

**CONSISTENCY DETERMINATION
SAN DIEGO INTERNATIONAL AIRPORT (SDIA)
AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP)
February 14, 2013**

Item # 4 Resolution # 2013-0003 ALUC

Recommendation: Conditionally Consistent

CONSTRUCTION OF 2 MULTI-FAMILY RESIDENTIAL UNITS AT 729 DEVON COURT, CITY OF SAN DIEGO

Description of Project: Based on plans submitted to the ALUC, the project proposes the construction of a 3-story duplex with tandem parking for each unit on a property of 2,410 square feet.

Noise Contours: The proposed project is located within the 60-65 decibel Community Noise Equivalent Level (dB CNEL) noise contour. (See the attached map.) The ALUCP identifies residential uses located within the 60-65 dB CNEL noise contour as conditionally compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level and that an aviation easement for aircraft noise and height is recorded with the County Recorder.

Airspace Protection Surfaces: The proposed project is located outside the City of San Diego Airport Approach Overlay Zone (AAOZ). The maximum height of the proposed project will be 30 feet above ground level. The height of the proposed project is consistent with the ALUCP because the project proponent has certified that notification to the Federal Aviation Administration (FAA) is not required pursuant to Section 77.15 of Title 14 of the Code of Federal Regulations (FAR Part 77) if a structure is located within an urbanized area and shielded by existing structures or natural terrain of equal or greater height and could not reasonably pose adverse safety to air navigation.

Safety Zones: The proposed project is located outside the Runway Protection Zone (RPZ).

Ownership: The property is owned by Dennis & Trine Nelson of Fair Oaks. The architect is Golba Architecture of Pacific Beach.

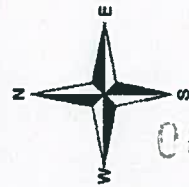
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Recommendation: Based on review of the materials submitted in connection with the proposed project and the policies in the SDIA ALUCP, staff recommends that the ALUC make the determination that the project is conditionally consistent with the SDIA ALUCP.

Conditions: 1) Sound attenuation to an interior noise level of 45 dB CNEL.
2) Recordation of an avigation easement with the County Recorder.



729 Devon Court
APN 423-695-05



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RESOLUTION NO. 2013-0003 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY, MAKING A DETERMINATION THAT THE PROPOSED PROJECT: CONSTRUCTION OF 2 MULTI-FAMILY RESIDENTIAL UNITS AT 729 DEVON COURT, CITY OF SAN DIEGO, IS CONDITIONALLY CONSISTENT WITH THE SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN

WHEREAS, the Board of the San Diego County Regional Airport Authority, acting in its capacity as the Airport Land Use Commission (ALUC) for San Diego County, pursuant to Section 21670.3 of the Public Utilities Code, was requested by the City of San Diego to determine the consistency of a proposed development project: Construction of 2 Multi-Family Residential Units at 729 Devon Court, City of San Diego, which is located within the Airport Influence Area (AIA) for the San Diego International Airport (SDIA) Airport Land Use Compatibility Plan (ALUCP), originally adopted in 1992 and amended in 1994 and 2004; and

WHEREAS, the plans submitted to the ALUC for the proposed project indicate that it would involve the construction of a three-story residential duplex; and

WHEREAS, the proposed project would be located within the 60-65 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour, and the ALUCP identifies residential uses located within the 60-65 dB CNEL noise contour as compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level, and that an aviation easement is recorded with the County Recorder; and

WHEREAS, the proposed project is located outside the Airport Approach Overlay Zone (AAOZ), and is in compliance with the ALUCP airspace protection surfaces because the project proponent has certified that notification to the Federal Aviation Administration (FAA) is not required pursuant to Section 77.15 of Title 14 of the Code of Federal Regulations (FAR Part 77) if a structure is located within an urbanized area and shielded by existing structures or natural terrain of equal or greater height and could not reasonably pose adverse safety to air navigation; and

WHEREAS, the proposed project is located outside the Runway Protection Zone (RPZ); 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 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: Construction of 2 Multi-Family Residential Units at 729 Devon Court, City of San Diego, is conditionally consistent with the SDIA ALUCP, which was originally adopted in 1992 and amended in 1994 and 2004, based upon the following facts and findings:

- (1) The proposed project involves the construction of a three-story residential duplex.
- (2) The proposed project is located within the 60-65 dB CNEL noise contour. The ALUCP identifies residential uses located within the 60-65 dB CNEL noise contour as compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level and that an aviation easement is recorded with the County Recorder. Therefore, as a condition of project approval, the residences must be sound attenuated to 45 dB CNEL interior noise level and an aviation easement must be recorded with the County Recorder.
- (3) The proposed project is located outside the AAOZ. The proposed project is in compliance with the ALUCP airspace protection surfaces because the project proponent has certified that notification to the FAA is not required pursuant to FAR Part 77 if a structure is located within an urbanized area and shielded by existing structures or natural terrain of equal or greater height and could not reasonably pose adverse safety to air navigation.
- (4) The proposed project is located outside the RPZ.
- (5) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the SDIA 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, and is not a "development" as defined by the California Coastal Act, Pub. Res. Code Section 30106.

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a special meeting this 14th day of February, 2013, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL