



# **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**

**November 19, 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  
Commissioner Monin
- COMMISSIONERS PRESENT:** Mark Monin, Stephen Beverburg, Austin Lumbard via  
telephone, Alan Murphy via telephone, Schelly Sustarsic  
via telephone
- Alternate Commissioners Present: Vern King, Tim  
O'Rourke via telephone, Patricia Campbell via telephone
- COMMISSIONERS ABSENT:** Gerald Bresnahan
- STAFF PRESENT:** Lea U. Choum, Executive Officer  
Jeff Stock, County Counsel via telephone  
Julie Fitch, Staff Planner  
Martha McCool, Staff Assistant
- PLEDGE:** Vice-Chairman Monin led all present in the Pledge of  
Allegiance.

## **INTRODUCTIONS:**

Vice-Chairman Monin read various instructions regarding the telephonic ALUC meeting and COVID-19 concerns. The public was given the opportunity to provide public comments. Two comment letters were received for Agenda Item 1 and will be read into the record.

## **APPROVAL OF MINUTES:**

A motion to approve the minutes from the October 15, 2020 meeting was made by Commissioner Beverburg and seconded by Alternate King. Vice-Chairman Monin and Commissioners Murphy, Beverburg and Lumbard approved minutes. Commissioner Sustarsic and Alternate Commissioner Campbell abstained.

## **NEW BUSINESS:**

### **1. City of Newport Beach Request for Consistency Determination for the Residences at 4400 Von Karman**

Julie Fitch, Staff Planner, presented the staff report for the City of Newport Beach's request for a consistency determination for the proposed Planned Community Development Plan Amendment for the Residences at 4400 Von Karman Avenue. The 312-unit residential project would be located on a 5.9-acre site within the Koll Center Newport property, southeast of the Von Karman Avenue and Birch Street intersection.

Ms. Fitch concluded the staff report by recommending that the Commission find the proposed project, The Residences at 4400 Von Karman, and the proposed amendment to the Koll Center Newport Planned Community Development Plan (PC-15), consistent with the *AELUP for JWA*.

Mr. Campbell, Deputy Director of Community Development for the City of Newport Beach, thanked staff for their work on the staff report and reiterated that the location was not in safety zone 6 or in the 60 CNEL noise contour. It has received approval from the FAA and he agrees that the project is consistent with the *AELUP for JWA*. Mr. Campbell introduced Tim Stanley with the project developer, The Picerne Group. Mr. Stanley provided a presentation for the project.

Vice-Chairman Monin asked about the status of the Uptown project, a proposed mixed-use development in Newport Beach which was found inconsistent by the ALUC in October of 2012. Mr. Stanley stated the first phase is complete and the second phase is in the beginning process with the timeline estimated to be from 5 to 10 years. Vice-Chairman Monin asked about the timeline for the 4400 Von Karman Project. Mr. Stanley stated that if all goes to plan, construction on the parking structure will begin at the end of the year, but the apartments would not be constructed until that was completed.

Vice-Chairman Monin asked the Commission if they had any questions for the developer; no other questions were asked.

Vice-Chairman Monin opened the meeting for public comments. A member of the SoCal Pilots and owner of the nearby property at 4340 Von Karman, Fred Fourcher, spoke via telephone about noise and overflight issues. He commented that the City of Newport Beach had already published a Public Hearing Notice of Intent to Overrule the ALUC, even though the project decision has not been made.

Vice-Chairman Monin read the comment letter submitted by Jim Blythe for the SoCal Pilots Association, stating they do not support a project close to the airport, especially under Runway 20L flight patterns. Newport Beach resident Jim Mosher also provided a comment letter that stated the City of Newport Beach had published a Notice for Public Hearing of Intent to Overrule the ALUC determination when no determination has yet to be made on the project. Lea Choum, Executive Officer, mentioned that a copy of the City of Newport Beach Notice of Public Hearing was included in the comment letter from SoCal Pilots.

Vice-Chairman Monin asked the Commissioners if they had any questions or comments. Alternate King asked Mr. Campbell if the project had gone to the voters in 2010. Mr. Campbell answered that the specific project had not gone before voters, but the General Plan Update that encompasses the area had gone to voters and was approved in 2006, it was also submitted to the ALUC and found consistent in the same year. A concept plan was approved in 2010 and the Uptown Newport Project was the first part of that plan.

Commissioner Beverburg inquired as to why the City of Newport Beach published the Notice of Hearing for Intent to Overrule if they had not yet received a determination and the project had not even been heard. Mr. Campbell explained the City was being proactive and that it was related to scheduling and the time it would take if they did have to overrule. Vice-Chairman Monin commented that it would appear better if the City would wait until they receive a determination from the ALUC, prior to initiating this type of action. Commissioner Murphy also expressed concerns with the timing of the City of Newport Beach's Notice of Hearing for the Intent to Overrule. This is not the first time it has occurred and he is hopeful the approach will change for future proposals. Commissioner Murphy asked Mr. Campbell how many housing units were included in the 2010 determination, Mr. Campbell stated the date was in 2006 and it is for 2200 housing units.

Commissioner Lumbard also commented on the subject. As a Council Member, he is aware of the need for cities and developers to be proactive to meet their timelines. He asked the Commission to focus on the staff report and recommendation and to not let the Notice of Hearing for the Intent to Overrule affect their decision.

Vice-Chairman Monin called for a motion. The motion was moved by Commissioner Lumbard and seconded by Commissioner Murphy. A roll call vote was taken, the Commission voted unanimously, with Alternate Campbell voting on behalf of Chairman Bresnahan to find the proposed, Residences at 4400 Von Karman, and the proposed amendment to the Koll Center Newport Planned Community Development Plan (PC-15), consistent with the *AELUP for JWA*.

2. **Administrative Status Report**

Lea Choum, Executive Officer, spoke of the correspondence that includes JWA statistics for September 2020 and a response letter to the City of Santa Ana Notice of Intent to Overrule the ALUC Determination of Inconsistency for the Santa Ana General Plan Update: Golden City and Beyond.

3. **Proceedings with Consistent Agencies:**

Nothing new to report.

4. **Proceedings with Inconsistent Agencies:**

Nothing new to report.

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

Commissioner Beverburg commented on the flight tracks that were included in Agenda Item 1. He would like to make sure that flight tracks are accurately shown over proposed projects. Ms. Fitch mentioned that she spoke to the Noise Office at JWA about the flight tracks and stated that the flight tracks provided for Agenda Item 1 appeared different from the flight tracks submitted with the So Cal Pilots letter. The reason for the difference was the scale and the time period for the flight tracks. The SoCal Pilots flight tracks included a 5-day span of time and the staff report included single days. Vice-Chairman Monin also expressed a need for a more accurate report that would include quarterly dates. He recommended going back a year and provide a weekday view and weekend day for each quarter, for a total of 8 days that will reflect all runways, if that would work with the Noise Office. Commissioner Sustarsic agreed with the comments.

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 4:54 p.m.

Respectfully submitted,



Lea U. Choum  
Executive Officer