



# **PLANNING COMMISSION**

## **AGENDA REPORT**

VI.5

MEETING DATE: AUGUST 8, 2011

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-11-03 FOR A PROPOSED HELISTOP  
3132 AIRWAY AVENUE

DATE: JULY 28, 2011

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER  
(714) 754-5611 (mlee@ci.costa-mesa.ca.us)

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### **PROJECT DESCRIPTION**

Conditional Use Permit (CUP) to allow the construction and operation of a 40 foot (long) by 40 foot (wide) helistop on a 6-foot high platform. The helistop has an overall elevation of 25 feet above ground level because it is located on the rooftop of an existing 19-foot tall building.

### **APPLICANT**

The applicant is Kevin A. Coleman, the owner of the property.

### **RECOMMENDATION**

Recommend approval to City Council by adoption of Planning Commission resolution, subject to conditions.

### **BACKGROUND**

#### ***What is a helistop?***

A helistop is a landing place for helicopters, often on the roof of a building or some other limited access area. There are a number of different terms to describe similar facilities, including "heliport" and "helipad". The applicant's supporting documents explain that the facility will be specifically used for limited takeoffs/landings, rather than house other related activities such as maintenance, refueling, and storage, which is normally associated with a heliport; additionally, the facility is for private use and not open to the general public. For clarity, the term "**helistop**" will be used to describe the proposed facility in the remainder of this report.

#### ***Site Location***

The property is located on the east side of Airway Avenue, between Baker Street and Fischer Avenue. The property is zoned MP (Industrial Park), approximately 2.4 acres in size, and contains an existing one-story, 37,955 square foot industrial building. On April

1, 2011, the City issued building permits for an 11,874 square foot tenant improvement for Leading Edge Aviation Services. Leading Edge Aviation Services paints civilian and military aircraft at facilities around the world; however, no painting of aircraft is proposed at this location - this location is for storage of materials and offices only. The tenant improvement includes a second story, 980 square foot addition for the CEO's office at the northeast end of the building. The tenant improvement is currently under construction (see attached photos).

The second phase of the tenant improvement includes the construction of the helistop on the southeast end of the existing building for the CEO's private helicopter. Per Zoning Code Section 13-30(82), heliports and helistops require the approval of a conditional use permit.

### ***Other Regulatory Agencies***

Because of the proximity of the helistop to John Wayne Airport, the proposed facility is regulated by the California Public Utilities Code (PUC) and, in addition to City approval, requires approval by the Airport Land Use Commission for Orange County (ALUC), Caltrans Division of Aeronautics, and the Federal Aviation Administration (FAA).

In 1975, ALUC adopted the Airport Environs Land Use Plan (AELUP) which specifies permitted uses in proximity to the airport. The uses include the following general provisions:

1. Uses not deemed to create adverse noise impacts.
2. Uses that will not concentrate people in areas with high potential for aircraft-related accidents.
3. Uses that will not adversely affect navigable airspace or aircraft operations.

A detailed description of the proposed facility was submitted to ALUC and their determination that the facility was compatible with the AELUP is attached to this report for reference (Attachment 3).

### ***City Council as the Final Review Authority***

Typically, the Planning Commission is the final review authority for CUP's unless the Commission's action is appealed or called up for review by the City Council. However, Public Utilities Code Section 21661.5(b) stipulates that final approval of the helistop is by the City Council, unless said approval is specifically delegated by the Council to the Commission. The specific PUC provision is summarized below:

***21661.5. (a) No political subdivision, any of its officers or employees, or any person may submit any application for the construction of a new airport to any local, regional, state, or federal agency unless the plan for construction is first approved by the board of supervisors of the county, or the city council of the city, in which the airport is to be located and unless the plan is submitted to the appropriate commission exercising powers pursuant to Article 3.5 (commencing***

with Section 21670) of Chapter 4 of Part 1 of Division 9, and acted upon by that commission in accordance with the provisions of that article.

(b) A county board of supervisors or a city council may, pursuant to Section 65100 of the Government Code, delegate its responsibility under this section for the approval of a plan for construction of new helicopter landing and takeoff areas, to the county or city planning agency.

Because the City Council does not have a formal policy delegating the approval of heliports or helistops to the Planning Commission, it is necessary that the Council take final action on the CUP.

## **ANALYSIS**

### ***Staff Justifications for Approval***

Staff supports the proposed facility based on the following:

- The Airport Land Use Commission for Orange County (ALUC) has determined that the proposed facility is consistent with the Airport Environs Land Use Plan for John Wayne Airport (AELUP), as well as the AELUP for Heliports. On July 21, 2011, the ALUC determined that the proposed helistop was consistent with the AELUP, on a 4-1 vote.

The determination that the project was consistent with the AELUP included the following:

- Although Mariners Christian School is approximately 900 feet to the west of the subject property, the school will not be underneath any flight paths for the proposed facility.
- Potential noise impacts by the proposed use will be negligible due to the location of the facility, surrounding uses, and the approach and departure paths used for the facility.
- The proposed approach and departure paths will correspond to existing helicopter paths designated by the airport and will be in compliance with FAA regulations.

The applicant has obtained conditional approval from Caltrans Division of Aeronautics on March 13, 2011, and an acceptable airspace study determination from the Federal Aviation Administration (FAA) on June 11, 2011, which amounts to approval, at least in concept, to the proposed facility. These documents are included in the applicant's submittal package to ALUC, which is attached to this report.

It should be noted that ALUC received a letter in opposition to the proposed facility, stating that the project should not be approved because it was not consistent with the AELUP (Attachment 4). However, as noted earlier, ALUC determined that the project was consistent with the AELUP.

- Owner/Operator shall fully comply with conditions required by Caltrans and the FAA. The helistop design is based on the Caltrans Division of Aeronautics design criteria. Other than standard conditions related to future changes in operations and aesthetic issues, staff is not recommending additional conditions related to the use/operation of the helistop that would be above and beyond those required by Caltrans or the FAA.
- The modifications to the building exterior to accommodate the helistop will not be visually intrusive to the existing development or surrounding properties. According to the applicant, the facility will consist of a 40 foot long by 40 foot wide metal rooftop landing pad, standard helistop lighting (i.e., lighted wind cone, green perimeter lights and red obstruction lights), and standard pad markings. A diagram showing the proposed pad markings is included in the attached application package that was submitted to ALUC. The overall elevation above ground level of the helistop is 25 feet, approximately 6 feet over the roof of the existing industrial building, which is approximately 19 feet in height.

The pad will be supported by steel beams, which staff is requiring to be painted to match the existing building (condition no. 3). It is not possible to screen the helistop since any elements extending above the helistop level would be considered obstructions and would not be allowed by the FAA or Caltrans Division of Aeronautics. The helistop and the surrounding environment have been very carefully designed to meet all airspace obstruction-clearance requirements.

- The presence of the helicopter on the roof of the building will not create an adverse visual impact to surrounding properties due to its proximity to the airport and distance from Airway Avenue. The proposed helistop is approximately 225 feet from the front property line, toward the southerly rear of the existing building. As noted earlier, the proposed helistop will have an overall elevation above ground level of 25 feet, approximately 6 feet above the roof of the existing building.
- The use of the helistop is for a private helicopter only – the facility will not be open to the general public, i.e., a heliport. According to the applicant, the use of the facility will vary depending upon the business owner's travel needs. The applicant anticipates and average of three landings and three departures per week – and this activity will vary on a daily basis. Hours of operation will be 7:00 am-7:00 pm, Monday through Sunday.

Condition of approval no. 4 establishes no more than 2 takeoffs and 2 landings per day and no more than 4 takeoffs and 4 landings per week.

- No fueling, maintenance, or repair facilities are proposed. According to the applicant the facility will be used for arrivals and departures of the helicopter only. No fueling or maintenance activities will occur on the site.

## GENERAL PLAN CONFORMITY

In accordance the General Plan Land Use Element, the use is required to comply with the State permitting procedures and with all conditions of approval imposed and/or recommended by the Federal Aviation Administration, the Airport Land Use Commission for Orange County, and the Caltrans Division of Aeronautics.<sup>1</sup> With these approvals in place, the use will be in conformance with the City's General Plan.

## ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15311, Class 11, Accessory Structures. If the project is denied, it is exempt from the provisions of CEQA Section 15270(a) for Projects Which Are Disapproved.

## ALTERNATIVES

The Planning Commission has the following alternatives:

1. Recommend approval of the facility as proposed by the applicant; or
2. Recommend denial of the facility as proposed. If the use is denied, the applicant could not submit substantially the same type of application for six months.

## CONCLUSION

This proposal has received final approval from the Airport Land Use Commission, conditional approval from the Caltrans Division of Aeronautics, and an acceptable airspace study determination from the Federal Aviation Administration. It is staff's opinion that, based on review of the other regulatory agencies, the location and the recommended conditions, the helistop will not create any adverse impacts on surrounding properties. Therefore, staff supports the request.



MEL LEE, AICP  
Senior Planner



CLAIRE FLYNN, AICP  
Acting Asst. Development Services Director

Attachments:

1. Draft Planning Commission Resolutions
2. Applicant's Project Description
3. ALUC Approval Letter, Agenda, Staff Report, and Application Package
4. Letter to ALUC in Opposition to the Facility
5. Location Map, Plans, and Photos

<sup>1</sup> Costa Mesa General Plan Land Use Element, Page LU-15.

cc: Interim Development Services Director  
Deputy City Attorney  
City Engineer  
Transportation Svs. Manager  
Fire Protection Analyst  
Staff (4)  
File (2)

Kevin A. Coleman  
Net Development Company  
3130 Airway Avenue  
Costa Mesa, CA 92626

File: 080811PA1103	Date: 072511	Time: 1:00 p.m.
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## RESOLUTION NO. PC-11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING PLANNING  
APPLICATION PA-11-03**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Kevin A. Coleman, owner of real property located at 3132 Airway Avenue, requesting a Conditional Use Permit (CUP) to allow the construction and operation of a 40 foot (long) x 40 foot (wide) helistop on a 6-foot high platform. The helistop has an overall elevation 25 feet above ground level as it is located on the rooftop of an existing 19-foot tall industrial building. The facility will generally average three landings and three departures per week with actual activities varying from day to day. Hours of operation will be 7:00 am-7:00 pm, Monday through Sunday; and

WHEREAS, on July 21, 2011 the Airport Land Use Commission for Orange County (ALUC) reviewed the applicant's request and found the proposed facility to be in conformance with the Airport Environs Land Use Plan (AELUP) and the AELUP for Heliports, on a 4-1 vote; and

WHEREAS, on March 13, 2011, the applicant obtained conditional approval from Caltrans Division of Aeronautics for the helistop design; and

WHEREAS, on June 11, 2011, the Federal Aviation Administration (FAA) conducted an airspace study as mandated under Part 157 of the Federal Aviation Regulations and found the site to be acceptable from an airspace utilization standpoint; and

WHEREAS, the proposed project was found to be categorically exempt under Section 15311, Class 11, Accessory Structures of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 8, 2011; and

WHEREAS, California Public Utilities Code Section 21661.5 requires that the City Council approve the proposal to construct and operate a helistop located within the city boundaries before Caltrans Division of Aeronautics can issue its final approval; and

WHEREAS, the proposed helistop has conditionally complied with federal requirements, and a City Council resolution noting City approval of the helistop is required to finalize the State permitting process;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **RECOMMENDS APPROVAL** by the City Council of Planning Application PA-11-03 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-11-03 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 8th day of August, 2011.**

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Colin McCarthy, Chair  
Costa Mesa Planning Commission



## EXHIBIT "A"

**FINDINGS:**

1. The information presented substantially complies with Section 13-29(e) of the Costa Mesa Municipal Code in that:
  - a. The proposed use is compatible and harmonious with uses on-site as well as those on the surrounding properties.
  - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
  - c. The Industrial Park land use designation permits a wide range of uses, and the proposal is consistent with the General Plan. Approval of CUP would be consistent with the proximity of the subject property to John Wayne Airport.
  - d. The planning application is for a project-specific case and does not establish a precedent for future development.
2. The conditional use permit substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the area. Specifically, because of the proximity of the helistop to John Wayne Airport, the proposed facility is regulated by the California Public Utilities Code (PUC) and, in addition to City approval, requires approval by the Airport Land Use Commission for Orange County (ALUC), Caltrans Division of Aeronautics, and the Federal Aviation Administration (FAA).

In 1975, ALUC adopted the Airport Environs Land Use Plan (AELUP) which specifies permitted uses in proximity to the airport. The uses include the following general guidelines:

1. Uses not deemed to create adverse noise impacts.
2. Uses that will not concentrate people in areas with high potential for aircraft-related accidents.
3. Uses that will not adversely affect navigable airspace or aircraft operations.

On July 21, 2011, the Airport Land Use Commission for Orange County (ALUC) has determined that the proposed facility is consistent with the Airport Environs Land Use Plan (AELUP) and the AELUP for heliports, on a 4-1 vote. In addition, the applicant obtained conditional approval from Caltrans Division of Aeronautics on March 13, 2011, and an acceptable airspace study determination from the Federal Aviation Administration (FAA) on June 11, 2011. The modifications to the building exterior to accommodate the helistop will not be visually intrusive to the existing development or surrounding properties. The presence of the helicopter

on the roof of the building will not create an adverse visual impact to surrounding properties due to its proximity to the airport and distance from Airway Avenue. The use of the helistop is for a private helicopter only – the facility will not be open to the general public. No fueling, maintenance, or repair facilities are proposed. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the General Plan designation for the property.

3. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15311 for Accessory Structures.
4. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## EXHIBIT "B"

CONDITIONS OF APPROVAL:

- Plng. 1. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
2. The use shall be limited to the type of operation as described in the staff report. Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment to the conditional use permit. Specifically, refueling and overnight maintenance in the helistop area are expressly prohibited. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
3. Any visible steel beams supporting the helistop shall be painted to match the existing building, subject to Planning Division approval.
4. Maximum activity levels shall not exceed 2 takeoffs and 2 landings per day and no more than 4 takeoffs and 4 landings per week.
5. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.

**RESOLUTION NO. PC-11-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA DENYING PLANNING APPLICATION  
PA-11-03**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Kevin A. Coleman, owner of real property located at 3132 Airway Avenue, requesting a Conditional Use Permit (CUP) to allow the construction and operation of a 40 foot (long) x 40 foot (wide) helistop on a 6-foot high platform. The helistop has an overall elevation 25 feet above ground level as it is located on the rooftop of an existing 19-foot tall industrial building. The facility will generally average three landings and three departures per week with actual activities varying from day to day. Hours of operation will be 7:00 am-7:00 pm, Monday through Sunday; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 8, 2011.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-11-03 with respect to the property described above.

**PASSED AND ADOPTED this 8th day of August, 2011.**

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Colin McCarthy, Chair  
Costa Mesa Planning Commission



**EXHIBIT "A"****FINDINGS (for denial)**

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (e) because:
  - a. The proposed use is not compatible and harmonious with uses both on site and those on surrounding properties.
  - b. The project is not consistent with the General Plan.
  
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) because the proposed use is not compatible with developments in the same general area. Granting the conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the conditional use permit will allow a use, density, or intensity which is not in accordance with the General Plan designation for the property.
  
- C. The Costa Mesa Planning Commission has denied PA-11-03. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.

**KEVIN A. COLEMAN**  
3130 Airway Avenue  
Costa Mesa, CA 92626

February 16, 2011

City of Costa Mesa  
Development Services Department  
77 Fair Drive, P.O. 1200  
Costa Mesa, CA 92628-1200

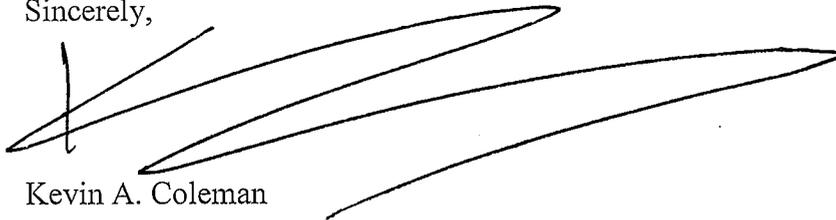
RE: Requested Conditional Use Permit-helipad

To Whom It May Concern:

This request is to place a helicopter pad on roof located at 3132 Airway Avenue. This property is located against the John Wayne Airport at the Southwest corner. There is a current helicopter flight pattern already over the top of the property and would be compatible with current uses and permits in the general area. This proposed use should not be detrimental in any way to other properties in the same area.

If you have any concerns or questions, please do not hesitate to contact me.

Sincerely,



Kevin A. Coleman

KAC:klw





# AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

July 22, 2011

Kevin Coleman  
 Net Development Company  
 3130 Airway Avenue  
 Costa Mesa, CA 92626

**Subject: Leading Edge Aviation Services Helistop**

Dear Mr. Coleman:

During the meeting held on July 21, 2011, the Airport Land Use Commission (ALUC) for Orange County considered the subject project. The matter was duly discussed, moved, seconded, and carried by a 4 to 1 vote, to find the proposed Leading Edge Aviation Services Helistop located at 3132 Airway Avenue to be Consistent with the Commission's *Airport Environs Land Use Plan (AELUP) for John Wayne Airport (JWA)* and *AELUP for Heliports*, providing that the owner/operator complies fully with the conditions required by the FAA, Caltrans Aeronautics and with the operational parameters submitted to the ALUC and to the City of Costa Mesa.

Please contact Lea Choum, at (949) 252-5123 or via email at [lchoum@ocair.com](mailto:lchoum@ocair.com) if you require additional information or have questions regarding this proceeding.

Sincerely,

Kari A. Rigoni  
 Executive Officer



# AIRPORT LAND USE COMMISSION

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

REGULAR MEETING OF THE  
AIRPORT LAND USE COMMISSION  
FOR ORANGE COUNTY

July 21, 2011

PLEASE NOTE LOCATION

**TIME:** 4:00 p.m. **PLACE:** John Wayne Airport  
3160 Airway Avenue  
Costa Mesa, CA  
Airport Commission Hearing Room

**SUBJECT:** Regular Meeting

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NOTICE

PERSONS ADDRESSING THE COMMISSION ARE REQUESTED TO GIVE THEIR NAMES AND ADDRESSES FOR THE RECORD.

EXCEPT AS OTHERWISE PROVIDED BY LAW, NO ACTION WILL BE TAKEN ON ANY ITEM NOT APPEARING IN THE FOLLOWING AGENDA. THE RECOMMENDED ACTIONS STATED IN THE AGENDA ITEM OR UNDERLYING STAFF REPORTS SIMPLY REFLECT THE RECOMMENDATION OF THE COMMISSION STAFF AND THE DISCUSSION AND ACTION TAKEN BY THE COMMISSION MAY DEVIATE THEREFROM.

AT THE CONCLUSION OF THE MEETING ON ITEMS LISTED IN THIS AGENDA, MEMBERS OF THE PUBLIC MAY ADDRESS THE COMMISSION ON ITEMS OF INTEREST TO THE PUBLIC THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE COMMISSION.

ALL SUPPORTING DOCUMENTATION IS AVAILABLE FOR PUBLIC REVIEW IN THE EDDIE MARTIN ADMINISTRATION BUILDING LOCATED AT 3160 AIRWAY AVENUE, COSTA MESA, CA 92626 DURING REGULAR BUSINESS HOURS, 8:00 A.M. - 5:00 P.M. MONDAY THROUGH FRIDAY. AGENDA ITEMS ARE ALSO AVAILABLE BY CALLING (949) 252-5170.

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AGENDA

ORDER:

PLEDGE:

APPROVAL OF MINUTES:

Regular Meeting of June 16, 2011:

19

Commissioners Present: Gerald Bresnahan, Rod Propst, Leslie Daigle, Jon Dumitru, Jim Righheimer

Commissioners Absent: Herman Beverburg and Tom O'Malley

Alternate Commissioners Present: Stephen Beverburg

**NEW BUSINESS:**

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1. **Request for Consideration of Helistop at 3132 Airway Avenue:** Leading Edge Aviation Services has submitted for ALUC consistency review a proposal to establish a private-use helistop on an existing building at 3132 Airway Avenue in Costa Mesa. No maintenance or refueling activities will take place. The helistop will serve as a landing place to pick up and drop off passengers only.

**Recommendation:** That the Commission find the Leading Edge Aviation Services Helistop located at 3132 Airway Avenue to be Consistent with the *AELUP for JWA* and the *AELUP for Heliports*, providing that the owner/operator complies fully with the conditions required by the FAA, Caltrans Aeronautics and with the operational parameters submitted to the ALUC and to the City of Costa Mesa.

2. **Administrative Status Report:** Receive and file memo regarding various administrative activities/issues, Commission correspondence sent/received, and pending project reviews.
3. **Proceedings with Consistent Agencies:** Aliso Viejo (April 15, 2004), Anaheim, Buena Park, Costa Mesa (October 17, 2001), Cypress (August 16, 2001), Fullerton (June 17, 2004), Garden Grove, Huntington Beach, Irvine, Laguna Hills, Lake Forest (June 15, 2006) Los Alamitos, Mission Viejo, Newport Beach (2006), Santa Ana (December 18, 2008), Stanton, Tustin, Westminster, and County of Orange.
4. **Proceedings with Inconsistent Agencies:** Laguna Woods (April 19, 2001) and Seal Beach.
5. **Items of Interest to the Commissioners:** Commissioners may comment on agenda or non-agenda matters, and ask questions of or give direction to staff; provided that no action may be taken on off-agenda items.
6. **Items of Interest to the Public:** Members of the public may address the Commission regarding any item within the subject matter jurisdiction of the Airport Land Use Commission provided that no action may be taken on off-agenda items unless authorized by law.

**ADJOURNMENT:** Next Regular Meeting: August 18, 2011



# AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

## AGENDA ITEM 1

July 21, 2011

**TO:** Commissioners/Alternates  
**FROM:** Kari Rigoni, Executive Officer  
**SUBJECT:** Request for Consideration of Leading Edge Aviation Services Helistop

### Background

Leading Edge Aviation Services has submitted for ALUC consistency review a proposal to establish a private-use helistop on an existing building at 3132 Airway Avenue in Costa Mesa. Leading Edge intends to use the helistop for its corporate travel needs between its various facilities (See Attachment 1 to view the project location map). There are no plans to perform maintenance or refueling activities, the helistop will serve as a landing place to pick up and drop off passengers only. Leading Edge is also building a second floor addition office on top of the existing building. The office will be one room at 950 square feet. The helistop will be located outside of the second floor office (See Attachment 2 to view the roof plan for 3132 Airway Avenue). The project still requires approval of a conditional use permit by the City of Costa Mesa to allow a helistop on the project site. Leading Edge anticipates that the proposed helistop will be reviewed by the City Costa Mesa Planning Commission at its August 10, 2011 meeting.

The project is located in an area zoned Multi Purpose (MP) Industrial Park and is surrounded by John Wayne Airport to the north and east, light industrial/office/research uses to the south, and light industrial/office/research uses and Mariners Christian School to the west. Mariners Christian School is about 900 feet west of the project site but not beneath proposed flight paths. Leading Edge is proposing 3 takeoffs and landings per week. The hours of operation for the Helistop will be Monday through Sunday 7 a.m. to 7 p.m. (See Attachment 3 to view the Helistop Site Layout and Helistop Detail).

Public Utilities Code Section 21661.5 requires ALUC review and action on each heliport/helistop proposal within Orange County prior to issuance of an operating permit to the sponsor by Caltrans/Aeronautics Program.

### AELUP Issues

Staff has identified noise impact and airspace safety as potential AELUP issues.

**Regarding the Noise Issue:** This site and the adjoining properties are zoned for industrial uses. The impacts from noise generation will be negligible as a result of the location, surrounding uses, limited number of operations, and the approach/departure paths used for the facility.

The proposed departure and arrival paths will correspond to existing helicopter paths designated by the Air Traffic Control Tower at JWA and will be in compliance with FAA Regulations (See Attachment 4 to view the proposed helistop within the 65 CNEL noise contour for JWA).

**Regarding Building Height Issues:** The proposed second floor office addition, the helistop platform and lighted windcone do not penetrate the 7:1 transitional surface for JWA. The transitional surface would be penetrated at 133' Above Mean Sea Level (AMSL). The office is proposed at 89' AMSL, the platform at 77' AMSL and the lighted windcone at 94' AMSL. The highest portions of the proposed project are below the 7:1 transitional surface for JWA (See Attachment 5 to view the proposed project within the FAR Part 77 Obstruction Imaginary Surfaces for JWA).

**Regarding the Airspace Safety Issue:** Following the submittal of FAA Form 7480-1 "Notice of Landing Area Proposal" by the project sponsor, the FAA Western Pacific Regional Office completed an Airspace Analysis and determined that the proposal is acceptable but is subject to the following conditional provisions specified below prior to being issued an operational permit. These conditional provisions will ensure that there will not be any adverse effects to the safe and efficient use of airspace by aircraft from an airspace utilization standpoint. The FAA response includes comments from the Air Traffic Control Tower (ATCT) at John Wayne Airport (JWA) that are based solely on Air Traffic Control operational perspective. The following must be in effect prior to being operational (See Attachment 6 to view the FAA Airspace Study):

- a. Specific arrival and departure procedures/routes for use during Rwy 19 and Rwy 01 operations are mandated within a "Letter of Agreement" (LOA) between Leading Edge and the Air Traffic Control Tower (ATC).
- b. Final procedures are dependent upon completion of a local "Safety Risk Management/Safety Management System (SRM/SMS) review process and made with Mr. Doug Blaul, Acting Air Traffic Manager, at 714-668-0141 x114.
- c. Contact should be made with the California Department of Transportation, Aeronautics Division (Caltrans) in order for their office to make an evaluation and determination in regards to obtaining a state heliport permit once the SRM/SMS review process has been completed. Point of contact is Mr. Jeff Brown, Chief, Office of Airports.

As part of the submittal package to ALUC, the project sponsor has also included the Concept Plans for the helistop. The Caltrans Division of Aeronautics has reviewed these plans and conditionally approved them as of March 15, 2011. Caltrans approval is conditional subject to California Environmental Quality Act (CEQA) compliance, local approval and other permit requirements through the City of Costa Mesa. These conceptual plans are included as exhibits within the submittal package to the ALUC (See Attachment 7).

### **Conclusion**

Subject to compliance with the conditions required by the FAA, as well as adherence to the operational parameters relating to flight frequency stated by the project sponsor, the project will be a compatible land use at the planned location and would be Consistent with the pertinent guidelines of the *AELUP for JWA* and the *AELUP for Heliports*.





711 N. FIDLER BL.  
 ANAHEIM, CA 92801  
 (714) 771-1111  
 FAX: (714) 771-1111

**development**  
 netco  
 1110 W. WASHINGTON ST. SUITE 100  
 PASADENA, CA 91104-1111  
 (626) 799-1111

**LEADING EDGE AVIATION SERVICES**  
 3132 Airway Ave.  
 COSTA MESA, CA

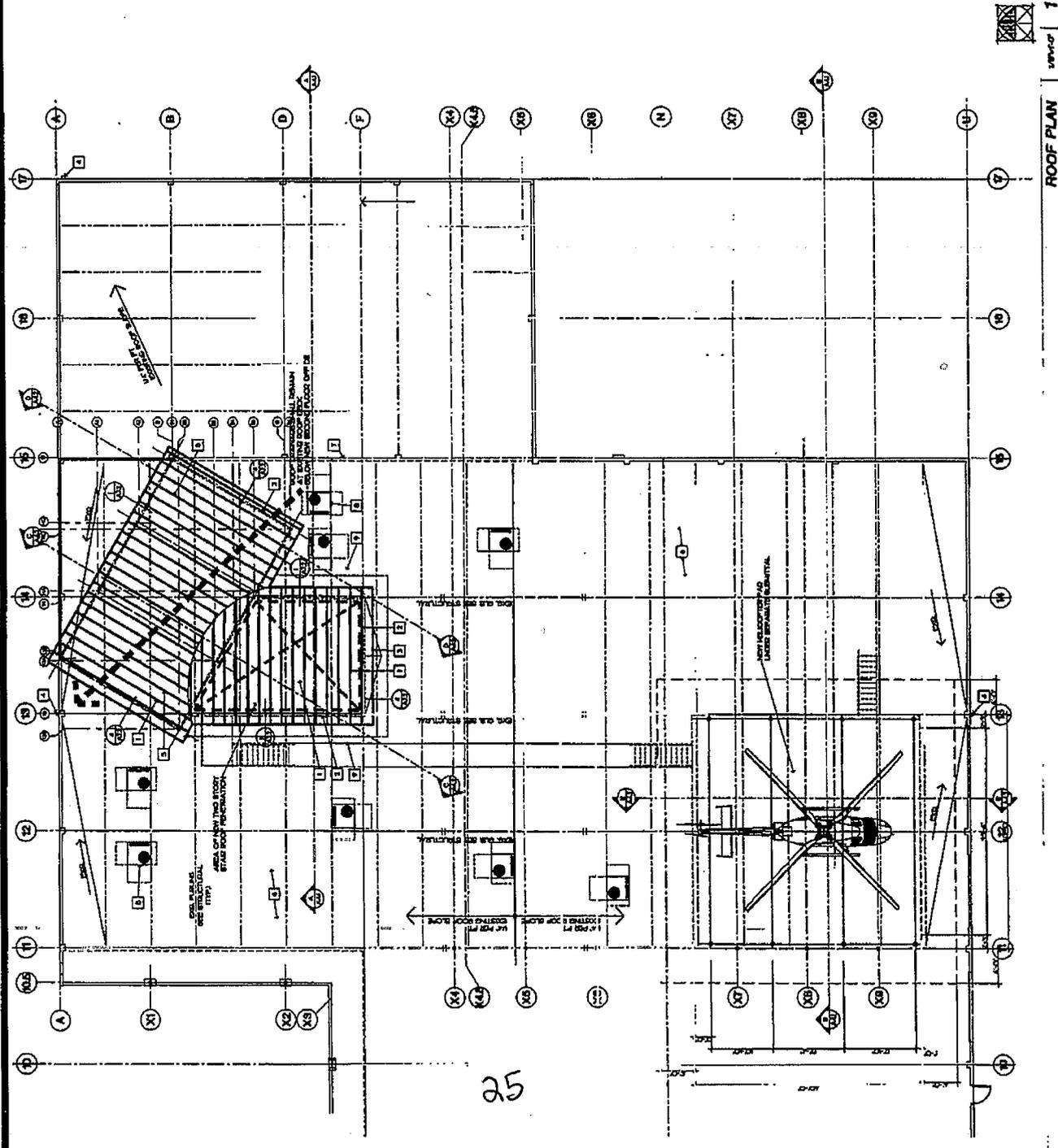
DATE: 11/18/88  
 DRAWN BY: J. GIBBON  
 CHECKED BY: J. GIBBON

PROJECT: 10177  
 SHEET: ROOF PLAN  
 A2.3

**KEYNOTES**

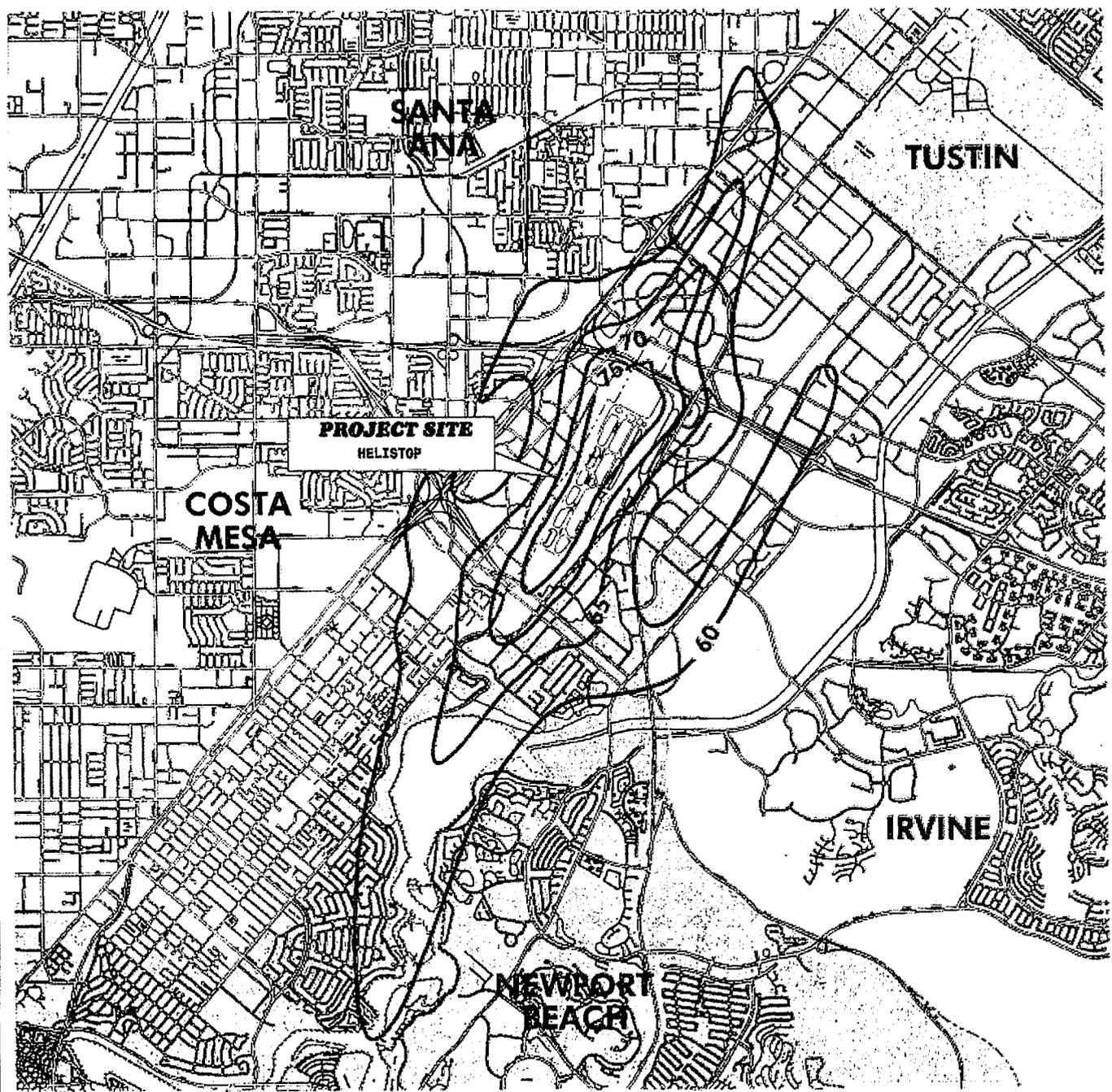
1. PROVIDE FINISH AS NOTED. ALL ROOFING SHALL BE PERFORMED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE ROOFING MANUFACTURER.
2. LINE UP WALL FLASHING.
3. NEW ROOF FLASHING. SEE (A1).
4. EXISTING ROOF FLASHING OVERLAP AND DOWNSPOUT.
5. EXISTING FLASHING TRIMMING SHALL BE OPEN TO EXISTING ROOF FLASHING.
6. EXISTING BUILT UP ROOFING AND CURB FLASHING, TRIMMED AND REPAIR AS NOTED.
7. LINE OF EXISTING CONCRETE SHALL BE SHOWN.
8. NEW WALL FLASHING AND DOWNSPOUT.
9. REPAIR BACK CURBING BUILT UP ROOFING TO ADDRESS EXISTING ROOF FLASHING AND CURB FLASHING. PATCH AND REPAIR AS NOTED.
10. ROOFING WITH CURB FLASHING.

NOTE: REFER TO EXISTING ROOF DRAWINGS SHALL BE OPEN TO ALL EXISTING ROOF FLASHING, FLASHING AND DOWNSPOUTS SHALL BE REPAIR AS NOTED.



25





Note: County Unincorporated areas are shown in white.

## John Wayne Airport Impact Zones

### LEGEND

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



Scale in Feet

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

### CERTIFICATION

Adopted by the Airport Land Use Commission for Orange County

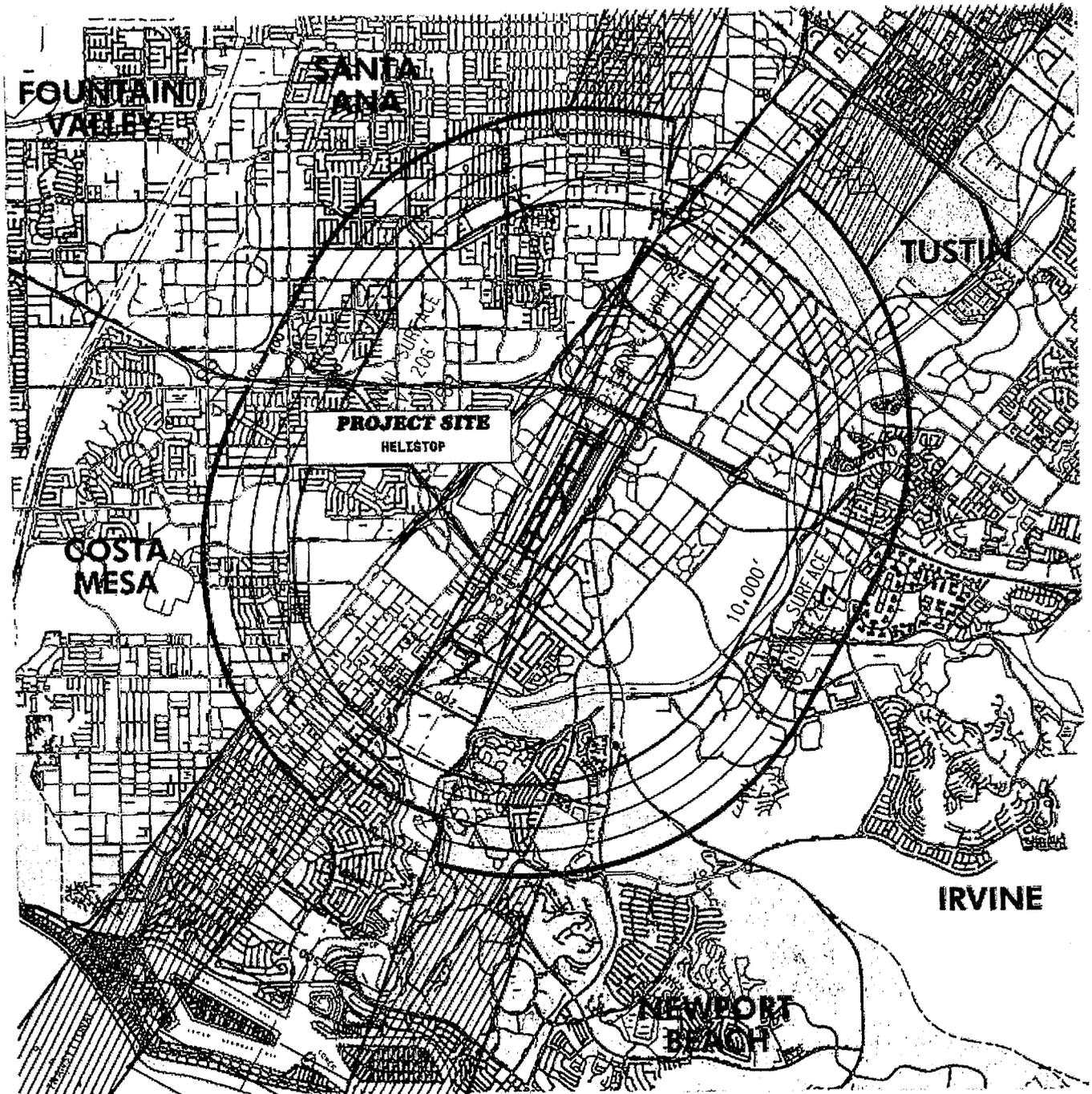
*Kari A. Rigoni* April 17, 2008

Kari A. Rigoni, Executive Officer

Date

27

AE\_LUP-2007/Jwsipzone-C7 dgn.dgn



Note: County Unincorporated areas are shown in white.

## FAR PART 77

### John Wayne Airport Obstruction Imaginary Surfaces



0 500 1000 1500 2000 2500  
Scale in Feet

**LEGEND**

- CITY BOUNDARIES
- AIRPORT BOUNDARIES

24

**CERTIFICATION**

Adopted by the Airport Land Use Commission for Orange County

*Kari A. Rigoni*      April 17, 2008

Kari A. Rigoni, Executive Officer      Date

AEI LP-2007/jwahsurface-07-1.dgn



U S Department  
of Transportation

Federal Aviation  
Administration

Western-Pacific Region  
Los Angeles Airports District Office

P O Box 92007  
Los Angeles, CA 90009

June 21, 2011

Mr. Jeffery Wright  
Heliplanners  
31110 Avenida Del Reposo  
Tamscula, CA 92591

Leading Edge Heliport  
Costa Mesa, California  
Airspace Case No. 2011-AWP-528-NRA  
Lat. 33-40-30.10 N, Long. 117-52-23.40 W (NAD 83)

Dear Mr. Wright:

The Federal Aviation Administration (FAA) has completed an airspace study in response to your proposal submitted on FAA Form 7480-1, *Notice of Landing Area Proposal*, for the activation and establishment of the subject private heliport in Costa Mesa, California. Our analysis determined that the proposal is acceptable but is subject to the following conditional provisions specified below prior to being issued an operational permit to insure there will not be any adverse effects to the safe and efficient use of airspace by aircraft. Our response includes comments that have been provided from the Air Traffic Control Tower (ATCT) at John Wayne Airport (SNA) that are based solely on Air Traffic Control operational perspective. The following must be in effect prior to being operational:

- a. Specific arrival and departure procedures/routes for use during Rwy 19 and Rwy 01 operations are mandated within a "Letter of Agreement" (LOA) between Leading Edge and the Air Traffic Control Tower (ATC).
- b. Final procedures are dependent upon completion of a local "Safety Risk Management/Safety Management System (SRM/SMS)" review process and inclusion of any identified risk mitigation measures. Contact should be made with Mr. Doug Blaul, Acting Air Traffic Manager, at 714-668-0141, x114. His email address is doug.blaul@faa.gov
- c. Contact should be made with the California Department of Transportation, Aeronautics Division (CALTRANS) in order for their office to make an evaluation and determination in regards to obtaining a state heliport permit once the SRM/SMS review process has been completed. Your point of contact is:

Mr. Jeff Brown  
Chief, Office of Airports  
California Department of Transportation  
Division of Aeronautics, MS40  
P.O. Box 942874  
Sacramento, CA 94274  
916-654-4565

This airspace study did not include an environmental review to determine whether or not the proposed development is environmentally acceptable in accordance with the National Environmental Policy Act (NEPA) of 1969 (Public Law 91-190), as amended.

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This determination does not constitute FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground and operational impacts to the National Airspace System (NAS).

In making this determination, the FAA has considered matters such as the effect the proposal would have on existing or planned traffic patterns of neighboring airports, the effect it would have on the existing airspace structure and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA) and known natural objects within the affected area would have on the heliport proposal. Also, this determination in no way preempts or waives any ordinances, laws, or regulations of any other government body or agency.

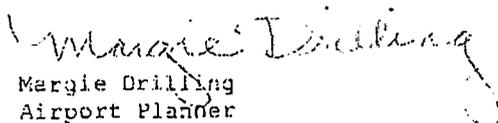
The FAA cannot prevent the construction of structures near heliports. The facility environs can only be protected through such means as local zoning ordinances or acquisition of property rights. We are enclosing a graphic depiction (Figure 2) entitled "Airport Imaginary Surfaces for Heliports" of the proper vertical clearances, which should be maintained between the approach/departure surfaces to a landing area and highways for rotor wing operations. Please note that a 17-foot minimum clearance is required for interstate highways. Figure 2 is incorporated herein and made a part of this determination.

This determination expires on December 21, 2012, unless it is otherwise extended, revised, or terminated, or the facility is constructed before that date. An extension may be requested through our office, if necessary, up to 15-days prior to this expiration date.

Also enclosed is the Airport Master Record, FAA Form 5010-5 for establishment of a "private use" landing area within our database system. Within 30-days after the landing area becomes operational, we would appreciate you completing this form for the heliport, signing, dating and returning it to me at this office, so your facility can be added into the FAA Airport Data System.

If you have any questions, please contact me at all 310/725-3628.

Sincerely,

  
Margie Drilling  
Airport Planner

cc: California Department of Transportation  
Mr. Jeff Brown  
Division of Aeronautics, MS 40  
Chief, Office of Airports  
P.O. Box 942874  
Sacramento, CA 94274

§77.29. - Airport Imaginary Surfaces for Heliports

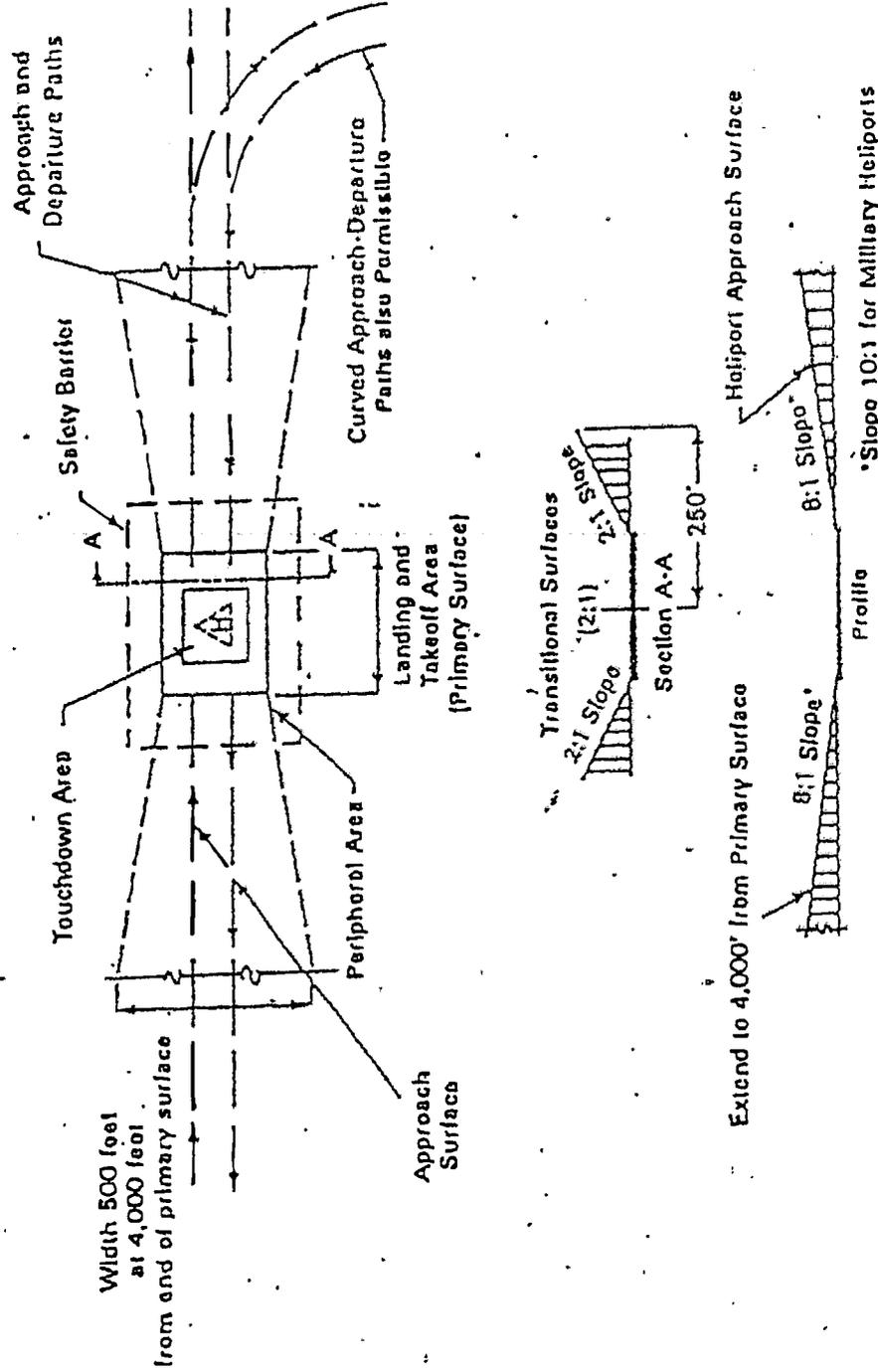


Figure 2

If a highway or railroad is in this area, they should be considered as having a 17' obstruction for an interstate highway, 15' obstruction for other highways, and a 23' obstruction for a railroad.

June 27, 2011

Commissioners  
Airport Land Use Commission of Orange County  
3160 Airway Avenue  
Costa Mesa, California 92626

RECEIVED  
JUN 28 2011  
AIRPORT LAND USE COMMISSION

**Attention: Lea U. Choum, Land Use Manager, Facilities**

**Subject: Application for Airport Land Use Commission Review of Proposed Helistop  
Leading Edge Aviation Services, Costa Mesa, California**

Dear Commissioners:

Leading Edge Aviation Services intends to request, from Caltrans Division of Aeronautics, a permit to build a new rooftop helistop on an existing building at 3132 Airway Avenue in Costa Mesa. The applicant, Net Development Company, on Leading Edge's behalf, is processing the project with various aviation-related agencies including the Orange County ALUC, FAA and Caltrans Aeronautics with the assistance of Heliplanners, a heliport planning firm. In conjunction with this process, Net Development Company and the City of Costa Mesa request that your Commission review the proposal with respect to consistency with the adopted Orange County Airport Environs Land Use Plan (AELUP) for Heliports in accordance with PUC Sections 21670 et seq., and with California Administrative Code Title 21, Business Regulations, Chapter 25, Aeronautics Program, Sub-Chapter 2.1, Heliports.

The following project description responds to specific items requested in the Orange County Airport Environs Land Use Plan for Heliports, June 19, 2008.

**1. Location of the proposed heliport/helistop (street address)**

The helistop will be located at Leading Edge Aviation Systems' headquarters at:

3132 Airway Avenue  
Costa Mesa, California 92626

**2. Purpose of the request:**

Leading Edge intends to use the helistop for its corporate travel needs between its various facilities. The request is only for a helistop, simply a landing place to pick up and drop off passengers. There are no plans to perform maintenance or refueling activities; activities that might take place at a full heliport. Leading Edge already uses part of the building for its business activities and will be concurrently building a superstructure office on top of the existing building. The helistop will be outside of the office.

**3. Zoning of the site**

The site lies within Costa Mesa corporate limits and is zoned MP (Industrial Park).

**4. Description of area and adjoining properties**

Surrounding land uses are airport and light industrial related. Specifically:

- To the north: John Wayne Airport aircraft storage area
- To the east: John Wayne Airport including Martin Aviation

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- To the south: Light industrial/office/research uses
- To the west: Light industrial/office/research uses and Mariners Christian School (about 900 feet west but not beneath proposed flight paths).

**5. Approach/departure paths**

The project is adjacent to John Wayne Airport property and sits within the Class C airspace surrounding the Airport. Our proposed approach/departure paths are shown on the enclosed Helistop Layout Plan, prepared by Heliplanners, and described below. They are specifically designed to minimize impact on John Wayne Airport's traffic patterns. The flight paths are also designed to avoid conflict with existing helicopter routes used at Centerport, approximately 1,300 feet to the south. Please understand, we are currently working with the John Wayne Airport FAA Air Traffic Control Tower and will execute a Letter of Agreement with the Tower. The Letter of Agreement would specify communications procedures and flight paths. We fully understand that the Tower Chief needs to control air traffic for a very busy airport. If he suggests changes to our proposed flight paths, we will comply with his request and modify our Helistop Layout Plan accordingly. Also note that FAA Airports Division has issued an airspace determination letter (enclosed) conditioned upon executing the Letter of Agreement.

Our proposed flight paths are:

- Primary approach (and alternate departure) north-northwest
- Primary departure (and alternate approach) southwest.

**6. Depiction of proposed Helipad Protection Zone per Section 2.1.2 of the Helipad AELUP**

Section 2.1.2 mandates that the Helipad Protection Zone (HPZ) extends 280 feet out from the FATO edge. The HPZ is not specifically depicted on the enclosed Helistop Layout Plan. However, our proposed approach and departure surface alignments are depicted, centered upon each flight path. While we do not own the area beneath the HPZs, we can assure you that there are no objects that extend above landing pad elevation within those areas. In fact the site provides for full 8:1 approach/departure surface clearance for 4,000 feet along each flight path per FAR Part 77 criteria.

**7. Anticipated number of approaches and departures (counted separately) during a specified time interval (day, week, month)**

While the facility's use will vary depending upon varying business travel needs, we anticipate an average of three landings and three departures per week. Some days may have none and some may have more.

**8. Potential for creating a nuisance due to noise generated by the operation of helicopters**

The site is characterized by two noise-producing nearby land use categories. One of course is John Wayne Airport, subject to frequent noise events by turbine and piston aircraft, helicopters, etc. The site is also in a light industrial and distribution area where nearby land uses generate their own on-site noise due to manufacturing processes, truck deliveries, etc. There are no homes nearby to be affected by this proposal. Considering nearby land uses, the additional noise associated with infrequent helicopter activity at this project is negligible.

**9. Potential for creating an accident hazard**

The Federal Aviation Administration and Caltrans' Aeronautics Program have developed safety related criteria for heliport design. The project must comply with Caltrans' design criteria in order to qualify for a Heliport Site Approval Permit, which authorizes construction, and a Heliport Permit, which authorizes flight operations. We have designed the facility in accordance with Caltrans Aeronautics' criteria. Caltrans Aeronautics has already reviewed and approved the design concept. In addition, FAA publishes its *Helipad Design* advisory circular. The facility is also designed in accordance with that document's recommendations and FAA has issued an airspace determination letter expressing no objection.

The helistop will not be equipped with instrument landing aids. Nor do we foresee instrument approaches to the site. Therefore, its use would be limited to VFR (visual flight rules) operations although, if needed, instrument approaches could be made to John Wayne Airport runways with a side step under visual conditions to land on the helistop.

Leading Edge's Eurocopter EC-145 T2 helicopter is a twin-engine aircraft. Therefore, it offers engine out safety margin.

**10. Federal Aviation Administration Aeronautical Study**

FAA reviews helistop proposals with respect to airspace usage. FAA's analysis centers on safe and efficient use of airspace as well as safety of persons and property on the ground. We submitted an application package to FAA on March 5, 2011. FAA issued its airspace determination letter indicating that "the proposal is acceptable" on June 21, 2011 (see Item 5, above). We enclose a copy for your reference.

**11. Type of craft proposed to be used and noise output of craft**

The primary user would be Leading Edge's Eurocopter EC-145 T2, which we have used as the design aircraft for dimensional and obstruction-clearance purposes. This is a twin-engine executive helicopter with a four-blade main rotor system. Noise output would be much lower than many of the aircraft currently operating at John Wayne Airport. The EC145 T2 is a turbine-powered aircraft that incorporates a hingeless rotor system and enhanced rotor blades that reduce sound and vibration levels.

**12. Description of proposed operations/facilities (maintenance/refueling, etc.)**

The helistop will consist only of a metal rooftop landing pad, standard helistop lighting (lighted wind cone, green perimeter lights and red obstruction lights), and standard helistop markings. Fueling and maintenance activities will not occur on site.

**13. Other Agencies**

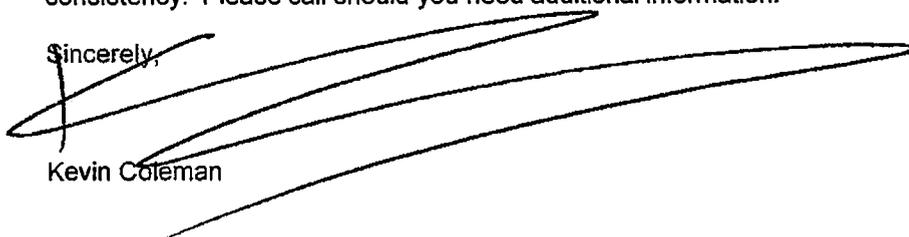
**Caltrans Division of Aeronautics:** Caltrans Aeronautics ensures that the physical construction will meet its criteria for its Heliport Permit. Our project team has designed the helistop specifically to meet those criteria. We have already received "conditional design approval" from Caltrans Aeronautics. In keeping with Caltrans Aeronautics policy, we will file a full formal application package upon receiving all other agency review documentation, including ALUC's.

**City of Costa Mesa:** The City's Planning Commission will review the helistop proposal. As you know, ALUC review is designed to provide input to that process. We anticipate that the Costa Mesa Planning Commission will review the project at its August 10, 2011 meeting. Subsequent to that, it will go to the City Council for approval per California PUC requirement.

**Conclusion**

This project will provide a low impact facility in a light industrial area. Flight operations will be coordinated with FAA's John Wayne Air Traffic Control Tower via a Letter of Agreement. FAA and Caltrans Division of Aeronautics have already provided their approvals. We look forward to your Commission's finding of consistency. Please call should you need additional information.

Sincerely,

  
Kevin Coleman

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June 27, 2011  
Commissioners  
Page 4

Enclosed:      Application Summary  
                  Flight Landing Pattern  
                  Site Plan  
                  Roof Plan  
                  Roof Elevation  
                  FAA Letter  
                  Caltrans Approval Stamp  
                  Costa Mesa Planning Letter  
                  Costa Mesa Planning Application & Letter

Cc:              Leading Edge (Michael Manclark)  
                  Heliplanners (Jeff Wright)

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**AIRPORT LAND USE COMMISSION**  
**APPLICATION SUMMARY**  
**FOR**  
**LEADING EDGE AVIATION SERVICES HELISTOP**

**Purpose:** A private rooftop helistop to accommodate a helicopter used for business transportation purposes.

**Site Location:** 3132 Airway Avenue  
Costa Mesa, CA 92626

**Zone:** Multi Purpose: MP

**Applicant:** Kevin A. Coleman/Leading Edge Aviation Services  
3130 Airway Avenue  
Costa Mesa, CA 92626

**Land Owner:** Kevin A. Coleman

**Helistop Name:** Leading Edge Aviation Services Helistop

**Hours of Operation:** Monday through Sunday 7AM to 7PM

**Operating Conditions:** Visual Flight Rules (VFR) only

**Number of Landings:** An average number of:  
2 landings per day  
7 days per week  
14 landings per week

**Type of Helicopter:** Representative helicopter models: weight up to 12,000 lbs  
EC 146



KEYNOTES



111 N. PULASKI ST.  
 ALHAMBRA, CA 91801  
 PH: (627) 431-1000  
 FAX: (627) 431-1001

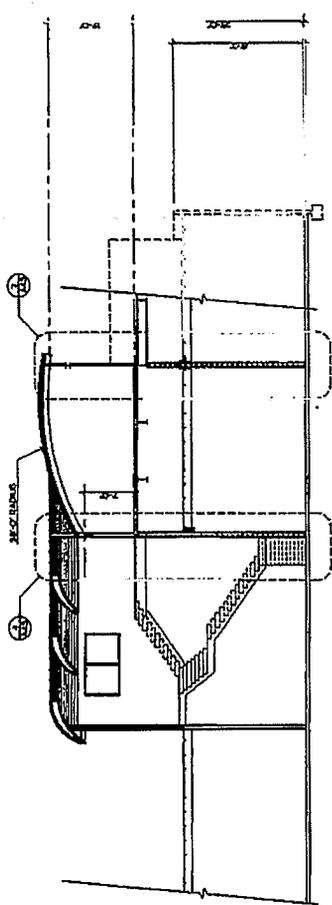
**net**  
 development co  
 1710 West Avenue, Suite 1000, Costa Mesa, CA 92626  
 PH: (714) 774-4444  
 FAX: (714) 774-4444

**LEADING EDGE AVIATION SERVICES**  
 3132 Alhway Ave.  
 COSTA MESA, CA

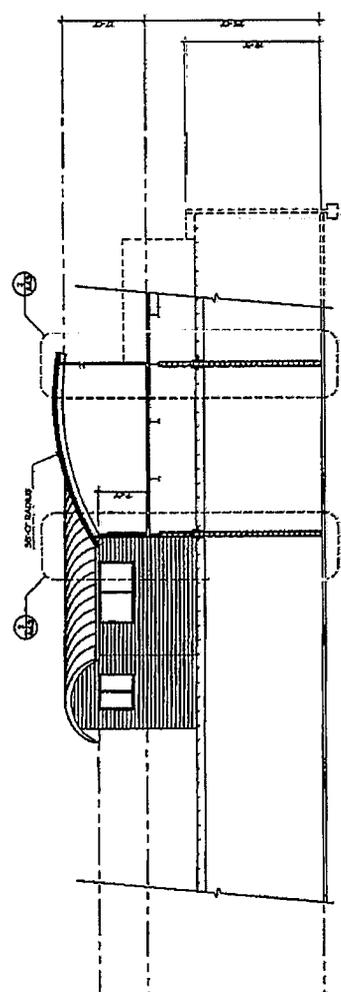
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 CHECKED BY: J. BLUMBERG

DATE	10/20/18
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CHECKED BY	J. BLUMBERG

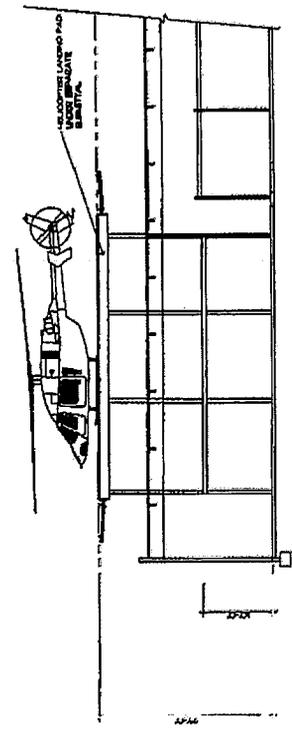
RELATED SECTIONS  
**A4.2**



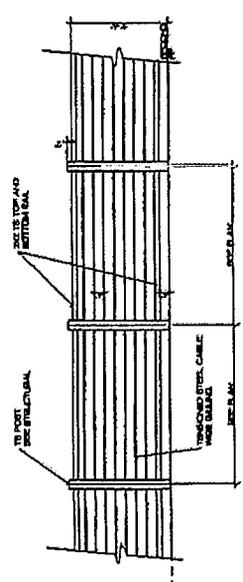
SECTION C



SECTION D



SECTION E



GUARDRAIL ELEVATION SECTION F

38

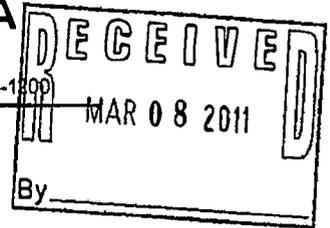






# CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200



## Application Status Form

March 7, 2011

Kevin A. Coleman  
Net Development Company  
3130 Airway Avenue  
Costa Mesa, CA 92626

Application: **PLANNING APPLICATION PA-11-03**  
**3132 AIRWAY AVENUE, COSTA MESA**

Dear Mr. Coleman:

In accordance with State law, the City of Costa Mesa has 30 days to review a planning application to determine if it is complete. After reviewing your application submittal, we have determined your application to be incomplete. Specifically, the following information is needed:

1. Staff contacted a representative from the Airport Land Use Commission (ALUC) and confirmed that a separate application review (also known as "referral") by the ALUC will be required prior to the scheduling of the conditional use permit for Planning Commission approval.
2. Contact Lea Choum at ALUC (contact information below) to obtain information on the required ALUC referral process. Public Utilities Code Section 21661.5 requires ALUC review and action on each heliport/helistop proposal within Orange County prior to issuance of an operating permit to the sponsor by Caltrans/Aeronautics Program.
3. Complete and File Form 7480-1, Notice of Landing Area Proposal with the FAA. FAA must make a determination that the proposal is acceptable from an airspace utilization standpoint.

A "sample" ALUC referral report is attached to this letter for your reference.

For additional information, please contact:

Lea Umnas Choum  
Land Use Manager  
Facilities Division John Wayne Airport  
Ph: 949.252.5123 /Fax: 949.252.6012  
[lchoum@ocair.com](mailto:lchoum@ocair.com)

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March 7, 2011  
Mr. Coleman  
3132 Airway Avenue (PA-11-03)

Until the items identified above are provided, the application is considered incomplete and cannot be processed. Once the above items have been received, the City will review the revisions and again determine whether the application is complete and processing can continue.

If you have any questions regarding the above items, please do not hesitate to contact me at (714) 754-5611, or at [mlee@ci.costa-mesa.ca.us](mailto:mlee@ci.costa-mesa.ca.us).

Sincerely,



MEL LEE, AICP  
Senior Planner

Attachments

42

**KEVIN A. COLEMAN**  
3130 Airway Avenue  
Costa Mesa, CA 92626

February 16, 2011

City of Costa Mesa  
Development Services Department  
77 Fair Drive, P.O. 1200  
Costa Mesa, CA 92628-1200

RE: Requested Conditional Use Permit-helipad

To Whom It May Concern:

This request is to place a helicopter pad on roof located at 3132 Airway Avenue. This property is located against the John Wayne Airport at the Southwest corner. There is a current helicopter flight pattern already over the top of the property and would be compatible with current uses and permits in the general area. This proposed use should not be detrimental in any way to other properties in the same area.

If you have any concerns or questions, please do not hesitate to contact me.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Kevin A. Coleman', is written over the typed name.

Kevin A. Coleman

KAC:klw

## LAW OFFICES OF ROBERT C. HAWKINS

July 21, 2011

Via Facsimile and Hand Delivery

Gerald Bresnahan, Chairman  
Airport Land Use Commission for Orange County  
John Wayne Airport  
Eddie Martin Administration Building  
Airport Commission Hearing Room  
3160 Airway Avenue  
Costa Mesa, California 92626

Re: Agenda Item No. 1: Request for Consideration of Leading Edge Aviation Services Helistop at 3132 Airway Avenue, Costa Mesa, California

Dear Honorable Chairman and Members of the Airport Land Use Commission for Orange County:

This firm represents residents and groups in Newport Beach who are interested in the development of John Wayne Airport. Although I have served on the board of the Airport Working Group and now serve on the board of AirFair, these comments do not represent their views but only the views of my clients.

Leading Edge Aviation Services, Inc. whose headquarters are 19301 Campus Dr., Suite 250 Santa Ana, California 92707 in the Martin facility and adjacent to John Wayne Airport, seeks approval of a helistop at 3132 Airway Avenue, Costa Mesa, California 92626 and across Ike Jones Drive from the Lyon Air Museum. (For the purposes of the ALUC analysis, a helistop requires the same analysis as a heliport.) Pursuant to Public Utilities Code section 21661.5, this application requires a determination by this Commission that this Project for a helistop across Airway from John Wayne Airport is consistent with the Airport Environs Land Use Plan for John Wayne Airport ("JWA AELUP") and the Airport Environs Land Use Plan for Heliports ("Heliport AELUP"). For several reasons, it is not consistent with either plan.

First and by way of introduction, Public Utilities Code section 21661.5 is interesting from several perspectives. First, it is entitled: "**Approval of Plan for Construction of New Airport; Delegation of Responsibility;**" that is, the Project is for the construction of a new airport or in this case a new heliport. Second, section 21661.5(b) authorizes the County to delegate to this Commission the authority for "... the approval of a plan for construction of new helicopter landing and takeoff areas . . ."

---

110 Newport Center Drive, Suite 200  
Newport Beach, California 92660  
(949) 650-5550  
Fax: (949) 650-1181

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Second, the July 21, 2011 Staff Report recognizes that noise is a significant concern regarding this application. However, no noise study has been performed for this project. The Heliport AELUP states that:

“The Commission shall rely on the acoustical study, prepared for each proposed heliport as necessary, to evaluate the potential noise impact area associated with the facility. The Commission may, on a case by case basis, recommend to the responsible local agency that the heliport’s use be specifically controlled as a means of mitigating noise impacts. Noise Levels of 60 dB CNEL are considered to have potential noise impact on surrounding sensitive land uses.”

Heliport AELUP, Section 2.2.2. Although this application is for a helistop, the same standards apply. See Heliport AELUP, page 4. Indeed, the noise generated will be the same, and Staff is concerned about the noise generated from this Project. The Staff Report notes that the Project is within the Noise Impact Zone 1 with greater than 65 CNEL from the current operations of John Wayne Airport. The Airport generates substantial noise. Nonetheless the Project in proximity to schools and offices may increase that level unacceptably and move the noise contour further into Costa Mesa. In addition, the Project will likely create increases in the significant single event noise exposure levels (“SENEL”) in the vicinity. The Commission should require a noise study; the Heliport AELUP provides no exceptions.

Moreover, placing the Project within the Noise Impact Zone 1 with greater than 65 CNEL does not free the Project from noise analysis. The noise study should also consider and analyze the impact of Single Event Noise Exposure Levels to determine the consistency of the Project with the Heliport AELUP and the AELUP. The Noise Impact Zone 1 is simply noise levels for the Community Noise Equivalent Level which simply averages the noise levels for a 24 hour period. Further, earlier environmental documents may have analyzed the expansion of the Airport but none has analyzed the Project features which will expand the noise contour further into Costa Mesa. At the very least, the Commission should require preparation of an acoustical study before considering this application. Indeed, such a study will be necessary to conduct the environmental analysis for the Project.

Third, the Staff Report discusses the surrounding land uses:

“The project is located in an area zoned Multi Purpose (MP) Industrial Park and is surrounded by John Wayne Airport to the north and east, light industrial/office/research uses to the south, and light industrial/office/research uses and Mariners Christian School to the west. Mariners Christian School is about 900 feet west of the project site but not beneath proposed flight paths.”

Staff Report, page 1. Section 3.2.1 of the Heliport AELUP states:

A proposed heliport site may be found inconsistent with the AELUP if the site is:

- (1) Near places where people may be affected adversely by aircraft noise,
- (2) Near concentrations of people,

- (3) Near structures whose height interferes with preferred take-off and approach corridors.

Clearly, the Project is "near places where people may be affected adversely by aircraft noise" and "near concentrations of people:" the Mariners Christian School which is about 900 feet away from the Project has over 630 students, which are sensitive receptors plus over 90 teachers, aides and administrators. Clearly, these 630 sensitive receptors and their facility are entitled to the protections of the Heliport AELUP. Indeed, EIR 508 long ago recognized that noise impacts on school children can be severe and long term.

Further, Section 3.2.1 provides if any application is found inconsistent with these General Policies, the application is inconsistent with the Heliport AELUP. As indicated above, the application is inconsistent with the General Policies and therefore inconsistent with the Heliport AELUP.

Moreover, Public Utilities Code section 21662.5 provides:

"Notwithstanding Section 21006 or Section 21661 or any other provision of law to the contrary, no helicopter may land or depart in any area within 1,000 feet, measured by air line, of the boundary of any public or private school maintaining kindergarten classes or any classes in grades 1 through 12, without approval of the department or by a public safety agency designated by the department, unless the landing or departure takes place at a permitted permanent heliport, or is a designated emergency medical service landing site."

Although the Staff Report indicates that the Department has reviewed the plans and conditionally approved them subject to environmental review and local agency approvals. However, the Staff Report does not state that the Department has reviewed the Project for safety issues as required by Section 21662.5. As indicated above, the Mariners Christian is within 1,000 feet of the Project and requires the Department's safety analysis. That has not happened.

Fourth, the hours of operation of the Project will differ from the hours of operation of John Wayne Airport. The Project proposes to operate from 7 a.m. to 7 p.m. daily. This conflicts with the John Wayne Airport curfew set for Sunday mornings at 8:00 a.m. The Project will generate noise which has not been studied without the background noise of the Airport during this quiet Sunday morning. Clearly, the Commission should require a noise study for this Project.

Fifth, if the Commission finds the Project inconsistent with the Heliport AELUP, then it is inconsistent with the AELUP. See AELUP, Section 2.1.5. See also AELUP, Section 3.2.1 (similar policies to the Heliport AELUP Section 3.2.1.)

Sixth and most importantly, this Project expands the footprint of John Wayne Airport. As indicated above, Public Utilities Code section 21161.5 addresses location of new airports and heliports. This Project is simply the first of what will surely be more applications to expand the Airport into the west side of the Airport and the east side of Costa Mesa. It is the camel's nose, er, nose under the

Airport's tent. The Legacy Project suffered similar problems and withdrew its application after a substantial controversy arose over than Project. This Project will suffer the same fate.

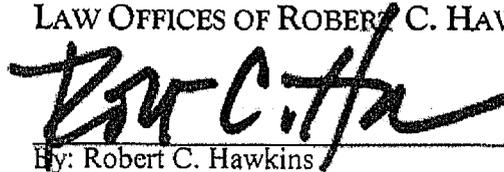
Moreover, the Project proposes to allow the applicant to enter air space without appropriate security protections. The Project is a "through the fence" Project. Passengers can enter the Project facility, board the helicopter, enter regulated air space and then land at the Airport or other airports, all without the benefit of any security clearances or reviews.

For all of these reasons, we urge you to reject the Project and find it inconsistent with the AELUP and the Heliport AELUP. At the very least, the Commission should require preparation of a noise study for the Project.

Thank you for your consideration. Should you have any questions, please do not hesitate to contact me.

Sincerely,

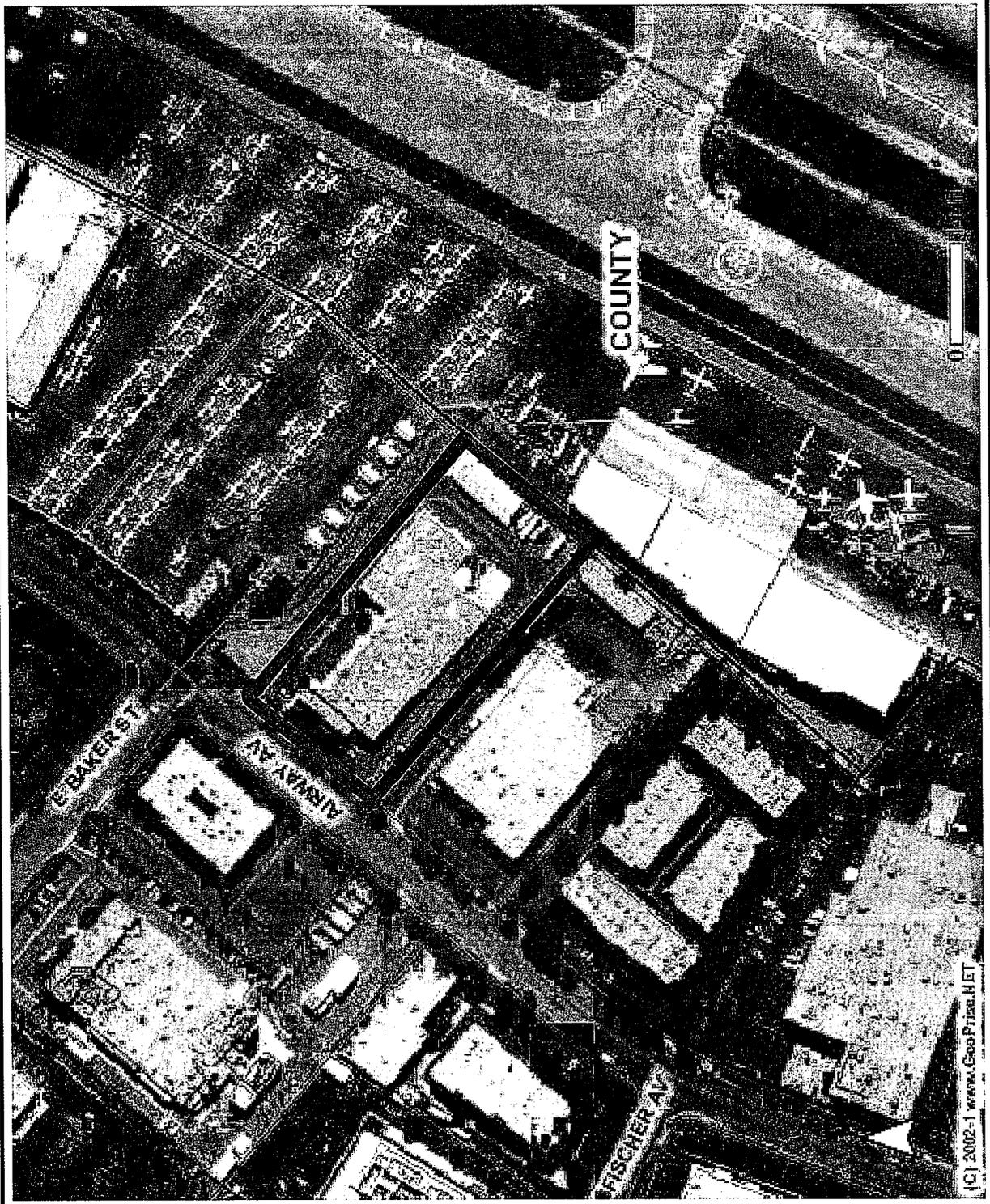
LAW OFFICES OF ROBERT C. HAWKINS

A handwritten signature in black ink, appearing to read "Bob C. Hawkins", written over a horizontal line.

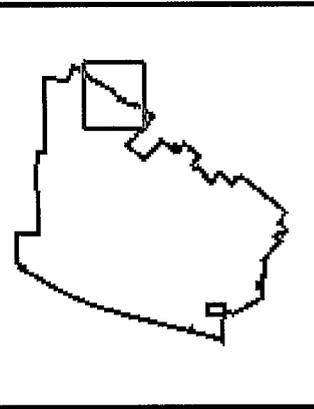
By: Robert C. Hawkins

RCH/kw

**Map Display**



**Overview Map**



**Legend**

	Freeway		Street Names
	Roads		Street Centerlines
	Collector Freeway		Parcel Lines
	Major		City Boundary
	Neighborhood Blvd		Water Ways
	Primary		
	SECONDARY		
	Hydrology		
	Channel		



**REAR OF THE BUILDING - CEO OFFICE (UNDER CONSTRUCTION RIGHT)  
AND PROPOSED HELISTOP/HELIPAD LOCATION (TO LEFT)**





711 N. TRULOCK RD.  
 ANIMUS, TX 75002  
 PHONE (972) 455-4842  
 FAX (972) 455-4888

**net development co**  
 3132 Airway Avenue Costa Mesa, California 92626  
 Phone (714) 754-4144 Fax (714) 754-0188

**LEADING EDGE AVIATION SERVICES**  
 3132 Airway Ave.  
 COSTA MESA, CA

REVIEWS: \_\_\_\_\_ DATE: \_\_\_\_\_  
 "BLDG DEPT. PREP. SUBMITTAL" 14 FEB 88

300.150 10/27

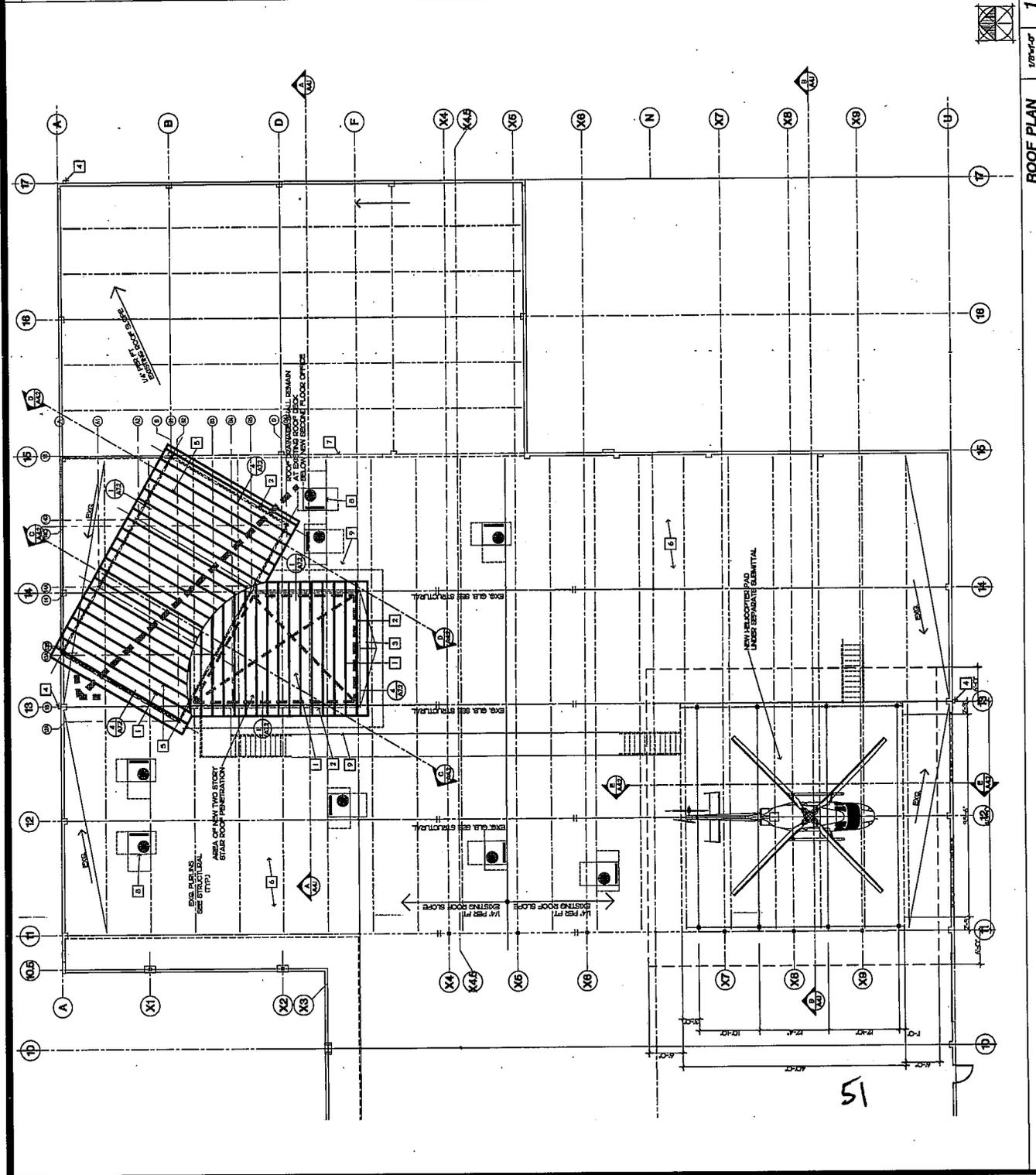
ROOF PLAN

A2.3

**KEYNOTES**

1. REMOVE EXISTING REINFORCED CONCRETE ROOFING SLABS AND REINFORCING BARS AND PATCH TO MATCH EXISTING ROOFING MATERIALS BY FIELD.
2. LINE UP WALL BELOW.
3. NEW ROOF CRACKS. SEE 10/27.
4. EXISTING ROOF EQUIPMENT OVERFLOW AND DOWNSPOUTS.
5. SECOND FLOOR OFFICE FRAMING SHALL BE OPEN TO EXISTING ROOF DECK BELOW.
6. EXISTING BUILT UP ROOFING AND CAP SHEET. INSPECT, PATCH AND REPAIR. ANT. DEFLECTOR.
7. LINE OF EXISTING CONCRETE WALL BELOW.
8. NEW HVAC UNIT. SEE MECHANICAL.
9. PERL BACK EXISTING BUILT UP ROOFING TO ACCESS EXISTING ROOF FRAMING AS REQUIRED TO PROVIDE NEW ROOFING WITH CAP SHEET.

NOTES:  
 NO CHANGES TO EXISTING ROOF DRAINAGE SHALL OCCUR. DOWNSPOUTS SHALL REMAIN. EQUIPMENT AND DOWNSPOUTS SHALL REMAIN.



ROOF PLAN 1



711 N. FREDERICK RD.  
 SUITE 100  
 CORTLAND  
 HURBAN  
 ARCHITECT

net development Co  
 3132 Airway Avenue  
 Costa Mesa, California 92626  
 Phone (714) 754-4444 Fax (714) 754-0188  
 (714) 754-7832  
 (714) 754-5899  
 FAX (714) 835-5899

LEADING EDGE  
 AVIATION SERVICES  
 3132 Airway Ave.  
 COSTA MESA, CA

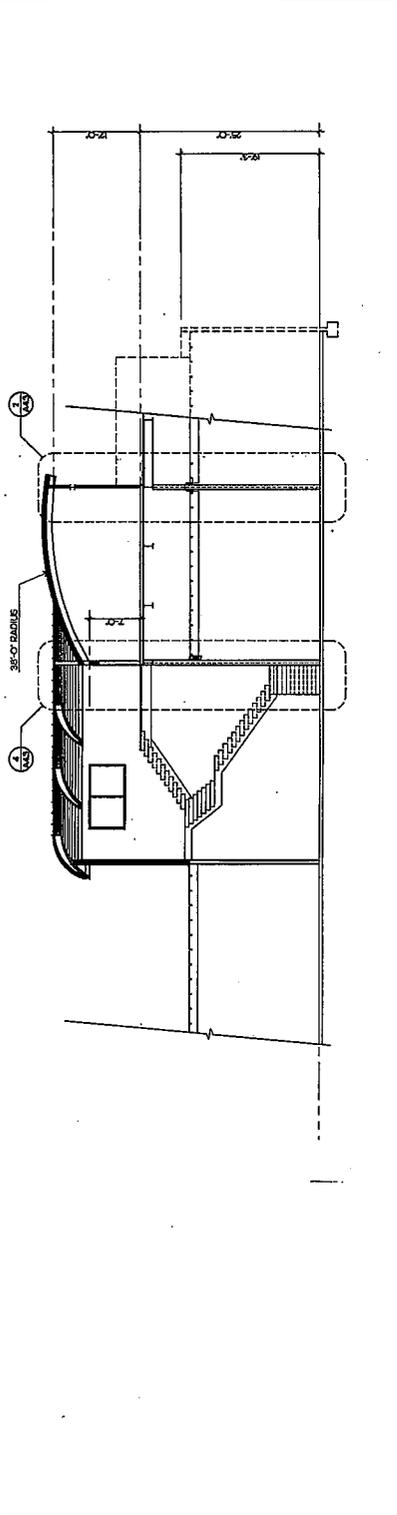
REVIEWS: \_\_\_\_\_ DATE: \_\_\_\_\_  
 BLOCK DESIGNED BY: \_\_\_\_\_ 24 FEB 88  
 PROJECT SUBMITTAL

JOB NO. \_\_\_\_\_  
 10127

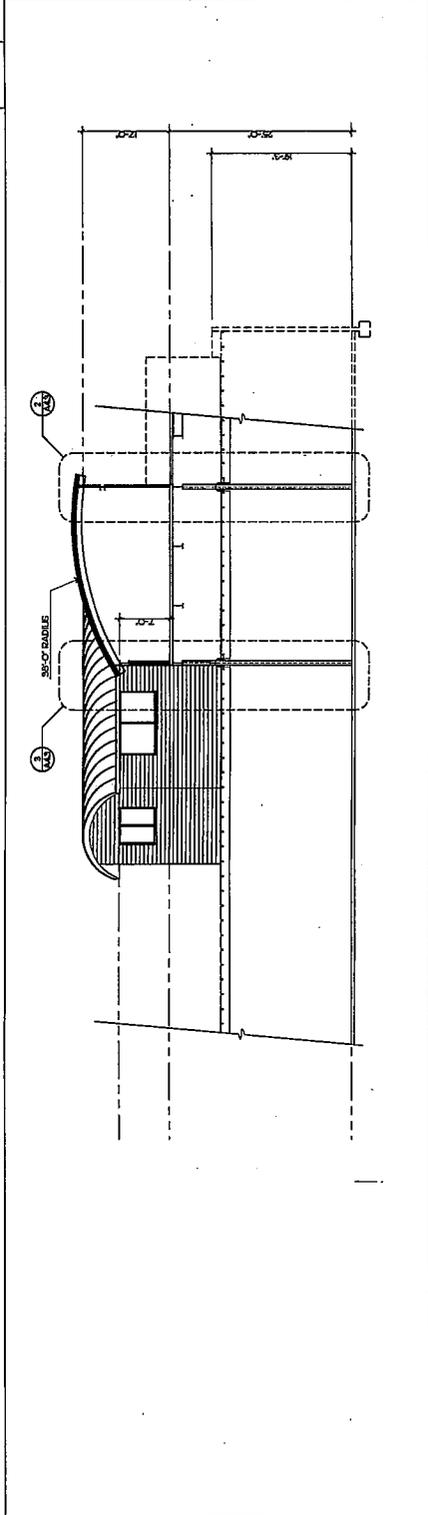
BUILDING SECTIONS

A4.2

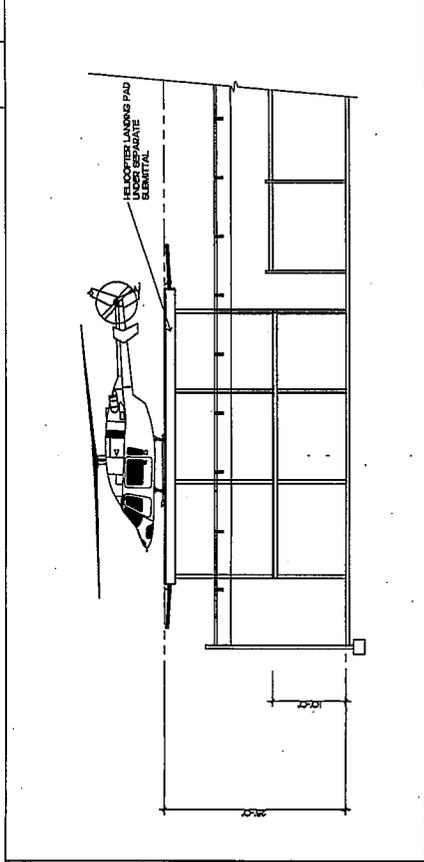
KEYNOTES



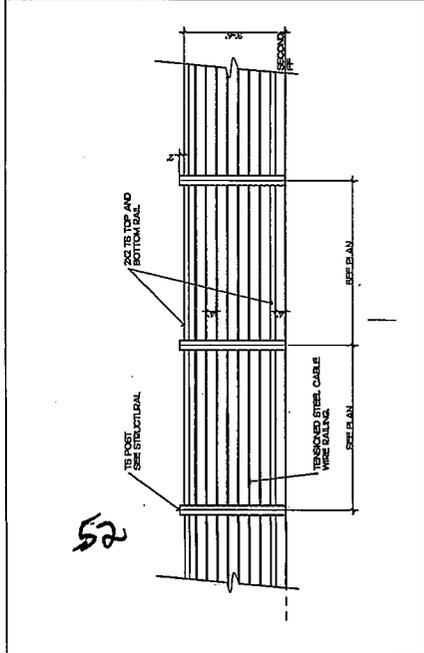
SECTION C 1/8"=1'-0"



SECTION D 1/8"=1'-0"



SECTION E 1/8"=1'-0"



GUARDRAIL ELEVATION 1/2"=1'-0"

52