



PLANNING COMMISSION

SUPPLEMENTAL MEMORANDUM VI.5a.

MEETING DATE: AUGUST 8, 2011

ITEM NUMBER:

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

DATE: AUGUST 1, 2011

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

Attached is additional analysis, in a Q and A format, of the proposed helistop based on input from the Airport Land Use Commission (ALUC):

1. What is the existing "footprint" of John Wayne Airport (JWA)?

An attached exhibit from the Airport Environs Land Use Plan for JWA (AELUP) shows the current physical footprint of the airport. The footprint is defined as the legal boundary of real property owned by the County of Orange for JWA.

2. Will the proposed helistop expand this footprint?

No. An expansion of the JWA footprint requires real property acquisition by the County of Orange. According to Kari Rigoni, Executive Officer for John Wayne Airport, the proposed project does not involve expansion of the airport footprint because the project site is 100% privately owned. Because the proposed helistop is a private facility, it is not part of the airport footprint (see attached Google Map). This has been added to the findings of the revised approval resolution attached.

3. Will the proposed helistop increase noise in the area?

According to the staff report prepared for ALUC (handwritten pages 21 and 22 of the Commission staff report), the proposed helistop is within the 65 decibel Community Noise Equivalent Level (CNEL) noise contour for JWA. Additionally, according to the applicant, the operator of the proposed helistop currently flies his helicopter to and from the existing Martin Helipad at the airport, which is approximately 200 yards to the north of the proposed facility. The staff report for ALUC concluded that noise impacts from the proposed facility would be negligible as a result of the location, surrounding uses, limited number of operations, and the approach/departure paths for the facility.

4. Will the flight path for the helistop impact Mariner's Christian School?

No. As noted in the staff report prepared for ALUC (handwritten page 21 of the Commission staff report), Mariner's Christian School, which is approximately 900

feet to the west of the subject property, is not beneath the departure and arrival flight paths for the proposed helistop. Additionally, the Federal Aviation Administration (FAA) is requiring that the flight path for the helicopter (which currently departs and arrives from the Martin Helipad at John Wayne Airport) remain unchanged. Therefore, although the proposed helipad will be on private property, the actual flight path for the helicopter with regard to Mariner's Christian School does not change. The proposed departure and arrival paths correspond to the existing helicopter paths designated by the Air traffic Control Tower at JWA and will be in compliance with FAA regulations.

5. Will the hours of operation for the helistop differ from the airport?

Yes, as proposed. The applicant is proposing the hours of operation for the helistop to be 7:00 am to 7:00 pm, Monday through Sunday. However, JWA's hours of operation on Sundays are 8:00 am to 7:00 pm. Although the hours of operation apply to commercial flights, and not to private facilities, staff is recommending an additional condition of approval (Condition no. 6) requiring the Sunday hours of operation to be consistent with the airport.

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

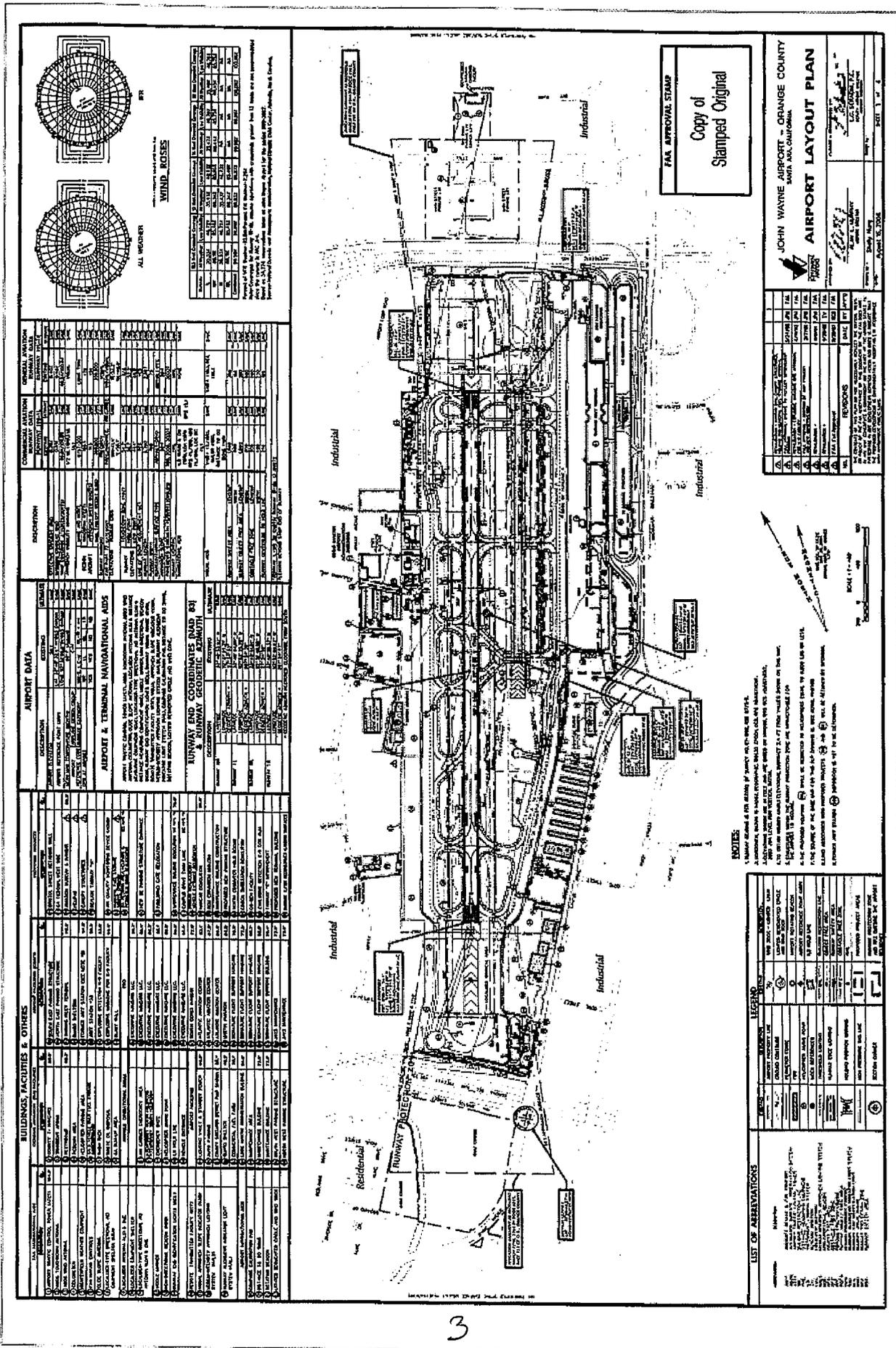
Kevin A. Coleman
Net Development Company
3130 Airway Avenue
Costa Mesa, CA 92626

Attachments: 1. JWA Map
2. Google Map of Subject Property and JWA
3. Revised Resolution

File: 080811PA1103SuppMemo

Date: 080111

Time: 1:00p.m.



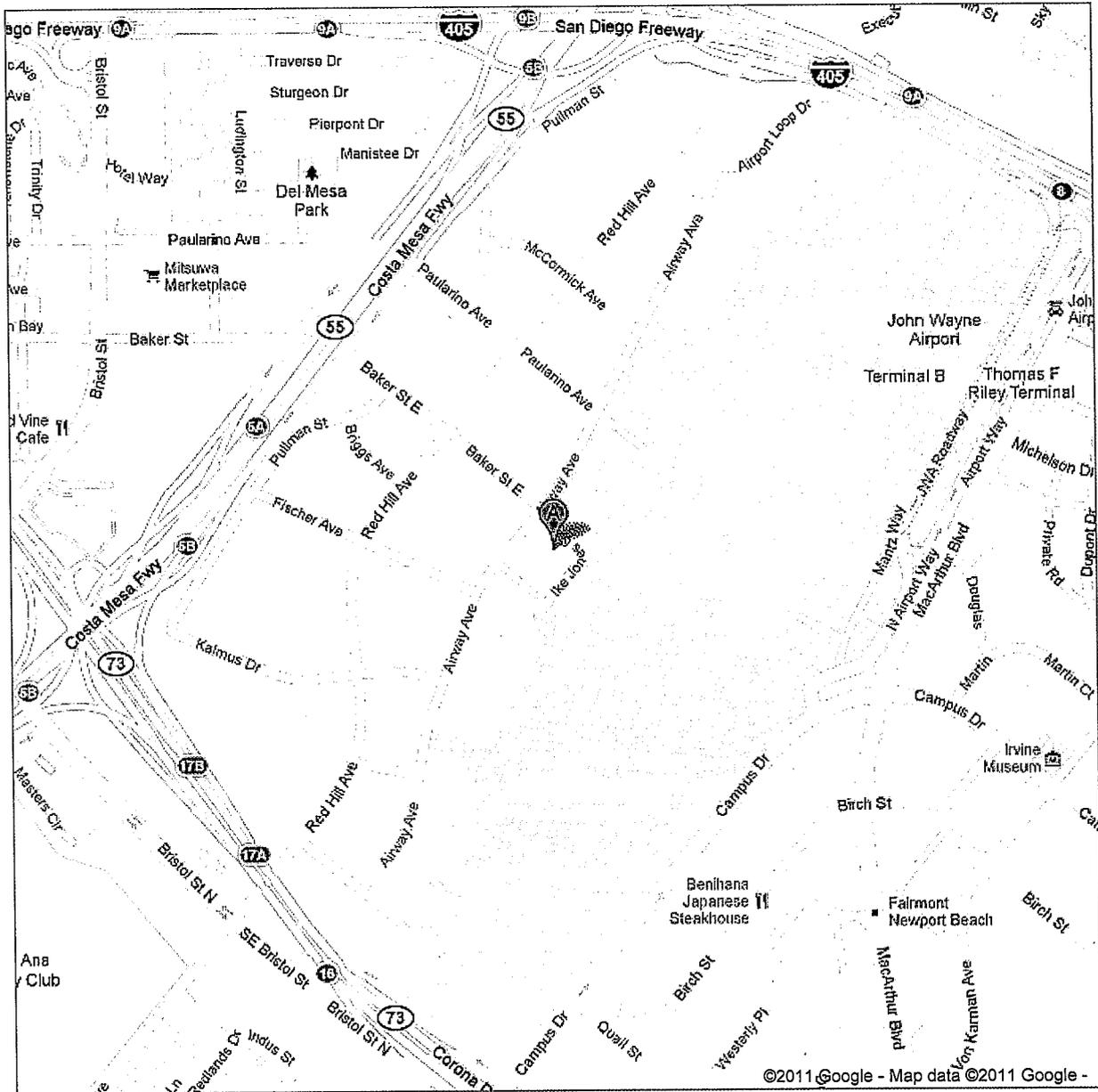
Contact the ALUC office at 949.252.5170 to view this exhibit.

ATTACHMENT 2

Google maps

Address 3132 Airway Ave
Costa Mesa, CA 92626

Get Google Maps on your phone
Text the word "GMAPS" to 466453

4

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 are proposed to be 7:00 am to 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, because the hours of operation for John Wayne Airport on Sundays is 8:00 am to 7:00 pm, staff is recommending an additional condition of approval requiring the Sunday hours of operation to be consistent with the airport; 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.

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. The proposed project does not involve expansion of the airport footprint because the project site is 100% privately owned. 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.
6. Hours of operation for the helistop shall be 7:00 am-7:00 pm, Monday through Saturday, and 8:00 am-7:00 pm on Sunday.