

CITY OF LOS ALAMITOS
Council Chamber
3191 Katella Ave., Los Alamitos CA 90720

CITY COUNCIL AGENDA
SPECIAL MEETING

Monday, December 11, 2023 – 5:30 PM

NOTICE TO THE PUBLIC – This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Each matter on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as "for information" or "for discussion" may also be the subject of an "action" taken by the City Council at the same meeting.

Agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5) will be made available for public inspection at the meeting. Such documents will also be available at the City Clerk's office, 3191 Katella Ave., Los Alamitos, CA 90720.

In compliance with the Americans with Disabilities Act, Assistive Listening headphones are available and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (562) 431-3538, ext. 220. Notification at least 42 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling the City Clerk's Office least 42 hours in advance

If you are unable to attend this meeting in person, you may submit comments on any agenda item or on any item not on the agenda by email to cityclerk@cityoflosalamitos.org with the subject line "COUNCIL PUBLIC COMMENT". Comments received by 3:00 p.m. the day of the meeting will be compiled, provided to the City Council, and made available to the public before the start of the meeting. Staff will not read email comments at the meeting. You may also view the meeting live on local cable channel 3.

If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made.

1. CALL TO ORDER

2. ROLL CALL

Mayor Doby
Mayor Pro Tem Nefulda
Council Member Hasselbrink
Council Member Hibard
Council Member Murphy

3. PUBLIC HEARING

A. Resolution No. 2023-20 - Overruling the Orange County Airport and Use Commission's Inconsistency Determination for the City's 6th Cycle Housing Element (Development Services)

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

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

On October 24, 2023, the California Department of Housing and Community Development (HCD) issued a letter inquiring about the City's next steps to ensure its compliance with State Housing Element Law following the failed vote to overrule the ALUC determination.

The City Council will now hold a second public hearing to reconsider the adoption of a resolution overruling the ALUC's determination.

Recommendation:

1. Conduct the Public Hearing; and,
2. By a two-thirds affirmative vote, adopt Resolution No. 2023-20, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, MAKING FINDINGS THAT THE GENERAL PLAN 2021-2029 HOUSING ELEMENT UPDATE IS CONSISTENT WITH THE PURPOSES OF THE STATE AERONAUTICS ACT AND OVERRULING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE HOUSING ELEMENT IS INCONSISTENT WITH THE 2017 JOINT FORCES TRAINING BASE LOS ALAMITOS AIRPORT ENVIRONS LAND USE PLAN" and,

3. Authorize the City Manager to submit Resolution No. 2023-20 to the Orange County Airport Land Use Commission and the State Division of Aeronautics.

Roll Call

Mayor Doby

Mayor Pro Tem Nefulda

Council Member Hasselbrink

Council Member Hibard

Council Member Murphy

4. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the Los Alamitos City Hall, 3191 Katella Ave. and online at www.cityoflosalamitos.org not less than 24 hours prior to the meeting.

A handwritten signature in blue ink, appearing to read 'Windmera Quintanar', is written over a horizontal line.

Windmera Quintanar, MMC, City
Clerk Dated: December 7, 2023

City of Los Alamitos

CITY COUNCIL AGENDA REPORT

MEETING DATE: December 11, 2023

ITEM NUMBER: 3A

To: Mayor Tanya Doby & Members of the City Council

Presented By: Ron Noda, Development Services Director

Subject: Resolution No. 2023-20 - Overruling the Orange County Airport Land Use Commission's Inconsistency Determination for the City's 6th Cycle Housing Element

SUMMARY

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

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

On October 24, 2023, the California Department of Housing and Community Development (HCD) issued a letter inquiring about the City's next steps to ensure its compliance with State Housing Element Law following the failed vote to overrule the ALUC determination. The City Council will now hold a second public hearing to reconsider the adoption of a resolution overruling the ALUC's determination.

RECOMMENDATION

1. Conduct the Public Hearing; and,
2. By a two-thirds affirmative vote, adopt Resolution No. 2023-20, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, MAKING FINDINGS THAT THE GENERAL PLAN 2021-2029 HOUSING ELEMENT UPDATE IS CONSISTENT WITH THE PURPOSES OF THE STATE AERONAUTICS ACT AND OVERRULING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE HOUSING ELEMENT IS INCONSISTENT WITH THE 2017 JOINT FORCES TRAINING BASE LOS ALAMITOS AIRPORT ENVIRONS LAND USE PLAN" and,
3. Authorize the City Manager to submit Resolution No. 2023-20 to the Orange County

Airport Land Use Commission and the State Division of Aeronautics.

BACKGROUND

The Orange County Airport Land Use Commission (ALUC) is an advisory committee established by State Law in 1969. (Public Utilities Code §§ 21670 et seq.) The ALUC is intended to assist local agencies in ensuring compatible land uses in the vicinity of civilian and military airports. For Los Alamitos, ALUC adopted a land use compatibility plan, known as the 2017 Airport Environs Land Use Plan (AELUP) for the Joint Forces Training Base Los Alamitos (JFTB), against which land use and planning proposals are compared and evaluated for consistency.

Public Utilities Code (PUC) Section 21676(b) requires the City to submit General Plans and General Plan amendments to the ALUC for an advisory consistency determination. In December, 2022, the City submitted the Housing Element to ALUC for review. On January 19, 2023, the ALUC determined that the Housing Element was “inconsistent” with the AELUP due to the following two reasons:

1. The ALUC asserted that noise levels in the 60 to 65 dBA range at Sites 6 (4655 Lampson Avenue) and 10 (5030-5084 Katella) were too high for residential development.
2. The ALUC asserted that Site 7 (Laurel Park) was adjacent to the Accident Potential Zone or Clear Zone for the airport.

The ALUC’s January 19, 2023 agenda report is included as Attachment 1.

On February 21, 2023, the City Council adopted Resolution 2023-04, a Notice of Intent to Overrule the Airport Land Use Commission (ALUC) for Orange County Finding of Housing Element Inconsistency. As described in that staff report and Resolution (Attachment 2), the City made draft findings, based on additional facts and research, that the ALUC’s determination was not appropriate, because the noise levels at Sites 6 and 10 are consistent with acceptable noise levels throughout the City for residential land uses; and because Site 7 is one mile from the nearest safety zone boundary for JFTB.

City staff sent the Notice of Intent to Overrule Resolution to both the ALUC and the California Department of Transportation Aeronautics Division (Caltrans), as required by PUC Section 21676(b), and provided them an opportunity to comment. Both ALUC and Caltrans provided comments, which are advisory only and are included in this report as Attachments 3 and 4.

On May 1, 2023, the California Department of Housing and Community Development (HCD) certified the City’s Housing Element, finding the adopted housing element to be in substantial compliance with State Housing Element Law and capable of accommodating the City’s Regional Housing Needs Allocation (RHNA) (Attachment 5).

On July 17, 2023, the City Council conducted a Study Session (Attachment 10) during an open Public Hearing to consider a possible overrule of the ALUC determination. The City Council continued the public hearing to the regular August 21, 2023 meeting.

On August 21, 2023, a Study Session (Attachment 11) to review information related to ALUC's finding of inconsistency was provided to the City Council. Once the workshop was completed, the Public Hearing was opened and the City Council considered the adoption of a resolution overruling the ALUC's determination, but the resolution failed to receive the required four-fifths affirmative vote.

On September 21, 2023, the ALUC met to consider submittal requirement options following the City's failed vote to overrule the ALUC's determination. The ALUC considered three options ranging from requiring the City to submit all discretionary actions within the City to the ALUC for consistency review (Option #1) to taking no action (Option #3). Ultimately, the ALUC voted for Option #2, requiring the City to submit discretionary actions related to Housing Element Sites 6 (4655 Lampson Avenue), 7 (Laurel Park), and 10 (5030-5084 Katella) to ALUC for review until such time as the General Plan is revised, or the City overrules the ALUC's determination. City land use applications and entitlements that must be submitted to ALUC for review include development agreements and amendments, administrative use permits, conditional use permits, site development permits, tentative and vesting parcel and tract maps, variances, and zoning consistency reviews. The September 21, 2023 ALUC Agenda Report is included as Attachment 12; the September 26, 2023 letter from ALUC notifying the City of its decision is included as Attachment 13.

On October 24, 2023, the California Department of Housing and Community Development (HCD) issued a letter inquiring about the City's next steps to ensure its compliance with State Housing Element Law following the failed vote to overrule the ALUC determination (Attachment 14). The HCD letter of inquiry states ALUC's ability to review housing projects on Housing Element Sites 6 (4655 Lampson Avenue), 7 (Laurel Park), and 10 (5030-5084 Katella) has "serious implications", and that it is critical that the City "maintain its review authority and continue to process housing projects identified in the sites inventory to meet RHNA [Regional Housing Needs Allocations] obligations."

Tonight's meeting will again have a Public Hearing and consideration by City Council to adopt a resolution overruling the ALUC's determination.

DISCUSSION

The following discussion, first presented at the July 17, 2023 Council Study Session, provides additional information stemming from Staff's research, which has been ongoing since February. This has been undertaken in consultation with the City's Housing Element consultant, a certified noise engineer with Rincon Consultants, Inc., staff with the State's Department of Housing and Community Development, and the Executive Officer of the Orange County Airport Land Use Commission.

As described above and in the background materials attached to this staff report, the ALUC determined the City's Housing Element inconsistent based on two issues: noise compatibility and safety. Each of these issues is discussed individually below.

NOISE

In order to regulate the impacts of noise throughout the City, as indicated in the staff report

of February 21, the City relies on its General Plan policies and the Building Code, which are all consistent with ALUC's Land Use Plan. Specifically, the City allows residential development in areas where the noise levels are 65 dBA or less, based on Growth Management Element Policy 3.5; and requires that interior noise levels be 45 dBA consistent with the California Building Code, Title 24. In order to ensure that the City's policies were not resulting in a negative impact to residents, the City consulted with a noise engineer and considered other scientific sources of information that describe noise levels and their impacts on people. The noise engineer, Rincon Consultants, Inc., provided a technical report attached as Attachment 6.

Basics of Noise

Some basic information about noise levels frames the determination of significance relating to noise:

- Noise can be made by stationary sources (air conditioning units) or moving sources (street traffic).
- Noise levels are reduced by distance, and obstructions, such as buildings, berms or walls.
- Noise can be measured in several ways, but the most common measurement for noise levels in cities' General Plans is the Community Noise Equivalent Level (CNEL), which is the average noise level over a 24-hour period, which is weighted to account for the quieter noise environment which occurs in the evening and night time.
- The City's acceptable noise standard for residential uses is 65 dBA CNEL, or an average of 65 dBA over a 24 hour period.
- For comparison, typical conversation is about 60 dBA; a blender is 80-90 dBA; a leaf blower is 110 dBA; and a jet engine taking off is 150 dBA.
- Continued exposure to high noise levels can damage people's hearing and health.

ALUC Noise Standard

Although ALUC's own land use compatibility plan considers residential uses to be "Conditionally Consistent" in Zone 2, in which Sites 6 and 10 are located, it nevertheless finds the Housing Element inconsistent with its own policies. Based on ALUC's analysis, the potential hazard is associated with interior noise levels, which must be 45 dBA CNEL in order to be acceptable. As described below, a reduction to 45 dBA CNEL is also required by the City's Building Code.

The ALUC standard is consistent with the City's, which allows residential uses to occur in areas up to 65 dBA exterior, and 45 dBA interior. There is no evidence that the occasional overflights from JFTB result in excessive and incompatible noise levels, since the sites occur in a Conditionally Consistent zone and do not exceed 65 dBA.

In addition, as pointed out in the Rincon letter (Attachment 6), other ALUCs have not included restrictions at all for the 60 to 65 dBA zone for smaller airports, such as the Torrance and Hawthorne Municipal Airports in Los Angeles County, and the Oxnard Airport in Ventura County.

Current Noise Environment in the City

Because of its urban environment, the City has higher noise levels. Based on noise studies conducted for the General Plan, noise levels next to City streets where residential units already occur are higher than either the City's recommended standard of 65 dBA CNEL, or ALUC's preference for 60 dBA CNEL, as shown in the Table below.

City of Los Alamitos Ambient Noise Levels

Roadway	Segment	Noise Level (CNEL)
Los Alamitos Boulevard	Farquhar Avenue to Orangewood Avenue	76.1
Katella Avenue	I-605 to Los Alamitos Boulevard	78.3
Cerritos Avenue	Los Alamitos Boulevard to Bloomfield Street	71.1

Source: Los Alamitos 2015.

These are not the only areas where noise levels are higher than 60 to 65 dBA. For example, the area around Site 10 is fully developed with residential units, homes along Bloomfield, north of Cerritos have noise levels of 68.6 dBA CNEL, and homes along Los Alamitos south of Katella have noise levels of 76.0 dBA CNEL.

As previously noted, these noise levels are reduced by distance and obstructions, such as walls, landscaping and homes, so that the living environment in back yards, and within the homes themselves, are lower. These and other locations in the City experience higher noise levels than either Site 6 or 10 will experience, which ALUC predicts will be between 60 and 65 DBA, prior to mitigation such as walls, landscaping or building construction.

Noise Reduction

As described above, the City's noise standard is that residential uses should not be located in areas where the noise levels are over 65 dBA, unless a higher noise level can be reduced. These reductions can be made by using setbacks; walls, which can reduce noise by 5 dBA. Standard home construction will reduce noise levels by 10 dBA with windows open, and 20 dBA with windows closed. So a home which is adjacent to a street that generates a noise level of 70 dBA would reduce its outdoor noise to 65 dBA by building a 6-foot solid wall, and its interior noise level to 45 dBA by building with standard construction which includes air conditioning, allowing windows to stay closed.

Attachment 6 also provides a list, on page 8, of a number of mitigation measures that are available to assure that noise levels are reduced.

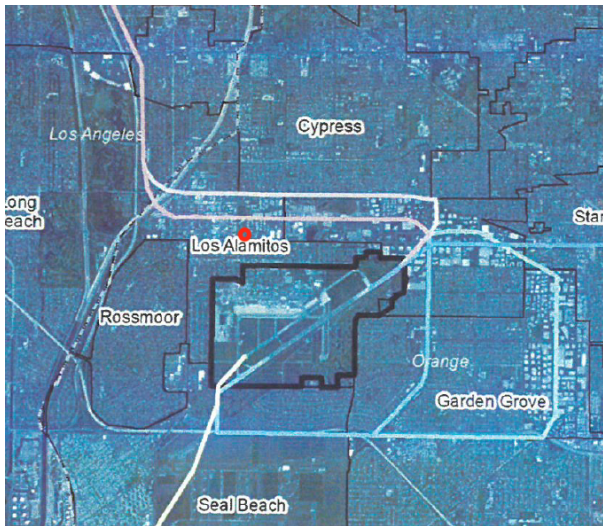
The City requires the preparation of noise impact analyses for all residential projects which are located in noisy environments, to demonstrate that noise levels can be reduced to 65 dBA CNEL exterior, and 45 dBA CNEL interior. As described above, these studies can reduce higher noise levels through mitigation to meet these requirements and would need to be prepared for Sites 6 and 10 as part of any entitlement application. Therefore, the City has mechanisms in place to assure that any development, including development at Sites 6 and 10, will have an acceptable noise environment for residents who move into potential projects at these sites.

Noise Summary

The City's already adopted noise standards and requirements for mitigation assure that the impacts of noise associated with airport operations can remain consistent with both the ALUC's and the City's noise standards. As such, the ALUC's finding of inconsistency with the Airport Land Use Plan is not supported and the findings for overrule can be made.

SAFETY

With regard to safety, the only Housing Element Site identified by ALUC as having a safety hazard was Site 7 (Laurel Park). The ALUC identified it as being adjacent to the north departure path of JFTB. In its response of March 28, the ALUC further stated that Site 7 is under the flight path ("pink line") for the airport.



These assertions or findings, however, are incorrect. Site 7 is located north of the accident safety zone for JFTB, which occurs entirely within the airport boundary. Furthermore, it is not located under the flight path, denoted by the pink line, as shown in the graphic (also see Attachment 7 for a larger version of this graphic), where the park is identified by the red dot.

The ALUC determined that Site 7 was inconsistent first because it was adjacent to a Clear Zone in its January staff report (Attachment 1), and because it was below a flight path in its March response to the City's Notice (Attachment 3). In both instances, as shown above, the findings are incorrect; Site 7, the only Site identified by ALUC as having a safety hazard, is neither in the accident safety zone nor under the flight path for the JFTB.

Therefore, the ALUC's determination of incompatibility based on protecting the public from safety hazards is not supported and findings overruling ALUC's determination can be made.

CONCLUSION

As described above, the Orange County ALUC based its determination that the City's Housing Element was inconsistent with the AELUP on faulty assumptions. The City has provided extensive background and facts to support a determination of consistency with the ALUC Land Use Plan as it relates to both noise and safety.

It is also important to note that several issues arise if the City does not overrule the ALUC:

1. The Department of Housing and Community Development ("HCD") could revoke or "de-certify" the City's approved Housing Element, because without the ability to effectively process and consider development proposals for Sites 6, 7 and 10, it can be demonstrated that the City has not identified sufficient sites to meet its RHNA. This could result in a number of undesirable consequences, which are outlined in the HCD's letter of inquiry (Attachment 14), including without limitation:

A. If de-certified, the City would not be able to prevent the development of high-density affordable housing projects even if the proposed developments are inconsistent with the City's Zoning Code under the so called "Builder's Remedy" provisions of the Housing Accountability Act. This would not be limited to the sites identified in the Housing Element, but to any site in the City.

B. The City would need to find alternative locations for the 396 units assigned to Sites 6, 7 and 10. This would effectively upzone other areas of the City for higher residential density that have already absorbed the remaining units that have been assigned to the City through the RHNA process.

C. Ineligibility of delay of receiving state grant funding.

D. Referral to the California Attorney General and potential enforcement action.

The Cities of Newport Beach, Irvine, Costa Mesa, and Seal Beach recently overruled the ALUC related to John Wayne Airport and JFTB respectively, after the ALUC issued similar findings of inconsistency. An action overruling the ALUC inconsistency determination would allow the City to oversee local land use development to the maximum extent possible while retaining its Housing Element certification from the HCD. Failure to do so is likely to result in de-certification of the Housing Element, and in the loss of state grant funding, exposure to increased legal challenges, and loss of local control over land use decisions and building permits.

Findings for the overrule of the ALUC inconsistency determination are set forth in the proposed resolution included as Attachment 9.

FISCAL IMPACT

None.

Attachment:	1.	ALUC Staff Report - January 19, 2023
	2.	City Council Staff Report - February 21, 2023
	3.	ALUC Response - March 28, 2023
	4.	Caltrans Response - March 29, 2023
	5.	HCD Housing Element Compliance Letter - May 1, 2023
	6.	Rincon Consultants - June 26, 2023
	7.	Site 7 Location Map
	8.	ALUC Correspondence - July 12, 2023
	9.	Resolution No. 2023-20 - Overrule ALUC

10. City Council Staff Report (without attachments) - July 17, 2023
11. City Council Staff Report - August 21, 2023
12. ALUC Staff Report - September 21, 2023
13. ALUC Options Letter - September 26, 2023
14. HCD Letter Failure to Overrule ALUC - October 24, 2023
15. ALUC Decision - Cypress Compared to Los Alamitos

City Council Special Agenda December 11, 2023

ATTACHMENT 1



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

AGENDA ITEM 1

January 19, 2023

TO: Commissioners/Alternates

FROM: Lea U. Choum, Executive Officer

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

Background

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

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

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

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

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

AEUP for JFTB Los Alamitos Issues

Regarding Aircraft Noise Impacts

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

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

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

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

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

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

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

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

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

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

Regarding Height Restrictions

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

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

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

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

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

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

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

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

Policy 3.2 Federal Aviation Regulation Part 77. Do not approve buildings and structures that would penetrate Federal Aviation Regulation (FAR) Part 77 Imaginary Obstruction Surfaces for JFTB, Los Alamitos unless found consistent by the Airport Land Use Commission (ALUC). Additionally, in accordance with FAR Part 77, required applicants proposing buildings or structures that penetrate the 100:1 Notification Surface to file a Form 7460-1 Notice of Proposed Construction or Alteration with FAA and provide a copy of the FAA determination to the City and the ALUC for Orange County.

Policy 3.3 Structures above 200 feet. For development projects that include structures higher than 200 feet above existing grade, the City shall inform the ALUC and submit materials to the ALUC for review. Proposed projects that would exceed a height of 200 feet above existing grade shall be required to file Form 7460-1 with the Federal Aviation Administration (FAA).

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

Sites 1-4B – Maximum Combined 467 Units

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

Site 6 - Maximum 310 Units

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

Site 7 - Maximum 72 Units

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

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

Site 8 - Maximum 115 Units

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

Site 9 - Maximum 180 Units

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

Site 10 - Maximum 108 Units

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

Regarding Safety

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

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

Regarding Heliports

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

Environmental

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

Conclusion

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

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

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

Recommendation

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

1. Section 2.1.1 Aircraft Noise, that the "aircraft noise emanating from airports may be incompatible with general welfare of the inhabitants within the vicinity of an airport."
2. PUC Section 21674, (as referenced in Section 1.2 of the *AELUP for JFTB Los Alamitos*) which states that the Commission is charged by PUC Section 21674(a) "to assist local agencies in ensuring compatible land uses in the vicinity of ...existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses," and PUC Section 21674(b) "to coordinate planning at the state, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety and welfare."
3. General Land Use Policies in Section 3.2.1 which states that "within the boundaries of the AELUP, and land use may be found to be Inconsistent with the AELUP which (1) Places people so that they are affected adversely by aircraft noise and (2) Concentrates people in areas susceptible to aircraft accidents."

Respectfully submitted,

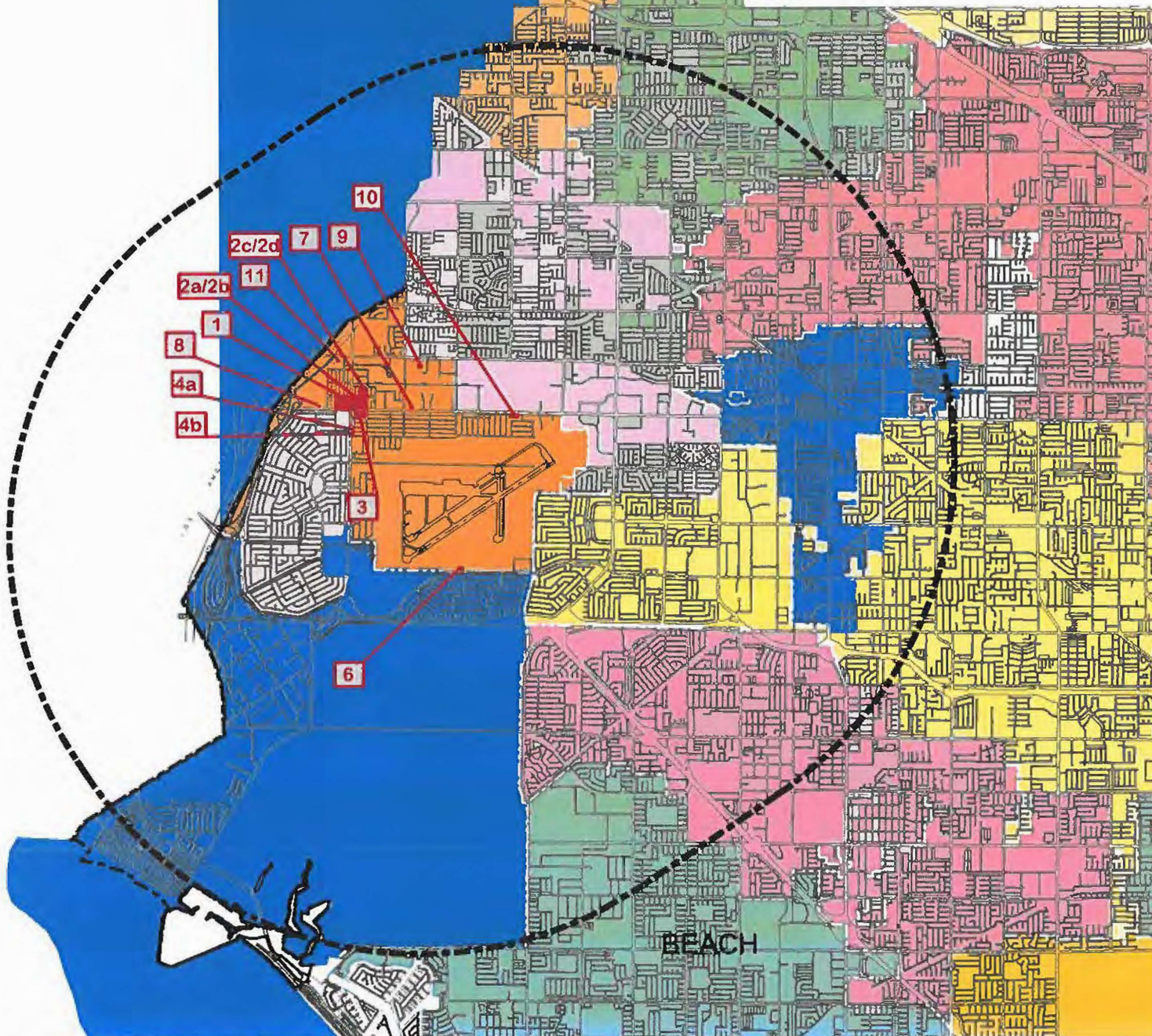


Lea U. Choum
Executive Officer

Attachments:

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

Los Alamitos Housing Element 2021-2029 Approximate Site Locations



Note: County Unincorporated areas are shown in white.

FAR PART 77

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



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

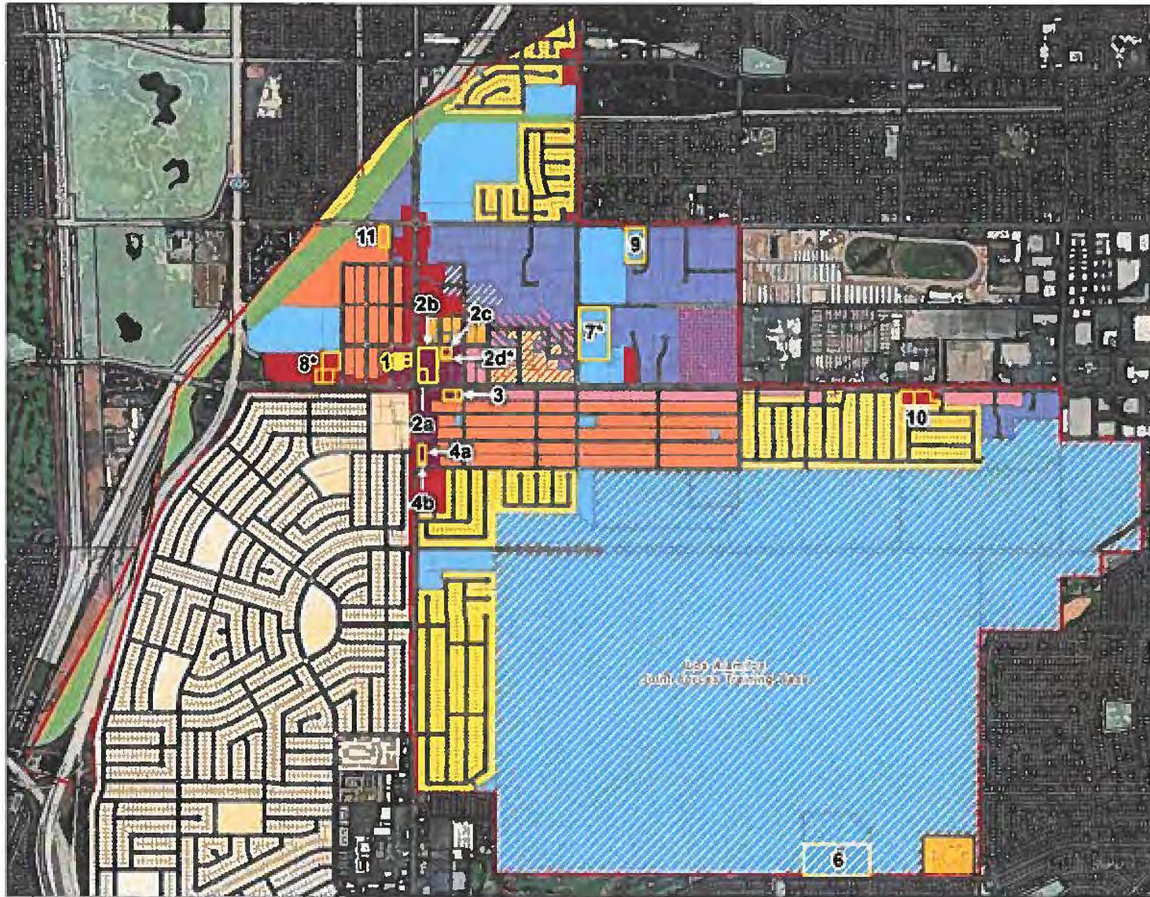
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ATTACHMENT 1

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Figure B-1. Location of Sites Inventory



ii. Realistic Capacity

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

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

Table B-2
Sites Inventory and Projected Units

Sites Description

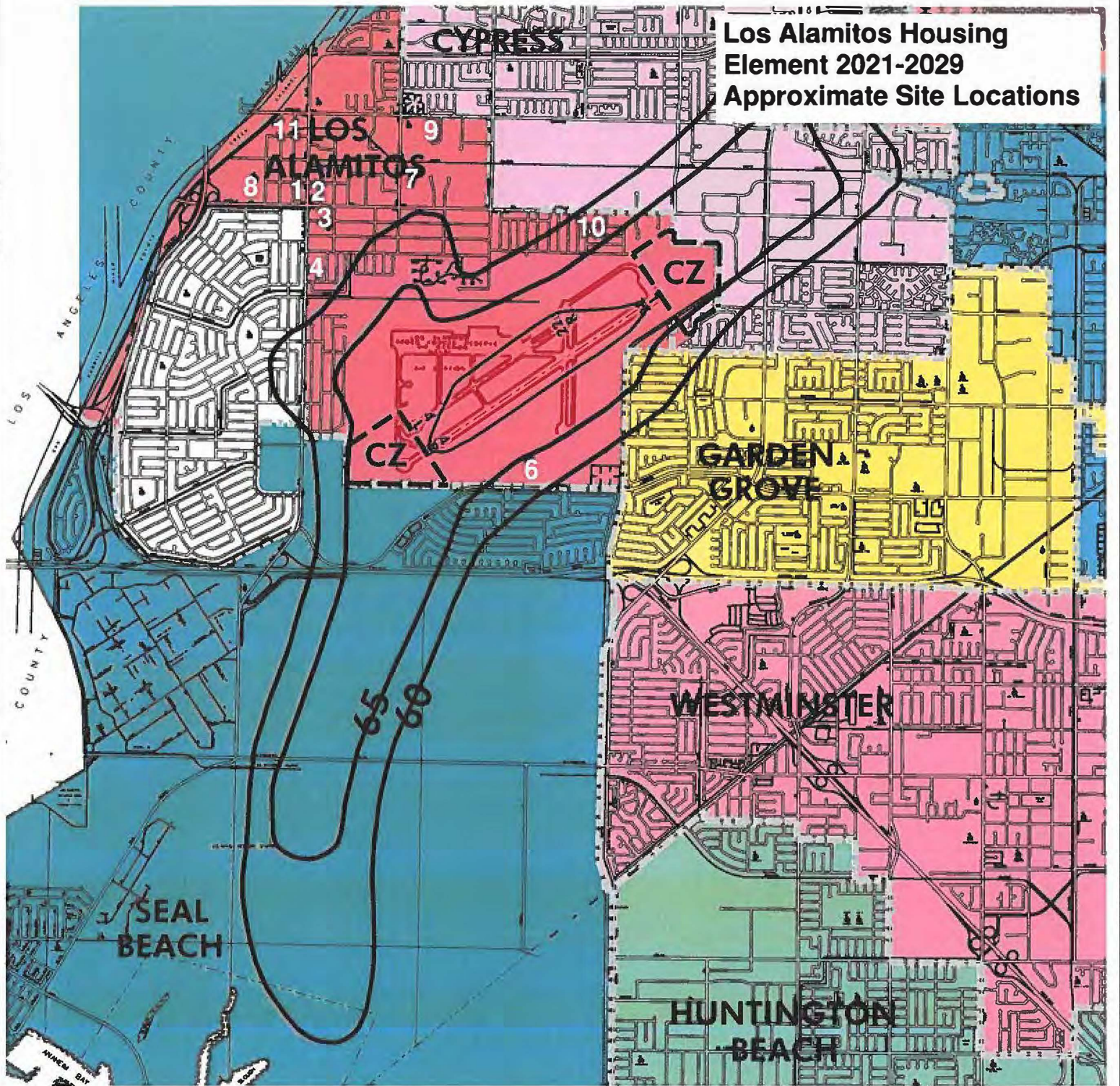
Site ID	APN	Address	Acres	Existing GP	Existing Zoning	Proposed Zoning	Projected Density	Max# Units
1	242-203-27	10909 Los Alamitos Blvd	0.85	Mixed Use	TCMU	TCMU	60	86
	242-203-28	10877 Los Alamitos Blvd	0.58	Mixed Use	TCMU	TCMU	60	
2a	242-171-02	10956 Los Alamitos Blvd	0.68	Mixed Use	TCMU	TCMU	60	41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

* Sites located within the 60 dB CNEL

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

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

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



Note: County Unincorporated areas are shown in white.

Los Alamitos Impact Zones Joint Forces Training Base



0 100 200 300 400 500
Scale in Feet

LEGEND

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

Adopted

ATTACHMENT 3

County

Kari Rigoni Executive Officer

Date
Page 23 of 206

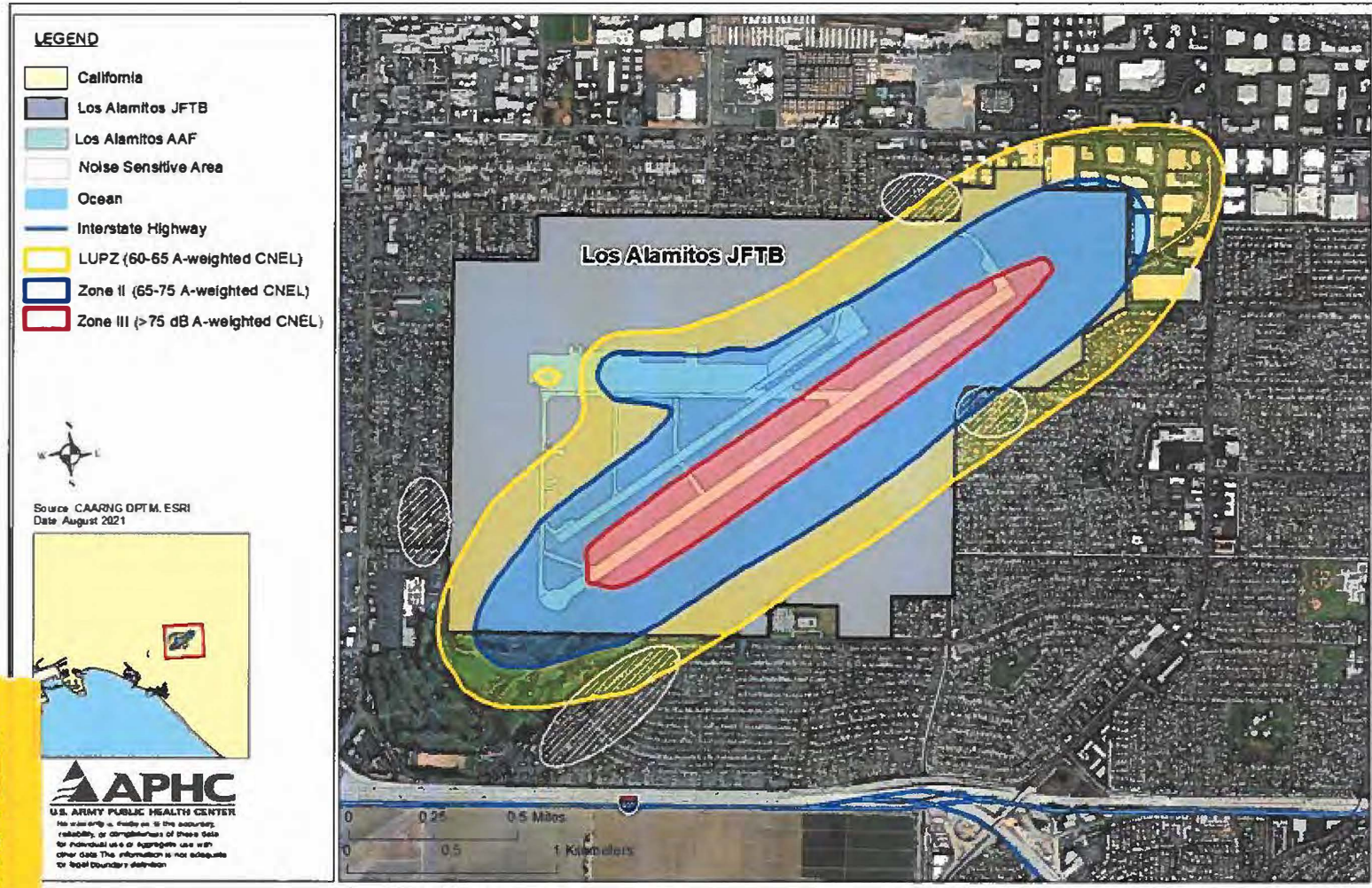


Figure 4-3 Los Alamitos JFTB Aircraft Noise Zones (A-weighted CNEL)

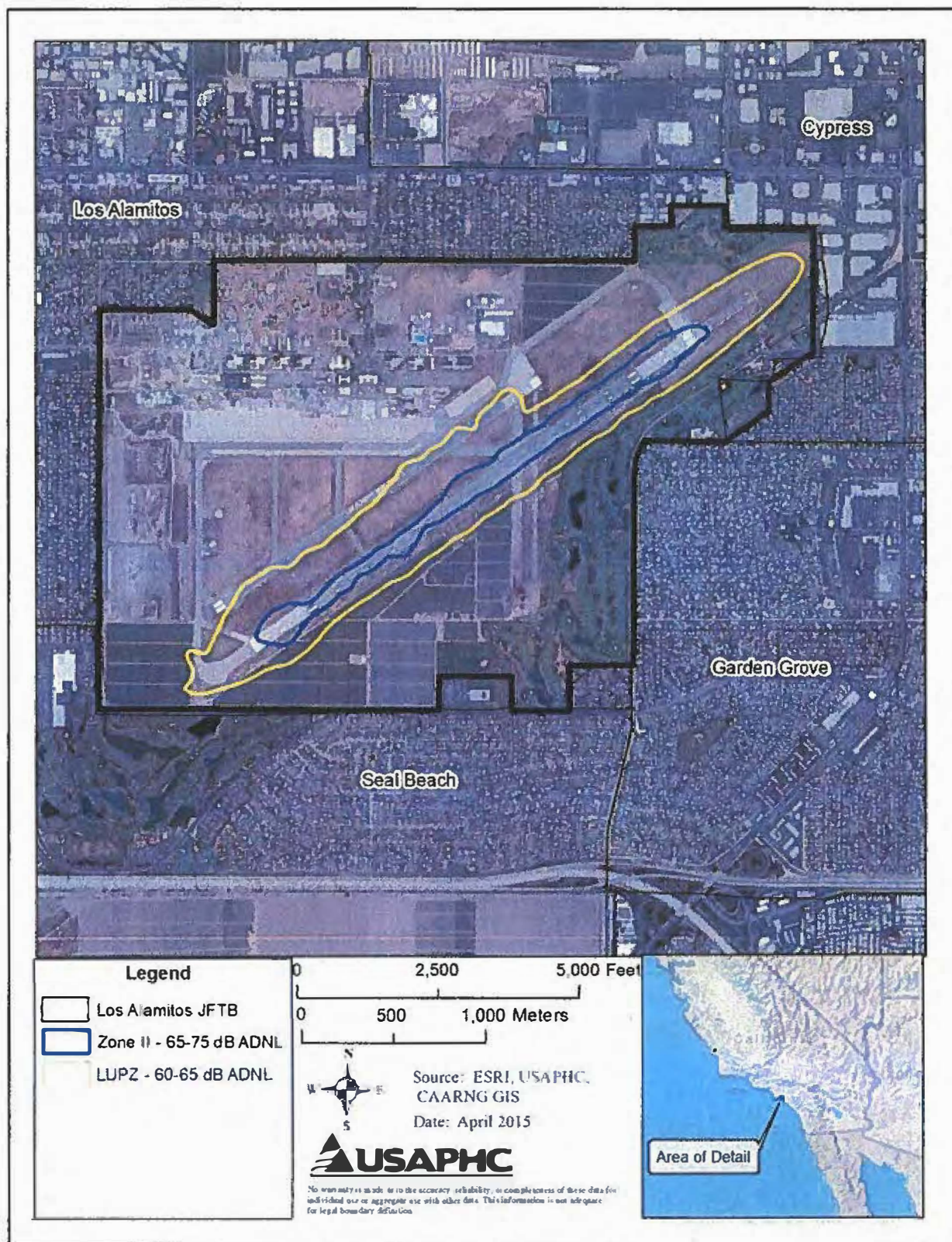


Figure 7-5. LAAAF Aircraft ADNL Noise Zones

ATTACHMENT 5

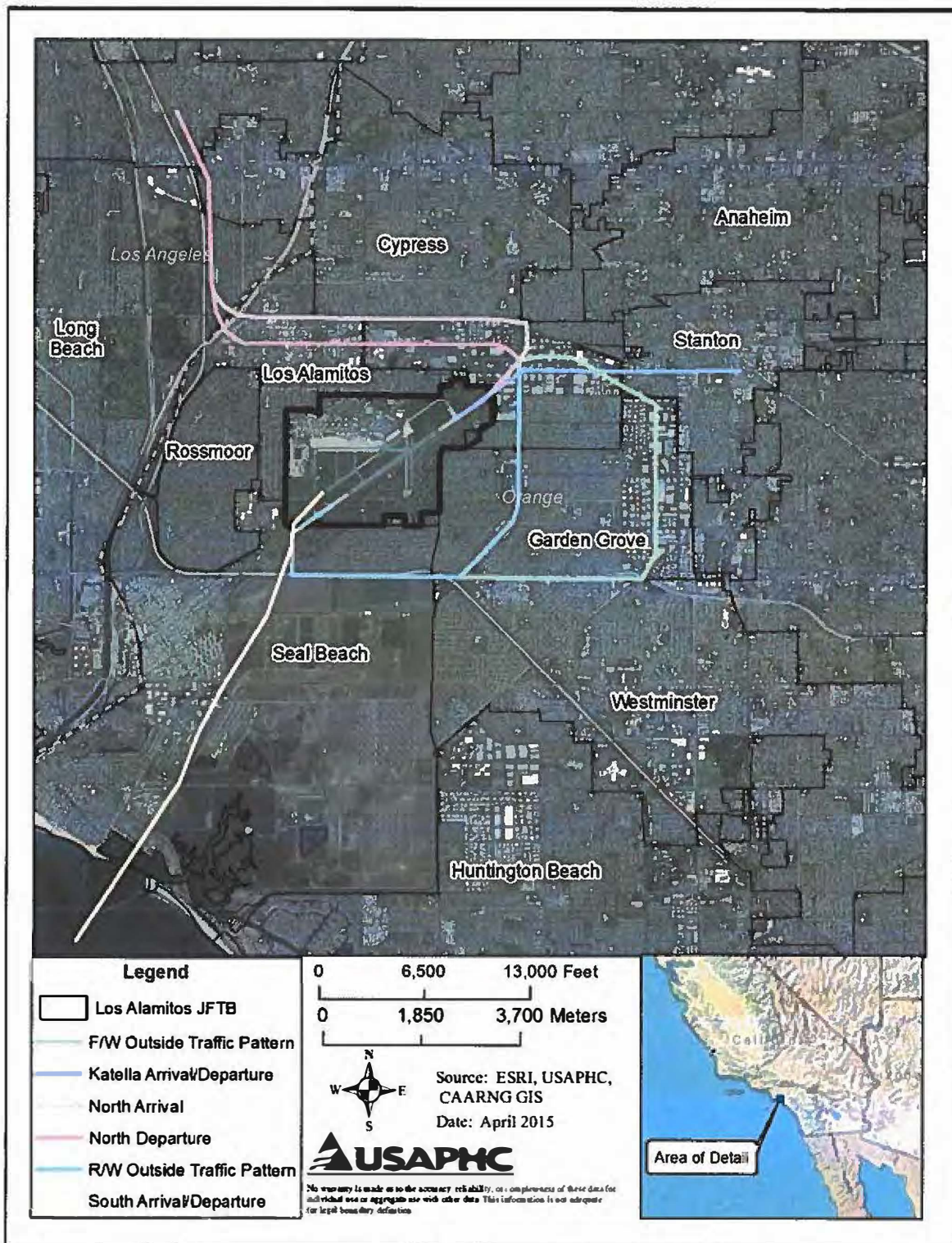


Figure 3-1. JFTB Los Alamitos Flight Routes

ATTACHMENT 7

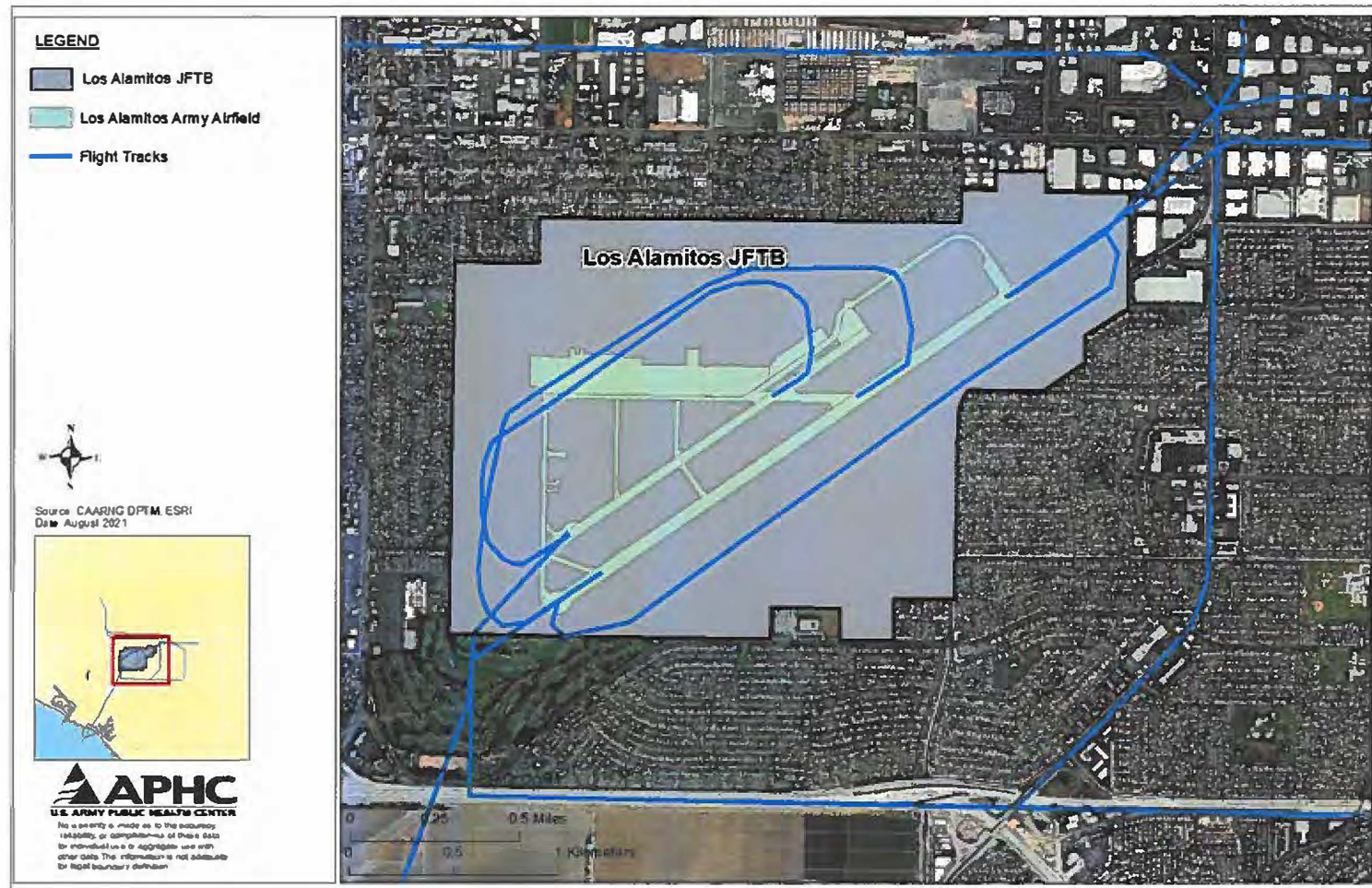


Figure 4-2 Los Alamitos Joint Forces Flight Tracks



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

November 1, 2021

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

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

Dear Mr. Oliver:

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

The Draft Housing Element includes a site inventory assessment, which identifies sites that can achieve the City's assigned 2021 Regional Housing Needs Assessment (RHNA) for the 2021-2029 planning period. The Draft Element identifies three focus areas for residential development:

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

The proposed site inventory includes new sites within the Notification Area, which requires submittal to the Airport Land Use Commission for a consistency review. The Draft Housing Element also proposes new residential sites within the conical and horizontal obstruction imaginary surfaces for JFTB, Los Alamitos. The ND should discuss the maximum building heights allowed for the three focus areas. With respect to building height restrictions, development proposals, which include the construction or alteration of structures more than 200 feet above ground level, require filing with the Federal Aviation Administration (FAA) and ALUC notification. Projects meeting this threshold must comply with procedures provided by Federal and State law, with the

ATTACHMENT 8

referral requirements of ALUC, and with all conditions of approval imposed or recommended by FAA and ALUC including filing a Notice of Proposed Construction or Alteration (FAA Form 7460-1). Depending on the maximum building heights that will be allowed per the proposed Housing Element Update, the City may wish to incorporate a mitigation and condition of approval specifying the 200 feet height threshold within the ND and proposed Housing Element.

As discussed in the ND, the Lampson site is partially within the 60 CNEL noise contour. Per the *AELUP for JFTB, Los Alamitos* it is strongly recommended that residential units be limited or excluded from this area unless the sound attenuation provided is sufficient to ensure that interior noise levels do not exceed 45 dBA.

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

A referral by the City to the ALUC is required for this project due to the location of the proposal within an AELUP Planning Area and due to the nature of the required City approvals (i.e. Housing Element Update) under PUC Section 21676(b). With respect to project submittals, please note that the Commission requests that referrals be submitted to the ALUC for a determination between the Local Agency's Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, complete submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendaing. The Housing Element Submittal form can be found at:

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

Thank you for the opportunity to comment on this initial study. Please contact Julie Fitch at (949) 252-5284 or jfitch@ocair.com if you have any questions.

Sincerely,



Lea Choum
Executive Officer



CITY OF
Los Alamitos
California

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

December 8, 2022

RECEIVED

DEC 13 2022

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

AIRPORT LAND USE COMMISSION

SUBJECT: Housing Element Update

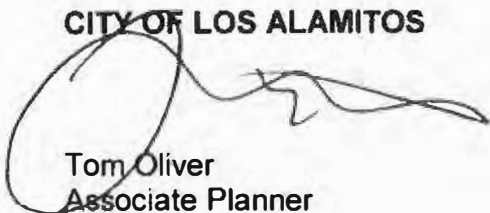
Hi Lea,

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

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

Sincerely,

CITY OF LOS ALAMITOS



Tom Oliver
Associate Planner

ATTACHMENT 9



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

HOUSING ELEMENT UPDATE - SUBMITTAL FORM

1. City/County: Los Alamitos/County
2. Contact information - Name/Title Click or tap here to enter text
Agency: City of Los Alamitos
Address: 3191 Katella Avenue
Phone/email: 562-431-3538
3. Airport Planning Area(s):
☐ John Wayne Airport ☐ Fullerton Municipal Airport ☒ Joint Forces Air Base Los Alamitos
4. Are there additional General Plan Element(s) being submitted for review: ☒ No ☐ Yes –
Name of Elements: Click or tap here to enter text
5. Scheduled date of Planning Commission Public Hearing: 12/14/2022
6. Tentative date of City Council Public Hearing: 1/24/2023
7. Requested month of ALUC Review: 1/19/2023
(Complete submittal must be received by the first day of the month for the next meeting on the third Thursday of the month).
8. Does the Housing Element Update identify new housing sites within the airport Notification/Planning Area*? ☐ No (skip items # 9-12). ☒ Yes (continue below).
9. Does the Housing Element Update identify new housing sites within the: ☒ 60 CNEL or ☐ 65 CNEL Noise Contours of the airport(s)*? Please attach an exhibit showing location(s) of proposed housing sites and number of units in relation to noise contours.
10. Are noise policies or mitigation measures identified in the Housing Element or elsewhere in the General Plan? ☐ No ☒ Yes - Please attach pages with noise policies/mitigation measures highlighted.
11. Are any new housing sites identified within the Runway Protection Zone (RPZ), Clear Zone (CZ), or Airport Safety Zones of the airport*? ☒ No ☐ Yes - Please attach exhibit showing location(s) of proposed housing site(s) and number of units in relation to the applicable zones.
12. Are any new housing sites identified within the Obstruction Imaginary Surfaces*?
☒ No ☐ Yes - Please attach an exhibit showing location(s) of proposed housing sites and number of units in relation to the Obstruction Imaginary Surfaces.
13. Maximum height allowed for proposed housing. 35
(Please provide link and identify section(s) of General Plan and/or Zoning Code where housing maximum height is specified.)

Continued on reverse side.

HOUSING ELEMENT UPDATE - SUBMITTAL CHECKLIST

- ☒ Cover letter on City/County letterhead.
- ☒ Completed Submittal Form.
- ☒ Copy of existing Housing Element (and any other applicable Elements).
- ☒ Copy of proposed Housing Element Update attached (and any other proposed elements) with requested information highlighted.
- ☒ Exhibit showing location(s) of proposed housing sites and number of units within the Notification Area/Planning Area for airport.
- ☒ Exhibit showing location(s) of proposed housing sites, and how many units for each, in relation to noise contours for airport(s).
- ☒ Noise policies/mitigation measures in Housing Element Update highlighted and/or pages from other elements attached.
- ☒ Exhibit showing location(s) of proposed housing sites, and how many units for each, in relation to Airport Safety Zones.
- ☒ Exhibit showing location(s) of proposed housing sites, and how many units for each, in relation to the Obstruction Imaginary Surfaces.
- ☒ Pages of General Plan and/or Zoning Code which indicate height restrictions for each new housing site within Airport Notification/Planning Area.
- ☒ Explanation of how the Housing Element Update (or other General Plan Elements) addresses the AELUP standards for noise impact, safety compatibility, and height restriction zones: It acknowledges the noise zones and explains the mitigation for that is in using appropriate building materials and construction practices.

***For airport planning/notification areas, noise contours, safety zones and obstruction imaginary surfaces see Appendix D of the applicable Airport Environs Land Use Plan (AELUP) at:**

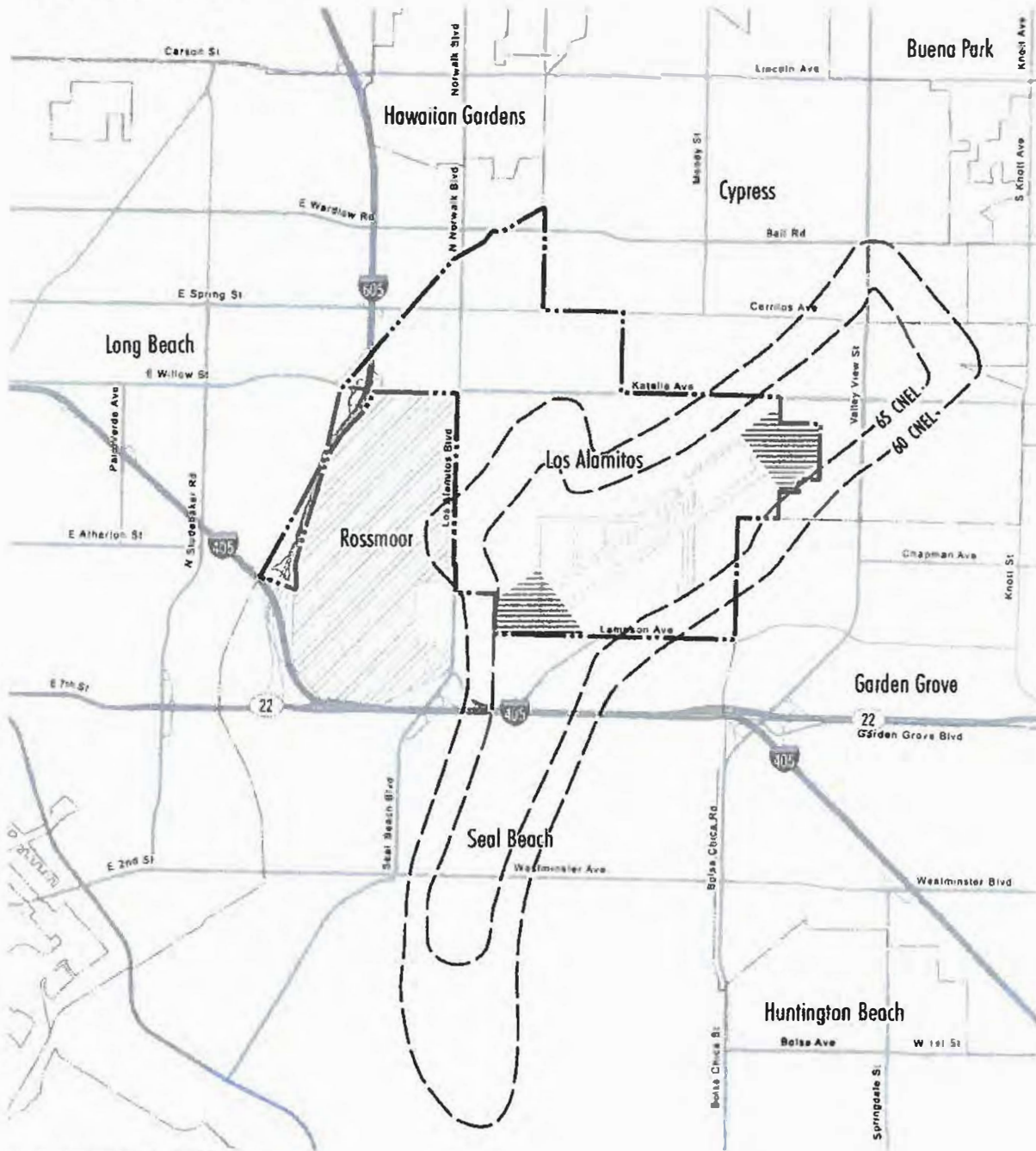
<https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/>

*Mail or Email Submittal Form, Checklist and attachments to: Airport Land Use Commission for Orange County,
Attn: Executive Officer, 3160 Airway Avenue, Costa Mesa, CA 92626 / Phone: (949) 252-5170
ALUCinfo@ocair.com*

GENERAL PLAN

Public Facilities and Safety Element

Figure 6 JFTB Impact Zones



Source: Orange County Airport Land Use Commission, 2002

CNEL Contour
 City Boundary
 JFTB Clear Zone
 Rossmore

INITIAL STUDY FOR HOUSING ELEMENT

3.13 NOISE

Background

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

Would the project result in:

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

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

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

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

Mitigation Measures and Monitoring: None required.

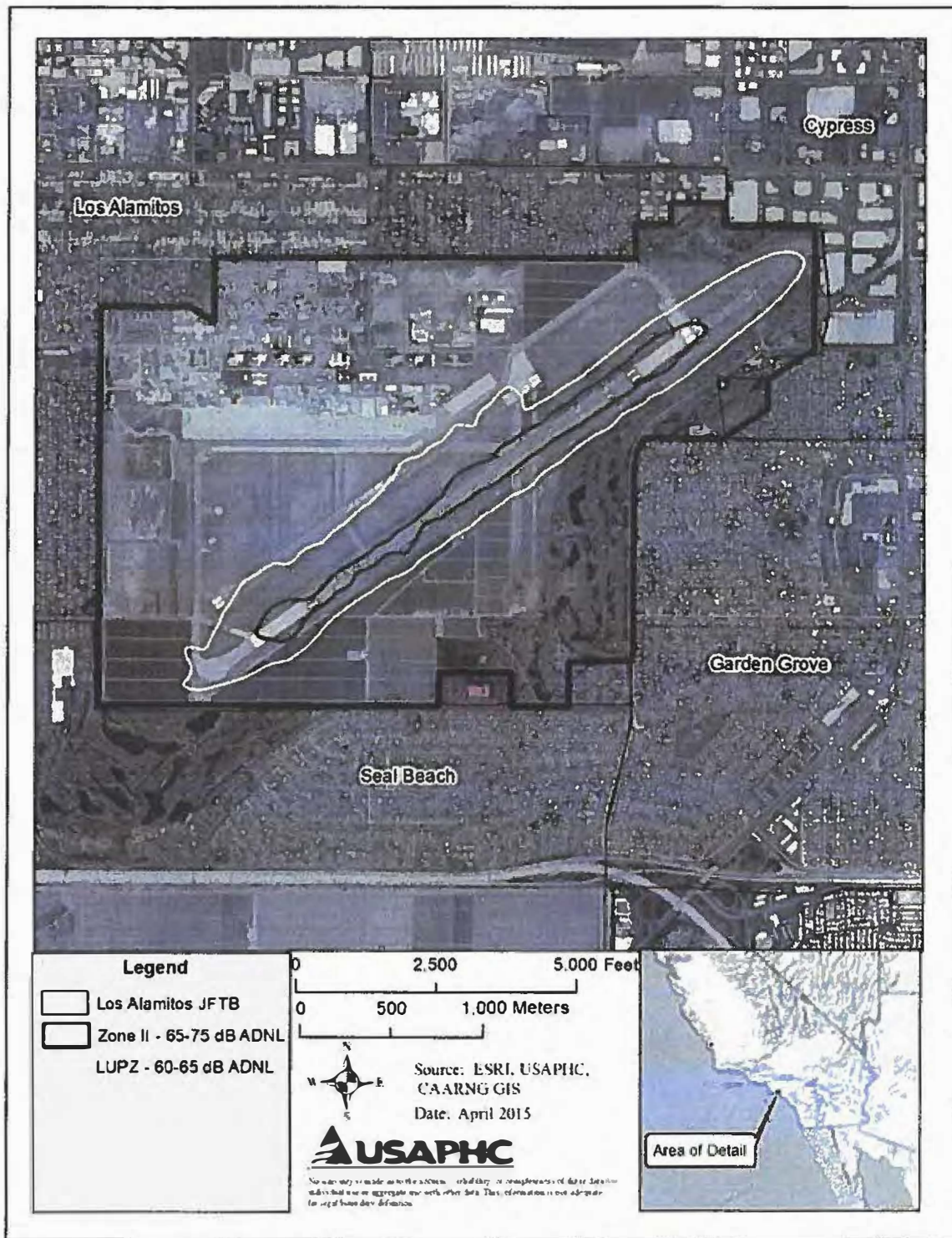


Figure 7-5. LAAAF Aircraft ADNL Noise Zones

JFTB NOISE ASSESSMENT

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

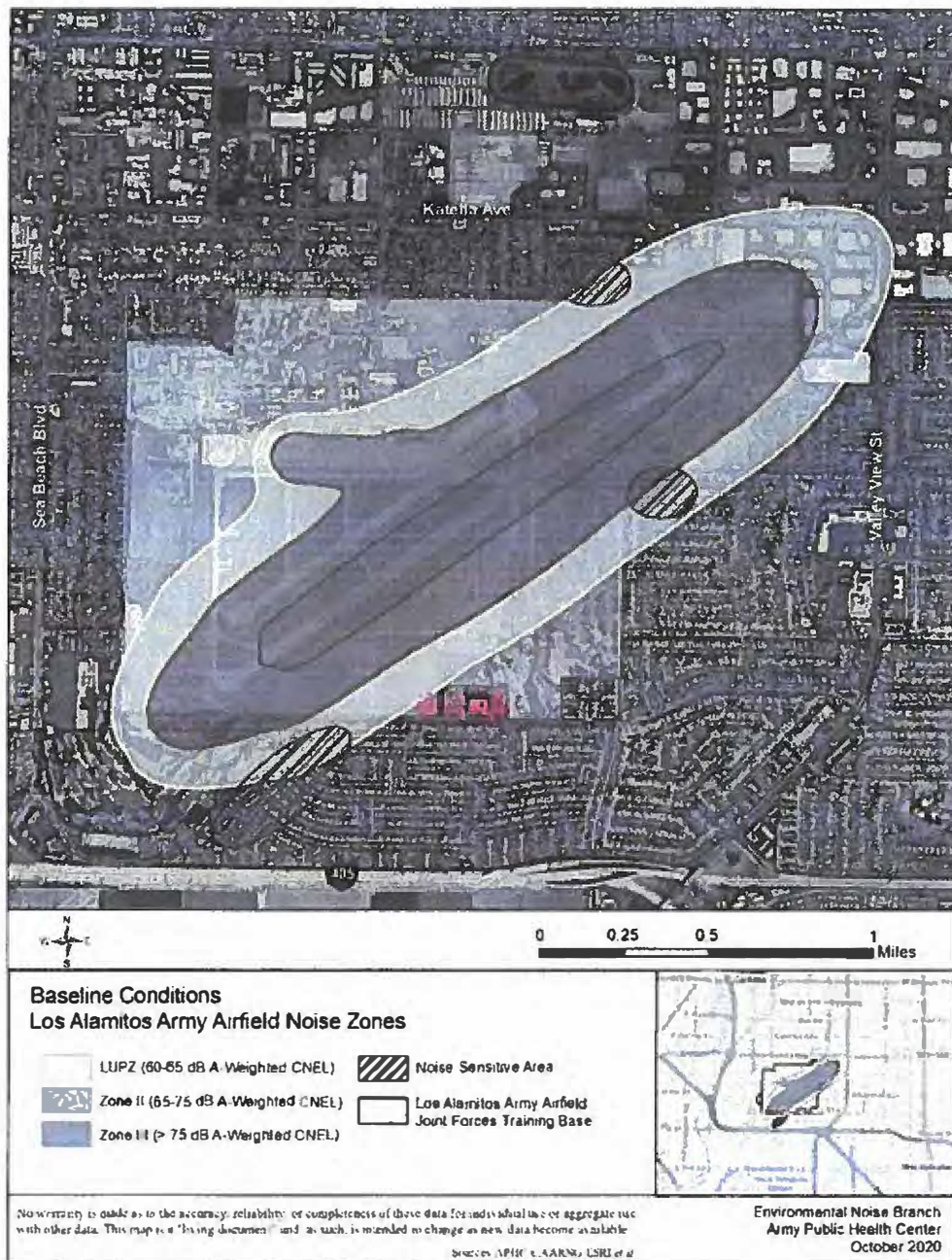


Figure 1. Baseline Los Alamitos Army Airfield Noise Zones

JFTB NOISE ASSESSMENT

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

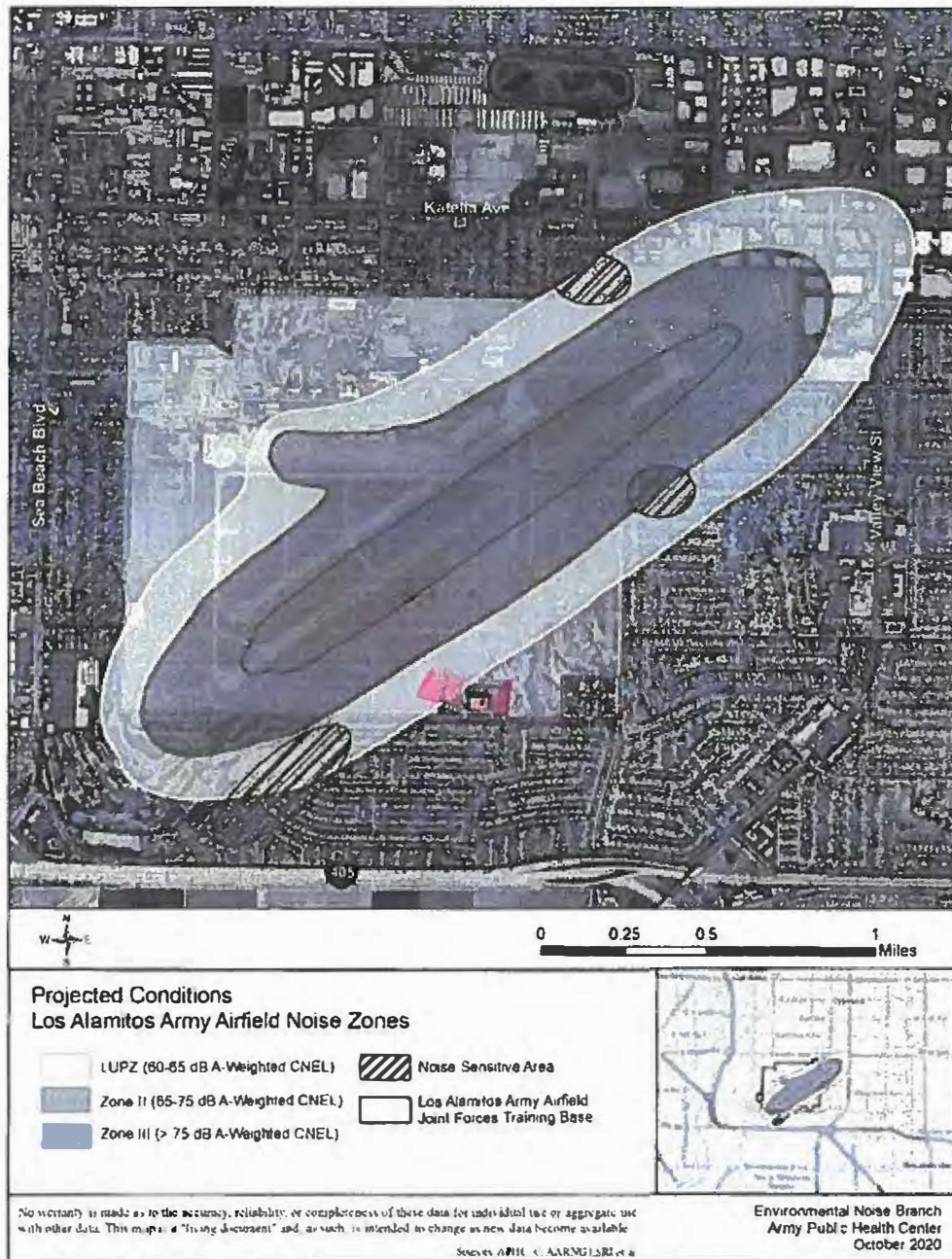


Figure 2. Projected Los Alamitos Army Airfield Noise Zones

HOUSING ELEMENT



Housing Element **AB** Residential Land Resources

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

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

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

As set forth in Policy Action 4.4, the City will enforce the units designated in Sites 5a, 5b and 6 to meet RHNA per Table B-2 and Figure B-1 as future projects are proposed on these sites. Proposals that include fewer units than designated will not be approved by the City unless alternative sites are identified. The City has seen a significant interest in the redevelopment of these sites for the development of housing.

Table B-2
Sites Inventory and Projected Units

Sites Description							
Site ID	APN	Address	Acres	Existing GP	Existing Zoning	Proposed Zoning	Projected Density
1	242-203-27	10909 Los Alamitos Blvd	0.85	Mixed Use	TCMU	TCMU	60
	242-203-28	10877 Los Alamitos Blvd	0.58	Mixed Use	TCMU	TCMU	60
2a	242-171-02	10956 Los Alamitos Blvd	0.68	Mixed Use	TCMU	TCMU	60
2b	242-171-07	10900 Los Alamitos Blvd	3.1	Mixed Use	TCMU	TCMU	60
2c	242-172-01	10900 Pine Street	0.48	Mixed Use	TCMU	TCMU	60
2d*	242-172-02	10902 Pine Street	0.17	Mixed Use	TCMU	TCMU	60
3	222-091-01	11021 Reagan Street	0.35	Mixed Use	TCMU	TCMU	60
	222-091-21	3536 Katella Avenue	0.7	Mixed Use	TCMU	TCMU	60
4a	222-093-12	11182 Los Alamitos Blvd	0.74	Mixed Use	TCMU	TCMU	60
4b	222-093-13	11232 Los Alamitos Blvd	0.13	Mixed Use	TCMU	TCMU	60
6	130-012-35	4655 Lampson Ave	12.4	Community & Institutional	C-F	R3	20



**Housing Element
Residential Land Resources**



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

Projected Units

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

DRAFT HOUSING ELEMENT

3

Housing Element

Housing Resources and Constraints

iv. Fire Hazards

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

v. Noise

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

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

b. Infrastructure Constraints

i. Water

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

GENERAL PLAN

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

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

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

Policy 3.2 Federal Aviation Regulation Part 77. Do not approve buildings and structures that would penetrate Federal Aviation Regulation (FAR) Part 77 Imaginary Obstruction Surfaces for JFTB, Los Alamitos unless found consistent by the Airport Land Use Commission (ALUC). Additionally, in accordance with FAR Part 77, required applicants proposing buildings or structures that penetrate the 100:1 Notification Surface to file a Form 7460-1 Notice of Proposed Construction or Alteration with FAA and provide a copy of the FAA determination to the City and the ALUC for Orange County.

Policy 3.3 Structures above 200 feet. For development projects that include structures higher than 200 feet above existing grade, the City shall inform the ALUC and submit materials to the ALUC for review. Proposed projects that would exceed a height of 200 feet above existing grade shall be required to file Form 7460-1 with the Federal Aviation Administration (FAA).

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

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

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

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

GENERAL PLAN

Growth Management Element

March 2015

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

NOTICE OF AIRPORT IN VICINITY

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

City Council Special Agenda December 11, 2023

ATTACHMENT 2

City of Los Alamitos

CITY COUNCIL AGENDA REPORT

MEETING DATE: February 21, 2023

ITEM NUMBER: 10M

To: Mayor Tanya Doby & Members of the City Council

Presented By: Michael Daudt, City Attorney

Subject: Resolution No. 2023-04 - Notice of Intent to Overrule the Airport Land Use Commission (ALUC) for Orange County Finding of Housing Element Inconsistency

SUMMARY

On January 19, 2022, the Orange County Airport Land Use Commission (“ALUC”) reviewed the City’s General Plan Housing Element Update 2021-2029 6th Cycle and found the Housing Element Update to be inconsistent with the Airport Environs Land Use Plan for the Joint Forces Training Base Los Alamitos. The City Council will consider initiating the two-step process to overrule the ALUC determination in accordance with State Law.

RECOMMENDATION

1. Adopt Resolution No. 2023-04 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, MAKING DRAFT FINDINGS AND NOTIFYING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION AND THE STATE DIVISION OF AERONAUTICS OF THE CITY'S INTENTION TO FIND THAT THE GENERAL PLAN 2021-2029 HOUSING ELEMENT UPDATE IS CONSISTENT WITH THE PURPOSES OF THE STATE AERONAUTICS ACT AND OVERRULE THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE HOUSING ELEMENT IS INCONSISTENT WITH THE 2017 JOINT FORCES TRAINING BASE LOS ALAMITOS AIRPORT ENVIRONS LAND USE PLAN" and,

2. Authorize the City Manager to submit Resolution No. 2023-04 to the Orange County Airport Land Use Commission and the State Division of Aeronautics and schedule a public hearing pursuant to Public Utilities Code Section 21676.

BACKGROUND

The Orange County Airport Land Use Commission (“ALUC”) is an advisory committee established by State Law. (Public Utilities Code §§ 21670 et seq.). The ALUC is intended to assist local agencies in ensuring compatible land uses in the vicinity of civilian and military airports. This is done primarily through their adoption of a land use compatibility plan, known as the Airport Environs Land Use Plan (“AELUP”) for the Joint Forces Training Base Los Alamitos (“JFTB”), against which land use and planning proposals are compared and evaluated for consistency. The AELUP includes a variety of information designed to help development surrounding the JFTB be compatible with the airport use, including heights, noise, and general safety.

Public Utilities Code (“PUC”) Section 21676(b) requires the City to submit General Plans and General Plan amendments to the ALUC for a consistency determination. On December 14, 2023, following a duly noticed public hearing, the Planning Commission voted to recommend City Council approval of the General Plan Housing Element Update 2021-2029 6th Cycle (“Housing Element Update”). Thereafter, City staff submitted the Housing Element Update to ALUC for a consistency determination.

DISCUSSION

ALUC Determination

The ALUC reviewed the proposed Housing Element Update on January 19, 2022. A copy of the ALUC agenda report is included as Attachment 1. City staff attended the meeting, and answered questions from the ALUC commissioners, primarily related to the potential housing sites identified at 4655 Lampson Avenue (Site 6) and 5030-5084 Katella (Site 10). After review and discussion, the ALUC voted 5-1 to find the Housing Element Update inconsistent with the AELUP based on noise, safety, and general concerns of land use incompatibility with the ALUC’s purposes and responsibilities, which are more broadly described below. The ALUC’s determination letter is included as Attachment 2.

Aircraft Noise Impacts

The AELUP uses the Community Noise Equivalent Level (CNEL) system for measuring noise impacts, which is a weighted average of noise over time. The potential housing sites identified at 4655 Lampson Avenue (Site 6) and 5030-5084 Katella (Site 10) are within the 60-65 dBA CNEL noise contour. The AELUP defines the noise exposure in the 60-65 dBA CNEL noise contour (Noise Impact Zone 2) as “Moderate Noise Impact” and in the 65-70 dBA CNEL noise contour (Noise Impact Zone 1) as “High Impact.” (AELUP Sections 3.2.3, 3.2.4.) Residential uses are identified as “conditionally consistent” for the 60-65 dBA CNEL noise contour and “normally inconsistent” for the 65-70 dBA CNEL noise contour (AELUP Section 3, Table 1 “Limitations on Land Use Due to Noise”). The City’s established policy is that residential units are not to be approved within the 65-70 dBA CNEL noise contour of the airport (Growth Management Element, Policy 3.5). Therefore, the City’s policy and the AELUP are consistent, and allow development of residential units in the 60-65 dBA CNEL noise contour. In addition, the AELUP states residential uses in the 60-65 dBA CNEL noise contour must use sound attenuation to ensure that the interior CNEL value does not exceed 45 dBA. This requirement is consistent with the California Building Code requirements enforced by the City to ensure that interior noise levels do not exceed 45 dBA. Furthermore, the General Plan Growth Management Element Policy 3.7 requires a notice of airport be included as part of the Deed Disclosure Notice for any residential development proposed within the 60 dBA CNEL noise contour for the JFTB, which is consistent with the AELUP.

Safety

AELUP Section 2.1.2 (Safety) describes accident potential zones and clear zones at the JFTB. Accident potential and clear zones were set in 1994 and based on Department of Defense criteria. Prior to 1995, the ALUC utilized a 10-year accident history which found that the accident potential zone was located *completely within* the boundaries of JFTB, and no

additional accident potential zones are identified beyond the clear zones. No development is proposed by the Housing Element Update within the clear zones. The potential housing site identified as Laurel Park is not adjacent to the north departure path; it is located 1 mile northwest of the north end of the north departure runway and will not be impacted by noise or by aircraft operations.

Overrule Process

As a final review authority on legislative acts, the City Council may choose to overrule the ALUC's determination by following a two-step process, which is set forth in PUC Sections 21676 and 21676.5. The first step in the process is to adopt a resolution of intention to overrule, a copy of which would be sent to the ALUC and the Division of Aeronautics of the Department of Transportation to provide formal notification of the City's intent. A decision on overruling the ALUC cannot take place less than forty-five (45) days after notice of the City Council's proposed action. The ALUC and Division of Aeronautics may provide comments to the City Council within 30 days of receiving the resolution of intention.

If comments from the ALUC and/or the Division of Aeronautics are not made available within this time frame, the City Council may act without them. Any comments by the ALUC and Division of Aeronautics are advisory to the Council and must be included in the public record of any final decision by the City Council to overrule the ALUC's determination.

The second step in the process is that, not less than 45-days after notification has been sent to the ALUC and Division of Aeronautics, the City Council must conduct a public hearing, after which the City Council may decide whether to adopt a resolution to overrule the ALUC and make specific findings that the Housing Element Update is consistent with the purposes of the State Aeronautics Act, as set forth in PUC Section 21670.

If the City Council fails to overrule the ALUC's inconsistency determination based on specific findings or fails to revise the Housing Element in accordance with the ALUC comments, then the ALUC may, pursuant to PUC Section 21676.5(a), require the City to submit all subsequent actions, regulations, and permits to the ALUC for review until the City overrules the determination or revises the Housing Element. If the ALUC then finds that an action, regulation, or permit is inconsistent with the AELUP, the City must then hold a hearing to reconsider. The City may then go through a similar overrule process.

However, under PUC Section 21676.5(b), if the City Council has overruled the ALUC or revised its Housing Element, the proposed action of the City shall not be subject to further ALUC review, unless the ALUC and the City agree that individual projects shall be reviewed by the ALUC.

The attached resolution notifies the ALUC and the Division of Aeronautics of the City's intent to conduct a public hearing and consider whether to adopt a resolution overruling the ALUC inconsistency determination. If the resolution of intention is adopted, the City Council would conduct the public hearing at a later date, at which time the City Council would consider all comments received, including from the ALUC and the Division of Aeronautics, and then make a decision. The resolution to overrule the ALUC at the future hearing must be adopted by a two-thirds vote of the City Council.

FISCAL IMPACT

None.

- Attachment:
1. Resolution No. 2023-06 - Notice of Intent to Overrule ALUC
 2. ALUC Agenda Item 1_Jan 19, 2022
 3. Housing Element ALUC Determination Letter (002)

RESOLUTION NO. 2023-04

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

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

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

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

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

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

WHEREAS, as the final review authority under Public Utilities Code Sections 21670 and 21676, the City Council may, after a public hearing, overrule the ALUC by a two-thirds vote, if it makes specific findings that the Housing Element Update is consistent with the purposes of Public Utilities Code Section

21670 regarding the protection of the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses; and by providing the ALUC and the Division of Aeronautics of the California Department of Transportation ("Division") with notice of the City's intent to consider overruling the ALUC determination along with specific findings at least 45 days prior to the City's action to overrule the ALUC; and,

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

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

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

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

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

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

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

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

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

- a. The 2017 Joint Forces Training Base Los Alamitos Airport Environs Land Use Plan (“AELUP”) of the Orange County Airport Land Use Commission (“ALUC”) guides the orderly development of the Joint Forces Training Base Los Alamitos (“JFTB”) and the surrounding area through implementation of the standards in AELUP Section 2 (Planning Guidelines) and Section 3 (Land Use Policies). Implementation of these standards is intended to protect the public from the adverse effects of aircraft noise, ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and ensure no structures or activities adversely affect navigable airspace.
- b. AELUP Section 2.1.1 sets forth the Community Noise Equivalent Level (“CNEL”) standards. The Housing Element Update includes the identification of two (2) opportunity sites within the 60 dB CNEL contour for JFTB. No Housing Element Update opportunity sites are within the 65 dB CNEL noise contour.
- c. Sections 3.2.3 and 3.2.4, respectively, of the AELUP define the noise exposure in the 60-65 dBA CNEL noise contour (Noise Impact Zone 2) as “Moderate Noise Impact” and in the 65-70 dBA CNEL noise contour (Noise Impact Zone 1) as “High Impact.” Section 3, Table 1 (Limitations on Land Use Due to Noise) of the AELUP identifies residential as “conditionally consistent” with the 60-65 dBA CNEL noise contour and “normally inconsistent” with the 65-70 dBA CNEL noise contour. The City’s established policy is that residential units are not to be approved within the 65-70 dBA CNEL noise contour of the airport (Growth Management Element, Policy 3.5). Therefore, the City’s policy and the AELUP are consistent, and allow development of residential units in the 60-65 dBA CNEL noise contour. In addition, the AELUP states residential uses in the 60-65 dBA CNEL noise contour must use sound attenuation to ensure that the interior CNEL value does not exceed 45 dBA. This requirement is consistent with the California Building Code requirements enforced by the City to ensure that interior noise levels do not exceed 45 dBA. Furthermore, the General Plan Growth Management Element Policy 3.7 requires a notice of airport be included as part of the Deed Disclosure Notice for any residential development proposed within the 60 dBA CNEL noise contour for the JFTB, which is consistent with the AELUP.
- d. The AELUP Section 2.1.2 (Safety) sets forth zones identified as accident potential zones and clear zones. No Housing Element Update opportunity sites are located within these identified areas. The opportunity site identified as Laurel Park is not adjacent to the north departure path; it is located 1 mile northwest of the north end of the north departure runway and will not be impacted by noise or by aircraft operations.

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

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

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

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

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

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

Tanya Doby, Mayor

ATTEST:

Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

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

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

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Windmera Quintanar, MMC, City Clerk



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

AGENDA ITEM 1

January 19, 2023

TO: Commissioners/Alternates

FROM: Lea U. Choum, Executive Officer

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

Background

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

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

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

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

Planning Commission
City Council

December 14, 2022
January 24, 2023

AEUP for JFTB Los Alamitos Issues

Regarding Aircraft Noise Impacts

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

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

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

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

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

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

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

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

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

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

Regarding Height Restrictions

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

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

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

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

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

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

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

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

Policy 3.2 Federal Aviation Regulation Part 77. Do not approve buildings and structures that would penetrate Federal Aviation Regulation (FAR) Part 77 Imaginary Obstruction Surfaces for JFTB, Los Alamitos unless found consistent by the Airport Land Use Commission (ALUC). Additionally, in accordance with FAR Part 77, required applicants proposing buildings or structures that penetrate the 100:1 Notification Surface to file a Form 7460-1 Notice of Proposed Construction or Alteration with FAA and provide a copy of the FAA determination to the City and the ALUC for Orange County.

Policy 3.3 Structures above 200 feet. For development projects that include structures higher than 200 feet above existing grade, the City shall inform the ALUC and submit materials to the ALUC for review. Proposed projects that would exceed a height of 200 feet above existing grade shall be required to file Form 7460-1 with the Federal Aviation Administration (FAA).

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

Sites 1-4B – Maximum Combined 467 Units

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

Site 6 - Maximum 310 Units

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

Site 7 - Maximum 72 Units

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

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

Site 8 - Maximum 115 Units

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

Site 9 - Maximum 180 Units

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

Site 10 - Maximum 108 Units

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

Regarding Safety

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

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

Regarding Heliports

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

Environmental

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

Conclusion

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

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

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

Recommendation

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

1. Section 2.1.1 Aircraft Noise, that the "aircraft noise emanating from airports may be incompatible with general welfare of the inhabitants within the vicinity of an airport."
2. PUC Section 21674, (as referenced in Section 1.2 of the *AELUP for JFTB Los Alamitos*) which states that the Commission is charged by PUC Section 21674(a) "to assist local agencies in ensuring compatible land uses in the vicinity of ...existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses," and PUC Section 21674(b) "to coordinate planning at the state, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety and welfare."
3. General Land Use Policies in Section 3.2.1 which states that "within the boundaries of the AELUP, and land use may be found to be Inconsistent with the AELUP which (1) Places people so that they are affected adversely by aircraft noise and (2) Concentrates people in areas susceptible to aircraft accidents."

Respectfully submitted,

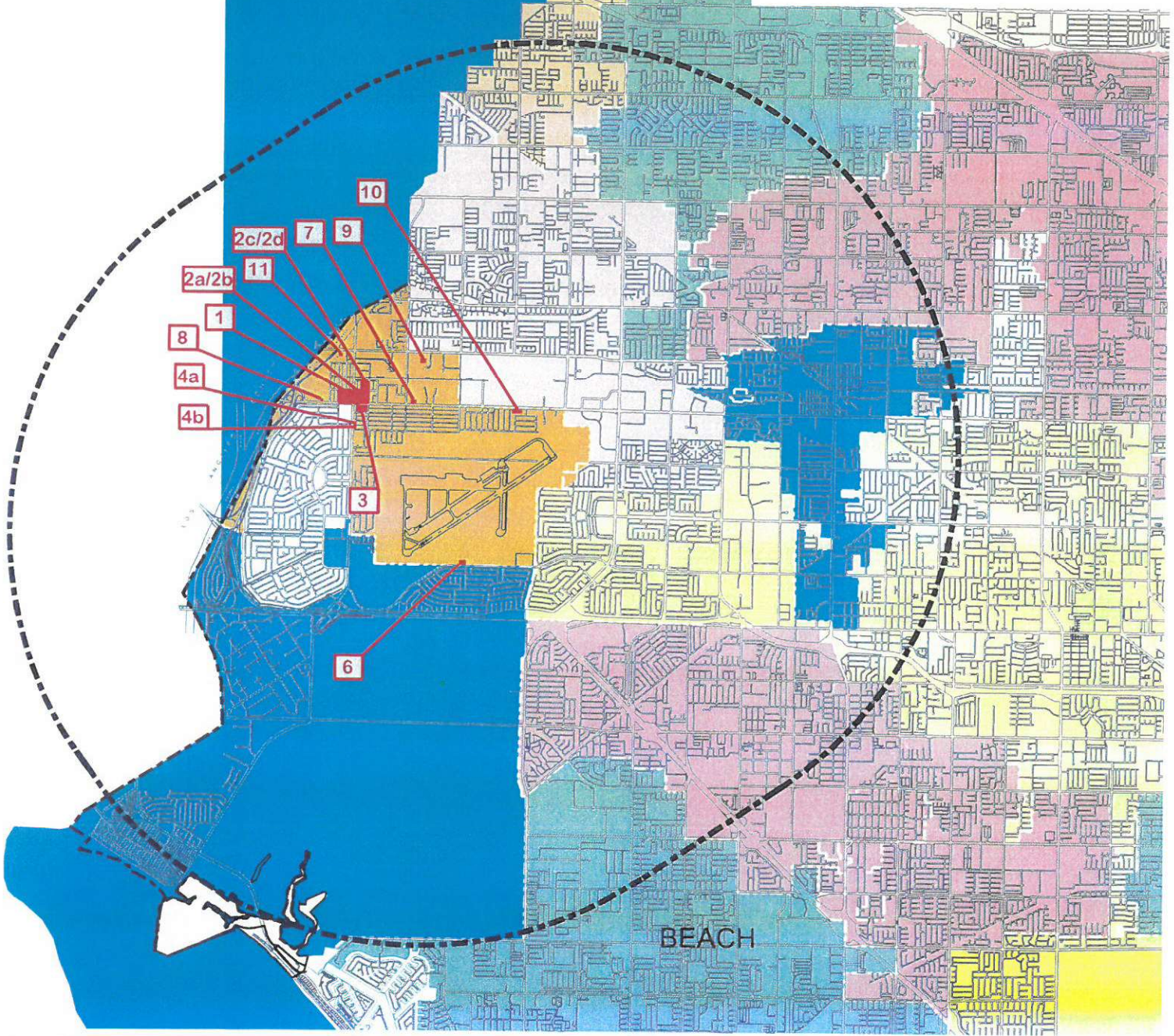


Lea U. Choum
Executive Officer

Attachments:

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

Los Alamitos Housing Element 2021-2029 Approximate Site Locations



Note: County Unincorporated areas are shown in white.

FAR PART 77

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



LEGEND

- 20,000 Radius
- CITY BOUNDARIES

Adopted by

ATTACHMENT 1

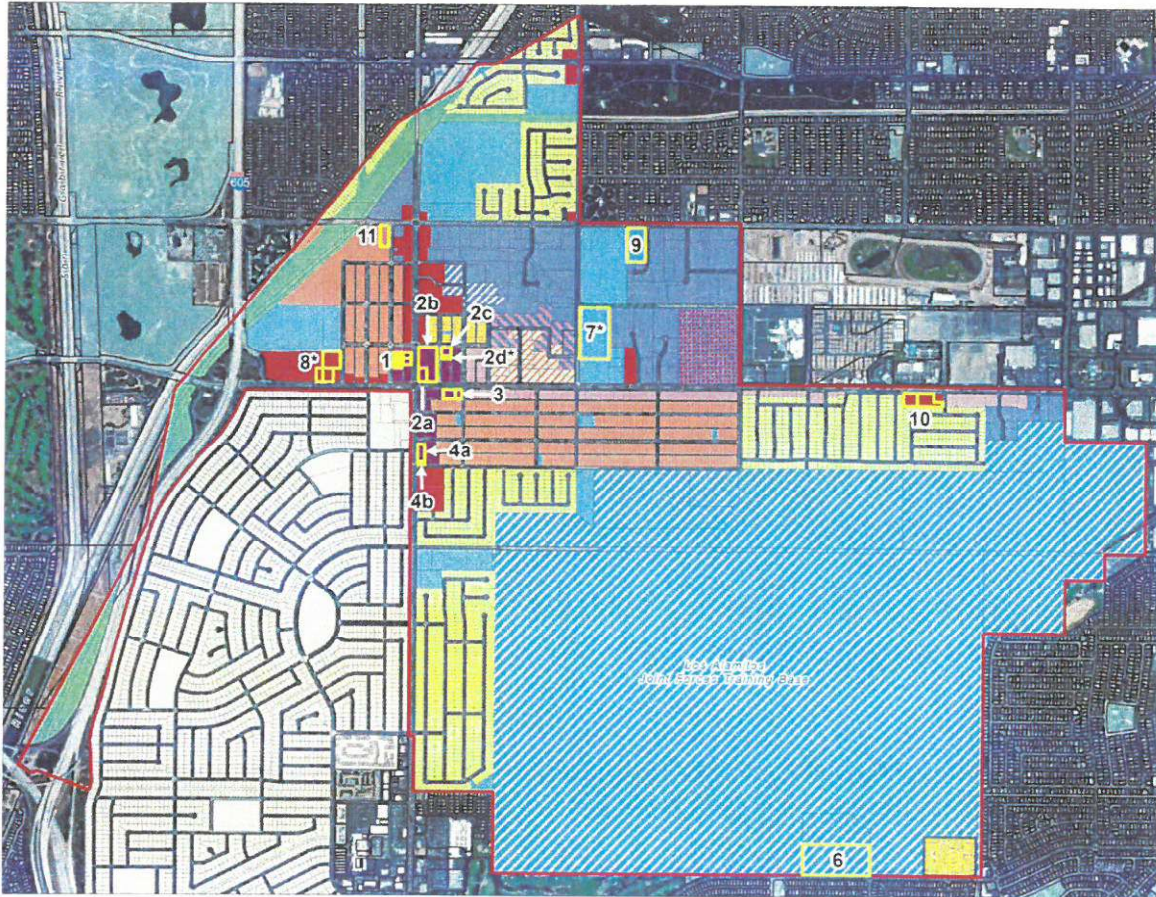
City

Lea Choum, Executive Officer

Date
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Figure B-1. Location of Sites Inventory



ii. Realistic Capacity

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

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

Table B-2
Sites Inventory and Projected Units

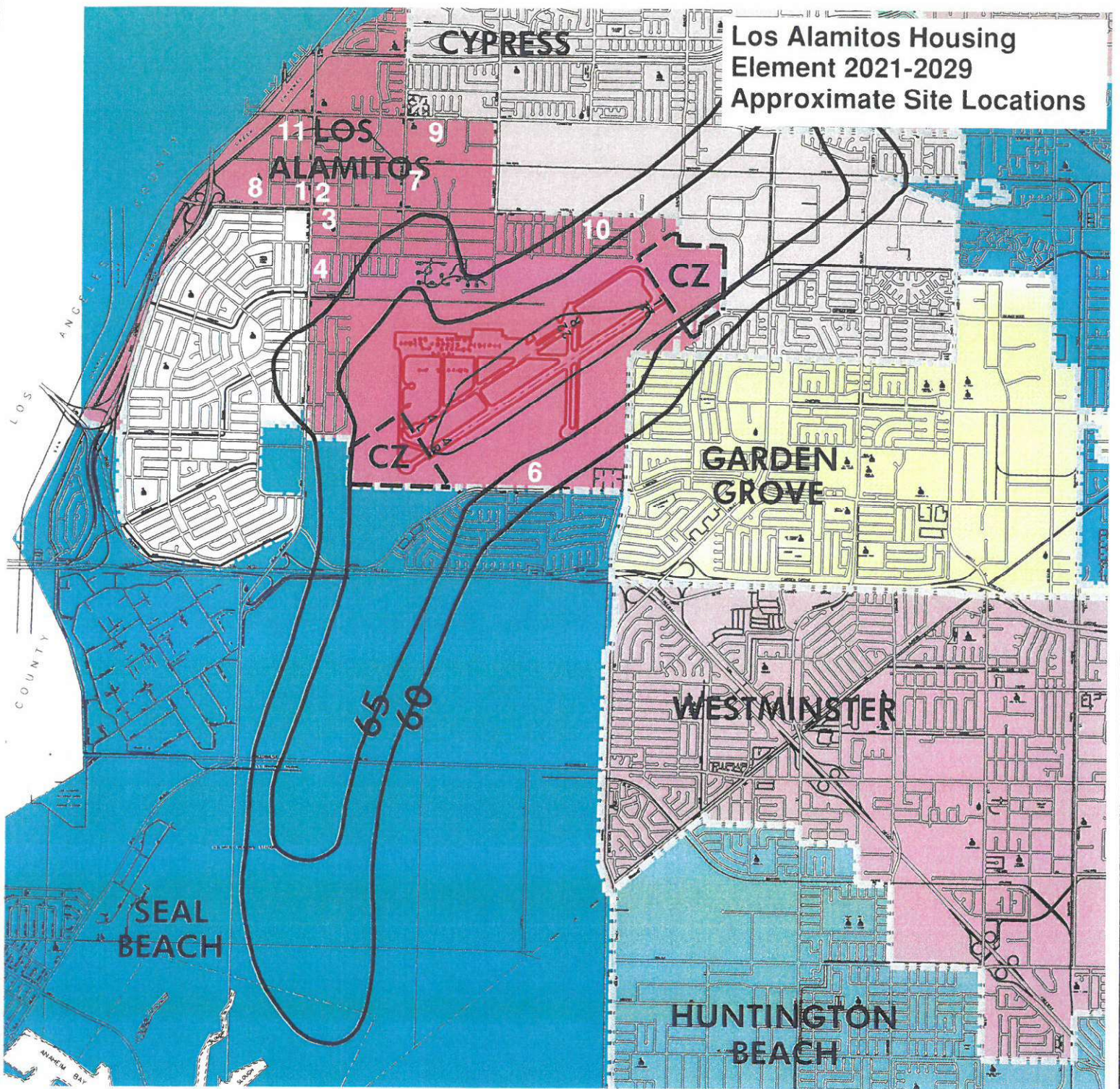
Sites Description

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

* Sites located within the 60 dB CNEL

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

Table adapted from: City of Los Alamitos website January 2023
Administrative Draft Housing Element 2021-2029 Appendix B Residential Land Resources
<https://cityoflosalamitos.org/375/Housing-Element>



Note: County Unincorporated areas are shown in white.

Los Alamitos Impact Zones Joint Forces Training Base



LEGEND

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

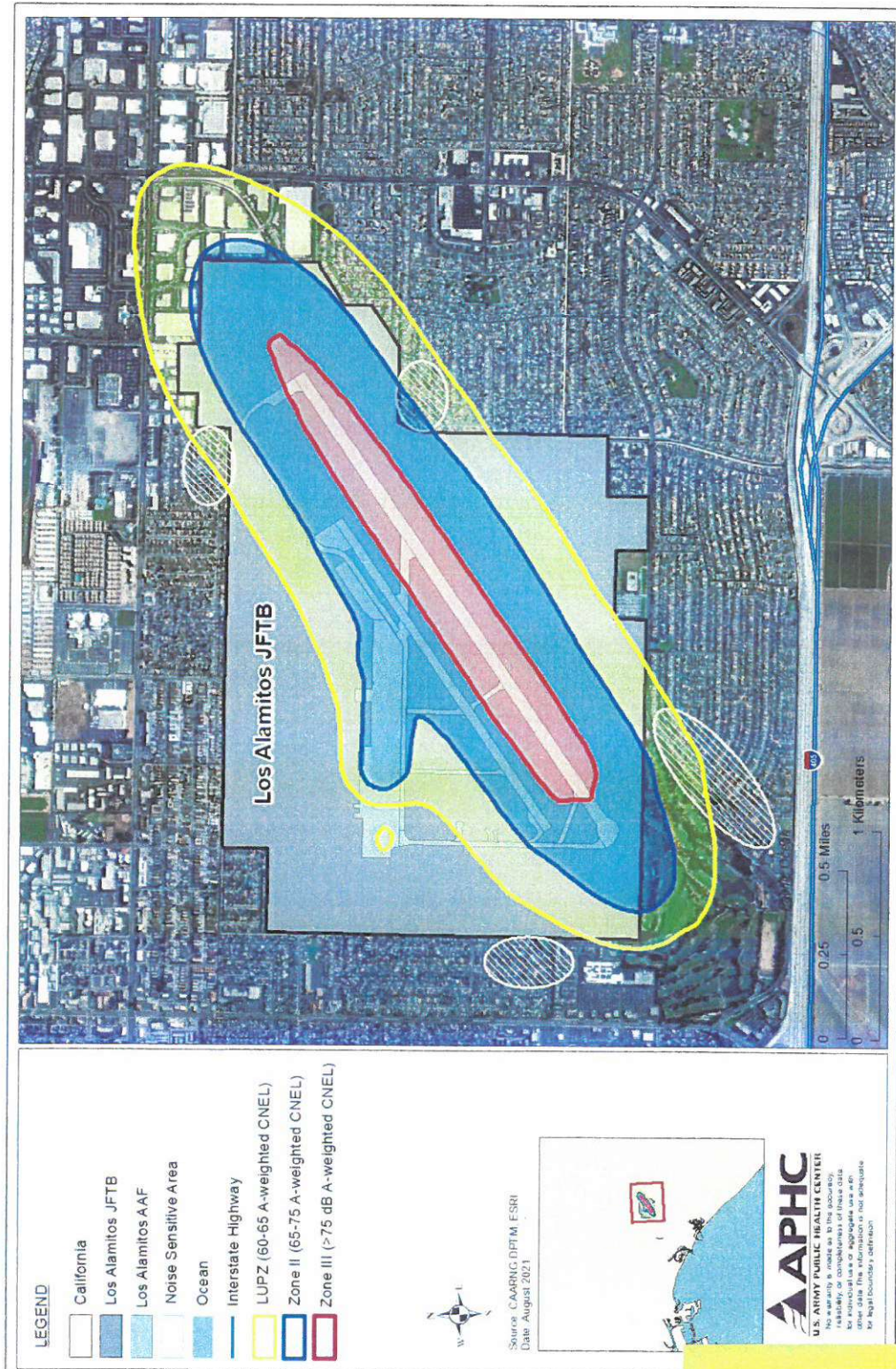
Adopted

ATTACHMENT 3

County

Kari Rigoni Executive Officer

Date
Page 65 of 206



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

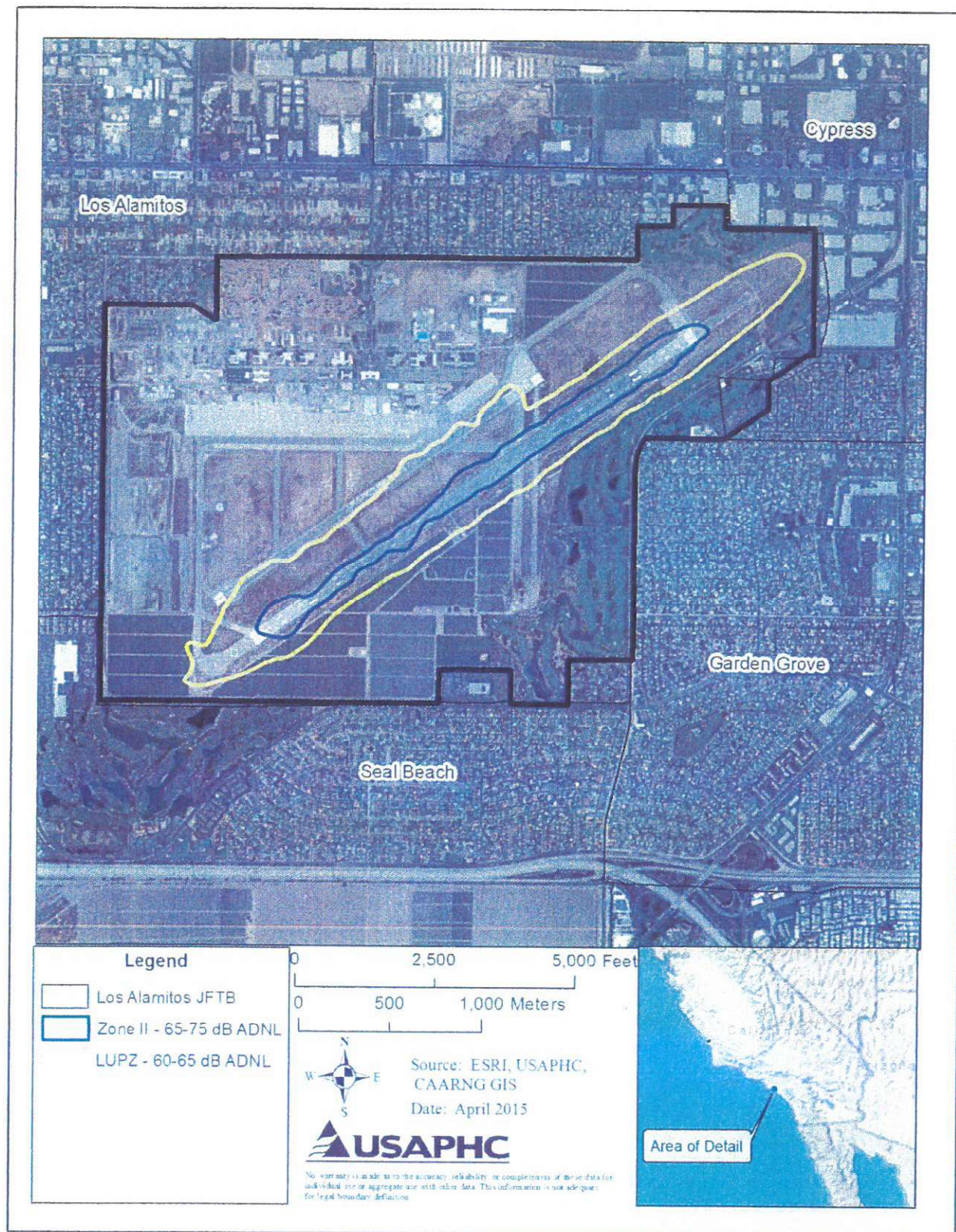
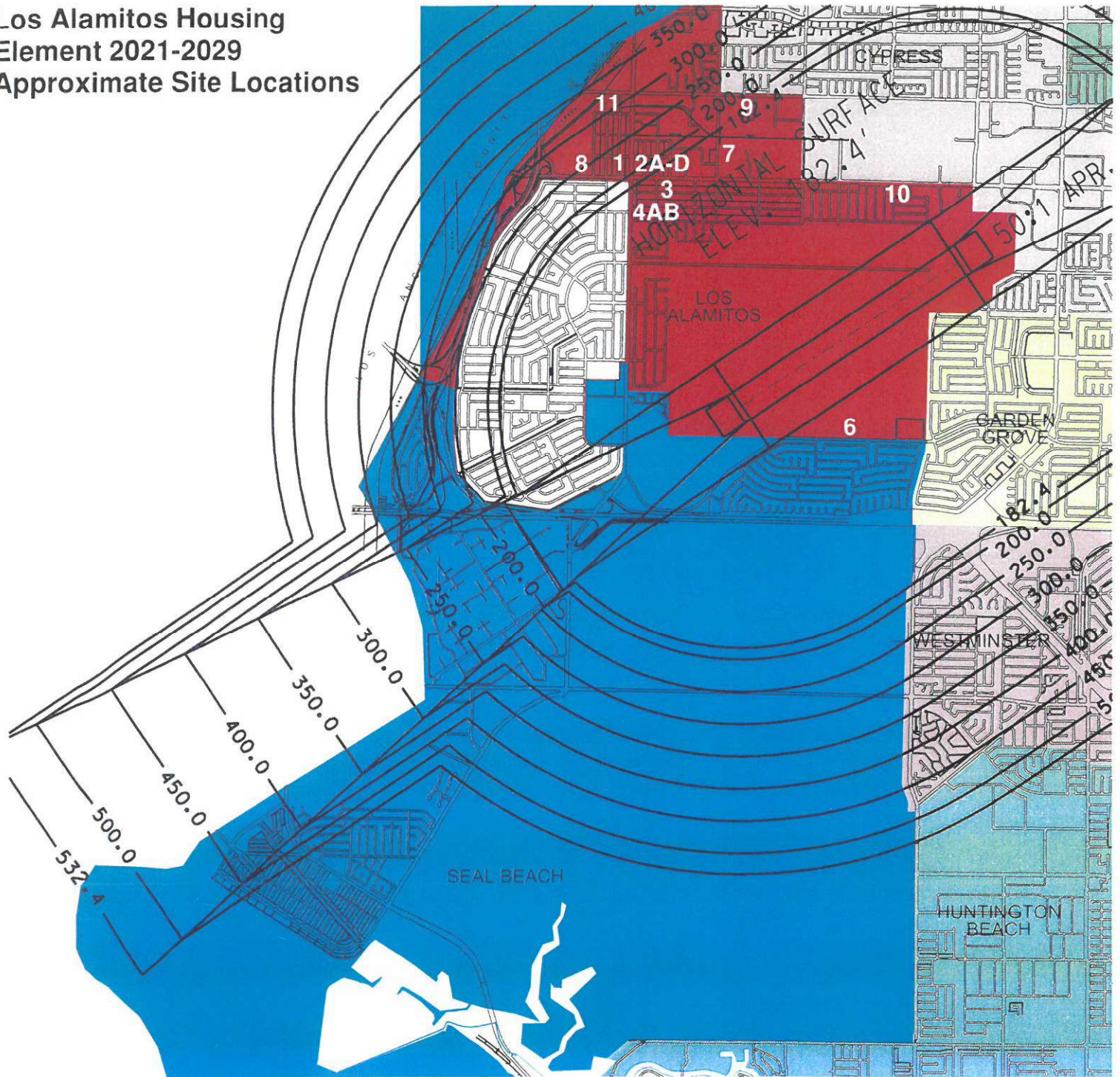


Figure 7-5. LAAAF Aircraft ADNL Noise Zones

ATTACHMENT 5

AELUP Height Restriction Zone for JFTB, Los Alamitos

Los Alamitos Housing
Element 2021-2029
Approximate Site Locations



Note: County Unincorporated areas are shown in white.

FAR PART 77

JFTB, Los Alamitos Obstruction Imaginary Surfaces



LEGEND

- 20,000' Radius
- CITY BOUNDARIES

Adopted

ATTACHMENT 6

County

Lea Choum Executive Officer

Date
Page 68 of 206

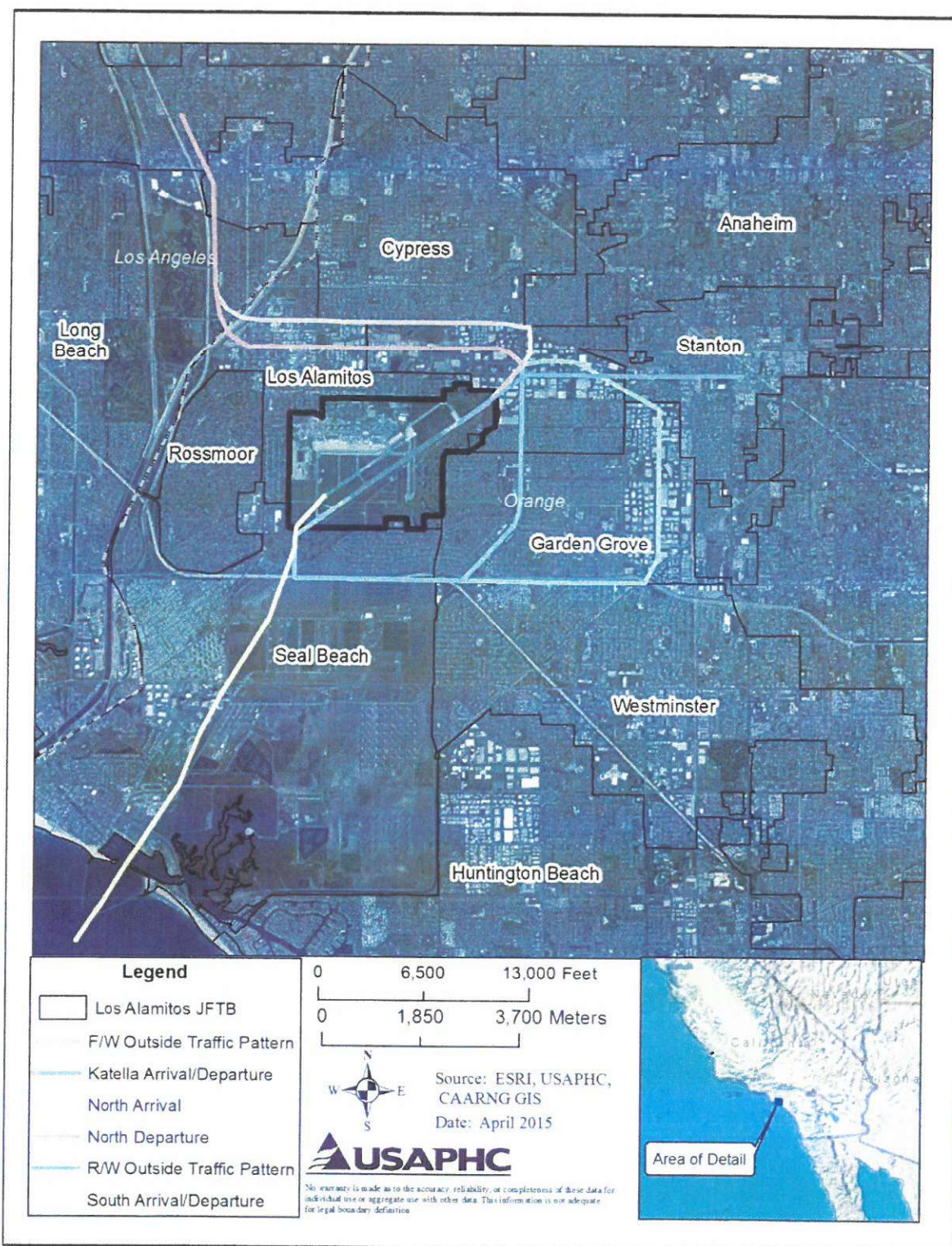


Figure 3-1. JFTB Los Alamitos Flight Routes

ATTACHMENT 7



Figure 4-2 Los Alamitos Joint Forces Flight Tracks



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

November 1, 2021

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

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

Dear Mr. Oliver:

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

The Draft Housing Element includes a site inventory assessment, which identifies sites that can achieve the City's assigned 2021 Regional Housing Needs Assessment (RHNA) for the 2021-2029 planning period. The Draft Element identifies three focus areas for residential development:

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

The proposed site inventory includes new sites within the Notification Area, which requires submittal to the Airport Land Use Commission for a consistency review. The Draft Housing Element also proposes new residential sites within the conical and horizontal obstruction imaginary surfaces for JFTB, Los Alamitos. The ND should discuss the maximum building heights allowed for the three focus areas. With respect to building height restrictions, development proposals, which include the construction or alteration of structures more than 200 feet above ground level, require filing with the Federal Aviation Administration (FAA) and ALUC notification. Projects meeting this threshold must comply with procedures provided by Federal and State law, with the

ATTACHMENT 8

referral requirements of ALUC, and with all conditions of approval imposed or recommended by FAA and ALUC including filing a Notice of Proposed Construction or Alteration (FAA Form 7460-1). Depending on the maximum building heights that will be allowed per the proposed Housing Element Update, the City may wish to incorporate a mitigation and condition of approval specifying the 200 feet height threshold within the ND and proposed Housing Element.

As discussed in the ND, the Lampson site is partially within the 60 CNEL noise contour. Per the *AELUP for JFTB, Los Alamitos* it is strongly recommended that residential units be limited or excluded from this area unless the sound attenuation provided is sufficient to ensure that interior noise levels do not exceed 45 dBA.

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

A referral by the City to the ALUC is required for this project due to the location of the proposal within an AELUP Planning Area and due to the nature of the required City approvals (i.e. Housing Element Update) under PUC Section 21676(b). With respect to project submittals, please note that the Commission requests that referrals be submitted to the ALUC for a determination between the Local Agency's Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, complete submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendaing. The Housing Element Submittal form can be found at:

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

Thank you for the opportunity to comment on this initial study. Please contact Julie Fitch at (949) 252-5284 or jfitch@ocair.com if you have any questions.

Sincerely,



Lea Choum
Executive Officer



CITY OF
Los Alamitos
California

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

December 8, 2022

RECEIVED

DEC 13 2022

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

AIRPORT LAND USE COMMISSION

SUBJECT: Housing Element Update

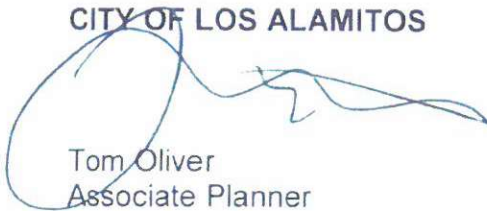
Hi Lea,

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

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

Sincerely,

CITY OF LOS ALAMITOS



Tom Oliver
Associate Planner

ATTACHMENT 9



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

HOUSING ELEMENT UPDATE - SUBMITTAL FORM

1. City/County: Los Alamitos/County
2. Contact information - Name/Title [Click or tap here to enter text](#)
Agency: City of Los Alamitos
Address: 3191 Katella Avenue
Phone/email: 562-431-3538
3. Airport Planning Area(s):
☐ John Wayne Airport ☐ Fullerton Municipal Airport ☒ Joint Forces Air Base Los Alamitos
4. Are there additional General Plan Element(s) being submitted for review: ☒ No ☐ Yes –
Name of Elements: [Click or tap here to enter text](#)
5. Scheduled date of Planning Commission Public Hearing: 12/14/2022
6. Tentative date of City Council Public Hearing: 1/24/2023
7. Requested month of ALUC Review: 1/19/2023
(**Complete** submittal must be received by the first day of the month for the next meeting on the third Thursday of the month).
8. Does the Housing Element Update identify new housing sites within the airport Notification/Planning Area*? ☐ No (skip items # 9-12). ☒ Yes (continue below).
9. Does the Housing Element Update identify new housing sites within the: ☒ 60 CNEL or ☐ 65 CNEL Noise Contours of the airport(s)*? Please attach an exhibit showing location(s) of proposed housing sites and number of units in relation to noise contours.
10. Are noise policies or mitigation measures identified in the Housing Element or elsewhere in the General Plan? ☐ No ☒ Yes - Please attach pages with noise policies/mitigation measures highlighted.
11. Are any new housing sites identified within the Runway Protection Zone (RPZ), Clear Zone (CZ), or Airport Safety Zones of the airport*? ☒ No ☐ Yes - Please attach exhibit showing location(s) of proposed housing site(s) and number of units in relation to the applicable zones.
12. Are any new housing sites identified within the Obstruction Imaginary Surfaces*? ☒ No ☐ Yes - Please attach an exhibit showing location(s) of proposed housing sites and number of units in relation to the Obstruction Imaginary Surfaces.
13. Maximum height allowed for proposed housing. 35
(Please provide link and identify section(s) of General Plan and/or Zoning Code where housing maximum height is specified.)

Continued on reverse side.

HOUSING ELEMENT UPDATE - SUBMITTAL CHECKLIST

- ☒ Cover letter on City/County letterhead.
- ☒ Completed Submittal Form.
- ☒ Copy of existing Housing Element (and any other applicable Elements).
- ☒ Copy of proposed Housing Element Update attached (and any other proposed elements) with requested information highlighted.
- ☒ Exhibit showing location(s) of proposed housing sites and number of units within the Notification Area/Planning Area for airport.
- ☒ Exhibit showing location(s) of proposed housing sites, and how many units for each, in relation to noise contours for airport(s).
- ☒ Noise policies/mitigation measures in Housing Element Update highlighted and/or pages from other elements attached.
- ☒ Exhibit showing location(s) of proposed housing sites, and how many units for each, in relation to Airport Safety Zones.
- ☒ Exhibit showing location(s) of proposed housing sites, and how many units for each, in relation to the Obstruction Imaginary Surfaces.
- ☒ Pages of General Plan and/or Zoning Code which indicate height restrictions for each new housing site within Airport Notification/Planning Area.
- ☒ Explanation of how the Housing Element Update (or other General Plan Elements) addresses the AELUP standards for noise impact, safety compatibility, and height restriction zones: It acknowledges the noise zones and explains the mitigation for that is in using appropriate building materials and construction practices.

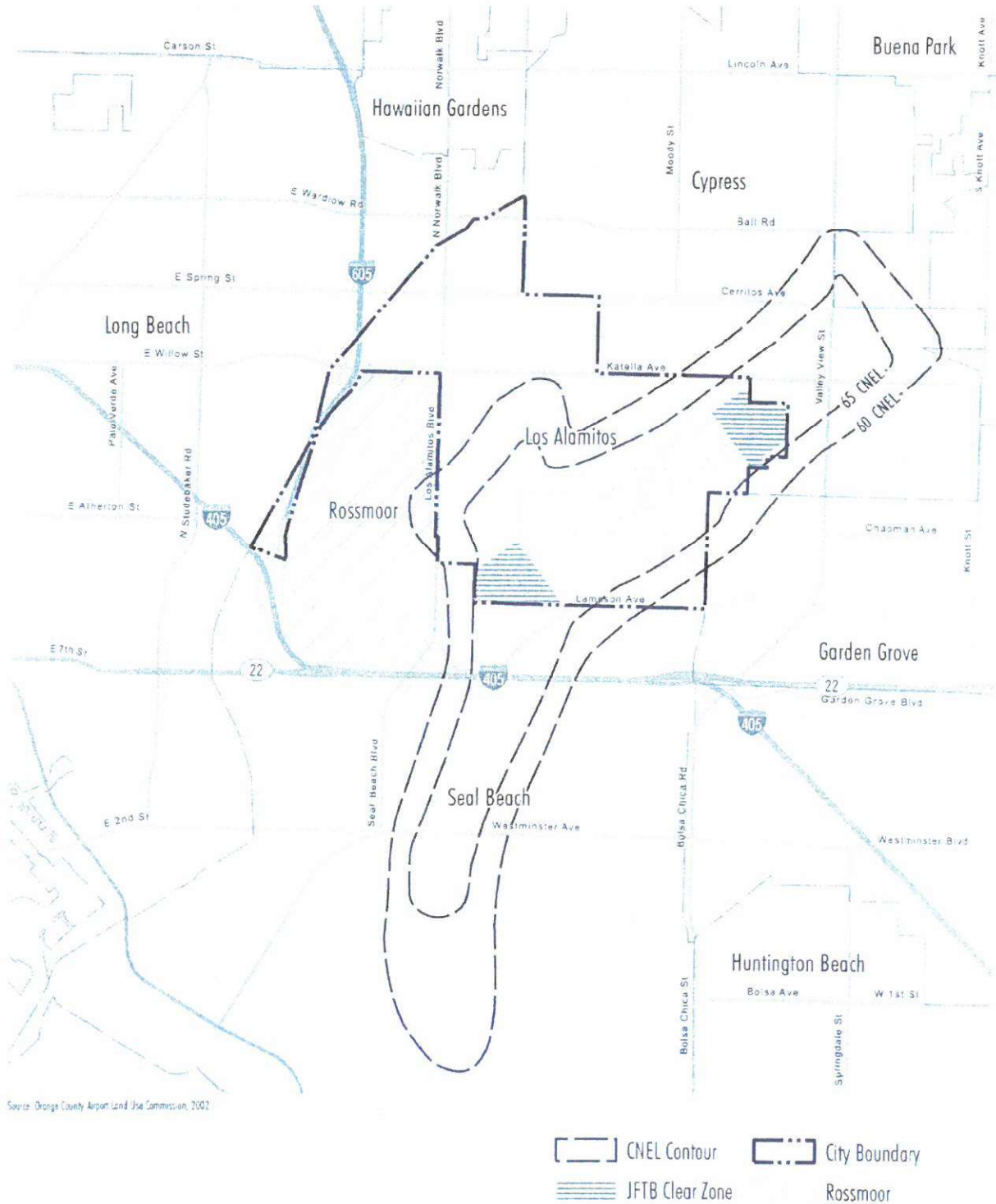
*For airport planning/notification areas, noise contours, safety zones and obstruction imaginary surfaces see Appendix D of the applicable Airport Environs Land Use Plan (AELUP) at:
<https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/>

*Mail or Email Submittal Form, Checklist and attachments to: Airport Land Use Commission for Orange County,
 Attn: Executive Officer, 3160 Airway Avenue, Costa Mesa, CA 92626 / Phone: (949) 252-5170
ALUCinfo@ocair.com*

GENERAL PLAN

Public Facilities and Safety Element

Figure 6 JFTB Impact Zones



INITIAL STUDY FOR HOUSING ELEMENT

3.13 NOISE

Background

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

Would the project result in:

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

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

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

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

Mitigation Measures and Monitoring: None required.

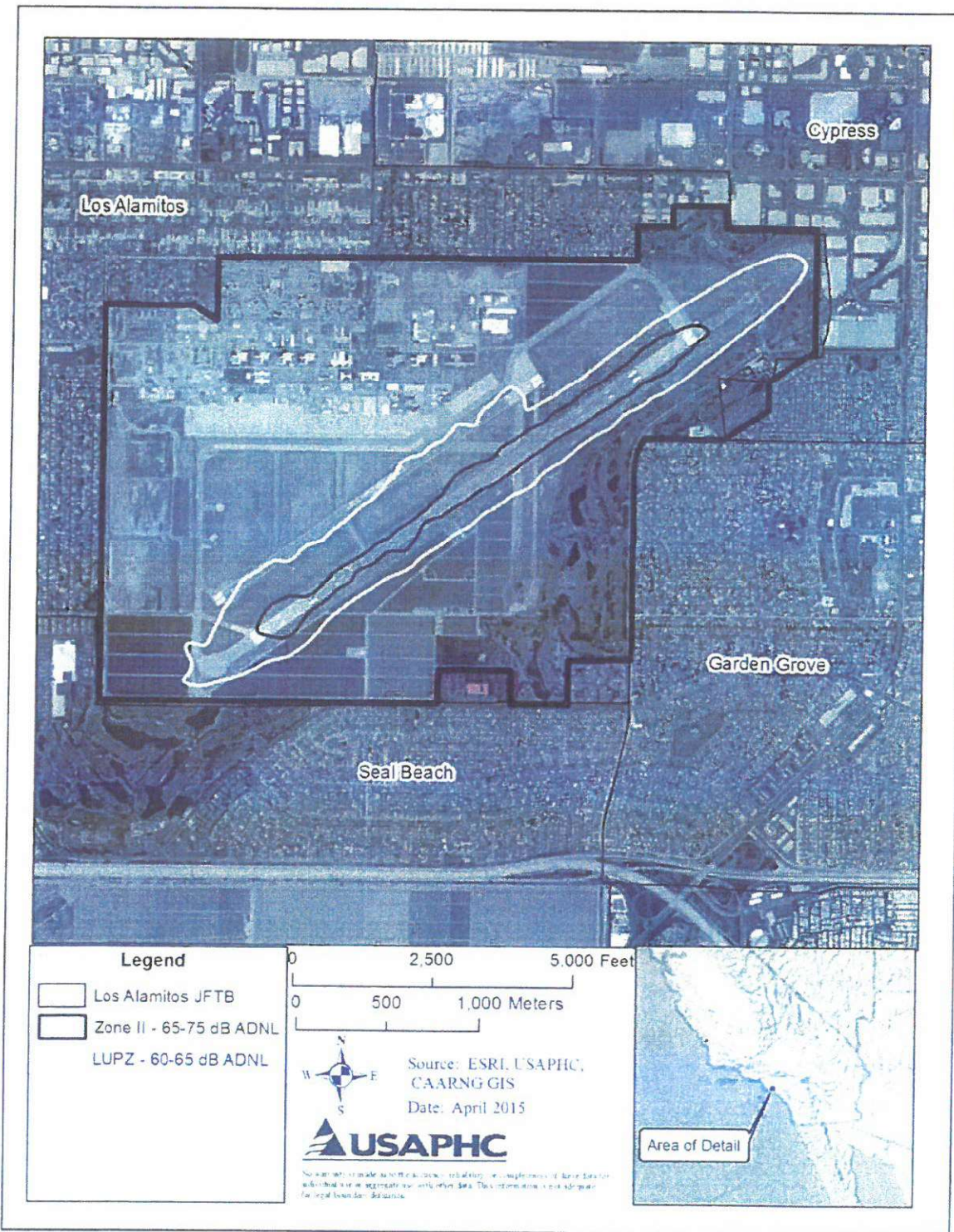


Figure 7-5. LAAAF Aircraft ADNL Noise Zones

JFTB NOISE ASSESSMENT

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



Figure 1. Baseline Los Alamitos Army Airfield Noise Zones

JFTB NOISE ASSESSMENT

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



Figure 2. Projected Los Alamitos Army Airfield Noise Zones

Housing Element



Housing Element Residential Land Resources **AB**

Site 9 is currently occupied by a church, and is for sale. The City will apply R4 zoning to the 5 acre property, which would generate a mix of affordable and market rate units including 20 units for lower income households and 40 units for moderate income households. The balance of the project would allow up to 50 units of housing available to above moderate income households.

Site 10 is currently occupied by a commercial development, and consists of 9 acres. The site will be rezoned to R4, and is expected to develop as a mixed income project, to include 10 lower income units, 15 moderate income units and 65 above moderate income units.

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

As set forth in Policy Action 4.4, the City will enforce the units designated in Sites 3a, 3b and 5 to meet RHNA per Table B-2 and Figure B-1 as future projects are developed on these sites. Proposals that include fewer units than designated will not be approved by the City unless alternative sites are identified. The City has been successful in identifying additional potential sites for the development of housing.

Table B-2
Sites Inventory and Projected Units

Sites Description							
Site ID	APN	Address	Acres	Existing GP	Existing Zoning	Proposed Zoning	Projected Density
1	242-203-27	10909 Los Alamitos Blvd	0.85	Mixed Use	TCMU	TCMU	60
	242-203-28	10877 Los Alamitos Blvd	0.58	Mixed Use	TCMU	TCMU	60
2a	242-171-02	10956 Los Alamitos Blvd	0.68	Mixed Use	TCMU	TCMU	60
2b	242-171-07	10900 Los Alamitos Blvd	3.1	Mixed Use	TCMU	TCMU	60
2c	242-172-01	10900 Pine Street	0.48	Mixed Use	TCMU	TCMU	60
2d*	242-172-02	10902 Pine Street	0.17	Mixed Use	TCMU	TCMU	60
3	222-091-01	11021 Reagan Street	0.35	Mixed Use	TCMU	TCMU	60
	222-091-21	3636 Katella Avenue	0.7	Mixed Use	TCMU	TCMU	60
4a	222-093-12	11182 Los Alamitos Blvd	0.74	Mixed Use	TCMU	TCMU	60
4b	222-093-13	11232 Los Alamitos Blvd	0.13	Mixed Use	TCMU	TCMU	60
6	130-012-35	4655 Lampson Ave	12.4	Community & Institutional	C-F	R3	20



Housing Element Residential Land Resources



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

Projected Units

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

DRAFT HOUSING ELEMENT

3

Housing Element

Housing Resources and Constraints

iv. Fire Hazards

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

v. Noise

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

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

b. Infrastructure Constraints

i. Water

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

GENERAL PLAN

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

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

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

Policy 3.2 Federal Aviation Regulation Part 77. Do not approve buildings and structures that would penetrate Federal Aviation Regulation (FAR) Part 77 Imaginary Obstruction Surfaces for JFTB, Los Alamitos unless found consistent by the Airport Land Use Commission (ALUC). Additionally, in accordance with FAR Part 77, required applicants proposing buildings or structures that penetrate the 100:1 Notification Surface to file a Form 7460-1 Notice of Proposed Construction or Alteration with FAA and provide a copy of the FAA determination to the City and the ALUC for Orange County.

Policy 3.3 Structures above 200 feet. For development projects that include structures higher than 200 feet above existing grade, the City shall inform the ALUC and submit materials to the ALUC for review. Proposed projects that would exceed a height of 200 feet above existing grade shall be required to file Form 7460-1 with the Federal Aviation Administration (FAA).

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

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

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

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

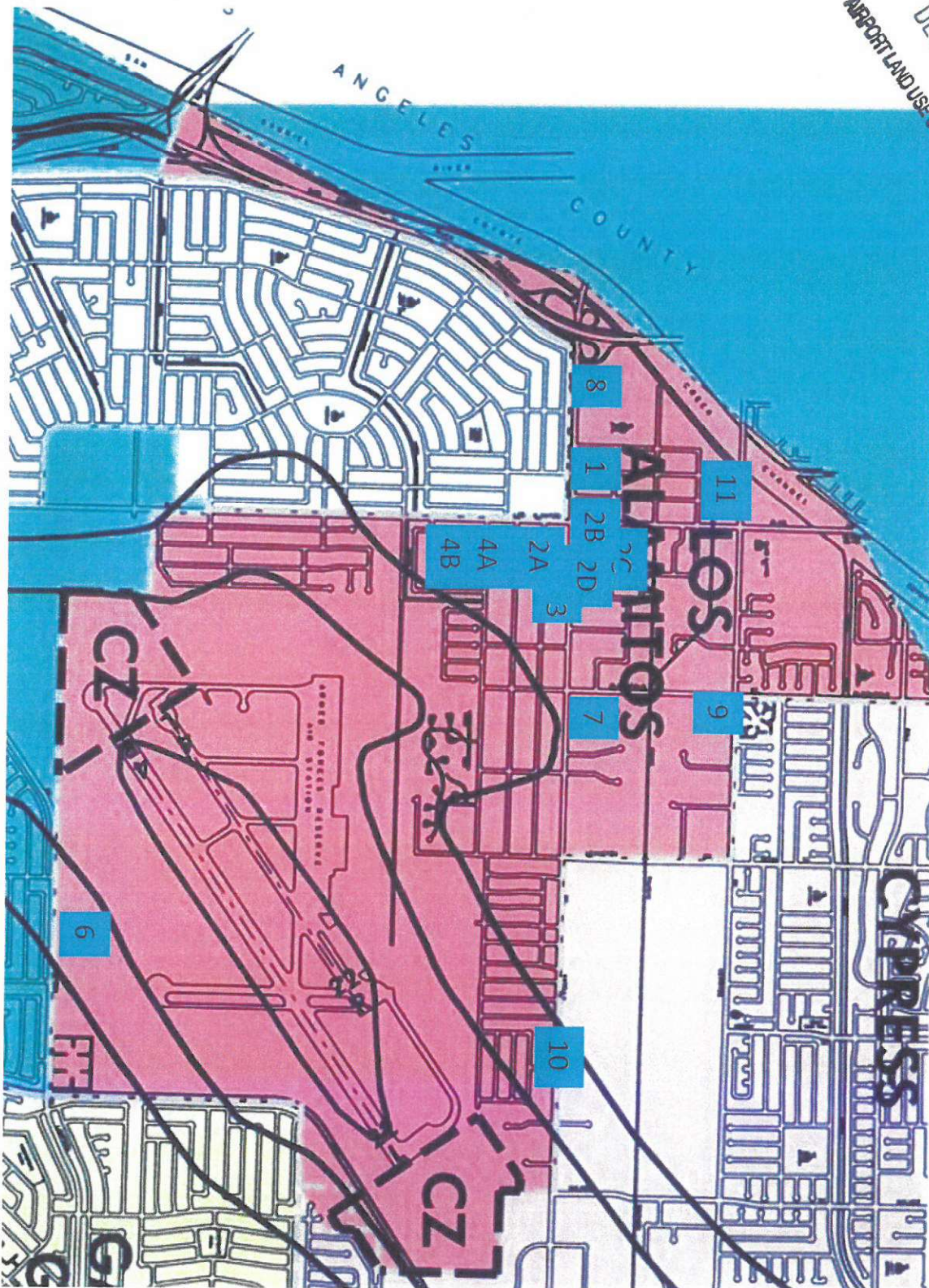
GENERAL PLAN

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

NOTICE OF AIRPORT IN VICINITY

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

RECEIVED
DEC 27 2022
AIRPORT LAND USE COMMISSION





AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

January 23, 2023

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

Subject: Los Alamitos Housing Element Update 2021-2029

Dear Mr. Oliver:

During the public meeting held on January 19, 2023, the Airport Land Use Commission (ALUC) for Orange County considered the subject item. The matter was duly discussed and with a 5-1 vote, the Commission found the proposed Housing Element Update 2021-2029 6th Cycle to be Inconsistent with the *Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos (AELUP for JFTB)* per:

- Section 2.1.1 Aircraft Noise, that the “aircraft noise emanating from airports may be incompatible with general welfare of the inhabitants within the vicinity of an airport.”
- PUC Section 21674, (as referenced in Section 1.2 of the *AELUP for JFTB Los Alamitos*) which states that the Commission is charged by PUC Section 21674(a) “to assist local agencies in ensuring compatible land uses in the vicinity of ...existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses,” and PUC Section 21674(b) “to coordinate planning at the state, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety and welfare.”
- General Land Use Policies in Section 3.2.1 which states that “within the boundaries of the AELUP, and land use may be found to be Inconsistent with the AELUP which (1) Places people so that they are affected adversely by aircraft noise and (2) Concentrates people in areas susceptible to aircraft accidents.”

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

Sincerely,

Lea U. Choum
Executive Officer

City Council Special Agenda December 11, 2023

ATTACHMENT 3



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

March 28, 2023

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

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

Dear Mr. Noda:

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

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

Background

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

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

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

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

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

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

The ALUC inconsistency determination was based in part on AELUP Section 2.1.1 which states “aircraft noise emanating from airports may be incompatible with the general welfare of the inhabitants within the vicinity of an airport,” and partly on General Land Use Policies in Section 3.2.1 which states that “within the boundaries of the AELUP, any land use may be found to be Inconsistent with the AELUP which (1) Places people so that they are affected adversely by aircraft noise and (2) Concentrates people in areas susceptible to aircraft accidents.” The ALUC believes that the proposed new locations for residential units would be highly affected by airport noise due to the close proximity to the airport and that the past and current land use designations of “Community and Institutional” and “Retail Business” are the appropriate designations for these sites to not concentrate people in this area which is susceptible to aircraft accidents. The proposed Housing Element Update would allow for the introduction of residential uses which are not suitable and would subject the future residents to excessive noise and safety risks.

Response to Finding “d” Regarding Safety:

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

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

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

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

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

Sincerely,

Lea Choum for

Gerald A. Bresnahan
Chairman

Attachment: January 19, 2023 ALUC Staff Report

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

Redundant attachments have been removed.
For referenced attachment, see City Council Special Agenda
December 11, 2023
Item 3A - Attachment 1

City Council Special Agenda December 11, 2023

ATTACHMENT 3

California Department of Transportation

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



March 29, 2023

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

Electronically Sent

Dear Mr. Noda,

Thank you for notifying the California Department of Transportation, Division of Aeronautics (Division), of the proposed overrule by the City of Los Alamitos (City). The Division has reviewed the proposed findings provided by the City and has **determined the findings are insufficient to warrant this proposed overrule.**

Specifically, the findings are inconsistent with the purposes of the statutes set forth in the California Public Utilities Code (PUC) section 21670. These findings do not provide substantial evidence that the proposed Project will meet the requirements of PUC statutes set forth in PUC section 21670. These findings do not provide substantial evidence that the proposed Project will meet the requirements of PUC, section 21670(a) (1) and (2).

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

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

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

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

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

Sincerely,

Originally signed by

Jonathan Huff
Associate Transportation Planner
Division of Aeronautics

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

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

Attachment: ALUC Comments on Los Alamitos NOI Overrule.pdf

Redundant attachments have been removed.
For referenced attachment, see City Council Special Agenda
December 11, 2023,
Item 3A - Attachment 2

City Council Special Agenda December 11, 2023

ATTACHMENT 5

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

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



May 1, 2023

Chet Simmons, City Manager
City of Los Alamitos
3191 Katella Ave.
Los Alamitos, CA, 90720

Dear Chet Simmons:

RE: City of Los Alamitos' 6th Cycle (2021-2029) Adopted Housing Element

Thank you for submitting the City of Los Alamitos' housing element that was adopted February 21, 2023 and received for review on March 6, 2023. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Carol A. Churchill pursuant to Government Code section 65585, subdivision (c).

HCD is pleased to find the adopted housing element in substantial compliance with State Housing Element Law (Article 10.6 of the Gov. Code). The adopted element was found to be substantially the same as the revised draft element that HCD's November 23, 2022 review determined met statutory requirements. HCD's finding was based on, among other reasons, a completed rezone (Ordinance 2023-01) to accommodate the City's Regional Housing Needs Allocation (RHNA).

Additionally, the City must continue timely and effective implementation of all programs including but not limited to the following:

- *Policy Action 1.3 (Rehabilitation of Multifamily Dwellings)*: This program commits, by December 2022, to establish an incentive package to encourage the acquisition and rehabilitation of multifamily units.
- *Policy Action 3.1 (Housing for Persons with Special Needs)*: This program commits, by June 30, 2023, to develop and publish a menu of incentives to support the development of housing for persons with special housing needs.
- *Policy Action 3.5 (Residential Care Facilities for Seven or More Persons)*: This program commits, by December 2022, to remove the conditional use permit requirement for residential care facilities in the R-3 zone and include another zone for by-right approval.
- *Policy Action 4.1 (Incentives for Development of Housing)*: This program commits, by June 30, 2023, to provide incentive information to developers,

annually meet with property owners to discuss available incentives, and identify development opportunities.

- *Policy Action 4.4 (Create R-4 Zoning and Rezoning to Allow Higher Density):* This program committed, by October 15, 2022, to create the R-4 zone and rezone all properties designated in Table B-2.
- *Policy Action 4.5 (Modify TCMU Zoning to Allow Higher Density):* This program committed, by October 15, 2022, to modify the TCMU zone to allow up to 60 dwelling units per acre.
- *Policy Action 4.9 (City-owned Parcels):* This program commits to issue a request for proposals and secure contracts for City-Owned parcels.
- *Policy Action 4.11 (Multifamily Parking Requirements):* The program commits to reduce parking requirements by 2024.

The City must monitor and report on the results of this and other programs through the annual progress report, required pursuant to Government Code section 65400. Please be aware, Government Code section 65585, subdivision (i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City now meets housing element requirements for these and other funding sources.

HCD appreciates the hard work and responsiveness the City's housing element team provided throughout the housing element update and review. HCD wishes the City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact Jose Ayala, of our staff, at Jose.Ayala@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

City Council Special Agenda December 11, 2023

ATTACHMENT 6



Rincon Consultants, Inc.

250 East 1st Street, Suite 1400
Los Angeles, California 90012

213 788 4842

info@rinconconsultants.com
www.rinconconsultants.com

June 26, 2023
Project No: 23-14681

Nicole Sauviat Criste
Principal
Terra Nova Planning & Research
42635 Melanie Place, Ste. 101
Palm Desert, CA 92211
760-341-4800
Via email: ncriste@terranovalplanning.com

Subject: Los Alamitos Housing Element Aircraft Noise Study, Los Alamitos, California

Dear Nicole:

Rincon Consultants, Inc. (Rincon) has prepared this technical memorandum to provide noise background and evaluation of potential aircraft noise exposure from the Joint Forces Training Base (JFTB) to future residents with implementation of the Los Alamitos 2021 – 2029 Housing Element (herein referred to as “proposed project” or “project”) in the City of Los Alamitos (City).

Description of Project

The 2021 – 2029 Housing Element Update identifies and analyzes the City’s existing and projected housing needs and contains goals, policies, objectives, and programs to address those needs. The Housing Element is one of seven mandatory elements of the General Plan. Section 65583 of the Government Code sets forth the specific requirements of a jurisdiction’s housing element. Included in these requirements are obligations of local jurisdictions to provide for their “fair share” of the regional housing needs. This fair share is determined through the Regional Housing Needs Assessments (RHNA) process which, in Orange County, is facilitated by the Southern California Association of Governments (SCAG). For the 2021 to 2029 planning period, the City was allocated a total of 769 housing units, including 194 for very-low income, 119 for low-income, 145 for moderate-income, and 311 for above-moderate income households. The Draft Housing Element includes fourteen sites which are assigned 817 units to meet the City’s RHNA.

Fundamentals of Noise

Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs. Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment (California Department of Transportation [Caltrans] 2013).

Human Perception of Sound

Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response. Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes. A doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB; dividing the energy in half would result in a 3 dB decrease (Caltrans 2013).

Human perception of noise has no simple correlation with sound energy: the perception of sound is not linear in terms of dBA or in terms of sound energy. Two sources do not “sound twice as loud” as one source. It is widely accepted that the average healthy ear can barely perceive changes of 3 dBA, whether an increase or decrease (i.e., twice the sound energy); that a change of 5 dBA is readily perceptible; and that an increase (or decrease) of 10 dBA sounds twice (half) as loud (Caltrans 2013).

Sound Propagation and Shielding

Sound changes in both level and frequency spectrum as it travels from the source to the receiver. The most obvious change is the decrease in the noise level as the distance from the source increases. The manner by which noise reduces with distance depends on factors such as the type of sources (e.g., point or line), the path the sound will travel, site conditions, and obstructions.

Sound levels are described as either a “sound power level” or a “sound pressure level,” which are two distinct characteristics of sound. Both share the same unit of measurement, the dB. However, sound power (expressed as L_{pw}) is the energy converted into sound by the source. As sound energy travels through the air, it creates a sound wave that exerts pressure on receivers, such as an eardrum or microphone, which is the sound pressure level. Sound measurement instruments only measure sound pressure, and noise level limits are typically expressed as sound pressure levels.

Noise levels from a point source (e.g., construction, industrial machinery, air conditioning units) typically attenuate, or drop off, at a rate of 6 dBA per doubling of distance. Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about 3 dBA per doubling of distance (Caltrans 2013). Noise levels may also be reduced by intervening structures; the amount of attenuation provided by this “shielding” depends on the size of the object and the frequencies of the noise levels. Natural terrain features, such as hills and dense woods, and man-made features, such as buildings and walls, can significantly alter noise levels. Generally, any large structure blocking the line of sight will provide at least a 5-dBA reduction in source noise levels at the receiver (Federal Highway Administration [FHWA] 2011). Structures can substantially reduce exposure to noise as well. The FHWA’s guidance indicates that modern building construction generally provides an exterior-to-interior noise level reduction of 10 dBA with open windows and an exterior-to-interior noise level reduction of 20 to 35 dBA with closed windows (FHWA 2011).

Descriptors

The impact of noise is not a function of loudness alone. The time of day when noise occurs and the duration of the noise are also important factors of project noise impact. Most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors have been developed. The noise descriptors used for this study are the equivalent noise level (L_{eq}), Day-Night Average Level (DNL; may also be symbolized as L_{dn}), and the community noise equivalent level (CNEL; may also be symbolized as L_{den}).

L_{eq} is one of the most frequently used noise metrics; it considers both duration and sound power level. The L_{eq} is defined as the single steady-state A-weighted sound level equal to the average sound energy over a time period. When no time period is specified, a 1-hour period is assumed. The L_{max} is the highest noise level within the sampling period, and the L_{min} is the lowest noise level within the measuring period. Normal conversational levels are in the 60 to 65-dBA L_{eq} range; ambient noise levels greater than 65 dBA L_{eq} can interrupt conversations (Federal Transit Administration [FTA] 2018).

Noise that occurs at night tends to be more disturbing than that occurring during the day. Community noise is usually measured using Day-Night Average Level (L_{dn}), which is the 24-hour average noise level with a +10 dBA penalty for noise occurring during nighttime hours (10:00 p.m. to 7:00 a.m.). Community noise can also be measured using Community Noise Equivalent Level (CNEL or L_{DEN}), which is the 24-hour average noise level with a +5 dBA penalty for noise occurring from 7:00 p.m. to 10:00 p.m. and a +10 dBA penalty for noise occurring from 10:00 p.m. to 7:00 a.m. (Caltrans 2013).¹ The relationship between the peak-hour L_{eq} value and the L_{dn} /CNEL depends on the distribution of noise during the day, evening, and night; however noise levels described by L_{dn} and CNEL usually differ by 1 dBA or less. Quiet suburban areas typically have CNEL noise levels in the range of 40 to 50 CNEL, while areas near arterial streets are in the 50 to 60+ CNEL range (FTA 2018).

Sensitive Receptors

Sensitive land uses are uses that have associated human activities that may be subject to stress or significant interference from noise, such as residences, schools, childcare facilities, religious institutions, hospitals, libraries, parks and recreational facilities, health care facilities, convalescent centers, and retirement homes. Various standards have been developed to address the compatibility of land uses with noise levels. The standards place special emphasis on land uses that are considered sensitive to high noise levels. Sensitive land uses in the City of Los Alamitos includes residential, churches, hospitals, institutional and recreational uses, and open space areas. Two housing sites of the Housing Element, Site 6 at 4655 Lampson Avenue and Site 10 at 5030 – 5084 Katella Avenue, are within the JFTB 60 CNEL contour according to the Airport Land Use Commission (ALUC) Airport Environs Land Use Plan (i.e., the ambient noise environment is 60 to 64 CNEL), as shown in Figure 1.

¹ Because L_{dn} and CNEL are typically used to assess human exposure to noise, the use of A-weighted sound pressure level (dBA) is implicit. Therefore, when expressing noise levels in terms of L_{dn} or CNEL, the dBA unit is not needed.

Figure 1 Joint Forces Training Base Noise Contours and Housing Sites 6 and 10



Imagery provided by ESRI and its licensors © 2023.

23-14681.EPS
Fig X JFTB Noise Contours

Regulatory Setting

City of Los Alamitos

The City's General Plan Public Facilities and Safety Element contains the following goals and policies which are relevant to the project:

- **Policy 4.1 Land use compatibility** - Approve development and require mitigation measures to ensure existing and future land use compatibility as shown in the City's Noise Ordinance, the Land Use and Noise Compatibility Matrix, the State Interior and Exterior Noise Standards, and the Airport Environs Land Use Plan for the JFTB.
- **Policy 4.6 Aircraft noise** - Work with the JFTB and the Long Beach Airport (LGB) to minimize the noise impact of small aircraft and helicopters on residential neighborhoods.

For the purposes of assessing the compatibility of noise-sensitive land uses and their surrounding noise environment, the City uses the Land Use and Noise Compatibility Matrix from the General Plan, which shows that residential uses are Normally Compatible up to 65 CNEL (Los Alamitos 2015). In this area, new construction or development should be undertaken only after detailed analysis of the noise reduction requirements are made and needed noise insulation features in the design are determined.

Orange County Airport Land Use Commission

The Orange County Airport Land Use Commission (ALUC) Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos contains noise standards pursuant to the suitability of noise-sensitive land uses exposed to aircraft noise. Table 1 shows the ALUC noise standards.

Table 1 ALUC Noise Standards

LAND USE CATEGORY	COMMUNITY NOISE EQUIVALENT LEVEL dB						
	55	60	65	70	75	80	
Residential (all types): Single and Multi-Family Residences							
Community Facilities: Churches, Libraries, Schools, Preschools, Day-Care Centers, Hospitals, Nursing/Convalescent Homes, & Other noise sensitive uses							
Commercial: Retail, Office							
Industrial:							



NORMALLY CONSISTENT

Conventional construction methods used. No special noise reduction requirements.



CONDITIONALLY CONSISTENT

Must use sound attenuation as required by the California Noise Insulation Standards, Title 25, California Code of Regulations. Residential use sound attenuation required to ensure that the interior CNEL does not exceed 45 dB. Commercial and industrial structures shall be sound attenuated to meet Noise Impact Zone “1” criteria (refer to Section 3.2.3).



NORMALLY INCONSISTENT

All residential units are inconsistent unless sound attenuated to ensure that the interior CNEL does not exceed 45 dB, and that all units are indoor oriented so as to preclude noise impingement on outdoor living areas.

As show in Table 1, residential uses are considered Conditionally Consistent up to 65 CNEL and must use sound attenuation to meet the State interior noise requirement of 45 CNEL.

California Building Code

California Code of Regulations Title 24, Building Standards Administrative Code, Part 2, Chapter 12, and the California Building Code codify the State noise insulation standards. These noise standards apply to new construction in California to control interior noise levels as they are affected by exterior noise sources and interior noise sources from separate areas. The regulations specify that interior noise levels shall not exceed 45 CNEL in any habitable room.

Existing Noise Setting

The Los Alamitos JFTB is an active military installation and airfield that provides support and training facilities for military units and other national, state, and local organizations, including emergency operations. The Los Alamitos JFTB is home to an Army Aviation Support Facility and the California Army National Guard, as well as other units not related to aviation. The Los Alamitos JFTB may cause occasional noise intrusion from military aircraft at proposed Housing Sites 6 and 10. As discussed above, Housing Sites 6 and 10 are within the JFTB 60 CNEL contour. For comparison, existing noise levels along major roadways in the city are shown in Table 2. In all three cases, residential units are located on these roadways, and are experiencing noise levels substantially higher than the 60 – 64 CNEL identified by ALUC.

Table 2 City of Los Alamitos Ambient Noise Levels

Roadway	Segment	Noise Level (CNEL)
Los Alamitos Boulevard	Farquhar Avenue to Orangewood Avenue	76.1
Katella Avenue	I-605 to Los Alamitos Boulevard	78.3
Cerritos Avenue	Los Alamitos Boulevard to Bloomfield Street	71.1

Source: Los Alamitos 2015.

In addition, based on a noise survey conducted for the General Plan where aircraft overflights were present, short-term noise measurements indicate that at approximately 1,300 feet from the JFTB runway, noise levels were 52 dBA L_{eq} and up to 70.3 dBA L_{max} (Los Alamitos 2014). At another site approximately 1,400 feet from the JFTB runway, noise levels were 48.3 dBA L_{eq} and up to 61.2 dBA L_{max} . For perspective, Housing Sites 6 and 10 are approximately 1,825 feet and 1,650 feet from the nearest runway, respectively.

As discussed, Housing Sites 6 and 10 are within the JFTB 60 CNEL contour, according to the ALUC Airport Environs Land Use Plan. Therefore, future residential development in these areas would be considered Normally Compatible by the City and Conditionally Consistent by the ALUC. It is worth noting that existing noise levels along major roadways in the City, as shown in Table 2, are substantially greater than noise levels expected at future residences of Housing Sites 6 and 10 of up to 64 CNEL due to aircraft noise. It should also be noted that there are already existing residences located closer to the JFTB south of proposed Housing Site 10, which are exposed to higher aircraft noise levels than would be experienced at Housing Site 10. It is also worth noting that some smaller airports do not include 60 CNEL in their noise contour maps; they begin with 65 CNEL (e.g., Torrance Municipal Airport, Hawthorne Municipal Airport, and Oxnard Airport). The City is not aware of extensive aircraft noise complaints and, “the current activities of the base generally do not disturb the surrounding civilian areas” (Los Alamitos 2015). While JFTB activity and related noise may increase on the weekends, individual overflight events are intermittent and, according to the ALUC Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos, current and projected airfield operations at the JFTB are less than 10 jets or 25 propeller-driven aircraft on an average busy day (ALUC 2017). Therefore, aircraft noise exposure at Housing Sites 6 and 10 would be periodic and intermittent in nature, and future residents would not be exposed to constant aircraft overflight noise. Finally, it is worth noting that both the 2022 and 2015 JFTB noise contour figures (Attachments 4 and 5 to the City of Los Alamitos Request for Consideration of Draft Housing Element Update (2021 – 2029) from January 19, 2023, by the ALUC), appear to show that neither Housing Site 6 nor Housing Site 10 are located within the 60 CNEL contour, with the contours from 2022 being more recent than those contained in the ALUC Airport Environs Land Use Plan from 2017.

Aircraft Noise Mitigation

Since Housing Sites 6 and 10 would be considered Normally Compatible by the City and Conditionally Consistent by the ALUC, a design-level acoustical study should be prepared for any future residential development at these sites to demonstrate that interior noise levels do not exceed 45 CNEL in habitable rooms. However, based on the noise attenuation described above, a reduction of 20 to 35 dBA with

windows closed would mean that interior noise levels on Sites 6 and 10 would be expected to reduce interior noise levels below 45 CNEL if the following design considerations are implemented:

1. Provide mechanical ventilation so that windows may be left closed by occupants. This can be achieved passively with z-ducts, fresh air ducts, or an approved equal.
2. Exterior walls shall meet a Sound Transmission Class (STC) rating of at least 46. One method to achieve this would be standard exterior walls with 6-inch studs, R-13 insulation or thicker, a minimum 7/8-inch exterior surface stucco plaster, and interior finish with 5/8-inch drywall.
3. All windows shall be rated STC 26 (assumed to be standard dual-pane windows required per Title 24 energy standards) or higher.
4. All exterior balcony doors shall be rated STC 26 or higher.
5. All entry doors shall be insulated against weather and sound with nonporous seals. Caulk entry door thresholds as they are placed.
6. Use permanently nonhardening sealant around perimeters of window frames.
7. Window assemblies shall be constructed with effective nonporous gaskets or weatherstripping to minimize air infiltration and sound leakage.
8. Provide airtight construction at all exterior walls with acoustical or other nonhardening sealant at floor plates.
9. Use door jamb and head gasketing and door bottom gasketing at entry doors to seal the solid core doors against weather and sound.

The acoustical study shall also specify any additional roof construction material specifications beyond standard roofing, truss or joists, insulation and gypsum board that may be necessary to ensure an interior noise environment of 45 CNEL or less.

Finally, it is recommended that future tenants and prospective buyers at Housing Sites 6 and 10 be notified in the rental, lease, or purchase agreement and disclosures that the area may be subject to elevated aircraft noise levels at times and that it is within the 60 CNEL contour of the JFTB.

* * *

This concludes our findings of aircraft-related noise from the JFTB affecting proposed Housing Sites 6 and 10 and our recommendations for aircraft noise mitigation at future housing developments in these areas. Please do not hesitate to let us know if you have any questions about the findings of this letter report.

Sincerely,
Rincon Consultants, Inc.



Josh Carman, INCE-USA
Director

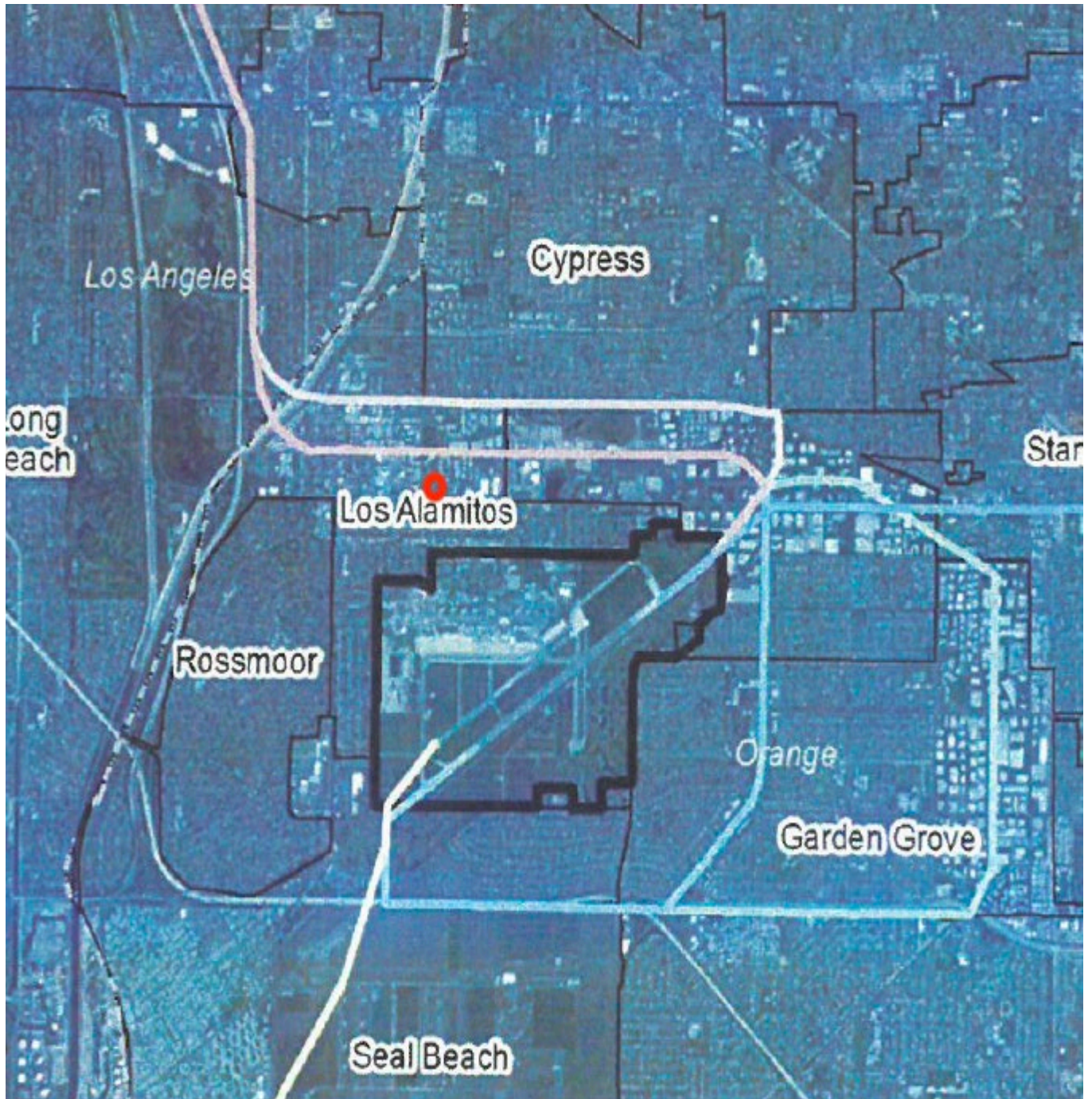
References

- California Department of Transportation (Caltrans). 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol. (CT-HWANP-RT-13-069.25.2).
- Federal Highway Administration (FHWA). 2011. Highway Traffic Noise: Analysis and Abatement Guidance (FHWA-HEP-10-025).
- Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual.
- Los Alamitos, City of. 2014. Los Alamitos General Plan Update Draft EIR.
- Los Alamitos, City of. 2015. Los Alamitos General Plan.
- Orange County Airport Land Use Commission. 2017. Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos.
- United States Environmental Protection Agency. 1974. Information on levels of environmental noise requisite to protect public health and welfare with an adequate margin of safety. Report No. 550/9-74-004 March 1974.

City Council Special Agenda December 11, 2023

ATTACHMENT 7

**Site 7 Location
Relationship to Flight Paths**



City Council Special Agenda December 11, 2023

ATTACHMENT 8



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

July 12, 2023

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

Subject: City Council Study Session regarding ALUC Inconsistency Determination

Dear City Council Members:

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

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

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

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

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

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

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

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

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

Sincerely,



Lea Choum
Executive Officer

Attachments:

Letter from ALUC for Orange County dated March 28, 2023

Letter from Caltrans Division of Aeronautics dated March 29, 2023

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

Redundant attachments have been removed.
For referenced attachment, see City Council Special
Agenda December 11, 2023
Item 3A - Attachments 3 and 4

City Council Special Agenda December 11, 2023

ATTACHMENT 9

RESOLUTION NO. 2023-20

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. The 2017 Joint Forces Training Base Los Alamitos Airport Environs Land Use Plan ("AELUP") of the Orange County Airport Land Use Commission ("ALUC") guides the orderly development of the Joint Forces Training Base Los Alamitos ("JFTB") and the surrounding area through implementation of the standards in AELUP Section 2 (Planning Guidelines) and Section 3 (Land Use Policies). Implementation of these standards is intended to protect the public from the adverse effects of aircraft noise, ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and ensure no structures or activities adversely affect navigable airspace.

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

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED this 11th day of December 2023.

Tanya Doby, Mayor

ATTEST:

Windmera Quintanar, MMC, City Clerk

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

STATE OF CALIFORNIA)

COUNTY OF ORANGE) ss

CITY OF LOS ALAMITOS)

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

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Windmera Quintanar, MMC, City Clerk

City Council Special Agenda December 11, 2023

ATTACHMENT 10

City of Los Alamitos

CITY COUNCIL AGENDA REPORT

MEETING DATE: July 17, 2023

ITEM NUMBER: 11B

To: Mayor Tanya Doby & Members of the City Council

Presented By: Ron Noda, Development Services Director

Subject: Study Session Item: Airport Land Use Commission's Determination of Inconsistency related to the City's 6th Cycle Housing Element Update and the Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos

SUMMARY

On January 19, 2023, the Orange County Airport Land Use Commission (ALUC) found the City's 6th Cycle (2021-2029) Housing Element Update to be inconsistent with the 2017 Joint Forces Training Base Los Alamitos Airport Environs Land Use Plan.

The City Council will conduct a Study Session in order to review information related to the ALUC's finding of inconsistency. While no vote will take place at this meeting, it is important to note that should the City Council determine to override ALUC's advisory opinion at a future meeting, it will require a four-fifths affirmative vote of the City Council.

RECOMMENDATION

1. Receive information related to the Study Session Item; and,
2. Open the public hearing, receive public testimony, and continue the public hearing to a date certain for consideration of a resolution overruling the ALUC determination.

BACKGROUND

The Orange County Airport Land Use Commission ("ALUC") is an advisory committee established by State Law in 1969. (Public Utilities Code §§ 21670 et seq.) The ALUC is intended to assist local agencies in ensuring compatible land uses in the vicinity of civilian and military airports. For Los Alamitos, ALUC adopted a land use compatibility plan, known as the 2017 Airport Environs Land Use Plan ("AELUP") for the Joint Forces Training Base Los Alamitos ("JFTB"), against which land use and planning proposals are compared and evaluated for consistency.

Public Utilities Code ("PUC") Section 21676(b) requires the City to submit General Plans and General Plan amendments to the ALUC for an advisory consistency determination. In December, 2022, the City submitted the Housing Element to ALUC for review. On January 19, 2023, the ALUC determined that the Housing Element was "inconsistent" with the AELUP due to the following two reasons:

1. The ALUC asserted that noise levels in the 60 to 65 dBA range at Sites 6 (4655 Lampson Avenue) and 10 (5030-5084 Katella) were too high for residential development.
2. The ALUC asserted that Site 7 (Laurel Park) was adjacent to the Accident Potential Zone or Clear Zone for the airport.

The ALUC's January 19, 2023 agenda report is included as Attachment 1.

On February 21, 2023, the City Council adopted Resolution 2023-04, a Notice of Intent to Overrule the Airport Land Use Commission (ALUC) for Orange County Finding of Housing Element Inconsistency (Attachment 2). As described in that staff report and Resolution, the City made draft findings, based on additional facts and research, that the ALUC's determination was not appropriate, because the noise levels at Sites 6 and 10 are consistent with acceptable noise levels throughout the City for residential land uses; and because Site 7 is one mile from the nearest safety zone boundary for JFTB.

City staff sent the Notice of Intent to Overrule Resolution to both the ALUC and the California Department of Transportation Aeronautics Division (Caltrans), as required by PUC Section 21676(b), and provided them an opportunity to comment. Both ALUC and Caltrans provided comments, which are advisory only and are included in this report as Attachments 3 and 4.

On May 1, 2023, the California Department of Housing and Community Development ("HCD") certified the City's Housing Element, finding the adopted housing element to be in substantial compliance with State Housing Element Law and capable of accommodating the City's Regional Housing Needs Allocation ("RHNA") (Attachment 5).

DISCUSSION

The following discussion provides additional information stemming from additional research, which has been ongoing since February. This has been undertaken in consultation with the City's Housing Element consultant, a certified noise engineer with Rincon Consultants, Inc., (who provided a technical report attached as Attachment 6), staff with the State's Department of Housing and Community Development, and the Executive Officer of the Orange County Airport Land Use Commission.

As described above and in the background materials attached to this staff report, the ALUC determined the City's Housing Element was inconsistent based on two issues: noise compatibility and safety. Each of these issues is discussed individually below.

Noise

In order to regulate the impacts of noise throughout the City, as indicated in the staff report of February 21 (Attachment 2), the City relies on its General Plan policies and the Building Code, which are all consistent with ALUC's Land Use Plan. Specifically, the City allows residential development in areas where the noise levels are 65 dBA or less, based on Growth Management Element Policy 3.5; and requires that interior noise levels be 45 dBA consistent with the California Building Code. In order to assure that the City's policies were not resulting in a negative impact to residents, the City consulted with a noise engineer

(Attachment 6), and considered other scientific sources of information that describe noise levels and their impacts on people.

Basics of Noise

Some basic information about noise levels frames the determination of significance relating to noise:

- Noise can be made by stationary sources (air conditioning units) or moving sources (street traffic).
- Noise levels are reduced by distance, and obstructions, such as buildings, berms or walls.
- Noise can be measured in several ways, but the most common measurement for noise levels in cities' general plans is the Community Noise Equivalent Level (CNEL), which is the average noise level over a 24 hour period, which is weighted to account for the quieter noise environment which occurs in the evening and night time.
- The City's acceptable exterior noise standard for residential uses is 65 dBA CNEL, or an average of 65 dBA over a 24 hour period.
- For comparison, typical conversation is about 60 dBA; a blender is 80-90 dBA; a leaf blower is 110 dBA; and a jet engine taking off is 150 dBA.
- Continued exposure to high noise levels can damage people's hearing and health.

ALUC Noise Standard

Although ALUC's AELUP considers residential uses to be "Conditionally Consistent" in Zone 2, in which Sites 6 and 10 are located, it nevertheless finds the Housing Element inconsistent with its own policies. Based on ALUC's analysis, the potential hazard is associated with interior noise levels, which must be 45 dBA CNEL in order to be acceptable. As described below, a reduction to 45 dBA CNEL is required and already established in the City of Los Alamitos by the City's Building Code.

The ALUC standard is also consistent with the City's, which already allows residential uses to occur in areas up to 65 dBA exterior, and 45 dBA interior. There is no evidence that the occasional overflights from JFTB result in excessive and incompatible noise levels, since by ALUC's own findings, the sites occur in a Conditionally Consistent zone and do not exceed 65 dBA.

In addition, as pointed out in the Rincon letter (Attachment 6), other ALUCs have not included restrictions at all for the 60 to 65 dBA zone for smaller airports, such as the Torrance and Hawthorne Municipal Airports in Los Angeles County, and the Oxnard Airport in Ventura County.

Current Noise Environment in the City

Because of its urban environment, the City has high noise levels. Based on noise studies conducted for the General Plan, noise levels next to City streets where residential units already occur are higher than 60 to 65 dBA CNEL, as shown in the Table below.

City of Los Alamitos Ambient Noise Levels

<u>Roadway</u>	<u>Segment</u>	<u>Noise Level (CNEL)</u>
Los Alamitos Boulevard	Farquhar Avenue to Orangewood Avenue	76.1
Katella Avenue	I-605 to Los Alamitos Boulevard	78.3
Cerritos Avenue	Los Alamitos Boulevard to Bloomfield Street	71.1
Source: Los Alamitos 2015.		

These are not the only areas where noise levels are higher than 60 to 65 dBA. For example, the area around Site 10 is fully developed with residential units, homes along Bloomfield, north of Cerritos have noise levels of 68.6 dBA CNEL, and homes along Los Alamitos south of Katella have noise levels of 76.0 dBA CNEL.

As previously noted, these noise levels are reduced by distance and obstructions, such as walls, landscaping and homes, so that the living environment in back yards, and within the homes themselves, are lower. These and other locations in the City experience higher noise levels than either Site 6 or 10 will experience, which ALUC predicts will be between 60 and 65 DBA, prior to mitigation such as walls, landscaping or building construction.

Noise Reduction

As described above, the City's noise standard is that residential uses should not be located in areas where the noise levels are over 65 dBA, unless these higher noise levels can be reduced. These reductions can be made by using setbacks and walls, which can reduce noise by 5 dBA. Standard home construction will reduce noise levels by 10 dBA with windows open, and 20 dBA with windows closed. So a home which is adjacent to a street that generates a noise level of 70 dBA would reduce its outdoor noise to 65 dBA by building a 6 foot solid wall, and its interior noise level to 45 dBA by building with standard construction which includes air conditioning, allowing windows to stay closed.

Attachment 6 also provides a list, on its page 8, of a number of mitigation measures which are available to assure that noise levels are reduced.

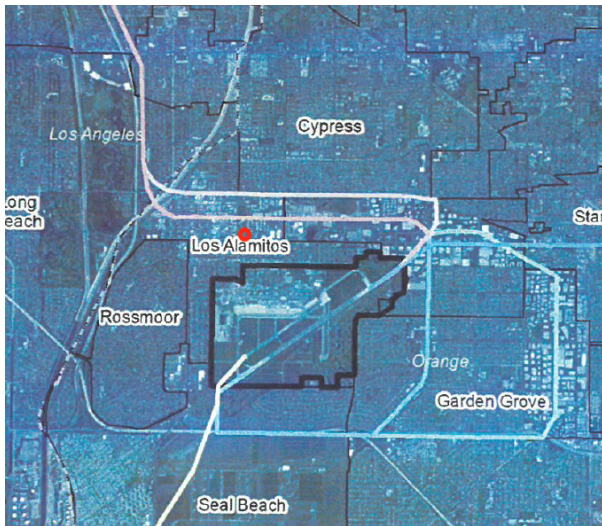
The City requires the preparation of noise impact analyses for all residential projects which are located in noisy environments, to demonstrate that noise levels can be reduced to 65 dBA CNEL exterior, and 45 dBA CNEL interior. As described above, these studies can reduce higher noise levels through mitigation to meet these requirements, and would need to be prepared for Sites 6 and 10 as part of any entitlement process. Therefore, the City already has mechanisms in place to assure that any development, including development at Sites 6 and 10, will have an acceptable noise environment for residents who move into potential projects at these sites.

Noise Summary

The City's already adopted noise standards and requirements for mitigation assure that the impacts of noise associated with airport operations will remain consistent with both the ALUC's and the City's noise standards. As such the ALUC's finding of inconsistency with the Airport Land Use Plan is not supported and the findings for overrule can be made.

Safety

With regard to safety, the only Housing Element Site identified by ALUC as having a safety hazard was Site 7 (Laurel Park). The ALUC identified it as being adjacent to the north departure path of JFTB. In its response of March 28, the ALUC further stated that Site 7 is under the flight path ("pink line") for the airport.



These assertions or findings, however, are incorrect. Site 7 is located north of the accident safety zone for JFTB, which occurs entirely within the airport boundary. Furthermore, it is not located under the flight path, denoted by the pink line, as shown in the graphic (also see Attachment 7 for a larger version of this graphic), where the park is identified by the red dot.

The ALUC determined that Site 7 was inconsistent because it represented a safety hazard – because it was adjacent to a Clear Zone in its January agenda report (Attachment 1), and because it was below a flight path in its March response to the City's Notice (Attachment 3). In both instances, as shown above, the findings are incorrect; Site 7, the only Site identified by ALUC as having a safety hazard, is neither in the accident safety zone nor under the flight path for the JFTB.

Therefore, the ALUC's determination of incompatibility based on protecting the public from safety hazards is not supported and findings overruling ALUC's determination can be made.

Conclusion

As described above, the Orange County ALUC based its determination that the City's Housing Element was inconsistent with the AELUP on faulty assumptions. The City has provided extensive background and facts to support a determination of consistency with the

ALUC Land Use Plan as it relates to both noise and safety.

It is also important to note that several issues arise if the City does not overrule the ALUC:

1. The Department of Housing and Community Development (“HCD”) could de-certify the City’s approved Housing Element, because without the ability to effectively process and consider development proposals for Sites 6, 7 and 10, it can be demonstrated that the City has not identified sufficient sites to meet its RHNA. This could result in a number of undesirable consequences, such as:

A. If de-certified, the City would not be able to prevent the development of high-density affordable housing projects even if the proposed developments are inconsistent with the City’s Zoning Code under the so called “Builder’s Remedy” provisions of the Housing Accountability Act. This would not be limited to the sites identified in the Housing Element, but to any site in the City.

B. The City would need to find alternative locations for the 396 units assigned to Sites 6, 7 and 10. This would effectively upzoning other areas of the City for higher residential density that have already absorbed the remaining units that have been assigned to the City through the RHNA process.

2. Pursuant to PUC Section 21676.5, the City would be required to submit to all land use actions, regulations, and permits to ALUC for review and approval. This authorization extends beyond the Sites identified in the Housing Element and would substantially delay City processing of any land use entitlements or building permits. In effect, the City would be delegating its authority to make land use determinations to an outside body (see July 12, 2023 correspondence from ALUC, Attachment 8).

The Cities of Newport Beach, Irvine, Costa Mesa, and Seal Beach recently overruled the ALUC related to John Wayne Airport and JFTB respectively after the ALUC issued similar findings of inconsistency. An action overruling the ALUC inconsistency determination would allow the City to oversee local land use development to the maximum extent possible while retaining its Housing Element certification from the HCD. Failure to do so is likely to result in de-certification of the Housing Element, and in the loss of state grant funding, exposure to increased legal challenges, and loss of local control over land use decisions and building permits.

FISCAL IMPACT

None.

- Attachment:
1. ALUC Staff Report, January 19, 2023
 2. City Council Staff Report, February 21, 2023
 3. ALUC Response, March 28, 2023
 4. Caltrans Response, March 29, 2023
 5. Housing and Community Development Housing Element Compliance Letter, May 1, 2023
 6. Rincon Consultants, June 26, 2023
 7. Site 7 Location Map
 8. ALUC Correspondance, July 12, 2023

Redundant attachments have been removed.
For referenced attachments, see City Council Special Agenda
December 11, 2023 - Item 3A

City Council Special Agenda December 11, 2023

ATTACHMENT 11

City of Los Alamitos

CITY COUNCIL AGENDA REPORT

MEETING DATE: August 21, 2023

ITEM NUMBER: 12A

To: Mayor Tanya Doby & Members of the City Council

Presented By: Ron Noda, Development Services Director

Subject: Study Session and Resolution No. 2023-20 - Overruling the Orange County Airport Land Use Commission's Inconsistency Determination for the City's 6th Cycle Housing Element

SUMMARY

On January 19, 2023, the Orange County Airport Land Use Commission (ALUC) found the City's 6th Cycle (2021-2029) Housing Element Update to be inconsistent with the 2017 Joint Forces Training Base Los Alamitos Airport Environs Land Use Plan. On February 21, 2023, the City Council adopted Resolution 2023-04, providing notice of the City's intent to overrule the ALUC's determination. On July 17, 2023, the City Council conducted a Study Session and reviewed information related to ALUC's finding of inconsistency. Following a staff presentation and receipt of public testimony, the City Council continued the public hearing to tonight's regular meeting. The City Council will now consider adoption of a resolution overruling the ALUC's determination, which requires a four-fifths affirmative vote.

RECOMMENDATION

1. Conduct a Study Session; and,
2. Conduct the Public Hearing; and,
3. By a four-fifths affirmative vote, adopt Resolution No. 2023-20, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, MAKING FINDINGS THAT THE GENERAL PLAN 2021-2029 HOUSING ELEMENT UPDATE IS CONSISTENT WITH THE PURPOSES OF THE STATE AERONAUTICS ACT AND OVERRULING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE HOUSING ELEMENT IS INCONSISTENT WITH THE 2017 JOINT FORCES TRAINING BASE LOS ALAMITOS AIRPORT ENVIRONS LAND USE PLAN" and,
4. Authorize the City Manager to submit Resolution No. 2023-20 to the Orange County Airport Land Use Commission and the State Division of Aeronautics.

BACKGROUND

The Orange County Airport Land Use Commission (ALUC) is an advisory committee established by State Law in 1969. (Public Utilities Code §§ 21670 et seq.) The ALUC is intended to assist local agencies in ensuring compatible land uses in the vicinity of civilian and military airports. For Los Alamitos, ALUC adopted a land use compatibility plan, known

as the 2017 Airport Environs Land Use Plan (AELUP) for the Joint Forces Training Base Los Alamitos (JFTB), against which land use and planning proposals are compared and evaluated for consistency.

Public Utilities Code (PUC) Section 21676(b) requires the City to submit General Plans and General Plan amendments to the ALUC for an advisory consistency determination. In December, 2022, the City submitted the Housing Element to ALUC for review. On January 19, 2023, the ALUC determined that the Housing Element was "inconsistent" with the AELUP due to the following two reasons:

1. The ALUC asserted that noise levels in the 60 to 65 dBA range at Sites 6 (4655 Lampson Avenue) and 10 (5030-5084 Katella) were too high for residential development.
2. The ALUC asserted that Site 7 (Laurel Park) was adjacent to the Accident Potential Zone or Clear Zone for the airport.

The ALUC's January 19, 2023 agenda report is included as Attachment 1.

On February 21, 2023, the City Council adopted Resolution 2023-04, a Notice of Intent to Overrule the Airport Land Use Commission (ALUC) for Orange County Finding of Housing Element Inconsistency (Attachment 2). As described in that staff report and Resolution, the City made draft findings, based on additional facts and research, that the ALUC's determination was not appropriate, because the noise levels at Sites 6 and 10 are consistent with acceptable noise levels throughout the City for residential land uses; and because Site 7 is one mile from the nearest safety zone boundary for JFTB.

City staff sent the Notice of Intent to Overrule Resolution to both the ALUC and the California Department of Transportation Aeronautics Division (Caltrans), as required by PUC Section 21676(b), and provided them an opportunity to comment. Both ALUC and Caltrans provided comments, which are advisory only and are included in this report as Attachments 3 and 4.

On May 1, 2023, the California Department of Housing and Community Development (HCD) certified the City's Housing Element, finding the adopted housing element to be in substantial compliance with State Housing Element Law and capable of accommodating the City's Regional Housing Needs Allocation (RHNA) (Attachment 5).

On July 17, 2023, the City Council conducted a Study Session (Attachment 10) during an open Public Hearing to consider a possible overrule of the ALUC determination. The item had been noticed to the public through a 1/8th page Public Hearing Notice in the Event News Enterprise newspaper. Following a staff presentation and receipt of public testimony, the City Council continued the public hearing to tonight's regular meeting.

On August 14, 2023, the City Council received a letter from Johnson Aviation Consulting regarding ALUC Inconsistent Determination on 2021-2029 Housing Element (Attachment 11). On August 15, 2023, an anonymous flyer began circulating throughout the City with the title "The Stakes are high, and the time to act is now!" (Attachment 12). Since the flyer began circulation, City Hall has been receiving 15-20 phone calls a day requesting

additional information. At the time of agenda publication, Council had received over a dozen emails. All written correspondence will be available for review at the Council meeting and through the City Clerk's Office.

DISCUSSION

The following discussion, first presented at the July 17, 2023 Council Study Session, provides additional information stemming from Staff's research, which has been ongoing since February. This has been undertaken in consultation with the City's Housing Element consultant, a certified noise engineer with Rincon Consultants, Inc., (who provided a technical report attached as Attachment 6), staff with the State's Department of Housing and Community Development, and the Executive Officer of the Orange County Airport Land Use Commission.

As described above and in the background materials attached to this staff report, the ALUC determined the City's Housing Element inconsistent based on two issues: noise compatibility and safety. Each of these issues is discussed individually below.

Noise

In order to regulate the impacts of noise throughout the City, as indicated in the staff report of February 21, the City relies on its General Plan policies and the Building Code, which are all consistent with ALUC's Land Use Plan. Specifically, the City allows residential development in areas where the noise levels are 65 dBA or less, based on Growth Management Element Policy 3.5; and requires that interior noise levels be 45 dBA consistent with the California Building Code, Title 24. In order to assure that the City's policies were not resulting in a negative impact to residents, the City consulted with a noise engineer (Attachment 6), and considered other scientific sources of information that describe noise levels and their impacts on people.

Basics of Noise

Some basic information about noise levels frames the determination of significance relating to noise:

- Noise can be made by stationary sources (air conditioning units) or moving sources (street traffic).
- Noise levels are reduced by distance, and obstructions, such as buildings, berms or walls.
- Noise can be measured in several ways, but the most common measurement for noise levels in cities' General Plans is the Community Noise Equivalent Level (CNEL), which is the average noise level over a 24 hour period, which is weighted to account for the quieter noise environment which occurs in the evening and night time.
- The City's acceptable noise standard for residential uses is 65 dBA CNEL, or an average of 65 dBA over a 24 hour period.
- For comparison, typical conversation is about 60 dBA; a blender is 80-90 dBA; a leaf blower is 110 dBA; and a jet engine taking off is 150 dBA.
- Continued exposure to high noise levels can damage people's hearing and health.

ALUC Noise Standard

Although ALUC's own land use compatibility plan considers residential uses to be "Conditionally Consistent" in Zone 2, in which Sites 6 and 10 are located, it nevertheless finds the Housing Element inconsistent with its own policies. Based on ALUC's analysis, the potential hazard is associated with interior noise levels, which must be 45 dBA CNEL in order to be acceptable. As described below, a reduction to 45 dBA CNEL is also required by the City's Building Code.

The ALUC standard is consistent with the City's, which allows residential uses to occur in areas up to 65 dBA exterior, and 45 dBA interior. There is no evidence that the occasional overflights from JFTB result in excessive and incompatible noise levels, since the sites occur in a Conditionally Consistent zone and do not exceed 65 dBA.

In addition, as pointed out in the Rincon letter (Attachment 6), other ALUCs have not included restrictions at all for the 60 to 65 dBA zone for smaller airports, such as the Torrance and Hawthorne Municipal Airports in Los Angeles County, and the Oxnard Airport in Ventura County.

Current Noise Environment in the City

Because of its urban environment, the City has higher noise levels. Based on noise studies conducted for the General Plan, noise levels next to City streets where residential units already occur are higher than either the City's recommended standard of 65 dBA CNEL, or ALUC's preference for 60 dBA CNEL, as shown in the Table below.

City of Los Alamitos Ambient Noise Levels

Roadway	Segment	Noise Level (CNEL)
Los Alamitos Boulevard	Farquhar Avenue to Orangewood Avenue	76.1
Katella Avenue	I-605 to Los Alamitos Boulevard	78.3
Cerritos Avenue	Los Alamitos Boulevard to Bloomfield Street	71.1

Source: Los Alamitos 2015.

These are not the only areas where noise levels are higher than 60 to 65 dBA. For example, the area around Site 10 is fully developed with residential units, homes along Bloomfield, north of Cerritos have noise levels of 68.6 dBA CNEL, and homes along Los Alamitos south of Katella have noise levels of 76.0 dBA CNEL.

As previously noted, these noise levels are reduced by distance and obstructions, such as walls, landscaping and homes, so that the living environment in back yards, and within the homes themselves, are lower. These and other locations in the City experience higher noise levels than either Site 6 or 10 will experience, which ALUC predicts will be between 60 and 65 DBA, prior to mitigation such as walls, landscaping or building construction.

Noise Reduction

As described above, the City's noise standard is that residential uses should not be located in areas where the noise levels are over 65 dBA, unless a higher noise level can be reduced. These reductions can be made by using setbacks; walls, which can reduce noise by 5 dBA. Standard home construction will reduce noise levels by 10 dBA with windows open, and 20 dBA with windows closed. So a home which is adjacent to a street that generates a noise level of 70 dBA would reduce its outdoor noise to 65 dBA by building a 6 foot solid wall, and its interior noise level to 45 dBA by building with standard construction which includes air conditioning, allowing windows to stay closed.

Attachment 6 also provides a list, on its page 8, of a number of mitigation measures which are available to assure that noise levels are reduced.

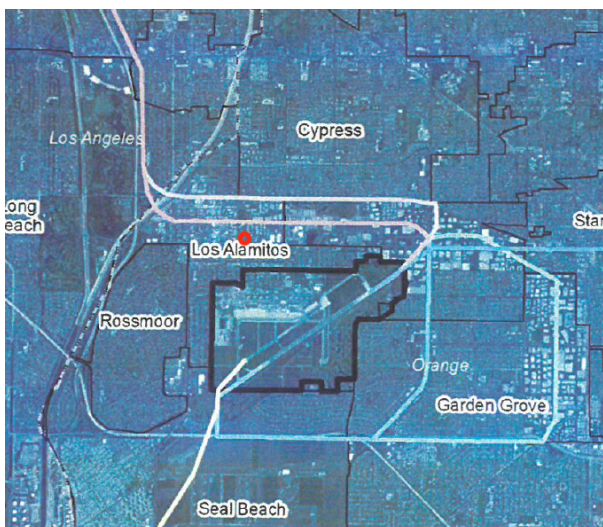
The City requires the preparation of noise impact analyses for all residential projects which are located in noisy environments, to demonstrate that noise levels can be reduced to 65 dBA CNEL exterior, and 45 dBA CNEL interior. As described above, these studies can reduce higher noise levels through mitigation to meet these requirements, and would need to be prepared for Sites 6 and 10 as part of any entitlement application. Therefore, the City has mechanisms in place to assure that any development, including development at Sites 6 and 10, will have an acceptable noise environment for residents who move into potential projects at these sites.

Noise Summary

The City's already adopted noise standards and requirements for mitigation assure that the impacts of noise associated with airport operations can remain consistent with both the ALUC's and the City's noise standards. As such, the ALUC's finding of inconsistency with the Airport Land Use Plan is not supported and the findings for overrule can be made.

Safety

With regard to safety, the only Housing Element Site identified by ALUC as having a safety hazard was Site 7 (Laurel Park). The ALUC identified it as being adjacent to the north departure path of JFTB. In its response of March 28, the ALUC further stated that Site 7 is under the flight path ("pink line") for the airport.



These assertions or findings, however, are incorrect. Site 7 is located north of the accident safety zone for JFTB, which occurs entirely within the airport boundary. Furthermore, it is not located under the flight path, denoted by the pink line, as shown in the graphic (also see Attachment 7 for a larger version of this graphic), where the park is identified by the red dot.

The ALUC determined that Site 7 was inconsistent because it represented a safety hazard – because it was adjacent to a Clear Zone in its January staff report (Attachment 1), and because it was below a flight path in its March response to the City’s Notice (Attachment 3). In both instances, as shown above, the findings are incorrect; Site 7, the only Site identified by ALUC as having a safety hazard, is neither in the accident safety zone nor under the flight path for the JFTB.

Therefore, the ALUC’s determination of incompatibility based on protecting the public from safety hazards is not supported and findings overruling ALUC’s determination can be made.

Conclusion

As described above, the Orange County ALUC based its determination that the City’s Housing Element was inconsistent with the AELUP on faulty assumptions. The City has provided extensive background and facts to support a determination of consistency with the ALUC Land Use Plan as it relates to both noise and safety.

It is also important to note that several issues arise if the City does not overrule the ALUC:

1. The Department of Housing and Community Development (“HCD”) could de-certify the City’s approved Housing Element, because without the ability to effectively process and consider development proposals for Sites 6, 7 and 10, it can be demonstrated that the City has not identified sufficient sites to meet its RHNA. This could result in a number of undesirable consequences, such as:

- A. If de-certified, the City would not be able to prevent the development of high-density affordable housing projects even if the proposed developments are inconsistent with the City’s Zoning Code under the so called “Builder’s Remedy” provisions of the Housing Accountability Act. This would not be limited to the sites identified in the Housing Element, but to any site in the City.

- B. The City would need to find alternative locations for the 396 units assigned to Sites 6, 7 and 10. This would effectively upzoning other areas of the City for higher residential density that have already absorbed the remaining units that have been assigned to the City through the RHNA process.

2. Pursuant to PUC Section 21676.5, the City would be required to submit to all land use actions, regulations, and permits to ALUC for review and approval. This authorization extends beyond the Sites identified in the Housing Element and would substantially delay City processing of any land use entitlements or building permits. In effect, the City would be delegating its authority to make land use determinations to an outside body (see July 12, 2023 correspondence from ALUC, Attachment 8).

The Cities of Newport Beach, Irvine, Costa Mesa, and Seal Beach recently overruled the ALUC related to John Wayne Airport and JFTB respectively after the ALUC issued similar findings of inconsistency. An action overruling the ALUC inconsistency determination would allow the City to oversee local land use development to the maximum extent possible while retaining its Housing Element certification from the HCD. Failure to do so is likely to result in de-certification of the Housing Element, and in the loss of state grant funding, exposure to increased legal challenges, and loss of local control over land use decisions and building permits.

Findings for the overrule of the ALUC inconsistency determination are set forth in the proposed resolution included as Attachment 9.

FISCAL IMPACT

None.

- Attachment:
1. ALUC Staff Report, January 19, 2023
 2. City Council Staff Report, February 21, 2023
 3. ALUC Response, March 28, 2023
 4. Caltrans Response, March 29, 2023
 5. Housing and Community Development Housing Element Compliance Letter, May 1, 2023
 6. Rincon Consultants, June 26, 2023
 7. Site 7 Location Map
 8. ALUC Correspondance, July 12, 2023
 9. Resolution No. 2023-20 - Overrule ALUC
 10. City Council Staff Report (less attachments), July 17, 2023
 11. Johnson Aviation Inc. Letter, August 14, 2023
 12. Unanimous Flyer, August 15, 2023

Redundant attachments have been removed.
For referenced attachment, see City Council Special Agenda
December 11, 2023
Item 3A - Attachments 1 through 10

Regular City Council Agenda - August 21, 2023
Item 12A

ATTACHMENT 11



August 14, 2023

Mr. Chet Simmons, City Manager
Ms. Windmera Quintanar, City Clerk
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720

Subject: ALUC Inconsistent Determination on 2021-2029 Housing Element

Dear Mr. Simmons & Ms. Quintanar:

I am a professional airport planner who specializes in expert services on airport land use compatibility planning matters (See Attachments for my professional resume). I have reviewed the Joint Forces Training Base (JFTB) Los Alamitos ("Base"), Airport Environs Land Use Plan (AELUP), Amended August 17, 2017¹, which the ALUC has failed to update to be consistent with State law. I have reviewed the January 19, 2023, Orange County Airport Land Use Commission (ALUC) staff report, recommendation, and action to find the City of Los Alamitos ("City") 2021-2029 Housing Element Update ("Housing Element") inconsistent with the outdated and no longer legally sufficient JFTB Los Alamitos AELUP. I have also reviewed the City's Notice of Intent to Overrule the ALUC Determination ("Intent to Overrule") and the subsequent letters regarding the City's Intent to Overrule from the ALUC and the California Department of Transportation ("Caltrans"), Division of Aeronautics.

The City's intended overrule is well supported by the findings of fact and the Housing Element is consistent with the purposes of the State Aeronautics Act². As such, it is my opinion that the City Council should overrule the ALUC's improper finding that the Housing Element is inconsistent with the AELUP.

The ALUC staff report purports to document and support its determination of inconsistency. As explained in the Finding of Fact below, this determination is arbitrary and capricious. In fact, the ALUC consistency review instead **demonstrates the Housing Element is consistent** with the AELUP noise, safety, overflight, and height criteria.

The ALUC staff concludes that the Housing Element has residential opportunity sites in "proximity to" the Base "where there are none," "places people so that they are affected adversely by aircraft noise and concentrates people in areas susceptible to aircraft accidents", with no objective support in the record (See Exhibit 1). This larger, amorphous role in local and regional planning without an objective measure of consistency is neither identified nor supported by State law. Also, none of these conclusory statements are criteria for inconsistency.

Based on the ALUC's erroneous view of its statutory authority and misuse and mis-application of consistency criteria, the ALUC staff recommended that the Housing Element be found inconsistent with

¹ California Public Utilities Code, § 21675(b) requires an ALUC to update its airport land use compatibility plan for a military airport like JFTB Los Alamitos so that it "**shall be consistent** with the safety and noise standards in the Air Installation Compatible Use Zone (AICUZ) prepared for that military airport." (Emphasis added.)

² California Public Utilities Code, § 21001 et seq., "State Aeronautics Act."

the outdated and no longer legally sufficient AELUP. The ALUC Commissioners affirmed this recommendation, again with no objective findings in the record.

The following Findings of Fact summarize my review and findings of the ALUC's action regarding the City's Housing Element. Further, my independent analysis demonstrates that the City's Housing Element **is consistent** with the AELUP noise, safety, overflight, and height criteria.

Findings of Fact - Los Alamitos Housing Element Consistency with AELUP Criteria

1) **Noise:** The Los Alamitos Housing Element Complies with AELUP Aircraft Noise Criteria.

- The AELUP allows residential land use within the 60 decibels (dB) Community Noise Equivalent Level (CNEL) noise contour with interior sound attenuation to not exceed 45 dB CNEL and outdoor signage “informing the public of the presence of operating aircraft.”
- The federal and State standard for new residential land use near airports is a 65 dB CNEL exterior noise limit and a 45 dB CNEL interior noise limit³.
- Two residential opportunity sites in the Los Alamitos Housing Element (Sites 6 and 10) are located within the AELUP's 60 dB CNEL Contour. All other residential opportunity sites are located outside the AELUP's noise contours (Exhibit 2).
- The City of Los Alamitos Housing Element, consistent with the City's Zoning Code, imposes sound attenuation requirements for new residential development at opportunity Sites 6 and 10 to comply with the federal, State and ALUC noise standards.
- Of particular note, the AELUP uses outdated CNEL noise contours depicted in the 1994 Final Installation Compatible Use Zone (ICUZ) Study for the Base, instead of the most recent 2020 Noise Assessment completed for the Base. Further, the ALUC estimated the 60 CNEL Contour in the AELUP from the 1994 ICUZ by extrapolating from that outdated 65 CNEL Contour “using a logarithmic scaling method and professional acoustical-engineering judgment”. This is not a valid or accepted methodology for predicting aircraft noise. The US Department of Defense requires the use of the aircraft noise model NOISEMAP to predict community noise exposure⁴ and has done so for JFTB Los Alamitos.
- The Adopted AELUP does not consider the 2020 Noise Assessment provided by the Base, which is contrary to state law requirements. California Public Utilities Code, § 21675(b) requires an ALUC to update its airport land use compatibility plan for a military airport like JFTB Los Alamitos so that it “**shall be consistent**” with the safety and noise standards prepared for that military airport.
- Using the 2020 Noise Assessment provided by the Base, only the northwest vertex of Site 6 is partially located in the 60 dB CNEL Contour (Exhibit 3) and would be conditioned by the City to meet the interior noise standard. All other residential opportunity sites are located outside of the Base's most recent noise contours. The 2020 Noise Assessment notes that noise sensitive land uses are generally compatible within the 60-65 dB CNEL Contour.

³ <https://dot.ca.gov/programs/aeronautics/airport-land-use-planning>

⁴ <https://apps.dtic.mil/sti/pdfs/ADA310615.pdf>

- Existing residential housing surrounds the Base and proposed residential opportunity sites.

2) **Safety:** The Los Alamitos Housing Element Complies with AELUP Aircraft Safety Criteria.

- The residential opportunity sites do not concentrate people in areas susceptible to aircraft accidents.
- None of the residential opportunity sites identified in the Housing Element Update are located within any “accident potential zones” (APZs) or “clear zones.” In fact, the adopted ICUZ and AELUP do not identify APZs beyond the Clear Zones for the Base (Exhibit 4).
- None of the residential opportunity sites are located under any traffic pattern, as per the 2016 ICUZ Study included as an appendix to the AELUP (Exhibit 5). Traffic patterns are typically used by aircraft when taking off or landing while maintaining visual contact with the airfield and for training purposes.
- The AELUP asserts that the 2016 ICUZ Study only examined aircraft operations within the boundary of the Base and did not include aircraft operations to and from the Base that might impact surrounding land uses and therefore dismisses its noise contours and other findings. This is a false assertion. The 2016 ICUZ provides flight track information for aircraft operations to and from the Base and both the 2016 ICUZ and 2020 Noise Assessment address whether any land uses (on- and off-Base property) are impacted.
- Being in the vicinity of arrival and departure aircraft paths is not unusual or a hazard to people and other residential land uses are located near these same arrival and departure aircraft paths (Exhibit 6).
- As noted in the California Airport Land Use Planning Handbook, aircraft accident data is the driving concern in determining the geographic areas around an airport that may be a hazard to people⁵. These geographic areas are defined as “safety zones” or “clear zones” or “accident potential zones”. The shape and size of these zones reflect the geographic pattern of aircraft accident risks and subsequent land use policies.
- While the residential opportunity sites located north of the Base are in the vicinity of the north arrival and departure paths, this is not unusual or considered a hazard (Exhibit 6). Firstly, the location of each track is approximate since the precise flight track may vary due to air traffic control, weather, and pilot safety discretion. Secondly, these flight tracks incorporate noise abatement procedures, as per the 2016 ICUZ Study included as an appendix to the AELUP.
- The AELUP does not provide specific guidance on density/intensity of land uses. For infill, it is suggested that the density/intensity allowed be relative to surrounding uses, and that APZs restrict density and intensity (there are no APZs identified beyond the Clear Zones at the Base).

⁵ <https://dot.ca.gov/programs/aeronautics/airport-land-use-planning>

- Overflight means any distinctly visible and audible passage of aircraft and is particularly important for residential development. The primary method to convey information related to property overflight by aircraft is through buyer awareness measures such as real estate disclosures.
- To mitigate the effects of overflight and noise, the Base has implemented minimum flight altitudes, designated no-fly areas, closed traffic patterns, and specified inbound and outbound flight routes, as noted in the 2016 ICUZ Study and 2020 Noise Assessment for the Base.

3) **Height:** The Los Alamitos Housing Element Complies with AELUP Airspace Protection/Building Height Restrictions.

- The FAA⁶ is the single authority for analyzing the heights of objects on aeronautical operations.
- FAR Part 77⁷ is **the** regulation that establishes standards for determining obstructions to air navigation. It is the only regulation and definitive standard available to determine whether the height of an object will be considered an obstruction or hazard to air navigation.
- FAR Part 77 creates obstruction surfaces or “imaginary” surfaces to analyze whether the height of an object will be considered an obstruction and whether mitigating factors, such as lighting or markings are required.
- The Part 77 Surface Exhibit provided in the AELUP is **incorrect** because it shows obstruction surfaces for precision approach procedures and the Base has non-precision instrument approaches to each runway. It is therefore even more imperative that the FAA analyze the heights of any proposed project submitted as part of this Housing Element prior to drawing any conclusions related to potential obstruction impacts.
- The FAA is the single authority for analyzing project impacts on aeronautical operations, this includes instrument approach and departure procedures (TERPS).
- The City’s Zoning Code has height limits for residential uses at 30 and 35 feet or three stories in R-1, R-2, and R-3. The maximum height within Town Center Multi Use (TCMU) is 60 feet. The horizontal surface is at an elevation of 185.5 feet above mean sea level (AMSL). The conical surface elevation rises at a 20:1 slope above the horizontal surface and varies depending on location. Based on the information provided in the AELUP and Housing Element, the residential opportunity sites will be located well below the horizontal and conical Part 77 obstruction surfaces and would not create obstructions to air navigation (Exhibit 7). This would be verified by the FAA completing its airspace studies, and issuing subsequent determinations, which are initiated by submitting a Form 7460-1.

Airport land use compatibility around urban airports and military air bases is best achieved through thoughtful balanced planning by local jurisdictions guided by FAA regulations and guidelines and the California Airport Land Use Planning Handbook. The City has carefully considered this guidance and applied it uniformly to the City’s Housing Element and the proposed residential opportunity sites to meet these objective criteria and its State-mandated General Plan requirements.

⁶ https://www.faa.gov/airports/engineering/airspace_analysis

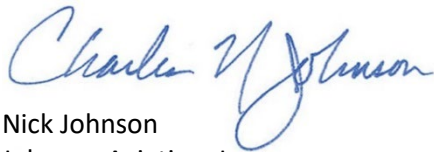
⁷ <https://www.ecfr.gov/current/title-14/chapter-I/subchapter-E/part-77>

The ALUC has failed to update the Los Alamitos AELUP to be consistent with State law. Further, the ALUC has twisted this outdated, no longer legally sufficient plan to manufacture an inconsistent determination despite the fact that the Housing Element opportunity sites comply with the AELUP's measurable noise, safety, overflight, and height criteria. The basis for this arbitrary and capricious inconsistent determination is a purported larger role in local land use planning without objective criteria or evidence in the record of their claims.

State law provides local communities with the power to overrule ALUC determinations as both a check on ALUC overreach and a clear signal to the constitutional power of cities over land use within their jurisdiction. The City has properly noticed its intent to overrule the ALUC determination of inconsistency and it should retain its local land use authority by completing this process. The alternative would be to cede local land use control to the ALUC for all plans and permits within the City to an agency that rarely meets and is ill-equipped to process these types of cases.

In closing, we request that you provide this letter and attachments to the members of the City Council and Planning Commission, and Director of Development Services and City Attorney for their information as the City considers this matter.

Sincerely,

A handwritten signature in blue ink that reads "Charles N. Johnson".

Nick Johnson
Johnson Aviation, Inc.

Cc: Los Alamitos City Council
Los Alamitos Planning Commission
Ron Noda, Director, Development Services
Michael S. Daudt, City Attorney

Attachments:
Supporting Exhibits
Nick Johnson Professional Resume

Exhibit 1 – Residential Opportunity Sites

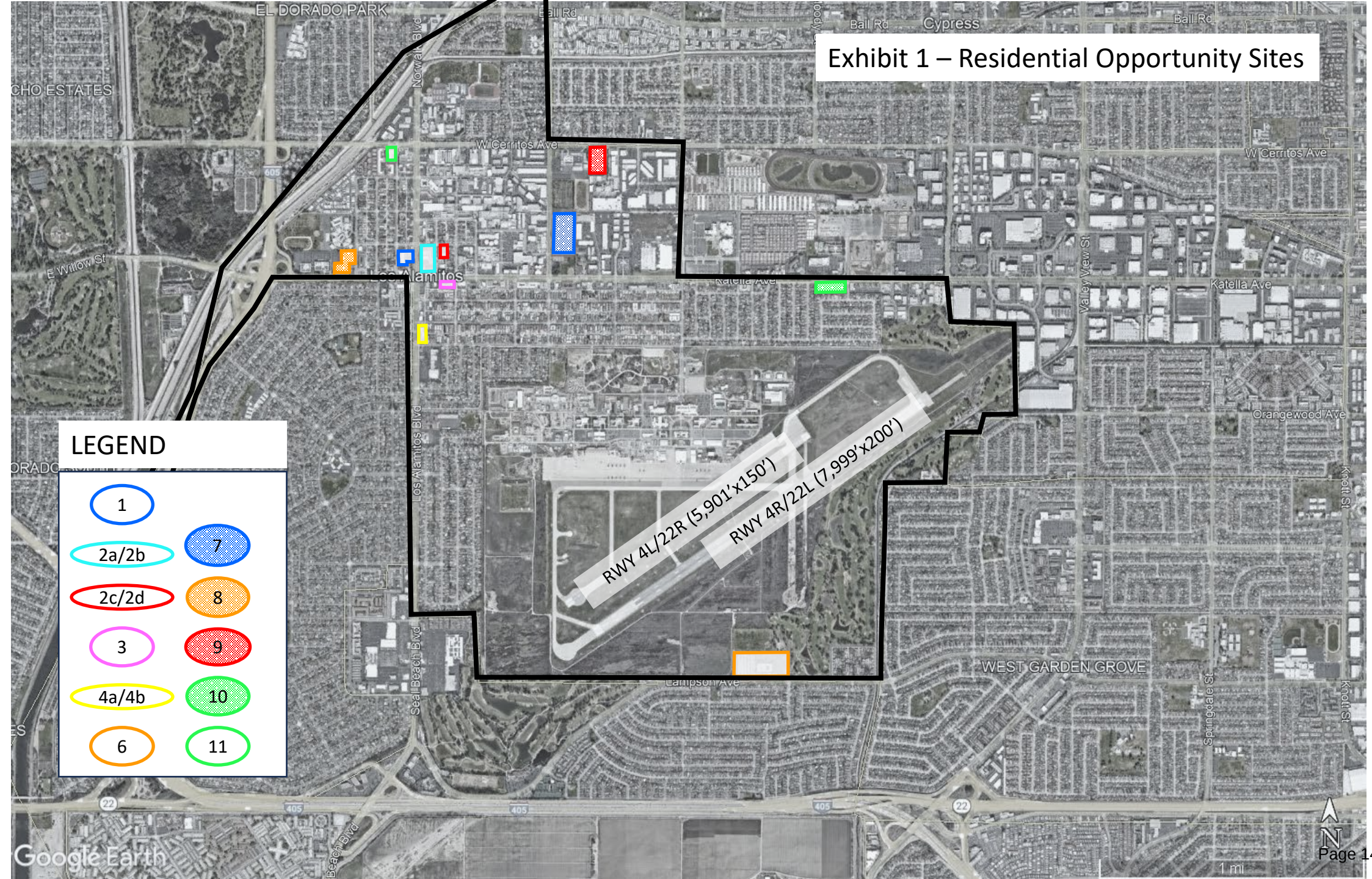


Exhibit 2 – AELUP Noise Contours

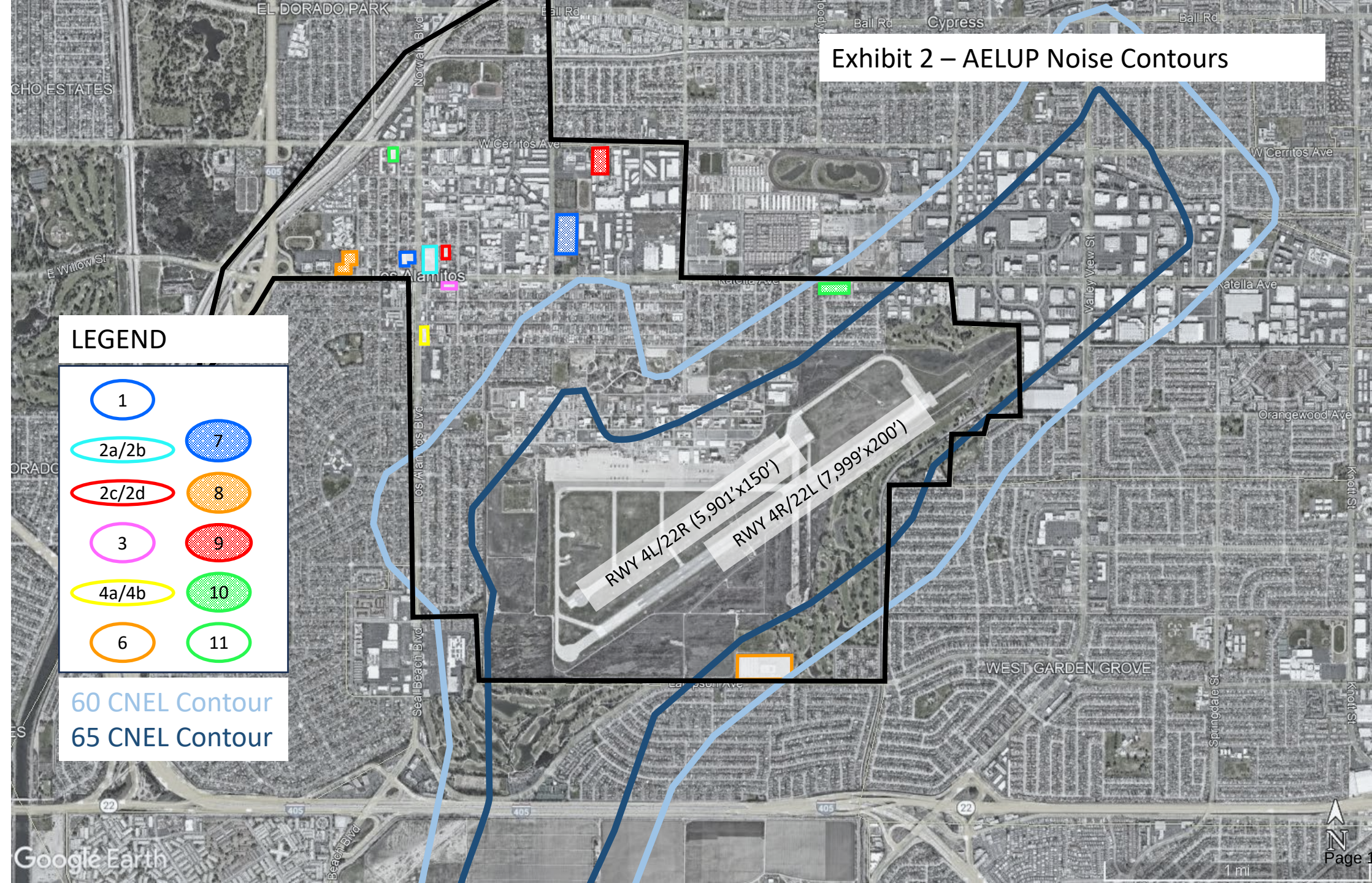


Exhibit 3 – 2020 JFTB Noise Assessment Noise Contours

LEGEND

1	
2a/2b	7
2c/2d	8
3	9
4a/4b	10
6	11

60-65 CNEL Contour

65-75 CNEL Contour

>75 CNEL Contour

Noise Sensitive Areas

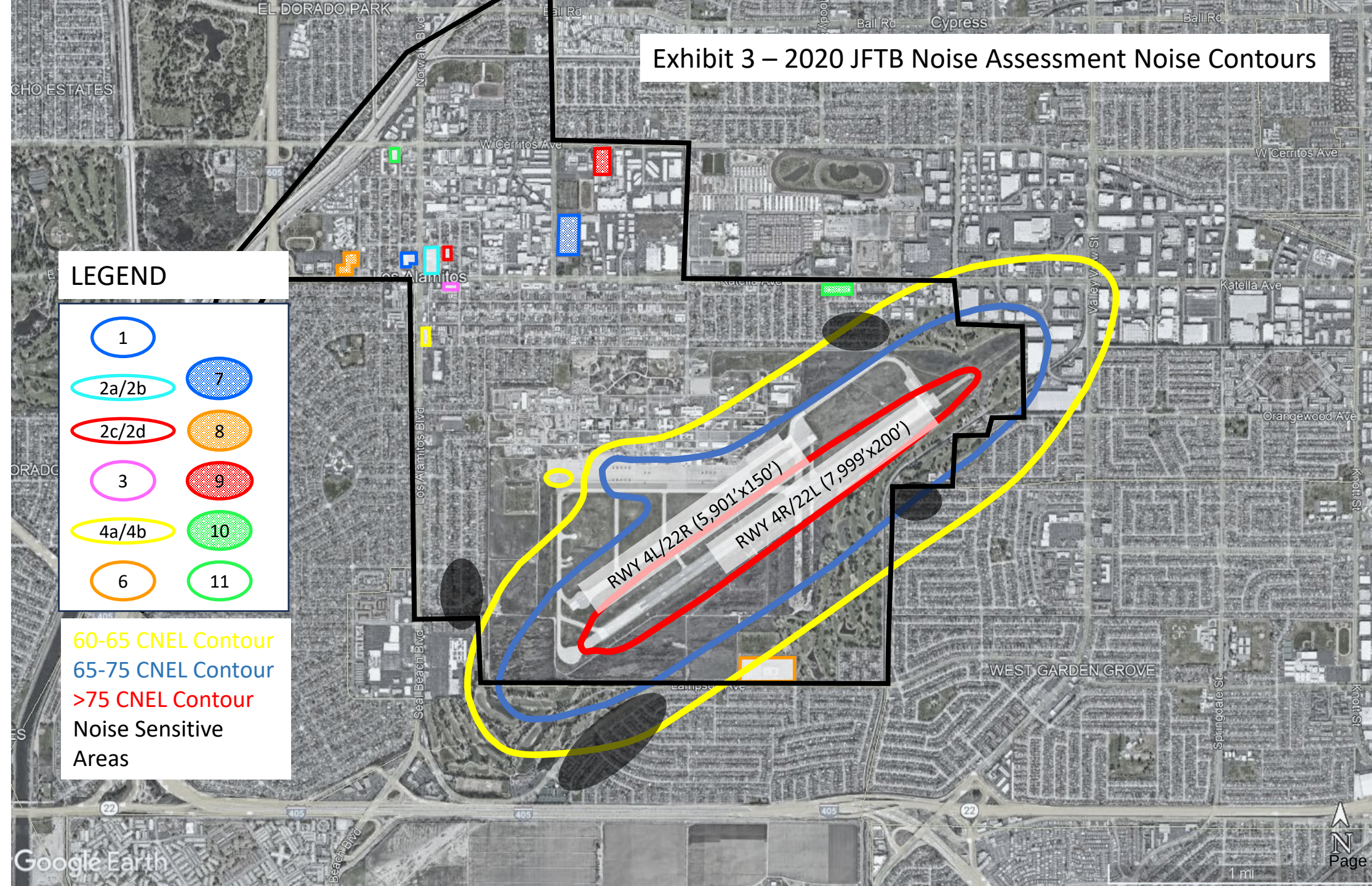
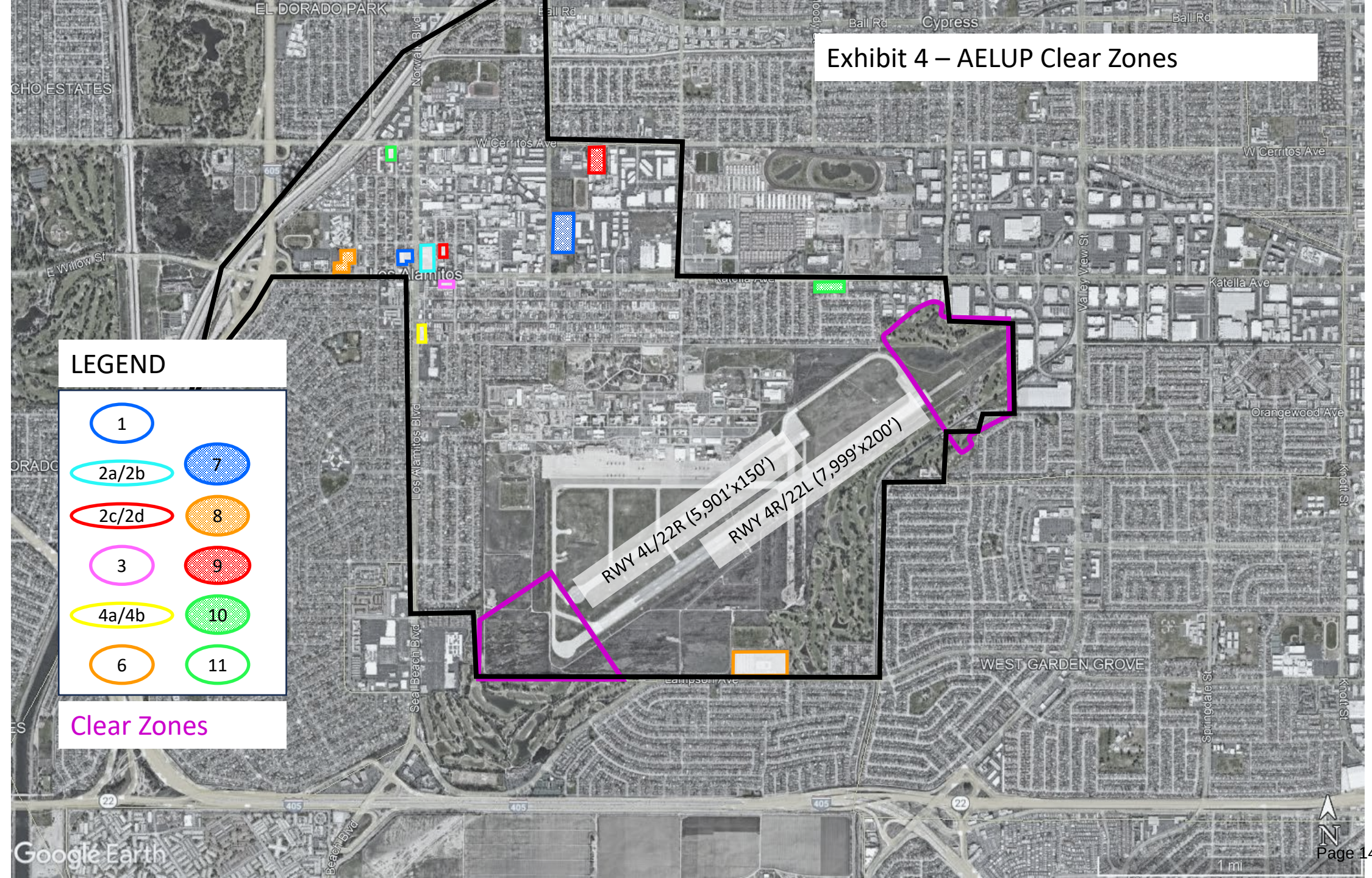


Exhibit 4 – AELUP Clear Zones



LEGEND

1	7
2a/2b	8
2c/2d	9
3	10
4a/4b	11
6	

Clear Zones

Exhibit 5 – 2016 ICUZ Study Traffic Patterns

LEGEND

1

2a/2b

2c/2d

3

4a/4b

6

7

8

9

10

11

South Traffic Pattern

22L/4R North Traffic Pattern

22R/4L North Traffic Pattern

Noise Sensitive Areas

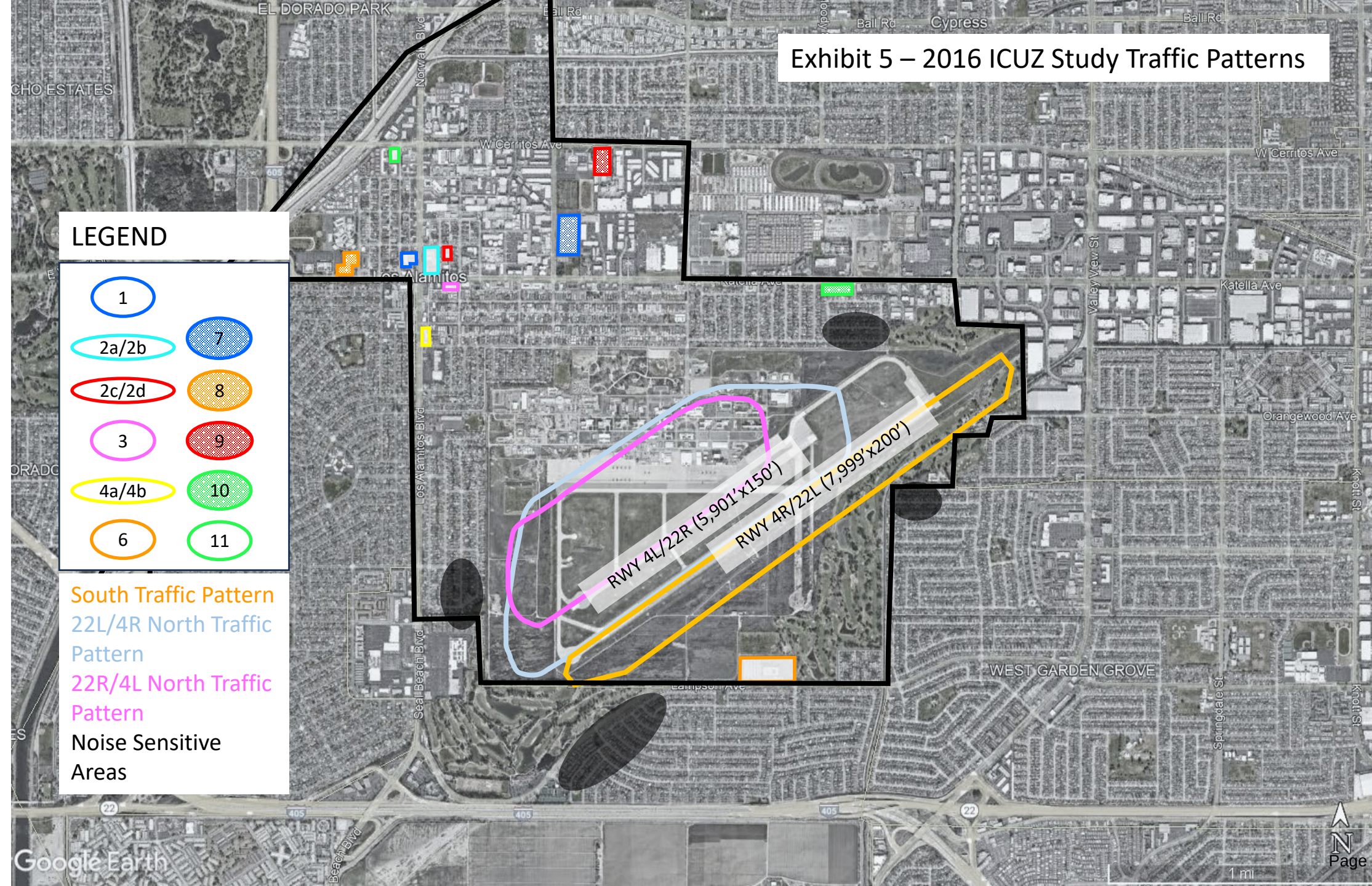


Exhibit 6 – 2016 ICUZ Study Flight Tracks

LEGEND

1	7
2a/2b	8
2c/2d	9
3	10
4a/4b	11
6	

F/W Outside Traffic Pattern

Katella Arr/Dep

North Arrival

North Departure

R/W Outside Traffic Pattern

South Arr/Dep

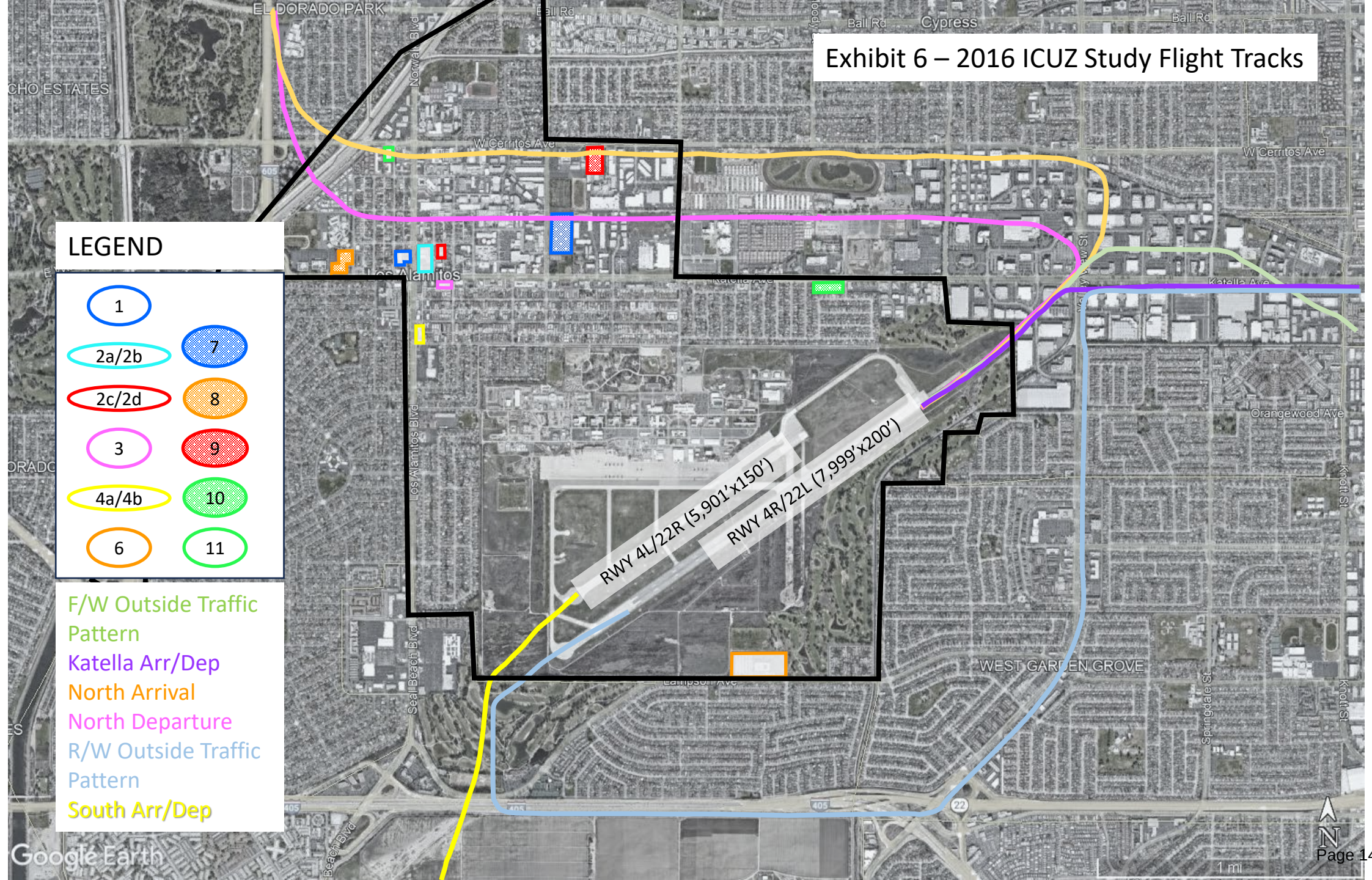


Exhibit 7 – Part 77 Illustrative Diagram

Part 77 Conical Surfaces at Higher Elevations

Part 77 Horizontal Surface

185.5' AMSL

There is 118.5' of additional
airspace



Site 10 Elevation: 32' AMSL
Residential Max Height: 35'
Total Height: 67'

Airport Elevation: 35.5' AMSL

NICK JOHNSON

PRESIDENT & CEO – JOHNSON AVIATION, INC.

Nick Johnson is a Complex Strategy Advisor leading airport land use, regulatory, facilities and financial project solutions. He has over 30 years of experience and expertise in airport planning and development at airports of all sizes. His experience includes project development on airports, nearby and through-the-fence by applying a broad array of expertise from business and financial analysis to airspace and operational procedures improvement. He does so as a collaborator with teams of all sizes to meet client needs and expectations. Specialties include lease negotiations, business strategy, facilities planning, ownership transfer, environmental entitlements, regulatory certification, security planning, real estate strategy and construction planning. Nick founded Johnson Aviation in 2004 providing leadership on high profile and contentious airport master planning and environmental projects.

Nick is working closely with the San Diego County Regional Airport Authority (SDCRAA) on its Airport Development Program (ADP) to complete the long-term redevelopment of San Diego International Airport. He is part of the Authority's team to entitle a replacement to Terminal 1, develop airfield improvements to optimize the efficiency of the busiest single-runway airport in the US and optimize landside access. He has also supported the Authority's CFR Part 150 study update to reduce community noise impacts and improve land use compatibility.

From 2011 to 2018, Nick worked closely with the City of Ontario and the Ontario International Airport Authority (OIAA) to transfer ownership and operation of Ontario International Airport (ONT). He worked with a small team to develop the strategic business plan adopted in 2013 that defines and guides the Authority's mission. In 2015 and 2016, Nick led a large and diverse ownership transfer team to meet all regulatory, operational, financial, environmental, and legal requirements of the FAA. That team successfully transferred the ownership and operation of the Airport in 15 months. Johnson Aviation staff continued as the Airport's planning and development program managers for 20 months during the staffing transition negotiating long-term leases for the airport's FBO redevelopment and for a FedEx Regional Sorting Hub relocation and expansion that is currently under construction.

Since 2017 Nick has assisted Google with the Master Planning and development of their Proposed San Jose Campus in the City of San Jose, California and within the Mineta San Jose International Airport (SJC), Airport Influence Area (AIA) in Santa Clara County California. The Google Campus has the potential to transform Downtown San Jose with many new and expanded live/work development options. By focusing on the expansion of the existing Diridon Station, the Google Campus will complete station infrastructure for the California High Speed Rail, BART and Valley Transit Authority systems. The project will both improve and potentially modify SJC air service depending on the various building heights and locations on the site. The total campus development is likely to exceed 10 million square feet of office, residential and retail uses that will be developed over the next eight years. The San Jose City Council approved the proposed building height plan in March 2019 and design of the project is underway. This work led to additional current assignments for redevelopment of the YouTube campus in San Bruno, California near San Francisco International Airport.

Property redevelopment and land use compatibility near airports taking full advantage of the airport economic engine is one of Nick's unique contributions to communities near airports. Currently he is working with the Colorado Springs Airport on an updated airport land use plan to balance airport operations and the Peterson Air Force Base mission with unprecedented regional growth. Also, he is serving the City of Perris and various developers near March Air Reserve Base in Riverside County to both preserve and expand the vitality of the Base and its civilian cargo operations. He has worked with Boeing



and their development successors to redevelop manufacturing facilities at Long Beach Airport, El Segundo, Seal Beach and Mesa Arizona. Other current airport land use compatibility planning includes the City of Goleta, City of San Luis Obispo and Mendocino County.

Nick worked with the FAA on updates and revisions to its key airport planning guidance documents. The FAA's Master Plan Advisory Circular (AC) was revised and updated to address innovations and lessons learned in the field of airport planning. The FAA's Airport Land Use Compatibility AC was completely rewritten to address the challenges of effective land use planning near airports to ensure the safe and compatible use of nearby land while maximizing the economic development characteristics of these surrounding areas. The FAA's Solar Guidance document was updated to consider the most recent findings of solar panel glare analyses and the effects on safe air navigation.

Nick worked closely with Los Angeles World Airports (LAWA) to secure City Council approval of the LAX Master Plan entitlements that were ultimately approved in December 2004. He provided technical planning support to the legal defense team on the LAX Master Plan when it was sued in State and federal courts. Four legal challenges related to the California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) and to the National Environmental Policy Act (NEPA) ROD were successfully settled in December 2005. Nick also facilitated a required review and approval of key settlement provisions by the Federal Aviation Administration.

Nick worked with LAWA and its consulting team in the early phase of a multi-year study of key components of the LAX Master Plan. Together, they crafted an approach in close coordination with airline and community stakeholders. This planning initiative by LAWA was intended to modernize LAX and expand regional airport capacity throughout Southern California.

Nick provided strategic guidance to a team of airport planners from HNTB Corporation on the San Diego International Airport Master Plan. This plan was developed to meet the immediate needs of the airport and airline community while the policy for the long-term future of the airport was resolved. The Green Build terminal project was the first major plan component completed in 2013. As stated previously, Nick is currently providing strategic planning for the Airport Development Plan as the Airport Authority seeks state and federal environmental entitlements to replace Terminal 1.

Prior to starting Johnson Aviation, Nick was a Vice President with Landrum & Brown in the firm's airport planning practice. He served as Landrum & Brown's Project Manager for the Los Angeles International Airport (LAX) Master Plan. He led the way in developing a plan for LAX that balanced the needs of the regional economy while finding practical solutions for the local impact to nearby communities as part of a multi-discipline consultant team. Nick also led various land re-use and property development projects for Landrum & Brown at other major California airports.

Education

Master of Public Administration, Aviation Administration – Southern Illinois University

Bachelor of Science, Aviation Management - Southern Illinois University

Air Traffic Control Internship – Federal Aviation Administration

Aviation Flight Program– Southern Illinois University

Active General Aviation Pilot



Selected Projects

A wide array of planning and development projects working with airports of all sizes.

Los Angeles International Airport

- Master Plan Study
- Environmental Impact Statement/ Environmental Impact Report
- International Gateway Analysis
- Strategic Planning Analysis
- Airport Land Use Plan
- Stipulated Settlement Agreement
- South Airfield Improvement Project EIR
- North Airfield Safety Study

Denver International Airport

- Airspace Redesign Program for 32 new RNAV arrival and departure procedures
- Aircraft De-ice Facility analysis and use program

San Diego International Airport

- Airport Development Plan EIR and EA
- Airport Master Plan
- Environmental Impact Report/EA
- Airport Site Selection Program Phase 1
- Gate Allocation Study
- 1996 Strategic Plan

Ontario International Airport

- Strategic Plan
- Adaptive Property Reuse Study
- Master Plan Study

John Wayne-Orange County, CA Airport

- Settlement Agreement Extension (representing the City of Newport Beach)
- Master Plan Update

Boeing Realty Corporation

- Long Beach Airport Commercial Property Reuse Study
- Huntsville Alabama Commercial Property Reuse Study
- Corporate Headquarters Relocation Team

The Boeing Company

- Douglas Park FAA Land Use Coordination
- Douglas Park Rezone Land Use Support
- Boeing Helicopter Aviation Compatibility

City of Phoenix, Aviation Department

- Airspace Feasibility Assessment

US Airways

- Philadelphia Hub Development Study

Miami International Airport

- Capital Improvement Program Verification

Chicago O'Hare International Airport

- Cargo Forecast
- Long-Range Strategic Forecast
- Terminal Development Program

Chicago Midway Airport

- General Aviation Tie-down Rates and Charges Policy
- Privatization capacity analysis

Greater Rockford Airport, Rockford, IL

- UPS Regional Hub Site Location Study and Implementation Plan

- Layout Plan for Air National Guard/Air Force Reserve Units Relocation Study (under BRAC)
- Passenger Facility Charge Application
- FAR Part 107 Airport Security Plan
- Annual Capital Improvement Program/AIP Grant Applications

Capital Airport, Springfield, Illinois

- Layout Plan for Air National Guard/Air Force Reserve Units Relocation Study (under BRAC)

Dane County Regional Airport, Madison, WI

- Noise Mitigation Home Owners Assistance Program

Chicago Executive Airport, Wheeling/Prospect Heights, IL

- Eminent Domain Land Acquisition Program (37 Parcels)
- Annual Capital Improvement Program/AIP Grant Applications
- Airport Layout Plan and Report

Dupage Airport, West Chicago, IL

- Airport Layout Plan and Report
- Runway 1L/19R and 1R/19L Extension Justification Report
- Annual Capital Improvement Program/AIP Grant Applications

Aurora Municipal Airport, Aurora, IL

- Airport Layout Plan and Report
- Environmental Assessment for New Runway 15/33
- Annual Capital Improvement Program/AIP Grant Applications
- Layout Plan for Army Helicopter Unit Location Study

Schaumburg Airpark, Schaumburg, IL

- Environmental Assessment for Public Acquisition of Privately-owned Airport
- Land Acquisition Program Development and Implementation
- Land Use Development Plan

Freeport Albertus Airport, Freeport, IL

- Master Plan Study
- Environmental Assessment of Runway 6/24 Extension and Widening
- Land Acquisition Program Development and Implementation
- Installation of Non-Federal Localizer/DME

Elmhurst Memorial Hospital, Elmhurst, IL

- Rooftop Heliport Siting and Layout Study
- Expert Testimony on Rooftop Heliport

RotoCraft Partnerships, Ltd.

- Heliport Siting and Layout Study

Southern Illinois Airport, Carbondale, IL

- Southern Illinois Radar Coverage Study/Simulation

Illinois Department of Transportation, Division of Aeronautics

- Illinois State Airport/Heliport System Plan



Airport Compatibility & Land Use Projects

Planning and developing property on airports, nearby and through-the-fence for the highest and best economic return to local communities interested in maximizing airport proximity while reducing noise impacts.

Los Angeles International Airport

- Comprehensive Airport Land Use Plan
- Overrule of Los Angeles County Airport Land Use Commission
- Stipulated Settlement Agreement including Los Angeles County ALUC issues

Ontario International Airport

- Adaptive Property Reuse Study

Boeing Realty Corporation

- Long Beach Airport Commercial Property Reuse Study
- Huntsville Alabama Commercial Property Reuse Study
- Corporate Headquarters Relocation Team

The Boeing Company

- Douglas Park FAA Land Use Coordination
- Douglas Park Rezone Land Use Support
- Boeing Helicopter Aviation Compatibility
- Boeing B717 Facility Reuse, Long Beach, California
- Boeing Buildings S30/S31 Aviation Compatibility, El Segundo, California
- Boeing Building S50 Aviation Compatibility, El Segundo, California

AEG Worldwide

- Airport Compatibility Study and Land Use Plan – Riverside County California Airport Land Use Commission

Lee Homes

- Hawthorne Central Park Airport Compatibility Study and Land Use Plan – Los Angeles County California Airport Land Use Commission

City of Perris, California

- March Air Reserve Base & Joint Powers Authority Coordination on Airport Land Use Compatibility Planning – Riverside County California Airport Land Use Commission
- March Joint Land Use Study Coordination - Riverside County Airport Land Use Commission
- Perris Valley Airport Compatibility Study – Riverside County California Airport Land Use Commission Coordination
- City General Plan and selected Specific Plan Updates based upon Adopted Airport Land Use Compatibility Plan.

Kohl Ranch – Thermal, California

- Kohl Ranch Specific Plan Amendment Study – Airport Compatibility Plan – Riverside County Airport Land Use Commission
- Thermal Motorsports Park (TMP) Race Track Plan – Riverside County Airport Land Use Commission

Thermal Motorsports

- Race Track land use planning and approvals adjacent to Jacqueline Cochran Regional Airport.
- BMW Performance Center West ALUC review and approval.
- Specific Plan Amendment

Sanders Industries

- New Manufacturing and Distribution Facility Aviation Compatibility Planning – Long Beach, California

Xebec Incorporated

- New Manufacturing and Office Facility Aviation Compatibility Planning – Long Beach, California

Nexus Development Corporation

- Hotel and Office Facility Aviation Compatibility Planning – Long Beach, California

Sares-Regis Group

- Redevelopment and reuse of aviation manufacturing facilities – Long Beach, California
- Land use planning for manufacturing, industrial, distribution and office facilities – Long Beach, California
- Land use planning near March Air Reserve Base – Solar Glare Analysis
- Land use planning near Chino Airport
- Land use planning near Ontario International Airport

Los Angeles Metro

- Crenshaw/LAX Transit Corridor design and construction planning through the LAX Section
- Crenshaw/LAX Line Maintenance Yard land use planning, site clearing and business relocation support.

Dollar Thrifty Automotive Group

- Project manager for relocation and consolidation of LAX-area facilities and operations

San Luis Obispo Airport Land Use Commission

- Update to the City of San Luis Obispo Land Use and Circulation Elements of its General Plan
- Airport Land Use Plan update and revisions.
- Land use planning guidance and strategy.

Google – San Jose, California

- Diridon Station Area Plan for new Google headquarters and related development

Oltmans Construction – Moreno Valley, California

- Land use planning near March Air Reserve Base – Solar Glare Analysis



Technical Consultant, Litigation Support & Expert Witness

United Air Lines, Inc., v. The City of Los Angeles

- Technical airport planning consultant, expert witness for defendant – deposition and trial

Boca Airport, Inc., d/b/a Boca Aviation v. Proskauer Rose

- Technical airport planning consultant and expert witness for plaintiff – deposition and trial

Silverwing at Sandpoint, LLC v. Bonner County (Idaho)

- Technical airport planning consultant, expert witness for defendant – deposition and trial

City of Ontario v. City of Los Angeles

- Technical airport planning consultant and litigation support for plaintiff – deposition and settlement

Eagles Nest II, Inc. v. Chino Development League, Inc.; Celso M. Palafox

- Technical airport planning consultant and expert witness for plaintiff – designated expert

Dryden Oaks, LLC; and Durkin-CAC LOT 24, LLC v. San Diego County Regional Airport Authority; County of San Diego

- Technical airport planning consultant and expert witness for defendant, San Diego County Regional Airport Authority – retained consultant and expert

Regular City Council Agenda - August 21, 2023
Item 12A

ATTACHMENT 12

Los Alamitos' small businesses are under threat as the City Council prepares to vote on a matter that could strip businesses of their ability to make necessary improvements.

The stakes are high, and the time to act is now!

Dear Los Alamitos business owner,

Los Alamitos' small businesses are under threat. The Los Alamitos City Council will soon be deciding on August 21st whether to strip businesses of their ability to make necessary improvements and expansions.

What abilities will the City Council's vote impact?

- Make any tenant improvements that require a permit
- Add an outdoor patio
- Expand or modify a building use
- Make necessary building repairs/maintenance

An outside agency, the OC Airport Land Use Commission (ALUC), is attempting to take these rights away from you. **Our City's own staff have said that ALUC is basing their decisions off of 'faulty assumptions'.**

The City also risks losing grant money that supports our infrastructure, keeps our streets safe and potholes filled.

Other communities such as Seal Beach, Costa Mesa, Irvine, and Newport Beach have already voted to retain local control. Los Alamitos must do the same and **vote to override**.

Call, email, and/or attend the meeting to speak up for **preserving local** control and **protecting your business rights**. Tell your elected officials to **vote to override the ALUC determination**:

- **Attend the next City Council Meeting on August 21, 2023, at 6 pm:**
 - Los Alamitos City Hall: 3191 Katella Ave., Los Alamitos, CA 90720
- **Contact your representatives directly at 562-431-3538, ext. 220:**
 - Mayor Tanya Doby, tdoby@cityoflosalamitos.org
 - Mayor Pro Tem Jordan Nefulda, jnefulda@cityoflosalamitos.org
 - Councilmember Shelley Hasselbrink, shasselbrink@cityoflosalamitos.org
 - Councilmember Emily Hibard, ehibard@cityoflosalamitos.org
 - Councilmember Trisha Murphy, tmurphy@cityoflosalamitos.org

Please take a moment and help protect your rights as business owners.

City Council Special Agenda December 11, 2023

ATTACHMENT 12



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

AGENDA ITEM 1

September 21, 2023

TO: Commissioners/Alternates
FROM: Lea U Choum, Executive Officer
SUBJECT: Submittal Requirement Options for City of Los Alamitos

Background

On August 21, 2023, the City of Los Alamitos (City) held a public hearing to overrule the Airport Land Use Commission's (ALUC) January 19, 2023 inconsistency determination for the City's 2021-2029 Housing Element Update ("General Plan Amendment"). The overrule failed with a 3-2 vote (four affirmative votes were required).

The Airport Environs Land Use Plan (AELUP) states that each local agency having jurisdiction over any area within an airport planning area is required to submit amendments to its general plan, specific plans and zoning ordinances to ALUC for a consistency determination in accordance with PUC Section 21676.

As a result of the City's failure to overrule, the ALUC may impose requirements on the City to submit all subsequent actions, regulations and permits to ALUC for consistency review until the City's general plan is revised or the specific overrule findings are made pursuant to Public Utilities Section (PUC) Section 21676.5.

For reference, PUC Section 21676.5(a) states:

"If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. If, in the determination of the commission, an action, regulation, or permit of the local agency is inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall hold a hearing to reconsider its plan. The local agency may

propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.”

The Commission may consider making the following findings and adopting one of the following options:

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

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

- Option #2: As it pertains to the City’s General Plan Amendment, the ALUC finds that the City has not revised its general plan or overruled ALUC’s inconsistency finding by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4, Part 1, Division 9 of the Public Utilities Code as stated in Section 21670; therefore, pursuant to Public Utilities Code Section 21676.5 the ALUC requires that the City submit the following discretionary actions, related to the three sites listed below, to the ALUC for a consistency review with the AELUP for JFTB, Los Alamitos, until the City’s general

plan is either revised and re-submitted to ALUC for review or the City makes the requisite overrule findings related to its general plan.

Site 6 located at 4655 Lampson Avenue

Site 7 Laurel Park APN 241-241-35

Site 10 located at 5030-5084 Katella

Attachment 1 includes a map showing the proposed opportunity sites including 6, 7, and 10 above and a table with additional details that were included in the City's 2021-2029 Housing Element Update submittal package to the ALUC.

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

- Option #3: Take no action regarding submittal requirements; do not impose any additional submittal requirements on the City regarding its General Plan Amendment.

Below is a table indicating the discretionary approvals the City may issue pursuant to its Zoning Code.

17.30.020 Discretionary Permits and Actions—Authority

Table 5-01 (Review Authority) identifies the City official or authority responsible for reviewing and making decisions on each type of application or land use entitlement required by this Zoning Code.

Table 5-01: Review Authority

Type of Entitlement or Decision	Chapter	Director ⁽¹⁾	Planning Commission	City Council
Legislative Actions				
** Development Agreements	17.62		Recommend	Decision
** Development Agreement Amendments	17.62	Decision		Appeal/Call for Review
* General Plan Amendments	17.64		Recommend	Decision
* Specific Plans and Specific Plan Amendments	17.58		Recommend	Decision
* Zoning Code Amendments	17.58		Recommend	Decision
* Zoning Map Amendments	17.58		Recommend	Decision
Planning Permits and Approvals and Administrative Actions				
** Administrative Use Permits	17.32	Decision	Appeal	Appeal/Call for Review
** Conditional Use Permits	17.32		Decision	Appeal/Call for Review
Covenants for Easements	17.34		Recommend	Decision
Home Occupation Permits	17.36	Decision	Appeal	Appeal/Call for Review

Type of Entitlement or Decision	Chapter	Director ^(b)	Planning Commission	City Council
Local Landmarks Designation	17.38		Decision	Appeal/Call for Review
Local Landmarks Alteration—Director Review	17.38	Decision	Appeal	Appeal/Call for Review
Local Landmarks Alteration—Planning Commission Review	17.38		Decision	Appeal/Call for Review
Minor Modifications	17.40	Decision	Appeal	Appeal/Call for Review
Reasonable Accommodation	17.42	Decision	Appeal	Appeal/Call for Review
** Site Development Permit—Major	17.44		Decision	Appeal/Call for Review
** Site Development Permit—Minor	17.44	Decision	Appeal	Appeal/Call for Review
Temporary Use Permits	17.46	Decision	Appeal	Appeal/Call for Review
** Variances	17.48		Decision	Appeal/Call for Review
** Zoning Consistency Review	17.50	Decision	Appeal	Appeal/Call for Review

** Items currently required for ALUC review.*

*** Additional items to be submitted to ALUC (plus tentative and vesting parcel and tract maps).*

Recommendation:

- 1) That the ALUC consider and discuss Options 1 through 3 above and move to adopt the option the ALUC desires to pursue, and
- 2) Approve the draft letter (Attachment 3) from the ALUC to be transmitted to the City of Los Alamitos and parties listed therein, with minor edits approved by County Counsel to conform to the findings made in this meeting.

Respectfully submitted,



Lea U. Choum
Executive Officer

Attachments:

1. Location and details of opportunity sites
2. Draft letter to the City of Los Alamitos with attached ALUC Fact Sheet



HECET
DEC 97 2002

Table B-2
Sites Inventory and Projected Units

Sites Description

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

★ Sites located within the 60 dB CNEL



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

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

<https://www.losalamitos.org/3751/Housing-Element>



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

September 21, 2023

DRAFT

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

Subject: Vote to Overrule the Airport Land Use Commission

Dear Mr. Simmons:

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

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

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

The City's premature adoption of its General Plan amendment is void as a matter of law for failing to comply with PUC § 21676. If a local agency does not revise its general plan or overrule ALUC's inconsistency finding, it cannot enact its proposed general plan amendment. "Any local agency seeking to amend its general plan in a way that affects an area governed by an airport land use compatibility plan must first refer its proposed action to the responsible commission for a determination whether the proposed action is consistent with the airport land use plan. If the commission determines the amendment is not consistent, the agency may not enact it unless a two-thirds supermajority of the agency's governing body votes to override the commission's disapproval and the agency makes specific findings that its proposed action is consistent with the purposes of the

State Aeronautics Act.” (*Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 385; PUC § 21676(b).)

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

At the ALUC meeting on September 21, 2023, ALUC considered imposing conditions on the City and ultimately voted to _____. [this will be filled in depending on ALUC’s decision] Should ALUC find any of those actions, regulations, and/or permits inconsistent with the AELUP, the City would then need to go through the same steps as it would need to go through to overrule an inconsistency finding on a general plan. (PUC § 21676.5(a).) If the City eventually revises its general plan and submits it to ALUC, or properly overrules the January 19, 2023, inconsistency finding, then the City’s actions, regulations and permits would no longer need to be reviewed by ALUC unless the City and ALUC agree that they should be, or the City voluntarily submits them to ALUC. (PUC § 21676.5(b).)

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

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

Sincerely,

Gerald A. Bresnahan
Chairman

Attachment: ALUC Fact Sheet

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



AIRPORT LAND USE COMMISSION (ALUC) FOR ORANGE COUNTY

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

What does ALUC do?

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

How does the ALUC process work?

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

What if a project is found inconsistent?

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

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

What if a local agency fails to overrule ALUC?

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

Who is on the Commission?

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

When and where do they meet?

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

Where can I find ALUC agendas and staff reports?

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

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

How do I contact ALUC?

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

City Council Special Agenda December 11, 2023

ATTACHMENT 13



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

September 26, 2023

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

Subject: Vote to Overrule the Airport Land Use Commission

Dear Mr. Simmons:

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

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

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

The City's premature adoption of its General Plan amendment is void as a matter of law for failing to comply with PUC § 21676. If a local agency does not revise its general plan or overrule ALUC's inconsistency finding, it cannot enact its proposed general plan amendment. "Any local agency seeking to amend its general plan in a way that affects an area governed by an airport land use compatibility plan must first refer its proposed action to the responsible commission for a determination whether the proposed action is consistent with the airport land use plan. If the commission determines the amendment is not consistent, the agency may not enact it unless a two-thirds supermajority of the agency's governing body votes to override the commission's disapproval and the agency makes specific findings that its proposed action is consistent with the purposes of the

State Aeronautics Act.” (*Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 385; PUC § 21676(b).)

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

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

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

Site 6 located at 4655 Lampson Avenue

Site 7 Laurel Park APN 241-241-35

Site 10 located at 5030-5084 Katella

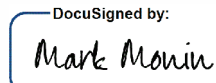
Discretionary actions that must be submitted: development agreements and amendments, administrative use permits, conditional use permits, site development permits, tentative and vesting parcel and tract maps, variances, and zoning consistency reviews. The submittal of the above discretionary actions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

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

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

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

Sincerely,

DocuSigned by:

0D8FA23FFFB2438...

Mark Monin
Vice Chairman, ALUC

Attachment: ALUC Fact Sheet

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

City Council Special Agenda December 11, 2023

ATTACHMENT 14

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

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



October 24, 2023

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

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

Dear Ron Noda:

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

Background

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

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

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

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

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

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

Analysis and Next Steps

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

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

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

Consequences of Housing Element Noncompliance

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

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

Secondly, local jurisdictions that do not meet housing element requirements may face additional financial and legal ramifications. HCD may notify the AGO, which may bring suit for violations of State Housing Element Law. Further, statute provides court-imposed penalties for persistent noncompliance, including financial penalties.

Government Code section 65585, subdivision (l)(1), establishes a minimum fine of \$10,000 per month and up to \$100,000 per month. If a jurisdiction continues to remain noncompliant, a court can multiply the penalties up to a factor of six. Other potential ramifications could include the loss of local land use authority to a court-appointed agent.

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

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

Conclusion

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

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

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

Sincerely,

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

Melinda Coy
Proactive Housing Accountability Chief

City Council Special Agenda December 11, 2023

ATTACHMENT 15



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

AGENDA ITEM 2

January 20, 2022

TO: Commissioners/Alternates

FROM: Lea U. Choum, Executive Officer

SUBJECT: City of Cypress Request for Consideration of Housing Element Update (2021-2029)

Background

The City of Cypress has submitted its 2021-2029 Draft Housing Element Update ("Update") for a consistency review. The Update identifies and analyzes the City's existing and projected housing needs and contains goals, policies, objectives, and programs to address those needs. The City's Housing Element was last updated in October 2013, which covered the years 2014 to 2021. It was not submitted to ALUC for a consistency determination.

The Housing Element is one of the seven mandatory elements of the General Plan. Section 65583 of the Government Code sets forth the specific requirements of a jurisdiction's housing element. Included in these requirements are obligations of local jurisdictions to provide for their "fair share" of the regional housing needs. This fair share is determined through the Regional Housing Needs Assessment (RHNA) process which in Orange County is facilitated by the Southern California Association of Governments (SCAG). For the 2021 to 2029 planning period, the City of Cypress allocated a total of 3,936 housing units, including 1,150 for very low-income, 657 for low-income, 623 for moderate-income, and 1,506 for above-moderate income households. The City is able to take credit for 504 units currently pending in the planning process.

The City of Cypress is adjacent to Joint Forces Training Base (JFTB) - Los Alamitos and is entirely within the Notification/Planning Area. (See Attachment 1). The City is pursuing two scenarios (Scenario 3 and Scenario 4) for meeting the required RHNA units. Scenario 3 divides most of the required residential units between the Lincoln Avenue Specific Plan area and the yet-to-be developed Cypress Town Center and Commons (CTCC). The CTCC is located on the Los Alamitos Race Course site, which allows the development of residential units throughout seven districts. These range in density from 8 du/ac to approximately 20 dwelling units/acre. (See Attachment 2). In Scenario 3, additional areas of the CTCC would be rezoned to allow for a higher density of residential use resulting in an estimated 1,930 units. This scenario also includes

one opportunity site at 4955 Katella Avenue (Site #115) which is adjacent to the CTCC area. This site would be “upzoned” to 60 du/ac to accommodate an estimated 321 units. The remaining RHNA sites would be accommodated within the Lincoln Avenue Specific Plan.

Pursuant to the Cypress Municipal Code, any changes to the CTCC require voter approval. This process would involve the City Council taking a vote to place the proposed amendments on the ballot and holding an election in Spring 2023.

Scenario 4 is presented as a potential back-up option to Scenario 3 should voter approval of the CTCC amendments fail. Under Scenario 4, the CTCC would remain unchanged and would be able to accommodate a total of 1,250 units. Rather than applying a density of 30 du/ac to the majority of the Lincoln Avenue Specific Plan area, Scenario 4 proposes to vary densities with the Specific Plan area between 30 du/ac and 60 du/ac. The highest density areas would be located on the east end of the Lincoln Avenue corridor, closest to Cypress College. With these changes, the Lincoln Avenue Specific Plan could accommodate the development of approximately 2,426 new units.

The 4955 Katella Ave. site (#115) would also be included in Scenario 4 as well as a site located on the southeast corner of Orange Ave. and Grindlay St. (#139). This 2.06-acre site currently includes an older office building and would be rezoned to accommodate 30 units. If the City proceeds with Scenario 4, amendments to the Lincoln Avenue Specific Plan and the City’s Zoning Ordinance would be undertaken through the normal public hearing process.

The City submitted the Draft Housing Element Update to California Housing and Community Development (HCD) in October 2021, and has scheduled the following public hearing:

Planning Commission
City Council

N/A (City does not have a Planning Commission)
January 24, 2022

AEUP for JFTB - Los Alamitos Issues

Regarding Aircraft Noise Impacts

Both scenarios propose housing sites within the 60 dB CNEL for JFTB Los Alamitos. Scenario 3 proposes 225 units within the 60 dB CNEL noise contour and Scenario 4 proposes 224 units. These sites are within the CTCC (shown in dark green) and at 4955 Katella Avenue as shown on Attachments 3 and 4. The Lincoln Avenue Specific Area falls outside the noise contours for JFTB Los Alamitos. The City provided a table listing the proposed sites for both Scenarios within the 60 dB noise contour. (See Attachment 5).

The CTCC is adjacent to other residential development which is south of the CTCC specific plan area along Katella Avenue. See Attachment 6 for an aerial photo with the CTCC in relation to the noise contours as well as the existing residential communities within the 60 and 65 dB CNEL contours for JFTB Los Alamitos.

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

The Noise Element contains the following policies related to noise-sensitive uses:

- The 60 CNEL contour defines the Noise Study Zone. The noise environment for any proposed noise-sensitive land use (for example, single- or multi-family residences, hospitals, schools, or churches) within this zone should be evaluated on a project specific basis. The project may require mitigation to meet City and/or State (Title 24) standards. A site- and project-specific study will be necessary to determine what kinds of mitigation will make the interior building environment acceptable for the given type of land use. Some sites may already be sufficiently protected by existing walls or berms that no further mitigation measures are required.
- Coordinate all land use planning and design efforts in the environs of Joint Forces Training Center (JFTC) Los Alamitos to be consistent with noise levels for the airport. Noise sensitive land uses should be prohibited inside the 65 CNEL contour projected for the airport and all noise sensitive land uses inside the 60 CNEL contour should be designed to mitigate airport noise.

The City’s Land Use Element includes policies related to development near JFTB, Los Alamitos:

- LU-12: Establish land use patterns that protect the public from impacts (noise, potential accidents) associated with the Joint Forces Training Center (JFTC) Los Alamitos.
- LU-12.3: Continue to prohibit new residential development on existing vacant land within the 65 contour of the Joint Forces Training Center (JFTC) Los Alamitos.

As stated in the AELUP, for noise sensitive uses, the Commission recommends a posting of: “NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibrations, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.”

Regarding Height Restrictions

The City of Cypress is within the Federal Aviation Administration (FAA) Part 77 Obstruction Imaginary Surfaces for JFTB Los Alamitos. As shown on Attachments 7, for Scenarios 3 and 4, the proposed residential opportunity sites are located within the horizontal and conical surfaces for JFTB Los Alamitos. The Lincoln Avenue Specific Plan falls within the conical surfaces for JFTB. The conical surfaces within that specific area would be penetrated between 400 feet above mean sea level (AMSL) to over 500 feet AMSL. The CTCC is located within the horizontal surface for JFTB which would be penetrated at 150 feet AMSL. The Zoning Code building height limit of 35 feet (or two stories) would not penetrate the conical or horizontal surfaces JFTB, Los Alamitos.

The Land Use Element of the Cypress General Plan includes the following policies:

- LU-12.1: Prohibit Structures that are determined to be a “hazard” by the FAA because the proposed structure would:
 - Raise the ceiling or visibility minimums at an airport for an existing or planned instrument procedure (i.e., a procedure consistent with the FAA-approved airport layout plan or a proposed procedure formally on file with the FAA);
 - Result in a loss in airport utility, such as causing the usable length of the runway to be reduced;
 - Conflict with the VFR air space used for the airport traffic pattern or enroute navigation to and from the airport.
- LU-12.2: Consult with the Airport Land Use Commission to ensure consistency with the scope and intent of the Airport Land Use Commission to ensure consistency with the scope and intent of the Airport Land Use Commission Law (Public Utilities Code Section 21670, et seq.)

In addition, the City of Cypress Zoning Code limits the building height in the Residential Zoning District to 35 feet (two stories, whichever is less). Sections from the Zoning Code relating to height are included in Attachment 8.

Regarding Safety

JFTB Los Alamitos has established Clear Zones (also referred to as a Runway Protection Zones) located at each end of the runway (see Attachment 9). The Clear Zones are trapezoidal areas that are used to enhance the protection of people and property on the ground. There are existing residential uses in the area between JFTB Los Alamitos and the CTCC. None of the proposed housing sites are located within the approach or departure corridor for JFTB Los Alamitos.

The City of Cypress Safety Element includes Policy SAF-8: “Protect Cypress residents from air operation accidents.”

- SAF-8.1 Limit development height within the flight approach to the Joint Forces Training Center (JFTC) Los Alamitos to minimize safety hazards to aircraft and protect the airfield.

Regarding Heliports

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

Conclusion

Attachment 10 to this report contains the submittal letter and Housing Element Submittal Form and Checklist received from the City of Cypress. The Housing Element Update and supporting documents are also available on the City's website at:

<https://www.cypressca.org/departments/community-development/information-on-notable-projects/housing-element-update>

ALUC staff has reviewed this project with respect to compliance with the *AEUP for JFTB Los Alamitos*, including review of noise, height and safety.

Recommendation

That the Commission find the proposed City of Cypress 2021-2029 Housing Element Update is Consistent with the *AEUP for JFTB Los Alamitos*.

Respectfully submitted,

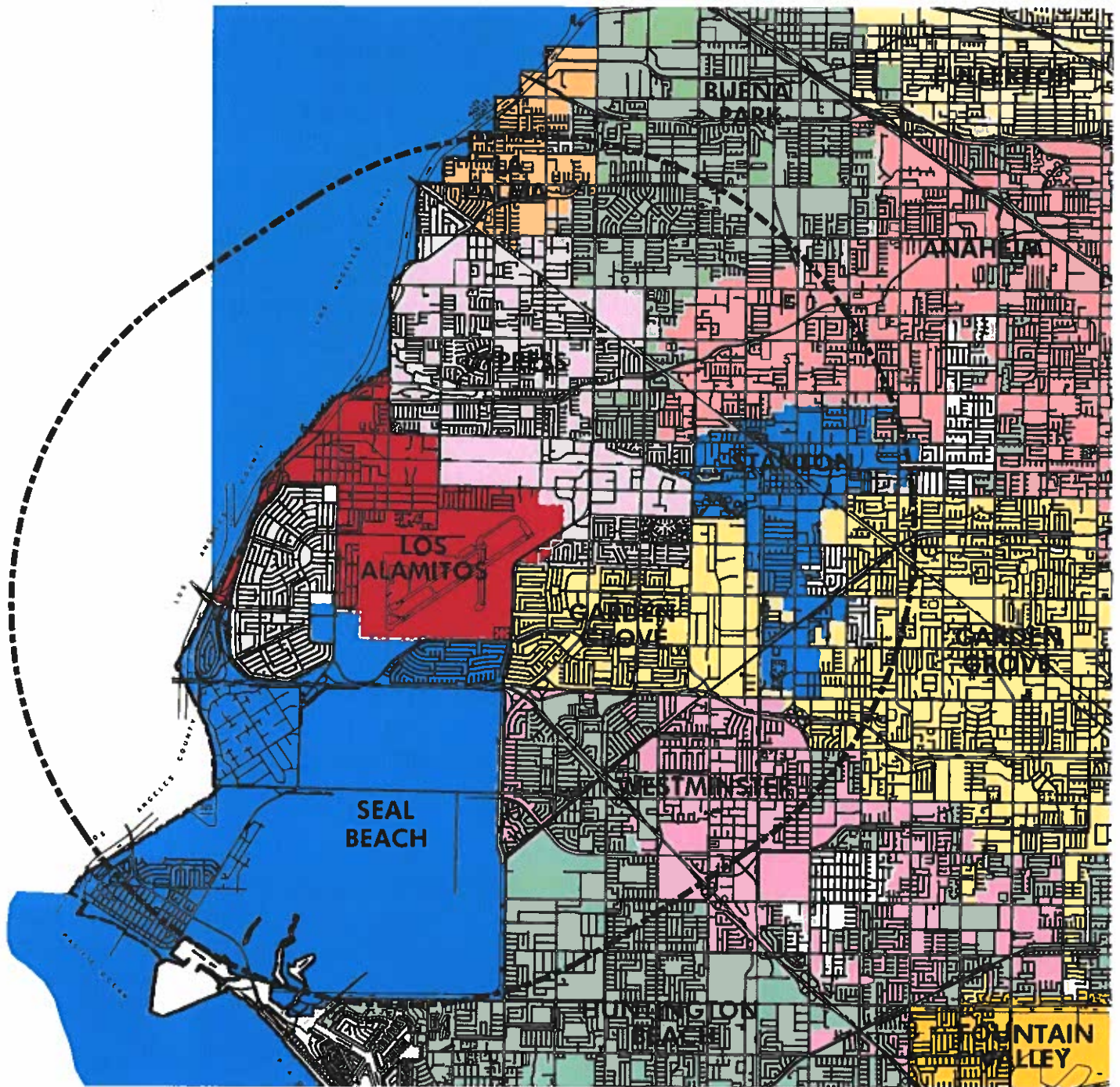


Lea U. Choum
Executive Officer

Attachments:

1. Notification Area for JFTB Los Alamitos
2. Cypress Town Center & Commons Specific Plan 2.0 (CTCC)
3. Impact Zones/Noise Contours for JFTB Los Alamitos
4. Scenarios 3 and 4 with JFTB Noise Contours
5. List of Proposed Housing Sites within the 60 dB CNEL Noise Contour
6. Aerial Exhibit of CTCC and surrounding area
7. Scenarios 3 and 4 in relation to JFTB Obstruction Imaginary Surfaces
8. Residential Zoning District Regulations
9. Scenarios 3 and 4 in relation to Airport Safety Zone
10. City of Cypress Letter and Submittal Form

Notification Area for JFTB



Note: County Unincorporated areas are shown in white.

AELUP and FAR PART 77

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



LEGEND

- 20,000' Radius
- CITY BOUNDARIES

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Kari A. Rigoni, Executive Director

ATTACHMENT 1

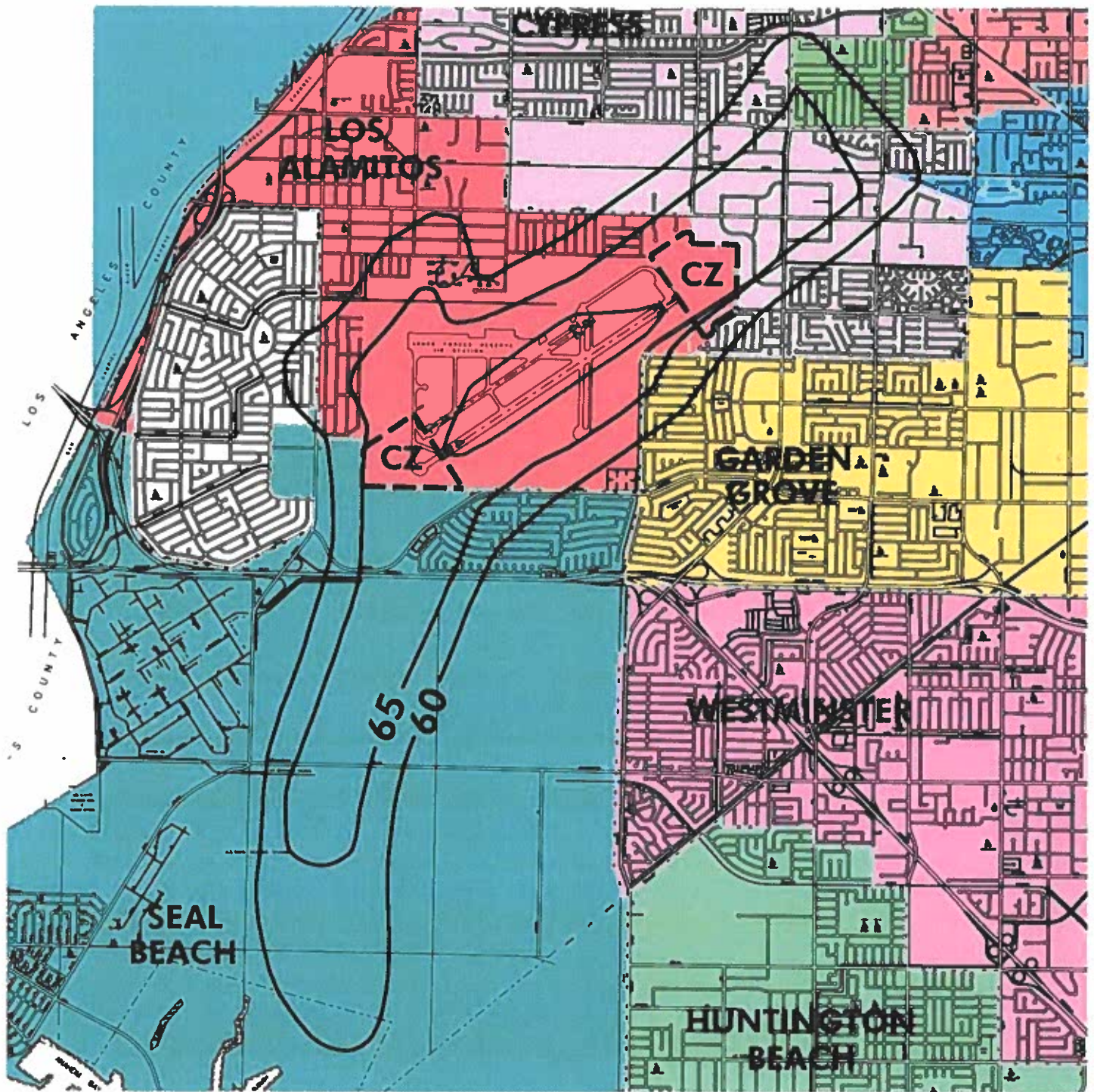
Sites Inventory

Cypress Town Center & Commons Specific Plan 2.0



District	Density	# of units
Town Center	20 du/ac	250
Residential	5-10 du/ac	
Senior Housing/MDR	15-20 du/ac	1,000
Mixed Use (Town Center/MDR)	15-20 du/ac	
Mixed-Use (Town Center/SFR/MDR)	8-20 du/ac	





Note: County Unincorporated areas are shown in white.

Impact Zones Joint Forces Training Base Los Alamitos

Exhibit D3

Source: Final AICUZ Study for JFTB, Los Alamitos, June 1, 1994



LEGEND

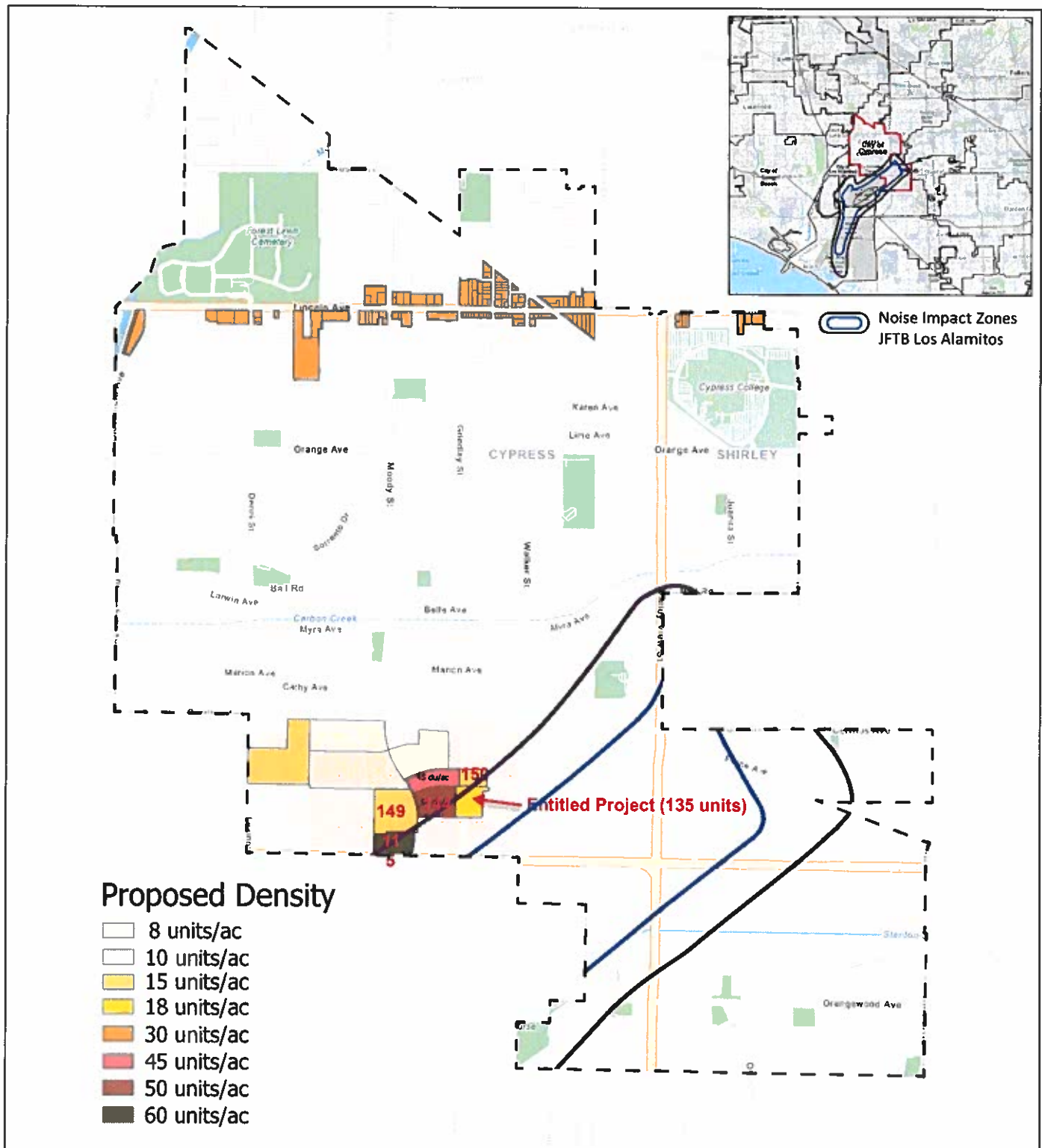
- ~60/65~ CNEL CONTOUR
- CLEAR ZONE (CZ)
- CITY BOUNDARIES

CERTIFICATION

Adopted by the Airports and Airway Administration

ATTACHMENT 3

Kari A. Rigoni, Executive Director



LSA



0 0.25 0.5
MILES

SOURCE: City of Cypress, Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos

I:\CCP1603.10\G\Noise_Contours_S3-S4.ai (9/23/2021)

LEGEND

-  - 65 CNEL Noise Contour
 - 60 CNEL Noise Contour

FIGURE 2a

Cypress Housing Element
Noise Contours - Scenario 3

ATTACHMENT 4

Scenario 3

Site Number	APN	Address	Housing Capacity (dus for entire site)*	Percentage within 60 CNEL**	Proposed dus within 60 CNEL Noise Contour	Current Zoning	Proposed Zoning
Site 115	241-09-138	4955 Katella Ave.	321	55.00%	177	PBP	PBP / 60
Site 144	N/A	No Address (CTCC Town Center District)	280	0.57%	2	CTCC – Town Center / 17.2	CTCC – Town Center / 50
Site 149	N/A	No Address (CTCC Mixed Use (TC/MDR))	226	16.13%	36	CTCC – Mixed Use (TC/MDR) / 15	CTCC – Mixed Use (TC/MDR) / 15
Site 150	N/A	No Address (CTCC Mixed Use (TC/SFR/MDR))	63	16.54%	10	CTCC – Mixed Use (TC/SFR/MDR) / 15	CTCC – Mixed Use (TC/SFR/MDR) / 15
Total					225		

RECEIVED

JAN 03 2022

*Provided by Veronica Tam and Associates (December 28, 2021).

**Calculated by LSA (December 30, 2021).

AIRPORT LAND USE COMMISSION

Scenario 4

Site Number	APN	Address	Housing Capacity (dus for entire site)*	Percentage within 60 CNEL**	Proposed dus within 60 CNEL Noise Contour	Current Zoning	Proposed Zoning
Site 115	241-091-38	4955 Katella Ave.	321	55.00%	177	PBP	PBP / 60
Site 144	N/A	No Address (CTCC Town Center District)	115	0.57%	1	CTCC – Town Center / 17.2	CTCC – Town Center / 20
Site 149	N/A	No Address (CTCC Mixed Use (TC/MDR))	226	16.13%	36	CTCC – Mixed Use (TC/MDR) / 15	CTCC – Mixed Use (TC/MDR) / 20
Site 150	N/A	No Address (CTCC Mixed Use (TC/SFR/MDR))	63	16.54%	10	CTCC – Mixed Use (TC/SFR/MDR) / 15	CTCC – Mixed Use (TC/SFR/MDR) / 20
Total					224		

*Provided by Veronica Tam and Associates (December 28, 2021).

**Calculated by LSA (December 30, 2021).

ATTACHMENT 5



AELUP Height Restriction Zone for JFTB



Note: County Unincorporated areas are shown in white.

FAR PART 77

JFTB Los Alamitos Obstruction Imaginary Surfaces



LEGEND

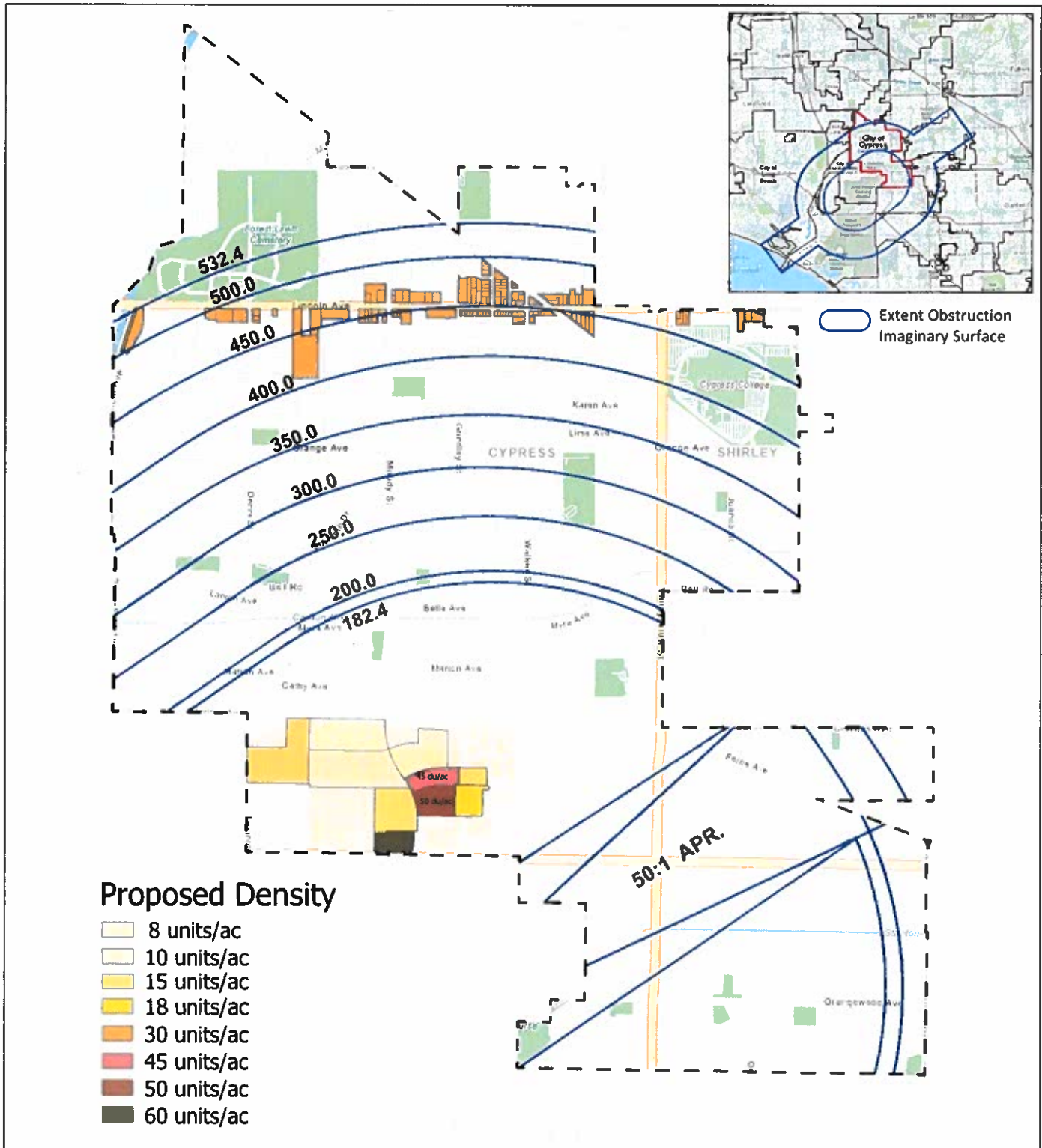
- 20,000' Radius
- CITY BOUNDARIES

CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

Joan S. Golding, Exec

ATTACHMENT 7



LSA

LEGEND

— Obstruction Imaginary Surface

FIGURE 4a



0 0.25 0.5
MILES

SOURCE: City of Cypress, Airport Environs Land Use Plan
for Joint Forces Training Base Los Alamitos

Cypress Housing Element
Obstruction Imaginary Surfaces - Scenario 3

I:\CCP1603.10\G\Obstruction_Imaginary_Surfaces_S3-S4.ai (9/24/2021)

[APPENDIX I ZONING](#)[Article 2. ZONING DISTRICTS AND ALLOWABLE LAND USES](#)[SECTION 5. RESIDENTIAL ZONING DISTRICTS](#)[\[remove highlighting. \]](#)**2.05.040. Residential zoning district general development standards.**

A. *Compliance with table 2-2.* New land uses and structures and alterations to existing land uses and structures shall be designed, constructed, and/or established in compliance with the requirements in table 2-2, in addition to the development standards in article 3 (Site Planning and General Development Standards). The land uses and structures on property identified in section 2.09.070 (Optional Design Tracts) shall be subject to the optional design and improvement standards outlined in Ordinance No. 365.

**TABLE 2-3
RESIDENTIAL ZONING DISTRICTS DEVELOPMENT STANDARDS**

	<i>Zoning Districts</i>		
<i>Development Standards</i>	<i>RS-15000</i>	<i>RS-6000</i>	<i>RS-5000</i>
Minimum Parcel Size (e.g., minimum net building site)	15,000 square feet	6,000 square feet	10,000 square feet
Minimum Parcel Width	100 feet	60 feet	50 feet
Minimum Parcel Depth	150 feet	100 feet	80 feet (1)
Maximum Allowable Density	2.5 d.u./gross acre	5.0 d.u./gross acre	8.712 d.u./gross acre
Setbacks Required			
Front (2)			10 feet from edge of private driveway
Single-story	30 feet	20 feet	
Second-story	35 feet	25 feet	
Side (interior, each)			0 feet on one side, shall maintain compliance with "Distance Between Structures"
Single-story	10 feet	5/10 feet (3)	
Second-story	15 feet	10 feet (3)	
Street side			15 feet from street
Single-story	10 feet	10 feet	
Second-story	15 feet	15 feet	
Rear	25 feet	10 feet, with a minimum area of 1,100 square feet in rear yard	15 feet
Vehicular Access	The entrance to a garage or carport shall be no closer than 20 feet to any public right-of-way.		
Maximum Parcel Coverage by Structures	35%	40%	40%, excluding common private drives
Maximum Structure Height	35 feet	35 feet	30 feet/2 stories, whichever is less
Maximum Second Story Floor Area	Shall not exceed 75% of the first story gross floor area, including garage area		
Minimum Dwelling Unit Size	1,500 square feet	1,100 square feet	1,200 square feet

Minimum Distance Between Structures on the same parcel, where neither structure exceeds 15 feet in height .	10 feet	10 feet	10 feet
Minimum Distance Between Structures on the same parcel, where one or more structures exceeds 15 feet in height .	10 feet	10 feet	15 feet
Minimum Separation Between Opposing Second-Story Bedroom Windows	5 feet (4)		
Minimum Driveway Widths (5)	10-foot minimum		
	16-foot minimum for two-vehicle garages		
	24-foot minimum for three-vehicle garages		
Minimum Landscaped Open Area	N/A	N/A	See section 9.19
Minimum Interior Garage Dimension	20-foot by 20-foot, clear with no obstructions, with 2-vehicle garages		
	30-foot by 20-foot, clear with no obstructions, with 3-vehicle garages		
Fences/Walls/Hedges	See subsection 3.11.060 (Fences, Walls, and Hedges)		
Motor Vehicle Parking	See section 14 (Off-Street Parking and Loading) and Subsection 2.05.050		
Satellite Antennae	See section 16 (Wireless Communications)		
Signs	See section 15 (Signs)		

Notes:

- (1) Parcel depth in the RS-5000 zoning district may be measured from the centerline of the immediately adjoining street.
- (2) For parcels located at the closed end of a cul-de-sac (e.g., along the "bulb"), the required minimum front setback shall be reduced by fifty (50) percent.
- (3) Additions to the original allowed dwelling unit shall be allowed within the required interior side setback; provided, the setback distance between the addition and the interior side property line is the same or greater than that of the original structure, not including the garage or any accessory structure. In any case, the addition shall not be located closer than five (5) feet from an interior side property line, but only when combined with an adjoining side setback of at least ten (10) feet in width, except as may be allowed by subsection 4.19.050 (Adjustments).
- (4) A minimum offset of five (5) feet shall be required for opposing second-story bedroom windows in all new or remodeling single-family construction projects. The offset shall be measured from the edge of one bedroom window to the closest edge of the opposing bedroom window.
- (5) A paved driveway shall be provided between each garage and the closest approved access to an adjoining public right-of-way. No more than one driveway shall be allowed for each single-family dwelling unit. Circular driveways shall be allowed on parcels that are one hundred (100) feet or greater in width.

**TABLE 2-3
RESIDENTIAL ZONING DISTRICTS DEVELOPMENT STANDARDS (Continued)**

	Zoning Districts		
Development Standards	RM-15	RM-20	MHP-20A
Minimum Parcel Size	10,000 square feet	10,000 square feet	20 acres
Minimum Parcel Width	100 feet	100 feet	250 feet
Minimum Parcel Depth	100 feet	100 feet	(2)
Maximum Allowable Density	15 d.u./gross acre (1)	20 d.u./gross acre (1)	
Setbacks Required			
Front	20 feet		(2)

Side (interior, each)	Single-Story—5 feet	
	Two-Story—10 feet	
Street side	10 feet	
Rear	10 feet	
Vehicular Access	The entrance to a garage or carport shall be no closer than 20 feet to any public right-of-way.	
Maximum Parcel Coverage by Structures	40%	45%
Maximum Structure Height	35 feet	
Minimum Dwelling Unit Size	450 square feet for Bachelor Unit	
	600 square feet for 1-Bedroom Unit	
	750 square feet for 2-Bedroom Unit	
	900 square feet for 3-Bedroom Unit	
Minimum Distance Between Structures on the same parcel, where neither structure exceeds 15 feet in height	6 feet	
Minimum Distance Between Structures on the same parcel, where one or more structures exceeds 15 feet in height	10 feet	
Minimum Open Space Required	400 square feet/dwelling unit	
Driveway Widths	(See Section 25.13)	
With up to and including 2 units	Minimum of 12 feet	
With 3 or more units	Minimum of 24 feet	
Minimum Landscaped Open Area	35%	
Minimum Interior Garage Dimension	20 feet by 20 feet, clear with no obstructions, for multi-family units	
	20 feet by 20 feet, clear with no obstructions, for detached single-family units	
	30 feet by 20 feet, clear with no obstructions, for detached single-family units with 3-vehicle garages	
Fences/Walls/Hedges	See subsection 3.11.060 (Fences, walls, and hedges)	
Motor Vehicle Parking	See section 14 (Off-Street Parking and Loading) and Subsection 2.05.050	
Satellite Antennae	See section 16 (Wireless Communications)	
Signs	See section 15 (Signs)	

Notes:

- (1) The allowable density may be increased by a maximum of twenty (20) percent for multi-family development projects that consolidate substandard parcels with substandard widths to create a minimum net aggregate parcel area of thirty thousand (30,000) square feet.
- (2) The development of mobile home parks shall be in compliance with the requirements of subsection E. (Special requirements for mobile home parks within the MHP-20A zoning district), below.

B. Development standards.

1. All parcels shown on an approved and recorded subdivision map, or for which a deed was recorded before the incorporation of the city, may be used as a building site without compliance with the minimum standards for parcel depth, size, and width identified in table 2-3, above; provided, the

parcel has a minimum area of at least 4,000 square feet and a minimum building site width of 30 feet.

2. In addition to the general standards of this Section, the following special standards shall also apply to all of the residential zoning districts:

- a. Any single-story residential structure located in either the RM-15 or RM-20 zoning district shall maintain a minimum setback of fifteen (15) feet from any single-family zoning district (e.g., RS-15000, RS-6000, or RS-5000).
- b. Any two-story residential structure located in either the RM-15 or RM-20 zoning district shall maintain a minimum setback of twenty (20) feet from any single-family zoning district (e.g., RS-15000, RS-6000, or RS-5000).
- c. Additions to the original allowed structure shall not exceed the maximum **height** of the original structure in any residential zoning district, excluding chimneys and, unless approved by the staff review committee.
- d. Additions, repairs, or replacements to any structure in a residential zoning district shall be constructed to match the existing architecture and materials of the main structure.
- e. All residential development plans or applications that allow the construction of a single parcel, multi-family residential development shall be subject to the dedication and/or fee provisions and requirements of article VI, "Park and Recreational Facilities" of chapter 25 of the Municipal Code.
- f. Where a multi-family dwelling unit, including incidental or required accessory uses, abuts property in a single-family zoning district, a masonry wall a minimum of six (6) feet in **height** as measured in compliance with section 3.11.070 (Fences, Hedges, and Walls), shall be erected and maintained between the multi-family uses and the single-family zoning district.
- g. Development in the RS-5000 zoning district shall be subject to the additional regulations identified in subsection D. (Special requirements for small-lot, single-family developments within the RS-5000 zoning district), below.
- h. All areas located in front yards shall contain living plant material, except for allowable driveways and walkways.
- i. Paved drive approaches shall be provided to all garages located in residential zones.

C. *Allowed projections.* Architectural and structural features on a structure are allowed to project into the required setback areas in compliance with table 3-1 (Allowed Projections into Required Setback Areas — Residential Zoning Districts).

D. *Special requirements for small-lot, single-family developments within the RS-5000 zoning district.*

1. *Mandatory requirements.* All small-lot, single-family developments shall be subject to the following additional standards:

- a. Projects consisting of fifteen (15) or more dwelling units shall provide internal sidewalks adjacent to all private roads.
- b. Access onto adjoining streets shall be limited.
- c. Perimeter setbacks shall be increased to a minimum of fifteen (15) feet where adjacent property is zoned RS-6000. The setbacks shall include a minimum five-foot buffer area, to be planted with upright trees and shrubs.
- d. The dwelling units shall be oriented to maximize privacy.
- e. Long, continuous rows of identical dwelling units shall be avoided.
- f. Open space shall be devoted to landscaping, patios, and recreational areas and facilities.
- g. Private open space shall consist of a minimum of six hundred (600) square feet, with no dimension less than ten (10) feet, for each dwelling unit. In projects consisting of fewer than fifteen (15) dwelling units, no common open space is required. In projects of fifteen (15) dwelling units or more, a common recreational open space area shall be provided. The common recreational open space area shall be provided at a minimum standard of one hundred (100) square feet for each dwelling unit.
- h. Masonry walls at least six (6) feet in **height** as measured in compliance with section 3.11.070 (Fences, Hedges, and Walls) shall be required along all rear and side property lines.

i. Maintenance of common facilities, including common open space, private roads, and access driveways, shall be provided for through legal instruments identifying a plan or manner of permanent care and maintenance. Copies of the required codes, covenants, and restrictions (CC&Rs), articles of incorporation, bylaws, or other documents of the homeowner's association or other entity that controls the common facilities, shall be submitted to the city for approval.

2. *Design guidelines.* The following design guidelines are provided to indicate the city's objectives for good design for developments within the RS-5000 zoning district:

- a. Decorative paving for private roads and access driveways is encouraged.
- b. Widened private road and driveway entrances is encouraged.
- c. Private roads and access driveways wider than the twenty-four-foot minimum is encouraged.
- d. The use of joint access between projects is encouraged.
- e. Varied streetscape is encouraged both along public streets and private roads and driveways.
- f. Building design shall incorporate varying setbacks, projecting architectural features (e.g., columns, offset roof planes, windows) and other features that create both vertical and horizontal articulation.

E. *Special requirements for mobile home parks within the MPH-20A zoning district.*

1. *State regulation of mobile home parks.*

- a. The provisions of the Mobile Home Parks Act, California Health and Safety Code, division 13, chapter 2, subchapter 1, and the applicable regulations adopted in compliance by the state Department of Housing and Community Development are hereby adopted as a part of this Subsection.
- b. It shall be the duty of the building official to enforce all of the provisions of the Act pertaining to the alteration, construction, or modification of all manufactured dwelling units located within mobile home parks.
- c. Construction only of all other structures shall be subject to the review and approval of the community development department.
- d. It shall be the duty of the building official to enforce all the provisions pertaining to permits for the maintenance, occupancy, operation, safety, sanitation, and use of all mobile home parks.

2. *Development standards for mobile home parks.* The following development standards shall apply to all mobile home parks.

a. *Drainage.*

- (1) All mobile home parks shall be located on a graded site with no depressions in which surface water could accumulate.
- (2) The ground shall be sloped to provide storm drainage runoff by means of surface or subsurface drainage facilities.

b. *Roadways.*

- (1) Roadways within a mobile home park shall have a minimum width of thirty-two (32) feet if car parking is allowed on one side of the roadway, and a minimum width of forty (40) feet if car parking is allowed on both sides of a roadway. Roadways designed for car parking on one side shall have signs or markings prohibiting the parking of vehicles on the traffic flow side of the roadway.
- (2) All roadways shall have clear and unobstructed access to a public thoroughfare.

c. *Recreation area required.*

- (1) A minimum area of one hundred fifty (150) square feet for common recreation purposes is required for each mobile home lot/space.
- (2) If children under the age of eighteen (18) are allowed within the development, this requirement shall be increased to two hundred (200) square feet for each mobile home lot/space.

The recreation area shall be located to be convenient to all residents of the mobile home park.

d. *Accessory structures and uses.*

- (1) Accessory structures and uses that serve the entire mobile home park, including recreation facilities, laundry areas, mobile home park offices, and maintenance or storage buildings, shall be located at least fifty (50) feet from the boundary of any mobile home lot.
 - (2) All exterior maintenance or storage areas shall be enclosed by a masonry wall of at least six (6) feet in **height**.
- e. *Perimeter screening.* Perimeter screening of the mobile home park shall be provided in compliance with design review or conditional use permit approval.
3. *Development standards for individual mobile home lots.* The following development standards shall apply to each mobile home lot within a mobile home park.
 - a. *Occupancy.* Each mobile home lot shall accommodate only one mobile home, recreational vehicle, or commercial coach.
 - b. *Drainage.* The area beneath each mobile home shall be sloped to provide for drainage from beneath the mobile home to an outside surface drainage facility.
 - c. *Lot area and dimensions.*
 - (1) Each mobile home lot shall contain a minimum area of three thousand five hundred (3,500) square feet for exclusive use by the occupants of the lot.
 - (2) Each mobile home lot shall have a minimum width of forty-five (45) feet and a minimum depth of sixty-five (65) feet.
 - d. *Distance between mobile home units.*
 - (1) Mobile homes located in mobile home parks shall maintain a minimum distance of ten (10) feet from side to side, eight (8) feet from side to front or rear, six (6) feet from rear to rear, and twenty (20) feet from front to front, or front to rear.
 - (2) Each mobile home shall be located not less than three (3) feet from the boundary of the mobile home lot.
 - e. *Accessory structures.*
 - (1) Accessory structures located on a mobile home lot may extend into these required separations; provided, a minimum separation of six (6) feet is maintained between the edge of the projection and an adjacent mobile home, accessory structure, or projection.
 - (2) Accessory structures shall maintain a minimum setback of three (3) feet from any mobile home lot line. However, awnings, carports, fences, stairways, storage cabinets, and windbreaks may be installed to the lot line.
 - f. *Lot coverage.* The area of a mobile home lot covered by the mobile home and all accessory structures shall not exceed seventy-five (75) percent of the individual lot area.
 - g. *Required landscaping.* A minimum of twenty (20) percent of each mobile home lot shall be landscaped with plant materials, including at least one tree on each lot.
 - h. *Access.* Each mobile home lot shall have direct access to an abutting roadway that provides circulation through the mobile home park or subdivision.
4. *On-site improvement requirements.* On-site improvements shall be constructed and maintained in compliance with the conditions of applicable design review or conditional use permit approval. The improvements may include the design, construction, and maintenance of the following:
 - a. Access drives, sidewalks, and parking spaces.
 - b. Drainage and sanitary sewer facilities.
 - c. Electrical and water service.
 - d. Fences and walls.
 - e. Fire protection facilities.
 - f. Lighting.
 - g. Refuse collection facilities.

5. *Pre-existing mobile home parks.* A pre-existing mobile home park shall not be deemed nonconforming by reason of failure to meet the minimum requirements identified by this subsection. However, the regulations of this subsection shall apply to the enlargement, expansion, or remodeling of a mobile home park. The following specific standards apply to all pre-existing mobile home parks:

- a. In mobile home parks constructed before September 15, 1961, each mobile home shall have access from the mobile home lot to a roadway not less than fifteen (15) feet in width.
- b. In mobile home parks constructed before September 15, 1961, no mobile home shall be located closer than six (6) feet from any permanent structure or another mobile home.

(Ord. No. 1062, § 2(Exh. A), 11-25-04.)

View the [mobile version](#).

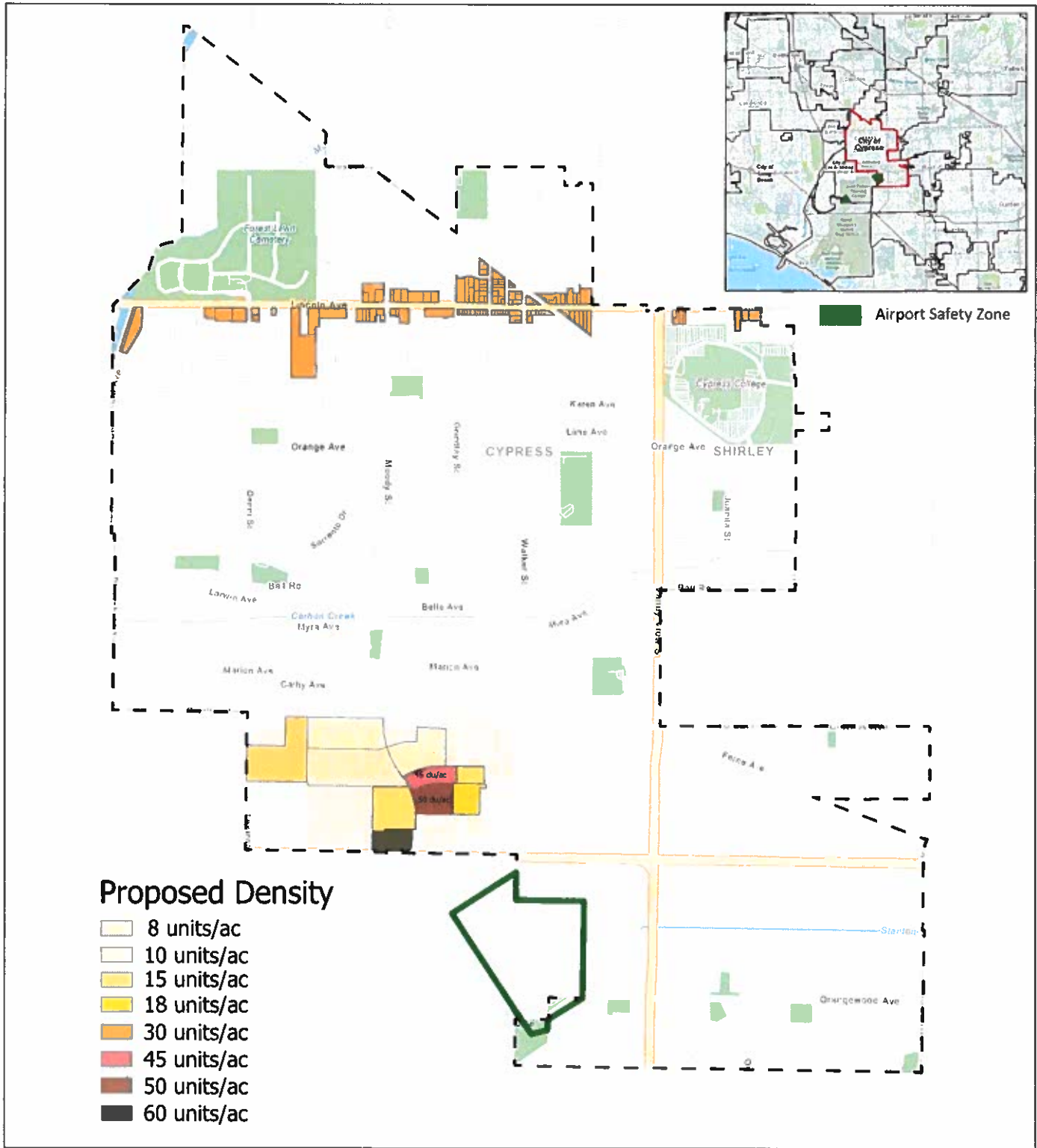


FIGURE 3a

LSA



0 0.25 0.5
MILES

SOURCE: City of Cypress, Airport Environs Land Use Plan
for Joint Forces Training Base Los Alamitos

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Cypress Housing Element
Airport Safety Zones - Scenario 3

ATTACHMENT 9

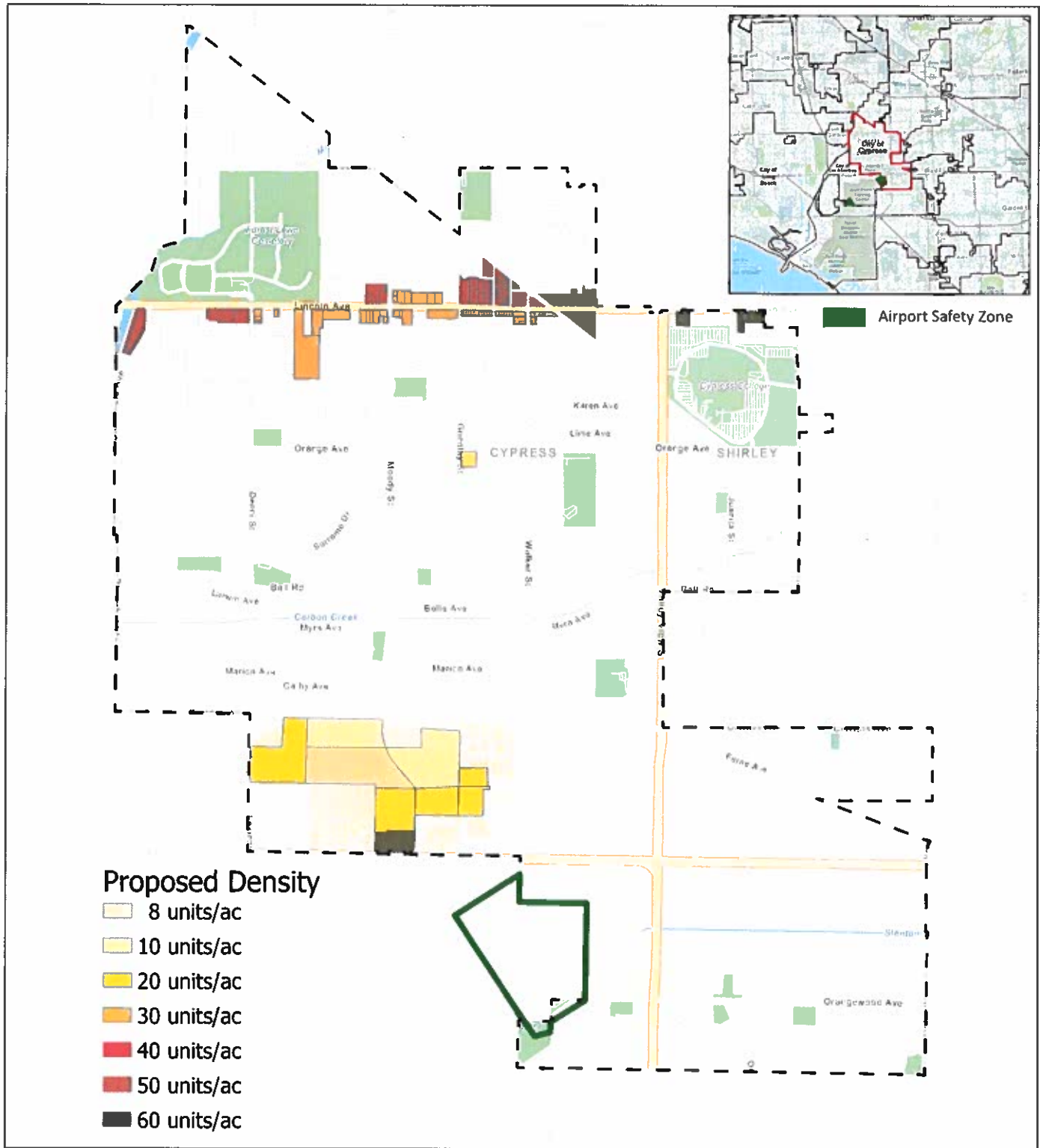
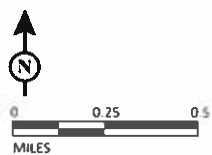


FIGURE 3b

LSA



SOURCE: City of Cypress, Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos

I:\CCP1603.10\G\Airport_Safety_Zones_S3-S4.ai (9/24/2021)

Cypress Housing Element
Airport Safety Zones - Scenario 4



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

December 6, 2021

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

RECEIVED

DEC 06 2021

AIRPORT LAND USE COMMISSION

Subject: City of Cypress General Plan, Housing Element Update for the 6th Cycle Regional Housing Needs Assessment (RHNA) Allocation

Dear Ms. Choum:

Pursuant to Section 4.3 (Amendments to General Plans and Specific Plans [Zoning]) of the Airport Environs Land Use Plan (AELUP) for Joint Forces Training Base (JFTB) Los Alamitos, the City of Cypress (City) requests that the Airport Land Use Commission (ALUC) review the City's proposed draft Housing Element update for consistency with the AELUP at its January 20, 2022 meeting.

Pursuant to State law, the City has prepared an update to its Housing Element covering the 6th Cycle Planning Period from October 2021– October 2029. The draft 2021–2029 Housing Element addresses the needs of all income levels. It contains an analysis and update of housing and population data based on the most current conditions and sources of information. The revisions incorporate current population and housing projections based upon the Regional Housing Needs Assessment (RHNA) adopted by the Southern California Association of Governments (SCAG) in March 2021 for the 6th Cycle Planning Period. In accordance with State Housing law, the draft 2021–2029 Housing Element contains the following: (1) an assessment of housing needs in the City of Cypress; (2) an assessment of actual and potential constraints to the provision and maintenance of affordable housing; (3) an analysis of the City's accomplishments during the 2014–2021 Housing Element cycle; (4) an evaluation of potential residential development based on the current General Plan and Zoning Ordinance; and (5) the formulation of goals and policies the City will implement to address a number of important housing-related issues and to ensure sufficient land capacity to meet the RHNA objectives.

The 2021–2029 Housing Element does not propose or approve any specific development projects. The Housing Element includes a policy that requires that a rezoning program be undertaken during the early portion of the 6th Cycle Planning Period to ensure internal consistency between the various elements of the City's General Plan and its Zoning Ordinance. On April 12, 2021, the Cypress City Council selected two scenarios (Scenarios 3 and 4) for meeting its RHNA allocation, both of which would require rezoning and/or a General Plan amendment.

If you have any questions, please contact me at (714) 229-6720.

Jon E. Peat, Mayor

Paulo M. Morales, Mayor Pro Tem

Frances Marquez, Ph.D., Council Member

Anne Hertz, Council Member

Scott Minikus, Council Member

ATTACHMENT 10



CITY of CYPRESS

5275 Orange Avenue, Cypress, California 90630

Phone 714-229-6700 www.cypressca.org

Sincerely,
City of Cypress

Digitally signed by
Alicia Velasco
Date: 2021.12.03
12:16:09 -08'00'

Alicia Velasco
Planning Director

Enclosures: Completed Submittal Form
Existing Housing Element
Proposed Housing Element
Proposed Opportunity Sites Figure: Notification Area
Proposed Opportunity Sites Figure: CNEL Noise Contours
Proposed Opportunity Sites Figure: Airport Safety Zones
Proposed Opportunity Sites Figure: Obstruction Imaginary Surfaces
Noise Policies, and Municipal Code Sections
Explanation of Consistency with AELUP Standards

Jon E. Peat, Mayor

Paulo M. Morales, Mayor Pro Tem

Anne Hertz, Council Member

Frances Marquez, Ph.D., Council Member

Scott Minikus, Council Member



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

HOUSING ELEMENT UPDATE - SUBMITTAL FORM

1. City/County: City of Cypress, Orange County
2. Contact information - Name/Title Alicia Velasco, Planning Director
Agency: City of Cypress
Address: 5275 Orange Ave., Cypress CA 90630
Phone/email: 714-229-6720/avelasco@cypressca.org
3. Airport Planning Area(s):
☐ John Wayne Airport ☐ Fullerton Municipal Airport ☒ Joint Forces Air Base Los Alamitos
4. Are there additional General Plan Element(s) being submitted for review: ☒ No ☐ Yes –
Name of Elements: [Click or tap here to enter text.](#)
5. Scheduled date of Planning Commission Public Hearing: N/A
6. Tentative date of City Council Public Hearing: 1/24/2022
7. Requested month of ALUC Review: December
(Complete submittal must be received by the first day of the month)
8. Does the Housing Element Update identify new housing sites within the airport Notification/Planning Area*? ☐ No (skip items # 9-12). ☒ Yes (continue below).
9. Does the Housing Element Update identify new housing sites within the: ☒ 60 CNEL or ☐ 65 CNEL Noise Contours of the airport(s)*? Please attach an exhibit showing location(s) of proposed housing sites and number of units in relation to noise contours.
10. Are noise policies or mitigation measures identified in the Housing Element or elsewhere in the General Plan? ☐ No ☒ Yes - Please attach pages with noise policies/mitigation measures highlighted.
11. Are any new housing sites identified within the Runway Protection Zone (RPZ), Clear Zone (CZ), or Airport Safety Zones of the airport*? ☒ No ☐ Yes - Please attach exhibit showing location(s) of proposed housing site(s) and number of units in relation to the applicable zones.
12. Are any new housing sites identified within the Obstruction Imaginary Surfaces*?
☐ No ☒ Yes - Please attach an exhibit showing location(s) of proposed housing sites and number of units in relation to the Obstruction Imaginary Surfaces.
13. Maximum height allowed for proposed housing. See attached page
(Please provide link and identify section(s) of General Plan and/or Zoning Code where housing maximum height is specified.)

HOUSING ELEMENT UPDATE - SUBMITTAL CHECKLIST

- ☒ Cover letter on City/County letterhead.
- ☒ Completed Submittal Form.
- ☒ Copy of existing Housing Element (and any other applicable Elements).
- ☒ Copy of proposed Housing Element Update attached (and any other proposed elements) with requested information highlighted.
- ☒ Exhibit showing location(s) of proposed housing sites and number of units within the Notification Area/Planning Area for airport.
- ☒ Exhibit showing location(s) of proposed housing sites, and how many units for each, in relation to noise contours for airport(s).
- ☒ Noise policies/mitigation measures in Housing Element Update highlighted and/or pages from other elements attached.
- ☒ Exhibit showing location(s) of proposed housing sites, and how many units for each, in relation to Airport Safety Zones.
- ☒ Exhibit showing location(s) of proposed housing sites, and how many units for each, in relation to the Obstruction Imaginary Surfaces.
- ☒ Pages of General Plan and/or Zoning Code which indicate height restrictions for each new housing site within Airport Notification/Planning Area.
- ☒ Explanation of how the Housing Element Update (or other General Plan Elements) addresses the AELUP standards for noise impact, safety compatibility, and height restriction zones: See attached page.

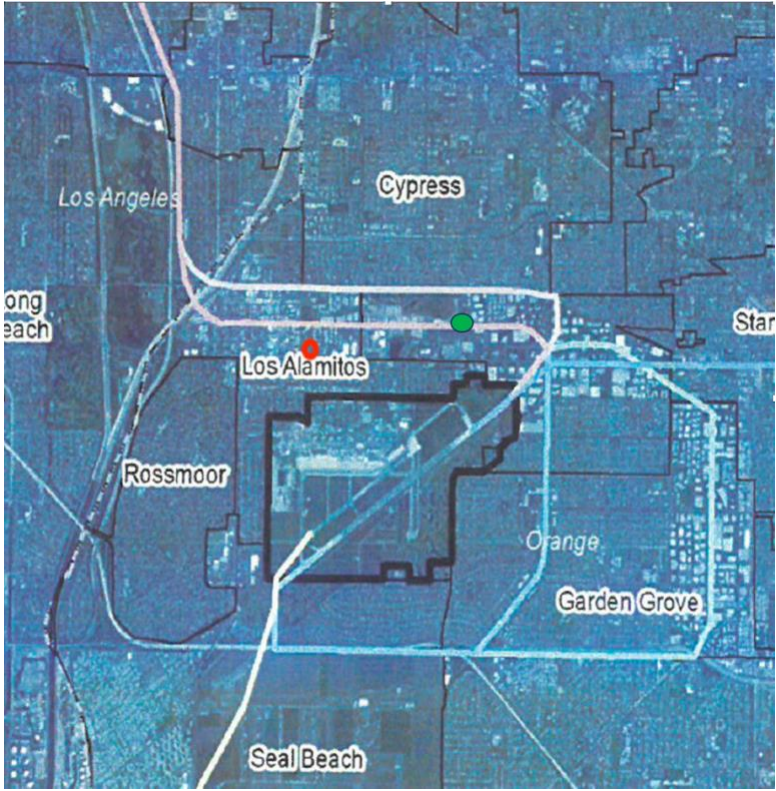
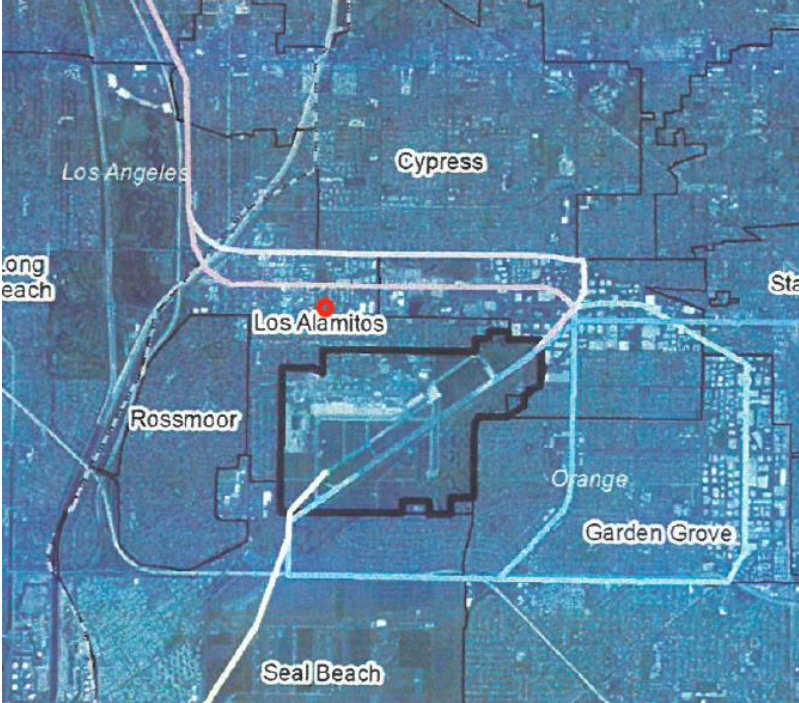
*For airport planning/notification areas, noise contours, safety zones and obstruction imaginary surfaces see Appendix D of the applicable Airport Environs Land Use Plan (AELUP) at:
<https://www.ocair.com/about/administration/airport-governance/commissions/airport-land-use-commission/>

*Mail or deliver Submittal Form, Checklist and attachments to: Airport Land Use Commission for Orange County,
 Attn: Executive Officer, 3160 Airway Avenue, Costa Mesa, CA 92626 / Phone: (949) 252-5170*

The following comparison has been prepared using screen shots of the two staff reports prepared by ALUC for the cities of Cypress and Los Alamitos, as well as summaries of the policies that are described in the staff report. Both of the staff reports and their attachments are appended to this Table.

ALUC Cypress vs. Los Alamitos Staff Reports		
Cypress Staff Report (January 2022)	Los Alamitos Staff Report (January 2023)	Notes/Comments
Noise Compatibility		
Both scenarios propose housing sites within the 60 dB CNEL for JFTB Los Alamitos. Scenario 3 proposes 225 units within the 60 dB CNEL noise contour and Scenario 4 proposes 224 units. These sites are within the CTCC (shown in dark green) and at 4955 Katella Avenue as shown on Attachments 3 and 4. The Lincoln Avenue Specific Area falls outside the noise contours for JFTB Los Alamitos. The City provided a table listing the proposed sites for both Scenarios within the 60 dB noise contour. (See Attachment 5). The <i>AELUP for JFTB Los Alamitos</i> states that residential uses within the 60 dB CNEL/Noise Impact Zone 2 is “Normally Consistent,” but that the “noise impact in this area is sufficient to require sound attenuation as set forth in the California Noise Insulation Standards, Title 25, California Code of Regulations.” The Commission strongly recommends that residential units be limited or excluded from this area unless sufficiently sound attenuated. The AELUP states, “the residential use interior sound attenuation requirement shall be a CNEL value not exceeding an interior level of 45 dB. In addition, it is recommended that all designated outdoor common or recreational areas within Noise Impact Zone 2 provide outdoor signage informing the public of the presence of operating aircraft.” City policies prohibit residential construction in the 65+ airport noise contours. (page 3, Staff report) City policies require noise studies for projects within the 60 dBA contour.	As stated above, the Draft Housing Element Update includes two new housing sites within the 60 dB CNEL as defined in the <i>Airport Environs Land Use Plan (AELUP) for JFTB Los Alamitos</i> (See Attachment 3). Site 6 is located at 4655 Lampson Avenue and could accommodate up to 310 housing units, and Site 10 located at 5030-5084 Katella could accommodate up to 108 units. The <i>AELUP for JFTB Los Alamitos</i> states that residential uses within the 60 dB CNEL/Noise Impact Zone 2 is “Normally Consistent,” but that the “noise impact in this area is sufficient to require sound attenuation as set forth in the California Noise Insulation Standards, Title 25, California Code of Regulations.” The Commission strongly recommends that residential units be limited or excluded from this area unless sufficiently sound attenuated. The AELUP states, “the residential use interior sound attenuation requirement shall be a CNEL value not exceeding an interior level of 45 dB. In addition, it is recommended that all designated outdoor common or recreational areas within Noise Impact Zone 2 provide outdoor signage informing the public of the presence of operating aircraft.” City policies prohibit residential construction in the 65 airport noise contours. (page 2, Staff report) City policies require that deed disclosure notices be provided for new residential within the 60 dBA contour.	Both Elements have sites in the 60 dBA noise impact zone. The same paragraph explaining the requirements of the AELUP is used in both letters.
Height Restrictions		
The City’s zoning restrictions would assure that buildings would not penetrate the imaginary surface height of 150 feet.	The City’s zoning restrictions would assure that buildings would not penetrate the imaginary surface height of 182 feet.	No incompatibility found for either Element.

ALUC Cypress vs. Los Alamitos Staff Reports

Cypress Staff Report (January 2022)	Los Alamitos Staff Report (January 2023)	Notes/Comments
JFTB Los Alamitos has established Clear Zones (also referred to as a Runway Protection Zones) located at each end of the runway (see Attachment 9). The Clear Zones are trapezoidal areas that are used to enhance the protection of people and property on the ground. There are existing residential uses in the area between JFTB Los Alamitos and the CTCC. None of the proposed housing sites are located within the approach or departure corridor for JFTB Los Alamitos. The staff report does not address flight path at all. However, as shown below, the CPCC units (green dot), are squarely within the flight path. (see Attachment 4 of the Staff report) 	Safety Aircraft operations at JFTB include use of both fixed wing aircraft and helicopters. General flight route information for JFTB Los Alamitos is provided in Attachment 7. These exhibits were prepared for JFTB in conjunction with an Environmental Assessment in June 2021 and for ICUZ in 2022, and are included for informational purposes only. The Site 7 (Laurel Park) would be adjacent to the north departure path. Contrary to the staff report, Site 7 is not adjacent to the flight path. 	Cypress has a site in the flight path, but was found consistent with the AELUP. Los Alamitos has no site within the flight path, but was found inconsistent with the AELUP.

ALUC Cypress vs. Los Alamitos Staff Reports

Cypress Staff Report (January 2022)	Los Alamitos Staff Report (January 2023)	Notes/Comments
Conclusions Attachment 10 to this report contains the submittal letter and Housing Element Submittal Form and Checklist received from the City of Cypress. The Housing Element Update and supporting documents are also available on the City's website at: https://www.cypressca.org/departments/community-development/information-on-notable-projects/housing-element-update ALUC staff has reviewed this project with respect to compliance with the <i>AELUP for JFTB Los Alamitos</i>, including review of noise, height and safety. <u>Recommendation</u> That the Commission find the proposed City of Cypress 2021-2029 Housing Element Update is Consistent with the <i>AELUP for JFTB Los Alamitos</i>.		
	Attachment 9 to this report contains the submittal letter and Housing Element Submittal Form and Checklist received from the City of Los Alamitos. The Housing Element Update and supporting documents are also available on the City's website at: http://cityoflosalamitos.org/375/Housing-Element ALUC staff has reviewed this project with respect to compliance with the <i>AELUP for JFTB Los Alamitos</i>, including review of noise, height and safety. The locations of Site 6 and Site 10 are in close proximity to JFTB-Los Alamitos, and the proposed land use designation of the two sites would allow for 418 new residential units, where there are currently none. These sites would be changing from the non-residential to residential uses and are both located within the 60 CNEL noise contour for JFTB-Los Alamitos. Site 7 would add up to 72 units adjacent to the north departure path subjecting future residents to noise and safety issues. <u>Recommendation</u> That the Commission find the proposed City of Los Alamitos 2021-2029 Housing Element Update Inconsistent with the <i>AELUP for JFTB Los Alamitos</i> per: 1. Section 2.1.1 Aircraft Noise, that the "aircraft noise emanating from airports may be incompatible with general welfare of the inhabitants within the vicinity of an airport." 2. PUC Section 21674, (as referenced in Section 1.2 of the <i>AELUP for JFTB Los Alamitos</i>) which states that the Commission is charged by PUC Section 21674(a) "to assist local agencies in ensuring compatible land uses in the vicinity of ...existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses," and PUC Section 21674(b) "to coordinate planning at the state, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety and welfare." 3. General Land Use Policies in Section 3.2.1 which states that "within the boundaries of the AELUP, and land use may be found to be Inconsistent with the AELUP which (1) Places people so that they are affected adversely by aircraft noise and (2) Concentrates people in areas susceptible to aircraft accidents."	Cypress has one site within the 60 dBA contour, and one site within the flight path. Yet Cypress is found compatible. Los Alamitos has three sites within the 60 dBA contour, and no sites within the flight path. Yet Los Alamitos is found incompatible.