planning Areas as defined by the *Airport Environs Land Use Plans (AELUP)* for JWA, California Public Utilities Code Section 21760, and the "Notification Area" and Obstruction Imaginary Surfaces" as defined by the Federal Aviation Administration (FAA) FAR Part 77, the County's Draft Housing Element should incorporate language to ensure airport compatibility based upon criteria and policies defined in these plans and regulations.

Thank you for the opportunity to comment on the Draft County Housing Element Update. Please contact Kyle Kotchou, Deputy Airport Director of Facilities Development at (949) 252-5270 or via email at [kkotchou@ocair.com](mailto:kkotchou@ocair.com) should any questions arise regarding these comments.

Sincerely,



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



# ORANGE COUNTY Public Works

November 2, 2021

Lea Choum, Executive Officer  
Airport Land Use Commission  
c/o John Wayne Airport  
3160 Airway Avenue  
Costa Mesa, CA 92626

RECEIVED

NOV 08 2021

AIRPORT LAND USE COMMISSION

Subject: County of Orange Proposed General Plan Amendment H 20-01 (Housing Element Update)

Dear Ms. Choum,

The County of Orange is seeking a determination of consistency with the Airport Environs Land Use Plan (AELUP) from the Airport Land Use Commission (ALUC) for the adoption of General Plan Amendment H 20-01 (Housing Element Update). Pursuant to the Public Utilities Code Section 21676, the County of Orange (County) hereby submits the Housing Element Update Submittal Form and Checklist for proposed General Plan Amendment H 20-01 to ALUC for consideration at the meeting scheduled for November 17, 2021 (See Attachment 1).

Project Description

On December 10, 2013, the County of Orange Board of Supervisors adopted the County's Fifth Cycle Housing Element, which covered the 2013-2021 planning period (through June 30, 2021). The adopted Housing Element was submitted to the State Department of Housing and Community Development (State HCD) for review and certification, and on January 29, 2014, the County's Housing Element was certified by State HCD (See Attachment 2). The County will need to attain a certified Sixth Cycle Housing Element, which covers 2021-2029, to ensure compliance with State law.

On May 27, 2020, the Orange County Planning Commission authorized staff to initiate General Plan Amendment H 20-01, an update to the County's Housing Element to ensure continued compliance with existing State law, and recent State mandated changes regarding housing.

On March 4, 2021, the Southern California Association of Governments (SCAG) Regional Council adopted the Sixth Cycle Final Regional Housing Needs Assessment (RHNA) Allocation Plan, which assigns a housing need allocation for each jurisdiction in the SCAG region for the October 2021 through October 2029 planning period.

The County of Orange's RHNA for this upcoming Sixth Cycle Housing Element is 10,406 units, which is a significant increase from the 5,272 units in the County's Fifth Cycle Housing Element. This allocation of RHNA units is broken down into income categories (as shown below). Though the County is required to identify areas with adequate zoning to accommodate this future growth, it is not required to develop these housing units. Factors such as market conditions dictate whether the housing units comes to fruition.

| Income Category                     | Units         |
|-------------------------------------|---------------|
| Very Low (50% AMI and below)        | 3,139         |
| Low (50% - 80% AMI)                 | 1,866         |
| Moderate (80% to 120% AMI)          | 2,040         |
| Above Moderate (120% AMI and above) | 3,361         |
| <b>Total</b>                        | <b>10,406</b> |

ATTACHMENT 11

County Administration South  
601 North Ross Street  
Santa Ana, CA 92701

P.O. Box 4048  
Santa Ana, CA 92702

(714) 667-8800

info@ocpw.ocgov.com

OCPublicWorks.com



The primary revisions made as part of the Sixth Cycle Housing Element Update include the following:

- **Community Profile:** Updates have been made to reflect current data on population, demographics, employment trends, household characteristics, along with affordable housing and homeless prevention projects. Much of the data was derived from American Community Survey, SCAG, Department of Finance, and local data.
- **Constraints:** A variety of governmental and non-governmental factors can constrain the development of housing. The Sixth Cycle Draft Housing Element provides an analysis of influences, such as land use controls, fees, procedures, regulations, and environmental conditions.
- **Affirmatively Furthering Fair Housing:** All Housing Elements due on or after January 1, 2021 must contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal Affirmatively Further Fair Housing (AFFH) Final Rule of April 23, 2020. On June 23, 2020, the Board of Supervisors approved the FY 2020-24 County of Orange Analysis of Impediments to Fair Housing. The purpose of this document is to affirmatively further fair housing opportunities and AFFH language is incorporated in the Draft Housing Element.
- **Goals, Policies and Programs:** Most of the goals, policies, and programs have remained the same since the Fifth Cycle Housing Element. Whereas some have been updated to reflect current practice, new strategies have been provided, such as pre-approved Accessory Dwelling Unit (ADU) plans and increased density within the Housing Opportunities Overlay, along with a new County policy that all projects recently annexed or affordable housing developments funded by the County within city limits be considered for RHNA transfers.
- **Land Inventory:** The most significant update included in the Sixth Cycle Draft Housing Element is the identification of sites to accommodate the RHNA. Under Housing Element Law, the County has identified and analyzed specific sites that are available and suitable for residential development to accommodate the RHNA. The County is not responsible for building the units. Though the land inventory includes potential sites for residential development, market conditions dictate whether development comes to fruition. The County's draft site inventory includes, but is not limited to, potential sites within County's Housing Opportunities Overlay, Rancho Mission Viejo, Coyote Canyon, Santa Ana Country Club, and Brea Canyon.
- **Public Participation:** The County's First Draft of the Housing Element Update was released on September 16, 2021 for a 30-day public review period, which ended on October 15, 2021. Twenty-five (25) written comments were received and uploaded to the County's Housing Element Update webpage, and both written and verbal comments received since the beginning of this year are discussed in the Draft Housing Element. Public comments ranged from the need for community outreach, affordable housing, innovative strategies, along with inquiries related to site selection.

#### Location

Proposed General Plan Amendment H 20-01 (Housing Element Update) will apply to unincorporated Orange County areas, along with the Coyote Canyon site owned by the County of Orange.

#### Existing and Proposed General Plan and Zoning Designations

General Plan: No changes to existing General Plan land use designations are proposed.

Zoning: No changes to existing Zoning designations are proposed.

#### Existing Uses

General Plan: No changes to existing uses are proposed.

Zoning: No changes to existing uses are proposed.



**Approval Schedule**

On October 27, 2021, OC Development Services hosted a Study Session to ensure that the County’s Housing Element Update is developed collaboratively by considering the various perspectives of the community (See Attachment 3). Shortly thereafter, OC Development Services reviewed comments and guidance received from the Study Session and submitted the Sixth Cycle Draft Housing Element Update to State HCD for the 60-day review period (See Attachment 4).

The Planning Commission will consider recommending Board of Supervisors approval of proposed General Plan Amendment H 20-01 at a public hearing scheduled for January 2022.

The Board of Supervisors will consider proposed General Plan Amendment H 20-01 at a public hearing scheduled for January/February 2022.

Actual public hearing dates will be provided at a later date based upon the comments received by State HCD.

**Airport Notification/Planning Area**

Attachment 5 illustrates various potential housing inventory sites within John Wayne Airport’s Planning Areas and Zones.

The following proposed housing inventory sites have been identified within John Wayne Airport’s Notification/Planning Area:

1. 20382 Newport Blvd, Santa Ana (Santa Ana Country Club) – 37 units
2. 20491 Santa Ana Ave, Santa Ana (Santa Ana Country Club) – 398 units
3. 2651 Irvine Ave, Costa Mesa (Commercial Center) – 245 units

**Community Noise Equivalent Level (CNEL) Noise Contours**

The following proposed housing inventory sites have been identified entirely or partially within John Wayne Airport’s CNEL Noise Contours of 60:

1. 20491 Santa Ana Ave, Santa Ana (Santa Ana Country Club) – 398 units
2. 2651 Irvine Ave, Costa Mesa (Commercial Center) – 245 units

**Airport Safety Zones**

The following proposed housing inventory sites have been identified within John Wayne Airport Safety Zones:

1. 20382 Newport Blvd, Santa Ana (Santa Ana Country Club) – 37 units (Safety Zone 6 [blue]); Traffic Pattern Zone
2. 20491 Santa Ana Ave, Santa Ana (Santa Ana Country Club) – 398 units Safety Zone 6 [blue]; Traffic Pattern Zone
3. 2651 Irvine Ave, Costa Mesa (Commercial Center) – 245 units Safety Zone 6 [blue]; Traffic Pattern Zone

**Obstruction Imaginary Surfaces**

The following proposed housing inventory sites have been identified within John Wayne Airport’s Obstruction Imaginary Surfaces via Part 77 Obstruction Surface 2R/20L and 2L/20R:

1. 20382 Newport Blvd, Santa Ana (Santa Ana Country Club) – 37 units
2. 20491 Santa Ana Ave, Santa Ana (Santa Ana Country Club) – 398 units
3. 2651 Irvine Ave, Costa Mesa (Commercial Center) – 245 units

Additionally, the following proposed housing inventory sites are within John Wayne Airport’s Obstruction Imaginary Surfaces via Part 77 Obstruction Surface 2L/20R only.

1. 18511 E. Chapman Ave, Orange (Commercial) – 40 units
2. 11924 Earlham, Orange (Commercial) – 24 units
3. 18571 E Chapman, Orange (Commercial) – 16 units

#### Noise Impact, Safety Compatibility, and Height Restriction Zones

The Housing Element serves as a planning document, which provides potential sites that are appropriately zoned to meet the County’s RHNA at all income levels. The intent of the Housing Element is to demonstrate how housing needs may be addressed through plans, programs, and projects. Though the land inventory includes potential sites for residential development, market conditions dictate whether development comes to fruition. If/when a developer proposes an application on one of the potential sites, additional environmental analysis for factors, such as noise and safety would be conducted at that time and the project itself would be brought to the attention of the Airport Land Use Commission. Below is a brief overview of the County’s policies related to noise, safety, and height restrictions.

- **Noise Impact:** As indicated in the County’s Draft Housing Element, the major sources of significant noise in Orange County are aircraft and highway vehicles. While both can usually be mitigated to acceptable levels indoors, aircraft noise cannot be mitigated outdoors because of its overhead source. State law and County policy prohibit residential development and similar noise sensitive uses in high-noise (+65 CNEL) areas near John Wayne Airport. Noise in non-residential developments must be attenuated to protect users in those areas. Noise must also be attenuated near major streets and highways. Thus, high-noise conditions may preclude certain uses in some areas and may increase development costs. CNEL levels are lower in areas further from the noise source. Two of the potential sites in the housing inventory (i.e. 20491 Santa Ana Avenue and 2651 Irvine Avenue) are nearly 3 miles away from John Wayne Airport, and located in whole or part within the 60 CNEL contour for John Wayne Airport. Section 3, Table 1 of the AELUP (Limitations on Land Use Due to Noise) identifies all types of residential uses as “normally consistent” with the 60 dBA CNEL noise contour. Normally consistent notes that conventional construction methods are used; no special noise reduction requirements. See Attachment 6.
- **Safety Compatibility:** The County’s Safety Element promotes aviation safety and enhances public awareness through programs, which support public information and community engagement, air installations compatible use zones, buyer notification, and Airport Environs Land Use Plan (AELUP). In particular, the AELUP aims to a) safeguard the general welfare of inhabitants within the vicinities of airports and b) ensure the continued compatible operation of existing and future airports including heliports, helipads and for proposed construction or alteration of a structure more than 200’ Above Ground Level within Orange County. The AELUP also seeks to ensure that urban development and air installation facilities are not concentrated in areas susceptible to potential aircraft hazards and to guard against structures or activities that adversely affect navigable airspace. To address potential safety concerns regarding height requirements, there are no proposed changes to building height requirements in the Draft Housing Element Update, and the building height limit for the potential sites within the A1 “General Agricultural” District and H “Housing Opportunities” Overlay District remains at 35 feet. Also, any projects within the John Wayne Airport Safety Zones would be brought to the Airport Land Use Commission to determine consistency with the Airport Environs Land Use Plan. AELUP Section 2.1.2 (Safety Compatibility Zones) sets forth zones depicting which land uses are acceptable in various portions of the JWA environs. Three candidate housing sites are located within Safety Zone 6 (Traffic Pattern Zone) for John Wayne Airport (i.e. 20382 Newport Boulevard, 20491 Santa Ana Avenue and 2651 Irvine Avenue). Allowed uses in Safety Zone 6 include residential and most nonresidential uses with the exception of outdoor stadiums and similar uses with very high intensities

as well as children’s schools, large day care centers, hospitals, and nursing homes. See Attachment 7 and 8.

**CEQA Determination**

The County of Orange submitted the Draft Housing Element to State HCD for a 60-day review on October 28, 2021. An environmental evaluation for the project will be prepared after review and incorporation of any amendments requested by State HCD. Staff will bring the environmental determination to the Planning Commission upon recommending Board of Supervisors adoption of the Housing Element in Winter 2022.

The County of Orange thanks the Airport Land Use Commission for its consideration and looks forward to receiving its findings of consistency of the proposed project with the John Wayne Airport AELUP. Please contact me at (714) 667-9649 or via email at [Laree.Alonso@ocpw.ocgov.com](mailto:Laree.Alonso@ocpw.ocgov.com), and/or Joanna Chang at (714) 667-8815 or via email at [Joanna.Chang@ocpw.ocgov.com](mailto:Joanna.Chang@ocpw.ocgov.com) if there are any questions.

Sincerely,

*Laree Alonso*  
Laree Alonso  
Interim Planning Division Manager  
OC Development Services

CC: Amanda Carr, Deputy Director, OC Development Services  
Nicole Walsh, Senior Assistant County Counsel, Office of County Counsel  
Joanna Chang, Land Use Manager, OC Development Services  
Nick Chen, AICP, Project Manager, Kimley-Horn

**Attachments:**

1. Housing Element Update Submittal Form and Checklist
2. Fifth Cycle Housing Element adopted December 10, 2013
3. Planning Commission Staff Report dated October 27, 2021
4. Draft Sixth Cycle Housing Element Update Submission to State HCD dated October 28, 2021
5. Maps of proposed housing inventory sites within John Wayne Airport Planning Areas/Zones
6. Draft Housing Element Excerpt on Noise
7. Safety Element Excerpt related to Aircraft Environment
8. Draft Housing Element Excerpt on Height Restrictions



# AIRPORT LAND USE COMMISSION

## FOR ORANGE COUNTY

### HOUSING ELEMENT UPDATE - SUBMITTAL FORM

1. City/County: County of Orange
2. Contact information - Name/Title Joanna Chang, Land Use Manager  
Agency: OC Public Works/OC Development Services  
Address: 601 N Ross, Santa Ana, CA  
Phone/email: (714) 667-8815
3. Airport Planning Area(s):  
 John Wayne Airport  Fullerton Municipal Airport  Joint Forces Air Base Los Alamitos
4. Are there additional General Plan Element(s) being submitted for review:  No  Yes –  
Name of Elements: N/A – Housing Element only at this time
5. Scheduled date of Planning Commission Public Hearing: 1/12/2022
6. Tentative date of City Council Public Hearing: 1/25/2022
7. Requested month of ALUC Review: November  
*(Complete submittal must be received by the first day of the month)*
8. Does the Housing Element Update identify new housing sites within the airport Notification/Planning Area\*?  No (skip items # 9-12).  Yes (continue below).
9. Does the Housing Element Update identify new housing sites within the:  60 CNEL or  65 CNEL Noise Contours of the airport(s)\*? Please attach an exhibit showing location(s) of proposed housing sites and number of units in relation to noise contours.
10. Are noise policies or mitigation measures identified in the Housing Element or elsewhere in the General Plan?  No  Yes - Please attach pages with noise policies/mitigation measures highlighted.
11. Are any new housing sites identified within the Runway Protection Zone (RPZ), Clear Zone (CZ), or Airport Safety Zones of the airport\*?  No  Yes - Please attach exhibit showing location(s) of proposed housing site(s) and number of units in relation to the applicable zones.
12. Are any new housing sites identified within the Obstruction Imaginary Surfaces\*?  
 No  Yes - Please attach an exhibit showing location(s) of proposed housing sites and number of units in relation to the Obstruction Imaginary Surfaces.
13. Maximum height allowed for proposed housing. 35 feet  
*(Please provide link and identify section(s) of General Plan and/or Zoning Code where housing maximum height is specified.)*

Continued on reverse side.

### HOUSING ELEMENT UPDATE - SUBMITTAL CHECKLIST

- |                                     |  |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Cover letter on City/County letterhead.  |
| <input checked="" type="checkbox"/> | Completed Submittal Form.  |
| <input checked="" type="checkbox"/> | Copy of existing Housing Element (and any other applicable Elements).  |
| <input checked="" type="checkbox"/> | Copy of proposed Housing Element Update attached (and any other proposed elements) with requested information highlighted.   |
| <input checked="" type="checkbox"/> | Exhibit showing location(s) of proposed housing sites, and how many units for each, in relation to noise contours for airport.   |
| <input checked="" type="checkbox"/> | Noise policies/mitigation measures in Housing Element Update highlighted and/or pages from other elements attached.  |
| <input checked="" type="checkbox"/> | Exhibit showing location(s) of proposed housing sites, and how many units for each, in relation to Airport Safety Zones.   |
| <input checked="" type="checkbox"/> | Exhibit showing location(s) of proposed housing sites, and how many units for each, in relation to the Obstruction Imaginary Surfaces.   |
| <input checked="" type="checkbox"/> | Pages of General Plan and/or Zoning Code which indicate height restrictions for each new housing sites within Airport Notification/Planning Area.  |
| <input checked="" type="checkbox"/> | Explanation of how the Housing Element Update (or other General Plan Elements) addresses the AELUP standards for noise impact, safety compatibility, and height restriction zones: See attached cover letter |

\*For airport planning/notification areas, noise contours, safety zones and obstruction imaginary surfaces see Appendix D of the applicable Airport Environs Land Use Plan (AELUP) at: <https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/>

*Mail or deliver Submittal Form, Checklist and attachments to: Airport Land Use Commission for Orange County, Attn: Executive Officer, 3160 Airway Avenue, Costa Mesa, CA 92626 / Phone: (949) 252-5170*