

# AIRPORT LAND USE COMMISSION

FOR ORANGE

COUNTY

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

# **AGENDA ITEM 2**

March 17, 2022

TO:

Commissioners/Alternates

FROM:

Lea U. Choum, Executive Officer

SUBJECT:

City of Costa Mesa Request for Consideration of 2021-2029 6th Cycle Housing

Element Update

# Background

The City of Costa Mesa ("City") has submitted its Housing Element Update ("Update") for the 2021–2029 planning period, California Government Code, Section 65588, requires that local governments review and revise the Housing Element of their comprehensive General Plans no less than once every eight years. Before the 6th Cycle Housing Element Update for the 2021–2029 planning period, Costa Mesa's Housing Element was last updated in January 2014 for the 5th Cycle (2013–2021). The 5th Cycle Housing Element Update was not referred to the ALUC for a consistency review.

The California Government Code requires that a Housing Element be included in a city's General Plan as one of seven mandatory elements that express the community's values, goals, and vision for the future. The Housing Element identifies and analyzes the City's existing and projected housing needs and contains a detailed outline and work program of the City's goals, policies, quantified objectives, and programs for the preservation, improvement, and development of housing for a sustainable future.

The Housing Element Update-is required to identify potential candidate housing sites by income category to meet the Regional Housing Needs Assessment (RHNA) allocation. The sites identified within the Update represent the City's ability to plan for housing at the designated income levels within the 2021-2029 planning period. The development capacity for each site depends largely on its location within the City, a specific plan or urban plan area, and known development factors.

The Southern California Association of Governments (SCAG) has determined the City's RHNA share of affordable housing needs for the Orange County region and quantified Costa Mesa's local share by income category. The City's 2021-2029 RHNA total housing needs allocation is 11,760 units, including, 2,919 for very low income, 1,794 low income, 2,088 moderate income and 4,959 above moderate-income households. The City's Update includes the identification of specific candidate housing sites for the purposes of meeting the site inventory requirements of the California Department of Housing and Community Development (HCD). The proposed Update exceeds the RHNA allocation and could accommodate approximately 17,531 additional units, including

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accessory dwelling units (Costa Mesa Housing Element 6th Cycle - 2021-2029 (https://www.costamesaca.gov/home/showpublisheddocument/6602/636490563866670000), Page 3-92). The proposed Update identifies 99 potential future candidate housing sites on 352 acres. Attachment 1 shows the location of the sites in relation to the Airport Environs Land Use Plan (AELUP) Notification Area for John Wayne Airport ("JWA" or "Airport").

The Housing Element Update requires a General Plan Amendment. No other entitlements, such as zone changes or specific development projects are proposed as a part of this effort. Future zoning actions to implement specific programs in the Update will be required in the future, including increased densities to accommodate the RHNA allocation, but no changes to existing height limitations are expected. The City will submit any required implementation proposals occurring as a result of the Update to ALUC as required.

The City of Costa Mesa completed its scheduled public hearings on the proposed Housing Element Update as follows:

December 13, 2021

**Planning Commission** 

February 1, 2022

City Council (Approved by a vote of 6-1)

# AELUP for JWA Issues

The table below provides a summary of the candidate housing sites within the JWA Notification area. Attachment 2 provides additional details for those sites including the City's General Plan land use designation, zoning, existing residential densities, future maximum densities and height limitations, as provided by the City.

Overlay Description	Candidate Housing Site of Concern	Notes
JWA Noise Impact Zones	142, 206, 207, and 178	Four candidate housing sites are within the 60 CNEL. No sites are within the 65 CNEL.
JWA Safety Zone Reference Map	142, 206, 207, 144, 202, 190, 176, 178, 179, 208, 180, 188, 189, 190, 191, 193	Several sites are within the Safety Zone 6 – Traffic Pattern Zone. However, safety zone 6 does allow for residential uses.
AELUP Notification Area	All sites <b>EXCEPT</b> 100,75,76,77,78,79	AELUP notification area covers a majority of the City. All candidate housing sites except the following sites mentioned are within the notification area.
JWA Obstruction Imaginary Surfaces	142, 146, 147, 139, 145, 202, 144, 197, 188, 208, 179, 181, 193, 182, 183, 184, 191, 187, 177, 185, 186, 190, 176, 189, 178, 180, 43, 41, 42, 44, 40, 45, 38, 54, 53, 137, 138, 206, 207,39,141, 205, 140, 201	BUILDING HEIGHT RESTRICTIONS – For JWA, the Commission, by reference, has adopted Part 77, Objects Affecting Navigable Airspace, of the Federal Aviation Regulations as a guideline to describe the ultimate height of structures under the imaginary surfaces as defined in FAR Part 77.

The City has identified the following five "Focus Areas" where the candidate housing sites would be located:

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- Focus Area 1: North Costa Mesa and Home Ranch
- Focus Area 2: North Costa Mesa, North Costa Mesa Sakioka Lot 2 (SL-2), and SoBECA
  - Focus Area 3: Harbor Mixed-Use and Fairview Developmental
- Focus Area 4: SoBECA
  - Focus Area 5: Harbor Mixed-Use and 19 West

Attachment 3 includes exhibits showing Focus Areas 1 - 5. These exhibits can be referenced for the following discussion.

# Regarding Aircraft Noise Impacts:

The City's Update identifies four candidate housing sites within the 60 dB CNEL contour (sites 142, 206 and 207 in Focus Area 2 and a portion of site 178 in Focus Area 4), and no new sites within the 65 dB CNEL contour. Per Section 3.2.4 of the AELUP for JWA, Noise Impact Zone 2, Moderate Noise Impact (60 dB CNEL or greater and less than 65 dB CNEL), states that "although the Commission would not find residential units incompatible in this area, the Commission strongly recommends that residential units be limited or excluded from this area unless sufficiently sound attenuated. The residential use interior sound attenuation requirement shall be a CNEL value not exceeding an interior level of 45 dB." The City's General Plan Noise Element currently addresses noise in residential and mixed-use areas in Policies N-1.1, N-1.5, N-1.6, N-1.7, N-2.4 and N-2.6. Policy N-2.6 specifically states that, "The interior standard of 45 dBA CNEL shall be enforced for any new residential project."

# Regarding Height Restrictions:

Portions of the City are within the Federal Aviation Administration (FAA) Notification Area and the Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces for JWA. The five Focus Areas are subject to FAA height limits as determined by Part 77 of the FAA regulations and are discussed below.

# Focus Area 1: North Costa Mesa and North Costa Mesa - Home Ranch (HR)

The City has identified three candidate housing sites in Focus Area 1 that are within the conical surface for JWA (North Costa Mesa – HR sites 137, 138 and 198). According to the Update, allowable height limits for these areas are from 60 feet to 180 feet above ground level (AGL). Ground elevation at site 138, nearest to JWA is approximately 28 feet. Since the JWA transitional surface elevations above this focus area range from approximately 350 feet to over 400 feet AMSL, the building height elevations would be below these surfaces at a maximum of 208 feet.

Six candidate housing sites in the North Costa Mesa portion of Focus Area 1 (sites 131-134, 136 and 196) are located within the JWA Notification Area, but are not within the imaginary surfaces for JWA.

# Focus Area 2: North Costa Mesa, Sakioka Lot 2 (SL2)

All of the candidate housing sites in Focus Area 2 are located within the horizontal surface for JWA (elevation 206 feet AMSL). Three candidate housing sites (145-147) within the North

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Costa Mesa portion of Focus Area 2 have a maximum permitted building height of 85 feet AGL. The ground elevation at these sites is approximately 36 feet. Total building elevations would be approximately 121 feet AMSL and would not penetrate the JWA horizontal surface of 206 feet AMSL.

Sites 144, 206 and 207 within the North Costa Mesa portion of Focus Area 2, have a City maximum permitted height of 180 feet AGL. The ground elevation at site 144 is 29 feet, creating a total potential building height of 209 feet AMSL, and penetrating the 206 feet AMSL JWA horizontal surface by three feet. The ground elevation at sites 206 and 207 is 31 feet creating a total potential building height elevation of 211 feet AMSL. Therefore, proposed residential buildings at these two sites (206 and 207) would penetrate the JWA horizontal surface by five feet.

The remaining six candidate housing sites (139, 140, 141, 201, 202 and 205) located in the North Costa Mesa area of Focus Area 2 are part of the Cultural Arts Center¹ area and have existing height limitations of 315 feet AGL, and ground elevations ranging from 32 to 36 feet. Therefore, proposed residential buildings on these sites would penetrate the JWA 206 feet AMSL horizontal surface by 141 to 145 feet. Sites in this area were previously reviewed by ALUC in 2006 and 2007 for proposed residential uses. At that time, the FAA determined that the project was an obstruction by exceeding the standards of FAR Part 77, Subpart C, by (1) surpassing the 200 feet AGL threshold and (2) exceeding the horizontal surface for JWA, but determined it was not a hazard to air navigation. Although the FAA issued a Determination of No Hazard for the project, this did not automatically equate to an ALUC consistency determination, and the ALUC found the project to be inconsistent with the AELUP for JWA because it penetrated the JWA horizontal obstruction surface. The City took steps to overrule the ALUC in accordance with PUC Sections 21676 and 21676.5 prior to approving the projects.

The City's height limitations for Sakioka Lot 2 (site 142) within Focus Area 2 are listed in the City's ALUC submittal table as 60 feet to 180 feet AGL (see Attachment 2). However, the City notified ALUC staff that 180 feet AGL is in error and should be 120 feet AGL, based on action taken by the City in 2016 following ALUC review of this site. On May 19, 2016, the ALUC found the Sakioka site to be consistent with the AELUP for JWA with a maximum building height of 120 feet AGL. The ground elevation of this site at the nearest point to JWA is approximately 34 feet, creating a total maximum elevation of approximately 154 feet AMSL. No penetration of the JWA 206 feet AMSL horizontal surface would occur.

# Focus Area 3: Harbor Mixed Use and Fairview Developmental

According to the Housing Element Update, the height limit for Focus Area 3 is 60 feet/four stories. The Harbor Mixed-Use area includes nine sites (sites 39-45, 53 and 54) that are within a portion of the conical imaginary surface; however, the imaginary surface above these areas is over 350 feet AMSL. The nearest site to JWA (site 40) has a ground elevation of 65 feet.

<sup>&</sup>lt;sup>1</sup> This area is designated Cultural Arts Center (CAC) by the General Plan and has a zoning designation of Town Center (TC). The property is located in the North Costa Mesa Specific Plan and portions of the site are under a Development Agreement which will expire in August of 2023. The City's 6th Cycle analysis includes an assumption of 535 dwelling units.

Therefore, the maximum building height would be 125 feet AMSL, well below the conical imaginary surface in this area. The ground elevation at site 54 at its nearest point to JWA is 79 feet, creating a maximum allowable building height of 139 feet AMSL, also below the conical imaginary surface.

The conical imaginary surface above the Fairview Developmental area (site 38) is over 400 feet AMSL and the majority of this site is outside the limits of the conical surface for JWA. The City's maximum height for this site is four stories (60 feet). Building height elevations would not penetrate the JWA conical imaginary surface.

# Focus Area 4: SoBECA

All of the 18 candidate housing sites in Focus Area 4 (sites 176-191, 193, and 208) are located within the horizontal surface of (elevation 206 feet AMSL) for JWA. The City's permitted height for this area is 60 feet AGL, and the ground elevation at the nearest site to JWA (site 178) is 40 feet; therefore, a maximum total height of 100 feet AMSL would not penetrate the JWA horizontal surface.

# Focus Area 5: Harbor Mixed-Use and 19 West

The Harbor Mixed-Use area has two sites (sites 53 and 54) within JWA conical imaginary surface that were addressed in the Focus Area 3 discussion above. The remaining Harbor Mixed Use sites are within the JWA Notification Area, but not under an imaginary surface.

Six sites (sites 19-24) in the 19 West area of Focus Area 5 are within the JWA transitional surface. The ground elevation at the nearest site to JWA (site 24) is approximately 85 feet and the City's maximum permitted building height is 60 feet AGL, creating a maximum building height elevation of 145 feet AMSL. The transitional surface above site locations in the 19 West area are at elevations above 1050 feet AMSL and would not be penetrated.

In all development areas within the City, future specific development proposals that include the construction or alteration of structures more than 200 feet above ground level require filing with the FAA and ALUC notification. Projects meeting this threshold must comply with procedures provided by Federal and State law, with the referral requirements of ALUC, and with all conditions of approval imposed or recommended by FAA and ALUC including filing a Notice of Proposed Construction or Alteration (FAA Form 7460-1).

# Regarding Flight Tracks and Safety Zones

One candidate housing site in Focus Area 2 (Sakioka Lot 2, site 142) is within the Safety Zone 6 Traffic Pattern Short Zone. In Focus Area 4, there are ten sites within Outer Safety Zone 6 (sites 176-180, 188-191 and 208). The California Airport Land Use Planning Handbook states that residential uses are allowed in Safety Zone 6, but that noise and overflight should be considered. See Attachment 4 to view the candidate housing sites in relation to the Safety Zones for JWA.

The JWA Noise Office provided flight track exhibits for the City of Costa Mesa on various days for typical approach/departure. As shown on the exhibits, flight track elevations over the City's focus areas are at altitudes generally above 500 feet. (See Attachment 5).

# Regarding Heliports:

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No heliports are proposed as part of the Update; therefore, consistency with the AELUP for Heliports was not evaluated. Proposals for new heliports must be submitted through the City to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5, and must comply with the State permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics.

# **Environmental Compliance:**

Section

A Negative Declaration (ND) was prepared for the proposed Housing Element Update. The ND was circulated for public review from October 29, 2021, to November 29, 2021. ALUC staff provided comments on the ND on November 29, 2021 (See Attachment 6).

# Other Considerations:

Specific housing developments are not proposed at this time, but future discretionary development would be required to undergo environmental and/or development review on a project-by-project basis. Other elements of the City's General Plan may require amendments to accommodate the proposed new residential uses. Any element amendments that the City may propose in the future would require submittal to ALUC for consistency determinations.

Additionally, since the Costa Mesa City Council took action on the Housing Element Update on February 1, 2022, prior to the ALUC taking action, in accordance with PUC Section 21676.5(a), the Commission may wish to consider requiring the City to submit all subsequent City actions, regulations, and permits within JWA's airport influence area to the ALUC for review, until the City's general plan is revised or specific overrule findings are made. See Attachment 7 to view the comment letter from ALUC to the Costa Mesa City Council discouraging Council action on the Housing Element Update prior to ALUC consistency review.

# Conclusion

Attachment 8 to this report contains excerpts from the submittal package received from the City of Costa Mesa for your reference. The Housing Element Update and supporting documents are also available on the City's website at <a href="https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update">https://www.costamesaca.gov/city-hall/city-departments/development-services/planning/housing-element-update</a>.

ALUC staff has reviewed the 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 inclusion of candidate housing sites in close proximity to the Airport, specifically those sites in Focus Area 2 that would penetrate the 206 feet AMSL horizontal obstruction surface for JWA. (North Costa Mesa sites 144, 206 and 207, and Cultural Arts Center sites 139, 140, 141, 201, 202 and 205)

# Recommendation:

That the Commission find the proposed City of Costa Mesa Housing Element Update for the 2021–2029 6th Cycle inconsistent with the AELUP for JWA per:

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via Turk Michael /

- 1. Section 2.1.3, which states that a "Determination of No Hazard to Air Navigation [by FAA] does not automatically equate to a Consistency determination by the ALUC. The FAA may also conclude that a project is an Obstruction but not a Hazard to Air Navigation. The Commission may find a project Inconsistent based on an Obstruction determination. The Commission may utilize criteria for protecting aircraft traffic patterns at individual airports which may differ from those contained in FAR Part 77, should evidence of health, welfare, or air safety surface sufficient to justify such an action."
- 2. 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."

Additionally, the following recommendation related to future City actions is proposed:

3. In accordance with PUC Section 21676.5.(a), that the Commission require the City to submit all subsequent City actions, regulations, and permits within JWA's airport influence area to the Commission for review until the City's general plan is revised or specific overrule findings are made.

Respectfully submitted,

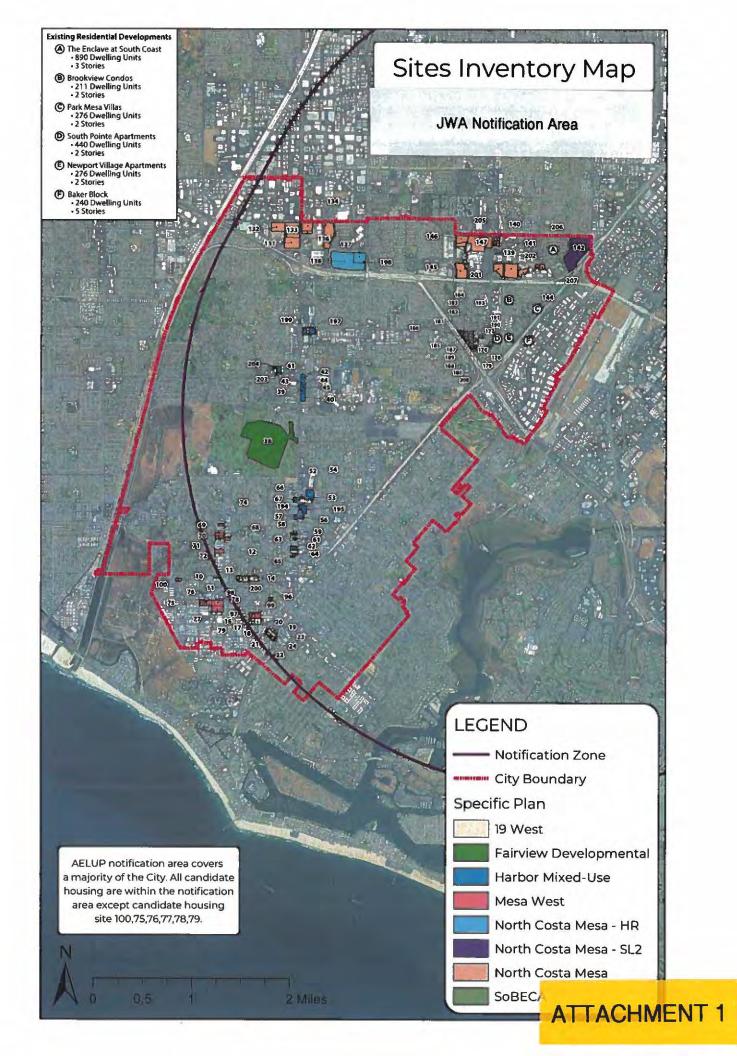
Lea U. Choum Executive Officer

# Attachments:

- 1. Notification Area with Candidate Housing Sites
- 2. Table of Candidate Housing Sites within JWA Noise, Safety and Imaginary Surfaces
- 3. Focus Areas 1 5 Candidate Housing Sites

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- 4. Safety Zones with Candidate Housing Sites
- 5. Flight Tracks over Costa Mesa
- 6. ALUC Comment Letter to City of Costa Mesa Regarding Negative Declaration
- 7. ALUC Comment Letter to Costa Mesa City Council
- 8. City of Costa Mesa Letter and Submittal Form



# **ATTACHMENT 2**

# Costa Mesa 2021-2029 Housing Element Sites within JWA Noise Contours, Safety Zones, and Imaginary Surfaces

JWA Noise Impact Zones (60 CNEL contour)

Site	APN	Address	GP	Zoning	Specific Plan	Acres	Ех. Сар.	HEU	Permitted Height
142	410-441-17	14850 Sunflower Ave	ucc	PDC	North Costa Mesa	30.9	660	1,200	North - 60' (approx. 4 stories) South 180' (approx. 12 stories)
178	418-163-05	2064 Bristol St	G	C1	Sobeca	1.5	-	88	4 stories/60'
206	410-501-25	545 Anton Blvd	UCC	PDC	North Costa Mesa	0.7		66	180' per table 6B (sites within Sub-Area 2)
207	410-501-36	N/A	ucc	PDC	North Costa Mesa	1.8		164	180' per table 6B (sites within Sub-Area 2)

JWA Safety Zone 6

Site	APN	Address	GP	Zoning	Specific Plan	Acres	Ex. Cap.	HEU	Permitted Height
142	410-441-17	14850 Sunflower Ave	UCC	PDC	North Costa Mesa	30.9	660	1,200	North - 60' (approx.4 stories) South - 180' (approx. 12 stories)
144	410-501-31	N/A	ucc	PDC	North Costa Mesa	4.0	•	305	180' per table 6B (sites within Sub-Area 4)
176	418-161-06	2957 Randolph Ave	LI	MG	SoBECA	0.7		43	4 stories/60'
178	418-163-05	2064 Bristol St	G	C1	SoBECA	1.5	100	88	4 stories/60'
179	418-171-02	752 Saint Clair St	G	C2	SoBECA	0.3		15	4 stories/60'
180	418-191-04	766 Saint Clair St	G	C2	SoBECA	0.7	harrier (	40	4 stories/60'
188	418-202-10	2942 Century Pl	LI	MG	SoBECA	0.9		52	4 stories/60'
189	418-202-11	2952 Century Pl	LI	MG	Sobeca	0.9		54	4 stories/60'
190	418-202-12	2972 Century PI	LI	MG	SoBECA	0.9		56	4 stories/60'
190	418-202-12	2972 Century Pl	LI	MG	Sobeca	0.9		56	4 stories/60'
191	418-202-13	2972 Century Pl	LI	MG	SoBECA	0.9		54	4 stories/60'
193	418-202-14	765 Baker St	G	C2	SoBECA	0.7		40	4 stories/60'
202	410-491-07	601 Anton Blvd	CAC	TC	North Costa Mesa	12.1	180	349	315' for Pac Arts Sub Area 1 - though no directed at Pac Arts site
206	410-501-25	545 Anton Blvd	ucc	PDC	North Costa Mesa	0.7		66	180' per table 6B (sites within Sub-Area 2)
207	410-501-36	N/A	UCC	PDC	North Costa Mesa	1.8	-	164	180' per table 6B (sites within Sub-Area 2)
208	418-171-01	754 Saint Clair St	G	C2	Sobeca	0.3		15	4 stories/60'

# Costa Mesa 2021-2029 Housing Element Sites within JWA Noise Contours, Safety Zones, and Imaginary Surfaces

**JWA Obstruction Imaginary Surfaces** 

Site	APN	Address	GP	Zoning	Specific Plan	Acres	Ex. Cap.	HEU	Permitted Height
38	420-012-16	2476 Mark St	MUC	I&R-MLT	Harbor Mixed-Use	108.9		2,300	4 Stories
39	141-361-06	2700 Harbor Blvd	G	C1	Harbor Mixed-Use	0.7		34	4 Stories
40	141-361-11	2666 Harbor Blvd	G	C1	Harbor Mixed-Use	2.4		120	4 Stories
41	141-361-21	2790 Harbor Blvd	G	C1	Harbor Mixed-Use	0.8		37	4 Stories
42	141-361-22	2750 Harbor Blvd	G	C1	Harbor Mixed-Use	1.7		85	4 Stories
43	141-361-23	2730 Harbor Blvd	G	C1	Harbor Mixed-Use	0.7		33	4 Stories
44	141-361-27	2710 Harbor Blvd	G	C1	Harbor Mixed-Use	0.7		33	4 Stories
45	141-361-28	2706 Harbor Blvd	G	C1	Harbor Mixed-Use	1.0		48	4 Stories
53	419-031-09	2200 Harbor Blvd	G	C1-S	Harbor Mixed-Use	1.2		58	4 Stories
54	419-031-12	2200 Harbor Blvd	G	C1-S	Harbor Mixed-Use	3.2		158	4 Stories
137	140-041-82	3315 Fairview Rd	CC	PDC	North Costa Mesa	7.6		443	2 stories (36') to four stories (60')
138	140-041-93	1201 South Coast Dr	сс	PDC	North Costa Mesa	30.3		1,772	180' per table 6B (sites within Sub-Area 2)
139	410-051-48	3400 Bristol St	CAC	TC	North Costa Mesa	0.5		47	Area 4 - South Coast Plaza Town Center: 315' above grade level
140	410-051-51	685 Sunflower Ave	CAC	TC	North Costa Mesa	0.9		78	Area 4 - South Coast Plaza Town Center: 315' above grade level
141	410-051-52	3410 Bristol St	CAC	TC	North Costa Mesa	1.4		121	Area 4 - South Coast Plaza Town Center: 315' above grade level
142	410-441-17	14850 Sunflower Ave	UCC	PDC	North Costa Mesa	30.9	660	1,200	North - 60' (approx. 4 stories). South 180' (approx. 12 stories).
144	410-501-31	N/A	UCC	PDC	North Costa Mesa	4.0		305	180' per table 6B (sites within Sub-Area 4)
145	412-491-07	3333 Bristol St	RC	PDC	North Costa Mesa	6.4		575	Area 3 - South Coast Plaza, Max height: 4 stories/85'
146	412-491-11	N/A	RC	PDC	North Costa Mesa	5,4		483	Area 3 - South Coast Plaza, Max height: 4 stories/85'
147	412-501-06	3333 Bristol St	RC	PDC	North Costa Mesa	10.0		900	Area 3 - South Coast Plaza, Max height: 4 stories/85'
176	418-161-06	2957 Randolph Ave	u	MG	SoBECA	0.7		43	4 stories/60'
177	418-162-02	2968 Randolph Ave	LI	MG	SoBECA	0.7		43	4 stories/60'

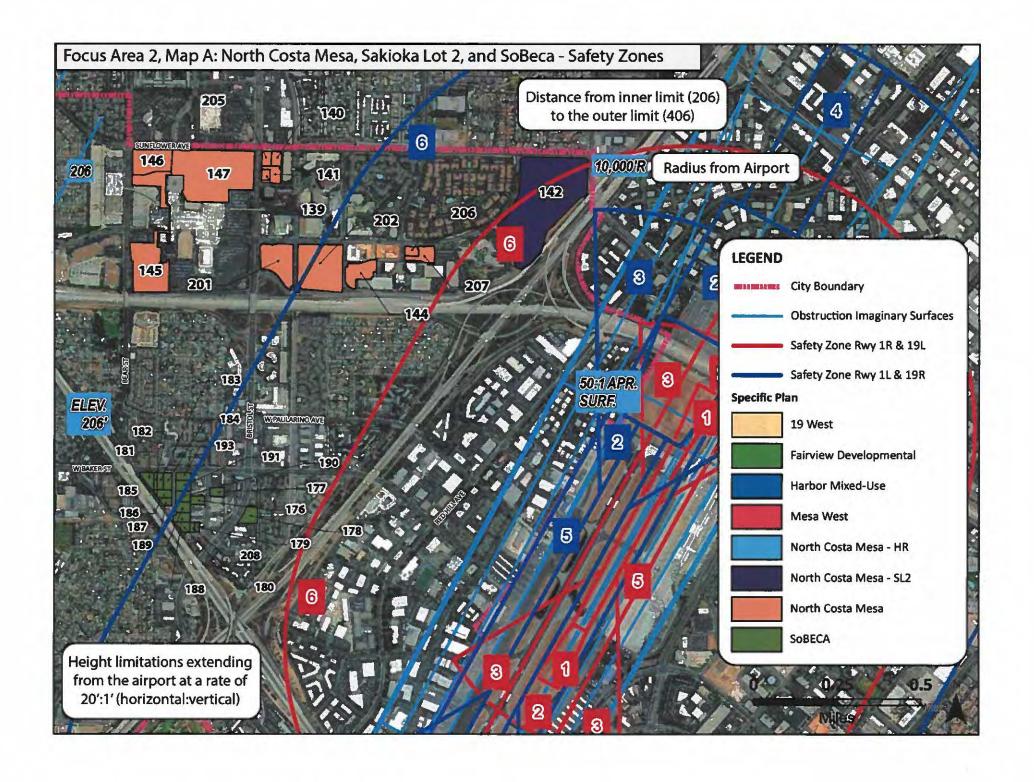
# Costa Mesa 2021-2029 Housing Element Sites within JWA Noise Contours, Safety Zones, and Imaginary Surfaces

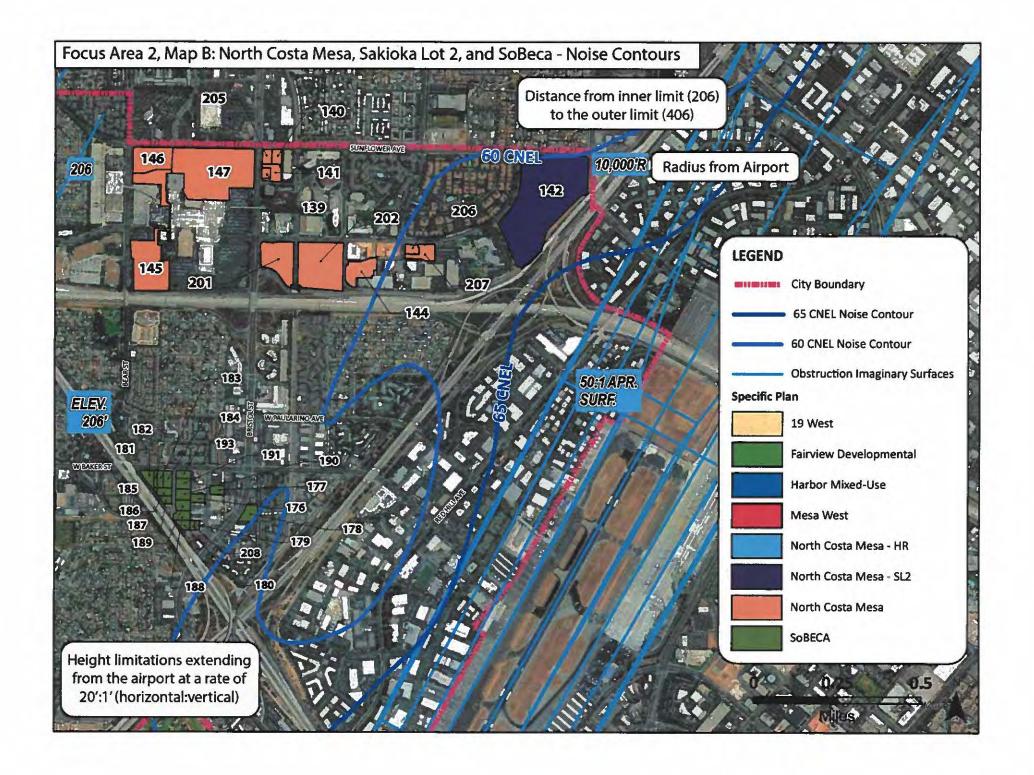
**JWA Obstruction Imaginary Surfaces - Continued** 

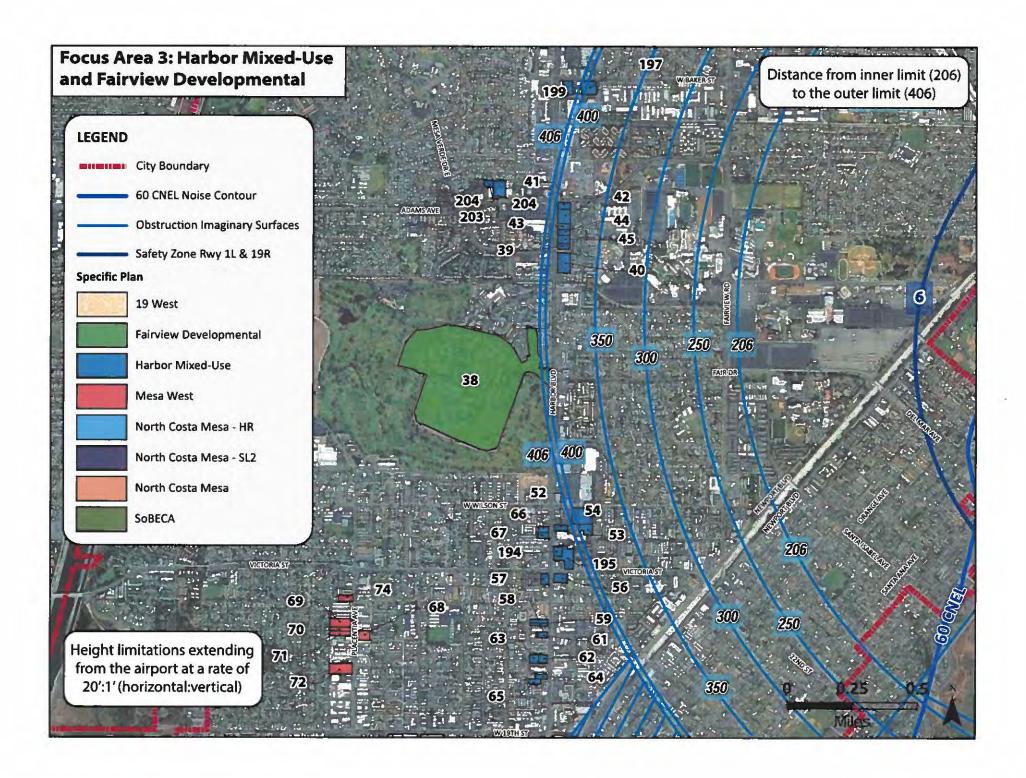
Site	APN	Address	GP	Zoning	Specific Plan	Acres	Ex. Cap.	HEU	Permitted Height
178	418-163-05	2064 Bristol St	G	C1	SoBECA	1.5	more City	88	4 stories/60'
179	418-171-02	752 Saint Clair St	G	C2	Sobeca	0.3		15	4 stories/60'
180	418-191-04	766 Saint Clair St	G	C2	SoBECA	0.7		40	4 stories/60'
181	418-202-01	845 Baker St	G	C1	SoBECA	0.9		52	4 stories/60'
182	418-202-02	841 Baker St	G	C1	SoBECA	0.3		19	4 stories/60'
183	418-202-03	841 Baker St	G	C1	SoBECA	0.6		35	4 stories/60'
184	418-202-04	801 Baker St	G	C1	SoBECA	0.9		51	4 stories/60'
185	418-202-05	2969 Century Pl	ш	C1	Sobeca	0.1		5	4 stories/60'
186	418-202-06	2969 Century Pl	u	MG	SoBECA	0.7		40	4 stories/60'
187	418-202-07	2959 Century Pl	LI	MG	Sobeca	0.5		30	4 stories/60'
188	418-202-10	2942 Century Pl	Ш	MG	Sobeca	0.9		52	4 stories/60'
189	418-202-11	2952 Century Pl	LI	MG	Sobeca	0.9		54	4 stories/60'
190	418-202-12	2972 Century Pl	LI	MG	SoBECA	0.9	1	56	4 stories/60'
191	418-202-13	2972 Century Pl	LI	MG	Sobeca	0.9		54	4 stories/60'
193	418-202-14	765 Baker St	G	C2	SoBECA	0.7		40	4 stories/60'
197	418-101-05	1425 Baker St	G	C1	Harbor Mixed-Use	1.9		114	4 Stories
201	410-481-05	3201 Park Center Dr	CAC	TC	North Costa Mesa	6.3	180	186	315' for Pac Arts Sub Area 1
202	410-491-07	601 Anton Blvd	CAC	TC	North Costa Mesa	12.1	180	349	315' for Pac Arts Sub Area 1
205	410-051-46	3420 Bristol St	CAC	TC	North Costa Mesa	0.8		70	Area 4 - South Coast Plaza Town
206	410-501-25	545 Anton Blvd	UCC	PDC	North Costa Mesa	0.7	-	66	180' per table 6B (sites within Sub-Area 2)
207	410-501-36	N/A	UCC	PDC	North Costa Mesa	1.8	*	164	180' per table 6B (sites within Sub-Area 2)
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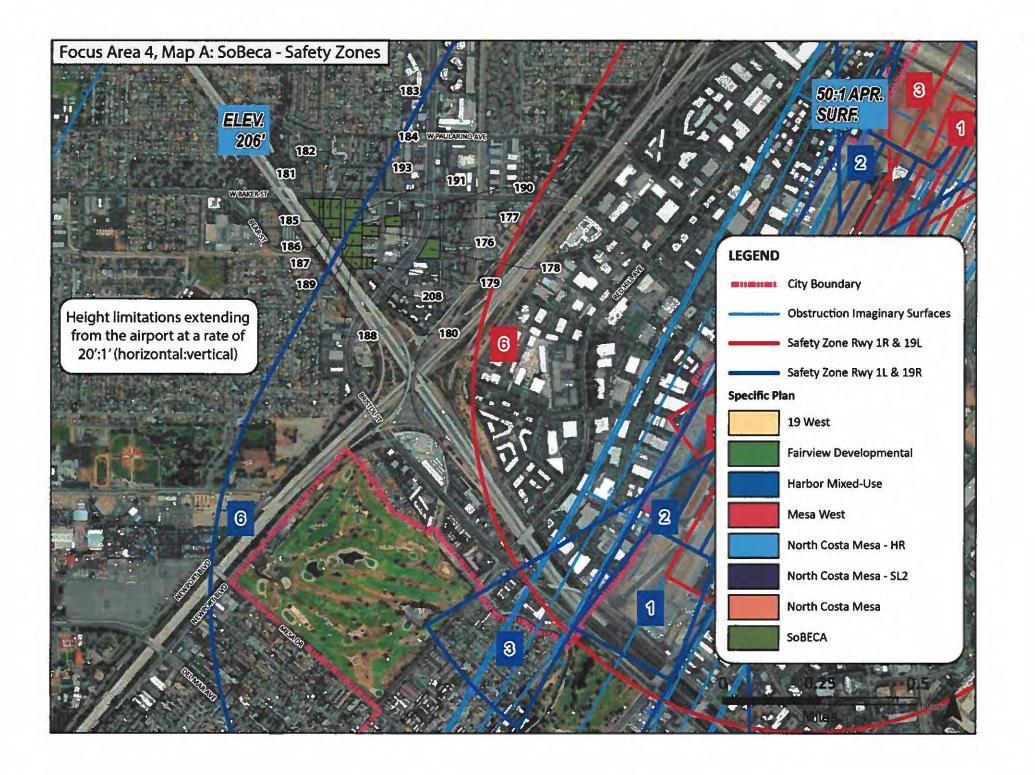
General Plan Designation: CAC (Cultural Arts Center); CC (Commercial Center); G (General Commercial); Li (Light Industry); MG (General Industrial); MUC (Multi-Use Center); RC (Regional Commercial); UCC (Urban Center Commercial)

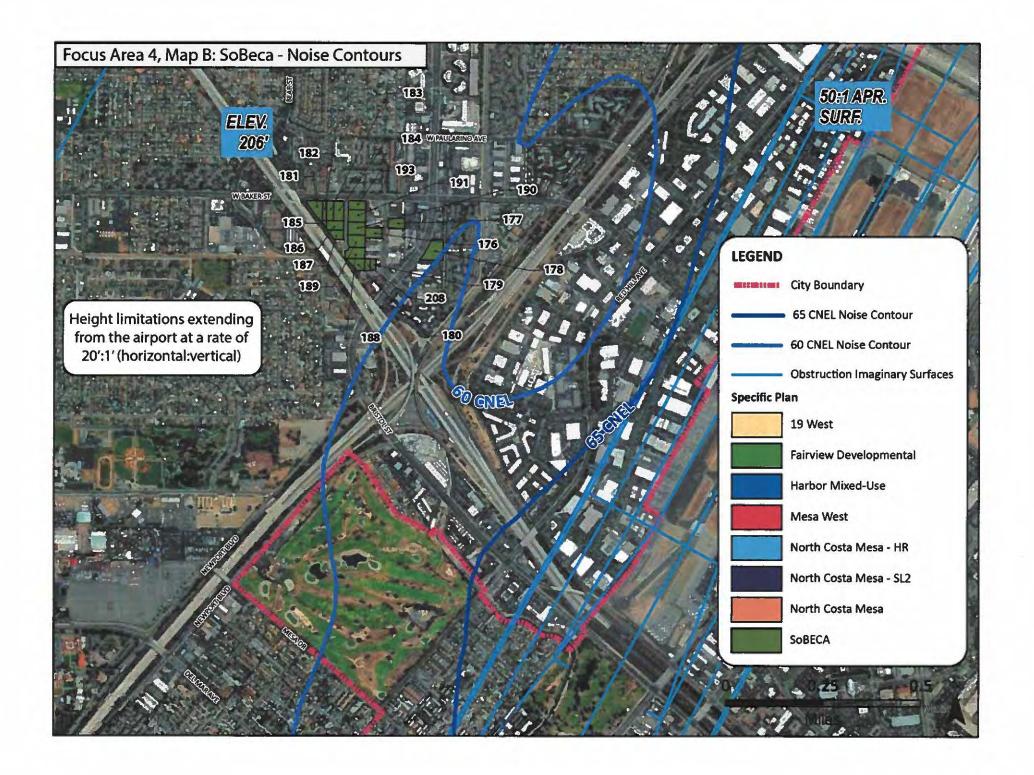
**Zoning:** C1 (Local Business District); C1-S (Shopping Center District); C2 (General Business District); CAC (Cultural Arts Center); I&R-MLT (Institutional and Recreational District - Multi Use); MG (General Industrial); PDC (Planned Development Commercial); TC (Town Center)

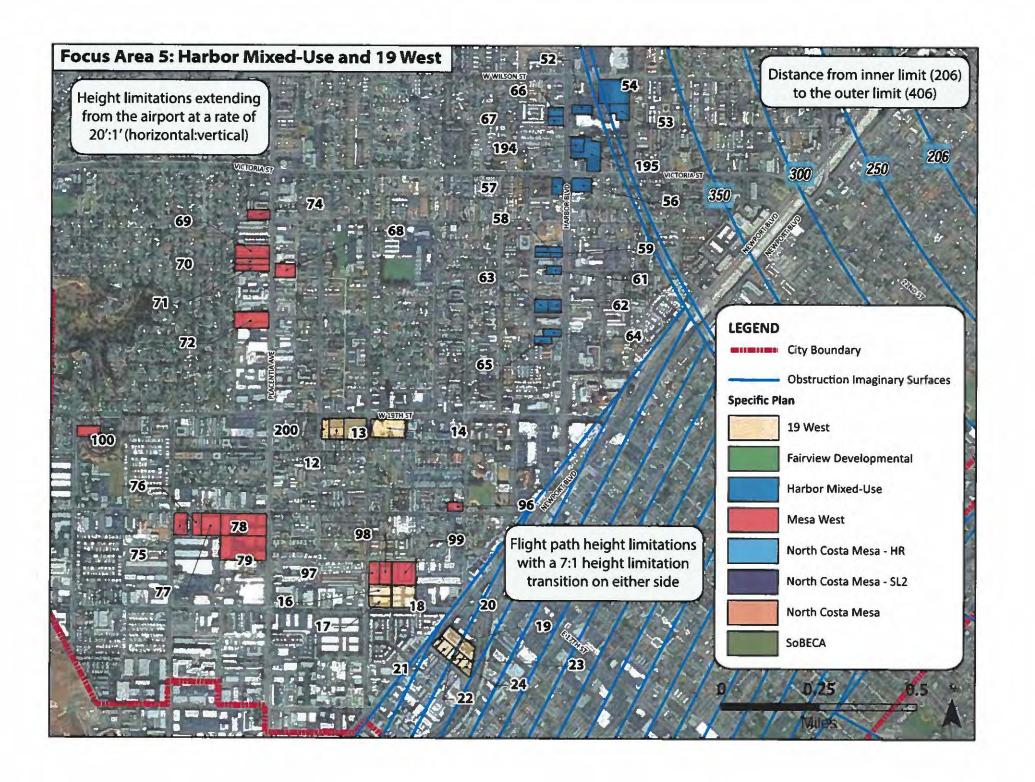


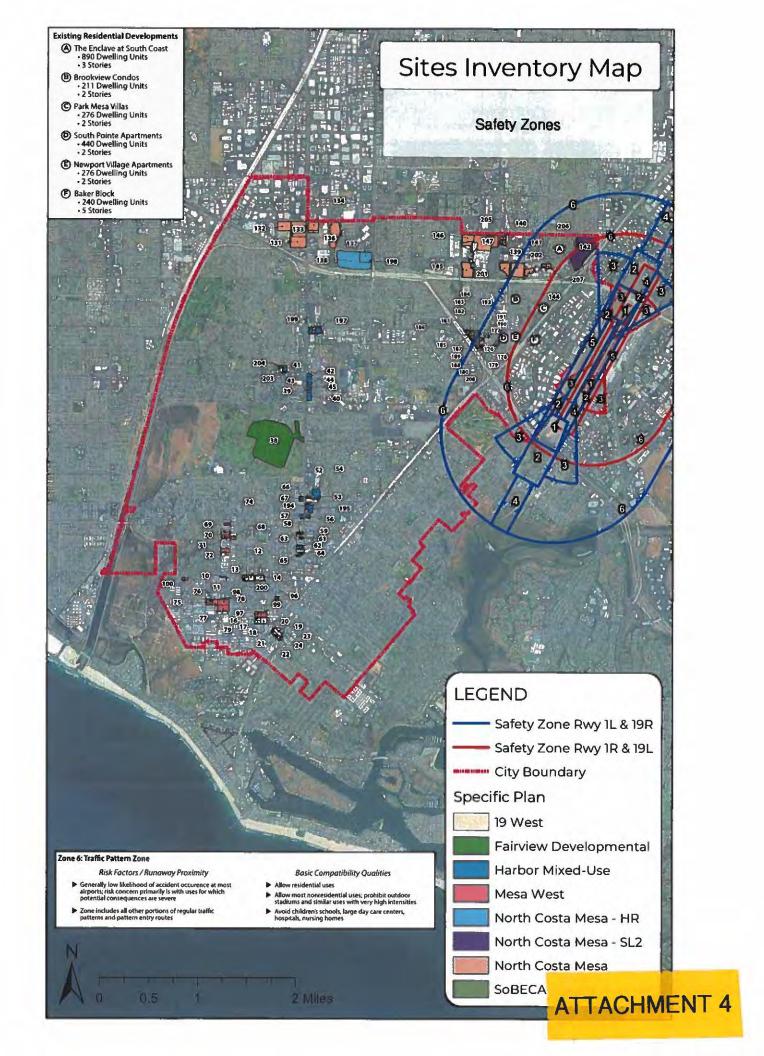




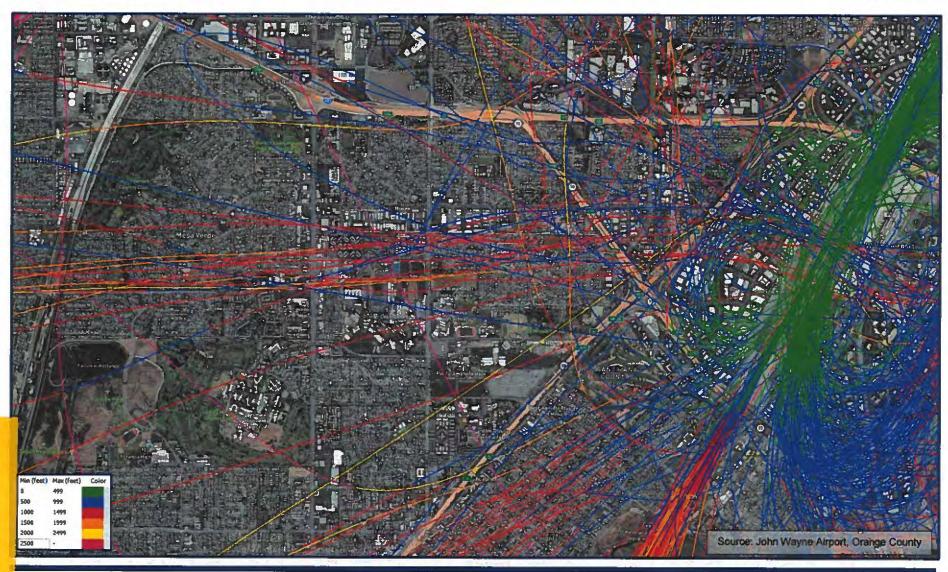




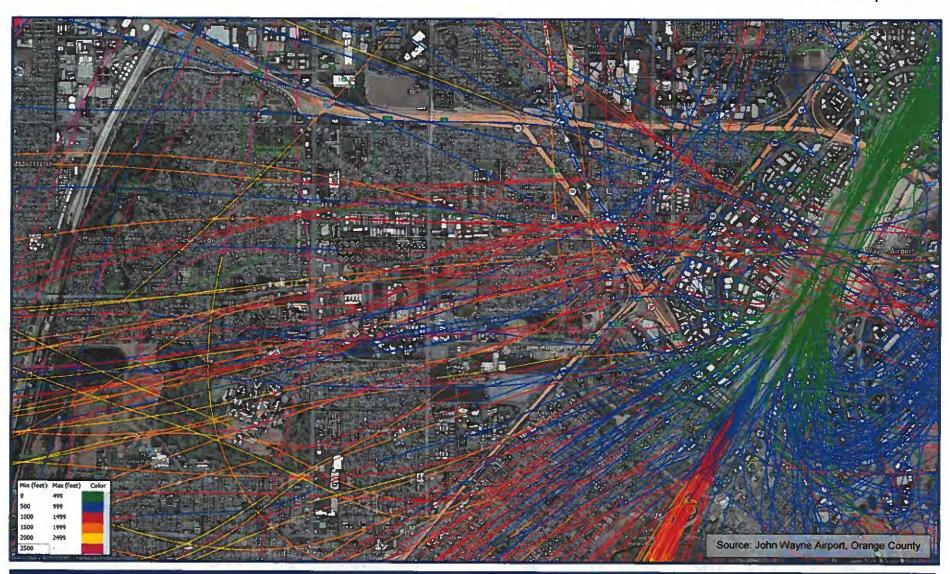




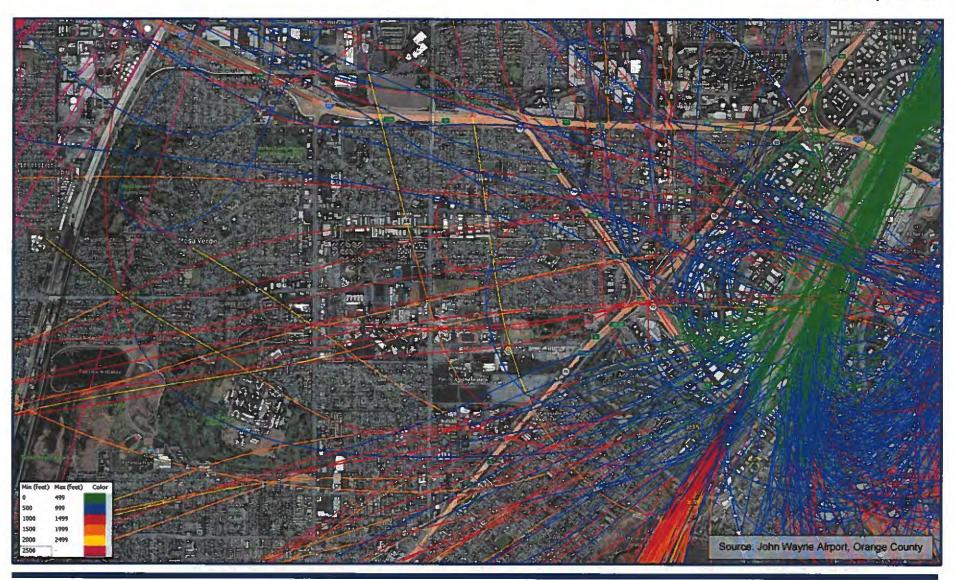
Costa Mesa Altitude Analysis Thursday, January 24, 2019 689 Operations



Costa Mesa Altitude Analysis Saturday, June 22, 2019 550 Operations



Costa Mesa Altitude Analysis Thursday, October 17, 2019 788 Operations





# AIRPORT LAND USE COMMISSION

FOR ORANGE

COUNTY

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

November 29, 2021

Attn: Development Services, Planning Division c/o Justin Arios, Associate Planner 77 Fair Drive Costa Mesa, CA 92626

Subject: NOI to Adopt Negative Declaration (ND) for Costa Mesa Housing Element Update (2021-2029)

Dear Mr. Arios:

Thank you for the opportunity to review the City of Costa Mesa Initial Study to adopt a Negative Declaration for the proposed Housing Element Update in relation to the Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA). The City of Costa Mesa is located within the Federal Aviation Administration (FAA) Federal Aviation Regulation Part 77 Notification Area (also known as the airport planning area). In addition, parts of the City are located within the noise contours, the safety zones and the Obstruction Imaginary Surfaces for JWA.

The Draft Housing Element includes a site Inventory assessment, which identifies sites that can achieve the City's assigned 2021 Regional Housing Needs Assessment (RHNA) for the 2021-2029 planning period. The Draft Housing Element identifies 99 parcels within a variety of zones, specific plan areas, urban plans, and overlays. The proposed site inventory includes new residential sites within the Notification Area, which requires submittal to the Airport Land Use Commission for a consistency review.

The Draft Housing Element proposes new residential sites within the conical and horizontal obstruction imaginary surfaces for JWA. The ND should discuss the maximum building heights allowed for these areas. With respect to building height restrictions, development proposals which include the construction or alteration of structures more than 200 feet above ground level require filing with the Federal Aviation Administration (FAA) and ALUC notification. Projects meeting this threshold must comply with procedures provided by Federal and State law, with the referral requirements of ALUC, and with all conditions of approval imposed or recommended by FAA and ALUC including filing a Notice of Proposed Construction or Alteration (FAA Form 7460-1). Depending on the maximum building heights that will be allowed per the proposed Housing Element Update, the City may wish to incorporate a mitigation and condition of

approval specifying the 200 feet height threshold within the ND and proposed Housing Element.

It appears that a number of the sites are located within the 60 dB CNEL contour for JWA. Per the AELUP for JWA, it is strongly recommended that residential units be limited or excluded from this area unless the sound attenuation provided is sufficient to ensure that interior noise levels do not exceed 45 dBA. The ND should also discuss if any of the proposed residential opportunity sites fall within the Safety Zones for JWA. Appendix D of the AELUP for JWA contains the JWA Safety Zone Map for your reference.

A referral by the City to the ALUC is required for this project due to the location of the proposed housing sites within AELUP Planning Area for JWA and due to the nature of the required City approvals (i.e. Housing Element Update/General Plan Amendment) under PUC Section 21676(b). Please note that the Commission requests that referrals be submitted to the ALUC for a determination between the Local Agency's Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, complete submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendizing. The Housing Element Submittal form can be found at:

https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/

Thank you for the opportunity to comment on this initial study. Please contact Julie Fitch at (949) 252-5170 or <a href="mailto:irithank">irithank</a> you have any questions.

Sincerely,

Lea Choum

**Executive Officer** 



# AIRPORT LAND USE COMMISSION

FOR ORANGE

COUNTY

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

February 1, 2022

City Council Members City of Costa Mesa 77 Fair Drive Costa Mesa, CA 92626

Subject: Public Hearing Item #1 - Gity of Costa Mesa 2021-2029 (SIXTH

CYCLE) Housing Element (GP-21-01)

City Council Members:

Public Hearing Item #1 on your February 1, 2022 City Council Meeting Agenda states that the Council shall "adopt a Resolution that approves and adopts the Initial Study/Mitigated Negative Declaration (IS/MND) including the Mitigation Monitoring and Reporting Program, and approve General Plan Amendment 21-01 for the City of Costa Mesa 2021-2029 (Sixth Cycle) Housing Element update."

On December 23, 2021, the proposed Housing Element Update was referred to the Airport Land Use Commission (ALUC) for Orange County for a consistency determination at its January 20, 2022 meeting. After reviewing the submittal and discussing the proposed sites with Community Development staff, we received a letter from Community Development Director Jennifer Le requesting to withdraw the Housing Element Update submittal and remove the item from the ALUC agenda (see attached letter). On Friday, January 28th, we received notice that the Housing Element would be on today's agenda with a staffirecommendation of approval by City Council.

Please note that housing sites proposed in the Housing Element Update fall within the Planning/Notification Area for John Wayne Airport, and therefore require ALUC review. Pursuant to California Public Utilities Code (PUC) Section 21676(b):

"Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission for a consistency review. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local

ALUC Comments on Public Hearing #1 February 1, 2022 Page 2

> agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670."

As such, in accordance with state law, the City's proposed General Plan Amendment/Housing Element Update must be reviewed by ALUC prior to approval by City Council. Otherwise, the intent of the PUC will be overlooked and the City would be in violation of PUC 21676.

Also, please keep in mind that to overrule ALUC's findings, the City must provide 45 days' notice of an intent to overrule ALUC's findings and must allow ALUC thirty (30) days to provide advisory comments before a hearing to overrule is conducted. Failing to do so would be a violation of PUC Sections 21676 and 21676.5.

Thank you for your consideration on this matter. Should you need additional information, please contact me at 949-252-5123 or Ichoum@ocair.com.

Sincerely,

Lea U. Choum

Da U. Chom

Executive Officer, ALUC for Orange County

cc: Members of the ALUC for Orange County
Jennifer Le, Community Development Director



# CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT / PLANNING DIVISION

March 2, 2022

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

MAR 0 2 2022

AIRPORT LAND USE COMMISSION

RE: City of Costa Mesa Proposed 2021-2029 (Sixth Cycle) Housing Element (GP-21-01)

Dear Ms. Choum,

Pursuant to the Public Utilities Code Section 21676, the City of Costa Mesa hereby submits the Housing Element Update Submittal Form and Checklist for the City of Costa Mesa's proposed 2021-2029 (Sixth Cycle) Housing Element (GP-21-01) to ALUC for consideration (provided as an attachment). The City appreciates ALUC's staff previous efforts in meeting with City staff to discuss potential concerns with the draft Housing Element and working toward potential solutions to alleviate these concerns with the goal of being found consistent with the John Wayne Airport AELUP.

# **Project Description**

On January 21, 2014 the City of Costa Mesa adopted its Fifth Cycle Housing Element, which covers the 2013-2021 planning period (through June 30, 2021). The adopted Housing Element was submitted to the State Department of Housing and Community Development (HCD) for review and certification, and on November 22, 2013, the City of Costa Mesa's Housing Element was certified by HCD. An electronic version of the current Housing Element can be found in the link below:

https://www.costamesaca.gov/home/showpublisheddocument/6602/636490563866670000

California Government Code Section 65588 requires that local governments review and revise the Housing Element not less than once every eight years and therefore the City is now in the process of updating the Housing Element for the required 6<sup>th</sup> Cycle. The proposed General Plan Housing Element Update (HEU) is a City-wide housing policy plan, which addresses the City's identified housing needs and includes goals, policies, and programs concerning housing and housing-related services, as well as the City's approach to addressing its share of the regional housing need for the 2021-2029 6th Cycle planning period. The proposed plan identifies 99 potential future candidate housing sites on 352 acres. The HEU would require a General Plan Amendment. No other entitlements, such as zone changes or specific development

projects are proposed as a part of this effort. Zoning actions to implement specific programs in the HEU will be required in the future, including increased densities to accommodate the RHNA allocation, but no changes to existing height limitations are anticipated. The City will submit any required implementation efforts of the Housing Element to ALUC as required.

### **Project Impacts**

The Housing Element serves as a planning document, which provides potential sites that are appropriately zoned to meet the City's RHNA allocation at all income levels. The intent of the Housing Element is to demonstrate how housing needs may be addressed through plans, programs and projects. Although the document identifies potential candidate sites for residential development, market conditions dictate whether development comes to fruition. If/when a developer proposes an application on one of the candidate housing sites, additional environmental analysis for factors, such as noise and safety would be conducted at that time, and, as needed, projects would be brought to the attention of the Airport Land Use Commission.

For your review, a table matrix (attached) has been created to detail each "affected" candidate housing site and show related data pertaining to the General Plan Land Use Element, Zoning, existing residential densities, future maximum densities and height limitations. The table below further provides a summary of the "affected" candidate housing sites. Additionally, "Focus Exhibits" were created to show certain areas of candidate housing sites that fall within AELUP contour layers. These include the following, provided as an attachment to this submittal:

- 1. Focus Area 1: North Costa Mesa and Home Ranch
- 2. Focus Area 2: North Costa Mesa, Sakioka Lot 2, and SoBeca
- 3. Focus Area 3: Harbor Mixed-Use and Fairview Developmental
- 4. Focus Area 4: SoBeca
- 5. Focus Area 5: Harbor Mixed-Use and 19 West

Overlay Description	Candidate Housing Site of Concern	Notes
JWA Impact Zones	142, 206, 207, and 178	Four candidate housing sites are within the 60 CNEL. No sites are within the 65 CNEL.
JWA Safety Zone Reference Map	142, 206, 207, 144, 202, 190, 176, 178, 179, 208, 180, 188, 189, 190, 191, 193	Several sites are within the Safety Zone 6 – Traffic Pattern Zone. However, safety zone 6 does allow for residential uses.
AELUP Notification Area	All sites <b>EXCEPT</b> 100,75,76,77,78,79	AELUP notification area covers a majority of the City. All candidate housing sites except the following sites mentioned are within the notification area.
JWA Obstruction Imaginary Surfaces	142, 146, 147, 139, 145, 202, 144, 197, 188, 208, 179, 181, 193, 182, 183, 184, 191, 187, 177, 185, 186, 190, 176, 189, 178, 180, 43, 41, 42, 44, 40, 45, 38, 54, 53, 137, 138, 206, 207,39,141, 205, 140, 201	BUILDING HEIGHT RESTRICTIONS – For JWA, the Commission, by reference, has adopted Part 77, Objects Affecting Navigable Airspace, of the Federal Aviation Regulations as a guideline to describe the ultimate height of structures under the imaginary surfaces as defined in FAR Part 77.

Also for your reference, the links below provide electronic versions of documents requested with the submittal:

# Existing Housing Element (adopted January 21, 2014)

https://www.costamesaca.gov/home/showpublisheddocument/6602/636490563866670000

# Existing Noise Element Policies (pgs. N23-N26)

https://www.costamesaca.gov/home/showpublisheddocument/34700/636740022572130000

# Existing Safety Element Policies (pg. S-29)

https://www.costamesaca.gov/home/showpublisheddocument/34702/636740022576330000

# Proposed Housing Element (approved by City Council)

- 1. Cover
- 2. Chapter 1 Introduction
- 3. Chapter 2 Community Profile
- 4. Chapter 3 Housing Constraints, Resources, and Affirmatively Furthering Fair Housing
- 5. Chapter 4 Housing Plan
- 6. Appendix A Review of Past Performance
- 7. Appendix B Candidate Sites Analysis Overview
- 8. Appendix C Summary of Community Engagement
- 9. Appendix D Glossary of Housing Terms

### **CEQA Determination**

An initial study/mitigated negative declaration (IS/MND) has been prepared for the Housing Element Update for CEQA compliance. The IS/MND was circulated for the required 30-day public review period from October 29, 2021 to November 29, 2021. The IS/MND was completed in accordance with the Lead Agency's Guidelines implementing the California Environmental Quality Act. The IS/MND found that the environmental effects from the project would be less than significant with the incorporation of conditions of approval, compliance with the Code requirements, and the mitigation measures included in the IS/MND. Mitigation Measures are required in the areas of Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources. Potential candidate housing sites identified in the Draft Housing Element update are not located or included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5.

The City of Costa Mesa 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.

Sincerely,

# Scott Drapkin

Scott Drapkin
Assistant Director of Development Services Department
City of Costa Mesa
scott.drapkin@costameasaca.gov

### Attachments:

- 1. ALUC Housing Element Update Submittal Form
- 2. Table of "affected" candidate housing sites
- 3. "Focus Exhibits" for candidate housing sites
- 4. Map of candidate housing sites (Notification/Planning Area)
- 5. Map of candidate housing sites (Noise Contour)
- 6. Costa Mesa General Plan Noise Element Goals, Objectives, and Policies
- 7. Map of candidate housing sites (Safety Zone)
- 8. Map of candidate housing sites (Obstruction Imaginary Surfaces)
- 9. Costa Mesa General Plan excerpt of Safety Element Goals, Objectives, and Policies



# **AIRPORT LAND USE COMMISSION**

FOR ORANGE COUNTY

# **HOUSING ELEMENT UPDATE - SUBMITTAL FORM**

1.	City/County: City of Costa Mesa
2.	Contact information - Name/Title Justin Arios, Associate Planner Agency: City of Costa Mesa, Development Services Department Address: 77 Fair Drive Phone/email: 714-754-5667; justin.arios@costamesaca.gov
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: Click or tap here to enter text.
5.	Scheduled date of Planning Commission Public Hearing: 12/13/2021
6.	Tentative date of City Council Public Hearing: 2/1/2022
7.	Requested month of ALUC Review: March (Complete submittal must be received by the first day of the month)
8.	Does the Housing Element Update identify <u>new</u> housing sites within the airport Notification/Planning Area*? ☐ No (skip items # 9-12). ☒ Yes (continue below).
9.	Does the Housing Element Update identify <u>new</u> 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 <u>new</u> 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 <u>new</u> 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.  See attachment with Safety Element Policies (Please provide link and identify section(s) of General Plan and/or Zoning Code where housing maximum height is specified.)

HOUSING ELEMENT UPDATE - SUBMITTAL CHECKLIST
Cover letter on City/County letterhead.
Completed Submittal Form.
Copy of existing Housing Element (and any other applicable Elements).
Copy of proposed Housing Element Update attached (and any other proposed elements) with requested information highlighted.
Exhibit showing location(s) of proposed housing sites and number of units within the Notification Area/Planning Area for airport.
Exhibit showing location(s) of proposed housing sites, and how many units for each, in relation to noise contours for airport(s).
Noise policies/mitigation measures in Housing Element Update highlighted and/or pages from other elements attached.
Exhibit showing location(s) of proposed housing sites, and how many units for each, in relation to Airport Safety Zones.
Exhibit showing location(s) of proposed housing sites, and how many units for each, in relation to the Obstruction Imaginary Surfaces.
Pages of General Plan and/or Zoning Code which indicate height restrictions for each new housing site within Airport Notification/Planning Area.
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

<sup>\*</sup>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: <a href="https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/">https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/</a>