

CONSISTENCY DETERMINATION
BROWN FIELD MUNICIPAL AIRPORT
GILLESPIE FIELD
MARINE CORPS AIR STATION (MCAS) MIRAMAR
MONTGOMERY FIELD
AIRPORT LAND USE COMPATIBILITY PLANs (ALUCPs)

September 1, 2011

Item # 4 Resolution # 2011-0015 ALUC

Recommendation: Conditionally Consistent

BROWN FIELD MUNICIPAL AIRPORT, GILLESPIE FIELD, MARINE CORPS AIR STATION MIRAMAR, AND MONTGOMERY FIELD AIRPORT LAND USE COMPATIBILITY PLANS – ADOPTION OF LAND DEVELOPMENT CODE AND COMMUNITY PLAN AMENDMENTS, REZONES, AND INFILL IDENTIFICATION MAPS TO IMPLEMENT AIRPORT LAND USE COMPATIBILITY PLANS, CITY OF SAN DIEGO

Description of Project: The project proposes amendments to the City of San Diego Land Development Code and Community Plans with concurrent rezones applying the requirements of ALUCPs to the use of properties located within Airport Influence Areas (AIAs).

The applicable ALUCPs include those for Brown Field Municipal Airport, Gillespie Field, MCAS Miramar, and Montgomery Field. San Diego International Airport is not included with this project due to the ongoing update of that ALUCP; it would be addressed through a similar procedure subsequent to the adoption of the ALUCP for SDIA.

This project fulfills the statutory mandate under §21676(b) of the Public Utilities Code 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 all requirements of the ALUCPs into the City of San Diego Land Development Code and Community Plans under which land uses within its jurisdiction are evaluated, individual project consistency determinations would be required from the ALUC only for specified land use actions in accordance with Public Utilities Code §21676.5(b).

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The exceptional land use actions specified by the Public Utilities Code (§21676) and applicable ALUCPs would continue to require individual project consistency determinations by the ALUC. These include approval of and/or an amendment to a general, specific, land use, or airport master plan, zoning ordinance (including rezones) or building regulation; any project proposed in a Clear Zone or Safety Zone 1; any project that has been determined to be an airspace hazard by the Federal Aviation Administration (FAA); any project that would include nonaviation uses on public-use airport property; any project proposing a deviation to the City of San Diego Airport Land Use Compatibility Overlay Zone which is part of the current project; and power plants or electrical substations.

In addition to the Land Development Code and Community Plan amendments and rezones, the City of San Diego is also requesting ALUC concurrence with maps (see attachments) which depict designated infill areas, per procedure provided for within the ALUCPs. The City of San Diego is requesting designation of infill areas within the AIAs of only MCAS Miramar and Montgomery Field. Infill development of vacant or underutilized land which is already serviced by existing infrastructure is allowed to occur in such designated locations up to 110 percent of the applicable residential density or non-residential intensity of all similar uses within the infill area. Individual land uses as proposed would have to demonstrate compliance with the ALUCP infill criteria in order to receive the increase or would otherwise be limited to the basic compatibility criteria.

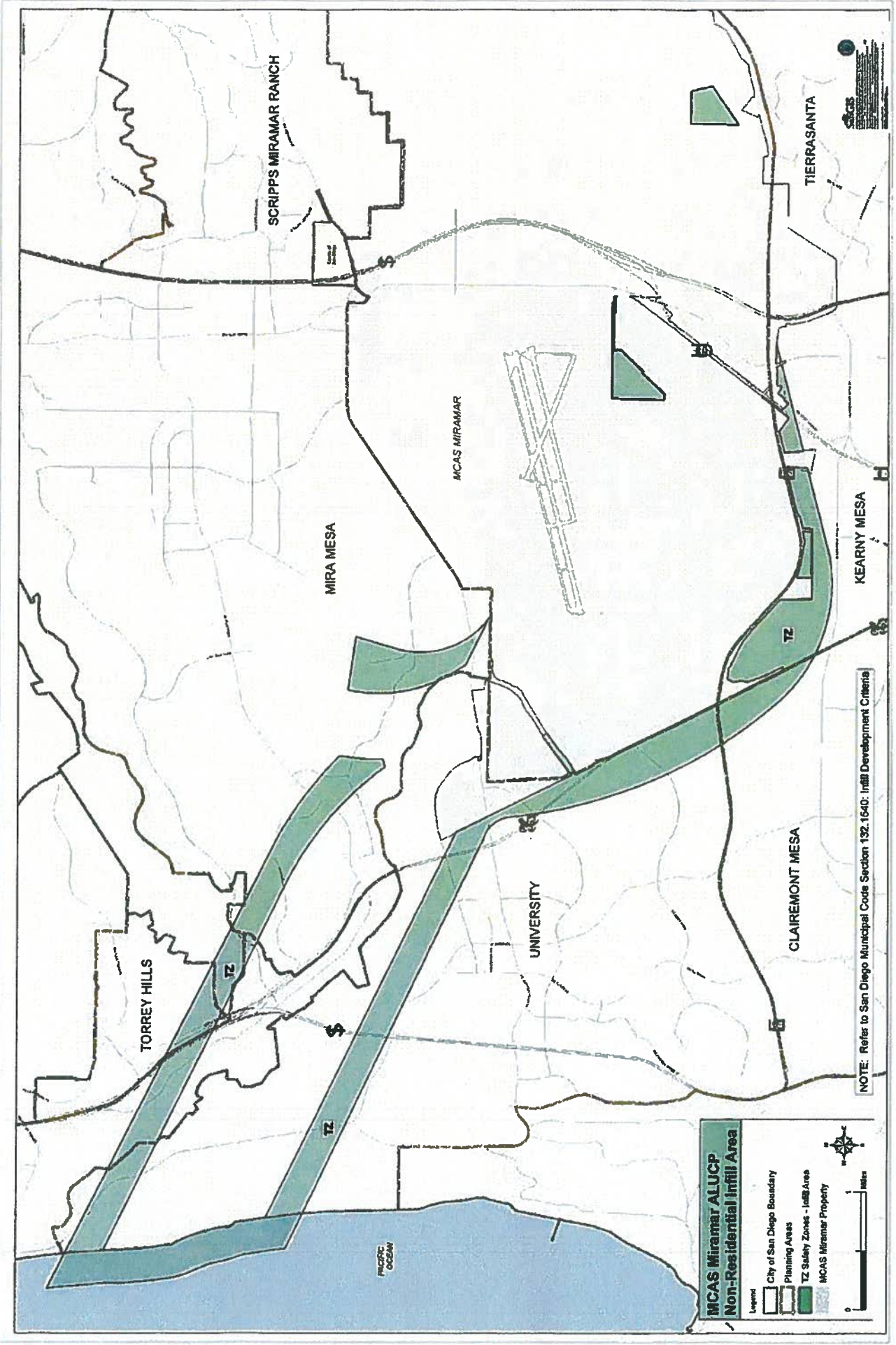
Noise Contours: Properties affected by the proposed project lie within all Community Noise Equivalent Level (CNEL) noise contours.

Airspace Protection Surfaces: The project does not propose any structures for construction, but future buildings would be subject to height limitations per applicable property zoning and FAA review for determination of hazard to air navigation.

Ownership: Properties affected by the proposed project are owned by numerous public and private entities and individuals.

Recommendation: Based on review of the proposed project and the policies in the Brown Field Municipal Airport, Gillespie Field, MCAS Miramar, and Montgomery Field ALUCPs, staff recommends that the ALUC make the determination that the project is conditionally consistent with those ALUCPs if the conditions specified below are met.

Conditions: Amend the City of San Diego Land Development Code to: 1) exclude Brown Field Municipal Airport from infill development eligibility, as no infill map is proposed for that airport, and 2) restrict infill increases to those uses which are designated as “conditionally compatible” and exclude from infill increases all uses designated as “incompatible” by either noise or safety policies of the ALUCPs.



**MCAS Miramar ALUCP
Non-Residential Infill Area**

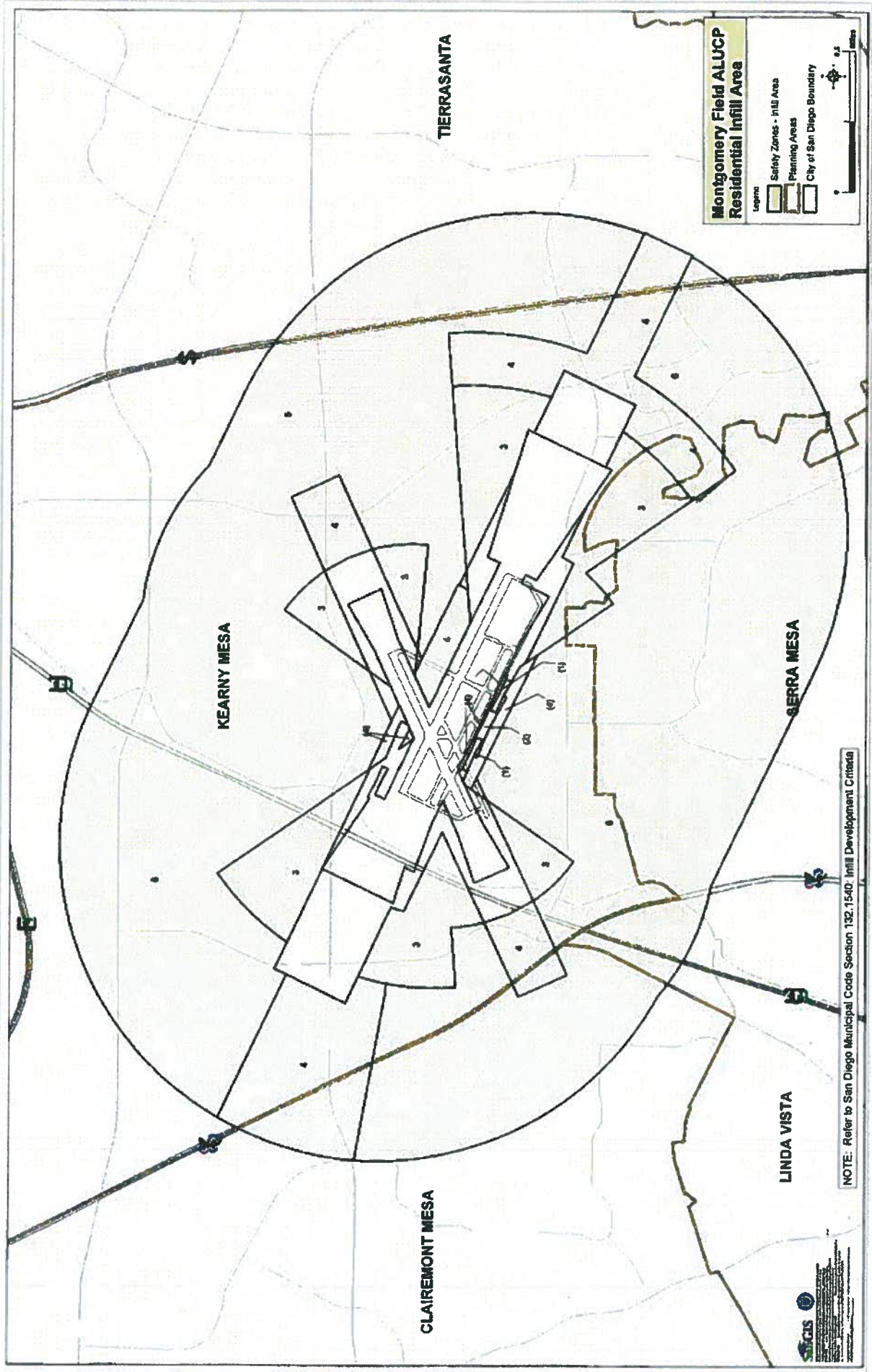
Legend

- City of San Diego Boundary
- Planning Areas
- TZ Safety Zones - Infill Area
- MCAS Miramar Property

0 1 mile

North Arrow

NOTE: Refer to San Diego Municipal Code Section 152.1640: Infill Development Criteria



**Montgomery Field ALUCP
Residential Infill Area**

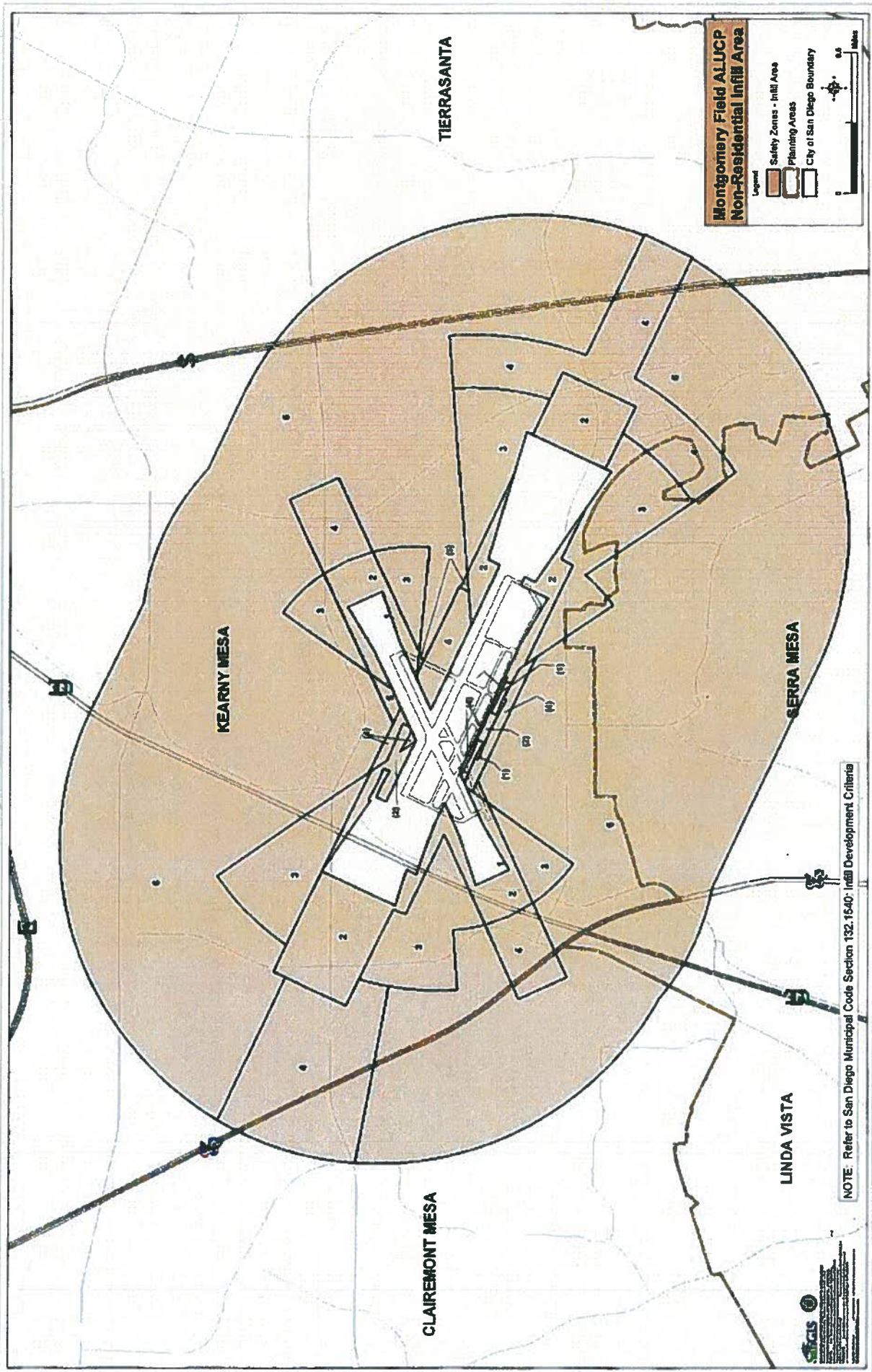
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- Safety Zones - Infill Area
- Planning Areas
- City of San Diego Boundary

0.5 Miles

NOTE: Refer to San Diego Municipal Code Section 132.1540, Infill Development Criteria





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RESOLUTION NO. 2011-0015 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: ADOPTION OF LAND DEVELOPMENT CODE AND COMMUNITY PLAN AMENDMENTS, REZONES, AND INFILL IDENTIFICATION MAPS TO IMPLEMENT AIRPORT LAND USE COMPATIBILITY PLANS, CITY OF SAN DIEGO, IS CONDITIONALLY CONSISTENT WITH THE BROWN FIELD MUNICIPAL AIRPORT, GILLESPIE FIELD, MARINE CORPS AIR STATION MIRAMAR, AND MONTGOMERY FIELD AIRPORT LAND USE COMPATIBILITY PLANS.

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 project: Adoption of Land Development Code and Community Plan Amendments, Rezones, and Infill Identification Maps to Implement Airport Land Use Compatibility Plans, City of San Diego, which is located within the Airport Influence Areas (AIA) for the Brown Field Municipal Airport, Gillespie Field, Marine Corps Air Station (MCAS) Miramar, and Montgomery Field Airport Land Use Compatibility Plans (ALUCPs), originally adopted in 2008 and 2010 and amended in 2010; and

WHEREAS, the proposed project consists of amendments to the City of San Diego's Clairemont Mesa Community Plan, Linda Vista Community Plan, Serra Mesa Community Plan, Kearny Mesa Community Plan, Tierrasanta Community Plan, University Community Plan, Mira Mesa Community Plan, Torrey Pines Community Plan, Torrey Hills Community Plan, Rancho Peñasquitos Community Plan, Scripps Miramar Ranch Community Plan and the Land Development Code and rezoning to apply the requirements of the ALUCPs for Brown Field, Montgomery Field, Gillespie Field, and MCAS Miramar to the use of properties located within AIAs and a request for ALUC concurrence with the designation of infill areas for MCAS Miramar and Montgomery Field ALUCPs; and

WHEREAS, the proposed project would integrate the noise contour, airspace protection, safety zone, and overflight notification compatibility criteria of the ALUCPs for Brown Field, Montgomery Field, Gillespie Field and MCAS Miramar into the City of San Diego Land Development Code and apply those criteria to properties located within AIAs via rezoning; and

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

WHEREAS, referral of individual land use projects to the ALUC is not mandatory when the ALUC has deemed a local agency's plan and implementing ordinance consistent with the ALUCPs, except for the following actions: (1) the approval of and/or amendment to a general, specific, land use, or airport master plan, zoning ordinance (including rezones) or building regulation (Pub.Util. Code §21676); (2) any project proposed in a Clear Zone or Safety Zone 1; (3) any project that has been determined to be an airspace hazard by the Federal Aviation Administration (FAA); (4) any project that would include nonaviation uses on public-use airport property; (5) any project proposing a deviation to the City of San Diego Airport Land Use Compatibility Overlay Zone; and (6) any project consisting of a power plant or electrical substation; and

WHEREAS, the proposed project includes maps for ALUC concurrence with the designation of areas in the MCAS Miramar and Montgomery Field AIAs eligible for infill density and intensity increases if certain criteria specified within the ALUCPs and included in the City of San Diego Land Development Code are met; 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, 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: Adoption of Land Development Code and Community Plan Amendments, Rezones, and Infill Identification Maps to Implement Airport Land Use Compatibility Plans, City of San Diego, is conditionally consistent with the Brown Field Municipal Airport, Gillespie Field, MCAS Miramar, and Montgomery Field ALUCPs, originally adopted in 2008 and 2010 and amended in 2010, based upon the following facts and findings:

- (1) The proposed project consists of amendments to the City of San Diego's Clairemont Mesa Community Plan, Linda Vista Community Plan, Serra Mesa Community Plan, Kearny Mesa Community Plan, Tierrasanta Community Plan, University Community Plan, Mira Mesa Community Plan, Torrey Pines Community Plan, Torrey Hills Community Plan, Rancho Peñasquitos Community Plan, Scripps Miramar Ranch Community Plan, and the Land Development Code and rezones to apply the requirements of the ALUCPs for Brown Field, Montgomery Field, Gillespie Field, and MCAS Miramar to the use of properties located within AIAs, and a request for ALUC concurrence with the designation of infill areas for MCAS Miramar and Montgomery Field ALUCPs.
- (2) The proposed project would integrate the noise contour, airspace protection, safety zone, and overflight notification compatibility criteria of the ALUCPs for Brown Field, Montgomery Field, Gillespie Field and MCAS Miramar into the City of San Diego's Land Development Code and apply those criteria to properties located within AIAs via rezoning.
- (3) 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. This proposed project does not include the San Diego International Airport (SDIA) ALUCP, and hence, referral to the ALUC of all land use proposals within the SDIA AIA remains mandatory until such time as the ALUC finds the City of San Diego has amended its Land Development Code to be consistent with all requirements of the SDIA ALUCP.
- (4) ALUC review of the following actions remains mandatory: (a) the approval of and/or amendment to a general, specific, land use, or airport master plan, zoning ordinance (including rezones) or building regulation (Pub.Util. Code §21676); (b) any project proposed in a Clear Zone or Safety Zone 1; (c) any project that has been determined to be an airspace hazard by the Federal Aviation Administration (FAA); (d) any project that would include nonaviation uses on public-use airport property; (e) any project proposing a deviation to the City of San Diego Airport Land Use Compatibility Overlay Zone; and (f) any project consisting of a power plant or electrical substation
- (5) The proposed project includes a request for ALUC concurrence with maps designating areas eligible for infill density and intensity increases in the MCAS Miramar and Montgomery Field AIAs if certain criteria specified within the ALUCPs and included in the City of San Diego Land Development Code are met.

(6) The ALUC concurs with the infill identification maps with two caveats. The project must exclude Brown Field Municipal Airport since no infill map is proposed for that airport. The project must restrict permitted infill increases to those uses which are designated as "conditionally compatible" and exclude infill increases for uses designated as "incompatible" by either noise or safety policies of the ALUCPs. Therefore, as a condition of ALUC concurrence with the infill identification maps, references to Brown Field Municipal Airport must be removed and only uses designated as "conditionally compatible" by both the noise and safety policies of the ALUCPs are to be eligible for infill development increases.

(7) Therefore, if the proposed project contains the above-required conditions, the proposed project is consistent with the Brown Field Municipal Airport, Gillespie Field, MCAS Miramar, and Montgomery Field ALUCPs.

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 regular meeting this 1st day of September, 2011, 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

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City of San Diego ALUCP Implementation Plan

Angela Jamison, Manager, Airport Planning

September 1, 2011



ALUCPs Adopted

Adopted ALUCPs for airports within City of San Diego land use jurisdiction:

- October 2008: MCAS Miramar
- January 2010: Brown Field Municipal Airport
Gillespie Field
Montgomery Field



Public Utilities Code Mandate

- Following ALUCP adoption, affected local agencies must do one of the following within 180 days:
 - Incorporate the ALUCPs into a General Plan and zoning code to implement through land use permitting process
 - Overrule the ALUCPs in whole or in part
 - Refer all land use actions within an AIA to the ALUC for consistency determination



Implementation Plan Components

- ✓ Land Development Code Amendments
- ✓ Community Plan Amendments
- ✓ ALUCP Overlay Rezone
- ✗ Infill Development Maps and Policies



Infill Maps

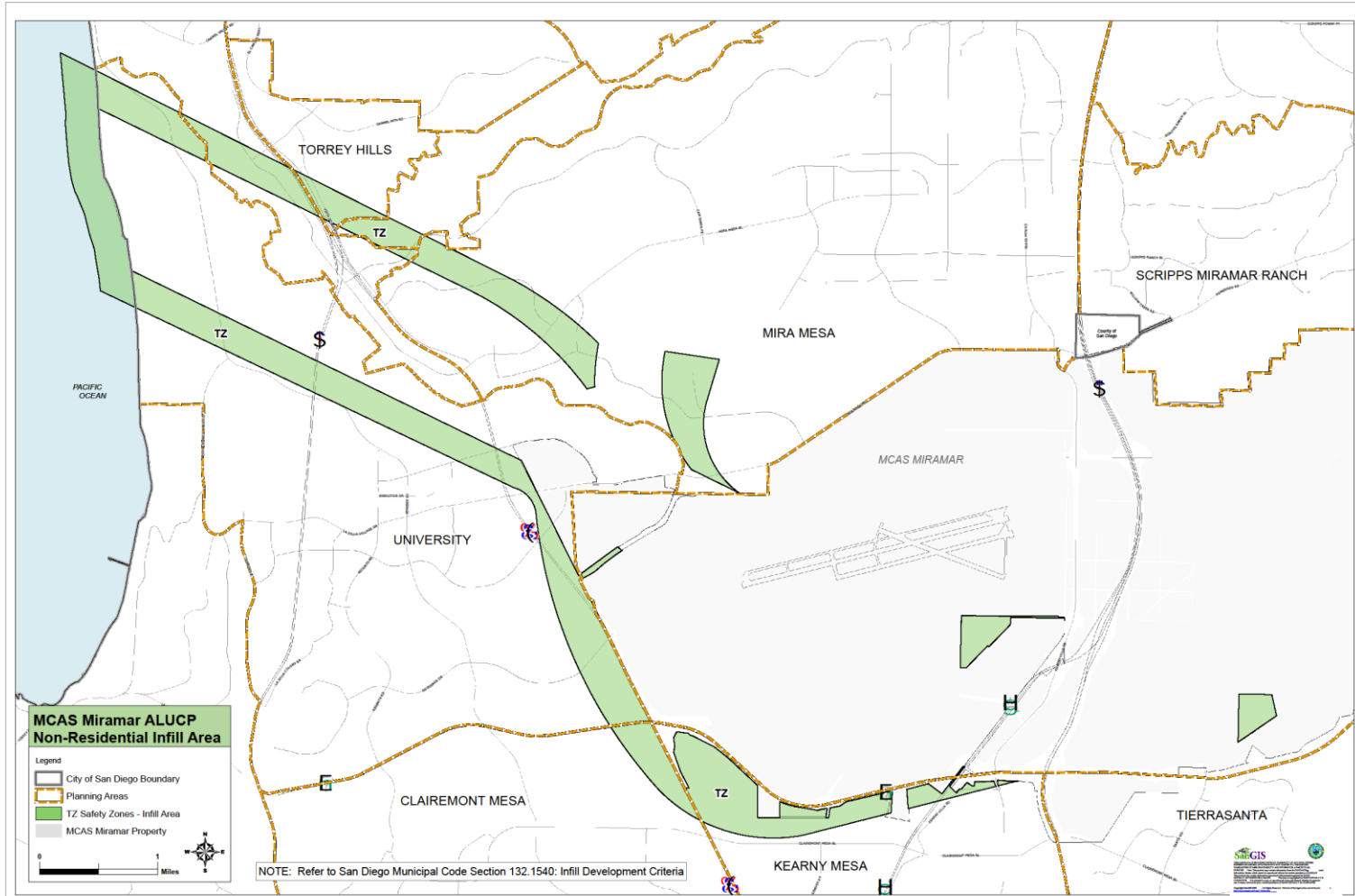
- Infill maps must be approved by the ALUC:

“The parcel or parcels on which the *project* is to be situated is part of an **area identified by the *local agency* on a map as appropriate for *infill* development**, the *local agency* has submitted the map to the *ALUC* for *infill* identification and processing, and the *ALUC* has concurred with the *infill* identification.”

- Source: Montgomery Field and Miramar ALUCPs, Section 2.11.1.c.1

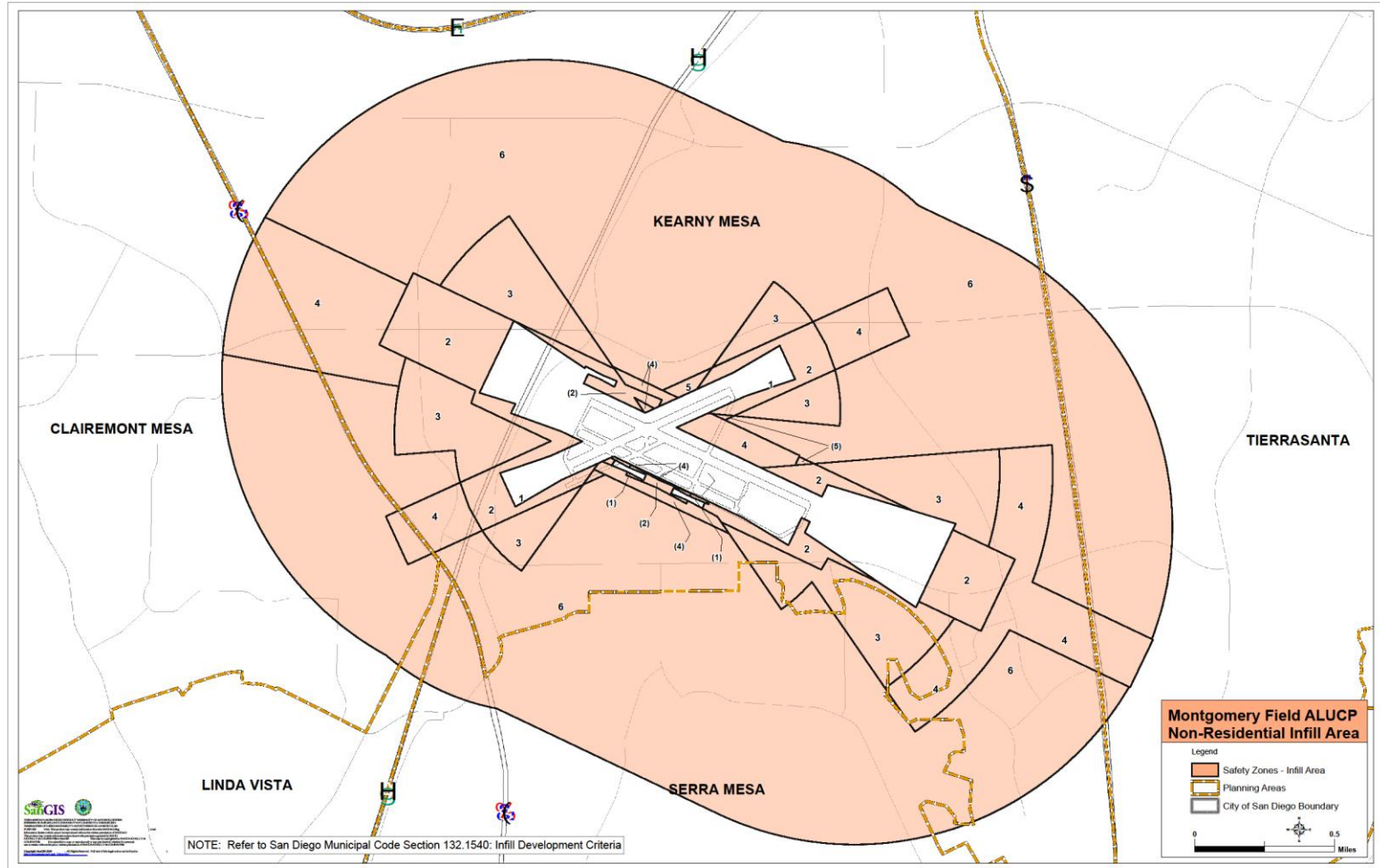


MCAS Miramar Infill Development Area Map



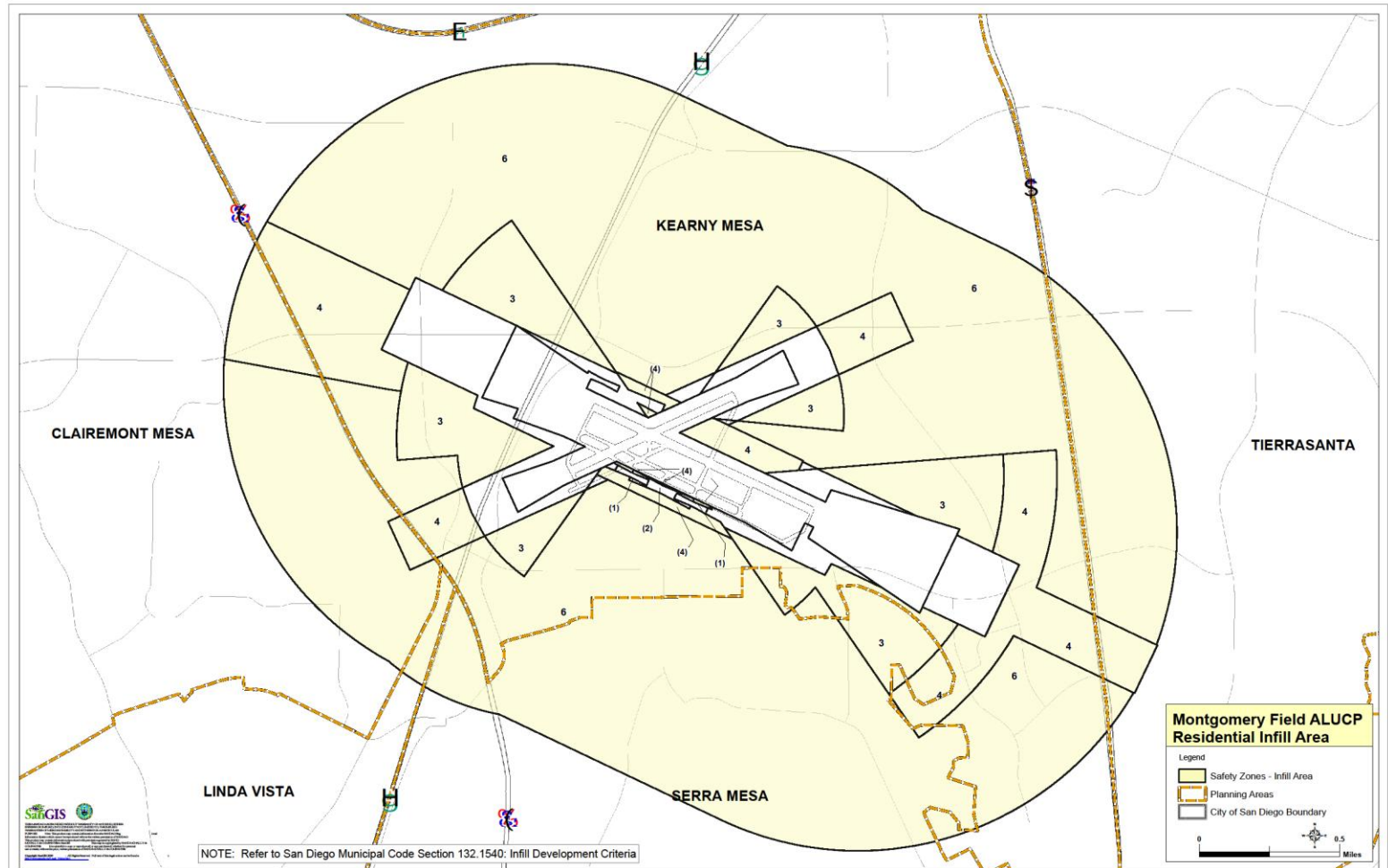


Montgomery Infill Development Area Map (Non-Residential)





Montgomery Infill Development Area Map (Residential)





Montgomery Field ALUCP Infill Policy

2.1 SPECIAL COMPATIBILITY CONSIDERATIONS

2.1.1 *Infill*: Where land uses not in conformance with the criteria set forth in this *Compatibility Plan* exist in one area at the time of this *Compatibility Plan*'s adoption, *infill* development of a similar land use may be allowed in that area even if the proposed new land use is otherwise incompatible within the factor/layer.

(a) Except as specifically provided below, all policies provided in this *Compatibility Plan* shall apply to *infill*.

* By law, the City's Implementation Plan must be consistent with this ALUCP policy.



Infill Development Policies

CHAPTER 3 MCAS MIRAMAR POLICIES AND MAPS

Land Use Category ¹	Exterior Noise Exposure (dB CNEL)					
	50-55	55-60	60-65	65-70	70-75	75-80
<i>Note: Multiple land use categories and compatibility criteria may apply to a project</i>						
Agricultural and Animal-Related						
nature preserves; wildlife preserves; horse stables; livestock breeding or farming		A	A	A	A	
zoos; animal shelters/kennels; interactive nature exhibits			A	A		
agriculture (except residences and livestock); greenhouses; fishing						A
Recreational						
children-oriented neighborhood parks; playgrounds			A			
campgrounds; recreational vehicle/motor home parks						
community parks; regional parks; golf courses; tennis courts; athletic fields; outdoor spectator sports; fairgrounds; water recreation facilities				A		
recreation buildings; gymnasiums; club houses; athletic clubs; dance studios				50	50	
Public						
outdoor amphitheatres		A	A			
children's schools (K-12); day care centers (>14 children)			45			
libraries			45			
auditoriums; concert halls; indoor arenas; places of worship			45	45		
adult schools; colleges; universities ²				45		
prisons; reformatories				50		
public safety facilities (e.g., police, fire stations)				50	50	
cemeteries; cemetery chapels; mortuaries				45	45	
Residential, Lodging, and Care						
residential (including single-family, multi-family, and mobile homes); family day care homes (≤14 children)			45			
extended-stay hotels; retirement homes; assisted living; hospitals; nursing homes; intermediate care facilities			45			
hotels; motels; other transient lodging ³			45	45		
Commercial and Industrial						
office buildings; medical clinics; clinical laboratories; radio, television, recording studios				50	50	
retail sales; eating/drinking establishments; movie theaters; personal services				50	B	
					C	
wholesale sales; warehouses; mini/other indoor storage					50	C
						50
industrial; manufacturing; research & development; auto, marine, other sales & repair services; car washes; gas stations; trucking, transportation terminals					50	C
						50
extractive industry; utilities; road, rail rights-of-way; outdoor storage; public works yards; automobile parking; automobile dismantling; solid waste facilities						50
						C

See next pages for Interpretation/Comments on above evaluations

Table MIR-1

Noise Compatibility Criteria MCAS Miramar

CHAPTER 3 MONTGOMERY FIELD POLICIES AND MAPS

Table III-2

Safety Compatibility Criteria								
Land Use Types / Typical Uses <i>• Multiple land use categories and compatibility criteria may apply to a project</i> <i>• See Policy 3.4.7 for limits on ancillary uses ¹</i>	CBC Group [*]	Safety Zone						Criteria for Conditional (yellow) Uses <i>• Maximum Intensity and Lot Coverage limits apply to all Conditional uses ⁴</i> <i>• Numbers below refer to zones in which condition specified is applicable</i> <i>• Numbers in yellow cells are Floor Area Ratios for indicated uses ⁴</i>
		1	2	3	4	5	6	
Maximum Intensity (People/Gross Acre - sitewide average) ² Nonresidential development		0	70	130	130	200	No limit	
Intensity with Risk Reduction Policy Objectives (People/Gross Acre - sitewide average) Nonresidential development ³		na	105	260	260	400	No limit	
Maximum L of Coverage (Bldg footprint/site size) Applicable to all conditional development		0%	50%	60%	70%	70%	100%	
Educational and Institutional Uses								
Colleges and Universities	B						3, 4: Evaluate individual component uses See Policy 3.4.7(a) and (b)	
Children Schools, K-12	E-1, E-2						3, 4: No new school sites or land acquisition; bldg replacement/expansion allowed for existing schools if required by state law; expansion limited to ≤50 students See Policy 3.4.6(a)(7)	
Day Care Centers (>14 children)	I-1.1, E-3						3, 4: No new sites or land acquisition; building replacement/expansion allowed for existing centers if required by state law; expansion limited to ≤50 students See Policy 3.4.6(a)(7)	
Family Day Care Homes (≤14 children)	I-1.1, E-3						3, 4: Allowed only in existing residential areas See Policy 3.4.6(a)(3)	
Hospitals, Health Care Centers, Mental Hospitals, Other Medical Facilities (except doctors' offices) (approx. 240 s.f./person)	I-1.1, I-1.2			0.72	0.72		3, 4: No new sites or land acquisition; FAR limits as indicated for expansion of existing facilities See Policy 3.4.6(a)(4)	
Congregate Care Facilities (≥5 clients); nursing homes, assisted living facilities (approx. 100 s.f./person)	I-1.1, I-2			0.30	0.30		3, 4: FAR limits as indicated	
Public Emergency Services Facilities: police stations (except jails), fire stations	B						3, 4: Allowed only if site outside zone would not serve intended public function consistent with statutory requirements See Policy 3.4.6(c)(1) and (2)	
Public Inmate Facilities: prisons, reformatories	I-3						3, 4: No new sites or land acquisition; building replacement/expansion allowed for existing facilities if required by state law See Policy 3.4.6(a)(9)	



Infill Development Policies

- The ALUCPs do not allow a project to be designated as infill if it is “incompatible” with any issue (noise and safety; i.e. red)

Note: The only exception is for Residential dwellings which are allowed up to 70 dB CNEL with sound attenuation and avigation easement

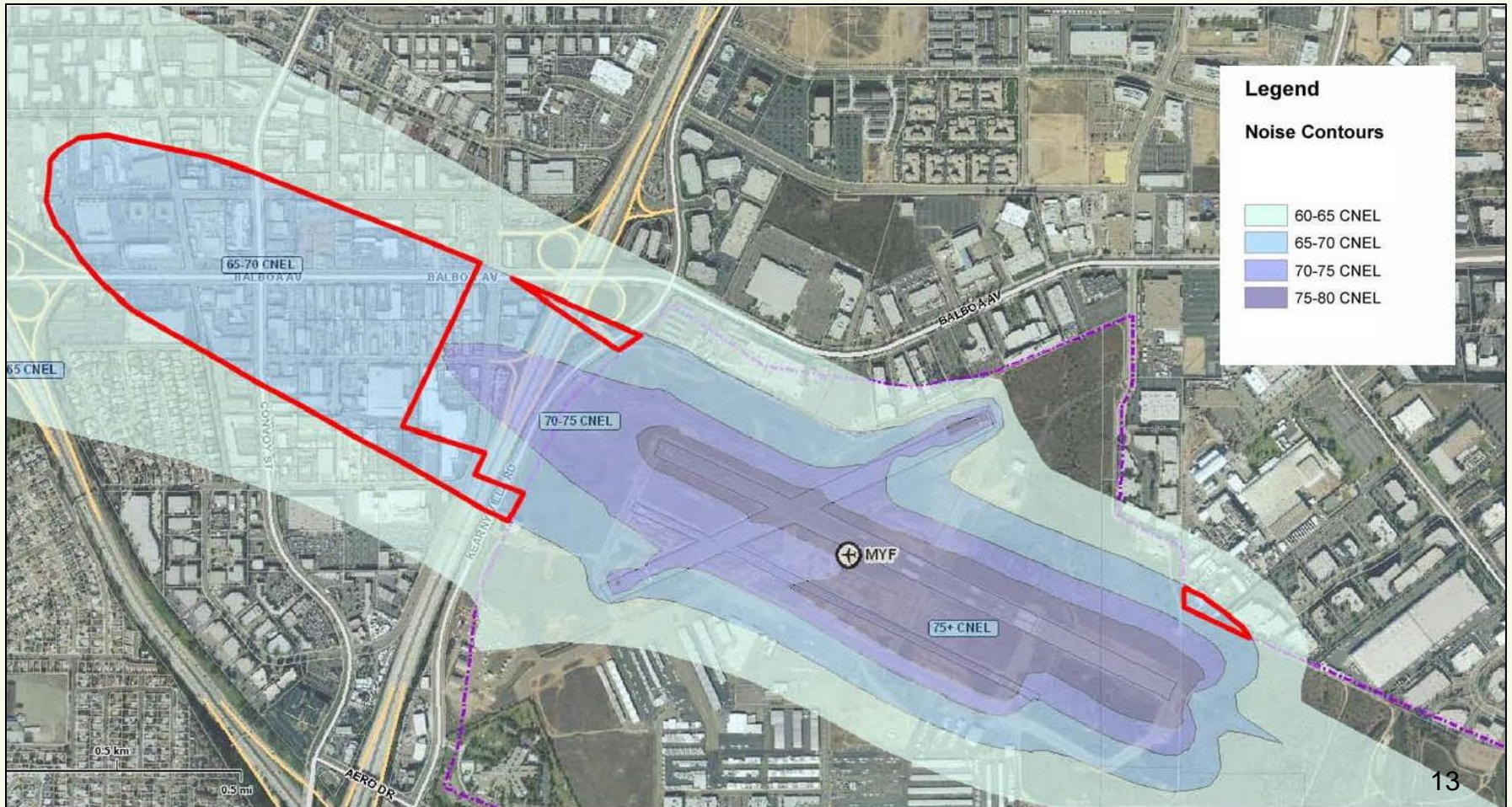


City Implementation Plan is Not Consistent

- The City's plan would allow otherwise prohibited (red) uses in terms of noise if that project is designated as infill

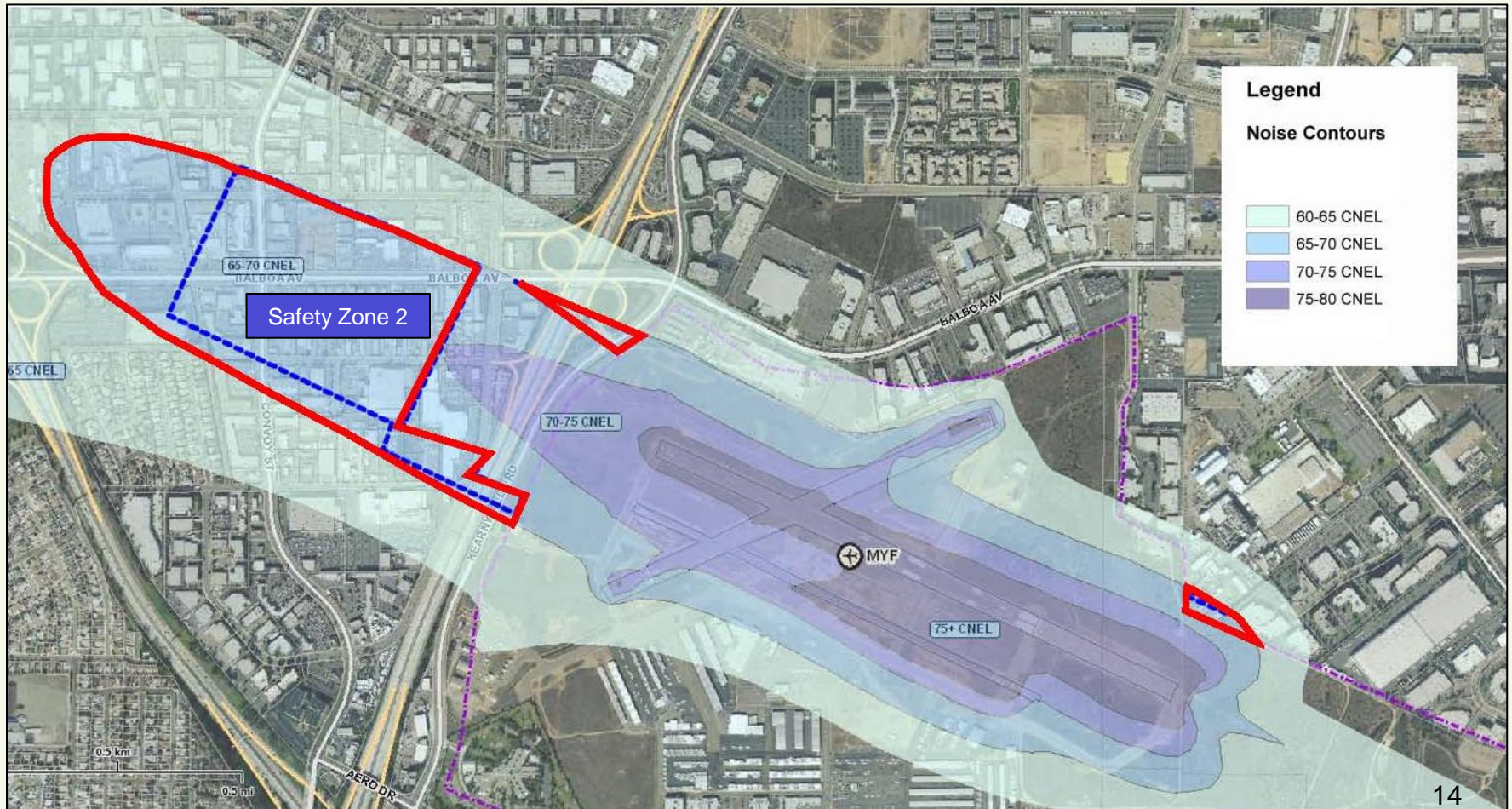


Affected Areas near Montgomery Field



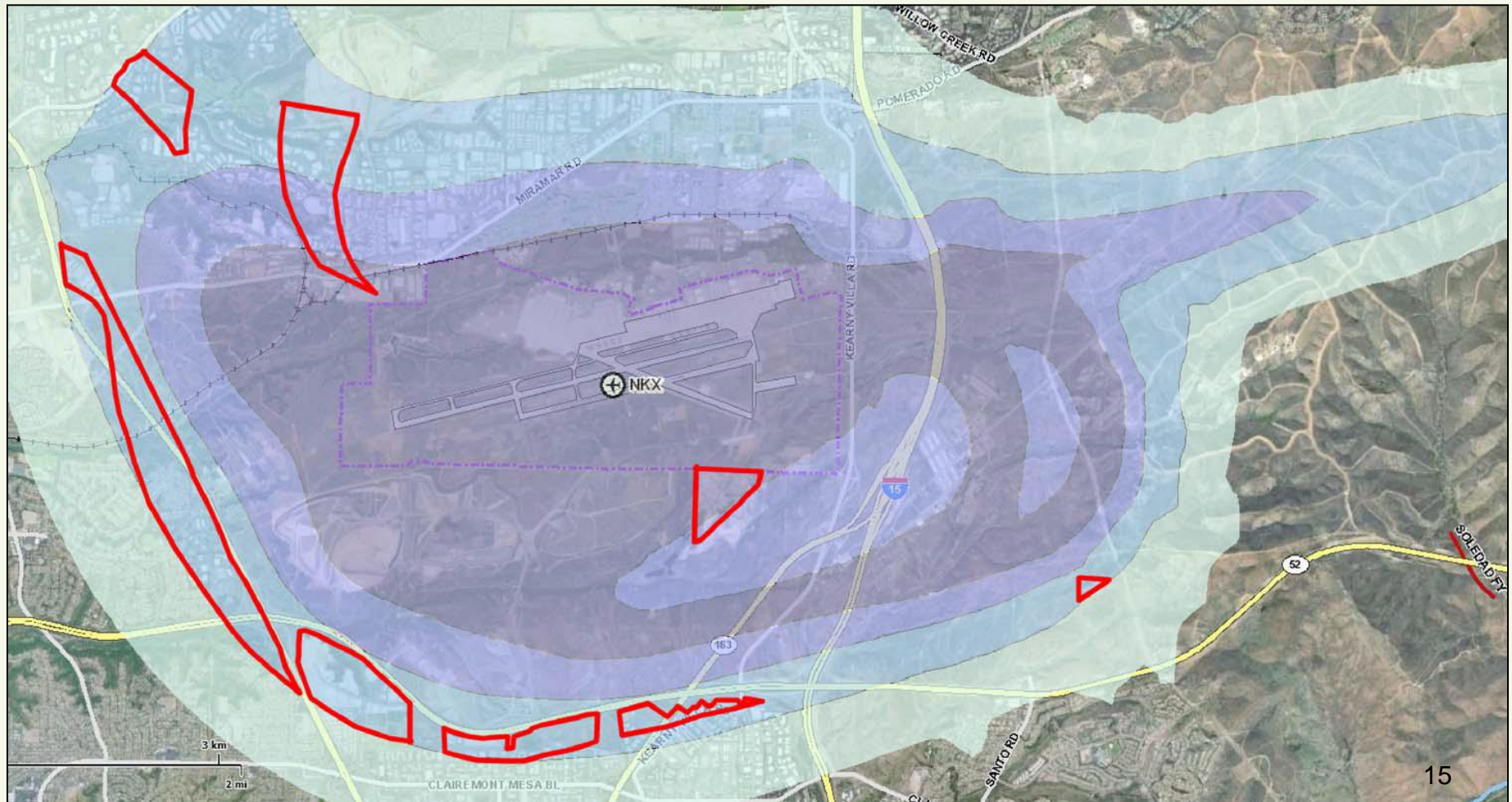


Affected Areas near Montgomery Field





Affected Areas near MCAS Miramar





Public Utilities Code

We must also be consistent with the AICUZ.

PUC Section 21675(b) states:

“...The airport land use compatibility plan shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport...”



Recommended Conditions to City Implementation Plan

- Exclude Brown Field Municipal Airport from infill development eligibility, as no infill map was submitted for ALUC concurrence
- Allow infill eligibility only for “conditionally compatible” (yellow) uses for safety density/intensity; exclude any “incompatible” (red) uses, according to ALUCP noise and safety policies



Infill Policy

The infill policy in the ALUCPs for Brown Field, Gillespie Field and Montgomery Field states:

2.11.1 Infill: Where land uses not in conformance with the criteria set forth in this Compatibility Plan exist in one area at the time of this Compatibility Plan's adoption, infill development of a similar land use may be allowed in that area even if the proposed new land use is otherwise incompatible within the factor/layer.

(a) Except as specifically provided below, all policies provided in this Compatibility Plan shall apply to infill.

(b) Infill development is not permitted in the following locations.

- (1) No type of infill development shall be permitted in Safety Zone 1 (the runway protection zones).
- (2) Residential infill shall not be permitted within Safety Zone 2 or Safety Zone 5, except as provided in Policy 2.11.4.
- (3) Residential infill development shall not be allowed where the dwellings would be exposed to noise levels of more than 70dB CNEL.
- (4) Infill is not applicable within Review Area 2 as land uses are not restricted in this area, other than with respect to height limits, related airspace protection policies, and overflight notification requirements.