



AIRPORT LAND USE COMMISSION

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

AGENDA ITEM 4

July 20, 2023

TO: Commissioners/Alternates
FROM: Lea U. Choum, Executive Officer
SUBJECT: Administrative Status Report

The following attachments are for your review and information:

- JWA Statistics for November 2022 through April 2023.
- Determination Letter for Los Alamitos Housing Element Update 2021-2029.
- NOP for Draft Environmental Impact Report for Old Ranch Country Club Specific Plan
- ALUC Referral Confirmation – City of Newport Beach.
- ALUC Response to Notice of Intent to Overrule the Airport Land Use Commission Determination for Los Alamitos General Plan 2021-2029 Housing Element Update.
- Response from California Department of Transportation to City of Los Alamitos on Notice of Intent to overrule ALUC.
- Comments on the Notice of Preparation of Supplemental Environmental Impact Report (EIR) for Related Bristol Specific Plan Project.
- ALUC Referral Confirmation – City of Buena Park Zoning Code Text Amendment Related to Billboards.
- City of Newport Beach Noise-Related Amendments – Withdraw from 5/18 ALUC Meeting.
- Consistency Determination for the City of Buena Park Proposed Zoning Code Text Amendment Related to Billboard Signs.
- ALUC Referral Confirmation – City of Newport Beach.
- ALUC Referral Confirmation – City of Santa Ana.
- ALUC Comments to Los Alamitos City Council for July 17, 2023, Study session regarding ALUC Inconsistency Determination.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lea U. Choum".

Lea U. Choum
Executive Officer

John Wayne Airport Posts November 2022 Statistics

January 26, 2023

(SANTA ANA, CA) – Airline passenger traffic at John Wayne Airport increased in November 2022 as compared to November 2021. In November 2022, the Airport served 1,014,095 passengers, an increase of 18.7% when compared with the November 2021 passenger traffic count of 854,393.

- Compared to 277,020 passengers in November 2020, there was an increase of 266.1%.
- Compared to 827,140 passengers in November 2019, there was an increase of 22.6%.

Commercial aircraft operations in November 2022 of 8,233 increased 13.7% and commuter aircraft operations of 522 increased 3.6% when comparing with November 2021 levels.

- Compared to 2020 levels of commercial aircraft operations, there was an increase of 125.6% and commuter aircraft operations decreased 5.4%.
- Compared to 2019 levels of commercial aircraft operations, there was an increase of 15.5% and commuter aircraft operations increased 13.0%.

Total aircraft operations decreased in November 2022 as compared with the same month in 2021. In November 2022, there were 24,215 total aircraft operations (takeoffs and landings) a 1.7% decrease compared to 24,643 total aircraft operations in November 2021.

- Compared to November 2020 of 19,088, total aircraft operations increased 26.9%.
- Compared to November 2019 of 22,014, total aircraft operations increased 10.0%.

General aviation activity of 15,418 accounted for 63.7% of the total aircraft operations during November 2022, and decreased 8.5% compared with November 2021.

- Compared to November 2020 general aviation activity of 14,870, which accounted for 77.9% of total aircraft operations, operations increased 3.7%.
- Compared to November 2019, general aviation activity of 14,342, which accounted for 65.1% of total aircraft operations, operations increased 7.5%.

The top three airlines in November 2022 based on passenger count were Southwest Airlines (390,871), American Airlines (145,149) and United Airlines (137,453).

John Wayne Airport
 Monthly Airport Statistics - November 2022

	November 2022	November 2021	% Change	Year-To-Date 2022	Year-To- Date 2021	% Change
Total passengers	1,014,095	854,393	18.7%	10,416,693	6,852,818	52.0%
Enplaned passengers	502,437	424,785	18.3%	5,171,818	3,407,749	51.8%
Deplaned passengers	511,658	429,608	19.1%	5,244,875	3,445,069	52.2%
Total Aircraft Operations	24,215	24,643	-1.7%	282,266	289,274	-2.4%
General Aviation	15,418	16,848	-8.5%	188,916	216,956	-12.9%
Commercial	8,233	7,244	13.7%	87,562	67,083	30.5%
Commuter ¹	522	504	3.6%	5,346	4,861	10.0%
Military	42	47	-10.6%	442	374	18.2%
Air Cargo Tons ²	1,342	1,601	-16.2%	15,834	16,693	-5.1%
International Statistics ³	(included in totals above)					
	November 2022	November 2021	% Change	Year-To-Date 2022	Year-To- Date 2021	% Change
Total Passengers	30,595	16,153	89.4%	285,593	94,127	203.4%
Enplaned passengers	15,749	7,910	99.1%	143,153	45,460	214.9%
Deplaned passengers	14,846	8,243	80.1%	142,440	48,667	192.7%
Total Aircraft Operations	239	197	21.3%	2,585	1,188	117.6%

1. Aircraft used for regularly scheduled air service, configured with not more than seventy (70) seats, and operating at weights not more than ninety thousand (90,000) pounds.

2. All-Cargo Carriers: 1,238 tons
 Passenger Carriers (incidental belly cargo): 104 tons
 Current cargo tonnage figures in this report are for: October 2022

3. Includes all Canada and Mexico Commercial passengers and operations.

John Wayne Airport Posts December 2022 Statistics

February 2, 2023

(SANTA ANA, CA) – Airline passenger traffic at John Wayne Airport increased in December 2022 as compared to December 2021. In December 2022, the Airport served 944,146 passengers, an increase of 11.4% when compared with the December 2021 passenger traffic count of 847,671.

- Compared to 231,033 passengers in December 2020, there was an increase of 308.7%.
- Compared to 891,492 passengers in December 2019, there was an increase of 5.9%.

Commercial aircraft operations in December 2022 of 7,698 increased 7.4% and commuter aircraft operations of 532 increased 4.7% when comparing with December 2021 levels.

- Compared to 2020 levels of commercial aircraft operations, there was an increase of 100.6% and commuter aircraft operations increased 14.7%.
- Compared to 2019 levels of commercial aircraft operations, there was an increase of 2.0% and commuter aircraft operations increased 29.4%.

Total aircraft operations decreased in December 2022 as compared with the same month in 2021. In December 2022, there were 21,704 total aircraft operations (takeoffs and landings) a 3.2% decrease compared to 22,410 total aircraft operations in December 2021.

- Compared to December 2020 of 18,061, total aircraft operations increased 20.2%.
- Compared to December 2019 of 20,718, total aircraft operations increased 4.8%.

General aviation activity of 13,450 accounted for 61.9% of the total aircraft operations during December 2022, and decreased 8.6% compared with December 2021.

- Compared to December 2020 general aviation activity of 13,745, which accounted for 76.1% of total aircraft operations, operations decreased 2.1%.
- Compared to December 2019, general aviation activity of 12,731, which accounted for 61.4% of total aircraft operations, operations increased 5.6%.

The top three airlines in December 2022 based on passenger count were Southwest Airlines (325,384), American Airlines (147,724) and United Airlines (144,865).

John Wayne Airport
 Monthly Airport Statistics - December 2022

	December 2022	December 2021	% Change	Year-To-Date 2022	Year-To-Date 2021	% Change
Total passengers	944,146	847,671	11.4%	11,360,839	7,700,489	47.5%
Enplaned passengers	463,652	420,797	10.2%	5,635,470	3,828,546	47.2%
Deplaned passengers	480,494	426,874	12.6%	5,725,369	3,871,943	47.9%
Total Aircraft Operations	21,704	22,410	-3.2%	303,970	311,684	-2.5%
General Aviation	13,450	14,712	-8.6%	202,366	231,668	-12.6%
Commercial	7,698	7,170	7.4%	95,260	74,253	28.3%
Commuter ¹	532	508	4.7%	5,878	5,369	9.5%
Military	24	20	20.0%	466	394	18.3%
Air Cargo Tons ²	1,376	1,550	-11.2%	17,335	18,243	-5.0%
International Statistics ³	(included in totals above)					
	December 2022	December 2021	% Change	Year-To-Date 2022	Year-To-Date 2021	% Change
Total Passengers	28,633	17,919	59.8%	314,226	112,046	180.4%
Enplaned passengers	14,737	9,065	62.6%	157,890	54,525	189.6%
Deplaned passengers	13,896	8,854	56.9%	156,336	57,521	171.8%
Total Aircraft Operations	240	212	13.2%	2,825	1,400	101.8%

1. Aircraft used for regularly scheduled air service, configured with not more than seventy (70) seats, and operating at weights not more than ninety thousand (90,000) pounds.

2. All-Cargo Carriers: 1,271 tons
 Passenger Carriers (incidental belly cargo): 105 tons
 Current cargo tonnage figures in this report are for: November 2022

3. Includes all Canada and Mexico Commercial passengers and operations.

John Wayne Airport Posts January 2023 Statistics

March 28, 2023

(SANTA ANA, CA) – Airline passenger traffic at John Wayne Airport increased in January 2023 as compared to January 2022. In January 2023, the Airport served 881,049 passengers, an increase of 39.8% when compared with the January 2022 passenger traffic count of 630,402.

Commercial aircraft operations in January 2023 of 7,656 increased 5.5% and commuter aircraft operations of 482 decreased 1.4% when comparing with January 2022 levels.

Total aircraft operations decreased in January 2023 as compared with the same month in 2022. In January 2023, there were 20,413 total aircraft operations (takeoffs and landings) a 16.2% decrease compared to 24,350 total aircraft operations in January 2022.

General aviation activity of 12,260 accounted for 60.1% of the total aircraft operations during January 2023, and decreased 26.0% compared with January 2022.

The top three airlines in January 2023 based on passenger count were Southwest Airlines (305,523), United Airlines (140,666) and American Airlines (138,055).

John Wayne Airport
 Monthly Airport Statistics - January 2023

	January 2023	January 2022	% Change	Year-To- Date 2023	Year-To- Date 2022	% Change
Total passengers	881,049	630,402	39.8%	881,049	630,402	39.8%
Enplaned passengers	437,180	314,300	39.1%	437,180	314,300	39.1%
Deplaned passengers	443,869	316,102	40.4%	443,869	316,102	40.4%
Total Aircraft Operations	20,413	24,350	-16.2%	20,413	24,350	-16.2%
General Aviation	12,260	16,560	-26.0%	12,260	16,560	-26.0%
Commercial	7,656	7,256	5.5%	7,656	7,256	5.5%
Commuter ¹	482	489	-1.4%	482	489	-1.4%
Military	15	45	-66.7%	15	45	-66.7%
Air Cargo Tons ²	1,734	2,001	-13.3%	1,734	2,001	-13.3%
International Statistics ³	(included in totals above)					
	January 2023	January 2022	% Change	Year-To- Date 2023	Year-To- Date 2022	% Change
Total Passengers	28,938	11,139	159.8%	28,938	11,139	159.8%
Enplaned passengers	14,250	5,215	173.3%	14,250	5,215	173.3%
Deplaned passengers	14,688	5,924	147.9%	14,688	5,924	147.9%
Total Aircraft Operations	248	206	20.4%	248	206	20.4%

1. Aircraft used for regularly scheduled air service, configured with not more than seventy (70) seats, and operating at weights not more than ninety thousand (90,000) pounds.

2. All-Cargo Carriers: 1,645 tons
 Passenger Carriers (incidental belly cargo): 89 tons
 Current cargo tonnage figures in this report are for: December 2022

3. Includes all Canada and Mexico Commercial passengers and operations.

John Wayne Airport Posts February 2023 Statistics

April 24, 2023

(SANTA ANA, CA) – Airline passenger traffic at John Wayne Airport increased in February 2023 as compared to February 2022. In February 2023, the Airport served 841,593 passengers, an increase of 17.3% when compared with the February 2022 passenger traffic count of 717,400.

Commercial aircraft operations in February 2023 of 6,965 increased 1.4% and commuter aircraft operations of 435 decreased 1.8% when comparing with February 2022 levels.

Total aircraft operations decreased in February 2023 as compared with the same month in 2022. In February 2023, there were 19,166 total aircraft operations (takeoffs and landings) a 18.5% decrease compared to 23,522 total aircraft operations in February 2022.

General aviation activity of 11,734 accounted for 61.2% of the total aircraft operations during February 2023 and decreased 27.3% compared with February 2022.

The top three airlines in February 2023 based on passenger count were Southwest Airlines (291,950), American Airlines (134,648) and United Airlines (125,707).

John Wayne Airport
Monthly Airport Statistics - February 2023

	February 2023	February 2022	% Change	Year-To- Date 2023	Year-To- Date 2022	% Change
Total passengers	841,593	717,400	17.3%	1,722,642	1,347,802	27.8%
Enplaned passengers	417,968	357,029	17.1%	855,140	671,329	27.4%
Deplaned passengers	423,633	360,371	17.6%	867,502	676,473	28.2%
Total Aircraft Operations	19,166	23,522	-18.5%	39,579	47,872	-17.3%
General Aviation	11,734	16,145	-27.3%	23,994	32,705	-26.6%
Commercial	6,965	6,866	1.4%	14,621	14,122	3.5%
Commuter ¹	435	443	-1.8%	917	932	-1.6%
Military	32	68	-52.9%	47	113	-58.4%
Air Cargo Tons ²	1,237	1,257	-1.6%	2,971	3,258	-8.8%
International Statistics ³						(included in totals above)
	February 2023	February 2022	% Change	Year-To- Date 2023	Year-To- Date 2022	% Change
Total Passengers	28,373	12,572	125.7%	57,311	23,711	141.7%
Enplaned passengers	14,294	6,296	127.0%	28,544	11,511	148.0%
Deplaned passengers	14,079	6,276	124.3%	28,767	12,200	135.8%
Total Aircraft Operations	223	181	23.2%	471	387	21.7%

1. Aircraft used for regularly scheduled air service, configured with not more than seventy (70) seats, and operating at weights not more than ninety thousand (90,000) pounds.

2. All-Cargo Carriers: 1,139 tons

Passenger Carriers (incidental belly cargo): 98 tons

Current cargo tonnage figures in this report are for: January 2023

3. Includes all Canada and Mexico Commercial passengers and operations.

John Wayne Airport Posts March 2023 Statistics

May 12, 2023

(SANTA ANA, CA) – Airline passenger traffic at John Wayne Airport increased in March 2023 compared to March 2022. In March 2023, the Airport served 994,554 passengers, an increase of 8.5% when compared with the March 2022 passenger traffic count of 916,767.

Commercial aircraft operations in March 2023 of 7,934 increased by 2.9%, and commuter aircraft operations of 478 decreased by 1.2% when compared with March 2022 levels.

Total aircraft operations decreased in March 2023 compared to the same month in 2022. In March 2023, there were 21,118 total aircraft operations (takeoffs and landings), a 16.5% decrease compared to 25,299 total aircraft operations in March 2022.

General aviation activity of 12,660 accounted for 60.0% of the total aircraft operations during March 2023 and decreased by 25.8% compared with March 2022.

The top three airlines in March 2023 based on passenger count were Southwest Airlines (329,575), American Airlines (164,500), and United Airlines (152,712).

Monthly Airport Statistics - March 2023

	March 2023	March 2022	% Change	Year-To- Date 2023	Year-To- Date 2022	% Change
Total passengers	994,554	916,767	8.5%	2,717,196	2,264,569	20.0%
Enplaned passengers	495,721	458,677	8.1%	1,350,861	1,130,006	19.5%
Deplaned passengers	498,833	458,090	8.9%	1,366,335	1,134,563	20.4%
Total Aircraft Operations	21,118	25,299	-16.5%	60,697	73,171	-17.0%
General Aviation	12,660	17,056	-25.8%	36,654	49,761	-26.3%
Commercial	7,934	7,710	2.9%	22,555	21,832	3.3%
Commuter ¹	478	484	-1.2%	1,395	1,416	-1.5%
Military	46	49	-6.1%	93	162	-42.6%
Air Cargo Tons ²	1,215	1,276	-4.8%	4,186	4,534	-7.7%
International Statistics ³					(included in totals above)	
	March 2023	March 2022	% Change	Year-To- Date 2023	Year-To- Date 2022	% Change
Total Passengers	32,991	21,005	57.1%	90,302	44,716	101.9%
Enplaned passengers	16,558	10,299	60.8%	45,102	21,810	106.8%
Deplaned passengers	16,433	10,706	53.5%	45,200	22,906	97.3%
Total Aircraft Operations	252	224	12.5%	723	611	18.3%

1. Aircraft used for regularly scheduled air service, configured with not more than seventy (70) seats, and operating at weights not more than ninety thousand (90,000) pounds.

2. All-Cargo Carriers: 1,124 tons
 Passenger Carriers (incidental belly cargo): 91 tons
 Current cargo tonnage figures in this report are for: February 2023

3. Includes all Canada and Mexico Commercial passengers and operations.

John Wayne Airport Posts April 2023 Statistics

June 21, 2023

(SANTA ANA, CA) – Airline passenger traffic at John Wayne Airport increased in April 2023 as compared to April 2022. In April 2023, the Airport served 992,569 passengers, an increase of 3.5% when compared with the April 2022 passenger traffic count of 958,826.

Commercial aircraft operations in April 2023 of 7,714 decreased 1.4% and commuter aircraft operations of 440 decreased 6% when comparing with April 2022 levels.

Total aircraft operations decreased in April 2023 as compared with the same month in 2022. In April 2023, there were 21,632 total aircraft operations (takeoffs and landings) a 15.9% decrease compared to 25,729 total aircraft operations in April 2022.

General aviation activity of 13,465 accounted for 62.2% of the total aircraft operations during April 2023 and decreased 22.5% compared with April 2022.

The top three airlines in April 2023 based on passenger count were Southwest Airlines (324,279), American Airlines (166,385) and United Airlines (156,012).

	April 2023	April 2022	% Change	Year-To- Date 2023	Year-To- Date 2022	% Change
Total passengers	992,569	958,826	3.5%	3,709,765	3,223,395	15.1%
Enplaned passengers	493,991	478,347	3.3%	1,844,852	1,608,353	14.7%
Deplaned passengers	498,578	480,479	3.8%	1,864,913	1,615,042	15.5%
Total Aircraft Operations	21,632	25,729	-15.9%	82,329	98,900	-16.8%
General Aviation	13,465	17,378	-22.5%	50,119	67,139	-25.4%
Commercial	7,714	7,825	-1.4%	30,269	29,657	2.1%
Commuter ¹	440	468	-6.0%	1,835	1,884	-2.6%
Military	13	58	-77.6%	106	220	-51.8%
Air Cargo Tons ²	1,603	1,660	-3.4%	5,789	6,194	-6.5%
International Statistics ³				(included in totals above)		
	April 2023	April 2022	% Change	Year-To- Date 2023	Year-To- Date 2022	% Change
Total Passengers	33,431	24,800	34.8%	123,733	69,516	78.0%
Enplaned passengers	16,579	12,367	34.1%	61,681	34,177	80.5%
Deplaned passengers	16,852	12,433	35.5%	62,052	35,339	75.6%
Total Aircraft Operations	250	230	8.7%	973	841	15.7%

1. Aircraft used for regularly scheduled air service, configured with not more than seventy (70) seats, and operating at weights not more than ninety thousand (90,000) pounds.

2. All-Cargo Carriers: 1,498 tons
Passenger Carriers (incidental belly cargo): 105 tons
Current cargo tonnage figures in this report are for: March 2023

3. Includes all Canada and Mexico Commercial passengers and operations.



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

January 23, 2023

Tom Oliver, Associate Planner
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720-5600

Subject: Los Alamitos Housing Element Update 2021-2029

Dear Mr. Oliver:

During the public meeting held on January 19, 2023, the Airport Land Use Commission (ALUC) for Orange County considered the subject item. The matter was duly discussed and with a 5-1 vote, the Commission found the proposed Housing Element Update 2021-2029 6th Cycle to be Inconsistent with the *Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos (AELUP for JFTB)* 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.”
- PUC Section 21674, (as referenced in Section 1.2 of the *AELUP for JFTB Los Alamitos*) which states 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.”
- General Land Use Policies in Section 3.2.1 which states that “within the boundaries of the AELUP, and land use may be found to be Inconsistent with the AELUP which (1) Places people so that they are affected adversely by aircraft noise and (2) Concentrates people in areas susceptible to aircraft accidents.”

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

Sincerely,

Lea U. Choum
Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

March 6, 2023

Shaun Temple, AICP
Planning Manager
Community Development Department
211 Eighth Street
Seal Beach, CA 90740

Subject: NOP for Draft Environmental Impact Report for Old Ranch Country Club Specific Plan

Dear Mr. Temple:

Thank you for the opportunity to review the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Old Ranch Country Club Specific Plan in the context of the Airport Land Use Commission's (ALUC) *Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos*. The project proposes development at 3901 Lampson Avenue (Old Ranch Country Club) of a 116-unit, 4-level (188,500 SF) multi-family housing development; a 51-unit 3-level senior housing complex including a 25,340-SF medical office facility on the ground floor; a 150-key overnight accommodation (109,015 SF), including a bar and lounge and a specialty restaurant; a relocated maintenance facility (2,650 SF); and a 3-level parking structure with 591 stalls (226,441 SF), with 4 tennis courts on the top level. A total of 1,042 parking spaces are proposed. The project also entails a new clubhouse pool and associated structures (21,000 SF) abutting the existing clubhouse. The project would also include new connecting drive aisles/streets, surface parking areas, and landscaping in addition to a reconfigured driving range from two-way to a two-level one-way. Other improvements related to recontouring of the golf course and changes pertaining to the flood plain easement and drainage reconfiguration would occur. The proposed discretionary approvals include a new Old Ranch Country Club Specific Plan, Development Agreement, Zoning Code Amendment for height, and Tentative Tract Map approval.

The proposed project is located within the Federal Aviation Regulation (FAR) Part 77 Notification Area for JFTB Los Alamitos. The DEIR should discuss whether the proposed project penetrates the notification surface. Should any part of the proposed project penetrate the surface, the project proponent will need to file Form 7460-1 Notice of Proposed Construction or Alteration for Federal Aviation Administration (FAA) review. Please utilize the FAA Notice Criteria Tool at

<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm> to determine if a 7460-1 is required. Given the proximity to the approach and departure corridors for JFTB Los Alamitos, prompt filing of a 7460-1 is highly recommended.

The DEIR should discuss whether the proposed project penetrates the FAR Part 77 Horizontal Imaginary Surface for the JFTB. As described in the *AELUP for JFTB Los Alamitos*, buildings that rise to the height of the Horizontal Surface (150 feet Above Ground Level (AGL)) will violate the established approach criteria for the primary JFTB runway. We recommend that the DEIR discuss the FAR Part 77 surfaces for JFTB Los Alamitos and provide the proposed building elevations above mean sea level (AMSL) using National Geodetic Vertical Datum of 1929 (NGVD29) and/or North American Vertical Datum 1988 (NAVD88) to address whether the proposed developments remain below the imaginary surfaces for JFTB Los Alamitos. It is also recommended that the DEIR address land use compatibility impacts, safety impacts, and outdoor recreational area impacts given the project's location near the approach and departure corridors for JFTB Los Alamitos, including the impacts of approving multi-family residential units at this project site.

With respect to noise impacts, the project site is within the 60 dB noise contour for JFTB Los Alamitos. Residential uses considered "conditionally consistent" with AELUP Noise limitations and must use sound attenuation as required by the California Noise Insulation Standards, Title 25, California Code of Regulations. Residential use sound attenuation is required to ensure that the interior CNEL does not exceed 45 dBA

Because the proposed project is located within the 60 dB noise contour for JFTB Los Alamitos, any prospective resident should be notified of the presence of aircraft overflight. We recommend that the DEIR include a mitigation measure stating that any residential development in the airport influence area for JFTB Los Alamitos would be notified of potential aircraft overflight as follows:

"NOTICE OF AIRPORT IN VICINITY:

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 can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you."

A referral by the City to the ALUC prior to City Council action is required for this project due to the location of the project within the AELUP Planning Area and due to the nature of the required City approvals (i.e. Zoning Code Amendment and Specific Plan) per PUC Section 21676(b). In this regard, please note that the Commission requests such referrals to be submitted to the ALUC for review after the City's Planning Commission Public Hearing, but prior to City Council approval. Since the ALUC meets on the third Thursday afternoon of each month, submittals must be received in the ALUC office and deemed complete by the first of the month to ensure sufficient time for review, analysis, and agendaing for the next meeting.

Please contact me at (949) 252-5170 or via email at lchoum@ocair.com or Julie Fitch at (949) 252-5284 should you have any questions related to the Airport Land Use Commission for Orange County.

Sincerely,

A handwritten signature in blue ink that reads "Lea U. Choum". The signature is fluid and cursive, with the first name "Lea" being the most prominent.

Lea U. Choum
Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

March 28, 2023

Rosalinh Ung, Principal Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Subject: ALUC Referral Confirmation

Dear Ms. Ung:

This is to confirm that Airport Land Use Commission (ALUC) staff has received the City of Newport Beach referral request for a consistency review of the **Housing Element Implementation – Noise Related Amendments**.

Your March 22, 2023 request for a review and consistency determination by the Commission is hereby accepted and deemed complete. It will be agendaized for the next Commission meeting of April 20, 2023, unless otherwise noticed. Your attendance at the meeting would be appreciated in case there are questions regarding this item. The meeting will be held at 4:00 p.m. at:

JWA/Airport Commission Room
3160 Airway Avenue
Costa Mesa, CA 92626

A copy of the meeting agenda and staff report regarding your item will be provided to you prior to the Commission meeting. Please contact Julie Fitch at (949) 252-5170 or at jfitch@ocair.com if you need additional information regarding the Commission's review of this project.

Sincerely,

Lea U. Choum *for*
Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

March 28, 2023

Ron Noda, Development Services Director
City of Los Alamitos
3191 Katella Ave.
Los Alamitos, CA 90720

Subject: Response to Notice of Intent to Overrule the Airport Land Use Commission
Determination for Los Alamitos General Plan 2021-2029 Housing Element Update

Dear Mr. Noda:

We are in receipt of your March 1, 2023 email letter notifying the Airport Land Use Commission (ALUC) for Orange County of the City's intent to overrule the ALUC's inconsistency determination on its General Plan Amendment for its 2021-2029 Housing Element Update. City Council Resolution No. 2023-04 was attached. In accordance with Section 21676 of the Public Utilities Code, the ALUC submits the following comments addressing the proposed overrule findings for the above-referenced project. This letter is advisory to the City and must be included in the public record of any final decision to overrule the ALUC, which may only be adopted by a two-thirds vote of the City's governing body.

Please be advised that California Public Utilities Code (PUC) Section 21678 states: "With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676, 21676.5, or 21677 overrules a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to overrule the commission's action or recommendation."

Background

On January 19, 2023, the ALUC for Orange County found the Los Alamitos Housing Element Update to be inconsistent with the *Airport Environs Land Use Plan (AELUP) for Joint Forces Training Base Los Alamitos (JFTB Los Alamitos)* on a 5-1 vote. The inconsistent finding was based on AELUP Sections 2.1.1 and 3.2.1 and PUC Sections 21674(a) and 21674(b).

While the City referred the proposed Housing Element Update to ALUC prior to approval by the City Council, the City approved its General Plan Amendment on February 21, 2023, prior to completing the overrule process in accordance with the PUC Section 21676(b).

ALUC has the following comments regarding the findings of facts included in Resolution 2023-04:

Response to Finding “a” Regarding Protection of the Public from Adverse Effects:

As noted in the City’s finding, the AELUP for JFTB Los Alamitos is intended to protect the public from the adverse effects of aircraft noise, ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and ensure no structures or activities adversely affect navigable airspace. However, proposed housing Sites 6 and 10 are located in close proximity to JFTB Los Alamitos. As stated in Section 2.2 of the *AELUP for JFTB Los Alamitos*, “[t]he Commission may consider the utilization of criteria for protecting aircraft traffic patterns at this airport which may differ from those contained in FAR Part 77, should evidence of health, welfare, or safety surface sufficient to justify such an action.”

Response to Findings “b” and “c” Regarding Noise Standards:

The ALUC inconsistency determination was based in part on AELUP Section 2.1.1 which states “aircraft noise emanating from airports may be incompatible with the general welfare of the inhabitants within the vicinity of an airport,” and partly on General Land Use Policies in 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 (1) Places people so that they are affected adversely by aircraft noise and (2) Concentrates people in areas susceptible to aircraft accidents.” The ALUC believes that the proposed new locations for residential units would be highly affected by airport noise due to the close proximity to the airport and that the past and current land use designations of “Community and Institutional” and “Retail Business” are the appropriate designations for these sites to not concentrate people in this area which is susceptible to aircraft accidents. The proposed Housing Element Update would allow for the introduction of residential uses which are not suitable and would subject the future residents to excessive noise and safety risks.

Response to Finding “d” Regarding Safety:

While none of the proposed opportunity sites are located within the Accident Potential Zones or Clear Zones, the ALUC considers the broader definition of “safety” as stated above and in Section 3.2.1 of the *AELUP for JFTB Los Alamitos*. The north departure path close to the Laurel Park (Site 7) is shown in Attachment 7 of the ALUC Staff Report (entire staff report is attached to this letter). It is the pink line in Figure 3-1: JFTB Los Alamitos Flight Routes and the blue line in Figure 4-2 from the 2022 CARNG ICUZ. Allowing residential uses adjacent to the flight tracks would concentrate people in an area susceptible to aircraft accidents and is not recommended.

Response to Finding “e” Regarding Purpose and Intent of the AELUP

The City states that the “proposed project is consistent with the purpose and intent of the AELUP and will not result in incompatible land uses adjacent to JFTB Los Alamitos.” By virtue of being clearly stated in *AELUP for JFTB Los Alamitos* Sections 1.2 “Purpose and Scope” and 2.0 “Planning Guidelines,” the ALUC understands the complex legal charge to protect public

airports from encroachment by incompatible land use development, while simultaneously protecting the health, safety and welfare of citizens who work and live in the airport's environs. To this end, and as also statutorily required, ALUC proceedings are benefited by several members having expertise in aviation. Based upon careful consideration of all information provided, and input from ALUC members with expertise in aviation, the ALUC found the Housing Element Update to be Inconsistent with the *AEUP for JFTB Los Alamitos*.

We urge the City Council to take ALUC's concerns into consideration in its deliberations prior to deciding whether to overrule ALUC. Thank you for the opportunity to provide these comments.

Sincerely,

Lea Choum for

Gerald A. Bresnahan
Chairman

Attachment: January 19, 2023 ALUC Staff Report

cc: Members of Airport Land Use Commission for Orange County
Gabrielle Sefranek, Caltrans/Division of Aeronautics



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

AGENDA ITEM 1

January 19, 2023

TO: Commissioners/Alternates

FROM: Lea U. Choum, Executive Officer

SUBJECT: City of Los Alamitos Request for Consideration of Draft Housing Element Update (2021-2029)

Background

The City of Los Alamitos has submitted its 2021-2029 Housing Element Update ("Update") for a consistency review. The Update identifies and analyzes the City's existing and projected housing needs and contains goals, policies, objectives, and programs to address those needs. The City's Housing Element was last updated in February 2014, which covered the years 2014 to 2021. It was not submitted to ALUC for a consistency determination.

The Housing Element is one of the seven mandatory elements of the General Plan. Section 65583 of the Government Code sets forth the specific requirements of a jurisdiction's housing element. Included in these requirements are obligations of local jurisdictions to provide for their "fair share" of the regional housing needs. This fair share is determined through the Regional Housing Needs Assessment (RHNA) process which in Orange County is facilitated by the Southern California Association of Governments (SCAG). For the 2021 to 2029 planning period, the City of Los Alamitos was allocated a total of 769 housing units, including 194 for very low-income, 119 for low-income, 145 for moderate-income, and 311 for above-moderate income households.

The City of Los Alamitos surrounds and includes Joint Forces Training Base (JFTB) - Los Alamitos and the entire city is within the Notification/Planning Area (Attachment 1). The Draft Housing Element includes fourteen sites which could accommodate up to 1,295 units. The site locations and detailed information regarding each site is shown in Attachment 2. Sites one through four are existing Mixed Use sites and are currently zoned for Mixed Use. Sites 6 through 10 are currently in non-residential use and would require a change in General Plan Land Use designation as well as Zoning Code changes. Site 11 is currently designated as Multi-Family, but the Zoning would have to change to accommodate additional units. The two sites of most concern are Site 6 at 4655 Lampson Avenue, and Site 10 at 5030-5084 Katella. Both of these sites are in close proximity to the Base and within the 60 CNEL contour.

The City has submitted the Draft Housing Element Update to California Housing and Community Development (HCD) and has held/scheduled the following public hearings:

Planning Commission	December 14, 2022
City Council	January 24, 2023

AE LUP for JFTB Los Alamitos Issues

Regarding Aircraft Noise Impacts

As stated above, the Draft Housing Element Update includes two new housing sites within the 60 dB CNEL as defined in the *Airport Environs Land Use Plan (AE LUP) for JFTB Los Alamitos* (See Attachment 3). Site 6 is located at 4655 Lampson Avenue and could accommodate up to 310 housing units, and Site 10 located at 5030-5084 Katella could accommodate up to 108 units.

The *AE LUP for JFTB Los Alamitos* states that residential uses within the 60 dB CNEL/Noise Impact Zone 2 is “Normally Consistent,” but that the “noise impact in this area is sufficient to require sound attenuation as set forth in the California Noise Insulation Standards, Title 25, California Code of Regulations.” The Commission strongly recommends that residential units be limited or excluded from this area unless sufficiently sound attenuated. The AE LUP states, “the residential use interior sound attenuation requirement shall be a CNEL value not exceeding an interior level of 45 dB. In addition, it is recommended that all designated outdoor common or recreational areas within Noise Impact Zone 2 provide outdoor signage informing the public of the presence of operating aircraft.”

The City’s Public Facilities and Safety Element includes the following discussion regarding noise:

“The Airport Environs Land Use Plan (AE LUP) is a land-use compatibility plan that describes the effects of aircraft noise on surrounding areas. Land uses within the airport planning area boundaries are required to conform to noise restrictions established in the AE LUP. Figure 6 shows the 60 and 65 dBA CNEL noise contours from the AE LUP.”

In addition, the City’s Growth Management Element includes the following policies:

Policy 3.5 New residential units. Do not approve the construction of new residential units within the 65 dBA CNEL noise contour for the JFTB.

Policy 3.6 JFTB noise contours. Require the use of JFTB noise contours to ensure new development is compatible with the noise environment.

Policy 3.7 Deed disclosure notice. Provide notice of airport in the vicinity where residential development is being proposed within the 60 dBA CNEL noise contours

for the Growth Management Element March 2015 Los Alamitos General Plan 6 JFTB. Require that the following language be included as part of the Deed Disclosure Notice.

Please note that as part of the submittal to ALUC, the City included exhibits from the 2021 JFTB Los Alamitos noise assessment. Attachment 4 is the finalized JFTB Los Alamitos Aircraft Noise Zone exhibit which was incorporated into the California Installation Compatible Use Zone Study (ICUZ) in March of 2022. The report assessed noise levels associated with both current and projected aircraft operations (including the California Army National Guard projected increase in aircraft operations over the next 10 years) and resulted in expanded noise contours. Please refer Attachment 5 which shows the JFTB Los Alamitos noise zones from the 2015 ICUZ study for comparison purposes.

Regarding Height Restrictions

All of the City's proposed housing sites are within the Federal Aviation Administration (FAA) Federal Aviation Regulations (FAR) Part 77 Obstruction Imaginary Surfaces for JFTB Los Alamitos (Attachment 6). The horizontal obstruction imaginary surface for JFTB Los Alamitos is at an elevation of 182.4 feet above mean sea level (AMSL). Transitional, approach and conical surfaces vary in elevation and are addressed below for the proposed Housing Element sites.

Proposed housing Sites 1 through 4B are designated as Town Center Mixed Use (TCMU) and will remain TCMU. According to the City's Zoning Code, the TCMU zone has a maximum height of 60 feet. Sites 6 through 10 are sites that would change from non-residential (Commercial & Institutional and Retail Business) to residential uses (R4), and Site 11 would remain in multi-family residential use but change from R3 to R4. The City's Draft Housing Element states that this would "require the creation of a new zoning designation, R-4" ... and "the height limits would be increased to allow higher rise buildings." Current maximum building heights allowed by the City's Zoning Code for residential districts vary from 30 to 35 feet above ground level (AGL). The City has identified in its Update submittal that development heights are, and will continue to be, consistent with the JFTB imaginary surfaces restrictions to ensure public safety.

The City's Public Facilities and Safety Element includes height restrictions as follows:

"To ensure the safe operation of aircraft activity at the JFTB, structures anywhere in Los Alamitos or Rossmoor should not exceed the applicable elevations defined in the Federal Aviation Regulations (FAR), Part 77 (Objects Affecting Navigable Air Space). This height restriction is 88 to 200 feet above ground level based on proximity to the runway.

Current zoning standards do not permit development higher than 70 feet in Los Alamitos or Rossmoor. Nevertheless, all developments are subject to FAR Part 77 noticing requirements and must file the necessary form(s) with the City's Community

Development department, the County's Planning division, and the Orange County Airport Land Use Commission."

Additionally, the City's Growth Management Element includes the following policies:

Policy 3.1 Land use compatibility. Approve development and require mitigation measures to ensure existing and future land use compatibility as shown in the City's Noise Ordinance, the Land Use and Noise Compatibility Matrix, the State Interior and Exterior Noise Standards, and the Airport Environs Land Use Plan (AELUP) for the JFTB.

Policy 3.2 Federal Aviation Regulation Part 77. Do not approve buildings and structures that would penetrate Federal Aviation Regulation (FAR) Part 77 Imaginary Obstruction Surfaces for JFTB, Los Alamitos unless found consistent by the Airport Land Use Commission (ALUC). Additionally, in accordance with FAR Part 77, required applicants proposing buildings or structures that penetrate the 100:1 Notification Surface 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 for Orange County.

Policy 3.3 Structures above 200 feet. For development projects that include structures higher than 200 feet above existing grade, the City shall inform the 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 (FAA).

Provided below is the height review for the proposed sites. At their current maximum allowable heights, none of the proposed housing sites penetrate the imaginary surfaces for JFTB, Los Alamitos.

Sites 1-4B – Maximum Combined 467 Units

With approximate ground elevations of 21 feet, and horizontal and conical surfaces ranging from 182.4 feet to 225 feet AMSL, Sites 1 through 4B would not penetrate the imaginary surfaces with the zoning code maximum height of 60 feet for the TCMU zone.

Site 6 - Maximum 310 Units

The approximate ground elevation for Site 6 is approximately 20 feet AMSL and the horizontal imaginary obstruction surface would be penetrated at 182.4 feet AMSL. The City's maximum building height of 35 feet for residential zones would not penetrate the imaginary surface in this location. The property on Lampson Avenue has been sold to a developer and is actively being planned for redevelopment for housing. The City has received a proposal from the developer for 248 residential units including 77 affordable units on the 12.4-acre property.

Site 7 - Maximum 72 Units

Laurel Park has an approximate ground elevation of approximately 23 feet AMSL and the horizontal imaginary obstruction surface would be penetrated at 182.4 feet AMSL. The City's

maximum building height of 35 feet for residential zones would not penetrate the imaginary surface in this location.

Site 8 - Maximum 115 Units

The 3191 Katella/City Hall property has an approximate ground elevation of 19 feet AMSL. The conical surface at this location would be penetrated at approximately 250 feet AMSL. The City's maximum building height of 35 feet would not penetrate the imaginary surface in this location.

Site 9 - Maximum 180 Units

The 4142 Cerritos Avenue site has an approximate ground elevation of 19 feet AMSL. The conical surface at this location would be penetrated at approximately 191 feet AMSL. The City's maximum building height of 35 feet would not penetrate the imaginary surface in this location.

Site 10 - Maximum 108 Units

The 5030-5084 Katella Laurel Park site has an approximate ground elevation of approximately 27 feet AMSL and the horizontal imaginary obstruction surface would be penetrated at 182.4 feet AMSL. The City's maximum building height of 35 feet for residential zones would not penetrate the imaginary surface in this location.

Regarding Safety

JFTB Los Alamitos has established Clear Zones (also referred to as a Runway Protection Zones). These Clear Zones are trapezoidal areas located at each end of the runway (as shown on Attachment 3). Clear Zones are limited primarily to airport and open space uses. No buildings intended for human habitation are permitted in Clear Zones. The Clear Zones for JFTB Los Alamitos are completely within the JFTB boundaries.

Aircraft operations at JFTB include use of both fixed wing aircraft and helicopters. General flight route information for JFTB Los Alamitos is provided in Attachment 7. These exhibits were prepared for JFTB in conjunction with an Environmental Assessment in June 2021 and for ICUZ in 2022, and are included for informational purposes only. The Site 7 (Laurel Park) would be adjacent to the north departure path.

Regarding Heliports

The development of heliports is not proposed within the Housing Element Update, therefore consistency with the *AELUP for Heliports* was not reviewed.

Environmental

On November 1, 2021, ALUC staff sent a comment letter to the City regarding the NOI to Adopt a Negative Declaration for the Housing Element Update. It is included as Attachment 8.

Conclusion

Attachment 9 to this report contains the submittal letter and Housing Element Submittal Form and Checklist received from the City of Los Alamitos. The Housing Element Update and supporting documents are also available on the City's website at:

<http://cityoflosalamitos.org/375/Housing-Element>

ALUC staff has reviewed this project with respect to compliance with the *AELUP for JFTB Los Alamitos*, including review of noise, height and safety. The locations of Site 6 and Site 10 are in close proximity to JFTB-Los Alamitos, and the proposed land use designation of the two sites would allow for 418 new residential units, where there are currently none. These sites would be changing from the non-residential to residential uses and are both located within the 60 CNEL noise contour for JFTB-Los Alamitos. Site 7 would add up to 72 units adjacent to the north departure path subjecting future residents to noise and safety issues.

Recommendation

That the Commission find the proposed City of Los Alamitos 2021-2029 Housing Element Update Inconsistent with the *AELUP for JFTB Los Alamitos* per:

1. Section 2.1.1 Aircraft Noise, that the "aircraft noise emanating from airports may be incompatible with general welfare of the inhabitants within the vicinity of an airport."
2. PUC Section 21674, (as referenced in Section 1.2 of the *AELUP for JFTB Los Alamitos*) which states 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."
3. General Land Use Policies in Section 3.2.1 which states that "within the boundaries of the AELUP, and land use may be found to be Inconsistent with the AELUP which (1) Places people so that they are affected adversely by aircraft noise and (2) Concentrates people in areas susceptible to aircraft accidents."

Respectfully submitted,

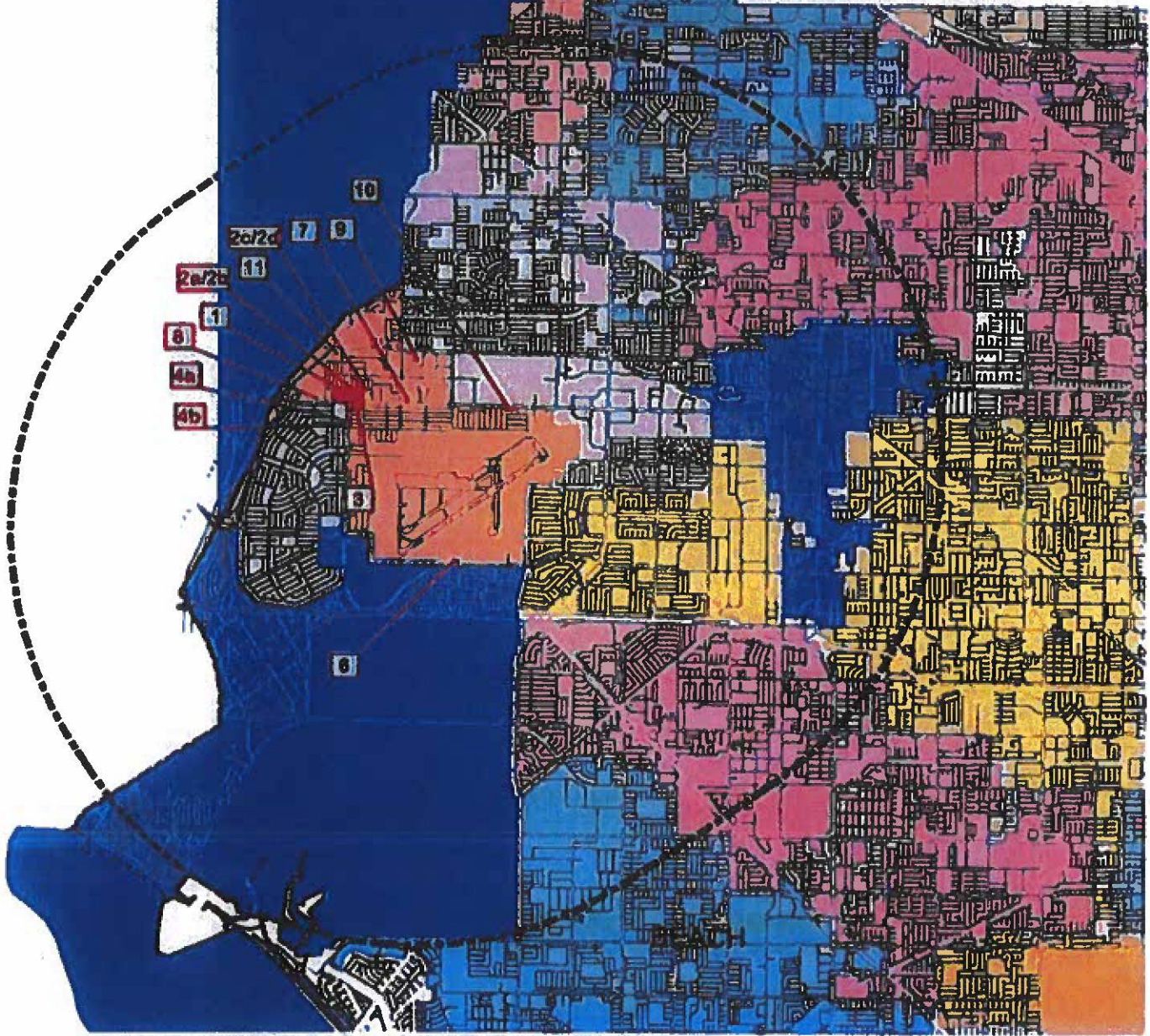


Lea U. Choum
Executive Officer

Attachments:

- 1. Notification Area for JFTB Los Alamitos**
- 2. Site Inventory Map and Table**
- 3. Impact Zones/Noise Contours for JFTB Los Alamitos**
- 4. 2022 JFTB Los Alamitos Noise Zones**
- 5. 2015 JFTB Los Alamitos Noise Zones**
- 6. Housing Sites in relation to JFTB Obstruction Imaginary Surfaces**
- 7. JFTB Los Alamitos Flight Patterns**
- 8. ALUC November 1, 2001 Letter to Los Alamitos Regarding Negative Declaration**
- 9. City of Los Alamitos Letter and Submittal Form**

**Los Alamitos Housing
Element 2021-2029
Approximate Site Locations**



Note: County Unincorporated areas are shown in white.

FAR PART 77

Notification Area for JFTB Los Alamitos: 20,000' Radius at 100:1 Slope



LEGEND

- 20,000 Radius
- CITY BOUNDARIES

Adopted by

ATTACHMENT 1

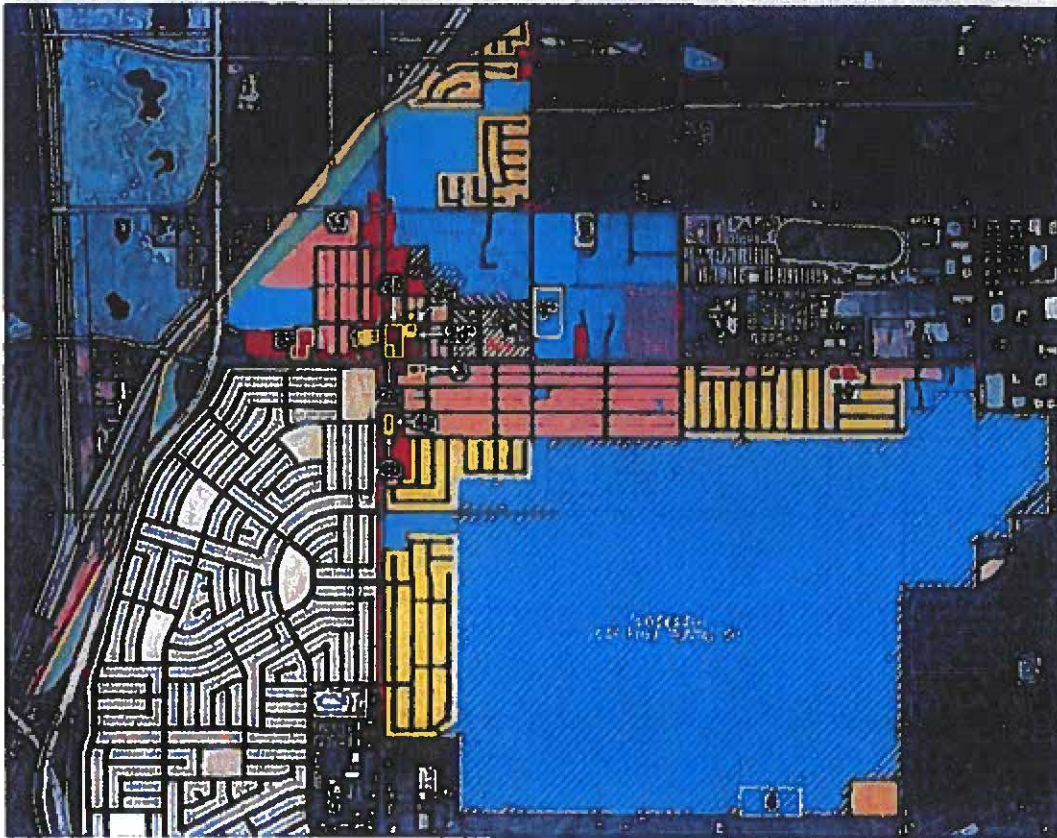
by

Lea Choum, Executive Officer

Date



Figure B-1. Location of Sites Inventory



ii. Realistic Capacity

The City has seen a significant interest in redevelopment for multi-family housing in various locations, including the Old Town West and Apartment Row neighborhoods as discussed below in subsection c. Additional Underutilized Land— The pressure for residential development in the region, combined with older, under-utilized commercial projects, has resulted in considerable developer interest and at multiple developed locations, including sites listed in Table B-2 and elsewhere in the City:

- As described above, the City currently has an application in process for site 6, which includes 77 lower income units. In addition, the developer of this project is actively negotiating with the land owner of site 9, a church organization, for the purchase of the land for residential development.
- The City has met with an experienced housing developer who would like to develop a mixed use (housing and commercial) project on site 7. Negotiations are just

**Table B-2
Sites Inventory and Projected Units**

Sites Description								
Site ID	APN	Address	Acres	Existing GP	Existing Zoning	Proposed Zoning	Projected Density	Max# Units
1	242-203-27	10909 Los Alamitos Blvd	0.85	Mixed Use	TCMU	TCMU	60	86
	242-203-28	10877 Los Alamitos Blvd	0.58	Mixed Use	TCMU	TCMU	60	
2a	242-171-02	10956 Los Alamitos Blvd	0.68	Mixed Use	TCMU	TCMU	60	41
2b	242-171-07	10900 Los Alamitos Blvd	3.1	Mixed Use	TCMU	TCMU	60	186
2c	242-172-01	10900 Pine Street	0.48	Mixed Use	TCMU	TCMU	60	29
2d*	242-172-02	10902 Pine Street	0.17	Mixed Use	TCMU	TCMU	60	10
3	222-091-01	11021 Reagan Street	0.35	Mixed Use	TCMU	TCMU	60	63
	222-091-21	3636 Katella Avenue	0.7	Mixed Use	TCMU	TCMU	60	
4a	222-093-12	11182 Los Alamitos Blvd	0.74	Mixed Use	TCMU	TCMU	60	44
4b	222-093-13	11232 Los Alamitos Blvd	0.13	Mixed Use	TCMU	TCMU	60	8
* 6	130-012-35	4655 Lampson Ave	12.4	Community & Institutional	C-F	R3	20	310
7	241-241-35	Laurel Park	2 of 4	Community & Institutional	C-I	R4	30	72
8	242-212-11	3191 Katella/City Hall	3.2	Retail Business	C-G	R4	30	115
	242-212-08							
	242-212-10							
9	241-251-14	4142 Cerritos Ave	5	Community & Institutional	C-F	R4	30	180
* 10	222-181-01 222-181-02	5030-5084 Katella	3	Retail Business	C-G	R4	30	108
11	242 222 06	3370 Cerritos Ave	1.2	Multi Family	R3	R4	30	43
								1,295 Total

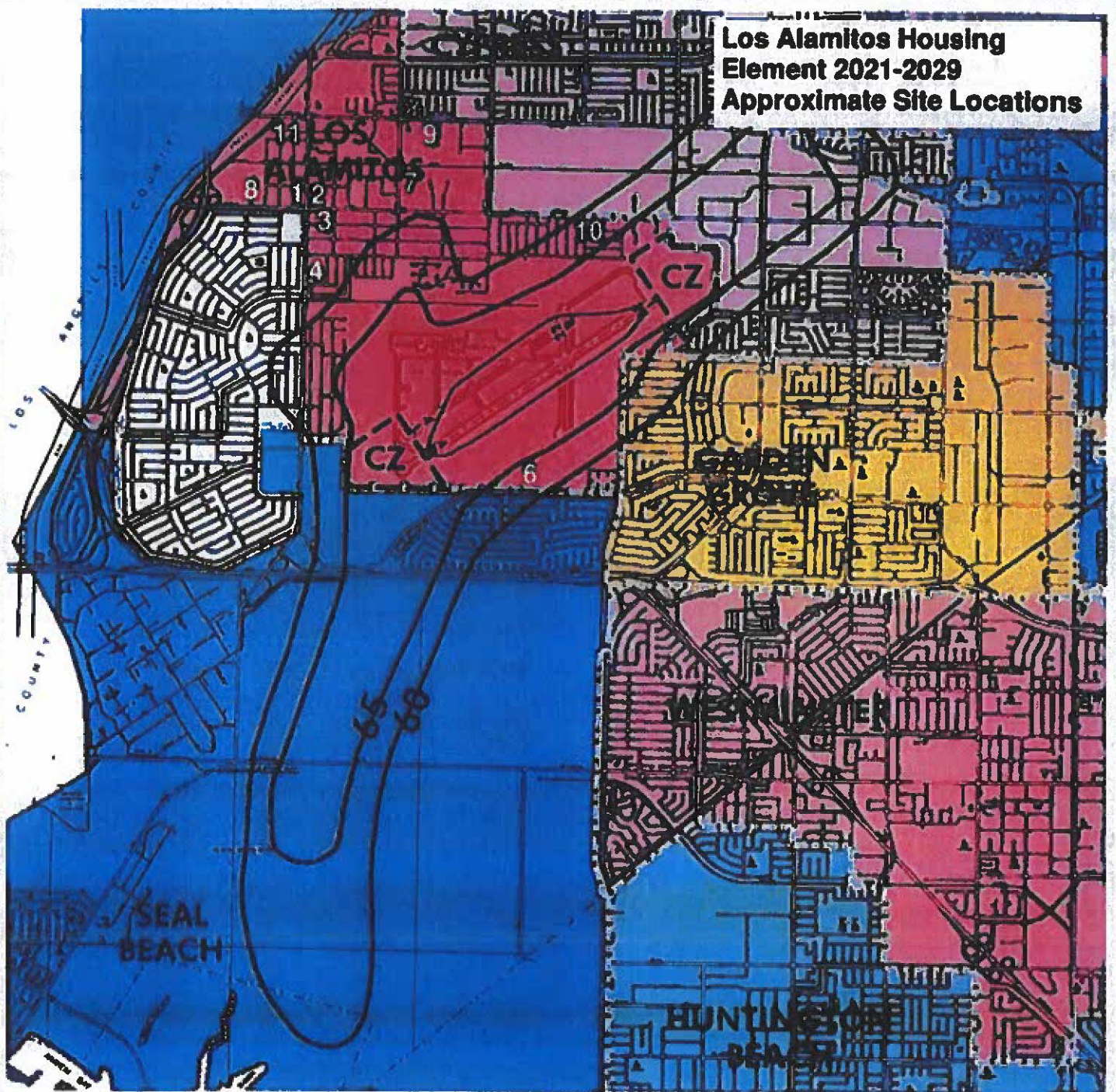
* Sites located within the 60 dB CNEL

Sites with proposed new land use designations (Zoning Code Change required)

Table adapted from: City of Los Alamitos website January 2023
Administrative Draft Housing Element 2021-2029 Appendix B Residential Land Resources

<https://cityoflosalamitos.org/2754/housing-element>

**Los Alamitos Housing
Element 2021-2029
Approximate Site Locations**



Note: County Unincorporated areas are shown in white.

**Los Alamitos Impact Zones
Joint Forces Training Base**

LEGEND

- 60- CNEL CONTOUR
- RUNWAY PROTECTION ZONE
- CITY BOUNDARIES



Adopted

ATTACHMENT 3

County

Kari Rigoni Executive Officer

Date

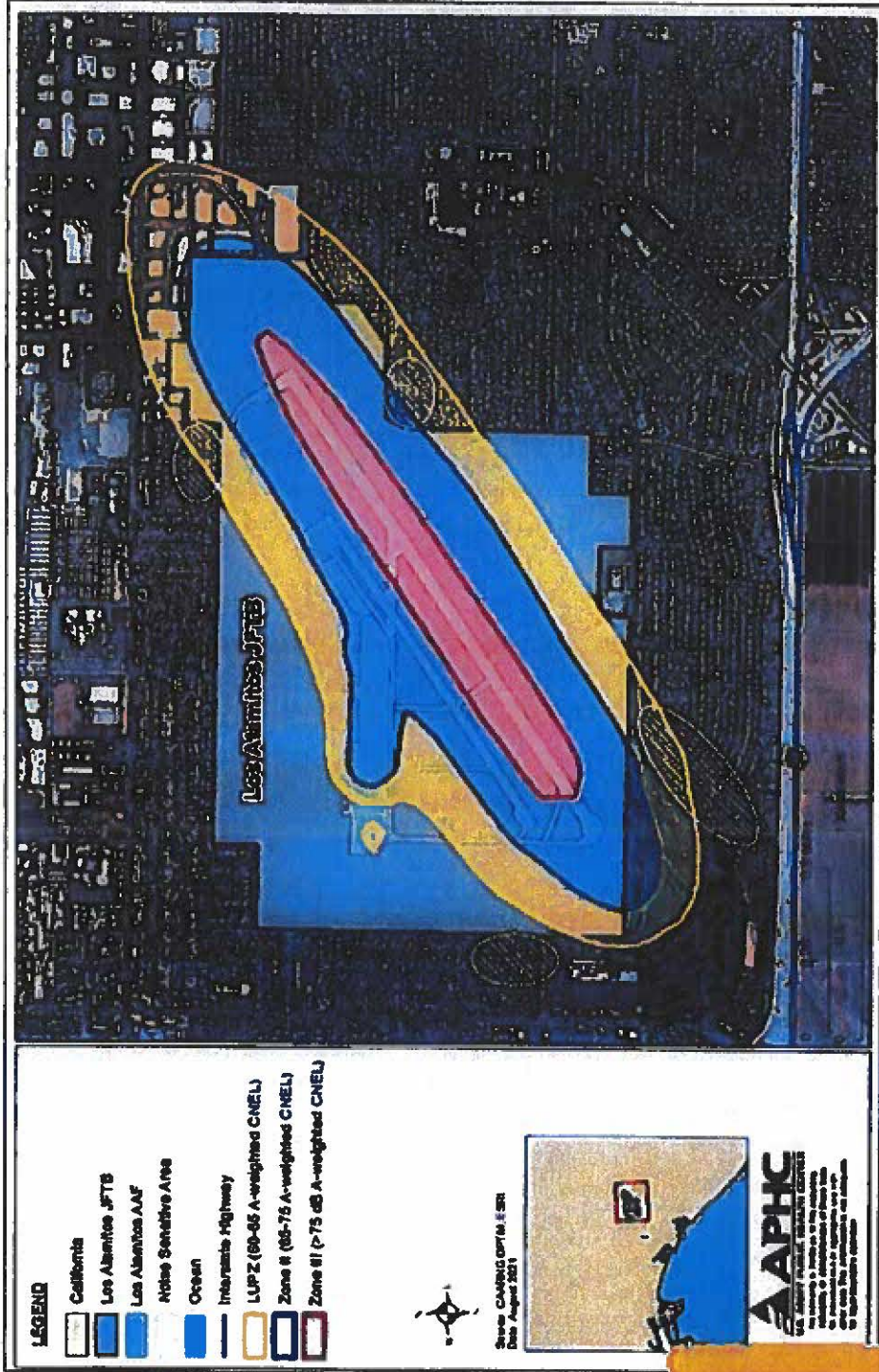


Figure 4-3 Los Alamitos JFTB Aircraft Noise Zones (A-weighted CNEL)

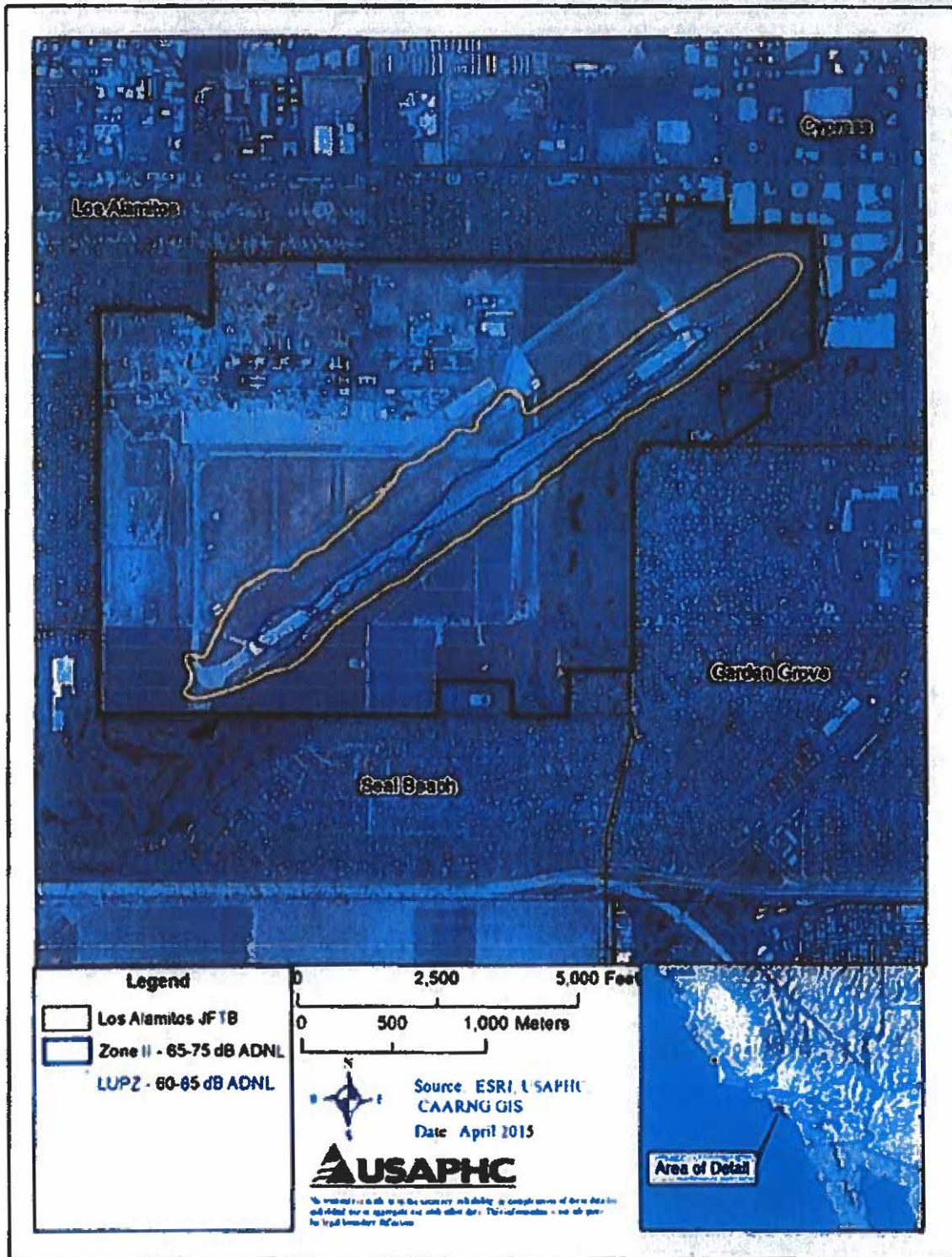
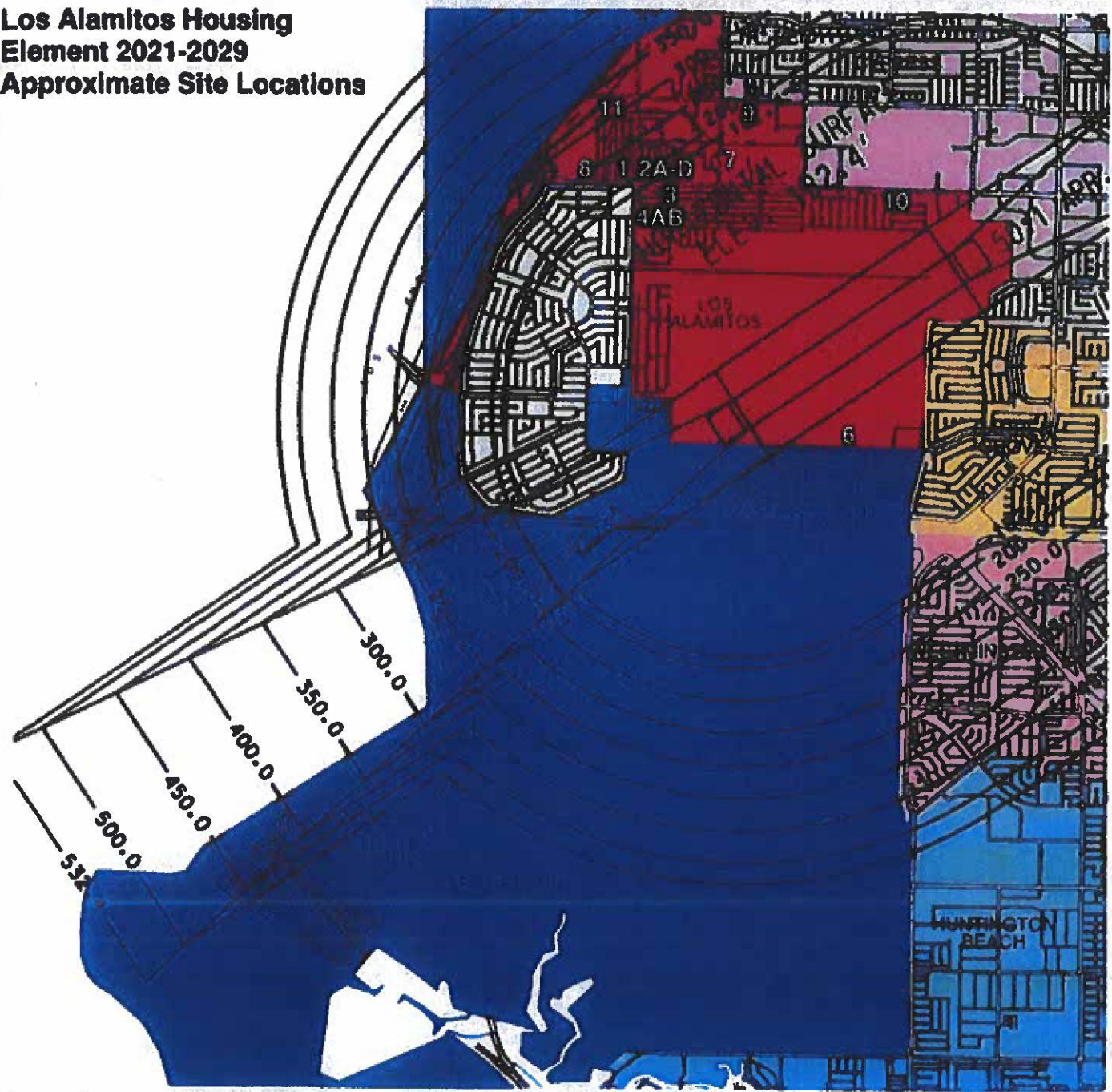


Figure 7-5. LAAAF Aircraft ADNL Noise Zones

ATTACHMENT 5

AELUP Height Restriction Zone for JFTB, Los Alamitos

Los Alamitos Housing
Element 2021-2029
Approximate Site Locations



Note: County Unincorporated areas are shown in white.

FAR PART 77

JFTB, Los Alamitos Obstruction Imaginary Surfaces



LEGEND
 ■■■■ 20,000 Radius
 - - - - CITY BOUNDARIES

ATTACHMENT 6

Adopted _____ County

Lea Chourm Executive Officer Date _____

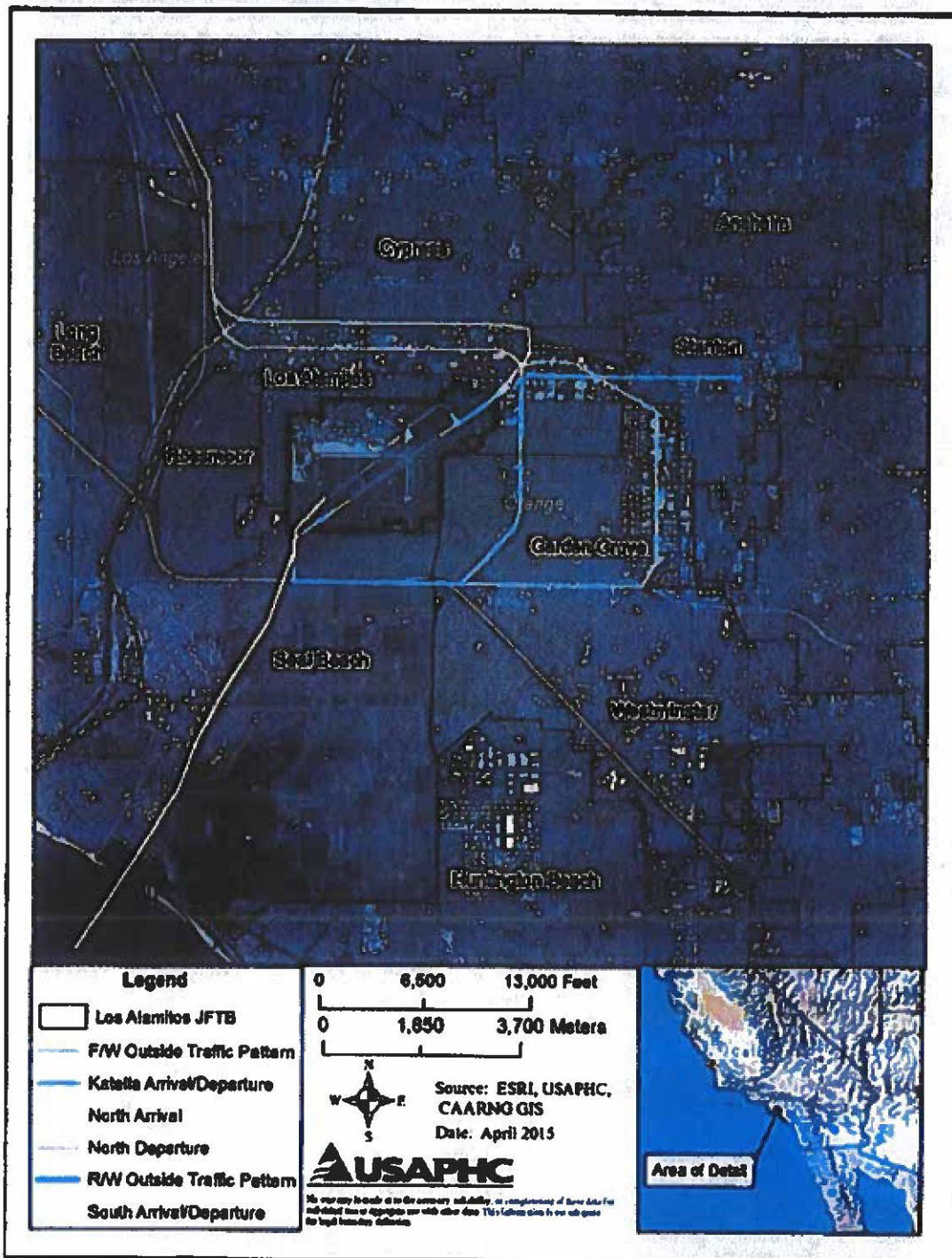


Figure 3-1. JFTB Los Alamitos Flight Routes

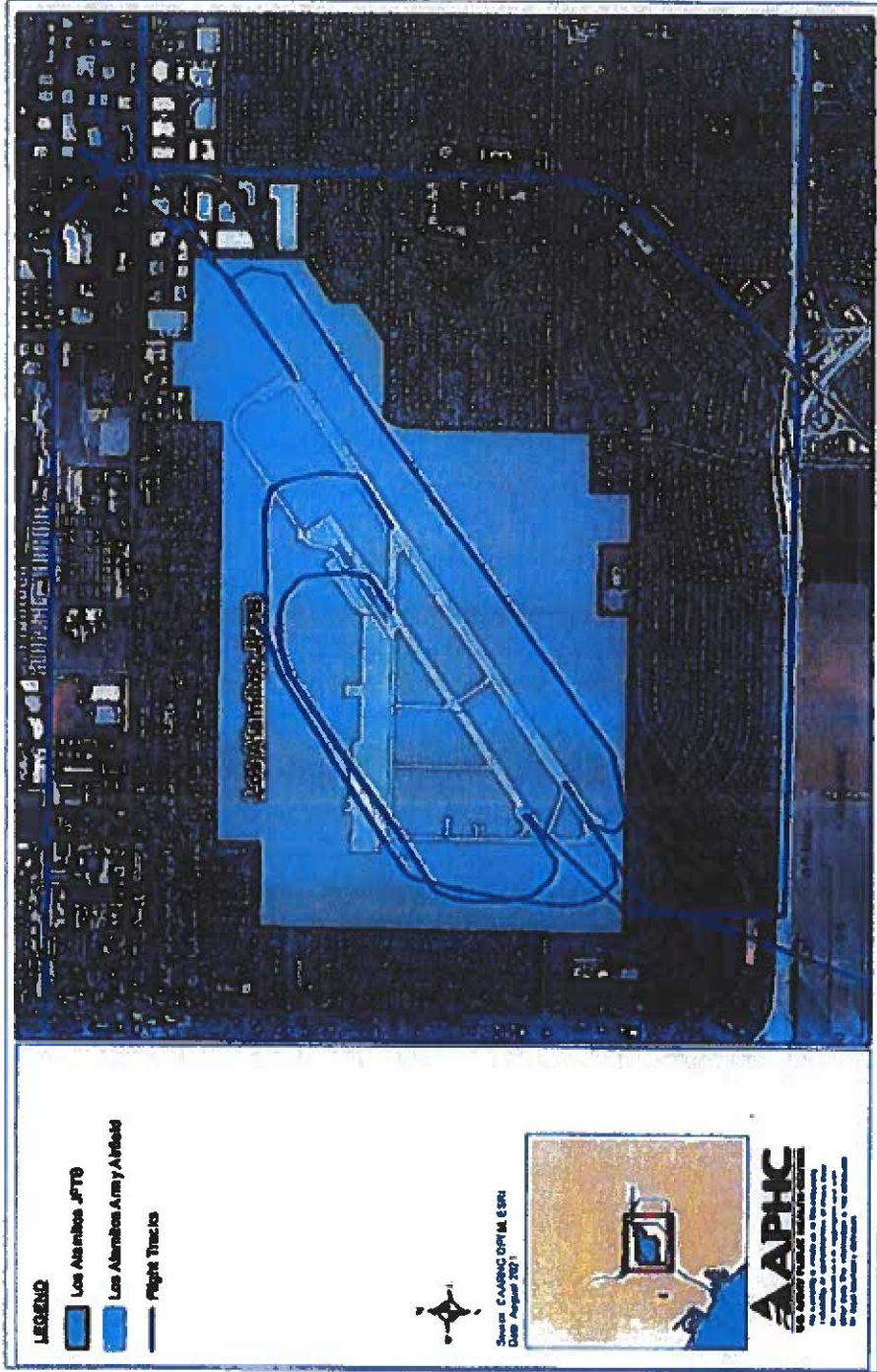


Figure 4-2 Los Alamos Joint Forces Flight Tracks



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

November 1, 2021

Tom Oliver, Associate Planner
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720-5600

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

Dear Mr. Oliver:

Thank you for the opportunity to review the City of Los Alamitos Initial Study to adopt a Negative Declaration for the proposed Housing Element Update in relation to the *Airport Environs Land Use Plan (AELUP) for Joint Forces Training Base, Los Alamitos*. The City of Los Alamitos is located within the Federal Aviation Administration (FAA) Federal Aviation Regulation (FAR) Part 77 Notification Area (also known as the airport planning area) and within the Obstruction Imaginary Surfaces. Also, a part of the City is located within the noise contours for JFTB, Los Alamitos.

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 Element identifies three focus areas for residential development:

- Town Center Mixed Use Strategic Plan Area
- Lampson Site
- Arrowhead Site

The proposed site inventory includes new sites within the Notification Area, which requires submittal to the Airport Land Use Commission for a consistency review. The Draft Housing Element also proposes new residential sites within the conical and horizontal obstruction imaginary surfaces for JFTB, Los Alamitos. The ND should discuss the maximum building heights allowed for the three focus 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

ATTACHMENT 8

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.

As discussed in the ND, the Lampson site is partially within the 60 CNEL noise contour. Per the AELUP for JFTB, Los Alamitos 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.

In addition, the ND should identify if the project allows for the development of heliports as defined in the *Airport Environs Land Use Plan (AELUP) for Heliports*. Should the development of heliports occur within your jurisdiction, proposals to develop new heliports must be submitted through the City to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5. Proposed heliport projects must comply fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics. The ND should address whether the development of heliports will be allowed within the City's jurisdiction.

A referral by the City to the ALUC is required for this project due to the location of the proposal within an AELUP Planning Area and due to the nature of the required City approvals (i.e. Housing Element Update) under PUC Section 21676(b). With respect to project submittals, 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 agendaizing. 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) 252-5284 or jfitch@ocair.com if you have any questions.

Sincerely,



Lea Choum
Executive Officer



CITY OF
Los Alamitos
California

3191 Kalefa Avenue
Los Alamitos, CA 90720-5600
Telephone: (562) 431-3538
FAX: (562) 493-1255
www.cityoflosalamitos.org

December 8, 2022

RECEIVED

DEC 13 2022

Lea Chourm - Executive Officer
Airport Land Use Commission for Orange County
3180 Airway Avenue
Costa Mesa, CA 92626

AIRPORT LAND USE COMMISSION

SUBJECT: Housing Element Update

Hi Lea,

It was great talking with you a few weeks back. Attached, is a copy of the City's draft Housing Element for your review. You saw a draft of this document that you responded to last year. I have attached the submittal form and ancillary documents as well. Thank you so much for having the Commission look over the document.

I thank you for the opportunity to work with you on this proposed project. If you have any questions, please contact me at (562) 431-3538, ext. 303 or via e-mail at: toliver@cityoflosalamitos.org.

Sincerely,

CITY OF LOS ALAMITOS

A handwritten signature in black ink, appearing to read "Tom Oliver".

Tom Oliver
Associate Planner

ATTACHMENT 9



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

HOUSING ELEMENT UPDATE - SUBMITTAL FORM

1. City/County: Los Alamitos/County
2. Contact information - Name/Title Click or tap here to enter text
Agency: City of Los Alamitos
Address: 3191 Katella Avenue
Phone/email: 562-431-3538
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: 12/14/2022
6. Tentative date of City Council Public Hearing: 1/24/2023
7. Requested month of ALUC Review: 1/19/2023
(Complete submittal must be received by the first day of the month for the next meeting on the third Thursday 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
(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: It acknowledges the noise zones and explains the mitigation for that is in using appropriate building materials and construction practices.

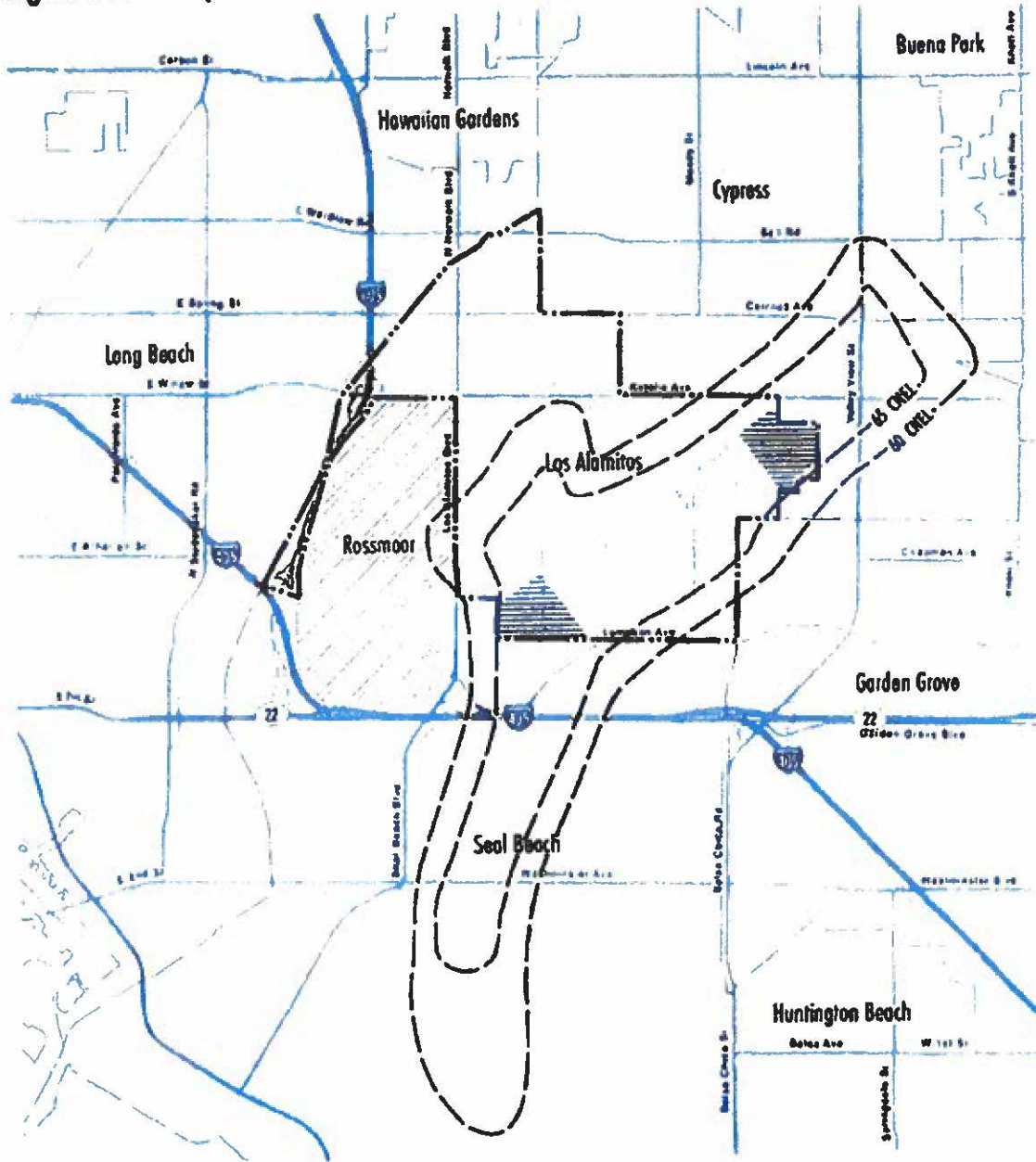
***For airport planning/notification areas, noise contours, safety zones and obstruction imaginary surfaces see Appendix D of the applicable Airport Environs Land Use Plan (AELUP) at:**
<https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/>

**Mail or 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**

GENERAL PLAN

Public Facilities and Safety Element

Figure 6 JFTB Impact Zones



Source: Orange County Inland Port Commission, 2011

- CNEI Contour
- IFTB Clear Zone
- City Boundary
- Rossmore

INITIAL STUDY FOR HOUSING ELEMENT

3.13 NOISE

Background

The noise environment in the City is typical of an urban community, with primary noise sources including traffic on Interstate-605, major arterials, mechanical equipment such as heating/ventilation/air conditioning (HVAC) units, commercial loading and unloading operations, and parking lot activity. In Los Alamitos, both fixed-wing aircraft and helicopters operate from The Joint Forces Training Base (JFTB), which generate aircraft noise on areas immediately next to the base and flight paths.

Would the project result in:

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Generation of excessive ground borne vibration or ground borne noise levels?
- c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The adoption of the Housing Element Update will have no impact on noise. The future development of housing will be required to analyze noise impacts as part of the CEQA and building permit processes. All sites identified for future housing in the inventory are located in urban areas and adjacent to existing development. Typical noise sources include roadways and railroad, and stationary sources such as typical commercial and residential activities and landscaping equipment. The City will require the preparation of site-specific noise studies to assess impacts from roadway noise, as appropriate. Should noise levels at future housing sites require mitigation, there are a variety of means such as noise attenuation walls, setback from roadways, and landscape buffers which the City imposes through the development review process.

Housing redevelopment projects in the future may create temporary noise sources. The City's Municipal Code imposes noise standards and limits construction hours to the less sensitive day time hours (Municipal Code Chapter 17.20). Individual projects will be reviewed under CEQA to determine whether their construction will have adverse noise impacts on neighboring land uses.

The nearest public-use airport to the City is Long Beach Airport, approximately 3.4 miles to the west. The City is outside of the noise contours of Long Beach Airport (LACALUC 2017). The nearest private-use airport is the Joint Forces Training Base (JFTB) on the southeast side of the City. Most sites in the Site Inventory are outside of the 60/65-CNEL noise contours established for JFTB (OCALUC 2017), except the Lampson site which is partially within the 60-CNEL noise contour but completely outside the 65-CNEL noise contour. The State of California provides noise standards through the California Building Code, which establishes standards for residential construction practices and building materials to ensure that interior noise levels do not exceed 45 dBA. Future housing projects will be subject to CBC requirements and thus meet the City noise standards of 45 dBA at night and 55 dBA during the day for residential uses (General Plan Public Facilities and Safety Element Table 3). Therefore, the Housing Element Update would not subject people onsite to excessive noise levels from aircraft approaching or departing Long Beach Airport or JFTB.

Mitigation Measures and Monitoring: None required.

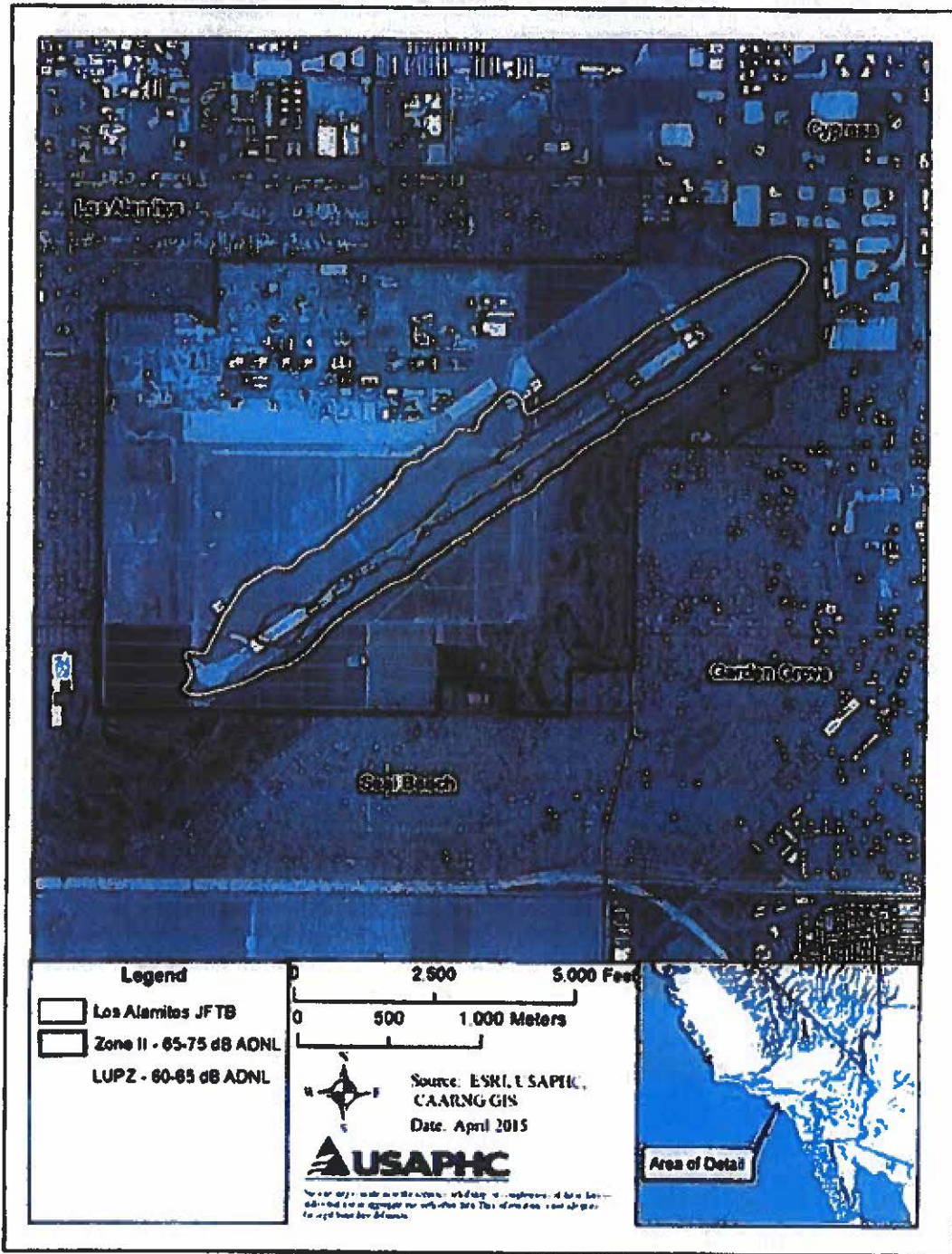


Figure 7-5. LAAAF Aircraft ADNL Noise Zones

JFTB NOISE ASSESSMENT

Environmental Health Sciences, Environmental Noise Consultation Update No. S.0064238b-20,
1 June 2020

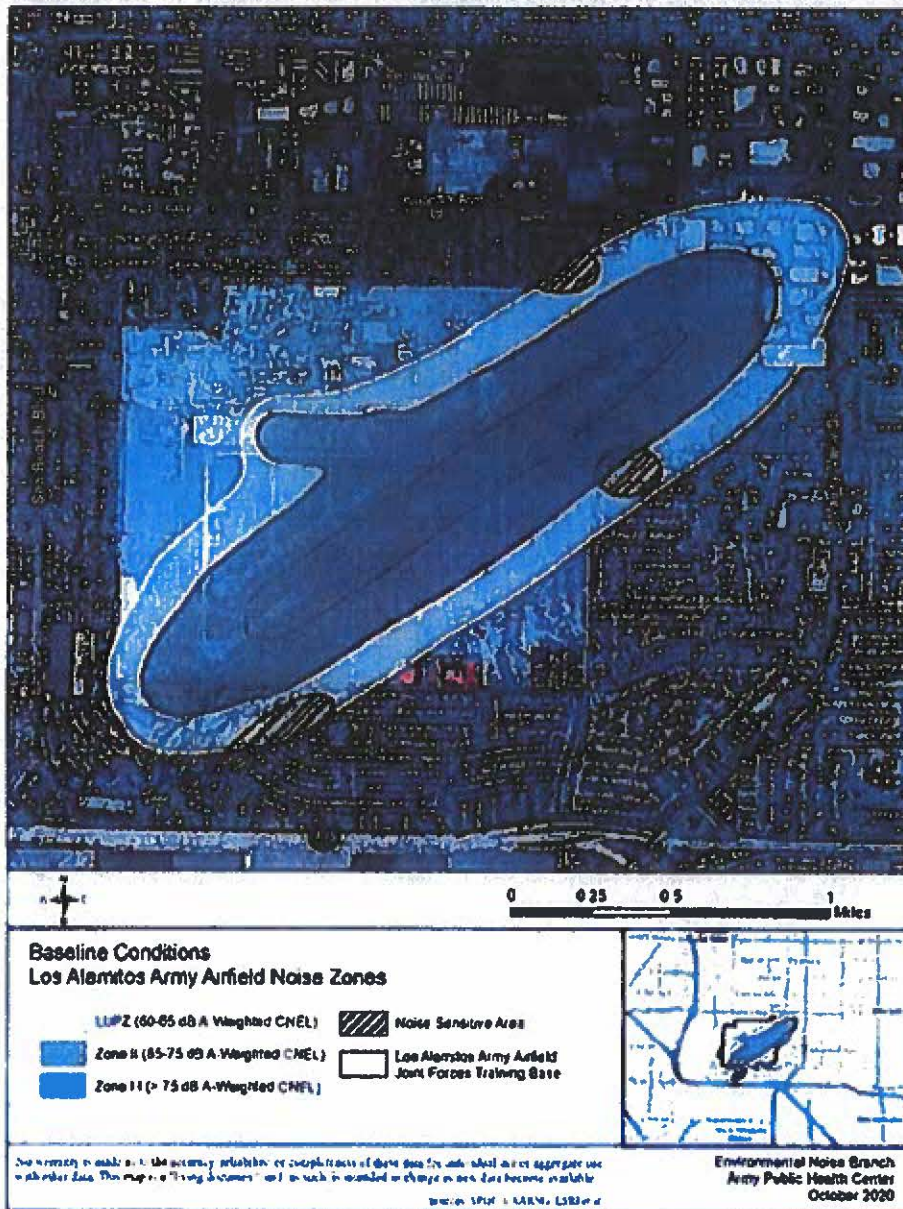


Figure 1. Baseline Los Alamitos Army Airfield Noise Zones

JFTB NOISE ASSESSMENT

Environmental Health Sciences, Environmental Noise Consultation Update No. S.0064236b-20,
1 June 2020

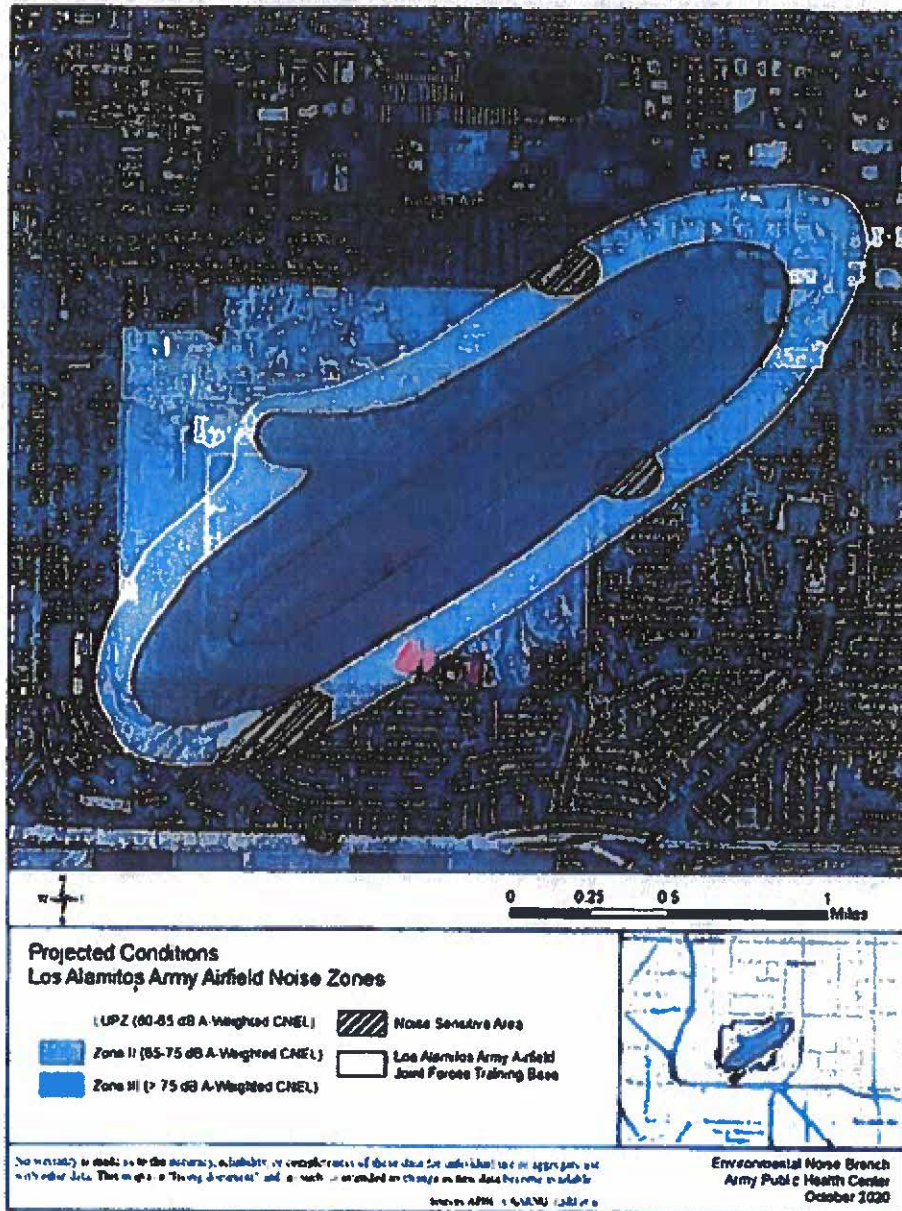


Figure 2. Projected Los Alamitos Army Airfield Noise Zones

HOUSING ELEMENT



Housing Element
Residential Land Resources **AB**

Site 9 is currently occupied by a church and is for sale. The City will apply R4 zoning to the 5 acre property which would generate a mix of affordable and market rate units, including 20 units for lower income households and 40 units for moderate income households. The balance of the project would allow up to 90 units of housing, available to above moderate income households.

Site 10 is currently occupied by a commercial development and consists of 3 acres. The site will be rezoned to R4 and is expected to develop as a mixed income project, to include 10 lower income units, 15 moderate income units and 65 above moderate income units.

Site 11 is currently occupied by market housing, but is planned for redevelopment. The site will be rezoned from R3 to R4, and will provide up to 30 moderate income units.

As set forth in Policy Action 4.4, the City will enforce the units designated in Sites 6a-6b and 6c to meet RHNA per Table B-2 and Figure B-1 as future projects are proposed on these sites. Proposals that include fewer units than designated will not be approved by the City, unless alternative sites are identified. The City has seen a significant interest in the redevelopment of these sites for the development of housing.

Table B-2
Sites Inventory and Projected Units

Sites Description							
Site ID	APN	Address	Acres	Existing GP	Existing Zoning	Proposed Zoning	Projected Density
1	242-203-27	10909 Los Alamitos Blvd	0.85	Mixed Use	TCMU	TCMU	60
	242-203-28	10877 Los Alamitos Blvd	0.58	Mixed Use	TCMU	TCMU	60
2a	242-171-02	10956 Los Alamitos Blvd	0.68	Mixed Use	TCMU	TCMU	60
2b	242-171-07	10900 Los Alamitos Blvd	3.1	Mixed Use	TCMU	TCMU	60
2c	242-171-01	10900 Pine Street	0.48	Mixed Use	TCMU	TCMU	60
2d	242-172-02	10902 Pine Street	0.17	Mixed Use	TCMU	TCMU	60
3	222-091-01	11021 Reagan Street	0.35	Mixed Use	TCMU	TCMU	60
	222-091-21	3636 Katala Avenue	0.7	Mixed Use	TCMU	TCMU	60
4a	222-093-12	11182 Los Alamitos Blvd	0.74	Mixed Use	TCMU	TCMU	60
4b	222-093-13	11232 Los Alamitos Blvd	0.19	Mixed Use	TCMU	TCMU	60
6	130-012-35	4655 Lampson Ave	12.4	Community & Institutional	C-F	R3	20



**Housing Element
Residential Land Resources**



Site ID	APN	Address	Acres	Existing GP	Existing Zoning	Proposed Zoning	Projected Density
7	241-241-35	Laurel Park	2 of 4	Community & Institutional	C-F	R4	30
8	242-212-11 242-212-08 242-212-10	3191 Katella/City Hall	3.2	Retail Business	C-G	R4	30
9	241-251-14	4142 Carritos Ave	5	Community & Institutional	C-F	R4	30
10	222-181-01. 222-181-02	5030-5084 Katella	3	Retail Business	C-G	R4	30
11	242-222-06	3370 Carritos Ave	1.2	Multi-Family	R3	R4	30

Projected Units

Site ID	Maximum Units	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Units for RHNA
1	86	7	4	5		16
2a	41	2	2	2		6
2b	186	32	9	22		63
2c	29	11	8	9		28
2d	10	4	3	3		10
3	63	3	4	4		11
4a	44	2	3	2		7
4b	8	1		1		2
6	248	38	39		171	248
7	60	30	20	10		60
8	96	50	30	16		96
9	150	10	10	40	90	150
10	90	10		15	65	90
11	36			30		30
Total	1147	200	132	159	326	817
RHNA	769	194	119	145	311	769
Surplus Capacity	-	6	13	14	15	48

DRAFT HOUSING ELEMENT



Housing Element

Housing Resources and Constraints

iv. Fire Hazards

The City of Los Alamitos contracts with the Orange County Fire Authority for fire protection and emergency medical services. The local fire station in Los Alamitos is located at 3642 Green Avenue. The fire station houses three Fire Captains, three Engineers, and three Firefighters. Additional resources are also available from 77 Orange County Fire Stations, the City of Long Beach, and Los Angeles County. Due to the low density character of the community and sparse wildland areas in the City, the wildland fire hazard is considered to be insignificant or low. The inventory sites are not located in or near state responsibility areas or Very High Fire Hazard Severity Zones as classified by the California Department of Forestry and Fire Protection.

v. Noise

The existing noise environment surrounding the City of Los Alamitos is influenced primarily by transportation related noise sources. These transportation related noise sources include traffic noise from nearby roadways (i.e., I-605, Katella Avenue and Los Alamitos Boulevard) and aircraft noise from the Joint Forces Training Base (JFTB). Stationary noise sources include air conditioning units, power generators, air compressors, school bells, and power equipment. The City of Los Alamitos General Plan has traffic noise contours for assessing the compatibility of residential uses with transportation related noise sources. The City has also adopted a Noise Ordinance that sets criteria for residential areas impacted by stationary noise sources, including "not to exceed" noise levels for various periods of time and regulations for special activities.

Most sites listed in the Sites Inventory are outside of the 60/65-CNEL noise contours established for JFTB, except the Site 6 which is partially within the 60-CNEL noise contour but completely outside the 65-CNEL noise contour. The City enforces California Building Code's standards for residential construction practices and building materials to ensure that interior noise levels do not exceed 45 dBA. Future housing projects will be subject to CBC requirements and thus meet the City noise standards of 45 dBA at night and 55 dBA during the day for residential uses as set forth in the General Plan.

b. Infrastructure Constraints

i. Water

The Golden State Water Company owns and operates the extensive network of water lines that serves Los Alamitos. The water system supply sources include a mixture of groundwater from the Orange County Groundwater Basin and imported water from the

GENERAL PLAN

Goal 3: Development that is consistent with the Airport Environs Land Use Plans for the Joint Forces Training Base and Orange County Heliports.

Policy 3.1 can also be found in the Public Facilities and Safety Element as Policy 4.1.

Policy 3.1 Land use compatibility. Approve development and require mitigation measures to ensure existing and future land use compatibility as shown in the City's Noise Ordinance, the Land Use and Noise Compatibility Matrix, the State Interior and Exterior Noise Standards, and the Airport Environs Land Use Plan (AELUP) for the JFTB.

Policy 3.2 Federal Aviation Regulation Part 77. Do not approve buildings and structures that would penetrate Federal Aviation Regulation (FAR) Part 77 Imaginary Obstruction Surfaces for JFTB, Los Alamitos unless found consistent by the Airport Land Use Commission (ALUC). Additionally, in accordance with FAR Part 77, required applicants proposing buildings or structures that penetrate the 100:1 Notification Surface 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 for Orange County.

Policy 3.3 Structures above 200 feet. For development projects that include structures higher than 200 feet above existing grade, the City shall inform the 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 (FAA).

Policy 3.4 Heliport/helistop approval and requirements. Approve the development of a heliport or helistop only if it complies with the AELUP for Heliports. Ensure that each applicant seeking a conditional use permit or similar approval for the construction or operation of a heliport or helistop complies fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by the FAA, by Orange County ALUC, and by Caltrans/Division of Aeronautics. This requirement shall be in addition to all other City development requirements.

Policy 3.5 New residential units. Do not approve the construction of new residential units within the 65 dBA CNEL noise contour for the JFTB.

Policy 3.6 JFTB noise contours. Require the use of JFTB noise contours to ensure new development is compatible with the noise environment.

Policy 3.7 Deed disclosure notice. Provide notice of airport in the vicinity where residential development is being proposed within the 60 dBA CNEL noise contours for the

GENERAL PLAN

Growth Management Element

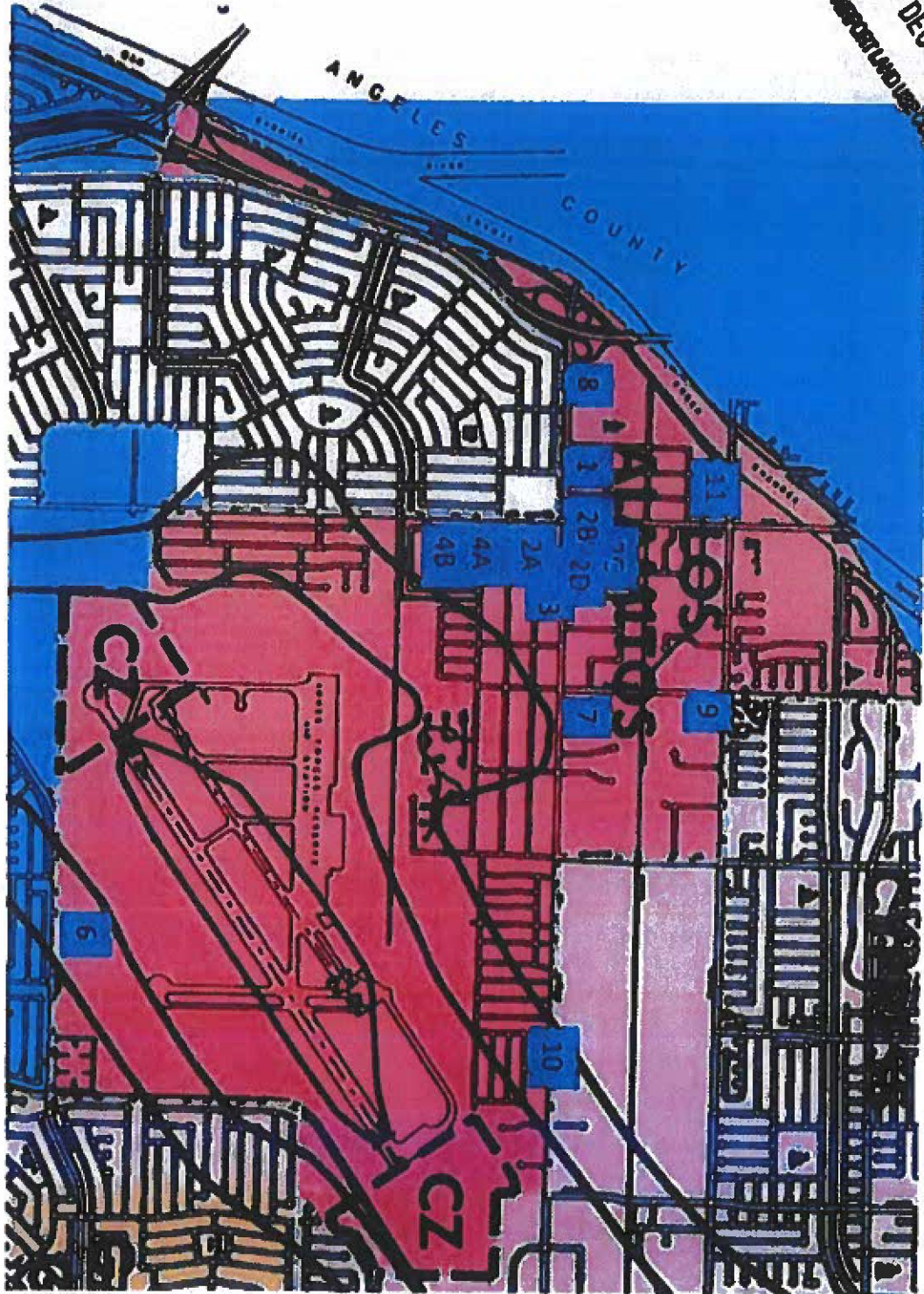
March 2015

JFTB. Require that the following language be included as part of the Deed Disclosure Notice:

NOTICE OF AIRPORT IN VICINITY

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 can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

HEC 11
DEC 27 2022
MERCURY INDUSTRIES



California Department of Transportation



DIVISION OF AERONAUTICS
P.O. BOX 942874, MS-40 | SACRAMENTO, CA 94274
(916) 654-4959 | FAX (916) 653-9531 TTY 711
www.dot.ca.gov

March 29, 2023

Mr. Ron Noda
City of Los Alamitos
RNoda@cityoflosalamitos.org
3191 Katella Ave,
Los Alamitos, CA 90720

Electronically Sent

Dear Mr. Noda,

Thank you for notifying the California Department of Transportation, Division of Aeronautics (Division), of the proposed overrule by the City of Los Alamitos (City). The Division has reviewed the proposed findings provided by the City and has **determined the findings are insufficient to warrant this proposed overrule.** Specifically, the findings are inconsistent with the purposes of the statutes set forth in the California Public Utilities Code (PUC) section 21670. These findings do not provide substantial evidence that the proposed Project will meet the requirements of PUC statutes set forth in PUC section 21670. These findings do not provide substantial evidence that the proposed Project will meet the requirements of PUC, section 21670(a) (1) and (2).

The Division received an email notification that included City Resolution 2023-04 and draft findings, declaring an intent to consider overruling the Airport Land Use Commission's (ALUC) inconsistency determination of the City's Draft 2021-2029 Housing Element Update. The City presented a number of findings to demonstrate substantive compliance with the Joint Forces Training Base Los Alamitos Airport Environs Land Use Plan. The Division concurs with the ALUC's determination that the Draft 2021-2029 Housing Element Update is inconsistent with the Airport Environs Land Use Plan.

The Division recognizes that the city is facing affordable housing supply shortages and is looking for new areas to accommodate residential developments. However, environmental justice and equity concerns should also be reviewed for consistency with goals identified in the California Transportation Plan of 2050 and the California Aviation System Plan of 2020. The Division notes that new laws regarding the provision of housing do not supersede existing laws, including Section 21670 of the California Public Utilities Code, which requires counties to establish ALUCs and compatibility plans to protect public health, safety, and welfare.

In addition, Section 21675.1(f) provides: If a city or county overrules the commission pursuant to subdivision(d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport is not liable for damages to

Mr. Ron Noda
March 29, 2023
Page 2

property or personal injury resulting from the city's or county's decision to proceed with the action, regulation, or permit.

Please note: The Division comments are to be included in the public record of any decision to overrule the ALUC. If you have questions or if we may be of further assistance, please contact me by email at jonathan.huff@dot.ca.gov or call (916) 879-6528

Sincerely,

Originally signed by

Jonathan Huff
Associate Transportation Planner
Division of Aeronautics

c: Julie Fitch, Land Use Manager, John Wayne Airport, Orange County,
JFitch@ocair.com

Matt Friedman, Chief, Office of Aviation Planning, Division of Aeronautics
Matthew.friedman@dot.ca.gov

Attachment: ALUC Comments on Los Alamitos NOI Overrule.pdf



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.

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 agendaing. 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



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

April 19, 2023

Swati Meshram, PhD, AICP, Planning Manager
City of Buena Park Community Development
6650 Beach Blvd., P.O. Box 5009
Buena Park, CA 92622-5009

Subject: ALUC Referral Confirmation – City of Buena Park Zoning Code Text Amendment
Related to Billboards

Dear Dr. Meshram:

This is to confirm that the Airport Land Use Commission (ALUC) staff has received the City of Buena Park referral request for a consistency review of a Zoning Code Text Amendment Related to Billboards.

Your April 14, 2023 request for a review and consistency determination by the Commission is hereby accepted and deemed complete and will be agendaized for the next Commission meeting of May 18, 2023, unless otherwise noticed. Your attendance at the meeting will be appreciated in case there are questions regarding this item. The meeting location is included below for your information:

4:00 p.m.
JWA/Airport Commission Meeting Room
3160 Airway Avenue
Costa Mesa, CA 92626

A copy of the meeting agenda and staff report regarding your item will be provided to you prior to the Commission meeting. Please contact us at (949) 252-5170 or at alucinfo@ocair.com if you need additional information regarding the Commission's review of this project.

Sincerely,

Lea U. Choum
Executive Officer

From: Ung, Rosalinh <[rune@newportbeachca.gov](mailto:rung@newportbeachca.gov)>
Sent: Thursday, May 4, 2023 8:09 AM
To: Choum, Lea [JWA] <LChoum@ocair.com>
Cc: Campbell, Jim <JCampbell@newportbeachca.gov>
Subject: City of Newport Beach Noise-Related Amendments - Withdraw from 5/18 ALUC Meeting

Attention: This email originated from outside the County of Orange. Use caution when opening attachments or links.

Good morning Lea – Please accept this email as a request to withdraw our submittal package for consistency determination at the May 18, 2023 ALUC meeting. Greatly appreciate your assistance in this matter, and please let me know if you have any questions. Rosalinh



Rosalinh Ung

Principal Planner

Community Development
Department

Office: 949-644-3208

100 Civic Center Drive

Newport Beach, CA 92660





AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

June 21, 2023

Swati Meshram, PhD, AICP
Planning Manager
City of Buena Park
6650 Beach Boulevard
P.O. Box 5009
Buena Park, CA 90622-5009

Subject: Consistency Determination for the City of Buena Park Proposed Zoning Code Text Amendment Related to Billboard Signs

Dear Dr. Meshram:

On April 14, 2023, Airport Land Use Commission (ALUC) staff received your submittal for a consistency determination of a proposed Zoning Code Text Amendment Related to Billboard Signs. The submittal was deemed complete and scheduled for ALUC review at the May 18, 2023, ALUC meeting. On May 18, 2023, however, the meeting was adjourned due to the lack of a quorum. The subject item was not reviewed by the Commission and no determination was made.

Section 1.3 of the *Airport Environs Land Use Plan (AELUP) for Fullerton Municipal Airport* and Section 21676(d) of the California Public Utilities Code state:

“Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the airport land use compatibility plan.”

Therefore, the proposed Zoning Code Text Amendment Related to Billboard Signs is deemed consistent with the *AELUP for Fullerton Municipal Airport* effective June 13, 2023, (sixty days from submittal). Please contact us at (949) 252-5170 if you would like additional information regarding this proceeding.

Sincerely,

Lea U. Choum
Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

June 23, 2023

Rosalinh Ung, Principal Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Subject: ALUC Referral Confirmation

Dear Ms. Ung:

This is to confirm that Airport Land Use Commission (ALUC) staff has received the City of Newport Beach referral request for a consistency review of the **Newport Place Planned Community Amendment Related to Inclusionary Housing Percentage**.

Your June 20, 2023 request for a review and consistency determination by the Commission is hereby accepted and deemed complete. It will be agendaized for the next Commission meeting of July 20, 2023, unless otherwise noticed. Your attendance at the meeting would be appreciated in case there are questions regarding this item. The meeting will be held at 4:00 p.m. at:

JWA/Airport Commission Room
3160 Airway Avenue
Costa Mesa, CA 92626

A copy of the meeting agenda and staff report regarding your item will be provided to you prior to the Commission meeting. Please contact Julie Fitch at (949) 252-5170 or at jfitch@ocair.com if you need additional information regarding the Commission's review of this project.

Sincerely,

Lea U. Choum
Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

July 6, 2023

Ali Pezeshkpour, AICP
Planning Manager
City of Santa Ana
20 Civic Center Plaza
P.O. Box 1988
Santa Ana, CA 92702

Subject: ALUC Referral Confirmation

Dear Mr. Pezeshkpour:

This is to confirm that the Airport Land Use Commission (ALUC) staff has received the City of Santa Ana referral request for the **Related Bristol Specific Plan DP No. 2022-31**.

Your June 30, 2023 request for a review and consistency determination by the Commission is hereby accepted and deemed complete. It will be agendaized for the next Commission meeting of July 20, 2023, unless otherwise noticed. Your attendance at the meeting would be appreciated in case there are questions regarding this item. The meeting will be held at 4:00 p.m. at:

JWA Airport Commission Room
3160 Airway Avenue
Costa Mesa, CA 92626

A copy of the meeting agenda and staff report regarding your item will be provided to you prior to the Commission meeting. Please contact us at (949) 252-5170 or jfitch@ocair.com if you need additional information.

Sincerely,

Lea U. Choum
Executive Officer



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July 12, 2023

City Council Members
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720-5600

Subject: City Council Study Session regarding ALUC Inconsistency Determination

Dear City Council Members:

On January 19, 2023, the City of Los Alamitos submitted the 6th Cycle Housing Element Update 2021-2029 to the Airport Land Use Commission (ALUC) for Orange County for a consistency review. The ALUC found the proposed Housing Element Update inconsistent with the Airport Environs Land Use Plan (AELUP) for Joint Forces Training Base (JFTB) Los Alamitos.

Per Section 4.11 of the AELUP for JFTB Los Alamitos, when the ALUC determines that a submittal is inconsistent with the AELUP, the ALUC shall promptly notify the affected local agency. The local agency may modify the submitted project so as to be consistent with the AELUP and resubmit the project to the ALUC for a determination of consistency; or the local agency may instead choose to overrule the ALUC by following the procedure established in Public Utilities Code (PUC) Sections 21676 and 21676.5.

On March 1, 2023, the ALUC and Caltrans Division of Aeronautics were notified of the City's intent to overrule and in response, provided comments on the findings of facts included in Resolution No. 2023-04 adopted by the City Council on February 21, 2023. At your study session we encourage the City Council to consider these response letters which are attached for your review.

In the event that a local agency does not revise its plan or overrule the ALUC, the ALUC may impose compliance requirements on the local agency. Public Utilities Code Section 21676.5, entitled "Local agency plan revisions; overruling of commission by local agency; further review," states in pertinent part:

"If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require

that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made.”

Moreover, if a local agency does not overrule an airport land use commission’s inconsistency finding, it cannot adopt its proposed general (or specific) plan amendment. As the court succinctly stated in *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 385:

“Any local agency seeking to amend its general plan in a way that affects an area governed by an airport land use compatibility plan must first refer its proposed action to the responsible commission for a determination whether the proposed action is consistent with the airport land use plan. If the commission determines the amendment is not consistent, the agency may not enact it unless a two-thirds supermajority of the agency's governing body votes to override the commission's disapproval and the agency makes specific findings that its proposed action is consistent with the purposes of the State Aeronautics Act. (Pub.Util.Code, § 21676, subd. (b).)”

Please let me know if I can assist with any general inquiries regarding ALUC. I can be reached at (949) 252-5170 or at alucinfo@ocair.com. However, if you have questions regarding legal procedures or controlling statues for airport land use commissions, you should consult with your City Attorney.

Sincerely,



Lea Choum
Executive Officer

Attachments:

Letter from ALUC for Orange County dated March 28, 2023
Letter from Caltrans Division of Aeronautics dated March 29, 2023

cc: Chet Simmons, City Manager
Airport Land Use Commission for Orange County