

**CONSISTENCY DETERMINATION
BROWN FIELD MUNICIPAL AIRPORT
GILLESPIE FIELD
MARINE CORPS AIR STATION (MCAS) MIRAMAR
MONTGOMERY FIELD
AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP)
July 7, 2011**

Item #4 Resolution # 2011-0011 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: Acting in its capacity as the Airport Land Use Commission (ALUC) for San Diego County, SDCRAA has adopted Airport Land Use Compatibility Plans (ALUCPs) which impact land uses permitted within the jurisdiction of affected local agencies, including the City of San Diego. State law requires that upon the adoption of an ALUCP, affected agencies must amend their general plan, zoning ordinance, and building code, as applicable, in order to implement the ALUCPs—or alternatively refer individual land use project proposals to the ALUC for determinations of consistency with the applicable ALUCP.

The City of San Diego has referred projects for consistency determinations but has been working cooperatively with ALUC staff to integrate the requirements of the applicable ALUCPs into its Land Development Code and Community Plans for implementation through its own project review process, as provided by under State law. On May 17, 2011, the City of San Diego submitted an application for determination of consistency for amendments to its 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, Marine Corps Air Station (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 ALUCP adoption.

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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's Land Development Code and Community Plans under which land uses within its jurisdiction are evaluated, no individual project consistency determinations would be further required from the ALUC. However, specified actions (projects that include approval of and/or an amendment to a general, specific, or land use plan, zoning ordinance or building regulation (Pub Util. Code §21676), or a rezone; projects in the Clear Zone or Safety Zone 1; projects that have been determined to be a hazard by the FAA; projects proposing deviations to the City of San Diego's Airport Land Use Compatibility Overlay Zone; projects that would include aviation uses, nonaviation uses located on public-use airport property, or approval of an airport master plan; and power plants or electrical substations) would continue to require individual project consistency determinations by the ALUC.

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 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.

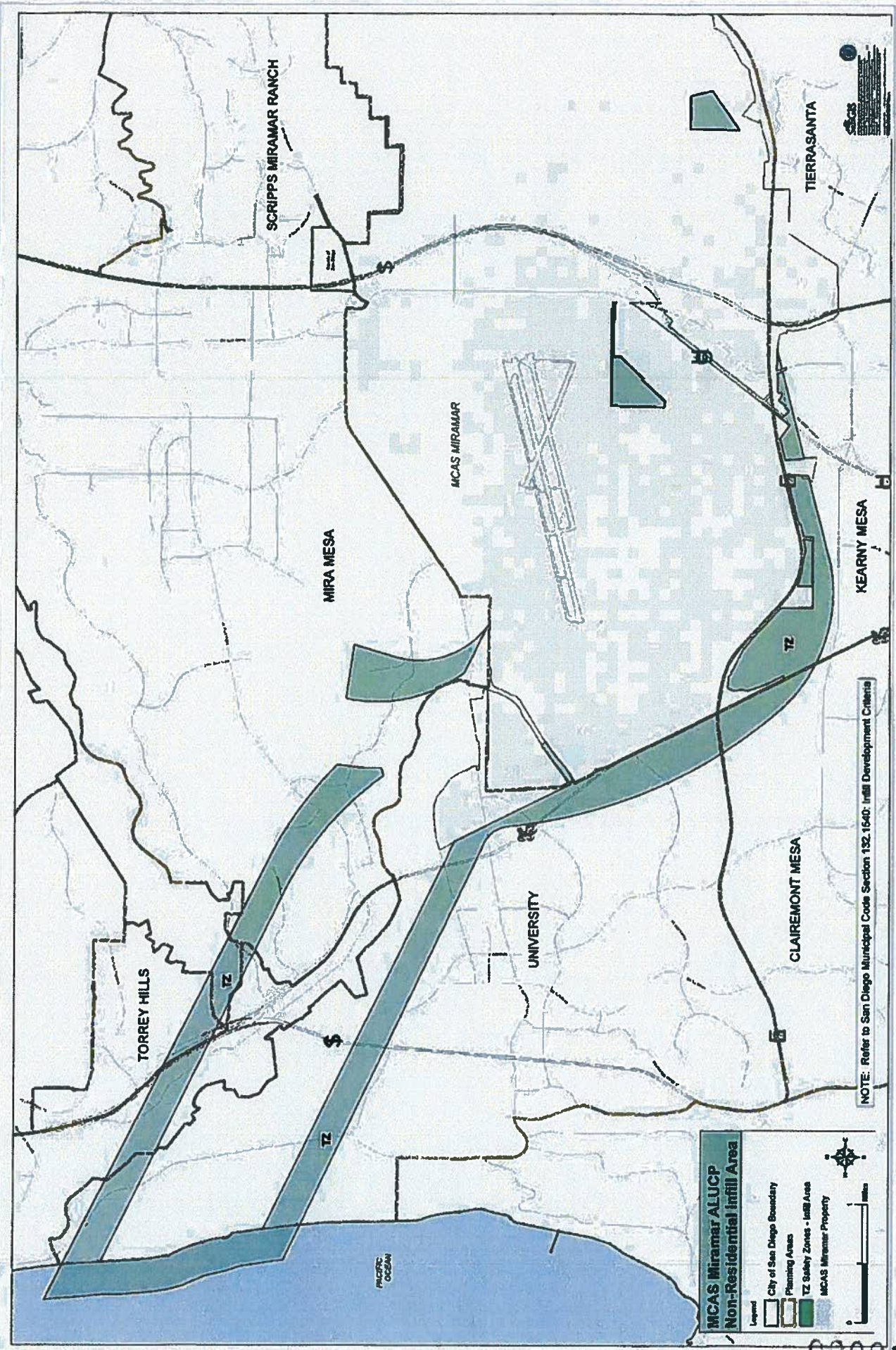
Noise Contours: Properties affected by the proposed project lie within all Community Noise Equivalent Level (CNEL) noise contours.

Height: The project does not propose any structures for construction, but future buildings would be subject to height limitations per applicable property zoning and Federal Aviation Administration (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 upon ALUC staff review of the proposed project, the Land Development Code and Community Plan amendments and rezones would effectively implement the ALUCPs if the conditions specified below are met. Staff recommends that the Board make the determination that the project is conditionally consistent with the Brown Field Municipal Airport, Gillespie Field, MCAS Miramar, and Montgomery Field ALUCPs.

Conditions: Amend Section 132.1540(b)(2) of the City of San Diego's Land Development Code to exclude Brown Field Municipal Airport as no infill map is proposed for that airport. Amend Section 132.1540 to restrict infill increases to those uses which are "conditionally consistent" and exclude uses designated as "incompatible" for safety by the ALUCPs.



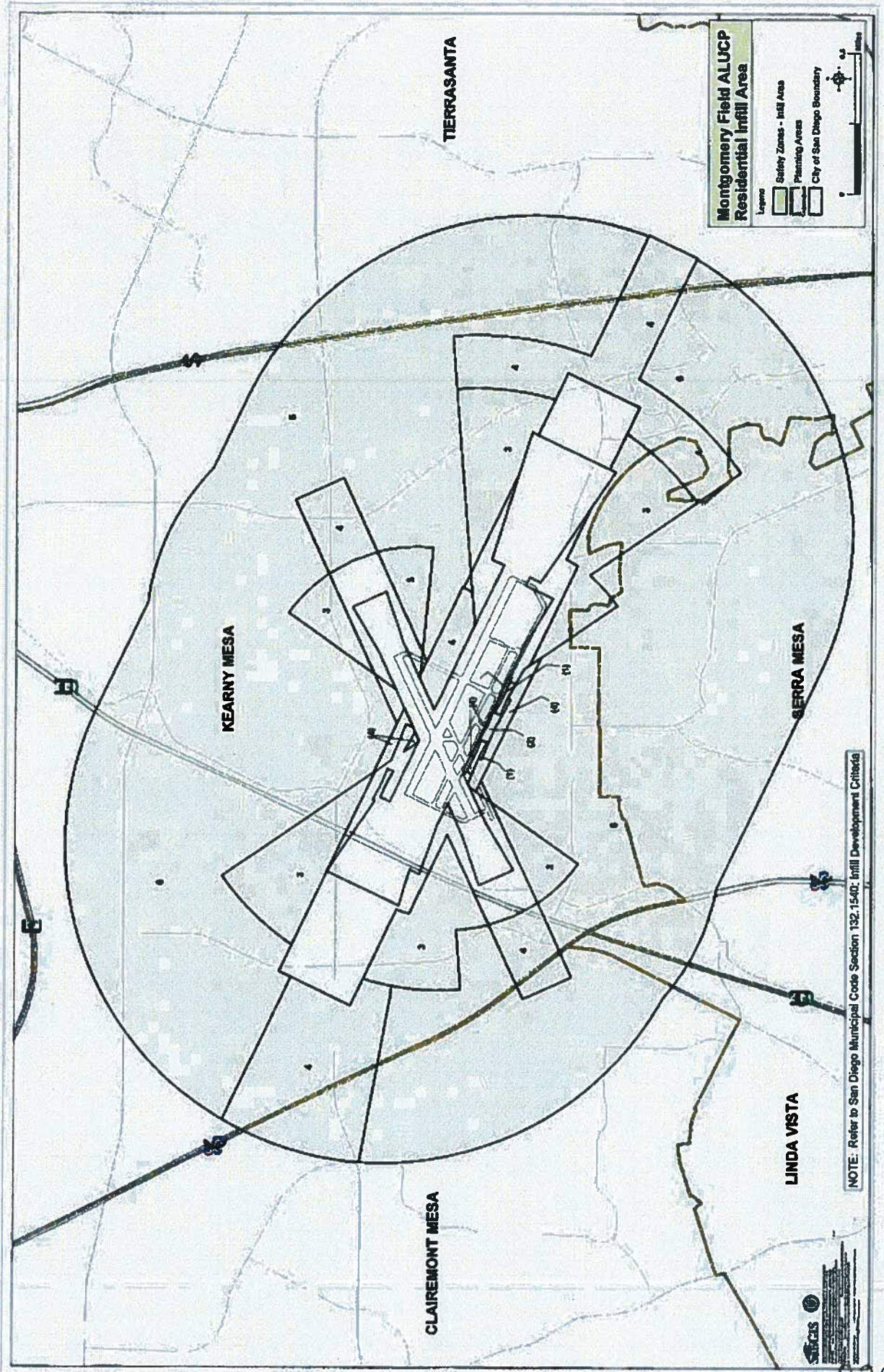
**MCAS Miramar ALUCP
Non-Residential Infill Area**

Legend

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

Scale: 0 100 200 Feet

NOTE: Refer to San Diego Municipal Code Section 152.1540: Infill Development Criteria



**Montgomery Field ALUCP
Residential Infill Area**

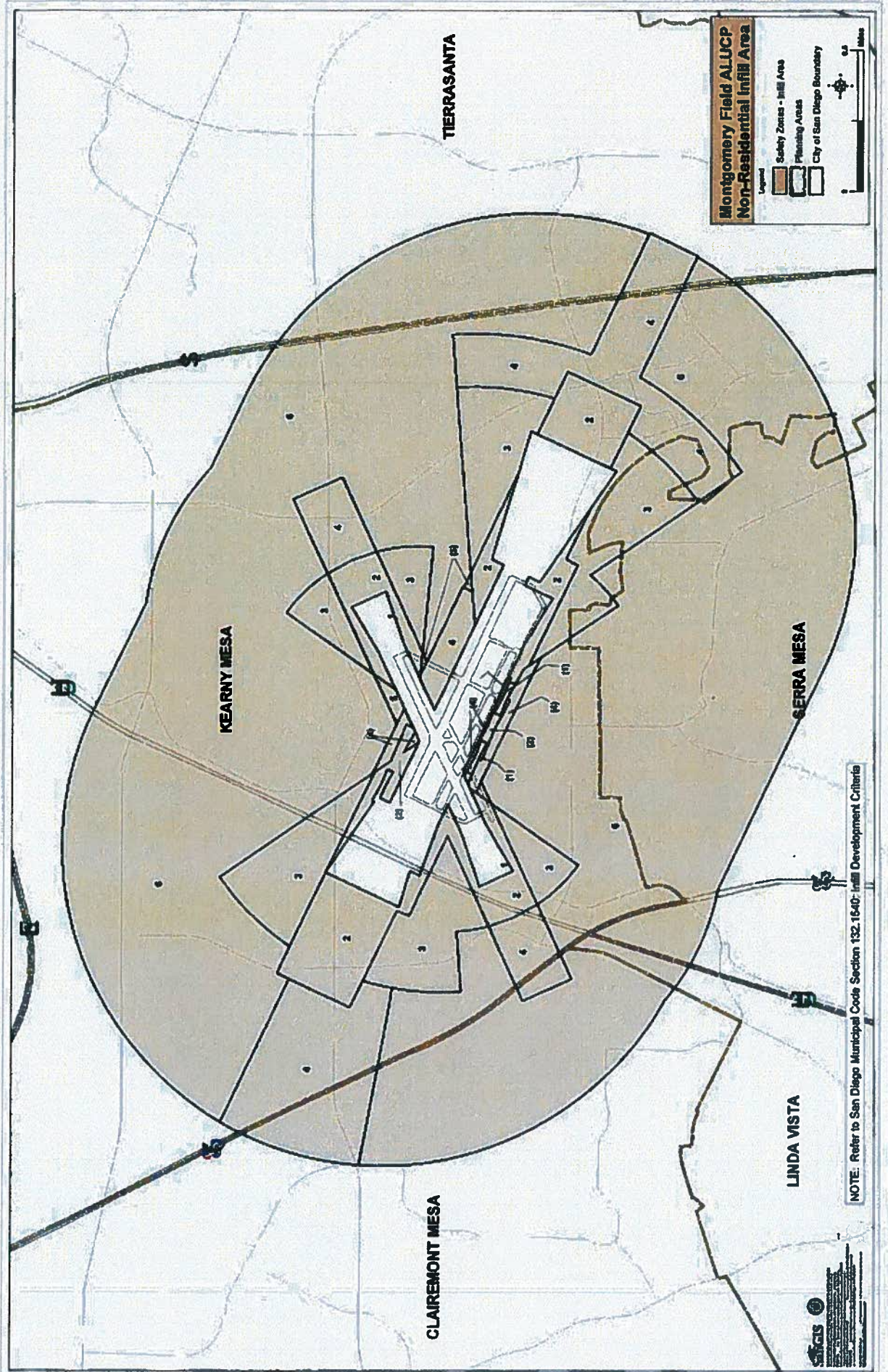
Legend

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

0.2
Miles

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





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RESOLUTION NO. 2011-0011 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 Airport Influence Areas (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's 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) projects that include approval of and/or amendment to a general, specific or land use plan, zoning ordinance or building regulation (Pub.Util. Code §21676), or a rezone; (2) projects in the Clear Zone or Safety Zone 1; (3) projects that have been determined to be a hazard by the FAA; (4) projects proposing deviations to the City of San Diego's Airport Land Use Compatibility Overlay Zone; (5) projects that would include aviation uses, nonaviation uses located on public-use airport property, or approval of an airport master plan; and (6) power plants or electrical substations; 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's 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 through the use of land development code and community plan amendments and rezones to apply the requirements of ALUCPs 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) Only referral of 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) 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's Land Development Code are met.
- (5) The ALUC concurs with the infill identification maps with two caveats. Amend Section 132.1540(b)(2) of the City's Land Development Code to exclude Brown Field Municipal Airport since no infill map is proposed for that airport. Amend Section 132.1540 to restrict infill increases to those uses which are "conditionally consistent" and exclude uses designated as "incompatible" for safety by 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 "conditionally consistent" uses are to be eligible for infill development increases.

(6) Therefore, if the proposed project contains the above-required conditions, the proposed project would be 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 7th day of July, 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