



AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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MINUTES OF REGULAR MEETING

July 20, 2023

- 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, Mark Monin, Alan
Murphy, Schelly Sustarsic
Alternate Commissioners Present: Patricia Campbell, Gary
Miller, Tim O'Rourke, Vern King
- COMMISSIONERS ABSENT:** None
- STAFF PRESENT:** Lea U. Choum, Executive Officer
Jeff Stock, County Counsel
Julie Fitch, Staff Planner
Catherine Bennett, Recording Secretary
- PLEDGE:** Chairman Bresnahan led all present in the Pledge of
Allegiance

APPROVAL OF MINUTES:

Executive Officer Lea Choum mentioned corrections to the minutes of January 19, 2023, including the address of Lampson Avenue project changed from 4655 to 4665 on pages 3 and 6, and corrected spelling of Commissioner Sustarsic's name on pages 4, 6, and 7. On Commissioner Bresnahan's motion and Commissioner Murphy's second, the Commission voted 5-0 to approve January meeting minutes.

NEW BUSINESS:

1. Election of Officers

Executive Officer Lea Choum stated that every year in May the ALUC Commission elects a Chairman and Vice Chairman to serve one year and until the election of their successors. Ms. Choum asked for nominations for Chairman. On Commissioner Campbell's motion and Commissioner Beverburg's second, the Commission voted 5-0 to reelect Commissioner Bresnahan as Chairman.

Executive Officer Lea Choum called for nominations for Vice Chairman of the ALUC. On Commissioner Sustarsic's motion and Commissioner Beverburg's second, the Commission voted 5-0 to reelect Commissioner Monin as Vice Chairman of the ALUC.

2. City of Newport Beach: Request for Consideration of Newport Place Planned Community (PC-11) Amendment related to Affordable Housing Percentage of Residential Overlay:

Executive Officer Lea Choum presented the ALUC Staff Report for the City of Newport Beach. Ms. Choum stated that the ALUC staff recommends that the Commission finds the proposed Newport Place PC-11 Amendment Update consistent with the AELUP for JWA if none of the housing within the residential overlay be located within the 65 CNEL noise contour for John Wayne Airport as currently required in the Newport Place PC and that any future changes to the Newport Place PC-11 be brought back to the ALUC for review. Or, that the ALUC find the Newport Place PC-11 Amendment Update Inconsistent with the AELUP for John Wayne Airport per Section 2.1.1 regarding aircraft noise Section 2.1.2 regarding Safety Compatibility Zones and Section 2.1.4 and PUC Section 21674, regarding assisting local agencies and insuring compatible land uses.

Ms. Choum ended her Staff Report by introducing Jaimie Murillo, Planning Manager for the City of Newport Beach.

Mr. Bresnahan asked how the Housing Element relates to this document and if housing could be built within the 65 CNEL without the Commission's review. Mr. Stock responded that there are two recommendations in the staff report because the City's Housing Element and Planned Community have an internal conflict. The Housing Element identifies sites within the 65, but the Planned Community has a condition that residential should not be built there. Mr. Stock stated that the Commission could look at this with a limited scope of only the change in percentage of affordable housing, or the Commission could also consider that the Housing Element includes residential in the 65 CNEL.

Commissioner Beverburg asked if ALUC staff and City Planning discuss the proposals so that there are no surprises between the two bodies. Ms. Choum responded that that statement would be correct that the City and ALUC staff discuss the proposals.

Commissioner Monin asked when the City of Newport Beach met over this project. Ms. Choum responded that the Planning Commission met on June 22, 2023.

Commissioner Beverburg stated that he does not recall seeing in the staff report, that the City would provide a Notice of Overflight in the property deeds so that potential buyers know that there will be aircraft overflight on a regular basis. He stated that the ALUC has required that in the past, particularly where houses get close the 65 CNEL noise contour. Ms. Choum responded that the language was added when this Planned Community came before the ALUC in 2012, when the City was adding the overlay to this property, and that the staff report includes this in the Airport Noise section.

Commissioner Bresnahan stated that the overflight attachments are very telling because there appears to be a significant amount of overflight at this site flying at low elevations.

Commissioner Monin asked how it is decided which dates to use on the overflight data. Ms. Choum responded that the dates are spaced out over the year on different days. Mr. Monin asked why December 10, 2022, date was chosen, which was seven months ago, and that the reason for his question is that as a pilot he knows that there is more activity now than there was six months ago. Ms. Fitch responded that staff works with JWA Noise Office on the flight tracks and that the attachments in the staff report were done for a previous project that Newport Beach had submitted. With other cities staff asked the JWA Noise office to run more updated flight track data and that pre-COVID and post-COVID flight track data and flight patterns were very similar with perhaps a few more lines.

Commissioner Murphy stated that the Chairman and Counsel identified the key issue of this submittal. The Overlay, which was found Consistent by the ALUC in 2012, is being amended to change the affordable housing requirement from 30% to 15%. The biggest concern is the fact that the City came to the ALUC last year with the Housing Element Update which identified housing within the 65 CNEL noise contour, which in the past had never been proposed by the City. The language stated that if the City does propose an amendment, then it must come back to the ALUC and give the Commission another opportunity to express the ALUC's concerns. Mr. Murphy stated that he is comfortable with the Staff's recommendation to find the project Consistent, and as counsel stated, the Commission's determination is dependent on how narrow the Commission wants to define the project. If the Commission defines the project as changing the overlay from 30% to 15% then that really does not impact it but that it is a good idea to include the discussion about housing within the 65 CNEL so that the City is aware. Commissioner Murphy also stated that if the City made an amendment to include houses within the 65 CNEL he would say that the project was Inconsistent.

Mr. Jaime Murillo, Newport Beach Principal Planner thanked Ms. Choum for her report and commended her on the staff explanation as to why this project is Consistent with John Wayne Airport's AELUP. He expressed his appreciation for the Commission's discussion and the concern about housing within the 65 CNEL noise contour. Mr. Murillo reiterated that as the City is implementing the state's housing mandate in the Housing Element and that there are several programs that the City is working on for implementation. The

Newport Place PC amendment is very narrowly focused and solely used to reduce the inclusionary housing rate from 30% to 15% and the intent is to enhance the project's financial feasibility and to reduce the barriers to the development of housing but that this only applies to sites that have been previously found Consistent with the AELUP back in 2006 when the General Plan Update was reviewed by the ALUC and in 2012 when the City created the overlay. The City brought it back to the Commission and it was found Consistent. The City is not making any changes to the allowable housing sites. The only change in this amendment is to the inclusionary housing rate.

Chairman Bresnahan asked Mr. Murillo if he would be correct that there are not increases to the number of units for the project or the number of people that would be housed in this PC. Mr. Murillo stated that that is correct and that all the development standards remain the same. For any future amendments related to expanding housing opportunities the City would bring that back to the Commission for additional review.

Chairman Bresnahan stated that he does not have a problem with the City's changing of the percentage of inclusionary housing for the Newport PC amendment. He does however, care about the number of residential units and that the overflight exhibits show very low airplanes making a lot of noise very close to people that would be living there. It would not be a fun place to live unless you are an aviation person that loves to watch airplanes fly by your window. The Chairman asked the Commissioners to make a motion on the Newport Place PC Amendment.

On a motion by Commissioner Murphy in favor of the first staff recommendation, a determination of Consistent, and a second by Commissioner Beverburg, the Commission voted 5-0 to find the Newport Place PC Consistent with the AELUP for JWA as stated in the staff report.

3. **City of Santa Ana Related Bristol Specific Plan:**

Staff Planner Julie Fitch presented the City of Santa Ana's Related Bristol Specific Plan for a consistency review.

As a final note regarding previously mentioned dates, Ms. Fitch stated that ALUC staff has agenda'd the item for today's meeting because the City of Santa Ana submitted a complete application in June and the AELUP states that upon receipt of a complete referred item, it shall be scheduled for the next meeting. The AELUP states that the Commission requests that referrals be submitted between the Planning Commission and City Council. ALUC staff did discuss the date and the timing with the City's Planning Manager. ALUC staff believed they had a complete submittal and were assured by City staff that things would not change because this is what was in the Land Use Element of the General Plan and in the proposed EIR. Therefore, rather than the ALUC wait to hear this item due to the risk that if the Commission does not act within 60 days of the submittal, there is legal issue that the submittal would be deemed Consistent.

Commissioner Sustarsic asked if anything has been submitted to the FAA regarding this project. Ms. Fitch responded that she does not believe that the City has submitted anything to the FAA. In general, when a proposal gets to a project state then it is submitted but with most of these plans, the Housing Elements and General Plan Amendments typically have not been submitted, but that ALUC staff suggested that the City submit to the FAA for feedback regarding this proposed project.

Commissioner Monin asked if the normal height is 35-feet with the FAA, but the proposed project is at 285-feet. Ms. Fitch replied that the 35-foot restriction is from the City's existing Zoning Code. The proposed Specific Plan would allow up to 25 stories or 285-feet, including roof equipment.

Chairman Bresnahan asked ALUC staff if there is a graphic available that shows other building heights within the area. Ms. Fitch responded that one has not been provided. Chairman Bresnahan said that historically the 206-foot surface has been a very hard surface for a long time. The Chairman stated that he is unaware of any projects that have come before the ALUC that have exceeded 206 feet, and that he was aware of some projects that had an aviation easement for the space above 206-feet that were perhaps built. Chairman Bresnahan stated that penetrating the surfaces is a bad idea and he believes there is nothing that tall around the Airport.

The City of Santa Ana's development team provided handouts to the Commissioners of an exhibit showing the heights of existing buildings. Mr. Nick Johnson with Johnson Aviation, with the City of Santa Ana's Development Team, stated that the proposal is going from the General Plan to the Specific Plan level before any developments within the project are undertaken. Mr. Johnson stated that the City and the development team are asking the Commission to look at what is essentially Plan-to-Plan review of the project.

Mr. Johnson referred to slide 5 in Johnson Aviation's handout. In response to Chairman Bresnahan's question regarding what other tall structures are in the area, immediately northwest of the Airport off MacArthur Boulevard is the Deloitte Tower, Weston Hotel, the Center Tower, and Plaza Tower, all of which are the same height of 285-feet above ground level. The Related Bristol Specific Plan is further out from the Airport by about 1 ½ miles to the northwest, beyond the referenced existing tall structures. Mr. Johnson stated that the Related Bristol Specific Plan is a Specific Plan that is allowing for mixed-use development on the site that includes both housing and improvements, as a live-work-play location, changing it from what was largely commercial development to one that reflects changes in the community and brings together a senior living facility, residences, hotel, and retail and dining, making it a livable and walkable community in one. While the project calls for two 285-foot structures, the specific locations for where these structures would be within the project site are not called out, allowing the project to maintain the flexibility about where tall structures will ultimately be located on the site. The permanent location of the two tall structures on the site will become part of the development plan review process of the project. The City is looking for any building that exceeded the Notification Surface for the FAA or any building that exceeded the horizontal surface would be required to go to the FAA for a determination of "No Hazard." As part of the process, that requirement remains and the City's own development

requirements would not allow for that development without an FAA determination of “No Hazard.”

Mr. Johnson mentioned slide 7 and pointed out that he believes that this project is Consistent because it outside the Safety Zones, outside of the Runway Projection Zones, and outside of the 60 CNEL contour for John Wayne Airport. They would be required to provide overflight disclosure for any residences that would be allowed on the site. Mr. Johnson suggested that the Commission could find this project conditionally Consistent and require a determination of No Hazard from the FAA before developing anything that would exceed the FAA Notification surface or the Horizontal surface.

Mr. Johnson stated his appreciation for the ALUC hearing this project, as it is on a tight timeline. Mr. Johnson explains that the timeline is partly the reason why the City requested that the ALUC hear the project before it goes to the Planning Commission because most of the planning and environmental work is lined up to go to Planning Commission and City Council in the fall.

Commissioner Monin asked Mr. Johnson to describe his background. Mr. Johnson replied that he is an Airport Planner that also does Airport Land Use Compatibility Planning for developments throughout California and the rest of the United States. Additionally, he indicated that he has a lot of experience working with the FAA on land use compatibility planning. Commissioner Monin asked Mr. Johnson to elaborate on his education. Mr. Johnson replied that he has a degree in Aviation Flight and a master’s degree in public administration working on aviation law and regulation as well as 34 years of experience doing airport planning and land use development around airports.

Commissioner Monin asked if this is the project that came to the ALUC before it went to the Planning Commission. Ms. Choum replied, yes. Commissioner Monin ask Mr. Johnson why the development team for this project decided to come to the ALUC first before the Planning Commission meeting. Mr. Johnson replied that the project came to the ALUC first, to meet the overall development schedule for the project.

Commissioner Murphy said that the reason why the ALUC has this policy is because the Commission wants to make sure that the project that is being evaluated is the right project. Ms. Sustarsic agreed. Commissioner Murphy stated that the EIR for the project is not yet completed and that comments are still being solicited. Commissioner Murphy indicated that there still could be substantial changes to the project based on the review of the EIR or the result of the Planning Commission meeting. Commissioner Murphy asked Mr. Johnson, if the project undergoes substantial changes, if the City is committed to bringing the project back to the ALUC for consideration. Mr. Johnson indicated that he does not think that that is the case and asked the City’s Planning team to comment further.

Chairman Bresnahan asked why the ALUC is considering this item as a Specific Plan and not a specific project. Mr. Johnson stated that a Specific Plan that allows for the development and sets the standards. Chairman Bresnahan asked if the Specific Plan is being driven by a specific project. Mr. Johnson replied that that is not necessarily the case. Chairman Bresnahan asked if

there is a specific person that wants to build a 285-foot building on this property. Mr. Johnson replied that he does not know the answer to that question at this time. Commissioner Beverburg asked if it would be against the desire of the development team to limit the height of the building to the imaginary surface value of 206-feet. Mr. Johnson explained that the intent is to allow for those buildings at that height (285-feet) based upon the FAA finding a determination of No Hazard for that development.

Commissioner Monin suggested that the City go to the FAA first to see what their determination would be because if the FAA's determination is not favorable then there has already been a lot of money put into the project. He does not appreciate being rushed to make a decision on a yet undecided project.

Mr. Ali Pezeshkpour, Planning Manager for the City of Santa Ana, thanked the ALUC for considering the project. He stated that the ALUC staff did an excellent job describing the project, and that one of the things that distinguishes this project from a typical development project is the Specific Plan nature of it, which as stated earlier, is an extension of a General Plan. The Specific Plan sets forward a vision for a specific area with development standards and guidelines that affords the flexibility that overtime and over phasing should the market conditions and the need of the community and the developer change, could be responded to within a Specific Plan if they conform to the standards and boundaries set forth by that Specific Plan. At that stage, because there are no specificities, in terms of locking in where the high rise or residential will go, its more intended to be a Land Use Plan for a specific area. Therefore, it could be seen as appropriate to consider the item before the Planning Commission hearing that is tentatively scheduled for October 2023. He stated that the draft supplemental EIR is out for public review at this time and that the City will be receiving comments until August 21, 2023. The City also expects the ALUC staff to provide comments on the EIR as well, and that the City will respond appropriately.

Commissioner Monin asked Mr. Pezeshkpour if the City is under deadlines by SCAG (Southern California Association of Governments). Mr. Pezeshkpour replied, no. He stated that the City of Santa Ana is one of a handful of cities within the county that meets housing requirements and housing numbers.

Commissioner Murphy asked, if there were substantial changes to the definition of the project through the Planning Commission or the EIR process, will the City commit to bringing the new project back to the ALUC. Mr. Pezeshkpour replied, yes. He stated that the Planning Commission from the dais cannot modify the project from the Specific Plan in a way that substantially alters the project. As an example, Mr. Pezeshkpour explained that if the Planning Commission said they want to change the 25-story tower to a 35-story tower, that would legally require the recirculation of the draft EIR for public review. If this were to happen, then it would trigger a threshold to return to the ALUC for reconsideration. In the Planning Commission's deliberative process, City staff and legal counsel would be guiding the Planning Commission through such a process to help them understand the parameters of the decisions they can make at their meeting and any ramification that would carry forward in terms of other outside agency approvals.

Commissioner Monin stated that he is concerned with where the 285-foot building would be located and why the City chose to go with a 285-foot building. Mr. Pezeshkpour deferred the question to the project developer and that from a land use planning perspective there are other 285-foot buildings closer to the Airport in Costa Mesa. He continued that as one drives from north to south towards South Coast Plaza, in Santa Ana along Bristol Street, the intensity of development increases, moving from single family neighborhoods to multifamily neighborhoods, towards the major shopping centers that you see in that vicinity. So, from a land use planning perspective one would expect the more intense development, including the taller buildings, to be closer to South Coast Plaza as opposed to at the northern end be it farther from the Airport but closer to single family neighborhoods.

Mr. Steven Oh, Executive Vice President from Related, representing the developer, addressed the Commission. The Commission asked why the project specifies 285-foot structures for the project. Mr. Oh stated that Related Bristol is a very bold vision about the future of Orange County and redefining it with a mixed-use project that has not been seen before. Part of the bold vision includes architecture that expresses that bold statement. The 285-foot is Related's expression of that based on design and economics.

Commissioner Beverburg stated that he does not remember when the 285, 240 and 250 foot buildings came before the ALUC for review, but that there was a lot of contention and he does not remember the ALUC approving 285-foot structures. He stated that the ALUC has been trying to get back to the 206 imaginary surface ever since the structures were built.

Commissioner Sustarsic asked, since the project is a Specific Plan that responds to market conditions would it be possible that the project could add more than two 285-foot structures. Mr. Oh stated that it is possible but that the Specific Plan was drafted consistent with the General Plan which lays out a vision for South Bristol Corridor for higher intensity/density urban villages like Related Bristol. The General Plan allows for 25-story buildings within the south Bristol Corridor. Related's application for a 285-foot building is consistent with a 25-story building.

Commissioner Murphy stated that the ALUC found the General Plan inconsistent and just because the City overruled the ALUC does not mean that the Commission agrees with it. Commissioner Beverburg asked if the City's General Plan ignores the Airport Imaginary Obstruction Surfaces and the height limits that they specify. No answer was given.

Chairman Bresnahan asked for comments from the public. Commissioner Bresnahan stated that the difference between this being a Specific Plan versus a project is that when the ALUC is considering the penetration surfaces for a project, the Commission knows exactly where the building is going to be, the orientation of the building, and what impacts the building will have (i.e., radio transmissions, visual, approach surfaces). He stated that there have been projects in the past that have impacted all those things and that there have been buildings in the past that have caused problems with the airport and the tower, so the Commissioners' job is to look at all of that. He stated that in this case, since the submittal is for a Specific Plan and not a project, then the 285-foot is over the entire area. The City is showing a picture of a building, but that building could be anywhere within the Specific Plan area. The ALUC does not have the

building orientation, the material of the building, or if it will be reflective and shine in a pilot's eyes, and the ALUC makes the basic assumption, and has for a long time, that anything above the horizontal surface is inconsistent. The Specific Plan says that if the FAA says it is not a hazard to navigation, the ALUC will consider that, but the ALUC does not defer to the FAA as the only body that will have a say in what the ALUC decides. The ALUC considers all the information that comes before it and not just the individual pieces. Chairman Bresnahan stated that he has a hard time finding anything consistent that would penetrate the surfaces and go to 285-feet anywhere in the Specific Plan area.

Chairman Bresnahan supported the staff recommendation of inconsistent for the Related Bristol Specific Plan. Commissioner Murphy agreed with the Chairman's review and analysis, and mentioned the fact that in the past the City of Santa Ana has been problematic in dealing with these issues, and that in fact, some of the projects that were approved and built by the City are the ones that had negative impacts to air navigation that the Chairman was alluding to and that the City has basically ignored the process to the extent where the state law had to be changed in order to bring the City back into compliance on reviewing 7460s. He stated that it is cause for concern to see a City of Santa Ana project like this based on that past history. He stated that the buildings built near Main Street and MacArthur area are the ones that knocked out a portion of the Airport's navigational landing systems and that a substantial amount of time, money, and energy had to be spent to reestablish that because the City moved ahead, approved the development, and it was built. He stated that he is in total agreement with the Chairman and that the Horizontal Surface is there for a reason, and that staff recommendation is on point.

On Commissioner Beverburg's motion and Commissioner Murphy's second, the Commission voted 5-0 to support the staff recommendation and find Related Bristol's Specific Plan inconsistent.

4. **Administrative Status Report**

Ms. Choum summarized the Status Report. She stated that the City of Newport Beach submitted their Housing Element Implementation Noise Related Amendments, for Consistency review for March but decided to withdraw the item, and that the City said they would most likely be back in August. The City also noted that the delay has been due to their consideration of alternative approaches to their Housing Implementation Plan.

5. **Proceedings with Inconsistent Agencies:**

Ms. Choum stated that Los Alamitos is listed as an Inconsistent Agency. Agenda Item 4 included an ALUC letter as well as a Caltrans letter in response to the Notice of Intent to Overrule. This past Monday, the City of Los Alamitos held a study session with its City Council to discuss the overrule process, and the City is still deciding how to proceed with the ALUC's Inconsistent determination. ALUC staff submitted a letter to the Los Alamitos City Council to explain the overrule process. Commissioner Beverburg asked about a letter that was handed out prior to the meeting from MIMBY. Ms. Choum mentioned that the letter was sent to the City from an individual. The City has not scheduled a meeting to vote on the overrule.

Commissioner Sustarsic stated that the City said they would bring the item up again at its August 21st meeting.

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

Chairman Bresnahan thanked the JWA Noise Office for their assistance in providing the flight track exhibits to the ALUC and understands the need and desire to consolidate and reuse flight tracks they have already created. The Chairman offered guidance to ALUC staff on what it is the Commissioners would like to see going forward. The flight tracks do a good job of highlighting how a project in the vicinity of the Airport would be impacted by direct overflights over a period of time. The Commissioners would like to focus on requesting flight tracks for the busy days and times of air traffic.

Commissioner Beverburg would like to see trends and not just specific moments in time. Commissioner Monin suggested Tuesday, Thursday, and Saturday within the last 6 months.

Commissioner Monin stated that general aviation hangar rates have increased by double or even triple, causing many of the GA people to move their planes to Fullerton. He stated that every GA that moves out of JWA is being replaced by big jets. Commissioner Beverburg stated that Fullerton's heavy traffic days are changing due to the influx of new GA tenants and stated that he would rather see trends as opposed to quarterly data because trend data can be extrapolated from start to finish of a project.

Commissioner Monin stated that he has flown the flight pattern thousands of times and when the plane is in the turn the stall speed needs to be increased because the lift of the plane is not as good when the plane is in a bank as when its level.

Chairman Bresnahan restated that Tuesday, Thursday, and Saturdays, within the last 6 months is when the Commission would like to see flight track data.

Commissioner Miller asked if the flight track data is over a 24-hour period if it includes helicopters.

Commissioner Murphy stated that air traffic shown on the flight tracks is capturing flights over a 24-hour basis. All heavy commercial activity and general aviation activity suggests that it is important to do different days of the week. Chairman Bresnahan stated that there is a lot of traffic coming off the runway that is not commercial airline traffic.

Chairman Bresnahan noted that he did not see a letter from John Wayne Airport and wants to know if JWA offered an opinion on the "second" project. Ms. Choum replied no. Chairman Bresnahan stated that he would think that John Wayne Airport would have had a problem with the project and would want to be aware of the project. Chairman Bresnahan asked when there are projects around the airports does ALUC staff inform the airports. Ms. Choum replied, yes and said that in the past staff has done that with Fullerton and John Wayne Airport.

Commissioners Beverburg and Monin recommend that staff ask for comments and gather input from the airports impacted by nearby development.

Commissioner Sustarsic brought up flight track data again and says that one of the exhibits was dated 2020, during COVID, which is not ideal. Commissioner Monin suggested that for six months during COVID only 5% of the normal flight traffic were flying out of John Wayne Airport.

Commissioner Murphy excused himself from the meeting.

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

Mr. Jim Mosher, Newport Beach resident, addressed noise and noise impacts related to airport operations and wanted to make the ALUC and the ALUC staff aware that the FAA is conducting a Noise Policy Review and they are seeking comments from the public and public agencies, among other things, about whether CNEL is still an appropriate and best metric to use for making decisions about airport compatibility of land uses. Assuming that it is the best metric to use, and even if it is, whether it should be supplemented with other metrics, that might better reflect what the impact of the noise is on the public and would make the Commissioners' decisions more informed. Comments on the FAA policy are due by September 28. Mr. Mosher wants to know if the County was planning on providing the FAA with any comments since the County has 50 years of experience in this.

Mr. Mosher also commented that in the AELUP for John Wayne Airport the noise contours in the AELUP, which is what Newport Beach uses to make land use decisions, are old and seem to have been generated in the 1980s (about 1985) and were predictions about what conditions would be like in 1990 and 2005. He summarizes by saying that decisions are being made based on predictions made 40 years ago, for what conditions would be 20 years ago. Mr. Mosher would like to know if there is a plan to update the data with something more current or realistic. Mr. Mosher provides the example in the Newport Place matter where the flight tracks were concentrated a little to the west of Jamboree and in the AELUP it shows a prong loop of 60 dbE and higher noise concentrated to the east. It appears to Mr. Mosher that the data does not align with where the flight tracks from the general aviation currently are. The contour is showing the noise concentrated a bit to the east on the far side of Jamboree while the flight tracks are concentrated to the west of Jamboree. He stated that something seems out of date and that perhaps the jet contours are not current either.

Airport Technical Associate Innessa Zvulun addressed the noise contour data comment from Mr. Mosher.

Ms. Choum stated that the ALUC must keep in mind that the original Airport Settlement Agreement amendment adopted the 1985 contours for land use planning purposes which are included in the AELUP for JWA. Chairman Bresnahan clarified that the ALUC does not have a settlement agreement with Newport Beach. Ms. Choum stated that the noise contours were, at the time, the most expansive or covering the most areas based on the areas that were studied in the EIR. So based on the settlement agreement amendment those contours have not changed

for land use planning purposes although JWA Noise office shows current contours. To update noise contours the County would have to have the contours studied and another EIR would need to be completed.

Mr. Beverburg stated that there are permanent noise sensors around the Airport that the Airport uses and that are regularly reviewed, and the data sent out but the legal requirement or settlement between Newport Beach and the Airport has a specifically designed noise contour that is official and if new data is obtained then there would be another big lawsuit. Mr. Beverburg stated that the ALUC could use the noise data from JWA Noise, but it is not the official contours from the AELUP agreed to by law and it could lead the ALUC into some trouble.

Chairman Bresnahan stated that the issue is that for each of the airports in the ALUC area, Los Alamitos, Fullerton, and John Wayne Airport, the ALUC does not produce the noise contours, but that the airports themselves produce the noise contours and submit them to the ALUC as part of the master plan. Therefore, the ALUC is using the latest data submitted. Chairman Bresnahan believes that if noise contours were studied, logic dictates that the airplanes have become quieter and the noise contours would have shrunk and the areas that could be developed would be larger than currently shown, which is why it is still being used in litigation. The process is that the Airport would do the noise contours and give them to the ALUC as part of the master plan and use those as part of ALUC's land use planning.

Chairman Bresnahan asked if the ALUC is aware of the FAA's review and if the ALUC would be participating. Ms. Choum replied, yes the ALUC is aware and says that ALUC staff will work with JWA's Noise office to determine if the Airport will be commenting on the FAA's policy. Chairman Bresnahan clarified that John Wayne Airport would be a participant in this and not the ALUC. Ms. Choum stated, yes, she believes that would be correct.

Commissioner Beverburg stated that the Commissioners have more experience talking about CNEL than the Airport does. Chairman Bresnahan remembers that the ALUC went through this some years ago trying to see if there was a better value that could be used to discuss airport noise at a specific location compared to those lines and the ALUC could not come up with a better way. There were single event noise levels that could impact noise, dependent on the time of day the data was taken. The average noise that a given building is impacted by is a calculated average over a 24-hour period. Commissioner Beverburg stated that the ALUC went through a lot of studies and that CNEL was the most useful metric for noise. Chairman Bresnahan stated that single event noise was more useful at predicting because helicopter noise is more easily identified.

Chairman Bresnahan requested that the Staff agendize what the Airport's response would be to the FAA's Noise Policy Review. Comments are due on September 28. The Chairman suggests a one-page response on what the responses will be.

Commissioner Beverburg requested that the ALUC Staff get a final copy of the FAA's Noise Policy Review.

The next meeting is scheduled for August 17, 2023.

ADJOURNMENT:

There being no further business before the Commission, the meeting was adjourned at 5:35 p.m.

Respectfully submitted,



Lea U. Choum
Executive Officer