

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY



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PRESIDENT/CEO
THELLA F. BOWENS

AIRPORT LAND USE COMMISSION AGENDA

Thursday, June 5, 2014
9:00 A.M. or immediately following the
Board Meeting

San Diego International Airport
Commuter Terminal – Third Floor
Board Room
3225 N. Harbor Drive
San Diego, California 92101

***Live webcasts of Authority Board meetings can be accessed at
http://www.san.org/sdcraa/leadership/board_meetings.aspx***

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 Commission 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 Corporate & Information Governance 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 Commission Member or employee of the Authority for the purpose of influencing any action of the Authority. To obtain Lobbyist Registration Statement Forms, contact the Corporate & Information Governance/Authority Clerk Department.

PLEASE COMPLETE A "REQUEST TO SPEAK" FORM PRIOR TO THE COMMENCEMENT OF THE MEETING AND SUBMIT IT TO THE AUTHORITY CLERK. ***PLEASE REVIEW THE POLICY FOR PUBLIC PARTICIPATION IN BOARD AND BOARD COMMISSION MEETINGS (PUBLIC COMMENT) LOCATED AT THE END OF THE AGENDA.***

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

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 1-4):

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:

The Commission is requested to approve minutes of prior meetings.

RECOMMENDATION: Approve the minutes of the May 1, 2014, regular meeting.

CONSISTENCY DETERMINATION

2. REPORT OF LAND USE ACTIONS DETERMINED TO BE CONSISTENT WITH AIRPORT LAND USE COMPATIBILITY PLANS:

The Commission is requested to receive a report of land use actions determined by staff to be consistent with Airport Land Use Compatibility Plans.

RECOMMENDATION: Receive the report.

(Airport Planning: Angela Jamison, Manager)

3. CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN – CONSTRUCTION OF 2 DETACHED RESIDENTIAL UNITS AT GOLDFINCH STREET AT REDWOOD STREET, CITY OF SAN DIEGO:

The Commission is requested to make a consistency determination on a proposed project in the City of San Diego.

RECOMMENDATION: Adopt Resolution No. 2014-0014 ALUC, making a determination that the project is conditionally consistent with the 1992 San Diego International Airport - Airport Land Use Compatibility Plan.

(Airport Planning: Angela Jamison, Manager)

4. CONSISTENCY DETERMINATION – McCLELLAN-PALOMAR AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN – ADOPTION OF GENERAL PLAN UPDATE, CITY OF CARLSBAD:

The Commission is requested to make a consistency determination on a proposed project in the City of Carlsbad.

RECOMMENDATION: Adopt Resolution No. 2014-0015 ALUC, making a determination that the project is consistent with the McClellan-Palomar Airport - Airport Land Use Compatibility Plan.

(Airport Planning: Angela Jamison, Manager)

PUBLIC HEARINGS: None

OLD BUSINESS:

NEW BUSINESS:

5. CONSISTENCY DETERMINATION – BROWN FIELD MUNICIPAL AIRPORT, GILLESPIE FIELD, MARINE CORPS AIR STATION MIRAMAR, MONTGOMERY FIELD AND SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN – MOBILE FOOD TRUCK ORDINANCE, CITY OF SAN DIEGO:

The Commission is requested to make a consistency determination on a proposed project in the City of San Diego.

RECOMMENDATION: Adopt Resolution No. 2014-0016 ALUC, making a determination that the proposed project: Mobile Food Truck Ordinance, City of San Diego, is consistent with the Brown Field Municipal Airport, Gillespie Field, Montgomery Field, and San Diego International Airport – Airport Land Use Compatibility Plans, but is not consistent with the Marine Corps Air Station Miramar Airport Land Use Compatibility Plan.

(Airport Planning: Angela Jamison, Manager)

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 limited to eighteen (18) minutes and 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. A second Public Comment period is reserved for general public comment later in the meeting for those who could not be heard during the first Public Comment period.
- 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. Public comment on specific items is limited to twenty (20) minutes – ten (10) minutes for those in favor and ten (10) minutes for those in opposition of an item. Each individual speaker will be allowed three (3) minutes, and applicants and groups will be allowed five (5) minutes.
- 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.

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

You may also reach the Commuter Terminal 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.

UPCOMING MEETING SCHEDULE

| <i>Date</i> | <i>Day</i> | <i>Time</i> | <i>Meeting Type</i> | <i>Location</i> |
|-------------|------------|-------------|---------------------|-----------------|
| July 7 | Monday | 9:00 a.m. | Special | Board Room |
| September 4 | Thursday | 9:00 a.m. | Regular | Board Room |

DRAFT
AIRPORT LAND USE COMMISSION
MINUTES
THURSDAY, MAY 1, 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 9:11 a.m. on Thursday, May 1, 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: Boland, Cox, Desmond, Farnam (Ex Officio), Gleason, Hubbs, Robinson, Sessom, Smisek

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

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 1-6):

Commissioner Robinson noted his abstention on Item 5, due to a potential conflict of interest.

ACTION: Moved by Commissioner Desmond and seconded by Commissioner Smisek to approve the Consent Agenda, noting Commissioner Robinson's ABSTENTION on Item 5. Motion carried by the following vote: YES – Boland, Cox, Desmond, Gleason, Hubbs, Robinson, Sessom, Smisek; NO – None; ABSENT – Alvarez. (Weighted Vote Points: YES – 87; NO – 0; ABSENT – 13)

1. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the minutes of the April 3, 2014, regular meeting.

CONSISTENCY DETERMINATION

2. **REPORT OF LAND USE ACTIONS DETERMINED TO BE CONSISTENT WITH AIRPORT LAND USE COMPATIBILITY PLANS:**
RECOMMENDATION: Receive the report.

3. **CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN – ESTABLISHMENT OF ELEMENTARY SCHOOL WITHIN EXISTING LIBERTY STATION BUILDING 271 AT 2150 CUSHING ROAD, CITY OF SAN DIEGO:**
RECOMMENDATION: Adopt Resolution No. 2014-0008 ALUC, making a determination that the project is conditionally consistent with the 1992 San Diego International Airport - Airport Land Use Compatibility Plan.

4. **CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN – ESTABLISHMENT OF RETAIL SALES, RESIDENTIAL & LIVE/WORK USES WITHIN 8 EXISTING NTC FOUNDATION BUILDINGS IN LIBERTY STATION AT TRUXTON ROAD AND ROSECRANS STREET, CITY OF SAN DIEGO:**
RECOMMENDATION: Adopt Resolution No. 2014-0009 ALUC, making a determination that the project is conditionally consistent with the 1992 San Diego International Airport - Airport Land Use Compatibility Plan.

5. **CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN – ESTABLISHMENT OF COMMERCIAL, CIVIC & INDUSTRIAL USES WITHIN 17 EXISTING McMILLIN COMPANIES BUILDINGS IN LIBERTY STATION, CITY OF SAN DIEGO:**
RECOMMENDATION: Adopt Resolution No. 2014-0010 ALUC, making a determination that the project is consistent with the 1992 San Diego International Airport - Airport Land Use Compatibility Plan.

6. **CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN – CONSTRUCTION OF CLASSROOM AND CONCESSION/RESTROOM BUILDINGS, SPORT COURT/FIELDS AND LIGHT POLES AT EXISTING MIDDLE SCHOOL AT 4302 VALETA STREET, SAN DIEGO UNIFIED SCHOOL DISTRICT:**
RECOMMENDATION: Adopt Resolution No. 2014-0011 ALUC, making a determination that the project is conditionally consistent with the 1992 San Diego International Airport - Airport Land Use Compatibility Plan.

PUBLIC HEARINGS: None

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OLD BUSINESS: None.

NEW BUSINESS:

7. ADOPTION OF AN AMENDMENT TO THE SAN DIEGO INTERNATIONAL AIRPORT – AIRPORT LAND USE COMPATIBILITY PLAN AND ADDENDUM TO THE PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT REPORT:

Angela Jamison, Manager, Airport Planning, provided a presentation on the Adoption of an Amendment to the San Diego International Airport – Airport Land Use Compatibility Plan – and Addendum to the Previously Certified Environmental Impact Report, which included Policy Amendment: Parcels Split by Safety Zone(s), Existing Policy, Proposed Option, and Policy Options.

RODNEY EALES, SAN DIEGO, spoke in support of Alternative Policy's S.10 and S.11.

Chair Gleason noted that the Commission would take separate action to approve the Addendum first, followed by the Amendment.

RECOMMENDATION: Adopt Resolution No. 2014-0012 ALUC, adopting an amendment to the Airport Land Use Compatibility Plan for the San Diego International Airport, and an Addendum to the previously certified Environmental Impact Report.

ACTION: Moved by Commissioner Cox and seconded by Commissioner Robinson to adopt Resolution No. 2014-0013 ALUC, adopting the Addendum to the previously certified Environmental Impact Report. Motion carried by the following vote: YES – Boland, Cox, Desmond, Gleason, Hubbs, Sessom, Robinson, Smisek; NO – None; ABSENT – Alvarez. (Weighted Vote Points: YES – 87; NO – 0; ABSENT – 13)

ACTION: Moved by Commissioner Cox and seconded by Commissioner Robinson to adopt Resolution No. 2014-0012, adopting an amendment to the Airport Land Use Compatibility Plan for the San Diego International Airport. Motion carried by the following vote: YES – Boland, Cox, Desmond, Gleason, Hubbs, Sessom, Robinson, Smisek; NO – None; ABSENT – Alvarez. (Weighted Vote Points: YES – 87; NO – 0; ABSENT – 13)

COMMISSION COMMENT: None.

ADJOURNMENT: The meeting was adjourned at 9:20 a.m.

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APPROVED BY A MOTION OF THE AIRPORT LAND USE COMMISSION THIS
5th DAY OF JUNE, 2014.

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

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

Airport Land Use Commission

Report of Land Use Actions Determined to be Consistent with Airport Land Use Compatibility Plans (ALUCPs)

Item No.

2

Meeting Date: **JUNE 5, 2014**

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 determined that the following land use actions are consistent with their respective ALUCPs:

San Diego International Airport ALUCP

Establishment of Centre City Industrial Buffer Overlay Zone, City of San Diego

Deemed Complete & Consistent on May 16, 2014

Description of Project: The project involves the establishment of an industrial buffer overlay zone to prohibit sensitive receptor land uses within the vicinity of the Solar Turbines site, without any physical construction.

Noise Contours: The project area lies within the 65-70, 70-75 and 75+ decibel Community Noise Equivalent Level (dB CNEL) noise exposure contours, but the project does not propose any physical construction.

Airspace Protection Surfaces: The project area lies within the airspace protection surfaces, but the project does not propose any physical construction.

Safety Zones: The project area lies within Safety Zones 2 and 3, but the project does not propose any physical construction.

Overflight Notification: The project lies within the overflight notification area, but the project does not propose any physical construction.

Centre City Planned District Ordinance Clean-Up Amendment, City of San Diego

Deemed Complete & Consistent on May 16, 2014

Description of Project: The project involves minor regulatory clean-up amendments to the ordinance governing the Downtown Community Plan area with no changes to existing land use designations and without any physical construction.

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Noise Contours: Portions of the project area lie within all Community Noise Equivalent Level (dB CNEL) noise exposure contours, but the project does not propose any physical construction.

Airspace Protection Surfaces: The project area lies within the airspace protection surfaces, but the project does not propose any physical construction.

Safety Zones: Portions of the project area lie within Safety Zones 2, 3 and 4, but the project does not propose any physical construction.

Overflight Notification: Portions of the project area lie within the overflight notification area, but the project does not propose any physical construction.

Brown Field Municipal Airport ALUCP

Construction of Wholesale Storage and Distribution Building at 7155 Camino Maquiladora, City of San Diego

Deemed Complete & Consistent on May 16, 2014

Description of Project: The proposed project involves the construction of a wholesale storage and distribution building.

Noise Contours: The proposed project is located outside the 60 dB CNEL noise contour. The ALUCP identifies all uses located outside the 60 dB CNEL noise contour as compatible with airport uses.

Airspace Protection Surfaces: The proposed project is in compliance with airspace protection surfaces because a determination of no hazard to air navigation has been issued by the Federal Aviation Administration (FAA).

Safety Zones: The proposed project is located within Safety Zone 6. The ALUCP identifies warehouses and distribution facilities located within Safety Zone 6 as compatible with airport uses.

Overflight Notification: The proposed project is located within the overflight notification area, but is not a new residential use which is subject to the overflight notification requirements of the ALUCP.

CONSISTENCY DETERMINATION
SAN DIEGO INTERNATIONAL AIRPORT (SDIA)
AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP)
June 5, 2014

Item # 3 Resolution # 2014-0014 ALUC

Recommendation: Conditionally Consistent

CONSTRUCTION OF 2 DETACHED RESIDENTIAL UNITS AT GOLDFINCH STREET AT REDWOOD STREET, CITY OF SAN DIEGO

Description of Project: Based on plans submitted to the ALUC, the project proposes the subdivision of a vacant, 12,640 square foot property into two parcels with the construction of a detached residential unit on each parcel to be created. The project was deemed complete under the California Government Code §65943 by the local agency when the 1992 ALUCP was in effect and is therefore subject to its component compatibility factors. The application was deemed complete by ALUC staff on May 16, 2014.

Noise Contours: The proposed project is located within the 65-70 decibel Community Noise Equivalent Level (dB CNEL) noise contour. (See the attached map.) The ALUCP identifies residential uses located within the 65-70 dB CNEL noise contour as conditionally compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level. The ALUCP requires that an aviation easement for aircraft noise and height be recorded with the County Recorder.

Airspace Protection Surfaces: The proposed project is located within the City of San Diego Airport Approach Overlay Zone (AAOZ). The maximum allowable height for a project on this site is approximately 450 feet Above Mean Sea Level (AMSL). The maximum elevation of the site is approximately 182 feet AMSL and the structures are another 30 feet, resulting in a total project height of approximately 212 feet AMSL. Therefore, the project complies with the AAOZ.

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

Interests Disclosure: The property is owned by G2F Talbco LLC of San Diego. The designer is Talbco/Jacob Christensen of San Diego. The engineer is Coffey Engineering of San Diego. The landscape architect is Carson Douglas of San Diego.

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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 adopted in 1992, 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.



Goldfinch Street at Redwood Street

APN 451-570-11



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RESOLUTION NO. 2014-0014 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: CONSTRUCTION OF 2 DETACHED RESIDENTIAL UNITS AT GOLDFINCH STREET AT REDWOOD STREET, 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 §21670.3 of the California Public Utilities Code, was requested by the City of San Diego to determine the consistency of a proposed development project: Construction of 2 Detached Residential Units at Goldfinch Street at Redwood Street, 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 two, detached residential units, each on a parcel to be created; and

WHEREAS, the proposed project would be located within the 65-70 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour, and the ALUCP identifies residential uses located within the 65-70 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 in compliance with the City of San Diego Airport Approach Overlay Zone (AAOZ) height restrictions; 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

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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 Detached Residential Units at Goldfinch Street at Redwood Street, 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 two, detached residential units.
- (2) The proposed project is located within the 65-70 dB CNEL noise contour. The ALUCP identifies residential uses located within the 65-70 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 structures 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 within the City of San Diego AAOZ. The maximum allowable height for a project on this site is approximately 450 feet Above Mean Sea Level (AMSL). The maximum height of the proposed project is approximately 212 feet AMSL. The proposed project is therefore in compliance with the height limitations identified in the SDIA ALUCP.
- (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 the ALUC finds this determination is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065, and is not a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a regular meeting this 5th day of June, 2014, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

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

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

**CONSISTENCY DETERMINATION
MCCLELLAN-PALOMAR AIRPORT
AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP)
June 5, 2014**

Item # 4 Resolution # 2014-0015 ALUC

Recommendation: Consistent

ADOPTION OF GENERAL PLAN UPDATE, CITY OF CARLSBAD

Description of Project: The project is the City of Carlsbad General Plan Update, which applies by reference the requirements of the McClellan-Palomar ALUCP to the use of properties located within its Airport Influence Area (AIA). Use of properties within the AIA is subject to findings of General Plan and ALUCP compatibility for development projects permitted by the City of Carlsbad. The application was deemed complete by ALUC staff on May 1, 2014.

Per Resolution 2012-0004 ALUC, adopted February 9, 2012, the ALUC found the previous City of Carlsbad General Plan consistent with the McClellan-Palomar ALUCP. This General Plan Update 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 consistent with adopted ALUCPs within agency jurisdiction. Because this project would incorporate all requirements of the ALUCP into the City of Carlsbad General Plan 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 the ALUCP and Public Utilities Code §21676.5(b).

The exceptional land use actions which would continue to require individual project consistency determinations by the ALUC 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 Safety Zone 1; any project that has been determined to be an airspace hazard by the Federal Aviation Administration (FAA); any project which would exceed the density or intensity allowances of the ALUCP which is not located within an ALUC-approved infill development area; any project that would include non-aviation uses on public-use airport property; and any construction, expansion, or master plan for a new or existing public-use airport, including the construction, extension, or realignment of runways and the acquisition of runway protection zones.

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Noise Contours: Properties affected by the proposed project lie within all Community Noise Equivalent Level (CNEL) noise contours and would be subject to potential sound attenuation if required by the applicable ALUCP.

Airspace Protection Surfaces: The project does not propose any structures for construction, but future buildings would be subject to height limitations per FAA review for determination of hazard to air navigation if the project meets FAA notification criteria.

Overflight Notification Area: Some properties within the proposed project are located within areas requiring the recordation of avigation easements or overflight agreements with the County Recorder. The General Plan requires recordation of avigation easements as required by the ALUCP, and the City of Carlsbad has a Noise Impact Notification Area (NINA) which requires overflight recordation that exceeds the ALUCP area requirements.

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 McClellan-Palomar Airport ALUCP, staff recommends that the ALUC make the determination that the project is consistent with the McClellan-Palomar Airport ALUCP.

RESOLUTION NO. 2014-0015 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: ADOPTION OF GENERAL PLAN UPDATE, CITY OF CARLSBAD, IS CONSISTENT WITH THE MCCLELLAN-PALOMAR 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 §21670.3 of the California Public Utilities Code, was requested by the City of Carlsbad to determine the consistency of a proposed project: Adoption of General Plan Update, City of Carlsbad, which is located within the Airport Influence Area (AIA) for the McClellan-Palomar Airport - Airport Land Use Compatibility Plan (ALUCP), originally adopted in 2010 and amended in 2010 and 2011; and

WHEREAS, the proposed project is the City of Carlsbad General Plan Update, which applies the noise exposure contour, airspace protection, and safety zone compatibility criteria of the ALUCP to the use of properties located within the AIA; and

WHEREAS, a local agency is required to implement the ALUCP by either referring all proposed land use projects located within the AIA to the ALUC for consistency determination with the ALUCP or amend its general plan and applicable codes to incorporate the ALUCP requirements to accomplish ALUCP 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 consistent with the ALUCP, except for the following actions: 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 Safety Zone 1; any project that has been determined to be an airspace hazard by the Federal Aviation Administration (FAA); any project which would exceed the density or intensity allowances of the ALUCPs which is not located within an ALUC approved infill development area; any project that would include non-aviation uses on public-use airport property; and any construction, expansion, or master plan for a new or existing public-use airport, including the construction, extension, or realignment of runways and the acquisition of runway protection zones; and

WHEREAS, the City of Carlsbad has policies which implement the ALUCP requirements for the recordation of either an avigation easement or overflight agreement on properties within the AIA identified as requiring such recordation by 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 Carlsbad 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 General Plan Update, City of Carlsbad, is consistent with the McClellan-Palomar Airport ALUCP, originally adopted in 2010 and amended in 2010 and 2011, based upon the following facts and findings:

- (1) The proposed project consists of the City of Carlsbad General Plan Update which applies the noise exposure contour, airspace protection, and safety zone compatibility criteria of the ALUCP to the use of properties located within AIA.
- (2) Pursuant to the ALUCP and California 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 General Plan consistent with the ALUCP. The following actions remain mandatory for ALUC review: 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 Safety Zone 1; any project that has been determined to be an airspace hazard by the FAA; any project which would exceed the density or intensity allowances of the ALUCPs which is not located within an ALUC approved infill development area; any project that would include non-aviation uses on public-use airport property; and any construction, expansion, or master plan for a new or existing public-use airport, including the construction, extension, or realignment of runways and the acquisition of runway protection zones.
- (3) The proposed project complies with ALUCP overflight policies because City of Carlsbad policies require the recordation of either an avigation easement or overflight agreement on properties within the AIA identified as requiring such recordation by the ALUCP.

(4) Therefore, the proposed project is consistent with the McClellan-Palomar Airport ALUCP.

BE IT FURTHER RESOLVED that the ALUC finds this determination is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065, and is not a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a regular meeting this 5th day of June, 2014, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

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

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
Airport Land Use Commission
STAFF REPORT

Item No.
5

Meeting Date: **JUNE 5, 2014**

Subject:

Consistency Determination – Brown Field Municipal Airport, Gillespie Field, Marine Corps Air Station Miramar, Montgomery Field And San Diego International Airport - Airport Land Use Compatibility Plans – Mobile Food Truck Ordinance, City Of San Diego

Recommendation:

Adopt Resolution No. 2014-0016 ALUC, making the determination that the proposed project: Mobile Food Truck Ordinance, City of San Diego, is consistent with the Brown Field Municipal Airport, Gillespie Field, Montgomery Field, and San Diego International Airport – Airport Land Use Compatibility Plans, but is not consistent with the Marine Corps Air Station Miramar Airport Land Use Compatibility Plan.

Background/Justification:

Project Application

The City of San Diego submitted an application for determination of consistency of its adopted Mobile Food Trucks Ordinance with the Airport Land Use Compatibility Plans (ALUCPs) which fall within its municipal land use jurisdiction: Brown Field Municipal Airport, Gillespie Field, Montgomery Field, Marine Corps Air Station (MCAS) Miramar, and San Diego International Airport (SDIA). ALUC staff deemed the City's application for determination of consistency complete on May 1, 2014.

Project Description

The project consists of a municipal ordinance adopted by the San Diego City Council on March 18, 2014 which provides for regulations for the operation of mobile food trucks on private property and within public rights-of-way. Because the ordinance does not allow for mobile food truck vendors to set up seating or shading outside the vehicle used, the land use is not classified as an "eating and drinking establishment" for purposes of ALUCP consistency determination. As mobile food trucks are only permitted to sell food and beverage items specified in the California Retail Food Code, mobile food trucks are thus classified as "retail sales" for purposes of land use consistency with the ALUCPs.

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Noise Contours

The ordinance allows mobile food trucks to operate within the noise contours of all airport ALUCPs up to the 75+ decibel Community Noise Equivalent Level (dB CNEL) noise contour. Retail sales is compatible with airport uses in the noise compatibility matrix for each of the applicable ALUCPs up to the 75+ dB CNEL noise contour.

Airspace Protection Surfaces

As transitory vehicles, mobile food trucks are not fixed structures and are substantially shielded by existing buildings and other structures such as utility infrastructure. The trucks would not exceed an airspace threshold which would require an obstruction evaluation from the Federal Aviation Administration (FAA).

Safety Zones

The ordinance allows mobile food trucks to operate within all safety zones (2-6) of urban airport ALUCPs, SDIA, and MCAS Miramar except Safety Zone 1 (the Runway Protection Zone, or RPZ) or the Clear Zone (CZ, the military equivalent of the RPZ). Retail sales is compatible with airport uses for each of the ordinance-permitted zones in the safety compatibility matrix for each of the applicable ALUCPs—except Accident Potential Zone (APZ) I of MCAS Miramar. Therefore, the adopted ordinance is not consistent with the MCAS Miramar ALUCP.

Airport Operator Review of Project

The AICUZ (Air Installation Compatible Use Zone) study, upon which the MCAS Miramar ALUCP is based, considers retail sales an incompatible use with base operations in APZ I. The California Public Utilities Code (§21675(b)) requires that a military airport ALUCP be consistent with the noise and safety compatibility standards of the applicable AICUZ. MCAS Miramar does not support the ordinance allowance of food trucks to operate within APZ I.

Staff Recommendation

Based upon the compatibility factors of the applicable ALUCPs, the project is consistent with the Brown Field Municipal Airport, Gillespie Field, Montgomery Field, and SDIA ALUCPs. The project is not consistent with the MCAS Miramar ALUCP because retail sales is incompatible within APZ I.

Fiscal Impact:

Adequate funding for the ALUC functions are included in the adopted FY 2014 and conceptually approved FY 2015 Operating Expense Budgets.

Authority Strategies:

This item supports one or more of the Authority Strategies, as follows:

- Community Strategy Customer Strategy Employee Strategy Financial Strategy Operations Strategy

Environmental Review:

- A. This ALUC action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act (CEQA), as amended. 14 Cal. Code Regs. §15378. This ALUC action is not a "project" subject to CEQA. Cal. Pub. Res. Code §21065.
- B. This ALUC action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

Application of Inclusionary Policies:

Not applicable.

Prepared by:

ANGELA JAMISON
MANAGER, AIRPORT PLANNING

RESOLUTION NO. 2014-0016 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: MOBILE FOOD TRUCK ORDINANCE, CITY OF SAN DIEGO, IS CONSISTENT WITH THE BROWN FIELD MUNICIPAL AIRPORT, GILLESPIE FIELD, MONTGOMERY FIELD AND SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLANS AND NOT CONSISTENT WITH THE MARINE CORPS AIR STATION MIRAMAR 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 §21670.3 of the California Public Utilities Code, was requested by the City of San Diego to determine the consistency of a proposed project: Mobile Food Truck Ordinance, City of San Diego, which applies to the use of the Airport Influence Areas (AIAs) for the Brown Field Municipal Airport, Gillespie Field, Montgomery Field, Marine Corps Air Station (MCAS) Miramar, and San Diego International Airport (SDIA) Airport Land Use Compatibility Plans (ALUCPs), adopted respectively in 2010, 2010, 2010, 2008, and 2014; and

WHEREAS, the municipal ordinance submitted to the ALUC ("proposed project") indicates that it would involve regulations for the operation of mobile food trucks on private property and within public rights-of-way in the City of San Diego; and

WHEREAS, the proposed project would be located outside the 60 and within the 60-65, 65-70 and 70-75 decibel (dB) Community Noise Equivalent Level (CNEL) noise contours, and the applicable ALUCPs identify retail sales uses located outside the 60 and within the 60-65, 65-70 and 70-75 dB CNEL noise contours as compatible with airport uses; and

WHEREAS, the proposed project is in compliance with the applicable ALUCPs airspace protection surfaces because it does not exceed an airspace threshold which would require an obstruction evaluation from the Federal Aviation Administration (FAA); and

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WHEREAS, the proposed project is located within Safety Zones 2 through 6 inclusive of the Brown Field Municipal Airport, Gillespie Field, and Montgomery Field ALUCPs, and within Safety Zones 2 through 5 inclusive of the SDIA ALUCP, and within Accident Potential Zones (APZs) I and II and the Transition Zone (TZ) of the MCAS Miramar ALUCP, and the applicable ALUCPs identify retail sales uses located within the aforesaid Safety Zones and APZ II and the TZ as compatible but within APZ I as not compatible with airport uses; and

WHEREAS, the proposed project is not a new residential land use subject to the overflight notification requirements of any of the applicable ALUCPs; 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: Mobile Food Truck Ordinance, City of San Diego, is consistent with the Brown Field Municipal Airport, Gillespie Field, Montgomery Field and SDIA ALUCPs, and not consistent with the MCAS Miramar ALUCP, based upon the following facts and findings:

- (1) The proposed project involves a municipal ordinance which provides for regulations for the operation of mobile food trucks on private property and within public rights-of-way in the City of San Diego.
- (2) The proposed project is located outside the 60 and within the 60-65, 65-70 and 70-75 dB CNEL noise contours. The applicable ALUCPs identify retail sales uses located outside the 60 and within the 60-65, 65-70 and 70-75 dB CNEL noise contours as compatible with airport uses.
- (3) The proposed project is in compliance with the applicable ALUCP airspace protection surfaces because it does not exceed an airspace threshold which would require an obstruction evaluation from the FAA.
- (4) The proposed project is located within Safety Zones 2 through 6 inclusive of the Brown Field Municipal Airport, Gillespie Field, and Montgomery Field ALUCPs, and within Safety Zones 2 through 5 inclusive of the SDIA ALUCP, and within Accident Potential Zones (APZs) I and II and the Transition Zone

(TZ) of the MCAS Miramar ALUCP. The applicable ALUCPs identify retail sales uses located within the aforesaid Safety Zones and APZ II and the TZ as compatible but within APZ I as not compatible with airport uses.

- (5) The proposed project is not a new residential land use subject to the overflight notification requirements of any of the applicable ALUCPs.
- (6) Therefore, the proposed project is consistent with the Brown Field Municipal Airport, Gillespie Field, Montgomery Field and SDIA ALUCPs, and not consistent with the MCAS Miramar ALUCP.

BE IT FURTHER RESOLVED that the ALUC FINDS this determination is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065, and is not a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a regular meeting this 5th day of June, 2014, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

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

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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