

**CONSISTENCY DETERMINATION
MCCLELLAN-PALOMAR AIRPORT
AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP)
SEPTEMBER 1, 2011**

Item # 3 Resolution # 2011-0014 ALUC

Recommendation: Conditionally Consistent

**ZONE CHANGE TO ALLOW ACCESSORY RESIDENTIAL USES IN CERTAIN
COMMERCIAL ZONES, CITY OF CARLSBAD**

Description of Project: Based on plans submitted to the ALUC, the project proposes a zone change to allow residential uses with a minimum density of 20 dwelling units per acre as an accessory use to primary commercial uses within certain zones. The project would change the permitted uses on four properties within Review Area 1.

Noise Contours: Properties affected by the proposed project are located within the 60-65 decibel Community Noise Equivalent Level (dB CNEL) noise contour. (properties 1, 2, and 3 on 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. Portions of one of the four properties (property 4) lie within higher noise contours, but those same portions also lie within safety zones which do not allow residential density at the levels proposed by the project, so residential uses would be thus precluded within those higher noise contours.

Airspace Protection Surfaces: The project does not propose the construction of any new structures.

Safety Zones: Properties affected by the proposed project are located within a variety of Safety Zones. One of the properties and a portion of another (properties 1 and 3 on the attached map) are within Safety Zone 6. The ALUCP identifies residential uses located within Safety Zone 6 as compatible with airport uses. A third property (property 2) is located outside all safety zones. The fourth property (property 4) is located within Safety Zones 1, 2, 3, and 4 – each of which precludes residential density of 20 dwelling units per acre. That property is being developed as a community shopping center in accordance with an ALUC determination of conditional consistency issued on July 1, 2010. No residential uses are proposed as part of that project, and if any changes were to be proposed, a new ALUC determination of consistency would be required.

000008

Overflight Notification Area: The proposed project is located within the overflight notification area. The ALUCP requires that an overflight notification for new residential land uses be recorded with the County Recorder.

Ownership: The properties affected by the proposed project are owned by Oscars Carlsbad LLC, Costco Wholesale Corporation, Wal-Mart Stores Inc., the County of San Diego, and 11,273 distinct owners of airspace, time-share condominiums. The complete list of all owners is available electronically from staff.

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

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

RESOLUTION NO. 2011-0014 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY, MAKING A DETERMINATION THAT THE PROPOSED PROJECT: ZONE CHANGE TO ALLOW ACCESSORY RESIDENTIAL USES IN CERTAIN COMMERCIAL ZONES, CITY OF CARLSBAD, IS CONDITIONALLY 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 Section 21670.3 of the Public Utilities Code, was requested by the City of Carlsbad to determine the consistency of a proposed development project: Zone Change to Allow Accessory Residential Uses in Certain Commercial Zones, City Of Carlsbad, which is located within the Airport Influence Area (AIA) for the McClellan-Palomar Airport - Airport Land Use Compatibility Plan (ALUCP), adopted and amended in 2010; and

WHEREAS, the project proposes a zone change to allow residential uses as an accessory use to primary commercial uses within certain zones and would impact four properties within the AIA; and

WHEREAS, the properties affected by the proposed project which are not otherwise precluded by safety zone limitations 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

WHEREAS, the proposed project is in compliance with the ALUCP airspace protection surfaces because it does not propose the construction of any new structures; and

WHEREAS, the properties affected by the proposed project are located within Safety Zones 1, 2, 3, 4 and 6, but residential uses are not proposed on the property within Safety Zones 1, 2, 3, and 4, and the ALUCP identifies residential uses located within Safety Zone 6 as compatible with airport uses; and

WHEREAS, the properties affected by the proposed project are located within the overflight notification area, and the ALUCP requires that an overflight notification for new residential land uses be recorded with the County Recorder; and

000011

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: Zone Change to Allow Accessory Residential Uses in Certain Commercial Zones, City Of Carlsbad, is conditionally consistent with the McClellan-Palomar Airport ALUCP, which was adopted and amended in 2010, based upon the following facts and findings:

- (1) The project proposes a zone change to allow residential uses as an accessory use to primary commercial uses within certain zones and would impact four properties within the AIA.
- (2) The properties affected by the proposed project which are not otherwise precluded by safety zone limitations would be 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. Therefore, as a condition of project approval, the structures must be sound attenuated to 45 dB CNEL interior noise level.
- (3) The proposed project is in compliance with the ALUCP airspace protection surfaces because it does not propose the construction of any new structures.
- (4) The properties affected by the proposed project are located within Safety Zones 1, 2, 3, 4 and 6. Residential uses are not proposed on the property within Safety Zones 1, 2, 3, and 4, and the ALUCP identifies residential uses located within Safety Zone 6 as compatible with airport uses.
- (5) The properties affected by the proposed project are located within the overflight notification area. Therefore, as a condition of project approval, an overflight notification for any new residences must be recorded with the County Recorder.
- (6) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the McClellan-Palomar Airport 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 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

000013