

**AIRPORT LAND USE COMMISSION
MINUTES
THURSDAY, JANUARY 3, 2008
SHERATON SAN DIEGO HOTEL AND MARINA
WEST TOWER – FAIRBANKS BALLROOM**

CALL TO ORDER

Chairperson Bersin called the regular meeting of the Airport Land Use Commission to order at 9:00 a.m., Thursday, January 3, 2008, in the Fairbanks Ballroom at the Sheraton San Diego Hotel and Marina, West Tower, 1590 Harbor Island Drive, San Diego, CA 92101.

PLEDGE OF ALLEGIANCE Board Member Zettel led the Pledge of Allegiance.

ROLL CALL

Present: Board Members: Bersin, Boland, Desmond, Finnila,
Panknin, Watkins, Young, Zettel

Absent: Board Members: Miller

Ex Officio Members: Orso –Delgado, Sheehan

Also Present: Thella F. Bowens, President/CEO; Breton K. Lobner, General Counsel; Tony Russell, Director, Corporate Services/Authority Clerk; Maritza C. Steele, Deputy Authority Clerk

Chairperson Bersin reported that Board Member Miller was ill and could not attend the meeting.

PUBLIC COMMENT: None

CONSENT AGENDA:

Chairperson Bersin requested that Items 5 and 6 be removed from the Consent Agenda for discussion and to hear public comment.

ACTION: Moved by Board Member Boland and seconded by Board Member Finnila to approve the Consent Agenda as amended. Motion carried unanimously noting Board Member Miller as ABSENT. (Weighted Vote Points: YES=89 points; NO=0 points; ABSENT=11)

1. **APPROVAL OF MINUTES:**
RECOMMENDATION: Approve the minutes of the December 10, 2007 meeting.

CONSISTENCY DETERMINATIONS

City of San Diego

2. **CONSISTENCY DETERMINATION – MARINE CORPS AIR STATION MIRAMAR - AIRPORT LAND USE COMPATIBILITY PLAN – TORREY HILLS, COMMUNITY PLAN AMENDMENT AND REZONE FOR CONSTRUCTION OF 484 NEW MULTI-FAMILY RESIDENTIAL UNITS WITH COMMERCIAL RETAIL AND RECREATIONAL FACILITIES, AT CALLE MAR DE MARIPOSA AND VISTA SORRENTO PARKWAY, CITY OF SAN DIEGO:**
RECOMMENDATION: Staff recommends that the Board, acting in its capacity as the Airport Land Use Commission for the County of San Diego, adopt Resolution No. 2008-0001 ALUC, making a determination that the proposed project: Torrey Hills, Community Plan Amendment and Rezone for Construction of 484 New Multi-Family Residential Units with Commercial Retail and Recreational Facilities, at Calle Mar de Mariposa and Vista Sorrento Parkway, City of San Diego, is consistent with the adopted Marine Corps Air Station Miramar Airport Land Use Compatibility Plan.
3. **CONSISTENCY DETERMINATION – MARINE CORPS AIR STATION MIRAMAR - AIRPORT LAND USE COMPATIBILITY PLAN – UNIVERSITY TOWNE CENTRE, COMMUNITY PLAN AMENDMENT AND REZONE FOR ADDITIONAL RETAIL, OFFICE, HOTEL, AND RESIDENTIAL USES, CITY OF SAN DIEGO:**
RECOMMENDATION: Staff recommends that the Board, acting in its capacity as the Airport Land Use Commission for the County of San Diego, adopt Resolution No. 2008-0002 ALUC, making a determination that the proposed project: University Towne Centre, Community Plan Amendment and Rezone for Additional Retail, Office, Hotel, and Residential Uses, City of San Diego, is conditionally consistent with the adopted Marine Corps Air Station Miramar Airport Land Use Compatibility Plan.

4. **CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN – CONSTRUCTION OF TWO RESIDENTIAL UNITS AT 1720 OCEAN FRONT STREET, CITY OF SAN DIEGO:**
RECOMMENDATION: Staff recommends that the Board, acting in its capacity as the Airport Land Use Commission for the County of San Diego, adopt Resolution No. 2008-0003 ALUC, making a determination that the proposed project: Construction of Two Residential Units at 1720 Ocean Front Street, City of San Diego, is conditionally consistent with the adopted San Diego International Airport, Airport Land Use Compatibility Plan.
5. **CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN – LIBERTY STATION BUILDING 193, DEVELOPMENT OF A NEW RETAIL USE IN AN EXISTING BUILDING, 2750 DEWEY ROAD, CITY OF SAN DIEGO:**
ACTION: This item was pulled from the Consent Agenda for discussion.
6. **CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN – LIBERTY STATION BUILDINGS 31, 153, AND 185, REDEVELOPMENT OF LIGHT MANUFACTURING USES IN EXISTING BUILDINGS 2829, 2869 AND 2877 HISTORIC DECATUR ROAD, CITY OF SAN DIEGO:**
ACTION: This item was pulled from the Consent Agenda for discussion.

ITEMS PULLED FROM THE CONSENT AGENDA FOR DISCUSSION:

5. **CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN – LIBERTY STATION BUILDING 193, DEVELOPMENT OF A NEW RETAIL USE IN AN EXISTING BUILDING, 2750 DEWEY ROAD, CITY OF SAN DIEGO:**
Keith Wilschetz, Director, Airport System Planning, provided an overview of the staff report. He reported that items 5 and 6 are existing uses. He stated that there were three steps used in the determinations: 1) Is it an existing use and does it apply to these projects; 2) What is the proposed use; and 3) Is the proposed use compatible with the existing use. He stated that staff found that the proposed use is compatible with the existing use. He stated that this is the basis for staff's determination.

Angela Shafer-Payne, Vice President, Planning and Operations, stated that staff has been involved with the developer and the City of San Diego since the creation of the Authority in January, 2003. She stated that at that time the precise plan for this project was already in existence and adopted by the City of San Diego prior to creation of the Authority.

RECOMMENDATION: Staff recommends that the Board, acting in its capacity as the Airport Land Use Commission for the County of San Diego, adopt Resolution No. 2008-0004 ALUC, making a determination that the proposed project: Development of a New Retail Use in an Existing Building, Liberty Station 193, 2750 Dewey Road, City of San Diego, is consistent with the adopted San Diego International Airport, Airport Land Use Compatibility Plan.

ACTION: Moved by Board Member Zettel and seconded by Board Member Watkins to approve staff's recommendation. Motion carried with Board Members Finnila and Panknin voting NO and noting Board Member Miller as ABSENT. (*Weighted Vote Points: YES=68; NO=21; ABSENT=11*)

6. **CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN – LIBERTY STATION BUILDINGS 31, 153, AND 185, REDEVELOPMENT OF LIGHT MANUFACTURING USES IN EXISTING BUILDINGS 2829, 2869 AND 2877 HISTORIC DECATUR ROAD, CITY OF SAN DIEGO:**
Keith Wilschetz, Director, Airport System Planning, provided an overview of the staff report.

ROBERT SPRIGGS, LA MESA, described his proposed plans for each of the buildings.

ALLEN HAYNIE, ESCONDIDO, stated that the proposal is a continuation of the current use. He expressed concern regarding the occupancy levels noted in the staff report and requested that it be modified to show the number of employees in each building.

In response to Board Member Desmond regarding what the Authority's liability would be if the Board continues to approve property in the Runway Protection Zone (RPZ), Breton Lobner, General Counsel, stated that if there is an existing use, the Commission does not have the authority to prohibit its continued use. He stated that the Federal Aviation Administration (FAA) states that airports should try to acquire and control the RPZ areas, however, San Diego International Airport does not own or control this particular area. He stated that the RPZ has some existing uses, and as such, have grandfathered rights under the statutes.

In response to Board Member Zettel on whether the buildings that were removed will be replaced, Mr. Haynie stated that the buildings will not be replaced.

BARBARA LICHMAN, COSTA MESA, expressed support for staff's analysis of the existing use.

Board Member Panknin expressed his objections with locating buildings in a RPZ, and about the existing use. He described the definition of the RPZ in accordance with the Caltrans Handbook, and stated that the allowable number of people per gross acre in the RPZ in an urban developed environment is zero, and noted that the factors for runway proximity is high risk. He stated that the basic compatibility qualities are that: 1) airport ownership of property is highly encouraged, all new structures prohibited; 2) prohibit residential land uses; and 3) avoid non-residential uses except those that are very low intensity in character and confined to the sides and outer end of the area. He stated that Building 193 is in a zone which prohibits residential uses except on large agricultural parcels, and limits non-residential uses to activities that attract few people. He stated that uses such as shopping centers, most eating establishments, theaters, multi-story office buildings, and labor intensive manufacturing plants are unacceptable. He stated that the military assumes risks that are unacceptable to the general public, and that you cannot take a military use and convert it to a risk acceptable for civilians. He stated he considers the existing use to be abandoned buildings, and his decision is based on this use. He stated that the Commission's mission is to protect the future use of the airport, but more importantly, protect public safety. He encouraged the Commission to read Chapters 8 and 9 of the Caltrans Handbook which outlines the risks regarding the RPZ.

Board Member Finnila expressed concerns with locating buildings in an RPZ. She stated that the RPZs were put in place to protect the public, and is the only area for aviation to protect itself in case of emergencies. She encouraged the Commission to be aware of what the RPZ was created to do. She also expressed concern that the existing use was approved under a different set of rules, and encouraged the Authority to take all steps necessary to make the next set of existing uses compatible with the RPZ.

In response to Board Member Zettel regarding the posting of signs inside the buildings to make employees aware of the risks, Mr. Haynie stated if the Commission would like to impose the posting of signs as a condition, it could be done, however, he was uncertain whether it was a policy that the Board previously supported.

In response to Board Member Young regarding whether there is a precedent for the transfer of existing uses from military to civilian, Mr. Lobner stated that he was not aware of any precedent. He stated that during the Base Realignment and Closure (BRAC) process, there was a re-use plan that was developed for the NTC property, which includes identification of all buildings on the NTC property. He stated that the buildings were put into two categories, those which would be demolished and those which would be re-used. He further stated that the buildings

that were to be re-used fell into different categories which uses were to be used permanently and some had an expectation of a certain life. He stated that buildings 31, 153, and 185 were in the re-use plan and designated to be used for a new purpose. He stated that there was also a precise plan that was never presented to the Airport Land Use Commission for approval. He stated that it appears that there is no evidence of abandonment of the buildings because the owners have gone forward with a project, unless the Commission finds differently. He stated that the ALUC does not have the power to stop a true existing use, unless it condemns the property. He stated that if the Commission finds the project inconsistent, it would have to find a legal basis and facts for its action.

In response to Board Member Young regarding whether or not he has the legal ability to make a decision on the use of this property based on the Caltrans Handbook reference to having no use in an RPZ, Mr. Lobner stated that the Caltrans Handbook also recognizes that Commission Members have an obligation to recognize existing uses.

Board Member Watkins expressed concerns regarding the transfer of property during the BRAC process. He stated that it appears that the owners have conformed with the requirements. He stated that this was a transfer of property not an abandonment.

In response to Chairperson Bersin regarding whether there is no precedent for moving from a military use to a civilian use, Mr. Lobner confirmed that there is no precedent that he has been able to find regarding this issue.

Mr. Wilschetz concurred with Chairperson Bersin that staff's review of this project is an issue of fact, and staff has not indicated any basis where the Board can make a finding that this is not an existing use.

Chairperson Bersin requested that the Commission set a policy to require occupants to notify employees and the public when projects are within an RPZ.

In response to Chairperson Bersin regarding the occupancy level accounting for invitees coming to the property, Mr. Wilschetz, stated that the requirements for occupancy was based on what is allowed in the City of San Diego's Building Code.

Mr. Haynie stated that the numbers presented by the applicant were based on what they knew would be an acceptable employee count. He stated that the City's occupancy level for these building is higher, and the

applicant would be willing to reduce the amount, however, would also need to be able to function based on the intended employee count.

PETE LYNCH, DEVELOPMENT PROJECT MANAGER, CITY OF SAN DIEGO, stated that the actual occupant load is much higher than what is being proposed because each room is loaded individually. He stated that there also needs to be sufficient room for egress in case of an emergency. He stated that the occupant count was reduced to what it would be for Light Manufacturing use.

Board Member Young stated that he would make a motion to accept staff's recommendation including Board Member Desmond's recommendation to increase the occupancy level by ten percent.

Board Member Zettel requested that the motion be amended to include a requirement for public postings and employee notifications that the building is in the RPZ.

Chairperson Bersin clarified the motion for Item 6 that the conditional consistency determination be accepted; that the occupancy level be raised from 131 to 144; and that there be a public posting and employee notification regarding the location of the facility in an RPZ.

Board Member Desmond suggested including into the motion a statement regarding the Board's desire to have the RPZ clear. He also suggested that the Board develop a policy that all future projects in an RPZ include public postings requirement informing people that they are in a RPZ.

Board Member Panknin stated that this is not a legal issue but rather a moral and safety issue. He stated that approval of this project assumes liability for the area, and he urged the Board to not allow the construction to continue.

Board Member Watkins suggested that that the motion be amended to include that the occupancy level for employees be limited to 150. The amendment was accepted.

Board Member Finnilla stated that the Commission's job is to ensure ground safety. She stated that the Commission would be neglecting its purpose by allowing people with economic interest to move into the RPZ.

RECOMMENDATION: Staff recommends that the Board, acting in its capacity as the Airport Land Use Commission for the County of San Diego, adopt Resolution No. 2008-0005 ALUC, making a determination that the proposed project: Liberty Station Buildings 31, 153, and 185, Redevelopment of Light Manufacturing Uses in Existing Buildings 2829,

2869, and 2877 Historic Decatur Road, City of San Diego, is conditionally consistent with the adopted San Diego International Airport, Airport Land Use Compatibility Plan.

ACTION: Moved by Board Member Young and seconded by Board Member Zettel to adopt Resolution No. 2008-0005R ALUC approving staff's recommendation and that the occupancy level for the buildings be increase by 10 percent and requiring signs to be posted notifying the public and employees that the buildings are located in a Runway Protection Zone (RPZ). Motion carried with Board Members Finnilla and Panknin voting NO and noting Board Member Miller as ABSENT. (Weighted Vote Points: YES=68 points; NO=21; ABSENT=11)

Chairperson Bersin requested that staff come back with a policy regarding providing public notification for similar projects, and at the next meeting that staff provide an update on additional existing uses that will be presented at NTC. He stated that the update should include the status of the items, how far the development has proceeded, and what the City's determination has been to date regarding the projects. He also requested that staff draft a policy that there be no new development in an RPZ.

Thella F. Bowens, President/CEO, inquired if the report should include what it takes to work towards zero occupancy in the RPZ. Chairperson Bersin concurred.

PUBLIC HEARINGS: None

OLD BUSINESS:

7. STATUS UPDATE ON THE PREPARATION OF AIRPORT LAND USE COMPATIBILITY PLANS FOR BROWN FIELD, GILLESPIE FIELD, MCCLELLAN-PALOMAR AIRPORT, MONTGOMERY FIELD, OCEANSIDE MUNICIPAL AIRPORT, FOUR MILITARY AIRPORTS, AND SAN DIEGO INTERNATIONAL AIRPORT TO INCLUDE THE CITY OF SAN DIEGO GENERAL PLAN UPDATE, MILITARY AIR INSTALLATION COMPATIBILITY USE ZONES (AICUZ) UPDATE AND A REPORT ON ATAG ACTIVITIES:

Keith Wilschetz, Director, Airport System Planning, provided a presentation on the status update. He also provided information on the mission of the Airport Land Use Commission; the role and membership of the Airport Technical Advisory Group (ATAG); and the ALUCP Community Outreach Plan.

Board Member Finnila questioned if the ATAG's concern with safety is in regards to the Airport Influence Area (AIA) or with the Runway Protection Zone (RPZ).

Mr. Wilschetz stated that staff is concerned with all of the issues.

STEVE ALEXANDER, STEVE ALEXANDER GROUP, stated that the ATAG is concerned with all of the issues. He stated that the Risk Reduction Working Group has been assigned to look at the safety issues which apply to not just the Airport Influence Area (AIA), but each of the sub-component parts.

In response to Board Member Watkins regarding the processing of resolutions after discussions with the ATAG, Mr. Wilschetz stated that the resolutions from the sub-committees are returned to the main ATAG for action. He stated that recommendations from ATAG are worked into the land use compatibility plans. He stated that staff develops the plans and forwards them to the Board as a draft for deliberation. He stated that members of the ATAG represent different areas in the region, and their recommendations are used in the ALUCP process.

LEWIS MICHAELSON, KATZ AND ASSOCIATES, stated that the ATAG does not always come to a consensus and everyone retains the right to make their views known. He stated that the groups strives to make wise decisions and balanced interests, and when a consensus is not achieved, the information is reported to the Board.

Board Member Watkins suggested that people purchasing and selling property around airports be informed of the uses that are allowed.

Board Member Finnila expressed concern about airports being reluctant to enforce ground safety lines in places such as the Airport Influence Areas and Runway Protection Zones.

Board Member Panknin suggested that staff prepare a pamphlet to show people where the safety lines are.

Sandi Sawa, Airport System Planner II, stated that state law requires that a real estate disclosure be provided for property in the Airport Influence Area. She stated that Overflight Notification is also assigned to the property to alert people that they live in an airport area, and Avigation Easements are required for areas where safety and noise are of concern.

Ms. Bowens stated that when the Airport Land Use Commission was incepted, each City and jurisdiction in the County was contacted to enter into a Memorandum of Understanding (MOU) that would bind the Authority

to certain conditions in terms of turning around projects, discussing those issues with land owners or people coming in for permits, and with working with the Authority. She stated that approximately two jurisdictions agreed and others including the City of San Diego declined to enter such MOU. She stated that staff is supportive of those relationships and would like to have the MOUs in place as it would put some conditions on each entity to perform when it comes to acknowledging roles and responsibilities. She stated that the Authority is more than willing to try this again.

In response to Board Member Zettel regarding software that could be placed on the Authority's website for property owners to obtain information regarding the location of their property, Mr. Wilschetz stated that currently the software is not available, however, staff is developing a system for this information that will be made available to the public.

RECOMMENDATION: Receive the report.

ACTION: No action was taken.

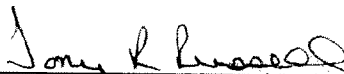
NEW BUSINESS:

COMMISSION COMMENT:

ADJOURNMENT


The meeting adjourned at 11:15 a.m. The next regular meeting will be held on Thursday, February 7, 2008 at 9:00 a.m. in the Fairbanks Ballroom at the Sheraton San Diego Hotel and Marina, West Tower, 1590 Harbor Island Drive, San Diego, CA 92101.

APPROVED BY A MOTION OF THE AIRPORT LAND USE COMMISSION THIS 7TH DAY OF FEBRUARY, 2008.



TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:



BRETON K. LOBNER
GENERAL COUNSEL