



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

AGENDA ITEM 2

December 16, 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) with December 6, 2021 Modified Site Submittal

Background

The County of Orange has resubmitted General Plan Amendment H 20-01 - Housing Element Update for a consistency review. The resubmittal, dated December 1, 2021, and modified on December 6, 2021, includes modifications to the proposed housing sites within the John Wayne Airport Planning Area.

At the November 18, 2021 Airport Land Use Commission meeting, the Commission found the County's Housing Element Update 2021-2029 to be inconsistent with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)*. The November submittal included three sites proposed for housing in close proximity to JWA.

As shown in Attachment 1, these three sites were:

- 20382 Newport Boulevard, Santa Ana (part of Santa Ana County Club), APN 119-200-11 with 37 potential units.
- 20491 Santa Ana Avenue, Santa Ana (part of Santa Ana Country Club), APN 119-201-21 with 398 potential units.
- 2651 Irvine Avenue, Costa Mesa (Back Bay Commercial Center), APN 439-101-40, with 245 potential units.

In consideration of the Commission's comments at the November ALUC meeting, County Public Works has submitted a modified proposal for a new consistency review. The proposed modifications to the Draft Housing Element Update include:

1. Remove the site located at 20382 Newport Boulevard (southwest corner of the Santa Ana Country Club) and remove 2651 Irvine Avenue (Back Bay Commercial Center) from the Draft Housing Element Update; and
2. Modify the previously submitted 20491 Santa Ana Avenue site (part of Santa Ana Country Club) to incorporate only a portion of that site along Newport Boulevard and Mesa Drive. This modified site is zoned C2 General Business with a Housing Opportunities Overlay (H). This 11.54 acre site would be included in the land inventory within the Housing Element Update. With a future zoning code amendment to allow for 65 units per acre, it may generate up to 750 total units to meet the County’s very-low and low-income RHNA allocation.

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 the October Draft Housing Element Update (with the previous three parcels) to the California Department of Housing and Community Development (HCD) for review, and anticipates incorporating the proposed site modifications in the final Housing Element Update which would be reviewed for approval at the following public hearings:

February 2022	Planning Commission
February 2022	County Board of Supervisors

AE LUP for JWA Issues

Regarding Aircraft Noise Impacts:

The modified site inventory includes one property as an opportunity site for new residential development within the Planning Area for JWA. The address is 20491 Santa Ana Avenue, Santa Ana. As shown in Attachment #2, the proposed modification includes only a portion of the Santa Ana Country Club, and it is outside of the noise contours for JWA. The location of this proposed opportunity site and the dimensions are also shown in Attachment #2.

The County’s previously adopted 2013 Housing Element Update included the 14.5-acre parking lot area of the Country Club along Newport Boulevard. (See Attachment #3). In 2013 it was proposed to accommodate 362 units at 25 units/acre, and was found to be consistent with the *AE LUP for JWA* in November 2013.

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 aviation 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.

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 #4 which shows the proposed housing opportunity site within the Obstruction Imaginary Surfaces for JWA. With respect to the FAR Part 77 Obstruction Imaginary Surfaces, the Santa Ana Country Club is located within the horizontal surface for JWA. With respect to building heights, the proposed opportunity site is located within the Housing Opportunities Overlay District of the County, which limits 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 modified sites inventory identifies one site which would accommodate up to 750 new residential units within the Notification Area of JWA. The property is within Safety Zone 6-Traffic Pattern Zone. (See Attachment #5). 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. The modified site would expose future residents to some aircraft overflight and noise due to the project's location.

Attachment #6 includes excerpts from the Safety Element. Attachment #7 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, the site is not in the direct traffic pattern for JWA, but there is some general aviation overflight at elevations ranging from 800 to 1000 feet.

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 #8 is the ALUC Determination letter for the November 2021 submittal. Attachment #9 to this report contains the submittal letters from the County of Orange dated December 1, 2021 and December 6, 2021. The complete Housing Element Update is available on the County's website at:

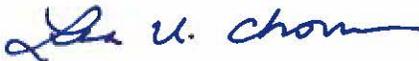
<https://ocds.ocpublicworks.com/sites/ocpwoocds/files/2021-11/County%20of%20Orange%20-%20Draft%20HEU%20Submission%20to%20State%20HCD.pdf>

ALUC staff has reviewed the Draft Housing Element Update with the modified opportunity site 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 County's modification to include only a portion of one site within the JWA Planning Area, which would not be included in the noise contours for JWA.

Recommendation:

That the Commission find the proposed County of Orange Draft Housing Element Update with the Modifications to the Opportunity Sites as shown on Attachment #2 to be consistent with the *AELUP for JWA*.

Respectfully submitted,

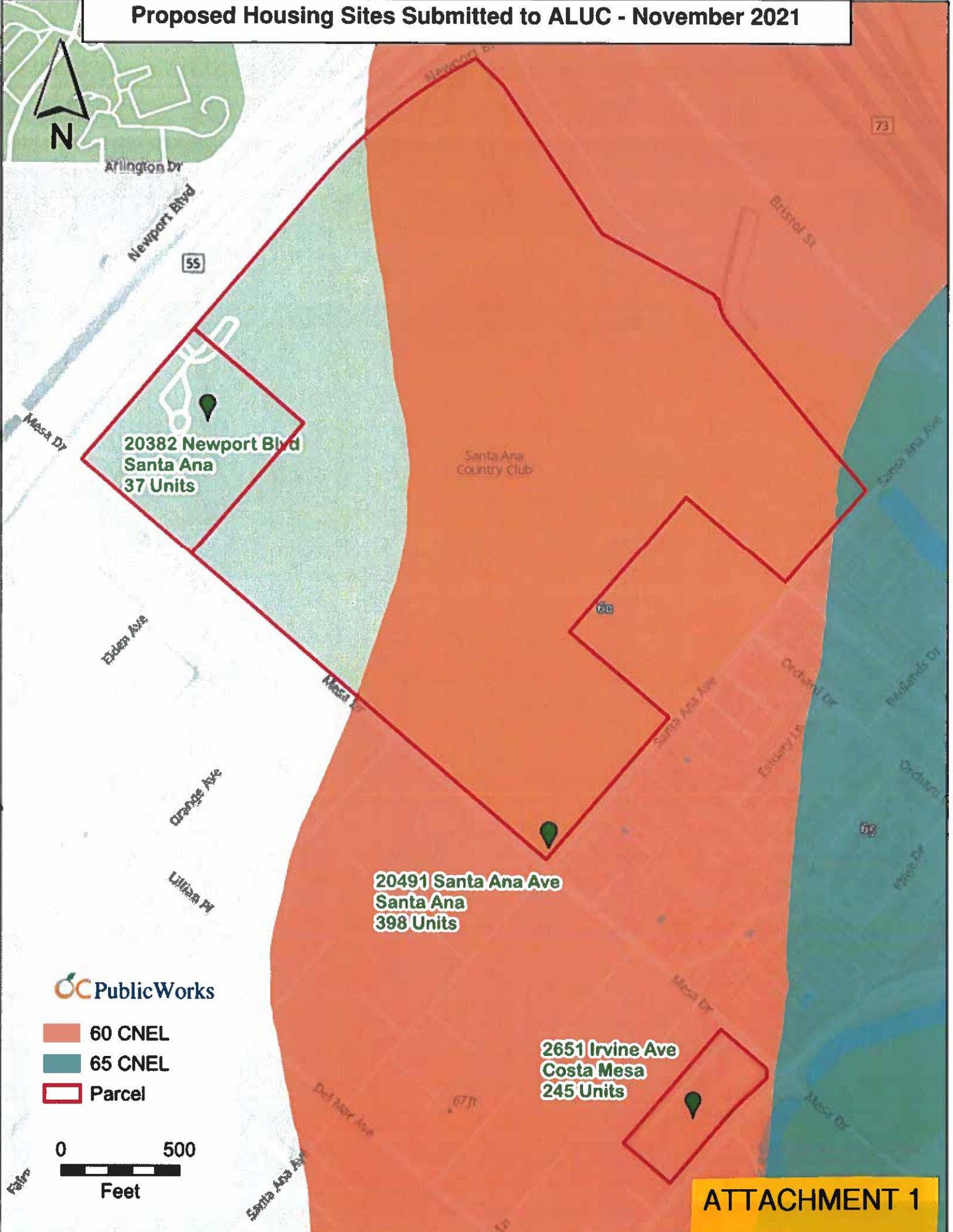


Lea U. Choum
Executive Officer

Attachments:

1. November 2021 Proposed Opportunity Sites
2. December 2021 Modified Opportunity Site & Noise Contours
3. 2013 Housing Element Opportunity Site
4. Obstruction Imaginary Surface Exhibits
5. Safety Zone Exhibits
6. Excerpts from County Safety Element
7. Flight Track Exhibits
8. ALUC Determination Letter on Draft Housing Element
9. Excerpts from County of Orange December Submittals

Proposed Housing Sites Submitted to ALUC - November 2021





11.54
Acres

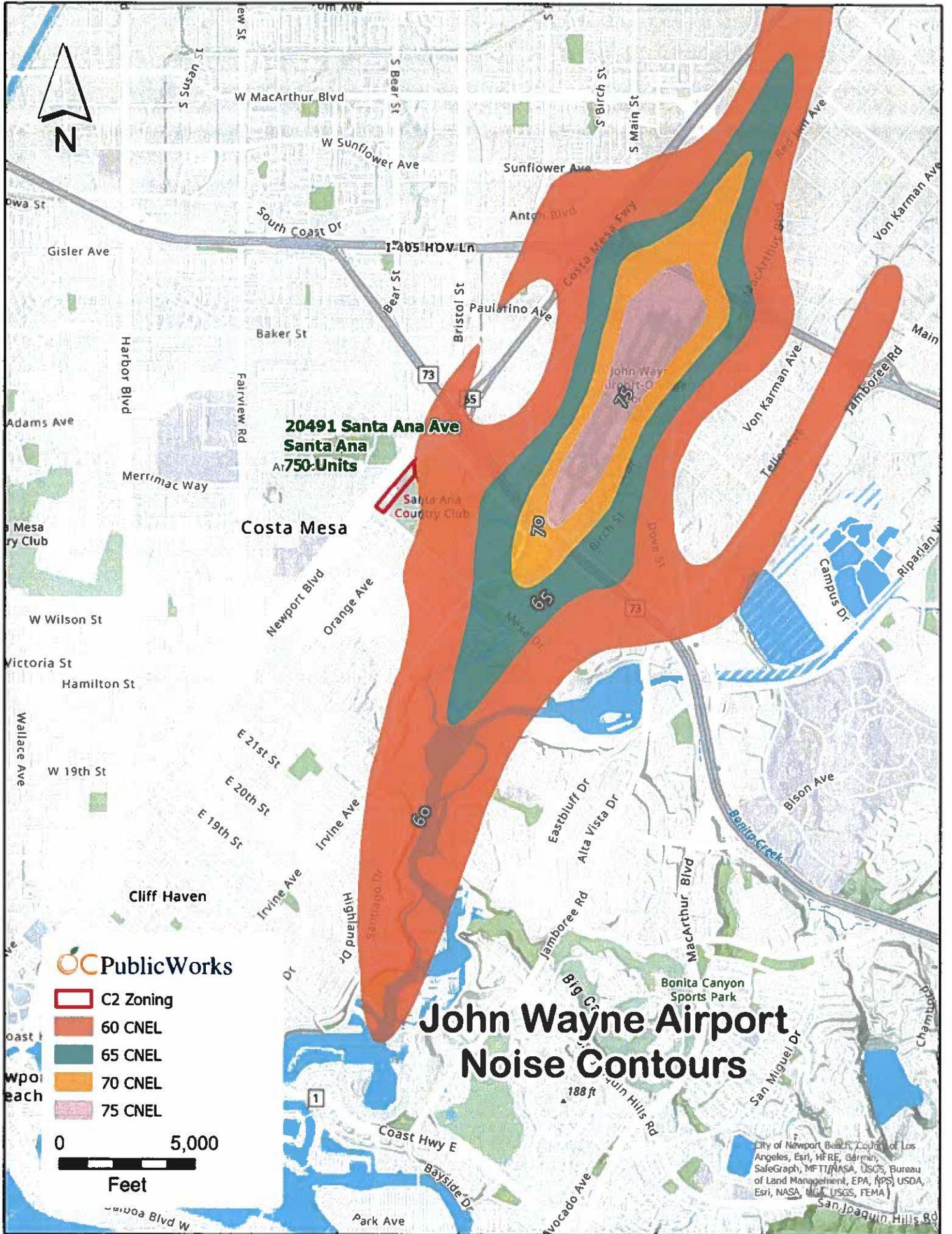
 PublicWorks

-  AOI
-  C2 Zoning
-  60 CNEL

John Wayne Airport Noise Contours

0 1,000
Feet

ATTACHMENT 2



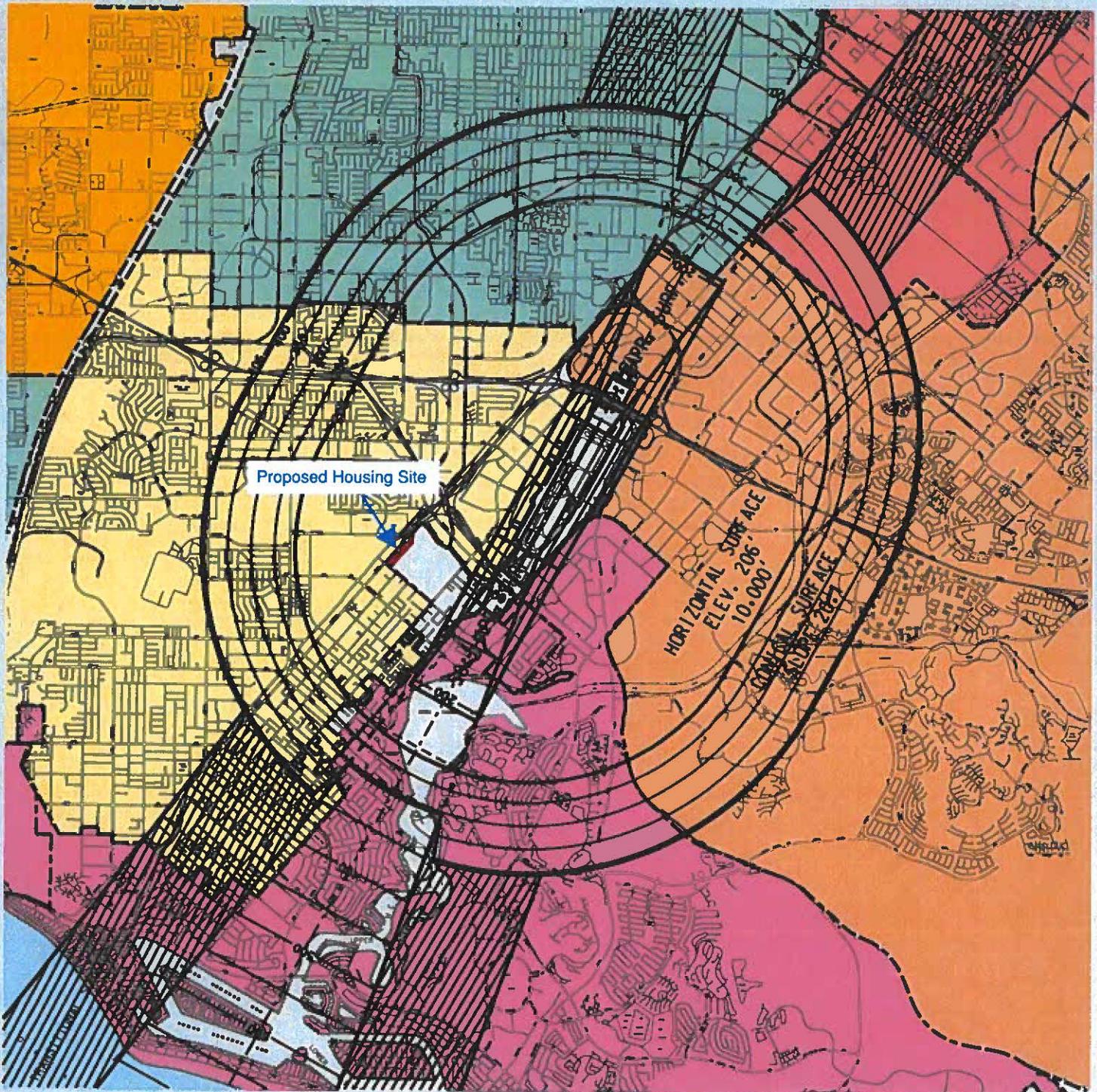
20491 Santa Ana Ave
Santa Ana
 At **750 Units**

John Wayne Airport Noise Contours

City of Newport Beach, County of Los Angeles, Esri, HERE, Garmin, SafeGraph, MFTI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Esri, NASA, MGS, USGS, FEMA

Figure B-2j
Costa Mesa Area





Note: County Unincorporated areas are shown in white.

FAR PART 77

John Wayne Airport Obstruction Imaginary Surfaces

LEGEND

- CITY BOUNDARIES
- AIRPORT BOUNDARIES



0 500 1000 1500 2000 2500
Scale in Feet

CERTIFICATION

Adopted by the Airport Land Use Commission by Orange County

Kari A. Rigoni
Kari A. Rigoni, Executive Director

ATTACHMENT 4

CHAPTER IX. SAFETY ELEMENT

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

CHAPTER IX. SAFETY ELEMENT

- 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***

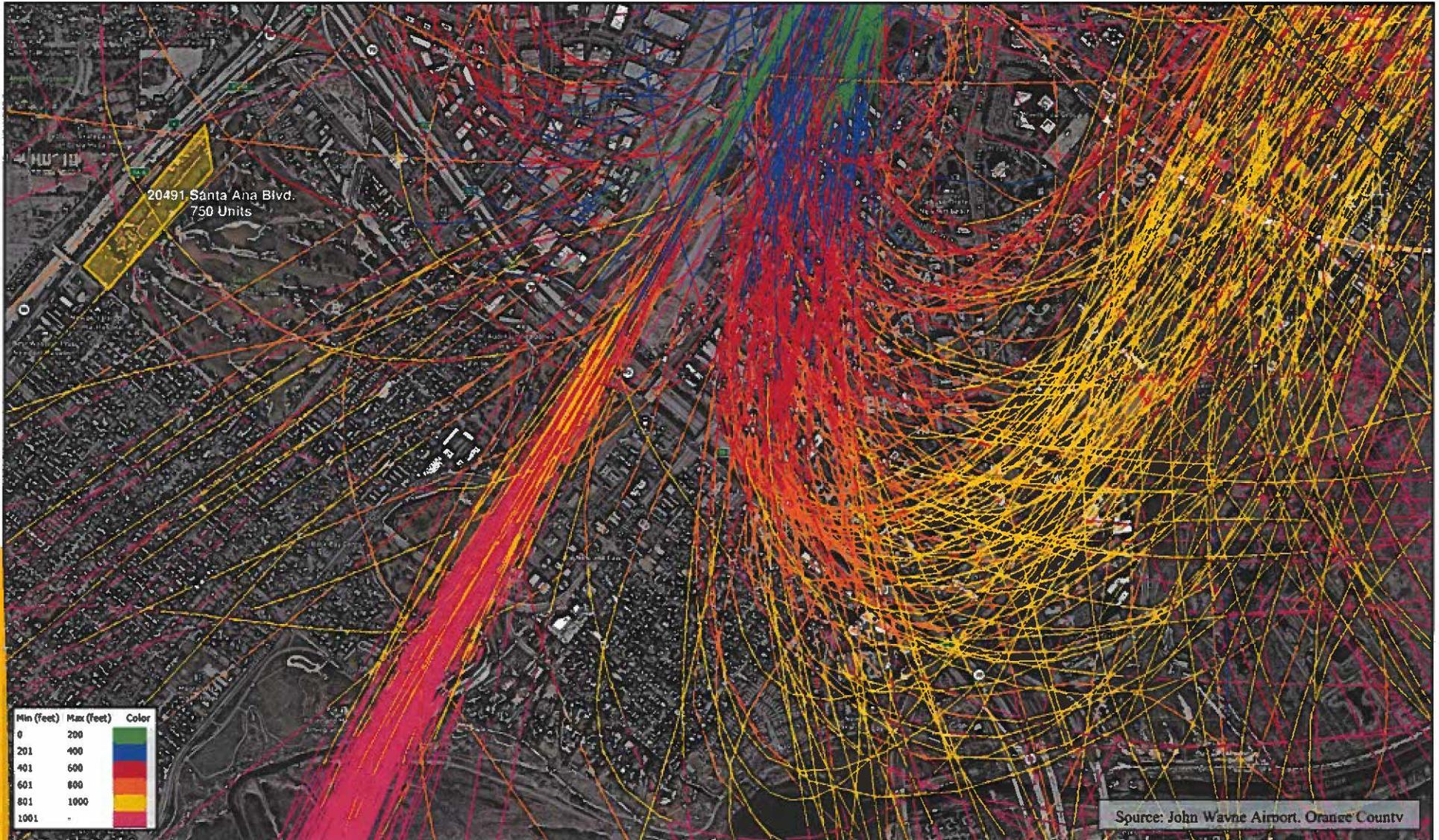
- 1.1 To identify natural hazards and determine the relative threat to people and property in Orange County.

Goal 2

Minimize the effects of natural safety hazards through implementation of



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

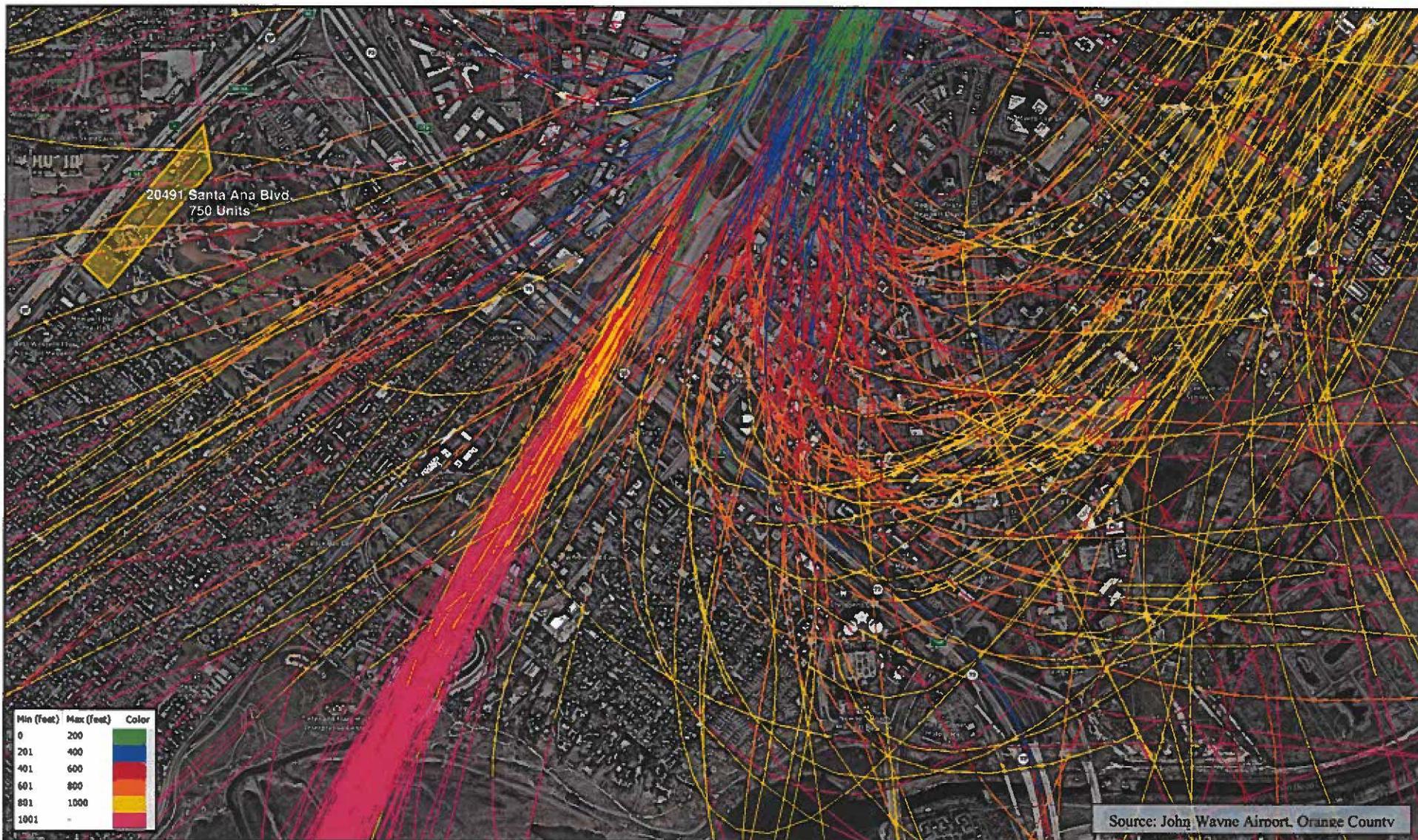


ATTACHMENT 7

Approximate property lines 



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



Approximate property lines



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

November 22, 2021

Laree Alonso, Interim Planning Manager
OC Development Services
601 N. Ross Street
Santa Ana, CA 92701

Subject: ALUC Determination for General Plan Amendment H 20-01- Housing Element Update 2021-2029

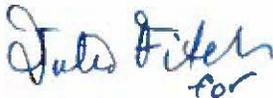
Dear Ms. Alonso:

During the public meeting held on November 18, 2021, the Airport Land Use Commission (ALUC) for Orange County considered the subject item. The matter was duly discussed and with a 4-0 vote, the Commission found the proposed General Plan Amendment H 20-01 Housing Element Update (2021-2029) to be Inconsistent with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)* per:

- 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.”
- 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.”
- 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.”

Please contact me at lchoum@ocair.com or Julie Fitch at jfitch@ocair.com or (949) 252-5170 if you have any questions regarding this proceeding.

Sincerely,

A handwritten signature in blue ink that reads "Julie Fitch" with the word "for" written in smaller letters underneath.

Lea U. Choum
Executive Officer

cc: ALUC





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



Administrative Services



OC Development Services



OC Facilities Design & Construction Management



OC Facilities Maintenance & CUF



OC Fleet Services



OC Construction



OC Environmental Resources



OC Operations & Maintenance



OC Infrastructure Programs



OC Survey



December 6, 2021

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

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DEC 06 2021

AIRPORT LAND USE COMMISSION

Dear Ms. Choum:

In addition to our December 1, 2021 memo to Airport Land Use Commission (ALUC) seeking determination that the County of Orange's General Plan Amendment H 20-01 (Housing Element Update) is consistent with the John Wayne Airport (JWA) Environs Land Use Plan (AELUP), OC Public Works submits refinements to the modified proposal to address ALUC's recent concerns related to noise, and achieve consistency with the AELUP. The modification proposes that the Housing Element only include one site in JWA's AELUP Planning Area, and that site is outside of the 60 CNEL contour.

The December 1, 2021 memo proposes modifying the Draft Housing Element Update, as follows:

1. **Remove** the sites located at 20382 Newport Boulevard and 2651 Irvine Avenue from the Sixth Cycle Draft Housing Element Update; and
2. **Modify** the site previously proposed to ALUC located at 20491 Santa Ana Avenue (APN 119-201-21) to incorporate only a portion of the Santa Ana Country Club zoned C2 General Business with a Housing Opportunities Overlay (H) (Subject Site) (see Attachment 1).

Further Refinement of the Subject Site

To address ALUC's concerns related to noise, OC Public Works' refined proposal deletes the 60 CNEL portion of the Subject Site and shifts the site towards Mesa Drive. This 11.54 acre site (Modified Subject Site) is to be included in the land inventory within the Housing Element, and may generate up to 750 total units, with a proposed density of 65 units per acre (see Attachment 4) to meet the County's very-low and low-income RHNA allocation.

Housing Opportunities Overlay

The Modified Subject Site is currently zoned as C2 General Business with a Housing Opportunities Overlay (H), which allows for commercial, industrial, public/semi-public, transportation/communication, utilities and select residential uses in accordance with State law, or affordable housing developments subject to the Housing Opportunities Overlay Zone's regulations.

The County's Housing Opportunities Overlay Zone regulations were adopted by the Board of Supervisors on January 10, 2006, and amended on the following dates: December 9, 2008, and October 8, 2013 (see Attachment 5). The intent of the Overlay is to facilitate the development of affordable housing within commercial, industrial, and select high-density residential districts adjacent to arterial highways in unincorporated Orange County.

ATTACHMENT 9

OC Public Works thanks the Airport Land Use Commission for its consideration of this amendment to the modified proposal with the John Wayne Airport AELUP. Please contact me at (714) 667-9649 or via email at Laree.Alonso@ocpw.ocgov.com, Ruby Maldonado at (714) 667-8855 or via email at Ruby.Maldonado@ocpw.ocgov.com, and/or Joanna Chang at (714) 667-8815 or via email at Joanna.Chang@ocpw.ocgov.com if there are any questions.

Sincerely,

Laree Alonso

Laree Alonso
Interim Planning Division Manager
OC Development Services

CC: Julie Fitch, Land Use Manager, John Wayne Airport
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
Ruby Maldonado, Contract Senior Planner, OC Development Services
Nick Chen, AICP, Project Manager, Kimley-Horn
Dana Privitt, AICP, Associate, Kimley-Horn

Attachments:

1. Map of Subject Site located at 20491 Santa Ana Avenue from December 1, 2021 Memo
2. Staff Report for Airport Land Use Commission Meeting dated October 17, 2013
3. Staff Report for Board of Supervisors Meeting dated December 10, 2013
4. Maps of Subject Site
5. Housing Opportunities Overlay Staff Reports



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

HOUSING ELEMENT UPDATE - SUBMITTAL FORM

1. City/County: County of Orange

2. Contact information - Name/Title Laree Alonso, Interim Planning Division Manager
 Agency: OC Public Works/OC Development Services
 Address: 601 N Ross, Santa Ana, CA
 Phone/email: (714) 667-9649

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: 2/1/2022

6. Tentative date of City Council Public Hearing: 3/1/2022

7. Requested month of ALUC Review: December
(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.)

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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*

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11.54
Acres

OC PublicWorks

- AOI
- C2 Zoning
- 60 CNEL

John Wayne Airport Noise Contours





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



Administrative Services



OC Development Services



OC Facilities Design & Construction Management



OC Facilities Maintenance & CUF



OC Fleet Services



OC Construction



OC Environmental Resources



OC Operations & Maintenance



OC Infrastructure Programs



OC Survey



December 1, 2021

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

RECEIVED

DEC 01 2021

AIRPORT LAND USE COMMISSION

Dear Ms. Choum:

Following the November 18, 2021, Airport Land Use Commission (ALUC) meeting and ALUC's determination that the County of Orange's General Plan Amendment H 20-01 (Housing Element Update) is inconsistent with the John Wayne Airport (JWA) Environs Land Use Plan (AELUP) (see Attachment 1 and 2), OC Public Works provides a **modified proposal** to achieve consistency with the AELUP. OC Public Works is requesting to be added to the ALUC meeting agenda to provide a presentation of the modified proposal at the meeting scheduled for December 16, 2021 (see Attachment 3).

Initial Proposal

In the Draft Housing Element Update presented to ALUC on November 18, 2021, three candidate housing sites located within the "Costa Mesa Island" were presented as part of the Housing Element Update site inventory, along with the proposed number of residential units for each site, and applicable Community Noise Equivalent Level (CNEL) noise contours under the AELUP (see Attachment 4):

1. 20382 Newport Boulevard, Santa Ana (Santa Ana County Club, Assessor Parcel Number (APN): 119-200-11). The Draft Housing Element Update assumed 37 potential units located outside of JWA's 65 CNEL Noise Contour.
2. 20491 Santa Ana Avenue, Santa Ana (Santa Ana Country Club, APN 119-201-21). The Draft Housing Element Update assumed 398 potential units located outside of JWA's 65 CNEL Noise Contour.
3. 2651 Irvine Avenue, Costa Mesa (Back Bay Commercial Center, APN 439-101-40). The Draft Housing Element Update assumed 245 potential units located outside of JWA's 65 CNEL Noise Contour.

Modification of Housing Element Response to ALUC Determination

Based on the comments received from ALUC on November 18, 2021, OC Public Works proposes modifying the Draft Housing Element Update, which would be presented in our next draft to the State Department of Housing and Community Development (State HCD), as follows:

1. **Remove** the sites located at 20382 Newport Boulevard and 2651 Irvine Avenue from the Sixth Cycle Draft Housing Element Update; and
2. **Modify** the site previously proposed to ALUC located at 20491 Santa Ana Avenue (APN 119-201-21) to incorporate only a portion (the parking lot) of the Santa Ana Country Club zoned C2 General Business with a Housing Opportunities Overlay (H) (Subject Site) (see Attachment 5).

Subject Site Identified and Deemed Consistent with the AELUP by ALUC in Fifth Cycle Housing Element Update: The Subject Site (Santa Ana Country Club parking lot) is currently located at 20491 Santa Ana Avenue (APN 119-201-21) (previously referred to as 20242 Newport Boulevard in the County's Fifth Cycle Housing Element, see Attachment 6). On October 17, 2013, ALUC voted to make a conditional finding that the Fifth Cycle Housing Element, which included a proposal for housing on the Subject Site, was consistent with the AELUP (see Attachment 7). The Subject Site was included in the land inventory within the Housing Element, identified with a C2 General Business with a Housing Opportunities Overlay (H) and expected to generate 362 units, with a density of 25 units per acre. As a condition of the finding of consistency, ALUC requested language be added to the General Plan Land Use Element Amendment (GPA 12-01) related to "Airport Land Use Plans." This language was added to the proposed GPA 12-01, which was adopted by the Board of Supervisors on December 10, 2013 (see Attachment 8).

Subject Site Currently Zoned for Housing Development: The Subject Site (Santa Ana Country Club parking lot) is currently zoned as C2 General Business with a Housing Opportunities Overlay (H), which allows for commercial, industrial, public/semi-public, transportation/communication, utilities and select residential uses in accordance with State law, or affordable housing developments subject to the Housing Opportunities Overlay Zone's regulations.

The County's Housing Opportunities Overlay Zone regulations were adopted by the Board of Supervisors on January 10, 2006, and amended on December 9, 2008, and October 8, 2013. The intent of the Overlay is to facilitate the development of affordable housing within commercial, industrial, and select high-density residential districts adjacent to arterial highways in unincorporated Orange County.

County's RHNA Allocation: Given the County's RHNA allocation of 10,406 units for this upcoming Sixth Cycle Housing Element, which is a substantial 97% increase from the 5,272 units from the Fifth Cycle Housing Element, the County's strategy is to amend the Housing Opportunities Overlay Zone to allow for a density of 65 units per acre to meet the County's very-low and low-income RHNA allocation. Depending on whether the County meets the deadline for adoption of the Housing Element, the County will have either one or three years to effectuate this change in the Zoning Code. Specifically, **rezoning is required within three years** in most circumstances except "for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with state law within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning ... shall be completed no later than **one year** from the statutory deadline." (Gov't Code, § 65583.2 (c).)

Government Code section 65588 states that the Housing Element should be adopted by October 15, 2021, but the Code grants a 120-day extension that the County has taken advantage of, through February 15, 2022. While we are aiming to have the Board of Supervisors adopt the Housing Element Update by February 15, 2022, there is a chance that we may not meet that deadline given the need to revise the Housing Element as proposed herein. **Any future Zoning Code Amendments will be submitted to ALUC for review and determination of consistency, including this amendment to the Housing Opportunities Overlay Zone.**

County Will Honor Existing ALUC Review Process: The JWA AELUP sets forth that projects within the JWA Planning Area, including, but not limited to, General Plan Amendments, Zoning Code Amendments, and discretionary projects must be reviewed by ALUC.

Existing AELUP Regulations:

1. 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 A-weighted decibels (dBA) CNEL Noise Contour and notes that conventional construction methods are used, and no special noise reduction requirements are required (see Attachment 9).
2. In accordance with the County of Orange's Housing Element, State law and County policy prohibit residential development and similar noise sensitive uses in high-noise (+65 CNEL) areas near JWA (see Attachment 10).

3. Per John Wayne Airport's AELUP, areas within the Traffic Pattern Zone allow residential uses (see Attachment 11).

The Subject Site is located within a portion of the CNEL Noise Contour of 60 A-weighted decibels (dBA) and Traffic Pattern Zone (see Attachment 12). **Based on the regulations provided above, the Subject Site being identified for residential use in the Sixth Cycle Draft Housing Element Update is “normally consistent” with the AELUP noise regulations. Thus, identifying the Subject Site for potential residential use in the Housing Element Update is consistent with the AELUP, as found previously by ALUC in 2013.**

RHNA Allocation for Housing Element Update: Under Housing Element Law, the County is required to identify and analyze specific sites that are available and suitable for residential development to accommodate the County's Regional Housing Needs Assessment (RHNA) allocation. Properties included within the site inventory are intended to meet the County's RHNA allocation. 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.

Modification of Housing Element Proposal Regarding Subject Site:

Development Project for the Subject Site will Be Conditioned to Require ALUC Review and Noticing: OC Public Works proposes to condition any residential development application for the Subject Site as follows: (1) require the submission of the development application to ALUC for review and a determination of consistency, and (2) require that the developer of the Subject Site conduct noticing in a manner consistent with the requirements set forth in the Business & Professions Code 11010(b)(13). Thus, notification will be posted on site with the following statement: *This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.*

Safety, Noise and Height Restrictions will be Considered: In addition, any residential development application for the Subject Site will be required to comply with the County's development review process and standards, which may include the preparation of technical studies to address noise and safety, along with all applicable federal, state, and regional/local regulatory requirements, such as consistency with the AELUP.

There are no proposed changes to building height requirements in the Sixth Cycle Draft Housing Element Update, and the building height limit for the Subject Site within the H “Housing Opportunities” Overlay District remains at 35 feet (see Attachment 13).

Deleting all three sites (as identified on page 1) within the Costa Mesa Island from the initial proposal would result in the removal of 680 potential future housing units from the County's site inventory as submitted to State HCD, and consequently lead to a deficiency of 522 units in the very-low and low-income categories and the inability to attain Housing Element certification from State HCD. Thus, to meet the County's RHNA allocation for very-low and low-income units, OC Public Works is proposing to include a portion of the Subject Site located at 20491 Santa Ana Avenue (parking lot) in the Sixth Cycle Draft Housing Element Update site inventory. The Subject Site is expected to yield 942 very-low and low-income units, assuming a proposed density of 65 units per acre.

Since OC Public Works has not yet received comments from State HCD on the County's Sixth Cycle Draft Housing Element (see Attachment 14), and such feedback could result in further cuts to our proposed site inventory if State HCD believes the candidate sites are not viable and able to be built during the eight-year planning period, the County could still be faced with not having identified enough sites to meet the County's RHNA allocation.

Repercussions for an out of compliance Housing Element may include the County having limited access to State and/or Federal funding and an increase in the potential for lawsuits. Thus, it is in the County's best interest to avoid such risks and instead focus on the benefits of regulatory compliance so that there is a presumption of a legally adequate Housing Element in court, and to maintain eligibility of State housing funds and other select grants.

OC Public Works thanks the Airport Land Use Commission for its consideration of the modified proposal with the John Wayne Airport AELUP. Please contact me at (714) 667-9649 or via email at Laree.Alonso@ocpw.ocgov.com, Ruby Maldonado at (714) 667-8855 or via email at Ruby.Maldonado@ocpw.ocgov.com, and/or Joanna Chang at (714) 667-8815 or via email at Joanna.Chang@ocpw.ocgov.com if there are any questions.

Sincerely,

Laree Alonso
Laree Alonso
Interim Planning Division Manager
OC Development Services

CC: Julie Fitch, Land Use Manager, John Wayne Airport
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
Ruby Maldonado, Contract Senior Planner, OC Development Services
Nick Chen, AICP, Project Manager, Kimley-Horn
Dana Privitt, AICP, Associate, Kimley-Horn

Attachments:

1. Staff Report to Airport Land Use Commission Meeting dated November 18, 2021
2. John Wayne Airport Determination Letter dated November 22, 2021
3. Housing Element Update Submittal Form and Checklist
4. Map of Sites within Initial Proposal for November 18, 2021 ALUC meeting
5. Map of Subject Site located at 20491 Santa Ana Avenue
6. Fifth Cycle Housing Element adopted December 10, 2013
7. Staff Report for Airport Land Use Commission Meeting dated October 17, 2013
8. Staff Report for Board of Supervisors Meeting dated December 10, 2013
9. Excerpt from John Wayne Airport Environs Land Use Plan (AELUP) related to Limitations on Land Use due to Noise
10. Housing Element Excerpt on Noise
11. Excerpt from John Wayne Airport Environs Land Use Plan (AELUP) on Traffic Pattern Zones
12. Maps of Subject Site within John Wayne Airport Planning Areas/Zones
13. Draft Housing Element Excerpt on Height Restrictions
14. Draft Sixth Cycle Housing Element Update Submission to State HCD dated October 28, 2021



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

HOUSING ELEMENT UPDATE - SUBMITTAL FORM

1. City/County: County of Orange
2. Contact information - Name/Title Laree Alonso, Interim Planning Division Manager
 Agency: OC Public Works/OC Development Services
 Address: 601 N Ross, Santa Ana, CA
 Phone/email: (714) 667-9649
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: Feb/March 2022
6. Tentative date of City Council Public Hearing: Feb 2022
7. Requested month of ALUC Review: December
(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.)

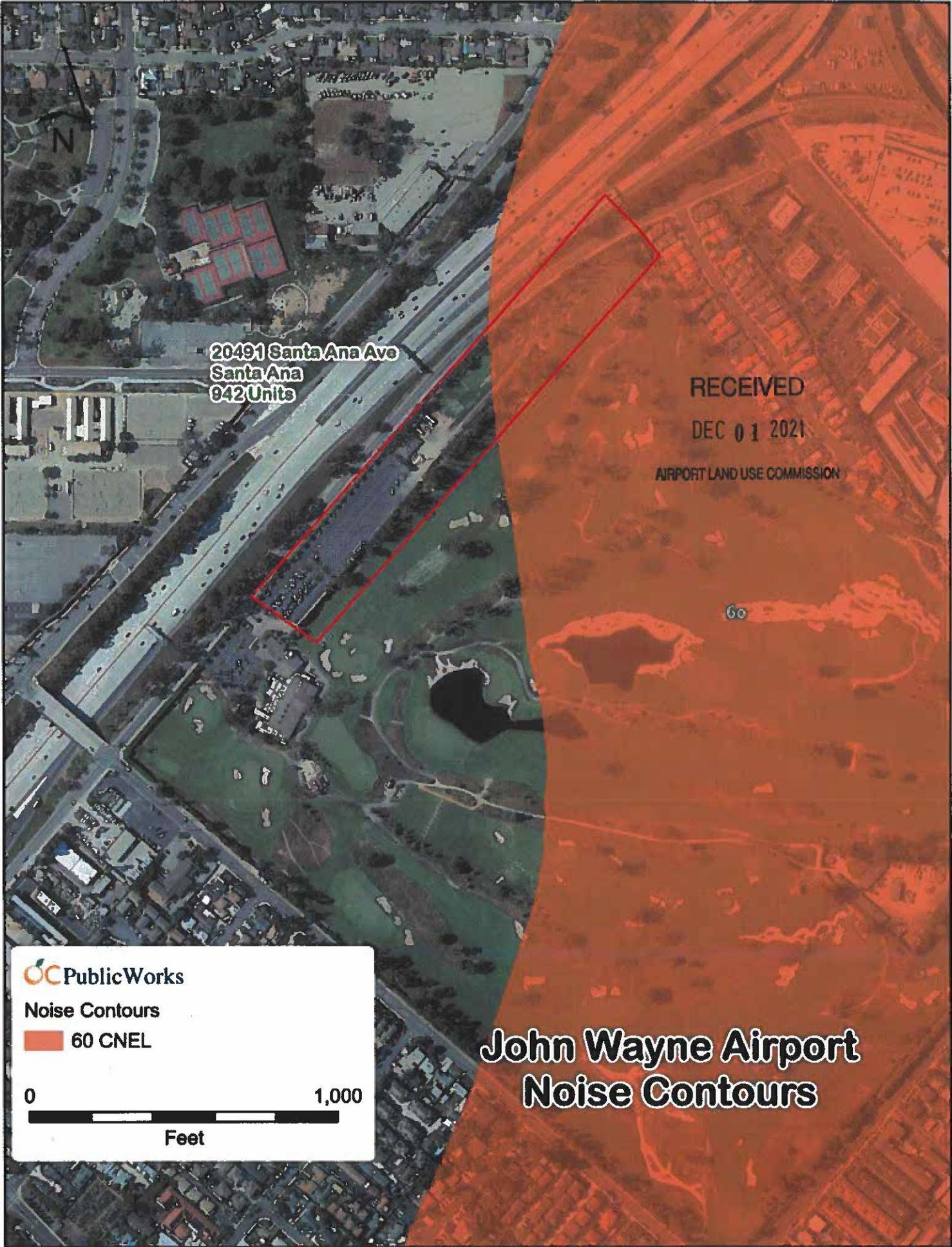
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 AIRPORT LAND USE COMMISSION

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*



20491 Santa Ana Ave
 Santa Ana
 942 Units

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Go

 PublicWorks

Noise Contours

 60 CNEL



John Wayne Airport Noise Contours