



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

December 16, 2021

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
Bresnahan

COMMISSIONERS PRESENT: Gerald Bresnahan, Stephen Beverburg, Alan Murphy,
Schelly Sustarsic, Mark Monin, Austin Lombard

Alternate Commissioners Present: Patricia Campbell, Tim
O'Rourke

COMMISSIONERS ABSENT:

STAFF PRESENT: Lea U. Choum, Executive Officer
Jeff Stock, County Counsel
Julie Fitch, Staff Planner
Athena Shaygan, Contractor

PLEDGE: Chairman Bresnahan led all present in the Pledge of
Allegiance

INTRODUCTIONS:

None

APPROVAL OF MINUTES:

Chairman Bresnahan called for a motion to approve the minutes from the November 18, 2021, meeting. Commissioner Beverburg moved to accept them with one modification of fixing a typo on page three from sights to sites. Chairman Bresnahan asked if any other Commissioners would like to add a comment or modification. No other comments were made. The Chairman called for a vote and the motion was approved by all Commissioners.

NEW BUSINESS:

1. Update on County of Orange Housing Overlay District

Lea Choum, Executive Officer, presented the staff report for the Update on County of Orange Housing Opportunities Overlay District.

Ms. Choum explained that at the previous Airport Land Use Commission (ALUC) meeting on November 18, 2021, Chairman Bresnahan and Commissioner Murphy requested that staff investigate whether the County of Orange submitted the Zoning Code Amendment for the Housing Opportunities Overlay District to the Commission for a consistency determination. A discussion of this overlay district came up during the Commission's review of the proposed County of Orange Housing Element Update. The County adopted the overlay in January 10, 2006. In reviewing the archives, no agenda item or submittal was found prior to the Board of Supervisor's adoption of the Zoning Code Amendment that had established the Overlay District and therefore the ALUC did not review it for consistency review prior to the Board's adoption. However, an amendment to the Housing Opportunities Overlay Zone Regulations was submitted to the ALUC for a consistency review on September 19, 2013. This Zoning Code Amendment added emergency shelters and multi-services centers as permitted uses in commercial and industrial areas for the County's opportunity overlay district. As part of their submittal back in 2013, the County had identified housing opportunity areas where emergency shelters and multi-service centers would be allowed within the planning area. A month after the overlay, the County brought their General Plan Amendment to update its Housing, Land Use, and Safety Elements. The Commission found that Update consistent with *AELUP's* for *JWA, FMA and JFTB Los Alamitos*.

Chairman Bresnahan asked if the Commissioners had any questions for staff. No questions were asked.

2. County of Orange Housing Element Update Resubmittal

Julie Fitch, Staff Planner, presented the staff report for the County of Orange request for a consistency determination for the Housing Element Update with modifications. She stated that the County was proposing to remove the housing sites that were in the 60 and 65 CNEL contour, and revise one site along Newport Boulevard so that it was outside of the 60 contour.

Ms. Fitch stated that no other changes were proposed to the County's Housing Element and concluded the staff report by recommending that the Commission find the proposed Housing Element Update with the site modifications consistent with the *AELUP for JWA*.

Commissioner Murphy expressed his appreciation to the County for making modifications to their proposal and addressing the concerns that he had. He stated that he does not like to see residential uses in this area, but that the modifications moved the proposed housing sites outside of the 60 noise contour.

Chairman Bresnahan asked if the other Commissioners had any other comments. No comments were made. No comments were made by the County or from the public on this item.

Chairman Bresnahan called for a motion. A motion was moved by Commissioner Beverburg and seconded by Commissioner Lumbard to support staff's recommendation.

Chairman Bresnahan commented that this is a rare event when there is a project that was found inconsistent and it is resubmitted as consistent. Chairman Bresnahan stated that it is a sensitive area and that there are airplanes that do fly over that area, as shown on the Flight Track exhibits. He mentioned that it is always poor land use planning going from a very consistent use (office/commercial) to a less consistent use, such as residential. However, he appreciates the effort put forward to make those changes, and that he is pleased to see that happen.

A roll call vote was taken. The Commission voted unanimously, 6-0 to find the Housing Element Update with Modifications consistent with the *AELUP for JWA*.

3. City of Buena Park Proposed 2021-2029 Housing Element Update

Julie Fitch, Staff Planner, presented the staff report for the City of Buena Park's request for a consistency determination for the City's proposed 2021-2029 Housing Element Update.

Ms. Fitch provided an overview of the proposed update and concluded the staff report by recommending that the Commission find the proposed Housing Element Update inconsistent with the *AELUP for Fullerton Municipal Airport* and consistent with the *AELUP for JFTB Los Alamitos*.

Ms. Fitch reported that Dr. Swati Meshram, the Planning Manager for the City of Buena Park is present for the meeting and would like to address the Commission.

Commissioner Beverburg asked if staff received comments from the City of Fullerton or the Airport regarding the Noise Abatement areas.

Ms. Fitch explained that the exhibit with the flight paths came from the City.

Ms. Fitch also stated that staff did consult with the Director of Fullerton Airport, who is also an Alternate on the ALUC. He verified the exhibit from the City, and stated that he was concerned with the proposed residential use along Commonwealth.

Commissioner Beverburg asked if JFTB Los Alamitos commented as well, and Ms. Fitch explained that staff did not received comments from them.

Chairman Bresnahan commented that the staff report said the Fullerton accident history exhibit shows a high number of accidents. He clarified for staff that there were enough incidents and accidents to be able to plot and recommended not to qualify the number of accidents as unusually high.

Alternate Patricia Campbell asked if the site at the corner of the Valley View and Ball Road was listed as a potential residential site in the Housing Element.

Dr. Swati Meshram addressed the Commission and stated that that site has been identified in the Housing Element.

Dr. Meshram provided an overview of the City's proposed Housing Element Update. She suggested that the Update is consistent as the sites are within the 60 CNEL.

Commissioner Murphy stated that he believes that staff did not find the Update inconsistent due to noise but due to safety and overflight. Staff is aware that in the AELUP there are ways to address development within the 60. He stated that he is concerned with the location, as it relates to the operation of the Airport. He explained that looking at the information in regards to the accidents, most of the property is right on the runway.

Dr. Meshram explained that they would not want to place anything in a safety hazard area. She asked if the staff's recommendation is for all of those sites.

Ms. Fitch pointed to the screen and explained that the sites along Commonwealth were the main sites that were in the flight path. Ms. Choum stated that they were in the noise sensitive area for overflight. Ms. Fitch stated that those were the most problematic sites, because they are currently zoned commercial and light industrial but changing to residential.

Dr. Meshram stated that if a notification was a requirement of the Commission for the problematic sites, particularly those highlighted in red, the City of Buena Park would do it. Dr. Meshram stated that they need to come back to the Commission for their zoning code update, before those sites can actually be rezoned to residential. Part of the rezone requirement would be the notification and referral to the Commission for approval.

Chairman Bresnahan asked if the Buena Park Housing Element Update for 2014 to 2021 ever came to the Commission. Ms. Choum confirmed that staff did not review the Housing Element in 2013. He suspects that is why we are seeing residential along Commonwealth now.

Dr. Meshram stated that there are currently no residential projects on Commonwealth that are identified here that have been converted into residential except one, which is the conversion of the Airport Inn Motel into a permanent supportive housing. She explained that that project was

scheduled to come to the Commission last year. Other than that, she is not aware of residential projects on Commonwealth that have not come before the Commission.

Chairman Bresnahan asked Jeff Stock, County Counsel, if ALUC has had a Draft Housing Element Update that was found to be both consistent with one AELUP and inconsistent with another.

Mr. Stock confirmed that from the legal perspective the Housing Element is one document that covers one area. If there is one aspect of the Update that falls within the inconsistent finding, then the Commission should find the entire Housing Element inconsistent.

Commissioner Beverburg clarified that two different AELUPs are involved and that there is one submittal document to review both of them. He asked if the Commission can find it consistent with one and inconsistent with the other.

Mr. Stock confirmed that his advice to the Commissioners would be to look at it as an entire document and make one finding for the entire Housing Element, otherwise the Commission would be left articulating each point for each individual parcel, and that would be extremely burdensome.

Commissioner Beverburg mentioned that the property in the Los Alamitos notification area is fine, and that all of the traffic patterns are south of Katella. It is the property near Fullerton Airport that is the issue.

Dr. Meshram asked Mr. Stock for his opinion of a conditional approval requiring notifications.

Chairman Bresnahan stated that they have done that in the past, however he does not see that being the case here.

Commissioner Lumbard stated that from the Commission's standpoint, if the Commission were to do any conditional approval and if it said that it is consistent with Los Alamitos but inconsistent with Fullerton, the City has to move those units somewhere and they would most likely move towards Los Alamitos, which could then become inconsistent with the Los Alamitos AELUP. He thinks that it is a dangerous thing for the Commission to find any consistency in a conditional approval of one and not the other. He stated that for the record, he is the Mayor for the City of Tustin and that they are dealing with the same thing. He thinks that the State is forcing Cities to accommodate housing units and there is no room for them. Not only is it bad for the Cities but for this Airport Land Use Commission and other Airport Land Use Commissions as well. He stated that the Commission must say that this is inconsistent, but also realize that the City must deal with nine thousand units in a small City between two Airports. He is sympathetic to that, and wanted to put that on the record.

Commissioner Sustarsic stated that the Commission would need to know where the new units would be proposed if the problematic sites were deleted.

Commissioner Murphy and Chairman Bresnahan stated that the City would need to resubmit them.

Commissioner Beverburg moved that the Commission find this 2021-2029 Housing Element Update inconsistent. Commissioner Murphy seconded the motion.

Ms. Choum asked the Chairman to clarify if the Commission is finding the Housing Element inconsistent with both the Fullerton and Los Alamitos AELUP's.

Chairman Bresnahan stated that if the Commission finds it inconsistent with the Fullerton AELUP, it is indeed inconsistent.

Mr. Stock stated the Commission would be voting on the entire Housing Element, whether or not it is consistent or inconsistent. He explained that the plan encompasses two AELUP areas but the Update is one plan.

Chairman Bresnahan stated that the motion would be finding this inconsistent and is that the recommendation that County Counsel is giving. Mr. Stock confirmed.

Chairman Bresnahan stated he does not believe that we have had a case where we had a document like this, which was consistent with one Airport and not another.

A roll call vote was taken. The Commission voted unanimously, 6-0 to find the Housing Element Update inconsistent with the AELUPs for Fullerton and JFTB Los Alamitos.

4. **Administrative Status Report:**

Ms. Choum spoke of the correspondence that includes: JWA Statistics for October 2021, ALUC and JWA comments on the City of Santa Ana 2021-2029 Housing Element Update, ALUC comments on the NOI Intent to Adopt a Negative Declaration Costa Mesa 2021-2029 Housing Element Update, ALUC comments on Notice of Intent to Overrule the Airport Land Use Commission for Orange County Determination for the 6th Cycle Housing Element Update, Referral Confirmation Letter to the City of Buena Park Proposed 2021-2029 Housing Element Update, and the Referral Confirmation Letter to the County of Orange for the Modified Draft Housing Element Update.

Chairman Bresnahan stated that he thinks that we will have a significant number of projects in the month of January and asked Ms. Choum how many projects she believes we will see. Ms. Choum stated that ALUC is looking at potentially seven Housing Element Updates for January.

Chairman Bresnahan asked if the Commission would prefer to review all the items in one meeting, or split the items into two meetings and have a special meeting in January if needed.

Commissioner Monin stated he prefers one meeting and if it goes too long, we continue it to a special meeting.

Chairman Bresnahan asked Mr. Stock if ALUC could decide to add a special meeting while having a regular meeting. Mr. Stock explained that was a possibility and that it would be up to the Chairman to decide. Chairman Bresnahan stated he would rather come once and stay until it is done and that he usually does not have conflicts after this meeting.

Commissioner Murphy stated he would rather just have one meeting. He explained the challenge would be for staff to review so many housing elements in a short amount of time given that the submittal deadline for the cities is the first of the month. He believes that six or seven items would be onerous.

Chairman Bresnahan asked if we get more submittals than we have staff to handle, what options do we have. Mr. Stock stated that there is a certain timeline that the Commission should hear the items by.

Chairman Bresnahan stated that if the City does not bring in their submittals by the first of the month, then they need to wait until February. If six people come in and give us their projects on the first, what are our options then.

Mr. Stock explained that depending on when the submittal comes, staff would be able to push out some of the items so that the calendar is a little more manageable, as long as it would be heard within sixty days.

Commissioner Beverburg asked if the office will be closed on January 1, 2022. Ms. Choum confirmed that the office will not be open, therefore the Cities will have until the third of January to submit. Staff has received three submittals and can begin to work on those. Staff will contact the other cities to confirm their submittals for January.

Chairman Bresnahan stated we still have inconsistent and consistent agencies which the Commission has not seen their General Plan Amendments for quite some time. He asked if we should be putting out notices to the Cities regarding timelines and the submittal process. He suggests we be more proactive with the Cities, especially since we have Cities that are not consistent. Ms. Choum stated that staff could look at archives to see who has submitted their General Plan Amendments.

Chairman Bresnahan stated we should ask every City what was the date of your last General Plan Amendment. That would be an enlightening inquiry, and he would expect the Cities to respond.

Ms. Fitch stated that back in April, staff began sending letters to all the Cities in the planning areas, letting them know of ALUC's submittal requirements because there have been many staffing changes and new planners who are not aware of the requirements. Staff sent a letter with Mr. Stock's review reminding them what the State law is and what the requirements are. The letter was sent to around fifteen Cities which is why there are more submittals, or will be for this year.

Chairman Bresnahan stated that as staff time permits, he would appreciate an update on which Cities submitted their General Plan Amendments and when.

Mr. Stock stated that in the event that there are government agencies and Cities who have not brought an item to this Commission, the Commission can put that item on an agenda to review to make a certain finding.

Commissioner Beverburg stated that he would like to make a general comment. During the discussion of the Buena Park Housing Element Update, there was the illustration of the accident history around Fullerton Airport. He would like to point out that was twenty-one years worth of accidents. That should not be considered a high number of accidents. Commissioner Beverburg stated that if you count them it is approximately twenty accidents in twenty-one years, which would make it less than one accident each year. For a general aviation airport, that is pretty good.

Commissioner Monin stated the accident report was very helpful to him, and during the time that he has been on this Commission, he has not seen one for Santa Ana. He stated he would like to see the accident history for JWA. Chairman Bresnahan agreed and stated when time allows, staff can work on that.

Chairman Bresnahan addressed Ms. Fitch stating that using Google Earth in her presentation on the Smart TV was very telling and very helpful. He mentioned that the Commissioners are going to want staff to continue using Google Earth during staff presentations.

Ms. Fitch stated that this was a trial run and we hope to work toward that.

Chairman Bresnahan stated that he knows that it takes time to create those exhibits and he appreciated it. He suggests we locate the smartboard somewhere visible to all the Commissioners. Chairman Bresnahan stated that using the Google Earth in the presentation was great and he appreciated Ms. Fitch for doing that. It was very helpful for the Commissioners.

5. **Proceedings with Consistent Agencies:**

Nothing new to report.

6. **Proceedings with Inconsistent Agencies:**

Nothing new to report.

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

Nothing new to report.

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

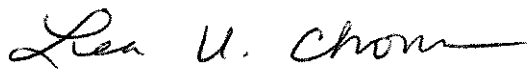
Nothing new to report.

Next meeting is scheduled for January 20, 2022.

ADJOURNMENT:

There being no further business before the Commission, the meeting was adjourned at approximately 5:08 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Lea U. Choum". The signature is written in a cursive style with a long horizontal flourish at the end.

Lea U. Choum
Executive Officer