

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY



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AIRPORT LAND USE COMMISSION AGENDA

Thursday, April 3, 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/airport_authority/boardmeetings.asp.***

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 Services 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 Services/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 1-2):

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 Commission meetings.
RECOMMENDATION: Approve the minutes of the March 6, 2014, regular meeting.

CONSISTENCY DETERMINATION

2. CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN – CONSTRUCTION OF SINGLE-FAMILY RESIDENTIAL UNIT AT DOVE STREET AT SPRUCE 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. 2014-0007 ALUC, making the determination that the project is conditionally consistent with the San Diego International Airport - Airport Land Use Compatibility Plan.

(Airport Planning: Angela Jamison, Manager)

PUBLIC HEARINGS: None

OLD BUSINESS:

3. CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE SAN DIEGO INTERNATIONAL AIRPORT – AIRPORT LAND USE COMPATIBILITY PLAN AND ADOPTION OF THE SAN DIEGO INTERNATIONAL AIRPORT – AIRPORT LAND USE COMPATIBILITY PLAN (Continued from the February 6, 2014 meeting):

The Commission is requested to certify an Environmental Impact Report and adopt the Airport Land Use Compatibility Plan.

RECOMMENDATION: Adopt Resolution No. 2014-0003 ALUC, certifying the final Environmental Impact Report for the San Diego International Airport - Airport Land Use Compatibility Plan, and adopting California Environmental Quality Act (CEQA) Findings of Fact, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, and

Adopt Resolution No. 2014-0004 ALUC, adopting the Airport Land Use Compatibility Plan for San Diego International Airport.

(Airport Planning: Angela Jamison, Manager)

NEW BUSINESS:

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>
May 1	Thursday	9:00 a.m.	Regular	Board Room
June 5	Thursday	9:00 a.m.	Regular	Board Room

**DRAFT
AIRPORT LAND USE COMMISSION
MINUTES
THURSDAY, MARCH 6, 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 12:11 p.m. on Thursday, March 6, 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: Alvarez, Berman (Ex Officio), Boland, Cox, Farnam (Ex Officio), Gleason, Hubbs, Robinson, Sessom, Smisek

ABSENT: Commission Members: Desmond, 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 1-3):

ACTION: Moved by Commissioner Alvarez and seconded by Commissioner Robinson to approve the Consent Agenda. Motion carried by the following vote: YES – Alvarez, Boland, Cox, Gleason, Hubbs, Robinson, Sessom, Smisek; NO – None; ABSENT – Desmond; ABSTAIN - None. (Weighted Vote Points: YES – 88; NO – 0; ABSENT – 12)

1. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the minutes of the February 6, 2014, regular meeting.

CONSISTENCY DETERMINATIONS

2. **CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN - CONSTRUCTION OF 2 ATTACHED RESIDENTIAL UNITS AT 4945-4947 MUIR AVENUE, CITY OF SAN DIEGO:**
RECOMMENDATION: Adopt Resolution No. 2014-0005 ALUC, making the determination that the project is conditionally consistent with the San Diego International Airport - Airport Land Use Compatibility Plan.

3. **CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN – CONSTRUCTION OF A RESIDENTIAL UNIT AT 4655 Castelar street, CITY OF SAN DIEGO:**
RECOMMENDATION: Adopt Resolution No. 2014-0006 ALUC, making the determination that the project is conditionally consistent with the San Diego International Airport - Airport Land Use Compatibility Plan.

PUBLIC HEARINGS: None

OLD BUSINESS: None.

NEW BUSINESS: None.

COMMISSION COMMENT: None.

ADJOURNMENT: The meeting was adjourned at 12:12 p.m.

APPROVED BY A MOTION OF THE AIRPORT LAND USE COMMISSION THIS
3RD DAY OF APRIL, 2014.

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

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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**CONSISTENCY DETERMINATION
SAN DIEGO INTERNATIONAL AIRPORT (SDIA)
AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP)
April 3, 2014**

Item # 2 Resolution # 2014-0007 ALUC

Recommendation: Conditionally Consistent

CONSTRUCTION OF SINGLE-FAMILY RESIDENTIAL UNIT AT DOVE STREET AT SPRUCE STREET, CITY OF SAN DIEGO

Description of Project: Based on plans submitted to the ALUC, the project proposes the construction of a 3-story, single-family residence of 3,730 square feet with an attached garage on a vacant property of 5,725 square feet. The application was deemed complete by ALUC staff on March 12, 2014.

Noise Contours: The proposed project is located within the 60-65 decibel Community Noise Equivalent Level (dB CNEL) noise contour. (See 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. 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 not located within the City of San Diego Airport Approach Overlay Zone (AAOZ). The height of the proposed project structure will be 32 feet above ground level. The height of the proposed project is consistent with the ALUCP 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 outside the Runway Protection Zones (RPZs).

Interests Disclosure: The property is owned by Dove House LLC of San Diego. The architect is Roger Marr of San Diego. The structural engineer is Malek Engineers of San Diego. The soils engineer is C. W. LaMonte Company, Inc. of La Mesa. The civil engineer is Construction Testing & Engineering, Inc. of Escondido. The landscape architect is Katherine Stangle of San Diego. The fire consultant is Firewise 2000, Inc. of Escondido. The biological consultant is Tierra Data, Inc. of Escondido.

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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, 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.



Legend

Noise Contours - SAN

- 60-65 dB CNEL
- 65-70 dB CNEL
- 70-75 dB CNEL
- 75-80 dB CNEL
- 80+ dB CNEL

Dove Street @ Spruce Street
APN 452-495-08



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RESOLUTION NO. 2014-0007 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY, MAKING A DETERMINATION THAT THE PROPOSED PROJECT: CONSTRUCTION OF SINGLE-FAMILY RESIDENTIAL UNIT AT DOVE STREET AT SPRUCE 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 Section 21670.3 of the Public Utilities Code, was requested by the City of San Diego to determine the consistency of a proposed development project: Construction of Single-Family Residential Unit at Dove Street at Spruce 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 a single-family residential unit; and

WHEREAS, the proposed project 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 that an aviation easement is recorded with the County Recorder; and

WHEREAS, the proposed project is located outside the City of San Diego Airport Approach Overlay Zone (AAOZ) height restrictions, and is in compliance with the ALUCP airspace protection surfaces because a determination of no hazard to air navigation has been issued by the Federal Aviation Administration (FAA); and

WHEREAS, the proposed project is located outside the Runway Protection Zones (RPZs); 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 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 Single-Family Residential Unit at Dove Street at Spruce 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 a single-family residential unit.
- (2) The proposed project is 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 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 outside the City of San Diego AAOZ. The proposed project is in compliance with the ALUCP airspace protection surfaces because a determination of no hazard to air navigation has been issued by the FAA.
- (4) The proposed project is located outside the RPZs.
- (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 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 3rd day of April, 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



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

Item No.

3

Meeting Date: **APRIL 3, 2014**

Subject:

Certification of an Environmental Impact Report for the San Diego International Airport – Airport Land Use Compatibility Plan and Adoption of the San Diego International Airport – Airport Land Use Compatibility Plan

Recommendation:

Adopt Resolution 2014-0003 ALUC, certifying the final Environmental Impact Report for the San Diego International Airport - Airport Land Use Compatibility Plan, and adopting California Environmental Quality Act (CEQA) Finding of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program; and

Adopt Resolution 2014-0004 ALUC, adopting the Airport Land Use Compatibility Plan for San Diego International Airport.

Background/Justification:

1. Continued Discussion Items from the February 6, 2014 ALUC Meeting

The following items were discussed at the February 6, 2014 ALUC meeting. ALUC staff was directed to conduct further research on these items and provides the following information for consideration.

A. City of Coronado Request

The City of Coronado requested that ALUC staff make minor changes to the ALUCP related to implementation in a letter dated January 31, 2014. The City's letter incorrectly summarizes their responsibility to submit General Plan and/or zoning regulations for review as part of ALUCP implementation, as discussed in the Final Environmental Impact Report (FEIR) for the SDIA ALUCP. The FEIR specifically addressed the impact of the ALUCP within the "ALUCP Impact Area," which is the combination of the 65+ dB CNEL noise contour and the safety zones. As shown in Exhibit 1, the City of Coronado is not within the ALUCP impact area, which is where potential displacement of future residential and non-residential land uses could occur. However, Section 6 of the FEIR, response to comment A3 (see page 6-4), contains more information (shown in italics) than was included in the City's letter:

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The City of Coronado’s General Plan and Zoning Ordinance were reviewed during the process of drafting the ALUCP and EIR, and no specific inconsistencies with the proposed ALUCP were found. *Nevertheless, the implementation of the airspace protection policies and standards of the ALUCP could be facilitated by amendment of either the City’s General Plan or zoning regulations or by adopting specific administrative guidelines relating to the review of proposed projects. Specifically, the potential amendments or administrative procedures would implement Policies A.2, A.3, A.5, A.6 and A.7 of the proposed ALUCP. The purpose of the amendments or administrative procedures would be to remind planning department staff to inform project applicants of their obligation under federal law to file a Notice of Proposed Construction or Alteration (FAA Form 7460-1) with the FAA (if required) and to ensure that the developer complies with the findings of the FAA’s obstruction evaluation/aeronautical study of the proposed project.*

Exhibit 1



ALUC staff supports the requested additions to the ALUCP (as outlined below in underline format), but note the proposed changes will not affect the City of Coronado’s requirement to submit an implementation plan for ALUC review.

1.10 Local Agency Implementation

1.10.1 Local Agency Requirements and Responsibilities

Within 180 calendar days of the ALUC's adoption or amendment of this ALUCP, each local agency affected by this ALUCP must:²⁸

1. Amend its land use plans and regulations to be consistent with this ALUCP, if needed, or
2. Overrule this ALUCP by a two-thirds vote of its governing body after adopting findings that justify the overrule and providing notice, as required by law²⁹

If a local agency fails to take either action, it must follow the review process detailed in **Section 1.9**.

1.10.2.1 Methods of Implementing this ALUCP

A local agency can make its land use plans and regulations consistent with this ALUCP in the following ways:

- Incorporate ALUCP policies into General Plan Elements—Individual elements of local general plans may be amended to incorporate applicable policies from this ALUCP. For example, noise compatibility policies and standards could be added to the noise element, safety policies to the safety element, and other policies, standards and maps to the land use element
- Adopt ALUCP as Stand-Alone Document—Local agencies may adopt this ALUCP as a local policy document
- Adopt Overlay Zone—Local agencies may incorporate the policies and standards of this ALUCP into an overlay zone to supplement the requirements of the standard land use zoning districts
- If the local agency's land use plans and regulations are consistent with this ALUCP, no action to adopt additional policies or regulations is required. However, only the ALUC can determine whether or not a local agency's land use plans and regulations are consistent with this ALUCP.

B. NTC Historic Buildings

A question was raised at the February 6, 2014 ALUC meeting about the applicability of ALUCP Policy N.7, New Uses in Existing Buildings (below) to historic structures in Liberty Station. If a change of use occurs in an entire building, sound attenuation is required for new residential, public assembly and adult school uses, even if the existing structure is designated historic. This policy is consistent with Title 21 of the California Code of Regulations.

Policy N.7 New Uses in Existing Buildings

No consistency review is required when new compatible or conditionally compatible uses, as described in **Table 2-1**, are proposed within a portion of an existing building, such as a multi-tenant shopping center. However, consistency review is required for new residential, public assembly and adult school uses.² Incompatible uses are not allowed.

Consistency review, including recordation of an avigation easement (if applicable), is required when a new use (or multiple uses) is proposed to entirely occupy an existing building. Only new residential, public assembly and adult school uses require sound attenuation per **Table 2-1**.³

² [Title 21, California Code of Regulations, Subchapter 6, Noise Standards, Section 5014.](#)

³ [Title 21, California Code of Regulations, Subchapter 6, Noise Standards, Section 5014.](#)

C. San Diego Unified School District

The San Diego Unified School District (SDUSD) submitted a letter on February 6, 2014 addressing concerns over SDUSD's ability to expand or modernize existing facilities that are not required by State law to meet enrollment demand. ALUC staff proposes the addition of the new underlined text below to address SDUSD's concerns.

1.6.1.2 Safety**2. Nonresidential Uses Only**

- An existing incompatible nonresidential use may be expanded in building area or reconstructed if there is no increase in the intensity of the use.
- Existing incompatible children's schools (grades K-12) may be expanded, replaced or reconstructed if required by State law, ~~but no new assembly facilities with capacities of 50 or more people are allowed.~~ New, expanded or modernized facilities to accommodate existing enrollment must be submitted to the ALUC for review.

D. Mixed-Use Project Calculation

At the February 6, 2014 ALUC meeting, the City of San Diego presented a compromise for mixed-use projects that would convert residential density to intensity and limit the residential occupants to half of the nonresidential intensity limit (while still maintaining the maximum nonresidential intensity limits originally proposed in the ALUCP). For example, in Safety Zone 2E, the proposed ALUCP would have a density limit of 40 dwelling units per acre for mixed-use projects. Under the City's compromise, up to 84 dwelling units per acre would be allowed in Safety Zone 2E for mixed-use projects.

ALUC staff reviewed the City's request and determined that the policy modification is consistent with the *California Airport Land Use Planning Handbook* (Caltrans Handbook)

and is a feasible mitigation measure for purposes of CEQA. The policy modification would maintain the original intensity limits allowed by safety zone and would better reflect the existing development pattern for mixed-use projects. Additionally, the modification is consistent with the Caltrans *Handbook* guidance for mixed-use development.

The compromise will reduce potential residential displacement by approximately 118 dwelling units, primarily within Safety Zone 2E (when considering the impact of the Industrial Buffer Overlay Zone), as shown in Table 1.

Table 1

	Displaced Residential Units	Displaced Residential Units with Industrial Buffer Overlay Zone
Project	779	304
Project with New Mitigation	527	186

ALUC staff supports the policy modification (as outlined below) and its application within all of the proposed safety zones.

3.3 Supplemental Safety Compatibility Policies

Policy 5.8 Mixed-Use Projects

For a proposed project with a mix of residential and nonresidential uses, residential density is converted to intensity and the total number of residential occupants is limited to half of the maximum nonresidential intensity specified in Table 3-1.

For live/work projects, each dwelling unit is to be counted towards density, and only the square footage devoted to nonresidential use is to be used in the calculation of nonresidential intensity.

Areas devoted to parking (whether above/below ground or enclosed) are not to be included in the gross square footage of the building and, therefore, are not considered in the calculation of intensity.

How do you calculate density and intensity for a mixed-use project?

Step 1: The density of the residential portion of the proposed project is calculated by dividing the number of dwelling units by the net acreage of the entire project site. The residential density limits identified in Table 3-1 do not apply.

Step 2: The resulting residential density is then converted to "intensity" by multiplying the density, in units per acre, by the number of persons per household for the corresponding safety zone indicated at the top of Table 3-1.

Step 3: Nonresidential intensity is calculated by dividing the total occupants of the nonresidential uses by the net acreage of the project site. (The number of occupants is calculated by dividing the gross square footage of the building by the occupancy factor shown in Table 3-1.) If different types of nonresidential uses are proposed, the number of people occupying each component nonresidential use is calculated separately, as presented in Table 3-2, Example D.

Step 4: The residential and nonresidential intensities calculated in Steps 2 and 3 are summed, and the total intensity level is compared with the maximum allowable intensity limits presented at the top of Table 3-1 to determine if the proposed use complies with the ALUCP. The sum total of the project's residential and nonresidential intensities cannot exceed the allowed intensity limit identified in Table 3-1.

The remaining sections have been carried over from the February 6, 2014 ALUC meeting staff report.

2. Purpose of the ALUC and ALUCPs

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 airports within its jurisdiction, including San Diego International Airport (SDIA) (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).

The ALUC shall be guided by information in the California Department of Transportation, Division of Aeronautics (Caltrans) *Airport Land Use Planning Handbook (Handbook)* in preparing each ALUCP (Pub. Util. Code, §21674.7(a)). To be guided by the *Handbook*, the ALUC must have at least examined and duly considered the material contained in the *Handbook*. The *Handbook* further explains this principle, stating:

In 1994, a section was added to the SAA [State Aeronautics Act] to require that: "An airport land use commission that formulates, adopts or amends a comprehensive airport land use plan shall be guided by ... the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation" (PUC Section 21674.7).

The addition of this statute changed the role of this *Handbook* from a useful reference document to one that must be used as guidance in the development of ALUC policies. This is particularly important in the development of safety compatibility policies because very little guidance is otherwise available for civilian airports.¹

The burden is presumed to be on the ALUC to demonstrate its reasons should it deviate from any guidance that the *Handbook* provides.

The ALUCP must also include and be based on an airport master plan (AMP) or an airport layout plan (ALP), as determined by Caltrans, that reflects the anticipated usage/operations of the airport during at least the next 20 years (Pub. Util. Code §21675(a)). For purposes of the proposed SDIA ALUCP, forecasted growth is based upon the projected activity levels indicated in the airport's long-term plans. The ALUC has received written acceptance from Caltrans that these plans are appropriate and acceptable for preparing the proposed ALUCP.

3. The Existing ALUCP

The ALUC function for San Diego County was previously vested with the San Diego Association of Governments (SANDAG). SANDAG adopted a Comprehensive Land Use Plan (CLUP) for San Diego International Airport in 1992. The Airport Authority assumed the ALUC duties from SANDAG on January 1, 2003. In 2004, the ALUC made minor technical revisions to the CLUP and renamed the CLUP an ALUCP, consistent with revisions to State law.

The existing ALUCP content is from 1992, prior to the release of the 2002 edition of the *Handbook* and the 2011 *Handbook* update. The minor amendment adopted in 2004 did not take into account the guidance in the 2002 *Handbook*. It does not include safety zones beyond the Runway Protection Zones (RPZs), an updated safety matrix, noise contours based on the latest forecast, an updated noise matrix, the latest airspace protection policies or address overflight compatibility.

¹ California Department of Transportation, Division of Aeronautics, *California Airport Land Use Planning Handbook*, October 2011, p. 3-14.

4. The Proposed ALUCP and Public Outreach

Staff has prepared the proposed ALUCP consistent with ALUC policy direction, input from the Steering Committee, the requirements of the State Aeronautics Act and guidance from the Caltrans *Handbook*. As required by Public Utilities Code section 21675(c), staff conducted meetings, consulted with and sought comments from the affected local agencies regarding all of the compatibility factors that establish the Airport Influence Area (AIA) boundary for the proposed ALUCP. The proposed ALUCP is complete unto itself and is separate and independent from the ALUCPs prepared for the other airports located in San Diego County.

Based on guidance and approval by Caltrans of SDIA's current and future operations, the proposed ALUCP contains land use compatibility policies and standards relative to future land uses and airport development actions. Detailed compatibility policies and standards specifically addressing safety zones, noise contours, airspace protection surfaces and overflight notification areas have been provided. Appendices in the proposed ALUCP also include background data regarding the current and proposed features of the airport, the existing airport environs, and the data and assumptions upon which the compatibility policies, standards and compatibility maps for the Airport are based.

Below is a list of public workshops and Steering Committee meetings held during the process:

- January 25, 2011 – Introduction to ALUCP Process Workshop
- February 23, 2011 – Airport Environs
- March 9, 2011 – Overflight
- April 28, 2011 – Noise
- April 28, 2011 – SDIA ALUCP Public Open House
- June 16, 2011 – Airspace, Part 1
- July 21, 2011 – Airspace, Part 2
- September 29, 2011 – Safety, Part 1
- November 17, 2011 – Safety, Part 2
- January 19, 2012 – ALUC Review Process & ALUCP Implementation
- May 1, 2012 – Safety Zone 3 Southeast
- August 21, 2012 – Steering Committee Review of Draft ALUCP
- March 5, 2013 – Revisions to Draft ALUCP

In addition to coordinating with the Steering Committee and local agency staff, ALUC staff presented the proposed ALUCP to the following community groups and organizations:

- February 19, 2013 – San Diego Regional Chamber Infrastructure, Housing and Land Use Committee
- February 20, 2013 – North Bay Community Planning Group
- February 21, 2013 – Peninsula Community Planning Board
- March 5, 2013 – Little Italy Association
- March 6, 2013 – Ocean Beach Planning Board

- March 12, 2013 – San Diego Regional Chamber Public Policy Committee
- March 20, 2013 – Downtown Community Planning Council (formerly the Centre City Advisory Committee)

Inter-Governmental Relations and ALUC staff also briefed staff from the following elected officials' offices about the proposed ALUCP:

- February 19, 2013 – Councilmember Faulconer's office
- February 21, 2013 – Councilmember Sherman's office
- February 25, 2013 – Councilmember Lightner's office
- February 27, 2013 – Former Mayor Filner's office
- May 1, 2013 – Councilmember (Interim Mayor) Gloria's office
- July 17, 2013 – San Diego City Council Land Use and Housing Committee
- September 5, 2013 – Staff from Councilmember Faulconer's and Lightner's office (Councilmember Alvarez's staff were involved in arranging this meeting. However, they were subsequently unable to attend).

Additionally, ALUC staff had the following meetings with local agencies, property owners and other organizations during and after public review:

- August 28, 2013 – Civic San Diego
- September 30, 2013 – Peninsula Community Planning Board member Paul Webb
- September 30, 2013 – San Diego Unified School District
- October 1, 2013 – City of San Diego
- October 28, 2013 – Evan Gerber, Little Italy property owner representative
- November 4, 2013 – City of San Diego, Civic San Diego
- November 19, 2013 – City of San Diego, Civic San Diego
- November 20, 2013 – San Diego Regional Chamber of Commerce; Building Industry Association; NAIOP, the Commercial Real Estate Development Association; City of San Diego; Civic San Diego; American Institute of Architects – San Diego
- November 22, 2013 – Bill Fulton, City of San Diego
- January 21, 2014 – City of San Diego/Civic San Diego
- March 7, 2014 – City of San Diego/Civic San Diego
- March 14, 2014 – Civic San Diego and San Diego Alarm property owners

5. Areas of Potential Concern Among Certain Stakeholders

Based on the comments received during public review for the proposed ALUCP and Draft EIR, several issues were brought to the attention of ALUC staff. ALUC staff made revisions to the proposed ALUCP and Final EIR based on the public comments received. Those revisions have been incorporated into the proposed ALUCP and Final EIR and are shown in strikeout/underline format in those documents. However, the following areas of potential concern among certain stakeholders remain.

Mixed-use Project Calculation

As originally written, the policy in the proposed ALUCP would have allowed the residential component of a mixed-use project to be converted from density (units per acre) to intensity (people per acre), allowing the development to exceed the residential density limit in the applicable safety zone/community planning area. ALUC staff determined that the proposed policy would result in the unintended consequence of allowing significantly denser projects as compared to the existing development pattern. After further study of the *Handbook*, ALUC staff determined that this approach conflicts with the *Handbook* guidance in two ways. The *Handbook* (p. 4-21 through 4-24; Figures 4C-4F) states that maximum residential densities should be allowed up to the average of the surrounding area. Requests to allow residential density to be allowed up to the nonresidential intensity limit would be contrary to *Handbook* guidance. Second, the *Handbook* explains that ALUCs owe a higher standard of care to residential development than to nonresidential development. We generally expect our homes to be safer than other places. The usage intensities of residential uses thus cannot be directly equated to those of nonresidential uses. Therefore, ALUC staff revised the policy to not allow for significantly denser projects.

Residential Density Conversion

Commenters requested that residential-only projects be held to the allowable nonresidential intensity level, not the residential density level, based on the calculation method previously contained in the ALUCP (as mentioned above). Allowing residential-only density up to the equivalent level of nonresidential intensity would result in significantly denser development than the existing development pattern. For example, in Safety Zone 2E, 40 dwelling units per acre is allowed, based on the average of existing residential development per the *Handbook*. If residential development was held to the nonresidential standard, 169 dwelling units per acre would be allowed, which is four times the average existing density of the surrounding area. In Safety Zone 3SE, 154 dwelling units per acre is allowed and if the nonresidential standard was used instead, 466 dwelling units per acre would be allowed, which is three times the average existing density of the surrounding area. The consequence of allowing this would be significantly higher residential densities compared to *Handbook* guidance.

The original policy would have essentially equated residential development with nonresidential development, treating the occupants of dwelling units the same as occupants of nonresidential development. The request to allow residential density to be held to an intensity limit would be contrary to *Handbook* guidance. ALUCs owe a higher standard of care to residential development than to nonresidential development. Significantly greater protection should be afforded to residential uses with a preference towards low-density structures near airports. To clearly reflect these differences, residential uses should be evaluated on a dwelling unit per acre (density) basis rather than on a people per acre (intensity) basis. This methodology has the added advantage of being consistent with how residential projects are normally evaluated by local agencies for compliance with zoning. Therefore, ALUC staff did not make any revisions to the proposed ALUCP to accommodate this request.

Safety Zone 2E Little Italy/Industrial Buffer Overlay Zone

Since the release of the proposed ALUCP, the City of San Diego and Civic San Diego have initiated an amendment to the Downtown Planned District Ordinance (PDO) that would eliminate residential use from nine blocks surrounding Solar Turbines (see the green striped area on Exhibit 1, below). This amendment would reduce the development potential of several parcels within Safety Zone 2E because the proposed ALUCP allowed residential on those parcels. Once the PDO amendment is adopted, only nonresidential development would be allowed. Commenters suggested that due to the future restriction of the PDO amendment, the existing ALUCP requirements (2.0 floor area ratio/36-foot height limit) should apply rather than the nonresidential intensity limits in the proposed ALUCP. These requirements were established when the existing ALUCP was amended in 1994, years before the *Handbook* established safety zones beyond the RPZ. This request was made specifically to accommodate anticipated future development scenarios on several parcels. The closest parcel in the PDO amendment area is only 500 feet from the end of the runway.

Exhibit 1



Additionally, this area is repeatedly overflowed on approach to land (approximately 97% of annual operations). As shown on Exhibit 2, data for three months – about 55,000 flight tracks – can be observed. In locations where the need for compatible land uses is particularly critical, airports should take direct action to prevent or mitigate problems (*Handbook*, p. 5-19). ALUC staff could find no basis to support carving out a portion of Safety Zone 2E that would be subject to out-of-date safety standards when compared to the rest of the safety zone, or any of the other safety zones. Allowing such a compromise would be contrary to *Handbook* guidance (p. 4-21, Figure 4C and p. 4-42) and no findings can be made to support this suggestion.

Therefore, ALUC staff did not make any revisions to the proposed ALUCP to accommodate this request.

Exhibit 2



Gross vs. Net Square Footage

Commenters requested that the ALUCP utilize net square footage when calculating the intensity of new nonresidential projects rather than gross square footage. The unintended consequence of this would be to allow for development that is far more intense than the *Handbook* recommends. The allowable intensity numbers for each safety zone (by community planning area) were derived from gross building square footage data (supplied by the City of San Diego), not net square footage. Average nonresidential intensities in each safety zone/community planning area were derived through a detailed land use survey that included the estimation of the gross square footage (rather than gross leasable area, or net square footage) of buildings. If the application of intensity standards is to be consistent with the basis of those standards, the intensity of the proposed development must be calculated in relation to gross floor area, rather than gross leasable area. If the intensity standards were applied to the gross leasable area of proposed development, the result would be to allow development considerably more intense than the existing averages in the affected areas, which would be contrary to the intent of the proposed safety standards and the *Handbook* (p. 4-21 through 4-24; Figures 4C-4F). Therefore, ALUC staff did not make any revisions to the proposed ALUCP to accommodate this request.

EIR Alternative 4

A commenter made the following summarized statements in support of EIR Alternative 4 over the proposed ALUCP. ALUC staff responses are below each statement.

- Comment: *The Handbook* does not provide clear guidance on the density and intensity limits for large air carrier/commercial airports like SDIA; figures in the *Handbook* only apply to general aviation airports.

Response: Caltrans Division of Aeronautics staff has clearly indicated to ALUC staff that the guidance in the *Handbook*, including Figures 4C-4F are intended to apply to commercial airports such as SDIA, including the density and intensity limits.²

- Comment: Densities and intensities should be lower in safety zones that are closest to the Airport. The use of average of existing density/intensity by safety zone has no correlation to safety because the resulting limits for safety zones closest to the Airport are sometimes higher than safety zones that are further away.

Response: It is acknowledged that based on *Handbook* guidance, higher densities and intensities are allowed in some safety zones located in higher risk areas than other safety zones located in lower risk areas. This is directly related to the existing development pattern, which has evolved with higher existing land use intensities and densities in some areas that are very close to the runway ends. Because the ALUC has no jurisdiction over existing land use, it has no power to alter this existing land use pattern. At this time the best that can be achieved is to hold new development to densities and intensities similar to those that already exist.

- Comment: Existing zoning and height restrictions are sufficient and will limit the density and intensity of future development. Further restrictions as proposed in the ALUCP are unnecessary.

Response: The existing 30-foot height restriction referenced by the commenter only applies to the western half of the Airport; the eastern half is only partially subject to a 50- to 65-foot height restriction in the Uptown area; and a portion of downtown is subject to a 36-foot height limit. Height limits are not an adequate means of limiting intensity because different uses have different intensity levels. For example, a two-story, 20,000 square-foot office building would contain an average of 93 people. A two-story, 20,000 square-foot restaurant would contain an average of 333 people. The plain language of the *Handbook* states that the maximum intensities and densities in safety

² Terry L. Barrie, Chief, Office of Aviation Planning, Caltrans Division of Aeronautics. Letter to Angela Jamison, Manager, Airport Planning, SDCRAA, February 29, 2012.

zones in dense urban areas should be established to allow infill up to the average intensity/density of the surrounding areas.

- Comment: Existing zoning around other commercial airports (Los Angeles International Airport and John Wayne International Airport were specifically cited) is an example of how existing regulations can provide adequate restrictions on future development for the purposes of safety.

Response: Those airports do not have updated ALUCPs that take into consideration all five safety zones (only the RPZs/safety zone 1 are depicted). They also have not been updated based on guidance from the 2002 or 2011 *Handbook*. Nothing in the *Handbook* indicates that it is acceptable to use existing zoning and/or height restrictions as a basis to meet safety compatibility requirements.

Therefore, ALUC staff did not make any revisions to the proposed ALUCP in response to the comments regarding EIR Alternative 4.

6. ALUCP Implementation

State law requires that each local agency having jurisdiction over land uses within an AIA modify its general plan and/or zoning ordinance to be consistent with the ALUCP, if adopted by the ALUC, or to take the steps necessary to overrule the ALUCP as a whole or in part. ALUC staff has met with the local agencies affected by the proposed ALUCP on numerous occasions in order to explain the proposed ALUCP policies and standards and answer questions related to implementation of the plan. ALUC staff will continue to work with the affected local agencies after the adoption of the proposed ALUCP to provide any assistance that might be required during the implementation process.

Staff submits the following documents for ALUC consideration:

- The Final EIR for the SDIA ALUCP, which includes ALUC staff responses to public comments received on the EIR and ALUCP, and all other related environmental documentation;
- The proposed Resolution 2014-0003 ALUC, certifying the Final EIR for the SDIA ALUCP (including Attachment A – Statement of Overriding Considerations and Attachment B – Mitigation Monitoring and Reporting Program);
- The proposed SDIA ALUCP; and
- The proposed Resolution 2014-0004, adopting the proposed ALUCP for SDIA.

These documents are intended to provide all the information sufficient and necessary for the ALUC to certify the Final EIR for SDIA as the appropriate environmental document for the proposed ALUCP and adopt the ALUCP for SDIA.

Fiscal Impact:

Adequate funds for the SDIA ALUCP update program are included in the adopted Airport Planning FY 2014 budget and conceptually approved FY 2015 Operating Expense Budgets within the Personnel and Services – Other Professional line items.

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 the California Environmental Quality Act (CEQA), staff has considered whether the proposed ALUCP may have a significant effect on the environment using the CEQA Guidelines, set forth in Title 14 of the California Code of Regulations at Section 15000 *et seq.*, and the Airport Authority's own CEQA Procedures. Environmental effects of the proposed ALUCP were initially documented in a Notice of Preparation (NOP) with an Initial Study, which were circulated for a 30-day period of public review beginning March 13, 2013. The Initial Study indicated that the proposed ALUCP may result in potentially significant impacts to the following environmental categories: Land Use and Planning; Population and Housing; and Public Services. Staff held a scoping meeting on March 27, 2013, to allow the public to express their opinions on the scope of the environmental analysis. Staff received 20 comments/letters in response to the circulated NOP and Initial Study, and the relevant comments were incorporated into the subsequent environmental analysis and documentation.

Pursuant to the Initial Study, ALUC staff prepared a Draft EIR which concluded that the proposed ALUCP may result in potentially significant and unavoidable impacts to Land Use and Planning and Population and Housing. The Draft EIR was circulated for public review and comment initially for 45 days, beginning July 12, 2013, but a request was made for an additional two weeks (60 days total), so it concluded on September 10, 2013. ALUC staff subsequently received 13 comment letters from state/local agencies, organizations and individuals.

Following the close of the public review period, ALUC staff prepared the Final EIR to include written responses to all comments on the Draft EIR concerning environmental issues as well as comments on the proposed ALUCP. The minor revisions made to the proposed ALUCP following its circulation for public review and comment do not require further environmental review. Staff has prepared CEQA Findings and a Mitigation Monitoring and Reporting Program (MMRP; Attachment B to the EIR Resolution) to assist with implementation of the mitigation measures recommended to ameliorate identified environmental effects to the extent feasible. Notwithstanding the measures identified in the MMRP, the Final EIR concluded that the proposed ALUCP may result in significant and unavoidable impacts on a project-specific and cumulative basis because implementation of those measures is beyond the jurisdictional authority of the ALUC. It is therefore necessary for the ALUC to adopt a Statement of Overriding Considerations (Attachment A to the EIR Resolution) that evidences the merits of the ALUCP despite its environmental impacts.

At the February 6, 2014 ALUC meeting, ALUC staff was directed to evaluate a revised method for calculating the allowable density and intensity for mixed-use projects in addition to three other minor items identified earlier in this staff report. An Addendum to the EIR was prepared to evaluate the impacts of these minor changes. No new or substantially more severe environmental effects would result from the minor revisions to Policy S.8 (Mixed-Use Projects) and to Policies 1.6.1.2, 1.10.1, 1.10.2.1, and N.7. Therefore, the legal requirements for recirculating the Draft EIR are not applicable, and preparation of an addendum to the Draft EIR is appropriate under the present circumstances.

- B. This project 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. 2014-0003 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS OF FACT, A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM.

WHEREAS, 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 (County), is required to prepare and adopt an Airport Land Use Compatibility Plan (ALUCP) for San Diego International Airport (SDIA) (see Pub. Util. Code, §21670.3, subd. (a); 21675, subd. (b)); and

WHEREAS, in preparing the SDIA ALUCP (also referred to herein as the proposed Project), the ALUC is required to comply with the California Environmental Quality Act (CEQA; Pub. Resources Code, §21000 et seq.), the State CEQA Guidelines (CEQA Guidelines; Cal. Code Regs., tit. 14, §15000 et seq.), and the Airport Authority's own CEQA Procedures; and

WHEREAS, in accordance with CEQA, on March 13, 2013, ALUC staff prepared and circulated, for a thirty (30) day public review period, a Notice of Preparation (NOP) and Initial Study for the proposed Project (State Clearinghouse No. 2013031060); and

WHEREAS, the NOP and Initial Study concluded that the SDIA ALUCP may result in potentially significant environmental impacts to land use and planning; population and housing; and public services; and

WHEREAS, the NOP and Initial Study concluded that the proposed Project would not result in potentially significant impacts to any of the following environmental impact areas; aesthetics; agriculture and forestry resources; air quality; biological resources; cultural resources; geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; mineral resources; noise; recreation; transportation/traffic; and utilities and service systems; and

WHEREAS, on March 27, 2013, after providing the public with notice via the NOP and advertisements in multiple local publications, ALUC staff held a scoping meeting in order to provide interested parties with an additional opportunity to comment on the scope of the environmental analysis for the proposed Project; and

WHEREAS, ALUC staff received comment letters in response to the NOP and Initial Study (from state agencies, local agencies, organizations, and individuals), none of which challenged the significance conclusions reached in the Initial Study summarized above; and

WHEREAS, a Draft Environmental Impact Report (Draft EIR) (State Clearinghouse No. 2013031060) for the proposed Project was prepared pursuant to CEQA and the CEQA Guidelines; and

WHEREAS, ALUC staff sent a Notice of Availability (NOA) of the Draft EIR, via certified mail, regular mail and email to all individuals, entities, agencies, etc. on its distribution list and the affected local agencies (including the cities of San Diego, Coronado, and National City; the County of San Diego; and the San Diego Unified Port District), posted the NOA at the San Diego County Clerk's Office, and published the NOA in multiple local publications; and

WHEREAS, the Draft EIR was circulated for public review on July 12, 2013, for a forty-five (45) day comment period, which was then extended to sixty (60) days, concluding on September 10, 2013; and

WHEREAS, ALUC staff received comment letters on the Draft EIR from state agencies, local agencies, organizations, and individuals; and

WHEREAS, a Final EIR (State Clearinghouse No. 2013031060) was prepared pursuant to CEQA and the CEQA Guidelines; and

WHEREAS, the Final EIR was released on January 16, 2014, and incorporated the Draft EIR and included written responses to the comments received during the review and comment period; and

WHEREAS, the ALUC held a duly noticed public meeting on February 6, 2014, to receive and consider public testimony with respect to the SDIA ALUCP and the completeness and adequacy of the EIR for the proposed ALUCP, during which the City of San Diego requested that the density and intensity calculation for mixed-use projects be revised to allow for a greater amount of residential development but limiting the total number of residential occupants to half of the maximum nonresidential intensity limit and maintaining the overall nonresidential intensity limit, consistent with the Caltrans *Handbook*; and

WHEREAS, the ALUC also made minor changes to ALUCP Policies 1.6.1.2, 1.10.1, 1.10.2.1, and N.7 to provide clarifying information related to K-12 schools, local agency ALUCP implementation requirements, and new uses in existing buildings; and

WHEREAS, on March 25, 2014, the ALUC made available to the public an Addendum to the EIR, which evaluated the impact of the City of San Diego's request and determined that the request would reduce potential future residential displacement and the impact of the minor changes made to ALUCP Policies 1.6.1.2, 1.10.1, 1.10.2.1, and N.7; and

WHEREAS, in light of the analysis contained in the Addendum, ALUC staff recommends that the City of San Diego's request be adopted as a feasible mitigation measure to lessen the potential residential displacement effects of the proposed ALUCP and that the minor changes to Policies 1.6.1.2, 1.10.1, 1.10.2.1, and N.7 be incorporated into the ALUCP; and

WHEREAS, in light of the analysis contained in the Addendum, CEQA Guidelines section 15088.5 does not require recirculation of the Draft EIR; and

WHEREAS, after due notice, on April 3, 2014 the ALUC conducted a public hearing on this matter at which it reviewed and considered the information in the Final EIR (as defined to include the Draft EIR (July 2013), Final EIR (January 2014) and Addendum (March 2014)) (Attachment C); and

WHEREAS, the ALUC has reviewed and considered all of the information presented to it, as set forth above, and this Resolution and action taken hereby is a result of the ALUC's independent judgment and analysis; and

NOW, THEREFORE, BE IT RESOLVED that the ALUC:

- (1) Certifies that the Final EIR (State Clearinghouse No. 2013031060) has been prepared and completed in compliance with CEQA, the CEQA Guidelines and the Airport Authority's own CEQA Procedures; and
- (2) Certifies that it has reviewed and considered the Final EIR, including the information contained therein, and the whole record of these proceedings; and
- (3) Certifies that the Final EIR reflects the ALUC's independent judgment and analysis; and

- (4) Adopts the attached Findings and Statement of Overriding considerations (Attachment A to this Resolution), which the ALUC finds are supported by substantial evidence; adopts the attached Mitigation Monitoring and Reporting Program (Attachment B to this Resolution); and directs staff to file a Notice of Determination with respect to the SDIA ALUCP within five (5) days of approval of the SDIA ALUCP and in accordance with the requirements of CEQA Guidelines section 15094.

PASSED, ADOPTED, AND APPROVED by the ALUC for San Diego County at a regular meeting this 3rd day of April, 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

000028

Revised 4/2/14

ATTACHMENT A

**FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE
COMPATIBILITY PLAN ENVIRONMENTAL IMPACT REPORT**

1.0 INTRODUCTION

This document constitutes the independent findings and reflects the independent judgment of 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 (County). The findings are fully and completely supported by substantial evidence.¹ All of the language in this document constitutes findings, whether or not any particular sentence or clause includes a statement to that effect.

In that regard, all summaries of information and the findings presented herein are based on the Final Environmental Impact Report (EIR),² the San Diego International Airport (SDIA) Airport Land Use Compatibility Plan (ALUCP) (*i.e.*, the proposed Project), and other evidence in the record, including the *California Airport Land Use Planning Handbook (Handbook*; Oct. 2011), as published by the State of California Department of Transportation, Division of Aeronautics (Caltrans). The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact. The summaries of information below are only summaries. Therefore, cross-references to the Final EIR and other evidence in the record have been made where helpful, and reference should be made directly to the Final EIR and other evidence in the record for more precise information regarding the facts on which any summary is based. In addition, unless noted or stated otherwise, the rationale for the findings is set forth in the Final EIR (including the responses to comments) or elsewhere in the administrative record.

1.1 STATUTORY REQUIREMENTS FOR FINDINGS

The Final EIR identified significant environmental impacts associated with the proposed SDIA ALUCP. Under the California Environmental Quality Act (CEQA)³, approval of a project with significant and unavoidable impacts must be supported by findings made by the lead agency.⁴ Specifically, the Airport Authority, acting in its capacity as the ALUC for the County, must make one or more of the following written findings:

¹ See California Public Resources Code, §§21081.5 and 21082.1(c).

² The Final EIR consists of the Draft EIR (July 2013), Final EIR (January 2014) and Addendum (March 2014).

³ California Public Resources Code, §21000 *et seq.*

⁴ California Public Resources Code, §21081.

- a. Changes or alterations have been required in, or incorporated into, the proposed SDIA ALUCP that avoid or substantially lessen the significant environmental impacts identified in the Final EIR;
- b. Such changes or alterations are within the responsibility and jurisdiction of another public agency, and such changes have been adopted by such other agency or can and should be adopted by such other agency; and/or
- c. Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.⁵

Accordingly, the ALUC's findings contained herein accomplish the following:

- a. They address the significant environmental impacts identified in the Final EIR for the proposed SDIA ALUCP;
- b. They incorporate by reference and adopt all mitigation measures recommended in connection with the significant impacts identified in the Final EIR, and the Mitigation Monitoring and Reporting Program (MMRP) prepared for the proposed ALUCP (see Attachment B);
- c. They indicate whether a significant impact is avoided or reduced by the adopted mitigation measures to a less-than-significant level, or otherwise remains significant and unavoidable either because there are no feasible mitigation measures, or because even with implementation of mitigation measures a significant impact will occur, or because such changes or alterations are within the responsibility and jurisdiction of another public agency;
- d. They address the feasibility of all Project alternatives and mitigation measures identified in the Final EIR; and
- e. They incorporate and adopt a Statement of Overriding Considerations for all environmental impacts of the proposed Project that remain significant and unavoidable. (See Section 12.0, below.)

2.0 DESCRIPTION OF PROPOSED PROJECT

The proposed Project is the SDIA ALUCP. The Airport Authority, acting in its capacity as the ALUC for the County, is required by law to adopt an ALUCP "that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission."⁶ SDIA is within the jurisdiction of the ALUC.

The basic function of an ALUCP is to promote compatibility between an airport and the land uses that surround the airport and lie within the airport's designated airport influence area (AIA), to the extent that these areas are not already devoted to

⁵ California Code of Regulations, Title 14, §15091(a).

⁶ California Public Utilities Code, §21675(a).

incompatible uses.⁷ The AIA is comprised of the areas in which current or future airport-related noise, overflight, safety and/or airspace protection concerns may affect future land uses or necessitate restrictions on those uses. The SDIA AIA includes portions of the cities of San Diego, Coronado, National City; the County of San Diego; and the San Diego Unified Port District.

Accordingly, the proposed SDIA ALUCP would provide compatibility policies and standards for the future development of new residential and nonresidential uses, and other noise or risk-sensitive uses within the AIA based on multiple factors established by the ALUCP, including the location of the development relative to the five safety zones, the community noise equivalent level (CNEL) contours, the airspace protection surfaces, and the areas subject to overflight. The proposed ALUCP's policies and standards indicate whether the future development of specified land uses in certain portions of the AIA is incompatible, conditionally compatible or compatible.

In addition, the proposed SDIA ALUCP would be utilized by the ALUC when it reviews proposed land use plans and regulations and projects within the AIA. The ALUCP also would assist local agencies in their preparation or amendment of land use plans and ordinances, as state law explicitly requires local agencies to modify their planning documents to be consistent with the ALUCP, or otherwise overrule the ALUC within a specified time frame.⁸

3.0 IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT

As specifically addressed in **Section 1.6** of the Final EIR and in the Initial Study (Section 8 of **Appendix B** of the Final EIR), certain potential impacts to various environmental categories were determined to be less than significant. These environmental impact categories include:

- Aesthetics
- Agricultural and forestry resources
- Air quality
- Biological resources
- Cultural resources
- Geology and soils
- Greenhouse gas emissions
- Hazards and hazardous materials
- Hydrology and water quality

⁷ California Public Utilities Code, §21675(a).

⁸ California Public Utilities Code, §21676.

- Mineral resources
- Noise
- Recreation
- Transportation and traffic
- Utilities and service systems

The ALUC hereby adopts and incorporates by reference the reasons stated in the Final EIR as its grounds for determining that the SDIA ALUCP will have a less-than-significant impact on each of these environmental impact categories.

4.0 LESS-THAN-SIGNIFICANT IMPACTS IDENTIFIED AND ANALYZED IN THE EIR

The ALUC finds and determines that the impacts summarized in this Section and identified and evaluated in the Final EIR are not significant environmental impacts and that no mitigation measures are needed. The significance thresholds identified below in italics and used to render these impact determinations are found in Appendix G of the CEQA Guidelines and in the City of San Diego's *California Environmental Quality Act Significance Determination Thresholds* (January 2011). Where the significance thresholds identified in the CEQA Guidelines and by the City of San Diego are comparable, they are presented together and subject to a single finding that encompasses all identified thresholds in order to reduce redundancy.

4.1 LAND USE AND PLANNING

The ALUC's findings with respect to land use and planning impacts are described in this section. The parenthetical citations included with each "impact threshold" refer to the labeling of the impact thresholds in **Section 4.2.3** and **Table 4-24** of the Final EIR, with the "CEQA" prefix noting a CEQA threshold and "SD" noting a City of San Diego threshold.

Impact Threshold: Physically divide an established community (CEQA-a).

Finding: The ALUC finds that implementation of the proposed Project will have no impact with regard to physically dividing an established community, and therefore no mitigation is required.

As discussed in **Sections 2.4** and **4.2.3** of the Final EIR, the SDIA ALUCP does not propose or entail any new development, construction, or changes to existing land uses or the environment. Therefore, the ALUCP would not result in the physical division of an established community.

Impact Threshold: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect (CEQA-b).

Finding: The ALUC finds that implementation of the proposed Project will have a less-than-significant impact with regard to conflicting with any applicable land use plan, policy or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect, and therefore no mitigation is required.

As discussed in **Sections 2.4** and **4.2.3** of the Final EIR, the SDIA ALUCP does not propose or entail any new development, construction, or changes to existing land uses or the environment. While the ALUCP conflicts with existing zoning in parts of the ALUCP Impact Area by setting lower intensity limits for new development, as discussed in **Section 4.2.4**, those conflicts would not interfere with any land use plans, policies or regulations intended to mitigate or avoid an environmental effect. It is possible that the policies and standards of the ALUCP could result in a shift in development patterns that could result in conflicts with applicable land use plans, policies, or regulations adopted to avoid or mitigate an environmental effect. Any such shifts are subject to considerable uncertainty and would depend on a combination of factors that are extremely difficult to predict, including future market forces and the preferences of developers and property owners. Therefore, the proposed Project cannot reasonably be considered to result in significant impacts with respect to applicable land use plans, policies, or regulations adopted to avoid or mitigate an environmental effect.

Impact Threshold: Conflict with any applicable habitat conservation plan or natural community conservation plan (CEQA-c and SD-6).

Finding: The ALUC finds that implementation of the proposed Project will have no impact on any habitat conservation plan or natural community conservation plan, and therefore no mitigation is required.

As discussed in **Sections 2.4** and **4.2.3** of the Final EIR, the SDIA ALUCP does not propose or entail any new development, construction, or changes to existing land uses or the environment. Furthermore, no habitat conservation plan, natural community conservation plan or Multiple Species Conservation Program applies within the ALUCP Impact Area. Thus, the ALUCP would have no impact on such plans.

Impact Threshold: Inconsistency or conflict with the environmental goals, objectives or guidelines of a community or general plan (SD-1).

Finding: The ALUC finds that implementation of the proposed Project will have a less-than-significant impact with regard to its potential to conflict with the environmental goals, objectives or guidelines of a community or general plan, and therefore no mitigation is required.

As discussed in **Sections 2.4** and **4.2.3** of the Final EIR, the SDIA ALUCP does not propose or entail any new development, construction, or changes to existing land uses or the environment. Furthermore, as discussed in **Section 4.2.4** of the Final EIR, the ALUCP would involve the reduction of development intensities within the ALUCP Impact Area. It is possible that the policies and standards of the ALUCP could result in a shift in development patterns that could result in conflicts with the environmental goals, objectives or guidelines of a community or general plan. Any such shifts are subject to considerable uncertainty and would depend on a combination of factors that are extremely difficult to predict, including future market forces and the preferences of developers and property owners. Therefore, the proposed Project cannot reasonably be considered to result in significant impacts with the environmental goals, objectives or guidelines of a community or general plan.

Impact Threshold: Inconsistency or conflict with an adopted land use designation or intensity and indirect or secondary impacts occur (for example, development of a designated school or park site with a more intensive land use could result in traffic impacts) (SD-2).

Finding: The ALUC finds that implementation of the proposed Project will have a less-than-significant impact with regard to conflicts with adopted land use designations that would lead to indirect or secondary impacts, and therefore no mitigation is required.

As discussed in **Sections 2.4** and **4.3** of the Final EIR, the SDIA ALUCP does not propose or entail any new development, construction, or changes to existing land uses or the environment. As discussed in **Section 4.2.4** of the Final EIR, the ALUCP would lower the allowable residential densities and nonresidential intensities in the safety zones. It is possible that the policies and standards of the ALUCP could result in a shift in development patterns that could result in conflicts with adopted land use designations, leading to indirect or secondary impacts. Any such shifts are subject to considerable uncertainty and would depend on a combination of factors that are extremely difficult to predict, including future market forces and the preferences of developers and property owners. Therefore, the proposed Project cannot reasonably be considered to result in significant impacts related to conflicts with adopted land use designations, leading to indirect or secondary impacts.

Impact Threshold: Substantial incompatibility with an adopted plan (SD-3).

Finding: The ALUC finds that implementation of the proposed Project will not result in substantial incompatibility with the General Plans of the cities of Coronado and National City, the County of San Diego nor with the *Port Master Plan* prepared by the San Diego Unified Port District. Therefore, no mitigation is required.

While this impact threshold has been established by the City of San Diego, it is helpful to apply this threshold to the land use plans of other agencies within the proposed AIA boundary. As discussed in **Section 4.1** of the EIR, the proposed ALUCP would result in no significant Land Use and Planning Impacts outside the ALUCP Impact Area, as defined by the 65 dB CNEL contour and the Safety Zones. Neither the City of Coronado nor the City of National City has any territory within the ALUCP Impact Area. Thus, the proposed ALUCP would have less than significant impacts on the general plans of those agencies.

As discussed in **Section 4.2.4.8** of the EIR, the proposed ALUCP would result in less than significant impacts on the *Port Master Plan*, prepared by the Unified Port District. While two parcels within the Port District's jurisdiction would be subject to the potential displacement of 1,181 square feet of nonresidential floor area, that impact is caused by the somewhat more restrictive standards of the proposed ALUCP within Safety Zone 2E compared with the standards of the 2004 ALUCP applying within the Runway 27 Approach Area. The *Port Master Plan* is written with sufficient flexibility for the Port District, if it so desires, to allow development intensities outside the ALUCP Impact Area great enough to compensate for the potential displacement on these two parcels.

Impact Threshold: Development or conversion of general plan or community plan designated open space or prime farmland to more intensive uses (SD-4).

Finding: The ALUC finds that implementation of the proposed Project will have no impact with regard to the conversion of general plan or community plan-designated open space or prime farmland to more intensive uses, and therefore no mitigation is required.

As discussed in **Sections 2.4** and **4.2.3** of the Final EIR, the SDIA ALUCP does not propose or entail any new development, construction, or changes to existing land uses or the environment. Furthermore, as discussed in **Section 4.2.4** of the Final EIR, the ALUCP would involve the reduction of development intensities within the ALUCP Impact Area. Thus, no significant impacts related to the conversion of open space or prime farmland are expected.

Impact Threshold: Incompatible uses as defined in an airport land use plan or inconsistency with an airport's Comprehensive Land Use Plan (CLUP) [ALUCP] as adopted by the Airport Land Use Commission (ALUC) to the extent that the inconsistency is based on valid data (SD-5).

Finding: The ALUC finds that implementation of the proposed Project will have a less-than-significant impact with regard to environmental impacts resulting from the development of land uses that are incompatible with an adopted airport CLUP (now known as an ALUCP), and therefore no mitigation is required.

The SDIA ALUCP is the very land use plan document identified in the significance threshold with which projects are required to be compatible. Therefore, there is no significant environmental impact associated with the ALUCP.

Impact Threshold: Significantly increase the base flood elevation for upstream properties, or construct in a Special Flood Hazard Area or floodplain/wetland buffer zone (SD-7).

Finding: The ALUC finds that implementation of the proposed Project will have no impact with regards to raising the base flood elevation and would not involve construction in Special Flood Hazard Areas or floodplain/wetland buffer zones, and therefore no mitigation is required.

As discussed in **Sections 2.4** and **4.2.3** of the Final EIR, the SDIA ALUCP does not propose or entail any new development, construction, or changes to existing land uses or the environment. Accordingly, the proposed Project will neither increase the base flood elevation, nor result in any construction in a Special Flood Hazard Area or floodplain/wetland buffer zone.

4.2 POPULATION AND HOUSING

The ALUC's findings with respect to population and housing impacts are described in this section. The parenthetical citations included with each "impact threshold" refer to the labeling of the impact thresholds in **Section 4.3.3** of the Final EIR, which are summarized in **Table 4-35** of the Final EIR.

Impact Thresholds: Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (CEQA-a).

Induce substantial population grown in an area (for example, by proposing new homes and commercial or industrial businesses beyond the land use density/intensity envisioned in the community plan) (SD-1).

Finding: The ALUC finds that implementation of the proposed Project will have a less than significant impact with regard to the direct or indirect inducement of substantial population growth in an area, and therefore no mitigation is required.

As discussed in **Sections 2.4** and **4.3.3** of the Final EIR, the SDIA ALUCP does not propose or entail any new development, construction, or physical changes to existing land uses or the environment. It is possible that the policies and standards of the ALUCP could result in a shift in development patterns, with less development in some areas and more development in others than anticipated in the current General Plan and Community Plans. Any such shifts are subject to considerable uncertainty and

would depend on a combination of factors that are extremely difficult to predict, including future market forces and the preferences of developers and property owners. Therefore, the proposed Project cannot reasonably be considered to result in significant impacts with respect to the direct or indirect inducement of substantial population growth in an area.

Impact Threshold: Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere (CEQA-b).

Finding: The ALUC finds that implementation of the proposed Project will have no impact with regard to the displacement of substantial numbers of existing housing, and therefore no mitigation is required.

As discussed in **Sections 2.4** and **4.3.3** of the Final EIR, the SDIA ALUCP does not propose or entail any new development, construction, or physical changes to existing land uses or the environment. Furthermore, the policies and standards of the ALUCP would have no effect on existing development, including existing housing, and would require only limited conditions for additions to existing development, including housing. Therefore, the proposed Project cannot reasonably be considered to result in the displacement of substantial number of existing housing, necessitating the construction of replacement housing elsewhere.

Impact Threshold: Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere (CEQA-c).

Finding: The ALUC finds that implementation of the proposed Project will have a less-than-significant impact with regard to its potential to displace substantial number of people, and therefore no mitigation is required.

As discussed in **Sections 2.4** and **4.3.3** of the Final EIR, the SDIA ALUCP does not propose or entail any new development, construction, or physical changes to existing land uses or the environment. Furthermore, the policies and standards of the ALUCP would have negligible effect on existing development, including existing housing. It is possible that the policies and standards of the ALUCP could result in a shift in development patterns, with less development in some areas and more development in others than anticipated in the current General Plan and Community Plans. Any such shifts are subject to considerable uncertainty and would depend on a combination of factors that are extremely difficult to predict, including future market forces and the preferences of developers and property owners. Therefore, the proposed Project cannot reasonably be considered to result in significant impacts with respect to the displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Impact Threshold: Include extensions of roads or other infrastructure not assumed in the community plan or adopted Capital Improvements Project list, when such infrastructure exceeds the needs of the project and could accommodate future development (SD-3).

Finding: The ALUC finds that implementation of the proposed Project will have no impact with regard to the inclusion of infrastructure improvements that could accommodate future development, and therefore no mitigation is required.

As discussed in **Sections 2.4** and **4.3.3** of the Final EIR, the SDIA ALUCP does not propose or entail any new development, construction, or physical changes to existing land uses or the environment, including the extension of roads or other infrastructure. Therefore, the proposed Project will not result in the construction of infrastructure that exceeds the needs of the project at issue and create the potential for such infrastructure to accommodate future development.

4.3 PUBLIC SERVICES

The ALUC's findings with respect to public services impacts are described in this section. The parenthetical citations included with each "impact threshold" refer to the labeling of the impact thresholds in **Section 4.4.3** and **Table 4-40** of the Final EIR. This section also summarizes the ALUC's findings regarding cumulative impacts on public services attributable to the SDIA ALUCP in combination with other ALUCPs adopted by the ALUC since 2006 for other airports in San Diego County.

Impact Threshold: Result in substantial adverse physical impacts associated with the provision of new or altered governmental facilities (CEQA-a).

Finding: The ALUC finds that implementation of the proposed Project will have no substantial adverse physical impacts associate with provision of new or altered governmental facilities, and therefore no mitigation is required.

As discussed in **Sections 2.4** and **4.4.3** of the Final EIR, the SDIA ALUCP does not propose or entail any new development, construction, or physical changes to existing land uses or the environment, including the provision of new or altered governmental facilities. Therefore, the proposed Project will not result in any adverse impacts associated with the provision of governmental facilities.

Impact Thresholds: Result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the [following] public services:

- (i) Fire protection*
- (ii) Police protection*
- (iii) Schools*
- (iv) Parks*
- (v) Other public facilities (CEQA-b)*

Have an effect upon, or result in a need for new or altered, governmental services in any of the following areas:

- (i) Police protection*
- (ii) Parks or other recreational facilities*
- (iii) Fire/life safety protection*
- (iv) Maintenance of public facilities, including roads*
- (v) Libraries*
- (vi) Schools (SD-1)*

Finding: The ALUC finds that implementation of the proposed Project will have a less-than-significant impact with regard to the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the aforementioned public services, and therefore no mitigation is required.

As discussed in **Sections 2.4** and **4.4.3** of the Final EIR, the SDIA ALUCP does not propose or entail any new development, construction, or physical changes to existing land uses or the environment resulting in the need for new or physically altered governmental facilities. It is possible that implementation of the ALUCP could result in a shift in development patterns, with less development in some areas and more development in others than anticipated in the current General Plan and Community Plans and that those shifts could result in the need for new or physically altered governmental facilities. Any such shifts are subject to considerable uncertainty and would depend on a combination of factors that are extremely difficult to predict, including future market forces and the preferences of developers and property owners. Therefore, the proposed Project cannot reasonably be considered to result in significant impacts with respect to the need for new or physically altered governmental facilities.

Impact Threshold: Conflict with the applicable community plan in terms of the number, size, and location of public service facilities (SD-2).

Finding: The ALUC finds that implementation of the proposed Project will have a less-than-significant impact with regards to conflicts with the

applicable community plans in terms of the number, size, and location of public service facilities, and therefore no mitigation is required.

As discussed in **Section 4.4.4** of the Final EIR, the SDIA ALUCP will not conflict with the applicable community plans (or the plans of the San Diego Unified School District) relative to the provision of public service facilities.

Cumulative Impact Threshold: Would the proposed ALUCP, in combination with any other ALUCPs, increase the need for or interfere with the planned capability of providing public services uses required to maintain acceptable service ratios, response times, or other performance objectives?

Finding: The ALUC finds that the proposed Project, in combination with other ALUCPs approved by the ALUC since 2006, will have a less-than-significant impact on the planned capability of providing public service uses required to maintain acceptable service ratios, response times, or other performance measures, and therefore no mitigation is required.

Since 2006, the ALUC has approved ALUCPs for 13 other airports in San Diego County (six rural airports, five urban airports and two Marine air installations), seven of which affected land in the urbanized portion of metropolitan San Diego. As discussed in **Section 4.7.6.2** of the Final EIR, the effects of the SDIA ALUCP, in combination with the effects of the other ALUCPs in the City of San Diego, will result in less than significant impacts on the planned capability of providing public service uses required to maintain acceptable service area ratios, response times or other performance measures.

The analysis in **Section 4.7.6.2** found that the amount of public services floor area that could be displaced with the SDIA ALUCP would amount to only 0.1 percent of the total public services floor area that could conceivably be displaced by all ALUCPs affecting the City of San Diego (see **Table 4.45** of the Final EIR). The analysis also found that the amounts of land rendered unavailable within the safety zones to incompatible public service uses were small fractions of the total amounts of land zoned for those uses in the City of San Diego (see **Table 4-46** in the Final EIR). A representative example involves congregate care facilities. Within the safety zones, 131 acres would become unavailable for the development of new congregate care facilities, while 170,000 acres in the city are zoned for such uses.

Cumulative Impact Threshold: Would the proposed ALUCP conflict with the planned number, size, and location of public service facilities in any community plan that was similarly impacted by an ALUCP for any other airport?

Finding: The ALUC finds that the proposed ALUCP does not affect any community plans that were also affected by other ALUCPs previously adopted for other airports in the County and that any impacts on the

planned number, size and location of public services facilities would be less than significant. Therefore, no mitigation is required.

Since 2006, the ALUC has approved ALUCPs for 13 other airports in San Diego County, seven of which affected land in urbanized portion of the San Diego metropolitan area and four of which affect land in the City of San Diego. The analysis in **Section 4.7.6.2** of the Final EIR found that the SDIA ALUCP affects none of the community planning areas that are affected by the other three ALUCPs in the City of San Diego (also, see Exhibit 4-18 in the Final EIR). Thus, the SDIA ALUCP will result in less than significant impacts related to the planned number, size and location of public service facilities in community plans impacted by ALUCPs for other airports.

5.0 SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS THAT CANNOT BE MITIGATED TO A LEVEL OF INSIGNIFICANCE

The Final EIR identified the following significant and unavoidable impacts associated with Project approval, and, where feasible, recommended mitigation measures. The ALUC hereby finds that these significant and unavoidable impacts are outweighed by the public benefits provided by the proposed Project, and are acceptable, as more fully specified in the "Statement of Overriding Considerations" (Section 12.0, below.) As noted above, the significance thresholds used to render these impact determinations are found in Appendix G of the CEQA Guidelines and in the City of San Diego's *California Environmental Quality Act Significance Determination Thresholds* (January 2011).

5.1 LAND USE AND PLANNING

Impact Threshold: Substantial incompatibility with an adopted plan (SD-3).

Finding: The ALUC finds that implementation of the proposed Project will have a significant impact with regard to incompatibility with adopted plans of the City of San Diego. While the proposed ALUCP is broadly consistent with the City of San Diego General Plan, including applicable community plans, it is inconsistent with applicable zoning within the ALUCP Impact Area. Since zoning is the means by which the City of San Diego implements its General Plan and community plans, the inconsistencies with applicable zoning represent "substantial incompatibility with an adopted plan." The inconsistencies include lower intensity limits and the declaration of certain allowable land uses as incompatible in certain noise contour ranges and safety zones. While the inconsistencies would not affect the intent or policy framework of the affected community plans, the inconsistencies can be remedied only with zoning amendments that are relatively large in scope.

With implementation of the mitigation measures proposed in Section 4.2.6 of the Final EIR, any substantial incompatibilities with adopted plans would be reduced to levels below significant. However, implementation of the

mitigation measures is within the jurisdiction of the City of San Diego, rather than the ALUC. Thus, the ALUC has no authority to guarantee implementation of the proposed mitigation measures. If the City of San Diego does not implement the mitigation measures, then the identified substantial incompatibilities would remain significant and unavoidable.

Therefore, the ALUC finds that the impact resulting from the substantial incompatibility of the proposed Project with adopted land use plans is significant and unavoidable. The ALUC finds this significant impact to be acceptable for the reasons set forth in the Statement of Overriding Considerations (see Section 12.0).

5.1.1 Environmental Impacts

Section 4.2.4 of the Final EIR presents an analysis of the impacts of the proposed Project on Land Use and Planning. That analysis is summarized below by community planning area.

- *Downtown Community Planning Area*

As discussed in Section 4.2.4.1 of the Final EIR, the SDIA ALUCP will result in as much as 12.8 acres on 64 parcels in the Downtown Community Planning Area (CPA) becoming unavailable for the development of selected incompatible land uses, including group quarters, sport/fitness facilities, emergency communication facilities, transit centers and bus and rail stations. Those land uses would be allowed under the current zoning applying within the Downtown CPA.

The SDIA ALUCP will result in the potential displacement of nearly 400,000 square feet of future nonresidential floor area in the Downtown CPA. The potential additional nonresidential floor area would be reduced from 1,118,308 to 789,426 square feet, a reduction of 34 percent (see Table 4-9 in the Final EIR). The potential nonresidential build-out estimates were based on the current zoning applying within the Downtown CPA.

- *Midway/Pacific Highway Corridor Community Planning Area*

As discussed in Section 4.2.4.3 of the Final EIR, the SDIA ALUCP will result in as much as 6.8 acres on 16 parcels becoming unavailable for selected incompatible land uses, including single room occupancy facilities, group quarters, manufacturing and processing of hazardous materials, electrical substations, emergency communication facilities, marine passenger terminals, transit centers, bus and rail stations and marinas. Those land uses would be allowed under the current zoning applying within the Midway/Pacific Highway Corridor CPA.

The SDIA ALUCP will result in the potential displacement of 62,532 square feet of future nonresidential floor area in the Midway/Pacific Highway Corridor CPA. The potential additional nonresidential floor area would be reduced from 491,532 to 428,999 square feet, a reduction of 13 percent (see Table 4-13 in the Final EIR). The potential nonresidential build-out estimates were based on the current zoning applying within the Midway/Pacific Highway Corridor CPA.

- *Peninsula Community Planning Area*

As discussed in **Section 4.2.4.5** of the Final EIR, the SDIA ALUCP will result in the potential displacement of 1,586 square feet of future nonresidential floor area in the Peninsula CPA. The potential additional nonresidential floor area would be reduced from 52,984 to 51,318 square feet, a reduction of 3 percent (see **Table 4-17** in the Final EIR). The potential nonresidential build-out estimates were based on the current zoning applying within the Peninsula CPA.

- *Uptown Community Planning Area*

As discussed in **Section 4.2.4.7** of the Final EIR, the SDIA ALUCP will result in as much as 15.1 acres on 77 parcels becoming unavailable for selected incompatible land uses, including group quarters, sport/fitness facilities, manufacturing and processing of hazardous materials, electrical substations, transit centers and bus and rail stations. Those land uses would be allowed under the current zoning applying within the Uptown CPA.

The SDIA ALUCP will result in the potential displacement of 22,792 square feet of future nonresidential floor area in the Uptown CPA. The potential additional nonresidential floor area would be reduced from 487,935 to 465,143 square feet, a reduction of 5 percent (see **Table 4-20** in the Final EIR). The potential nonresidential build-out estimates were based on the current zoning applying within the Uptown CPA.

5.1.2 Mitigation Measures

Two mitigation measures that would reduce the substantial incompatibilities with the City of San Diego's adopted land use plans to less-than-significant levels were identified in **Section 4.3.6** of the Final EIR and are hereby adopted by the ALUC. They would require action by the City of San Diego.

LUP-1: Following adoption of the SDIA ALUCP, the City of San Diego can and should prepare and adopt the Airport Land Use Compatibility Overlay Zone (ALUCOZ) to apply within the SDIA AIA.

LUP-2: Following adoption of the SDIA ALUCP, the City of San Diego can and should prepare and adopt amendments to community plans or applicable base zones outside the ALUCP Safety Zones to increase prescribed nonresidential intensities or floor area ratios (FARs) to compensate for the future development displaced from the safety zones and to maintain current buildout targets.

By law, affected cities and counties are required to make their land use plans and zoning regulations consistent with new or amended ALUCPs.⁹ Adoption of the ALUCP policies and standards by the City of San Diego can be achieved by adoption of the ALUCOZ for the SDIA AIA, which appears to be the City's preferred means of ensuring

⁹ California Public Utilities Code §§21675.1(d), 21676, 21676.5.

consistency with the proposed ALUCP.¹⁰ By definition, this would eliminate substantial incompatibilities between the proposed ALUCP and the City's adopted land use plans. At the same time, however, the future nonresidential floor area within the ALUCP Impact Area would be reduced compared with existing conditions. If the potential development of those nonresidential land uses is to be fully offset, then additional nonresidential development must be allowed elsewhere. This could be accommodated through further zoning amendments increasing allowable floor area ratios in areas outside the safety zones of the proposed ALUCP.

Under the law, the City of San Diego also can overrule the proposed ALUCP, rather than implement it through amendments to zoning regulations. Thus, implementation of the proposed ALUCP cannot be guaranteed by the ALUC. If the City chooses to overrule the proposed ALUCP, no adverse environmental impacts would result, although the City would be required to adopt findings demonstrating that overrule of the proposed ALUCP would be consistent with the intent of the ALUC statute (PUC §21670, *et seq.*) as required by law.¹¹

5.2 POPULATION AND HOUSING

Impact Threshold: Substantially alter the planned location, distribution, density, or growth rate of the population of an area (SD-2).

Finding: The ALUC finds that implementation of the proposed Project will result in potentially significant impacts by substantially altering the planned location, distribution and density of population within the ALUCP safety zones. The reduction in allowable residential densities would result in the potential displacement of 779 future housing units from the safety zones. (Due to the City of San Diego's recent amendment to the Centre City Planned District Ordinance to include an Industrial Buffer Overlay Zone, potential residential displacement attributable to the proposed Project has been reduced to 304 future housing units.) Given the level of anticipated future housing needs and the relatively limited amount of land in the City, the displacement is potentially significant, even though it would represent only 1.8 percent (or just 0.7 percent, with adoption of the Industrial Buffer Overlay Zone) of the potential additional housing that could be built in the entirety of the four CPAs affected by the proposed safety zones.

¹⁰ See letter from Myra Herrmann, City of San Diego Development Services Department, commenting on Draft EIR, in Appendix E of this EIR.

¹¹ To overrule the ALUCP, a local governing body must make specific findings that its current land use plans and regulations are consistent with the purposes of the state's airport land use compatibility law and approve the overrule resolution by a two-thirds majority vote. See California Public Utilities Code, §§21675.1(d) and 21676.5(a).

With implementation of mitigation measure PH-1, allowable residential densities outside the safety zones would be increased, potentially compensating for the displacement of future housing from within the safety zones. However, implementation of the mitigation measures is within the jurisdiction of the City of San Diego, rather than the ALUC. Thus, the ALUC has no authority to guarantee implementation of the proposed mitigation measures. If the City of San Diego does not implement the proposed mitigation measure, then the potential displacement of future housing units would remain significant and unavoidable.

Additionally, while implementation of mitigation measure PH-2 would reduce the potential residential displacement from 779 to 527 future housing units (or from 304 to 186 future housing units with implementation of the City's Industrial Buffer Overlay Zone). In either case, the potential displacement of future housing units would continue to be considered a significant and unavoidable impact.

Therefore, the ALUC finds that the impact resulting from the potential displacement of future housing units with the proposed Project is significant and unavoidable. The ALUC finds this significant impact to be acceptable for the reasons set forth in the Statement of Overriding Considerations (see Section 12.0).

5.2.1 Environmental Impacts

Section 4.3.4.2 of the Final EIR presents an analysis of the impacts of the proposed Project on Population and Housing. That analysis is summarized below by community planning area.

- *Downtown Community Planning Area*

As discussed in **Section 4.3.4.2.1** of the Final EIR, the SDIA ALUCP will result in the potential displacement of 696 future dwelling units in the Downtown CPA because of the reduction in allowable residential densities in the safety zones. The potential additional dwelling unit capacity within the safety zones in the Downtown CPA would be reduced from 2,150 to 1,454 units with the proposed Project (see **Table 1**). The total additional dwelling unit capacity in the entire Downtown CPA would be reduced from 30,562 to 29,866 units, a 2.3 percent reduction (see **Table 3**).

With the Industrial Buffer Overlay Zone, the additional dwelling unit capacity in the portion of the Downtown CPA within the ALUCP Impact Area would be reduced from 2,150 to 956 and would be further reduced to 735 with adoption of the SDIA ALUCP (See **Table 2**). With implementation of the Industrial Buffer Overlay Zone, the additional dwelling unit capacity in the entire Downtown CPA would be 29,368; with adoption of the SDIA ALUCP, it would be reduced to 29,147, a 0.8% reduction (See **Table 4**).

Table 1: Residential Displacement with ALUCP as Originally Proposed and Mitigation Measure PH-2

<u>CPA/Neighborhood</u>	<u>CAPACITY FOR ADDITIONAL DWELLING UNITS IN ALUCP IMPACT AREA</u>			<u>DISPLACEMENT WITH DRAFT ALUCP</u>			
	<u>With Current Regulations</u>	<u>ALUCP as Originally Proposed</u>	<u>With Mitigation Measure PH-2</u>	<u>ALUCP as Originally Proposed</u>		<u>With Mitigation Measure PH-2</u>	
				<u>Dwelling Units</u>	<u>Percentage Reduction</u>	<u>Dwelling Units</u>	<u>Percentage Reduction</u>
DOWNTOWN	2,150	1,454	1,706	696	32%	444	21%
CORTEZ	244	244	244	0	0%	0	0%
LITTLE ITALY	1,906	1,210	1,462	696	37%	444	23%
MIDWAY-PACIFIC HIGHWAY	51	50	50	1	2%	1	2%
PENINSULA	431	389	389	42	10%	42	10%
UPTOWN	1,013	973	973	40	4%	40	4%
Total	3,645	2,866	3,118	779	21%	527	14%

SOURCE: Ricondo & Associates, Inc., March 2014

PREPARED BY: Ricondo & Associates, Inc., March 2014

Table 2: Residential Displacement with Industrial Buffer Overlay Zone, ALUCP as Originally Proposed and Mitigation Measure PH-2

<u>CPA/NEIGHBORHOOD</u>	<u>CAPACITY FOR ADDITIONAL DWELLING UNITS IN ALUCP IMPACT AREA</u>			<u>DISPLACEMENT WITH DRAFT ALUCP</u>			
	<u>With Current Regulations</u>	<u>ALUCP as Originally Proposed</u>	<u>With Mitigation Measure PH-2</u>	<u>ALUCP as Originally Proposed</u>		<u>With Mitigation Measure PH-2</u>	
				<u>Dwelling Units</u>	<u>Percentage Reduction</u>	<u>Dwelling Units</u>	<u>Percentage Reduction</u>
DOWNTOWN	956	735	853	221	23%	103	11%
CORTEZ	244	244	244	0	0%	0	0%
LITTLE ITALY	712	491	609	221	31%	103	14%
MIDWAY-PACIFIC HIGHWAY	51	50	50	1	2%	1	2%
PENINSULA	431	389	389	42	10%	42	10%
UPTOWN	1,013	973	973	40	4%	40	4%
Total	2,451	2,147	2,265	304	12%	186	8%

SOURCE: Ricondo & Associates, Inc., March 2014

PREPARED BY: Ricondo & Associates, Inc., March 2014

Table 3: Capacity for Additional Residential Units throughout Entire CPAs with Current Regulations, ALUCP as Originally Proposed and Mitigation Measure PH-2

<u>CPA/NEIGHBORHOOD</u>	<u>CAPACITY FOR ADDITIONAL DWELLING UNITS</u>				
	<u>With Current Regulations</u>	<u>With ALUCP as Originally Proposed</u>		<u>With Mitigation Measure PH-2</u>	
		<u>Dwelling Units</u>	<u>Percent Reduction</u>	<u>Dwelling Units</u>	<u>Percent Reduction</u>
DOWNTOWN	30,562	29,866	2.3%	30,310	0.8%
CORTEZ	3,140	3,140	0.0%	3,140	0.0%
EAST VILLAGE	19,106	19,106	0.0%	19,106	0.0%
LITTLE ITALY	4,250	3,554	16.4%	3,998	5.9%
OTHER DOWNTOWN NEIGHBORHOODS	4,066	4,066	0.0%	4,066	0.0%
MIDWAY-PACIFIC HIGHWAY	1,760	1,759	0.1%	1,759	0.1%
OCEAN BEACH	1,230	1,230	0.0%	1,230	0.0%
PENINSULA	1,737	1,695	2.4%	1,695	2.4%
UPTOWN	7,004		0.6%	6,964	0.6%
Total	42,293	41,514	1.8%	41,958	0.8%

SOURCE: Ricondo & Associates, Inc., March 2014

PREPARED BY: Ricondo & Associates, Inc., March 2014

Table 4: Capacity for Additional Residential Units throughout Entire CPAs with Current Regulations, Industrial Buffer Overlay Zone, ALUCP as Originally Proposed and Mitigation Measure PH-2

<u>CPA/NEIGHBORHOOD</u>	<u>CAPACITY FOR ADDITIONAL WELLING UNITS</u>				
	<u>With Industrial Buffer Overlay Zone</u>	<u>With ALUCP as Originally Proposed</u>		<u>With Mitigation Measure PH-2</u>	
		<u>Dwelling Units</u>	<u>Percent Reduction</u>	<u>Dwelling Units</u>	<u>Percent Reduction</u>
DOWNTOWN	29,368	29,147	0.8%	29,208	0.9%
CORTEZ	3,140	3,140	0.0%	3,140	0.0%
EAST VILLAGE	19,106	19,106	0.0%	19,106	0.0%
LITTLE ITALY	3,056	2,835	7.2%	2,896	5.2%
OTHER DOWNTOWN NEIGHBORHOODS	4,066	4,066	0%	4,066	0.0%
MIDWAY-PACIFIC HIGHWAY	1,760	1,759	0%	1,759	0.1%
OCEAN BEACH;	1,230	1,230	0%	1,230	0.0%
PENINSULA	1,737	1,695	2%	1,695	2.4%
UPTOWN	7,004	6,964	1%	6,964	0.6%
Total	41,099	40,795	0.7%	40,856	0.6%

SOURCE: Ricondo & Associates, Inc., March 2014

PREPARED BY: Ricondo & Associates, Inc., March 2014

- **Midway/Pacific Highway Corridor Community Planning Area**

As discussed in **Section 4.3.4.2.2** of the Final EIR, the SDIA ALUCP will result in the potential displacement of only one dwelling unit in the Midway/Pacific Highway Corridor CPA. The potential additional dwelling unit capacity within the safety zones in the Midway/Pacific Highway Corridor CPA would be reduced from 51 to 50 units with the proposed Project (see **Table 1**). The total additional dwelling unit capacity in the entire Midway/Pacific Highway Corridor CPA would be reduced from 1,760 to 1,759 units (see **Table 3**).

- *Peninsula Community Planning Area*

As discussed in **Section 4.3.4.2.4** of the Final EIR, the SDIA ALUCP will result in the potential displacement of 42 dwelling units from the safety zones in the Peninsula CPA. The potential additional dwelling unit capacity within the safety zones in the Peninsula CPA would be reduced from 431 to 389 units with the proposed Project (see **Table 1**). The potential nonresidential build-out estimates were based on the current zoning applying within the Peninsula CPA. The total additional dwelling unit capacity in the entire Peninsula CPA would be reduced from 1,737 to 1,695 units, a 2.4 percent reduction (see **Table 3**).

- *Uptown Community Planning Area*

As discussed in **Section 4.3.4.2.5** of the Final EIR, the SDIA ALUCP will result in the potential displacement of 40 future dwelling units in the Uptown CPA because of the reduction in allowable residential densities in the safety zones. The potential additional dwelling unit capacity within the safety zones in the Uptown CPA would be reduced from 1,013 to 973 units with the proposed Project (see **Table 1**). The total additional dwelling unit capacity in the entire Uptown CPA would be reduced from 7,004 to 6,964 units, a 0.6 percent reduction (see **Table 3**).

- *Indirect Impacts on Planned Location, Distribution, Density, or Growth Rate of Population*

As discussed in **Sections 2.4** and **4.2.3** of the Final EIR, the SDIA ALUCP does not propose or entail any new development, construction, or changes to existing land uses or the environment. However, the proposed Project will place certain residential density restrictions on future housing development within the ALUCP safety zones in order to reduce the public's exposure to safety hazards. These limitations may result in a lower level of development within the safety zones than would be the case based on current zoning. The future residential development that is foregone within the safety zones may possibly occur in other areas outside the safety zones. Any displaced development would have the potential to cause environmental impacts to these other areas. Thus, in addition to reducing the potential future housing units within the safety zones, the proposed safety compatibility standards may indirectly influence future residential development in areas outside the safety zones, impacting the planned location, distribution, density, or growth rate of the population in a broader area.

Importantly, any indirect effects on residential development patterns and related impacts on the environment that may arise from implementation of the proposed Project are uncertain from a timing and location standpoint. It is speculative to anticipate the specific characteristics of any development that may arise as a result from a shift in future development patterns or the types of impacts to population and housing that would be associated with such development. Whether actual population and development shifts will, in fact, occur in surrounding areas in any particular case necessarily depends on a multitude of factors, including, but not limited to, the rate, timing, location, and extent of development; economic and market conditions; and the nature and type of the project or projects. Further, any such future development would be dependent on what the affected local agencies would permit. Any attempt to

forecast such eventualities, including predictions about the significance of any environmental effects, is impracticable.

5.2.2 Mitigation Measures

Two mitigation measures to reduce the adverse impacts of the proposed ALUCP on Population and Housing were proposed in the Final EIR for the SDIA ALUCP. The first one would require action by the City of San Diego:

PH-1: Following adoption of the SDIA ALUCP, the City of San Diego can and should prepare and adopt amendments to the existing zoning outside the ALUCP Safety Zones to increase prescribed residential densities to compensate for the future development displaced from the safety zones and to maintain current buildout targets.

Whether this mitigation measure is a realistic option is unclear. The land use plans for the CPAs are prepared through an extensive technical and consultative process involving the full participation of CPA planning boards and committees and local residents. The Downtown Community Plan has a unique process that requires Civic San Diego to consult with its independent board of directors appointed by the Mayor and City Council of San Diego. The process also involves consulting with Civic San Diego's committees and local residents. Changes in allowable housing densities can create impacts on community character, traffic, and demands on local public services. These concerns must be considered by the City of San Diego and Civic San Diego before determining whether community plan and zoning revisions are feasible.

Because the impact area and the number of potentially displaced dwelling units are relatively small compared to the entirety of the City of San Diego, relatively small increases in prescribed densities, distributed among several CPAs, may be feasible, enabling the City to recover the 779 potentially displaced dwelling units without imposing a significant impact in any one CPA. Small increases in planned densities near transit stops and in other nodes of high village propensity outside safety zones would be consistent with the City of Villages strategy of the City of San Diego General Plan and community plans.

Because this mitigation alternative is under the exclusive control of the City of San Diego, the Airport Authority cannot guarantee its implementation.

Mitigation measure PH-2 would require action by the Airport Authority:

PH-2 Concurrent with adoption of the SDIA ALUCP, the Airport Authority shall revise Policy S.8 (Mixed-Use Projects) of the ALUCP in a manner consistent with the City of San Diego's request in order to reduce the potential displacement of residential units within mixed-use projects. The precise parameters of the policy modification are set forth in the Addendum (March ~~2013~~2014) to the EIR, and shall be incorporated directly into Policy S.8 of the SDIA ALUCP.

As addressed in the Addendum, implementation of this mitigation measure is within the control of the Airport Authority, acting in its capacity as the ALUC for the County. And, implementation of this measure would reduce the potential residential

displacement of the proposed SDIA ALUCP to 527 future housing units without implementation of the City of San Diego's Industrial Buffer Overlay Zone and 186 future housing units with implementation of the City's Industrial Buffer Overlay Zone.

5.3 CUMULATIVE IMPACTS

Since 2006, the ALUC has approved ALUCPs for 13 other airports in San Diego County (six rural airports, five urban airports and two Marine air installations), seven of which affected land in the urbanized portion of metropolitan San Diego and four of which affect land in the City of San Diego. **Section 4.7** of the Final EIR assessed potential cumulative impacts associated with the SDIA ALUCP in combination with the previously approved ALUCPs for other airports. The analysis revealed potentially significant cumulative impacts on Land Use and Planning and Population and Housing.

Cumulative Impact Threshold: Would the proposed ALUCP, in combination with any other ALUCPs, increase the degree of conflict with any community plan?

Finding: The ALUC finds that implementation of the proposed Project, in combination with other previously approved ALUCPs, will have a potentially significant impact on the City of San Diego General Plan because of the cumulative incompatibilities with community plans and applicable zoning in the affected AIAs.

With implementation of the mitigation measures proposed in **Section 4.2.6** of the Final EIR, any substantial incompatibilities of the SDIA ALUCP with adopted plans would be reduced to less than significant. However, it remains possible that the effects of overlay zoning amendments for all ALUCPs affecting the City of San Diego or metropolitan San Diego may lead to complex interactions among the future development patterns in the affected CPAs, necessitating additional community plan or zoning amendments. Furthermore, implementation of the mitigation measures is within the jurisdiction of the City of San Diego, rather than the ALUC. Thus, the ALUC has no authority to guarantee implementation of the proposed mitigation measures. If, for any reason, the City of San Diego does not implement the mitigation measures, then the identified substantial incompatibilities would remain significant and unavoidable.

Therefore, the ALUC finds that the conflicts of the proposed Project (in combination with the other ALUCPs), with community plans in the City of San Diego and general plans elsewhere in metropolitan San Diego must be considered cumulatively significant and unavoidable. The ALUC finds this significant impact to be acceptable for the reasons set forth in the **Statement of Overriding Considerations** (see **Section 12.0**).

While the impacts on Land Use and Planning attributable to the proposed ALUCP for SDIA would occur in CPAs unaffected by the other ALUCPs, a substantial portion of the city – 14.7 percent of its area – is affected by ALUCPs (see **Section 4.7.4** in the Final EIR).

While the required zoning amendments in the CPAs affected by the SDIA ALUCP will be independent of the amendments previously required to achieve consistency with the other ALUCPs affecting the City of San Diego, it is possible that the cumulative effect of all required amendments will result in complex interactions among the future development patterns in the affected CPAs, compromising the ability of the City to achieve its overall planning and development goals and objectives.

Because the relevant mitigation actions are under the exclusive control of the City of San Diego, the ALUC cannot guarantee their implementation.

Cumulative Impact Threshold: Would the impacts of the proposed ALUCP interact with the impacts of any other ALUCPs to substantially alter the planned location, distribution, density, or growth rate of the population of an area?

Finding: The ALUC finds that implementation of the proposed Project, in combination with other previously approved ALUCPs, will have a potentially significant impact on housing and population in the City of San Diego and in the metropolitan area because of the cumulative effect of all ALUCPs in reducing potential future housing development in the affected AIAs. Total future housing development could be reduced by 1,250 to 2,001 dwelling units due to the reduction in allowable housing densities proposed in all eight ALUCPs within metropolitan San Diego (see Section 4.7.5 and Table 4-42 in the Final EIR). The cumulative displacement of dwellings would be reduced by 252 units (a total between 998 and 1,749 units) with the adoption of mitigation measure PH-2, discussed in Section 5.2. With adoption of the City's Industrial Buffer Overlay Zone, the total reduction in housing units would range from 657 to 1,408 units.

With implementation of the mitigation measures proposed in Section 4.3.5 of the Final EIR, allowable residential densities outside the safety zones would be increased, potentially compensating for the displacement of future housing from within the safety zones of each affected ALUCP. However, implementation of the mitigation measures is within the jurisdiction of the City of San Diego, rather than the ALUC. Thus, the ALUC has no authority to guarantee implementation of the proposed mitigation measures. If the City of San Diego does not implement the proposed mitigation measures, then the potential displacement of future housing units would remain significant and unavoidable.

Therefore, the ALUC finds that the cumulative impacts on housing and population resulting from the potential displacement of future housing units with the SDIA ALUCP, in combination with the other seven ALUCPs affecting metropolitan San Diego, are significant and unavoidable. The ALUC finds this significant impact to be acceptable for the reasons set forth in the Statement of Overriding Considerations (see Section 12.0).

The effect of all eight ALUCPs within metropolitan San Diego would be to reduce potential future housing yield by 1,250 to 2,001 units (see Section 4.7.5 and Table 4-42 in the Final EIR). The greatest effect would be experienced in the City of San Diego,

where an estimated 1,010 to 1,761 future dwelling units could be displaced. The SDIA ALUCP would account for 779 of those potentially displaced housing units, to 62 percent of the total at all eight airports (see **Section 4.7.5** and **Table 4-42** in the Final EIR). With adoption of mitigation measure PH-2, the number of units displaced from with the SDIA ALUCP would decrease to 527 (30 to 53 percent of the total). With the City's adoption of the Industrial Buffer Overlay Zone, the number of units displaced with the SDIA ALUCP would be 186 (13 to 28 percent of the total),

Given the pressures on all local agencies, and the City of San Diego in particular, to provide affordable housing in an expensive and high demand market, the potential loss of 1,250 to 2,001 future housing units only increases the difficulty of meeting the affordable housing challenge. (This would remain true even if the cumulative displacement were reduced to 998 to 1,749 units with Mitigation Measure PH-2 or even to 657 to 1,408 units with the Industrial Buffer Overlay Zone.)

As discussed in Section 5.2, above, the City of San Diego has the authority to increase the allowable residential densities in portions of the CPAs outside the ALUCP safety zones to compensate for the reduction in future housing development caused by implementation of the SDIA ALUCP. Whether this is a realistic option is unclear. Given the relatively small amount of developable land remaining in the City of San Diego, it is likely to be difficult to find suitable locations to designate for higher density housing development to offset the potentially displaced housing. Furthermore, the land use plans for the CPAs are prepared through an extensive technical and consultative process involving the full participation of CPA planning boards and committees and local residents. The Downtown Community Plan has a unique process that requires Civic San Diego to consult with its independent board of directors appointed by the Mayor and City Council of San Diego. The process also involves consulting with Civic San Diego's committees and local residents. Changes in allowable housing densities can create impacts on community character, traffic, and demands on local public services. These concerns must be considered by the City of San Diego before determining whether community plan and zoning revisions are feasible.

Because the relevant mitigation actions are under the exclusive control of the City of San Diego, the ALUC cannot guarantee their implementation.

6.0 ALTERNATIVES ANALYZED IN THE EIR

A reasonable range of alternatives to the proposed Project that could potentially attain at least some of the objectives of the proposed Project must be described and evaluated under CEQA. Included in this range of alternatives must be the "No Project" alternative. The purpose of the alternatives analysis is to explain potentially feasible ways to avoid or minimize significant impacts caused by the proposed Project.

An alternative may be eliminated from detailed consideration in the Draft EIR if it fails to meet most of the basic project objectives, is infeasible, or is unable to avoid significant environmental impacts. As discussed in **Section 5.1** of the Final EIR, due to the nature of the ALUCP (*i.e.*, the ALUC's statutory obligation to prepare and adopt an

ALUCP for SDIA), there are no alternative locations for the proposed Project and, therefore, the analysis did not evaluate any alternative locations to the proposed Project.¹²

In addition, as discussed in **Sections 5.2.3, 5.3.3, 5.4.3** and **5.5.2** of the Final EIR, the ALUC is constrained by the requirement to “be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook...”¹³ The statute further explains that “it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook...”¹⁴

The alternatives identified and subject to a detailed analysis in **Section 5.0** of the Final EIR are discussed below.

6.1 Alternative 1 – No Project

CEQA requires evaluation of the "No Project" alternative.¹⁵ Where the project is the "revision of an existing land use or regulatory plan . . . , the 'no project' alternative will be the continuation of the existing plan . . . into the future."¹⁶ Therefore, the "projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan."¹⁷

The existing ALUCP for SDIA was originally adopted in 1992 and was last amended in October 2004. Therefore, the "No Project" alternative is equivalent to the continuation of the existing plan.

As discussed in **Section 5.2** of the Final EIR, this alternative would result in less environmental impacts than the proposed Project by avoiding the potential displacement of nonresidential floor area and dwelling units. Specifically, the displaced nonresidential floor area would be zero compared to 485,793 square feet with the proposed Project, and the displaced housing units would be zero compared to 779 with the proposed Project. Due to the elimination of all potential displacement, Alternative 1 would avoid the significant impacts of the proposed Project.

As also explained in **Section 5.2.2** of the Final EIR, however, implementation of Alternative 1 would result in some impacts compared to the existing condition. This is because the City of San Diego has not amended its zoning regulations to implement the 2004 ALUCP. Implementation of the 2004 ALUCP would require the City to amend its Airport Environs Overlay Zone (AEOZ) by adopting the noise contours from the 2004

¹² California Code of Regulations, Title 14, §15126.6(f)(2).

¹³ California Public Utilities Code §21674.7(a).

¹⁴ California Public Utilities Code §21674.7(b).

¹⁵ California Code of Regulations, Title 14, §15126.6(e)(1).

¹⁶ California Code of Regulations, Title 14, §15126.6(e)(3)(A).

¹⁷ California Code of Regulations, Title 14, §15126.6(e)(3)(A).

ALUCP, which are larger than the noise contours currently in effect under the AEOZ. Such an amendment would increase the area rendered unavailable to selected incompatible land uses, as described in **Table 5-2** on **page 5-4** of the Final EIR. The result is that the area that would become unavailable for the development of new incompatible uses would be enlarged, relative to the AEOZ, as described in **Table 5**.

Table 5: Land Rendered Unavailable for Incompatible Uses within 70 dB CNEL Contour with Implementation of Alternative 1

LAND USE TYPE	PROPERTY RENDERED UNAVAILABLE	
	NUMBER OF PARCELS ¹	AREA (ACRES) ¹
Office Buildings, Auditoriums, Churches	322	94.2
Concert Halls	275	81.6
Indoor Arenas -	83	39.2

NOTE:

1/ The data in the columns cannot be summed because the same properties are reported in more than one row of the table. This is because the baseline zoning permits more than one type of compatible use on numerous properties.

SOURCE: Ricondo & Associates, Inc., June 2013, Table 5-2, Section 5.2.2 of EIR. .

PREPARED BY: Ricondo & Associates, Inc., June 2013.

That being said, the impacts on land uses rendered incompatible under the No Project alternative are considerably less than with the proposed Project. First, only five land use types (office buildings, auditoriums, churches, concert halls and indoor arenas) are considered incompatible under the 2004 ALUCP, and only within the 70 dB CNEL contour. Under the proposed ALUCP, over 20 land use types are considered incompatible at various noise levels and in different safety zones. The total amount of developable land rendered unavailable for the development of incompatible institutional uses under the proposed Project, for example, totals over 110 acres.¹⁸

An evaluation of this alternative revealed that the "No Project" alternative would achieve some, but not all, of the Project objectives, as described in **Table 5-3** on **pages 5-5** and **5-6** of the Final EIR and summarized below:

Objective 1. *To ensure that new development within the noise contours is consistent with the state noise law (Title 21) and is compatible with aircraft noise by (a) limiting new noise-sensitive development within the 65 dB CNEL noise contour for 2030 forecast conditions, and (b) ensuring that any new noise-sensitive development within the 65 dB CNEL contour is treated to ensure noise compatibility as defined in the state noise law.*

The noise contours in the 2004 ALUCP represent 1990 conditions rather than the latest forecast conditions. Additionally, the list of incompatible uses for noise is not

¹⁸ These institutional uses include schools, nursing homes, places of assembly for children, hospitals, and child care facilities. See Table A-8 in Appendix A of the EIR.

consistent with the latest guidance in the Caltrans *Handbook* and Title 21. Therefore, this Project objective would not be satisfied by the “No Project” alternative.

Objective 2. *To protect the public health, safety and welfare by (a) establishing safety zones in areas subject to the highest risks of aircraft accidents, in accordance with guidance provided in the California Airport Land Use Planning Handbook, (b) avoiding the new development of certain sensitive land uses within the safety zones, and (c) limiting the number of people occupying new development in the safety zones.*

The 2004 ALUCP does not reflect the latest guidance in the Caltrans *Handbook* because only the Runway Protection Zones and an Approach Zone on the east side of the Airport are depicted as safety zones. Certain sensitive uses are deemed incompatible only within the Approach Zone on the east side of SDIA, but the list of incompatible uses for safety is not consistent with the latest guidance in the Caltrans *Handbook*. Additionally, Safety Zones 2-5 are not included in the 2004 ALUCP, so there is no prohibition on certain sensitive land uses in those areas. Limits on density and intensity only apply in the east side Approach Zone; no limits on density and intensity apply on the west side of the Airport. Thus, this objective would not be satisfied by the “No Project” alternative.

Objective 3. *To ensure that new development is consistent with (a) the assurance of flight safety by limiting the height of new structures and objects consistent with FAA guidance and regulation, (b) the preservation of the operational capability of the Airport, and (c) the avoidance of further reductions in the available runway landing distances.*

The City’s existing Airport Approach Overlay Zone (AAOZ), which is reflected in the 2004 ALUCP, provides protection for the Runway 27 approach. In addition, the City has been exercising its authority to enforce FAA Hazard Determinations and obstruction marking recommendations in accordance with the 2004 ALUCP and AAOZ. Therefore, this Project objective would be satisfied by the “No Project” alternative, although the proposed ALUCP provides clearer guidance with respect to airspace protection and would promote a more complete understanding of FAA requirements.

Objective 4. *To ensure that prospective buyers of new housing within areas subject to aircraft overflights are informed about the potential effects of overflights by (a) promoting compliance with the state’s real estate disclosure law,¹⁹ and (b) ensuring that owners and developers of new residential projects provide notice of the presence of aircraft overflight to prospective buyers.*

The 2004 ALUCP defines an Airport Influence Area (AIA), within which the requirements of the state’s real estate disclosure law apply. The AIA in the 2004 ALUCP, however, is considerably smaller than the AIA in the proposed ALUCP because the 2004 AIA is based only on the 60 dB CNEL contour, rather than all four compatibility factors (including airspace and overflight areas). The delineation of the AIA in the 2004 ALUCP is not consistent with the latest guidance in the Caltrans *Handbook*. The

¹⁹ California Business and Professions Code §11010(a) and (b)(13); California Civil Code §§1102.6, 1103.4 and 1353; California Code of Civil Procedure §731a.

requirement in the 2004 ALUCP for the dedication of avigation easements for certain residential development within the 65 dB CNEL contour promotes awareness of aircraft overflights among prospective buyers of property, but it does so in a less expansive manner than the proposed ALUCP. In conclusion, the 2004 ALUCP (the “No Project” alternative) meets this objective, but in a minimal way that is not completely consistent with the guidance in the latest edition of the Caltrans *Handbook*.

Finding: Based on the analysis in Section 5.2 of the Final EIR, summarized above, the ALUC finds that the “No Project” alternative would avoid the significant impacts of the proposed Project. However, the “No Project” alternative would fail to achieve Project Objectives 1 and 2, and would only partially achieve Project Objective 4. The failure to achieve Objectives 1 and 2 leads the ALUC to conclude that the “No Project” alternative is infeasible.

6.2 Alternative 2 – Standard Safety Zones 3NW and 4W

Under the proposed ALUCP, Safety Zones 3NW and 4W were widened beyond the generic dimensions suggested in the Caltrans *Handbook* for safety zones at air carrier airports.²⁰ The boundaries of both safety zones were fanned to the north to reflect the commonly used 290-degree departure heading used by aircraft taking off on Runway 27. This adjustment was made to comply with *Handbook* guidance advising modifications in safety zone configurations to reflect commonly used flight procedures and corridors. Refer to **Exhibit 5-2** in the Final EIR for a depiction of the commonly used departure corridors off Runway 27.

Alternative 2 was developed to understand the differences in environmental impact that would occur if the generic Caltrans safety zone configuration was used for Safety Zones 3NE and 4W, without making the adjustments to reflect the 290-degree departure heading (see **Exhibit 5-3** in the Final EIR for a depiction of the safety zones boundaries under Alternative 2).

Alternative 2 would result in slightly less environmental impact than the proposed ALUCP. Differences would occur only in the Peninsula and Midway/Pacific Highway Corridor CPAs. Under Alternative 2, 776 dwelling units could potentially be displaced, compared with 779 under the proposed ALUCP, a reduction in potential displacement of three units. The potentially displaced nonresidential floor area would decrease to 470,254 square feet under Alternative 2, a reduction of 15,539 square feet compared with the proposed ALUCP (see **Section 5.3.2** and **Table 5-4** in the Final EIR). The minor decrease in potential displacement resulting from Alternative 2 would not avoid or substantially lessen any of the significant effects of the proposed Project.

²⁰ California Department of Transportation, Division of Aeronautics, *California Airport Land Use Planning Handbook*, 2011, Figure 3B, p. 3-19.

Because Alternative 2 is only slightly different than the proposed ALUCP, it would achieve almost all objectives of the proposed Project, as summarized below (see **Section 5.3.3** and **Table 5-5** of the Final EIR for greater detail).

Objective 1. *To ensure that new development within the noise contours is consistent with the state noise law (Title 21) and is compatible with aircraft noise by (a) limiting new noise-sensitive development within the 65 dB CNEL noise contour for 2030 forecast conditions, and (b) ensuring that any new noise-sensitive development within the 65 dB CNEL contour is treated to ensure noise compatibility as defined in the state noise law.*

Alternative 2 would involve no changes in the noise contours or noise policies and standards of the proposed ALUCP. Thus, Alternative 2 would fulfill Objective 1 in the same way as the proposed ALUCP.

Objective 2. *To protect the public health, safety and welfare by (a) establishing safety zones in areas subject to the highest risks of aircraft accidents, in accordance with guidance provided in the California Airport Land Use Planning Handbook, (b) avoiding the new development of certain sensitive land uses within the safety zones, and (c) limiting the number of people occupying new development in the safety zones.*

Alternative 2 would partially achieve this objective. The revised safety zone configuration would continue to apply safety policies and standards to the area along the extended centerline of Runway 27. The Alternative 2 safety zone configuration would not, however, apply policies and standards beneath the heavily used departure corridor along the 290-degree heading, as the Caltrans guidance would suggest.²¹ Thus, Alternative 2 would not provide as much safety compatibility coverage as the proposed ALUCP.

Objective 3. *To ensure that new development is consistent with (a) the assurance of flight safety by limiting the height of new structures and objects consistent with FAA guidance and regulation, (b) the preservation of the operational capability of the Airport, and (c) the avoidance of further reductions in the available runway landing distances.*

Alternative 2 would involve no changes in the airspace protection boundaries and policies of the proposed ALUCP. Thus, Alternative 2 would fulfill this objective in the same way as the proposed ALUCP.

Objective 4. *To ensure that prospective buyers of new housing within areas subject to aircraft overflights are informed about the potential effects of overflights by (a)*

²¹ The nominal configuration of safety zones for air carrier airports presented in the Caltrans Handbook (**Exhibit 5-1** in the Final EIR) is based on the assumption of primarily straight-in and straight-out flight routes. The Handbook advises the consideration of common flight routes and “special flight procedures” in determining optimum safety zone shapes and sizes. See *California Airport Land Use Planning Handbook*, 2011, pp. 3-21 – 3-22.

promoting compliance with the state's real estate disclosure law,²² and (b) ensuring that owners and developers of new residential projects provide notice of the presence of aircraft overflight to prospective buyers.

Alternative 2 would involve no changes in the overflight area boundaries, the AIA boundaries, or the overflight notification policies of the proposed ALUCP. Thus, Alternative 2 would fulfill this objective in the same way as the proposed ALUCP.

The key shortcoming of Alternative 2 is that the revised boundaries of Safety Zones 3NW and 4W would not extend beneath the heavily used 290-degree departure path off Runway 27. Based on the guidance in the Caltrans *Handbook*, the enlargement of these safety zones as provided in the proposed ALUCP is fully justified.²³ Alternative 2 indicates that the amount of potential displaced development would decrease very slightly if these zones were reduced in size. The potential reduction in impacts is not great enough to warrant consideration of changes to the safety zone boundaries, especially when those boundaries have been developed through a technical analysis that applied guidance from the Caltrans *Handbook*.

Finding: Based on the analysis in Section 5.3 of the Final EIR, summarized above, the ALUC finds that Alternative 2 would not avoid or substantially lessen any of the significant impacts of the proposed Project. And, while Alternative 2 would achieve three of the four Project Objectives (1, 3 and 4) and would partially fulfill Objective 2, the small reduction in environmental impacts is not great enough to warrant adoption of Alternative 2 in place of the proposed Project.

6.3 Alternative 3 – Less Restrictive Standards in Safety Zone 3SE

The proposed ALUCP would establish residential density and nonresidential intensity standards in Safety Zone 3SE that are less restrictive than suggested by the guidance in the Caltrans *Handbook*. As explained in **Appendix E-4** (page E-62) of the proposed ALUCP, this area is subject to very few direct overflights because of the infrequent use of Runway 9 for takeoffs and the published departure procedures that require straight-out routes or left turns away from this area. Because of the nature of the activity off the east end of the runway, the probability of accidents in Safety Zone 3SE is likely to be considerably less than in the other safety zones.²⁴

Alternative 3 was developed in recognition that a substantial share of the displacement impacts caused by the proposed ALUCP would occur in Safety Zone 3SE.

²² California Business and Professions Code §11010(a) and (b)(13); California Civil Code §§1102.6, 1103.4 and 1353; California Code of Civil Procedure §731a.

²³ California Department of Transportation, Division of Aeronautics, *California Airport Land Use Planning Handbook*, October 2011, pp. 3-20 – 3-26.

²⁴ This assertion is based on an interpretation of the location patterns for large aircraft accidents, supplemented by a review of the location of general aviation accidents presented in the Caltrans *Handbook*.

This alternative would retain the safety standards relating to incompatible uses but would eliminate the limits on residential densities and nonresidential intensities in Safety Zone 3SE. It would ensure that the future development of highly sensitive uses serving vulnerable populations, processing or storing hazardous materials, or involving critical public utilities would be avoided in this safety zone, just as in the proposed ALUCP. The elimination of the intensity and density standards, however, would reduce the potential development displacement in the area.²⁵

Alternative 3 would result in less environmental impact than the proposed ALUCP (see **Section 5.4.2** and **Table 5-6** in the Final EIR). Under Alternative 3, 614 dwelling units could potentially be displaced, compared with 779 under the proposed ALUCP, a reduction of 165 units (162 units in Downtown and 3 units in Uptown). The potentially displaced nonresidential floor area would decrease to 268,407 square feet under Alternative 3, a reduction of 217,386 square feet compared with the proposed ALUCP. All of the reduction in nonresidential displacement would occur in the Downtown CPA. The decrease in potential displacement resulting from Alternative 3 would not avoid or substantially lessen any of the significant effects of the proposed Project as appreciable quantities of potential displacement would remain in both residential and nonresidential land use categories.

Alternative 3 would be similar to the proposed ALUCP in accomplishing the objectives of the proposed Project. The one difference relates to the attainment of Project Objective 2, limiting the number of people occupying new development within the safety zones. A summary of the relationship of Alternative 3 to the objectives of the proposed ALUCP follows (refer to **Section 5.4.3** and **Table 5-7** of the Final EIR for greater detail).

Objective 1. *To ensure that new development within the noise contours is consistent with the state noise law (Title 21) and is compatible with aircraft noise by (a) limiting new noise-sensitive development within the 65 dB CNEL noise contour for 2030 forecast conditions, and (b) ensuring that any new noise-sensitive development within the 65 dB CNEL contour is treated to ensure noise compatibility as defined in the state noise law.*

Alternative 3 would involve no changes in the noise contours or noise policies and standards of the proposed ALUCP. Thus, Alternative 3 would fulfill Objective 1 in the same way as the proposed ALUCP.

Objective 2. *To protect the public health, safety and welfare by (a) establishing safety zones in areas subject to the highest risks of aircraft accidents, in accordance with guidance provided in the California Airport Land Use Planning Handbook, (b)*

²⁵ The density and intensity of development in Safety Zone 3SE would be limited indirectly, however, by the airspace protection standards, which would limit the heights of buildings in this area near the runway end and near the approach to Runway 27. (The airspace protection standards are currently in effect, so this situation would not be a change from current conditions.)

avoiding the new development of certain sensitive land uses within the safety zones, and (c) limiting the number of people occupying new development in the safety zones.

Alternative 3 would partially achieve this objective. The effective prohibition on future incompatible uses in Safety Zone 3SE would be consistent with this objective, but the elimination of limits on the intensity and density of development in the safety zone would be inconsistent with this objective. While the airspace-related limits on building heights could result in indirect limits on the density and intensity of development in Safety Zone 3SE, those limits are likely to be less restrictive than the proposed ALUCP. Furthermore, the elimination of direct limits on the intensity and density of future development in the safety zone would deviate from the guidance provided in the Caltrans *Handbook*.²⁶ Thus, Alternative 3 would not provide as much safety compatibility coverage as the proposed ALUCP or as advised in the *Handbook*, and is contrary to the ALUC's statutory mandate to protect the public health, safety and welfare.

Objective 3. *To ensure that new development is consistent with (a) the assurance of flight safety by limiting the height of new structures and objects consistent with FAA guidance and regulation, (b) the preservation of the operational capability of the Airport, and (c) the avoidance of further reductions in the available runway landing distances.*

Alternative 3 would involve no changes in the airspace protection boundaries and policies of the proposed ALUCP. Thus, Alternative 3 would fulfill this objective in the same way as the proposed ALUCP.

Objective 4. *To ensure that prospective buyers of new housing within areas subject to aircraft overflights are informed about the potential effects of overflights by (a) promoting compliance with the state's real estate disclosure law,²⁷ and (b) ensuring that owners and developers of new residential projects provide notice of the presence of aircraft overflight to prospective buyers.*

Alternative 3 would involve no changes in the overflight area boundaries, the AIA boundaries, or the overflight notification policies of the proposed ALUCP. Thus, Alternative 3 would fulfill this objective in the same way as the proposed ALUCP.

While the amount of potential development displacement with Alternative 3 would be less than with the proposed ALUCP, the alternative deviates substantially from the *Handbook* in eliminating density and intensity standards in Safety Zone 3SE. The deviation from Caltrans' guidance would be contrary to the intent of the ALUC statute, as stated in the Public Utilities Code:

21674.7. (a) An airport land use commission that formulates, adopts, or amends an airport land use compatibility plan shall be guided by

²⁶ California Department of Transportation, Division of Aeronautics, *California Airport Land Use Planning Handbook*, 2011, p. 4-22.

²⁷ California Business and Professions Code §11010(a) and (b)(13); California Civil Code §§1102.6, 1103.4 and 1353; California Code of Civil Procedure §731a.

information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation.

(b) It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook...

Finding: Based on the analysis in Section 5.4 of the Final EIR, summarized above, the ALUC finds that Alternative 3 would not avoid or substantially lessen any of the significant impacts of the proposed Project because appreciable quantities of potential displacement would remain in both residential and nonresidential land use categories. And, while Alternative 3 would achieve three of the four Project Objectives (1, 3 and 4), Alternative 3 only would partially fulfill Objective 2. Relative to Objective 2, Alternative 3 would deviate significantly from the *Handbook* guidance advising limits on the density and intensity of future development in all safety zones. The ALUC finds that adoption of Alternative 3 would be inconsistent with the intent of the *Handbook* and the ALUC statute and, therefore, is not feasible.

6.4 Alternative 4 – Elimination of Density and Intensity Standards in All Safety Zones

Alternative 4 would retain the safety zone configuration and the corresponding incompatible land use standards from the proposed ALUCP. It would eliminate, however, the residential density and nonresidential intensity standards that would apply to conditionally compatible uses in the safety zones. Thus, under this alternative, the safety standards would apply only to incompatible uses.

Under Alternative 4, no residential displacement or nonresidential floor area displacement would occur (see **Section 5.5.1** and **Table 5-8** in the Final EIR). The elimination of any potential displacement would have the greatest effect in the Downtown CPA, the part of the ALUCP Impact Area planned for the greatest densities and intensities under current community plans and zoning. Due to the elimination of all potential displacement, Alternative 4 would avoid the significant impacts of the proposed Project.

The relationship of Alternative 4 to the objectives of the proposed ALUCP is summarized below (see **Section 5.5.2** and **Table 5-9** in the Final EIR for more detail).

Objective 1. *To ensure that new development within the noise contours is consistent with the state noise law (Title 21) and is compatible with aircraft noise by (a) limiting new noise-sensitive development within the 65 dB CNEL noise contour for 2030 forecast conditions, and (b) ensuring that any new noise-sensitive development within the 65 dB CNEL contour is treated to ensure noise compatibility as defined in the state noise law.*

Alternative 4 would involve no changes in the noise contours or noise policies and standards of the proposed ALUCP. Thus, Alternative 4 would fulfill Objective 1 in the same way as the proposed ALUCP.

Objective 2. *To protect the public health, safety and welfare by (a) establishing safety zones in areas subject to the highest risks of aircraft accidents, in accordance with guidance provided in the California Airport Land Use Planning Handbook, (b) avoiding the new development of certain sensitive land uses within the safety zones, and (c) limiting the number of people occupying new development in the safety zones.*

Alternative 4 would partially achieve this objective. While it would meet parts (a) and (b) of Objective 2, it would only minimally meet part (c) of this objective. Alternative 4 deviates substantially from Caltrans *Handbook* guidance by not setting explicit density and intensity limits in any safety zones. While it is possible that density and intensity could be limited indirectly through the airspace protection-related height standards, any such limitations are likely to be considerably less restrictive than direct application of the Caltrans guidance limiting density and intensity to the average of surrounding development. Thus, Alternative 4 would not provide as much safety compatibility coverage as the proposed ALUCP or as advised in the *Handbook*, and is contrary to the ALUC's statutory mandate to protect the public health, safety and welfare.

Objective 3. *To ensure that new development is consistent with (a) the assurance of flight safety by limiting the height of new structures and objects consistent with FAA guidance and regulation, (b) the preservation of the operational capability of the Airport, and (c) the avoidance of further reductions in the available runway landing distances.*

Alternative 4 would involve no changes in the airspace protection boundaries and policies of the proposed ALUCP. Thus, Alternative 4 would fulfill this objective in the same way as the proposed ALUCP.

Objective 4. *To ensure that prospective buyers of new housing within areas subject to aircraft overflights are informed about the potential effects of overflights by (a) promoting compliance with the state's real estate disclosure law,²⁸ and (b) ensuring that owners and developers of new residential projects provide notice of the presence of aircraft overflight to prospective buyers.*

²⁸ California Business and Professions Code §11010(a) and (b)(13); California Civil Code §§1102.6, 1103.4 and 1353; California Code of Civil Procedure §731a.

Alternative 4 would involve no changes in the overflight area boundaries, the AIA boundaries, or the overflight notification policies of the proposed ALUCP. Thus, Alternative 4 would fulfill this objective in the same way as the proposed ALUCP.

While the amount of potential development displacement with Alternative 4 would be much less than with the proposed ALUCP, the alternative deviates substantially from Caltrans guidance in eliminating density and intensity standards in all safety zones. This deviation is great enough to consider this alternative as inconsistent with the intent of the ALUC statute, as excerpted in the analysis of Alternative 3 above.²⁹ Despite the reduction in impacts, the deviation from Caltrans guidance and state law is not warranted.

Finding: Based on the analysis in Section 5.5 of the Final EIR, summarized above, the ALUC finds that Alternative 4 would avoid the significant impacts of the proposed Project. However, while Alternative 4 would achieve three of the four Project Objectives (1, 3 and 4), Alternative 4 only would partially fulfill Objective 2. Relative to Objective 2, Alternative 4 would deviate substantially from *Handbook* guidance in failing to set development density and intensity limits in the safety zones. Thus, the ALUC finds that adoption of Alternative 4 would be inconsistent with the intent of the *Handbook* and the ALUC statute and, therefore, is not feasible.

7.0 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

An EIR must discuss any potentially significant effects on the environment that would be irreversible if the proposed project were implemented.³⁰ As discussed in **Section 4.5** of the Final EIR, the SDIA ALUCP is a regulatory, land use planning document, and no significant irreversible environmental changes would result from its approval and implementation. Specifically, because implementation of the ALUCP will not propose or entail any new development, construction, or changes to the existing land uses or the environment, the proposed Project will not require the commitment or use of any nonrenewable resources. Accordingly, the SDIA ALUCP will not result in significant irreversible environmental changes stemming from the use of nonrenewable resources or the irretrievable commitment of resources.

8.0 GROWTH-INDUCING IMPACTS

An EIR also must discuss the "ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly

²⁹ California Public Utilities Code, §21674.7.

³⁰ California Public Resources Code, §21100(b)(2)(B); California Code of Regulations, Title 14, §15126.2(c).

or indirectly, in the surrounding environment."³¹ As discussed in **Section 4.6** of the Final EIR, the SDIA ALUCP does not directly facilitate growth as it does not contain any growth-accommodating features (e.g., infrastructure). Further, the proposed Project does not directly necessitate the construction of growth-accommodating facilities because the Project, which is a regulatory planning document, will not directly attract residential and/or non-residential growth.

The SDIA ALUCP may indirectly displace planned land uses from certain areas within the ALUCP Impact Area, potentially setting in motion a chain of events that could induce growth in areas outside the ALUCP Impact Area. As explained in **Section 4.6** of the Final EIR, it is not possible to predict how the real estate market and local developers and property owners would respond to the displacement of potential development from the ALUCP Impact Area. While some of the displaced development may induce growth in certain areas outside the ALUCP Impact Area, it is impossible to predict the location and magnitude of such an effect. Any development that would be displaced from the ALUCP Impact Area would be allowed under the current community plans that apply outside the ALUCP Impact Area. Therefore, it can reasonably be concluded that the proposed ALUCP would have less-than-significant growth-inducing impacts and that any localized growth-inducing effects have been accounted for in the applicable community plans and the City's General Plan.

9.0 ABSENCE OF SIGNIFICANT NEW INFORMATION

The CEQA Guidelines require a Lead Agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification.³² New information includes: (i) changes to the project; (ii) changes in the environmental setting; or (iii) additional data or other information.³³ The CEQA Guidelines further provide that "[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."³⁴

Here, the Final EIR incorporated a number of changes and revisions to the proposed Project. However, these changes and revisions do not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact which cannot be mitigated. In addition, all feasible mitigation measures are included in the MMRP, which is hereby adopted and incorporated into the

³¹ California Code of Regulations, Title 14, §15162.2(d); California Public Resources Code, §21100(b)(5).

³² California Code of Regulations, Title 14, §15088.5.

³³ California Code of Regulations, Title 14, §15088.5.

³⁴ California Code of Regulations, Title 14, §15088.5.

Project. Therefore, having reviewed the information in the Final EIR, the administrative record, the requirements of the CEQA Guidelines, and applicable judicial authority, the ALUC hereby finds that no new significant information was added to the Draft EIR following public review and thus, recirculation of the EIR is not required by CEQA.

10.0 PAYMENT OF FISH AND GAME FILING FEE

As discussed above, an Initial Study was prepared by ALUC staff in order to evaluate the SDIA ALUCP's potential to result in adverse environmental impacts. Based on the information presented in the Initial Study, and the record as a whole, there is no substantial evidence before the ALUC that the SDIA ALUCP may result in a significant adverse effect on wildlife resources, or the habitat on which the wildlife depends. Nevertheless, because an EIR has been prepared for the SDIA ALUCP, the Airport Authority will remit the required filing fees to the San Diego County Clerk at the time of filing the Notice of Determination in compliance with state law.³⁵

11.0 MITIGATION MONITORING PLAN

Pursuant to Public Resources Code section 21081.6, the ALUC is required to adopt an MMRP for the proposed Project in order to ensure compliance with the adopted mitigation measures during project implementation.³⁶ The ALUC finds that the impacts of the proposed Project have been mitigated to the extent feasible by the mitigation measures identified in the Final EIR and MMRP. Further, by these findings, the ALUC adopts the MMRP (see Attachment B) that accompanies the Final EIR.

The ALUC reserves the right to make amendments or substitutions to the mitigation measures if it is determined that the amended or substituted measure will mitigate the identified potential environmental impact to at least the same degree as the original measure, and if the amendment or substitution would not result in a significant new environmental impact that cannot be mitigated.

12.0 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR for the SDIA ALUCP identified significant and unavoidable impacts to Land Use and Planning and Population and Housing that will result from implementation of the proposed Project.

CEQA requires the decision-making body to balance the economic, legal, social, technological or other benefits of a project against its significant and unavoidable impacts when determining whether to approve a project.³⁷ If the benefits of a project outweigh the significant and unavoidable impacts, those impacts may be considered

³⁵ California Fish and Game Code, §711.4 (d)(3).

³⁶ Also, see California Code of Regulations., Title 14, §15091(e).

³⁷ California Code of Regulations, Title 14, §15093.

acceptable. CEQA also requires the public agency to provide written findings supporting the specific reasons for considering a project acceptable when significant impacts are unavoidable. Such reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record. Those reasons are provided in this Statement of Overriding Considerations.

The Airport Authority finds that the economic, social and other benefits of the proposed Project outweigh the significant and unavoidable impacts identified in the Final EIR and elsewhere in the record. In making this finding, the Airport Authority has balanced the benefits of the proposed Project against its significant and unavoidable environmental impacts and has indicated its willingness to accept those impacts in light of the benefits to the community surrounding SDIA and the benefits associated with the protecting the long-term viability of SDIA that would stem from Project approval. The Airport Authority further finds that each one of the following benefits of the proposed Project, independent of the other benefits, warrant approval of the proposed Project notwithstanding the significant and unavoidable impacts of the proposed Project:

1. The Airport Authority has duly considered the guidance provided in the *California Airport Land Use Planning Handbook*,³⁸ published by the Caltrans Division of Aeronautics, as required by law.³⁹ Furthermore, the proposed Project is broadly consistent with the *Handbook* guidance. Therefore, adoption of the proposed Project ensures that the Airport Authority complies with existing state law when adopting an ALUCP for SDIA.
2. The proposed Project will assist the Airport Authority and local agencies (specifically, the cities of San Diego, Coronado and National City, the County of San Diego and the San Diego Unified Port District) in ensuring that future land use development within the vicinity of SDIA is compatible with the Airport's operations.
3. The proposed Project will enable the Airport Authority to coordinate land use planning at the local level in order to provide for the orderly development of air transportation, while at the same time protecting the public health, safety and welfare, as required by the State Aeronautics Act.⁴⁰
4. The proposed Project will protect the public health, safety and general welfare of the inhabitants within the vicinity of SDIA and the public in general by establishing land use measures that minimize the public's exposure to excessive noise and safety hazards to the extent that these areas are not already devoted to incompatible uses. This is of particular import with respect to the policies and standards related to the future development of noise-sensitive land uses and other land uses posing safety concerns (e.g., facilities

³⁸ California Department of Transportation, Division of Aeronautics, *California Airport Land Use Planning Handbook*, 2011.

³⁹ California Public Utilities Code, §21674.7(a).

⁴⁰ California Public Utilities Code, §21670(a).

serving people with low effective mobility and facilities processing or storing hazardous materials) near SDIA.

5. The proposed Project will secure the continued operation of SDIA as it is currently designed and in accordance with the future Airport Layout Plan, to the extent that the aeronautical activities otherwise could have been adversely impacted by incompatible land use development in the SDIA vicinity.

The Airport Authority hereby finds that each of the reasons stated above constitutes a separate and independent basis of justification for the Statement of Overriding Considerations, and each is able to independently support the Statement of Overriding Considerations and override the significant and unavoidable environmental effects of the proposed Project. In addition, each reason is independently supported by substantial evidence contained in the administrative record.

13.0 CUSTODIAN OF RECORD

Public Resources Code section 21081.6, subdivision (a)(2), requires the Lead Agency (*i.e.*, the Airport Authority, acting in its capacity as the ALUC) to specify the location and custodian of the documents or other material that constitute the record of proceedings upon which the decision is based.⁴¹

The custodian of the record for the proposed Project is the Airport Authority. The documents constituting the record are available to the public during ordinary business hours at the Airport Authority's offices, which are located at the SDIA Commuter Terminal, Third Floor, 3225 North Harbor Drive, San Diego, California 92101.

⁴¹ Also, see California Code of Regulations, Title 14, §15091(e).

ATTACHMENT B

MITIGATION MONITORING AND REPORTING PROGRAM SAN DIEGO INTERNATIONAL AIRPORT AIRPORT LAND USE COMPATIBILITY PLAN

AUTHORITY

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to Section 21081.6 of the California Public Resources Code in order to provide for the monitoring of mitigation measures required for the proposed San Diego International Airport (SDIA) Airport Land Use Compatibility Plan (ALUCP), as set forth in the Final Environmental Impact Report (EIR) prepared for the proposed ALUCP.¹ (The Final EIR consists of the Draft EIR (July 2013), Final EIR (January 2014) and Addendum (March 2014).)

Concurrent with certification of the Final EIR, the MMRP will be adopted by 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 and the lead agency for the proposed ALUCP. The MMRP will be kept on file in the offices of the Airport Authority, located at 3225 North Harbor Drive, San Diego, California 92101.

MONITORING REQUIREMENTS

The Airport Authority will be responsible for ensuring compliance with the MMRP to the extent it is able. Importantly, as noted in the Final EIR, implementation of the mitigation measures **LUP-1**, **LUP-2**, and **PH-1** are within the responsibility and jurisdiction of the City of San Diego, rather than the Airport Authority. The City may elect not to implement the mitigation measures adopted by the Airport Authority. In that instance, the impacts to Land Use and Planning and Population and Housing identified and analyzed in the Final EIR would remain significant and unavoidable.

Although the Airport Authority does not have the capacity to require implementation of these mitigation measures, it will collaborate with the City of San Diego in implementing the mitigation measures, if the City requests the assistance of the Airport Authority. Specifically, the Airport Authority, acting in its capacity as the ALUC for the County, will coordinate with the City to facilitate its efforts to make its applicable zoning ordinances and, to the extent necessary, general plans, community plans, specific plans, *etc.*, consistent with the proposed ALUCP.

REPORTING REQUIREMENTS, AND CHANGES TO MITIGATION MEASURES

Any substantive change in the MMRP made by the Airport Authority shall be recorded in writing. Reference to such changes shall be made in the Mitigation Monitoring Report prepared by the Airport Authority no earlier than 180 days following approval of the proposed ALUCP. In addition, Mitigation Monitoring Reports will be prepared annually if affected land use plans and regulations are not made consistent with the proposed ALUCP 180 days after approval, unless the affected local agency has overruled the ALUC by that time. The preparation of additional Mitigation Monitoring

¹ Also, see California Code of Regulations, Title 14, §15097.

Reports at regular intervals is intended to provide the Airport Authority and the public with the implementation status of the proposed ALUCP and the compliance of the affected jurisdictions with state law.

Modifications to the mitigation measures may be made by the Airport Authority subject to one of the following findings, documented by evidence in the record:

- (a) The mitigation measure included in the Final EIR and the MMRP is no longer required because the significant environmental impact identified in the Final EIR has been found not to exist, or to occur at a level which makes the impact less than significant as a result of changes in the ALUCP, changes in conditions of the environment, or other factors.

OR

- (b) The modified or substitute mitigation measure to be included in the MMRP provides a level of environmental protection equal to or greater than that afforded by the mitigation measure included in the Final EIR and the MMRP; and

The modified or substitute mitigation measure does not have significant adverse effects on the environment in addition to or greater than those that were considered by the Airport Authority in its decisions on the Final EIR and the proposed ALUCP; and

The modified or substitute mitigation measure is feasible, and the affected Agency, through measures included in the MMRP or other Agency procedures, can assure its implementation.

SUPPORT DOCUMENTATION

Findings and related documentation supporting the modifications to mitigation measures shall be maintained in the project file with the MMRP and shall be made available to the public upon request.

FORMAT OF MITIGATION MONITORING MATRIX

The following matrix identifies the environmental issue areas for which monitoring is required, the required mitigation measures, the time frame for monitoring, and the responsible monitoring agencies.

**SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY
SDIA ALUCP, MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES	TIME FRAME/ MONITORING MILESTONE	RESPONSIBLE MONITORING PARTY
4.2 LAND USE AND PLANNING		
LUP-1 Following adoption of the SDIA ALUCP, the City of San Diego can and should prepare and adopt the Airport Land Use Compatibility Overlay Zone (ALUCOZ) to apply within the SDIA AIA.	Within 180 Days of ALUCP Adoption; annually afterwards	Airport Authority and City of San Diego
LUP-2 Following adoption of the SDIA ALUCP, the City of San Diego can and should prepare and adopt amendments to community plans or applicable base zones outside the ALUCP Safety Zones to increase prescribed nonresidential intensities or floor area ratios (FARs) to compensate for the future development displaced from the safety zones and to maintain current buildout targets.	Within 180 Days of ALUCP Adoption; annually afterwards	Airport Authority and City of San Diego
4.3 POPULATION AND HOUSING		
PH-1 Following adoption of the SDIA ALUCP, the City of San Diego can and should prepare and adopt amendments to the existing zoning outside the ALUCP Safety Zones to increase prescribed residential densities to compensate for the future development displaced from the safety zones and to maintain current buildout targets.	Within 180 Days of ALUCP Adoption; annually afterwards	Airport Authority and City of San Diego
PH-2 Concurrent with adoption of the SDIA ALUCP, the Airport Authority shall revise Policy S.8 (Mixed-Use Projects) of the ALUCP in a manner consistent with the City of San Diego's request in order to reduce the potential displacement of residential units within mixed-use projects. The precise parameters of the policy modification are set forth in the Addendum (March 2013) to the EIR, and shall be incorporated directly into Policy S.8 of the SDIA.	Concurrent with ALUCP Adoption	Airport Authority

**ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT
FOR THE SAN DIEGO INTERNATIONAL AIRPORT ALUCP
(STATE CLEARINGHOUSE NO. 2013031060)
MARCH 2014**

1. INTRODUCTION AND REVISED PROJECT OVERVIEW

The Draft EIR (July 2013) and Final EIR (January 2014) (State Clearinghouse No. 2013031060), for the proposed Airport Land Use Compatibility Plan (ALUCP) prepared for San Diego International Airport (SDIA) (Project), evaluated the environmental impacts of the proposed Project as presented at the February 6, 2014 Airport Land Use Commission (ALUC) meeting. The San Diego County Regional Airport Authority (Airport Authority), acting in its capacity as the ALUC for San Diego County, directed ALUC staff at that meeting to evaluate a revised method for calculating the allowable density and intensity of mixed-use projects presented by the City of San Diego (City) for the ALUC's consideration. Additionally, ALUC staff was asked to further evaluate questions raised at the February 6, 2014 meeting related to ALUCP Policies 1.6.1.2, 1.10.1, 1.10.2.1, and N.7. This Addendum evaluates the environmental ramifications of the City's proposal, the proposal's ability to feasibly mitigate the identified significant effects of the proposed Project relative to residential displacement, and the minor changes ALUC staff made to ALUCP Policies 1.6.1.2, 1.10.1, 1.10.2.1, and N.7.

As discussed in greater detail below, the City's proposal would feasibly reduce the amount of potential displacement of future residential development identified in the EIR, such that potential residential displacement would be less than previously anticipated. Therefore, this Addendum recommends that the City's proposal be treated as a feasible mitigation measure for purposes of CEQA, though the proposed Project's residential displacement impacts would remain significant and unavoidable even with implementation of this mitigation measure. This Addendum also recommends that minor revisions to Policies 1.6.1.2, 1.10.1, 1.10.2.1, and N.7 be incorporated into the SDIA ALUCP.

2. RECIRCULATION OF AN EIR PRIOR TO CERTIFICATION

Under CEQA, a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087, but before certification (Cal. Code Regs., tit. 14, §15088.5, subd. (a)).

New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement (Cal. Code Regs., tit. 14, §15088.5, subd. (a)).

Circumstances requiring recirculation include the following:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)

(Cal. Code Regs., tit. 14, §15088.5, subd. (a).) Recirculation is not required when new information added to the EIR clarifies or amplifies or makes insignificant modifications in an adequate EIR (Cal. Code Regs., tit. 14, §15088.5, subd. (b).).

In this instance, recirculation of the EIR is not required because, although the City identified a new feasible mitigation measure during the February 6, 2014 meeting, the Airport Authority – acting in its capacity as the ALUC – intends to adopt the measure to reduce the proposed Project's potential residential displacement effects. The evidence supporting this determination is contained in Section 3.0, Environmental Analysis of the City's Recommended Mitigation Measure, below.

3. ENVIRONMENTAL ANALYSIS OF THE CITY'S RECOMMENDED MITIGATION MEASURE

As background, during the February 6, 2014 ALUC meeting, the City requested that the ALUC consider the feasibility of a policy modification to the proposed SDIA ALUCP in order to lessen the residential displacement effects of the proposed Project. Specifically, the City's request contemplated the following text revisions to Policy S.8 (Mixed-Use Projects) of the SDIA ALUCP:

3.3 Supplemental Safety Compatibility Policies

Policy S.8 Mixed-Use Projects

For a proposed project with a mix of residential and nonresidential uses, residential density is converted to intensity and the total number of residential occupants is limited to half of the maximum nonresidential intensity specified in Table 3-1.

For live/work projects, each dwelling unit is to be counted towards density, and only the square footage devoted to nonresidential use is to be used in the calculation of nonresidential intensity.

Areas devoted to parking (whether above/below ground or enclosed) are not to be included in the gross square footage of the building and, therefore, are not considered in the calculation of intensity.



Step 1: The density of the residential portion of the proposed project is calculated by dividing the number of dwelling units by the net acreage of the entire project site. The residential density limits identified in **Table 3-1** do not apply.

Step 2: The resulting residential density is then converted to "intensity" by multiplying the density, in units per acre, by the number of persons per household for the corresponding safety zone indicated at the top of **Table 3-1**.

Step 3: Nonresidential intensity is calculated by dividing the total occupants of the nonresidential uses by the net acreage of the project site. (The number of occupants is calculated by dividing the gross square footage of the building by the occupancy factor shown in **Table 3-1**.) If different types of nonresidential uses are proposed, the number of people occupying each component nonresidential use is calculated separately, as presented in **Table 3-2**, Example D.

Step 4: The residential and nonresidential intensities calculated in Steps 2 and 3 are summed, and the total intensity level is compared with the maximum allowable intensity limits presented at the top of **Table 3-1** to determine if the proposed use complies with the ALUCP. The sum total of the project's residential and nonresidential intensities cannot exceed the allowed intensity limit identified in **Table 3-1**.

ALUC staff reviewed the City's request and determined that the policy modification is consistent with the *California Airport Land Use Planning Handbook* (Caltrans Handbook) and is a feasible mitigation measure for purposes of CEQA. The policy modification would maintain the original intensity limits allowed by safety zone and would better reflect the existing development pattern for mixed-use projects. Additionally, the modification is consistent with the Caltrans Handbook guidance for mixed-use development. Therefore, ALUC staff identified the following additional mitigation measure for consideration and adoption by the Airport Authority, acting in its capacity as the ALUC:

PH-2 Concurrent with adoption of the SDIA ALUCP, the Airport Authority shall revise Policy S.8 (Mixed-Use Projects) of the ALUCP in a manner consistent with the City of San Diego's request in order to reduce the potential displacement of residential units within mixed-use projects. The precise parameters of the policy modification are set forth in the Addendum (March 2013) to the EIR, and shall be incorporated directly into Policy S.8 of the SDIA ALUCP.

Therefore, the purpose of this Addendum is to assess whether mitigation measure **PH-2** requires recirculation of the EIR or otherwise results in environmental impacts not previously disclosed and studied in the EIR.

The Draft EIR, at Section 4.0, Environmental Impacts, determined that implementation of the proposed SDIA ALUCP would result in significant unavoidable impacts to Land Use and Planning and Population and Housing. The feasible mitigation measure identified by the City would reduce the amount of potential displacement of future residential development (due to the modified method of calculating density/intensity for mixed-use projects), does not increase the level of any previously identified impacts, and creates no new significant impacts. Therefore, the Airport Authority has determined that, based on the entire record, the mitigation measure will not change the EIR's conclusions regarding potential impacts and the significance of those impacts, and that the proposed Project will have *less* environmental impact (in the form of residential displacement) than that identified in the Draft EIR with implementation of mitigation measure **PH-2**.

A. Land Use and Planning

With implementation of the City's recommended mitigation measure, the proposed Project would result in the same level of impact to Land Use and Planning as that disclosed in the Draft EIR, summarized in Table 4-24 of the EIR. The following statement from Table 4-24 would remain true, even with implementation of mitigation measure **PH-2**: “the proposed ALUCP is inconsistent with applicable zoning, primarily because it would set lower intensity limits and, in some cases, would declare certain allowable land uses as incompatible.”

In general, mitigation measure **PH-2** would reduce the degree of inconsistency insofar as mixed-use development is concerned. Specifically, mitigation measure **PH-2** would allow a greater number of housing units in mixed-use projects, but would reduce the allowable amount of nonresidential square footage, compared with the previously proposed Project. However, nonresidential uses represent a relatively small portion of the total square footage expected in future mixed-use developments (based on the amount of nonresidential square footage in existing mixed-use projects), and the nonresidential intensity achievable with mitigation measure **PH-2** would still meet expectations for mixed-use development in the proposed safety zones. Appendix A, Attachment F of the EIR provides additional details on the basis for nonresidential buildout expectations assumed for mixed-use developments. Overall, when averaged over all developable mixed-use properties affected by mitigation measure **PH-2**, it would still allow for a greater intensity of nonresidential development than would be expected based on the mix of residential and nonresidential square footage in existing mixed-use developments.

Thus, when compared with potential nonresidential development under current zoning, mitigation measure **PH-2** would result in no net change in nonresidential displacement from the previously proposed Project.

B. Population and Housing

With implementation of the City's recommended mitigation measure, the proposed Project would result in less residential displacement than previously identified in the Draft EIR because mixed-

use projects would be permitted to have a greater allotment of residential development. (See Table 1, below.) Specifically, the City's requested revisions to Policy S.8 (above) would allow for greater residential density, which would reduce residential displacement impacts, but not to a level below significant.

Additionally, after the release of the Draft EIR for public review, an amendment to the Centre City Planned District Ordinance to create an Industrial Buffer Overlay Zone was approved by the City of San Diego City Council in early 2014. The Industrial Buffer Overlay Zone prohibits residential use on several parcels within the proposed safety zones. Implementation of this overlay zone further reduces residential displacement associated with the proposed Project, as shown in Table 1.

Table 1

	Displaced Residential Units	Displaced Residential Units with Industrial Buffer Overlay Zone
Project	779	304
Project with New Mitigation	527	186

4. ADDITIONAL PROJECT REVISIONS

The following minor revisions to ALUCP Policies 1.6.1.2, 1.10.1, 1.10.2.1, and N.7 have been incorporated into the proposed Project as a result of the discussion at the February 6, 2014 ALUC meeting. These revisions represent minor, clarifying information and do not trigger recirculation of the EIR.

1.10 Local Agency Implementation

1.10.1 Local Agency Requirements and Responsibilities

Within 180 calendar days of the ALUC's adoption or amendment of this ALUCP, each local agency affected by this ALUCP must:²⁵

1. Amend its land use plans and regulations to be consistent with this ALUCP, if needed, or
2. Overrule this ALUCP by a two-thirds vote of its governing body after adopting findings that justify the overrule and providing notice, as required by law²⁵

If a local agency fails to take either action, it must follow the review process detailed in **Section 1.9**.

1.10.2.1 Methods of Implementing this ALUCP

A local agency can make its land use plans and regulations consistent with this ALUCP in the following ways:

- Incorporate ALUCP policies into General Plan Elements—Individual elements of local general plans may be amended to incorporate applicable policies from this ALUCP. For example, noise compatibility policies and standards could be added to the noise element, safety policies to the safety element, and other policies, standards and maps to the land use element
- Adopt ALUCP as Stand-Alone Document—Local agencies may adopt this ALUCP as a local policy document
- Adopt Overlay Zone—Local agencies may incorporate the policies and standards of this ALUCP into an overlay zone to supplement the requirements of the standard land use zoning districts

If the local agency's land use plans and regulations are consistent with this ALUCP, no action to adopt additional policies or regulations is required. However, only the ALUC can determine whether or not a local agency's land use plans and regulations are consistent with this ALUCP.

Policy N.7 New Uses in Existing Buildings

No consistency review is required when new compatible or conditionally compatible uses, as described in **Table 2-1**, are proposed within a portion of an existing building, such as a multi-tenant shopping center. However, consistency review is required for new residential, public assembly and adult school uses.² Incompatible uses are not allowed.

Consistency review, including recordation of an avigation easement (if applicable), is required when a new use (or multiple uses) is proposed to entirely occupy an existing building. Only new residential, public assembly and adult school uses require sound attenuation per **Table 2-1**.³

¹ Title 21, California Code of Regulations, Subchapter 6, Noise Standards, Section 5014.

² Title 21, California Code of Regulations, Subchapter 6, Noise Standards, Section 5014.

1.6.1.2 Safety

2. Nonresidential Uses Only

- An existing incompatible nonresidential use may be expanded in building area or reconstructed if there is no increase in the intensity of the use.
- Existing incompatible children's schools (grades K-12) may be expanded, replaced or reconstructed if required by State law

New, expanded or modernized facilities to accommodate existing enrollment must be submitted to the ALUC for review.

5. CONCLUSION

Based on the information provided above, ALUC staff finds that: (i) mitigation measure **PH-2** reduces the amount of residential displacement attributable to the proposed Project; (ii) mitigation measure **PH-2** does not give rise to any of the circumstances requiring recirculation of the Draft EIR; (iii) any potential environmental impacts associated with the proposed Project were identified within the scope of the Draft EIR; (iv) no new or substantially more severe environmental effects would result from the proposed Project with implementation of mitigation measure **PH-2** and the related revisions to Policy S.8 (Mixed-Use Projects); (v) the minor revisions to Policies 1.6.1.2, 1.10.1, 1.10.2.1, and N.7 do not constitute significant new information; and (vi) no new information has been presented regarding the proposed Project's environmental effects that gives rise to any new or more severe environmental effects than were previously identified in the Draft EIR. Therefore, the legal requirements for recirculating the Draft EIR are not applicable, and preparation of an addendum to the Draft EIR is appropriate under the present circumstances.

RESOLUTION NO. 2014-0004 ALUC

A RESOLUTION OF THE AIRPORT LAND USE
COMMISSION FOR SAN DIEGO COUNTY
ADOPTING THE AIRPORT LAND USE
COMPATIBILITY PLAN FOR SAN DIEGO
INTERNATIONAL AIRPORT

WHEREAS, the San Diego County Regional Airport Authority (Airport Authority) has been designated as the Airport Land Use Commission (ALUC) for each public-use and military airport in the County of San Diego (County), effective January 1, 2003 (Pub. Util. Code, §21670.3, subd. (a)); and

WHEREAS, the ALUC is required to prepare and adopt an Airport Land Use Compatibility Plan (ALUCP) for each public-use airport and the areas surrounding such airport within its jurisdiction in order to provide for the orderly growth of that airport and safeguard the general welfare of the public (Pub. Util. Code, §§21674, subd. (c); 21675, subd. (a)); and

WHEREAS, ALUCPs are the fundamental tool used by ALUCs in fulfilling their purpose of promoting airport land use compatibility; and

WHEREAS, the ALUC is required to be guided by information in the *California Airport Land Use Planning Handbook*, State of California, Department of Transportation Division of Aeronautics (Caltrans *Handbook*) in preparing ALUCPs (Pub. Util. Code, §21674.7, subd. (a)); and

WHEREAS, the purpose of the Caltrans *Handbook* is “to provide guidance for conducting airport land use compatibility planning as required by Article 3.5, Airport Land Use Commissions, PUC Sections 21670 – 21679.5” (Caltrans *Handbook*, p. vii); and

WHEREAS, a Comprehensive Land Use Plan (CLUP) for San Diego International Airport (SDIA or Airport) previously was adopted in 1992 by the San Diego Association of Governments (SANDAG), the predecessor of the Airport Authority with respect to the ALUC role for the County, then subject to amendment in 1994 by SANDAG, and in 2004 by the Airport Authority; and

WHEREAS, in conjunction with extensive public outreach, community involvement and collaboration efforts between the ALUC, SDIA Steering Committee, affected local agencies and the general public, the ALUC has prepared an ALUCP for SDIA that is consistent with the overall objectives of the State Aeronautics Act and the guidance provided by the Caltrans *Handbook*; and

WHEREAS, to the extent that the policies and standards in the ALUCP for SDIA deviate from the guidance provided in the Caltrans *Handbook*, the policies and standards remain consistent with the purposes of the State Aeronautics Act by:

- (i) Considering the long-range development plans for the Airport over the next 20 years,
- (ii) Providing for the orderly development of the area surrounding SDIA by maintaining land use compatibility policies that are consistent with the State's noise standards,
- (iii) Providing for the orderly development of the area surrounding SDIA so as to prevent the creation of safety problems by ensuring that the land use compatibility policies and standards fall within the level of acceptable risk considered to be a community norm in the environs of the Airport, and
- (iv) Protecting the public health, safety, and welfare by the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the Airport to the extent that these areas are not already devoted to incompatible uses; and

WHEREAS, the ALUC held a scoping meeting on March 27, 2013, in order to provide additional opportunity for public comment on the proposed ALUCP; and

WHEREAS, the ALUC provided opportunity to comment on the proposed SDIA ALUCP for sixty (60) days, beginning on July 12, 2013, and concluding on September 10, 2013; and

WHEREAS, the ALUC provided notice of the opportunity to comment on the proposed ALUCP to interested individuals, organizations, agencies, and the affected local agencies (i.e., the cities of San Diego, Coronado, and National City; the County of San Diego; and the San Diego Unified Port District); and

WHEREAS, the ALUC received comments on the SDIA ALUCP from state/local agencies, organizations and individuals; and

WHEREAS, the ALUC prepared written responses to all comments received on the proposed ALUCP during the comment period; and

WHEREAS, the ALUC made minor revisions to the SDIA ALUCP, as necessary and/or in response to the comments received on the proposed ALUCP; and

WHEREAS, the ALUC, the lead agency for the SDIA ALUCP, also prepared and circulated an Environmental Impact Report (EIR) for the proposed ALUCP in accordance with the requirements of the California Environmental Quality Act (CEQA), which is set forth in the Public Resources Code, section 21000 et seq.), and the State CEQA Guidelines (CEQA Guidelines), which are set forth in the California Code of Regulations, Title 14, section 15000 et seq., and the Airport Authority's own CEQA Procedures; and

WHEREAS, on January 16, 2014, the ALUC made available to the public: (i) minor revisions to the proposed ALUCP (as necessary and/or in response to comments received) depicted in redline/strikeout, (ii) a memorandum identifying revisions to the proposed ALUCP exhibits that could not be displayed in redline/strikeout, (iii) comments received during the public comment period that were bracketed by issue, and (iv) draft responses to public comments on the ALUCP; and

WHEREAS, the ALUC held a duly noticed public meeting on February 6, 2014, to receive and consider public testimony with respect to the SDIA ALUCP and the completeness and adequacy of the EIR for the proposed ALUCP, during which the City of San Diego requested that the method for calculating density and intensity for mixed-use projects be revised to allow for a greater amount of residential development but limiting the total number of residential occupants to half of the maximum nonresidential intensity limit and maintaining the overall nonresidential intensity limit, consistent with the Caltrans *Handbook* ; and

WHEREAS, the ALUC also made minor changes to Policies 1.6.1.2, 1.10.1, 1.10.2.1, and N.7 to provide clarifying information related to K-12 schools, local agency ALUCP implementation requirements, and new uses in existing buildings (Attachment A); and

WHEREAS, on March 25, 2014, the ALUC made available to the public an Addendum to the EIR, which evaluated the impact of the City of San Diego's request and determined that the request would result in a reduction in potential future residential displacement and the impact of the minor changes made to Policies 1.6.1.2, 1.10.1, 1.10.2.1, and N.7; and

WHEREAS, the ALUC finds that it is appropriate to revise the SDIA ALUCP, as requested by the City of San Diego, so as to provide for a greater amount of residential development in a manner that is consistent with guidance in the Caltrans *Handbook*; and that the minor changes to Policies 1.6.1.2, 1.10.1, 1.10.2.1, and N.7 be incorporated into the ALUCP and

WHEREAS, the ALUC held a duly noticed public meeting on April 3, 2014, to receive and consider public testimony with respect to the SDIA ALUCP and the completeness and adequacy of the Final EIR (as defined to include the Draft EIR (July 2013), Final EIR (January 2014) and Addendum (March 2014)) for the proposed ALUCP; and

WHEREAS, the ALUC has reviewed all of the CEQA documentation for the SDIA ALUCP and determined that, on the basis of the whole record before it, there is substantial evidence that the proposed ALUCP will have a significant and unavoidable impact on the environment; this impact is acceptable in light of the benefits identified in the Statement of Overriding Considerations; the Final EIR reflects the ALUC's independent judgment and analysis; and, the Final EIR is complete, adequate and fully complies with all requirements of CEQA, the State CEQA Guidelines and the Airport Authority's CEQA Procedures; and

WHEREAS, on April 3, 2014, the ALUC approved Resolution No. 2014-0003 ALUC certifying the Final EIR prepared for the SDIA ALUCP on the basis of the findings summarized above and more extensively detailed in the companion Resolution.

NOW, THEREFORE, BE IT RESOLVED that the ALUC approves and adopts for implementation the ALUCP for SDIA, as described in this Resolution, the Final EIR for the proposed ALUCP, and the companion CEQA approval Resolution for the Final EIR (Resolution No. 2014-0003 ALUC), to be effective immediately upon certification of this Resolution No. 2014-0004 ALUC.

BE IT FURTHER RESOLVED by the ALUC that it finds that this ALUC action is not a "development" as defined by the California Coastal Act (California Public Resources Code §30106).

PASSED, ADOPTED, AND APPROVED by the ALUC for San Diego County at a regular meeting this 3rd day of April, 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

000084



AIRPORT LAND USE COMMISSION
San Diego County Regional Airport Authority

San Diego International Airport

AIRPORT LAND USE
COMPATIBILITY PLAN

REVISIONS MADE SINCE
FEBRUARY 6, 2014



subject to consistency review. If the proposed modification is determined not to be in substantial conformance, it must be submitted for consistency review.

The determination of whether a land use plan, regulation or project meets the criteria of an existing land use must be made by the ALUC (or the local agency post implementation).

1.6.1 Existing Incompatible Land Uses

An existing incompatible land use is inconsistent with one or more of the policies and standards of this ALUCP and is not subject to this ALUCP unless it requires enlargement or reconstruction after the adoption of this ALUCP. Existing incompatible land uses must be evaluated according to the applicable compatibility factors listed below.

Repair, maintenance or remodeling within an existing building footprint is not subject to the policies in this section unless the work would result in a height that would increase any degree of airspace protection incompatibility.

1.6.1.1 Noise

An existing incompatible land use for noise is not sound attenuated to the levels required by **Table 2-1** in **Chapter 2** and/or has not dedicated an aviation easement to the Airport Authority as required by **Table 2-1**. If the existing use is not already attenuated, enlargement and reconstruction of residential and nonresidential uses within the noise contours shown on **Exhibit 2-1** are subject to consistency review and the following requirements:

1. Additional sleeping rooms (bedrooms or rooms used primarily for sleeping) in residential, hotel/motel and institutional uses must be sound-attenuated as required by **Table 2-1** (existing sleeping rooms do not require attenuation)
2. Reconstructed buildings must be fully sound-attenuated as required by **Table 2-1**
3. An aviation easement must be recorded as required by **Table 2-1**

1.6.1.2 Safety

An existing incompatible land use for safety either exceeds the residential density and/or nonresidential intensity levels listed in **Table 3-1** in **Chapter 3**. If it exceeds either limit, enlargement and reconstruction are subject to consistency review and the following requirements:

1. Residential Uses Only
 - An existing incompatible residential use may be expanded in building area or reconstructed if there is no increase in density. A second dwelling unit, as defined by state law¹⁹, is not counted toward this limitation.

¹⁹ California Government Code §§65852.150, 65852.

2. Nonresidential Uses Only

- An existing incompatible nonresidential use may be expanded in building area or reconstructed if there is no increase in the intensity of the use.
- Existing incompatible children's schools (grades K–12) may be expanded, replaced or reconstructed if required by State law, ~~but no new assembly facilities with capacities of 50 or more people are allowed.~~ New, expanded or modernized facilities to accommodate existing enrollment must be submitted to the ALUC for review.

3. Additional Limitations for Safety Zone 1

- Residential uses are not allowed.
- Reconstruction of existing incompatible land uses is allowed only if the structure or object is destroyed by calamity (e.g., fire, earthquake, etc.). Reconstructed buildings are limited to the same size and usage intensity of the original building. The size can only be increased if required for compliance with local building codes.
- Remodeling is allowed if no more than 50 percent of the exterior walls are removed and there is no increase in the building footprint or floor area. No increase in intensity can be associated with the remodeling.

1.6.1.3 Airspace

Enlargement and reconstruction of an existing incompatible land use are not subject to consistency review for airspace purposes, unless the work would result in an increase in height that creates an obstruction or hazard (see **Section 4.2** in **Chapter 4**). If consistency review is required, an aviation easement must be recorded if:

1. The structure or object exceeds the obstruction standards of Part 77, as determined by the Federal Aviation Administration (FAA).
2. The existing incompatible land use is on a site where the existing ground level penetrates a Part 77 airspace surface.

1.6.1.4 Overflight

Since overflight only applies to new residential units, enlargement and reconstruction of existing residences within the overflight boundary shown on **Exhibit 5-1** are not subject to consistency review.

1.6.1.5 Discontinuance

An existing incompatible land use (as indicated in **Table 2-1** and **Table 3-1**) that has been abandoned for more than 24 months cannot qualify as an existing use. An incompatible land use may be re-established prior to 24 months (as determined by the local agency) following initial abandonment without being subject to consistency review. Any resumption of a previously existing incompatible use may not add additional area or height which would

1.9.3.2 Consistency Review Timeframe

The ALUC must respond to a local agency's request for consistency determination within 60 calendar days after the application is deemed complete by ALUC staff.

The 60 calendar day review period may be extended if the local agency agrees in writing or so states at an ALUC meeting.

If the ALUC fails to act within 60 calendar days, the proposed land use plan, regulation or project is considered consistent with this ALUCP.²⁶

1.9.3.3 Consistency Determination Result

The ALUC must notify the local agency in writing of its consistency determination. A proposed land use plan, regulation or project is determined to be one of the following:

1. Consistent with all four compatibility factors in this ALUCP. The local agency can proceed with its approval.
2. Conditionally consistent with this ALUCP. Any specified conditions must correspond to the policies and standards of this ALUCP. Unless a condition specifies subsequent review by the ALUC, responsibility to ensure compliance with conditions rests with the local agency with permit or approval authority.
3. Not consistent with this ALUCP. The ALUC must explain the specific conflicts with ALUCP policies and standards. The local agency may not approve the proposed land use plan, regulation or project, unless it overrules the ALUC's finding of inconsistency in accordance with applicable State law.²⁷

Exhibit 1-3 presents a flow diagram summarizing the consistency determination review process.

1.10 Local Agency Implementation

1.10.1 Local Agency Requirements and Responsibilities

Within 180 calendar days of the ALUC's adoption or amendment of this ALUCP, each local agency affected by this ALUCP must:²⁸

1. Amend its land use plans and regulations to be consistent with this ALUCP, if needed,
or
2. Overrule this ALUCP by a two-thirds vote of its governing body after adopting findings that justify the overrule and providing notice, as required by law²⁹

²⁶ California Public Utilities Code §21676(d).

²⁷ California Public Utilities Code §21675.1(d).

²⁸ California Government Code §65302.3(a), (b) and (c).

²⁹ California Public Utilities Code §21675.1(d).

If a local agency fails to take either action, it must follow the review process detailed in **Section 1.9**.

Exhibit 1-3 Consistency Determination Review Process

1.10.2 Establishing Consistency of Local Agency Land Use Plans and Regulations

To establish consistency of land use plans and regulations with this ALUCP, local agencies must eliminate conflicts with this ALUCP. Conflicts may include:

- Land use plan or zoning designations that permit incompatible uses within noise contours or safety zones
- Permissible residential densities and nonresidential intensities that exceed this ALUCP's density and intensity limits in any safety zone
- Permissible heights that would either constitute a hazard as determined by the FAA or penetrate the TSSs

Land use designations in local agency land use plans that reflect existing land uses do not render the local agency plans inconsistent with this ALUCP. However, local agencies must limit the expansion and reconstruction of existing land uses that are not consistent with this ALUCP in accordance with the existing incompatible land use policies and standards of this ALUCP (see **Section 1.6**).

1.10.2.1 Methods of Implementing this ALUCP

A local agency can make its land use plans and regulations consistent with this ALUCP in the following ways:

- Incorporate ALUCP policies into General Plan Elements—Individual elements of local general plans may be amended to incorporate applicable policies from this ALUCP. For example, noise compatibility policies and standards could be added to the noise element, safety policies to the safety element, and other policies, standards and maps to the land use element
- Adopt ALUCP as Stand-Alone Document—Local agencies may adopt this ALUCP as a local policy document

- Adopt Overlay Zone—Local agencies may incorporate the policies and standards of this ALUCP into an overlay zone to supplement the requirements of the standard land use zoning districts

If the local agency's land use plans and regulations are consistent with this ALUCP, no action to adopt additional policies or regulations is required. However, only the ALUC can determine whether or not a local agency's land use plans and regulations are consistent with this ALUCP.

Exhibit 2-2 depicts parcels located within the 70 dB CNEL contour where residential use is allowed under the current general or community plans. These parcels are shaded in yellow on **Exhibit 2-2**. The general and community plans allow residential use in areas designated for mixed-use as well as residential use. The remaining parcels (not shaded in yellow), within the 70 dB CNEL contour, are designated in the general and community plans for uses other than residential. Under this policy, nonresidential plan designations within the 70 dB CNEL contour cannot be changed to designations that would allow residential use.

Policy N.5 Building Split by a Noise Contour

The standards for the noise contour range within which **more than 50 percent** of the building is located, as determined by gross floor area (in square feet), apply.



For Illustrative Purposes Only

Policy N.6 Land Uses Not Specified in Table 2-1

For any proposed land use that is not specified in **Table 2-1**, the ALUC must determine the most similar land use based upon the land use definitions and guidance in **Appendix A**. The ALUC may also consider the noise sensitivity of the land use in determining the most similar land use. Considerations include whether the land use involves:

- Sleeping rooms
- Activities where a quiet indoor environment is needed

Once the ALUC determines the most similar land use, standards for that land use will apply.

Policy N.7 New Uses in Existing Buildings

No consistency review is required when new compatible or conditionally compatible uses, as described in **Table 2-1**, are proposed within a portion of an existing building, such as a multi-tenant shopping center. However, consistency review is required for new residential, public assembly and

adult school uses.² Incompatible uses are not allowed.

Consistency review, including recordation of an avigation easement (if applicable), is required when a new use (or multiple uses) is proposed to entirely occupy an existing building. Only new residential, public assembly and adult school uses require sound attenuation per **Table 2-1**.³

Policy N.8 Avigation Easement Dedication

Conditionally compatible land uses located within the 65 dB CNEL (and higher) noise contour that require an avigation easement per **Table 2-1** shall dedicate an avigation easement to the owner or operator of the Airport that includes the following provisions:

1. Provide the right of flight in the airspace above the property
2. Allow the generation of noise and other impacts associated with the legal operation of aircraft over the property

See **Appendix B** for the SDIA avigation easement template.

What is an Avigation Easement?

*An easement is a legal document that gives one entity the right to use a part of the real estate owned by another entity, but only as specified in the easement document. An avigation easement is a particular form of easement that may convey, for example, the right of passage over the property and the right to cause associated impacts including noise. See **Appendix B** for the SDIA avigation easement template.*

² Title 21, California Code of Regulations, Subchapter 6, *Noise Standards*, Section 5014.

³ [Title 21, California Code of Regulations, Subchapter 6, *Noise Standards*, Section 5014.](#)

3.3 Supplemental Safety Compatibility Policies

Policy S.8 Mixed-Use Projects

For a proposed project with a mix of residential and nonresidential uses, residential density is converted to intensity and the total number of residential occupants is limited to half of the maximum nonresidential intensity specified in **Table 3-1**.

For live/work projects, each dwelling unit is to be counted towards density, and only the square footage devoted to nonresidential use is to be used in the calculation of nonresidential intensity.

Areas devoted to parking (whether above/below ground or enclosed) are not to be included in the gross square footage of the building and, therefore, are not considered in the calculation of intensity.

How do you calculate density and intensity for a mixed-use project?

Step 1: The density of the residential portion of the proposed project is calculated by dividing the number of dwelling units by the net acreage of the entire project site. The residential density limits identified in **Table 3-1** do not apply.

Step 2: The resulting residential density is then converted to "intensity" by multiplying the density, in units per acre, by the number of persons per household for the corresponding safety zone indicated at the top of **Table 3-1**.

Step 3: Nonresidential intensity is calculated by dividing the total occupants of the nonresidential uses by the net acreage of the project site. (The number of occupants is calculated by dividing the gross square footage of the building by the occupancy factor shown in **Table 3-1**.) If different types of nonresidential uses are proposed, the number of people occupying each component nonresidential use is calculated separately, as presented in **Table 3-2**, Example D.

Step 4: The residential and nonresidential intensities calculated in Steps 2 and 3 are summed, and the total intensity level is compared with the maximum allowable intensity limits presented at the top of **Table 3-1** to determine if the proposed use complies with the ALUCP. The sum total of the project's residential and nonresidential intensities cannot exceed the allowed intensity limit identified in **Table 3-1**.

~~Step 1: The density of the residential portion of the proposed project is~~

~~calculated by dividing the number of dwelling units by the net acreage of the entire project site. The number of dwelling units is limited to the maximum density specified in **Table 3-1**.~~

~~**Step 2:** The resulting residential density is then converted to "intensity" by multiplying the density, in units per acre, by the number of persons per household for the corresponding CPA/neighborhood safety zone indicated at the top of **Table 3-1**.~~

~~**Step 3:** Nonresidential intensity is calculated by dividing the total occupants of the nonresidential uses by the net acreage of the project site. (The number of occupants is calculated by dividing the gross square footage of the building by the occupancy factor shown in **Table 3-1**.) If different types of nonresidential uses are proposed, the number of people occupying each component nonresidential use is calculated separately, as presented in **Table 3-2**, Example D.~~

~~**Step 4:** The residential and nonresidential intensities calculated in Steps 2 and 3 are summed, and the total intensity level is compared with the maximum allowable intensity limits presented at the top of **Table 3-1** to determine if the proposed use complies with the ALUCP.~~

~~For live/work projects, each dwelling unit is to be counted towards density (then converted to intensity per Step 2 above), and only the ground floor square footage devoted to nonresidential use is to be used in the calculation of nonresidential intensity per Step 3 above.~~

~~Areas devoted to parking (whether above or below ground or enclosed) are not to be included in the gross square footage of the building and, therefore, are not considered in the calculation of intensity.~~

Policy S.9 Ancillary Uses

Ancillary uses are primarily intended for use by the employees/residents/occupants of a land use project and typically cumulatively occupy less-no more than 10 percent of the total floor area.

Ancillary uses occupying less-no more than 10 percent of the total floor area that are compatible (green) or conditionally compatible (yellow) according to **Table 3-1** are not included in the calculation of intensity. Ancillary uses that are listed as "incompatible" (red) in **Table 3-1** are not permitted.

Policy S.10 Buildings Split by Safety Zone Boundaries

Item 3

Certification of an Environmental Impact Report for the San Diego International Airport – Airport Land Use Compatibility Plan and Adoption of the San Diego International Airport – Airport Land Use Compatibility Plan

April 3, 2014



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY

AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

SAN.ORG



Continued Discussion Items



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY

AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

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Continued Items



- City of Coronado Request
- Historic Structures
- San Diego Unified School District
- Mixed-Use Project Calculation

City of Coronado Request



- Letter dated January 31, 2014 requested minor text changes to Policies 1.10.1 and 1.10.2.1
- ALUC staff supports the minor changes
 - The ALUC determines whether or not a local agency's land use plans and regulations are consistent with this ALUCP

City of Coronado Request



1.10 Local Agency Implementation

1.10.1 Local Agency Requirements and Responsibilities

Within 180 calendar days of the ALUC's adoption or amendment of this ALUCP, each local agency affected by this ALUCP must:²⁸

1. Amend its land use plans and regulations to be consistent with this ALUCP, if needed, or
2. Overrule this ALUCP by a two-thirds vote of its governing body after adopting findings that justify the overrule and providing notice, as required by law²⁹

If a local agency fails to take either action, it must follow the review process detailed in **Section 1.9**.

City of Coronado Request



1.10.2.1 Methods of Implementing this ALUCP

A local agency can make its land use plans and regulations consistent with this ALUCP in the following ways:

- Incorporate ALUCP policies into General Plan Elements—Individual elements of local general plans may be amended to incorporate applicable policies from this ALUCP. For example, noise compatibility policies and standards could be added to the noise element, safety policies to the safety element, and other policies, standards and maps to the land use element
- Adopt ALUCP as Stand-Alone Document—Local agencies may adopt this ALUCP as a local policy document
- Adopt Overlay Zone—Local agencies may incorporate the policies and standards of this ALUCP into an overlay zone to supplement the requirements of the standard land use zoning districts
- If the local agency's land use plans and regulations are consistent with this ALUCP, no action to adopt additional policies or regulations is required. However, only the ALUC can determine whether or not a local agency's land use plans and regulations are consistent with this ALUCP.

Historic Structures



- Historic structures converting to residential, public assembly or adult school use must be sound attenuated, per Policy N.7

Policy N.7 New Uses in Existing Buildings

No consistency review is required when new compatible or conditionally compatible uses, as described in **Table 2-1**, are proposed within a portion of an existing building, such as a multi-tenant shopping center. However, consistency review is required for new residential, public assembly and adult school uses.² Incompatible uses are not allowed.

Consistency review, including recordation of an aviation easement (if applicable), is required when a new use (or multiple uses) is proposed to entirely occupy an existing building. Only new residential, public assembly and adult school uses require sound attenuation per **Table 2-1.**³

² Title 21, California Code of Regulations, Subchapter 6, Noise Standards, Section 5014.

³ Title 21, California Code of Regulations, Subchapter 6, Noise Standards, Section 5014.

San Diego Unified School District



Policy 1.6.1.2 has been revised to address the School District's concern:

2. Nonresidential Uses Only

- An existing incompatible nonresidential use may be expanded in building area or reconstructed if there is no increase in the intensity of the use.
- Existing incompatible children's schools (grades K-12) may be expanded, replaced or reconstructed if required by State law, ~~but no new assembly facilities with capacities of 50 or more people are allowed.~~ New, expanded or modernized facilities to accommodate existing enrollment must be submitted to the ALUC for review.

Mixed-Use Project Calculation



- Proposed ALUCP retained residential density limits for mixed-use projects (e.g., 40 du/ac in SZ 2E)
- City's compromise would convert residential density to intensity and restrict the residential occupants to half of the nonresidential intensity limit (e.g., 84 du/ac in SZ 2E)

Community Planning Area - Neighborhood	2E	
	R	NR
	Balboa Park	‡
Centre City - Cortez	‡	96
Centre City - East Village		
Centre City - Little Italy	40	255
Midway - Pacific Highway	46	101

Mixed-Use Project Calculation



3.3 Supplemental Safety Compatibility Policies

Policy S.8 Mixed-Use Projects

For a proposed project with a mix of residential and nonresidential uses, residential density is converted to intensity and the total number of residential occupants is limited to half of the maximum nonresidential intensity specified in **Table 3-1**.

For live/work projects, each dwelling unit is to be counted towards density, and only the square footage devoted to nonresidential use is to be used in the calculation of nonresidential intensity.

Areas devoted to parking (whether above/below ground or enclosed) are not to be included in the gross square footage of the building and, therefore, are not considered in the calculation of intensity.

Residential Development Displacement



	Displaced Residential Units	Displaced Residential Units w/Industrial Buffer*
Proposed ALUCP	779	304
City Compromise	527	186

**The Industrial Buffer Overlay Zone was introduced after the Draft EIR was released and therefore was not factored into previous displacement results*

Staff Recommendation



- Certify that the Final EIR has been prepared and completed in accordance with CEQA
 - Adopt the CEQA Findings, Mitigation, Monitoring and Reporting Program, and Statement of Overriding Considerations
- Adopt the SDIA ALUCP



Questions?

COMMUNICATION FROM THE PUBLIC



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Established 1930

Thella F. Bowens, President/CEO and
Members of the San Diego County Regional Airport Authority
San Diego County Regional Airport Authority
P.O. Box 82776
San Diego, CA 92138-2776

Dear Ms. Bowens:

SUBJECT: REQUEST TO ADD LANGUAGE TO PROPOSED ADDENDUM FOR ADOPTION APRIL 3rd

We are in receipt of the proposed addendum that will be voted on at the next Airport Land Use Compatibility meeting on April 3rd. As the owners of the property at 2054 State Street, currently leased to San Diego Alarm Company ("SDA Security" est. 1930), we are in escrow with Trammell Crow Residential on our 34,000 square foot site located on the north and east sides of the block bound by Hawthorn, Grape, Columbia and State Streets (Figure 1). Our company has been owned and operated a security systems business in the Little Italy area since 1930 and located at this site since 1950. The value of the land is based on the underlying zoning which allows and encourages mixed use residential development. Preliminary design studies indicate that a 129 unit, mixed use development would fit on the site (Figure 2). We are currently waiting for our FAA approval.

Our property is one of a handful of properties that are going to be split by the safety zone boundaries. Our property will be split by the Safety 2E and the Safety 3SE zones. We noticed language absent from the SDIA ALUCP and addendum which is present in other major metropolitan airport ALUCPs is the "special circumstance" provision. The "special circumstance" provision gives the ALUC the ability to exercise flexibility when analyzing development projects. To quote the language from the Oakland ALUCP under the section describing parcels lying within two or more compatibility zones (*Oakland 2.7.5.7 (e) & (f)*):

Other special conditions. The compatibility criteria set forth in this plan are intended to be applicable to all location within each AIA. However, it is recognized that there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site.

- (1) After due consideration of all the factors involved in such situations, the ALUC may find a normally incompatible use to be acceptable.*
- (2)...(3)...(4)...(5) see attachment for the full section*

Our request to the board is to add language that allows for special conditions or special circumstances so that the ALUC can have the flexibility to work with local planning needs while not ignoring CalTrans standards. Specific examples of special conditions are: working with geographic features for zone boundaries in urban areas. The CalTrans handbook states:

Defining compatibility zone boundaries in urban areas on maps is not easy for city planners. The alternative is to adjust the zone boundaries to follow geographic features, existing land use development, and other local land use characteristics. By doing so, situations where a compatibility zone boundary splits a parcel can be minimized. Adjusting the boundary lines in an urban area is generally more practical because they offer choices of roads, parcel lines, and other geographic features, than in rural locations where features are more widely spaced.

This would be the case in our situation. Using Hawthorn as the boundary line versus a line bisecting our property allows for the best use of the property. In addition, allowing for a special condition and moving the boundary line to a road, our development would mitigate the displaced units totaled in the addendum. Table 1 under Section 3B of the addendum indicates 186 units have been displaced for development. Our project, with 129 units, would significantly reduce this displacement number.

We understand the Herculean effort that has been put forth to create an ALUCP for SDIA that strikes a balance between land development, the impacts of displaced residential units, and safety. We are simply requesting the board consider adding language for special conditions as has been done for other metropolitan airports. We are able to meet to discuss this prior to the meeting on April 3rd.

Thank you for the opportunity to voice our concerns.
Sincerely,

R. Eales
Rod Eales, Shandon (Eales) Harbour & Rodney Eales
JEGT Properties, LLC. & REGT Properties, LLC.



Figure 1 San Diego Alarm/SDA Security Site

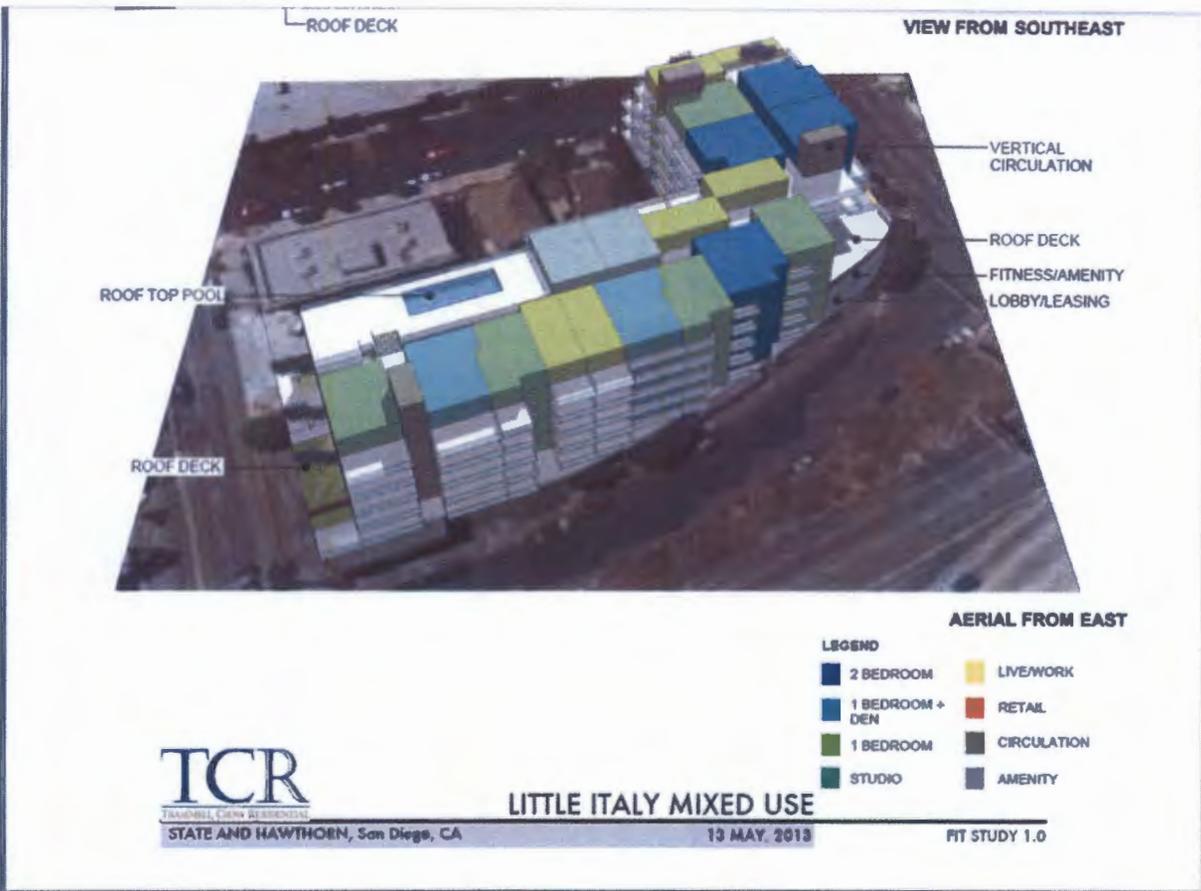


Figure 2 Preliminary Design Study for San Diego Alarm/SDA Security site



Figure 3 Residential Projects over 2 FAR in Safety Zone and San Diego Alarm site in relation to proposed 3SE boundary



Diagram of our displaced property in the current EIR

Oakland 2.7.5.7 (f)

(f) **Other Special Conditions.** The compatibility criteria set forth in this plan are intended to be applicable to all locations within each AIA. However, it is recognized that there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site.

- (1) After due consideration of all the factors involved in such situations, the ALUC may find a normally incompatible use to be acceptable.
- (2) In reaching such a decision, the ALUC shall make specific findings as to why the exception is being made and that the land use will not create a safety hazard to people on the ground or aircraft in flight nor result in excessive noise exposure for the proposed use. Findings also shall be made as to the nature of the extraordinary circumstances that warrant the policy exception.
- (3) The burden for demonstrating that special conditions apply to a particular development proposal rests with the project proponent and/or referring agency, not with the ALUC.
- (4) The granting of a special conditions exception shall be considered site specific and shall not be generalized to include other sites.
- (5) Special conditions that warrant general application in all or part of the AIA of one airport, but not at other airports, are set forth in Chapters 3 of this ALUCP.

AIA San Diego

A Chapter of The American Institute of Architects

April 1, 2014



San Diego County Regional Airport Authority
ALUC Commissioners
3225 North Harbor Drive
San Diego, CA 92101

Re: SDIA ALUCP –ALUC Meeting April 3

Dear Chairman Gleason and Members of ALUC:

The completion and establishment of the Airport Land Use Compatibility Plan is very important. The noise, airspace protection, and over flight components are consistent with the Handbook and create no significant environmental impacts. However, the safety component as identified in the DEIR creates significant unmitigated environmental impacts. As such, we request the following motion: the ALUC approves Alternative 4 with the previous Airport Approach Zone boundary and associated land use restrictions defined as and reflected in Zone 2E.

Alternative 4 establishes safety zones and restricts incompatible uses, while respecting the current historical level of land use restrictions around SDIA. This adjustment of boundary and associated land use restrictions reflects the progression of risk associated with the safety zones in the Handbook as well as the lower level of risk identified specifically in Zone 3SE of the draft ALUCP.

The problem is that the significant environmental impacts of the Draft ALUCP identified in the DEIR also create significant economic impacts in the form of loss of development potential, loss income, and loss of jobs, loss of housing, and loss of property tax revenue for the city. CEQA requires the ALUC to provide substantial evidence to support a Statement of Overriding Findings (SOF). As public stakeholders, we disagree with the SOF that the safety component of the draft ALUCP provides an economic and social benefit. Where is the substantial evidence that enables the SOF to conclude that the draft ALUCP meets the criteria identified in the Handbook to warrant additional land use restrictions? Where is the substantial evidence for the SOF to conclude that additional land use restrictions are necessary to avoid adverse impacts on aeronautical operations at SDIA? There is insufficient substantial evidence as required by CEQA to make the Statement of Overriding Findings.

We believe that the appropriate compromise to address and eliminate these significant environmental impacts was presented as Alternative 4 in the DEIR. It establishes safety zones consistent with the guidance in Figure 3-B of the Handbook. Alternative 4 recognizes that the prior land use restrictions that have been imposed around SDIA adequately meet the goals and objectives of land use restrictions for safety in the Handbook. Further, Alternative 4 adds additional restriction on incompatible uses near the airport consistent with the Handbook.

As such, we believe that the ALUC can make the following findings to approve Alternative 4:

1. The ALUC finds that Alternative 4 establishes safety zones consistent with Figure 3B of the Handbook.

2. The ALUC finds that approval of Alternative 4 will restrict incompatible uses in the safety zones around SDIA consistent with the Handbook.
3. The ALUC finds that the City of San Diego and SDIA have historically worked together over the last 20 years to address concerns regarding safety through land use restriction even before the establishment of the California Airport Land Use Planning Handbook.
4. The ALUC finds that that the level of land use development controls currently around San Diego International Airport as modified in Alternative 4 are appropriate to address safety concerns of the Handbook and are consistent with the safety criteria in the Handbook.
5. The ALUC finds that additional land use restrictions beyond those currently in place are unwarranted based on substantial evidence from National Transportation Safety Board (NTSB) accident data that shows that additional land use restrictions beyond those proposed in Alternative 4 would not have saved a single life from a large air carrier in the last 25 years. The ALUC thus finds Alternative 4 consistent with the risk criteria in the Handbook and therefore does not merit additional land use restriction.
6. The ALUC finds that the approval of Alternative 4 would have no adverse impacts on the current and future aeronautical operation of SDIA.

We, therefore, request that the ALUC direct staff to modify the draft ALUCP to reflect the adoption of Alternative 4 in the DEIR which establishes safety zones and which restricts incompatible land uses in those safety zones. Approval of Alternative 4 would avoid the significant unmitigated impacts in identified in the DEIR while establishing an ALUCP consistent with the guidance in the Handbook. We further request that the ALUC provide policy guidance to airport staff that the Airport Approach Area as reflected by Figure 5 of the current 2004 ALUCP should be replaced by Zone 2E and that current land use intensity/ density restrictions associated with the Airport Approach Zone shall be adjusted to apply to Zone 2E. This will provide clear implementation guidance to the City of San Diego regarding the AEOZ, the community plans and the Centre City Planned District Ordinance. With the incorporation of Alternative 4, we would urge the ALUC to move forward with adoption of the ALUCP. Thank you for your consideration.

Respectfully,



John C. Ziebarth, AIA
AIA Representative on SDIA ALUCP Steering Committee

Findings and Justification for Approval of Alternative 4 in the Final EIR for the Airport Land USE Compatibility Plan for San Diego International Airport

1. *The ALUC finds that Alternative 4 establishes safety zones consistent with of the Handbook.*

Justification: The proposed safety zones reflect Figure 3B of the Handbook as modified based on flight track data for SDIA.

2. *The ALUC finds that approval of Alternative 4 will restrict incompatible uses in the safety zones around SDIA consistent with the Handbook.*

Justification: This finding reflects the restriction on “uses with vulnerable occupants” and “other high risk uses” as discussed on page 4-29 and 4-30 of the *Handbook*.

3. *The ALUC finds that the City of San Diego and SDIA have historically worked together over the last 20 years to address concerns regarding safety through land use restrictions even before the establishment of the California Airport Land Use Planning Handbook.*

Justification: A Comprehensive Land Use Plan (CLUP) for SDIA was originally adopted in 1992 by SANDAG, the agency serving as the ALUC at that time, and was subsequently amended in 1994. Following the transfer of ALUC responsibilities from SANDAG to SDCRAA in 2003, the SDIA CLUP was subject to a minor amendment in 2004 and redesignated as an ALUCP (dated October 4, 2004). This document, referred to as the 2004 ALUCP, constitutes the existing ALUCP for SDIA. The California Airport Land Use Planning *Handbook* was issued in 2002 and updated in 2011. Accordingly, the 2004 ALUCP includes noise and safety compatibility criteria as well as airspace protection height limitations for the ALUC’s use in evaluating the compatibility of new development.

The 2004 ALUCP established two sets of safety zones. One set corresponds to the Runway Protection Zones (RPZ) off the each runway end. The other is the “Approach Area” on the east side of the Airport. The ALUCP provides a short list of uses that are compatible with the Runway Protection Zones (RPZs), including undeveloped areas, airport storage facilities, automobile parking, streets and rights-of-way for utilities. Within the east side of the Approach Area, certain limits on the density and intensity of new development apply:

- Proposed projects must not increase the human occupancy of the site to an extent greater than 110% of the average intensity of existing uses within a ¼-mile radius of the site.
- As an alternative to the 110 percent density/ intensity criterion, proposed uses in the portions of the Little Italy and Cortez Hill neighborhoods within the Approach Area may be limited to a Floor Area Ratio of 2.0 and a 36-foot height limit.

4. *The ALUC finds that additional land use restrictions beyond those currently in place are unwarranted based on substantial evidence from National Transportation Safety Board (NTSB) accident data that shows that additional land use restrictions beyond those proposed in*

Alternative 4 would not have saved a single life from a large air carrier accident in the last 25 years.

Justification: Based on NTSB accident data, only 3 large air carrier accidents have created a fatality on the ground outside of the airport grounds and the RPZs. Per the *Handbook* page F-7, acceptable risk “pertains only to risk for which exposure is *involuntary*.” Involuntary risk is risk to people on the ground rather than those who volunteered to be in the airplane. Only one of the 3 accidents occurred in any of the safety zones beyond Zone 1 (RPZs). There was one individual who was killed in a car on a street off the end of the runway. Streets are allowed in the RPZ off the end of the runway and the fatality would not have been avoided by the implementation of any land use restrictions.

- 5. The ALUC finds that that the level of land use development controls currently around San Diego International Airport as modified in Alternative 4 are appropriate to address safety concerns of the Handbook and are consistent with the safety criteria in the Handbook. The ALUC thus finds Alternative 4 consistent with the risk criteria in the Handbook and therefore does not merit additional land use restriction.***

Justification: Based on only one person on the ground being killed in 25 years in any of the safety zones outside of the RPZs and a total of only 6 additional people on the ground being killed out of the safety zones, the risk factor is significantly lower than the 1 in 1 million threshold identified in the Handbook to merit additional land use restrictions related safety beyond what is established in the Runway Protection Zone and the air space protection layer and the current land use restrictions.

This conclusion is further supported by the testimony of National Transportation Safety Board (NTSB) Chairperson Deborah Hersman before a Senate subcommittee in April of 2013, “the U.S. commercial aviation system is experiencing an unprecedented level of safety. . . There have been significant technological advances, new and important statutory mandates and regulatory changes, and more comprehensive crew training—all greatly contributing to the current level of aviation safety. “

http://www.nts.gov/doclib/speeches/hersman/daph_testimony_130416.pdf

- 6. The ALUC finds that the approval of Alternative 4 would have no adverse impacts on the current and future aeronautical operation of SDIA.***

Justification: The 2004 ALUCP addresses height restrictions and obstruction determination in order to ensure that the operational capacity of the Airport is not compromised. The 2004 ALUCP requires compliance with the FAA’s airspace protection regulations, promulgated in Title 14 CFR Part 77. The Draft 2014 ALUCP maintains the criteria to comply with FAA Title 14 CFR Part 77 as modified for SDIA and the establishment of the Runway Protections Zones (RPZs) in order to ensure that the operational capacity of the Airport is not compromised.

March 29, 2014

Thella F. Bowens, President/CEO and
Members of the San Diego County Regional Airport Authority
San Diego County Regional Airport Authority
P.O. Box 82776
San Diego, CA 92138-2776

Dear Ms. Bowens:

SUBJECT: REQUEST TO ADD LANGUAGE TO PROPOSED ADDENDUM FOR
ADOPTION APRIL 3rd

I am in receipt of the proposed addendum that will be voted on at the next Airport Land Use Compatibility meeting on April 3rd. As the long time owner of the property at 2041 & 2043 Columbia Street, I am voicing my concern about not having a review process for bisected properties. The value of the land is significantly affected by the underlying zoning, which allows and encourages mixed-use residential development.

My property is one of a handful of properties that are going to be split by the safety zone boundaries. It is my conviction that it is practical to have language in the SDIA ALUCP that allows the ALUC (Airport Authority) to deviate from the general guidance safety zones for "special circumstances." Including the "special circumstance" provision gives the ALUC the ability to exercise practicality when analyzing development projects. Rather than having developers manipulate their projects gross floor area so the building falls within less restricted safety zone a review process would allow the ALUC to review the project and make a practical determination.

My recommendation to the board is to add language that allows for special conditions or special circumstances so that the ALUC can have the flexibility to work with local planning needs while not ignoring CalTrans standards. The dense urban setting surrounding SDIA amplifies the need for the ALUC to have the tools to be able to strike a balance between making land use decisions that will benefit both local jurisdictions and the public airport serving them, while preserving the safety of the general public.

I understand and appreciate the effort that has been put forth to create the ALUCP for SDIA and politely request that the Board take into consideration the "special circumstance" language in order to strikes a balance between land development, the impacts of displaced residential units, and safety.

Thank you for the opportunity to voice our concerns.
Sincerely,


OWNER



03.31.14

Thella F. Bowens, and Members of the SDCRAA
 San Diego County Regional Airport Authority
 PO Box 82776
 San Diego, CA

Re: Density in Little Italy and Compatibility Zones in the Proposed ALUCP and EIR for San Diego International Airport.

Ms. Bowens:

As quick introduction, Trammell Crow Residential is one the premier national multifamily developers. We have 13,000 units under construction across our divisions, and our West Coast office has 2,000 units in development here in southern California. Our team has been in discussions with the Eales's family regarding the development potential on their property located in Little Italy at 2054 State Street, and request that this letter be included in the public record. It is our opinion that the proposed treatment of properties intersected by safety zone boundary lines, combined with the proposed 50% human intensity restriction on residential development will result in negative unintended consequences:

- Devaluation to some property owners and windfalls to others;
- Confusing regulations;
- Increased residential displacement;
- Awkward planning and building design.

We suggest that the adopted EIR include language giving discretionary authority to future governing bodies, so that logical and optimal interpretation of the ALUCP can be implemented for properties that have special circumstances.



As part of our efforts, we have become aware of the updated ALUCP, the associated EIR, and the proposed regulations and restrictions set forth in these documents. We applaud the hard work and creativity that was clearly put into the establishment of multiple compatibility zones, but have become aware of some specific, likely unintended, impacts to properties located on the dividing line between compatibility zones, and specifically to the Little Italy property owned by the Eales family ("San Diego Alarm"). Prior to this ALUCP, properties split by safety zones were treated under the less restrictive zoning, effectively allowing 6.0 FAR projects to be developed in Little Italy. In fact, an example exists directly across the Street from the Eales property on the western side of Columbia Street. Under the proposed ALUCP, properties would be treated under the more restrictive zoning, resulting in different treatments of properties located adjacent to each other within the same block.

One of the most significant impacts listed in the EIR is the displacement of residential units that will occur in the baseline ALUCP ("Project"). San Diego's General Plan intentionally focuses future density downtown in order to preserve the more

suburban character of the surrounding communities. Unfortunately, according to the distributed EIR Amendment, Little Italy is projected to have 779 residential units displaced with the Project, which would be reduced to 527 units by implementing an 84 du/acre density restriction in Safety Zone 2E. It appears the number of direct displacements is reduced to 186 due to the Solar Turbines case, but while the Project is only half-responsible for those displacements, the impact to Little Italy and the General Plan remain the same.

TCR has produced schematic designs for a 6-story, 129 unit mixed-use project that would help offset this displacement, adding density to this desirable, walkable part of downtown. This is the equivalent of 167 du/acre, and approximately an FAR of 4.5.



This project is a logical, compatible use with the neighborhood’s mixed-use and mid-rise character, but would satisfy the conditions of only the 3SE zone, not the 2E zone. Since the property is intersected, this property would be treated as 2E according to the way the EIR and ALUCP are currently written. With the 50% human intensity standard considered in the Amendment (84 du/acre), the unit count would be cut in half at a minimum, yielding a 3-story project and 64 units. **This treatment effectively reduces the property value to the Eales family by 50%.** Conversely, the neighboring properties, which are no safer in the event of a plane crash, value would increase as they would be the last remaining development site available on the block that could be developed at 3SE intensity.

The only alternative to future higher density development here is for a single party to assemble parcels such that 51% of the development site is on the 3SE side of the boundary, and then develop the entire hypothetical property at 3SE density. Assuming this assemblage and development were even possible, the City would end up with developers incentivized to ‘game the system’ by locating buildings of varying densities at specific property lines, and more highly valuing parcels on one side of the boundary compared to the other.

It is our understanding that in urban settings, best planning practices avoids dividing blocks into two zones, and that the CalTrans handbook allows for discretionary action for special circumstances. We respect that with the approval hearing so imminent, it may be too much to request specific changes to the safety zone lines or specific properties. However, we do suggest that the EIR includes language to allow for later examination of special circumstances like this site during discretionary processes. In this way, the best planning practices can be implemented on a case-by-case basis where gray areas exist.

Thank you for your time and consideration,


 John Readey
 Development Associate
 Trammell Crow Residential



March 27, 2014
Mr. Robert Gleason
Board Chair, San Diego County Regional Airport Authority
PO Box 82776
San Diego, CA 92138-2776

Submitted via email to: alucpcomments@san.org

SUBJECT: COMMENTS ON THE FINAL EIR FOR THE SAN DIEGO INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN FOR THE RECORD

Mr. Gleason:

The San Diego Unified School District has received and reviewed the Final Environmental Impact Report (EIR) for the SDIA Airport Land Use Compatibility Plan (ALUCP), including the responses to our comments on the Draft EIR. As you are aware, the District operates several schools varying from elementary schools, middle schools, and high schools within the proposed impact area. Therefore, our primary concern is the impact of the proposed ALUCP on our existing facilities and any future modernization of our existing facilities.

The comments to our concerns raised on the Draft EIR in relation to the potential impact of the ALUCP on our ability to expand our modernize our existing facilities in the future was that "The proposed ALUCP includes a policy specifically allowing the reconstruction or expansion of existing school buildings. The revised Policy 1.6.1.2 in the proposed ALUCP states:

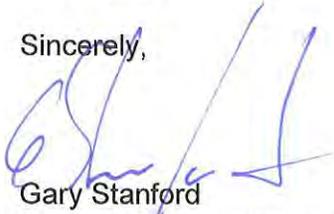
"Existing incompatible children's schools (grades K-12) may be expanded, replaced or reconstructed if required by State law. New, expanded or modernized facilities to accommodate existing enrollment must be submitted to the ALUC for review."

In the future there is a possibility that the district will build additional facilities (new, renovated, or expanded) within our school properties whether or not there is a change or increase in enrollment, as allowed by State law and as needed to provide for educational programs with or without an increase in enrollment. Our concern is that Policy 1.6.1.2 may restrict the district's ability to expand or modernize our facilities when there is no change in enrollment.

However, based on a conference call we had with San Diego County Regional Airport Authority (SDCRAA) staff (Kimberly Sheredy and Angela Jamison) on March 27, 2014, it is our understanding that we would be allowed to expand, replace or reconstruct our facilities to meet increased enrollment demands as permitted by State law and would be able to construct new, expanded or modernize facilities to meet the educational demands of our school's existing enrollment. However, all of our school projects within the safety zones identified in the ALUCP would require a preliminary review by SDCRAA to determine if a full ALUCP consistency

review is required. It is likely that staff would submit a letter stating that no review is required. As such, we don't expect this review process to take very long and would not result in a delay in our projects.

Sincerely,



Gary Stanford
Director Project Management



March 31, 2014

San Diego County Regional Airport Authority
ALUC Commissioners
3225 North Harbor Drive
San Diego, CA 92101

Re: SDIA ALUCP –ALUC Meeting April 3, 2014

Dear Chairman Gleason and Members of ALUC:

I would like to apologize for not being able to attend this critical meeting of the Regional Airport Authority to express our deep concern regarding the potential negative ramifications of adoption of a potential new land use plan and its impact on Little Italy residents, businesses and property owners. However, I had made plans to be in Los Angeles for a series of meetings prior to knowing that this issue would be heard at the April, instead of the May ALUC meeting.

That being said, we have stated consistently that we believe that current restrictions on land use and growth in Little Italy have already had a very negative impact on property values and potential development north of Hawthorn Street. Over the past 10 years, we have been impacted by:

1. A lowering of the height limits and potential FAR by the Downtown Community Plan for the parcels north of Hawthorn Street, in anticipation of the adoption of the final ALUC;
2. The Industrial Zone overlay emanating from Solar Turbines which prevents any residential uses on the west side of Kettner and north of Grape Streets;
3. Now, the new proposed restrictions on intensity of land use for commercial and residential in the 2E and 3SE zones.

No other area in Downtown or in the 2E and 3SE zones, heading east, have had to deal with so many complicated AND changing restrictions.

Keep in mind, that the Little Italy neighborhood pre-dates the creation of the old Lindbergh Field as well as Interstate 5 - which displaced over 3,000 homes in Little Italy. Property owners who have lived here since World War 2 simply don't want their property values devalued any further by another government agency that seeks to promote the "public good".

LITTLE ITALY ASSOCIATION OF SAN DIEGO

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Facebook: Little Italy Association of San Diego ■ Twitter: @LittleItalySD

Though it certainly may not be your intent to devalue someone's livelihood and inheritance that will be passed down to their descendants, a decision made detrimental to North Little Italy property owners' development rights would have the same result – whether intended or not.

We are concerned that projects pending in the block north of Hawthorn on the east side of Kettner Blvd. (Caliber Auto Body site) as well as a major new residential project planned for Grape/Hawthorn/Columbia and State Streets (SDA Security) can be dramatically negatively impacted by findings that restrict intensity of use, height limits and FAR.

We gave testimony in the past that certain ALUC staff members would prefer that land uses in North Little Italy be restricted to non-human activities including storage buildings and parking structures. We currently have more than our fair share of such deadening uses north of Hawthorn. To encourage such uses as acceptable, would destroy this community permanently.

The new mixed use development at India/Juniper/Kettner is a model for what we would like to continue to see. After many years, new developments are occurring in North Little Italy or NoLI as we like to call it including:

1. The opening of very popular Ballast Point Brewery and tasting room at India and Ivy;
2. The opening of Juniper and Ivy, a very high quality cosmopolitan restaurant that has become wildly popular;
3. The continuation of the concentration of new arts and design businesses north of Hawthorn;
4. The recent escrow closing of the old India Street Design Center at India and Ivy;
5. The pending escrow closing of the Caliber Auto Body on the east side of Kettner north of Hawthorn;
6. The pending escrow of the SDA Security site at Hawthorn and State Streets;

A poor decision made by the ALUC could stop all of these new changes in their tracks. There appears to be 3 scenarios on the table:

- 1) ALUCP (February 2014 Version)
- 2) ALUCP (February 2014) with "ADDENDUM"
- 3) "Alternate 4" Proposal

The ADDENDUM is in response to the planning of mixed-use projects. In the ALUCP February 2014 Version, the residential densities were significantly lower than existing zoning, regardless of the amount of commercial use planned. The ADDENDUM gives more flexibility in the calculations for a parcel to have as much as 50% of the appropriate intensity available for residential. We believe this will help retain property values and add to the overall neighborhood vibrancy in NoLI by maximizing the prescribed intensity levels in a variety of compatible uses. For these reasons, we feel the ADDENDUM is a good compromise and superior to the February 2014 Version.

But it should also be noted that even with the ADDENDUM, with mixed-uses aside, the properties in Zone 2E of NoLI will have significantly less commercial space allowed, and will not come close to the 2.0 FAR currently available. To retain those property rights and uses for new commercial and mixed-use projects, we are supportive of the development intensity and flexible building height allowed in Alternative 4 in the EIR at a minimum, provided that its implementation is limited to Zone 2E. Alternative 4 establishes safety zones and restricts incompatible uses, while respecting the current historical level of land use in Zone 2E. Alternative 4 should be considered the minimum for Zone 2E and if an alternative that allows for more development intensity, both residential and commercial is available, it should also be considered.

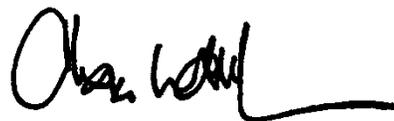
Lastly, we ask the Board to include a “Special Circumstances” provision in the ALUCP so that the ALUC can have the flexibility to work with local planning needs while not ignoring CalTrans standards. This provision has been used in other metropolitan areas in California, where it is “recognized that there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site”.

Thank you for your consideration.

Respectfully,



Steve Galasso
President
Little Italy Association



Marco Li Mandri
Chief Executive Administrator
Little Italy Association

Cc: Honorable Mayor Kevin Faulconer
San Diego County Regional Airport Authority Board Members
Honorable San Diego City Council Members
Civic San Diego Board of Directors
Little Italy Association Property Owners
Little Italy Association Board of Directors

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APR - 2 2014

SDCRAA-Executive Office

March 29, 2014

Thella F. Bowens, President/CEO and
Members of the San Diego County Regional Airport Authority
San Diego County Regional Airport Authority
P.O. Box 82776
San Diego, CA 92138-2776

Dear Ms. Bowens:

SUBJECT: REQUEST TO ADD LANGUAGE TO PROPOSED ADDENDUM FOR
ADOPTION APRIL 3rd

I am writing to comment on the proposed Airport Land Use Compatibility Plan (ALUCP) for the San Diego International Airport (SDIA). I own property at ²⁰³¹⁻³³ Columbia within the Airport Influence Area. The proposed safety zones cut across a portion of my property and I want to voice my concern about not allowing the ALUC to have the ability to deviate from the established safety zones for "special circumstances.". The financial implication of the bisect line could be significant upon my property value.

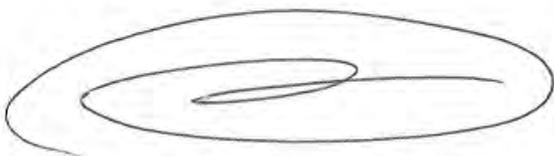
It seems practical to have language in the SDIA ALUCP that allows the ALUC (Airport Authority) to make a sensible determination on the projects density and intensity according to the projects specific location. Having developers manipulate their projects gross floor area to fall within less restricted safety zone could lead to poor planning and hideous buildings. By including language for "special circumstance" provision gives the ALUC the ability to exercise practicality when analyzing development projects.

My proposal to the board is to add language that allows for special conditions in order to give the ALUC the flexibility to work with local planning needs while not ignoring CalTrans standards. After all the reasoning behind the ALUCP is to strike a balance between making land use decisions that will benefit both local jurisdictions and the public airport serving them, while preserving the safety of the general public.

I appreciate the effort that has been put forth to create the ALUCP and I am grateful for the ability to comment on the proposed ALUCP. Thank you for the opportunity to voice my concerns.

Sincerely,

Sal Dtegasari property owner
2031-2033 Columbia St
San Diego, CA 92101





From: Ronald Taylor [REDACTED]
Sent: Monday, March 31, 2014 12:37 PM
To: jdesmond
Subject: ALUC Meeting Apr. 3, 2014

San Diego County Regional Airport Authority
ALUC Commissioners
3225 North Harbor Drive
San Diego, CA 92101

Re: SDIA ALUCP –ALUC Meeting April 3

Dear Chairman Gleason and Members of ALUC:

The completion and establishment of the Airport Land Use Compatibility Plan is very important. The noise, airspace protection, and over flight components are consistent with the Handbook and create no significant environmental impacts. However, the safety component as identified in the DEIR creates significant unmitigated environmental impacts. These significant environmental impacts also create significant economic impacts in the form of loss of development potential, loss income, loss of jobs, loss of housing, and loss of property tax revenue for the city. CEQA requires the ALUC to provide substantial evidence to support a Statement of Overriding Findings (SOF). As public stakeholders, we disagree with the SOF that the safety component of the draft ALUCP provides an economic and social benefit. Where is the substantial evidence that enables the SOF to conclude that the draft ALUCP meets the criteria identified in the Handbook to warrant additional land use restrictions? Where is the substantial evidence for the SOF to conclude that additional land use restrictions are necessary to avoid adverse impacts on aeronautical operations at SDIA? There is insufficient substantial evidence as required by CEQA to make the Statement of Overriding Findings.

We believe that the appropriate compromise to address and eliminate these significant environmental impacts was presented as Alternative 4 in the DEIR. It establishes safety zones consistent with the guidance in Figure 3-B of the Handbook. Alternative 4 recognizes that the prior land use restrictions that have been imposed around SDIA adequately meet the goals and objectives of land use restrictions for safety in the Handbook. Further, Alternative 4 adds additional restriction on incompatible uses near the airport consistent with the Handbook.

As such, we believe that the ALUC can make the following findings to approve Alternative 4: The ALUC finds that Alternative 4 establishes safety zones consistent with Figure 3B of the Handbook.

The ALUC finds that approval of Alternative 4 will restrict incompatible uses in the safety zones around SDIA consistent with the Handbook.

The ALUC finds that the City of San Diego and SDIA have historically worked together over the last 20 years to address concerns regarding safety through land use restriction even before the establishment of the California Airport Land Use Planning Handbook.

The ALUC finds that that the level of land use development controls currently around San Diego International Airport as modified in Alternative 4 are appropriate to address safety concerns of the Handbook and are consistent with the safety criteria in the Handbook.

The ALUC finds that additional land use restrictions beyond those currently in place are unwarranted based on substantial evidence from National Transportation Safety Board (NTSB)

accident data that shows that additional land use restrictions beyond those proposed in Alternative 4 would not have saved a single life from a large air carrier in the last 25 years. The ALUC thus finds Alternative 4 consistent with the risk criteria in the Handbook and therefore does not merit additional land use restriction.

The ALUC finds that the approval of Alternative 4 would have no adverse impacts on the current and future aeronautical operation of SDIA.

We, therefore, request that the ALUC direct staff to modify the draft ALUCP to reflect the adoption of Alternative 4 in the DEIR which establishes safety zones and which restricts incompatible land uses in those safety zones. Approval of Alternative 4 would avoid the significant unmitigated impacts identified in the DEIR while establishing an ALUCP consistent with the guidance in the Handbook. We further request that the ALUC provide policy guidance to airport staff that the Airport Approach Area as reflected by Figure 5 of the current 2004 ALUCP should be replaced by Zone 2E. This will provide clear implementation guidance to the City of San Diego regarding the AEOZ, the community plans and the Centre City Planned District Ordinance. With the incorporation of Alternative 4, we would urge the ALUC to move forward with adoption of the ALUCP. Thank you for your consideration.

Respectfully

Ronald E. Taylor, Manager- Member

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Thella Bowens
President and CEO and
Members of the San Diego County Regional Airport Authority
PO Box 82776
San Diego, CA 92138-2776

Dear Ms. Bowens:

I have reviewed the proposed addendum that will be voted on at the next Airport Land Use Compatibility meeting on April 3rd.

Many small business owners and investor parcels will be affected by the proposed intersected Safety Zones, especially those in Little Italy. There appears to be language absent from the SDIA ALUCP and addendum that is present in other major metropolitan airport documents regarding the "special circumstance" provision. This provision would give the ALUC flexibility when analyzing and approving development projects. The language from the Oakland ALUCP for projects lying within two or more zones is a good example:

Other special conditions. The compatibility criteria set forth in the plan are intended to be applicable to all locations within each AIA. However, it is recognized that there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site.

(1) After due consideration of all the factors involved in such situations the ALUC may find a normally incompatible use to be acceptable.

Specific examples of special conditions are working with geographic features for zone boundaries in urban areas. The Caltrans handbook states:

"The alternative is to adjust the zone boundaries to follow geographical features, existing land development, and other local land use characteristics. By doing so situations where a compatibility zone boundary splits a parcel can be minimized. Adjusting the boundary lines in an urban area is generally more practical because they offer choices of roads, parcel lines, and other geographic features, than in rural locations where features are more widely spaced. "

By adhering to density and compatibility solely on the imaginary boundary line rather than a street or road crates a hardship for some of the owners through down zoning of a portion of their property.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Warren J. Arnett Jr.".

Warren J. Arnett Jr.
Senior Vice President