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AIRPORT LAND USE COMMISSION

FOR ORANGE COUNTY

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MINUTES OF REGULAR MEETING

March 20, 2025

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, Mark Monin, Stephen Beverburg,
Joseph Klema, Alan Murphy
Alternate Commissioners Present: Patty Campbell,
Evin Planto

COMMISSIONERS ABSENT: Mike Carroll, Shelley Hasselbrink

STAFF PRESENT: Julie Fitch, Executive Officer
Kristal Carr, Recording Secretary
Jeffrey Stock, Senior Deputy County Counsel

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

ANNOUNCEMENTS:

Chairman Bresnahan reminded Commissioners and Alternates that 700 Forms are due April 1, 2025.

APPROVAL OF MINUTES:

Commissioner Monin moved to approve the February 20, 2025, meeting minutes, and Commissioner Beverburg seconded the motion. The Commissioners voted 4-0 (Monin, Bresnahan, Beverburg, Klema) to approve the minutes. Commissioner Murphy abstained.

NEW BUSINESS:

1. The City of Newport Beach Housing Opportunity Overlay (HO) Zoning/Coastal Zoning Amendments (continued from the February 20, 2025, ALUC meeting)

Executive Officer Julie Fitch presented the staff report for the City of Newport Beach Housing Overlay (HO) Zoning/Coastal Zoning Amendments, and recommended that the Commission find the proposed project consistent with the *Airport Environs Land Use Plan for John Wayne Airport (AELUP for JWA)*. She stated that the City was present and would like to make a presentation.

Ben Zdeba, City of Newport Beach Planning Manager, gave a PowerPoint presentation and indicated that residential uses are appropriate for this location and that the proposed project is consistent with the AELUP. He stated there are no conflicts with height, noise, or safety, and that the City will comply with the noise attenuation standards.

Newport Beach resident, Jim Mosher, shared his concerns about the proposed height of buildings in the Newport Center area. He referred to correspondence in Agenda Item 3 and noted that a future proposal, which will be on the April agenda, will include even taller building heights. He also pointed out that the residential units included in this proposal are subject to litigation because they were added without the required public ballot measure vote.

Commissioner Monin moved to accept the staff recommendation that the proposal is consistent with the *AELUP for JWA*. Commissioner Klema seconded the motion.

Commissioner Murphy stated that he reviewed the staff report and the minutes from the previous meeting, and that he will not support the staff recommendation. He acknowledged that staff is tasked with reviewing proposals in a very fine manner, but that he views it in more general terms. He stated that while this proposal is not an amendment to the Housing Element, it is also not enough to bring the Housing Element into consistency. He mentioned that a lot of the analysis done by the City regarding noise was flawed and the Commission found it that way on several occasions. He stated that if the City revised the plan thoroughly and removed all the residential uses from the problematic areas it would be a different matter, but the proposed amendments do not justify a consistency finding.

Chairman Bresnahan referred to the exhibit with the flight tracks and mentioned that the Dove Street site is not visible, because it is directly under the flight path with aircraft often flying at less than 500 feet, eventually climbing to 1000 feet. He noted that flight patterns vary by aircraft make, model, and weight, and this site consistently experiences heavy air traffic. He stated that it was not mentioned, but this site is within the airport traffic pattern area, and the impact of overhead flights is immediately noticeable. He continued that noise levels, whether 60 or 65 CNEL, are indistinguishable, and that this is a terrible location to put people. He stated that going from a better use to a worse use is a step in the wrong direction, and that he cannot support the staff recommendation.

Commissioner Monin stated that while it may not be the perfect place, he does not see how the project violates any rules or guidelines. He noted that the word “flawed” was used, and that might be a person’s opinion, but he does not see anything legally indicating the plan is flawed. He indicated that if it does not violate the rules then it should be allowed.

Chairman Bresnahan asked for a vote on the motion to approve the staff recommendation to find the proposed Newport Beach Housing Overlay (HO) Zoning/Coastal Zoning Amendments consistent with the *AE LUP for JWA*. With a 1-5 vote, the motion did not carry.

Commissioner Murphy moved to find the project inconsistent. Commissioner Beverburg seconded. Commissioner Beverburg stated that the noise lines should be seen as a continuum, not strict boundaries. He noted that while 45 dBA may seem acceptable for attenuation, constant aviation noise at that level can still be disruptive. He mentioned that in the past, 60 CNEL has typically been considered acceptable, and 65 not. The property lies near the 65 CNEL, which would be more like 63 or 64 dBA. He said he agrees with the Chairman and believes the area is not a good place for residential. Commissioner Monin stated that this involves the left runway and that it is usually a practice area, not typically used by high-performance aircraft making this turn. He stated that staff has analyzed the issue and that he supports the staff recommendation.

Alternate Planto asked when the noise exhibits were created. Ms. Fitch responded that they were completed in 1985, with a 20-year planning horizon. Alternate Planto noted that technology has changed since then and asked if there are any plans to conduct a new study. Chairman Bresnahan responded that the Commission does not conduct noise studies, it relies on the airport for that information, and the contours used are the last ones that the airport has provided the Commission. He added that noise studies are not done frequently because conditions are constantly changing, and that they are done over a longer period of time.

Alternate Campbell commented that cities are under pressure from the state, and that this is forcing cities to make poor decisions.

On a motion by Commissioner Murphy and a second by Commissioner Beverburg, the Commission voted 5-1 (Murphy, Beverburg, Klema, Bresnahan, Planto in favor, and Monin opposed) to find the Newport Beach Housing Overlay (HO) Zoning/Coastal Zoning Amendments inconsistent with the *AE LUP for JWA*.

2. The City of Cypress Business Parks Modernization and Integration Project

Ms. Fitch presented the staff report for the City of Cypress Business Parks Modernization and Integration Project: Specific Plan Amendment, General Plan Amendment, and Zoning Ordinance Amendment. She recommended that the Commission find the proposed project consistent with the *AE LUP for JFTB Los Alamitos* with the conditions included in the staff report. She stated that the City’s staff is present to answer questions.

Chairman Bresnahan explained the purpose of the chart in Attachment 7 is to illustrate aircraft runway approaches and departures, and that the chart provides a 3D representation of flight paths similar to a tunnel in the sky, for both landings and takeoffs. He asked ALUC Counsel Jeffrey Stock about the phrase “unless approved by the ALUC,” and noted that the ALUC does not typically approve anything unless it involves heliports. He asked whether the wording should be revised. Mr. Stock responded that a motion should be made to change the wording.

Chris Wong, City of Cypress Business Development Manager, stated that he and Ms. Fitch have been working together to develop the language for incorporation into the Specific Plan, ensuring consistency with the *AELUP for JFTB Los Alamitos*. Mr. Wong confirmed that the City agrees with the recommended changes.

Chairman Bresnahan wanted to clarify that the City agreed to incorporate pages 26 and 29, and to make the wording change in both places—from “approved” to “found consistent.” Mr. Wong agreed.

On a motion by Commissioner Monin and a second by Commissioner Murphy, the Commission voted 6-0 (Monin, Murphy, Beverburg, Klema, Bresnahan, Planto) to find the Cypress Business Parks Modernization and Integration Project: Specific Plan Amendment, General Plan Amendment, and Zoning Ordinance Amendment consistent with the *AELUP for JFTB Los Alamitos* with the conditions included in the staff report and the additional revisions mentioned by Chairman Bresnahan.

3. Administrative Status Report:

Ms. Fitch stated that an updated list of ALUC Items and Actions, listed by city, is included. Chairman Bresnahan questioned the gaps in dates and asked how often cities update their General Plans. Ms. Fitch responded that the Housing Element is required to be updated every eight years. She explained that there had been a lot of turnover of city staff, and many were unaware that they needed to submit their updates to ALUC. When the Housing Element updates began, ALUC staff reached out to the cities to inform them of the ALUC requirements. As a result, there have been many submittals over the past couple of years. Chairman Bresnahan stated that the list is very telling of the cities that have been consistent with ALUC and that he finds it very helpful. Chairman Monin agreed.

4. Status of Determinations of Inconsistency:

Ms. Fitch reported that no projects have been found inconsistent since last month's meeting, so the list will begin with the meeting today.

5. Items of Interest to the Commissioners:

Chairman Bresnahan referred to the Newport Beach item and asked about Table 1 which was shown in the City's presentation. Mr. Stock explained that the information was pulled from the *AELUP for JWA* and serves as a guideline for the Commission when addressing certain issues. He noted that the Commission's authority extends beyond those guidelines and that the Commission has broad discretion, especially in cases where there are safety hazards for residents.

Chairman Bresnahan mentioned that the Commission's action of not supporting the staff recommendation was not meant as a negative comment about the staff. He stated that he fully supports staff, but if the staff recommendation was the only thing that was required, then the Commission would not need to be here. He said that while the Commission considers the technical side, they also look at the general picture and, in this case, came to a different conclusion. Commissioner Murphy agreed and thanked staff for their work.

Chairman Bresnahan mentioned the state requirements for cities to provide more sites for housing, but the Commission's mandate is to protect the airport and the people. There was a discussion among the Commissioners about aircraft and noise.

6. Items of Interest to the Public:

Mr. Mosher advocated for updating the *AELUP for John Wayne Airport*. He mentioned that while trying to navigate the referenced links, he found the information to be outdated and no longer valid.

ADJOURNMENT:

There being no further business before the Commission, the meeting was adjourned at 5:27 p.m. The next meeting is scheduled for April 17, 2025.