



# **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**

**January 20, 2022**

**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  
Alternate Commissioners Present: Vern King

**COMMISSIONERS ABSENT:** Austin Lombard

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

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

### **INTRODUCTIONS:**

Lea Choum, Executive Officer, introduced Kari Rigoni and mentioned that she had been hired to assist staff with the Housing Element Updates. Ms. Choum stated that Ms. Rigoni will be presenting Agenda Item 3.

### **APPROVAL OF MINUTES:**

Chairman Bresnahan called for a motion to approve the minutes from the December 16, 2021, meeting. On Commissioner Monin's motion and Commissioner Sustarsic's second, the Commission voted 5-0 to approve the meeting minutes.

**NEW BUSINESS:**

1. **City of Buena Park Resubmittal of 2021-2029 Housing Element Update with Site Modifications**

Julie Fitch, Staff Planner, presented the staff report for the City of Buena Park Housing Element Resubmittal with Site Modifications. Ms. Fitch stated that at the December 2021 Airport Land Use Commission (ALUC) meeting, the Commission found the proposed Buena Park Housing Element Update 2021-2029 to be inconsistent with the Orange County AELUPs, specifically the *AELUP for Fullerton Municipal Airport* and the *AELUP for Joint Forces Training Base Los Alamitos*. In consideration of the Commission's comments at the December ALUC meeting, the City has resubmitted its Draft Housing Element with modifications to the proposed housing sites within the Fullerton Airport planning area.

Ms. Fitch provided an overview of the proposed site modifications and concluded by recommending that the Commission find the proposed City of Buena Park 2021-2029 Housing Element Update with Site Modifications to be consistent with the *AELUP for Fullerton Municipal Airport* and the *AELUP for Joint Forces Training Base – Los Alamitos*.

Receiving no questions from the Commissioners and no comments from the public, Chairman Bresnahan called for a motion. On Commissioner Murphy's motion and Commissioner Monin's second, the staff recommendation to find the resubmittal of the Housing Element Update with Site Modifications consistent with the *AELUP for Fullerton Municipal Airport* and the *AELUP for Joint Forces Training Base – Los Alamitos* was approved 5-0.

2. **City of Cypress Proposed 2021-2029 Housing Element Update**

Ms. Fitch presented the staff report for the City of Cypress proposed Housing Element Update. She concluded by recommending that the Commission find the proposed Housing Element Update, consistent with the *AELUP for Joint Forces Training Base – Los Alamitos*.

Ms. Fitch reported that the Cypress Planning Director, Alicia Velasco, was present and available for any questions. Ms. Velasco addressed questions from the Commissioners regarding the Race Track property and potential rezoning.

Chairman Bresnahan stated that he is disappointed whenever there is new residential housing within the 60 CNEL. Commissioner Monin agreed and stated that the noise contours for JFTB Los Alamitos may have changed. Commissioner Sustarsic agreed. Chairman Bresnahan stated that he does not have any other position to take than the staff recommendation. Commissioner Beverburg stated that he does not feel comfortable voting on the item so he would abstain. Receiving no comments from the public, Chairman Bresnahan called for a motion. On Commissioner Murphy's motion and Commissioner Sustarsic's second, the staff recommendation to find the Cypress Housing Element Update consistent with the *AELUP for JFTB-Los Alamitos* was approved 4-0 and one abstention.

3. **City of Irvine Proposed 2021-2029 Housing Element Update**

Ms. Rigoni presented the staff report for the City of Irvine's 2021-2029 Housing Element Update. She provided an overview of the proposed update and pointed out that the City Council had already adopted the Housing Element Update prior to the current ALUC meeting. She concluded by recommending that the Commission find the proposed Housing Element Update inconsistent with the *AELUP for JWA*.

The Commissioners expressed concern that the City adopted the Housing Element Update prior to ALUC review. City of Irvine Principal Planner, Marika Poynter, addressed the Commission and explained that the reason that they took this to their City Council prior to bringing it to ALUC was because of AB 1398 which changed the State deadline for submittal to February 11, 2021, and that failure to comply would result in a \$100,000 fine and other penalties.

Commissioner Monin indicated that he is aware of the RHNA requirements, and he is sympathetic to that, however he believes that the City went about this in the wrong way. He stated that there is no excuse for the City to adopt the Housing Element prior to ALUC review. Commissioner Monin said that he does understand the challenges of having to locate sites for 23,610 housing units.

Ms. Poynter stated that the rules have changed within the last year, and that the City is now required to find sites for 57,000 units in eight years when the City has produced about 120,000 units in 50 years. She also pointed out that while the City is required to identify sites, that at this point in time, the City is not planning on approving residential development on all of these sites. Ms. Poynter stated that there is 99% chance that the sites in the IBC will not be approved.

Commissioner Monin still believes that the City should have come to the Commission first.

Ms. Poynter acknowledged that and mentioned the letter sent by their attorney explaining that there would be penalties enforced by the California Housing and Community Development Department (HCD) if they did not meet the deadlines.

Commissioner Murphy asked what the City's position will be should the Commission find it inconsistent.

Ms. Poynter said that they would overrule.

Commissioner Murphy stated that that would occur after the City makes it's submittal to the State.

Ms. Poynter stated that they had to submit by February 11<sup>th</sup> and the State has a mandatory 60-day review.

Commissioner Murphy explained that other cities in Orange County were faced with the same task and were able to meet with the Commission prior to the deadline. He stated that so far the City of Irvine is the only city to have approved it in advance. He explained that some cities had to submit and modify, and he agrees with Commissioner Monin in his disappointment that the City has taken this approach.

Ms. Poynter reiterated that the City has no plans to approve all the identified housing sites, but these sites were included to show the State that the City has addressed the RHNA allocation. There is a good chance that higher housing density in the John Wayne Airport area will not occur.

Commissioner Murphy stated that the Commission understands that, as other cities have mentioned it as well, however from his perspective just the fact that the sites have been identified, maybe they will be built or maybe not. Commissioner Murphy explained that as a professional city planner, Ms. Poynter should know that putting residential within the 60 and 65 CNEL is poor planning.

Ms. Poynter stated that the City has no intention of building any of the units in the Irvine Business Complex and that their general focus is within the Great Park neighborhoods and an area which is adjacent to the train station that would be beneficial to the City. The City's next step is to update the Zoning Ordinance and at this point in time no residential zones would be proposed in the flight path or near the Airport. The City has not yet set the boundaries of an overlay which will commence next month. Ms. Poynter explained that is a three-year process and will include public participation.

Commissioner Monin reiterated his belief that the steps which the City of Irvine chose to take were not right.

Commissioner Murphy asked staff about the language in the recommendation. The staff report stated that the Commission could consider if they would like to require the City of Irvine to submit additional planning items to ALUC. He asked if that language was included in the staff recommendation or if that is separate and needs to be put in.

Ms. Rigoni explained that it is not included in the staff recommendation, however staff can add that. Ms. Rigoni explained that it could be onerous for staff and onerous for the City if the City would be required to submit all projects, however the Commission could decide to require it.

Commissioner Murphy asked for clarification if the City goes through the overrule process then that language would not be applicable.

Ms. Rigoni stated that once they go through the override process, then that condition would no longer apply.

Chairman Bresnahan stated that if the Commission finds it inconsistent and the City overrules it then the City would need to come back and request a zoning change.

Ms. Rigoni explained that the City must do that regardless, but that this goes beyond that. This goes into the more detailed levels of projects ALUC would review.

Jeff Stock, County Counsel, explained that it can include the submittal of building approvals, permitting approvals, and project approvals.

Commissioner Murphy stated that as soon as they go through the overrule process, then that requirement goes away.

Mr. Stock confirmed that if the City was to complete the overrule properly then that would clear the slate.

Chairman Bresnahan stated that it does not remove their requirement to come back with zoning changes and other changes to the General Plan. It would again have to come back and be overruled if they do not change anything.

Mr. Stock confirmed.

Commissioner Murphy stated that it seems that it will not have a huge impact as the City will overrule it, however it would send a message that the Commission is unhappy with the City's decision to bypass the Commission by submitting to the State prior to the Commission's review.

Commissioner Beverburg explained that the City of Irvine is currently a consistent agency. If the Commission finds it inconsistent, and they override it, does that mean that they are inconsistent or does ALUC need to have a separate review to decide whether they are still a consistent agency. What does that mean to ALUC's processing activity of projects that come to the Commission from the City.

Mr. Stock explained that if the City were to overrule, then the requirement for the City to submit all projects for ALUC would no longer apply. However it is likely that the City will need to update their General Plan, Zoning Code, etc. and at that time it would come to the Commission for review.

Mr. Stock explained that the Housing Element is part of the General Plan, and that by finding the Housing Element inconsistent the City's General Plan Amendment would be inconsistent.

Ms. Poynter stated that the City's Housing Element which was approved by their City Council has not added a single unit to their Housing Element. When it is time to do a comprehensive General Plan Update, an Overlay would be adopted which would increase capacity and require ALUC review.

Commissioner Sustarsic asked the City if they knew they were meeting with ALUC on January 20<sup>th</sup>, did they consider bringing it before their City Council at their second meeting in January.

Ms. Poynter responded that the City had it tentatively schedule for January 11<sup>th</sup> and 25<sup>th</sup>, but it was up to the City Council's discretion and they selected January 11<sup>th</sup>.

Chairman Bresnahan asked if anyone from the public would like to be heard on this item. No comments were made.

Chairman Bresnahan called for a motion. Commissioner Beverburg moved a motion for staff's recommendation and it was seconded by Commissioner Sustarsic.

Chairman Bresnahan asked if the Commission would like to have a discussion regarding requiring the City to submit all subsequent actions and regulation permits within the JWA area for the Commission to review. Chairman Bresnahan asked what the Commissioners' pleasure would be regarding that. Commissioner Murphy explained that he would like to include it. Commissioner Murphy recognizes that the City will override, however it sends a message. Commissioner Murphy explained that it would be appropriate to include the language requiring the City to submit all City subsequent actions and regulation permits within the JWA area for Commission review until the City's General Plan is revised or specific overrule findings are made.

On Commissioner Beverberg's motion and Commissioner Sustarsic's second, the staff recommendation to find the Irvine Housing Element Update inconsistent with the *AELUP for JWA* was approved, 5-0, along with the Commission's requirement for the City of Irvine to submit all future project approval items within the JWA Planning Area.

Commissioner Beverburg requested an update on the status of the City of Irvine's overrule at the next meeting. He asked what the process entails.

Chairman Bresnahan stated that the City Council would have to hold a meeting, vote to overrule, and provide findings to ALUC. Mr. Stock added that there is a 45 day notification period before the City could overrule, and ALUC could provide comments which would be included in the City Council Agenda Item.

Chairman Bresnahan asked if, in the meantime, it is business as usual.

Mr. Stock responded that in the meantime all subsequent development actions should be submitted to ALUC, and that ALUC staff should meet with City staff to determine which items would be required for submittal. He reminded the Commission that if items are not acted on within 60 days of receipt, then they would be deemed consistent.

4. **Administrative Status Report:**

Lea Choum, Executive Officer, reported on the correspondence included in Item 4 and that the City of Costa Mesa submitted their Housing Element Update but withdrew their submittal.

Commissioner Monin asked if additional Housing Element Updates would be coming to the Commission.

Ms. Choum responded that Westminster did not need to submit their Housing Element Update to ALUC, therefore Westminster will not be coming.

Commissioner Murphy asked if staff has had any communication with Santa Ana.

Ms. Choum responded that Santa Ana's Housing Element did not need to come to ALUC because no new housing sites were proposed within the JWA Planning Area.

Commissioner Monin asked if staff believes that there will be more cities that will submit.

Ms. Choum mentioned that possibly Costa Mesa and Seal Beach would be submitted in February.

Ms. Fitch added that staff sent a comment letter to the City of Los Alamitos regarding their Housing Element EIR. The letter stated that they would need to submit their Housing Element to ALUC, but staff has not heard back from them. Staff also has not heard from the City of Fullerton.

Commissioner Monin asked if any letters have been sent to the cities saying that the majority of cities are coming to ALUC at the same time and that ALUC is limited in what they can accomplish each month and that they should not wait until the last minute to submit.

Ms. Choum explained that staff sent letters asking the cities to please include ALUC in the process in their development reviews. Ms. Fitch added that the letters were sent in April and May.

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:**

Commissioner Monin stated that he enjoys being able to see the screen and he likes the new arrangement. Commissioner Monin stated that he knows that it takes more work to upload files to the screen, but he appreciates it and found it to be helpful. Commissioner Monin thanked staff for their effort.

Commissioner Sustarsic asked if we receive flight tracks from a military airport. She noticed that it is difficult to know where the overflight is if we do not have a flight path or a flight track that we can look at.

Ms. Choum stated that JWA has noise office that can plot the flight tracks for JWA, but not for Fullerton Airport or JFTB Los Alamitos.

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

Nothing new to report.

The next meeting is scheduled for February 17, 2022.

**ADJOURNMENT:**

There being no further business before the Commission, the meeting was adjourned at 5:22 p.m.

Respectfully submitted,



Lea U. Choum  
Executive Officer