

Revised 8/30/11
DRAFT
AIRPORT LAND USE COMMISSION
MINUTES
THURSDAY, AUGUST 4, 2011
SAN DIEGO INTERNATIONAL AIRPORT
BOARD ROOM

CALL TO ORDER: Chair Gleason called the meeting of the Airport Land Use Commission to order at 3:01 p.m. on Thursday, August 4, 2011 in the Board Room at the San Diego International Airport, Commuter Terminal, 3225 North Harbor Drive, San Diego, CA 92101.

ROLL CALL:

PRESENT: Commissioners: Boland, Cox, Desmond, Gleason,
Hubbs, Panknin, Robinson, Smisek,
Young

ABSENT: Commissioners: Berman (Ex-Officio), Reyes (Ex-Officio)
Richie (Ex-Officio)

ALSO PRESENT: Thella F. Bowens, President/CEO; Breton K. Lobner, General Counsel;
Tony R. Russell, Director, Corporate Services/Authority Clerk;
Lisa Wolfson, Assistant Authority Clerk II

NON-AGENDA PUBLIC COMMENT:

CONSENT AGENDA (Items 1-2):

Chair Gleason pulled Item 2 from the Consent Agenda for discussion.

ACTION: Moved by Commissioner Boland and seconded by Commissioner Desmond to approve the Consent Agenda as amended. Motion carried unanimously.

1. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the minutes of the July 7, 2011 regular meeting.

ITEM PULLED FROM THE CONSENT AGENDA FOR DISCUSSION:

CONSISTENCY DETERMINATIONS

2. CONSISTENCY DETERMINATION – BROWN FIELD MUNICIPAL AIRPORT, GILLESPIE FIELD, MARINE CORPS AIR STATION MIRAMAR, AND MONTGOMERY FIELD AIRPORT LAND USE COMPATIBILITY PLANS – ADOPTION OF LAND DEVELOPMENT CODE AND COMMUNITY PLAN AMENDMENTS, ZONE RE-CLASSIFICATION, AND INFILL IDENTIFICATION MAP TO IMPLEMENT AIRPORT LAND USE COMPATIBILITY PLANS, CITY OF SAN DIEGO:

Angela Jamison, Manager, Airport Planning, provided a presentation on the item, which included the Public Utilities Code Mandate, Implementation Plan Components, Infill Maps, MCAS Miramar Infill Development Area Map, Montgomery Infill Development Area Map (Non-Residential and Residential), Montgomery Field ALUCP Infill Policy, Infill Development Policies, and Recommended Conditions to City Implementation Plan.

TAIT GALLOWAY, CITY OF SAN DIEGO, expressed opposition to staff's recommendation. He indicated that the Airport Land Use Compatibility Plan Technical Advisory Group (ATAG) had drafted policies indicating that non-residential uses would be considered infill with noise attenuation.

AMANDA LEE, CITY OF SAN DIEGO, expressed opposition to staff's recommendation. She requested that the Commission find the project consistent and that Condition #2 in the resolution be revised. She stated that the San Diego City Council approved the project, which did not include Miramar.

JOHN ZIEBARTH, SAN DIEGO, provided a handout to the Board regarding special compatibility considerations. He spoke in opposition to the City of San Diego's proposed language, and stated that what was presented to the City of San Diego City Council should be approved.

In response to Commissioner Panknin, Lori Ballance, of Gatzke Dillon & Ballance LLP, she stated that the language submitted by the City of San Diego regarding MCAS Miramar is inconsistent with the ALUCP. She added that law requires the applicant to make their plan consistent or that the land use jurisdiction could overrule the Commission's decision. She also indicated that the language received last night is not the same as what is being presented by staff today, which does not exclude MCAS Miramar.

It was moved by Commissioner Robinson and seconded by Commissioner Young to find the three elements, which include the Land Development Code Amendments, Community Plan Amendments, and ALUCP Overlay Rezone, as consistent; and to find the fourth element, Infill Development Maps and Policies, as conditionally consistent; and to direct Authority staff and City staff to work together to eliminate the ambiguous language.

Board Member Panknin suggested that Authority staff and City staff work together to amend the ALUCP.

AMANDA LEE, CITY OF SAN DIEGO, stated that they could add a statement that "infill development shall not be permitted where incompatible with noise compatibility criteria" to that section of their code.

Ms. Jamison stated that the difference in opinion is that Authority staff's position is that you cannot make ~~a red an incompatible~~ noise use compatible and City staff is saying that ~~a red an incompatible~~ noise use can be made compatible. She stated that the City of San Diego is saying that MCAS Miramar is not being considered, but with the new language they submitted, MCAS is being considered.

Amy Gonzalez, Director, Counsel Services, indicated that the documents submitted to staff from the City of San Diego last night are different from the original application submitted. She suggested that the City withdraw its application so that the 60-day review period is re-set. She added that the language initially submitted did include MCAS Miramar.

SHANNON THOMAS, CITY OF SAN DIEGO, indicated that the City would not withdraw its application.

Chair Gleason expressed concern regarding approving any plan that is different from the urban ALUCPs. He also expressed concern that the modified language is not a consistency determination, but a plan amendment.

In response to Commissioner Robinson that the Board allowed noise attenuation for San Diego International Airport, Ms. Ballance noted the Airport Land Use Compatibility Plan (ALUCP) for the urban airports is written so that uses in red are not allowed irrespective of noise mitigation. She stated that in order for the City's proposed language to be consistent, the ALUCP would need to be amended.

In response to Commissioner Hubbs, Ms. Gonzalez stated the ALUC must make a decision within 60 days of the application being deemed complete. If, however, no action is taken within 60 days, the project is automatically deemed consistent. She stated that if the ALUC denies the project, the San Diego City Council can overrule the ALUC's decision by a two-thirds vote.

Breton Lobner, General Counsel, stated that if the Commission finds that the language submitted by the City last night made its initial application incomplete, then the 60-day review period would start again effective August 3. He added that the language submitted is inconsistent with the ALUCP.

Commissioner Young encouraged Authority staff and City representatives to try to find a way to resolve this issue.

Commissioner Desmond moved a substitute motion, which was seconded by Commissioner Hubbs, to approve staff's recommendation. The motion was withdrawn.

RECOMMENDATION: Adopt Resolution No. 2011-0013 ALUC, making the determination that the project is conditionally consistent with the Brown Field Municipal Airport, Gillespie Field, Marine Corps Air Station Miramar, and Montgomery Field Airport Land Use Compatibility Plans.

ACTION: Moved by Commissioner Smisek and seconded by Commissioner Hubbs to make a finding that the City of San Diego submitted written documentation to amend its application, which was received on August 3, 2011, and that the application was deemed complete on August 3, 2011 which begins the 60 day review period, and that the item be continued to the September 1, 2011 ALUC meeting. Motion carried by the following vote: YES – Boland, Cox, Desmond, Gleason, Hubbs, Panknin, Robinson, Smisek; NO – Young; ABSENT – None. (Weighted Vote Points: YES – 87; NO – 13; ABSENT – 0)

PUBLIC HEARINGS:

NEW BUSINESS:

3. UPDATE – SAN DIEGO INTERNATIONAL AIRPORT- AIRPORT LAND USE COMPATIBILITY PLAN:

Angela Jamison, Manager, Airport Planning, provided a presentation on the item, which included a history of public workshops and steering committee meetings, timeline, and ALUCP implementation status.

RECOMMENDATION: Receive the report.

ACTION: No action was taken.

COMMISSION COMMENT:

ADJOURNMENT: The meeting was adjourned at 3:55 p.m.

APPROVED BY A MOTION OF THE AIRPORT LAND USE COMMISSION THIS
1ST DAY OF SEPTEMBER, 2011.

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL