

# SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

## Board Members

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Chair

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Gil Cabrera  
Mary Casillas Salas  
Robert T. Lloyd  
Paul McNamara  
Paul Robinson  
Nora E. Vargas  
Marni von Wilpert

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Gustavo Dallarda  
Col. Charles B. Dockery  
Gayle Miller

## President / CEO

Kimberly J. Becker

## AIRPORT LAND USE COMMISSION AGENDA

Thursday, April 1, 2021  
9:00 AM or immediately following the Board Meeting

San Diego International Airport  
SDCRAA Administration Building  
3225 N. Harbor Drive  
San Diego, California 92101

This meeting of the Airport Land Use Commission of the San Diego County Regional Airport Authority Board will be conducted pursuant to the provisions of California Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act. During the current State of Emergency and in the interest of public health, all Board members will be participating in the meeting electronically. In accordance with the Executive Order, there will be no members of the public in attendance at the Board Meeting. We are providing alternatives to in-person attendance for viewing and participating in the meeting. In lieu of in-person attendance, members of the public may submit their comments in the following manner.

### **Comment on Non-Agenda Items**

Public comments on non-agenda items must be submitted to the Authority Clerk at [clerk@san.org](mailto:clerk@san.org), no later than 4:00 p.m. the day prior to the posted meeting in order to be eligible to be read into the record. The Authority Clerk will read the first 30 comments received by 4:00 p.m. the day prior to the meeting into the record. The maximum number of comments to be read into the record on a single issue will be 16. All other comments submitted, including those received after 4:00 p.m. the day prior and before 8:00 a.m. the day of the meeting, will be provided to the Authority Board and submitted into the written record for the meeting.

### **Comment on Agenda Items**

Public comments on agenda items received no later than 8:00 a.m. on the day of the meeting will be distributed to the Board and included in the record.

If you'd like to speak to the Board live during the meeting, please follow these steps to request to speak:

- **Step 1:** Fill out the online [Request to Speak Form](#) to speak during the meeting via teleconference. The form must be submitted by 4 p.m. the day before the meeting or by 4:00 p.m. the Friday before a Monday meeting. After completing the form, you'll get instructions on how to call in to the meeting.

- **Step 2:** Watch the meeting via the Webcast located at the following link, <https://www.san.org/Airport-Authority/Meetings-Agendas/ALUC?EntryId=13918>
- **Step 3:** When the Board begins to discuss the agenda item you want to comment on, call in to the conference line, you will be placed in a waiting area. **Please do not call until the item you want to comment on is being discussed.**
- **Step 4:** When it is time for public comments on the item you want to comment on, Authority Clerk staff will invite you into the meeting and unmute your phone. Please mute the webcast to avoid any feedback. Staff will then ask you to state your name and begin your comments.

You may also view the meeting online at the following link: <https://www.san.org/Airport-Authority/Meetings-Agendas/ALUC?EntryId=13918>

### **REQUESTS FOR ACCESSIBILITY MODIFICATIONS OR ACCOMMODATIONS**

As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the Authority Clerk at (619) 400-2550 or <mailto:clerk@san.org>. The Authority is committed to resolving accessibility requests swiftly in order to maximize accessibility.

*Pursuant to California Public Utilities Code §§ 21670-21679.5, the Airport Land Use Commission ("Commission") is responsible for coordinating the airport planning of public agencies within San Diego County. The Commission has the legal responsibility to formulate airport land use compatibility plans ("ALUCPs") that will (a) provide for the orderly growth of each public airport and the areas surrounding the airport within the County and (b) safeguard the general welfare of the inhabitants within the vicinity of each airport and the public in general. Pursuant to §21670.3, the San Diego County Regional Airport Authority serves as the Commission.*

This Agenda contains a brief general description of each item to be considered. The indication of a recommended action does not indicate what action (if any) may be taken. **Please note that agenda items may be taken out of order.** If comments are made to the Board without prior notice or are not listed on the Agenda, no specific answers or responses should be expected at this meeting pursuant to State law.

Staff Reports and documentation relating to each item of business on the Agenda are on file in Board Services and are available for public inspection.

**NOTE:** Pursuant to Authority Code Section 2.15, all Lobbyists shall register as an Authority Lobbyist with the Authority Clerk within ten (10) days of qualifying as a lobbyist. A qualifying lobbyist is any individual who receives \$100 or more in any calendar month to lobby any Board Member or employee of the Authority for the purpose of influencing any action of the Authority. To obtain Lobbyist Registration Statement Forms, contact the Board Services/Airport Authority Clerk Department.

**CALL TO ORDER:**

**ROLL CALL:**

**NON-AGENDA PUBLIC COMMENT:**

Non-Agenda Public Comment is reserved for members of the public wishing to address the Commission on matters for which another opportunity to speak **is not provided on the Agenda**, and which is within the jurisdiction of the Commission. Please submit a completed speaker slip to the Authority Clerk. ***Each individual speaker is limited to three (3) minutes. Applicants, groups, and jurisdictions referring items to the Board for action are limited to five (5) minutes.***

**Note:** Persons wishing to speak on specific items should reserve their comments until the specific item is taken up by the Commission.

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

The Consent Agenda contains items that are routine in nature and non-controversial. It also contains consistency determinations that have been deemed consistent or conditionally consistent. The matters listed under 'Consent Agenda' may be approved by one motion. Any Commission Member may remove an item for separate consideration. Items so removed will be heard before the scheduled New Business items, unless otherwise directed by the Chair.

**1. APPROVAL OF MINUTES:**

RECOMMENDATION: Approve the minutes of the March 4, 2021 regular meeting.

***CONSISTENCY DETERMINATIONS***

**2. REPORT OF DETERMINATIONS OF CONSISTENCY WITH AIRPORT LAND USE COMPATIBILITY PLANS: BROWN FIELD MUNICIPAL AIRPORT OTAY RANCH SPECIFIC PLAN, VILLAGE 3, CITY OF CHULA VISTA; NAVAL AIR STATION NORTH ISLAND 130 ACACIA WAY, CITY OF CORONADO; SAN DIEGO INTERNATIONAL AIRPORT 4675 DEL MONTE AVENUE, CITY OF SAN DIEGO:**

RECOMMENDATION: Receive the report.

**(Planning & Environmental Affairs: Ralph Redman, Manager, Airport Planning)**

**PUBLIC HEARINGS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

3. **MUNICIPAL CODE AMENDMENTS FOR OVERLAY ZONE TO IMPLEMENT THE SAN DIEGO INTERNATIONAL AIRPORT, NAVAL OUTLYING LANDING FIELD IMPERIAL BEACH, AND NAVAL AIR STATION NORTH ISLAND AIRPORT LAND USE COMPATIBILITY PLANS AND TO AMEND THE OVERLAY ZONE FOR THE BROWN FIELD MUNICIPAL AIRPORT, GILLESPIE FIELD, MARINE CORPS AIR STATION MIRAMAR, AND MONTGOMERY-GIBBS EXECUTIVE AIRPORT - AIRPORT LAND USE COMPATIBILITY PLANS, CITY OF SAN DIEGO:**

RECOMMENDATION: Adopt Resolution No. 2021-0001 ALUC, finding the project inconsistent with the Marine Corps Air Station Miramar and San Diego International Airport - Airport Land Use Compatibility Plans and consistent with the Brown Field Municipal Airport, Gillespie Field, Montgomery-Gibbs Executive Airport, Naval Outlying Landing Field Imperial Beach, and Naval Air Station North Island Airport Land Use Compatibility Plans.

**(Planning & Environmental Affairs: Ralph Redman, Manager, Airport Planning)**

**COMMISSION COMMENT:**

**ADJOURNMENT:**

**Policy for Public Participation in Board, Airport Land Use Commission (ALUC), and Committee Meetings (Public Comment)**

- 1) Persons wishing to address the Board, ALUC, and Committees shall complete a “Request to Speak” form prior to the initiation of the portion of the agenda containing the item to be addressed (e.g., Public Comment and General Items). Failure to complete a form shall not preclude testimony, if permission to address the Board is granted by the Chair.
- 2) The Public Comment Section at the beginning of the agenda is reserved for persons wishing to address the Board, ALUC, and Committees on any matter for which another opportunity to speak is not provided on the Agenda, and on matters that are within the jurisdiction of the Board.
- 3) Persons wishing to speak on specific items listed on the agenda will be afforded an opportunity to speak during the presentation of individual items. Persons wishing to speak on specific items should reserve their comments until the specific item is taken up by the Board, ALUC and Committees.
- 4) If many persons have indicated a desire to address the Board, ALUC and Committees on the same issue, then the Chair may suggest that these persons consolidate their respective testimonies. Testimony by members of the public on any item shall be limited to **three (3) minutes per individual speaker and five (5) minutes for applicants, groups and referring jurisdictions.**
- 5) Pursuant to Authority Policy 1.33 (8), recognized groups must register with the Authority Clerk prior to the meeting.
- 6) After a public hearing or the public comment portion of the meeting has been closed, no person shall address the Board, ALUC, and Committees without first obtaining permission to do so.

**Additional Meeting Information**

**NOTE:** This information is available in alternative formats upon request. To request an Agenda in an alternative format, or to request a sign language or oral interpreter, or an Assistive Listening Device (ALD) for the meeting, please telephone the Authority Clerk’s Office at (619) 400-2400 at least three (3) working days prior to the meeting to ensure availability.

For your convenience, the agenda is also available to you on our website at [www.san.org](http://www.san.org).

**For those planning to attend the Board meeting, parking is available in the public parking lot located directly in front of the Administration Building. Bring your ticket to the third-floor receptionist for validation.**

**You may also reach the SDCRAA Building by using public transit via the San Diego MTS System, Route 992. For route and fare information, please call the San Diego MTS at (619) 233-3004 or 511.**

**DRAFT**  
**AIRPORT LAND USE COMMISSION**  
**MINUTES**  
**THURSDAY, MARCH 4, 2021**  
**SAN DIEGO INTERNATIONAL AIRPORT**  
**BOARD ROOM**

**CALL TO ORDER:** Chair Schiavoni called the meeting of the Airport Land Use Commission to order at 10:41 a.m. on Thursday, March 4, 2021, electronically and via teleconference pursuant to Executive Order N-29-20 at the San Diego International Airport, Administration Building, 3225 North Harbor Drive, San Diego, CA 92101.

**ROLL CALL:**

**PRESENT:** Commissioners: Blakespear, Cabrera, Casillas Salas, Lloyd, McNamara, Robinson, Schiavoni, Vargas, von Wilpert

**ABSENT:** Commissioners: Dallarda (Ex-Officio), Dockery (Ex-Officio), Miller (Ex-Officio)

**ALSO PRESENT:** Kimberly J. Becker, President/CEO; Amy Gonzalez, General Counsel; Tony R. Russell, Director, Board Services/Authority Clerk; Dustin Heick, Assistant Authority Clerk I

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

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

**ACTION:** Moved by Commissioner Vargas and seconded by Commissioner Casillas Salas to approve the Consent Agenda. Motion carried by the following votes: YES – Blakespear, Cabrera, Casillas Salas, Lloyd, McNamara, Robinson, Schiavoni, Vargas, von Wilpert; NO – None; ABSENT – None; (Weighted Vote Points: YES – 100; NO – 0; ABSENT – 0)

- 1. **APPROVAL OF MINUTES:**  
RECOMMENDATION: Approve the minutes of the February 4, 2021 regular meeting.

***CONSISTENCY DETERMINATIONS***

- 2. **REPORT OF DETERMINATIONS OF CONSISTENCY WITH AIRPORT LAND USE COMPATIBILITY PLANS: MCCLELLAN-PALOMAR AIRPORT GENERAL PLAN AMENDMENT FOR HOUSING ELEMENT UPDATE, CITY OF CARLSBAD; SAN DIEGO INTERNATIONAL AIRPORT 3280 BARNETT AVENUE, CITY OF SAN DIEGO, 2915 E STREET, CITY OF SAN DIEGO, 801 BROADWAY, CITY OF SAN DIEGO:**  
RECOMMENDATION: Receive the report.

**PUBLIC HEARINGS:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**COMMISSION COMMENT:** None.

**ADJOURNMENT:** The meeting adjourned at 10:42 a.m.

APPROVED BY A MOTION OF THE AIRPORT LAND USE COMMISSION THIS 1<sup>ST</sup> DAY OF APRIL, 2021.

ATTEST:

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TONY R. RUSSELL  
DIRECTOR, BOARD SERVICES /  
AUTHORITY CLERK

APPROVED AS TO FORM:

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AMY GONZALEZ  
GENERAL COUNSEL

**Airport Land Use Commission**  
**Report of Determinations of Consistency with Airport Land**  
**Use Compatibility Plans**

Item No.  
**2**

Meeting Date: **April 1, 2021**

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Pursuant to Airport Authority Policy 8.30, and acting in its delegated capacity as the Airport Land Use Commission (ALUC) for San Diego County, Airport Authority staff has issued the following consistency determinations per their respective ALUCPs:

**Brown Field Municipal Airport ALUCP**

**Rezone and Amendment to the Otay Ranch Specific Plan, Village 3, City of Chula Vista**

Deemed Complete & Conditionally Consistent on March 5, 2021

Description of Project: The project involves a rezone and amendment to the Otay Ranch Specific Plan to rezone properties within Village 3 and reallocate permitted density from Village 9 to Village 3: one plan area from Professional and Office to High Residential, one plan area from Limited Industrial to Medium-High Residential, and one plan area from Medium Residential to Medium-High Residential. There is no actual development proposed by the current project.

Noise Contours: The proposed project does not involve any actual development and thus does not impact any noise exposure contours. However, the project area lies outside of the 60 dB CNEL noise contour. The ALUCP identifies all uses outside of the 60 dB CNEL noise contour as compatible with airport uses.

Airspace Protection Surfaces: The proposed project does not involve any actual development and thus does not impact any airspace protection surfaces. However, all future development is subject to notification of the Federal Aviation Administration (FAA) based upon FAA notice criteria. Therefore, as a condition of approval, any future development must receive a determination of no hazard to air navigation issued by the FAA or have the project sponsor certify that notice of construction is not required to the FAA because the project is located within an urbanized area, is substantially shielded by existing structures or natural terrain, and cannot reasonably have an adverse effect on air navigation.

Safety Zones: The proposed project does not involve any actual development and thus does not impact any safety zones. However, the Medium-High Residential plan areas of the proposed project are partially located within Safety Zone 6. The ALUCP identifies residential uses located within Safety Zone 6 as compatible with airport uses.



Overflight Notification: The proposed project does not involve any actual development and thus does not impact any overflight notification requirements. However, the project are is located within the overflight notification area. The ALUCP requires that a means of overflight notification be provided for new residential land uses. Therefore, as a condition of approval, any future development involving new residential land uses must provide a means of overflight notification.

### **Naval Air Station North Island ALUCP**

#### **Construction of Residential Unit and Detached Guest Quarters at 130 Acacia Way, City of Coronado**

Deemed Complete & Conditionally Consistent on March 5, 2021

Description of Project: The project involves the construction of a primary residence and a detached, accessory guest quarters.

Noise Contours and Safety Zones: The proposed project lies outside all safety zones, but within the 65-70 decibel Community Noise Equivalent Level (dB CNEL) noise exposure contour. The ALUCP identifies residential uses located outside all safety zones, but within the 65-70 dB CNEL noise contour as conditionally compatible with airport uses, provided that any new residence or expanded area of an existing one in excess of 50 percent of the existing habitable space is sound attenuated to 45 dB CNEL interior noise level. Therefore, as a condition of project approval, the residence and guest quarters must be sound attenuated to 45 dB CNEL interior noise level.

Airspace Protection Surfaces: The maximum height of the proposed project structures will be approximately 34 feet above mean sea level (27 feet above ground level). The proposed project is in compliance with the ALUCP airspace protection surfaces because the project sponsor has certified that notice of construction is not required to the Federal Aviation Administration (FAA) because the project is located within an urbanized area, is substantially shielded by existing structures or natural terrain, and cannot reasonably have an adverse effect on air navigation.

Overflight Notification: The proposed project is located within the overflight notification area. The ALUCP requires that a means of overflight notification be provided for new residential land uses. Therefore, as a condition of approval, a means of overflight notification must be provided.

**San Diego International Airport ALUCP****Construction of a Detached Residential Unit at 4675 Del Monte Avenue, City of San Diego**

Deemed Complete & Conditionally Consistent on March 5, 2021

Description of Project: The project involves the construction of a detached residential unit on a property with an existing residence to remain.

Noise Contours: The proposed project lies within the 60-65 decibel Community Noise Equivalent Level (dB CNEL) noise exposure contour. The ALUCP identifies residential uses located within the 60-65 dB CNEL noise contour as conditionally compatible with airport uses, provided that the new residence is sound attenuated to 45 dB CNEL interior noise level. Therefore, as a condition of project approval, the new residence must be sound attenuated to 45 dB CNEL interior noise level.

Airspace Protection Surfaces: The maximum height of the proposed project structure will be approximately 123 feet above mean sea level (26 feet above ground level). The proposed project is located outside the SDIA Threshold Siting Surface (TSS). The proposed project is in compliance with the ALUCP airspace protection surfaces because the project sponsor has certified that notice of construction is not required to the Federal Aviation Administration (FAA) because the project is located within an urbanized area, is substantially shielded by existing structures or natural terrain, and cannot reasonably have an adverse effect on air navigation.

Safety Zones: The proposed project is located outside all Safety Zones.

Overflight Notification: The proposed project is located within the overflight notification area. The ALUCP requires that a means of overflight notification be provided for new residential land uses. Therefore, as a condition of project approval, a means of overflight notification must be provided.

CONSISTENCY DETERMINATION  
MUNICIPAL CODE AMENDMENTS FOR OVERLAY ZONE TO  
IMPLEMENT THE SAN DIEGO INTERNATIONAL AIRPORT, NAVAL  
OUTLYING LANDING FIELD IMPERIAL BEACH, AND NAVAL AIR  
STATION NORTH ISLAND AIRPORT LAND USE COMPATIBILITY PLANS  
AND TO AMEND THE OVERLAY ZONE FOR THE BROWN FIELD  
MUNICIPAL AIRPORT, GILLESPIE FIELD, MARINE CORPS AIR STATION  
MIRAMAR, AND MONTGOMERY-GIBBS EXECUTIVE AIRPORT -  
AIRPORT LAND USE COMPATIBILITY PLANS, CITY OF SAN DIEGO  
April 1, 2021

Item # 3                      Resolution # 2021-0001 ALUC

**Recommendation:**

**Consistent** –Brown Field Municipal Airport, Gillespie Field, Montgomery-Gibbs Executive Airport, Naval Outlying Landing Field Imperial Beach, Naval Air Station North Island - Airport Land Use Compatibility Plans

**Inconsistent** – Marine Corps Air Station Miramar and San Diego International Airport - Airport Land Use Compatibility Plans

Description of Project: The project proposes amendments to the City of San Diego Land Development Code (LDC) via the Airport Land Use Compatibility Overlay Zone (ALUCOZ) to apply the requirements of adopted Airport Land Use Compatibility Plans (ALUCPs) to the use of properties located within Airport Influence Areas (AIAs).

The ALUCOZ was originally adopted by the City of San Diego on October 25, 2011, to implement the ALUCPs for Brown Field Municipal Airport, Montgomery-Gibbs Executive Airport, Marine Corps Air Station (MCAS) Miramar, and Gillespie Field. The ALUCOZ establishes land use and development regulations for proposed new development that falls within an AIA and the jurisdiction of the City of San Diego. Since the adoption of the ALUCOZ, new ALUCPs have been prepared and adopted by the Airport Land Use Commission (ALUC) for San Diego International Airport (SDIA), Naval Outlying Landing Field Imperial Beach (NOLF IB) and Naval Air Station North Island (NASNI).

The proposed ALUCOZ amendments to the LDC would implement the ALUCPs for SDIA, NOLF IB, and NASNI and amend the application of standards for the City's implementation of the ALUCPs for Brown Field Municipal Airport, Gillespie Field, MCAS Miramar, and Montgomery-Gibbs Executive Airport.

This project fulfills the statutory mandate under §21676(b) of the Public Utilities Code (PUC) and §65302.3(a) of the Government Code for an affected local agency to make its general plan and zoning ordinance consistent with adopted ALUCPs within agency jurisdiction. Because this project would incorporate the standards of the ALUCPs into

the City of San Diego LDC via an overlay zone, which applies to the permitting of all land uses within the AIAs of its jurisdiction, individual project consistency determinations would be required from the ALUC only for specified land use actions in accordance with PUC §21676.5(b).

Those land use actions specified by the PUC (§§21661.5; 21664.5; and 21676) and applicable ALUCPs would continue to require consistency determinations by the ALUC. These include approval of and/or an amendment to a general, specific, or other land use plan, zoning ordinance (including rezones), or building regulation; any project proposed in a military airport Clear Zone or public-use airport Safety Zone 1; any project that has been determined to be an airspace hazard by the Federal Aviation Administration (FAA); any master plan for the expansion of an existing airport or construction of a new airport; and any project that would include nonaviation uses on public-use airport property.

In accordance with PUC § 21676.5(b), once a local agency has revised its general plan, specific plans, or zoning code to be consistent with an adopted ALUCP or overruled the ALUCP in whole or in part pursuant to PUC §21676(a), the local agency can voluntarily refer individual projects to the ALUC for an advisory, non-binding review.

Noise: The proposed project contains properties that lie within all associated ALUCP Community Noise Equivalent Level (CNEL) noise contours. The project does not propose any physical development, but any future, occupied structures are subject to noise compatibility standards of the applicable ALUCP, to include conditions of sound attenuation of certain residences and buildings as specified by the applicable ALUCP and recordation of an aviation easement to the airport operator for certain, specified, noise-sensitive uses. Some uses are considered incompatible by the applicable ALUCP and may not be permitted.

The proposed project is compatible with noise because it implements the noise compatibility policies of the applicable ALUCPs, with one exception, which would constitute an overrule of the MCAS Miramar ALUCP with respect to applying the standards of ALUCP noise standards to properties within more than one noise contour.

The City is proposing to apply the standards to the entire structure of the noise contour range in which 50 percent or more of a structure's gross floor area lies. As written, the MCAS Miramar ALUCP applies a standard in which the highest noise contour standards apply to the entire building.

Because the City proposes to employ a less restrictive standard than that of the MCAS Miramar ALUCP as written, the proposed project would not be compatible with the noise factor of that ALUCP, and, therefore, the City of San Diego would have to overrule the ALUCP with respect to applying the proposed project policy.

The proposed project would be compatible with application of the noise compatibility policies of the SDIA and NOLF IB ALUCPs. The ALUCOZ noise standards of the

Brown Field Municipal Airport and Montgomery-Gibbs Executive Airport ALUCPs would be amended to uniformly apply the same noise compatibility standards as all other ALUCPs in instances of properties lying within more than one contour, but this would be more restrictive than the existing ALUCPs for those airports and thus would not require any overrule. No portion of land within City of San Diego land use jurisdiction lies within any airport noise contour of the Gillespie Field or NASNI ALUCPs.

Airspace: The proposed project contains properties that lie within the airspace of all AIAs, but does not propose any physical development. The proposed project is compatible with each of the applicable ALUCP airspace protection surfaces because the project does not allow future construction to be permitted that would exceed an airspace threshold which would require an obstruction evaluation from the Federal Aviation Administration (FAA) unless the construction included marking and lighting in accordance with the FAA determination. Moreover, any new construction may not constitute a hazard as determined by the FAA nor reduce the operational efficiency or capacity of the airport.

Safety: The proposed project contains properties that lie within all associated ALUCP safety zones, but does not propose any physical development. Future land uses are subject to the safety compatibility policies of the applicable ALUCP, to include conditions of residential density and nonresidential intensity of development. Some uses are considered incompatible by the applicable ALUCP and may not be permitted.

The proposed project is compatible with safety because it implements the safety compatibility policies of the applicable ALUCPs, with two exceptions, which would require an overrule of the SDIA and MCAS Miramar ALUCPs with respect to proposed project policies.

First, the proposed project would not be compatible with the safety standard for residential density within mixed-use developments for the SDIA ALUCP, and, therefore, the City of San Diego would have to overrule the SDIA ALUCP with respect to applying the proposed project policy. The SDIA ALUCP limits the residential component of a mixed-use development to no more than 50 percent of its permissible total occupancy. The City proposes to eliminate the 50 percent cap within certain safety zones, potentially allowing a much greater portion of a mixed-use development to be residential units, up to the maximum permissible number of units allowed by local agency density bonuses.

Additionally, the proposed project would not be compatible with the safety residential density limit of 20 dwelling units per acre within the Transition Zone of the MCAS Miramar ALUCP, and, therefore, the City of San Diego would have to overrule the MCAS Miramar ALUCP with respect to applying the project proposal of 60 dwelling units per acre.

The proposed project would be compatible with application of the safety compatibility policies of the Brown Field Municipal Airport, Montgomery-Gibbs Executive Airport, and

NOLF IB ALUCPs. No portion of land within City of San Diego land use jurisdiction lies within any airport safety zone of the Gillespie Field or NASNI ALUCPs.

Overflight: The proposed project contains properties that lie within all associated ALUCP overflight notification areas, but does not propose any physical development. Future new, residential land uses are subject to the overflight notification policies of the applicable ALUCP to ensure that those who acquire residential property are advised of the proximity of the airport and the effects associated with the legal operation of aircraft within the AIA. The proposed project is compatible with the ALUCP overflight notification policies by codifying that the ALUCOZ constitutes property owner notification. Additionally, State law binds those who offer residential property for sale or lease within an AIA to disclose the proximity of an airport and potential for aircraft overflight and corresponding effects, and the ALUCOZ reinforces this requirement by reference.

Recommendation: Based on review of the proposed project, staff recommends that the ALUC make the determination that the project is consistent with the Brown Field Municipal Airport, Gillespie Field, Montgomery-Gibbs Executive Airport, NOLF IB, and NASNI ALUCPs and inconsistent with the MCAS Miramar and SDIA ALUCPs.

Staff additionally recommends that the ALUC advise the City of San Diego of several needed corrections to project text and tables (see attached table) that were identified during the review of the LDC. If left uncorrected, these items would make the proposed project additionally incompatible with one or more ALUCP compatibility factors and would thus require additional overrules. However, City of San Diego staff have communicated that these additional items were not intended to differ from the ALUCPs and have requested that the ALUC inform the City of San Diego of these items, so that they may be corrected through the City's own approval process of the proposed LDC ALUCOZ amendments, rather than overruling the ALUCPs.

RESOLUTION NO. 2021-0001 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: MUNICIPAL CODE AMENDMENTS FOR OVERLAY ZONE TO IMPLEMENT THE SAN DIEGO INTERNATIONAL AIRPORT, NAVAL OUTLYING LANDING FIELD IMPERIAL BEACH, AND NAVAL AIR STATION NORTH ISLAND AIRPORT LAND USE COMPATIBILITY PLANS AND TO AMEND THE OVERLAY ZONE FOR THE BROWN FIELD MUNICIPAL AIRPORT, GILLESPIE FIELD, MARINE CORPS AIR STATION MIRAMAR, AND MONTGOMERY-GIBBS EXECUTIVE AIRPORT - AIRPORT LAND USE COMPATIBILITY PLANS, CITY OF SAN DIEGO, IS CONSISTENT WITH THE BROWN FIELD MUNICIPAL AIRPORT, GILLESPIE FIELD, MONTGOMERY-GIBBS EXECUTIVE AIRPORT, NAVAL OUTLYING LANDING FIELD IMPERIAL BEACH, AND NAVAL AIR STATION NORTH ISLAND AIRPORT LAND USE COMPATIBILITY PLANS AND IS NOT CONSISTENT WITH THE MARINE CORPS AIR STATION MIRAMAR AND SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLANS

WHEREAS, the San Diego County Regional Airport Authority (Airport Authority), acting in its capacity as the Airport Land Use Commission (ALUC) for San Diego County, was requested by the City of San Diego to determine the consistency of a proposed project: Municipal Code Amendments for Overlay Zone to Implement the San Diego International Airport (SDIA), Naval Outlying Landing Field Imperial Beach (NOLF IB), and Naval Air Station North Island (NASNI) Airport Land Use Compatibility Plans (ALUCPs) and to Amend the Overlay Zone for the Brown Field Municipal Airport, Gillespie Field, Marine Corps Air Station (MCAS) Miramar, and Montgomery-Gibbs Executive Airport ALUCPs; and

WHEREAS, the proposed project consists of amendments to the City of San Diego Land Development Code that applies the policies and standards of the ALUCPs to the use of properties located within Airport Influence Areas (AIAs) through the Airport Land Use Compatibility Overlay Zone (ALUCOZ); and

WHEREAS, the proposed project would integrate the noise, airspace protection, safety, and overflight notification compatibility criteria of the ALUCPs for SDIA, NOLF IB, and NASNI into the ALUCOZ; and

WHEREAS, the proposed project would amend the applicability of certain policies and standards of the existing ALUCOZ for Brown Field Municipal Airport, Gillespie Field, Montgomery-Gibbs Executive Airport, and MCAS Miramar; and

WHEREAS, a local agency is required to implement ALUCPs by either referring all proposed land use projects located within AIAs to the ALUC for a determination of consistency with the ALUCP, to amend its applicable codes to incorporate the ALUCP policies and standards to accomplish the same ALUCP consistency in its own project reviews, or overrule the ALUCP in whole or in part according to statutory procedures; and

WHEREAS, referral of individual land use projects to the ALUC is not mandatory when the ALUC has either deemed a local agency's plan and implementing ordinance consistent with the ALUCPs or when the local land use jurisdiction has overruled the ALUC pursuant to Public Utilities Code (PUC) §21676(a), except for the following actions: (1) the approval of and/or amendment to a general, specific, or other land use plan, zoning ordinance (including rezones), or building regulation; (2) any project proposed in a military airport Clear Zone or public-use airport Safety Zone 1; (3) any project that has been determined to be an airspace hazard by the Federal Aviation Administration (FAA); (4) any master plan for the expansion of an existing airport or construction of a new airport; and (5) any project that would include nonaviation uses on public-use airport property; and

WHEREAS, once a local agency has revised its general plan, specific plans, or zoning code to be consistent with an adopted ALUCP or overruled the ALUC pursuant to PUC §21676(a), the local agency can still voluntarily refer individual projects to the ALUC for a non-binding, advisory review; and

WHEREAS, ALUC staff evaluation of the proposed project finds that the ALUCOZ implements the Brown Field Municipal Airport, Gillespie Field, Montgomery-Gibbs Executive Airport, NOLF IB, and NASNI ALUCPs, such that the proposed project is consistent with those ALUCPs; and

WHEREAS, ALUC staff evaluation of the proposed project finds that the ALUCOZ deviates with respect to applying the policies and standards of the MCAS Miramar and SDIA ALUCPs, such that the proposed project is not consistent with those ALUCPs; and

WHEREAS, in instances in which a local agency proposes to deviate from the compatibility policies and standards of an ALUCP, the agency must follow a procedure prescribed by State law to overrule that portion of the ALUCP with which its implementation deviates from the ALUCP; and



WHEREAS, the ALUC has considered the information provided by staff, including information in the staff report and other relevant material regarding the project; and

WHEREAS, the ALUC has provided an opportunity for the City of San Diego, the U.S. Marine Corps, the U.S. Navy, and interested members of the public to present information regarding this matter.

NOW, THEREFORE, BE IT RESOLVED that the ALUC determines that the proposed project: Municipal Code Amendments for Overlay Zone to Implement the SDIA, NOLF IB, and NASNI ALUCPs and to Amend the Overlay Zone for the Brown Field Municipal Airport, Gillespie Field, MCAS Miramar, and Montgomery-Gibbs Executive Airport ALUCPs, is consistent with the Brown Field Municipal Airport, Gillespie Field, Montgomery-Gibbs Executive Airport, NOLF IB, and NASNI ALUCPs and is not consistent with the MCAS Miramar and SDIA ALUCPs, based upon the following facts and findings:

- (1) The proposed project would amend the ALUCOZ to integrate the noise, airspace protection, safety, and overflight notification compatibility criteria of the ALUCPs for SDIA, NOLF IB, and NASNI into the City of San Diego Land Development Code and apply those criteria to the permitted uses of properties located within those airport AIAs, as well as to amend the applicability of certain ALUCOZ policies and standards for Brown Field Municipal Airport, Gillespie Field, Montgomery-Gibbs Executive Airport, and MCAS Miramar.
- (2) Pursuant to Public Utilities Code §21676.5, referral of only certain specified actions to the ALUC for consistency determination continues to be mandatory after the ALUC has deemed a local agency's implementation plan consistent with the applicable ALUCPs or the local land use jurisdiction has overruled the ALUC pursuant to PUC §21676(a). ALUC review of the following actions remains mandatory: (a) the approval of and/or amendment to a general, specific, or other land use plan, zoning ordinance (including rezones) or building regulation; (b) any project proposed in a military airport Clear Zone or public-use airport Safety Zone 1; (c) any project that has been determined to be an airspace hazard by the FAA; (d) any master plan for the expansion of an existing airport or construction of a new airport; (e) any project that would include nonaviation uses on public-use airport property.
- (3) The ALUCOZ implements the Brown Field Municipal Airport, Gillespie Field, Montgomery-Gibbs Executive Airport, NOLF IB, and NASNI ALUCPs, such that the proposed project is consistent with those ALUCPs, but the ALUCOZ deviates with respect to applying the policies and standards of the MCAS

Miramar and SDIA ALUCPs, such that the proposed project is not consistent with those ALUCPs.

- (4) The specific deviations of the ALUCOZ from the MCAS Miramar and SDIA ALUCPs consist of the following: (a) applying to the entire structure the standards of the noise contour range in which 50 percent or more of a structure's gross floor area lies instead of applying the highest noise contour standards to the entire building as specified in the MCAS Miramar ALUCP; (b) eliminating the limit of residential units within mixed-use developments to no more than 50 percent of the calculated total people per acre permissible for the project within certain safety zones of the SDIA ALUCP; and (c) increasing the maximum number of residential units per acre within the Transition Zone of the MCAS Miramar ALUCP from 20 to 60.
- (5) Additional corrections to the ALUCOZ would be necessary to redress unintentional deviations from ALUCPs, and, unless these were corrected to accord with the attached table, these deviations would constitute additional inconsistencies of the ALUCOZ with ALUCPs and would be subject to the requirements of the statutory overrule procedure as specified below.
- (6) Therefore, in instances in which a local agency proposes to deviate from the compatibility policies and standards of an ALUCP, the agency must follow the procedure and timeline prescribed by Public Utilities Code §21676(b) to overrule that portion of the ALUCP.

BE IT FURTHER RESOLVED that this ALUC determination is not a "project" as defined by the California Environmental Quality Act (CEQA), Pub. Res. Code Section 21065, is not a "development" as defined by the California Coastal Act, Pub. Res. Code Section 30106, and requires no federal approvals warranting review under the National Environmental Policy Act (NEPA).

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a regular meeting this 1<sup>st</sup> day of April, 2021, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

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TONY R. RUSSELL  
DIRECTOR, BOARD SERVICES/  
AUTHORITY CLERK

APPROVED AS TO FORM:

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AMY GONZALEZ  
GENERAL COUNSEL

LDC Section	Description of Conflict with Adopted ALUCP Policies	Recommended Correction
Table 132-15D	Commercial Services/Assembly and Entertainment - No sound attenuation footnote shown for 60-65 dB contour	Revise 60-65 dB contour to be "P <sup>3</sup> "
Table 132-15D	Commercial Services/Assembly and Entertainment- Footnote for 65-70 dB contour should be Footnote 3, not Footnote 2	Revise 65-70 dB to be "P <sup>3</sup> "
Table 132-15D	Commercial Services/Assembly and Entertainment- 70-75 dB column should be "-", not P2	Revise 70-75 dB to be "-"
Table 132-15D	Commercial Services/Visitor Accommodations- Use is not compatible in the 70-75 dB contour	Revise 70-75 dB contour to be "-"
Table 132-15D	Separately Regulated Commercial Services Uses/Assembly and Entertainment Uses, including Places of Religious Assembly- No sound attenuation footnote shown in the 60-65 and 65-70 dB contours	Revise 60-65 and 65-70 dB contours to be "P <sup>3</sup> " (footnote 1 can remain)
Table 132-15D	Separately Regulated Commercial Services Uses/Boarding Kennels / Pet Day Care- No sound attenuation footnote shown in the 60-65 and 65-70 dB contours for Brown and Montgomery (no attenuation required for Miramar in these contours). Use is incompatible in 70-75 dB contour for Miramar only	Revise 60-65 and 65-70 dB contour to be "P <sup>2</sup> " for Brown and Montgomery and revise 70-75 dB contour to be "-" for Miramar
Table 132-15D	Separately Regulated Commercial Services Uses/Theaters that are outdoor or over 5,000 square feet in size- No sound attenuation footnote shown in the 65-70 dB column	Revise 65-70 dB contour to be "P <sup>2</sup> "
Table 132-15D	Separately Regulated Commercial Services Uses/Veterinary Clinics & Animal Hospitals- No sound attenuation footnote shown in the 70-75 dB contour	Revise 70-75 dB contour to be "P <sup>2</sup> "
Table 132-15D	Industrial/Testing Labs- No sound attenuation footnote shown in the 70-75 dB contour	Revise 70-75 dB contour to be "P <sup>2</sup> "

Table 132-15D	Separately Regulated Industrial Uses/Artisan Food and Beverage Producer- No sound attenuation footnote shown when it's required in the 70-75 dB contour	Revise 70-75 dB contour to be "P <sup>2</sup> "
Table 132-15E	Private Clubs, Lodges and Fraternal Organizations - No sound attenuation or avigation easement footnotes shown in the 65-70, 70-75, and 75-80 dB contours	Revise 65-70, 70-75, and 75-80 dB contours to be "P <sup>124</sup> "
Table 132-15E	Private Clubs, Lodges and Fraternal Organizations - No sound attenuation footnote shown in the 60-65 dB contour	Revise 60-65 dB contour to be "P <sup>2</sup> "
Table 132-15E	Theaters that are Outdoor or Over 5,000 Square Feet in Size - No sound attenuation footnote shown in the 65-70, 70-75, and 75-80 dB contours	Revise 65-70, 70-75, and 75-80 dB contours to be "P <sup>12</sup> "
Table 132-15E	Urgent Care Facilities - No sound attenuation footnote shown when it's required in the 60-65 dB contour	Revise 60-65 dB contour to be "P <sup>2</sup> "
132.1515(c)(4)(C)(i)	"No safety zone restrictions apply to a structure where more than 50 percent of the structure footprint is located outside a safety zone."	Revise to include "as determined by gross floor area", similar to 132.1515(c)(4)(C)(ii)
Table 132-15H	Movable Tiny Houses	Revise Safety Zones 1, 2, and 5 to be "-"; Revise Safety Zones 3, 4, and 6 to be "P"
Table 132-15H	Urgent Care Facilities - Use is shown as "L" in Safety Zones 2	Revise Safety Zone 2 intensity to be "-"
Table 132-15H	Urgent Care Facilities - Use is shown as "L" in Safety Zones 5	Revise Safety Zone 5 intensity to be "-"
Table 132-15H	Cannabis Production Facilities - Hazardous materials footnote is not shown in Safety Zone 6	Revise Safety Zone 6 intensity to be "P <sup>8</sup> "
Table 132-15I	Electric Vehicle Charging Stations - Use is limited to Controlled Activity Area outside of Central Portion of the RPZ	Revise Little Italy, Safety Zone 1 intensity to include footnote limiting use to Controlled Activity Area outside of Central Portion of the RPZ
Table 132-15I	Cannabis Outlets - Use is shown as "L/1.56" in Uptown Safety Zone 2E	Revise Uptown Safety Zone 2E intensity to be "L/1.06"

Table 132-15I	Assembly and Entertainment Uses, including Places of Religious Assembly - Minor oriented facilities footnote is not shown in Uptown Safety Zone 3SE	Revise Uptown Safety Zone 3SE intensity to be "L/.93 <sup>3</sup> "
Table 132-15I	Assembly and Entertainment Uses, including Places of Religious Assembly - Minor oriented facilities footnote is not shown in Balboa Park Safety Zone 4E	Revise Balboa Park Safety Zone 4E to be "L/.33 <sup>3</sup> "
Table 132-15I	Assembly and Entertainment Uses, including Places of Religious Assembly - Minor oriented facilities footnote is not shown in Cortez Safety Zone 3SE	Revise Cortez Safety Zone 3SE to be "L/1.16 <sup>3</sup> "
Table 132-15I	Assembly and Entertainment Uses, including Places of Religious Assembly - Minor oriented facilities footnote is not shown in Cortez Safety Zone 4E	Revise Cortez Safety Zone 4E to be "L/.33 <sup>3</sup> "
Table 132-15I	Assembly and Entertainment Uses, including Places of Religious Assembly - Minor oriented facilities footnote is not shown in East Village Safety Zone 4E	Revise East Village Safety Zone 4E to be "L/.33 <sup>3</sup> "
Table 132-15I	Assembly and Entertainment Uses, including Places of Religious Assembly - Minor oriented facilities footnote is not shown in Little Italy Safety Zone 3E	Revise Little Italy Safety Zone 3E to be "L/1.01 <sup>3</sup> "

AIRPORT  
**LAND USE**  
COMMISSION

City of San Diego  
Land Development  
Code Amendment  
**ALUCP Consistency  
Determination**

April 1, 2021

Presented by:

**Ralph Redman**, Manager, Airport Planning

# Proposed Project

Amend the Airport Land Use Compatibility Overlay Zone (ALUCOZ) of the City of San Diego Land Development Code (LDC) to:

- Implement ALUCPs for
  - San Diego International Airport (SDIA)
  - Naval Outlying Landing Field Imperial Beach (NOLF IB)
  - Naval Air Station North Island (NASNI)
- Amend standards for previous, implemented ALUCPs



# City of SD ALUCP Implementation

Implementation Status	Airport ALUCP
Proposed 2020 Amendment	San Diego International Airport (SDIA)
	Naval Outlying Landing Field Imperial Beach (NOLF IB)
	Naval Air Station North Island (NASNI)
Implemented 2011, Proposed 2020 Amendment	Gillespie Field
	Montgomery-Gibbs Executive Airport
	Brown Field Municipal Airport
	Marine Corps Air Station (MCAS) Miramar

# ALUCP Implementation

- Lead agency updates plans, zoning ordinances and/or codes to incorporate all standards of ALUCP(s)
- Post implementation
  - Lead agency reviews all individual projects
  - ALUC reviews all rezones, plan amendments, and other projects with specific circumstances (e.g., determined by FAA as an airspace hazard)

# ALUCP Overrule

- State law provides the local agency option to overrule all or part of an adopted ALUCP
- Overrule requires:
  - 2/3 vote needed of governing body
  - adopted findings submitted to ALUC & Caltrans
- City of San Diego has identified three potential overrules of adopted ALUCP polices

# Consistency Review

## Noise

- **Applicability to parcels within multiple noise contours to 50% of Gross Floor Area (GFA) for **MCAS Miramar****

## Airspace

- **All components of LDC language consistent with the adopted ALUCPs**

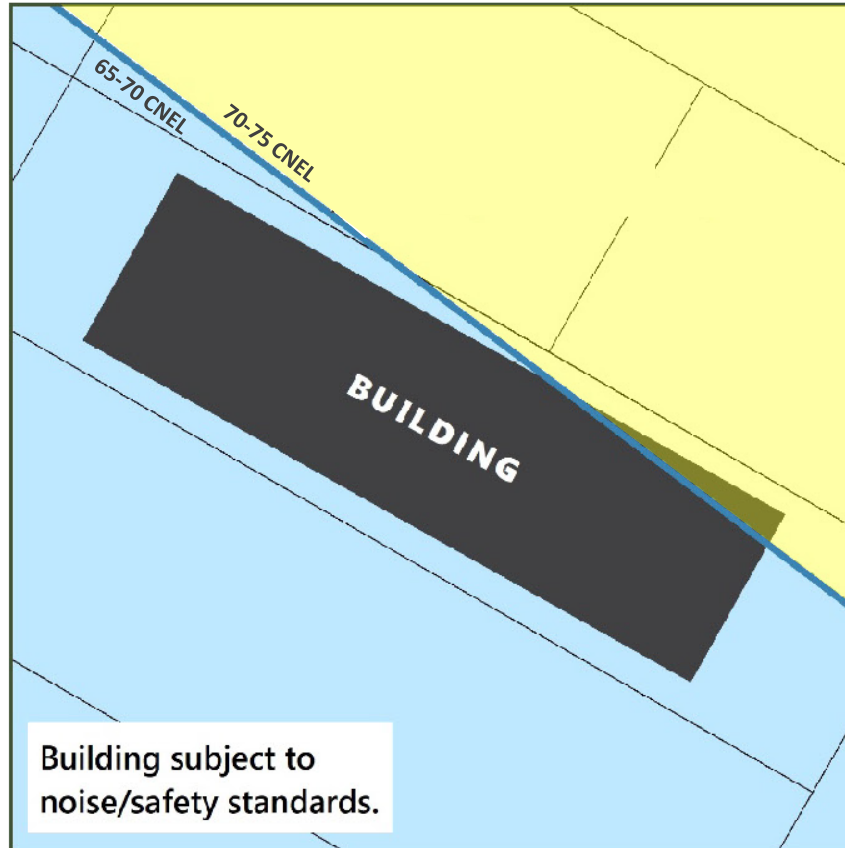
## Overflight

- **All components of LDC language consistent with the adopted ALUCPs**

## Safety

- **Modify max residential density limit in **MCAS Miramar** Transition Zone from 20 du/ac to 60 du/ac**
- **Modify density limit calculation for mixed-used projects w/density bonus surrounding **SDIA****

# Noise Compatibility

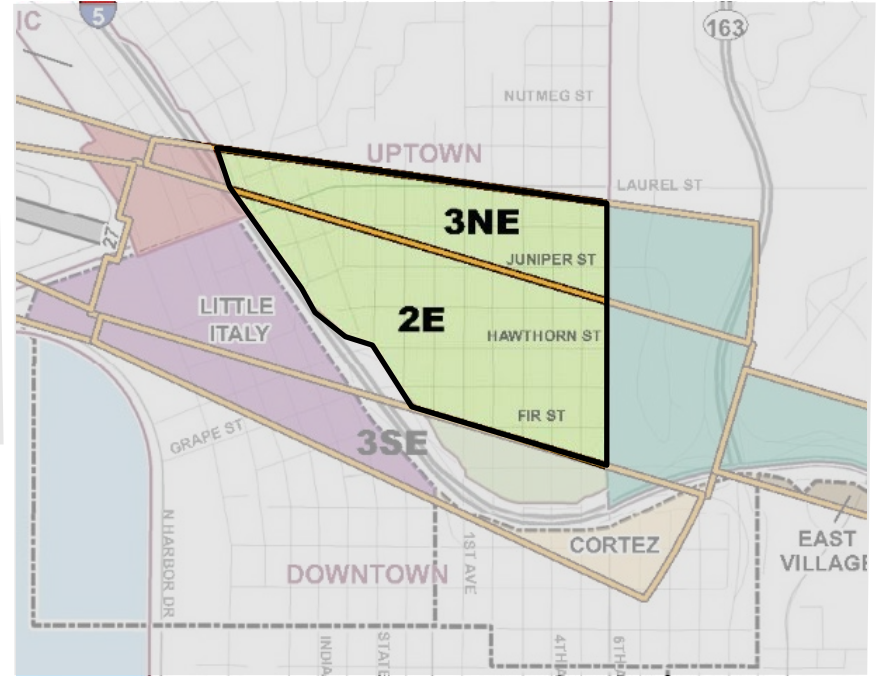
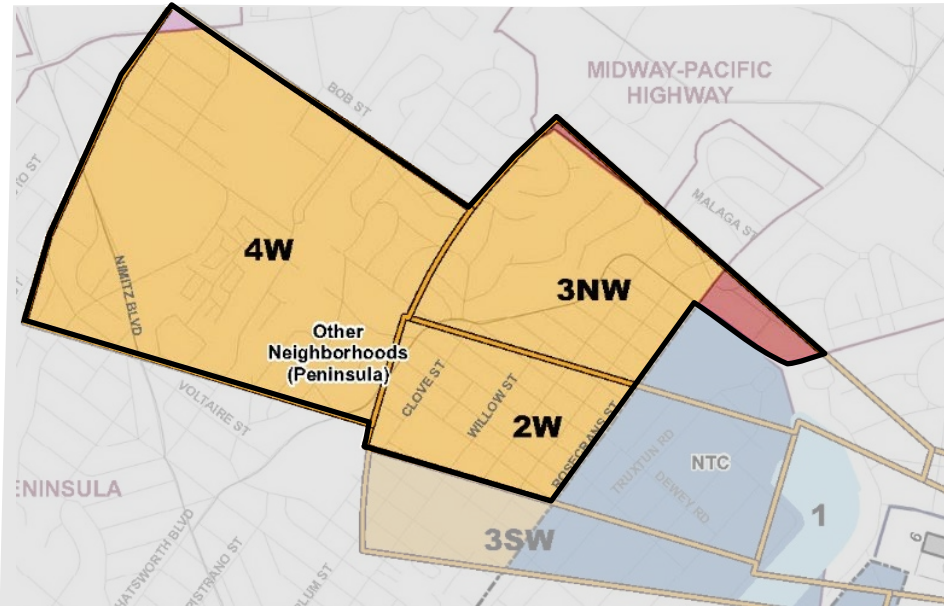


Example: 70 – 75 dB CNEL standards would be applicable under MCAS Miramar ALUCP, as written



# Safety Compatibility

City proposes to allow more dwelling units within mixed-use development of certain safety zones when density bonus requested



# Administrative Corrections

- Several needed corrections to project text and tables also identified during the review of the LDC

Examples of recommended corrections		
LDC Section	Description of Conflict with Adopted ALUCP Policies	Recommended Correction
Table 132-15D	Commercial Services/Assembly and Entertainment - No sound attenuation footnote shown for 60-65 dB contour	Revise 60-65 dB contour to be "P <sup>3</sup> "
Table 132-15D	Commerical Services/Assembly and Entertainment- Footnote for 65-70 dB contour should be Footnote 3, not Footnote 2	Revise 65-70 dB to be "P <sup>3</sup> "



# Recommendation

- Three components found to be inconsistent with adopted ALUCPs
- Advise City of San Diego of other needed corrections to project text and tables
- Inconsistent determination will allow City to move forward with overrule and implementation process



Questions?