SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
Airport Land Use Commission

STAFF REPORT

Item No. 3

Meeting Date: **DECEMBER 1, 2011**

Subject:

Adoption of an Amendment to the Agua Caliente Airstrip Airport Land Use Compatibility Plan and Addendum to the Previously Adopted Negative Declaration

Recommendation:

Adopt Resolution No. 2011-0020 ALUC, approving an amendment to the Agua Caliente Airstrip Airport Land Use Compatibility Plan and adopting an Addendum to the Previously Adopted Negative Declaration for the Agua Caliente Airstrip Airport Land Use Compatibility Plan and/or other appropriate action as determined by the ALUC.

Background/Justification:

The Airport Authority was designated as the Airport Land Use Commission (ALUC) for San Diego County, effective January 1, 2003 (Pub. Util. Code §21670.3(a)). Acting in its capacity as the ALUC, the Airport Authority is required to prepare and adopt an Airport Land Use Compatibility Plan (ALUCP) for each of the public use and military airports within its jurisdiction (Pub. Util. Code §21674(c)).

The purpose of the proposed ALUCP is to protect the public health, safety and welfare by ensuring the orderly expansion of airports and the adoption of land use policies that minimize the public's exposure to excessive noise and safety hazards within areas around airports located in the county that are not already devoted to incompatible land uses (Pub. Util. Code §21674).

In accordance with this mandate, the ALUC adopted an ALUCP for Agua Caliente Airstrip on December 4, 2006, and adopted ALUCPs for other rural airports at the same time. ALUCPs for Marine Corps airports were adopted in 2008, and for urban airports in 2010. On December 20, 2010, the ALUC adopted amendments to those urban airport ALUCPs which qualified to be amended in order to provide for clarifications in compatibility policies. The ALUC has a single, statutory opportunity to amend an ALUCP each calendar year (Pub. Util. Code §21675(a)).

On October 6, 2011, the ALUC authorized staff to initiate amendments to all rural airport ALUCPs to clarify policies contained therein for ALUC consideration before 2011 expired, allowing the ALUC to exercise its 2011 opportunity to amend the ALUCP. This amendment would align all ALUCPs with congruent policies uniformly applied within affected local agency land use jurisdiction.

In fulfillment of the ALUC policy direction, staff met with County of San Diego Department of Planning and Land Use staff on October 28, 2011 to advise them of the proposed amendment and solicit their feedback. The amendment involves clarifying processing issues when applying the ALUCP to land use projects requiring consistency determination review. The specific clarifications comprising the amendment are listed below.

1. Replace the term "overflight easement" with "overflight agreement" in all references throughout the entire ALUCP. These recorded agreements do not constitute easements and must be changed to avoid confusion with avigation easements.

2. Clarify the definition of existing land use in chapter 2, section 1.3.12 to account for new occupancies within existing buildings (e.g., tenant improvements). The change would allow new occupancies within existing buildings to be treated as existing land uses, provided that the occupancy remains within the same or reduced level of occupancy as the most recent use. A new occupancy which increases intensity shall not qualify as an existing land use and thus remains subject to ALUC review.

3. Clarify in chapter 2, sections 1.6.1(a)(1) and (2), 1.6.1(b)(1) and (2), and 1.6.2(a)(2), that only noise or safety concerns within Review Area 1 require ALUC review, whereas all land use actions within Review Area 1 or 2 which have been determined to be a hazard by the Federal Aviation Administration (FAA) require ALUC review.

4. Clarify in chapter 2, with the addition of section 1.6.3, that ALUC staff review is sufficient for projects which comply with all ALUCP compatibility factors and no conditions are required, provided the project has done one or both of the following, if applicable: obtain a determination of no hazard from the FAA, and record an overflight agreement per local agency condition.

5. Clarify in chapter 2, section 2.3.4, the circumstances under which subsequent ALUC review of a previously reviewed and approved project is required. New review would continue to be required for an increase in number of dwelling units or nonresidential intensity on a site as well as major site design changes. A cumulative increase in building area or lot coverage for nonresidential uses would only require subsequent ALUC review if the revised project exceeded 10 percent of those attributes for the previously approved project, and height increases only if the increase is deemed a hazard by the FAA.

6. Clarify in chapter 2, section 3.1.2(d), that ALUC review is required for any proposed expansion of a nonconforming use only when there is an increase in the number of dwelling units or people on site for nonresidential uses. This would allow existing nonconforming uses to make alterations to comply with life safety code upgrades, including accessibility requirements, without having to upgrade the entire site to conform to the ALUCP.

7. Insert the heading "Residential Development Criteria" in chapter 3, after section 2.3(b), creating a new section 2.4 at that point, with indentation and numeration of all following subheadings and sections adjusted accordingly. The omission of this heading was an oversight in the original plan.

8. Clarify in chapter 3, section 2.4(e) as renumbered, that the Retail Shopping Center category may or may not include eating and drinking establishments. As worded, current text implies that this category must be included.

9. Simplify in chapter 3, section 2.6(a) and (b) as renumbered, the method of calculating maximum use of a site for projects with a mixture of nonresidential uses and provide example calculations. This would involve applying a proportionate share of the use to a proportion of the permitted floor area ratio, rather than computing complex estimates of occupancy of residential units and nonresidential uses and the corresponding estimated building area occupied by each.

Fiscal Impact:

ALUC functions are funded through the Airport Planning FY12 operating budget.

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. In accordance with CEQA, the ALUC adopted a Negative Declaration (ND) for the Agua Caliente Airstrip ALUCP on December 4, 2006, pursuant to Resolution No. 2006-0066 ALUC. For the proposed amendment to the adopted Agua Caliente Airstrip ALUCP, the attached Addendum to the previously adopted ND has been prepared for ALUC consideration.

B. This ALUC action does not constitute a "development," as defined by the California Coastal Act. (Pub. Res. Code §30106)

Equal Opportunity Program:

Not applicable.

Prepared by:

KEITH WILSHETZ
DIRECTOR, AIRPORT PLANNING

RESOLUTION NO. 2011-0020 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY ADOPTING AN AMENDMENT TO THE AGUA CALIENTE AIRSTRIP AIRPORT LAND USE COMPATIBILITY PLAN AND ADOPTING AN ADDENDUM TO THE PREVIOUSLY ADOPTED NEGATIVE DECLARATION.

WHEREAS, on December 4, 2006, the Board of the San Diego County Regional Airport Authority, acting it its capacity as the Airport Land Use Commission (ALUC) for San Diego County, pursuant to Section 21670.3 of the Public Utilities Code, adopted an Airport Land Use Compatibility Plan (ALUCP) for Agua Caliente Airstrip; and

WHEREAS, the ALUC concurrently adopted the Negative Declaration (ND) (State Clearinghouse No. 2005031079) prepared for the adopted Agua Caliente Airstrip ALUCP, which concluded that there was no substantial evidence that the ALUCP would result in significant environmental impacts (Resolution No. 2006-0066 ALUC); and

WHEREAS, the ALUC is required to prepare, adopt, and amend (as necessary) an ALUCP for each of the airports in its jurisdiction (Public Utilities Code, §§21674, subd. (c); 21675, subd. (a)); and

WHEREAS, the adopted Agua Caliente Airstrip ALUCP, as required by State law, is based on the Airport Layout Plan (ALP) and airport-related forecast and background data approved by the California Department of Transportation, Division of Aeronautics, which reflects the anticipated growth of the airport for the next 20 years; and

WHEREAS, the amendment to the adopted Agua Caliente Airstrip ALUCP is consistent with the primary objectives of the State Aeronautics Act (Cal. Pub. Util. Code §§21001, et seq.) and the California Airport Land Use Planning Handbook and does not diminish the protection provided by the previously adopted ALUCP for Agua Caliente Airstrip; and

WHEREAS, on October 6, 2011, ALUC staff presented a list of issues and concerns to the ALUC that have been encountered when applying the Agua Caliente Airstrip ALUCP to land use projects requiring consistency determination review; and

WHEREAS, on October 28, 2011, ALUC staff held a meeting with County of San Diego staff to inform them about the proposed revisions to the Agua Caliente Airstrip ALUCP as well as to solicit their input; and

WHEREAS, the ALUC finds it appropriate to amend the adopted Agua Caliente Airstrip ALUCP, as requested by ALUC staff, so as to provide clarity on the following: 1) replace the term "overflight easement" with "overflight agreement" in all references throughout the entire ALUCP; 2) clarify the definition of existing land use in chapter 2, section 1.3.12 to allow new occupancies within existing buildings to be treated as existing land uses, provided that the occupancy remains within the same or reduced level of occupancy as the most recent use; 3) clarify in chapter 2, sections 1.6.1(a)(1) and (2), 1.6.1(b)(1) and (2), and 1.6.2(a)(2), that only noise or safety concerns within Review Area 1 require ALUC review, whereas all land use actions within Review Area 1 or 2 which have been determined to be a hazard by the Federal Aviation Administration (FAA) require ALUC review; 4) clarify in chapter 2, with the addition of section 1.6.3, that ALUC staff review is sufficient for projects which comply with all ALUCP compatibility factors and no conditions are required, provided the project has done one or both of the following, if applicable: obtain a determination of no hazard from the FAA, and record an overflight agreement per local agency condition; 5) clarify in chapter 2, section 2.3.4, that no increase in height which would be deemed a hazard by the FAA and no greater than a cumulative ten percent increase in building area or lot coverage over a previously approved project for nonresidential uses would be allowed before subsequent new ALUC review; 6) clarify in chapter 2, section 3.1.2(d), that ALUC review is required for any proposed expansion of a nonconforming use only when there is an increase in the number of dwelling units or people on site for nonresidential uses; 7) insert the heading "Residential Development Criteria" in chapter 3, after section 2.3(b), creating a new section 2.4 at that point, with indentation and numeration of all following subheadings and sections adjusted accordingly; 8) clarify in chapter 3, section 2.4(e) as renumbered, that the Retail Shopping Center category may or may not include eating and drinking establishments; and 9) simplify in chapter 3, section 2.6(a) and (b) as renumbered, the method of calculating maximum use of a site for projects with a mixture of nonresidential uses to use a proportionate share of each land use as a proportion of the permitted floor area ratio and provide example calculations; and

WHEREAS, the amendment to the adopted Agua Caliente Airstrip ALUCP will ensure that the ALUC and the affected local agencies have the most accurate technical data regarding the proposed clarifications and revisions before them when rendering consistency determinations and/or implementing the Agua Caliente Airstrip ALUCP; and

WHEREAS, in compliance with the requirements of the California Environmental Quality Act (CEQA; Pub. Resources Code, §2100, et seq.), the CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.), and the Airport Authority's own CEQA Procedures, ALUC staff has evaluated the environmental ramifications of the proposed amendment to the adopted Agua Caliente Airstrip ALUCP; and

WHEREAS, ALUC staff has prepared an Addendum to the previously adopted ND (State Clearinghouse No. 2005031079); and

WHEREAS, the Addendum concludes the previously adopted ND addresses all impacts associated with the implementation of the proposed amendment to the adopted Agua Caliente Airstrip ALUCP; and

WHEREAS, the Addendum also concludes that any potential environmental impacts associated with the revisions to the affected policies were identified within the scope of the previously adopted ND, and that the environmental ramifications associated with the proposed amendment is the same as or less than that identified in the previously adopted ND; and

WHEREAS, the Addendum further finds that no new or substantially more severe environmental effects would result from the ALUC's decision to amend the adopted Agua Caliente Airstrip ALUCP; and

WHEREAS, the Addendum concludes that no new information has been presented regarding the adopted Agua Caliente Airstrip ALUCP's environmental effects that gives rise to any new or more severe environmental effects than were previously identified in the adopted ND; and

WHEREAS, the ALUC considered the Addendum for the proposed amendment to the adopted Agua Caliente Airstrip ALUCP, along with the previously adopted ND, and the ALUC, based on its independent judgment and analysis, agrees with the conclusions reached in the Addendum.

NOW, THEREFORE, BE IT RESOLVED, that the ALUC adopts the Addendum to the previously adopted ND (State Clearinghouse No. 2005031079, attached as Attachment A), as described therein, and orders that ALUC staff prepare and file a Notice of Determination within five days of the certification of this Resolution; and

BE IT FURTHER RESOLVED, that the ALUC adopts an amendment to the Agua Caliente Airstrip ALUCP, as previously adopted by the ALUC on December 4, 2006, so as to include corrections and revisions to applicable text as outlined within the Staff Report, to be effective immediately upon certification of this Resolution; and

BE IT FUTHER RESOLVED that this ALUC action 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 special meeting this 1st day of December, 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

ADDENDUM TO THE NEGATIVE DECLARATION FOR THE AGUA CALIENTE AIRSTRIP ALUCP (STATE CLEARINGHOUSE NO. 2005031079)

December 1, 2011

1.0 INTRODUCTION

This document is an Addendum to the previously adopted Negative Declaration (State Clearinghouse No. 2005031079) for the Airport Land Use Compatibility Plan ("ALUCP") prepared for Agua Caliente Airstrip ("approved Project"). The Negative Declaration evaluated the environmental impacts associated with implementation of the Agua Caliente Airstrip ALUCP, and concluded that there was no substantial evidence that the approved Project would result in significant environmental impacts. On December 4, 2006, after a public hea/ring, the San Diego County Regional Airport Authority ("Airport Authority"), acting in its capacity as the Airport Land Use Commission ("ALUC") for the County of San Diego, certified the legal adequacy of the Negative Declaration, pursuant to the California Environmental Quality Act ("CEQA;" Pub. Resources Code, §21000 et seq.), the CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.), and the Airport Authority's CEQA Procedures.

This Addendum examines the environmental effects of proposed a minor amendment to the approved Project. The minor amendment is being made in response to comments and input provided by ALUC staff as well as staff at local agencies affected by the approved Project regarding processing issues that have been encountered since the approved Project was adopted by the ALUC in December 2006.

As discussed in greater detail in the Addendum below, the proposed amendment to the approved Project would reduce the amount of potential displacement of future development identified in the previously adopted Negative Declaration for the approved Project, such that potential displacement would be less than previously anticipated.

2.0 PURPOSE OF AN ADDENDUM

Under CEQA, a lead agency may prepare an addendum to a previously adopted Negative Declaration if minor technical changes or additions are necessary, or none of the conditions calling for the preparation of a subsequent environmental impact report ("EIR") or negative declaration have occurred. (Cal. Code Regs., tit. 14, §15164, subd. (b).) Here, the proposed amendment is of the type of "minor technical change" highlighted in the CEQA Guidelines as the appropriate subject of an addendum.

Notably, when a Negative Declaration already has been adopted for a project, no subsequent environmental review is required for that project unless the lead agency determines, based on substantial evidence in the record before it, that one or more specified circumstances has occurred. (Cal. Code Regs., tit. 14, §15162, subd. (a).) Those circumstances are:

(1) Substantial changes to the project are proposed that will require major revision of the previously adopted negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(Cal. Code Regs., tit. 14, §15162, subd. (a).)

This Addendum to the previously adopted Negative Declaration for the approved Project has been prepared because ALUC staff has concluded, following an evaluation of the environmental effects of the proposed minor amendment, that the proposed amendment does not give rise to any of the circumstances requiring preparation of a subsequent EIR or negative declaration, as identified above. The evidence supporting ALUC staff's determination is contained in **Section 4.0**, Environmental Analysis, below.

3.0 BACKGROUND

3.1 DESCRIPTION OF THE APPROVED PROJECT

The approved Project is an airport land use compatibility plan, which is inherently regulatory in nature and designed to promote compatibility between Agua Caliente Airstrip and the surrounding land uses, to the extent that these areas are not already devoted to incompatible uses. (Pub. Util. Code, §21674, subd. (a).) The Agua Caliente Airstrip ALUCP accomplishes this, in part, by regulating the future development of new residential dwellings, commercial and industrial structures, and other noise- or risk-sensitive land uses within the Airport Influence Area ("AIA"), based upon multiple factors established in the ALUCP. Accordingly, the Agua Caliente Airstrip ALUCP serves two complementary purposes: (i) the ALUCP provides for the orderly growth of the area surrounding Agua Caliente Airstrip in a manner that is compatible and consistent with the Airport's operations; and (ii) the ALUCP safeguards the general welfare of the inhabitants within the Airport's vicinity and the public in general. (*Id.* at §21670, subd. (a)(1)-(2).)

The Agua Caliente Airstrip ALUCP contains compatibility criteria applicable to land lying within the AIA. The boundaries of the AIA, which establish the jurisdictional boundaries of the Airport Authority, acting in its capacity as the ALUC, and the ALUCP, are set, on a cumulative basis. Specifically, the AIA's geographic coverage is established by the four factors/layers of land use planning related to aeronautical activities: (i) noise; (ii) safety; (iii) airspace protection; and (iv) overflight. The ALUCP's compatibility criteria identify whether a particular land use is compatible, conditionally compatible, or

incompatible with the Airport's operations based on the proximity of the land uses to the Airport and the four factors/layers. These criteria are then used by the ALUC to determine whether development projects and local plans lying within the AIA for Agua Caliente Airstrip are consistent with the ALUCP. In addition, these criteria are used by local agencies during the preparation or amendment of general plans and/or other land use plans and ordinances, and by landowners during the design of new development projects.

The previously adopted Negative Declaration, as discussed above, evaluated the environmental impacts of implementation of the Agua Caliente Airstrip ALUCP. As adopted by the Airport Authority on December 4, 2006, the Negative Declaration found that there was no substantial evidence in the record that the approved Project would result in significant environmental impacts on a direct, indirect, or cumulative basis.

3.2 CURRENT PROPOSED ACTION

The specific amendment to the approved Project contemplated in this Addendum includes:

1. Replace the term "overflight easement" with "overflight agreement" in all references throughout the entire ALUCP. These recorded agreements do not constitute easements and must be changed to avoid confusion with avigation easements.

2. Clarify the definition of existing land use in chapter 2, section 1.3.12 to account for new occupancies within existing buildings (e.g., tenant improvements). The change would allow new occupancies within existing buildings to be treated as existing land uses, provided that the occupancy remains within the same or reduced level of occupancy as the most recent use. A new occupancy which increases intensity shall not qualify as an existing land use and thus remains subject to ALUC review.

3. Clarify in chapter 2, sections 1.6.1(a)(1) and (2), 1.6.1(b)(1) and (2), and 1.6.2(a)(2), that only noise or safety concerns within Review Area 1 require ALUC review, whereas all land use actions within Review Area 1 or 2 which have been determined to be a hazard by the Federal Aviation Administration (FAA) require ALUC review.

4. Clarify in chapter 2, with the addition of section 1.6.3, that ALUC staff review is sufficient for projects which comply with all ALUCP compatibility factors and no conditions are required, provided the project has done one or both of the following, if applicable: obtain a determination of no hazard from the FAA, and record an overflight agreement per local agency condition.

5. Clarify in chapter 2, section 2.3.4, the circumstances under which subsequent ALUC review of a previously reviewed and approved project is required. New review would continue to be required for an increase in number of dwelling units or nonresidential intensity on a site as well as major site design changes. A cumulative increase in building area or lot coverage for nonresidential uses would only require subsequent ALUC review if the revised project exceeded 10 percent of those attributes for the previously approved project, and height increases only if the increase is deemed a hazard by the FAA.

6. Clarify in chapter 2, section 3.1.2(d), that ALUC review is required for any proposed expansion of a nonconforming use only when there is an increase in the number of dwelling units or people on site for nonresidential uses. This would allow existing nonconforming uses to make alterations to comply

with life safety code upgrades, including accessibility requirements, without having to upgrade the entire site to conform to the ALUCP.

7. Insert the heading "Residential Development Criteria" in chapter 3, after section 2.3(b), creating a new section 2.4 at that point, with indentation and numeration of all following subheadings and sections adjusted accordingly. The omission of this heading was an oversight in the original plan.

8. Clarify in chapter 3, section 2.4(e) as renumbered, that the Retail Shopping Center category may or may not include eating and drinking establishments. As worded, current text implies that this category must be included.

9. Simplify in chapter 3, section 2.6(a) and (b) as renumbered, the method of calculating maximum use of a site for projects with a mixture of nonresidential uses and provide example calculations. This would involve applying a proportionate share of the use to a proportion of the permitted floor area ratio, rather than computing complex estimates of occupancy of residential units and nonresidential uses and the corresponding estimated building area occupied by each.

4.0 ENVIRONMENTAL ANALYSIS

As discussed further below, the proposed amendment to the approved Project would not alter the conclusions reached in the previously adopted Negative Declaration regarding the potential environmental impacts associated with the approved Project; the potential impacts resulting from the approved Project, as amended, would be the same as or less than those previously identified. (The previously adopted Negative Declaration is hereby incorporated by reference and is available for public inspection during regular business hours at the Airport Authority's offices, which are located at San Diego International Airport, Commuter Terminal, 3225 North Harbor Drive, San Diego, California 92101.)

First, the proposed amendment, like the approved Project, does not propose or entail any new development, construction, or physical changes to existing land uses or the environment. Therefore, the proposed amendment would not directly impact the environment or result in any direct impacts to any of the environmental impact categories contemplated in Appendix G of the CEQA Guidelines, as identified in the previously adopted Negative Declaration.

Second, while the proposed amendment may indirectly influence future land use development in the vicinity of the Airport by facilitating development in some locations and constraining development at other locations, any potential indirect effects that may arise are uncertain from a timing and location standpoint. Therefore, it is speculative to anticipate the specific characteristics of any development with which it would be associated. As discussed in the previously adopted Negative Declaration, one possibility is that land uses in much of the Airport's environs would remain unchanged when compared to existing conditions. Another possibility is that implementation of the proposed amendment may indirectly result in shifting future residential, agricultural, open space, commercial, industrial, or public land uses to other locations designated or zoned to allow for such uses. Since such potential shifts cannot be accurately predicted, particularly as to the rate, timing, location, and extent, it is not considered reasonable to conclude that any potential shifts would be significant. Absent information to the contrary, any such shifts are reasonably considered less than significant.

Such conflicts also are considered less than significant under CEQA because state law (Gov. Code §65302.3) requires that the applicable local planning document(s) be consistent with an adopted ALUCP;

and, in the event of an inconsistency, such document(s) must be amended promptly (or go through the special process required to overrule the ALUC pursuant to section 21676 of the Public Utilities Code). The ALUC finds that, by adopting the proposed amendment, any such conflicts can be avoided or substantially lessened by local agency action. The ALUC further finds that such action is within the responsibility and jurisdiction of the respective local agencies, and not the ALUC.

Importantly, the proposed amendment is *less* restrictive than the existing compatibility criteria and policies adopted on December 4, 2006. As such, the environmental analysis for the approved Project represents the worst-case scenario, such that the environmental effects of the proposed amendment is less than that previously studied and reported in the adopted Negative Declaration.

5.0 CONCLUSION

After reviewing the previously adopted Negative Declaration, ALUC staff finds that: (i) the Negative Declaration, previously adopted by the Airport Authority on December 4, 2006, addresses all impacts associated with implementation of the approved Project; (ii) any potential environmental impacts associated within the proposed amendment were identified within the scope of the previously adopted Negative Declaration; (iii) no new or substantially more severe environmental effects would result from the Airport Authority's decision to adopt the proposed amendment; and (iv) no new information has been presented regarding the approved Project's environmental effects that gives rise to any new or more severe environmental effects than were previously identified in the adopted Negative Declaration. Therefore, the legal requirements for preparation of a subsequent EIR or negative declaration are inapplicable, and preparation of an addendum to the previously adopted Negative Declaration is appropriate under the present circumstances.

This Addendum relies on the previously adopted Negative Declaration and the related administrative record, in addition to the new documentation that has been prepared to support the Addendum.

ITEMS 3 TO 9

Amendments to ALUCPs for Six Rural Airports and McClellan-Palomar Airport

AIRPORT LAND USE PLANNING

SAN ORG

Scope of Proposed Amendment

- Clarify policies and define thresholds for review
- Streamline project review procedures
- Same amendment as done in 2010 to urban airports (except McClellan-Palomar) & MCAS Miramar

Affected ALUCPs

- Six rural airports, adopted in 2006
- McClellan-Palomar Airport
  - not included in 2010 due to previous amendment that year
  - ALUC restricted to 1 amendment per calendar year
- Amendment now preserves ability to amend ALUCPs in 2012

Meetings with Affected Agencies

- Met with County of San Diego on October 28 regarding six rural airports
- Met with City of Carlsbad on November 1 regarding McClellan-Palomar Airport

Components of Amendment

New Uses within Existing Structures

Current Plan: ALUCPs do not apply to existing land uses. However, when a new use is proposed inside an existing building (e.g., tenant improvement), ALUCPs do not provide guidance regarding when review is required.

Amendment: Interior improvements that maintain or reduce previous occupancy intensity would not be subject to ALUC review; projects proposing a *higher* occupancy (e.g., retail to assembly) would be subject to ALUC review

SAN ORG

Review Area 2 Projects

Current Plan: Land use actions in Review Area 2 have only airspace protection as a potential concern, and there is confusing guidance as to whether ALUC review is necessary.

Amendment: Require ALUC review in Review Area 2 only for FAA hazards or if the project has other unique circumstances of concern, such as bright lights, glare, or wildlife attractants

SAN ORG

ALUC Staff Review

Current Plan: Applicants for projects that are entirely consistent must wait for monthly ALUC hearing to reaffirm staff findings, presenting hardship for some applicants.

Amendment: Staff review is sufficient for projects that are consistent with all ALUCP compatibility factors (same as other California ALUCs and already provided for in existing Airport Authority Policy 8.30)

Threshold of Change for New Review

Current Plan: ALUCPs require ALUC review of projects when substantive changes are made, without quantifying what "substantive" means.

Amendment: Adopt 10 percent cumulative increase in building area or lot coverage as a measurable threshold above which projects would be subject to ALUC review; this is the standard used by most cities & County of San Diego

Upgrades for Non-Conforming Structures

Current Plan: ALUCPs do not allow non-conforming structures to be modernized for life safety code upgrades, such as accessibility requirements, without triggering requirement for complete conformance.

Amendment: Allow non-conforming structures to be upgraded to the extent necessary to meet code requirements without losing non-conforming status, *provided there is no increase in dwelling units or people per acre, nor any height increase which would be deemed a hazard by the FAA*

SAN ORG

Eating/Drinking Places in Shopping Centers

Current Plan: Shopping Centers are described as always including eating/drinking establishments.

Amendment: Clarify in policy text and compatibility matrix that shopping centers may or may not include eating/drinking establishments

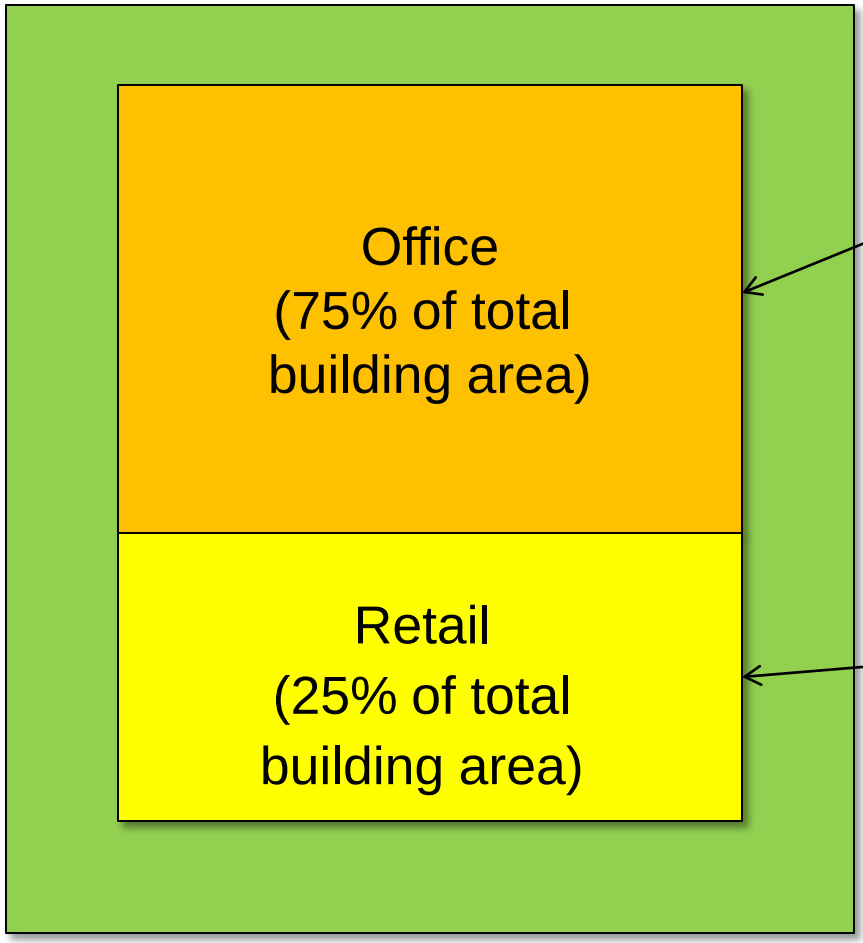
Method of Calculating Maximum Use of Site

Current Plan: Requires complex Floor Area Ratio* (FAR) calculation by dividing proportions of each use by the proportionate share of project site; does not yield meaningful maximum FAR.

Amendment: Determine the maximum use of a site by multiplying the proportion of each use by the allowable FAR in the ALUCP (see illustration on following slide)

* *FAR = square feet of building / square feet of entire site*

Method of Calculating Maximum Use of Site



ALUCP FAR for Office: 0.64

Max Allowed FAR
75% x 0.64 = 0.48

ALUCP FAR for Retail: 0.51

Max Allowed FAR
25% x 0.51 = 0.13

Applicable to Rural Airport ALUCPs Only

Overflight Notification

Current Plan: Makes reference to recorded overflight easements, when these do not exist and could be confused with avigation easements.

Amendment: Replace overflight easement with overflight agreement in all references

Missing Heading

Current Plan: Residential Development Criteria heading was omitted in the plans.

Amendment: Place the heading in the appropriate place and indent and renumber subsequent subheadings and sections accordingly

Recommendation

- Adopt the amendments to the six rural airport and McClellan-Palomar Airport ALUCPs
- Adopt each Addendum to the previously adopted Negative Declarations for each of the airports