



# AIRPORT LAND USE COMMISSION

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

## AGENDA ITEM 3

February 15, 2024

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

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The following attachments are for your review and information:

- JWA Statistics for December 2023.
- ALUC Determination Letter to City of Newport Beach on 1401 Quail Street.
- ALUC Determination Letter to City of Newport Beach on 1400 Bristol Street Residences.
- Letter and Resolutions from the City of Los Alamitos regarding Overrule of ALUC Inconsistency Findings on Housing Element Update.

Respectfully submitted,

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

Lea U. Choum  
Executive Officer

# John Wayne Airport Posts December 2023 Statistics

January 25, 2024

**(SANTA ANA, CA)** – Airline passenger traffic at John Wayne Airport decreased in December 2023 as compared to December 2022. In December 2023, the Airport served 876,398 passengers, a decrease of 7.2% when compared with the December 2022 passenger traffic count of 944,266.

Commercial aircraft operations in December 2023 of 7,713 increased 0.2% and commuter aircraft operations of 378 decreased 28.9% when comparing with December 2022 levels.

Total aircraft operations increased in December 2023 as compared with the same month in 2022. In December 2023, there were 22,338 total aircraft operations (takeoffs and landings) a 2.9% increase compared to 21,704 total aircraft operations in December 2022.

General aviation activity of 14,228 accounted for 63.7% of the total aircraft operations during December 2023 and increased 5.8% compared with December 2022.

The top three airlines in December 2023 based on passenger count were Southwest Airlines (277,306), United Airlines (154,129) and American Airlines (113,459).

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John Wayne Airport

Monthly Airport Statistics - December 2023

	December 2023	December 2022	% Change	Year-To-Date 2023	Year-To-Date 2022	% Change
<b>Total passengers</b>	876,398	944,266	-7.2%	11,741,325	11,360,959	3.3%
Enplaned passengers	436,417	463,772	-5.9%	5,830,386	5,635,590	3.5%
Deplaned passengers	439,981	480,494	-8.4%	5,910,939	5,725,369	3.2%
<b>Total Aircraft Operations</b>	22,338	21,704	2.9%	273,175	303,970	-10.1%
General Aviation	14,228	13,450	5.8%	172,866	202,366	-14.6%
Commercial	7,713	7,698	0.2%	95,220	95,260	0.0%
Commuter <sup>1</sup>	378	532	-28.9%	4,858	5,878	-17.4%
Military	19	24	-20.8%	231	466	-50.4%
<b>Air Cargo Tons <sup>2</sup></b>	1,561	1,376	13.4%	17,611	17,335	1.6%

**International Statistics <sup>3</sup>**

(included in totals above)

	December 2023	December 2022	% Change	Year-To-Date 2023	Year-To-Date 2022	% Change
<b>Total Passengers</b>	22,289	28,633	-22.2%	356,722	314,226	13.5%
Enplaned passengers	11,717	14,737	-20.5%	180,373	157,890	14.2%
Deplaned passengers	10,572	13,896	-23.9%	176,349	156,336	12.8%
<b>Total Aircraft Operations</b>	186	240	-22.5%	2,796	2,825	-1.0%

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: 1,484 tons

Passenger Carriers (incidental belly cargo): 77 tons

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

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

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John Wayne Airport (SNA) is owned by the County of Orange and is operated as a self-supporting enterprise that receives no general fund tax revenue. The Airport serves more than 11.3 million passengers annually and reaches more than 40 nonstop destinations in the United States, Canada and Mexico. More information can be found at [www.ocair.com](http://www.ocair.com). Like us on [facebook.com/johnwayneairport](https://www.facebook.com/johnwayneairport), or follow us on X (formerly Twitter) [@johnwayneair](https://twitter.com/johnwayneair) and Instagram [@johnwayneair](https://www.instagram.com/johnwayneair).

To receive John Wayne Airport news releases automatically, go to [www.ocair.com](http://www.ocair.com) and click [Subscribe](#).



# AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

January 23, 2024

David Lee, Senior Planner  
City of Newport Beach Community Development  
100 Civic Center Drive  
Newport Beach, CA 92660

**Subject: ALUC Determination for The Residences at 1401 Quail Street, General Plan (Land Use) Amendment and Newport Place Planned Community Amendment**

Dear Mr. Lee:

During the public meeting held on January 18, 2024, the Airport Land Use Commission (ALUC) for Orange County considered the subject item. The matter was duly discussed, and with a 6-0 vote, the Commission found The Residences at 1401 Quail Street, General Plan (Land Use) Amendment and Newport Place Planned Community Amendment to be Inconsistent with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)* per:

1. Section 2.1.1 Aircraft Noise that the “aircraft noise emanating from airports may be incompatible with general welfare of the inhabitants within the vicinity of an airport.”
2. Section 2.1.2 Safety Compatibility Zones in which “the purpose of these zones is to support the continued use and operation of an airport by establishing compatibility and safety standards to promote air navigational safety and to reduce potential safety hazards for persons living, working or recreating near JWA.”
3. 3.2.1 General Policy (in pertinent part): “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, [or] (2) Concentrates people in areas susceptible to aircraft accidents...”

You may contact us at (949) 252-5170 or at [alucinfo@ocair.com](mailto:alucinfo@ocair.com) if you have any questions regarding this proceeding.

Sincerely,

Lea U. Choum *for*  
Executive Officer

cc: ALUC



# AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

January 23, 2024

Liz Westmoreland, Senior Planner  
City of Newport Beach Community Development  
100 Civic Center Drive  
Newport Beach, CA 92660

**Subject: ALUC Determination for 1400 Bristol Street Residences, General Plan (Land Use) Amendment and Newport Place Planned Community Amendment**

Dear Ms. Westmoreland:

During the public meeting held on January 18, 2024, the Airport Land Use Commission (ALUC) for Orange County considered the subject item. The matter was duly discussed, and with a 6-0 vote, the Commission found the 1400 Bristol Street Residences, General Plan (Land Use) Amendment and Newport Place Planned Community Amendment to be Inconsistent with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)* per:

1. Section 2.1.1 Aircraft Noise that the “aircraft noise emanating from airports may be incompatible with general welfare of the inhabitants within the vicinity of an airport.”
2. Section 2.1.2 Safety Compatibility Zones in which “the purpose of these zones is to support the continued use and operation of an airport by establishing compatibility and safety standards to promote air navigational safety and to reduce potential safety hazards for persons living, working or recreating near JWA.”
3. 3.2.1 General Policy (in pertinent part): “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, [or] (2) Concentrates people in areas susceptible to aircraft accidents...”

You may contact us at (949) 252-5170 or at [alucinfo@ocair.com](mailto:alucinfo@ocair.com) if you have any questions regarding this proceeding.

Sincerely,

Lea U. Choum  
Executive Officer

cc: ALUC



December 14, 2023

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

**RE: Los Alamitos Overrule of the Airport Land Use Commission's (ALUC) Inconsistency Findings**

Dear Ms. Choum,

As you are aware, On January 19, 2023, the Orange County Airport Land Use Commission (ALUC) found the City's 6th Cycle (2021-2029) Housing Element Update to be inconsistent with the 2017 Joint Forces Training Base Los Alamitos Airport Environs Land Use Plan. On February 21, 2023, the City Council adopted Resolution 2023-04, providing notice of the City's intent to overrule the ALUC's determination. The City Council conducted a Study Session and reviewed information related to ALUC's finding of inconsistency on July 17, 2023. A Public Hearing was held on August 21, 2023, where the City Council considered the adoption of a resolution overruling the ALUC's determination but failed to receive the required two-thirds affirmative vote.

On September 21, 2023, the ALUC voted to require the City to submit all discretionary actions related to Housing Element Sites 6 (4655 Lampson Avenue), 7 (Laurel Park), and 10 (5030-5084 Katella) to ALUC for review until such time as the General Plan is revised, or the City overrules the ALUC's determination.

On December 11, 2023, the City Council held a duly noticed public hearing to reconsider the ALUC's inconsistency determination and, in accordance with Public Utilities Code section 21676(b), with the requisite two-thirds vote (4 in favor, 1 opposed) adopted Resolution No. 2023-20 entitled,

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, MAKING FINDINGS THAT THE GENERAL PLAN 2021-2029 HOUSING ELEMENT UPDATE IS CONSISTENT WITH THE PURPOSES OF THE STATE AERONAUTICS ACT AND OVERRULING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE HOUSING ELEMENT IS

INCONSISTENT WITH THE 2017 JOINT FORCES TRAINING BASE LOS  
ALAMITOS AIRPORT ENVIRONS LAND USE PLAN.”

As a result, the City's actions, regulations and permits will no longer need to be reviewed by ALUC. (PUC §21676.5(b).) Resolution No. 2023-04 and Resolution No. 2023-20 are provided with this letter for reference.

Please feel free to contact me at [Csimmons@cityoflosalamitos.org](mailto:Csimmons@cityoflosalamitos.org) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chet Simmons', with a large, stylized flourish at the end.

Chet Simmons  
City Manager

Enclosures

Cc *Jonathan Huff, Associate Transportation Planner – Caltrans Division of Aeronautics*  
*Matt Friedman, Chief – Caltrans Division of Aeronautics*

**RESOLUTION NO. 2023-04**

**A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, MAKING DRAFT FINDINGS AND NOTIFYING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION AND THE STATE DIVISION OF AERONAUTICS OF THE CITY'S INTENTION TO FIND THAT THE GENERAL PLAN 2021-2029 HOUSING ELEMENT UPDATE IS CONSISTENT WITH THE PURPOSES OF THE STATE AERONAUTICS ACT AND OVERRULE THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE HOUSING ELEMENT IS INCONSISTENT WITH THE 2017 JOINT FORCES TRAINING BASE LOS ALAMITOS AIRPORT ENVIRONS LAND USE PLAN**

**WHEREAS**, the State Housing Element Law, Article 10.6 of the California Government Code (Sections 65580 et seq.) requires each local jurisdiction to update its General Plan Housing Element every eight (8) years to reflect new statutory requirements and accommodate its share of the Regional Housing Needs Assessment Allocation (RHNA); and,

**WHEREAS**, the City of Los Alamitos prepared General Plan Amendment 21-01, an update to the Housing Element for the 2021-2029 period in accordance with the guidelines and requirements of State Housing Element Law (the "Housing Element Update"); and,

**WHEREAS**, on December 14, 2022, the Planning Commission conducted a duly noticed public hearing and recommended to the City Council the adoption of the Housing Element Update; and,

**WHEREAS**, in accordance with Public Utilities Code Section 21676(b), the City referred the Housing Element Update to the Orange County Airport Land Use Commission ("ALUC") to review for consistency with the 2017 Joint Forces Training Base Los Alamitos Airport Environs Land Use Plan ("AELUP"); and,

**WHEREAS**, on January 19, 2022, the ALUC, acting pursuant to Public Utilities Code Section 21670, determined that the Housing Element Update is inconsistent with the AELUP; and,

**WHEREAS**, as the final review authority under Public Utilities Code Sections 21670 and 21676, the City Council may, after a public hearing, overrule the ALUC by a two-thirds vote, if it makes specific findings that the Housing Element Update is consistent with the purposes of Public Utilities Code Section 21670 regarding the protection of the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses; and by providing the ALUC and the Division of Aeronautics of



the California Department of Transportation ("Division") with notice of the City's intent to consider overruling the ALUC determination along with specific findings at least 45 days prior to the City's action to overrule the ALUC; and,

**WHEREAS**, the Public Utilities Code provides that the ALUC and the Division shall respond to the notification of the findings of proposed overrule within 30 days of receiving the proposed resolution and findings; and,

**WHEREAS**, in the event the ALUC or Division's comments are not available within this timeframe, the City may act without them; and,

**WHEREAS**, the comments by the ALUC and Division are advisory to the City under state law; and,

**WHEREAS**, the City Council shall include any comments from the ALUC and the Division in the final record of any final decision by the City Council to overrule the ALUC, which may only be adopted by a two-thirds vote of the City Council; and,

**WHEREAS**, the draft findings set forth in Section 2 of this resolution do not constitute the final findings of the City with regard to the Housing Element Update's consistency with the purposes of Public Utilities Code Section 21670 and such draft findings may be revised, amended, and/or supplemented as part of any final decision to overrule the ALUC's determination; and,

**WHEREAS**, should the City Council adopt this resolution making the draft findings and declaring its intent to consider overruling the ALUC determination that the Housing Element Update is inconsistent with the AELUP and directing staff to transmit the required notice to the ALUC and the Division, a public hearing will be required in order for the City Council to make a final decision whether to overrule the ALUC inconsistency determination.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES RESOLVE AS FOLLOWS:**

SECTION 1. The City Council finds that the above recitals are true and correct.

SECTION 2. The City Council declares its intent to conduct a public hearing and its intent to consider overruling the ALUC's determination that the Housing Element Update is inconsistent with the AELUP based on the following draft findings:

- a. The 2017 Joint Forces Training Base Los Alamitos Airport Environs Land Use Plan ("AELUP") of the Orange County Airport Land Use Commission ("ALUC") guides the orderly development of the Joint Forces Training Base Los Alamitos ("JFTB") and the surrounding area

through implementation of the standards in AELUP Section 2 (Planning Guidelines) and Section 3 (Land Use Policies). Implementation of these standards 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.

- b. AELUP Section 2.1.1 sets forth the Community Noise Equivalent Level ("CNEL") standards. The Housing Element Update includes the identification of two (2) opportunity sites within the 60 dB CNEL contour for JFTB. No Housing Element Update opportunity sites are within the 65 dB CNEL noise contour.
- c. Sections 3.2.3 and 3.2.4, respectively, of the AELUP define the noise exposure in the 60-65 dBA CNEL noise contour (Noise Impact Zone 2) as "Moderate Noise Impact" and in the 65-70 dBA CNEL noise contour (Noise Impact Zone 1) as "High Impact." Section 3, Table 1 (Limitations on Land Use Due to Noise) of the AELUP identifies residential as "conditionally consistent" with the 60-65 dBA CNEL noise contour and "normally inconsistent" with the 65-70 dBA CNEL noise contour. The City's established policy is that residential units are not to be approved within the 65-70 dBA CNEL noise contour of the airport (Growth Management Element, Policy 3.5). Therefore, the City's policy and the AELUP are consistent, and allow development of residential units in the 60-65 dBA CNEL noise contour. In addition, the AELUP states residential uses in the 60-65 dBA CNEL noise contour must use sound attenuation to ensure that the interior CNEL value does not exceed 45 dBA. This requirement is consistent with the California Building Code requirements enforced by the City to ensure that interior noise levels do not exceed 45 dBA. Furthermore, the General Plan Growth Management Element Policy 3.7 requires a notice of airport be included as part of the Deed Disclosure Notice for any residential development proposed within the 60 dBA CNEL noise contour for the JFTB, which is consistent with the AELUP.
- d. The AELUP Section 2.1.2 (Safety) sets forth zones identified as accident potential zones and clear zones. No Housing Element Update opportunity sites are located within these identified areas. The opportunity site identified as Laurel Park is not adjacent to the north departure path; it is located 1 mile northwest of the north end of the north departure runway and will not be impacted by noise or by aircraft operations.
- e. The Housing Element Update is consistent with the purpose and intent of the AELUP and will not result in incompatible land uses adjacent to the JFTB. The standards and policies set forth in Sections 2 (Planning Guidelines) and 3 (Land Use Policies) of the AELUP were adopted to prevent the creation of new noise and safety problems. As set forth

above, any development on the proposed Housing Element Update opportunity sites will comply with the noise criteria and safety standards established in Sections 2 and 3 of the AELUP.

SECTION 3. The City Council hereby directs City staff to provide notice, in accordance with Sections 21676(b) and 21676.5(a) of the Public Utilities Code, to the ALUC and Caltrans Department of Transportation, Division of Aeronautics, of the City's intent to overrule the ALUC's determination of inconsistency for the Housing Element Update based on the above findings, at least 45 days prior to the scheduled public hearing date for consideration of the proposed overruling action by the City Council.

SECTION 4. The City Council hereby further directs City staff to take all other actions necessary to effectuate the purpose and intent of this resolution.


SECTION 5. The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Specifically, the resolution does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment because it is limited to the City's proposal to overrule the ALUC's determination. The Housing Element Update has been independently reviewed and evaluated pursuant to CEQA.

SECTION 6. The City Clerk shall certify as to the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** this 21st day of February 2023.

DocuSigned by:  
  
9F361688C80C4A2  
Tanya Doby, Mayor

ATTEST:

DocuSigned by:  
  
54BCC2684CA049...  
Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

DocuSigned by:  
*Michael S. Daudt*  
D8A029E0E4DF418  
Michael S. Daudt, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF LOS ALAMITOS )

I, Windmera Quintanar, MMC, City Clerk, of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 21<sup>st</sup> day of February, 2023, by the following vote, to wit:

AYES: COUNCILMEMBERS: Hasselbrink, Nefulda, Doby  
NOES: COUNCILMEMBERS: Hibard, Murphy  
ABSENT: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None

DocuSigned by:  
*Windmera Quintanar*  
54BCC28E4CA8408  
Windmera Quintanar, MMC, City Clerk

## RESOLUTION NO. 2023-20

### A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, MAKING FINDINGS THAT THE GENERAL PLAN 2021-2029 HOUSING ELEMENT UPDATE IS CONSISTENT WITH THE PURPOSES OF THE STATE AERONAUTICS ACT AND OVERRULING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE HOUSING ELEMENT IS INCONSISTENT WITH THE 2017 JOINT FORCES TRAINING BASE LOS ALAMITOS AIRPORT ENVIRONS LAND USE PLAN

**WHEREAS**, the State Housing Element Law, Article 10.6 of the California Government Code (Sections 65580 et seq.) requires each local jurisdiction to update its General Plan Housing Element every eight (8) years to reflect new statutory requirements and accommodate its share of the Regional Housing Needs Assessment Allocation (RHNA); and,

**WHEREAS**, the City of Los Alamitos prepared General Plan Amendment 21-01, an update to the Housing Element for the 2021-2029 period in accordance with the guidelines and requirements of State Housing Element Law (the "Housing Element Update"); and,

**WHEREAS**, on December 14, 2022, the Planning Commission conducted a duly noticed public hearing and recommended to the City Council the adoption of the Housing Element Update; and,

**WHEREAS**, in accordance with Public Utilities Code Section 21676(b), the City referred the Housing Element Update to the Orange County Airport Land Use Commission ("ALUC") to review for consistency with the 2017 Joint Forces Training Base Los Alamitos Airport Environs Land Use Plan ("AELUP"); and,

**WHEREAS**, on January 19, 2023, the ALUC, acting pursuant to Public Utilities Code Section 21670, determined that the Housing Element Update is inconsistent with the AELUP; and,

**WHEREAS**, as the final review authority under Public Utilities Code Sections 21670 and 21676, the City Council may, after a public hearing, overrule the ALUC by a two-thirds vote, after providing the ALUC and the Division of Aeronautics of the California Department of Transportation ("Division") with notice of the City's intent to consider overruling the ALUC determination along with specific findings at least 45 days prior to the City's action to overrule the ALUC; and,

**WHEREAS**, on February 21, 2023, the City Council held a duly noticed public hearing, and following public testimony, and based on the whole of the

record, adopted Resolution 2023-04, making draft findings in support of overruling the ALUC's determination and directing staff to send a Notice of Intent to Overrule the Orange County Airport Land Use Commission to the Airport Land Use Commission and to the California Department of Transportation, Division of Aeronautics (Caltrans); and,

**WHEREAS**, the ALUC and Caltrans provided written comments on March 28 and 29, 2023, respectively; and,

**WHEREAS**, the comments by the ALUC and Division are advisory to the City under state law; and,

**WHEREAS**, the City has included comments from the ALUC and the Division in the final record of any final decision by the City Council to overrule the ALUC; and,

**WHEREAS**, the City Council has supplemented the record with additional analysis provided in the staff report dated July 17, 2023 and all of its attachments, including expert analysis by a registered noise engineer; and,

**WHEREAS**, as the final review authority under Public Utilities Code Sections 21670 and 21676, the City Council may, after a public hearing, overrule the ALUC by a two-thirds vote, if it makes specific findings that the Housing Element Update is consistent with the purposes of Public Utilities Code Section 21670 regarding the protection of the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses; and,

**WHEREAS**, the findings set forth in Section 2 of this resolution have been analyzed and supported by substantial evidence in the record; and,

**WHEREAS**, on July 17, 2023, the City Council conducted a study session and held a duly noticed public hearing, and upon hearing all public testimony, continued the public hearing to the August 21, 2023 regular meeting of the City Council; and,

**WHEREAS**, on August 21, 2023, the City Council held a duly noticed public hearing, and upon hearing all public testimony, closed the public hearing and considered the entirety of the record in its deliberations. With a 3-2 vote, the City Council failed to overrule the ALUC's inconsistency determination.

**WHEREAS**, on December 11, 2023, the City Council held a duly noticed public hearing to reconsider the adoption of a resolution overruling the ALUC's inconsistency, and upon hearing all public testimony, closed the public hearing and considered the entirety of the record in its deliberations.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES RESOLVE AS FOLLOWS:**

SECTION 1. The City Council finds that the above recitals are true and correct.

SECTION 2. The City Council finds that the General Plan 2021-2029 Housing Element (6th Cycle) Update is consistent with the purposes of California Public Utilities Code Section 21670 and the AELUP of protecting the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses, based on the following findings:

- a. The 2017 Joint Forces Training Base Los Alamitos Airport Environs Land Use Plan ("AELUP") of the Orange County Airport Land Use Commission ("ALUC") guides the orderly development of the Joint Forces Training Base Los Alamitos ("JFTB") and the surrounding area through implementation of the standards in AELUP Section 2 (Planning Guidelines) and Section 3 (Land Use Policies). Implementation of these standards 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.

*Neither Site 6 nor Site 10 is located in an area where excessive noise will occur, and both sites are predicted to have noise levels under 65 dBA CNEL, which can be reduced to 45 dBA CNEL or less for interior spaces with the application of standard construction methods. These noise levels are considered acceptable for residential land uses in both the City's General Plan and ALUC's Land Use Plan. Site 7 does not occur in either an airport Clear Zone or under a flight path. No structure built on any of the Housing Element's Inventory Sites can interfere with navigable airspace because the City's Zoning standards allow buildings well below the FAA's building height limits. Therefore, the Housing Element will not result in adverse effects to the public from airport or aircraft operations.*

- b. AELUP Section 2.1.1 sets forth the Community Noise Equivalent Level ("CNEL") standards. The Housing Element Update includes the identification of two (2) opportunity sites within the 60 dB CNEL contour for JFTB. No Housing Element Update opportunity sites are within the 65 dB CNEL noise contour.
- c. Sections 3.2.3 and 3.2.4, respectively, of the AELUP define the noise exposure in the 60-65 dBA CNEL noise contour (Noise Impact Zone 2) as "Moderate Noise Impact" and in the 65-70 dBA CNEL noise contour (Noise Impact Zone 1) as "High Impact." Section 3, Table 1 (Limitations on Land Use Due to Noise) of the AELUP identifies residential as "conditionally

consistent” with the 60-65 dBA CNEL noise contour and “normally inconsistent” with the 65-70 dBA CNEL noise contour. The City's established policy is that residential units are not to be approved within the 65-70 dBA CNEL noise contour of the airport (Growth Management Element, Policy 3.5). Therefore, the City's policy and the AELUP are consistent, and allow development of residential units in the 60-65 dBA CNEL noise contour. In addition, the AELUP states residential uses in the 60-65 dBA CNEL noise contour must use sound attenuation to ensure that the interior CNEL value does not exceed 45 dBA. This requirement is consistent with the California Building Code requirements enforced by the City to ensure that interior noise levels do not exceed 45 dBA. Furthermore, the General Plan Growth Management Element Policy 3.7 requires a notice of airport be included as part of the Deed Disclosure Notice for any residential development proposed within the 60 dBA CNEL noise contour for the JFTB, which is consistent with the AELUP.

*The City's and ALUC's standards are consistent, and the City has demonstrated that residential development can be mitigated to assure that noise levels at new residential developments on Sites 6 and 10, as everywhere in the City, can be reduced to 65 dBA CNEL exterior, and 45 dBA interior with the application of standard mitigation measures, including setbacks, walls, landscaping and standard construction methods. The Housing Element will not result in the exposure of residents to unacceptable noise levels, and will not negatively impact the public health, safety or welfare of residents of Los Alamitos.*

- d. The AELUP Section 2.1.2 (Safety) sets forth zones identified as accident potential zones and clear zones. No Housing Element Update opportunity sites are located within these identified areas. The opportunity site identified as Laurel Park is not adjacent to the north departure path; it is located 1 mile northwest of the north end of the north departure runway and will not be impacted by noise or by aircraft operations.

*Site 7 is not located within an airport Clear Zone, and does not occur under any of the flight paths identified in the ALUC Land Use Plan. There will be no greater hazard to safety of residents on Site 7 than there would be on any other property over which aircraft operate in Orange County. Therefore, the Housing Element will not result in a hazard to public safety, nor will future development on the site impact airport operations.*

- e. The Housing Element Update is consistent with the purpose and intent of the AELUP and will not result in incompatible land uses adjacent to the JFTB. The standards and policies set forth in Sections 2 (Planning Guidelines) and 3 (Land Use Policies) of the AELUP were adopted to prevent the creation of new noise and safety problems. As set forth above, any development on the proposed Housing Element Update opportunity sites will comply with the noise criteria and safety standards established in Sections 2 and 3 of the AELUP.



SECTION 3. The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Specifically, the resolution does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment because it is limited to the City's overrule of the ALUC's determination. The Housing Element Update has been independently reviewed and evaluated pursuant to CEQA.

SECTION 4. The City Clerk shall certify as to the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** this 11<sup>th</sup> day of December 2023.



\_\_\_\_\_  
Tanya Doby, Mayor

ATTEST:

*Windmera Quintanar*

\_\_\_\_\_  
Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

*Michael S. Daudt*

\_\_\_\_\_  
Michael S. Daudt, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF LOS ALAMITOS )

I, Windmera Quintanar, MMC, City Clerk, of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 11<sup>th</sup> day of December 2023, by the following vote, to wit:

AYES: COUNCILMEMBERS: Hasselbrink, Nefulda, Doby, Murphy  
NOES: COUNCILMEMBERS: Hibard  
ABSENT: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None

*Windmera Quintanar*

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Windmera Quintanar, MMC, City Clerk