

Appendix B

Implementation Guidance and Documents

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Appendix B Implementation Guidance and Documents

This appendix provides information helpful for the implementation of this Airport Land Use Compatibility Plan (ALUCP).

- Applications for ALUCP Consistency Determinations - Submittal Requirements
- Implementation Guide
- New Land Uses in Existing Buildings - Calculation Worksheet
- Guidance for Determining Shielding of Proposed Construction or Structural Alterations
- Airport Overflight Agreement

B.1 APPLICATIONS FOR ALUCP CONSISTENCY DETERMINATIONS - SUBMITTAL REQUIREMENTS

A proposed land use plan, regulation, or project submitted to the Airport Land Use Commission (ALUC) for review, in accordance with Section 1.6 in Chapter 1 to determine consistency with this ALUCP, shall include the following information.

B.1.1 Land Use Plans and Regulations

The following information must be submitted for all consistency determination applications for the ALUC's review of land use plans and regulations such as general, specific, community or other land use plan adoptions or amendments; land use code adoptions, amendments or rezones.

- (a) Map(s) indicating County Assessor's parcel(s) affected by the plan and/or regulation (unless the plan or regulation applies to the local agency's entire jurisdiction)
- (b) Contact information for local agency project manager (name, agency/department name, address, phone, email)
- (c) Text of the ordinance, code, or plan to be adopted, describing permitted and prohibited uses by land use designation or zone and any related development standards regarding structure height, residential density, and/or floor area ratio. For text amendments, provide a complete version in strikeout/underline format.

B.1.2 Land Use Projects

The following information must be submitted with all applications for ALUC consistency reviews of proposed land use projects.

- (a) Property location by street address (or intersection) and County Assessor's Parcel Number(s)
- (b) Contact information for local agency project manager (name, agency/department name, address, phone, email)

- (c) Description of land use project to include:
- Proposed use(s) and any existing use(s) to remain on the project site
 - Site plan (with ALUCP safety zones and/or noise contours to scale, if project site is located within more than one safety zone or noise contour)
 - Floor plans to scale
 - Dimensioned elevations showing maximum height
 - Gross occupied area of building and outdoor areas intended for occupancy (such as dining areas, meeting spaces, performance areas)
 - Height of construction crane (if proposed for use)
 - Area of parcel(s)
 - Total area of building(s).
 - For residential uses - total number of dwelling units
 - Calculations to show compliance with ALUCP density and/or intensity limits
- (d) Either a grant deed or title report, in the name of the current property owner. If the property owner is a trust, partnership, corporation, or other entity, the individuals, managing partners, or primary shareholders must be disclosed by name using either a local agency form or self-prepared summary.
- (e) A copy of the Federal Aviation Administration (FAA) Obstruction Evaluation / Airport Airspace Analysis (OE/AAA) determination(s) for the highest point(s) of proposed structures, or evidence to demonstrate that FAA notification is not required
- (f) A copy of the FAA determination(s) for the highest point(s) of any temporary construction equipment (e.g., cranes)
- (g) Date project application was deemed complete per the California Government Code by the local agency

B.2 IMPLEMENTATION GUIDE

This guide is provided to help affected local agencies when modifying their general plans and other local regulations to be consistent with this ALUCP and to facilitate ALUC review of those local agency plans and regulations.

B.2.1 General Plan

A general plan, and any community, specific, precise or other land use plan, may be more restrictive than this ALUCP. However, these plans may not be more permissive than this ALUCP. Land use plan amendments will be required to eliminate any conflicts with this ALUCP (unless those conflicts specifically represent existing conditions).

Land Use Element – General plan land use designations may not exceed ALUCP noise and safety compatibility standards. Designations reflecting existing conditions already in excess of ALUCP noise and safety standards do not render a general plan inconsistent with this ALUCP. However, new development of vacant property, redevelopment, or a change of use within an existing structure must comply with ALUCP noise and safety

standards. Additionally, land uses designated in this ALUCP as incompatible within the specified noise contours or safety zones must be designated in land use plans as not permitted in those areas.¹

Housing and/or Safety Element – Designated locations for new housing units within ALUCP safety zones may not exceed the density limits of ALUCP safety compatibility standards, including density bonuses for affordable housing units.

Noise Element – Maximum noise exposure limits for land uses established in a general plan may not be more permissive than the limits established by this ALUCP. However, a general plan may establish more restrictive limits with respect to aviation-related noise than for noise from other sources, recognizing that aviation-related noise is often judged to be more objectionable than other types of noise.

B.2.2 Zoning Ordinance or Other Regulatory Documents

Implementation of the land use compatibility standards of this ALUCP will typically require revisions in land use development codes, including zoning. Perhaps the simplest way to implement regulatory changes is through the adoption of an overlay zoning ordinance incorporating the required standards.

If a local agency chooses to implement this ALUCP through its zoning ordinance or other regulatory documents, the following items should be addressed.

- **Prohibition of Specified Uses** – Land uses designated as incompatible in ALUCP Chapter 2 (Table 2-1) and Chapter 3 (Table 3-1) should be prohibited within the designated noise contours or safety zones.
- **Residential Density Limitations** – The density of dwelling units must be limited as specified in Chapter 3 (Table 3-1).
- **Intensity Limitations on Nonresidential Uses** – Allowable occupancy intensities of nonresidential uses must not exceed the maximum intensities specified in Chapter 3 (Table 3-1).
- **Height Limitations** – To protect airspace, limitations must be set on the height of new structures and other objects equivalent to the maximum heights established by this ALUCP in Chapter 4, Section 4.3.
- **Limitations on Non-Height-Related Hazards to Flight** – Restrictions must also be established on other land use characteristics that can cause hazards to flight such as visual or electronic interference with navigation, thermal exhaust plumes, and hazardous wildlife attractants (see Chapter 4, Section 4.4).
- **Sound Attenuation Requirements** – This ALUCP requires sound attenuation of structures for certain new uses within high noise-impact areas to reduce aircraft-related noise to acceptable indoor levels (see Chapter 2, Table 2-1). Local regulations must include equivalent standards.
- **Avigation Easements** – As a condition of approval for new development within certain noise contours or involving airspace obstructions, this ALUCP requires dedication of an avigation easement to the San Diego County Regional Airport Authority. This requirement must be addressed in applicable local regulations.
- **Expansion and Reconstruction of Existing Land Uses** – Local agency regulations regarding expansion and reconstruction of existing land uses must be equivalent to or more restrictive than those in this ALUCP (see Chapters 2 and 3).
- **Overflight Notification** – Local agencies should provide a means for owners of any newly constructed dwelling unit located within the Overflight Notification Area (Chapter 5, Exhibit 5-1) to be notified of the effects of aircraft overflight, as described in Policy O-2, Chapter 5. Local agency reliance upon the

¹ See Chapter 2, Table 2-1, and Chapter 3, Table 3-1, for land use compatibility tables.

state real estate disclosure law,² which applies within the Airport Influence Area (Chapter 1, Exhibit 1-1) and requires any person who offers residential property for sale or lease to disclose to prospective buyers and lessees the presence of the property in the Airport Influence Area, is adequate to comply with this ALUCP policy.

B.2.3 Review Procedures for Land Use Actions

In addition to incorporation of ALUC compatibility criteria, local agency implementing documents must specify the manner in which land use plans, regulations, and projects will be reviewed for consistency with the compatibility standards.

Actions Always Requiring ALUC Review – All local agency legislative actions require ALUC review regardless of whether or not the agency has an ALUCP implementation plan that has been approved by the ALUC and adopted by the local agency’s governing body, or if the local agency has overruled this ALUCP. These legislative actions include the adoption of or amendments to a general plan or any community, specific, precise, or other land use plans. Also included are amendments to a zoning ordinance (including rezones) or building code which would impact matters regulated by this ALUCP.

Process for Compatibility Reviews by Local Agencies – Local agencies must establish project processing procedures to ensure that ALUCP compatibility policies and standards are addressed during project reviews, whether discretionary or ministerial. This can be accomplished by a standard review procedure checklist that includes reference to ALUCP compatibility standards and use of a Geographic Information System (GIS)-based program to identify all parcels within the Airport Influence Area.

Variations and Deviations – Local agency procedures for granting variances and deviations to a zoning ordinance must include provisions to ensure that they do not result in a conflict with ALUCP noise, safety, or airspace protection compatibility standards.

Satisfaction and Enforcement of Conditions – Policies must be established to ensure compliance with ALUCP compatibility standards during both the permitting process and the lifetime of the development. Enforcement procedures are especially necessary with regard to adhering to limitations on safety zone densities and intensities and FAA conditions attached to Determinations of No Hazard (DNH).

B.3 NEW LAND USES IN EXISTING BUILDINGS - CALCULATION WORKSHEET

Policy 5.14 in Chapter 3, Safety Compatibility Policies and Standards, requires that new conditionally compatible uses proposed to occupy only a portion of an existing building must comply with the density and intensity limits in Table 3-1. The policy explains that density and intensity are to be calculated based on the number of units or gross occupied area of the proposed use and the proportion of the total lot area equal to the proportion of gross occupied area of the building to be occupied by the proposed use.

A worksheet for performing the required calculations is on the following page. An Excel version of this template is available on the San Diego County Regional Airport Authority’s website. The user must fill in the blanks on the worksheet, and the other cells in the “DATA” column will be automatically calculated.

Following the worksheet are two examples of completed worksheets, one for a nonresidential project and another for a residential project.

² California Business and Professions Code Sections 11010(a) and (b)(13); California Civil Code Sections 1102.6 and 1103.4; California Code of Civil Procedure Section 731a.

Worksheet for Calculating the Density and Intensity of a Land Use Occupying Part of an Existing Building

INFORMATION DESCRIPTION	DATA
<u>ALUCP Safety Standards</u>	
Safety Zone	_____
Community Planning Area	_____
Neighborhood (if applicable)	_____
Maximum Compatible Residential Density (from ALUCP Table 3-1)	_____ dwelling units/acre
Maximum Compatible Nonresidential Intensity (from ALUCP Table 3-1)	_____ people/acre
<u>Existing Building</u>	
Gross Occupied Area of Building (in square feet)	_____ square feet
Size of Lot (in acres, to 3 decimal places)	_____ acre
<u>Proposed Land Use</u>	
Number of Dwelling Units, if applicable	_____ dwelling units
Type of Nonresidential Land Use, if applicable	_____
Nonresidential Occupancy Factor, if applicable (square feet per person from ALUCP Table 3-1)	_____ people/acre
Gross Occupied Area of Proposed Use	_____ square feet
Occupancy of Proposed Use (calculated)	calculated people
<u>Calculations</u>	
Proportion of Gross Occupied Area of Building Occupied by Proposed Use (calculated)	calculated
Proportion of Lot Area Attributable to Proposed Use (calculated)	calculated
Density of Proposed Residential Use (calculated)	calculated dwelling units/acre
Is project compatible with residential density standards?	calculated
Intensity of Proposed Nonresidential Use (calculated)	calculated people/acre
Is project compatible with nonresidential intensity standards?	calculated

Worksheet for Calculating the Density and Intensity of a Land Use Occupying Part of an Existing Building

INFORMATION DESCRIPTION	DATA
<u>ALUCP Safety Standards</u>	
Safety Zone	3SE
Community Planning Area	Downtown
Neighborhood (if applicable)	Little Italy
Maximum Compatible Residential Density (from ALUCP Table 3-1)	154 dwelling units/acre
Maximum Compatible Nonresidential Intensity (from ALUCP Table 3-1)	732 people/acre
<u>Existing Building</u>	
Gross Occupied Area of Building (in square feet)	14,000 square feet
Size of Lot (in acres, to 3 decimal places)	0.179 acre
<u>Proposed Land Use</u>	
Number of Dwelling Units, if applicable	0 dwelling units
Type of Nonresidential Land Use, if applicable	Office
Nonresidential Occupancy Factor, if applicable (square feet per person from ALUCP Table 3-1)	215 people/acre
Gross Occupied Area of Proposed Use	3,000 square feet
Occupancy of Proposed Use (calculated)	13.953 people
<u>Calculations</u>	
Proportion of Gross Occupied Area of Building Occupied by Proposed Use (calculated)	0.214
Proportion of Lot Area Attributable to Proposed Use (calculated)	0.038
Density of Proposed Residential Use (calculated)	0 dwelling units/acre
Is project compatible with residential density standards?	YES
Intensity of Proposed Nonresidential Use (calculated)	367.184 people/acre
Is project compatible with nonresidential intensity standards?	YES

Worksheet for Calculating the Density and Intensity of a Land Use Occupying Part of an Existing Building

INFORMATION DESCRIPTION	DATA
<u>ALUCP Safety Standards</u>	
Safety Zone	3SE
Community Planning Area	Downtown
Neighborhood (if applicable)	Little Italy
Maximum Compatible Residential Density (from ALUCP Table 3-1)	154 dwelling units/acre
Maximum Compatible Nonresidential Intensity (from ALUCP Table 3-1)	732 people/acre
<u>Existing Building</u>	
Gross Occupied Area of Building (in square feet)	14,000 square feet
Size of Lot (in acres, to 3 decimal places)	0.179 acre
<u>Proposed Land Use</u>	
Number of Dwelling Units, if applicable	5 dwelling units
Type of Nonresidential Land Use, if applicable	not applicable
Nonresidential Occupancy Factor, if applicable (square feet per person from ALUCP Table 3-1)	0 people/acre
Gross Occupied Area of Proposed Use	3,000 square feet
Occupancy of Proposed Use (calculated)	#DIV/0! people
<u>Calculations</u>	
Proportion of Gross Occupied Area of Building Occupied by Proposed Use (calculated)	0.214
Proportion of Lot Area Attributable to Proposed Use (calculated)	0.038
Density of Proposed Residential Use (calculated)	131.579 dwelling units/acre
Is project compatible with residential density standards?	YES
Intensity of Proposed Nonresidential Use (calculated)	#DIV/0! people/acre
Is project compatible with nonresidential intensity standards?	#DIV/0!

B.4 GUIDANCE FOR DETERMINING SHIELDING OF PROPOSED CONSTRUCTION OR STRUCTURAL ALTERATIONS

Policy A.2 in Chapter 4, Airspace Protection Policies and Standards, provides that sponsors of proposed projects that “will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height...” need not file FAA Form 7460-1 with the FAA.³ This section provides technical guidance for determining if a proposed structure is shielded.

The material is copied from FAA Order JO 7400.2P, *Procedures for Handling Airspace Matters*. The FAA updates this order periodically. The updates typically affect only selected sections. Project sponsors should consult with SDIA Operations staff to check for updates to this order in case the relevant shielding guidance changes.

³ Title 14, Code of Federal Regulations, Part 77, *Safe, Efficient Use, and Preservation of the Navigable Airspace*, Section 77.9(e)(1).

Excerpt from Order JO 7400.2P, Procedures for Handling Airspace Matters

US Department of Transportation, Federal Aviation Administration

Effective: April 20, 2023

6-3-13. CONSIDERING SHIELDING

Shielding as described below should not be confused with notice criteria as stated in Section 77.9(e).

a. Consideration. Shielding is one of many factors that must be considered in determining the physical effect a structure may have upon aeronautical operations and procedures. Good judgment, in addition to the

circumstances of location and flight activity, will influence how this factor is considered in determining whether proposed or existing structures would be physically shielded.

b. Principle. The basic principle in applying the shielding guidelines is whether the location and height of the structures are such that aircraft, when operating with due regard for the shielding structure, would not collide with that structure.

c. Limitations. Application of the shielding effect is limited to:

1. The physical protection provided by existing natural terrain, topographic features, or surface structures of equal or greater height than the structure under study; and

2. The structure(s) providing the shielding protection is/are of a permanent nature and there are no plans on file with the FAA for the removal or alteration of the structure(s).

d. Guidelines. Any proposed construction of or alteration to an existing structure is normally considered to be physically shielded by one or more existing permanent structure(s), natural terrain, or topographic feature(s) of equal or greater height if the structure under consideration is located:

1. Not more than 500 feet horizontal distance from the shielding structure(s) and in the congested area of a city, town, or settlement, provided the shielded structure is not located closer than the shielding structures to any heliport or airport located within 5 miles of the structure(s).

2. Such that there would be at least one such shielding structure situated on at least three sides of the shielded structure at a horizontal distance of not more than 500 feet.

3. Within the lateral dimensions of any runway approach surface but would not exceed an overall height above the established airport elevation greater than that of the outer extremity of the approach surface, and located within, but would not penetrate, the shadow plane(s) of the shielding structure(s).*

e. OEG must coordinate with FPT before applying shielding criteria for precision approach surface penetrations.

NOTE—

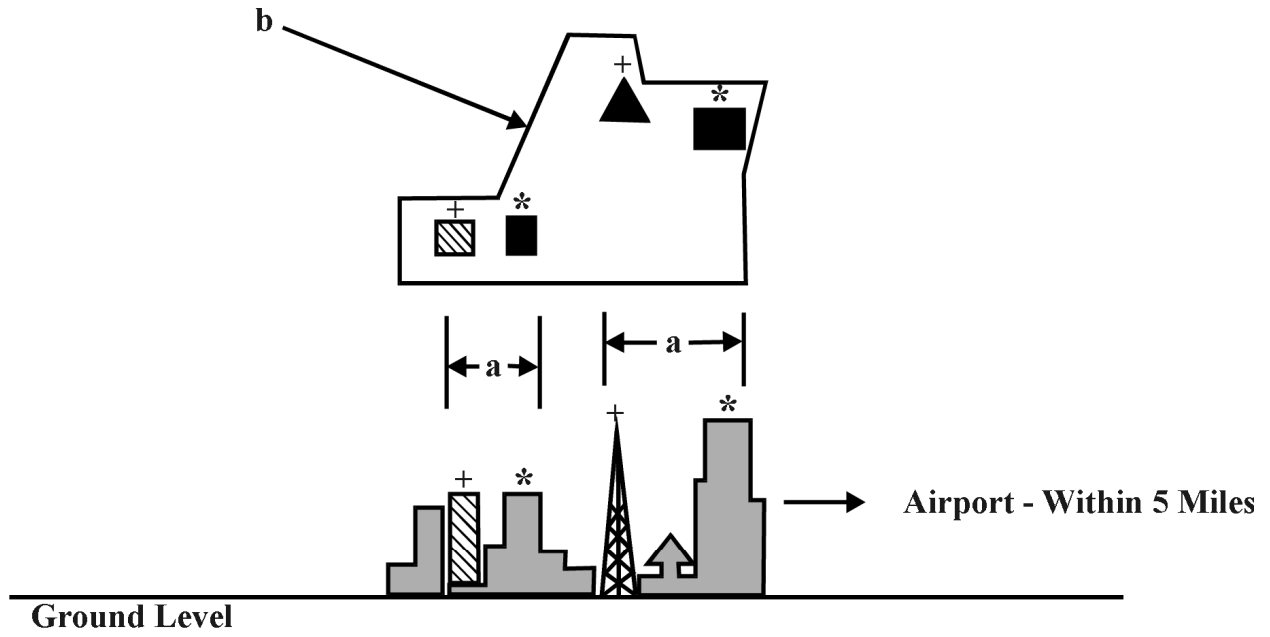
See FIG 6-3-7 and FIG 6-3-12.

6-3-14. CONSIDERING SHADOW PLANE

The term “shadow plane” means a surface originating at a horizontal line passing through the top of the shielding structure at right angles to a straight line extending from the top of the shielding structure to the end of the runway. The shadow plane has a width equal to the projection of the shielding structure’s width onto a plane normal to the line extending from the top and center of the shielding structure to the midpoint of the runway end. The shadow plane extends horizontally outward away from the shielding structure until it intersects or reaches the end of one of the imaginary approach area surfaces; see FIG 6-3-13, FIG 6-3-14, and FIG 6-3-15.

* Contact Airport Land Use Commission staff for maps of runway approach surfaces.

FIG 6-3-12
STANDARDS FOR DETERMINING SHIELDING: CONGESTED PART OF CITY, TOWN, OR SETTLEMENT



- + Shielded Object**
- * Shielding Object**
- a Not More Than 500 Feet**

FIG 6-3-13
STANDARDS FOR DETERMINING SHIELDING
Conical Surface Shadow Plane

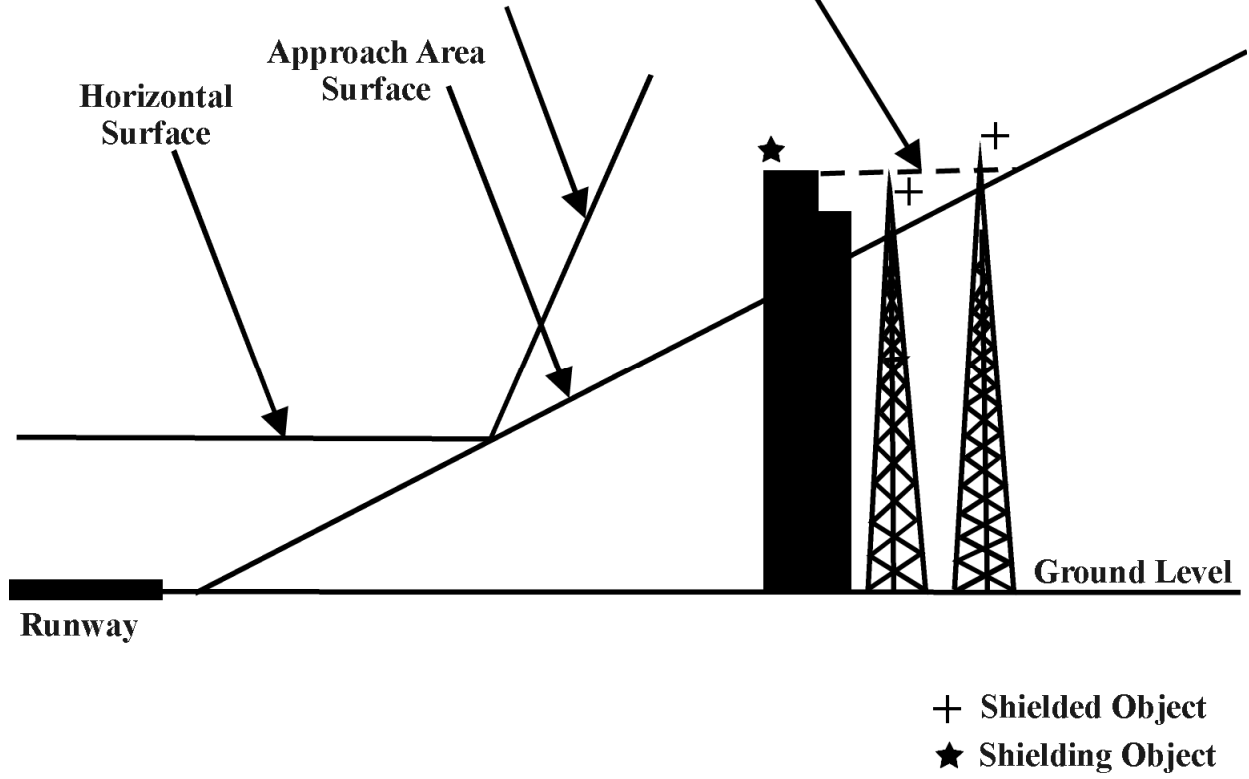


FIG 6-3-14
STANDARDS FOR DEVELOPING SHIELDING: PERSPECTIVE OF A SHADOW PLANE

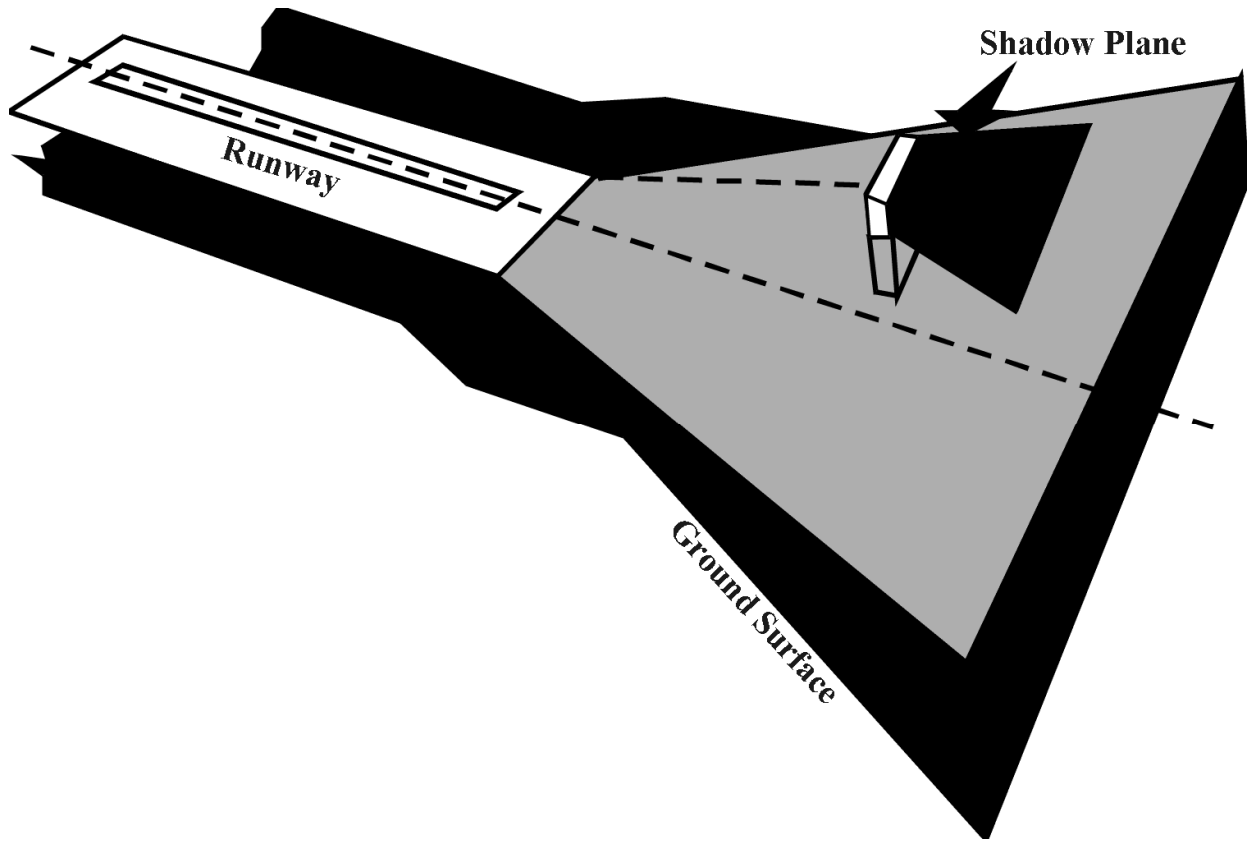
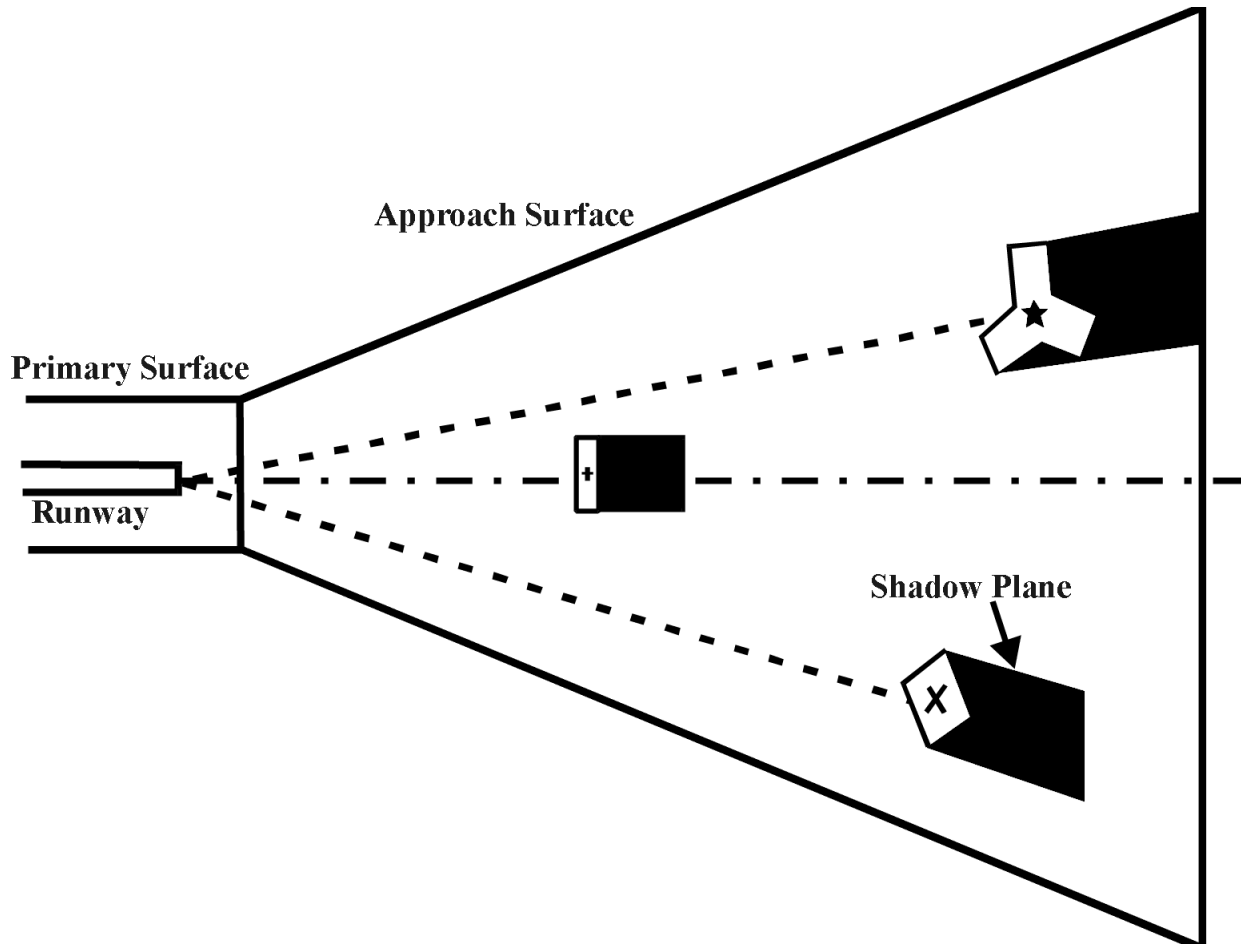


FIG 6-3-15
STANDARDS FOR DETERMINING SHIELDING: EXAMPLES OF SHADOW PLANES



B.5 AIRPORT OVERFLIGHT AGREEMENT

Policy O-2 in Chapter 5, Overflight Compatibility Policies, describes how local agencies can implement this policy. If local agencies choose to adopt an ordinance requiring the recordation of an overflight notification agreement, the following language should be used for the agreement.

* * *

Recorded for the benefit of the
San Diego County Regional
Airport Authority as operator of
San Diego International Airport

Return to:
(property owner)

(SPACE ABOVE FOR RECORDER'S USE)

AIRPORT OVERFLIGHT AGREEMENT

This Airport Overflight Agreement concerns the property situated in _____ (*insert City or unincorporated Community of* _____), County of San Diego, State of California, described as (*insert or attach legal description*) _____

This Airport Overflight Agreement provides disclosure of the condition of the above-described property in recognition of and in compliance with _____ (*insert local ordinance section*) and related state and local regulations and consistent with the San Diego County Airport Land Use Commission's policies for overflight notification provided in the Airport Land Use Compatibility Plan for San Diego International Airport.

This property is presently located in the Overflight Area described in the Airport Land Use Compatibility Plan for San Diego International Airport. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

The undersigned owner(s) of the Property subject to this Agreement hereby agree, for themselves and their successors, to the conditions associated with this Agreement. This Airport Overflight Agreement shall run with the land and shall be binding upon all parties having or acquiring any right, title, or interest to the Property.

OWNER(S)

_____	_____
Name	Date
_____	_____
Name	Date

(Attach California All Purpose Acknowledgement)

* * *