

**SPECIAL AIRPORT LAND USE COMMISSION MEETING  
MINUTES  
MONDAY, JANUARY 25, 2010  
BOARD ROOM**

**CALL TO ORDER:**

Chairperson Watkins called the special meeting of the Airport Land Use Commission to order at 9:00 a.m. on Monday, January 25, 2010, in the Board Room at the San Diego International Airport, Commuter Terminal, 3225 North Harbor Drive, San Diego, CA 92101.

**PLEDGE OF ALLEGIANCE:** Board Member Davies led the pledge of allegiance.

**ROLL CALL:**

PRESENT: Board Members: Boland, Davies, Finnilla, Gleason, Panknin, Smisek, Watkins, Young

ABSENT: Board Members: Berman (Ex-Officio), Desmond, Col. Richie (Ex-Officio)

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

**NEW BUSINESS:**

**1. ADOPTION OF A NEGATIVE DECLARATION FOR THE BROWN FIELD MUNICIPAL AIRPORT – AIRPORT LAND USE COMPATIBILITY PLAN AND ADOPTION OF THE BROWN FIELD MUNICIPAL AIRPORT – AIRPORT LAND USE COMPATIBILITY PLAN:**

Sandi Sawa, Manager, Land Use Planning, provided a presentation regarding the adoption of Airport Land Use Compatibility Plans (ALUCP's) and Negative Declarations (ND's) for each of the 5 urban airports, which includes the Brown Field Municipal Airport – Negative Declaration (ND) and Airport Land Use Compatibility Plan (ALUCP); Gillespie Field Airport - Negative Declaration (ND) and Airport Land Use Compatibility Plan (ALUCP); McClellan-Palomar Airport – Negative Declaration (ND) and Airport Land Use Compatibility Plan (ALUCP); Montgomery Field Airport - Negative Declaration (ND) and Airport Land Use Compatibility Plan (ALUCP); and Oceanside Municipal Airport– Negative Declaration (ND) and Airport Land Use Compatibility Plan (ALUCP).

Board Member Boland reported that his personal residence is within the airport influence area, and that he owns and maintains an airplane at Montgomery Field Airport.

Board Member Davies reported the following *ex-parte* communications: he met with John Ziebarth, Paul Robinson, and Andrew Poat.

Chairperson Watkins reported the following *ex-parte* communication: he met with John Ziebarth, Paul Robinson, and Andrew Poat; and he met with various employees from the City of San Diego and the County of San Diego.

Board Member Gleason reported the following *ex-parte* communications: on January 14, 2010 he met with the mayor and staff of the City of San Diego to discuss issues concerning both Brown Field Municipal Airport, and Montgomery Field Airport. He stated that he owns investment property that is in the proposed airport influence area for Montgomery Field Airport, and that his primary residence is also in the same area.

Breton Lobner, General Counsel, reported that the Fair Political Practice Commission (FPPC) provided advice in regards to the properties owned by Board Member Gleason within one of the ALUCP's. He reported that it is clear from the advice from the FPPC that the "Public General" exception within the Government Code and FPPC regulations apply. He stated that the opinion is a little soft in this regards to when an individual owns two or more properties. He stated that, after careful analysis, he has concluded that it doesn't matter how many properties are owned, unless there is evidence to the contrary, the "Public General" exception still apply. He stated that it appears to him that each Board Member that has property within the proposed ALUCP's can rely on the Public General rule, and has the right to vote on all of the proposed agenda items. He also stated that each Board Member has the option to recuse himself from voting, should there be any other issues that have not been disclosed.

Board Member Panknin reported that in his capacity as professional pilot; airport charter broker; and aircraft manager, with the exception of Oceanside Municipal Airport, he operates regularly from all of the airports being discussed today,

SUHAIL KHALIL, REPRESENTING THE PENINSULA COMMUNITY PLANNING BOARD, POINT LOMA, stated that an Environmental Impact Report (EIR) should be required because ND do not adequately measure land use constraints.

TED SHAW, SAN DIEGO, spoke in opposition to approving the Negative Declarations. He expressed concern regarding having higher intensity and density for the suburban/rural airports vs. urban airports.

JOHN ZIEBARTH, REPRESENTING A.I.A. URBAN DESIGN, SAN DIEGO, spoke in opposition to adopting the ALUCP's as presented for the urban airports.

RICK BEACH, SAN DIEGO, spoke in support of adopting the Brown Field Municipal Airport – Airport Land Use Compatibility Plan.

ROB HIXSON, REPRESENTING OTAY MESA PLANNING GROUP, SAN DIEGO, spoke in opposition to adopting the ND's, and urged the Commission to perform an EIR.

TAIT GALLOWAY, REPRESENTING THE CITY OF SAN DIEGO, spoke in support of the process for adopting the ALUCP's.

AMANDA LEE, REPRESENTING THE CITY OF SAN DIEGO, expressed concerns regarding the Brown Field Municipal Airport and Montgomery Field Airport ALUCP's, and opposed the adoption of the Plans as presented.

In response to Board Member Boland regarding whether issues still remained with the City of San Diego, Sandi Sawa, Manager, Land Use Planning, stated that there are multiple agencies affected by the Compatibility Plans being presented, and that staff consulted with both internal and external counsel to ensure adherence with California State Law. Ms. Sawa stated that, with the exception of the noise issue, the current City of San Diego policies are consistent with the ALUCP's.

RECOMMENDATION: Adopt Resolution No. 2010-0004 ALUC, adopting the Negative Declaration (ND) for the Brown Field Municipal Airport - Airport Land Use Compatibility Plan (ALUCP), and adopt Resolution No. 2010-0005 ALUC, adopting the Brown Field Municipal Airport ALUCP.

**Original Motion**

**ACTION: Moved by Board Member Finnila and seconded by Board Member Young to approve staff's recommendation. This motion was not voted on due to the passage of the substitute motion.**

Board Member Gleason expressed concern regarding the intensity and Safety Levels for Zones 2 through 5.

In response to Board Member Smisek regarding a letter received from Senator Kehoe, Breton Lobner, General Counsel, reported that a response had been provided in a letter from the Authority Board Chair which addressed the Senator's concerns relating to the performance of an EIR in lieu of Negative Declarations.

Lori D. Ballance, Partner, Gatzke, Dillon & Ballance LLP, stated that the Authority has followed what is required by the California Environmental Quality Act (CEQUA), and is consistent with what has been done throughout the State of California with other ALUCP's. She stated that it is important to understand that the Authority cannot prepare environmental documents for the City of San Diego in connection with its General Plan Amendment or Zoning.

Board Member Davies stated he supports an increase in the intensity and safety levels.

### **Substitute Motion**

**ACTION: Moved by Board Member Gleason and seconded by Board Member Panknin to adopt the Negative Declaration and the Airport Land Use Compatibility Plan with the change that the Urban ATAG intensity limits of 70, 130, 130 and 200 for Safety Zones 2 through 5, respectively, be included; that the infill policy be increased to 110 percent; and for the four specific land use classifications, the City's Noise Element of their General Plan would apply. Motion carried by the following vote: YES – Davies, Gleason, Panknin, Smisek, Watkins, Young; NO – Boland, Finnila; ABSENT – Desmond. (Weighted Vote Points: YES – 62; NO – 26; ABSENT - 12)**

**2. ADOPTION OF A NEGATIVE DECLARATION FOR THE GILLESPIE FIELD AIRPORT LAND USE COMPATIBILITY PLAN AND ADOPTION OF THE GILLESPIE FIELD AIRPORT LAND USE COMPATIBILITY PLAN:**

Board Member Panknin recommended that Zone 2 for runway 17/35 be reduced by an additional 450 feet. He stated that this is a judgment call that needs to be made by the Commission. He provided a comparative analysis of the Noise Contours and Safety Zones for the Gillespie Field Airport runways.

Board Member Gleason requested that, to maintain consistency with the Plans, the intensity limits for Urban ATAG Safety Zones 2 through 5 be included, as well as the infill policy be increased to 110 percent.

BARRY BARDACK REPRESENTING GILLESPIE FIELD DEVELOPMENT COUNCIL, EL CAJON, spoke in support of adopting the Plan as presented by staff.

AL TREADWELL, GILLESPIE PILOTS ASSOCIATION, ELCAJON, spoke in support of adopting the Plan as presented by staff.

PEDRO ORSO-DELGADO, REPRESENTING THE CITY OF SANTEE, spoke in support of adopting the Plan as proposed by Board Member Panknin, or suggested that a "hybrid" of Safety Zone 2 and 4 be considered. He distributed a handout to the Commission.

JOHN ZIEBARTH, REPRESENTING A.I.A. URBAN DESIGN COMMITTEE, spoke against the Plan as presented, and supported the proposal made by Board Member Panknin.

RICK BEACH, SAN DIEGO, spoke in support of the Plan as presented by staff.

Board Member Boland stated that it is important to remember that infiltration of Safety Zones is an issue that impacts operations.

Board Member Gleason suggested that, to be consistent with the Plans, the City's Noise Element of their General Plan should apply, if applicable.

Board Member Finnila stated that the Committee should not compromise on safety.

RECOMMENDATION: Adopt Resolution No. 2010-0006 ALUC, adopting the Negative Declaration (ND) for the Gillespie Field Airport Land Use Compatibility Plan (ALUCP), and adopt Resolution No. 2010-0007 ALUC, adopting the Gillespie Field ALUCP.

**ACTION: Moved by Board Member Panknin and seconded by Board Member Smisek to adopt the Negative Declaration and the Airport Land Use Compatibility Plan with the change that Zone 2 for runway 17/35 be reduced by an additional 450 feet; and that the Urban ATAG intensity limits of 70, 130, 130 and 200 for Safety Zones 2 through 5, respectively, be included; that the infill policy be increased to 110 percent; and for the four specific land use classifications, the City's Noise Element of their General Plan would apply, if applicable. Motion carried by the following vote: YES – Gleason, Panknin, Smisek, Watkins, Young; NO – Davies, Boland, Finnila; ABSENT – Desmond. (Weighted Vote Points: YES – 54; NO – 34; ABSENT - 12)**

**3. ADOPTION OF A NEGATIVE DECLARATION FOR THE MCCLELLAN-PALOMAR AIRPORT – AIRPORT LAND USE COMPATIBILITY PLAN AND ADOPTION OF THE MCCLELLAN-PALOMAR AIRPORT – AIRPORT LAND USE COMPATIBILITY PLAN:**

PATRICK MURPHY, ENCINITAS, spoke in support of staff's recommendation.

JOHN ZIEBARTH, SAN DIEGO, spoke in opposition of staff's recommendation.

RICK BEACH, SAN DIEGO, spoke in support of staff's recommendation.

Board Member Finnilla reported that the City of Carlsbad has a voter approved Growth Management Plan, and that the McClellan-Palomar Airport has worked well with both the existing Growth Management Plan, and with the recommended data by staff. She stated that she did not see just cause to adjust the intensity and infill limits.

RECOMMENDATION: Adopt Resolution No. 2010-0008 ALUC, adopting the Negative Declaration (ND) for the McClellan-Palomar Airport - Airport Land Use Compatibility Plan (ALUCP), and adopt Resolution No. 2010-0009 ALUC, adopting the McClellan-Palomar Airport ALUCP.

**Motion #1**

**ACTION: Moved by Board Member Panknin and seconded by Board Member Gleason to adopt the Negative Declaration and the Airport Land Use Compatibility Plan with the change that the Urban ATAG intensity limits of 70, 130, 130 and 200 for Safety Zones 2 through 5, respectively, be included; that the infill policy be increased to 110 percent; and for the four specific land use classifications, the City's Noise Element of their General Plan would apply, if applicable. Motion failed by the following vote: YES – Davies, Gleason, Panknin, Smisek, Watkins; NO – Boland, Finnilla, Young; ABSENT – Desmond. (Weighted Vote Points: YES – 49; NO – 39; ABSENT - 12)**

**\*Action by the Board requires at least five votes of its members and 51 vote points.**

**Motion #2**

**ACTION: Moved by Board Member Finnilla and seconded by Board Member Boland to approve staff's recommendation. Motion carried by the following vote: YES – Boland, Finnilla, Panknin, Watkins, Young; NO – Davies, Gleason, Smisek; ABSENT – Desmond. (Weighted Vote Points: YES – 55; NO – 33; ABSENT - 12)**

- 4. ADOPTION OF A NEGATIVE DECLARATION FOR THE MONTGOMERY FIELD AIRPORT LAND USE COMPATIBILITY PLAN AND ADOPTION OF THE MONTGOMERY FIELD AIRPORT LAND USE COMPATIBILITY PLAN: JOHN ZIEBARTH, REPRESENTING AIA URBAN DESIGN COMMITTEE, SAN DIEGO, spoke in opposition to staff's recommendation.**

RECOMMENDATION: Adopt Resolution No. 2010-0010 ALUC, adopting the Negative Declaration (ND) for the Montgomery Field Airport Land Use Compatibility Plan (ALUCP), and adopt Resolution No. 2010-0011 ALUC, adopting the Montgomery Field ALUCP.

**ACTION:** Moved by Board Member Gleason and seconded by Board Member Panknin to adopt the Negative Declaration and the Airport Land Use Compatibility Plan with the change that the Urban ATAG intensity limits of 70, 130, 130 and 200 for Safety Zones 2 through 5, respectively, be included; that the infill policy be increased to 110 percent; and for the four specific land use classifications, the City's Noise Element of their General Plan would apply, if applicable. Motion carried by the following vote: YES – Davies, Boland, Gleason, Panknin, Smisek, Watkins, Young; NO – Finnila; ABSENT – Desmond. (Weighted Vote Points: YES – 75; NO – 13; ABSENT - 12)

**5. ADOPTION OF A NEGATIVE DECLARATION FOR THE OCEANSIDE MUNICIPAL AIRPORT – AIRPORT LAND USE COMPATIBILITY PLAN AND ADOPTION OF THE OCEANSIDE MUNICIPAL AIRPORT – AIRPORT LAND USE COMPATIBILITY PLAN:**

RICK BEACH, SAN DIEGO, spoke in support of staff's recommendation.

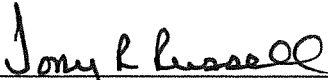
**RECOMMENDATION:** Adopt Resolution No. 2010-0012 ALUC, adopting the Negative Declaration (ND) for the Oceanside Municipal Airport - Airport Land Use Compatibility Plan (ALUCP), and adopt Resolution No. 2010-0013 ALUC, adopting the Oceanside Municipal Airport ALUCP.

**ACTION:** Moved by Board Member Finnila and seconded by Board Member Watkins to adopt the Negative Declaration and the Airport Land Use Compatibility Plan. Motion carried by the following vote: YES – Davies, Boland, Finnila, Panknin, Watkins, Young; NO – Gleason, Smisek; ABSENT – Desmond. (Weighted Vote Points: YES – 63; NO – 25; ABSENT - 12)

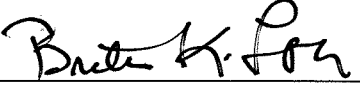
**COMMISSION COMMENT:**

**ADJOURNMENT:** The meeting was adjourned at 11:26 A.M.

APPROVED BY A MOTION OF THE AIRPORT LAND USE COMMISSION THIS 4<sup>th</sup> DAY OF MARCH, 2010.

  
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TONY R. RUSSELL  
DIRECTOR, CORPORATE SERVICES/  
AUTHORITY CLERK

APPROVED AS TO FORM:

  
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BRETON K. LOBNER  
GENERAL COUNSEL