

**AIRPORT LAND USE COMMISSION  
MINUTES  
THURSDAY, APRIL 3, 2014  
SAN DIEGO INTERNATIONAL AIRPORT  
BOARD ROOM**

**CALL TO ORDER:** Chair Gleason called the regular meeting of the Airport Land Use Commission to order at 9:10 a.m. on Thursday, April 3, 2014 in the Board Room at the San Diego International Airport, Commuter Terminal, 3225 North Harbor Drive, San Diego, CA 92101.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

PRESENT: Commission Members: Alvarez, Boland, Cox, Desmond, Farnam (Ex Officio), Gleason, Hubbs, Robinson, Smisek

ABSENT: Commission Members: Berman (Ex Officio), Ortega (Ex Officio), Sessom

ALSO PRESENT: Thella F. Bowens, President/CEO; Breton K. Lobner, General Counsel; Tony R. Russell, Director, Corporate and Information Governance/Authority Clerk; Lorraine Bennett, Assistant Authority Clerk II

**NON-AGENDA PUBLIC COMMENT:** None.

**CONSENT AGENDA (Items 1-2):**

**ACTION: Moved by Commissioner Smisek and seconded by Commissioner Boland to approve the Consent Agenda. Motion carried by the following vote: YES – Alvarez, Boland, Cox, Desmond, Gleason, Hubbs, Robinson, Smisek; NO – None; ABSENT – Sessom; ABSTAIN - None. (Weighted Vote Points: YES – 92; NO – 0; ABSENT – 8)**

**1. APPROVAL OF MINUTES:**

RECOMMENDATION: Approve the minutes of the March 6, 2014, regular meeting.

## **CONSISTENCY DETERMINATION**

**2. CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN – CONSTRUCTION OF SINGLE-FAMILY RESIDENTIAL UNIT AT DOVE STREET AT SPRUCE STREET, CITY OF SAN DIEGO:**

RECOMMENDATION: Adopt Resolution No. 2014-0007 ALUC, making the determination that the project is conditionally consistent with the San Diego International Airport - Airport Land Use Compatibility Plan.

**PUBLIC HEARINGS:** None

## **OLD BUSINESS:**

**3. CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE SAN DIEGO INTERNATIONAL AIRPORT – AIRPORT LAND USE COMPATIBILITY PLAN AND ADOPTION OF THE SAN DIEGO INTERNATIONAL AIRPORT – AIRPORT LAND USE COMPATIBILITY PLAN (Continued from the February 6, 2014 meeting):**

Angela Jamison, Manager, Airport Planning, provided a presentation on the Certification of an Environmental Impact Report for the San Diego International Airport – Airport Land Use Compatibility Plan and Adoption of the San Diego International Airport – Airport Land Use Compatibility Plan, which included Continued items-City of Coronado Request, Historic Structures, San Diego Unified School District, Mixed-Use Project Calculation, and Residential Development Displacement.

Tony Russell, Director, Corporate and Information Governance/Authority Clerk, read in to the record, a letter received from FRANK L. ASARO and ANDREW ASARO, SAN DIEGO, dated April 2, 2014, owners of the property located at 2230 India Street, San Diego, CA 92101, indicating their support for Alternative 4 as presented in the Amended Environmental Impact Report (EIR) of the Airport Land Use Compatibility Plan.

JOHN READEY, DANA POINT, suggested that discretionary authority be provided for properties that have special circumstances.

RODNEY EALES, SAN DIEGO, requested consideration for “Special Conditions” under the ALUCP *Policy S.10, Buildings Split by Safety Zone Boundaries*.

SHANDON HARBOUR, SAN DIEGO, requested that a clause be added in to the new ALUCP to include a provision for “Special Conditions.”

JOHN ZIEBARTH, SAN DIEGO, representing American Institute of Architects (AIA), spoke in support of EIR Alternative 4.

MATT ADAMS, SAN DIEGO, representing the Building Industry Association of San Diego County, spoke in support of EIR Alternative 4.

EVAN GERBER, spoke in support of EIR Alternative 4.

CHRIS GOMEZ, representing Little Italy Association, read a letter in to the record on behalf of MARCO LI MANDRI, Chief Executive Administrator, Little Italy Association, stating support of Alternative 4.

Commissioner Robinson disclosed ex-parte communications with Matt Adams, Neil Hyytinen, representing Hecht Solberg Robinson Goldberg & Bagley LLP, John Ziebarth, Evan Gerber, Chris Gomez, and Marco Li Mandri.

**ORIGINAL MOTION:**

**ACTION: Moved by Commissioner Robinson and seconded by Commissioner Smisek to adopt the ALUCP as presented, to include Alternative 4, as outlined within the EIR for Little Italy.**

Ms. Jamison clarified that with Alternative 4, all Safety Zones would have no density or intensity limits.

In response to Commissioner Alvarez regarding liability to the Airport in regards to the CalTrans Handbook, Amy Gonzalez, Senior Director, General Counsel, responded that the statute requires guidance by the CalTrans Handbook, and that the Authority would be in a better legal position by following the Handbook.

In response to Commissioner Alvarez regarding whether the ALUC can use its discretion to determine whether there is a Special Condition that could further protect the Authority, Ms. Gonzalez responded that the plan does not currently allow for discretion, and she advised that discretion should lie at the local jurisdiction level.

Chair Gleason expressed concern about treating one portion of a safety zone differently from another. He requested clarification by staff as to the method for calculating the density/intensity on properties that straddle two safety zones.

Commissioner Desmond stated that he could not support a special exemption to Little Italy or any properties in Zone 2E, but that he could support split properties.

Chair Gleason requested that staff look at revising the calculation method in the current ALUCP for blocks that are split by safety zones, instead of using the 51percent rule.

Commissioner Hubbs spoke in favor of "Special Conditions", with applied criteria.

Commissioner Alvarez stated that he could not support the motion, and expressed his support of the compromise by the City of San Diego regarding Mixed-Use Project Calculation, and staff's recommendation.

TAIT GALLOWAY, CITY OF SAN DIEGO, stated that the City has no objections to staff's recommendation to the ALUC.

Commissioner Desmond offered a substitute motion to adopt the ALUCP as presented, with the exception to direct staff to analyze and come back with possible alternatives related to the split parcel calculations and Special Conditions related to split properties. It was seconded by Commissioner Cox.

Bret Lobner, General Counsel, stated that advice from his office has been to set strict standards within the ALUCP. He stated that when discretion is included in the plan, it opens the Commission, and the Authority, to challenges and potential lawsuits.

**RECOMMENDATION:** Adopt Resolution No. 2014-0003 ALUC, certifying the final Environmental Impact Report for the San Diego International Airport - Airport Land Use Compatibility Plan, and adopting California Environmental Quality Act (CEQA) Findings of Fact, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, and

**ACTION: Moved by Commissioner Robinson and seconded by Commissioner Smisek to approve staff's recommendation. Motion carried by the following vote: YES – Alvarez, Boland, Cox, Desmond, Gleason, Hubbs, Robinson, Smisek; NO – None; ABSENT – Sessom; ABSTAIN - None. (Weighted Vote Points: YES – 92; NO – 0; ABSENT – 8)**

Adopt Resolution No. 2014-0004 ALUC, adopting the Airport Land Use Compatibility Plan for San Diego International Airport.

**SUBSTITUTE MOTION:**

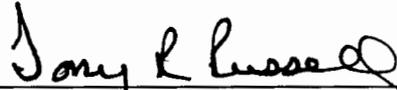
**ACTION: Moved by Commissioner Desmond and seconded by Commissioner Cox to approve staff's recommendation, and directed staff to analyze and come back with two alternatives related to how split parcels are to be addressed in safety zones. Motion carried by the following vote: YES – Alvarez, Boland, Cox, Desmond, Gleason, Hubbs, Smisek; NO – Robinson; ABSENT – Sessom; ABSTAIN - None. (Weighted Vote Points: YES – 84; NO – 8; ABSENT – 8)**

**NEW BUSINESS:** None.

**COMMISSION COMMENT:** None.

**ADJOURNMENT:** The meeting was adjourned at 10:35 a.m.

APPROVED BY A MOTION OF THE AIRPORT LAND USE COMMISSION THIS  
1<sup>st</sup> DAY OF MAY, 2014.



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TONY R. RUSSELL  
DIRECTOR, CORPORATE &  
INFORMATION GOVERNANCE /  
AUTHORITY CLERK

APPROVED AS TO FORM:



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BRETON K. LOBNER  
GENERAL COUNSEL