



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

July 16, 2026

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, Joseph Klema,
Alan Murphy, Shelley Hasselbrink
Alternate Commissioners Present: Schelly Sustarsic,
Shareen Young

COMMISSIONERS ABSENT: Mike Carroll

STAFF PRESENT: Julie Fitch, Executive Officer
August McNab, Land Use Planning Manager
Kristal Carr, Recording Secretary
William Ninh, Deputy County Counsel

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

ANNOUNCEMENTS:

Executive Officer Julie Fitch announced that Deputy County Counsel William Ninh is attending the meeting in place of Senior Deputy County Counsel, Jeff Stock.

APPROVAL OF MINUTES:

Commissioner Beverburg moved to approve the May 21, 2026 meeting minutes, and Commissioner Murphy seconded the motion. The Commissioners voted 5-0 (Beverburg, Murphy, Hasselbrink, Klema, Sustarsic) to approve the May 21, 2026 meeting minutes.

NEW BUSINESS:

1. City of Newport Beach 1300 Dove Townhomes Project (PA2025-0170)

Staff Planner August McNab presented the staff report for the City of Newport Beach 1300 Dove Townhomes Project (PA2025-0170) and recommended that the Commission find the proposed project consistent with the *AELUP for JWA*. He stated that the City was present to answer any questions.

Oscar Orozco, Newport Beach Associate Planner, addressed the Commission and staff and said that he is available to answer any questions.

Chairman Bresnahan mentioned that staff did a good job reviewing the project and that he could not find any fault with the review or the conclusion. However, he does find fault with placing residential development in this area. He stated that when this part of the airport was being developed, it was intended to remain free of residential use and that business parks were built on both sides of the runway for a reason. He understands that cities have a need to find locations for residential development but stated that the Commission's job is to determine when a site is not a good location for residential use. He noted that the site will be exposed to constant air traffic and residents will hear airplanes as they turn at full power, which will likely be annoying to those living there. He added that the airport will be receiving complaints about noise. Chairman Bresnahan asked about sound attenuation and if the property would have balconies and courtyards.

Mr. Orozco responded that the project does incorporate some ground-floor patios and recreational amenities that are not enclosed. Such amenities include a courtyard with outdoor play areas, shaded structures, and BBQ areas. Chairman Bresnahan clarified that they would be outdoor spaces where residents could see and hear the airport. Mr. Orozco confirmed that this was correct. Chairman Bresnahan asked about the building height and staff clarified that the building height is 47 feet. Commissioner Klema noted that the building could be up to 55 feet. Mr. McNab stated that the height is controlled by the PC-11 Planning Community. Chairman Bresnahan asked for confirmation that the building could not exceed that height, and Mr. McNab confirmed that it could not.

Commissioner Hasselbrink stated that she appreciated that when the airport was originally built, it was not intended to have residential uses surrounding it. She also noted that, due to the Regional Housing Needs Assessment (RHNA) requirements, the State has mandated the construction of approximately 110,000 new homes in Orange County. She stated that jurisdictions that do not comply may face fines of \$50,000 per month and could lose local control over land use decisions and permitting authority.

Chairman Bresnahan stated that he understands the motivation behind the housing requirements.

Commissioner Hasselbrink stated that the State's housing mandate often takes precedence over whether residential development is appropriate for a particular location. She noted that the City is fully built out but is still required to accommodate approximately 730 additional housing units. She added that the City of Huntington Beach is currently facing consequences from the State and is no longer able to issue certain permits independently. Commissioner Hasselbrink stated that, from a city's perspective, she understands the Commission's position that residential development should not be located near the airport but questioned where cities are expected to build housing when they are subject to State housing mandates.

Chairman Bresnahan responded that it is not the Commission's job to determine where housing should be built. Rather, the Commission's responsibility is to evaluate whether a proposed project is appropriate for its location. He stated that while the project may be consistent with the State's housing requirements, he does not believe it is an appropriate location for residential development because it places future residents in an environment, they are unlikely to enjoy due to airport activity.

Commissioner Hasselbrink responded that this is the reality of California's housing requirements and stated that she was simply providing the city's perspective on the issue.

Commissioner Klema stated that the Commission's job is to protect the people. He stated that if the cities want to overrule the Commission, they have that right. He added that when the Commission finds something to be inconsistent, it is protecting the State of California and the airport from liability by saying that it is not consistent.

Commissioner Hasselbrink replied that RHNA is going to reappear in two years, and the cities will receive more numbers.

Commissioner Murphy stated that he supports protecting residents and understands the challenges that cities and jurisdictions face, and that he believes Newport Beach could build residential in other areas and has chosen not to. He understands the property owners' perspective that converting commercial property to residential is the way to go. He noted that, unlike many of the projects the Commission reviews, this project is kind of in the middle because it is low-rise and located on the outskirts, barely within the 60 dB contour. Commissioner Murphy stated that he supports the staff recommendation.

Mr. Orozco clarified that the project site is already within a zone that includes a residential overlay, which is shown in Attachment 3, and that it allows residential development at a density of 30 to 50 units. The proposed new residential overlay would allow a density of 20 units. He noted that this zoning amendment would more or less remove some of the residential units from other areas and place them on a site farther away from the airport. Lastly, Mr. Orozco reiterated that the project is proposed at the lowest density allowed under the Housing Element.

Chairman Bresnahan stated that the project will be subject to single-event noise, which is different because it occurs in real time, and there will be complaints. He noted that there have been several projects the Commission has reviewed where language was included stating that the site is subject to aircraft overflights and airport noise. Chairman Bresnahan then asked

whether this project included similar language. Ms. Fitch replied that, as far as posting signs and notifying tenants, it is part of the Specific Plan language.

Alternate Young asked whether the units would be rental units or for-sale units, and if the units were for sale, would there be a disclosure. Mr. Orozco stated that the units will be for sale and that there will be a disclosure.

Chairman Bresnahan asked if there were any questions from the public. Beatrice Siercke asked whether a crane would be involved in the project. Mr. Orozco responded that no crane would be involved.

On a motion by Commissioner Murphy and a second by Commissioner Hasselbrink, the Commission voted 5-0 (Bresnahan, Beverburg, Murphy, Klema, Hasselbrink) to find the Newport Beach 1300 Dove Townhomes Project (PA2025-0170) to be consistent with the *AEUP for JWA*.

2. City of Costa Mesa Fairview Developmental Center Specific Plan (FDCSP)

Mr. McNab presented the staff report for the City of Costa Mesa Fairview Developmental Center Specific Plan (FDCSP). He recommended that the Commission find the proposed project consistent with the *AEUP for JWA*. He stated that the City's staff is present to answer questions.

Alternate Young asked whether the Regional Emergency Operations Center was a County or City facility and whether the proposed communication tower would be 125 feet in height. Melinda Dacey, Principal Planner for the City of Costa Mesa, responded that the Southern Regional Emergency Operations Center (SREOC) is owned by the State. She further explained that the proposed 120-foot tower would communicate with the existing radio frequency towers located at Santiago Peak and La Habra Peak. Chairman Bresnahan asked whether the project had already been approved. Ms. Dacey responded that it had been approved as a separate project and had undergone its own approval process with the state.

Chairman Bresnahan asked about the construction currently taking place in the area. Ms. Dacey responded that the State Regional Emergency Operations Center (SREOC) is currently under construction and is anticipated to open in 2027. She added that construction is also occurring on Merrimac Way, where the State is developing housing for individuals with complex developmental disabilities.

Commissioners and staff discussed the project's elevation in relation to the airport notification surfaces, the need for an aviation easement, and the requirement to submit a Federal Aviation Administration (FAA) Form 7460 for review.

Commissioner Murphy asked whether the State development was required to come before the Airport Land Use Commission (ALUC). Ms. Fitch responded that State projects are not required to be reviewed by the ALUC. Commissioner Murphy stated that he found it odd that,

although the ALUC is a State-mandated commission, State projects are not subject to ALUC review.

Commissioner Hasselbrink stated that in her experience as a city representative working with the State, that the State has indicated that if a city does not comply with State (HCD) requirements, it could lose its land use authority. She added that the State has been very clear that State projects are not required to come before the Airport Land Use Commission (ALUC).

On a motion by Commissioner Hasselbrink and a second by Commissioner Klema, the Commission voted 5-0 (Bresnahan, Beverburg, Murphy, Klema, Hasselbrink) to find the Costa Mesa Fairview Developmental Center Specific Plan (FDCSP) consistent with the *AELUP for JWA*.

Following the vote, the Commissioners discussed concerns regarding the FAA and ALUC's responsibility to protect the airport and ensure compatible land use surrounding the airport.

3. City of Costa Mesa Neighborhoods Where We All Belong Zoning Updates and Housing Element Implementation

Ms. Fitch presented the staff report for the City of Costa Mesa Neighborhoods Where We All Belong Zoning Updates and Housing Element Implementation. She recommended that the Commission find the proposed project inconsistent with the *AELUP for JWA*. She stated that the City staff is present to answer questions.

Chairman Bresnahan stated that, for projects involving tall buildings, the application typically includes an attachment identifying the heights of existing buildings in the surrounding area. Michelle Halligan, Senior Planner for the City of Costa Mesa, addressed the Commission and explained that, because the City's zoning effort includes more than 1,000 parcels, that information was not provided.

Ms. Fitch explained that, for the previous agenda item, the City had provided the requested information, but it was inadvertently omitted from the agenda packet. She further explained that, for the current item, the project area includes more than 1,000 parcels and that the proposed building heights exceed the applicable height standards.

Commissioner Murphy commented that the project area is extensive and includes residential areas within the Runway Protection Zone (RPZ), as well as residential areas within the 65 dB CNEL contour, with the potential for residential development in the 70 dB CNEL contour. He stated that, from a planning perspective, it was difficult to understand why the taller buildings would be located closer to the airport. Based on those concerns, he stated that he would support the staff's recommendation to find the project inconsistent.

Chairman Bresnahan expressed concern regarding the size of the project area, the proposed building heights, and the project's proximity to John Wayne Airport. He stated that certain areas within the project could have a significant impact on airport operations and cautioned the

City to carefully consider those impacts before taking any action to override the Airport Land Use Commission's determination.

Commissioner Murphy acknowledged the large size of the project area and emphasized the Commission's role in working with local jurisdictions to address compatibility issues. He hoped that the City would carefully review the project and consider revisions to improve consistency with the Airport Land Use Commission's policies. He noted that, in a previous case, the County had revised a project found inconsistent and later resubmitted it, resulting in a finding of consistency.

Alternate Sustarsic noted that a similar situation had occurred in the City of Buena Park, where the City worked with the Airport Land Use Commission to resolve compatibility issues. She expressed concern about allowing residential development near the Runway Protection Zone (RPZ), within the Safety Zone, and inside the 65 dB CNEL contour, stating that she questioned the safety of future residents in those areas.

On a motion by Commissioner Murphy and a second by Commissioner Klema, the Commission voted 5-0 (Bresnahan, Beverburg, Murphy, Klema, Hasselbrink) to find the Costa Mesa Neighborhoods Where We All Belong Zoning Updates and Housing Element Implementation inconsistent with the *AELUP for JWA*.

4. Administrative Status Report:

Ms. Fitch stated that the correspondence included communications to and from the ALUC since the previous meeting and that she was available to answer any questions the Commission might have.

Charmain Bresnahan referenced letters from Caltrans to the cities proposing to override the Commission's determinations, noting that Caltrans supported ALUC's position and agreed with its determinations. He asked legal counsel whether there was anything more the Commission could or should do during the override process.

William Ninh, Deputy County Counsel, stated that the Commission's role is to review projects for consistency with the Airport Land Use Commission (ALUC) Plan and determine whether they are consistent or inconsistent. He stated that, although cities may choose to override the Commission's determinations, his understanding is that neither the Commission's authority nor the applicable law provides a mechanism to prevent an override or to pursue legal action against a city for doing so.

Chairman Bresnahan stated that he knows state law requires that, if a city overrules the Commission's determination, it must adopt findings. He noted that Caltrans, in its letters, stated that the cities' reasons and justifications for overriding the Commission's determinations did not support an override. He asked that, if not the Commission, then who is responsible for addressing that. Commissioner Klema asked whether it would have to be the State that sues the city.

Mr. Ninh stated that if the matter involves FAA issues, the FAA would determine whether it infringes upon its authority and would be the appropriate party to take action. He stated that the law requires at least a three-fifths vote to overrule an ALUC determination, and that, because cities have an incentive to find housing sites, as Commissioner Hasselbrink mentioned earlier, they are likely to make the required findings. He stated that, based on his understanding, the Commission's role is very limited and that the State would have to be the entity to take further action. He suggested tabling the discussion until Item 6 on the agenda, where it would be more appropriate to continue the conversation.

Commissioner Hasselbrink stated that cities work very closely with the State and expressed concern that, while the State is mandating one thing, it is also allowing cities to simply overrule the ALUC's determinations.

Chairman Bresnahan stated that they would put a pin in the discussion for the time being and asked if there were any other questions.

5. Status of Determinations of Inconsistency:

Ms. Fitch provided an update on the status of projects found inconsistent. She reported that both projects recently found inconsistent had been overruled by the City of Newport Beach. The City of Newport Beach Comprehensive General Plan Update was overruled on June 23, 2026. The City's Planned Community Development Plan Amendment Related to the Affordable Housing Percentage in the Residential Overlay was overruled on July 14, 2026.

6. Items of Interest to the Commissioners:

The Commissioners discussed who would be responsible or liable when the Commission finds a project inconsistent, but a city overrides the determination and the airport remains protected.

Mr. Ninh responded that those are matters the cities would have to address. He reiterated that the Commission's role is to review projects and proposed changes and determine whether they are consistent or inconsistent with the *AELUP*.

The Commissioners discussed the apparent conflict between state housing mandates and the ALUC review process, including cities' authority to override ALUC determinations, the requirement for cities to adopt findings when doing so, concerns that some cities may not adequately support those findings, potential state penalties related to housing requirements, and which agency is responsible for addressing those issues.

Chairman Bresnahan asked staff to provide information regarding the building heights in the surrounding area and requested clarification regarding Attachment 1. Ms. Fitch responded that the exhibit was included because it was part of the Housing Element submittal, and it was the only exhibit provided because it showed Focus Area 2 in relation to the overlay areas. She also clarified that the numbers on the exhibit depicted Safety Zones.

7. Items of Interest to the Public:

There were no items of interest from the public.

ADJOURNMENT:

There being no further business before the Commission, the meeting was adjourned at 5:27 p.m. The next meeting is scheduled for August 20, 2026.