



AIRPORT LAND USE COMMISSION

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

AGENDA ITEM 3

June 20, 2024

TO: Commissioners/Alternates
FROM: Interim Executive Officer
SUBJECT: Administrative Status Report

The following attachments are provided for your information:

- ALUC Comment Letter on Lampson Los Alamitos DEIR 6/10/2024
- Referral Confirmation Letter to City of Cypress 6/7/24
- Referral Confirmation Letter to City of Newport Beach 6/4/2024
- Referral Confirmation Letter to City of Irvine 5/31/2024
- 5/16/2024 Letter from Caltrans Aeronautics and North Net Training Center Regarding Deactivation of Helipad (CL45)
- ALUC List of Heliports/Helistops in Orange County as of 6/3/2024
- Newport Beach 5/29/2024 Notice Of Intent to Overrule ALUC on Housing Element Implementation Amendments
- May 23, 2024 ALUC Determination Letter to County of Orange Regarding GPA, ZCA and Zone Change
- May 23, 2024 ALUC Determination Letter to Newport Beach Housing Element Implementation Amendments
- October 24, 2023 Letter form HCD to City of Los Alamitos regarding Housing Element and September 26, 2023 Letter from ALUC to City of Los Alamitos (for reference)

Respectfully submitted,

A handwritten signature in blue ink that reads "Julie Fitch".

Julie Fitch
Interim Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

June 10, 2024

Tom Oliver, Associate Planner
City of Los Alamitos Planning Division
3191 Katella Avenue
Los Alamitos, CA 90720

Subject: Draft Environmental Impact Report for 4665 Lampson Avenue Project

Dear Mr. Oliver:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the 4665 Lampson Avenue Project in the context of the Airport Land Use Commission's (ALUC) *Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos*. The proposed project would redevelop the existing office building on the 12.3-acre site with a residential development consisting 246 residential units including: 55 single family homes, 114 townhomes, and 77 affordable multi-family apartment homes. The proposal also includes 21,000 square feet of common open space and 557 parking spaces. The proposed discretionary approvals include a General Plan Amendment, Zone Change, Specific Plan and Tentative Tract Map.

The proposed project site was included in the City's Housing Element Update which was submitted to ALUC for a consistency review. On January 19, 2023, the ALUC 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)* due in part to the subject site (Site 6), along with other sites in the City, being changed from non-residential uses to residential. The inconsistent finding was based on:

1. AELUP 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. AELUP 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.”

While the City overruled ALUC on December 11, 2023, in accordance with PUC 21676(b), ALUC has the following comments.

Section 4.11 Noise of the DEIR indicates that there would be a less-than-significant impact and no mitigation is required for “Threshold c: For a project located within the vicinity of ... an airport land use plan..., would the Project expose people residing or working in the project area to excessive noise levels?” The project site is within the airport land use plan area for JFTB Los Alamitos, and within the 60 dB noise contour for JFTB Los Alamitos. Sites within the AELUP noise contours 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 dB.

In addition, for noise sensitive uses, the Commission recommends a posting of: “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, vibrations, 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.”

Thank you again for the opportunity to comment on the initial study. Please contact me at (949) 252-5170 or via email at jfitch@ocair.com should you have any questions related to the Airport Land Use Commission for Orange County.

Sincerely,



Julie Fitch
Interim Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

June 7, 2024

Alicia Velasco, Planning Director
City of Cypress
5275 Orange Ave.
Cypress CA 90630

Subject: ALUC Referral Confirmation for City of Cypress General Plan Land Use Element Amendments and Cypress Town Center and Commons 2.0 Specific Plan Amendments

Dear Ms. Velasco:

This is to confirm that the Airport Land Use Commission (ALUC) staff has received your referral request for a consistency review of the subject items.

Your May 31, 2024 submittal is hereby accepted and deemed complete for a review and consistency determination by the Commission. It will be agendaized for the **July 18th, 2024** meeting of the Commission 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 link to the meeting agenda and staff report regarding your item will be emailed to you prior to the Commission meeting. Feel free to contact us at (949) 252-5170 or at alucinfo@ocair.com if you have any questions.

Sincerely,

Julie Fitch, AICP
Interim Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

June 4, 2024

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

Re: ALUC Submittal – Residences at 1600 Dove Street General Plan Amendment

Dear Ms. Westmoreland:

This is to confirm that Airport Land Use Commission (ALUC) staff has received the May 28, 2024 referral request for a consistency review of the subject item. Your May 28, 2024 submittal is hereby deemed complete for a consistency review at the next Commission meeting of June 20, 2024, 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 (back entrance)
Costa Mesa, CA 92626

A link to the meeting agenda and staff report regarding your item will be emailed to you prior to the Commission meeting. Feel free to contact us at (949) 252-5170 or at alucinfo@ocair.com if you have any questions.

Sincerely,

Julie Fitch, AICP
Interim Executive Officer



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

May 31, 2024

Alyssa Mateus, Principal Planner
City of Irvine
1 Civic Center Plaza
P.O. Box 19575
Irvine, CA 92623-9575

Subject: Referral Confirmation Notice

Dear Ms. Mateus:

This is to confirm that the Airport Land Use Commission (ALUC) office has received your submittal requesting a consistency determination for the proposed City of Irvine General Plan Update and Associated Zone Change (00921398-PGA and 00832948-PZC). Your May 22, 2024 submittal package along with the additional exhibits submitted on May 31, 2024, is hereby deemed complete and will be placed on the June 20, 2024 ALUC agenda for Commission review, 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 (back entrance)
Costa Mesa, CA 92626

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

Sincerely,

Julie Fitch
Interim Executive Officer



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

100 Civic Center Drive
Newport Beach, California 92660
949 644-3200
newportbeachca.gov/communitydevelopment

May 29, 2024

Julie Fitch, Interim Executive Officer
Airport Land Use Commission for Orange County, John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA 92626

SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL TO JFITCH@OCAIR.COM

Subject: City of Newport Beach Housing Element Implementation Program Amendments – Notice of Intent to Overrule the Orange County Airport Land Use Commission

Dear Ms. Fitch:

On May 28, 2024, the City Council of the City of Newport Beach unanimously (7 ayes, 0 noes) adopted Resolution No. 2024-32 (attached) to notify the Orange County Airport Land Use Commission (ALUC) and Aeronautics Program, Division of Transportation Planning at Caltrans of the City's intent to overrule ALUC's May 16, 2024, determination that the City of Newport Beach Housing Element Implementation Program Amendments project is inconsistent with the Airport Environs Land Use Plan (AELUP) for the John Wayne Airport. Resolution No. 2024-32 includes specific findings, which will be considered during the public hearing to consider overruling ALUC's determination, that the project is consistent with the purposes of the State Aeronautics Act.

Pursuant to Section 21676(b) of Public Utilities Code, ALUC may provide comments to the City. Comments should be sent to:

Benjamin M. Zdeba, AICP, Principal Planner
City of Newport Beach
Community Development Department
100 Civic Center Drive
Newport Beach, CA 92660

If you have any questions regarding this matter, or require any additional information, please feel free to contact me at bzdeba@newportbeachca.gov or 949-644-3253.

Sincerely,


Benjamin M. Zdeba, AICP
Principal Planner

Attachment: Resolution No. 2024-32

RESOLUTION NO. 2024-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, NOTIFYING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION (ALUC) AND STATE DIVISION OF AERONAUTICS PROGRAM OF THE CITY'S INTENTION TO FIND THAT AMENDMENTS TO THE GENERAL PLAN, COASTAL LAND USE PLAN, AND TITLE 20 (PLANNING AND ZONING) AND TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE NECESSARY TO IMPLEMENT THE GENERAL PLAN 6TH CYCLE HOUSING ELEMENT ARE CONSISTENT WITH THE PURPOSE OF THE STATE AERONAUTICS ACT AND OVERRULE ALUC'S DETERMINATION THAT THE AMENDMENTS ARE INCONSISTENT WITH THE 2008 JOHN WAYNE AIRPORT ENVIRONS LAND USE PLAN (PA2022-0245)

WHEREAS, Section 200 of the City of Newport Beach ("City") Charter vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, the City Council adopted the 6th Cycle Housing Element covering the 2021-2029 period ("6th Cycle Housing Element") on September 13, 2022, and it was certified by the State Department of Housing and Community Development ("HCD") on October 5, 2022, as being statutorily compliant;

WHEREAS, the 6th Cycle Housing Element identifies the Airport Area, West Newport Mesa, Newport Center, Dover/Westcliff, and Coyote Canyon as "focus areas" that are best suited to accommodate the City's Regional Housing Needs Allocation ("RHNA") planning obligation, with around 30% of the housing capacity planned in the Airport Area Environs and 30% planned in Newport Center;

WHEREAS, a total of 75 new housing opportunity sites are allocated to the Airport Area in the 6th Cycle Housing Element, with 37 of those new housing opportunity sites located wholly or partially outside the updated 65 decibel ("65 dBA") Community Noise Equivalent Level ("CNEL") noise contour boundary set forth in the 1985 John Wayne Airport Master Plan;

City of Newport Beach

WHEREAS, amendments to the Land Use Element of the General Plan, Coastal Land Use Plan, Title 20 (Planning and Zoning), and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code ("NBMC") are necessary to allow residential uses, including mixed-use residential, on housing opportunity sites identified by 6th Cycle Housing Element within the Airport Area, as well as those identified as additional sites in the draft Program Environmental Impact Report ("PEIR") ("Amendments") including:

General Plan Land Use Element:

- Policy LU 3.3 – Opportunities for Change,
- Policy LU 4.4 – Rezoning to Accommodate Housing Opportunities,
- Policy LU 4.5 – Residential Uses and Residential Densities,
- Policy LU 4.6 – Continuation of Existing Development,
- Policy LU 4.7 – Redevelopment and Transfer of Development Rights,
- Policy LU 6.15.4 – Priority Uses (Airport Area – Mixed Use Districts [Subarea C, "MU-H2" designation]), and
- Policy LU 6.15.28 – Priority Uses (Airport Area – Commercial Nodes ["CG" designation Sub-Area C—part]);

Coastal Land Use Plan:

- Policy LU 2.1.2-1,
- Policy LU 2.1.10-1,
- Policy LU 2.1.11-1,
- Policy LU 2.1.11-2,
- Policy LU 2.1.11-3, and
- Policy LU 2.1.11-4;

Title 20 (Planning and Zoning) of the NBMC:

- Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts),
- Section 20.48.185 (Multi-Unit Objective Design Standards); and

Title 21 (Local Coastal Program Implementation Plan) of the NBMC:

- Section 21.28.070 (Housing Opportunity (HO) Overlay Coastal Zoning Districts);

WHEREAS, a public hearing was held by the Planning Commission on April 18, 2024, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the hearing, the Planning Commission adopted Resolution No. PC2024-006 (5 ayes, 2 recusals) recommending the City Council approve the Amendments;

WHEREAS, California Public Utilities Code ("PUC") Section 21676(b) requires the City to refer the Amendments to the Orange County Airport Land Use Commission ("ALUC") to review for consistency with the 2008 John Wayne Airport Environs Land Use Plan ("AELUP");

WHEREAS, on May 16, 2024, ALUC unanimously determined the Amendments are inconsistent with the following provisions of the AELUP:

- a. Section 2.1.1 (Aircraft Noise), which provides that the "aircraft noise emanating from airports may be incompatible with the general welfare of the inhabitants within the vicinity of an airport";
- b. Section 2.1.2 (Safety Compatibility Zones), which provides "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";
- c. Section 2.1.4 (Air Transportation), which provides that ALUC is charged by Section 21674 of the PUC "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"; and
- d. Section 3.2.1 (General Policy), which provides that "[w]ithin the boundaries of the AELUP, any land use may be found to be Inconsistent with the AELUP which... [p]laces people so that they are affected adversely by aircraft noise";

WHEREAS, pursuant to Sections 21670 and 21676 of the PUC, the City Council may, after a public hearing, propose to overrule ALUC with a two-thirds vote, if it makes specific findings that the Amendments are consistent with the purpose of Section 21670 of the PUC to protect 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, a public hearing was held by the City Council on May 28, 2024, in the City Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place, and purpose of the hearing was given in accordance with PUC Section 21676(b) and the Ralph M. Brown Act. Evidence, both written and oral, was presented to, and considered by, the City Council at this hearing.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council does hereby find that the Amendments are consistent with the purposes of Section 21670 of the PUC 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.

Findings and Facts in Support of Findings:

A. *The Amendments are consistent with the noise standards of the AELUP.*

The AELUP guides development proposals to provide for the orderly development of John Wayne Airport and the surrounding area through implementation of the standards in Section 2 (Planning Guidelines) and Section 3 (Land Use Policies) of the AELUP. Implementation of these standards are 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 that no structures or activities adversely affect navigable airspace.

Section 2.1.1 of the AELUP sets forth the CNEL standards. A total of 75 new housing opportunity sites are identified in the Airport Area. Of those sites, 56 are located wholly or partially outside the updated 65 dBA CNEL contour boundary as identified by the 2014 EIR No. 617. Only 19 new housing opportunity sites are located wholly within the updated 65 dBA CNEL contour boundary. As proposed, residential development would be limited to parcels wholly or partially outside the updated 65 dBA CNEL noise contour, unless and until the City determines, based on substantial evidence, that the sites wholly within such contour area are needed for the City to satisfy its 6th Cycle Housing Element RHNA mandate.

Sections 3.2.3 and 3.2.4 of the AELUP define the noise exposure in the 60 dBA to 65 dBA CNEL noise contour (Noise Impact Zone 2) as "Moderate Noise Impact" and in the 65 dBA to 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 uses as "conditionally consistent" in the 60 dBA to 65 dBA CNEL noise contour and "normally inconsistent" in the 65 dBA to 70 dBA CNEL noise contour. However, residential uses are not outright prohibited. Instead, Section 3.2.3 of the AELUP requires residential uses be developed with advanced insulation systems to bring the sound attenuation to no more than 45 dB inside. In addition, residential uses within the 65 dBA CNEL noise contour area are required to be "indoor-oriented" to preclude noise impingement on outdoor living areas. This is further substantiated and supported by the proposed specific development standards for the Airport Area Environs Area (HO-1), which include enhanced sound mitigation and the allowance of interior amenities that satisfy open space requirements.

The existing CNEL noise contours of the AELUP Master Plan date back to 1985 ("1985 AELUP Master Plan"). However, advances in technology warrant an adjustment to the noise contours. Specifically, the Noise Chapter of Environmental Impact Report ("EIR No. 617"), for the 2014 John Wayne Airport Settlement Agreement Amendment, described how the dBA CNEL noise contours have decreased in size compared to the 1985 AELUP Master Plan CNEL noise contours. The 1985 AELUP Master Plan CNEL noise contours are considerably larger than the existing noise contours presented in the 2014 John Wayne Airport Settlement Agreement Amendment largely due to a quieter fleet of existing commercial aircraft and a dramatic reduction in the number of general aviation operations. The noise contours in EIR No. 617 are based on more contemporary noise modeling programs, as EIR No. 617 explained that "one of the most important factors in generating accurate noise contours is the collection of accurate

operational data." Airport noise contours generated in the Noise Study for EIR No. 617 used the Integrated Noise Model ("INM") Version 7.0d which was released for use in May 2013, and is the state-of-art in airport noise modeling.

The Amendments are required to ensure the continued and effective implementation of the 6th Cycle Housing Element programs including, but not limited to, the provision of sufficient adequately zoned land to accommodate the City's share of the regional growth and its required share of lower income dwelling units consistent with the RHNA required of the City under State Law. Additionally, by providing uniform and concise conditions of approval identified in the proposed amendments to Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC, the City has taken actions to address potential environmental constraints in the Airport Area and ensure continued feasibility of sites, to meet its RHNA obligation.

- B. The proposed Amendments are consistent with the safety standards of the AELUP.*

Section 2.1.2 (Safety Compatibility Zones) of the AELUP sets forth zones depicting which land uses are acceptable in various portions of JWA environs. Most of the housing opportunity sites, except for portions of six properties, are all within Safety Zone 6. Allowed uses in Safety Zone 6 include residential and most nonresidential uses, except outdoor stadiums and similar uses with very high intensities. Uses that should be avoided include children's schools, large day-care centers, hospitals, and nursing homes. Risk factors associated with Safety Zone 6 generally include a low likelihood of accident occurrence. The Newport Beach Golf Course and the Young Men's Christian Association properties are included as housing opportunity sites in the 6th Cycle Housing Element. Portions of those properties are within Safety Zone 4 with the remaining portions lying in Safety Zone 6. Safety Zone 4 limits residential uses to very low density (if not deemed unacceptable because of noise) and advises to avoid nonresidential uses having moderate or higher usage intensities. Three small properties along Bristol Street and Zenith Avenue have also been included at the request of the property ownership. Two of these properties are wholly within Safety Zone 3 with the remainder being bisected by both Safety Zones 3 and 6. Safety Zone 3 limits residential uses to very low densities (if not deemed unacceptable due to noise). Given the smaller size of these properties and intervening nonconforming single-unit residential development, a very low density project is most likely to occur at this site location.

The City's General Plan Safety Element Policy S8.6 demonstrates that the City acknowledges the importance of the JWA Safety Zones:

“S8.6 John Wayne Airport Traffic Pattern Zone - Use the most currently available John Wayne Airport (JWA) Airport Environs Land Use Plan (AELUP) as a planning resource for evaluation of land use compatibility and land use intensity in areas affected by JWA operations. In particular, future land use decisions within the existing JWA Clear Zone/Runway Protection Zone (Figure S5) should be evaluated to minimize the risk to life and property associated with aircraft operations.”

In accordance with Policy S8.6, the Amendments do not include any housing opportunity sites in the JWA Clear Zone/Runway Protection Zone. Compliance with these policies and regulations will ensure that future development within the JWA Airport Planning Area will follow the safety standards of the AELUP.

- C. *The Amendments are consistent with the purpose and intent of the AELUP and will not result in incompatible land uses adjacent to JWA.*

The standards and policies set forth in AELUP Sections 2 and 3 were adopted to prevent the creation of new noise and safety problems. As set forth above, any development on the proposed housing opportunity sites will comply with the noise criteria and safety standards established in Sections 2 and 3, consistent with policies contained in the Amendments to General Plan Land Use Element, Coastal Land Use Plan, Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC, including the enhanced development standards related to noise mitigation and air quality. It is also important to emphasize that parcels bisected by the 65 dBA CNEL noise contour of the updated Noise Element could support future housing; whereas parcels located wholly within the 65 dBA CNEL noise contour could support housing, if deemed necessary to satisfy the RHNA mandate. Lastly, compliance with the AELUP and City standards will be also evaluated and demonstrated at the time development projects are proposed in the future.

Section 2: Based on the foregoing findings, the City Council provides this notice of intention to overrule the ALUC's determination that the Amendments are inconsistent with the AELUP.

Section 3: The City Council hereby directs City staff to provide ALUC and Caltrans Department of Transportation, Division of Aeronautics, with notice of the City's intention to overrule the ALUC's determination that the Amendments are inconsistent with the AELUP.

Section 4: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 5: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 6: 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 and does not commit the City to approve the Project. Furthermore, the Project has been independently reviewed and evaluated pursuant to CEQA and a draft program Environmental Impact Report (State Clearinghouse Number 2023060699) ("DEIR") has been prepared in compliance with CEQA set forth in Public Resources Code Section 21000 *et seq.*, the State CEQA Guidelines set forth in 14 California Code of Regulations Section 15000 *et seq.*, and City Council Policy K-3. The City Council will consider the EIR before it takes action on the Project (the Amendments to the General Plan, Coastal Land Use Plan, and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC).

Section 7: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 28th day of May, 2024.



Will O'Neill
Mayor

ATTEST:



Leilani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; the foregoing resolution, being Resolution No. 2024-31 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 14th day of May, 2024; and the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Will O'Neill, Mayor Pro Tem Joe Stapleton, Councilmember Brad Avery, Councilmember Noah Blom, Councilmember Robyn Grant, Councilmember Lauren Kleiman, Councilmember Erik Weigand
NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 15th day of May, 2024.



Leilani I. Brown
City Clerk
Newport Beach, California



California Department of Transportation

AERONAUTICS PROGRAM
DIVISION OF TRANSPORTATION PLANNING
P.O. BOX 942873, MS-40 | SACRAMENTO, CA 94273-0001
(916) 654-4959
www.dot.ca.gov



May 16, 2024

Ms. Tracy McClellan
Facility Administrator
North Net Training Center
2400 East Orangewood Ave
Anaheim, CA 92806

Dear Ms. McClellan:

In accordance with your request (enclosed) and California Public Utilities Code, section 21668(a), the California Department of Transportation, Division of Aeronautics, has revoked the State Permit for the heliport known as the North Net Training Center Heliport (Permit number Ora-031(H)). This facility was located in Orange County at 2400 East Orangewood Avenue, Anaheim, California 92806. The revocation is effective May 16, 2024.

You noted in your request that the windsock has been removed and the heliport markings will be obliterated.

The Federal Aviation Administration (FAA) Form 7480-1, Notice for Construction, Alteration and Deactivation of Airports has been submitted by you for the deactivation of this heliport, case number 2024-WSA-75-LAP.

If you have questions or we may be of further assistance, please contact me at (916) 879-6431 or via email at michael.smith@dot.ca.gov.

Sincerely,

Michael Smith

MICHAEL SMITH
Aviation Safety Officer

Enclosure

c: Cathryn Cason FAA LAX ADO



North Net Training Center

Joint Powers Authority Fire Training Center

DATE: May 16, 2024

TO: Michael Smith, California Department of Transportation,
Department of Aeronautics

FROM: Tracy McClellan, Facility Administrator

SUBJECT: North Net Helipad (CL45) – Permit Number ORA-31(H)

Per California Code of Regulations, Title 21, Section 3536, North Net Training Authority requests to voluntarily abandon and revoke the heliport permit at the North Net Training Center site located at 2400 E. Orangewood Avenue, Anaheim, CA 92806.

The helipad will be converted to additional training space for fire suppression personnel.

North Net submitted the Form 7480-1 to the FAA and removed the windssock from the observation tower on site. North Net will obliterate all helipad marking.

Please advise if you need any further information or have any questions. I can be reached at 714-978-7304.

Respectfully submitted.

ORANGE COUNTY HELIPORT/HELISTOP LIST

Caltrans Aeronautics Draft List 06.03.24

	Name	Address	City	ZC	Type
1	ANAHEIM CANYON TOWER HELIPORT	3370 E. Miraloma	Anaheim	92806	Business/Corporate
2	KAISER PERMANENTE ANAHEIM MEDICAL CENTER HP	3430 East La Palma Avenue	Anaheim	92806	Hospital Helicopter
3	ANAHEIM CONVENTION CENTER	800 West Katella Avenue	Anaheim	92082	Temporary Landing Site
4	COSTA MESA POLICE HELIPORT	99 Fair Drive	Costa Mesa	92626	City - Police/Fire/Other
5	L.A. TIMES-COSTA MESA HELIPORT	1375 Sunflower Avenue	Costa Mesa	92626	Business/Corporate
6	THE MET HELIPORT	555 Anton Boulevard	Costa mesa	92626	Business/Corporate
7	CENTERPORT HELIPORT	3000 Airway Ave	Costa Mesa	92626	Business/Corporate
8	MANCLARK AIRWAY HP	3130 Airway Ave	Costa Mesa	92626	Business/Corporate
9	OAKLEY HELIPORT	1 Icon	Foothill Ranch	92610	Business/Corporate
10	FULLERTON MUNICIPAL HELIPORT #1 & #2	4011 W. Commonwealth Ave	Fullerton	92833	Business/Corporate
11	FOUNTAIN VALLEY COMMUNITY HOSPITAL HELIPORT	17100 Euclid Street	Fountain Valley	92708	Hospital Helicopter
12	CRC HUNTINGTON BEACH HELIPORT	Hwy 1 & Seapoint Street	Huntington	92648	Business/Corporate
13	CIVIC CENTER HELIPORT	2000 Main Street	Huntington Beach	92648	City - Police/Fire/Other
14	HUNTINGTON BEACH POLICE DEPARTMENT GOTHARD HP	18401 Gothard Street	Huntington Beach	92648	City - Police/Fire/Other
15	ROGERSON HELIPORT	16940 Von Karmon	Irvine	92606	Business/Corporate
16	SCE - SADDLEBACK SERVICE CENTER HELIPORT	14155 Bake Parkway	Irvine	92618	Business/Corporate
17	THE ATRIUM HELIPORT	19100 Von Karman Ave	Irvine	92612	Business/Corporate
18	JAMBOREE CENTER HELIPORT	Jamboree Center, 4A Park Plaza	Irvine	92614	Business/Corporate
19	CRESCENT IRVINE HELIPORT	2211 Bixby	Irvine	92612	Emergency Use Facility
20	KAISER PERMANENTE SAN CANYON MEDICAL CENTER HP	6650 Alton Pkwy	Irvine	92618	Emergency Use Facility
21	KCIN HELIPORT	1901 Main Street	Irvine	92614	Emergency Use Facility
22	OPUS CENTER IRVINE HP	2020 Main Street	Irvine	92614	Emergency Use Facility
23	SADDLEBACK MEMORIAL MEDICAL CENTER HP	24451 Health Center Drive	Laguna Hills	92653	Hospital Helicopter
24	LAGUNA NIGUEL HELIPORT	24000 Avila Road	Laguna Niguel	92677	Federal
25	MISSION HOSPITAL HP	27700 Medical Center Road	Mission Viejo	92691	Hospital Helicopter
26	HOAG MEMORIAL HOSPITAL HP	1 Hoag Drive	Newport Beach	92663	Hospital Helicopter
27	NEWPORT BEACH POLICE HELIPORT	870 Santa Barbara Drive	Newport Beach	92660	City - Police/Fire/Other
28	SCE - SERRANO SUBSTATION HELIPORT	2075 North Loma Street	Orange	92867	Business/Corporate
29	UCI MEDICAL CENTER HP	101 The City Drive	Orange	92868	Hospital Helicopter
30	CHILDREN'S HOSPITAL OF ORANGE COUNTY NORTH TOWER HP	1201 West La Veta Avenue	Orange	92868	Hospital Helicopter
31	CHILDRENS HOSPITAL OF ORANGE COUNTY HP	1201 West La Veta Ave	Orange	92868	Hospital Helicopter
32	ORANGE COUNTY GLOBAL MEDICAL CENTER HELIPORT	101 North Tustin Ave	Santa Ana	92705	Hospital Helicopter
33	SCE - SOUTHEASTERN DIVISION HELIPORT	1325 South Grand Avenue	Santa Ana	92705	Business/Corporate
34	ORANGE COUNTY SHERIFF'S DEPARTMENT HELIPORT	320 N. Flower Street	Santa Ana	92703	County - Sheriff/Fire/Other
35	HONDA OF SANTA ANA HELIPORT	1505 Auto Mall Drive	Santa Ana	92705	Business/Corporate
36	LOMA RIDGE COMMUNICATIONS CENTER HELIPORT	2644 E. Santiago Canyon Road	Silverado	92676	County - Sheriff/Fire/Other
37	LYON HELIPORT	24331 Coto de Caza Drive	Trabuco Canyon	92679	Personal/Private - Use
38	SCE - HUNTINGTON BEACH HELIPORT	7333 Bolsa Ave	Westminster	92683	Business/Corporate



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

May 23, 2024

Justin Kirk, Deputy Director
OC Development Services
601 N. Ross Street
Santa Ana, CA 92701

Subject: ALUC Determination for County of Orange Proposed General Plan Amendment LU 24-01 (Land Use Element), Zoning Code Amendment CA 24-01 (Mixed-Use District, Housing Opportunities Overlay District, and Technical Revisions), and Zone Change ZC 24-01 (Select properties in unincorporated areas)

Dear Mr. Kirk:

During the public meeting held on May 16, 2024, the Airport Land Use Commission (ALUC) for Orange County considered the subject item. The matter was duly discussed and with a unanimous 7-0 vote, the Commission found the proposed County of Orange Proposed General Plan Amendment LU 24-01 (Land Use Element), Zoning Code Amendment CA 24-01 (Mixed-Use District, Housing Opportunities Overlay District, and Technical Revisions), and Zone Change ZC 24-01 (Select properties in unincorporated areas) to be Consistent with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)* and the *Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos (AELUP for JFTB Los Alamitos)*.

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

Sincerely,

Julie Fitch
Interim 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

May 23, 2024

Ben Zdeba, Principal Planner
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Subject: ALUC Determination for Housing Element Implementation Program Amendments (Proposed Amendments to the General Plan Land Use Element, Title 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC), and Local Coastal Program

Dear Mr. Zdeba:

During the public meeting held on May 16, 2024, the Airport Land Use Commission (ALUC) for Orange County considered the subject item. The matter was duly discussed, and with a 7-0 vote, the Commission found the Housing Element Implementation Program Amendments (Proposed Amendments to the General Plan Land Use Element, Title 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC), and Local Coastal Program 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. Section 2.1.4, and PUC Section 21674 which state that the Commission is charged by PUC Section 21674(a) “to assist local agencies in ensuring compatible land uses in the vicinity of ...existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses,” and PUC Section 21674(b) “to coordinate planning at the state, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety and welfare.”
4. 3.2.1 General Policy of the *AELUP* which states that the General Land Use policy of the Airport Land Use Commission for Orange County shall be “Within the boundaries of the *AELUP*, any land use may be found to be Inconsistent with the *AELUP* which... places people so that they are affected adversely by aircraft noise...”

Please contact me if you have any questions regarding this proceeding. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Julie Fitch". The signature is written in a cursive style with a large initial "J" and "F".

Julie Fitch
Interim Executive Officer

cc: ALUC

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



October 24, 2023

Ron Noda, Development Services Director
Development Services Department
3191 Katella Avenue
Los Alamitos, CA 90720

RE: Failure to Overrule the Airport Land Use Commission's Inconsistency Findings – Letter of Inquiry

Dear Ron Noda:

The California Department of Housing and Community Development (HCD) understands the City Council's vote at the public hearing held on August 21, 2023, failed to overrule the Airport Land Use Commission for Orange County (ALUC) determination that the City of Los Alamitos' (City) housing element was not consistent with the Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos (AELUP). HCD hereby inquires as to the implications of this failed vote on: (1) the validity of the City's housing element and (2) the development of housing on the three affected sites¹ in the housing element site inventory. HCD is also inquiring about next steps to ensure the City remains in compliance with State Housing Element Law (Gov. Code, § 65580 et seq). HCD requests the City provide a written response by November 27, 2023.

Background

Pursuant to Public Utilities Code section 21676, the ALUC has review authority for a local jurisdiction's amendments to a general plan, including the housing element, specific plans, zoning ordinances, and building regulations within the planning boundary established by the ALUC. Accordingly, the City referred the draft 6th cycle housing element for ALUC's review, and on January 19, 2023, the ALUC held a public hearing and considered the City's housing element. The ALUC expressed noise, height, and safety concerns with Sites 6, 7, and 10. These three sites are critical properties that account for over half of the City's Regional Housing Needs Assessment (RHNA), and Site 6 has a mixed-income project that is currently in review. Ultimately, ALUC found the entire housing element to be inconsistent with the AELUP.²

¹ Sites 6, 7, and 10 of City of Los Alamitos 2021- 2029 Housing Element.

² ALUC Agenda Item 1, January 19, 2023 – City of Los Alamitos Request for Consideration of Draft Housing Element.

On February 21, 2023, the City held a public hearing to initiate the process to overrule ALUC's determination. The City adopted Resolution 2023-04 to notify ALUC of its intent to find the housing element consistent with the purposes of the State Aeronautics Act and the AELUP. At that same hearing, the City adopted the housing element and rezoning program to implement the housing element programs and policies. On May 1, 2023, HCD found the housing element to be in substantial compliance with State Housing Element Law. Notably, in its adopted housing element, the City did not: (1) describe or analyze the ALUC process in relation to the potential development of key sites in the site inventory or (2) discuss the potential override of the ALUC determination.

On July 17, 2023, the City Council held a study session at a public meeting and deliberated overruling ALUC's determination but did not vote at this meeting. On August 21, 2023, the City Council held a second study session and voted 3-2 to overrule the ALUC's determination. However, this vote was insufficient to overrule ALUC's determination because a two-thirds vote is required (Public Utilities Code § 21676).

According to Public Utilities Code section 21676.5, if the City does not overrule ALUC's determination with a two-thirds vote and make findings of consistency or does not revise the housing element to bring it into consistency with the AELUP, ALUC may require the local agency to submit all subsequent actions, such as development applications for projects in the City's jurisdiction, to the ALUC for review and decision. On September 23, 2023, ALUC held a public hearing and voted to require the City to submit all discretionary applications for projects located on Sites 6, 7, and 10 to ALUC for review and decision until the City either votes to overrule ALUC's inconsistency determination or revises the housing element to comply with the AELUP.

Analysis and Next Steps

ALUC's ability to review housing projects on sites identified in the sites inventory has serious implications. For example, Sites 6, 7, and 10 were rezoned to accommodate a shortfall of capacity for lower-income housing. Accordingly, housing on these sites is "by-right" for developments when at least 20 percent of the units are affordable to lower-income households. Pursuant to Government Code section 65583.2, subdivision (i), "by-right" means the local government's review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with section 21000) of the Public Resources Code. If the required discretionary ALUC review would result in the site not qualifying as "by-right," or review would result in the probable denial of projects on these sites, the City may need to identify alternative sites to accommodate the loss of residential capacity. Any alternative sites would have to meet all the requirements of Government Code section 65583.2, and any revisions to the certified housing element will require HCD's review.

Possible consequences of not addressing the ALUC decision include revocation of HCD's finding that the City's adopted housing element is in substantial compliance with State Housing Element Law. HCD must review any action or failure to act by a city that it determines to be inconsistent with a certified housing element or Government Code section 65583, and it must issue written findings to the city prior to revocation of housing element compliance (Gov. Code, § 65585, subd. (i)). Additionally, HCD must notify the city and may notify the California Office of the Attorney General (AGO) when a city takes actions or fails to take actions that are consistent with the adopted housing element or Government Code section 65583, among other laws (Gov. Code, § 65585, subd. (j)).

It is critical that the City take timely corrective measures to ensure that it can properly implement its substantially compliant housing element. It is also critical that the City maintain its review authority and continue to process housing projects identified in the sites inventory to meet RHNA obligations.

Consequences of Housing Element Noncompliance

Maintaining a certified housing element is necessary to manage the blueprint for growth and is an essential tool to address the state's housing crisis. As such, state law has established clear penalties for local jurisdictions that fail to comply with State Housing Element Law. First, noncompliance will result in ineligibility or delay in receiving state funds that require a compliant housing element as a prerequisite, including but not limited to the following:

- Permanent Local Housing Allocation,
- Local Housing Trust Fund Program,
- Infill Infrastructure Grant Program,
- SB 1 Caltrans Sustainable Communities Grants, and
- Affordable Housing and Sustainable Communities Programs

Secondly, local jurisdictions that do not meet housing element requirements may face additional financial and legal ramifications. HCD may notify the AGO, which may bring suit for violations of State Housing Element Law. Further, statute provides court-imposed penalties for persistent noncompliance, including financial penalties. Government Code section 65585, subdivision (l)(1), establishes a minimum fine of \$10,000 per month and up to \$100,000 per month. If a jurisdiction continues to remain noncompliant, a court can multiply the penalties up to a factor of six. Other potential ramifications could include the loss of local land use authority to a court-appointed agent.

In addition, under the Housing Accountability Act, local jurisdictions without a compliant housing element are subject to the so-called "Builder's Remedy," a provision of the

Housing Accountability Act that limits the ability of a city to deny a housing development project for very low-, low-, or moderate-income households even if the proposed project is inconsistent with zoning and general plan standards (Gov. Code § 65589.5, subd. (d)).

Conclusion

As mentioned above, HCD provides the City until November 27, 2023, to provide a written response to this letter before taking any of the actions authorized by Government Code section 65585, subdivisions (i) and (j), including issuance of formal written findings that may result in revocation of housing element compliance and referral to the AGO. The written response should respond to the items below, include a detailed plan with a timeline for immediate corrective action, and other relevant information for HCD's review:

- Actions to reconsider overruling ALUC's inconsistency findings, or
- Actions to bring the City's housing element into compliance with the AELUP. This must include a description and analysis of the ALUC project review procedure and how sites that require ALUC review meet statutory requirements pursuant to section 65583.2, subdivisions (h) and (i), or identification of alternative sites to accommodate the RHNA. If necessary, submission of a draft revised 6th cycle housing element to HCD for review pursuant to section 65585, subdivision (b).

If you have questions or would like technical assistance, please contact Jessica Evans, at jessica.evans@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Melinda Coy", with a long horizontal stroke extending to the right.

Melinda Coy
Proactive Housing Accountability Chief



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

September 26, 2023

Chet Simmons
City Manager, City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90702

Subject: Vote to Overrule the Airport Land Use Commission

Dear Mr. Simmons:

As you are aware, the City of Los Alamitos (City) submitted its 2021-2029 General Plan Amendment for its Housing Element Update to the Airport Land Use Commission for Orange County (ALUC) for a consistency review. On January 19, 2023, ALUC found the City's proposed Housing Element Update inconsistent with the Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos (AELUP) and the City was notified of ALUC's determination.

On February 21, 2023, the City took its first step toward overruling ALUC by adopting a notice of intent to overrule. The City provided notice to ALUC and Caltrans and both, in turn, provided advisory comments for the City to consider at its impending overrule hearing. At the same meeting, the City approved its General Plan Amendment.

On August 21, 2023, the City held its public hearing to overrule ALUC's January 19, 2023, inconsistency determination and voted 3-2 to overrule it. However, four affirmative votes were required, and thus, the City's overrule of ALUC's inconsistency determination failed. (Public Utilities Code (PUC) § 21676(b).)

The City's premature adoption of its General Plan amendment is void as a matter of law for failing to comply with PUC § 21676. If a local agency does not revise its general plan or overrule ALUC's inconsistency finding, it cannot enact its proposed general plan amendment. "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.” (*Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 385; PUC § 21676(b).)

Due to the fact the City has not yet revised its general plan (and its recent overrule vote failed), ALUC may impose requirements on the City to submit subsequent actions, regulations, and permits to the commission for consistency review until its general plan is revised or the specific overrule findings are made. (PUC § 21676.5.)

At the ALUC meeting on September 21, 2023, ALUC considered imposing the aforementioned requirements on the City and ultimately voted to do so. Specifically, ALUC voted to adopt Option #2 of the ALUC’s Staff Report which specifically stated:

“As it pertains to the City’s General Plan Amendment, the ALUC finds that the City has not revised its general plan or overruled ALUC’s inconsistency finding by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4, Part 1, Division 9 of the Public Utilities Code as stated in Section 21670; therefore, pursuant to Public Utilities Code Section 21676.5 the ALUC requires that the City submit the following discretionary actions, related to the three sites listed below, to the ALUC for a consistency review with the AELUP for JFTB, Los Alamitos, until the City’s general plan is either revised and re-submitted to ALUC for review or the City makes the requisite overrule findings related to its general plan.

Site 6 located at 4655 Lampson Avenue
Site 7 Laurel Park APN 241-241-35
Site 10 located at 5030-5084 Katella

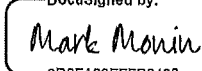
Discretionary actions that must be submitted: development agreements and amendments, administrative use permits, conditional use permits, site development permits, tentative and vesting parcel and tract maps, variances, and zoning consistency reviews. The submittal of the above discretionary actions does not excuse the City from continuing to separately submit all general plan amendments, specific plan amendments, zoning ordinance/map amendments to ALUC pursuant to the Public Utilities Code.”

Should ALUC find any of those submitted actions, regulations, and/or permits inconsistent with the AELUP, the City would then need to go through the same steps as it would need to go through to overrule an inconsistency finding on a general plan. (PUC § 21676.5(a).) If the City eventually revises its general plan and submits it to ALUC, or properly overrules the January 19, 2023, inconsistency finding, then the City’s above-listed actions, regulations and permits would no longer need to be reviewed by ALUC unless the City and ALUC agree that they should be, or the City voluntarily submits them to ALUC. (PUC § 21676.5(b).)

Please let us know if the City plans to revise its general plan (or will consider another overrule) and the timeline for doing so. As always, ALUC will continue to assist the City to ensure compatible land uses exist in the vicinity of the Joint Forces Training Base at Los Alamitos and will continue to coordinate planning activities to provide for the orderly development of air transportation while simultaneously protecting public health, safety, and welfare. In the meantime, we look forward to reviewing the City's discretionary land use actions as noted above.

Due to the public interest regarding this item, an ALUC Fact Sheet is attached. Should any questions arise, please contact Lea Choum, Executive Officer at (949) 252-5170 or at alucinfo@ocair.com.

Sincerely,

DocuSigned by:

008FA23FFFB2438...

Mark Monin
Vice Chairman, ALUC

Attachment: ALUC Fact Sheet

cc: City Council Members, City of Los Alamitos
Ron Noda, Development Services Director, City of Los Alamitos
Jonathon Huff, Caltrans/Division of Aeronautics
Melinda Coy, Housing and Community Development
Jeffrey Stock, Deputy County Counsel, County of Orange



AIRPORT LAND USE COMMISSION (ALUC) FOR ORANGE COUNTY

The Airport Land Use Commission (ALUC) was established in accordance with California Public Utilities Code (PUC) sections 21670-21679.5 to assist local agencies in ensuring land uses in the vicinity of airports are compatible with the applicable Airport Environs Land Use Plans (AELUPs) and to coordinate planning at the state, regional, and local levels.

What does ALUC do?

The ALUC strives to protect the public from adverse effects of aircraft noise, ensure that people and facilities are not concentrated in areas susceptible to aircraft incidents, and to ensure that no structure or land use activities adversely affect the operational integrity of the airports or their navigable airspace.

How does the ALUC process work?

Any local agency proposing to amend its General Plan, Zoning Code, Specific Plans and or building regulations in areas within the airport planning areas must submit the proposed changes to ALUC. The ALUC reviews proposed projects for consistency with the applicable AELUP, and determines whether the proposal is consistent, consistent with conditions, or inconsistent.

What if a project is found inconsistent?

The local agency may resubmit a revised plan or project for additional ALUC review, or proceed with an overrule if it makes specific findings that the proposed action is consistent with the purposes of PUC section 21670. The local agency must approve the overrule with a 2/3 vote.

Note: If a local agency overrules an ALUC inconsistency finding, the operator of the airport shall be immune from liability for damages to property or personal injury caused by the public agency's decision to override the ALUC's action or recommendation.

What if a local agency fails to overrule ALUC?

If a local agency fails to overrule ALUC with a two-thirds vote, that agency's plan or project remains inconsistent with the AELUP and ALUC may require that the local agency submit all subsequent actions, regulations, and permits to ALUC for a consistency review until its general plan, zoning code and/or specific plan is revised, or the specific findings required by PUC sections 21670 and 21676 are made.

Who is on the Commission?

The ALUC consists of seven members. Two Commissioners are appointed by the Orange County Board of Supervisors, two are appointed by the League of California Cities Selection Committee and two are appointed by the public airports. The seventh member is appointed by the other Commissioners to represent the general public.

When and where do they meet?

ALUC meets at 4:00 pm on the third Thursday of each month at the Airport Commission Room of the John Wayne Airport Administrative Building, 3160 Airway Avenue, Costa Mesa, CA 92626.

Where can I find ALUC agendas and staff reports?

The monthly agendas and staff reports are publicly posted and also available on the ALUC website at:

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

How do I contact ALUC?

You may attend a meeting, email ALUC at alucinfo@ocair.com, or call (949) 252-5170.