AIRPORT LAND USE COMMISSION
FOR ORANGE COUNTY
3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

**AGENDA ITEM 2**

May 21, 2020

**TO:** Commissioners/Alternates

**FROM:** Lea Choum, Executive Officer

**SUBJECT:** City of Santa Ana Request for Consistency Finding of the Proposed General Plan Amendment and Zone Change for the Bowery Mixed-Use Development at 2300, 2310, and 2320 Red Hill Avenue

## Background

The Bowery is a proposed mixed-use project on a 14.6 acre site located at the southwest corner of Red Hill Avenue and Warner Avenue, approximately 2.25 miles from John Wayne Airport (see Attachment 1 for location). The property is currently zoned by the City of Santa Ana as Light Industrial (M-1), and designated in the General Plan as Professional and Administrative Office (PAO). The current zoning allows uses such as warehouses, wholesale operations and manufacturing uses as well as support commercial businesses. The property has three existing 3-story industrial buildings currently used for warehousing and distribution, research and development, and a temporary City of Santa Ana homeless shelter.

The applicant is proposing to redevelop the site with a four-phase mixed-use development that would include up to 1,150 multi-family residential units and up to 80,000 square feet of commercial retail and restaurant space. The project would consist of three five-story mixed-use buildings, one five-story residential building, two single-story commercial buildings and four parking structures six to six-and-a-half stories above ground. In addition, the project would provide approximately 220,000 square feet of open space and recreation amenities for residents including common areas, courtyards, and rooftop decks.

The project is being referred to your Commission because of the project's location within the Airport Planning Area for JWA and because the project requires a General Plan Amendment and a Zoning Code change. The applicant is requesting to change the zoning designation from Light Industrial (M-1) to Specific Development (SD), and the City is proposing a General Plan Amendment that would change the designation of the site from Professional and Administrative Office (PAO) to District Center (DC), which would allow the construction of a mixed-use development.

The project is approximately .3 miles northeast of a similar mixed-use project, the Heritage, which was brought to your Commission in October 2015. Your Commission found the Heritage project inconsistent with the Airport Environs Land Use Plan (AELUP) for John Wayne Airport, and the City of Santa Ana subsequently overruled the Commission's finding as per Public Utilities Code 21676(b) and proceeded with development.

On March 16, 2020, ALUC staff met with the Bowery project applicant, at the applicant's request, to discuss the need for this project to be referred to ALUC for a consistency review. The applicant disagreed with the ALUC staff definition of "Planning Area," and requested a legal response. ALUC's legal counsel/County Counsel met via teleconference with the project applicant's legal representative on April 21, 2020. The project applicant has maintained that this location is not included in ALUC's Planning Area.

Separate from (not a part of) this proposal, the City of Santa Ana is in the process of conducting a comprehensive General Plan update. The City has identified a "55 Freeway/Dyer Road Focus Area," in which the properties along Red Hill Avenue, between Warner and Dyer, are proposed for the District Center designation, which would allow for more mixed-use development along Red Hill Avenue. ALUC staff will continue to monitor the City's General Plan Update and provide comments on the Draft Environmental Impact Report (DEIR) when it is available.

The City of Santa Ana has scheduled the following public hearings for the proposed project:

May 11, 2020 - Planning Commission *(continued)*
May 26, 2020 – Planning Commission
June 2, 2020 - City Council

## AELUP Issues

The proposed project, zone change and General Plan Amendment have been evaluated for conflicts with respect to aircraft noise, building heights, flight tracks, safety zones and the development of heliports.

### Regarding Aircraft Noise Impacts

The site of the proposed project is not located within the JWA 60 or 65 dBA CNEL noise contours (see Attachment 2). The Draft Environmental Impact Report (DEIR) for the proposed project included Mitigation Measure LU-2 stating that all prospective residents of the project site would be notified of airport related noise (via Notice of Airport in Vicinity language in lease/rental agreements). The City revised the EIR however, and removed that mitigation measure as well as the *AELUP for JWA* Section 3.2.4 requirement to provide outdoor signage informing the public of the presence of operating aircraft.

### Regarding Height Restrictions

In Section 2.1.3 of the *AELUP for JWA*, the Commission has incorporated the standards for height limits for determining obstructions and has incorporated the definitions of "imaginary

surfaces" for airports as defined in Federal Aviation Regulations (FAR) Part 77. The proposed project is located within the FAR Part 77 "imaginary surfaces" referral area. The proposed maximum height for the project is 156 feet above mean sea level (AMSL) which does not penetrate the notification surface of 172.4 feet AMSL (see Attachment 3).

Attachment 4 shows that the proposed project is located within the approach corridor for JWA which would be penetrated at 300 feet AMSL. The maximum building height proposed for this project is 156 feet AMSL, which would not penetrate the impact areas reserved for air navigation. The project applicant filed Form 7460-1 with the Federal Aviation Administration (FAA) for each of the proposed buildings, and has received four Determinations of No Hazard to Air Navigation. FAA Aeronautical Study Nos. 2020-AWP-1999-OE, 2020-AWP-3470-OE, 2020-AWP-3471-OE, and 2020-AWP-2002-OE are included as Attachment 5.

Regarding Flight Tracks and Safety Zones

As shown in Attachment 4, the proposed project site is close to the JWA approach centerline, where residents would be subject to overflight of both commercial and general aviation aircraft. Attachment 6 shows the flight tracks over the proposed project site. Exhibits were prepared to demonstrate the elevations of planes flying over the property. The first exhibit in Attachment 6 shows a day's worth of normal operation arrivals. The next exhibit shows a day's worth of reverse flow (departure) flight tracks. Each exhibit also has a corresponding list of each flight, time of day, and elevation above the proposed project site. Under normal arrival operations, the average altitude of flights over the property is 790 feet above ground level. As shown in the Attachment 6 arrivals table, between 9 a.m. and 10 a.m. on January 8, 2020, aircraft were flying over the property with intervals between two (2) and eight (8) minutes between flights. For the 8 p.m. to 9 p.m. hour on the same day, planes flew over the property with the longest interval being at twenty (20) minutes and shortest interval being one (1) minute between flights.

Attachment 7 contains the Safety Zones exhibit showing that the proposed project site is not within the safety zone areas for JWA.

## Heliports

Heliports are not proposed as part of project. The City of Santa Ana General Plan includes language that states proposed heliport projects must comply with FAA Regulations, Caltrans Division of Aeronautics and the *AELUP for Heliports* in the development of heliports.

## Environmental Compliance

A Draft Environmental Impact Report (DEIR) was prepared as the CEQA documentation to analyze the potential impacts of the project. ALUC staff provided comments on the Notice of Preparation (NOP) on August 28, 2019, and on the DEIR on February 18, 2020. Both letters are attached, as well as the City's response to the DEIR comments (See Attachment 8). The letters emphasized that the proposed project is located under the primary aircraft approach corridor to JWA and stated that future residents would be exposed to significant aircraft overflight and single event noise due to the project's location. Additionally, during reverse flow operations at

JWA (approximately five percent (5%) of the time) new residents would experience noise associated with aircraft departures. The letters also recommended outdoor signage informing the public of the presence of operating aircraft/aircraft overflight. The City had included Mitigation Measures NOI-3 regarding noise and LU-2 regarding signage in the Draft EIR, but then removed those measures in the revised EIR, which will be considered by the Santa Ana Planning Commission and City Council at their upcoming meetings (see Attachment 11).

## Conclusion

Attachment 9 to this report contains excerpts from the project submittal package received from the City of Santa Ana for your reference. ALUC staff has reviewed this project, zone change and General Plan Amendment with respect to compliance with the *AELUP for JWA,* including review of height restrictions, imaginary surfaces, flight tracks, heliports and environmental compliance. The proposed project is not located within the noise contours or safety zones for JWA and does not penetrate the notification or the obstruction imaginary surfaces for JWA. The project is, however, located within the primary aircraft approach corridor to JWA.

The proposed project, with the associated zone change and General Plan Amendment would introduce mixed-uses (residential) to this site, which has been historically light industrial and office. This would subject many individuals to overflight activity and likely create disturbances and annoyances for many of the new inhabitants, especially during morning and evening arrivals. As noted in the DEIR comments from the ALUC, in addition to regular arrival operations, future residents will also be exposed to reverse flow (departure) operations at JWA, which take place approximately five percent (5%) of the time.

On August 28, 2019, JWA also provided comments on the NOP, emphasizing the same points discussed above (See Attachment 10). Because of the project location within the primary approach corridor and its proximity to JWA (2.25 miles), JWA stated it is not supportive of the proposed residential portion of this project. Residents would be subject to significant aircraft overflight, noise and annoyance as approaching aircraft fly overhead at an average altitude of 790 feet above ground level. Additionally, during reverse flow circumstances, departing aircraft may be higher in altitude, but louder over the project area. It has been JWA's experience that residential uses located under aircraft approach and departure corridors generate a significant number of noise complaints from affected residents. JWA also suggested that the City should give consideration as to how these noise complaints will be addressed should the project be approved.

Per Section 1.2 of the *AELUP for JWA*, the purpose of the *AELUP* is to safeguard the general welfare of the inhabitants within the vicinity of the airport and to ensure the continued operation of the airport. Specifically, the plan seeks to protect the public from the adverse effects of aircraft noise to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace. Additionally, Section 2.1.4 of the *AELUP for JWA* and PUC Section 21674 charge the Commission to coordinate at the local level to ensure compatible land use planning. Therefore, because of the proposed zone change, General Plan amendment and the project's proposed residential uses, the project's location within the primary approach corridor for JWA and the

existing significant aircraft overflight above the proposed project site, staff is recommending the following:

**Recommendation:**

1. That the Commission find the proposed zone change, general plan amendment and the proposed Bowery Mixed Use Project inconsistent with the *AELUP for JWA* per *AELUP* Sections 1.2 and 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."

Respectfully submitted,

Lea U. Choum

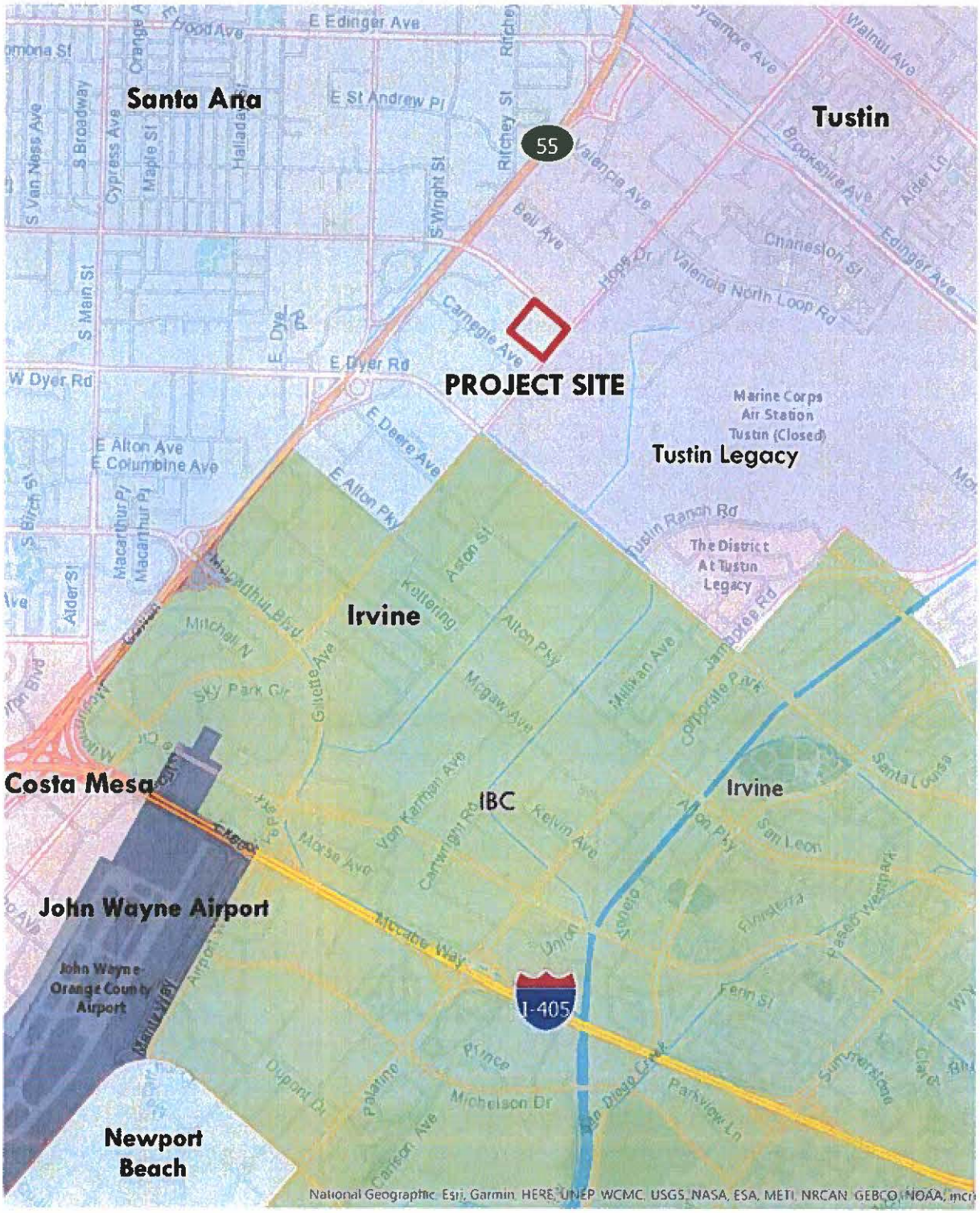
Lea U. Choum
Executive Officer

Attachments:

1. Project Location Map
2. JWA CNEL Contours
3. FAR Part 77 AELUP Notification Area for JWA
4. FAR Part 77 JWA Obstruction Imaginary Surfaces
5. FAA Aeronautical Studies (4 Determination Letters)
6. Flight Tracks Over Proposed Project with Corresponding Tables
7. JWA Airport Safety Zone Reference Map
8. ALUC Comment Letters on NOP and DEIR
9. Submittal Package Excerpts from City of Santa Ana
10. JWA Comment Letter on NOP
11. Revisions to EIR

# ATTACHMENT 1

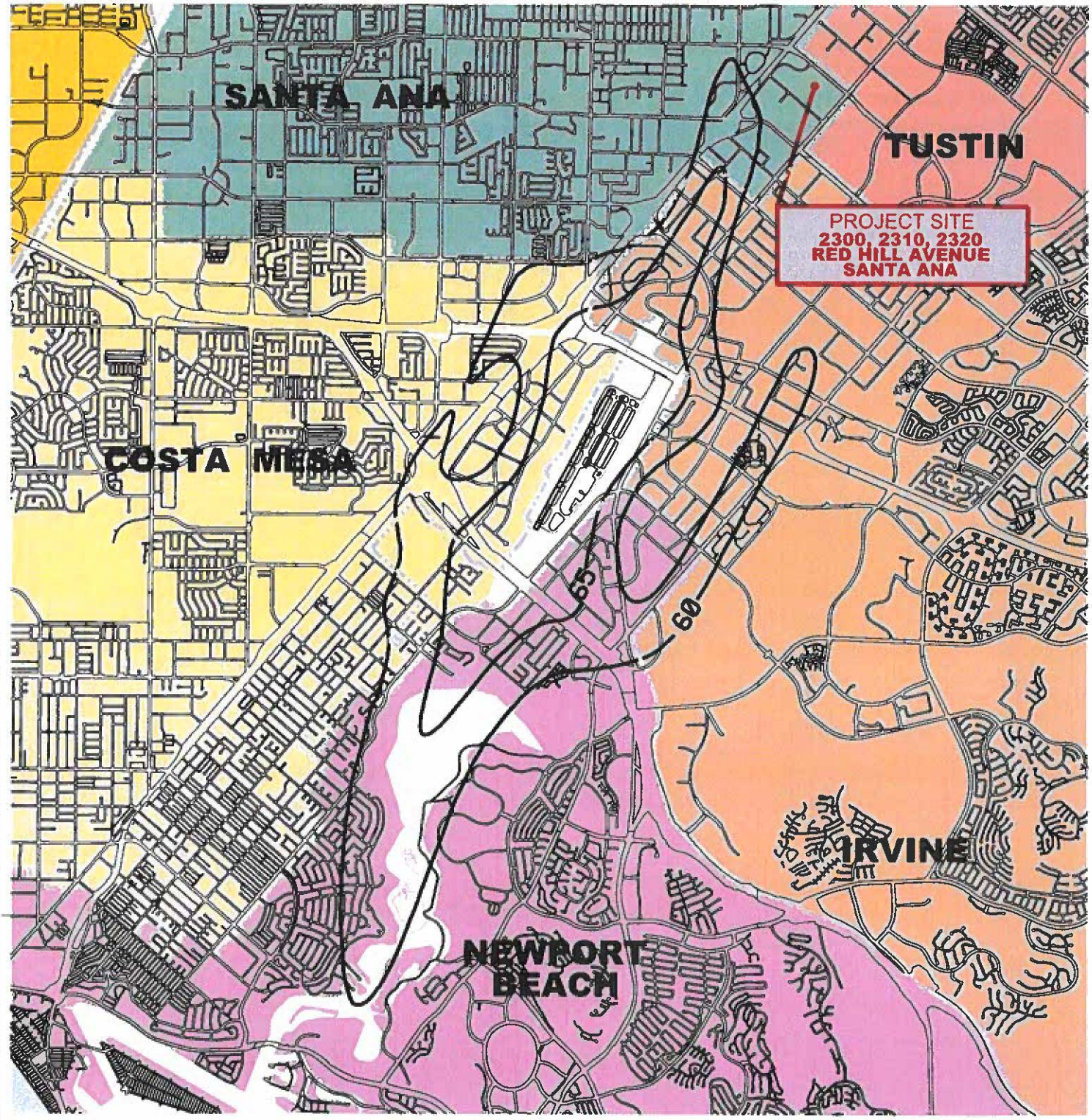
# Project Location




Project Site

N

# ATTACHMENT 2




Note: County Unincorporated areas are shown in white.

# John Wayne Airport Impact Zones

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

LEGEND

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

Scale in Feet

CERTIFICATION

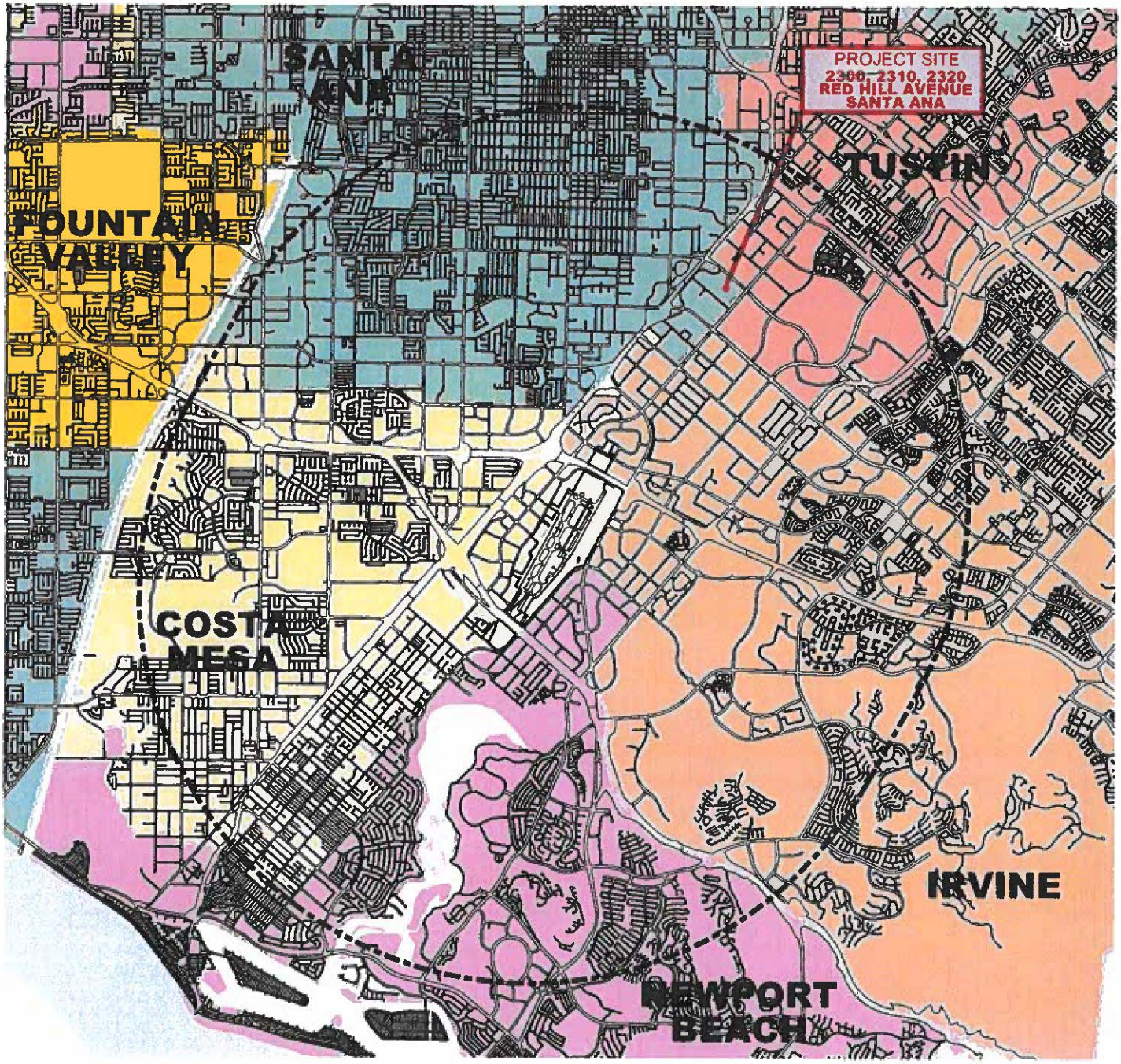
Adopted by the Airport Land Use Commission for Orange County

Lea Choum, Executive Officer Date

AELUP-2007/Jwaipzone-07(2300RedHill_SantaAna).dgn

# ATTACHMENT 3

# AELUP Notification Area for JWA




Note: County Unincorporated areas are shown in white.

## FAR PART 77

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

LEGEND

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

Scale in Feet

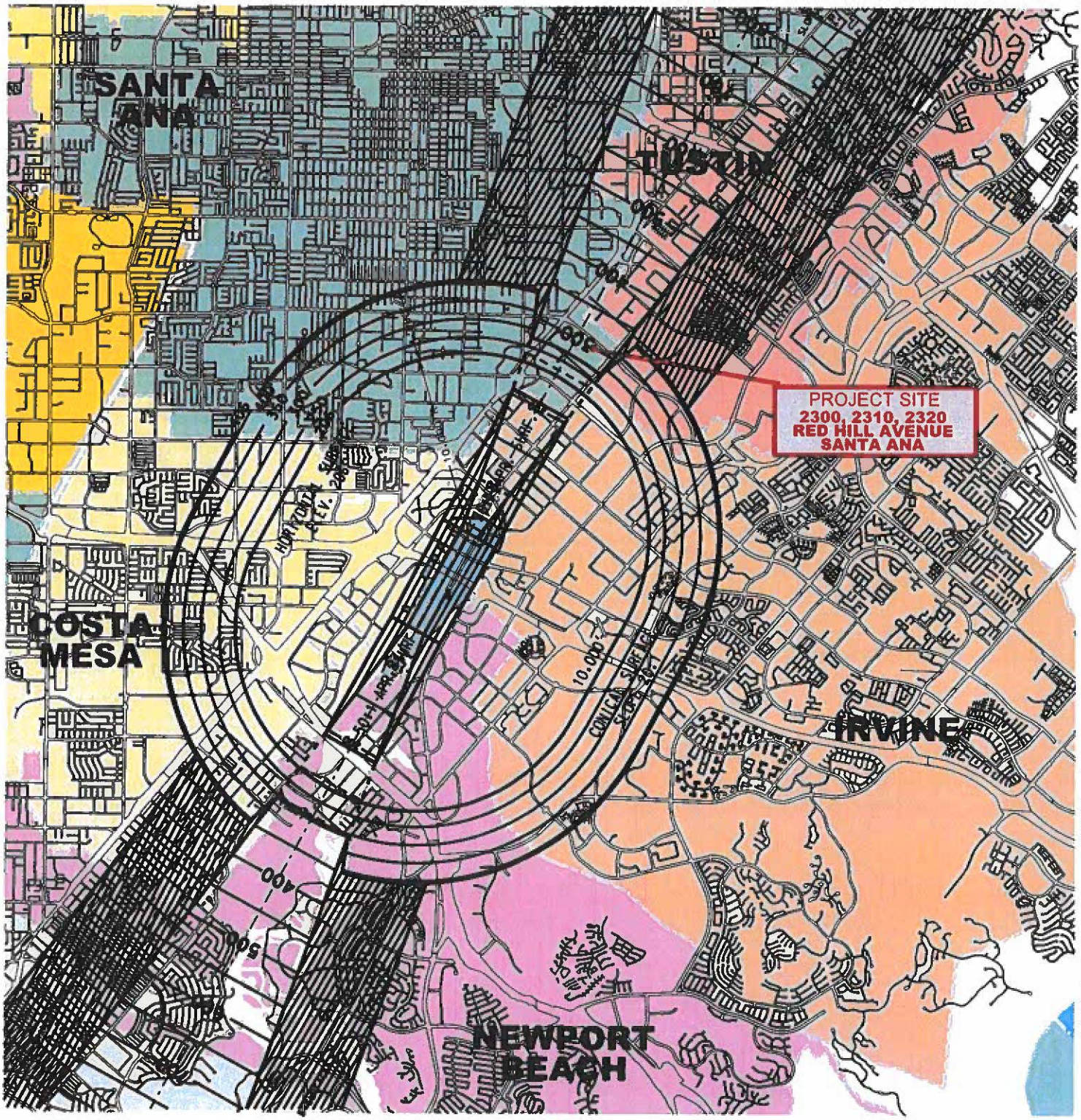
CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Lea Choum, Executive Officer Date

AELUP-2007/Jwanotf-07(2300RedHill_SantaAna).dgn

# ATTACHMENT 4




Note: County Unincorporated areas are shown in white.

# FAR PART 77
## John Wayne Airport Obstruction Imaginary Surfaces

0 1000 2000 3000 4000 5000 7500
500 Scale in Feet

LEGEND

CITY BOUNDARIES

AIRPORT BOUNDARIES

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Lea Choum, Executive Officer Date

AELUP-2007/jwahsurface-07(2300RedHill_SantaAna).dgn

# ATTACHMENT 5

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-AWP-1999-OE
Prior Study No.
2020-AWP-1941-OE

Issued Date: 03/05/2020

Jeremy Ogulnick
Arrimus Capital
240 Newport Center Drive
Newport Beach, CA 92660

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

| | |
|---|---|
| Structure: | Building Bowery Building A |
| Location: | Santa Ana, CA |
| Latitude: | 33-42-39.74N NAD 83 |
| Longitude: | 117-50-19.59W |
| Heights: | 62 feet site elevation (SE) |
| | 94 feet above ground level (AGL) |
| | 156 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 09/05/2021 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

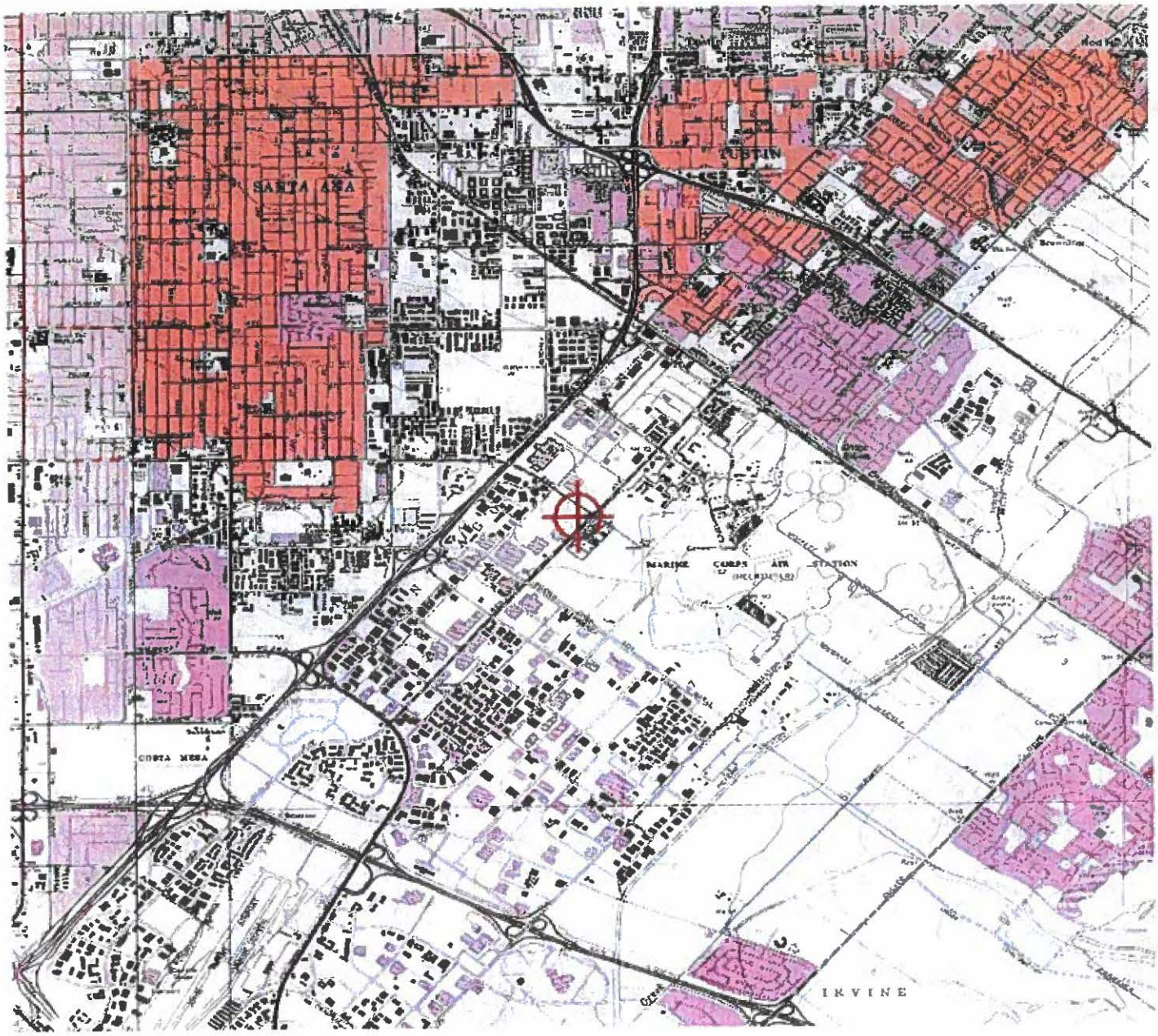
This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

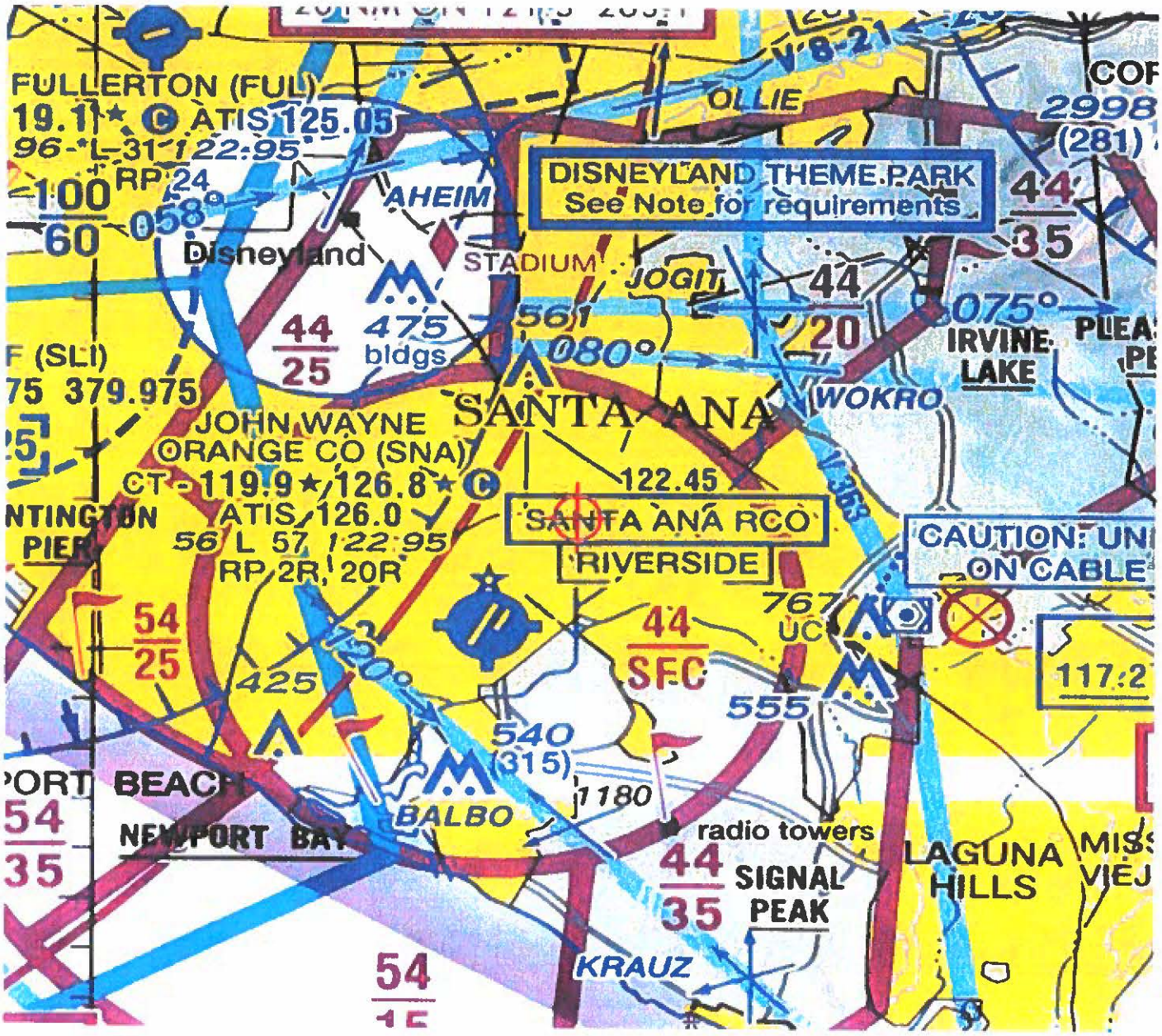
If we can be of further assistance, please contact our office at (206) 231-2990, or paul.holmquist@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-AWP-1999-OE.

**Signature Control No: 431129105-432730455** ( DNE )
Paul Holmquist
Specialist

Attachment(s)
Map(s)

## TOPO Map for ASN 2020-AWP-1999-OE

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PEAK
LAGUNA
HILLS
NEWPORT BAY
54
35
KRAUZ
54

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-AWP-3470-OE
Prior Study No.
2020-AWP-2000-OE

Issued Date: 03/24/2020

Jeremy Ogulnick
Arrimus Capital
240 Newport Center Drive
Newport Beach, CA 92660

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

| | |
|---|---|
| Structure: | Building Bowery Building B |
| Location: | Santa Ana, CA |
| Latitude: | 33-42-42.61N NAD 83 |
| Longitude: | 117-50-26.16W |
| Heights: | 60 feet site elevation (SE) |
| | 77 feet above ground level (AGL) |
| | 137 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 09/24/2021 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

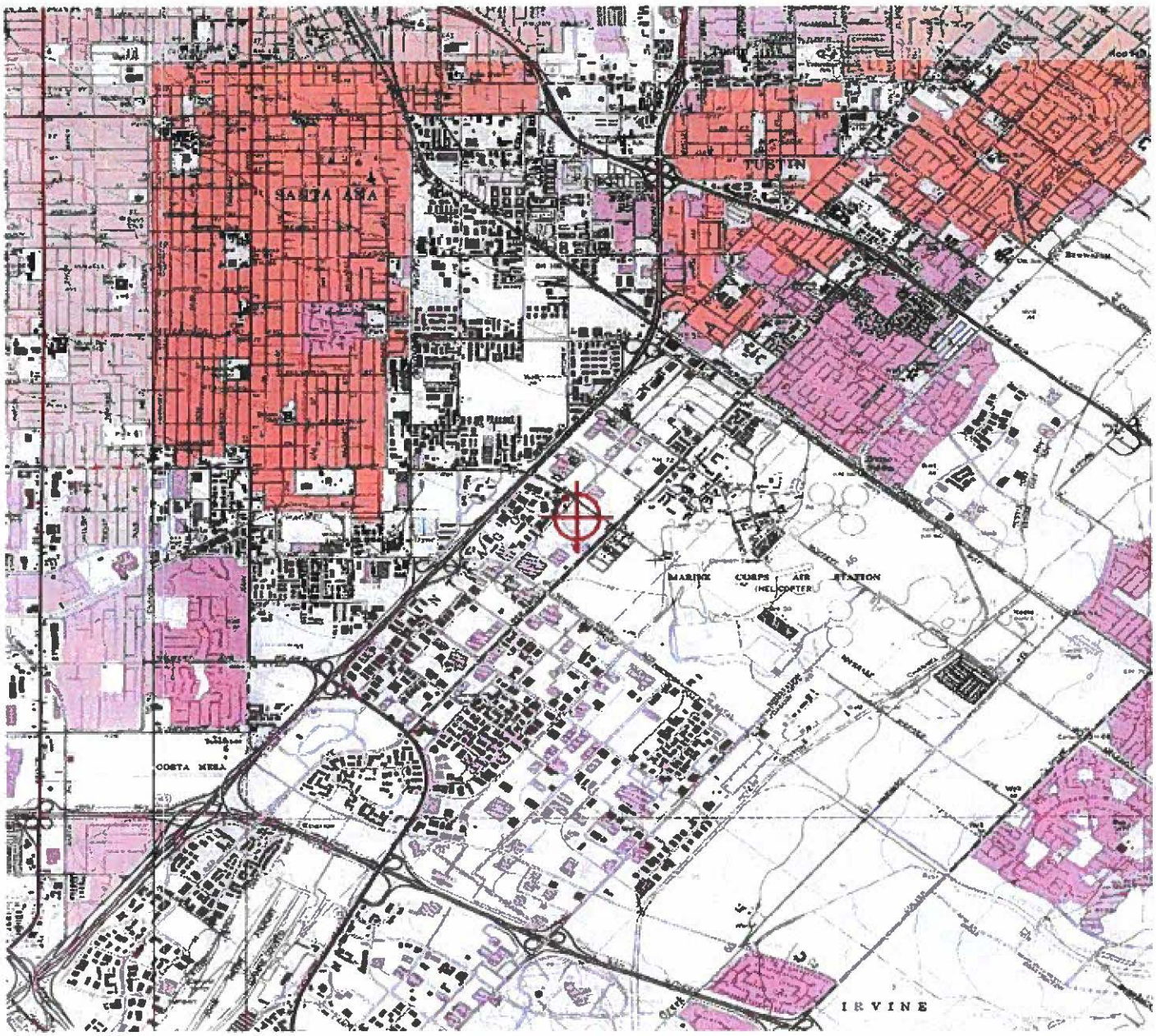
This determination cancels and supersedes prior determinations issued for this structure.

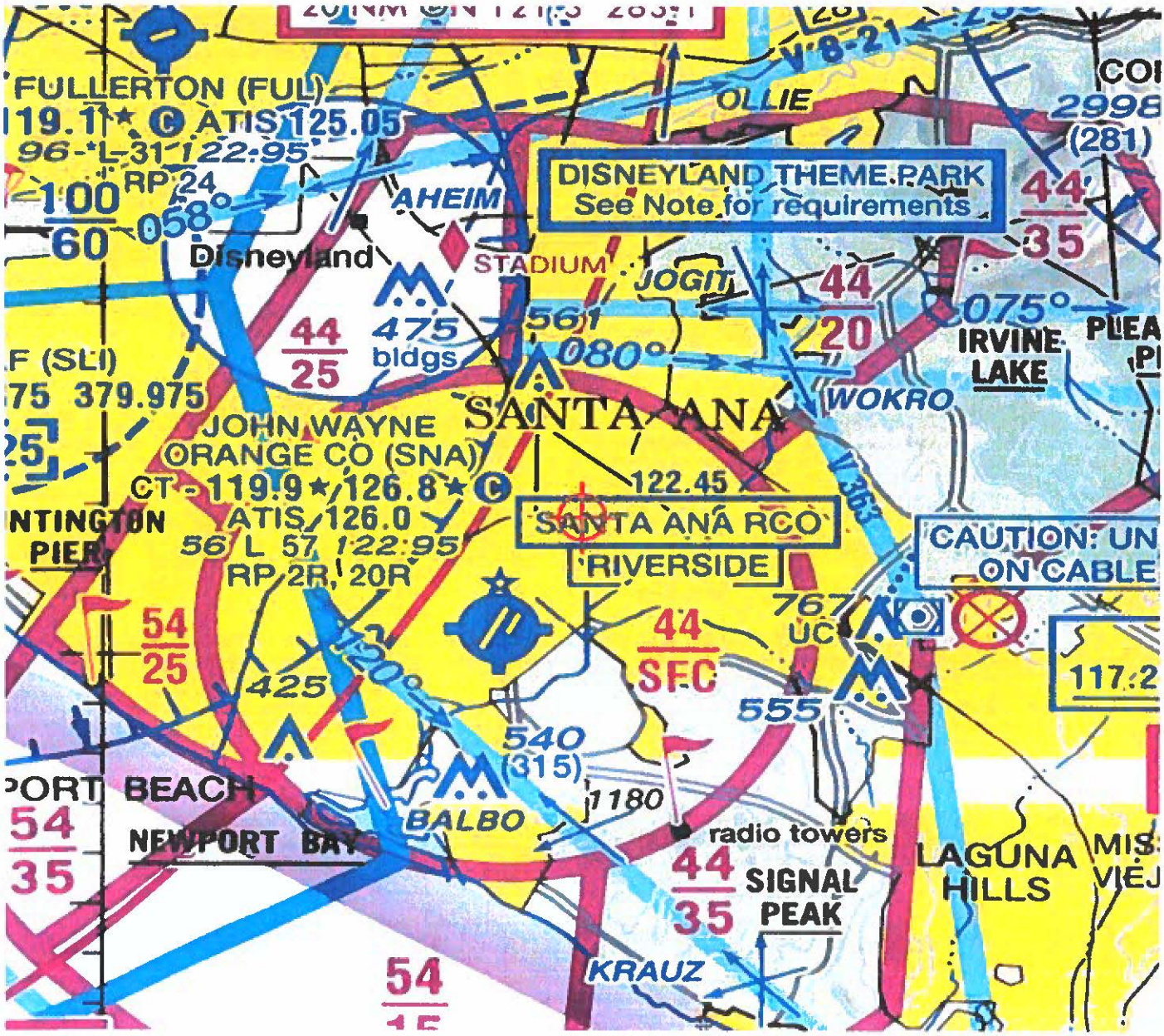
If we can be of further assistance, please contact our office at (206) 231-2990, or paul.holmquist@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-AWP-3470-OE.

**Signature Control No: 434352841-434408278** ( DNE )
Paul Holmquist
Specialist

Attachment(s)
Map(s)

# TOPO Map for ASN 2020-AWP-3470-OE

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SANTA ANA
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WOKRO
IRVINE
LAKE
CAUTION: UN
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UC
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BALBO
NEWPORT BAY
PORT BEACH
radio towers
SIGNAL
PEAK
LAGUNA
HILLS
KRAUZ
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Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-AWP-3471-OE
Prior Study No.
2020-AWP-2001-OE

Issued Date: 03/24/2020

Jeremy Ogulnick
Arrimus Capital
240 Newport Center Drive
Newport Beach, CA 92660

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

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| | |
|---|---|
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| Longitude: | 117-50-22.76W |
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| | 77 feet above ground level (AGL) |
| | 137 feet above mean sea level (AMSL) |

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_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 09/24/2021 unless:

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This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

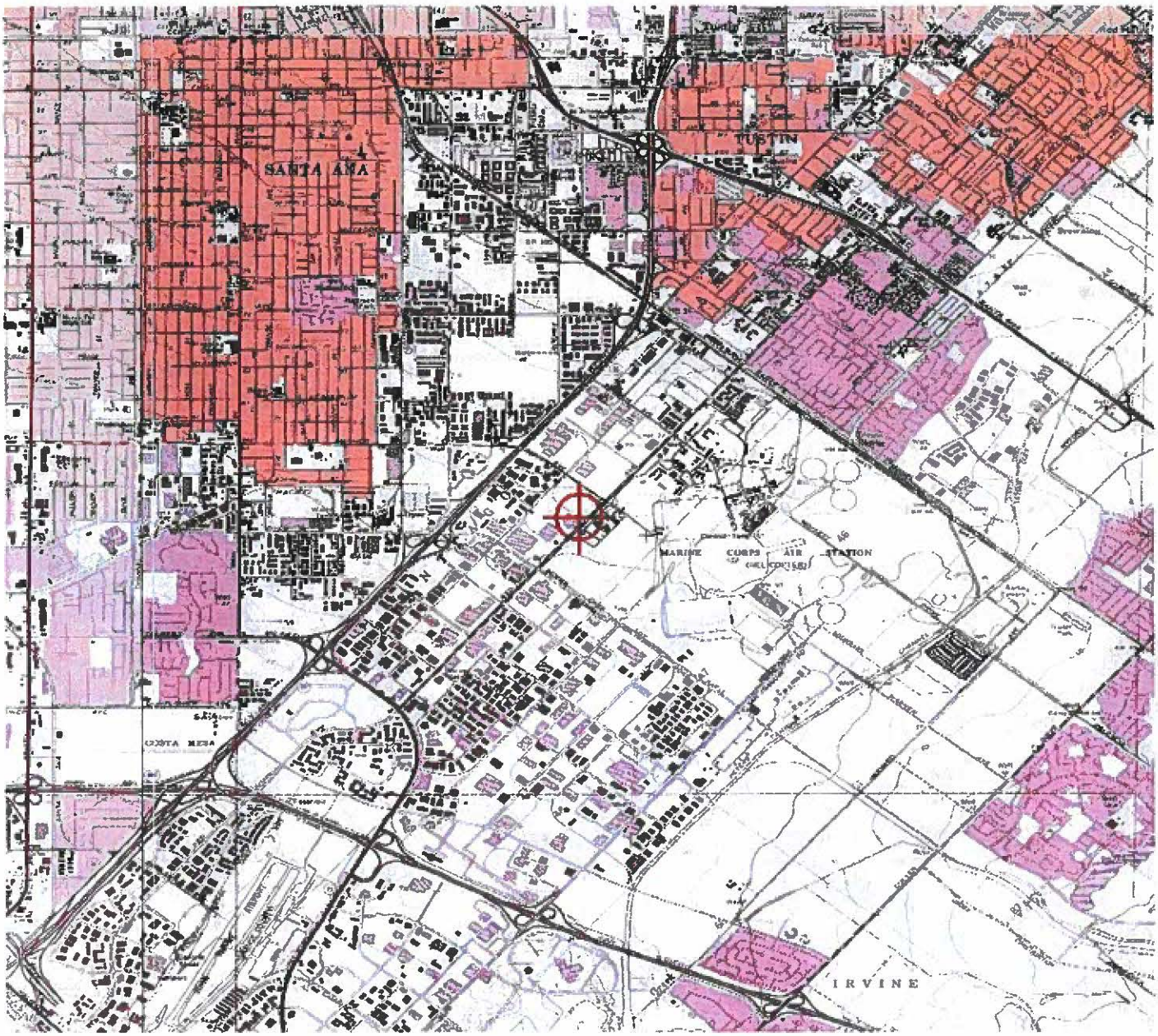
This determination cancels and supersedes prior determinations issued for this structure.

If we can be of further assistance, please contact our office at (206) 231-2990, or paul.holmquist@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-AWP-3471-OE.

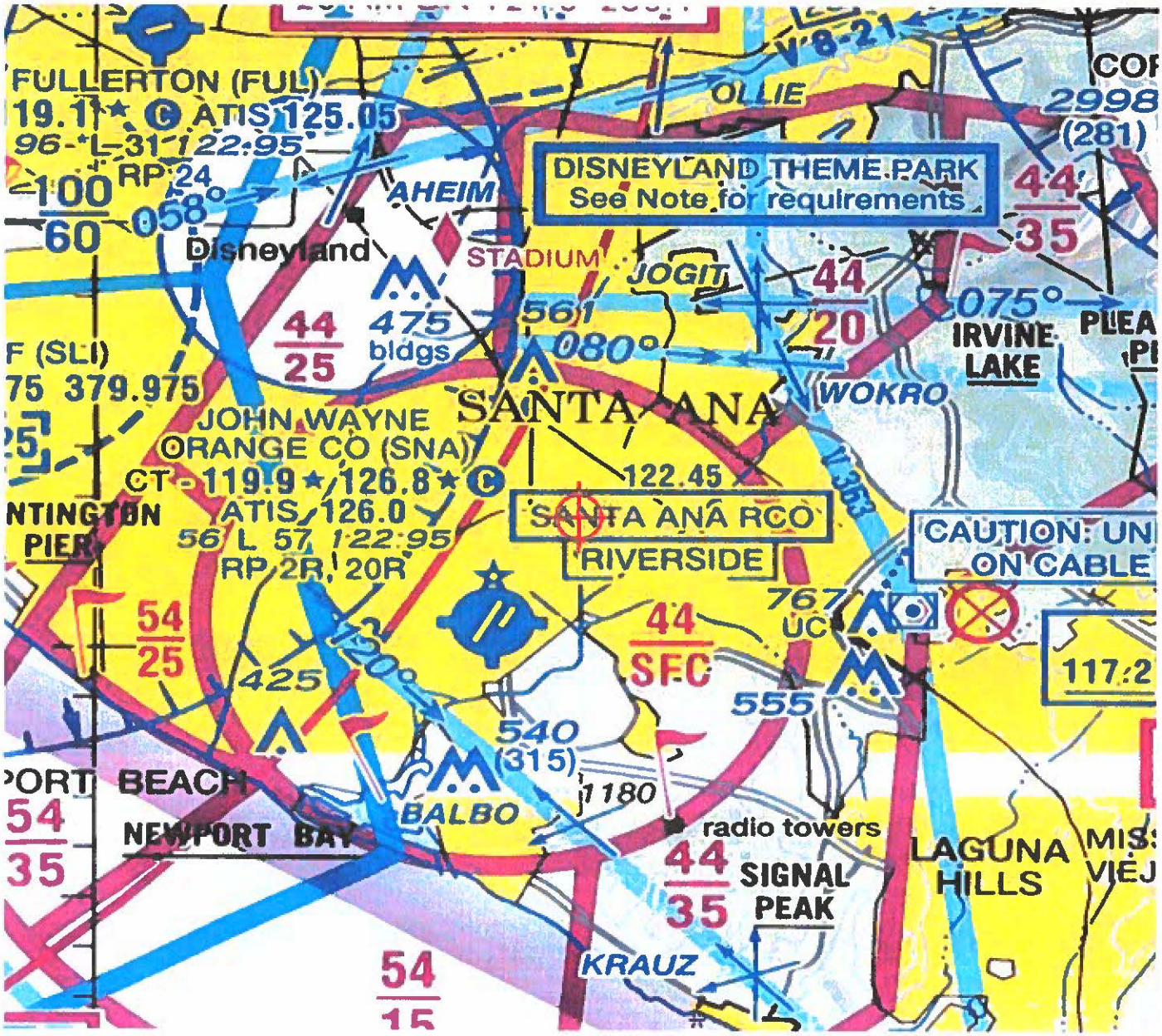
**Signature Control No: 434352873-434408279** ( DNE )
Paul Holmquist
Specialist

Attachment(s)
Map(s)

**TOPO Map for ASN 2020-AWP-3471-OE**



**Sectional Map for ASN 2020-AWP-3471-OE**



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-AWP-2002-OE

Issued Date: 03/05/2020

Jeremy Ogulnick
Arrimus Capital
240 Newport Center Drive
Newport Beach, CA 92660

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

| | |
|---|---|
| Structure: | Building Bowery Building D |
| Location: | Santa Ana, CA |
| Latitude: | 33-42-40.23N NAD 83 |
| Longitude: | 117-50-22.54W |
| Heights: | 60 feet site elevation (SE) |
| | 77 feet above ground level (AGL) |
| | 137 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 09/05/2021 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

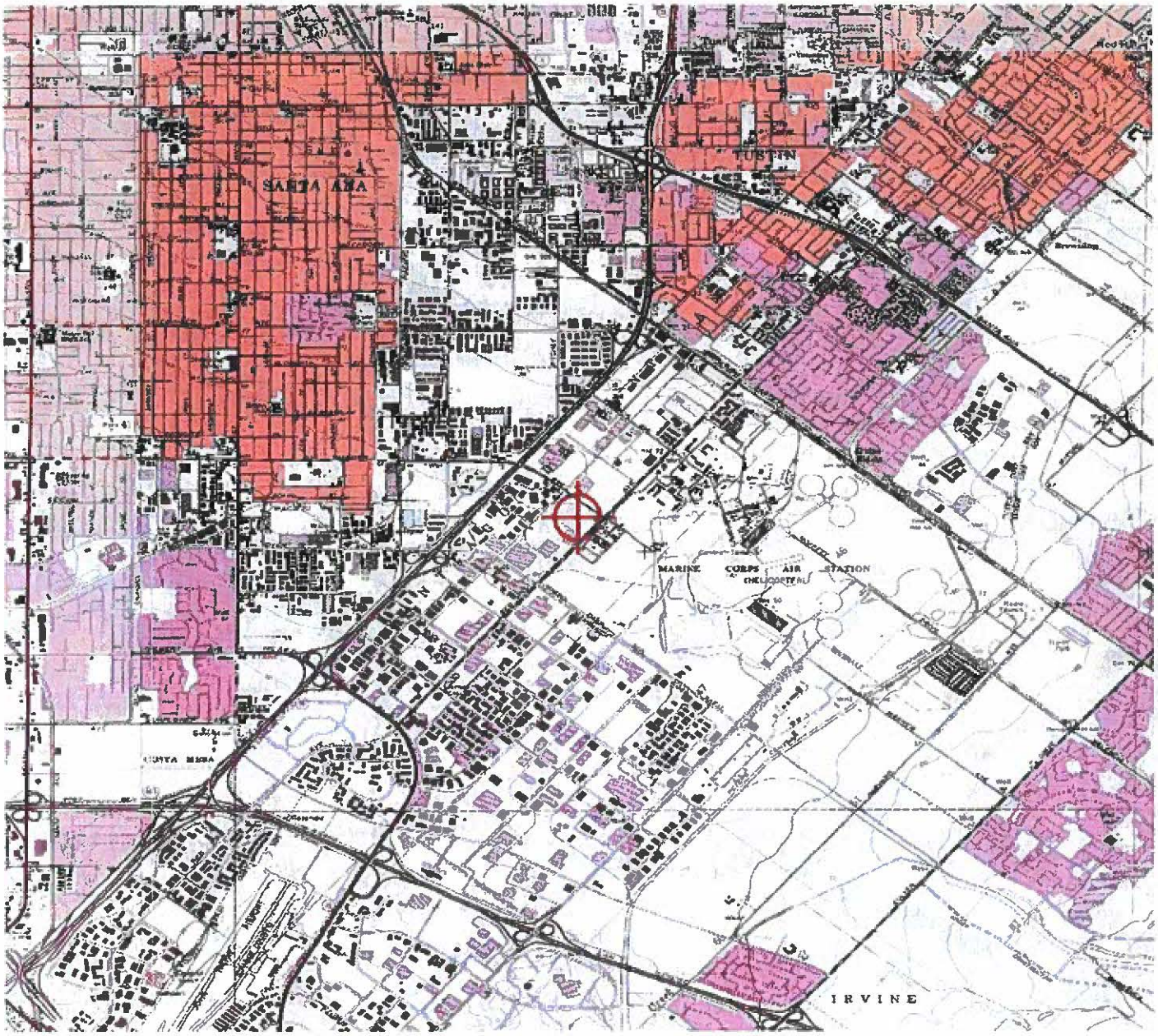
This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

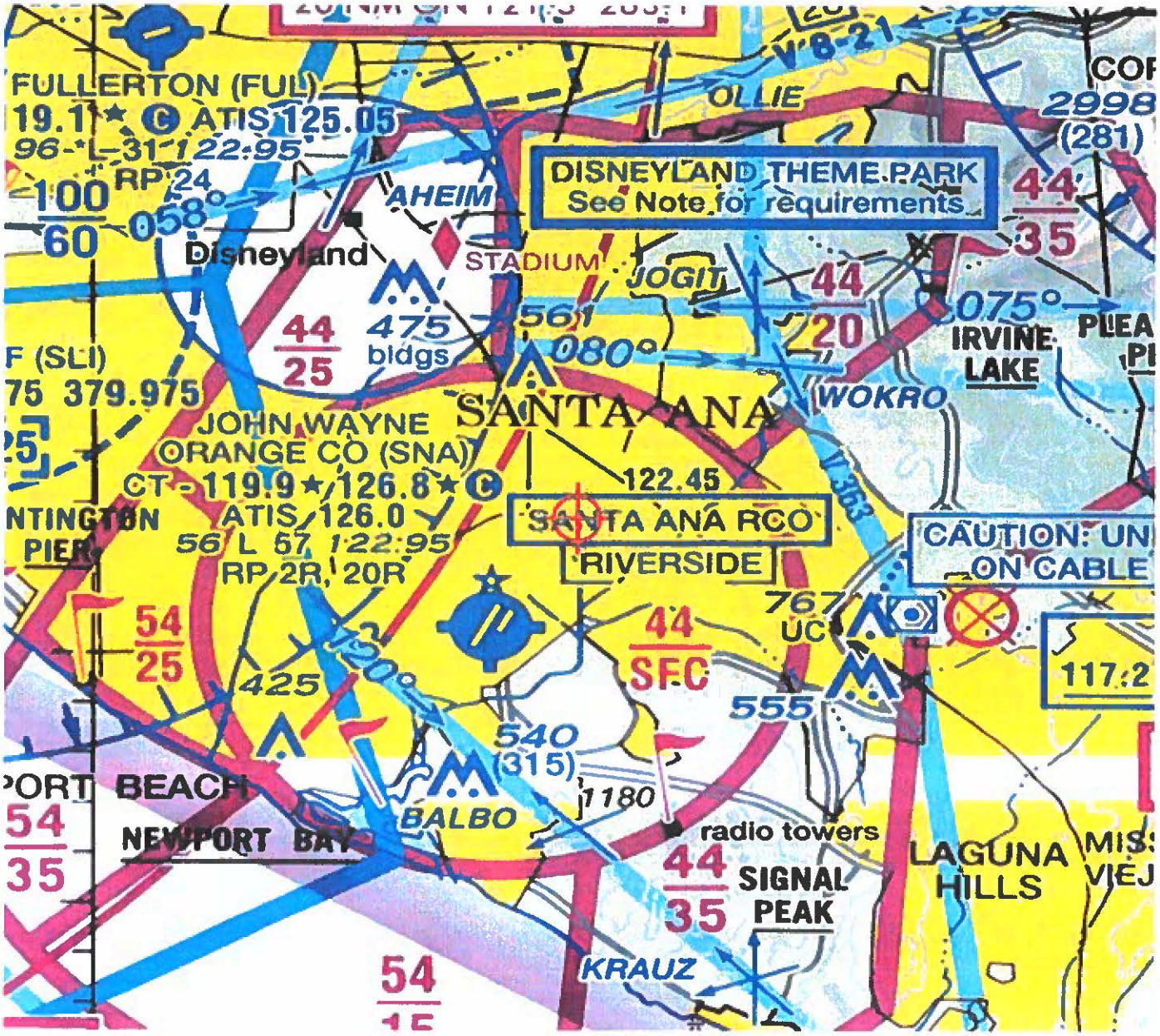
If we can be of further assistance, please contact our office at (206) 231-2990, or paul.holmquist@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-AWP-2002-OE.

**Signature Control No: 431129108-432730457** ( DNE )
Paul Holmquist
Specialist

Attachment(s)
Map(s)

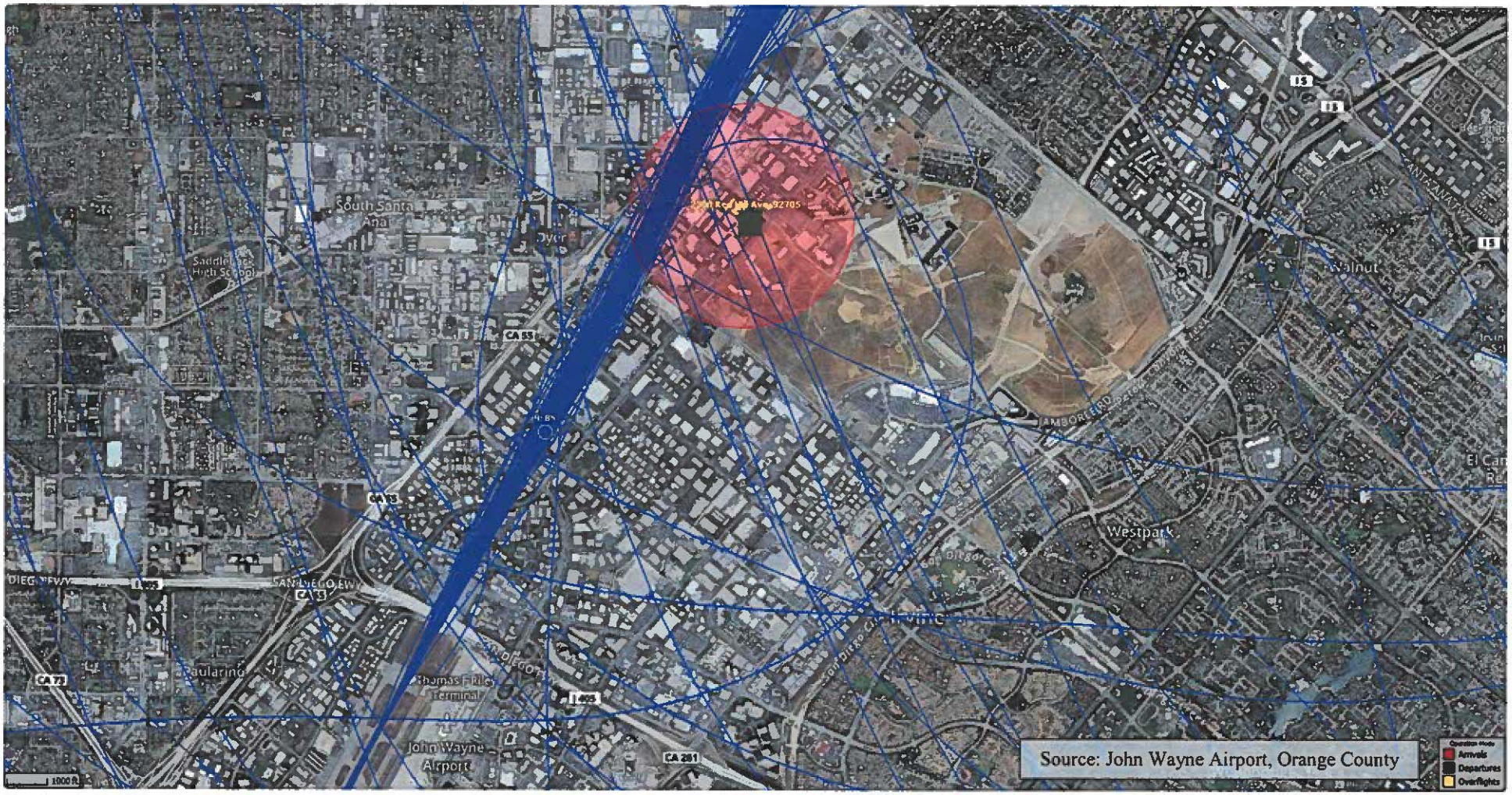
**TOPO Map for ASN 2020-AWP-2002-OE**




FULLERTON (FUL)
ATIS 125.05
OLLIE
DISNEYLAND THEME PARK
See Note for requirements
Disneyland
AHEIM
STADIUM
JOGIT
475
bldgs
IRVINE
LAKE
WOKRO
SANTA ANA
JOHN WAYNE
ORANGE CO (SNA)
CT 119.9 126.8
ATIS 126.0
122.45
SANTA ANA RCO
RIVERSIDE
CAUTION: UN
ON CABLE
PIER
425
SFC
555
540
(315)
1180
BALBO
NEWPORT BAY
radio towers
SIGNAL
PEAK
LAGUNA
HILLS
KRAUZ

# ATTACHMENT 6

JWA Reverse Flow Departures
Monday, January 6, 2020




160 Departures
Average Altitude - 2,171 ft.
**2300, 2310, 2320 Red Hill Ave.**
**Santa Ana, CA 92705**

# Flight Tracks for 2300, 2310, and 2320 Red Hill Avenue

## Monday, January 6, 2020 - Reverse Flow (Departures)

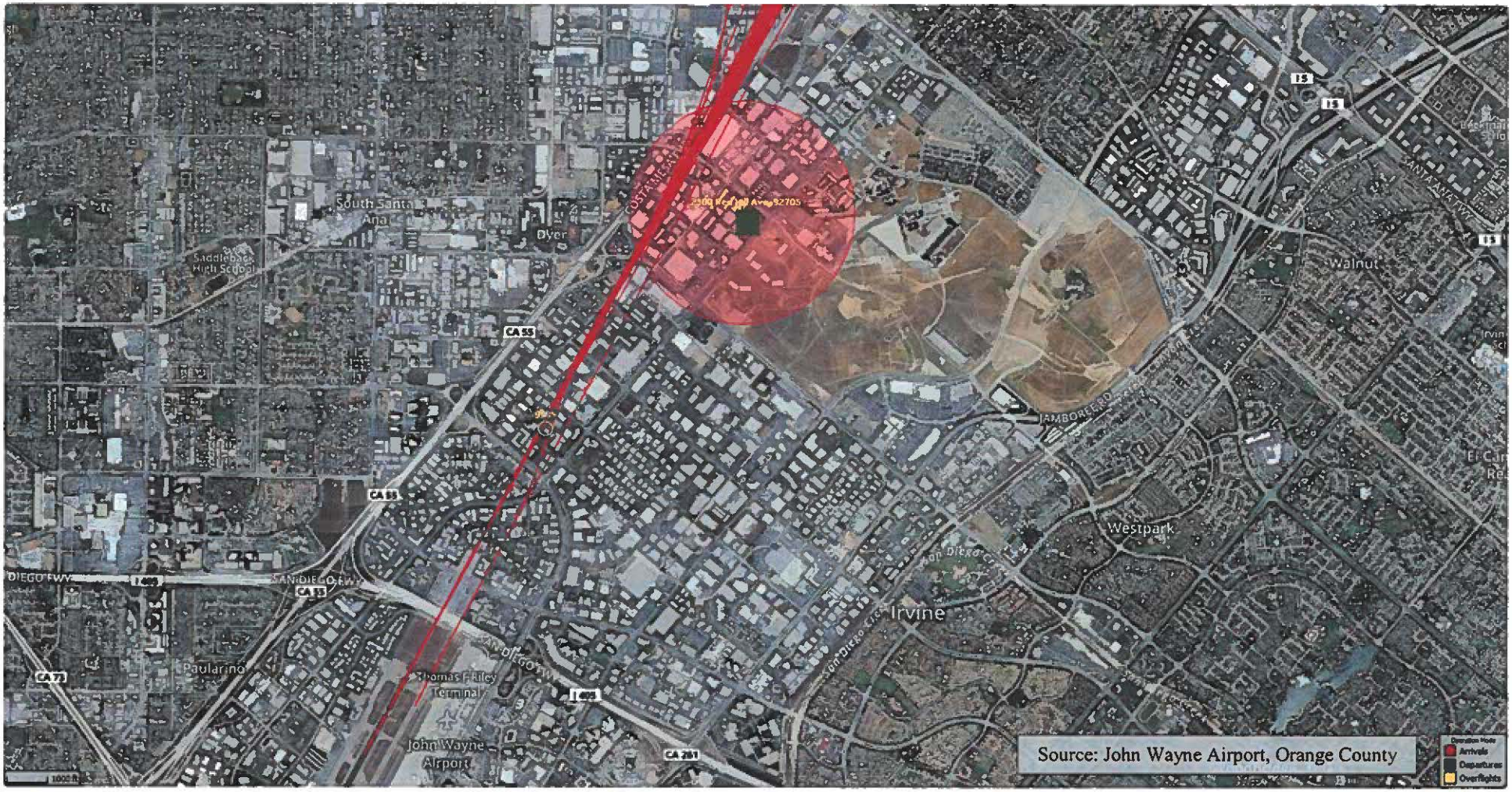
| Time | Aircraft Type | Altitude (ft.) | Time | Aircraft Type | Altitude (ft.) |
|---|---|---|---|---|---|
| 6:16:15 | B350 | 3,074 | 9:29:50 | B738 | 2,182 |
| 6:30:45 | LJ45 | 1,933 | 9:31:31 | B737 | 1,777 |
| 6:40:43 | CL60 | 2,271 | 9:34:46 | C210 | 2,839 |
| 7:01:42 | B737 | 1,802 | 9:42:38 | C560 | 2,179 |
| 7:03:12 | B738 | 1,811 | 9:48:40 | B737 | 1,915 |
| 7:04:43 | B738 | 2,036 | 9:49:58 | B350 | 2,346 |
| 7:07:18 | B738 | 2,018 | 9:52:02 | A321 | 2,598 |
| 7:08:32 | A319 | 2,658 | 10:06:59 | B738 | 2,087 |
| 7:10:20 | B737 | 1,671 | 10:27:10 | C56X | 3,138 |
| 7:11:55 | B737 | 2,070 | 10:32:19 | B737 | 2,029 |
| 7:13:25 | B738 | 2,387 | 10:39:10 | B738 | 1,869 |
| 7:16:48 | E75L | 2,332 | 10:41:25 | B737 | 1,977 |
| 7:18:29 | E145 | 3,127 | 10:48:05 | BCS1 | 2,679 |
| 7:20:01 | B752 | 2,625 | 10:53:59 | A320 | 2,241 |
| 7:21:08 | B738 | 1,866 | 10:58:30 | B738 | 2,092 |
| 7:24:21 | E75L | 1,985 | 11:04:01 | PC12 | 2,433 |
| 7:25:51 | B738 | 2,038 | 11:07:35 | E75L | 1,858 |
| 7:27:26 | BCS1 | 2,769 | 11:10:17 | PRM1 | 1,667 |
| 7:29:14 | B737 | 1,917 | 11:11:36 | E50P | 2,112 |
| 7:30:45 | B350 | 2,035 | 11:18:37 | B722 | 2,829 |
| 7:32:37 | B737 | 1,871 | 11:26:28 | B737 | 2,205 |
| 7:36:12 | B737 | 1,930 | 11:28:01 | B737 | 1,866 |
| 7:45:21 | E55P | 3,917 | 11:29:31 | B738 | 1,903 |
| 7:46:56 | B738 | 2,186 | 11:36:47 | E75L | 2,324 |
| 7:48:37 | B738 | 1,973 | 11:42:52 | B738 | 1,916 |
| 7:51:10 | B737 | 1,881 | 11:45:26 | A320 | 2,616 |
| 7:52:52 | CL60 | 2,585 | 11:46:53 | B738 | 1,947 |
| 8:03:59 | B737 | 1,816 | 11:49:52 | B737 | 2,004 |
| 8:05:33 | A319 | 2,801 | 11:51:54 | B752 | 2,849 |
| 8:07:39 | B737 | 2,037 | 11:53:31 | E135 | 3,152 |
| 8:12:43 | B738 | 2,107 | 11:56:41 | E75L | 2,005 |
| 8:17:23 | E75L | 2,065 | 12:05:13 | E75L | 2,203 |
| 8:20:38 | E75L | 2,262 | 12:08:56 | B738 | 1,825 |
| 8:24:46 | F2TH | 2,576 | 12:12:08 | H25C | 1,650 |
| 8:30:54 | B738 | 2,039 | 12:29:29 | B752 | 2,409 |
| 8:33:05 | A319 | 2,736 | 12:41:29 | A20N | 2,155 |
| 8:35:13 | A320 | 2,219 | 12:45:38 | A321 | 2,206 |
| 8:44:21 | B737 | 2,053 | 12:52:30 | E75L | 2,064 |
| 8:53:34 | B737 | 2,186 | 12:55:37 | B737 | 1,927 |
| 8:55:31 | E75L | 2,289 | 13:08:44 | B738 | 1,742 |
| 9:02:24 | B350 | 2,031 | 13:11:44 | B738 | 1,919 |
| 9:05:04 | E55P | 3,506 | 13:17:26 | E75L | 2,019 |
| 9:06:49 | B737 | 2,012 | 13:19:21 | BCS1 | 2,608 |
| 9:16:12 | PA27 | 2,230 | 13:26:27 | B738 | 1,974 |
| 9:28:16 | B737 | 2,101 | 13:35:13 | B736 | 2,024 |

# Flight Tracks for 2300, 2310, and 2320 Red Hill Avenue

## Monday, January 6, 2020 - Reverse Flow (Departures)

| Time | Aircraft Type | Altitude (ft.) |
|---|---|---|
| 13:36:43 | B737 | 1,947 |
| 13:38:25 | E135 | 2,980 |
| 13:42:16 | B737 | 2,162 |
| 13:46:35 | B738 | 1,995 |
| 13:49:32 | B738 | 1,965 |
| 13:53:33 | GLF4 | 2,886 |
| 13:55:07 | A320 | 2,307 |
| 13:58:35 | B737 | 2,106 |
| 14:02:02 | E55P | 2,228 |
| 14:17:47 | A319 | 2,704 |
| 14:43:31 | B737 | 1,730 |
| 14:45:56 | B737 | 1,902 |
| 14:47:56 | GLF4 | 1,455 |
| 14:54:06 | B738 | 1,966 |
| 15:01:44 | E75L | 2,296 |
| 15:05:03 | C206 | 2,563 |
| 15:19:32 | B737 | 1,840 |
| 15:21:47 | LJ60 | 2,432 |
| 15:23:27 | E75L | 2,181 |
| 15:31:01 | B738 | 1,777 |
| 15:34:19 | E75L | 1,980 |
| 15:35:58 | B737 | 1,892 |
| 15:41:07 | B737 | 1,607 |
| 15:44:07 | B738 | 1,688 |
| 15:50:18 | B737 | 2,418 |
| 15:51:57 | E135 | 2,340 |
| 15:57:02 | E75L | 2,009 |
| 16:00:02 | C550 | 2,792 |
| 16:03:46 | B752 | 2,802 |
| 16:14:35 | C56X | 3,117 |
| 16:27:51 | E75L | 2,199 |
| 16:35:27 | CL30 | 3,404 |
| 16:37:38 | B737 | 1,854 |
| 16:40:57 | E75L | 1,885 |
| 16:43:09 | B738 | 1,960 |
| 16:45:38 | B738 | 1,783 |
| 16:57:54 | B737 | 2,226 |
| 17:01:06 | BCS1 | 2,514 |
| 17:04:04 | E75L | 1,742 |
| 17:22:21 | C56X | 2,379 |
| 17:41:59 | A320 | 1,871 |
| 17:43:47 | B737 | 1,796 |
| 17:45:29 | B737 | 1,750 |
| 17:51:16 | B738 | 1,869 |
| 17:58:23 | E75L | 1,741 |
| 18:03:45 | B738 | 2,134 |
| 18:10:44 | B738 | 1,795 |
| 18:29:14 | B737 | 1,732 |
| 18:32:28 | E75L | 1,739 |
| 18:34:42 | BCS1 | 2,764 |
| 18:40:00 | B737 | 1,707 |
| 18:46:31 | E75L | 1,931 |
| 19:11:10 | A306 | 2,262 |
| 19:16:54 | B737 | 1,708 |
| 19:18:39 | B738 | 1,718 |
| 19:23:15 | B752 | 2,323 |
| 19:24:53 | B737 | 1,830 |
| 19:28:01 | A320 | 2,069 |
| 19:43:48 | B738 | 2,133 |
| 19:45:25 | E135 | 2,064 |
| 19:50:37 | E75L | 1,985 |
| 19:52:13 | E145 | 2,574 |
| 20:02:15 | B737 | 1,852 |
| 20:09:50 | B737 | 1,576 |
| 20:26:27 | B737 | 2,154 |
| 20:48:10 | B737 | 1,749 |
| 21:09:54 | B737 | 2,301 |
| 21:18:07 | B738 | 1,902 |
| 21:22:29 | CRJ7 | 2,520 |
| 21:28:19 | B737 | 1,630 |
| **Average** | | **2,171** |

JWA Arrivals
Wednesday, January 8, 2020




179 Arrivals
Average Altitude - 790 ft.
**2300, 2310, 2320 Red Hill Ave.**
**Santa Ana, CA 92705**

# Flight Tracks for 2300, 2310, and 2320 Red Hill Avenue

## Wednesday, January 8, 2020 - Arrivals

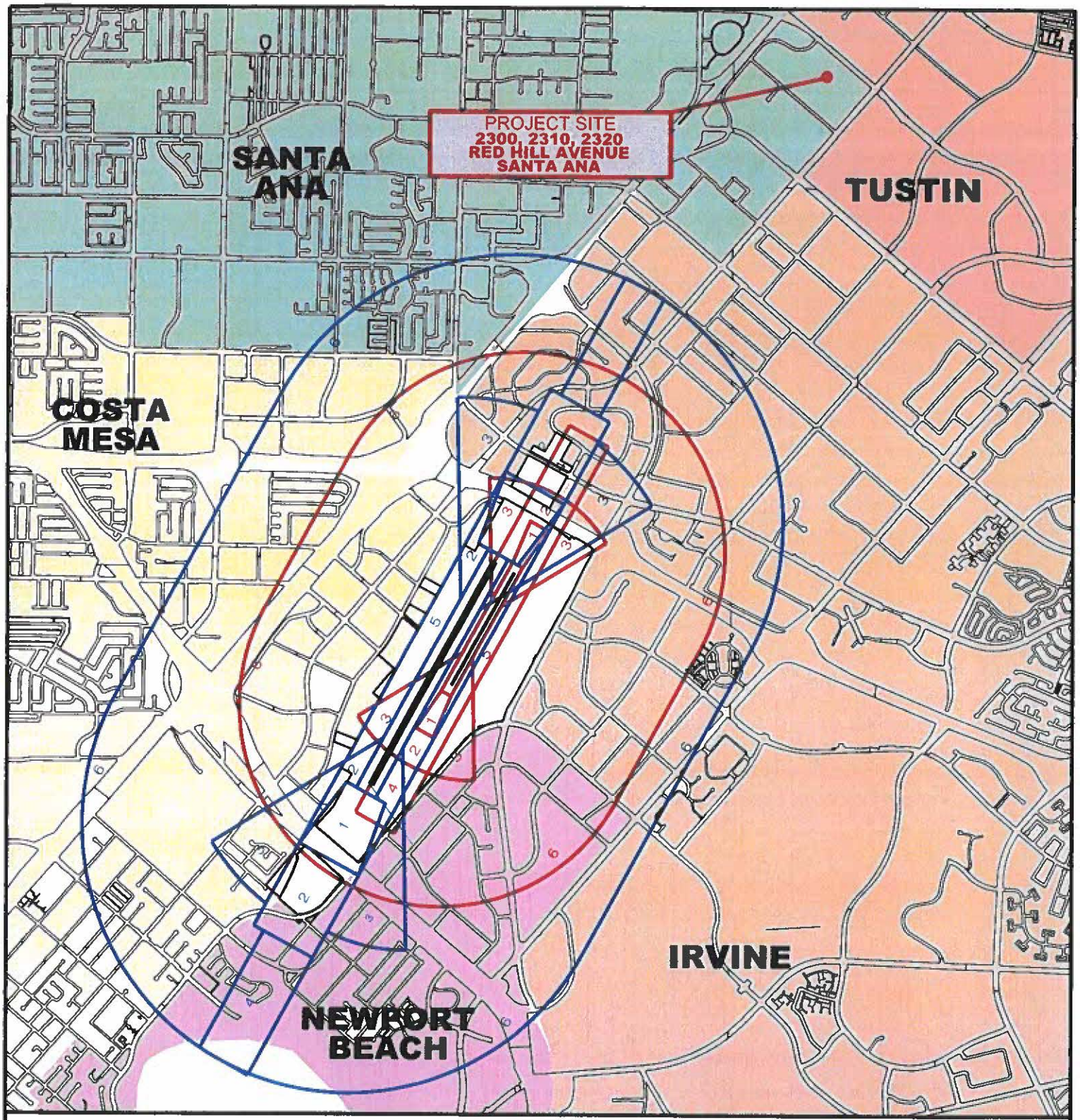
| Time | Aircraft Type | Altitude (ft.) | Time | Aircraft Type | Altitude (ft.) |
|---|---|---|---|---|---|
| 7:13:21 | C680 | 817 | 11:10:17 | A320 | 800 |
| 7:27:10 | B737 | 781 | 11:19:43 | B752 | 835 |
| 7:38:08 | C182 | 839 | 11:21:49 | C56X | 883 |
| 7:49:33 | B737 | 796 | 11:23:18 | PA24 | 1,276 |
| 7:51:19 | E75L | 822 | 11:44:37 | B737 | 755 |
| 8:06:12 | C414 | 828 | 11:46:19 | A321 | 789 |
| 8:08:06 | B737 | 793 | 11:49:25 | A320 | 779 |
| 8:14:10 | CL35 | 825 | 11:54:25 | C172 | 603 |
| 8:15:32 | B737 | 790 | 11:58:39 | B738 | 753 |
| 8:19:52 | B737 | 766 | 12:07:18 | B738 | 778 |
| 8:32:23 | A320 | 795 | 12:09:43 | B737 | 760 |
| 8:34:33 | B738 | 775 | 12:12:19 | BE36 | 790 |
| 8:39:35 | A320 | 791 | 12:14:28 | C560 | 837 |
| 8:42:05 | A320 | 796 | 12:18:17 | B738 | 775 |
| 8:44:44 | PC12 | 755 | 12:20:28 | B738 | 765 |
| 8:48:44 | B737 | 759 | 12:25:37 | B737 | 759 |
| 8:53:52 | BE58 | 747 | 12:31:32 | B737 | 763 |
| 9:01:05 | B738 | 803 | 12:39:47 | E300 | 781 |
| 9:04:50 | PC12 | 808 | 12:42:03 | C25A | 1,055 |
| 9:14:01 | B737 | 781 | 12:47:33 | E55P | 774 |
| 9:17:47 | PA46 | 898 | 12:49:39 | E75L | 731 |
| 9:22:43 | B737 | 759 | 12:51:59 | BCS1 | 801 |
| 9:26:12 | E75L | 745 | 12:58:16 | B737 | 761 |
| 9:28:18 | PA12 | 788 | 13:01:23 | A319 | 778 |
| 9:30:38 | E135 | 787 | 13:06:59 | C172 | 553 |
| 9:34:53 | BCS1 | 775 | 13:17:11 | B752 | 808 |
| 9:40:02 | C25A | 807 | 13:19:53 | C25A | 807 |
| 9:43:25 | C510 | 793 | 13:25:09 | C172 | 906 |
| 9:47:54 | E75L | 783 | 13:30:13 | GLF4 | 812 |
| 9:49:59 | B738 | 773 | 13:34:16 | E75L | 805 |
| 10:01:41 | B738 | 808 | 13:45:16 | B737 | 769 |
| 10:03:21 | E75L | 802 | 13:46:47 | B738 | 776 |
| 10:05:18 | G280 | 769 | 13:48:31 | B737 | 828 |
| 10:06:46 | B752 | 801 | 13:53:50 | B350 | 805 |
| 10:09:24 | C550 | 764 | 13:56:53 | SF50 | 809 |
| 10:21:58 | P28A | 820 | 14:03:28 | C68A | 793 |
| 10:24:10 | E135 | 752 | 14:06:28 | E75L | 765 |
| 10:25:40 | B737 | 775 | 14:08:28 | E55P | 767 |
| 10:27:05 | E75L | 744 | 14:09:57 | A320 | 792 |
| 10:28:57 | B738 | 777 | 14:11:46 | CL30 | 808 |
| 10:31:50 | TBM7 | 773 | 14:15:12 | P28R | 728 |
| 10:34:42 | A319 | 762 | 14:19:07 | B737 | 797 |
| 10:39:30 | B737 | 778 | 14:22:09 | C414 | 914 |
| 10:43:02 | B737 | 753 | 14:25:11 | B738 | 833 |
| 10:52:04 | B738 | 767 | 14:28:17 | E135 | 790 |

# Flight Tracks for 2300, 2310, and 2320 Red Hill Avenue

**Wednesday, January 8, 2020 - Arrivals**

| Time | Aircraft Type | Altitude (ft.) |
|---|---|---|
| 14:29:55 | B738 | 752 |
| 14:33:10 | B737 | 754 |
| 14:35:32 | B737 | 765 |
| 14:47:00 | PA44 | 832 |
| 14:49:06 | C56X | 797 |
| 14:54:25 | C750 | 796 |
| 14:58:14 | BE36 | 824 |
| 15:12:17 | C560 | 736 |
| 15:22:50 | EXP | 877 |
| 15:23:32 | B738 | 770 |
| 15:35:56 | B738 | 785 |
| 15:38:15 | GL5T | 777 |
| 15:42:34 | B737 | 884 |
| 15:50:23 | E75L | 770 |
| 15:52:35 | B737 | 749 |
| 15:56:00 | BCS1 | 764 |
| 16:09:39 | P32R | 660 |
| 16:11:36 | BE40 | 902 |
| 16:19:54 | CL30 | 1,075 |
| 16:23:02 | BE40 | 841 |
| 16:29:06 | B738 | 758 |
| 16:40:09 | B737 | 763 |
| 16:45:18 | C172 | 789 |
| 16:48:06 | FA7X | 775 |
| 16:51:07 | E75L | 761 |
| 17:02:05 | A320 | 802 |
| 17:19:23 | E75L | 812 |
| 17:24:51 | B737 | 771 |
| 17:28:04 | B752 | 812 |
| 17:32:12 | A306 | 780 |
| 17:35:12 | C414 | 850 |
| 17:37:21 | E135 | 792 |
| 17:39:08 | B737 | 779 |
| 17:41:06 | BCS1 | 775 |
| 17:53:32 | E75L | 750 |
| 17:55:46 | E75L | 745 |
| 18:01:11 | CL60 | 799 |
| 18:10:09 | B737 | 766 |
| 18:13:21 | BE20 | 814 |
| 18:16:11 | B737 | 777 |
| 18:20:03 | TBM8 | 821 |
| 18:21:47 | B737 | 774 |
| 18:24:00 | BE20 | 699 |
| 18:25:32 | B738 | 753 |
| 18:27:21 | B738 | 771 |
| 18:29:46 | E135 | 801 |
| 18:31:49 | B350 | 764 |
| 18:37:57 | B738 | 756 |
| 18:39:57 | E75L | 716 |
| 18:41:33 | B738 | 760 |
| 18:50:44 | B737 | 778 |
| 18:57:15 | B737 | 769 |
| 19:10:55 | A320 | 793 |
| 19:27:45 | B737 | 746 |
| 19:29:24 | C56X | 831 |
| 19:31:41 | CL60 | 806 |
| 19:35:59 | B738 | 770 |
| 19:44:58 | A320 | 749 |
| 19:49:27 | B737 | 756 |
| 19:54:13 | CRJ7 | 737 |
| 19:56:07 | A319 | 791 |
| 19:57:38 | B737 | 789 |
| 20:10:19 | B737 | 777 |
| 20:30:05 | E75L | 786 |
| 20:31:49 | B738 | 787 |
| 20:33:40 | B737 | 777 |
| 20:42:41 | A319 | 776 |
| 21:02:31 | B738 | 792 |
| 21:09:51 | B738 | 753 |
| 21:12:20 | E75L | 760 |
| 21:17:28 | A320 | 794 |
| 21:20:42 | B737 | 793 |
| 21:23:33 | B737 | 783 |
| 21:27:01 | C68A | 801 |
| 21:30:00 | A319 | 773 |
| 21:33:41 | B752 | 785 |
| 21:37:32 | E75L | 806 |
| 21:42:11 | B737 | 781 |
| 21:43:57 | E135 | 794 |
| 21:45:31 | A321 | 761 |
| 21:47:14 | BCS1 | 761 |
| 21:48:59 | E75L | 755 |
| 21:54:02 | B737 | 766 |
| 22:01:09 | B737 | 823 |
| 22:03:43 | B737 | 770 |
| 22:06:38 | GLF4 | 838 |
| 22:09:00 | B738 | 780 |
| 22:12:36 | B738 | 762 |
| 22:51:46 | GLF4 | 812 |
| **Average** | | 790 |

# ATTACHMENT 7




# John Wayne Airport Safety Zone Reference Map

LEGEND

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

1-6 SAFETY COMPATIBILITY ZONES FOR RUNWAY 2L & 20R (A MEDIUM GENERAL AVIATION RUNWAY AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)

1-6 SAFETY COMPATIBILITY ZONES FOR RUNWAY 2R & 20L (A SHORT GENERAL AVIATION RUNWAY AS DESCRIBED IN THE CALIFORNIA AIRPORT LAND USE PLANNING HANDBOOK, JANUARY 2002 EDITION)

Scale in Feet

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Lea Choum, Executive Officer Date

AELUP-2007/jwastzonerfm(2300RedHill_SantaAna).dgn

# ATTACHMENT 8

**LETTER A4 Orange County Airport Land Use Commission (2 pages)**

AIRPORT LAND USE COMMISSION
FOR ORANGE COUNTY
3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

February 18, 2020

Jerry C. Guevara, Assistant Planner I
City of Santa Ana Planning & Building Agency
PO Box 1988
Santa Ana, CA 92701

**Subject: The Bowery Mixed Use Project Draft Environmental Impact Report (DEIR)**

Dear Mr. Guevara:

Thank you for the opportunity to review the DEIR for The Bowery Mixed-Use Project located at 2300, 2310, and 2320 South Redhill Avenue in the context of the Airport Land Use Commission's *Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA)* and the *AELUP for Heliports*. The proposed project would redevelop the existing 14.58-acre light-industrial project site with a new mixed-use project that include 1,150 multi-family residential units and up to 80,000 square feet of commercial retail and restaurant space. The mixed-use buildings would be five to six stories high, and the parking structures would be six to seven stories high. 1

The proposed project is located under the primary aircraft approach corridor to John Wayne Airport and is within the Federal Aviation Administration (FAA) Federal Aviation Regulations (FAR) Part 77 Notification Area for JWA. The DEIR should emphasize that future residents would be exposed to significant aircraft overflight and single event noise due to the project's location under the aircraft approach corridor for JWA. Additionally, during reverse flow operations at JWA (approximately five percent (5%) of the time), future residents would experience noise associated with aircraft departures.

Because of the project's proximity to a noise impacted area, we concur with the DEIR inclusion of mitigation measure LU-1 that all prospective residents of the project site shall be notified of airport related noise, and that notification shall be included in lease/rental agreements and shall state the following: 2

"NOTICE OF AIRPORT IN VICINITY:
*This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration or odors). Individual sensitivities to those*

*annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you."* 2

Additionally, we recommend that the DEIR include the City's maximum allowable building height for the proposed project area as permitted through the City's General Plan or Zoning Code. Because the proposed project site is located under the aircraft approach corridor and conical surface for JWA, we request that the DEIR discuss maximum building heights and existing ground elevation to address whether the proposed project remains below the imaginary surfaces for JWA. It is also recommended that the DEIR address land use compatibility impacts, safety impacts, visual impacts and outdoor recreational area impacts given the project's location within the JWA primary aircraft approach corridor, including the impacts of approving multi-family residential units at this project site. 3

The Draft EIR should also identify if the project will be impacted by helicopter overflight due to the close proximity of helicopter arrival and departure operations at JWA and if the project allows for heliports as defined in the *AELUP for Heliports*. Should the development of heliports occur within your jurisdiction, proposals to develop new heliports must be submitted through the City to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5. Proposed heliport projects must comply fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics 4

As you know, because this project falls within the *JWA AELUP* planning areas and requires a General Plan Amendment, it is recommended that the project be referred to the Airport Land Use Commission (ALUC) for a Consistency determination with the *JWA AELUP*. In this regard, please note that the Commission requests that such referrals to be submitted to the ALUC staff between the local agency's expected Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, submittals must be received in the ALUC office by the first of the month to ensure sufficient time for placement on the agenda, review, and analysis. 5

Thank you again for the opportunity to comment on the initial study. Please contact Julie Fitch, Land Use Manager, at (949) 252-5284 or jfitch@ocair.com should you have any questions related to the future referral of your project. You may also reach me at (949) 252-5123 or via email at lchoum@ocair.com.

Sincerely,

Lea U Choum

Lea U. Choum
Executive Officer

# Letter A4: Orange County Airport Land Use Commission

**Comment 1:** This comment provides general background information about the Project, and states that the site is located within the Federal Aviation Administration (FAA) Federal Aviation Regulations (FAR)[1] Part 77 Notification Area for John Wayne Airport (JWA). The comment asserts that the Project site is located under the primary aircraft approach corridor (and departure corridor five percent of the time) for JWA and that future residents would be exposed to significant overflight and single-event noise due to the Project's location.

**Response 1:** JWA is located approximately 2.2 miles southwest of the Project, and the site is under the primary aircraft approach corridor. However, Project structures would not be within the FAA FAR Part 77 Notification Area for JWA. The JWA FAR Part 77 Notification Area is a three-dimensional imaginary surface that consists of a 100:1 aerial slope extending outward for 20,000 feet (or 3.79 miles) from the nearest runway, or areas higher than 200 feet above ground level (JWA AELUP page 13). As the Project site is located 2.2 miles from the airport, it is within 20,000 feet (or 3.79 miles) from the runway. However, the Project structures would not be above (or penetrate) the 100:1 imaginary surface slope, and therefore, would not be within the JWA FAR Part 77 Notification Area. As shown in Figure 1, the 100:1 imaginary surface area slope at the Project site is located above heights of 108.6 and 116.95 feet above the ground level. As the highest Project structure is 94 feet above the ground level, the structures would not penetrate the 108.6 through 116.96 foot-high imaginary surface area above the site. Therefore, Project structures would not be within the FAR Part 77 Notification Area (as defined in FAR Part 77.13).

Additionally, as described in Section 5.10, *Noise*, of the Draft EIR, and shown on Draft EIR Figure 5.10-2, the Project site is located outside the 55 dBA CNEL aircraft noise level contour boundaries of JWA. According to the exterior noise thresholds outlined in the Airport Environs Land Use Plan (AELUP) for JWA, multi-family residential development is considered *normally consistent* with exterior noise levels of less than 60 dBA CNEL. As the Project site is located outside the 55 dBA CNEL aircraft noise level contour boundaries of JWA, the residential land use is consistent with JWA aircraft noise exposure exterior noise level compatibility thresholds. Also, the airport related noise at the Project site does not exceed the City's municipal code permissible noise levels. Therefore, impacts related to single event noise from aircraft overflight would not occur. Additionally, the County's General Aviation Noise Ordinance prohibits commercial aircraft departures between the hours of 10:00 p.m. and 7:00 a.m. and arrivals between the hours of 11:00 p.m. and 7:00 a.m. These restrictions substantially limit the aircraft noise during nighttime hours. Therefore, future residential uses at the site would be consistent with airport noise planning and residents of the Project would not be exposed to significant noise from aircraft overflight.

**Comment 2:** This comment asserts that the Project is in proximity to a noise impacted area within the airport influence area and states concurrence with the Draft EIR inclusion of Mitigation Measure LU-1 that all prospective residents of the Project site shall be notified of airport related noise, and that notification shall be included in lease/rental agreements.

**Response 2:** As described in Response 1, the Project is not located within or adjacent to an area that is impacted by noise from aircraft overflight. The Project site is located outside the 55 dBA CNEL aircraft noise level contour, where pursuant to the AELUP, multi-family residential development is considered consistent. Also, the airport related noise at the Project site does not exceed the City's municipal code permissible noise levels for multi-family residential uses.

[1] 14 Code of Federal Regulations (CFR) Part 77, et seq.

In addition, the Project is not within the airport influence area. As described on page 6 of the AELUP, the airport influence area is the airport planning area boundary, and the two terms are synonymous. The AELUP sets the planning area as the furthest extent of the 60 CNEL contour, the FAR Part 77 Notification Area, and the runway safety zones (AELUP page 9).

Section 5.7, *Hazards and Hazardous Materials*, of the Draft EIR describes that the Project site is not located within JWA's Airport Safety Zone (Draft EIR Figure 5.7-1) and located outside of both the airport's actual (2018) and planned 60 CNEL contours (Draft EIR Figures 5.7-2 and 5.7-3). Therefore, the Project site does not meet the safety zone or noise zone criteria to be in the airport's planning area. In addition, as described in Response 1, the Project structures would not be within the JWA FAR Part 77 Notification Area.

Therefore, the Project is not within the airport influence/planning area, and within an area that the AELUP considers consistent with multi-family residential uses. Thus, the notice from the AELUP, included in the Draft EIR as Mitigation Measure LU-1, is not applicable to the Project. Likewise, potentially significant impacts related to residential land uses and JWA operations would not occur, and impacts would be less than significant. As result, Mitigation Measure LU-1, is not required and has been removed, as shown in Chapter 3, *Revisions to the Draft EIR*.

**Comment 3:** This comment states that the City's maximum allowable building height for the Project area as permitted through the City's General Plan or Zoning Code be included in the Draft EIR. The comment further states that because the proposed Project site is located under the aircraft approach corridor, it is requested that the maximum building heights and existing ground elevation be discussed to address whether the Project remains below the imaginary surfaces for JWA. The comment also recommends that the land use compatibility impacts, safety impacts, visual impacts, and outdoor recreational area impacts be discussed given the Project's location within the JWA primary aircraft approach corridor.

**Response 3:** The Project includes a zone change that would change the existing zoning designation from M-1 (Light Industrial) that limits structures to 35 feet in height to a Specific Development (SD) zone to implement the proposed mixed-use Project. The SD zone does not have specific building height restrictions but requires development plans to be submitted for the City to review subject to Planning Commission and City Council approvals, and, in the case of this development, to ensure hazards, such as those related to JWA, do not occur.

As described in Response 1 and shown in Figure 1, the FAR Part 77 Notification 100:1 imaginary surface area at the Project site is located above heights of 108.6 and 116.95 feet above the ground level. As the highest Project structure is 94 feet above the ground level, the structures would not penetrate the 108.6 through 116.96 foot-high FAR Part 77 Notification imaginary surface area above the site. In addition, the Project would not penetrate the FAR Part 77 Obstruction Imaginary Surfaces area (as shown on Draft EIR Figure 5.7-5), which is much higher than the 100:1 imaginary surface notification area. Therefore, the Project remains below both the notification and obstruction imaginary surfaces for JWA.

Also described in Response 1, the exterior noise thresholds outlined in the AELUP, multi-family residential development is considered normally consistent with exterior noise levels of less than 60 dBA CNEL. As the Project site is located outside the 55 dBA CNEL aircraft noise level contour boundaries of JWA, the residential land use is considered normally consistent with JWA aircraft noise exposure exterior noise level compatibility thresholds. Thus, pursuant to the AELUP for JWA, impacts related to residential and recreational land use compatibility would not occur.

Safety impacts related to operation of JWA are described in Section 5.7, *Hazards and Hazardous Materials*, of the Draft EIR. As detailed, the Project site is not located within JWA's Airport Safety Zone (Draft EIR Figure 5.7-1) and it is described that the Project would not generate substantial light or glare. Exterior lighting

fixtures and security lighting would be installed in accordance with Municipal Code Division 3, Building Security Regulations, which includes specifications for shielding and intensity of security lighting. In addition, the proposed Project would not use highly reflective surfaces, and does not include large areas of glass on the buildings. Therefore, the Project would not generate substantial sources of glare. Thus, the Draft EIR determined that Project-related safety and visual impacts associated with JWA operations would be less than significant.

**Comment 4:** This comment states that it should be identified if the Project will be impacted by helicopter overflight due to the close proximity of helicopter arrival and departure operations at JWA and if the Project allows for heliports as defined in the AELUP for Heliports. The comment also provides procedures and regulations related to proposed heliport projects.

**Response 4:** The proposed Project does not include a heliport or any helicopter related activity. In addition, per the Orange County AELUP for Heliports (2008) the Project site is not located within a Helipad Protection Zone, and the height restrictions related to helicopter operations is the same imaginary surface area described in Response 3. As described above, the Project site is located within the three-dimensional FAR Part 77 Notification Area boundary, but the proposed structures would not penetrate the 100:1 Notification Area elevation (Figure 1). Therefore, the proposed structures would remain below the imaginary surface area for JWA and would not be affected by helicopter overflight. In addition, due to the 2.2 mile distance from the Project site to JWA, and a helicopter's 8:1 approach and departure transitional surface (the flight trajectory for landings and departures), helicopters fly over the Project site at a substantial altitude, such that noise from helicopter operations does not significantly impact the noise environment on the Project site. As described in Response 1, the Project site is located outside the 55 dBA CNEL aircraft noise level contour boundaries of JWA, which includes noise related to helicopter operations.

**Comment 5:** This comment states that because this Project falls within the JWA AELUP planning area and requires a General Plan Amendment, it is recommended that the project be referred to the Airport Land Use Commission (ALUC) for a Consistency determination with the JWA AELUP. The comment also provides general information about the ALUC meetings and ALUC staff contacts.

**Response 5:** As described in Response 2, the Project structures would not be located within the JWA AELUP planning area. Pursuant to the AELUP, the JWA AELUP planning area includes areas that are: 1) within the JWA 60 CNEL contour; 2) within the FAR Part 77 Notification Area; 3) within the runway safety zones.

The Project site is 1) located outside of the JWA 60 CNEL contour (Draft EIR Figures 5.7-2 and 5.7-3); 2) not located within the airport safety zones (Draft EIR Figure 5.7-1); and 3) would not would not penetrate the FAR Part 77 100:1 Notification Area elevation, as shown in Figure 1. Therefore, pursuant to the JWA AELUP, the site is not within the JWA planning area boundary, and ALUC referral for a consistency determination would not be required.

In summary, as also described in Response 1, the Project is consistent with the noise thresholds outlined in the JWA AELUP that identify multi-family residential uses as normally consistent with exterior noise levels of less than 60 dBA CNEL. As the Project site is located outside the 55 dBA CNEL aircraft noise level contour boundaries of JWA, the residential land use would be consistent with the JWA AELUP. Overall, the proposed Project and its related general plan amendment, would be consistent with the AELUP, and a referral to the ALUC would not be required. However, the City has forwarded the Project for ALUC consideration in response to this comment letter.

**Figure 1: FAR Part 77 Notification Area 100:1 Slope Building Elevation**

AIRPORT LAND USE COMMISSION
FOR ORANGE COUNTY
3160 Airway Avenue • Costa Mesa, California 92626 • 949.252.5170 fax: 949.252.6012

August 28, 2019

Jerry C. Guevara, Assistant Planner I
City of Santa Ana Planning & Building Agency
PO Box 1988 (M-20)
Santa Ana, CA 92702

**Subject: The Bowery at 2300 South Red Hill Avenue Mixed-Use Project**

Dear Mr. Guevara:

Thank you for the opportunity to review the Notice of Preparation for The Bowery Mixed-Use Project located at 2300 South Red Hill Avenue in the context of the Airport Land Use Commission's *Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA)* and the *AELUP for Heliports*. The proposed project would redevelop the 14.69-acre sit with new mixed uses that include retail, restaurant, and multi-family residential. Three phases of mixed-use development are proposed, with 1,150 multi-family residential units to be provided in three buildings 5 to 7 stories tall with adjacent parking structures. A total of 80,000 square feet of retail and restaurant commercial space is also proposed. The project would also provide approximately 236,000 square feet of open space in courtyards, common area amenities, a roof deck, and perimeter plazas and open space areas for residents and the public.

The proposed project is located under the primary aircraft approach corridor to John Wayne Airport and is within the Federal Aviation Administration (FAA) Federal Aviation Regulations (FAR) Part 77 Notification Area for JWA. Any project within this notification area needs to be reviewed by FAA and is required to file FAA Form 7460-1. Also, note that any project within Orange County that is proposed for more than 200 feet above ground level must also file FAA Form 7460-1. The proposed Draft Environmental Impact Report (DEIR) should address all FAR Part 77 imaginary surfaces given the close proximity of the proposed project to JWA. We recommend that the DEIR discuss how all required coordination with FAA was or will be completed.

Additionally, we recommend that the DEIR include the City's maximum allowable building height for the proposed project area as permitted through the City's General Plan or Zoning Code. Because the proposed project site is located under the aircraft approach corridor and conical surface for JWA, we request that the DEIR discuss maximum building heights and existing ground elevation to address whether the proposed project

remains below the imaginary surfaces for JWA. It is also recommended that the DEIR address land use compatibility impacts, safety impacts, visual impacts and outdoor recreational area impacts given the project's location within the JWA primary aircraft approach corridor, including the impacts of approving multi-family residential units at this project site.

The DEIR should also discuss that the proposed project site would be exposed to significant aircraft overflight and single event noise due to the project's location under the aircraft approach corridor for JWA. Single noise events in this area would create serious disturbance to many inhabitants and to those utilizing the proposed outdoor areas such as the open space courtyards, roof deck and perimeter plazas and open space areas for resident and the public.

Because of the project's proximity to a noise impacted area, any prospective resident should be notified of the presence of aircraft overflight. We recommend that the DEIR include a mitigation measure stating that any residential development in the JWA influence area would be notified of potential aircraft overflight as follows:

"NOTICE OF AIRPORT IN VICINITY:

*This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you."*

The Draft EIR should also identify if the project will be impacted by helicopter overflight due to the close proximity of helicopter arrival and departure operations at JWA and if the project allows for heliports as defined in the Orange County *AELUP for Heliports*. Should the development of heliports occur within your jurisdiction, proposals to develop new heliports must be submitted through the City to the ALUC for review and action pursuant to Public Utilities Code Section 21661.5. Proposed heliport projects must comply fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by FAA, by the ALUC for Orange County and by Caltrans/Division of Aeronautics.

Because this project falls within the *JWA AELUP* planning areas and requires a General Plan Amendment, it is recommended that the project be referred to the Airport Land Use Commission for a Consistency determination with the *AELUP for JWA*. In this regard, please note that the Commission wants such referrals to be submitted to the ALUC staff between the Local Agency's expected Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendizing.

Thank you again for the opportunity to comment on the Notice of Preperation. Please contact me at (949) 252-5123 or via email at lchoum@ocair.com should you have any questions related to the future referral of your project.

Sincerely,

Lea U. Choum

Lea U. Choum
Executive Officer

# ATTACHMENT 9

CITY OF SANTA ANA
PLANNING AND BUILDING AGENCY
20 Civic Center Plaza • P.O. Box 1988
Santa Ana, California 92702
www.santa-ana.org



April 22, 2020



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

RE: The Bowery Project located at 2300, 2310, and 2320 South Redhill Avenue

Dear Ms. Choum:

Pursuant to Section 4.7 of the Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA), the City of Santa Ana (City) requests that the Airport Land Use Commission (ALUC) review the proposed Bowery project for consistency with the Airport Environs Land Use Plan (AELUP) at its May 21, 2020 meeting.

Project Summary

The Bowery is a proposed mixed-use retail, restaurant, and multi-family residential project on 14.69 acres. The development would include 80,000 square feet (sq. ft.) of retail and restaurant space and 1,100 multifamily units. The project would consist of three mixed-use buildings 5 stories in height, one residential building 5 stories in height, two commercial buildings 1 story in height, and three parking structures with 6.5 levels of aboveground parking, and one parking structure with 6 levels of aboveground parking. The proposed building elevations can be seen in ALUC Attachment No. 4.

The project would also include approximately 222,000 sq. ft. of open space in courtyards, common area amenities, a roof deck, and perimeter plazas and open space areas for residents and the public. The project would require demolition of three existing industrial buildings. The proposed building elevations can be seen in ALUC Attachment No. 4.

Required Approvals

Development of the proposed project requires the following approvals from the City:

- **General Plan Amendment (GPA)** for a land use change from Professional and Administrative Office (PAO) to District Center (DC) (See ALUC Attachment No. 2)

- **Amendment Application (AA)** for a zone change from Light Industrial (M-1) to a Specific Development (SD) designation (See ALUC Attachment No. 3)

It should be noted that the City's Planning Commission is scheduled to hear this item at its May 11, 2020 meeting. Staff's recommendation is for the Planning Commission to recommend the City Council certify the Environmental Impact Report (EIR) and approve the proposed project.

Project Location

The proposed project site is located at 2300, 2310, and 2320 South Redhill Avenue, at the southwest corner of Warner Avenue and Redhill Avenue in Santa Ana. The site includes Assessor's Parcel Numbers 430-222-01 and 430-222-16. See ALUC Attachment No. 1, Regional Location.

Latitude and Longitude

| *Corner* | *Latitude* | *Longitude* |
|---|---|---|
| North Corner | 33°42'45.06" N | 117°50'24.01" W |
| West Corner | 33°42'40.14" N | 117°50'29.44" W |
| South Corner | 33°42'35.20" N | 117°50'22.56" W |
| East Corner | 33°42'40.29" N | 117°50'16.83" W |

Surrounding Building Heights and Land Uses

The existing commercial and industrial buildings within a 1,000-foot radius are generally 1 to 2 stories and up to 40 feet in height.

FAA Filing

The project site is located within an area that requires notification to FAA for any project that would penetrate a three-dimensional imaginary surface that consists of a 100:1 aerial slope extending outward for 20,000 feet (or 3.79 miles) from the nearest runway, or would be more than 200 feet in height above the ground. The 100:1 imaginary surface area slope at the Project site is located above heights of 108.6 and 116.95 feet above the ground level. As the highest Project structure is 94 feet above the ground level, the structures would not penetrate the 108.6 through 116.96 foot-high imaginary surface area, or be more than 200 feet above the ground. Thus, FAA notification would not be required.

However, due to expressed potential ALUC concerns, the project filed FAA 7460-1 Notices for each of the four proposed mixed-used buildings (Building A, Building B, Building C, and Building D), which were all approved by the FAA with a determination of no hazard to air navigation, as provided in the attached approval letters (ALUC Attachment No. 6).

JWA Related Information (Noise and Safety)

- **Project Structure Heights.** The highest Project structure is 94 feet above the ground level and would not penetrate the FAA FAR Part 77 Notification Imaginary Surface area or the higher FAR Part 77 Obstruction Imaginary Surfaces area.
- **Noise Contours.** The proposed project is not located within a Noise Impact Zone identified in the AELUP. The project is outside of the airport's 55 CNEL contour and per the JWA AELUP and City of Santa Ana Municipal Code, multi-family residential development is considered normally consistent with exterior noise levels of less than 60 dBA CNEL.
- **Runway Protection Zone (RPZ).** The proposed project is not located in the RPZ.

- **Safety Zones.** The proposed project is not located within JWA Safety Zones. See ALUC Attachment No. 7 for location of the project relative to airport safety zones.
- **Final EIR** - Please see ALUC Attachment No. 8 for (1) the Land Use section, which includes site location related analysis and discussion; (2) the Hazards and Hazardous Materials Section, which includes airport-related hazards analysis and discussion; and (3) the Noise Section, which shows the JWA noise contours and the location of the project site. The entire EIR is included in electronic form on the attached flash drive.

Elevation of Property and Proposed Building Height

The property slopes approximately 7 feet from the southeast property corner to the northwest property corner at the western property boundary. The bulk of the property has elevations that range between 64.5 and 57.5 feet based on the North American Vertical Datum of 1988 (NAVD 88). In addition, the site elevations at the proposed buildings range from 60 feet AMSL to 62 feet AMSL, as shown in the table below. See the Existing Conditions Plan, Sheet C-1.0 of the project plans (ALUC Attachment No. 9) for additional site topography information.

| *Proposed Building* | *Site Elevation (SE)* |
|---|---|
| Building A | 62 feet site elevation (SE) |
| Building B | 60 feet site elevation (SE) |
| Building C | 60 feet site elevation (SE) |
| Building D | 60 feet site elevation (SE) |

The current (and proposed) height limitation is 94-feet from the ground level, which would be at the top of the architectural trim of the 6-story buildings. Building elevations are included in the project plans (ALUC Attachment No. 9).

Project Plans and Environmental Impact Report

Attached for your review are the proposed plans, see ALUC Attachment No. 9. An EIR has been prepared for the proposed project. Applicable sections of the CEQA documentation include Section 3.0, *Project Description*; Section 5.7, *Hazards and Hazardous Materials*; Section 5.9, *Land Use*; and Section 5.10, *Noise*. See ALUC Attachment No. 8, CEQA Document Extracts.

Hearing/Meeting Schedule (Tentative)

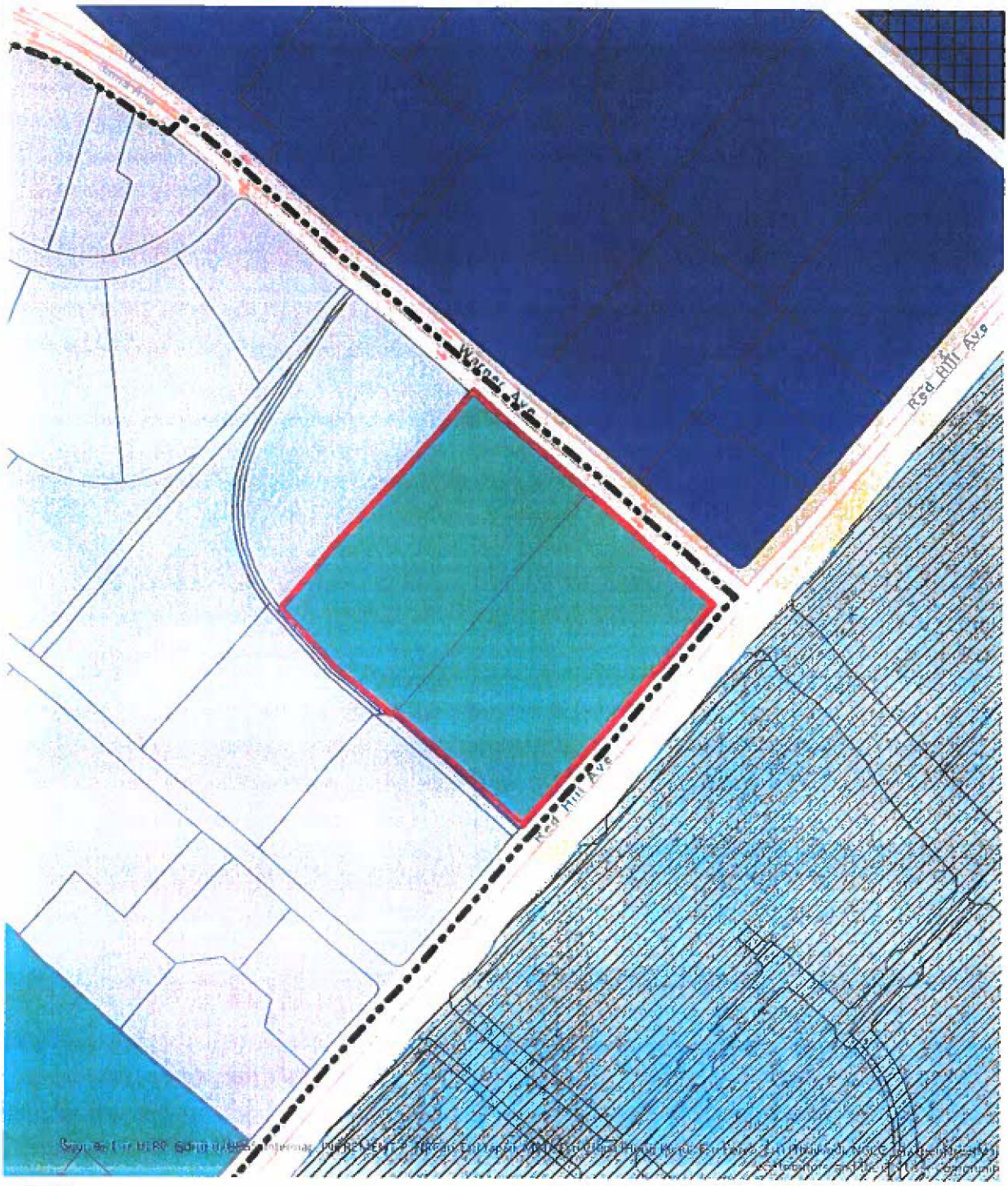
Santa Ana Planning Commission – May 11, 2020
Santa Ana City Council – June 2, 2020

Should you have any questions concerning the preceding information, I can be reached by phone at (714) 647-5882 or via e-mail at APezeshkpour@santa-ana.org.

Sincerely,

Ali Pezeshkpour, AICP
Senior Planner

# Proposed Zoning



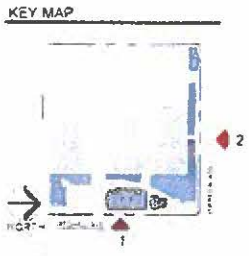

The Bowery

**ALUC No. 3**

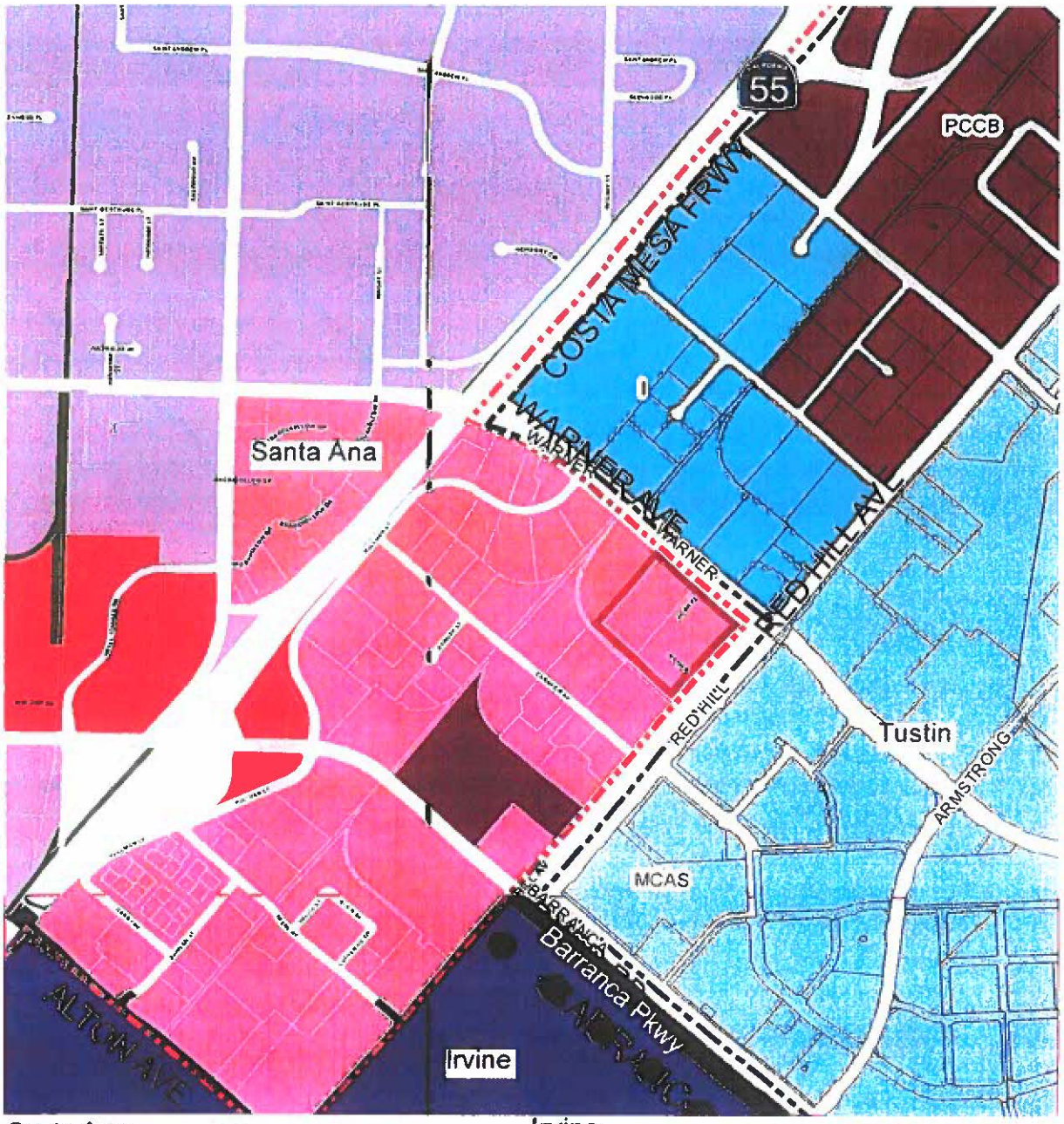
## Building Elevations

2 WARNER AVENUE ELEVATION

1. RED HILL AVENUE ELEVATION



# Existing General Plan Land Use



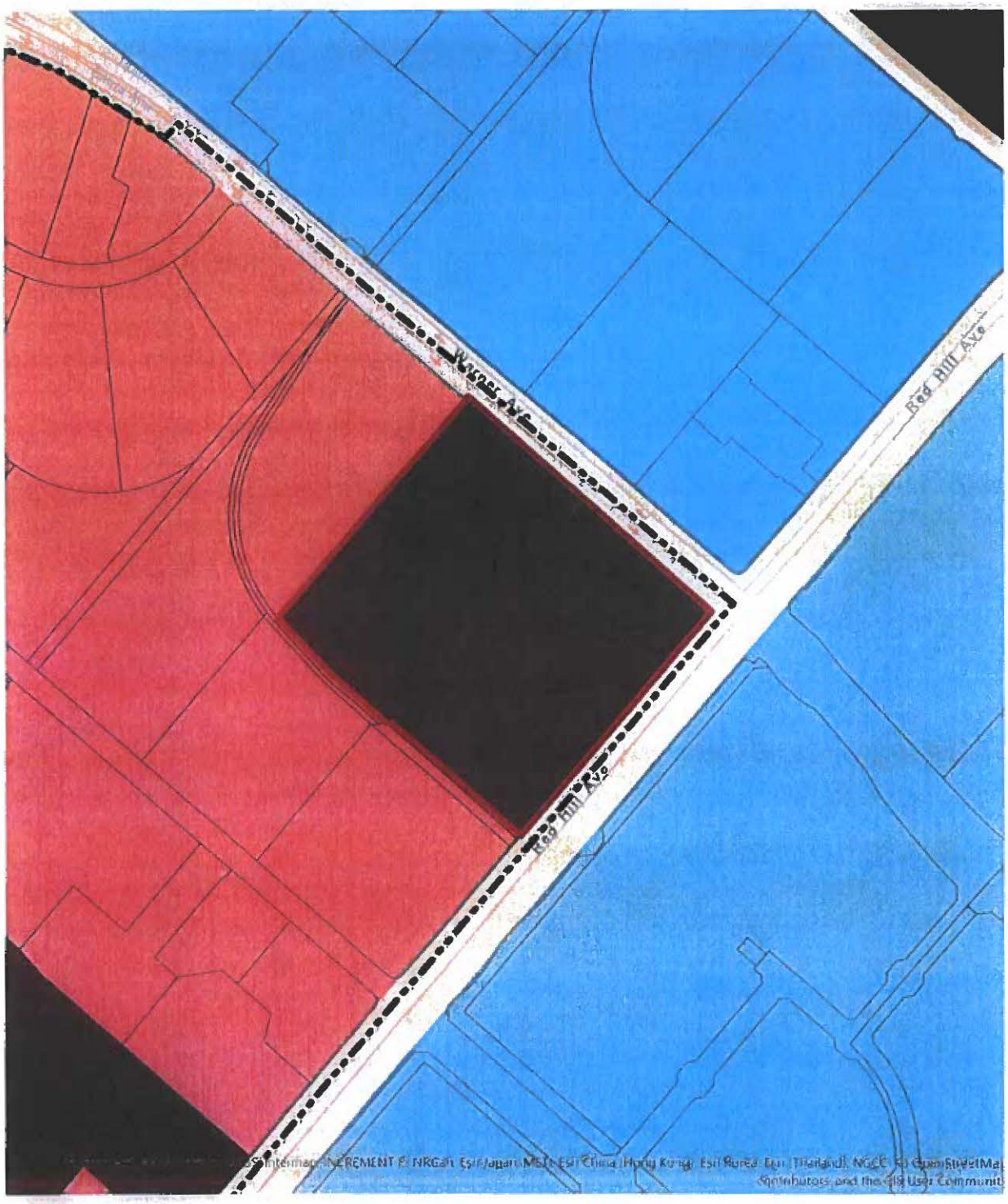

Santa Ana
- General Commercial
- Industrial
- District Center
- Professional & Administration Office
- Project Site

Irvine
- Urban and Industrial

Tustin
- Tustin Legacy Specific Plan
- Industrial
- Planned Community
- Commercial/Business

N

# Proposed Land Use




Project Site

Santa Ana Land Use

- District Center
- Professional & Administration Office

Tustin Land Use

- Tustin Legacy Specific Plan
- Industrial
- Planned Community Commercial/Business

N

# ATTACHMENT 10

JOHN WAYNE AIRPORT
ORANGE COUNTY

Barry A. Rondinella,
A.A.E./C.A.E.
Airport Director

August 28, 2019

Jerry C. Guevara, Assistant Planner I
City of Santa Ana Planning & Building Agency
PO Box 1988 (M-20)
Santa Ana, CA 92702

**Subject: The Bowery at 2300 South Red Hill Avenue Mixed-Use Project**

Dear Mr. Guevara:

Thank you for the opportunity to review the Notice of Preparation for The Bowery Mixed-Use Project located at 2300 South Red Hill Avenue. The proposed project would redevelop the 14.69-acre site with new mixed uses that include retail, restaurant, and multi-family residential. Three phases of mixed-use development are proposed with 1,150 multi-family residential units to be provided in three buildings 5 to 7 stories tall with adjacent parking structures. A total of 80,000 square feet of retail and restaurant commercial space is also proposed. The project would provide approximately 236,000 square feet of open space in courtyards, common area amenities, a roof deck, and perimeter plazas and open space areas for residents and the public.

The location of this property is under the primary aircraft approach corridor to John Wayne Airport (JWA). Because of the project location and its proximity to JWA (2.5 miles), JWA is not supportive of the proposed residential portion of this proposal. Residents would be subject to significant aircraft overflight, noise and annoyance as approaching aircraft fly overhead at an average altitude of approximately 700 feet. Additionally, during reverse flow circumstances, departing aircraft may be higher in altitude, but louder over the project area. It has been JWA's experience that residential uses located under aircraft approach and departure corridors generate a significant number of noise complaints from the affected residents. The City should give consideration as to how these noise complaints will be addressed should the project be approved.

Based upon the concerns noted above, JWA requests that the Draft Environmental Impact Report (DEIR) address all impacts related to airport compatibility, including but not limited to noise, land use and safety. Additionally, the DEIR should address the visual impacts of aircraft flying above the site and impacts to proposed outdoor recreational areas. JWA also requests that the City include a project alternative in the DEIR that does not include residential uses at this site.

3160 Airway Avenue
Costa Mesa, CA
92626 - 4608
949.252.5171
949.252.5178 fax
www.ocair.com

Thank you for the opportunity to comment on the Bowery Mixed Use Project. Please provide John Wayne Airport a copy of the Draft EIR when it becomes available for review. Please contact me at (949) 252-5123 or via email at lchoum@ocair.com should any questions arise regarding these comments.

Sincerely,

Lea U. Choum

Lea U. Choum
Planning Manager, Facilities

cc: L. G. Serafini

# ATTACHMENT 11

# 3. Revisions to the Draft EIR

This section contains revisions to the Draft EIR based upon: (1) clarifications required to prepare a response to a specific comment; and/or (2) typographical errors. The provision of these additional mitigation measures does not alter any impact significance conclusions as disclosed in the Draft EIR. Changes made to the Draft EIR are identified here in ~~strikeout~~ text to indicate deletions and in <u>underlined</u> text to signify additions.

## 3.1 Revisions in Response to Written Comments and City Changes to Text

The following text, organized by Draft EIR Chapters and Sections, has been revised in response to comments received on the Draft EIR and corrections identified by the City.

### Chapter 1.0, Executive Summary

**The last row of Table 1-2 on Page 1-17, Section 1.0, *Executive Summary*, is revised as follows:**

| | | | | |
|---|---|---|---|---|
| **Impact LU-2:** The Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. | | ~~Potentially~~ <u>Less than</u> significant | ~~**Mitigation Measure LU-1:** The Development Agreement that is required for implementation of the proposed Project shall include a clause requiring that all prospective residents of the Project site shall be notified of airport-related noise. Notification shall be included in lease/rental agreements and shall state the following:~~<br><br>~~"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 related to noise. Individual sensitivities to noise annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property and determine whether they are acceptable to you."~~<br><br><u>None required</u> | Less than significant |

**The third row of Table 1-2 on Page 1-18, Section 1.0, *Executive Summary*, is revised as follows:**

| | | | | |
|---|---|---|---|---|
| **Impact NOI-3:** The Project would not expose people residing or working in the Project area to excessive noise levels. | | ~~Potentially~~ <u>Less than</u> significant | ~~**Mitigation Measure LU-1:** Airport, listed above.~~<br><br><u>None required</u> | Less than significant |

**The last row of Table 1-2 on Page 1-20, Section 1.0, *Executive Summary*, is revised as follows:**

| | | | | |
|---|---|---|---|---|
| **Impact TR-1:** The Project would conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. | | Significant | **Mitigation Measure TR-1: Grand Avenue/Warner Avenue (#4) (Santa Ana):** The Development Agreement that is required for implementation of the proposed Project shall include a clause requiring payment of a fair share contribution to the improvement to add an eastbound protected right-turn | Significant and Unavoidable |

| | | | | |
|---|---|---|---|---|
| | | | overlap phase and prohibit northbound U-turns at the intersection of Grand Avenue/Warner Avenue.<br>~~**Mitigation Measure TR-2: Red Hill Avenue/Warner Avenue (#25) (Santa Ana/Tustin): The Development Agreement that is required for implementation of the proposed Project shall include a clause requiring payment of the full cost or implementation of an additional westbound protected right-turn overlap phase and to prohibit southbound U-turns. The installation of this improvement is subject to the approval of the City of Tustin.**~~<br>**Mitigation Measure TR-~~3~~2: Red Hill Avenue/Barranca Parkway (#30) (Santa Ana/Tustin/Irvine):** The Development Agreement that is required for implementation of the proposed Project shall include a clause requiring payment of the full cost or implementation of an additional westbound protected right-turn overlap phase and to prohibit southbound U-turns. The installation of this improvement is subject to the approval of the Cities of Tustin and Irvine.<br>**Mitigation Measure TR-~~3~~ 2: Red Hill Avenue/Alton Parkway (#32) (Santa Ana/Irvine):** The Development Agreement that is required for implementation of the proposed Project shall include a clause requiring payment of the full cost or implementation of a westbound protected right-turn overlap phase and to prohibit southbound U-turns. The installation of this improvement is subject to the approval of the City of Irvine.<br>~~**Mitigation Measure TR-5: Tustin Ranch Road/Warner Avenue-North (#47) (Tustin): The Development Agreement that is required for implementation of the proposed Project shall include a clause requiring payment of a fair share contribution to restripe the 3rd northbound through lane as a shared through-right lane and remove the northbound right-turn overlap. The installation of this improvement is subject to the approval of the City of Tustin.**~~ | |

**The fifth row of Table 1-2 on Page 1-21, Section 1.0, *Executive Summary*, is revised as follows:**

| | | | | |
|---|---|---|---|---|
| **Cumulative** | | Significant | Mitigation Measures TR-1 through TR-~~4~~ 3, listed above. | Significant and Unavoidable |

## Chapter 3.0, Project Description

**The first paragraph and bullet points on Page 3-13, Section 3.5, *Description of the Project*, is revised as follows:**

The proposed 80,000 square feet of commercial space would consist of the following uses:

- Retail Shopping Center: ~~18,000~~ 31,000 square feet
- Fast Casual Restaurant: ~~5,000~~ 3,500 square feet
- Quality Restaurant: ~~25,000~~ 20,000 square feet
- High-Turnover Sit-Down Restaurant: ~~25,000~~ 20,000 square feet
- Fast Food Restaurant: ~~5,000~~ 3,500 square feet
- Coffee/Donut Shop: 2,000 square feet

**The fourth paragraph and bullet points on Page 3-13, Section 3.5, *Description of the Project*, is revised as follows:**

**Site Access**

Vehicular access to the Project site would be provided via a full-access driveway and a right-in/right-out driveway on Warner Avenue and a right-in/right-out driveway on Red Hill Avenue. ~~The proposed full-access driveway on Warner Avenue would be slightly offset to the east from the adjacent driveway on the north side of Warner Avenue. This driveway would be signalized with split-phase operation in the northbound and southbound direction. The split-phase operation is necessary to ensure safety of ingress and egress for the project and for the driveway on the north side of Warner Avenue.~~

**The fourth paragraph on Page 3-14, Section 3.5, *Description of the Project*, is revised as follows:**

The Project would provide new ornamental landscaping throughout the Project site that would include a variety of 24- through 48-inch box trees, 1 – 5-gallon shrubs, and ground covers. New plant species would be drought-tolerant, non-invasive, and compliant with the City of Santa Ana's landscaping requirements. Likewise, the new irrigation installed onsite would meet the City's requirements for water efficiency (Santa Ana Municipal Code Section 41-1503; Landscape Water Use Standards). In addition, the Project includes the following Project Description Feature:

PDF AQ-1: As part of lease or service contracts the Project operator shall provide information to commercial tenants and Project landscape management about the availability of electric landscaping equipment through SCAQMD's Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program.

## Chapter 4.0, Environmental Setting

**The fifth paragraph on Page 4-8, Section 4.9, *Hazards and Hazardous Materials*, is revised as follows:**

### John Wayne Airport

John Wayne Airport (JWA) is located approximately 2.2 miles southwest of the Project site under the primary aircraft approach corridor. The Project site is not located within JWA's Airport Safety Zone, as shown in Figure 5.7-1. In addition, the Project site is located outside of both the airport's actual (2018) and planned 60 CNEL contours (Figures 5.7-2 and 5.7-3 in Section 5.7, *Hazards and Hazardous Materials*).

~~However, t~~The Project site is also outside of the 200-foot high FAR Part 77 Notification Imaginary Surface area (shown on Figure 5.7-5 in Section 5.7, *Hazards and Hazardous Materials*); and therefore, the site is not within the JWA planning area boundary, and FAA and AELUP notification would not be required. ~~located within the AELUP Notification area for JWA (shown on Figure 5.7-4 in Section 5.7, *Hazards and Hazardous Materials*), within the JWA planning area boundary, and under the FAR Part 77 Notification Imaginary Surface area, but outside of the 200-foot high surface area (shown on Figure 5.7-5 in Section 5.7, *Hazards and Hazardous Materials*).~~

**The third and fourth paragraphs on Page 4-12, Section 4.11, *Land Use and Planning*, is revised as follows:**

### John Wayne Airport

John Wayne Airport (JWA) is located approximately 2.2 miles southwest of the Project site under the primary aircraft approach corridor, but not within the AELUP Notification area ~~and~~ or JWA planning area boundary, as detailed in Section 5.7, *Hazards and Hazardous Materials*.

Because the Project site is not located within the AELUP Notification area ~~and~~ or JWA planning area boundary (shown on Figures 5.7-4 and 5.7-5 in Section 5.7, *Hazards and Hazardous Materials*), ~~and the Project proposes a General Plan Amendment and a zone change,~~ the City ~~is~~ would not be required to refer the proposed Project to the ALUC for review~~, pursuant to the California Public Utilities Code Section 21676, as listed previously~~.

**The sixth paragraph on Page 4-12, Section 4.12, *Noise*, is revised as follows:**

As described previously in Section 5.9, *Land Use and Planning*, the Project site is not located within the JWA Planning Area's FAR Part 77 Notification Surface~~, but~~ and outside of the airport's 60 CNEL Contour.

## Chapter 5.1, Aesthetics

**The third paragraph on Page 5.1-24, Section 5.1.6, *Environmental Impacts*, is revised as follows:**

The proposed mixed-used Project would result in a visual change from the existing development on the site to a higher intensity development, consisting of 3 mixed use buildings that would be 6-stories in height and one residential building that would be 5-stories in height. Each of these buildings would have an adjacent parking structure for a total of 4 parking structures. Two parking structures would provide 7 levels of above ground parking and would be ~~**~~ 76 feet in height and two would provide 6 levels of above ground parking and would be ~~**~~ 70 feet in height. In addition, the Project would develop 2 one-story retail/restaurant commercial buildings and a surface parking lot. The tallest point of the Project would be approximately 94 feet from the ground level, which would be at the top of the architectural trim of the of the 3 mixed use 6-story buildings.

## Section 5.4, Energy

**The last paragraph on Page 5.4-5, Section 5.4.6, *Environmental Impacts*, is revised as follows:**

Also, CCR Title 13, Motor Vehicles, section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than 5 minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. Additionally, construction contractors are required to demonstrate compliance with applicable California Air Resources Board (CARB) regulations governing the accelerated retrofitting, repowering, or replacement of heavy duty diesel on- and off-road equipment during the City's construction permitting process. Compliance with existing CARB idling restrictions and the use of newer engines and equipment would reduce fuel combustion and energy consumption. The energy modeling shows that the Project construction electricity usage over the ~~24~~ 27-month construction period would be approximately 1,674,604 kWh, which is summarized in Table 5.4-1.

## Section 5.7, Hazards and Hazardous Materials

**The last two paragraphs on Page 5.7-10, Section 5.7.3, *Environmental Setting*, is revised as follows:**

~~However, the Project site is not located within the AELUP Notification area for JWA (shown on Figure 5.7-4), or within the JWA planning area boundary, and under the FAR Part 77 Notification Imaginary Surface area (shown on Figure 5.7-5).~~ The ALUC has adopted Federal Aviation Regulations (FAR) Part 77 as the criteria

for determining height restrictions in Orange County. FAR Part 77 requires notification to Federal Aviation Administration (FAA) for any project that would be more than 200 feet in height above ground level or within the imaginary surface of a 100:1 slope extending outward for 20,000 feet from the nearest runway. As shown on Figure 5.7-5, the Project site is located outside of the 200-foot-high imaginary surface area for JWA. Therefore, FAA notification for the proposed Project would not be required.

Additionally, b~~B~~ecause the ALUC has adopted the FAR Part 77 criteria, the Project site is also not located within the AELUP Notification area for JWA and not within the JWA planning area boundary. Therefore, ~~(shown on Figures 5.7-4 and 5.7-5), and the Project proposes a General Plan Amendment and a zone change, the City is required to refer the proposed~~ the Project review does not include ~~to~~ the ALUC ~~for review~~, pursuant to the California Public Utilities Code Section 21676, as listed previously.

**The fourth paragraph on Page 5.7-26, Section 5.7.6, *Environmental Impacts*, is revised as follows:**

~~However~~Also, because the Project site is located outside of the 200-foot-high imaginary surface area for JWA (100:1 slope extending outward for 20,000 feet), the Project site is not located within the AELUP Notification area for JWA ~~(shown on Figure 5.7-4)~~, and not within the JWA planning area boundary~~, and under the FAR Part 77 Notification Imaginary Surface area, but because the Project site is located outside of the 200-foot-high imaginary surface area for JWA,~~. FAA notification for the proposed Project would not be required.

**The third paragraph on Page 5.7-27, Section 5.7.6, *Environmental Impacts*, is revised as follows:**

~~Due to the nature of the required City approvals (i.e., the General Plan and zoning amendment), the City of Santa Ana is required, pursuant to Public Utilities Code Section 21676, to refer the proposed Project to the ALUC for ALUC review. The proposed Project would comply with this ALUC notification and all other applicable rules and regulations as they pertain to JWA and airport safety.~~ Overall, because the Project is not located within the JWA Airport Safety Zone, the Airport Impact Zone, or the JWA 60 CNEL noise contour; and it would not penetrate the imaginary surfaces area or result in hazards related to excessive glare, light, steam, smoke, dust, or electronic interference, the proposed Project would not introduce a safety hazard associated with airport operations for people residing, working, and visiting the Project site. Thus, Project-related hazard and noise impacts associated with JWA operations would be less than significant.

## Section 5.9, Land Use and Planning

**The last sentence of the second paragraph on Page 5.9-2, Section 5.9.2, *Regulatory Setting*, is revised as follows:**

The Project site is not located within the JWA Planning Area's FAR Part 77 Notification Surface~~, but~~ and outside of the airport's 60 CNEL Contour.

**The third paragraph on Page 5.9-19, Section 5.9.3, *Environmental Setting*, is revised as follows:**

John Wayne Airport (JWA) is located approximately 2.2 miles southwest of the Project site under the primary aircraft approach corridor, but not within the AELUP Notification area ~~and~~ or planning area boundary, as detailed in Section 5.7, *Hazards and Hazardous Materials*.

Because the Project site is not located within the AELUP Notification area ~~and~~ or planning area boundary (~~shown on Figures 5.7-4 and 5.7-5~~as detailed in Section 5.7, *Hazards and Hazardous Materials*), ~~and the Project proposes a General Plan Amendment and a zone change, the City is required to refer~~ the proposed Project is not referred to the ALUC for review, pursuant to the California Public Utilities Code Section 21676, as listed previously.

**The impact significance header on Page 5.9-21, Section 5.7.6, *Environmental Impacts*, is revised as follows:**

**Less than Significant Impact ~~with Mitigation Incorporated~~.**

**The first paragraph on Page 5.9-22, Section 5.7.6, *Environmental Impacts*, is revised as follows:**

As described previously, JWA is located approximately 2.2 miles southwest of the Project site under the primary aircraft approach corridor and within the AELUP Notification area and planning area boundary for the airport. Table 5.9-2 provides an assessment of the proposed Project's consistency with the JWA AELUP. As detailed, the proposed Project would be consistent with airport land use plan policies ~~with implementation of Mitigation Measure LU-1, which requires resident notification of airport operations and potential annoyances. With implementation of Mitigation Measure LU-1, which is an AELUP policy, the proposed Project would not conflict with the JWA AELUP~~.

**The last row of Table 5.9-2 on Page 5.9-23, Section 5.9.6, *Environmental Impacts*, is revised as follows:**

| | |
|---|---|
| **Policy 3.3.6:** Condition which may serve to mitigate a project/action and thus may permit the ALUC to make a finding of consistency includes providing noticing that states "Notice of Airport in Vicinity: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you." | **Consistent.** ~~Mitigation Measure LU-1 has been included in compliance with this policy, in order to mitigate potential impacts related to inconsistency with a related policy that was adopted for the purpose of mitigating an environmental effect~~. As described in Section 5.7, *Hazards and Hazardous Materials*, and Section 5.10, *Noise*, the Project site is not located within JWA's Airport Safety Zone, as shown in Figure 5.7-1) and is located outside of the airport's 60 CNEL contours (Figures 5.7-2 and 5.7-3). Table 1 of the Airport Environs Land Use Plan for John Wayne Airport shows that residential land uses outside of the 60 CNEL contour are "normally consistent." Therefore, the proposed Project would not be subject to noise, vibration, or odors related to JWA, and is consistent with Policy 3.3.6. |

**The third row of Table 5.9-2 on Page 5.9-26, Section 5.9.6, *Environmental Impacts*, is revised as follows:**

| | |
|---|---|
| **Policy 2.1:** Comply with FAA regulations and ALUC requirements on new development and redevelopment located within the height restriction zone for JWA per PUC Section 21676. | **Consistent.** According to the General Plan Airport Environs Element, the Project site is not located within the Airport Environs Land Use Plan (AELUP) Notification Area for JWA. ~~However~~ Also, the site is not within the FAR Part 77 200-foot height restriction area. In addition, the highest point of the Project buildings would be 94-feet from ground level. Thus, the proposed Project would not exceed the 200-foot high height restriction zone for JWA, and the proposed Project is consistent with Policy 2.1. |

**The fifth and sixth rows of Table 5.9-2 on Page 5.9-26, Section 5.9.6, *Environmental Impacts*, is revised as follows:**

| | |
|---|---|
| **Policy 2.3:** Comply with FAR Part 77 and the AELUPs for JWA and Heliports as they may be amended from time to time. | **Consistent.** According to the General Plan Airport Environs Element, the Project site is not located within the Airport Environs Land Use Plan (AELUP) Notification Area for JWA. ~~However~~ Also, the site is not within the FAR Part 77 200-foot height restriction area. In addition, the highest point of the Project buildings would be 94-feet from ground level. Thus, the proposed Project would not exceed the 200-foot high height restriction zone for JWA. Further, the Project does not propose any heliport features and is not located within the vicinity of a heliport. Thus, the proposed Project is consistent with Policy 2.3. |
| **Policy 2.4:** Prior to the amendment of the City's general plan or a specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the ALUC, and pursuant to PUC Section 21676, the local agency shall first refer the proposed action to the ALUC. | **Consistent.** The project site is not located within the FAR Part 77 200-foot height restriction area and not within JWA planning boundaries. City of Santa Ana would not be required to refer the proposed Project to the ALUC prior to being considered for adoption by the City Planning Commission or City Council. Therefore, the proposed Project is consistent with Policy 2.4. |

**Section 5.9.3, *Level of Significance Before Mitigation*, on Page 5.9-41 is revised as follows:**

~~Without mitigation, Impact LU-2 would be potentially significant.~~

Impact LU-1 and Impact LU-2 would be less than significant.

**Section 5.9.10, *Mitigation Measures*, on Page 5.9-41 is revised as follows:**

~~**Mitigation Measure LU-1:** The Development Agreement that is required for implementation of the proposed Project shall include a clause requiring that all prospective residents of the Project site shall be notified of airport related noise. Notification shall be included in lease/rental agreements and shall state the following:~~

> ~~"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 related to noise. Individual sensitivities to noise annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property and determine whether they are acceptable to you."~~

No mitigation measures are required.

**Section 5.9.11, *Level of Significance After Mitigation*, on Page 5.9-41 is revised as follows:**

~~The mitigation measure would reduce potential impacts associated with land use and planning to a level that is less than significant. Therefore, n~~No significant unavoidable adverse impacts related to land use and planning would occur.

## Section 5.10, Noise

**The second paragraph on page 5.10-9, Section 5.10.3, *Environmental Setting*, is revised as follows:**

John Wayne Airport (JWA) is located approximately 2.2 miles southwest of the Project site and under the primary aircraft approach corridor but is not ~~and~~ within the Airport Environs Land Use Plan (AELUP) notification area for JWA. As shown on Figure 5.10-2, the Project site is located outside the 55 dBA CNEL aircraft noise level contour boundaries of JWA. In addition, the County of Orange has adopted the General Aviation Noise Ordinance that prohibits commercial aircraft departures from JWA between the hours of

10:00 p.m. and 7:00 a.m. and arrivals between the hours of 11:00 p.m. and 7:00 a.m. These restrictions substantially limit the aircraft noise during the noise sensitive nighttime hours for residential use.

**The third bullet point at the top of Page 5.10-13, Section 5.10.4, *Thresholds of Significance*, is revised as follows:**

- Generate temporary Project construction-related noise level increases which exceed the ~~10~~ 12 dBA Leq noise level increase threshold (per Caltrans Traffic Noise Analysis Protocol) at residential noise-sensitive receiver locations.

**The first sentence of the first paragraph on page 5.10-27, Section 5.10.2, *Environmental Impacts*, is revised as follows:**

**Less than Significant ~~with Mitigation Incorporated~~.**

**The third and fourth paragraphs on page 5.10-27, Section 5.10.2, *Environmental Impacts*, is revised as follows:**

As shown on Figure 5.10-2, the Project site is located outside the 55 dBA CNEL aircraft noise level contour boundaries of JWA. Therefore, according to the AELUP, the Project residential and commercial retail land use is considered *normally consistent* with JWA aircraft noise exposure exterior noise level compatibility thresholds. Also, the airport related noise at the Project site does not exceed the City's municipal code permissible noise levels. Additionally, the County's General Aviation Noise Ordinance that prohibits commercial aircraft departures between the hours of 10:00 p.m. and 7:00 a.m. and arrivals between the hours of 11:00 p.m. and 7:00 a.m. These restrictions substantially limit the aircraft noise during the noise sensitive nighttime hours for residential use. Therefore, the Project would not expose people residing and working at the site to excessive noise related to JWA, and impacts would be less than significant.

~~However, since the Project site is located within the JWA influence area, all future residents shall be notified of potential aircraft overflight consistent with the requirements of the AELUP, which is included as Mitigation Measure LU-1 follows:~~

> ~~"The property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration or odors). Individual sensitives to those annoyances, if any are associated with the property before you complete your purchase and determine where they are acceptable to you."~~

**Section 5.10.3, *Level of Significance Before Mitigation*, on Page 5.10-28 is revised as follows:**

~~**Without mitigation, Impact NOI-3 would be potentially significant.**~~

Upon implementation of regulatory requirements ~~i~~Impacts ~~**NOI-1 and NOI-2**~~ would be less than significant.

**Section 5.10.10, *Mitigation Measures*, on Page 5.10-29 is revised as follows:**

~~**Mitigation Measure LU-1:** The Development Agreement that is required for implementation of the proposed Project shall include a clause requiring that all prospective residents of the Project site shall be notified of airport related noise. Notification shall be included in lease/rental agreements and shall state the following:~~

> ~~"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 related to noise. Individual sensitivities to noise annoyances can vary from person~~

~~to person. You may wish to consider what airport annoyances, if any, are associated with the property and determine whether they are acceptable to you."~~

No mitigation measures are required.

**Section 5.10.11, *Level of Significance After Mitigation*, on Page 5.10-29 is revised as follows:**

The ~~mitigation measure and~~ existing regulatory programs described previously would reduce potential impacts associated with noise to a level that is less than significant. Therefore, no significant unavoidable adverse impacts related to noise would occur.

## Section 5.12, Public Services

**The fourth and fifth paragraphs on page 5.12-2, Section 5.12, *Public Services*, are revised as follows:**

Fire protection and emergency medical services in the City of Santa Ana are provided by the OCFA through a contract for services. The OCFA provides fire suppression, emergency medical, rescue, fire prevention, hazardous materials coordination, and wildland management services. OCFA serves ~~23~~ 24 cities in Orange County and all unincorporated areas. Within the City of Santa Ana, OCFA provides services from 10 city-owned fire stations. There are currently 6 city-owned fire stations located within 3.5 miles of the Project site. Station 79, which is located 1 mile from the Project site is the first responding unit. The location, equipment, and staffing of the fire stations near the Project site are provided in Table 5.12-1.

As provided by the OCFA 2018 Statistical Annual Report, there were 27,220 incidents with 33,983 unit responses ~~calls for service from the 10 fire stations in the City in 2018~~. Of the calls for service, ~~65~~ 81 percent (21,952) were for emergency medical calls, ~~1.7~~ 2 percent (565) were for fire incidents, and ~~13.8~~ 17 percent (4,703) were for other incidents, which includes: cancelled service calls, ruptures, hazardous conditions, false alarms, and miscellaneous calls.

**The information in Table 5.12-1 in Section 5.12, *Public Services*, of the Draft EIR is revised as follows:**

**Table 5.12-1: ~~Santa Ana~~ OCFA Fire Stations Near the Project Site**

| Fire Station | Location | Distance from Site | Equipment | Daily Staffing |
|---|---|---|---|---|
| Station 79 | 1320 East Warner, Santa Ana | 1 mile | 1 Paramedic Engine | 1 Fire Captain, 1 Engineer, 2 Firefighters |
| Station 37 | 15011 Kensington Park Avenue, Tustin | 1.8 miles | 1 Paramedic Engine | 1 Fire Captain, 1 Engineer, 2 Firefighters |
| Station 6 | 3180 Barranca Parkway, Irvine | 2.2 miles | 1 Paramedic Engine | 1 Fire Captain, 1 Engineer, 2 Firefighters |
| Station 28 | 17862 Gillette Avenue, Irvine | 2.5 miles | 1 Paramedic Engine, 1 Paramedic Truck | 2 Fire Captain, 2 Engineer, 4 Firefighters |
| Station 74 | 1427 S. Broadway Street, Santa Ana | 2.8 miles | 1 Paramedic Engine | 1 Fire Captain, 1 Engineer, 2 Firefighters |
| Station 76 | 950 W. MacArthur Boulevard, Santa Ana | 3.5 miles | 1 Paramedic Truck | 1 Fire Captain, 1 Engineer, 2 Firefighters |

Source: OCFA 2019.

**The first full paragraph on page 5.12-4, Section 5.12, *Public Services*, is revised as follows:**

This residential and employee population is expected to create the typical range of service calls to OCFA that are largely related to medical emergencies, which consist of ~~65~~ 81 percent of service calls; while fire calls consisted of ~~1.7~~ 2 percent of OCFA service calls in Santa Ana during 2018.

**The following bullet point is added as the fourth bullet point on page 5.12-5 in Section 5.12, *Public Services*.**

- Access to and around structures would include ladder access on at least two sides of each structure.

## Section 5.13, Parks and Recreation

**The paragraph on Page 5.13-3, Section 5.13.2 *Environmental Setting*, is revised as follows:**

In addition, there are ~~9~~ 10 existing City of Tustin park facilities that provide ~~92.9~~ 97.9 acres of parkland and 3 existing City of Irvine park facilities within 3 miles of the Project site that provide 63.6 acres of park and recreation space, as listed in Table 5.13-2. Thus, the total existing parkland within 3 miles of the Project site is ~~238.38~~ 243.38 acres.

**Table 5.13-2, Tustin and Irvine Park and Recreation Facilities Within Three Miles of the Project Site, on Pages 5.13-3 and 5.14-4 is revised as follows:**

| | | | | |
|---|---|---|---|---|
| Ron Foell (Greenwood) Park, Windrow Rd | Playground, Amphitheater, Basketball Court, 2 Bocce Ball courts, 1.4 miles of Walking Trails, Picnic Pavilions | 5 acres | 1.9 miles | Driving: 4 minutes<br>Walking: 39 minutes |
| **Total of Tustin Parkland Within 3 Miles of the Project Site** | | **~~92.9~~ 97.9 acres** | | |

**The last two sentences on Page 5.13-5, Section 5.13.2, *Environmental Impacts*, is revised as follows:**

In addition, there are ~~92.9~~ 97.9 acres of parkland within the City of Tustin and 63.6 acres of parkland within the City of Irvine Park facilities (listed in Table 5.13-2) that are also within 3 miles of the Project site and are likely (due to location) to be used by residents of the proposed Project. This equals approximately ~~245.38~~ 243.38 acres of existing parkland within three miles of the site, which equates to ~~5,136.35 acres~~ 5,094.49 square feet of parkland per Project resident at full occupancy.

**Table 5.13-3, Average Travel Time in Southern California to Outdoor Recreation Areas, on Page 5.13-6 is revised as follows:**

**Table 5.13-3: Average Travel Time in Southern California to Outdoor Recreation Areas**

| Mode | <5 min | 6-10 min | 11-~~12~~ 20 min | 21-60 min | >60 min |
|---|---|---|---|---|---|
| Driving | 20.1% | 17.2% | 20.8% | 31.3% | 10.6% |
| Walking | 27.5% | 20.3% | 31.5% | 18.9% | 1.8% |

Source: California State Parks, 2014.

## Section 5.14, Transportation

**All of the revisions to Section 5.14, *Transportation*, of the Draft EIR are provided in Attachment A, to this Chapter 3, Revisions to the Draft EIR.**

## Chapter 6.0, Alternatives

**The last paragraph on Page 6-9, which carries over to page 6-10, Section 6.6.1, *Environmental Impacts*, is revised as follows:**

The No Project/No Build Alternative would operate the existing industrial buildings on the Project site, which would not require a General Plan Amendment or zoning change. No impacts related to land use and planning would occur by retention of the existing onsite uses. ~~Because the No Project/No Build Alternative would not include residential uses, it would not require implementation of Mitigation Measure LU-1, which requires resident notification of airport operations and potential annoyances. Because this alternative would not require implementation of mitigation that would be required by the proposed Project, impacts from implementation of this alternative would be less than those of the proposed Project.~~ However, this alternative would not implement the SCAG policies related to high-density, infill development, and improvement of the job/housing balance and corresponding reduction in vehicle miles traveled.

**The second sentence of the third paragraph on Page 6-16, Section 6.7.1, *Environmental Impacts*, is revised as follows:**

JWA is located 2.2 miles southwest of the Project site. It is not within the Airport Environs Land Use Plan (AELUP) Notification Area, ~~but is not~~ the Airport Safety Zone, or the Airport Impact Zone;, and is outside of the 60 CNEL noise contours, as shown in Section 5.7, *Hazards and Hazardous Materials* (Figures 5.7-2 and 5.7-3).

**The second paragraph on Page 6-17, Section 6.7.1, *Environmental Impacts*, is revised as follows:**

~~In addition, because the Reduced Project Alternative would result in an onsite residential population, the alternative would require implementation of Mitigation Measure LU-1, which requires resident notification of airport operations and potential annoyances.~~ The Reduced Project Alternative would develop similar uses that would be less dense, and two-stories lower in height than the proposed Project. Like the proposed Project, the Reduced Project Alternative would be consistent with the JWA AELUP ~~with implementation of Mitigation Measure LU-1~~. As a result, the proposed Project and the Reduced Project Alternative would have similar less than significant impacts ~~after implementation of mitigation~~.

**The first paragraph on Page 6-23, Section 6.8.1, *Environmental Impacts*, is revised as follows:**

Because the Build Out of the Existing Land Use and Zoning Alternative would not include residential uses, it ~~would not require implementation of Mitigation Measure LU-1, which requires resident notification of airport operations and potential annoyances. Because this alternative would not require implementation of mitigation that would be required by the proposed Project, impacts from implementation of this alternative would be less than those of the proposed Project. However, this alternative~~ would not implement the SCAG policies to the same degree as the proposed Project, because this alternative would not locate new housing near existing jobs and reduce the jobs-housing ratio or the corresponding reduction in vehicle miles traveled.

**The second paragraph on Page 6-28, Section 6.9, *Environmental Superior Alternative*, is revised as follows:**

The Build Out of the Existing Land Use and Zoning Alternative would reduce the Project's significant and unavoidable operational air quality and transportation/traffic impacts to a less than significant level, would implement the existing General Plan land use and zoning designations for the Project site, and would not require a General Plan amendment or zoning change. ~~Because the Build Out of the Existing Land Use and Zoning Alternative would not include residential uses, it would not require implementation of Mitigation Measure LU-1, which requires resident notification of airport operations and potential annoyances.~~

# Proposed Site Plan