

**CONSISTENCY DETERMINATION
MCCLELLAN-PALOMAR AIRPORT
AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP)
February 9, 2012**

Item # 2 Resolution # 2012-0004 ALUC

Recommendation: Consistent

**GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION TO
IMPLEMENT MCCLELLAN-PALOMAR AIRPORT - AIRPORT LAND USE
COMPATIBILITY PLAN, CITY OF CARLSBAD**

Description of Project: The project is an amendment of the City of Carlsbad General Plan applying the requirements of the McClellan-Palomar ALUCP to the use of properties located within its Airport Influence Area (AIA). There is no change to property land use or zoning designations proposed as part of the project, but it will incorporate standards into the City of Carlsbad Noise Guidelines Manual. Use of properties within the AIA are subject to findings of General Plan and ALUCP compatibility for discretionary projects permitted by the City of Carlsbad. Tracking of impacted properties would be done through geographic information system (GIS) databases based upon a General Plan map of the AIA proposed as part of the current project.

This project fulfills the statutory mandate under §21676(b) of the Public Utilities Code and §65302.3(a) of the Government Code for an affected local agency to make its general plan consistent with adopted ALUCPs within agency jurisdiction. Because this project would incorporate all requirements of the ALUCP into the City of Carlsbad General Plan under which land uses within its jurisdiction are evaluated, individual project consistency determinations would be required from the ALUC only for specified land use actions in accordance with Public Utilities Code §21676.5(b).

The exceptional land use actions specified by the Public Utilities Code (§21676) and applicable ALUCPs would continue to require individual project consistency determinations by the ALUC. These include approval of and/or an amendment to a general, specific, or other land use plan, zoning ordinance (including rezones) or building regulation; any project proposed in Safety Zone 1; any project that has been determined to be an airspace hazard by the Federal Aviation Administration (FAA); any project which would exceed the density or intensity allowances of the ALUCP which is not located within an ALUC approved infill development area; any project that would include nonaviation uses on public-use airport property; and any construction, expansion, or master plan for a new or

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existing public-use airport, including the construction, extension, or realignment of runways and the acquisition of runway protection zones.

Because the project does not involve any change of General Plan land use designations, there are no conflicts with the density or intensity allowances of the ALUCP. Any future project proposing to exceed these allowances would have to be separately considered and could not be found consistent with the ALUCP unless the ALUC were to classify the project wholly or in part of an infill development area.

Noise Contours: Properties affected by the proposed project lie within all Community Noise Equivalent Level (CNEL) noise contours and would be subject to potential sound attenuation if required by the applicable ALUCP.

Airspace Protection Surfaces: The project does not propose any structures for construction, but future buildings would be subject to height limitations per FAA review for determination of hazard to air navigation if the project meets FAA notification criteria.

Overflight Notification Area: Some properties within the proposed project are located within areas requiring the recordation of aviation easements or overflight agreements with the County Recorder. The City of Carlsbad already has a Noise Impact Notification Area (NINA) which requires such recordation and exceeds the ALUCP area requirements.

Ownership: Properties affected by the proposed project are owned by numerous public and private entities and individuals.

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

RESOLUTION NO. 2012-0004 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION TO IMPLEMENT MCCLELLAN-PALOMAR AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN, CITY OF CARLSBAD, IS CONSISTENT WITH THE MCCLELLAN-PALOMAR AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN.

WHEREAS, the Board of the San Diego County Regional Airport Authority, acting in its capacity as the Airport Land Use Commission (ALUC) for San Diego County, pursuant to Section 21670.3 of the Public Utilities Code, was requested by the City of Carlsbad to determine the consistency of a proposed project: General Plan Amendment to Implement McClellan-Palomar Airport - Airport Land Use Compatibility Plan, City of Carlsbad, which is located within the Airport Influence Area (AIA) for the McClellan-Palomar Airport - Airport Land Use Compatibility Plan (ALUCP), originally adopted in 2010 and amended in 2010 and 2011; and

WHEREAS, the proposed project is the City of Carlsbad General Plan applying the noise contour, airspace protection, and safety zone compatibility criteria of the ALUCP to the use of properties located within the AIA by incorporating those ALUCP standards into City of Carlsbad land use policies and project findings; and

WHEREAS, a local agency is required to implement the ALUCP by either referring all proposed land use projects located within the AIA to the ALUC for consistency determination with the ALUCP or amend its applicable codes to incorporate the ALUCP requirements to accomplish the same consistency in its own project reviews; and

WHEREAS, referral of individual land use projects to the ALUC is not mandatory when the ALUC has deemed a local agency's plan consistent with the ALUCP, except for the following actions: approval of and/or an amendment to a general, specific, or other land use plan, zoning ordinance (including rezones) or building regulation; any project proposed in Safety Zone 1; any project that has been determined to be an airspace hazard by the Federal Aviation Administration (FAA); any project which would exceed the density or intensity allowances of the ALUCPs which is not located within an ALUC approved infill development area; any project that would include non-aviation uses on public-use airport property; and any construction, expansion, or master plan for a new or existing public-use

airport, including the construction, extension, or realignment of runways and the acquisition of runway protection zones; and

WHEREAS, the proposed project does not include any changes to General Plan land use designations which would be in conflict with the ALUCP; and

WHEREAS, existing City of Carlsbad policies already exceed the ALUCP requirements for the recordation of either the avigation easement or overflight agreement on properties within the AIA identified as requiring such recordation by the ALUCP; 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 Carlsbad and interested members of the public to present information regarding this matter;

NOW, THEREFORE, BE IT RESOLVED that the ALUC determines that the proposed project: General Plan Amendment and Zone Reclassification to Implement McClellan-Palomar Airport - Airport Land Use Compatibility Plan, City of Carlsbad, is consistent with the McClellan-Palomar Airport ALUCP, originally adopted in 2010 and amended in 2010 and 2011, based upon the following facts and findings:

- (1) The proposed project consists of the City of Carlsbad General Plan which would apply the noise contour, airspace protection, and safety zone compatibility criteria of the ALUCP to the use of properties located within AIA by incorporating those ALUCP standards into City of Carlsbad land use policies and project findings.
- (2) Pursuant to the ALUCPs and Public Utilities Code §21676.5, referral of only certain specified actions to the ALUC for consistency determination continues to be mandatory after the ALUC has deemed a local agency General Plan consistent with the ALUCP. The following actions remain mandatory for ALUC review: approval of and/or an amendment to a general, specific, or other land use plan, zoning ordinance (including rezones) or building regulation; any project proposed in Safety Zone 1; any project that has been determined to be an airspace hazard by the FAA; any project which would exceed the density or intensity allowances of the ALUCPs which is not located within an ALUC approved infill development area; any project that

would include non-aviation uses on public-use airport property; and any construction, expansion, or master plan for a new or existing public-use airport, including the construction, extension, or realignment of runways and the acquisition of runway protection zones.

- (3) The proposed project does not include any changes to General Plan land use designations which would be in conflict with the ALUCP.
- (4) The proposed project complies with ALUCP overflight policies because existing City of Carlsbad policies already exceed the ALUCP requirements for the recordation of either the aviation easement or overflight agreement on properties within the AIA identified as requiring such recordation by the ALUCP.
- (5) Therefore, the proposed project is consistent with the McClellan-Palomar Airport ALUCP.

BE IT FURTHER RESOLVED that this ALUC determination is not a "project" as defined by the California Environmental Quality Act (CEQA), Pub. Res. Code Section 21065, and is not a "development" as defined by the California Coastal Act, Pub. Res. Code Section 30106.

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a special meeting this 9th day of February, 2012, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL