

# BRISTOL MINI-STORAGE FACILITY (744 UNITS) AND FOOD COURT BUILDING (5,000 SQ. FT.)

Response to Comments on the Initial Study/Mitigated Negative  
Declaration

Prepared for  
City of Costa Mesa

June 2016



# Bristol Mini-Storage Facility (744 units) and Food Court Building (5,000 sq. ft.)

Response to Comments on the Initial Study/Mitigated Negative Declaration

Prepared for  
City of Costa Mesa

June 2016



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# CHAPTER 1

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## Introduction

This Final Initial Study/Mitigated Negative Declaration (Final IS/MND) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and *CEQA Guidelines* (California Administrative Code Section 15000 et seq.). Documents relating to this IS/MND were cited and incorporated, in accordance with Sections 15148 and 15150 of the CEQA Guidelines. The incorporation eliminated the need for inclusion of voluminous engineering and technical reports within the IS/MND. All documents are available for review at the City of Costa Mesa Development Services Department located at 77 Fair Drive, Costa Mesa, California 92626, and online at [www.costamesacagov](http://www.costamesacagov).

### 1.1 CEQA Requirements

Before the City of Costa Mesa may approve the project, it must certify that the Final IS/MND: a) has been completed in compliance with CEQA; b) was presented to the Costa Mesa City Council who reviewed and considered it prior to approving the project; and c) reflects the City's independent judgment and analysis.

*CEQA Guidelines* Section 15132 specifies that the Final IS/MND shall consist of the following:

- The Draft IS/MND or a revision of that draft;
- Comments and recommendations received on the Draft IS/MND
- A list of persons, organizations, and public agencies commenting on the Draft IS/MND;
- The response of the Lead Agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the Lead Agency.

This Final IS/MND for the Bristol Mini-Storage Facility (744 units) and Food Court Building (5,000 sq. ft.) Project presents the following chapters:

- Chapter 1: Introduction and CEQA process
- Chapter 2: A list of persons, organizations, and public agencies commenting on the Draft IS/MND, and the written comments received on the Draft IS/MND
- Chapter 3: Written responses to each comment identified in Chapter 2
- Chapter 4: Mitigation and Monitoring Program (MMRP)

- Chapter 5: Revisions made to the Draft IS/MND in response to comments received or initiated by the Lead Agency (Errata)

## 1.2 CEQA Process

### Public Participation Process

#### Notice of Intent of the Draft IS/MND

The Notice of Intent (NOI) of the Draft IS/MND was posted on May 14, 2016 with the County Clerk in Orange County. The Draft IS/MND was circulated for a 30-day public review until June 12, 2016. The Draft IS/MND was circulated to federal, state, and local agencies and interested parties requesting a copy of the Draft IS/MND. Copies of the Draft IS/MND were made available to the public at the following locations:

- City of Costa Mesa Web Site ([www.costamesacagov](http://www.costamesacagov).)
- City of Costa Mesa Development Services Department, 77 Fair Drive, Costa Mesa, California
- Mesa Verde Library, 2969 Mesa Verde Drive
- Costa Mesa/Donald Dungan Library, 1855 Park Avenue

### Evaluation and Response to Comments

In accordance with Article 6 of the *CEQA Guidelines*, the City of Costa Mesa, as the Lead Agency, was required to evaluate substantive environmental comments received on the Draft IS/MND. This response to comments provides written responses to each comment received on the Draft IS/MND.

### Final IS/MND Approval

As the Lead Agency, the City of Costa Mesa is required to determine the adequacy of the Final IS/MND (Draft IS/MND and Response to Comments). The City can approve the Final IS/MND if they determine that the environmental documentation is adequate.

### Notice of Determination

Pursuant to Section 15094 of the *CEQA Guidelines*, the City of Costa Mesa will file a Notice of Determination (NOD) with the Office of Planning and Research and Orange County Clerk within five working days of project approval.

# CHAPTER 2

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## Comment Letters

The Initial Study/Mitigated Negative Declaration for the Bristol Mini-Storage Facility (744 units) and Food Court Building (5,000 sq. ft.) Project was circulated for public review for 30 days (May 14, 2016 through June 12, 2016). The City of Costa Mesa received five comment letters during the public review period from the State of California Department of Transportation (Caltrans), Division of Aeronautics, California Department of Fish and Wildlife (Department), OC Public Works, John Wayne Airport, and Airport Land Use Commission for Orange County. The letters have been bracketed and comments numbered and are presented in the order listed in the table below. The bracketed letters are included in Chapter 3.

### COMMENT LETTERS RECEIVED

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Comment No.	Commenting Agency	Date of Comment
1	State of California, Department of Transportation, Division of Aeronautics	May 26, 2016
2	State of California, Department of Fish and Wildlife	June 1, 2016
3	OC Public Works	June 6, 2016
4	John Wayne Airport	June 10, 2016
5	Airport Land Use Commission for Orange County	June 10, 2016

The comment letters are provided below.

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS  
P. O. BOX 942874, MS-40  
SACRAMENTO, CA 94274-0001  
PHONE (916) 654-4959  
FAX (916) 653-9531  
TTY 711  
www.dot.ca.gov



Serious drought.  
Help save water!

May 26, 2016

REC'D MAY 31 2016

Mr. Mel Lee  
City of Costa Mesa  
Development Services Department  
77 Fair Drive  
Costa Mesa, CA 92626

Dear Mr. Lee:

Re: Mitigated Negative Declaration for the Bristol Mini-Storage Facility; SCH# 2016051048

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise, and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports. The following comments are offered for your consideration.

DOT-1

The proposal is for a new 744 unit mini-storage facility and 5,000 square-foot food court building at 375 Bristol Street. The project site is located approximately 2,100 feet southwest of the Runway 2L approach threshold at John Wayne Airport (SNA). The site is currently developed with an automotive strip mall which will be demolished to make way for the storage and food court buildings. Zoning of the project site will be amended to accommodate the proposed project.

DOT-2

In accordance with CEQA, Public Resources Code Section 21096, the California Airport Land Use Planning Handbook (Handbook) must be utilized as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries or if such a plan has not been adopted, within two miles of an airport. The Handbook is a resource that should be applied to all public use airports and is available on-line at <http://dot.ca.gov/hq/planning/aeronaut/documents/alucp/AirportLandUsePlanningHandbook.pdf>

DOT-3

Portions of the project site appear to be within the Runway Protection Zone (RPZ) and Inner Turning Zone (Zone 3) for SNA as defined in the Caltrans Handbook. The RPZ is the most critical of the airport safety zones, considered to be at "very high risk" due to its proximity to the end of the runway. The Handbook generally recommends prohibiting all new structures within the RPZ. Just beyond the RPZ is the Inner Approach/Departure Zone, which is considered to be at "substantial risk." The RPZ together with the inner safety zones encompass 30 to 50 percent of the near-airport aircraft accident sites.

DOT-4

Mr. Mel Lee  
May 26, 2016  
Page 2

The Federal Aviation Administration’s (FAA) Airport Design Guide, AC 150/5300-13A, contains guidance pertaining to land uses within the RPZ. The RPZ is further broken down into two areas: the “Central Portion of the RPZ” and the “Controlled Activity Area.” Also, as part of FAA grant assurances, if an airport sponsor receives federal funds for an airport, it is required that use of land adjacent to or in the immediate vicinity of the airport be restricted to activities and purposes compatible with normal airport operations.

↑  
DOT-4

Due to its proximity to the airport, the project site will be subject to aircraft overflights and subsequent aircraft-related noise impacts. Since communities vary greatly in size and character from urban to rural, the level of noise deemed acceptable in one community is not necessarily the same for another community.

DOT-5

California Public Utilities Code (PUC) Section 21659 prohibits structural hazards near airports. In accordance with Federal Aviation Regulation (FAR), Part 77 “Objects Affecting Navigable Airspace” a Notice of Proposed Construction or Alteration (Form 7460-1) may be required by the FAA. Form 7460-1 is available on-line at <https://oecaaa.faa.gov/oecaaa/external/portal.jsp> and should be submitted electronically to the FAA.

DOT-6

In accordance with PUC Section 21676 *et seq.*, prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission (ALUC), the local agency shall first refer the proposed action to the ALUC.

DOT-7

If the ALUC determines that the proposed action is inconsistent with the airport land use compatibility plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the ALUC by a two-thirds vote of its governing body after it makes specific findings. At least 45 days prior to the decision to overrule the ALUC, the local agency’s governing body shall provide to the ALUC and the Division a copy of the proposed decision and findings. The Division reviews and comments on the specific findings a local government intends to use when proposing to overrule an ALUC. The Division specifically looks at the proposed findings to gauge their relationship to the overrule. Also, pursuant to the PUC 21670 *et seq.*, findings should show evidence that the local agency is minimizing “...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.”

DOT-8

In addition to submitting the proposal to the ALUC, it should also be coordinated with SNA airport staff to ensure that the proposal will be compatible with future as well as existing airport operations.

DOT-9

These comments reflect the areas of concern to the Division with respect to airport-related noise, safety, and regional land use planning issues. Please contact our District 12 office concerning surface transportation issues.

DOT-10

Mr. Mel Lee  
May 26, 2016  
Page 3

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please contact me at (916) 654-6223, or by email at philip.crimmins@dot.ca.gov.

Sincerely,



PHILIP CRIMMINS  
Aviation Environmental Specialist

c: State Clearinghouse, Orange County ALUC, John Wayne Airport

**From:** Edwards, Jennifer@Wildlife [<mailto:Jennifer.Edwards@wildlife.ca.gov>]  
**Sent:** Wednesday, June 01, 2016 4:33 PM  
**To:** LEE, MEL <[MEL.LEE@costamesaca.gov](mailto:MEL.LEE@costamesaca.gov)>  
**Subject:** Bristol Mini-Storage Facility

Dear Mr. Lee,

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced draft Mitigated Negative Declaration (MND) dated May 2016, for the Bristol Mini-Storage Facility (744 Units) and Food Court Building (5,000 Sq. Feet) project. The comments provided herein are based on information provided in the MND, our knowledge of sensitive and declining vegetation communities in the County of Orange (County), and our participation in regional conservation planning efforts.

CDFW-1

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; §§ 15386 and 15281, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and other sections of the Fish and Game Code (1600 *et seq.*). The Department also administers the Natural Community Conservation Planning (NCCP) program.

CDFW-2

The Department recommends that nesting surveys proposed in Mitigation Measure BIO-2 be conducted no later than three (3) days prior to construction, as opposed to within thirty (30) days prior to construction. Longer periods between nesting surveys and the start of construction activities increase the likelihood that nesting activity can occur undetected, which may increase direct impacts to passerine species such that they are significant without further mitigation.

CDFW-3

We appreciate the opportunity to comment on the draft MND for this project and to assist in further minimizing and mitigating project impacts to biological resources by ensuring that the proposed project is consistent with the CEQA. If you should have any questions or comments regarding this email, please contact me using the information provided below.

Sincerely,

Jennifer Turner  
Environmental Scientist  
California Department of Fish and Wildlife  
3883 Ruffin Road  
San Diego, CA 92123  
(858)467-2717  
[Jennifer.Edwards@wildlife.ca.gov](mailto:Jennifer.Edwards@wildlife.ca.gov)

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[SaveOurWater.com](http://SaveOurWater.com) · [Drought.CA.gov](http://Drought.CA.gov)



June 6, 2016

Mr. Mel Lee, AICP  
Senior Planner  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92628

REC'D JUN 07 2016

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration for the Bristol Mini-Storage and Food Court Building, City of Costa Mesa

Dear Mr. Mel Lee,

Thank you for the opportunity to comment on the Notice of Intent to Adopt a Mitigated Negative Declaration. The proposed project site is adjacent to the Orange County Flood Control District's (OCFCD) Santa Ana-Delhi Channel (F01). We offer the following comments related to hydrology:

- 1. Any work related to the subject project within OCFCD's right-of-way will require an encroachment permit from the County's Public Property Permits Section. In addition, all work within OCFCD right-of-way should be performed in a manner that will not adversely impact the access and/or maintenance requirements of OCFCD facilities. Information regarding permit application is available on our website – <http://www.ocplanning.net/>.
- 2. The City of Costa Mesa, as floodplain administrator for areas within its municipal boundaries, should ensure that all FEMA regulations and floodplain requirements applicable to this project are met and that implementation of the project is done in a manner that will not degrade the existing hydraulic conditions of Santa Ana-Delhi Channel and will not adversely affect downstream areas.

OCPW-1

OCPW-2

If you have any questions or need clarification, please contact me at (714) 647-3951 or Anna Brzezicki at (714) 647-3989.

Sincerely,

Robert McLean, P.E.  
Senior Civil Engineer  
Flood Program Support/Hydrology

S:\Flood Program\Hydrology\Anna Brzezicki\NCL, EIR\2016\Log # 1878 NOI to Adopt MND for Bristol Mini-Storage and Food Court-City of Costa Mesa.doc



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

June 10, 2016

Mel Lee, AICP, Senior Planner  
City of Costa Mesa/Development Services Department  
77 Fair Drive  
Costa Mesa, CA 92628

**Subject: Draft MND Bristol Mini-Storage Facility**

Dear Mr. Lee:

Thank you for the opportunity to review the Draft Mitigated Negative Declaration (MND) for the proposed Bristol Mini-Storage Facility located at 375 Bristol Street, Costa Mesa, CA. The proposed project includes demolition of the existing automotive strip mall and the development of a two-story, 774-unit Mini-Storage Facility and 5,000 square foot Food Court Building. Zoning of the site will be amended to accommodate the proposed project.

JWA-1

The proposed project includes installation of rooftop-mounted solar panels. Because of the project's location within the approach/departure corridor for John Wayne Airport (JWA), we request that a Glare Analysis be completed for the proposed solar panels. The Federal Aviation Administration (FAA) requires the use of the Solar Glare Hazard Analysis Tool for glare hazard analyses near airports (78 FR 63276). This tool can be accessed at <https://www.sghat.com/>. Please submit the results of the glare analysis to the following:

Mr. Scott Hagen, Deputy Airport Director  
JWA/Operations Division  
18601 Airport Way  
Santa Ana, CA 92707  
Email: SHagen@ocair.com

JWA-2

Irene Willard, Tower Manager  
FAA Air Traffic Control Tower at JWA  
370 Paularino Ave.  
Costa Mesa, CA 92626  
(714) 661-0141 Ext. 114

Paul Holmquist, Specialist  
FAA Obstruction Evaluation Office  
FAA Northwest Mountain Regional Office

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



1601 Lind Ave. SW  
Renton, WA 98057  
(425) 227-2625

We also request that the MND be revised to discuss the project's location within the Runway Protection Zone (RPZ) and Safety Zones 2, 3 and 6 for JWA. The California Airport Land Use Planning Handbook (issued by the State of California Department of Transportation/ Division of Aeronautics, October 2011) defines these safety zones and describes what uses are allowed, prohibited and should be avoided within these zones. The RPZ prohibits all new structures and residential land uses within this zone and also states that parking lots, streets, and roads should be avoided. The MND should discuss what portions of the proposed project are within each Safety Zone and RPZ for JWA and identify potential impacts and mitigation measures. For your information, the *Airport Environs Land Use Plan (AELUP) for JWA* also discusses the Safety Zones and includes the Safety Zone Exhibit for JWA in Appendix D.

JWA-3

Because this project falls within the JWA airport planning area and requires a Zoning Code Amendment, we recommend that the City refer the proposed project to the Airport Land Use Commission for Orange County as required by Section 21676 of the California Public Utilities Code to determine consistency with the *AELUP for JWA*.

JWA-4

Thank you again for the opportunity to comment on the MND. Please contact Kari Rigoni, Planning Manager at (949) 252-5284 or via email at [krigoni@ocair.com](mailto:krigoni@ocair.com) should you have additional questions.

JWA-5

Sincerely,



L.G. Serafini  
Deputy Airport Director/Facilities

cc: Scott Hagen  
Irene Willard, JWA Air Traffic Control Tower  
Paul Holmquist, FAA Obstruction Evaluation Office



# AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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

June 10, 2016

Mel Lee, AICP, Senior Planner  
City of Costa Mesa/Development Services Department  
77 Fair Drive  
Costa Mesa, CA 92628

**Subject: Draft MND Bristol Mini-Storage Facility**

Dear Mr. Lee:

Thank you for the opportunity to review the Draft Mitigated Negative Declaration (MND) for the Bristol Mini-Storage Facility located at 375 Bristol Street, Costa Mesa, CA, in the context of the Airport Land Use Commission’s *Airport Environs Land Use Plan for John Wayne Airport (JWA AELUP)*. The proposed project includes demolition of the existing automotive strip mall and the development of a two-story, 774-unit Mini-Storage Facility and 5,000 square foot Food Court Building. Zoning of the project will be amended to accommodate the proposed project.

ALUC-1

The proposed project also includes installation of rooftop-mounted solar panels. Because of the project’s location within the approach/departure corridor for JWA, the project applicant should prepare a Glare Analysis for the proposed solar panels. The Federal Aviation Administration (FAA) requires the use of the Solar Glare Hazard Analysis Tool (SGHAT) for glare hazard analyses near airports (78 FR 63276). Information regarding the SGHAT can be found at <https://www.sghat.com/>. The results of the glare analysis should be discussed in the MND and be included as part of the City’s submittal package to the Airport Land Use Commission (ALUC) for Orange County at the time of a request for ALUC consistency review.

ALUC-2

We also request that the MND analyze the project’s location within the Runway Protection Zone (RPZ) and Safety Zones 2, 3 and 6 for JWA. The California Airport Land Use Planning Handbook (issued by the State of California Department of Transportation/ Division of Aeronautics, October 2011) defines these safety zones and describes uses that are allowed, prohibited, and uses that should be avoided within these zones. The RPZ prohibits all new structures and residential land uses within this zone and also states that parking lots, streets, and roads should be avoided. Safety Zone 2 is the Inner Approach/Departure Zone where most eating establishments should be avoided. Safety Zone 3 is the Inner Turning Zone which limits office and other commercial uses to

ALUC-3

ALUC Comments Bristol Mini Storage  
6.10.16  
Page 2

low intensities. Commercial and other nonresidential uses having higher usage intensities should be avoided. Each zone also defines the risk of aircraft accidents as very high, high and moderate risk. The MND should discuss what portions of the proposed project are within each Safety Zone and RPZ for JWA and identify potential impacts. Please refer to the *AELUP for JWA*, which discusses the Safety Zones and includes the Safety Zone Exhibit for JWA in Appendix D. Specific mapping of the JWA RPZ and safety zones can be made available for the City's use.

↑  
ALUC-3

Because this project falls within the JWA airport planning area and requires a Zoning Code Amendment, we recommend that the City refer the proposed project to the ALUC for Orange County as required by Section 21676 of the California Public Utilities Code to determine consistency with the *AELUP for JWA*. With respect to project submittals, please note that the Commission wants such referrals to be submitted to the ALUC for a determination between the Local Agency's expected Planning Commission and City Council hearings. Since the ALUC meets on the third Thursday afternoon of each month, submittals must be received in the ALUC office by the first of the month to ensure sufficient time for review, analysis, and agendizing.

↑  
ALUC-4

Thank you again for the opportunity to comment on the MND. Please contact Lea Choum at (949) 252-5123 or via email at [lchoum@ocair.com](mailto:lchoum@ocair.com) should you have any questions related to the future referral of your project.

↑  
ALUC-5

Sincerely,



Kari A. Rigoni  
Executive Officer

# CHAPTER 3

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## Responses to Comments

The comment letters received during the public review period for the Draft IS/MND are included in Chapter 2. In this Chapter 3, the City of Costa Mesa provides individual responses to the bracketed comments in each letter. In some instances, in response to the comment, the City of Costa Mesa has made additions or deletions to the text of Draft IS/MND; additions are included as underlined text and deletions as ~~stricken text~~.

### **Comment Letter 1: State of California, Department of Transportation, Division of Aeronautics – May 26, 2016**

#### **Response to Comment DOT-1**

The comment summarizes the agency's (Division) responsibility as a trustee agency under CEQA and states that the IS/MND was reviewed with respect to airport-related noise and safety impacts, and regional aviation land use planning. These comments related to the IS/MND are noted; however, they do not provide specific concerns regarding environmental impacts.

#### **Response to Comment DOT-2**

The comment summarizes the project description. The comment does not provide specific concerns regarding environmental impacts; therefore, no response is required.

#### **Response to Comment DOT-3**

The comment states that the California Airport Land Use Planning handbook must be utilized as a resource in the preparation of environmental documents within airport land use compatibility plan boundaries or within two miles of an airport. These comments related to the IS/MND are noted; however, they do not provide specific concerns regarding environmental impacts.

#### **Response to Comment DOT-4**

The comment states that portions of the project site are within the Runway Protection Zone (RPZ) and Inner Turning Zone (Zone 3) for SNA. The RPZ is the most critical of the airport safety zones, considered to be at "very high risk" due to the proximity to the end of the runway. Just beyond the RPZ is the Inner Approach/Departure Zone which is considered to be at "substantial risk." The RPZ and inner safe zones encompass 30 to 50 percent of near-airport aircraft accident sites. The FAA Airport Design Guide contains guidance pertaining to land uses within the RPZ. The comment then provides additional details about FAA grant assurances.

A very small portion of the project's eastern boundary falls within RPZ 2. The proposed project would not include a structure within this area. This area would include a driveway and landscaping. Based on an understanding of the project site within Runway Protection Zone 3, the project design includes features that limit the potential for higher usage intensities. The number of parking spaces that is provided for the proposed food court is only 54 spaces which would limit the number of people visiting the food court and result in less than the average maximum average number of people for nonresidential uses of 150 people and the maximum single acre restriction of 450 people as identified in the California Airport Land Use Planning Handbook prepared in October 2011. The northern portion of the project site is within Runway Protection Zone 6. The proposed project does not include features that are limited and prohibited within this Zone.

#### **Response to Comment DOT-5**

The comment states that the project site will be subject to aircraft overflights and subsequent aircraft-related noise impacts. Commercial, industrial, and recreational uses may be acceptable in High Noise Impact Zones provided that commercial and industrial structures are sufficiently sound attenuated to allow normal work activities to be conducted. In addition, it is recommended that all designated outdoor common or recreational areas within Noise Impact Zone 1 provide outdoor signage informing the public of the presence of operating aircraft. The project would be consistent with these uses. Implementation of Mitigation Measures NOI-1 and NOI-2 would ensure that the interior noise levels within the proposed food court and the office within the self-storage facility would meet the AELUP interior noise standards of 55 dBA (food court) and 50 dBA (office) (ALEUP for JWA criteria), respectively.

#### **Response to Comment DOT-6**

The comment states that the California Public Utilities Code Section 21659 prohibits structural hazards near airports and that Form 7460-1 may be required by the FAA. Form 7460-1 has been filed. The FAA, Southwest Regional Office, Obstruction Evaluation Group provided a letter dated April 26, 2016 stating a Determination of No Hazard to Air Navigation from project implementation.

#### **Response to Comment DOT-7**

The comment states that before the approval of any amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the ALUC, the local agency should refer the project to the ALUC. These comments related to the IS/MND are noted; however, they do not provide specific concerns regarding environmental impacts. The proposed project will be referred to the LAUC prior to the City Council taking action on the project.

#### **Response to Comment DOT-8**

The comment states that the City will be notified if the project is inconsistent with the airport land use compatibility plan; however, as described in Response to Comment DOT-4, the proposed project is consistent with the uses allowed in the onsite Runway Protection Zones.

**Response to Comment DOT-9**

The comment states that the project should also be compatible with future and existing airport operations and that coordination with SNA airport staff should take place. Coordination with the JWA staff has occurred and the project will be referred to the ALUC prior to the City Council taking action on the project. These comments related to the IS/MND are noted; however, they do not provide specific concerns regarding environmental impacts.

**Response to Comment DOT-10**

The comment directs any questions or concerns concerning surface transportation issues to District 12 Office. The comment summarizes the project description. The comment does not provide specific concerns regarding environmental impacts; therefore, no additional response is required.

## **Comment Letter 2: State of California, Department of Fish and Wildlife – June 1, 2016**

### **Response to Comment CDFW-1**

The comment states that the CDFW has reviewed the IS/MND and provided comments based on knowledge of sensitive and declining vegetation communities in Orange County. These comments related to the IS/MND are noted; however, they do not provide specific concerns regarding environmental impacts.

### **Response to Comment CDFW-2**

The comment summarizes the agency's responsibility as a trustee agency under CEQA. The comment does not provide specific concerns regarding environmental impacts therefore no response is required.

### **Response to Comment CDFW-3**

The comment recommends that nesting surveys proposed in Mitigation Measure BIO-2 be conducted no later than three days prior to construction, as opposed to 30 days. The comment then explains that longer periods between nesting surveys and the start of construction increase the likelihood that nesting activity can occur undetected, which may increase impacts to species.

Mitigation Measure BIO-2 has been changed to reflect what pre-construction clearance surveys would be conducted with 3 days prior to the start of the project rather than 30 days. These minor revisions do not constitute significant new information pursuant to Section 15088.5 of the CEQA Guidelines. Mitigation Measure BIO-2 will be revised as follows in the Biological Resources Section and in the MMRP within the Final IS/MND:

**BIO-2:** If the project must commence during the general nesting season, a pre-construction clearance survey should be conducted by a qualified biologist within ~~30~~ days prior to the start of the project to determine if any active nests or nestlings are present on the project site.

- If no active nesting is observed the project may commence without potential impacts to nesting birds.
- If active nesting is observed, a suitable buffer will be established around the nest and a biological monitor will be on-site to determine no impact occurs. No project activities may encroach into the buffer until the nest is no longer active as determined by the biological monitor.

## **Comment Letter 3: Orange County Public Works– June 6, 2016**

### **Response to Comment OCPW-1**

This comment states that the project site is adjacent to the Orange County Flood Control District's (OCFCD) Santa Ana-Delhi Channel (F01) and that any work related to the project within the OCFCD's right-of-way will require an encroachment permit from the County's Public Property Permits Section. The proposed project would not take place within the channel and it is not anticipated that the project would affect the Santa Ana-Delhi Channel.

### **Response to Comment OCPW-2**

The comment states that the City should ensure that all FEMA regulations and floodplain requirements applicable to the project are met and that implementation of the project is done in a manner that will not degrade the existing hydraulic conditions of Santa Ana-Delhi Channel and would not adversely affect downstream areas. The hydraulic conditions of Santa Ana-Delhi Channel would not be degraded due to project construction or implementation. The proposed drainage pattern is similar to the existing condition, with the exception that the site runoff would be directed into biofiltration BMPs before discharging into the storm drain system. During peak storm events, the volume of water would be lessened by the BMPs proposed within the project design as there would be a reduction of impervious surfaces.

## **Comment Letter 4: John Wayne Airport– June 10, 2016**

### **Response to Comment JWA-1**

This comment confirms JWA's receipt of the NOI and IS/MND and reiterated the project description, and zone change. The comment does not provide specific concerns regarding environmental impacts of the project. No additional response is required.

### **Response to Comment JWA-2**

This comment reiterates the proposed use of rooftop-mounted solar panels. The commenter requests a Glare Analysis be completed for the proposed solar panels. The comment notes the FAA required use of the Solar Glare Hazard Analysis Tool for glare hazard analyses near airports (78 FR 63276). The comment also provides contact information for submittal of the glare analysis. A glare analysis was completed using the Sandia National Labs website which is the 'parent' website to ForgeSolar. Based on the analysis, no glare would occur along the flightpath at any distance from 2 miles out to ½ mile from the threshold. The analysis was completed on the flightpath for multiple months and different times. The results of the analysis determined that the proposed solar panels would result in less than significant glare impacts (see Attachment A). Further, the results of the glare analysis will be part of the City's submittal package to the ALUC for Orange County.

### **Response to Comment JWA -3**

The commenter requests that the MND be revised to discuss the project's location within the Runway Protection Zone and Safety Zones 2, 3, and 6 for JWA. A very small portion of the project's eastern boundary falls within RPZ 2. The proposed project would not include a structure within this area. This area would include a driveway and landscaping. Based on an understanding of the project site within Runway Protection Zone 3, the project design includes features that limit the potential for higher usage intensities. The number of parking spaces that is provide for the proposed food court is only 54 spaces which would limit the number of people visiting the food court and result in less than the average maximum number of people for nonresidential uses of 150 people and the maximum single acre restriction of 450 people as identified in the California Airport Land Use Planning Handbook prepared in October 2011. The northern portion of the project site is within Runway Protection Zone 6. The proposed project does not include features that are limited and prohibited within this Zone.

### **Response to Comment JWA-4**

The commenter recommends that the City refer the proposed project to the Airport Land Use Commission for Orange County as requested by Section 21676 of the California Public Utilities Code to determine consistency with the AELUP for JWA. The City will refer the proposed project to the ALUC for Orange County prior to the City Council taking action on the project.

### **Response to Comment JWA-5**

The comment is noted, and identifies the contact for the Orange County JWA. Kari Rigoni will be contacted if the City has questions. The comment also provides telephone and email contact information. This comment does not provide specific concerns, regarding the environmental impacts of the project. Therefore, no additional response is required.



## **Comment Letter 5: Orange County Airport Land Use Commission– June 10, 2016**

### **Response to Comment ALUC-1**

This comment confirms ALUC’s receipt of the NOI and IS/MND and reiterated the project description, and zone change. The comment does not provide specific concerns regarding environmental impacts.

### **Response to Comment ALUC-2**

This comment reiterates the proposed use of rooftop-mounted solar panels. The commenter requests a Glare Analysis be completed for the proposed solar panels. The comment notes the FAA required use of the Solar Glare Hazard Analysis Tool for glare hazard analyses near airports (78 FR 63276). The comment also provides contact information for submittal of the glare analysis. A glare analysis was completed using the Sandia National Labs website which is the ‘parent’ website to ForgeSolar. Based on the analysis, no glare would occur along the flightpath at any distance from 2 miles out to ½ mile from the threshold. The analysis was completed on the flightpath for multiple months and different times. The results of the analysis determined that the proposed solar panels would result in less than significant glare impacts (see Attachment A). Further, the results of the glare analysis will be part of the City’s submittal package to the ALUC for Orange County.

### **Response to Comment ALUC-3**

The commenter requests that the MND be revised to discuss the project’s location within the Runway Protection Zone and Safety Zones 2, 3, and 6 for JWA. A very small portion of the project’s eastern boundary falls within RPZ 2. The proposed project would not include a structure within this area. This area would include a driveway and landscaping. Based on an understanding of the project site within Runway Protection Zone 3, the project design includes features that limit the potential for higher usage intensities. The number of parking spaces that is provide for the proposed food court is only 54 spaces which would limit the number of people visiting the food court and result in less than the average maximum number of people for nonresidential uses of 150 people and the maximum single acre restriction of 450 people as identified in the California Airport Land Use Planning Handbook prepared in October 2011. The northern portion of the project site is within Runway Protection Zone 6. The proposed project does not include features that are limited and prohibited within this Zone.

### **Response to Comment ALUC-4**

The commenter recommends that the City refer the proposed project to the Airport Land Use Commission for Orange County as requested by Section 21676 of the California Public Utilities Code to determine consistency with the AELUP for JWA. The City will the proposed project to the ALUC for Orange County.

### **Response to Comment ALUC-5**

The comment is noted, and Lea Choum will be contacted if the City has questions. The comment also provides telephone and email contact information.

# CHAPTER 4

## Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Implementation Agency	1. Monitoring Phase 2. Enforcement Agency 3. Monitoring Agency	Date of Compliance
<p><b>AIR-1:</b> The applicant shall utilize architectural coatings for both interior and exterior finishing with low or no VOC to avoid potential significant impacts to air quality. These architectural coatings shall be rated with emissions less than or equal to 50 gallons per liter.</p>	Development Services Department	<ol style="list-style-type: none"> <li>1. Design/Construction</li> <li>2. Development Services</li> <li>3. Development Services</li> </ol>	
<p><b>BIO-1:</b> To avoid potential significant impacts to nesting birds, the proposed project should commence outside the general nesting season.</p>	Development Services	<ol style="list-style-type: none"> <li>1. Construction</li> <li>2. Development Services</li> <li>3. Development Services</li> </ol>	
<p><b>BIO-2:</b> If the project must commence during the general nesting season, a pre-construction clearance survey should be conducted by a qualified biologist within 30 days prior to the start of the project to determine if any active nests or nestlings are present on the project site.</p> <ul style="list-style-type: none"> <li>• If no active nesting is observed the project may commence without potential impacts to nesting birds.</li> </ul>	Development Services	<ol style="list-style-type: none"> <li>1. Construction</li> <li>2. Development Services</li> <li>3. Development Services</li> </ol>	

Mitigation Measure	Responsible Implementation Agency	1. Monitoring Phase 2. Enforcement Agency 3. Monitoring Agency	Date of Compliance
<ul style="list-style-type: none"> <li>If active nesting is observed, a suitable buffer will be established around the nest and a biological monitor will be on-site to determine no impact occurs. No project activities may encroach into the buffer until the nest is no longer active as determined by the biological monitor.</li> </ul>			
<p><b>CUL-1:</b> Prior to start of ground-disturbing activities, a qualified archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for archaeology (U.S. Department of the Interior, 2008) shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. The City shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.</p>	Development Services	<ol style="list-style-type: none"> <li>Construction</li> <li>Development Services</li> <li>Development Services</li> </ol>	
<p><b>CUL-2:</b> An archaeological monitor (working under the direct supervision of the qualified archaeologist) shall observe <del>all initial</del> ground-disturbing activities <u>within previously undisturbed soils</u>. The qualified archaeologist, in coordination with the City, may reduce or discontinue monitoring if it is determined that the possibility of encountering buried archaeological deposits is low based on observations of soil stratigraphy or other factors. Archaeological monitoring shall be conducted by an archaeologist familiar with the types of archaeological resources that could be encountered within the project site. The archaeological monitor shall be empowered to</p>	Development Services/Fire Safety	<ol style="list-style-type: none"> <li>Design/Preconstruction</li> <li>Development Services</li> <li>Development Services</li> </ol>	

Mitigation Measure	Responsible Implementation Agency	1. Monitoring Phase 2. Enforcement Agency 3. Monitoring Agency	Date of Compliance
<p>halt or redirect ground-disturbing activities away from the vicinity of a discovery until the qualified archaeologist has evaluated the discovery and determined appropriate treatment. The archaeological monitor shall keep daily logs detailing the types of activities and soils observed, and any discoveries. After monitoring has been completed, the qualified archaeologist shall prepare a monitoring report that details the results of monitoring. The report shall be submitted to the City and any Native American groups who request a copy. A copy of the final report shall be filed at the SCCIC.</p>			
<p><b>HAZ-1:</b> A Soil Management Plan (SMP) should be developed for the site and used during demolition and grading to ensure proper handling and disposal of unknown affected soils encountered during excavation and grading. The SMP should specify the process for identifying, segregating, profiling and disposing of any stained soil or soil with strong odors. The SMP should also identify the specific process for removal and cleanup of the clarifier.</p>	Development Services	<ol style="list-style-type: none"> <li>1. Design</li> <li>2. Development Services</li> <li>3. Development Services</li> </ol>	
<p><b>NOI-1:</b> Prior to issuance of building permits, the developer shall show evidence, and the Development Services Director shall approve, an alternative form of ventilation, such as air conditioning systems or noise-attenuated passive ventilation, shall be included in the building design to ensure that windows can remain closed for prolonged periods of time in order to meet the commercial (food hall) interior noise standard of 55 dBA CNEEL established by the City. In addition, prior to issuance of building permits, the developer shall show evidence, and the Development Services Director shall approve, that all project wall assemblies (windows, doors, and wall combinations)</p>	Development Services	<ol style="list-style-type: none"> <li>1. Construction</li> <li>2. Development Services</li> <li>3. Development Services</li> </ol>	

Mitigation Measure	Responsible Implementation Agency	1. Monitoring Phase 2. Enforcement Agency 3. Monitoring Agency	Date of Compliance
have been designed and will be constructed to meet the interior noise standard of 55 dBA CNEL.			
<p><b>NOI-2:</b> Prior to issuance of building permits, the developer shall show evidence, and the Development Services Director shall approve, an alternative form of ventilation, such as air conditioning systems or noise-attenuated passive ventilation, shall be included in the building design of the proposed office within the self-storage facility to ensure that windows can remain closed for prolonged periods of time in order to meet the office interior noise standard of 50 dBA CNEL established by the City. In addition, prior to issuance of building permits, the developer shall show evidence, and the Development Services Director shall approve, that all project wall assemblies (windows, doors, and wall combinations) have been designed and will be constructed to meet the interior noise standard of 50 dBA CNEL.</p>	Development Services	1. Design/Construction 2. Development Services 3. Development Services	

# CHAPTER 5

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## Errata

The following text changes are made to the IS/MND and incorporated as part of the Final MND. These changes further substantiate conclusions and/or clarify aspects of the previously circulated document. None of these changes reflect a determination of a new or more significant environmental impact than discussed in the IS/MND. Changes to the text are noted with underline (for added text) or ~~strikeout~~ (for deleted text).

### Page 37: Biological Resources

The following information is added to Mitigation Measure BIO-2:

**BIO-2:** If the project must commence during the general nesting season, a pre-construction clearance survey should be conducted by a qualified biologist within 30 days prior to the start of the project to determine if any active nests or nestlings are present on the project site.

- If no active nesting is observed the project may commence without potential impacts to nesting birds.
- If active nesting is observed, a suitable buffer will be established around the nest and a biological monitor will be on-site to determine no impact occurs. No project activities may encroach into the buffer until the nest is no longer active as determined by the biological monitor.

### Page 41: Cultural Resources

The following information is added to Mitigation Measure CUL-2:

**CUL-2:** An archaeological monitor (working under the direct supervision of the qualified archaeologist) shall observe ~~all initial~~ ground-disturbing activities within previously undisturbed soils. The qualified archaeologist, in coordination with the City, may reduce or discontinue monitoring if it is determined that the possibility of encountering buried archaeological deposits is low based on observations of soil stratigraphy or other factors. Archaeological monitoring shall be conducted by an archaeologist familiar with the types of archaeological resources that could be encountered within the project site. The archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of a discovery until the qualified archaeologist has evaluated the discovery and determined appropriate treatment. The archaeological monitor shall keep daily logs detailing the types of activities and soils observed,

and any discoveries. After monitoring has been completed, the qualified archaeologist shall prepare a monitoring report that details the results of monitoring. The report shall be submitted to the City and any Native American groups who request a copy. A copy of the final report shall be filed at the SCCIC.

## Page 103: Mandatory Findings of Significance

Mitigation Measure CUL-3 does not exist and therefore was removed from the following Mandatory Findings of Significance section:

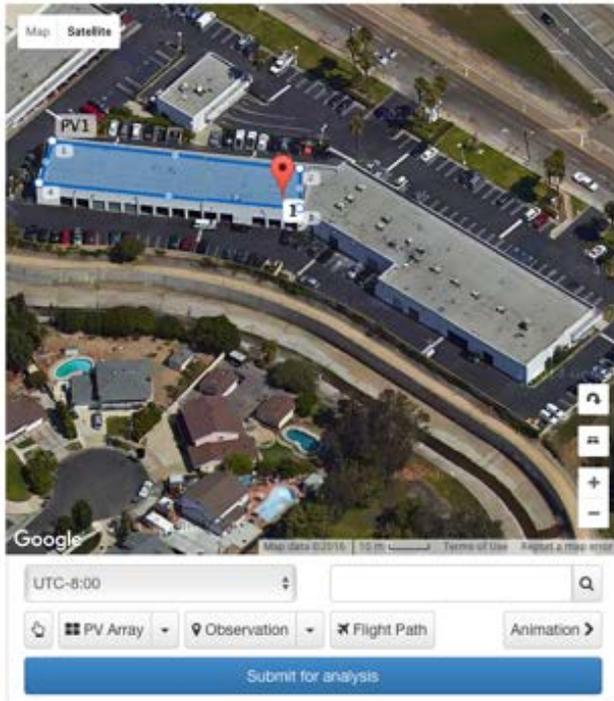
- b) **Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

**Less than Significant with Mitigation.** The project would result in several potentially significant project-level impacts in the following areas: Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Noise. The project’s contribution to cumulative impacts to Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Noise would be cumulatively considerable, and therefore, would result in significant cumulative impacts.

### ***Mitigation Measure***

Implementation of Mitigation Measures AIR-1, BIO-1, BIO-2, CUL-1, CUL-2, ~~CUL-3~~, HAZ-1, NOI-1 and NOI-2 is required.

# Glare Analysis



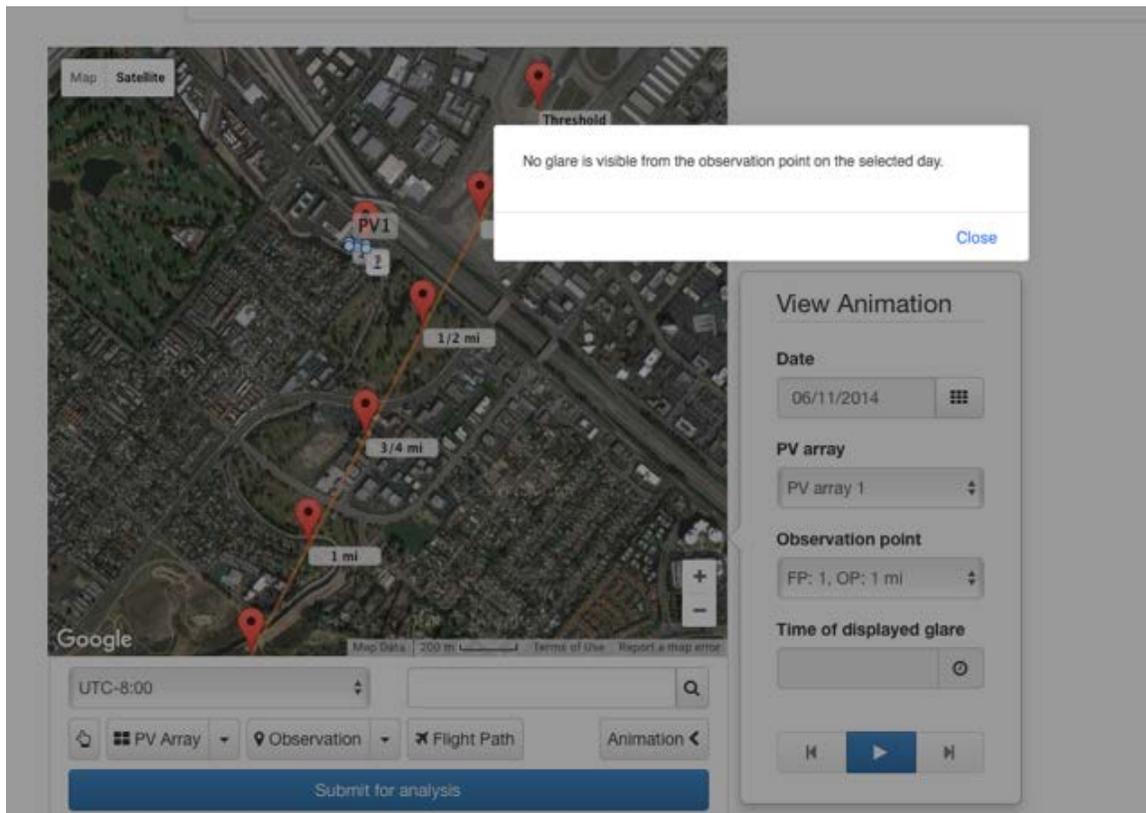
### Results for PV array 1

Summary OP: 1 FP: 1

Observation	status
OP: 1	glare
Flight path: 1	No glare

**Energy** Max produced annually, assuming sunny skies every day. Assumptions about local weather conditions, system efficiencies and other factors that affect energy estimates differ from those used by solar energy system designers.

2.185E+05 kWh



Map Satellite

Threshold

No glare is visible from the observation point on the selected day.

Close

### View Animation

Date: 10/13/2014

PV array: PV array 1

Observation point: FP: 1, OP: 2 mi

Time of displayed glare

UTC-8:00

PV Array Observation Flight Path Animation

Submit for analysis

Map Satellite

No glare is visible from the observation point on the selected day.

Close

### View Animation

Date: 08/15/2014

PV array: PV array 1

Observation point: FP: 1, OP: 1/2 mi

Time of displayed glare

UTC-8:00

PV Array Observation Flight Path Animation

Submit for analysis

Map Satellite

PV1

1/4 mi

Google

Map Data 100 mi Terms of Use Report a map error

UTC-8:00

PV Array Observation Flight Path Animation

Submit for analysis

View Animation

Date

Observation point

FP: 1, OP: 3/4 mi

Time of displayed glare

No glare is visible from the observation point on the selected day.

Close