



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

AGENDA ITEM 3

July 20, 2023

TO: Commissioners/Alternates

FROM: Lea U. Choum, Executive Officer

SUBJECT: City of Santa Ana Request for Consistency Determination of Related Bristol Specific Plan, DP No. 2022-31

Background

In October of 2020, the City of Santa Ana submitted a comprehensive General Plan update, including a Land Use Element for a consistency review. Your Commission found it inconsistent with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)* due to the location of new residential uses in the 55 Freeway and Dyer Road Focus Area and because of a proposed new height of 25 stories in the South Bristol Street Focus Area. The City overruled the Commission's determination on April 19, 2022, and is now proposing a Related Bristol Specific Plan for a 41-acre portion of the South Bristol Street Focus Area located on the west side of Bristol Street, between MacArthur Blvd. and Sunflower Avenue. (See Attachment 1).

The 41.1-acre site is approximately 1.5 miles northwest of John Wayne Airport and is developed with predominately retail and restaurant uses, with some medical office, financial, and fitness uses. The site includes three multi-story buildings and eleven one-story buildings. All parking is provided in surface parking areas located throughout the Project site. See Attachment 2 for the location within the JWA Notification Area.

The 2020 update to the Land Use Element changed the previous land use designation from General Commercial to District Center-High (DC-5) and allowed for buildings up to 25 stories in height. The proposed Specific Plan would replace the existing General Commercial (C2) and Regional Commercial (CR) zoning. The new mixed-use would allow for up to 3,750 multi-family residential units; up to 350,000 square feet of commercial uses; a hotel with up to 250 rooms; a senior living/continuum of care use with up to 200 units; and approximately 13.1 acres of parks, pedestrian paseos and common open space. See Attachment 3 for the proposed uses included in the Specific Plan.

The City of Santa Ana is proposing the following public meetings/hearings on the proposed Specific Plan:

October 9, 2023 Planning Commission Public Hearing
November 7, 2023 City Council Public Hearing

AE LUP for JWA

The proposed Specific Plan has been evaluated for conflicts with respect to aircraft noise, structure heights, flight tracks, safety zones and the development of heliports.

Regarding Aircraft Noise Impacts

A small portion of the City of Santa Ana is located within the 60 and 65 dBA CNEL noise contours for JWA, but the proposed project area is outside of the noise contours. (See Attachment 4). The Noise Element of the General Plan Update includes noise standards and recommends noise insulation for residential uses within the 60 dB CNEL contour.

Regarding Flight Tracks and Safety

Attachment 5 shows that the project is outside of the Safety Zones for JWA. Attachment 6 shows flight tracks over the City of Santa Ana on a typical weekday, on a reverse-flow weekday, and on a typical Saturday in January. The flight tracks are color-coded based on aircraft elevation.

Regarding Height Restrictions

As shown in Attachment 2, the proposed project area is within the Federal Aviation Administration (FAA) Notification Area, and also in the FAR Part 77 Obstruction Imaginary Surfaces for JWA (Attachment 7). The new land use designation for the proposed Specific Plan would allow for buildings with residential uses to be up to 25 stories or 285 feet in height, which would penetrate the Notification surface at 119 feet AMSL and exceed the 206 feet AMSL Horizontal Surface for JWA. The existing zoning for the project area is General Commercial (C2) and Regional Commercial (CR) which allow a maximum building height of 35 feet.

The Development Regulations in Section 4 of the Specific Plan states:

“The Project site is within the SNA FAR Part 77 Notification Imaginary Surface area, which requires notification to FAA for any project that would exceed a 100:1 slope of an imaginary surface extending outward for 20,000 feet from the nearest runway at SNA or would be more than 200 feet in height above the ground level. The proposed building uses would be a maximum of 25 stories high; the tallest point on the buildings would be 285-feet above the existing ground level. Because the proposed Project is subject to the City’s development review and permitting process, it would comply with the FAA’s notification requirement and is consistent with Policy S-4.1 and S-4.2”

Policies S-4.1 and S-4.2 are included in the City’s Safety Element adopted in April 2022. The policies are as follows:

“Policy S-4.1 Structures Above 200 Feet. *For development projects that include structures higher than 200 feet above existing grade, the City shall inform the Airport Land Use Commission (ALUC) and submit materials to the ALUC for review. Proposed projects that would exceed a height of 200 feet above existing grade shall be required to file Form 7460-1 with the Federal Aviation Administration.”*

“Policy S-4.2 Federal Aviation Regulation Part 77. *Do not approve buildings and structures that would penetrate Federal Aviation Regulation (FAR) Part 77 Imaginary Obstruction Surfaces, unless consistent with the California Public Utilities Code Section 21240, such building or structure is determined by FAA to pose “no hazard” to air aviation. Additionally, under this policy, applicants proposing buildings or structures that penetrate the 100:1 Notification Surface will be required to file a Form 7460-1 Notice of Proposed Construction or Alteration with FAA and provide a copy of the FAA determination to the City and the ALUC.”*

In Section 2.1.3 of the *AELUP for JWA*, the Commission has incorporated the standards for height limits for determining obstructions and has incorporated the definitions of “imaginary surfaces” for airports as defined in FAR Part 77. The “imaginary surfaces” are defined by means of elevations, heights and slopes in relation to individual airports, the spaces above which are reserved for air navigation.

The standards, criteria, and procedures promulgated by the FAA for the thorough evaluation of development projects are designed to ensure the safe and efficient use of the navigable airspace. Any object which rises above the height of surrounding development, or which is located in close proximity to any of the various flight paths, must be clearly visible during hours of twilight or darkness and must not threaten, endanger, or interfere with aeronautical operations.

With a ground elevation of 25 to 30 feet, a land use designation which would allow buildings up to 25 stories and/or 285 feet in height is inconsistent with the *AELUP for JWA* and with FAA requirements by allowing development to enter airspace reserved for air navigation.

AELUP for Heliports

No Heliports are included in the Specific Plan therefore, it has not been reviewed for consistency with the *AELUP for Heliports*.

Environmental Compliance

The City has determined that a Supplemental EIR to the City’s “General Plan Final Recirculated Program Environmental Impact Report” - State Clearinghouse No. 2020029087, is necessary.

ALUC staff provided comments on the Notice of Preparation for the Draft Supplemental EIR on April 17, 2023 (Attachment 8). Since then, a Draft Supplemental EIR that evaluates potential environmental effects associated with the proposed Related Bristol Specific Plan has been prepared but is not yet final. ALUC staff will provide comments prior to the August 21, 2023, deadline.

Conclusion

Attachment 9 to this report contains excerpts from the submittal packet received from the City of Santa Ana on June 30, 2023. The proposed Specific Plan is available on the City's website at <https://www.santa-ana.org>.

ALUC staff has reviewed the proposed Related Bristol Specific Plan with respect to compliance with the *AELUP for JWA*, including the review of appropriate height restrictions, imaginary surfaces, noise, flight tracks and safety. Based upon ALUC staff review, the proposed Related Bristol Specific Plan is inconsistent with the *AELUP for JWA* per Section 3.2.1 which states that "within the boundaries of the AELUP, any land use may be found to be inconsistent with the AELUP which... permits structures of excessive height in areas which would affect adversely the continued operation of the airport; or permits activities or facilities that would affect adversely aeronautical operations."

Recommendation:

That the Commission find the proposed Related Bristol Specific Plan DP No. 2022-31 inconsistent with the *AELUP for JWA* per Section 3.2.1. The proposed Related Bristol Specific Plan would allow buildings up to 25 stories and/or 285 feet which would penetrate the FAR Part 77 Horizontal Obstruction Imaginary Surface for JWA.

Respectfully submitted,



Lea U. Choum
Executive Officer

Attachments:

1. Related Bristol Specific Plan Location
2. JWA Planning Area/Notification Area
3. Proposed Uses
4. JWA Noise Contours
5. JWA Safety Zone Map
6. Flight Tracks
7. JWA Obstruction Imaginary Surfaces
8. ALUC Comment Letter for NOP Supplemental EIR
9. City of Santa Ana Submittal Letter and Form

residences, hotels, restaurants, a performing arts center and the Orange County Museum of Art. The Project site is also within the AELUP notification area for John Wayne Airport as shown in Figure 2.

Table 1 – Specific Plan Land Use Summary

Specific Plan Land Use Summary		
Land Use	Proposed Development	Existing Development
Residential	3,750 du	0
Senior Living/Continuum of Care	200 units	0
Hotel	250 keys	0
Commercial	350,000 gsf	465,063 sf
Open Space (Common)	13.1 acres	0

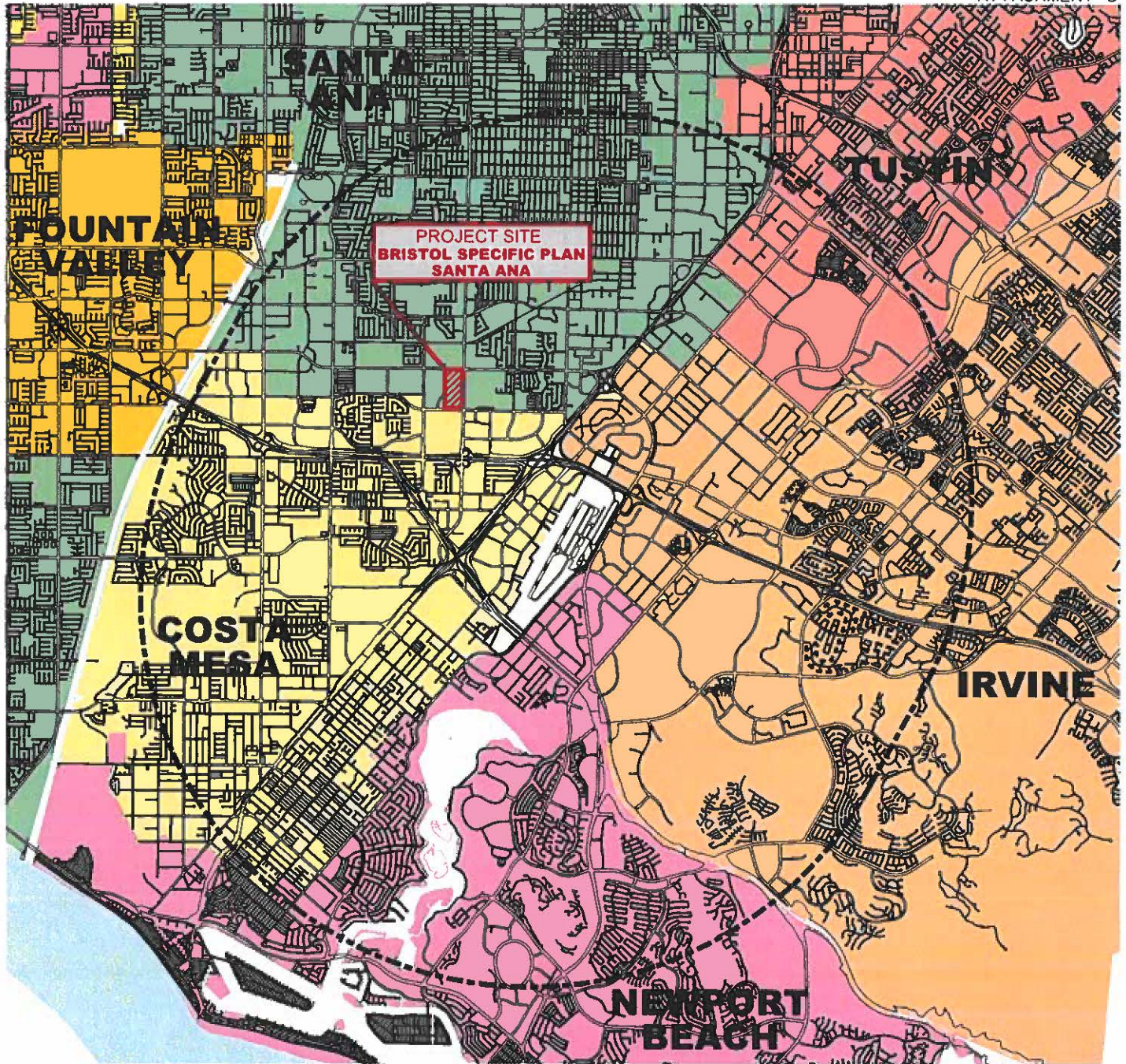
du = dwelling unit; gsf = gross square feet; sf = square feet

Figure 1 - Project Site



AELUP Notification Area for JWA

ATTACHMENT 3



Note: County Unincorporated areas are shown in white.

FAR PART 77

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

LEGEND

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



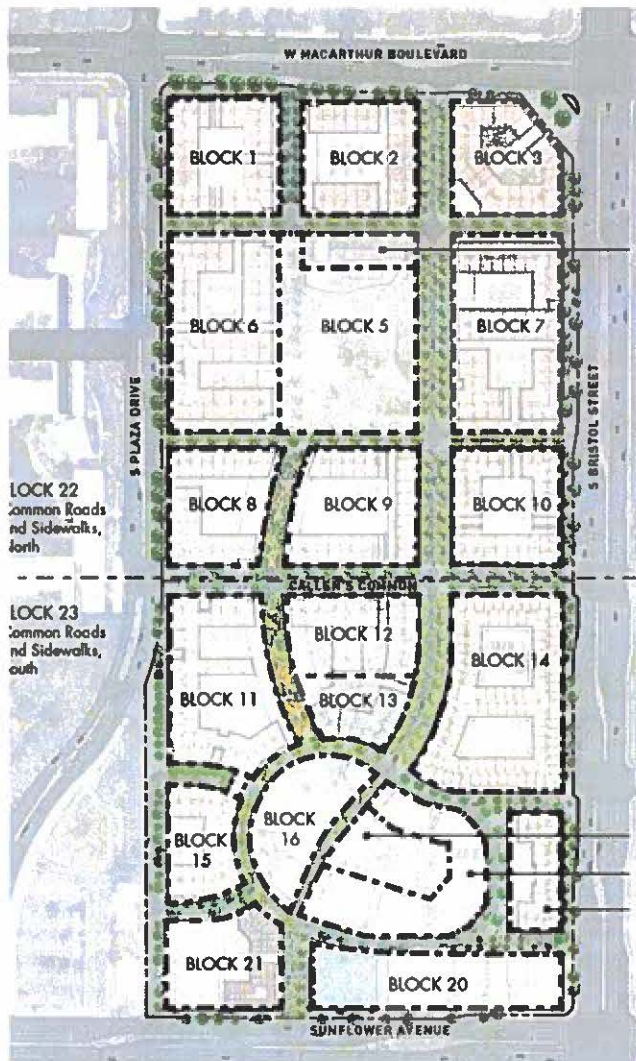
0 1000 2000 3000 4000 5000 7500
Scale in Feet

Adopted by the Airport

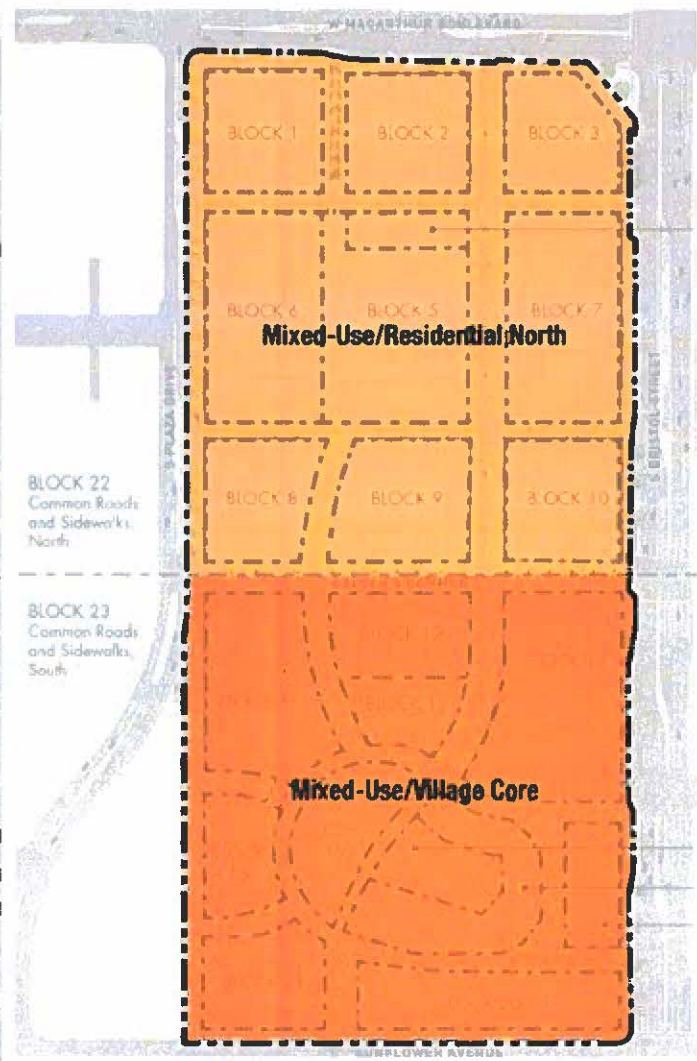
ATTACHMENT 2

Lea Choum, Executive Officer

Date



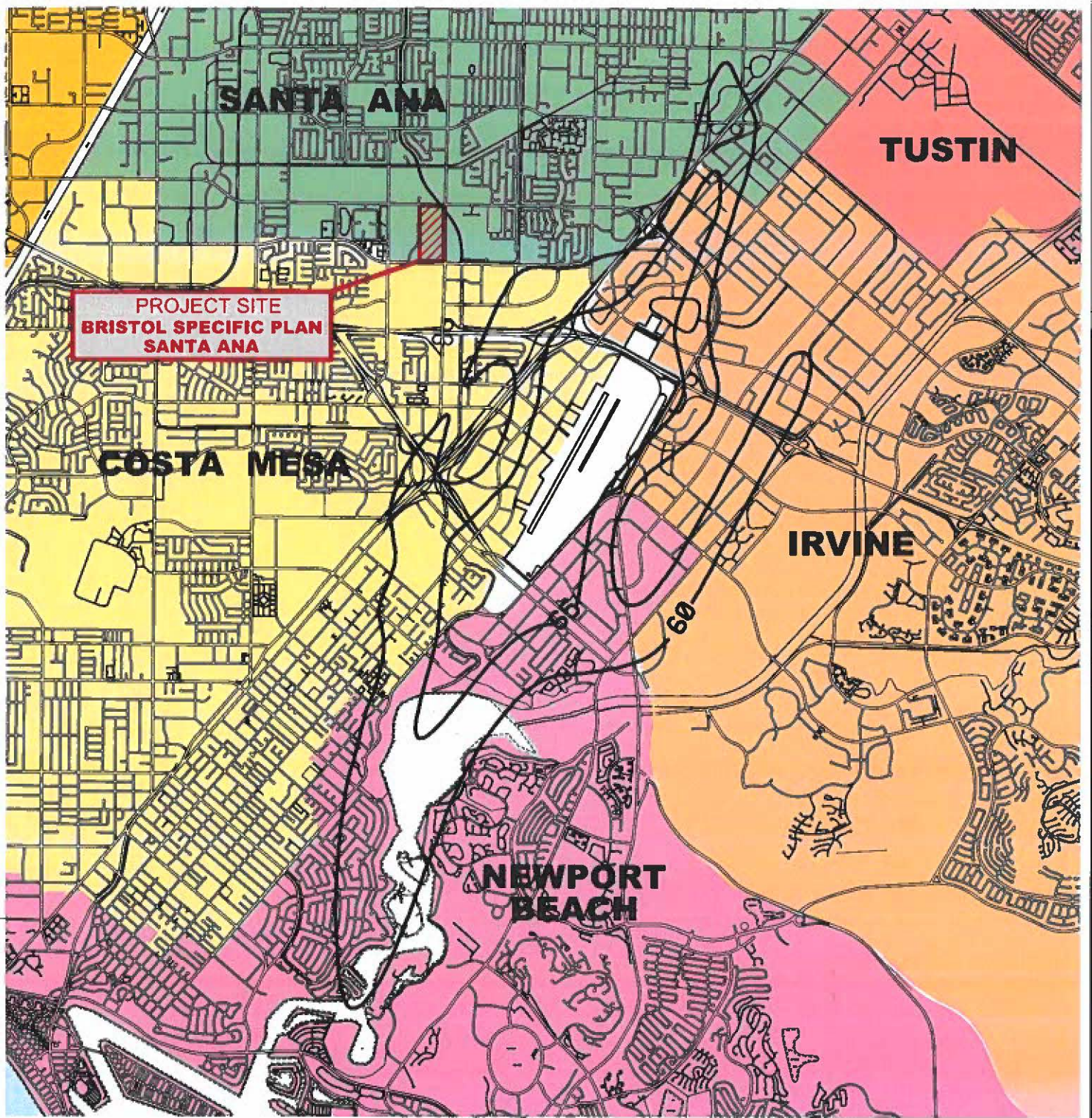
Proposed Land Use Blocks



Proposed Mixed-Use Districts

The number of residential units and non-residential square footage for both Districts is outlined in the table below.

Proposed Land Uses	
Land Use	Proposed Intensity
Blocks 1-10 (Mixed-Use/Residential North District)	
Residential (units)	2,375 units
Private Amenity Building (in Bristol Central Park)	16,000 sf (target)
Commercial gross square feet (gsf)	100,000 sf
Bristol Central Park	2.5 acres
Greenlink	0.25 acres
Open Space (Programmable Roads and Parkways)	4.3 acres
Blocks 11-21 (Mixed-Use/Village Core District)	
Residential	1,375 units
Retail/Commercial (gsf)	250,000 sf
Hotel/Hospitality	250 rooms/150,000 sf
Senior/Continuum of Care (units)	200 units/225,000 sf
Bristol Plaza and Bristol Green, Retail Village Open Space	1.5 acres
Greenlink	0.3 acres
Open Space (Programmable Roads and Parkways)	4.3 acres



Note: County Unincorporated areas are shown in white.

John Wayne Airport Impact Zones

LEGEND

- 65— CNEL CONTOUR
- - - - RUNWAY PROTECTION ZONE
- · · · · CITY BOUNDARIES
- AIRPORT BOUNDARIES

Composite contour from
John Wayne Airport Project
Case-1990 and 2005
(see section 2.2.1)

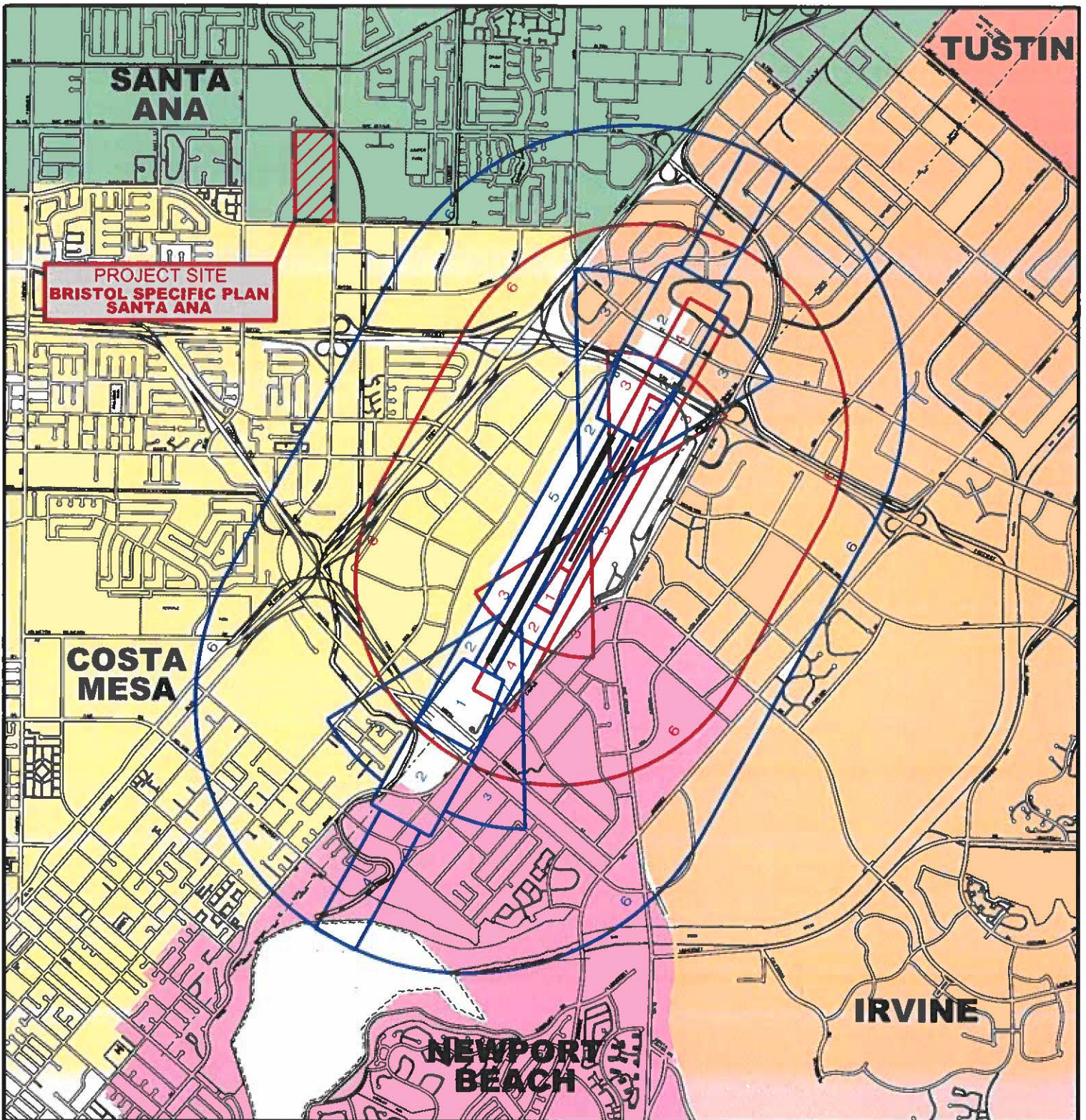
CERTIFICATION

Adopted by the Air

Lea Choum, Exe

ATTACHMENT 4





John Wayne Airport Safety Zone Reference Map

LEGEND

1. RUNWAY PROTECTION ZONE
2. INNER APPROACH / DEPARTURE ZONE
3. INNER TURNING ZONE
4. OUTER APPROACH / DEPARTURE ZONE
5. SIDELINE ZONE
6. TRAFFIC PATTERN ZONE



SAFETY COMPATIBILITY ZONES FOR RUNWAY 2L & 20R (A MEDIUM GENERAL AVIATION RUNWAYS AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)



SAFETY COMPATIBILITY ZONES FOR RUNWAY 2R & 20L (A SHORT GENERAL AVIATION RUNWAY AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)



0 500 1000 2000
Scale in Feet

CERTIFICATION

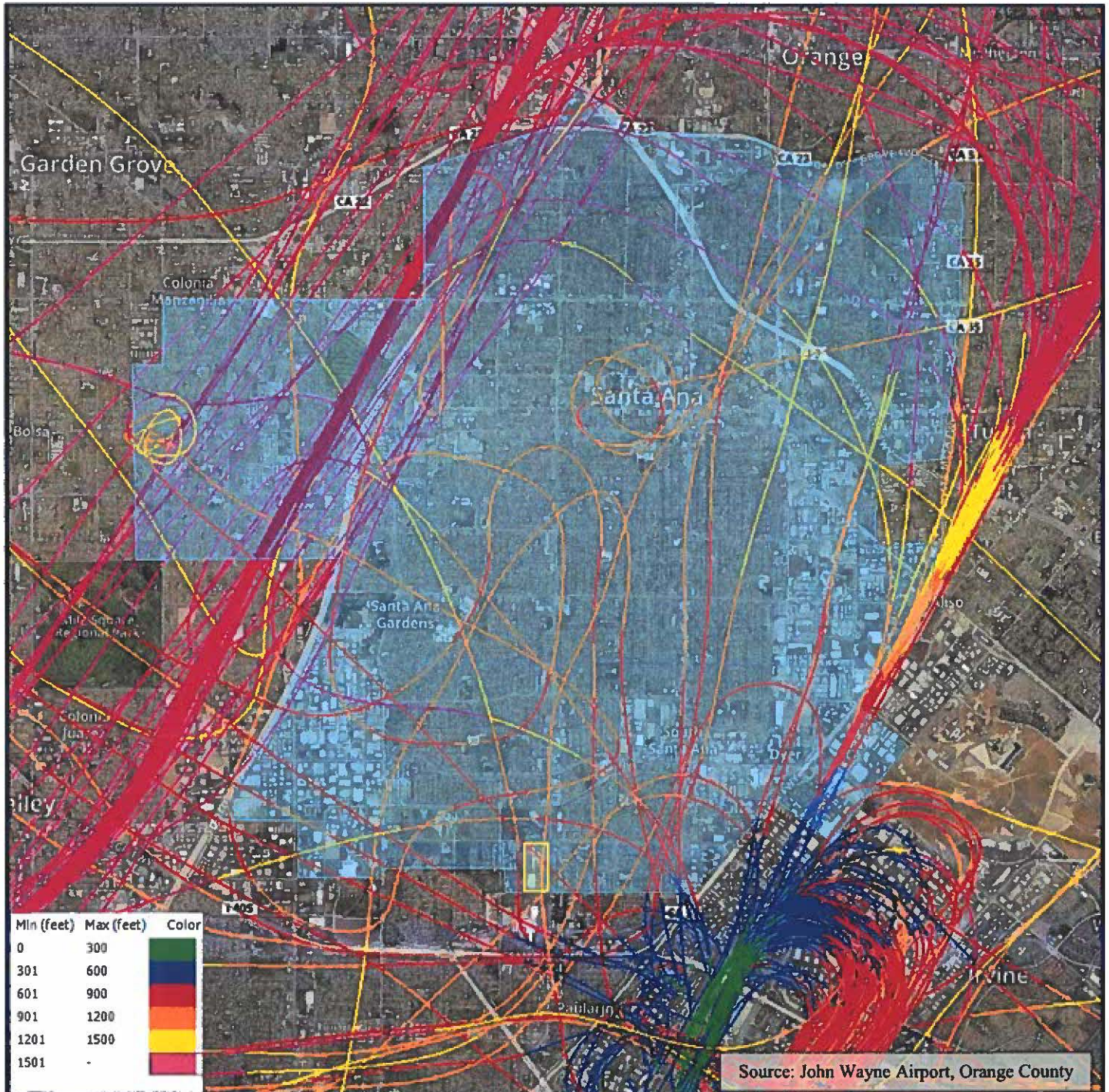
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ATTACHMENT 5

Lea Choum, Exe



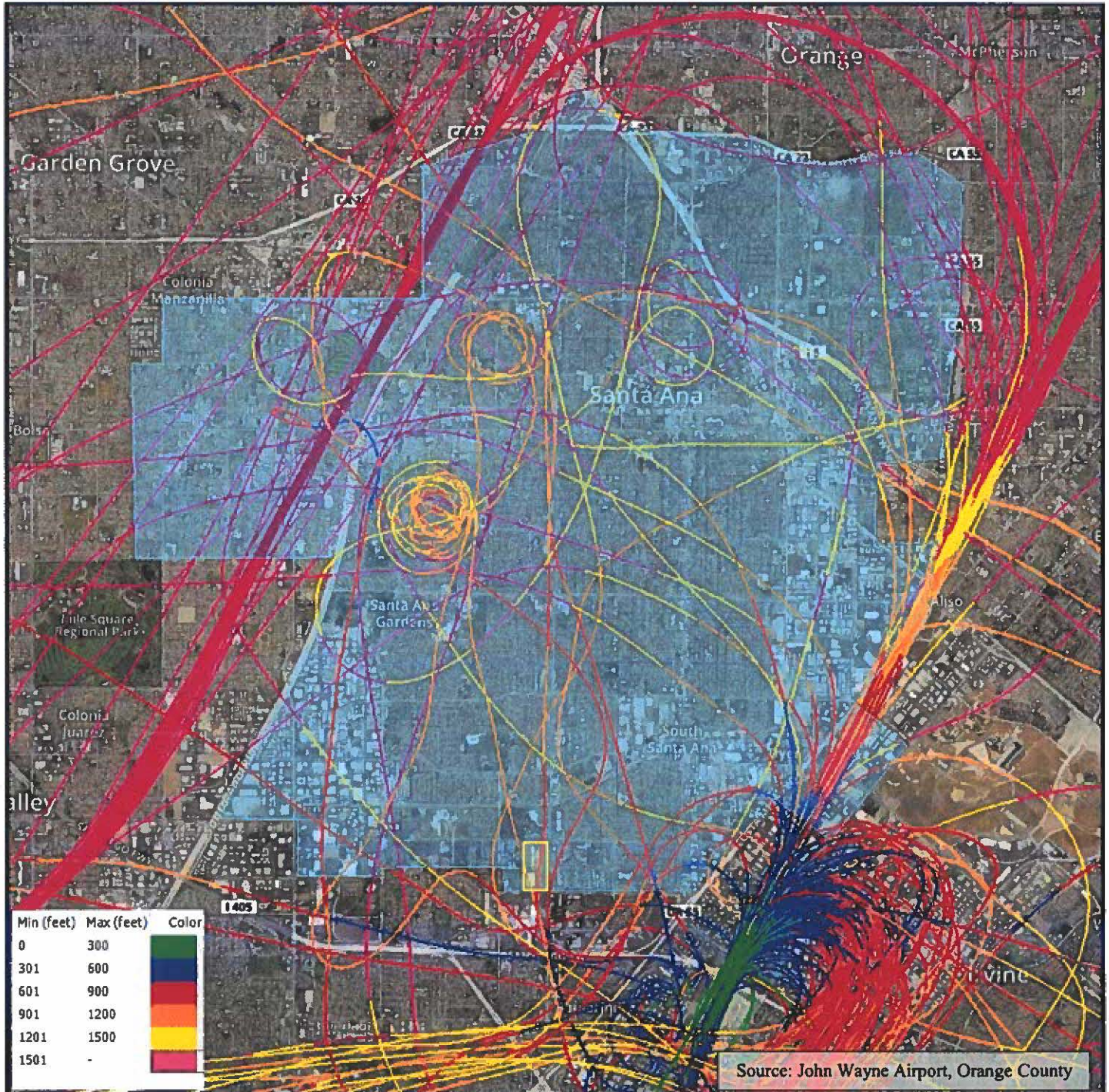
John Wayne Airport
Arrivals = 263
Wednesday, January 8, 2020



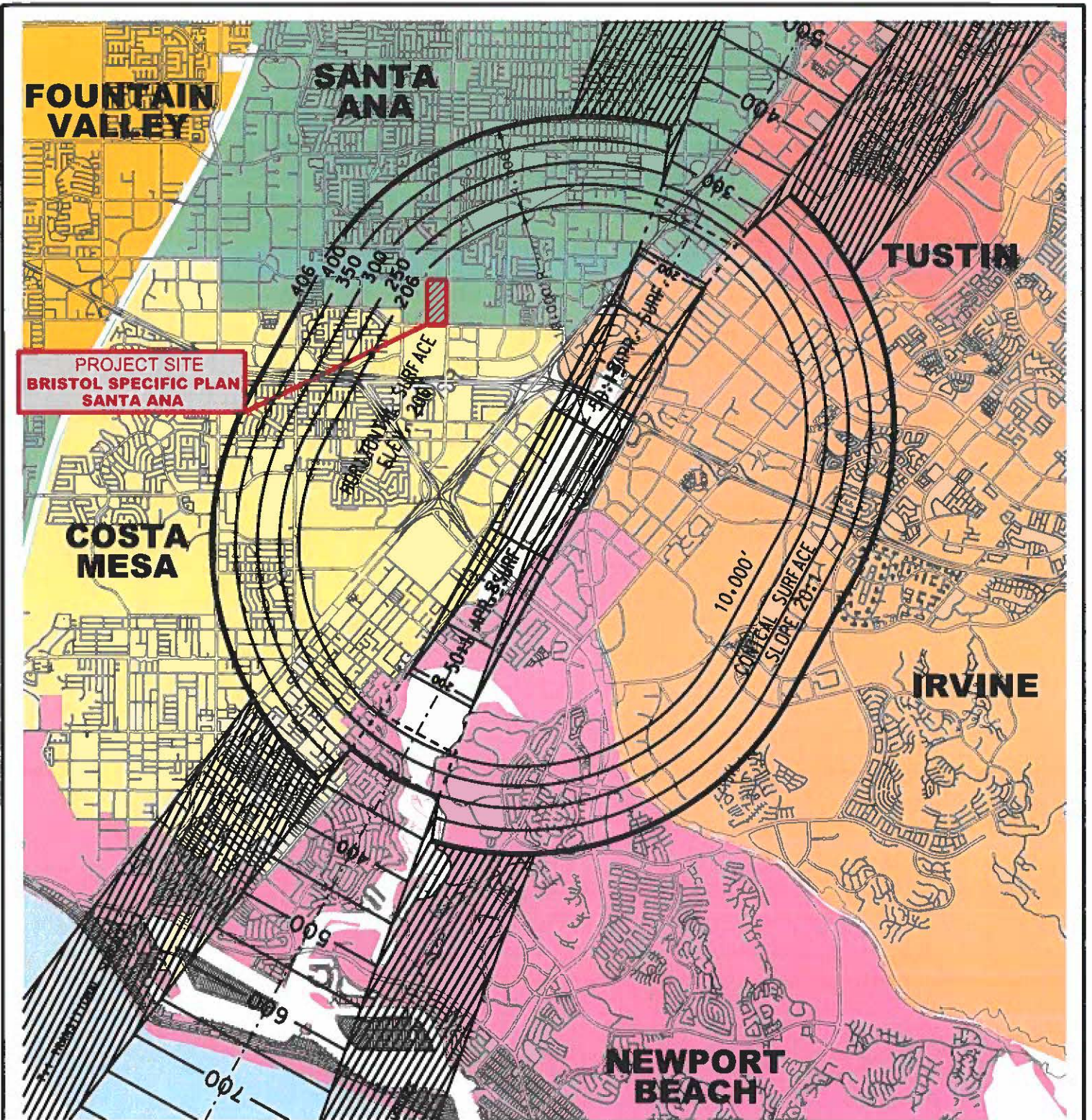
 Related Bristol Specific Plan Area



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

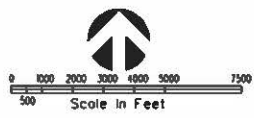


 Related Bristol Specific Plan Area



Note: County Unincorporated areas are shown in white.

FAR PART 77 John Wayne Airport Obstruction Imaginary Surfaces



- LEGEND**
- CITY BOUNDARIES
 - AIRPORT BOUNDARIES

Adopted by the Air Lea Choum, Exe	CERTIFICATION <h1 style="margin: 0;">ATTACHMENT 7</h1>
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AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

April 17, 2023

Ali Pezeshkpour, Planning Manager
City of Santa Ana Planning and Building Agency
P.O. Box 1988, M-20
Santa Ana, CA 92702

Subject: Comments on the Notice of Preparation of Supplemental Environmental Impact Report (EIR) for Related Bristol Specific Plan Project

Dear Mr. Pezeshkpour:

Thank you for the opportunity to review the Notice of Preparation (NOP) for the Supplemental EIR for Related Bristol Specific Plan Project in the context of the *Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA)*. We wish to offer the following comments and respectfully request consideration of these comments as you proceed with your Supplemental EIR.

The City of Santa Ana is located within the AELUP Notification Area for JWA. The Supplemental EIR and Specific Plan should address height restrictions and imaginary surfaces by discussing Federal Aviation Administration (FAA) Federal Aviation Regulation (FAR) Part 77. To ensure the safe operation of aircraft activity at JWA, structures anywhere in the JWA airport planning area should not exceed the applicable elevations defined in FAR Part 77 (Objects Affecting Navigable Air Space). The Supplemental EIR and Specific Plan should include height policy language and a mitigation measure that states that no buildings will be allowed to penetrate the FAR Part 77 imaginary surfaces for JWA to ensure the protection of its airspace.

Development proposals within the City, which include the construction or alteration of structures more than 200 feet above ground level, require filing with the FAA and Airport Land Use Commission (ALUC) notification. Projects meeting this threshold must comply with procedures provided by Federal and State law, 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 within the Specific Plan, the City may wish to consider a mitigation and condition of approval specifying this 200 feet above ground level height threshold. In addition, any project that penetrates the Notification Surface for JWA is required to file FAA Form 7460-1.

ATTACHMENT 8

Section 21676 of the PUC requires that prior to the adoption or 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 ALUC. We recommend that the City include policy in its Specific Plan and a mitigation measure in the EIR that states that the City shall refer projects to the Airport Land Use Commission (ALUC) for Orange County as required by Section 21676 of the California Public Utilities Code to determine consistency of projects with the *AELUP for JWA*.

The Commission requests that referrals for determinations be submitted to the ALUC after the city's Planning Commission hearing and before the City Council action. Since the ALUC meets on the third Thursday afternoon of each month, submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendaizing. For additional information, please contact Julie Fitch at (949) 252-5170 or at jfitch@ocair.com.

Sincerely,



Lea U. Choum
Executive Officer

cc: Airport Land Use Commissioners

MAYOR
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MAYOR PRO TEM
Jessie Lopez
COUNCILMEMBERS
Phil Bacerra
Johnathan Ryan Hernandez
David Penaloza
Thai Viet Phan
Benjamin Vazquez



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CITY OF SANTA ANA

Planning and Building Agency

20 Civic Center Plaza • P.O. Box 1988
Santa Ana, California 92702

www.santa-ana.org

RECEIVED
JUN 30 2023
AIRPORT LAND USE COMMISSION

June 30, 2023

Lea U. Choum, Executive Officer
Airport Land Use Commission for Orange County
3160 Airway Avenue
Costa Mesa, California 92626

Project Referral - Related Bristol Specific Plan, 3600 S. Bristol Street, DP No. 2022-31

Dear Ms. Choum:

Thank you for the opportunity to provide the City of Santa Ana's ("City's") referral of the Related Bristol Specific Plan ("Project"), Development Project (DP) No. 2022-31, for review and consistency determination with the Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA) by the Orange County Airport Land Use Commission (ALUC). We have received and incorporated the April 17, 2023 comments you provided on the Notice of Preparation (NOP) for the Supplemental Environmental Impact Report (EIR) for the Project. The City is providing referral to the ALUC prior to the Planning Commission hearing to include the ALUC determination as part of Planning Commission hearing process and to accommodate the accelerated schedule for the Project. Given the limited materials for review, the City requests that the Project be scheduled for an ALUC hearing on July 20, 2023.

The purpose of this referral is to comply with State law¹ and ensure land use compatibility as identified in the Specific Plan. The Related Bristol Specific Plan is a bridging regulatory document between the City's General Plan Update (GPU) policies and its Development Plan Review (DPR) process for individual projects. The Related Bristol development plan is consistent with, and implements, the City's vision for the District Center-High and the South Bristol Focus Area of the GPU².

¹ California Public Utilities Code (PUC), Section 21676(b).

² The City of Santa Ana GPU is consistent with the AELUP for JWA by law, per PUC, Section 21676(b).

SANTA ANA CITY COUNCIL

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ATTACHMENT 9

As identified in the ALUC submittal package, the Project area is outside of AELUP 60 dB Community Noise Equivalent Level (CNEL) noise contours, AELUP safety zones, and Runway Protection Zones. The Project, consistent with the City's GPU, allows development of certain uses up to a height of 25 stories like other land uses in the vicinity, but only with a Determination of No Hazard issued by the Federal Aviation Administration (FAA) under the procedures specified in 14 Code of Federal Regulations (CFR), Part 77³. During the City's DPR process for any development project that would exceed the FAA's 100:1 notification surface for JWA or is more than 200 feet in height above ground level at the site, the Specific Plan requires FAA notification and an FAA Determination of No Hazard prior to approval.

To facilitate ALUC review of the Project we are providing relevant sections of the Related Bristol Specific Plan and the Draft Supplemental Environmental Impact Report (SEIR) along with complete electronic copies of the documents.

As per the ALUC Submittal form, the following materials are provided:

- 1) Cover Letter
- 2) Submittal Form
- 3) Related Bristol Specific Plan
- 4) Exhibit showing Project to Notification Area
- 5) Exhibit showing Project to AELUP Noise Contours
- 6) Exhibit showing Project to AELUP Safety Zones
- 7) Exhibit showing Project to JWA Federal Aviation Regulation (FAR) Part 77 Obstruction Surfaces
- 8) Airport Land Use Compatibility Analysis that explains how the Specific Plan addresses the AELUP standards for noise impact, safety compatibility, and height restrictions.
- 9) Pages from the GPU, Specific Plan, and Zoning Code where maximum heights and FAA Determination of No Hazard requirements are specified.

For more information about the project, please visit the City's webpage at <https://www.santa-ana.org/related-california-bristol-specific-plan/> where other materials, including environmental documents, will be posted once available. City staff are available to review the Project with you and your staff should you have any questions about the City's referral. Please confirm receipt of this letter and the Project documents as listed above.

Sincerely,



Ali Pezeshkpour, AICP
Planning Manager
(714) 647-5882 (direct)
APezeshkpour@santa-ana.org

Attachments

³ 14 CFR, Part 77 - *Safe, Efficient Use, and Preservation of The Navigable Airspace.*



AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY

SUBMITTAL FORM: GENERAL PLAN • SPECIFIC PLAN • ZONING CODE

1. Name of City or County: City of Santa Ana
2. Contact Information - Name/Title Ali Pezeshkpour/Planning Manager
Agency: City of Santa Ana Planning and Building Agency
Address: P.O. Box 1988, M-20, Santa Ana, CA 92702
Phone/email: (714) 647-5882/apezeshkpour@santa-ana.org
3. Airport Planning Area(s):
 John Wayne Airport Fullerton Municipal Airport JFTB - Los Alamitos
4. Item being submitted for review (submit each item separately): New Specific Plan
Name of General Plan Element, Specific Plan or Planned Community: Related Bristol Specific Plan
5. Scheduled date of Planning Commission Public Hearing: 10/9/2023
6. Tentative date of City Council/Board of Supervisors Public Hearing: 11/7/2023
7. Requested date of ALUC Review: July 20
(Complete submittals must be received by the first day of the month for the next meeting).
8. Does the item submitted propose a change of land use or heights within the airport Notification/Planning Area*? No (skip items # 9-12). Yes (continue below).
9. Does the item propose a change of land use within the 60 CNEL or 65 CNEL noise contours of the airport(s)*? Please attach an exhibit showing location(s) of the proposed new uses in relation to noise contours.
10. Are noise policies or mitigation measures identified in the proposed item or elsewhere in the General Plan? No Yes - Please attach pages with current (and proposed if applicable) noise policies/mitigation measures highlighted.
11. Does the item submitted propose a change of land use 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 uses.
12. Does the item submitted propose a change of land use within the Obstruction Imaginary Surfaces*? No Yes
13. Please indicate current 25 stories and proposed 25 stories maximum heights allowed.

SUBMITTAL CHECKLIST: General Plan · Specific Plan · Zoning Code

- Cover letter on City/County letterhead.
- Completed Submittal Form.
- Link to existing N/A and proposed Related Bristol Specific Plan General Plan Element, Specific Plan or Zoning Code for this submittal.
- Attachment showing proposed changes to General Plan Element, Specific Plan or Zoning Code Section(s) with strikethrough/underline.
- Exhibit showing location(s) of proposed new uses within the Notification Area/Planning Area for airport(s).
- Exhibit showing location(s) of proposed new uses in relation to noise contours for airport(s).
- Exhibit showing location(s) of proposed new uses in relation to Airport Safety Zones.
- Exhibit showing location(s) of proposed new uses in relation to the Obstruction Imaginary Surfaces.
- Attachment showing current and proposed noise policies/mitigation measures.
- Explanation of how the General Plan, Specific Plan, or Zoning Code address the AELUP standards for noise impact, safety compatibility, and height restriction zones.
See Airport Land Use Compatibility Analysis
- Describe height and density changes in cover letter and attach pages of General Plan, Specific Plan and/or Zoning Code where maximum heights are specified.

*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/>

Noise sensitive uses include but are not limited to community facilities such as: churches, libraries, schools, preschools, day-care centers, hospitals, and nursing/convalescent homes.

*Mail or Email 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
ALUCinfo@ocair.com*