



# **AIRPORT LAND USE COMMISSION**

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

## **MINUTES OF REGULAR MEETING**

**July 16, 2020**

- PLACE:** John Wayne Airport Administration Building  
Airport Commission Hearing Room  
3160 Airway Avenue  
Costa Mesa, California 92626
- TIME:** Regular Meeting called to order at 4:00 p.m. by Chairman  
Gerald Bresnahan
- COMMISSIONERS PRESENT:** Stephen Beverburg, Gerald Bresnahan, Austin Lumbard via  
telephone, Mark Monin, Alan Murphy via telephone,  
Schelly Sustarsic via telephone  
  
Alternate Commissioners Present: Tim O'Rourke via  
telephone, Vern King
- COMMISSIONERS ABSENT:** None
- STAFF PRESENT:** Lea U. Choum, Executive Officer  
Jeff Stock, County Counsel via telephone  
Julie Fitch, Staff Planner  
Aida Lopez, ASR Manager
- PLEDGE:** Chairman Bresnahan led all present in the Pledge of  
Allegiance.

### **APPROVAL OF MINUTES:**

A motion to approve the minutes from the June 18, 2020, meeting was made by Commissioner Monin and seconded by Commissioner Beverburg. Commissioners Bresnahan, Monin and Sustarsic agreed with the motion. Commissioners Lumbard and Murphy abstained from voting.

## **INTRODUCTIONS:**

Gerald Bresnahan, Chairman, read various instructions regarding the telephonic ALUC meeting and COVID-19 concerns. The public was given the opportunity to provide public comments, and one comment letter was submitted to staff on Agenda Item 1.

## **NEW BUSINESS:**

### **1. City of Newport Beach: Request for Consistency Review of the Newport Airport Village project**

Julie Fitch, Staff Planner, presented the staff report for the City of Newport Beach, Newport Airport Village Project. Ms. Fitch first pointed out corrections to the staff report – one, there was a missing site address for the proposed project, and two, a discrepancy in the average altitude of flights over the project area. The altitudes shown on the exhibits were correct. Ms. Fitch then provided an overview of the proposed project and concluded her staff report by recommending the Commission find the proposed General Plan Amendment and Zoning Change for the Newport Airport Village project Inconsistent with the *AELUP for John Wayne Airport* per Sections 2.1.1 through 2.1.4 of the AELUP and PUC Section 21674.

Ms. Fitch reported that the city and applicant representatives were present for the meeting. The city also provided the Commission with handouts of the proposed project that were emailed to the Commissioners and distributed at the meeting.

Chairman Bresnahan called for discussion from the Commission and asked if the city would like to speak on the item. David Blumenthal, City of Newport Beach Contract Planner, addressed the Commission and explained why the city considers the project consistent with the *AELUP for JWA*. He also explained the status of the Federal Aviation Regulation (FAA) Aeronautical Study for the proposed project. The Determination of No Hazard to Air Navigation for a maximum height of 85 feet was found to be invalid by the FAA. However, the FAA issued a Determination of No Hazard to Air Navigation for structures up to 80-feet above ground level (AGL). Mr. Blumenthal explained that the draft Planned Community Development Plan would allow a maximum height of 85 feet AGL for the proposed residential planning area and the building height limits for the proposed commercial planning area are lower (no more than 55 feet AGL). The applicant will be required to obtain a new FAA determination before the City Council considers the project or the height limit will be lowered to 80 feet AGL. Mr. Blumenthal also discussed the need for the city to meet increased Regional Housing Needs (RHNA) allocation numbers mandated by the state. He explained that the proposed project would allow for the redevelopment of an underutilized site with new housing opportunities to address the state housing crisis.

Commissioner Beverburg asked what type of housing options will be offered and how many people will be congregated on the site. Mr. Blumenthal responded that a specific development

project has not been submitted but the conceptual plans indicate that the site could accommodate 444 housing units. The mix of housing still needs to be determined.

Commissioner Murphy referred to page 10 of the Draft Development Plan that was submitted by the city, and indicated that it appeared to show residential uses within the 65 dBA CNEL noise contour and asked about why the FAA determination for a maximum building height of 85 feet was determined to be invalid.

Patrick Strader from the applicant team stated he could answer Commissioner Murphy's questions. He explained that the conceptual plan shows buildings within the 65 CNEL noise contour but that it would be a parking structure. Mr. Strader also explained that the FAA determination was deemed invalid because the buildings proposed in Planning Area 2 could possibly interfere with the reception of a microwave tower, and that the FAA requested coordinates for four corners of the buildings. He stated that since the development plan is only conceptual at this time, that he was not able to provide specific coordinates. He indicated that the FAA determination approved for a maximum building height of 80 feet was valid. He also provided an overview of the general plan amendment updates for the City of Newport Beach since 2006, and that the 2014 General Plan Amendment which included the Airport Area was not approved by the voters, but the EIR was certified by the city.

The Commissioners discussed the item further. Commissioner Lumbard understands and shares the city's concerns regarding meeting the RHNA numbers mandated by the state. He sympathizes with the applicant and the City of Newport Beach on how they will meet the significantly increased housing numbers. Commissioner Monin also understands the city's requirement regarding the housing supply mandates; however, he does not feel that it is within the purview of the ALUC. Commissioner Monin commented that as a pilot, the general aviation aircraft that will be flying over the proposed project site would not perform as well during hotter months of the year and the altitude of the planes over the project area could be much lower than what was reported in the staff report.

Commissioner Murphy stated he was prepared to support the staff recommendation. He is concerned about the overflight over the proposed project site. He stated that it is inappropriate to have this use and density at this site. Commissioner Beverburg shared his concerns regarding the 444 units that are proposed for the site stating that 2,000 people could be located under the traffic pattern. He also noted that the 60 and 65 CNEL contour lines are drawn on maps for planning purposes. However, the noise impacts throughout the project site would be impacted the same way regardless of which side of the noise contour line the residential uses are placed. He also inquired about why the 2014 general plan amendment for the City of Newport Beach was rejected by the voters.

Commissioner Sustarsic asked for clarification on when buildings with more than three aboveground habitable floors are generally unacceptable. Ms. Choum, Executive Officer, explained that buildings within Safety Zone 3 and more than three floors would be unacceptable. The proposed 4-story residential buildings would be located in Safety Zone 6. Chairman Bresnahan concluded the discussion by stating he believes the proposed location and use are not appropriate for the site. He stated the uses in that area should not be rezoned.

for mixed-use and should remain designated for Airport Office uses. He believes placing residential in this area would be a terrible idea.

Chairman Bresnahan mentioned that an email was received from the public, and Ms. Choum read the email from Jim Mosher which had two main concerns. One, Mr. Mosher indicated that his understanding was the JWA's 65 dBA CNEL contour is not a fixed line on a map, but something that ebbs and flows based on amount of air travel. Two, he expressed concern that the City of Newport Beach had already posted a notice of a hearing announcing the city's intent to override the Airport Land Use Commission's determination prior and that he hopes that the city does not rush to approve the proposal.

Chairman Bresnahan called for a motion. Commissioner Beverburg made the motion to approve staff's recommendation. Commissioner Monin seconded the motion. A roll call vote was taken and the motion was approved by a unanimous vote, with the Commission finding the proposed General Plan Amendment and Zone Change for the Newport Airport Village Inconsistent with the *AE LUP for JWA* per Sections 2.1.1 through Section 2.1.4 and PUC Section 21674.

2. **Administrative Status Report**

Lea Choum, Executive Officer, spoke of the correspondence that includes JWA statistics for May 2020 as well as other correspondence to the City of Santa Ana, City of Costa Mesa and Newport Beach. With respect to flight track exhibits, Commissioner Monin requested seeing larger, zoomed out exhibits showing project area and flight tracks. Commissioner Beverburg requested utilizing lighter shades showing the project site to be able to see the flight tracks underneath the project boundary.

3. **Proceedings with Consistent Agencies:**

Commissioner Bresnahan requested that staff and County Counsel, Jeff Stock, research the City of Newport Beach consistency status. He would like an update on the status of the City of Newport Beach general plan updates since 2006. He also requested that Mr. Stock provide an update to the Commission on the override process i.e. what input the Commission could provide and how the Commission could react to the process.

4. **Proceedings with Inconsistent Agencies:**

Nothing new to report.

5. **Items of Interest to the Commissioners:**

Nothing new to report.

6. **Items of Interest to the Public:**

Nothing new to report.

**ADJOURNMENT:**

There being no further business before the Commission, the meeting was adjourned at approximately 5:14 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lea U. Choum", with a long horizontal flourish extending to the right.

Lea U. Choum  
Executive Officer