

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

AIRPORT LAND USE COMMISSION AGENDA

Thursday, November 2, 2017
9:00 A.M. or immediately following the Board Meeting

San Diego International Airport
SDCRAA Administration Building – 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/Meetings-Agendas/ALUC>

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 the Corporate & Information Governance/Authority Clerk Department 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 & Information Governance/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.

Board Members

C. April Boling
Chairman

Greg Cox
Jim Desmond
Robert H. Gleason
Jim Janney
Mark Kersey
Paul Robinson
Michael Schumacher
Mary Sessom

Ex-Officio Board Members

Laurie Berman
Eraina Ortega
Col. Jason Woodworth

President / CEO

Kimberly J. Becker

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 1-4):

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 Airport Land Use Commission is requested to approve minutes of prior meetings.

RECOMMENDATION: Approve the minutes of October 5, 2017 meeting.

CONSISTENCY DETERMINATIONS

2. CONSISTENCY DETERMINATION – REPORT OF LAND USE ACTIONS DETERMINED TO BE CONSISTENT WITH AIRPORT LAND USE COMPATIBILITY PLANS:

The Commission is requested to receive the report.

RECOMMENDATION: Receive the report.

(Planning & Environmental Affairs: Brendan Reed, Director)

3. CONSISTENCY DETERMINATION – GILLESPIE FIELD AIRPORT LAND USE COMPATIBILITY PLAN – CONSTRUCTION OF 40 ATTACHED RESIDENTIAL UNITS AT 9914-36 BUENA VISTA AVENUE, CITY OF SANTEE:

The Commission is requested to make a consistency determination.

RECOMMENDATION: Adopt Resolution No. 2017-0020 ALUC, making the determination that the project is conditionally consistent with the Gillespie Field Airport Land Use Compatibility Plan.

(Planning & Environmental Affairs: Brendan Reed, Director)

**4. CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT
- AIRPORT LAND USE COMPATIBILITY PLAN – CONSTRUCTION OF 40
ATTACHED RESIDENTIAL UNITS WITH LEASABLE COMMERCIAL SPACE
AT 2957-85 C STREET, CITY OF SAN DIEGO**

The Commission is requested to make a consistency determination.

RECOMMENDATION: Adopt Resolution No. 2017-0021 ALUC, making the determination that the project is conditionally consistent with the San Diego International Airport - Airport Land Use Compatibility Plan.

(Planning & Environmental Affairs: Brendan Reed, Director)

PUBLIC HEARINGS:

OLD BUSINESS:

NEW BUSINESS:

**5. PRESENTATION AND POLICY DIRECTION REGARDING DRAFT NAVAL AIR
STATION NORTH ISLAND AIRPORT LAND USE COMPATIBILITY PLAN:**

The Commission is requested to receive a report and provide policy direction.

RECOMMENDATION: Receive the report and provide policy direction for the draft Naval Air Station North Island Airport Land Use Compatibility Plan.

(Planning & Environmental Affairs: Brendan Reed, Director)

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 Administration Building. Bring your ticket to the third floor receptionist for validation.

You may also reach the Administration Building by using public transit via the San Diego Metropolitan Transit System, Route 992. The MTS bus stop at Terminal 1 is a very short walking distance from the Administration Building. ADA paratransit operations will continue to serve the Administration Building as required by Federal regulation. For MTS route, fare and paratransit information, please call the San Diego MTS at (619) 233-3004 or 511. For other Airport related ground transportation questions, please call (619) 400- 2685.

UPCOMING MEETING SCHEDULE

<i>Date</i>	<i>Day</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>
December 7	Thursday	9:00 am	Regular	Board Room

**DRAFT
AIRPORT LAND USE COMMISSION
MINUTES
THURSDAY, OCTOBER 5, 2017
SAN DIEGO INTERNATIONAL AIRPORT
BOARD ROOM**

CALL TO ORDER: Chairman Boling called the regular meeting of the Airport Land Use Commission to order at 10:34 a.m. on Thursday, October 5, 2017, in the Board Room at the San Diego International Airport, Administration Building, 3225 North Harbor Drive, San Diego, CA 92101.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

PRESENT: Commissioners: Boling (Chairman), Cox, Desmond, Janney, Kersey, Robinson, Schumacher, Sessom, Woodworth (Ex-Officio)

ABSENT: Commissioners: Berman (Ex-Officio), Gleason, Ortega (Ex Officio)

ALSO PRESENT: Kimberly J. Becker, CEO/President; Amy Gonzalez, General Counsel; Tony R. Russell, Director, Corporate and Information Governance/Authority Clerk; Stephanie Heying, Assistant Authority Clerk II

NON-AGENDA PUBLIC COMMENT:

CONSENT AGENDA (Items 1- 4):

ACTION: Moved by Commissioner Cox and seconded by Commissioner Robinson to approve the Consent Agenda. Motion carried by the following votes: YES – Boling, Cox, Desmond, Janney, Kersey, Robinson, Schumacher, Sessom; NO – None; ABSENT – Gleason; (Weighted Vote Points: YES – 87; NO – 0; ABSENT – 13).

1. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the minutes of September 7, 2017, meeting.

CONSISTENCY DETERMINATIONS

2. REPORT OF LAND USE ACTIONS DETERMINED TO BE CONSISTENT WITH AIRPORT LAND USE COMPATIBILITY PLANS

RECOMMENDATION: Receive the report.

3. CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN – CONSTRUCTION OF 5 DETACHED RESIDENTIAL UNITS AT 1028 EDMONT PLACE, CITY OF SAN DIEGO:

RECOMMENDATION: Adopt Resolution No. 2017-0018 ALUC, making the determination that the project is conditionally consistent with the San Diego International Airport - Airport Land Use Compatibility Plan.

4. CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN – CONSTRUCTION OF 2 ATTACHED RESIDENTIAL UNITS AT 2695 MISSION BOULEVARD, CITY OF SAN DIEGO:

RECOMMENDATION: Adopt Resolution No. 2017-0019 ALUC, making the determination that the project is conditionally consistent with the San Diego International Airport - Airport Land Use Compatibility Plan.

PUBLIC HEARINGS:

OLD BUSINESS:

NEW BUSINESS:

5. PRESENTATION AND POLICY DIRECTION REGARDING DRAFT NAVAL AIR STATION NORTH ISLAND AIRPORT LAND USE COMPATIBILITY PLAN:

Brendan Reed, Director, Planning & Environmental Affairs, Kim Sheredy, Senior Airport Planner, Airport Planning & Noise Mitigation, and Lori Ballance, Attorney, Gatzke, Dillon & Ballance provided a presentation on the Policy Direction Regarding Draft Naval Air Station North Island Airport Land Use Compatibility Plan, which included Public Outreach; Role of U.S. Navy's AICUZ Study; AICUZ Footprint – City of Coronado; AICUZ Recommendation for Developed Areas; Role of Caltrans Handbook; Airport Influence Area; Noise and Safety Compatibility Standards; Airspace Compatibility; Overflight; ALUC Policy Direction; Residential Uses in Noise Contours and Safety Zones; Exemptions for Addition/Reconstruction (less than 50% of existing areas); Multi-Family Residential Density Increases Up to Zoning; Replacement of Nonresidential Uses; Buildings Divided by a Noise Contour or Safety Zone; and Next Steps.

Commissioner Cox reported ex-parte communication with City of Coronado Council Member Mike Donovan.

Commissioner Janney reported ex-parte communication as a member of the ALUCP working group, with City of Coronado Council members, City of Coronado staff, and residents.

Commissioner Desmond reported ex-parte communication with City of Coronado Mayor Richard Bailey.

Commissioner Kersey reported ex-parte communication with City of Coronado Council Member Bill Sandke.

Commissioner Schumacher reported ex-parte communication with City of Coronado Mayor Richard Bailey and Attorney Johanna Canlas.

BLAIR KING, CITY MANAGER, CORONADO, spoke on behalf of the City Council of Coronado, acknowledging the progress that has been made and proposing a facilitated face-to-face meeting involving representatives from the Commission, City Council and staff from both public agencies to work out the remaining concerns.

CARRIE DOWNEY, CITY of CORONADO COUNCIL MEMBER, expressed concern with the definition of density for single family homes included in the ALUCP. She specifically disagreed with what it means to make an already incompatibility worse.

ANGELA YATES, CORONADO, spoke in support of the draft ACLUP and noted that she would also support revisions to the plan so it could be more responsive to the City's needs.

DAVID WATSON, SAN DIEGO, representing the Hotel Del Coronado, spoke regarding the Hotel Del Coronado's acceptance of the draft ACLUP and expressed support for the compromises included in the document.

JOHN O'BRIEN, CORONADO, spoke in opposition to the draft ALUCP.

Chairman Boling requested that staff respond to the concern regarding what happens when one single family residence straddles two lots and the concern regarding what it means to make an incompatibility use worse, specifically if adding square feet to a single family home will make the incompatibility worse.

Brendan Reed, Director, Planning and Environmental Affairs, responded that if there is a new home on a single family lot and they want to build a larger home, there are no restrictions when it comes to residential homes on the lot. However, there would be some interior sound attenuations standards that would need to be met.

Chairman Boling stated that it seems like we are addressing the addition of more square footage to single family homes and suggested that staff review and clarify the language we may not need a facilitated meeting.

Council Member Downey noted there were a few other areas identified by staff that need language clarification and suggested a meeting with ALUC and the City of Coronado staff to review and clarify.

Mr. Reed also clarified that if there is an increase in height of any structure it would trigger the Federal Aviation Administration (FAA) determination of a hazard, which is currently in place. In response to the question regarding a house that straddles two lots, he stated that as long as the home is on two legal lots, the house could be demolished and a house could be built on each lot as well as accessory units.

Board Member Woodworth stated that the consistency required by California state law between the Air Installation Compatible Use Zone (AICUZs) and the ALUCP is critical to the function and longevity of military airfields in the state; disconnects between AICUZs and ALUCP weaken military ability to train for military combat across the State of California, and that inconsistency opens the door for other inconsistencies and sets precedent.

Chairman Boling requested that Authority staff, City of Coronado staff and policy makers meet to clarify the language and bring this back to the Commission at the next meeting. She stated that the Commission is comfortable with staff's direction seeing no concerns from members.

Kimberly Becker, President/CEO, stated that staff would schedule a meeting between designated Board Members and staff and the City of Coronado representatives to clarify the language prior to the next ALUC meeting.

RECOMMENDATION: Receive the report and provide policy direction for the draft Naval Air Station North Island Airport Land Use Compatibility Plan.

ACTION: No action taken.

COMMISSION COMMENT:

ADJOURNMENT: The meeting was adjourned at 11:25 a.m.

APPROVED BY A MOTION OF THE AIRPORT LAND USE COMMISSION THIS 2th
DAY OF NOVEMBER 2017.

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

APPROVED AS TO FORM:

AMY GONZALEZ
GENERAL COUNSEL

Airport Land Use Commission
**Report of Land Use Actions Determined to be Consistent with
Airport Land Use Compatibility Plans (ALUCPs)**

Item No.
2

Meeting Date: **November 2, 2017**

Pursuant to Airport Authority Policy 8.30, and acting in its delegated capacity as the Airport Land Use Commission (ALUC) for San Diego County, Airport Authority staff has determined that the following land use actions are consistent with their respective ALUCPs:

San Diego International Airport ALUCP

**Construction of an Industrial Building and Other Improvements to the
Sewer Pump Station at 4077 North Harbor Drive, City of San Diego**

Deemed Complete & Consistent on October 2, 2017

Description of Project: The project involves construction of a building to house backup power generators, covered fuel/oil storage, and upgrades to an existing building.

Noise Contours: The proposed project lies within the 60-65 decibel Community Noise Equivalent Level (dB CNEL) noise exposure contour. The ALUCP identifies industrial and utility uses located within the 60-65 dB CNEL noise contour as compatible with airport uses.

Airspace Protection Surfaces: The proposed project is located outside the Threshold Siting Surface and is in compliance with the ALUCP airspace protection policies because a determination of no hazard to air navigation has been issued by the Federal Aviation Administration (FAA).

Safety Zones: The project area is located outside all Safety Zones.

Overflight Notification: The proposed project is located within the overflight notification area but does not contain any new residential use subject to overflight notification requirements.

Marine Corps Air Station (MCAS) Miramar ALUCP

**Community Plan Amendment & Rezone to Change Height Limits at 12902
1/3 Camino del Sur, City of San Diego**

Deemed Complete & Consistent on October 6, 2017

Description of Project: The proposed project involves the amendment of a community plan with rezone that changes building height limits to allow for commercial development.

Noise Contours: The proposed project is located outside the 60-65 dB CNEL noise contour. The ALUCP identifies all uses located outside the 60-65 dB CNEL noise contour as compatible with airport uses.

Airspace Protection Surfaces: The proposed project is in compliance with the ALUCP airspace protection surfaces because the proposed increases in zoning height limits do not penetrate any airspace protection surfaces, and a determination of no hazard to air navigation has been issued by the FAA for the commercial development project.

Safety Zones: The project area is located outside all Safety Zones.

Overflight Notification: The proposed project is located within the overflight notification area but does not contain any new residential use subject to overflight notification requirements.

Brown Field Municipal Airport, Gillespie Field, MCAS Miramar, Montgomery-Gibbs Executive Airport, and San Diego International Airport ALUCPs

Amendment to Land Development Code for Marijuana Testing and Production Facilities, City of San Diego

Deemed Complete & Consistent on October 16, 2017

Description of Project: The project proposes amendments to the Land Development Code to create a new classification for marijuana testing and production facilities using ALUCP standards for research & development. The amendments do not include any physical improvements.

Noise Contours: The proposed project does not involve any actual development and thus does not impact any noise exposure contours of any ALUCP.

Airspace Protection Surfaces: The proposed project does not involve any actual development and thus does not impact any airspace protection surfaces of any ALUCP.

Safety Zones: The proposed project does not involve any actual development and thus does not impact any safety zones of any ALUCP.

Overflight Notification: The proposed project does not involve any actual development and thus does not impact any overflight notification requirements of any ALUCP.

**CONSISTENCY DETERMINATION
GILLESPIE FIELD
AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP)
November 2, 2017**

Item # 3 Resolution # 2017-0020 ALUC

Recommendation: Conditionally Consistent

**CONSTRUCTION OF 40 ATTACHED RESIDENTIAL UNITS AT 9914-36
BUENA VISTA AVENUE, CITY OF SANTEE**

Description of Project: Based on plans submitted to the ALUC, the project proposes the construction of 40 attached, three-story residential units on a property of 2 acres. The application was deemed complete by ALUC staff on October 10, 2017.

Noise Contours: The proposed project site is partially located within the 60-65 decibel Community Noise Equivalent Level (dB CNEL) noise contour, and the ALUCP applies the standards of the highest noise contour to which a site is exposed over the entire development, unless no part of a proposed building is located within that contour (GIL 3.3.4). (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.

Airspace Protection Surfaces: The height of the proposed project structures will be 33 feet above ground level. 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 Federal Aviation Administration (FAA).

Safety Zones: The proposed project is located within Safety Zone 6. (See the attached map.) The ALUCP identifies residential uses located within Safety Zone 6 as compatible with airport uses.

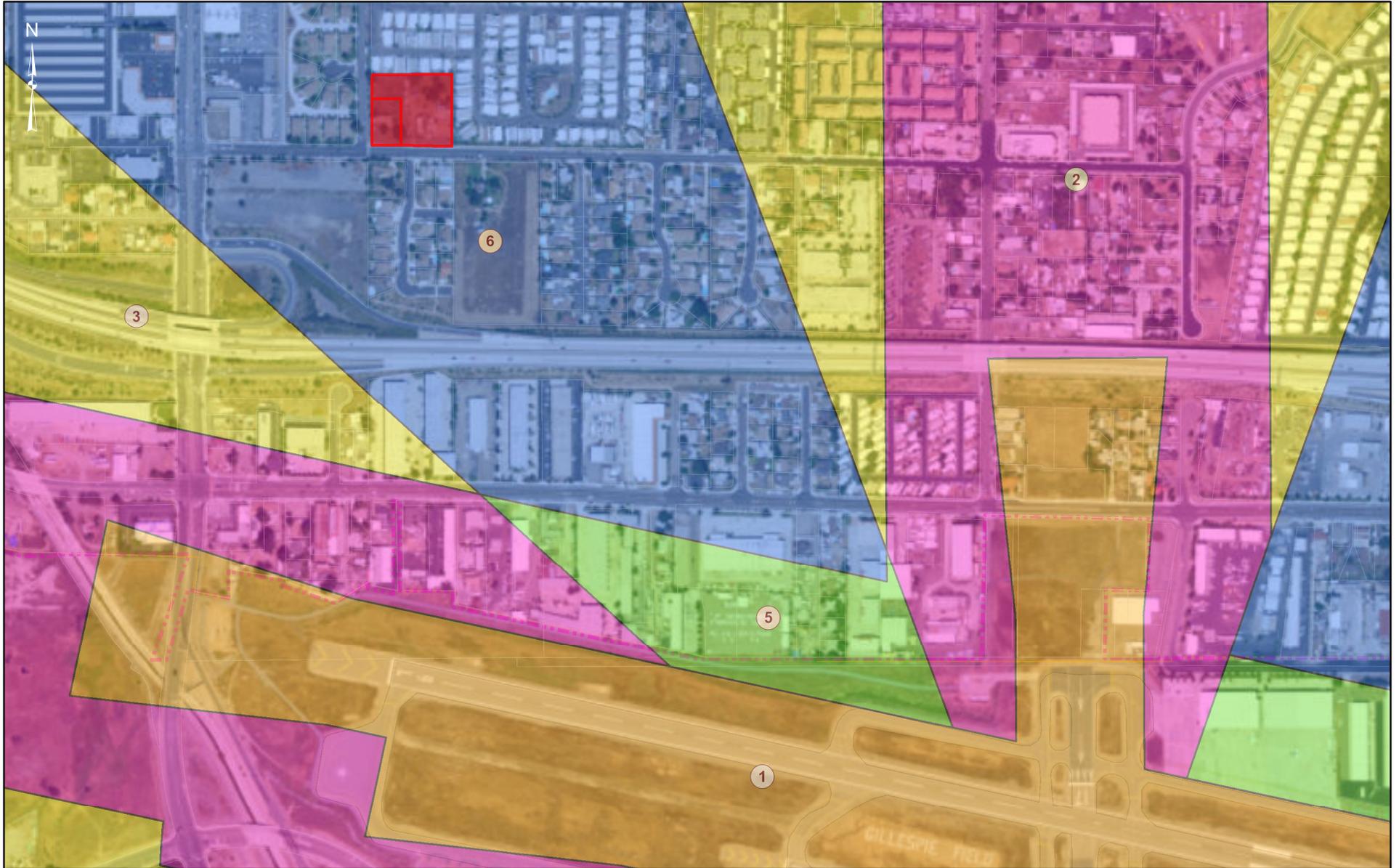
Overflight Notification Area: The proposed project is located within the overflight notification area. The ALUCP requires that an overflight notification for new residential land uses be recorded with the County Recorder or other alternative method as approved by the ALUC.

Interests Disclosure: The property is owned by Village Run Homes LLC of Lakeside, whose president is disclosed as Duane K. Dubbs II. The architect is Roy Johnson of La Mesa.

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

Conditions: 1) Sound attenuation to an interior noise level of 45 dB CNEL.
2) Recordation of an overflight notification with the County Recorder or other alternative method as approved by the ALUC.

9914-36 Buena Vista Avenue



- Safety Zone 1
- Safety Zone 2
- Safety Zone 3
- Safety Zone 4
- Safety Zone 5
- Safety Zone 6
- County

0 320 640 1,280 Feet
1 inch = 646 feet

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

9914-36 Buena Vista Avenue



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

0 320 640 1,280 Feet
1 inch = 646 feet

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

RESOLUTION NO. 2017-0020 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: CONSTRUCTION OF 40 ATTACHED RESIDENTIAL UNITS AT 9914-36 BUENA VISTA AVENUE, CITY OF SANTEE, IS CONDITIONALLY CONSISTENT WITH THE GILLESPIE FIELD 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 §21670.3 of the California Public Utilities Code, was requested by the City of San Diego to determine the consistency of a proposed project: Construction of 40 Attached Residential Units at 9914-9936 Buena Vista Avenue, City of Santee, which is located within the Airport Influence Area (AIA) for the Gillespie Field Airport Land Use Compatibility Plan (ALUCP), adopted and amended in 2010; and

WHEREAS, the plans submitted to the ALUC for the proposed project indicate that it would involve the construction of 40 attached residential units; and

WHEREAS, the proposed project would be partially located within the 60-65 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour, and the ALUCP applies the standards of the highest noise contour to which a site is exposed over the entire development and identifies residential uses located within the 60-65 dB CNEL noise contour as compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level; and

WHEREAS, the proposed project is in compliance with the ALUCP airspace protection surfaces because a determination of no hazard to air navigation has been issued by the Federal Aviation Administration (FAA); and

WHEREAS, the proposed project is located within Safety Zone 6, and the ALUCP identifies residential uses located within Safety Zone 6 as compatible with airport uses; and

WHEREAS, the proposed project is located within the overflight notification area, and the ALUCP requires recordation of an overflight notification with the County Recorder for new residential land uses or other alternative method as approved by the ALUC; 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 Santee 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 40 Attached Residential Units at 9914-36 Buena Vista Avenue, City of Santee, is conditionally consistent with the Gillespie Field ALUCP, which was adopted and amended in 2010, based upon the following facts and findings:

- (1) The proposed project involves the construction of 40 attached residential units.
- (2) The proposed project is partially located within the 60-65 dB CNEL noise contour. The ALUCP applies the standards of the highest noise contour to which a site is exposed over the entire development and identifies residential uses located within the 60-65 dB CNEL noise contour as compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level. Therefore, as a condition of project approval, the residences must be sound attenuated to 45 dB CNEL interior noise level.
- (3) The proposed project is in compliance with the ALUCP airspace protection surfaces because a determination of no hazard to air navigation has been issued by the FAA.
- (4) The proposed project is located within Safety Zone 6. The ALUCP identifies residential uses located within Safety Zone 6 as compatible with airport uses.
- (5) The proposed project is located within the overflight notification area. The ALUCP requires recordation of an overflight notification with the County Recorder for new residential land uses or other alternative method as approved by the ALUC. Therefore, as a condition of project approval, an overflight notification shall be recorded with the County Recorder on each property containing a residential unit or other alternative method as approved by the ALUC.
- (6) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the Gillespie Field ALUCP.

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

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a regular meeting this 2nd day of November, 2017, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

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

APPROVED AS TO FORM:

AMY GONZALEZ
GENERAL COUNSEL

**CONSISTENCY DETERMINATION
SAN DIEGO INTERNATIONAL AIRPORT (SDIA)
AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP)
November 2, 2017**

Item # 4 Resolution # 2017-0021 ALUC

Recommendation: Conditionally Consistent

CONSTRUCTION OF 40 ATTACHED RESIDENTIAL UNITS WITH LEASABLE COMMERCIAL SPACE AT 2957-85 C STREET, CITY OF SAN DIEGO

Description of Project: Based on plans submitted to the ALUC by the City of San Diego, the project proposes the construction of 40 attached residential units in three stories over an underground parking garage and 4,933 square feet of leasable commercial space on a property of 0.8 acres. The application was deemed complete by ALUC staff on October 10, 2017.

Noise Contours: The proposed project is located within the 65-70 decibel Community Noise Equivalent Level (dB CNEL) noise contour. (See the attached map.) The ALUCP identifies retail uses located with the 65-70 dB CNEL noise contour as compatible and residential uses located within the 65-70 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 maximum height of the proposed project structure will be 49 feet above ground level. The proposed project is located outside the SDIA Threshold Siting Surface (TSS). The proposed project is in compliance with the ALUCP airspace protection surfaces because the project sponsor has certified that notice of construction is not required to the Federal Aviation Administration (FAA) because the project is located within an urbanized area, is substantially shielded by existing structures or natural terrain, and cannot reasonably have an adverse effect on air navigation.

Safety Zones: The proposed project is located outside all Safety Zones.

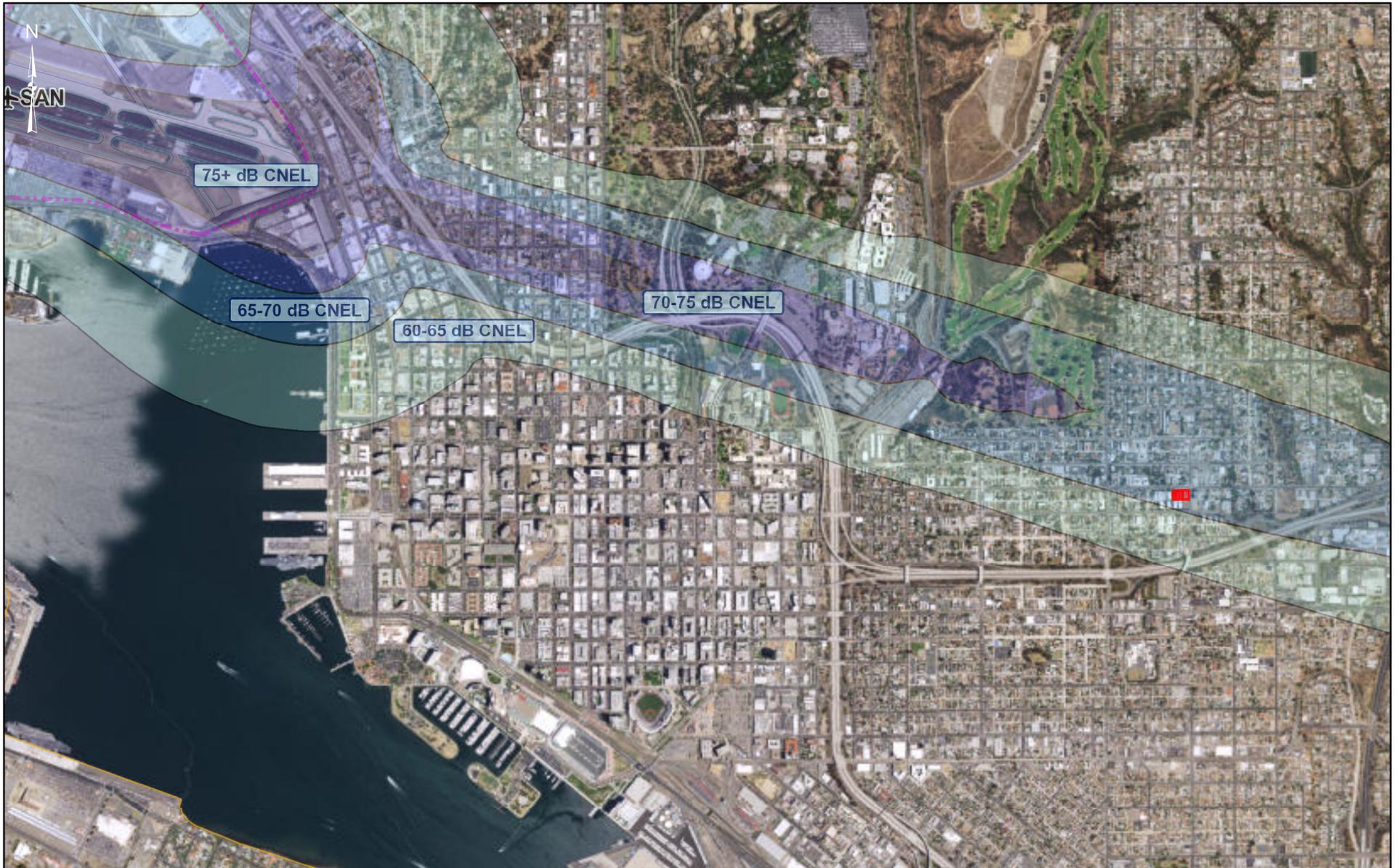
Overflight Notification Area: The proposed project is located within the overflight notification area. The ALUCP requires that an overflight notification for new residential land uses be recorded with the County Recorder or other alternative method as approved by the ALUC. However, in instances when an aviation easement is required, no additional overflight notification is required.

Interests Disclosure: The property is owned by Saad, Sami, Badry, and Najah Hirmez of San Diego. The architect is William Hedenkamp of San Diego. The civil engineer is Florez Engineering, Inc. of San Diego. The landscape architect is Hutter Designs, Inc. of San Diego.

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.

2957-85 C Street



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

0 1,250 2,500 5,000 Feet
1 inch = 2,582 feet

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

RESOLUTION NO. 2017-0021 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: CONSTRUCTION OF 40 ATTACHED RESIDENTIAL UNITS WITH LEASABLE COMMERCIAL SPACE AT 2957-85 C 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 §21670.3 of the California Public Utilities Code, was requested by the City of San Diego to determine the consistency of a proposed project: Construction of 40 Attached Residential Units with Leasable Commercial Space at 2957-85 C 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), adopted and amended in 2014; and

WHEREAS, the plans submitted to the ALUC for the proposed project indicate that it would involve the construction of 40 attached residential units and leasable commercial space; and

WHEREAS, the proposed project would be located within the 65-70 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour, and the ALUCP identifies retail uses within the 65-70 dB CNEL noise contours as compatible and residential uses located within the 65-70 dB CNEL noise contour as conditionally 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 SDIA Threshold Siting Surface (TSS) height restrictions and is in compliance with the ALUCP airspace protection surfaces because the project sponsor has certified that notice of construction is not required to the Federal Aviation Administration (FAA); and

WHEREAS, the proposed project is located outside all Safety Zones; and

WHEREAS, the proposed project is located within the overflight notification area, and the ALUCP requires recordation of an overflight notification

with the County Recorder for new residential land uses or other alternative method as approved by the ALUC, but does not require an additional overflight notification where an aviation easement is required; 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 40 Attached Residential Units with Leasable Commercial Space at 2957-85 C Street, City of San Diego, is conditionally consistent with the SDIA ALUCP, which was adopted and amended in 2014, based upon the following facts and findings:

- (1) The proposed project involves the construction of 40 attached residential units with leasable commercial space.
- (2) The proposed project is located within the 65-70 dB CNEL noise contour. The ALUCP identifies retail uses located within the 65-70 dB CNEL noise contours as compatible and residential uses located within the 65-70 dB CNEL noise contour as conditionally 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 residences 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 TSS. The proposed project is in compliance with the ALUCP airspace protection surfaces because the project sponsor has certified that notice of construction is not required to the FAA because the project is located within an urbanized area, is substantially shielded by existing structures or natural terrain, and cannot reasonably have an adverse effect on air navigation.
- (4) The proposed project is located outside all Safety Zones.
- (5) The proposed project is located within the overflight notification area. The ALUCP requires recordation of an overflight notification with the County Recorder for new residential land uses or other alternative method as

approved by the ALUC, but does not require an additional overflight notification where an avigation easement is required.

(6) 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 the ALUC finds this determination is not a “project” as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065, and is not a “development” as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a regular meeting this 2nd day of November, 2017, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

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

APPROVED AS TO FORM:

AMY GONZALEZ
GENERAL COUNSEL

STAFF REPORT

Meeting Date: **NOVEMBER 2, 2017**

Subject:

Presentation and Policy Direction Regarding Draft Naval Air Station North Island Airport Land Use Compatibility Plan

Recommendation:

Receive the report and provide policy direction for the draft Naval Air Station North Island Airport Land Use Compatibility Plan.

Background/Justification:

Airport Land Use Commission (ALUC) staff is requesting that the ALUC provide policy direction for the development of a draft Airport Land Use Compatibility Plan (ALUCP) for Naval Air Station North Island (NASNI). ALUC staff has solicited and received extensive input from public and private stakeholders on the development of ALUCP compatibility policies and criteria specific to NASNI. [Cal. Pub. Util. Code §21670.3; 21675(b)]. This report summarizes the process to date and components in developing the draft NASNI ALUCP:

- Public outreach meetings conducted to date
- Role of the Navy's Air Installation Compatible Use Zone (AICUZ) Study and the California Department of Transportation (Caltrans) Aeronautics Division *California Airport Land Use Planning Handbook* ("Caltrans Handbook")
- Draft compatibility maps, policies, and standards developed through the public outreach process
- Draft ALUCP policy issues requiring ALUC direction
- Next steps for the draft ALUCP's development and environmental review

Public Outreach

While 86% of the non-military incorporated area comprising the City of Coronado is located outside the AICUZ 65+ decibel Community Noise Equivalent Level (dB CNEL) noise contours and safety zones, the properties primarily within the contours and zones lie within Coronado (see inset on Figure 1). The Coronado City Council requested in November 2015 that the following constituencies be represented on a stakeholder working group to draft ALUCP policies, which ALUC staff thereafter convened:

1. Clear Zone (CZ) Property Owner
2. Accident Potential Zone (APZ) I Residential Property Owner
3. APZ I Commercial Property Owner
4. APZ II Property Owner
5. Hotel del Coronado
6. Coronado Community Development Department
7. Coronado City Manager's Office
8. Coronado City Councilmember
9. Coronado Real Estate Association
10. Coronado Main Street
11. Coronado Chamber of Commerce
12. Coronado Tourism Improvement District (CTID)
13. Coronado Port Commissioner

- 14. Coronado School District Board
- 15. Coronado Historical Association
- 16. American Institute of Architects San Diego Chapter

- 17. San Diego County Regional Airport Authority Board Member

Other local agencies whose land use jurisdiction would be affected by the NASNI ALUCP were also invited to participate in the Working Group meetings and most did so, including the Cities of Chula Vista, Imperial Beach, National City, and San Diego; the County of San Diego; and the Unified Port of San Diego. To date, ALUC staff has hosted 12 Working Group meetings on the following dates:

- March 14, 2016
- April 20, 2016
- May 18, 2016
- June 22, 2016
- July 20, 2016
- August 24, 2016
- September 21, 2016
- October 19, 2016
- November 16, 2016
- March 8, 2017
- May 31, 2017
- August 30, 2017

Prior to each Working Group meeting, ALUC staff met with City of Coronado staff on 15 occasions to review and receive feedback on the proposed meeting agenda and presentations. Those meetings occurred on the following dates:

- January 20, 2016
- March 9, 2016
- April 6, 2016
- May 4, 2016
- June 16, 2016
- July 14, 2016
- August 10, 2016
- September 13, 2016
- October 13, 2016
- November 10, 2016
- February 27, 2017
- March 28, 2017*
- April 19, 2017*
- August 24, 2017
- October 19, 2017

*Joint meetings with City and Hotel del Coronado representatives

In order to keep the general public informed of the ALUCP development process and Working Group proceedings, 10 community meetings were held on the following dates:

- March 22, 2016
- April 27, 2016
- May 25, 2016
- June 27, 2016
- July 25, 2016
- August 31, 2016
- September 29, 2016
- October 26, 2016
- November 30, 2016
- June 26, 2017

The community meetings were hosted at public facilities in Coronado and were advertised with notices on the websites of both the *Coronado Times* and the *Coronado Eagle & Journal* prior to each meeting. A notice about the start of the ALUCP public outreach process was mailed in March 2016 to over 3,000 owners or occupants with property in the AICUZ noise contours or safety zones, and another notice again in April 2016 to provide the schedule of confirmed community meeting dates. At the request of the City of Coronado, special notices were also sent to the 9 owners of residential properties with more than 50% of their lots within the 75+ dB CNEL noise contour to ensure that those owners were aware of the community meeting related to the noise compatibility factor (held on August 31, 2016).

Finally, six meetings with Hotel del Coronado representatives were held on the following dates:

- February 22, 2016
- June 16, 2016
- August 4, 2016
- March 28, 2017*
- April 19, 2017*
- June 14, 2017

* Joint meeting with City of Coronado staff

Residents, who attended a community meeting and requested to be notified by email of each subsequent community meeting, were so notified by a continuously updated email distribution list. All community meeting presentation documents were posted on the Airport Authority website at www.san.org/nasni following each meeting. A dedicated email address of ALUCPcomments@san.org was advertised and maintained by ALUC staff to allow anyone to easily provide feedback and/or request information.

Apart from the City of Coronado, additional local agency coordination meetings have been held with staff from the City of San Diego, Unified Port of San Diego, and the County of San Diego, as well as briefings with staff of the following elected officials:

- January 25, 2016: Chris Ward & Roberto Alcantar (former State Senator Marty Block)
- January 26, 2016: Bill Kratz (U.S. Senator Dianne Feinstein)
- January 26, 2016: Deanna Spehn (State Senator, then Assemblymember, Toni Atkins)
- January 27, 2016: Caridad Sanchez (former U.S. Senator Barbara Boxer)
- January 28, 2016: Hugo Carmona (U.S. Congressman Scott Peters)
- February 8, 2016: Raquel Maden (State Senator Ben Hueso)
- February 8, 2016: Victor Avina (County Supervisor Greg Cox)
- February 12, 2016: Coronado City Councilmember Bill Sandke
- March 2, 2016: Coronado Mayor (then City Councilmember) Richard Bailey
- March 7, 2016: Former Coronado City Councilmember Mike Woiwode
- March 14, 2016: Coronado City Councilmember Carrie Downey

Role of the AICUZ & Caltrans Handbook

California law requires ALUCPs for military airports to be “consistent with the safety and noise standards” in the AICUZ prepared for that airport [Cal. Pub. Util. Code §21675(b)]. The AICUZ for NASNI considers most land uses, including residential, commercial, and lodging facilities, located within its noise contours and safety zones to be incompatible with its operations. However, the document does acknowledge that the City of Coronado is “nearly completely developed” (AICUZ, p.6-8). Recognizing that redevelopment and infill are the feasible development prospects, the AICUZ states that local governments should “not take actions that would make an existing land use compatibility (or incompatibility) situation worse” (AICUZ, p. 7-3).

In addition to the AICUZ, the ALUC must be “guided by” the Caltrans Handbook [Cal. Pub. Util. Code §21674.7(a)]. The Handbook assists local ALUCs in their compatibility planning as required under the State Aeronautics Act. While the NASNI AICUZ includes noise and safety compatibility standards, the Handbook provides guidance to the ALUC for the protection of federally regulated airspace and notification to new residential property owners about the effects of aircraft overflight.

Draft ALUCP Compatibility Maps, Policies, & Standards

Through the extensive public outreach process conducted over the last 20 months with the Working Group, general public, and key stakeholders like the Hotel del Coronado, ALUC staff has developed draft ALUCP policies that provide for the redevelopment of existing land uses surrounding NASNI, while generally avoiding actions that make incompatibility with the AICUZ “worse.” The following sections provide a brief discussion of the draft NASNI ALUCP’s main components.

Airport Influence Area

The draft ALUCP establishes the Airport Influence Area (AIA) (Figure 1) as “the area in which current and projected future airport-related noise, safety, airspace protection, or overflight factors/layers may significantly affect land use or necessitate restrictions on land use” [Cal. Bus. & Prof. Code §11010(b)(13)(B)]. The Cities of Chula Vista, Coronado, Imperial Beach, National City, and San Diego; the County of San Diego; and the Unified Port of San Diego have been included in the NASNI outreach process, because the draft AIA affects land within their jurisdictions, and consultation with affected agencies is required when establishing an AIA [Cal. Pub. Util. Code §21675(c)].

Noise & Safety

The goals of the noise and safety compatibility factors are to:

- Limit noise- and risk-sensitive uses within the noise contours and safety zones
- Ensure new noise-sensitive development meets interior sound level performance standards
- Avoid increasing the degree of existing land use incompatibility with the AICUZ

Because the lands affected by the AICUZ noise contours and safety zones substantially overlap, the noise and safety compatibility factors for NASNI were combined into one compatibility map (Figure 2) and corresponding matrix (Table 5) for ease of implementation. Similar to other ALUCPs, new uses or the expansion of existing uses are defined as “compatible” (green), “conditionally compatible” (yellow), or “incompatible” (red) according to that use’s location compared to the noise contour and safety zones in conjunction with the compatibility matrix. Recognizing that the City of Coronado is built-out with existing land uses primarily considered incompatible by the AICUZ, some special provisions have been made to address that condition in the draft ALUCP (further explained in the Requested Policy Direction section below).

Airspace Protection

The airspace compatibility factor establishes the geographic area in which airspace protection and flight safety policies and standards apply (Figure 3). The airspace boundary is based upon existing Federal Aviation Administration (FAA) requirements for Part 77 surfaces surrounding NASNI runways. This factor protects NASNI airspace and flight safety by:

- Limiting the height of new structures and objects to prevent hazard penetrations of FAA airspace
- Preserving the operational ability of NASNI
- Limiting potential hazards to flight (e.g., glare, distracting lighting, bird attractants, etc.)

Overflight Notification

The goal of the overflight compatibility factor is to provide notice to prospective buyers of new housing within the overflight boundary regarding the potential effects (noise, dust, vibration, fumes, etc.) of aircraft overflight (Figure 4). This factor does not place any restrictions on property and only applies to new residential units, including the complete reconstruction of existing dwelling units. The draft boundary was created based on the frequency of low-altitude flight tracks and plotted noise complaint locations. It extends into East County due to significant helicopter operations between NASNI and the Mountain Warfare Training Camp Monsoor near Campo, along whose flightpath documented noise complaints have occurred.

Requested Policy Direction

The following items require the ALUC's direction in order to allow ALUC staff to move forward with further completing the draft ALUCP and environmental analysis in preparation for public review. Staff has also included responses to the City of Coronado's specific suggested revisions to the draft ALUCP, which were conveyed during a meeting between Board Member representatives and City of Coronado leaders on October 19, 2017:

1. Residential uses in noise contours and safety zones

The NASNI AICUZ recommends that residential uses are "not compatible and should be prohibited" or are "generally incompatible" (AICUZ, Tables C-1 and C-2 on p. C-1-C-10; p. C-4 and C-9) in the noise contours and safety zones. However, 423 single-family and 31 multi-family parcels (with approximately 1,060 residences) currently exist in these areas. Rather than considering residential uses as incompatible per the AICUZ, the draft ALUCP categorizes them as "conditionally compatible" in recognition of the fact that they already exist in those locations, and the Working Group supported that categorization.

Existing residences that remain constant would be unaffected by this "conditionally compatible" classification; these homes would not have to be retrofitted to attenuate aircraft noise, nor would they have to be demolished. Accessory dwelling units (e.g., granny flats) would not be subject to density limitations by the draft ALUCP, but would be subject to the same interior noise performance standards for any new residential uses.

In recognition of established community character, the draft ALUCP would also consider expansion or reconstruction of existing residential uses to be "conditionally compatible" in the noise contours and safety zones, provided that there is no increase in density (not including accessory dwelling units); that interior sound level performance standards are met in the expanded or reconstructed part of the building; and that a means of overflight notification for new units is provided (see Table 1 sample AICUZ and Table 2 draft ALUCP compatibility matrix tables below). The creation of new residential lots would be "incompatible," as any new subdivision of property would increase the level of density, and thus make the existing land use incompatibility situation worse.

Staff Recommendation: Support

Table 1: AICUZ Land Use Standards for Noise and Safety Compatibility						
SLUCM Code	Land Use Type	CZ	APZ I	APZ II	Inside 65 dB CNEL & outside Safety Zones	Conditions
10	Residences and Lodging					
111	Single-Family including accessory dwelling units					
112, 113, 12	Multi-Family; Group quarters					
13, 14, 15, 19	Residential Hotel; Mobile home park; Hotel/motel					
Table 2: Draft ALUCP Land Use Standards for Noise and Safety Compatibility						
SLUCM Code	Land Use Type	CZ	APZ I	APZ II	Inside 65 dB CNEL & outside Safety Zones	Conditions
10	Residences and Lodging					
111	Single-Family including accessory dwelling units	45	45	45	45	CZ, APZ I/II: interior noise must perform to standards indicated; one dwelling unit per legal lot of record at the time of ALUCP adoption, in addition to an accessory dwelling unit
112, 113, 12	Multi-Family; Group quarters		45	45	45	APZ I/II: interior noise must perform to standards indicated; density limited to zoning at time of ALUCP adoption Inside 65 dB CNEL: interior noise must perform to standards indicated
13, 14, 15, 19	Residential Hotel; Mobile home park; Hotel/motel				45	Inside 65 dB CNEL: interior noise must perform to standards indicated in sleeping areas.

Response to the City of Coronado’s Specific Suggestions from October 19th Meeting

- The City has requested that the ALUCP “ensure a single-family dwelling that conforms to existing zoning is permitted by right.”

Under the draft ALUCP, the only ‘conditions’ placed on single-family homes in the safety/noise areas are interior sound attenuation and FAA 7460 review (for height increases). Otherwise, the draft ALUCP does not limit an existing single-family home from being expanded, reconstructed, and/or supplemented with an accessory dwelling unit.

- The City has also requested that the draft ALUCP “specify noise standards, not conditions.”

Coronado is concerned that the ALUCP will cause ministerial permits to become discretionary in nature, especially if they are required to enforce ‘conditions’ related to noise. The draft ALUCP does not differentiate between the two permit types, because either could cause a change in uses that are potentially inconsistent with the plan. Nonetheless, **the draft ALUCP will be reworded to reference noise ‘standards’ (instead of ‘conditions’)**. As part of its ALUCP implementation, the City can simply add noise ‘standards’ to their current ministerial permit requirements, thus keeping them ministerial in nature.

2. *Exemptions for addition or reconstruction (less than 50% of existing area)*

Reconstruction of existing residential habitable space and nonresidential gross floor area, as well as habitable space additions to residential uses, would be subject to interior sound level performance standards for any new construction. To reduce the time burden of seeking an ALUC consistency determination, especially for smaller addition projects, some members of the Working Group suggested specifying a threshold before interior sound level performance standards would be applied. The City of Coronado zoning code allows reconstruction from damage of up to 50 percent of the floor area of buildings with structural nonconformities, so ALUC staff considered this threshold as a potential for exempting additions and reconstruction before noise level performance standards would apply, as long as there are no increases in height. This potential exemption does not exist in any other adopted ALUCP, for which ALUC review is required for any new addition or reconstruction regardless of area.

Staff Recommendation: Support

Response to the City of Coronado's Specific Suggestions from October 19th Meeting

- The City has requested that the draft ALUCP be revised to "eliminate 50% limit of reconstruction."

The draft ALUCP contemplates exempting residential and non-residential reconstruction from ALUC review if it is less than 50% of the original structure's size and there is no increase in height. Coronado would like any reconstruction to be exempt from ALUC review; therefore, there would be no ability for the ALUCP to limit density/intensity, height, or noise in any reconstructed structure. Authority staff is concerned that this would broadly make existing incompatibility with the AICUZ worse. Also, once the City implements the ALUCP, development projects (such as reconstructions) no longer need to be submitted to the ALUC for review, which would remove any additional time burden for the City and/or project sponsors.

3. *Multi-family residential density increases up to zoning*

The AICUZ (Tables C-1 and C-2) recommends that multi-family residential uses are not compatible and should be prohibited in the noise contours and safety zones (Figure 2). Currently, there are 5 parcels (all in APZ I) that are not developed to the maximum density allowed by City of Coronado zoning.

Some of the Working Group members, especially the City of Coronado, have requested that the draft NASNI ALUCP allow multi-family uses in the noise contours and safety zones up to the densities permitted under local zoning. While it is speculative to assume that the existing multi-family structures on these 5 parcels would be entirely redeveloped in order to maximize their zoning density, such redevelopment could result in a cumulative increase of up to 10 dwelling units in the noise contours and safety zones. This would make the existing land use incompatibility situation worse.

Staff Recommendation: Not support based on General Counsel's concerns that this approach would make the existing level of incompatibility worse, which is contrary to the AICUZ and Public Utilities Code §21675(b).

Response to the City of Coronado's Specific Suggestions from October 19th Meeting

- The City has requested that the ALUCP "recognize existing zoning (height, setbacks, FAR, lot coverage, and use restrictions) as 'existing use.'"

Coronado would like the draft ALUCP to just utilize its existing zoning to define 'existing use.' This would allow broad increases to density/intensity, increases to height (without FAA restrictions), risk-sensitive uses, and no interior sound attenuation for residential and non-residential properties (i.e. it would make existing incompatibility with the AICUZ worse).

4. *Replacement of nonresidential uses*

The AICUZ (Table C-2 on p. C-6-C-10) recommends that many nonresidential uses are "not normally compatible and should be prohibited" or sets floor area ratio (FAR) limits (AICUZ, p. C-9) for many other uses it considers "compatible with restrictions" in the safety zones (Figure 2). Expansion of any nonresidential use would make the incompatibility with the AICUZ worse, and the draft ALUCP thus does not make provision for gross floor area expansion of existing nonresidential uses. Any nonresidential use considered incompatible by the AICUZ, which does not already exist within the noise contours or safety zones, has been maintained as incompatible in the draft ALUCP.

However, several other nonresidential uses (offices, services, retail shops, and restaurants), already exist in these areas, and some with higher FARs than the AICUZ specifies. Rather than categorize those uses which already exist within the subject area as incompatible per AICUZ guidelines, the draft ALUCP allows any compatible or conditionally compatible nonresidential use to occupy space within an existing building as exempt from further applicability of ALUCP standards (e.g., conversion from retail shop to office). For reconstruction to the same gross floor area of an existing building, a use proposed to occupy it would be "conditionally compatible", subject to noise performance standards (see sample Table 3 AICUZ and Table 4 draft ALUCP compatibility matrix tables below). Existing nonresidential uses that remain constant would be unaffected by this "conditionally compatible" classification; these buildings would not have to be retrofitted to attenuate aircraft noise, nor would they have to be demolished or reduced in size.

Staff Recommendation: Support

Table 3: AICUZ Land Use Standards for Noise and Safety Compatibility						
SLUCM Code	Land Use Type	CZ	APZ I	APZ II	Inside 65 dB CNEL & outside Safety Zones	Conditions
50	Trade					
51-59	Wholesale/Retail Trade, including eating/drinking establishment		0.28 50	0.56 50		APZ I/II: Maximum FAR as indicated; interior noise must perform to standards indicated.
60	Services					
61, 62, 63, 65, 67, 69	Office: Finance, insurance, real estate, medical/dental; Services: Personal/professional/government; Research & Development			0.22 50		APZ II: Maximum FAR as indicated; interior noise must perform to standards indicated.

Table 4: Draft ALUCP Land Use Standards for Noise and Safety Compatibility						
SLUCM Code	Land Use Type	CZ	APZ I	APZ II	Inside 65 dB CNEL & outside Safety Zones	Conditions
50	Trade					
51-59	Wholesale/Retail Trade, including eating/drinking establishment		50	50		APZ I/II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; for new or reconstructed portions of buildings within the 70+ dB CNEL contour, interior noise must perform to standards indicated.
60	Services					
61, 62, 63, 65, 67, 69	Office: Finance, insurance, real estate, medical/dental; Services: Personal/professional/government; Research & Development		50	50		APZ I/II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; for new or reconstructed portions of buildings within the 70+ dB CNEL contour, interior noise must perform to standards indicated.

Response to the City of Coronado’s Specific Suggestions from October 19th Meeting

- The City has requested that the ALUCP “allow de minimus infill development.”

Coronado would like the draft ALUCP to allow de minimus infill for residential and non-residential development. This could result in additional gross square footage in the safety zones (further making existing land use incompatibility with the AICUZ worse).

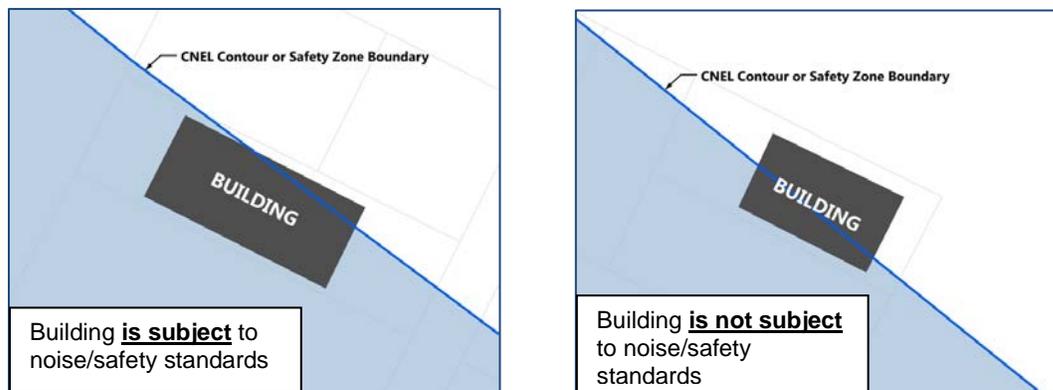
The City of Coronado has specifically requested to allow unrestricted redevelopment of a nonresidential parcel that is split by the AICUZ safety zone boundary within the draft ALUCP. However, if more than 50% of a parcel is outside the safety zone, it is unlikely that any ALUCP limitations would apply, since more than 50% of any building on the parcel would also likely be outside of the safety zone boundary (see Policy Item #5 below).

5. Buildings divided by a noise contour or safety zone

The draft ALUCP includes a potential policy for applying the standards of the noise contour or safety zone in which the greater portion (more than 50%) of the building is located when the property is divided by a noise contour or safety zone (see sample diagrams below). This policy was first developed for the ALUCP for San Diego International Airport adopted in 2014, which has similarly small, developed parcels within its vicinity. The policy provides flexibility to locate the majority of new construction outside a noise contour or safety zone if feasible, and, from a practical application, would generally only apply interior sound performance level standards if the more than 50% of the building was situated within the noise contour or safety zone.

The City of Coronado has requested that ALUCP standards only apply to a building if 100% of the associated parcel is located in a noise contour or safety zone, which would effectively modify the AICUZ boundaries of these contours or zones with which the ALUCP must be consistent.

Staff Recommendation: Support



Additional Actions Taken to Address the City of Coronado's Concerns

- Overflight Notification via Residential Real Estate Disclosure

Local agencies must provide a means for notifying a new owner of a dwelling unit of the potential effects of aircraft overflight. This is usually accomplished through a local ordinance requiring a recorded deed agreement or provision of a notice to the property owner upon issuance of building permits. Coronado is concerned about creating additional government bureaucracy for their project sponsors. As such, **the draft ALUCP will be revised to allow the existing statewide real estate disclosure process to meet this overflight notification requirement.**

- Submittals to ALUC with Noise Standards Embedded within Project Design

Until a local agency implements an ALUCP, development projects must be submitted to the ALUC for review. When a project falls within noise contours, it is typically found to be 'conditionally consistent' and must incorporate interior sound performance levels. Coronado is concerned about the ALUC applying these 'conditions' to development projects, especially for ministerial permits. As such, **the draft ALUCP will be revised to allow submitted projects to the ALUC that include a licensed Architect's note certifying achievement of interior sound performance requirements to be found consistent with the ALUCP's noise compatibility provisions.**

Additional Actions Taken to Address the City of Coronado's Concerns (Continued)

- Submittals to ALUC with Part 77 Self Certifications

Until a local agency implements an ALUCP, development projects must be submitted to the ALUC for review. When a project falls within the airspace protection (Part 77) zone, the project sponsor must submit a Form 7460 to the FAA to determine if it is a hazard to aviation, before submitting to ALUC for review. Coronado is concerned about the ALUC applying these 'conditions' to development projects, especially for ministerial permits. **However, Part 77 (77.15 Construction or alteration not requiring notice) provides an exception to filing with the FAA if the proposed structure would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. For example, the City of San Diego has established a No FAA Notification Self-Certification Agreement, which was discussed with the City of Coronado and the Working Group as an acceptable alternative.**

- Partial Implementation of ALUCP Components

A local agency must submit development projects to the ALUC for review, until they implement the ALUCP. To acknowledge that some components of the ALUCP might be easier for the City of Coronado to more quickly implement (thus reducing the amount of projects needing ALUC review), **the draft ALUCP will be revised to recognize the possibility of partial implementation of ALUCP components.** For example, the City could add a noise 'standard' to its ministerial permits that ensures adequate interior sound performance. As a result, the City of Coronado would not need to submit any development projects to the ALUC for review if the projects only require noise standards (i.e., no density/intensity increases and no height increases).

Next Steps for Draft ALUCP

Based on ALUC guidance, ALUC staff will finalize the draft NASNI ALUCP so that the environmental analysis of the draft ALUCP can be initiated, which will inform the level of environmental document required. As part of this process, ALUC staff will also host an additional community meeting to facilitate public engagement and feedback.

Included with this staff report is an email of comment on this report from Working Group member Angela Yates, dated September 24, 2017 (Attachment 1), and a letter from ALUC Chair April Boling to City of Coronado City Manager Blair King, dated September 9, 2017 (Attachment 2), which includes the following components:

- Comments submitted by two Working Group members to ALUC staff during Working Group review of the draft ALUCP, with ALUC staff responses;
- Comments on the draft ALUCP from the City of Coronado, also with ALUC staff responses; and
- A letter from Caltrans Aeronautics Division, addressing concerns raised in the City of Coronado comments.

A Comments Summary Chart (Attachment 3) developed by the City of Coronado is also included, with responses and cross references to the 5 policy items in this report added by ALUC staff.

Fiscal Impact:

The NASNI ALUCP program is funded through the Airport Planning & Environmental Affairs Department’s FY18 operating budget. As such, adequate funds for the further development and environmental review of the draft NASNI ALUCP are already supported within personnel costs and professional (i.e., consultant) services budget categories.

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. CEQA: This Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act (“CEQA”), as amended. 14 Cal. Code Regs. §15378. This Board action is not a “project” subject to CEQA. Cal. Pub. Res. Code §21065.

B. California Coastal Act Review: This Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

Application of Inclusionary Policies:

Not applicable.

Prepared by:

BRENDAN REED
DIRECTOR, PLANNING & ENVIRONMENTAL AFFAIRS

Figure 2 Safety Zones and Noise Contours

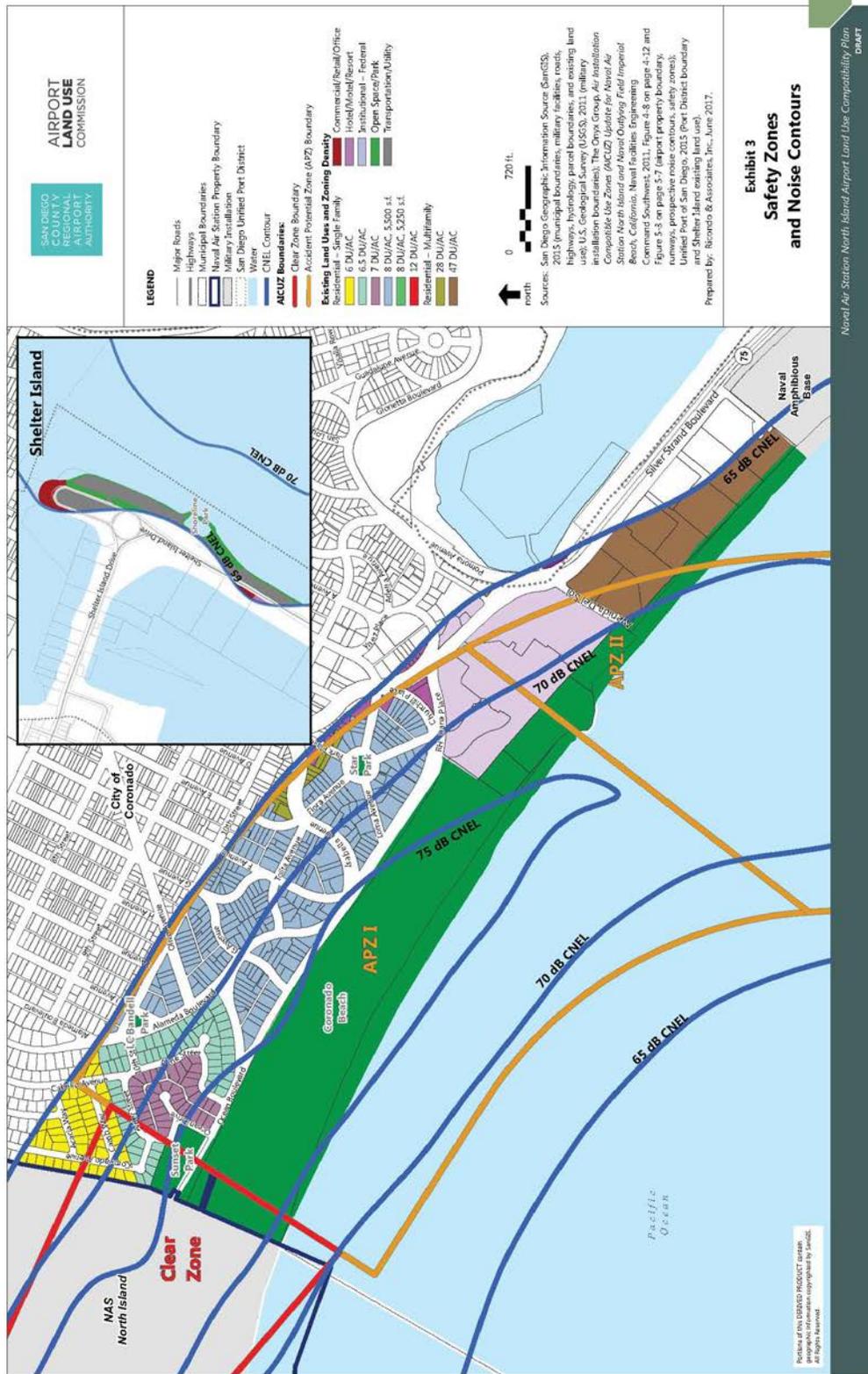


Table 5: Land Use Standards for Noise and Safety Compatibility

SLUCM ² Code	Land Use Type ¹	CZ	APZ I	APZ II	Inside 65 dB CNEL ³ & outside Safety Zones	Conditions ⁴
10 Residences and Lodging						
111	Single-Family including accessory dwelling units	45	45	45	45	CZ, APZ I/II: one dwelling unit per legal lot of record at the time of ALUCP adoption, in addition to an accessory dwelling unit
112, 113, 12	Multi-Family; Group quarters		45	45	45	APZ I/II: density limited to zoning at time of ALUCP adoption
13, 14, 15, 19	Residential Hotel; Mobile home park; Hotel/motel				45	Inside 65 dB CNEL: interior noise must perform to 45 dB CNEL in sleeping areas.
20-30 Manufacturing						
23, 28, 29, 31, 35, 3999	Manufacturing: Apparel; Chemicals; Hazardous materials; Petroleum; Rubber; Plastic; Precision instruments					
21, 22, 32-34	Manufacturing: Food; Metals; Stone, clay, and glass; Textiles			50		APZ II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; for public reception and office areas of new or reconstructed portions of buildings within the 70 dB CNEL contour, interior noise must perform to sound level indicated.
24-27, 39	Manufacturing: Furniture and fixtures; Lumber and wood products; Paper; Printing and publishing; Miscellaneous manufacturing		50	50		APZ I/II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; for public reception and office areas of new or reconstructed portions of buildings within the 70+ dB CNEL contour, interior noise must perform to sound level indicated.
40 Transportation, Communication, and Utilities						
41-46, 49	Auto parking; Boat launch ramp; Vehicle, freight, equipment storage					APZ I/II: no passenger facilities
47, 48	Communication: Telephone, radio, television; Utilities: Electrical, including wind and solar farms; Gas; Water; Wastewater					
485	Refuse Disposal: Sanitary landfill, solid waste/recycling center ⁵					
50 Trade						
51-59	Wholesale/Retail Trade, including eating/drinking establishment		50	50		APZ I/II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; for new or reconstructed portions of buildings within the 70+ dB CNEL contour, interior noise must perform to sound level indicated.
60 Services						
61, 62, 63, 65, 67, 69	Office: Finance, insurance, real estate, medical/dental; Services: Personal/professional/government; Research & Development		50	50		APZ I/II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; for new or reconstructed portions of buildings within the 70+ dB CNEL contour, interior noise must perform to sound level indicated.
6242, 637, 64, 66	Cemetery; Warehousing/storage (not including hazardous materials); Repair, including auto,		50	50		APZ I/II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; for public reception and office areas of new or

Table 5: Land Use Standards for Noise and Safety Compatibility

SLUCM ² Code	Land Use Type ¹	CZ	APZ I	APZ II	Inside 65 dB CNEL ³ & outside Safety Zones	Conditions ⁴
	electronics, furniture; Contract construction services					reconstructed portions of buildings within the 70+ dB CNEL contour, interior noise must perform to sound level indicated.
6379	Warehousing/storage of hazardous materials					
6513, 6516	Hospital; Congregate care/nursing/convalescent facility; Large residential care facility				45	
68	Day care; Nursery school; Elementary, middle/junior high, and high school; College/university				45	
6911, 6994	Indoor Public Assembly: Religious, fraternal				45	
70	Culture, Entertainment, and Recreation					
71	Library; Museum; Art gallery; Planetarium; Aquarium		45	45	45	APZ I/II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; new or reconstructed portions of buildings, interior noise must perform to sound level indicated.
723	Indoor Entertainment Assembly: Auditorium, concert hall, theater				45	
721, 722	Outdoor Assembly: Amphitheater, music shell; Spectator sports arena, stadium					
7123, 7124, 741, 743, 744,	Outdoor Participant Sports: Golf course, tennis court, riding stable, water recreation; Botanical garden; Zoo					APZ I/II: No clubhouse, indoor meeting place, or auditorium.
73	Amusement park; Golf driving range; Go-cart track; Miniature golf course					
742, 7414, 7415, 7417, 79	Athletic club; Gym; Fitness facility; Bowling alley; Recreation center; Skating rink		50	50		APZ I/II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; in new or reconstructed portions of buildings within the 70+ dB CNEL contour, interior noise must perform to sound level indicated.
76	Park					CZ: No above-ground structures APZ I/II: No clubhouse, indoor meeting place, or auditorium.
749, 752	Campground				45	Inside 65 dB CNEL: in new or reconstructed portions of buildings, interior noise must perform to 45 dB CNEL in sleeping areas.

Table 5: Land Use Standards for Noise and Safety Compatibility

SLUCM ² Code	Land Use Type ¹	CZ	APZ I	APZ II	Inside 65 dB CNEL ³ & outside Safety Zones	Conditions ⁴
751	Resort		45/50	45/50	45	<p>APZ I/II: no increase in gross floor area of existing uses; reconstructed building(s) limited to gross floor area at time of ALUCP adoption; interior noise in new or reconstructed portion of building must perform to 45 dB CNEL in sleeping areas and 50 dB CNEL in all other areas; no new uses that are classified as incompatible/red in this table.</p> <p>Inside 65 dB CNEL: in new or reconstructed portions of buildings, interior noise must perform to 45 dB CNEL in sleeping areas.</p>
80	Resource Production and Extraction					
81-85, 89	Agriculture, aquaculture, mining					

Key

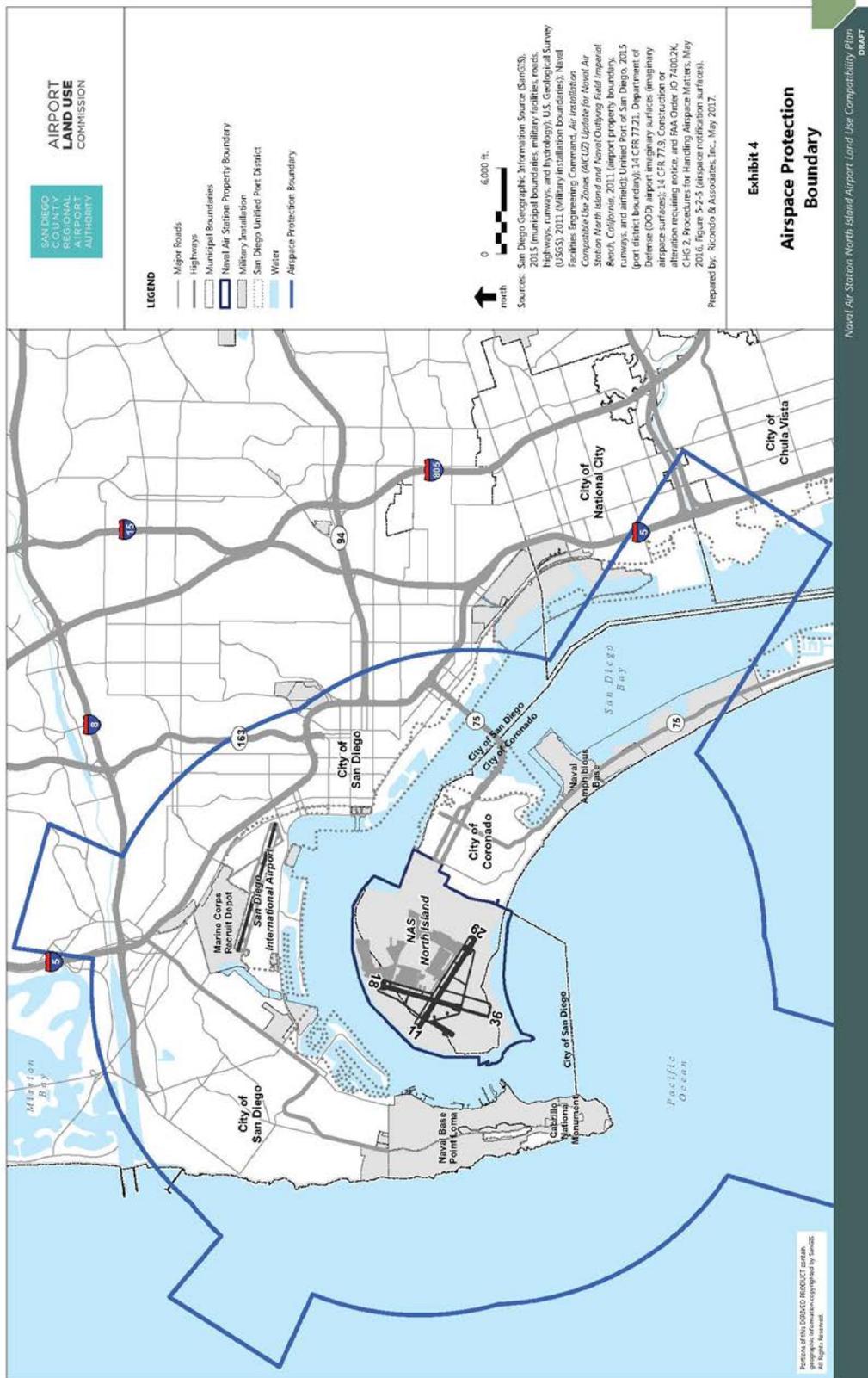
	Compatible land use
	Compatible land use if the indicated conditions are met (conditionally compatible)
45, 50	Maximum interior sound level standard (in dB CNEL) from exterior noise sources, with windows and doors closed. Interior sound level standard in new, reconstructed, or expanded portion of building, or in certain parts of building as described in the Conditions column, must perform to the level indicated. It is the responsibility of the project sponsor to demonstrate that the building, as designed, can achieve the interior sound level standard. This may be demonstrated by the certification of an appropriately licensed design professional (engineer, architect, or acoustician with building design expertise).
	Incompatible land use

Notes

- ¹ The reuse of any historic resource for an incompatible use per this table is inconsistent with this ALUCP.
- ² *Standard Land Use Coding Manual*, Urban Renewal Administration and Bureau of Public Roads, U.S. Department of Commerce, 1965. The SLUCM is a comprehensive land use classification system defined with a hierarchical set of codes. The most detailed level of classification uses 4 digits (say, 6911 for "churches, synagogues, and temples"), the next most detailed level uses three digits (691 for "religious activities"), a more generalized level uses two digits (69 for "miscellaneous services"), and the most generalized level uses one digit (6 for "services"). In this land use compatibility table, the generalized two-digit SLUCM codes have been used where possible. The standards applicable to each two-digit level of land uses apply to all the more detailed land uses (using three-digit and four-digit codes) within the two-digit category, unless a more detailed SLUCM Code is used elsewhere in the table. For example, in the second row of the "Transportation, Communication and Utilities" category, SLUCM Codes 47 and 48 include communications and utilities land uses. In the third row, however, SLUCM Code 485, refuse disposal is called out as a distinct land use for purposes of land use compatibility. Thus, SLUCM Code 48, in the second row, should be interpreted as including all uses described in the SLUCM under the "48 code," except for Code 485.
- ³ Community Noise Equivalent Level
- ⁴ Per Section 5.1.6, gross floor area includes vested development.
- ⁵ While refuse disposal and related uses are not noise-sensitive, they are considered incompatible within the 65 dB CNEL contour because of their tendency to attract birds, a potential hazard to flight. These uses are considered incompatible throughout the Airspace Protection Area, which includes all areas within the 65 dB CNEL contour. See Section 5.2.4.6

Sources: Adapted from Tables C-1 and C-2 in the 2011 AICUZ (The Onyx Group, *Air Installations Compatible Use Zones (AICUZ) Update for Naval Air Station North Island and Naval Outlying Landing Field Imperial Beach, California*, Naval Facilities Engineering Command Southwest, 2011, pages C-1 - C-10.)

Figure 3 Airspace Protection Boundary



Attachment 1 – Email from Working Group Member

From: Angela Yates
To: alucpcomments
Subject: RE: Comments in Support of Draft ALUCP for NASNI
Date: Monday, September 25, 2017 12:59:51 PM

Thank you. I would also like to commend the staff and consultants for their extra efforts to understand our concerns, respond to questions, and where possible incorporate our suggestions into the Draft. Your team was unfailingly polite and knowledgeable, even when things sometimes became difficult in the working group meetings.

Angela Yates

From: alucpcomments
Sent: Monday, September 25, 2017 9:43 AM
To: Angela Yates
Subject: RE: Comments in Support of Draft ALUCP for NASNI

Angela-

Thank you for your email. We will include it as an attachment to our staff report. The Working Group will receive an email once the staff report has been posted on our website for the 10/5 ALUC meeting.

ALUC Staff

From: Angela Yates
Sent: Sunday, September 24, 2017 7:48 PM
To: alucpcomments
Subject: Comments in Support of Draft ALUCP for NASNI

These comments are in support of the draft NASNI ALUCP dated August 2017 (the "Draft"). Capitalized terms used below have the meanings set forth in the Draft.

I am an owner and occupant of an existing residence in the Clear Zone as shown on Exhibit 3 of the Draft. The area where our home is located is completely developed. It is a stable, vital neighborhood. There is no pressure to redevelop this area.

I have attended all the working group meetings in Coronado and have reviewed carefully the Draft and previous drafts of the ALUCP.

I became involved with the working group because I had heard that the ALUCP would prohibit rebuilding of homes in our area. I was extremely concerned that such a restriction could in the future cause our home to have no value, for example, if there were to be a fire or earthquake

and the home could not be rebuilt. Additionally, if we were to sell our home, the purchasers would not be able to demolish and reconstruct a replacement. This would obviously have a devastating effect on the property value, not only of our home, but also of other homes in the neighborhood. There would be no incentive to replace obsolete residences and the neighborhood would deteriorate.

There would be no good reason for this result.

During the working group meetings, first Angie Jamieson, then Mark Johnson confirmed repeatedly to me and to the working group that the ALUCP would NOT prohibit the rebuilding of an existing home in the Clear Zone. I believe that the Draft permits the Reconstruction of a residence in the Clear Zone, in the same location as an existing Residence, if the ALUC finds that the Noise and Safety Compatibility Standards shown in Table 6 of the Draft have been satisfied and that residence does not have an increase in height that results in a hazard determination from the FAA.

The working group also developed a compromise on Alterations to Existing Residential Uses, as shown in Table 3 of the Draft, allowing expansion or addition of less than 50% of the existing habitable Space of the residential dwelling unit with no increase in height, without ALUC Review.

Because of these provisions of the Draft, I ask that you approve the Draft as presented. I ask that you do not make changes that would interfere with the long-term interests of property owners and the City, who want to preserve this vital neighborhood. Please do not set in motion a cycle of disinvestment that would destroy a thriving neighborhood.

Please feel free to contact me with any questions you may have. Thank you for your consideration of these comments.

Angela Yates

September 6, 2017

Blair King
City of Coronado
1825 Strand Way
Coronado, California 92118

Dear Mr. King:

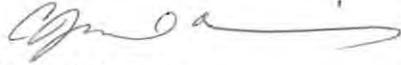
Thank you for your letter dated August 21, 2017, reiterating the concerns set forth in your letter dated May 2, 2017 regarding the NAS North Island Airport Land Use Compatibility Plan (NASNI ALUCP).

Please be advised that Airport Land Use Commission (ALUC) staff carefully reviewed the comments and prepared detailed responses to each comment in addressing the City's concerns (attached). These responses were formally distributed to the NASNI ALUCP Working Group via email on May 24, 2017, which includes two City of Coronado council members and multiple staff. While these detailed responses were provided to the NASNI ALUCP Working Group, I wanted to take this opportunity to forward the responses to you directly in the event the City Council members and City of Coronado staff who sit on the Working Group did not provide them to you. Additionally, I have included a letter from Caltrans Aeronautics which addresses some of the concerns raised in your letter.

The ALUC takes its responsibility to engage in a public collaborative planning process very seriously. As a responsive agency, it is inherent to our mission to have constructive dialogue and input from all stakeholders in all matters of regional aviation, including the ALUCP process. Furthermore, I know that the City of Coronado's one-on-one meetings with ALUC staff and the City's participation in the Working Group over the past 16 months has added great value to this process.

We look forward to the City of Coronado's continued involvement and input to ensure that the NASNI ALUCP can be developed and implemented for the health, safety, and welfare of all citizens and agencies within its jurisdiction. Please feel free to contact me or Commissioner Jim Janney, who has been an active Working Group participant and represents South County concerns as an ALUC member, if you need any further assistance.

Yours truly,



C. April Boling
Chair, Airport Land Use Commission
San Diego County Regional Airport Authority

Attachments: Department of Transportation letter

cc: Mayor Richard Bailey, City of Coronado
Council Member Bill Sandke, City of Coronado
Council Member Carrie Downey, City of Coronado
Council Member Whitney Benzian, City of Coronado
Council Member Mike Donovan, City of Coronado
Amy Gonzalez, SDCRAA General Counsel
Ron Bolyard, Caltrans Division of Aeronautics

NASNI DRAFT ALUCP Comments and Responses

ANGELA YATES (email received on March 31, 2017)

1. State explicitly that replacement of an existing single family residence with a new single family residence that complies with Coronado zoning and development rules is not prohibited by any provision of the ALUCP. You have repeatedly assured me of this, but I keep asking because it is not explicitly stated.

Response: Any use that is yellow or green in Table 1 of the draft ALUCP would not be inconsistent with the ALUCP. Only the red uses are inconsistent.

2. State explicitly that the height of a new single family residence that complies with Coronado zoning and development rules will not be restricted by the ALUCP.

Response: The height of a new single-family residence must comply with Part 77. The FAA makes the determination of whether or not the height of a new single-family residence is restricted, regardless of whether or not it complies with Coronado zoning and development rules. In addition, state law requires that new structures comply with Part 77. The ALUCP policies incorporate Part 77, thus as long as a project complies with Part 77, the height of the project will be deemed consistent or conditionally consistent.

3. Table 1 should be modified to permit existing SFR's to be renovated or replaced with the same CNEL as the existing residence. The CNEL levels should not be increased such that fortresses must be built and views are lost.

Response: We must be consistent with the AICUZ and allowing homes to not meet the noise level reduction measures would be inconsistent. Providing adequate sound attenuation for expanded or reconstructed residences will ensure that the degree of existing incompatibility with noise levels from NASNI does not get worse. As shown in Attachment 1, a home does not have to be designed as a fortress in order to meet sound attenuation requirements. The slides show homes that have been through SDCRAA's Quieter Home Program (<http://www.san.org/Airport-Noise/Quieter-Home-Program>) and are tested post-treatment to ensure the interior sound levels have been reduced to 45 dB CNEL. These homes are located in the 70 dB CNEL noise contour for SDIA.

The above changes are consistent with the last sentence of Section 4.1.1 of your draft, "Therefore, the ALUCP focuses on the potential for reconstruction of and changes to existing land uses while not increasing the level of existing incompatibility." The requirements in your draft will make replacement or renovation substantially more expensive and time consuming and may lead to unattractive bunkers instead of gracious homes.

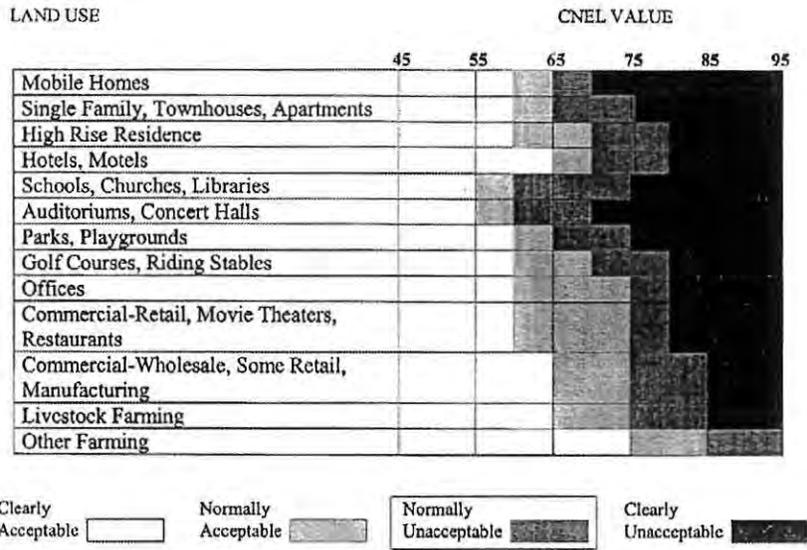
Response: The City of Coronado's General Plan Noise Element (see page 337 of this link: [https://www.coronado.ca.us/UserFiles/Servers/Server_746006/File/government/department s/comm%20dev/General%20Plan%20Combined%20Files.pdf](https://www.coronado.ca.us/UserFiles/Servers/Server_746006/File/government/department%20comm%20dev/General%20Plan%20Combined%20Files.pdf)) already requires sound attenuation for homes that are built in noisy areas. Page II-L8 states that "...residential development should not be allowed in areas that are in Clearly Unacceptable or Normally Unacceptable area [*sic*] (see figures 2 and 8). Residences may be constructed in Normally Unacceptable areas only of [*sic*] the proper precautions in construction are taken and sound barriers shall be required prior to construction." While the noise contours depicted on the Noise Element exhibits are outdated and do not reflect the 2011 AICUZ noise map, the City currently requires sound attenuation for homes that are within the 70 dB CNEL contour (an area identified as "normally unacceptable"). There are no fees associated with ALUC review.

NASNI DRAFT ALUCP Comments and Responses

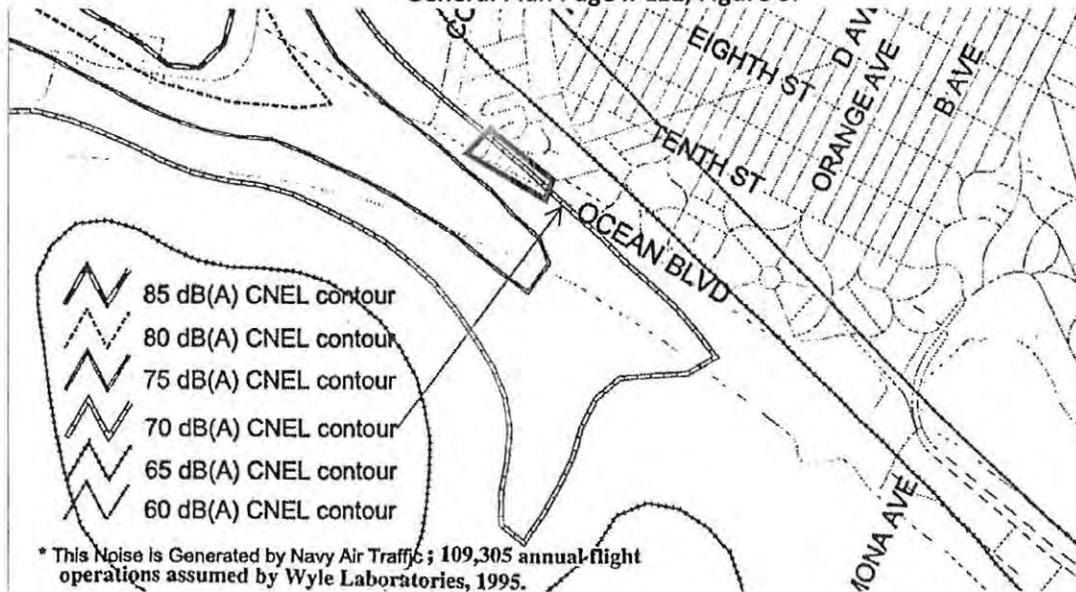
General Plan Page II-L5:

Noise Sensitivity of Land Use

Fig. 2



General Plan Page II-L11, Figure 6:



NASNI DRAFT ALUCP Comments and Responses

4. Section 3, Exemptions from ALUC Review, under “Alterations to Existing Uses”, first sentence, should be revised to delete “floor area”.

Response: We reference floor area to capture additions that would be subject to sound attenuation, so it cannot be deleted.

5. Section 3, Exemptions from ALUC Review, under “Existing Land Uses” first bullet point, should be revised to delete “within existing floor area or height” and replace it with “without increasing the height of the structure”.

Response: See response to Comment 4.

6. Section 4.1- See comments 1-5 above.

Response: See responses to Comments 1-5 above.

7. Any ALUC approvals should be limited in scope to whatever is absolutely necessary, i.e., compliance with noise reduction requirements (but see comment #3 above) and height increases beyond those permitted by Coronado’s zoning code. There should be a prompt time line (60 days is a long time) and the expense should be minimal.

Response: ALUC review of projects is limited to the four compatibility factors that are outlined in the Caltrans Airport Land Use Planning Handbook (and in the ALUCP policies): noise, safety, airspace, and overflight. ALUC review is typically 60 days or less, once the application has been deemed complete. Please refer to Exhibit 2, ALUCP Consistency Determination Process in the draft ALUCP for more details on the review process. For projects that only require ALUC staff review, the timeframe is even shorter, typically one week. There are no fees associated with ALUC or staff review.

8. If we really have to get an FAA Certificate, the ALUC review should be concurrent, not consecutive.

Response: ALUC review cannot be concurrent with FAA review because the ALUC’s consistency determination includes a review of the FAA’s Part 77 height determination. The FAA’s determination might have conditions that would need to be applied to the project (e.g., height, marking, and lighting). We suggest that developers file a 7460 with the FAA as soon as they know they have a potential project and include a worst-case scenario for anticipated height if architectural plans haven’t been drafted yet.

9. Clarify that Items under “40” in Table 1 (Auto parking, utilities and refuse disposal) refer only to stand-alone uses such as parking lots (not parking on a residential lot), utility installations (not rooftop solar or other residential utility uses) and refuse disposal (not incidental refuse disposal on residential lots).

Response: We will edit the text to make it clear that these items apply to stand-alone projects and not situations that would be considered related to a primary use. Roof-top solar projects would require ALUC review if they increase the height of a building and/or cause light and glare issues.

10. I also support comments that are being sent to you separately by John O’Brien.

Response: Comment noted.

NASNI DRAFT ALUCP Comments and Responses

Attachment 1- Completed QHP Homes



2750 Rosecrans Street



3020, 3028, and 3036 Goldsmith Street



2750 Rosecrans Street

NASNI DRAFT ALUCP Comments and Responses

JOHN O'BRIEN (email received on March 30, 2017)

As a member of NASNI ALUCP Working Group my neighbors and I have some real concerns regarding NASNI ALUCP recent proposed regulations. Since the first meeting on March 14, 2016, wherein, all attendees were insured that existing zoning and building regulations will remain in effect; we have noted that those statements were unfounded.

Here is a quote from the first ALUC Working Group meeting on that date in March.

"Existing zoning shall remain as it is, as long as you meet existing zoning there is no issue."

Response: While this statement could have been made at the first meeting, the context is not provided. The purpose of the first meeting was not to set any policy, but to explain what an ALUCP is, the overall process to develop one for NASNI, and the schedule.

Coronado's current Residential Zoning in the affected area of 65-70-75 CNEL, according to the latest proposed directives require that the City replace the current General Plan to reflect the ever changing rules promulgated at the most recent meeting held on March 8, 2017.

Response: The City does not have to replace the current General Plan or redesignate the properties affected by the ALUCP in order to implement the plan (that is one method but is by no means the only method or the most appropriate one). Also, and importantly, the City is only required to make its General Plan consistent with the ALUCP (or overrule) after approval. There is no requirement that the City modify its General Plan to be consistent with internal discussions or draft policies.

Until such time as the new General Plan is amended (up to 540 days), all building (or is it design review permits?) will need to be sent both to the FAA and to ALUC for review and approval.

Response: Yes, land use actions meeting ALUCP requirements for a consistency review will need to be submitted.

This is an undue burden that doesn't account for the fact that no single family home in the aforementioned district has, or needed, to obtain, FAA approval in the past 40+ years

Response: Submittal to the FAA has been a requirement; it has just been ignored by the City and builders. We suggest that developers file a 7460 with the FAA as soon as they know they have a potential project and include a worst-case scenario for anticipated height if architectural plans haven't been drafted yet. This will minimize the impact ALUC and FAA review will have on existing City review timeframes.

FAA

What is the actual process?

Response: There will be a chart describing the process in Appendix E4, and it is partially described in the responses below.

Does a single family home, designed to existing zoning in Zone 1 require a 7460-1 review?

Response: Applicants check their property at this website

(<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequired>)

NASNI DRAFT ALUCP Comments and Responses

ToolForm) to see if they have to file a Form 7460 with the FAA, regardless of whether it is designed to existing zoning or not. If the FAA indicates you must do so, you fill out the 7460-1 form and electronically submit it to the FAA.

Does it run parallel with City approvals, ALUC approvals, or sequential?

Response: ALUC review cannot be concurrent with FAA review because we make a consistency determination only after the FAA has issued a determination because they might have conditions that would need to be applied to the project (e.g., marking and lighting). We suggest that developers file a 7460-1 with the FAA as soon as they know they have a potential project.

Are schematic plans acceptable? ...otherwise a homeowner will have no indication of approval until all structural, engineering, civil, Title 24 calculations, and expenses have been incurred ...typically \$35,000 - \$75,000 investment.

Response: We suggest that developers file a 7460-1 with the FAA as soon as they know they have a potential project and include a worst-case scenario for anticipated height if architectural plans haven't been drafted yet (plans are not required with the 7460 submittal; just the location, maximum building height, and ground surface elevation). A copy of the 7460 form will be included in Appendix B.

What is the turnaround time?

Response: FAA time to review a 7460-1 typically takes about two months.

What are the objective measures?

Response: We do not understand what you mean about objective measures.

Why can't FAA grant a blanket approval to Coronado for all homes in the affected area, Zone 1, under the current zoning regulations, receive an advance FAA Determination or No Hazard or Obstruction to Air Navigation?

Response: The FAA can't grant a blanket approval because each site has to be analyzed individually. Please coordinate with FAA for additional information regarding this issue.

Can we have a FAA representative appear at an ALUC meeting and respond?

Response: The FAA representative for this area, Karen McDonald, is located in Los Angeles and likely would not be able to attend. You can contact her at (310) 725-6557 if you have questions. We also provided details on the 7460 process at a meeting with you and Angela Yates on May 17, 2017.

ALUC

Describe actual submittal and approval process, timing, standards, (how objective/subjective are they)?

Response: See Exhibit 2, ALUCP Consistency Determination Process in the preliminary draft ALUCP for the ALUC submittal/approval process, as well as the description in responses below. The standards are objective.

NASNI DRAFT ALUCP Comments and Responses

Who performs the review, staff or commission?

Response: ALUC staff completes the application review. The application must be deemed complete within 30 days of submittal (unless the ALUC notifies the applicant that additional material needs to be provided within this time-frame). If no conditions are required, the review by staff typically takes less than 7 days after the initial review of the application and after the application has been deemed complete. If conditions are recommended for the project are required in order to make a conditional consistency determination for the project, the project it must go before the ALUC for approval, which typically takes 30-45 days after the project application has been deemed complete, depending on ALUC meeting schedule.

As a homeowner or builder, we are able to read and understand Coronado's zoning rules for a proposed project. Will ALUC publish a specific set of rules that can be interpreted without subjectivity?

Response: We created policies (for example exemptions) and used tables in an effort to make the rules easier to understand. The policies are entirely objective.

If Coronado's current zoning is acceptable, what is ALUC reviewing?

Response: City of Coronado zoning is not entirely consistent with the draft ALUCP in that, for example, it does allow certain risk-sensitive uses and the Hotel del Coronado could double in floor area, both of which are inconsistent with the draft ALUCP and the AICUZ. There may be other areas where inconsistencies exist as well. These examples are based upon our preliminary review of the City's current zoning.

Under what basis would a project be denied or sent back; and how does that transpire?

Response: If a project was a "red" use per Table 6, or was found to be a hazard by the FAA, a project would be found to be inconsistent with the ALUCP (a project is not "denied"), and the ALUC would make that a formal determination. At that point, the inconsistency determination is provided to the City and the City may override the ALUC's determination consistent with the requirements in State Law.

Is it sent back to the homeowner or the City, and what is the process for correcting?

Response: If a project has received an inconsistent determination, the only way the applicant could move the project forward as is would be for the Coronado City Council to overrule the ALUC. If the applicant decided to change modify the project, it would have to go back through the ALUC submittal and review process.

Demonstrate a sample review from the City of San Diego as an example.

Does the submittal require full working drawings? (a huge burden as in FAA above) or Schematic Plans similar to the Coronado Design Review process.

Response: Full drawings are not required for ALUC review. The ALUCP provides a summary of the documents required for a consistency review.

Proposed Modification for Consideration

Limit review to new additions or new construction in all zones. Coronado uses 500 square feet as a standard for a number of additional review criteria. Can ALUC match Coronado's standard for project review?

NASNI DRAFT ALUCP Comments and Responses

Response: The draft ALUCP cannot match the City of Coronado's standard for project review. Additions and new construction, per the ALUCP policy, are subject to ALUC review in order to ensure, for example, that proper sound attenuation is incorporated into the project.

Are the following permits exempt and in which zone?

Interior remodels

Roofing

New Siding

Window replacement

Decks, rooftop decks

Response: All of the above are generally exempt from ALUC review regardless of location within the noise and safety zones (no submittal is required). Rooftop decks could be subject to ALUC review for airspace/height reasons.

ALUC Sound Transmission rules:

On October 17, 2016, the Director of Community Development for Coronado and I were invited to attend a meeting at the Regional Airport Authority's offices on Harbor Drive. At that meeting, I was led to believe that a composite house envelope of STC 35 (75 minus 35 = 40) would be an acceptable Noise Reduction solution.

Response: If required by the ALUCP, it is only necessary to reduce the sound to 45 db CNEL in all habitable spaces. For example, if a home was located within the 75-76 dB CNEL contour, an STC of 31 is required.

In the 75 and 70 CNEL contours, is a composite STC of 35 acceptable? (otherwise an extensive and expensive acoustic study and upgraded windows, walls, ceilings, attic and venting will be needed)

Response: If required by the ALUCP, it is only necessary to reduce the sound to 45 db CNEL in all habitable spaces.

Can staff show an acoustic study on a new single family house from another municipality that met ALUC standards in both the 70 and 75 CNEL contours?

Response: Acoustical studies are not required with an ALUC submittal, or post construction. The designer can choose the elements that would theoretically reduce the STC to 45 db CNEL within the home with windows and doors closed. We do not require post-construction acoustical studies to demonstrate compliance, so we don't have any to share. We aren't aware of any local municipality requiring post-construction acoustical studies.

Provide an example of a denied permit and the process for re-submittal and eventual approval or abandonment of project.

Response: There has never been a situation where a project was deemed inconsistent by the ALUC and then resubmitted; therefore we do not have any examples to share.

Can non-discretionary permits be exempt?

Response: Non-discretionary projects cannot be exempt.

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When can architects self-certify? What if the architects not licensed? Can the builder self-certify?

Response: Only a licensed professional, such as an architect, can self-certify. Builders could not self-certify unless he/she meets the same standard.

Please comment on the following sample actual project in the City of Coronado:

Address is in the 75 CNEL;

Permit is for kitchen remodel, window and door replacement, and extension of deck and outside porch. Hint: No new interior square footage. In Coronado, it does not require a discretionary permit; however the remodeled space will be unable to meet the proposed noise standards.

How will ALUC staff review this permit; and under what standards?

If our understanding of the proposed regulations as they stand as of March 8, 2017, ALUC would approve as submitted, therefore the answer below should be YES.

Please answer below:

ALUC

YES _____ NO X

Response: Since you said there would be no new square footage added to the existing home, nor is there a change in height, this scenario would be exempt from ALUC review.

Please provide a sample of an approval...is it a stamp, a form, a letter? This is important inasmuch as a construction lender will require evidence of an APPROVAL before funding. It's entirely the homeowners risk until such time as FAA, ALUC approval and building permits are obtained.

Response: ALUC approval is in the form of an ALUC resolution (if conditions are required) or a letter from ALUC staff (if no conditions are required). ALUC approval would be issued prior to the City issuing a building permit. See Attachments 2 and 3.

NASNI DRAFT ALUCP Comments and Responses

Attachment 2 – Sample ALUC Determination



May 12, 2017

Ms. Silvia Grajales
City of San Diego
Development Services
1222 First Avenue
San Diego, CA 92101

Re: *Airport Land Use Commission Consistency Determination – 4405-4411 West Point Loma Boulevard, Construction of 10 Attached Residential Units; APN 449-867-35; City of San Diego; San Diego International Airport - Airport Land Use Compatibility Plan – LIN-17-006; Resolution No. 2017-0005 ALUC*

Dear Ms. Grajales:

On May 4, 2017, the San Diego County Regional Airport Authority (SDCRAA), acting in its capacity as the San Diego County Airport Land Use Commission, determined that the proposed project referenced above is **conditionally consistent** with the San Diego International Airport (SDIA) Airport Land Use Compatibility Plan (ALUCP). A copy of Resolution 2017-0005 ALUC making this determination is enclosed.

The ALUC determination of consistency with the ALUCP is based upon ALUC Policies, the State Aeronautics Act (Cal. Pub. Util. Code §21670-21679.5), and the following facts and findings:

- (1) The proposed project involves the construction of 10 attached residential units.
- (2) The proposed project is located within the 65-70 dB CNEL noise contour. The ALUCP identifies residential uses located within the 65-70 dB CNEL noise contour as conditionally 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 residences 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 TSS. The proposed project is in compliance with the ALUCP airspace protection surfaces because the project sponsor has certified that notice of construction is not required to the FAA

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because the project is located within an urbanized area, is substantially shielded by existing structures or natural terrain, and cannot reasonably have an adverse effect on air navigation.

- (4) The proposed project is located within Safety Zone 4 West – Peninsula. The ALUCP identifies residential uses located within Safety Zone 4 West – Peninsula as conditionally compatible with airport uses, provided that the project complies with a density of 36 units per acre. The project site of 0.27 acres would be allowed a maximum of 10 units, and the project proposes 10 units.
- (5) The proposed project is located within the overflight notification area. The ALUCP requires recordation of an overflight notification with the County Recorder but does not require an additional overflight notification where an avigation easement is required.
- (6) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the SDIA ALUCP.
- (7) This ALUC action 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.

Please contact Mr. Ed Gowens at (619) 400-2244 or egowens@san.org if you have any questions about this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kimberly J. Becker".

Kimberly J. Becker
President/CEO

KJB/eg

Enclosures: Resolution 2017-0005 ALUC

cc: Amy Gonzalez, SDCRAA, General Counsel
Tony Sordello, Caltrans, Division of Aeronautics
Keri Robinson, Caltrans, District 11
Vickie White, City of San Diego

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RESOLUTION NO. 2017-0005 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: CONSTRUCTION OF 10 ATTACHED RESIDENTIAL UNITS AT 4405-4411 WEST POINT LOMA BOULEVARD, 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 §21670.3 of the California Public Utilities Code, was requested by the City of San Diego to determine the consistency of a proposed project: Construction of 10 Attached Residential Units at 4405-4411 West Point Loma Boulevard, 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), adopted and amended in 2014; and

WHEREAS, the plans submitted to the ALUC for the proposed project indicate that it would involve the construction of 10 attached residential units; and

WHEREAS, the proposed project would be located within the 65-70 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour, and the ALUCP identifies residential uses located within the 65-70 dB CNEL noise contour as conditionally 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 SDIA Threshold Siting Surface (TSS) height restrictions and is in compliance with the ALUCP airspace protection surfaces because the project sponsor has certified that notice of construction is not required to the Federal Aviation Administration (FAA); and

WHEREAS, the proposed project is located within Safety Zone 4 West – Peninsula, and the ALUCP identifies residential uses located within Safety Zone 4 West – Peninsula as conditionally compatible with airport uses, provided that the project complies with a density of 36 units per acre; and

WHEREAS, the proposed project is located within the overflight notification area, but does not require an additional overflight notification where an aviation easement is required; and

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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 10 Attached Residential Units at 4405-4411 West Point Loma Boulevard, City of San Diego, is conditionally consistent with the SDIA ALUCP, which was adopted and amended in 2014, based upon the following facts and findings:

- (1) The proposed project involves the construction of 10 attached residential units.
- (2) The proposed project is located within the 65-70 dB CNEL noise contour. The ALUCP identifies residential uses located within the 65-70 dB CNEL noise contour as conditionally 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 residences 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 TSS. The proposed project is in compliance with the ALUCP airspace protection surfaces because the project sponsor has certified that notice of construction is not required to the FAA because the project is located within an urbanized area, is substantially shielded by existing structures or natural terrain, and cannot reasonably have an adverse effect on air navigation.
- (4) The proposed project is located within Safety Zone 4 West – Peninsula. The ALUCP identifies residential uses located within Safety Zone 4 West – Peninsula as conditionally compatible with airport uses, provided that the project complies with a density of 36 units per acre. The project site of 0.27 acres would be allowed a maximum of 10 units, and the project proposes 10 units.

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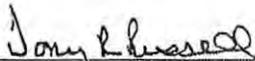
- (5) The proposed project is located within the overflight notification area. The ALUCP requires recordation of an overflight notification with the County Recorder but does not require an additional overflight notification where an avigation easement is required.
- (6) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the SDIA ALUCP.

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

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a regular meeting this 4th day of May, 2017, by the following vote:

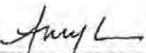
AYES:	Commissioners:	Cox, Desmond, Gleason, Schumacher, Sessom
NOES:	Commissioners:	None
ABSENT:	Commissioners:	Boling, Janney, Kersey
RECUSAL:	Commissioners:	Robinson

ATTEST:



TONY RUSSELL
DIRECTOR, CORPORATE
& INFORMATION GOVERNANCE/
AUTHORITY CLERK

APPROVED AS TO FORM:



AMY GONZALEZ
GENERAL COUNSEL

NASNI DRAFT ALUCP Comments and Responses

Attachment 3 – Sample ALUC Staff Determination



May 5, 2017

Mr Michael Coyne
City of Santee
10601 Magnolia Avenue
Santee, California 92071

Re: Airport Land Use Commission Consistency Determination – Construction of Medical Office Building at Buena Vista Avenue at Cuyamaca Street, City of Santee

Dear Mr Coyne:

As the Airport Land Use Commission (ALUC) for San Diego County, the San Diego County Regional Airport Authority acknowledges receipt of an application for a determination of consistency for the project described above. The area covered by this project lies within the Airport Influence Area (AIA) for the Gillespie Field Airport Land Use Compatibility Plan (ALUCP).

ALUC staff has reviewed your application and accompanying materials and has determined that it meets our requirements for completeness. In accordance with ALUC Policies and applicable provisions of the State Aeronautics Act (Cal. Pub. Util. Code §21670-21679.5), ALUC staff has determined that the proposed project is consistent with the Gillespie Field ALUCP based upon the facts and findings summarized below:

- (1) The proposed project involves the construction of a medical office building.
- (2) The proposed project is located within the 60-65 dB CNEL noise contour. The ALUCP identifies office uses located within the 60-65 dB CNEL noise contour as compatible with airport uses.
- (3) 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 Federal Aviation Administration.
- (4) The proposed project is located within Safety Zone 6. The ALUCP identifies office uses located within Safety Zone 6 as compatible with airport uses.
- (5) The proposed project is located within the overflight notification area but does not contain any new residential use subject to overflight notification requirements.
- (6) Therefore, the proposed project is compatible with the adopted Gillespie Field ALUCP.

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(7) This determination of consistency is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065.

Please contact Ed Gowens at (619) 400-2244 if you have any questions regarding this letter.

Yours truly,

A handwritten signature in cursive script that reads "Angela Jamison".

Angela Jamison
Manager, Airport Planning

cc: Amy Gonzalez, SDCRAA General Counsel
Tony Sordello, Caltrans Division of Aeronautics
Keri Robinson, Caltrans District 11

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NASNI DRAFT ALUCP Comments and Responses

BLAIR KING, CITY OF CORONADO (included as an attachment to the May 2, 2017 City Council staff report for item 10b)

General Comments and Main Concerns:

1. The SDCRAA draft policy documents need to correctly state that the SDCRAA's responsibility to conduct airport land use compatibility planning within areas around public airports is limited *to the extent that those areas are not already devoted to incompatible uses*. The draft policies and plan must demonstrate compliance with this finite scope and authority. In its current form, the draft plan policies exceed SDCRAA's jurisdiction because it identifies areas already fully developed with land uses that are incompatible with the noise and safety standards of the AICUZ. Existing uses that are consistent with the City's General Plan and zoning are *not* subject to SDCRAA's jurisdiction.

Existing uses *which remain unchanged* are not subject to the ALUCP or ALUC review. However, as defined in the Caltrans Airport Land Use Planning Handbook, "The limitation on ALUC authority over existing land uses applies only to the extent that the use remains constant. Merely because a land use exists on a property does not entitle the owner to expand the use, convert it to a different use, or otherwise redevelop the property if new or increased compatibility conflicts would result. To the extent that such land use changes require ministerial or discretionary approval on the part of the county or city, they may fall within the authority of the ALUC to review." The consistency of an existing land use with the governing local agency's general plan and zoning does not automatically ensure that it will be compatible with the ALUCP, and the AICUZ noise and safety standards with which the ALUCP must be consistent, should changes be proposed to that use. Despite the vast majority of existing uses being considered incompatible by the AICUZ, the AICUZ specifically provides (page 7-3) that "local governments should encourage fair disclosure to the public of the noise and APZ situation, and not take actions that would make an existing land use compatibility (or incompatibility) situation worse". Although ALUCs have no authority over existing land use, compatibility planning boundaries are required to cover all of an airport's influence area, including portions which are already developed. Existing development which is incompatible with respect to ALUC criteria that seeks to be redeveloped may be subject to ALUC policies. ALUCPs are not adopted for the purpose of addressing a snapshot in time; instead, they are informed by long-range planning documents (e.g., airport layout/master plans/AICUZ) and intended to be considered by local land use agencies when making decisions with long-term ramifications.

2. The State of California suspended the mandate to prepare ALUCPs in 2010. The draft plan policies incorrectly state SDCRAA is under a state mandate to prepare an ALUCP for NASNI. The California Legislature has never repealed the provisions of the State Aeronautics Act which require the establishment of county airport land use commissions and the development, adoption, and administration of the airport land use compatibility plans. Due to budget cycles, grants from Caltrans Aeronautics Division to fund ALUC functions have been periodically suspended in counties where no ALUC existed and such funds were provided for the

NASNI DRAFT ALUCP Comments and Responses

establishment and administration of an ALUC. San Diego County has continuously had an ALUC since 1970, originally SANDAG, and, since 2003, SDCRAA, by act of the Legislature. SDCRAA is self-funded and does not receive Caltrans grants to fund its functions as an ALUC, and as such has never been impacted by funding suspensions. Regardless, the statutory mandate has remained in full effect with no action of the Legislature to the contrary.

3. The City's primary goals are to have an AICUZ that reflects a good faith effort to acknowledge and incorporate the on-the-ground existing pattern of land use and development which supports the important continued operational capabilities of both the City and Navy co-existing for the long-term as compatible neighbors.

This comment relates to the development of the AICUZ in which the ALUC is not involved.

4. It is unclear whose "Goals" are articulated on page 1. The City's goals are not reflected in the box on page 1 nor do they appear to have been considered by SDCRAA through their process and efforts to prepare an ALUCP based on the NASNI AICUZ.

As an ALUC-produced document, the goals are those of the ALUC, just as any planning document reflects the goals of its producing agency. The draft has been updated to specify that the goals are those of the ALUCP to promote the compatibility of NAS North Island with its environs through standards which address the component compatibility factors of the ALUCP. The goals of affected local agencies are usually given in their respective general plans, which, by statute, must incorporate the policies of the ALUCP into those plans, overrule the ALUCP, or else refer land use actions as designated by the ALUCP for ALUC review.

5. The Draft ALUCP should clearly state that the City of Coronado is fully built out in a manner that is consistent with the underlying general plan land use and zoning designations which embody the City's long-term land use and development vision.

The draft has always acknowledged that the city of Coronado is "almost entirely built out with uses that are incompatible with the AICUZ guidance". As stated in response to #1, the consistency of existing land uses with a local agency's general plan and zoning does not necessarily mean that changes to those uses are automatically compatible with the ALUCP and the AICUZ noise and safety standards with which the ALUCP must be consistent.

6. The ALUC review needs to be limited to proposed changes in land use designations as opposed to changes to existing structures not involving a change to the land use itself. The AICUZ and ALUCP should be developed consistent with existing land use and development patterns and based on City input.

As stated in #3 above, the AICUZ has been issued and its contents are beyond the purview of the ALUC. The ALUCP is required by statute to be consistent with the noise and safety standards of the AICUZ, and, as stated in #5 above, deference has been made in the draft ALUCP to acknowledging the existing built-out development pattern of existing land uses in the City of Coronado. To the extent allowed by law, the draft policies provide for continued compatibility of existing residential and nonresidential uses when changes are proposed to those uses. As stated in #1 above, so long as an existing use remains constant, it is not subject to the ALUCP or ALUC review.

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7. Based in part on comments made by members of the Working Group on March 3, 2017, and our own experience, the City is concerned that the valuable input provided by the Working Group is being summarily dismissed. The goal of the Working Group, which has now been convened for more than a year, was intended to provide for stakeholder collaboration on the goals, needs, and desired outcomes of the process; however, it appears that most if not all input is being disregarded by the SDCRAA which raises questions about the process and whether it is meaningful or substantive or has a predetermined outcome.

The ALUC is required by state law to “engage in a public collaborative planning process” when preparing an ALUCP. The Authority is engaged in an extensive collaborative planning process consisting of 10 Working Group meetings, 9 Community/Public meetings, and over 12 meetings with City staff. The Authority has included input from this process in the ALUCP to the extent allowed by law. As stated above, the AICUZ establishes the geometry of noise contours and safety zones and the applicable standards of compatibility that must be included in the ALUCP. To the extent that the ALUCP can recognize the existing development pattern, the draft has incorporated the input of the Working Group to preserve the established community character.

8. A fundamental flaw of the ALUCP is that it would have the net effect of super-imposing public safety hazards and noise overlays onto existing patterns of land use and development and would instantly convert a significant number of existing structures and land uses into non-conforming land uses and structures. The SDCRAA lacks authority to create such a condition (when the SDCRAA acknowledges it has no jurisdiction over NASNI) which would result in a significant but unenforceable burden on the City.

As has been stated repeatedly throughout the ALUCP development process and these responses, the ALUC possesses no regulatory land use power over NASNI or property in the City of Coronado. Only those uses shown as red/incompatible in Table 6 of the draft ALUCP would be considered non-conforming, and only after the City implements the ALUCP. The City decides whether and/or how to implement the ALUCP. The adoption of the ALUCP does not confer upon the ALUC any land use jurisdiction over NASNI or areas surrounding NASNI. The ALUCP has no effect on existing property uses or rights- so long as the existing residences and nonresidential structures remain constant, they are not subject to sound attenuation or other ALUCP policies.

9. NASNI has been operating concurrently with existing City land uses for many decades and the AICUZ is now six years old. It is doubtful that the Navy would subject its pilots, crews, residents, and visitors to Coronado to an unacceptable level of risk. Therefore, establishment of an AICUZ with a CZ and APZs that are fully built out with existing structures must not pose a significant threat to Navy personnel. It is the choice of the Navy (and now the SDCRAA vis-a-vis the ALUCP process) to create a situation where overflight operations and existing land uses and structures are viewed as incompatible; it is the Navy that should make necessary modifications to ensure pilot safety and public safety by modifying the flight path either through a landing pattern localizer offset or establishment of a displaced landing threshold since it is a change to Navy operations that is triggering the “incompatibilities.”

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By statute, an ALUC has no jurisdiction over the operation and facilities of any airport, including military installations. This comment would need to be addressed to the Navy.

10. In addition, the 2011 AICUZ has a stated operational planning horizon year of 2020. Since 2020 is now 2.5 years away, and the draft ALUCP still must undergo CEQA and NEPA review processes which can take a year or more to complete, it is likely that the draft ALUCP would not be completed and available for formal public review and comment until sometime around 2020 or later. By then, the ALUCP would be based on a NASNI AICUZ that is no longer valid from an operational standpoint and would be outdated.

The adoption of an ALUCP is not subject to NEPA, as it is not a federal action. The ALUCP schedule, which has been shared with City staff previously, envisions the ALUCP adoption in late 2017 or early 2018, not 2020. All plans—whether a local agency general plan, a military AICUZ or ALUCP—are benchmarked for a planning year horizon, but this does not mean that such plans are automatically invalid past that date. However, the last AICUZ for NASNI was adopted in 1984, 27 years ago, so the likelihood that operations would change so drastically within the next three years to render the 2011 AICUZ substantially out of date is extremely low.

11. The SDCRAA proposed process will add excessive delay and additional costs (including both processing costs and interior construction-related noise attenuation costs) to City residents, property owners and businesses. Mitigation funds should be provided to offset the additional financial burdens that would occur if the ALUCP were to be implemented.

ALUC review is typically 60 days or less. For projects that only require ALUC staff review, the timeframe is even shorter, typically one week. There are no fees associated with ALUC or staff review. The implementation of ALUCP recommendations is up to the local agency to administer according to the sound performance level standards that it establishes. Local agency permittees are already subject to state and local standards which may accomplish most ALUCP-suggested sound level reductions without extraordinary design elements or additional costs.

12. In a letter to the City from the Navy (dated March 3, 2017), the Navy indicates that it will be conducting an Environmental Assessment (EA) pursuant to NEPA to evaluate the potential environmental impacts associated with transitioning the C-2A Greyhound aircraft to the newer V-22 Osprey aircraft. The Proposed Project in this case includes the establishment of a Navy Fleet Replacement Squadron to train pilots and crew, a school for maintenance personnel and related construction of new facilities, and renovation of existing facilities at NASNI. This is a contemporary example of a planned modification at NASNI which highlights the ability of the Navy to make important facility changes when needed. The City is currently awaiting the results of the EA to determine if this proposed change would trigger a modification to the NASNI AICUZ.

If the findings of the EA would alter the noise contours or safety zones of the AICUZ, the Navy would update the AICUZ and the ALUCP would be amended to correspond to those changes.

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13. It appears as though the FAA would have to conduct coordination activities with the Navy for ministerial permits within the City. This is unacceptable, lacks legal support, and amounts to preemption of the City's land use authority.

Notice of construction or alteration of structures to the FAA is already required under existing federal law whether or not an ALUCP is adopted and whether or not the permitting agency considers such action ministerial or discretionary. Section 21674.4 of the California Public Utilities Code expressly provides that "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 [*emphasis added*] 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, published by the [Caltrans Aeronautics] division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations, [*emphasis added*] to the extent that the criteria has been incorporated into the [ALUCP]." Consistent with its national security mission working in concert with the use of federally regulated civil airspace, the Navy already possesses the authority to comment on proposed projects through the process of FAA obstruction analysis. The ALUCP incorporates the existing FAA notification requirement to promote its goal of protecting NASNI airspace, and provides that development which would increase ceiling or visibility minimums or conflict with flight rules would not be compatible with airspace protection, unless the NASNI Commander advises otherwise. The ALUCP must include in its plan the framework to protect airspace. In all cases, the ultimate permit authority remains with the local agency regardless of ALUCP guidance and federal law.

Note- the original numbering has been revised to be consecutive to avoid confusion with cross-references to other responses.

Detailed Comments

14. Because it is so critical to the City of Coronado, we would like to verify that the 65 CNEL contour is positioned correctly. This contour is a function of the input data to the computer model outputs. Consequently, with this letter we are requesting a copy of the input/output of the computer model plus any field measurements that were taken.

The geometry of the noise contours in the AICUZ is established by the Navy and is not subject to the purview of the ALUC. Requests for such data must be directed to the Navy.

15. The Clear Zone (CZ), Accident Potential Zone I (APZ), and APZ II encroach on existing land uses and structures in the City. According to Figure 5-3 in the 2011 AICUZ (pages 5-7), the CZ covers an area that is more than 103 acres in size, APZ I covers 344 acres, and APZ II covers 482 acres in size for a combined total of 929 acres or more in size. These encroachment estimates are approximate based on the AICUZ and the handouts provided to date. The full proposed dimensions of these zones as well as the proposed noise contours must be fully quantified and described in the text (in terms of total acreage and number of structures affected) to support the mapping shown in the figures and in the interest of complete public disclosure.

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The AICUZ states the information as cited, and the content of the AICUZ, including the geometry of noise contours and safety zones, is strictly the purview of the Navy.

16. Figure 5-3 on Pages 5-7 of the 2011 NASNI AICUZ includes a note that states “*Aerial depiction is for planning purposes, specific real estate decisions should be confirmed by normal surveying.*” The areas proposed to be included in the ALUCP CZ, APZ I and APZ II should be clearly defined by a professional land surveyor and the numbers above should be confirmed or corrected.

The draft ALUCP depicts zones as provided in the Navy AICUZ. The degree to which ALUCP safety policies are applicable to any property bisected by a safety zone boundary are defined in the draft ALUCP: if the greater half of gross floor area of a proposed building or addition on a property so bisected by a zone boundary is located within the safety zone, the ALUCP standards apply.

17. SDCRAA staff provided an example of how to implement their proposed policies (City to adopt ordinance that requires property owner to enter into an agreement with the Navy). While this may be applicable for a public use airport, it is not applicable for a military airport like NASNI. Requiring an agreement between the airport (Navy) and property owner by the jurisdiction (City) is not appropriate since the City is neither the owner nor the operator of NASNI.

Overflight notification applies only to new residential units, and the recorded overflight agreement is just one example of how this notification may be provided. It is an additional disclosure tool that is only signed by the property owner. Other examples are given in the draft ALUCP, such as a notice at time of building permit on the property or broad civic notice through an overlay zone. A local agency is not bound to use the agreement method of notification and may use the other examples or any other it may propose for ALUC concurrence. The Navy is not involved with overflight agreements or any other method a local agency may implement.

18. The list of “Exemptions from ALUC Review” that is provided on page 3 is not exhaustive nor a complete list and contains only a few examples. This list should be more fully thought out and expanded in the next iteration.

The exemptions from ALUC review table is a complete list, with considerable input from the Working Group.

19. It is not clear why “tenant changes” are considered potentially incompatible with NASNI operations. Tenant changes could result in a reduction in development intensity or density. This is an arbitrary distinction and the reference should be removed or evidence of its relevance provided.

The potential for change from one nonresidential use to one that is shown as red/incompatible in Table 6 would increase the degree of incompatibility within AICUZ safety zones. For example, the replacement of a retail sales use with a commercial day care facility (a red/incompatible use) would place vulnerable occupants within a safety zone. The only tenant changes that are subject to ALUC review are those proposing to change to a red/incompatible use per Table 6.

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20. A change in land use type (e.g., from residential to industrial or commercial) may trigger a conformity review with NASNI operations; however, it is unclear why changes within an existing structural envelope, or addition of a modest amount of square footage or a modest height increase would be automatically incompatible within the CZ or APZ zones. We disagree that an increase in the presumed safety risk would occur based solely on a tenant change.

Please refer to Table 3, exemptions from ALUC review in the draft ALUCP. If the residential addition is less than 50 percent of the habitable space, it is exempt from ALUC review. Changes within an existing structural envelope for residences and nonresidential structures would also be exempt from ALUC review per Table 3. While the AICUZ considers the expansion or intensification of existing nonresidential uses as worsening the degree of already incompatible uses, increases in gross floor area for nonresidential uses would be incompatible with the draft ALUCP per Table 6. Also see response to #6 above addressing tenant changes.

21. The Draft Policies document includes two sets of guidelines: interim guidelines and those that would apply after ALUCP adoption. Clarification should be provided as to who will be subject to the guidelines and who will implement them.

In the draft ALUCP, Tables 4 and 5 outline what the ALUC reviews prior to local agency implementation of the ALUCP. Post local agency implementation of the ALUCP, only the items in Table 4 are reviewed by the ALUC. Local agencies are subject to the ALUCP in either scenario.

22. It appears that the ALUCP process would make some currently “ministerial” permits such as building permits “discretionary.” This is legally questionable and unenforceable. The SDCRAA has no authority to change a ministerial permit to a discretionary permit or to impose conditions or request the City to impose conditions on a ministerial permit.

The ALUC has no authority to issue, reclassify, approve, or deny any local agency permit. But it does have the statutory authority to review ministerial permits which may establish a new use or modify an existing use in order to assure compatibility with the ALUCP. The ALUCP makes recommendations of compatibility for interior sound performance level for certain uses based upon the AICUZ. Ministerial permits are already subject to compliance with standards in order for approval, including State and local design and engineering standards of building code. Additionally, per the Caltrans Airport Land Use Planning Handbook, the ALUC has the right to review ministerial permits per page 4-41, “To the extent that such land use changes require ministerial or discretionary approval on the part of the county or city, they may fall within the authority of the ALUC to review.”

23. The ALUCP policies may be in conflict with other City policies including historic preservation rules and regulations. Implementation of the ALUCP could result in the loss of historic resource status or the loss of potential for historic resource qualification or designations to occur. Historic preservation policies and programs are a key component of retaining community character within the City and the SDCRAA will need to clearly articulate how the ALUC would review historic properties and assure the City that this process would not be jeopardized or otherwise adversely affected by imposition of an ALUCP.

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The ALUCP in no way affects the status of any historic resource or its qualification for designation. Per draft ALUCP policy 5.1.8, Alteration of Historic Resources, the conversion of a historic structure to any red/incompatible use per Table 6 would be inconsistent with the ALUCP. Conversion to a green or yellow use per Table 6 would be consistent with the ALUCP. However, the ALUC has no land use authority to either prevent or allow any use and the local agency always retains land use authority to overrule any ALUC inconsistent determination.

24. The Draft ALUCP should specify that approval of Accessory Dwelling Units (ADUs) are now ministerial under recently enacted State law (effective 1/1/17) and the City does not have the ability to regulate ADUs or apply additional development standards.

The draft ALUCP provides for an increase in density with accessory dwelling units with an interior sound performance level as a condition for any new residential unit, primary or accessory. Also refer to response #22.

25. Post-construction, the City does not regulate existing structures. Further, it is beyond the purview of the City to make a finding that existing legal structures are “non-conforming” if they comply with existing City land use policies, zoning regulations, and development standards.

Please refer to response to #8. There is no requirement for a local agency to make any finding that existing structures are nonconforming.

26. The reference to “project sponsors” is misleading. The correct term should be “project applicant.” The City is neither a project sponsor nor a project applicant.

Project sponsor is the appropriate term to encompass all who pursue land use actions, and that term has been specifically defined in the draft ALUCP, per Table 2.

27. Table 1 on page 5 of the handout creates confusion as it does not reflect existing City land use/zoning designations but instead uses U.S. Department of Transportation (USDOT) land use categories. This will create opportunity for interpretation and confusion.

Table 1 is now Table 6 in the draft ALUCP. In order to be consistent with the AICUZ, the same land use classifications are used in Table 6, with reference to the corresponding Standard Land Use Coding Manual (SLUCM) codes used by the AICUZ. Appendix A, land use classifications definitions further defines and provides examples of uses.

28. The previous comment notwithstanding, according to page 2 of the handout, tenant changes are exempt from review. This is one example of internal inconsistency within the draft materials.

Table 3 in the draft ALUCP does not exempt all tenant changes from ALUC review. It exempts those tenant changes that propose another compatible or conditionally compatible use per Table 6.

29. Section 4.1.2.1 is new and has not been previously discussed by the SDCRAA staff with the Working Group. It is unclear where this information is memorialized and what exactly the process entails. A Special Workshop on “Hazards to Air Navigation” and “FAA Notification Requirements” should be conducted for the Working Group and a second corresponding public

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informational meeting should be held to introduce this information to the public and describe the role of the FAA and the FAA review process to the stakeholders.

Section 4.1.2.1 is an airspace protection policy related to FAA notification that was provided at the March 8, 2017 Working Group meeting. It was presented as Policy A.2 at the September 21, 2016 Working Group meeting and the September 29, 2016 public community meeting ([presentation link](#)), each of which was devoted entirely to the subject of airspace protection, including presentation and discussion of FAA notification requirements. This policy is now referred to as 5.2.1, FAA Notification Requirements in the draft ALUCP.

30. Section 4.1.2.1 is all about process but no timeline is given. Information shared at the last Working Group meeting indicated the process could take up to 16 weeks or longer. This process is arbitrary and capricious and places an undue burden on the City to administer and an unfair burden for applicants wanting to repair, maintain, or improve their private property.

At a previous Working Group meeting, it was stated that the FAA review process can take up to 8 weeks, not 16 weeks. The ALUC has no control over how long the FAA takes to issue a determination. The requirement to obtain FAA review of proposed construction and alteration of structures exists independent of the ALUCP as existing federal law and applies to local agency permitting by state statute as discussed in response to #13. Any issues with that requirement as a regulatory burden would have to be taken up with the FAA. ALUC staff previously provided information to City of Coronado staff about the City of San Diego's self-certification process as an alternative to submitting 7460s for projects that meet specific requirements. If the City chooses to implement its own self-certification process (this can be done independently of ALUCP implementation), most projects would not require FAA review.

31. All forms that are referenced in the handout (e.g., FAA Form 7460-1 and ALUC Application for Consistency Determination) should be included as part of the materials made available for public review for clear understanding of the paperwork burden that would be generated. These materials should be distributed at the upcoming Working Group and Public Meeting. The Draft ALUCP should include sample copies of all forms that would need to be completed by project applicants in a technical appendix for public review to facilitate a comprehensive and complete informational process for the public.

The FAA Form 7460-1 was reviewed in detail at the September 21, 2016 working group meeting and the September 29, 2016, public community meeting. This is not an ALUC form and is subject to change by the FAA, but a hyperlink has been provided in Appendix B of the draft ALUCP to facilitate project sponsor compliance. The ALUC Application for Determination of Consistency is for the use of the local agency to submit land use actions to the ALUC, and a copy of that form will be provided in Appendix B.

32. The discussion on FAA Notification Requirements (Subsection 4.1.2.1) in Airspace Protection Boundary (Section 4.1.2) should clarify that the notice tool on the FAA website provides an extremely high number of false positives and that project applicants are better served by making notification decisions based on the specific requirements in the Federal Aviation Regulations Part 77 (14 CFR 77).

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Project sponsors are required to comply with FAA notification requirements, and the FAA website notice criteria tool is designed to help project sponsors identify if proposed development meets FAA criteria for review based on the location and project attributes. FAA review includes assessing whether proposed development siting may interfere with the signal reception integrity of navigational aids in the vicinity of the project, and that usually accounts for the high volume of projects which the FAA website tool deems subject to FAA review. Also, please refer to response #30.

33. The subsection on Conditionally Compatible Obstructions (Subsection 4.1.2.3) also in Airspace Protection Boundary implies incorrectly that the FAA's regulatory review under 14 CFR 77 would examine whether or not a construction proposal would affect NASNI operational efficiency and capacity. The regulation relates to height and safety issues for the navigable airspace, rather than for the airfield's operational integrity. This should be clarified.

This statement has been revised to rely solely on FAA determinations as issued without reference to the fact that NASNI may provide input to the FAA process and makes comments to the FAA as it deems necessary to protect its operations, as discussed in response to #13. Section 4.1.2.3 is now Policy 5.2.3, Conditionally Compatible Obstructions, in the draft ALUCP.

34. The document states under Section 4.1.3 that there are alternative acceptable methods of providing overflight notification that the ALUC may approve; these should be fully enumerated in the next iteration of materials. The examples shown in Section 4.1.3 are inappropriate and impractical. Real estate disclosures are already in place and other options would place an unnecessary burden on the City.

The ALUCP lists numerous methods of providing overflight notification (beyond an overflight agreement), many of which have been exercised by other local agencies. As stated in the ALUCP, the intention is to allow local agencies flexibility to devise other means, with ALUC concurrence, if they believe the same purpose could be fulfilled by some other means not listed in the ALUCP. Disclosure of airport proximity in real estate transactions is not the same as overflight notification, as the former applies to sellers and lessors of property, not local agencies. The Caltrans Handbook applies the requirement for overflight notification to local agencies to ensure new residential units are adequately advised about aircraft overflight and its effects. ALUCs are to be guided by the Caltrans Handbook when developing ALUCPs per the Public Utilities Code.

35. Section 4.2 describes a process that would inappropriately delegate local land use permit review and issuance authority to the FAA and the Navy and impose a significant procedural and substantive burden on the City.

Please refer to Table 3, Exemptions from ALUC Review (projects outside noise & safety zones within airport influence area) in the draft ALUCP. As stated in responses to #13 and 30, a local agency has statutory responsibility to abide by existing federal law with respect to federally regulated airspace in its permitting capacity. Any issues with this burden to a local agency would need to be taken up with federal and state authorities. Policy 5.1.7.2, Amendments that would Increase Allowable Building Heights, and Section 5.2.4 in the draft ALUCP replace Section 4.2 provided at the March 8, 2017 Working Group meeting.

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36. Sections 4.1.1 and 4.2 refer to an Appendix; however, the Appendix was not provided for review and comment and should be included with the next iteration.

Appendices are now included with the draft ALUCP.

37. Under Section 5.1 of the handout, it is not clear if additional residential square footage would be perceived as a “change in density” and how this scenario would be evaluated by the ALUC staff. It should be clarified that it is not considered a change in density.

Adding square footage to an existing residence is not considered to be a “change in density.” An increase in residential density means an increase in the total number of dwelling units (not including accessory dwelling units). Table 3, Exemptions from ALUC Review, includes clarification that additions to residences that are less than 50 percent of the habitable area are exempt from ALUC review.

38. Exhibit 2 uses City land use zoning designations but other information relies on USDOT land use classifications creating confusion for the public and lack of internal consistency.

The intent of the exhibit was to memorialize zoning in place at time of ALUCP adoption. Exhibit 3 in the draft ALUCP has been modified to reflect existing use categories and the zoning density limitations rather than actual Coronado zoning.

39. Figure 1 on (page 17, not numbered) should be revised to state “Project Applicant” rather than “Project Sponsor.”

No, see response to #26.

40. Figure 1 should be revised to clarify if the ALUC box on the process flowchart refers to ALUC staff level review or full ALU Commission review. The Figure should also clearly state what type of project, criteria, thresholds, and findings would trigger an ALUC staff level review versus a full ALU Commission review.

The figures have been merged into a single flow chart. See Exhibit 2: ALUCP Consistency Determination Process in the draft ALUCP.

41. Figure 2 (possibly on page 18) should be modified to include overall approximate worst case (or regulatory maximum) timelines for the various processes and paths from start to finish to assist in understanding those processes and for purposes of setting public expectations.

See Exhibit 2: ALUCP Consistency Determination Process in the draft ALUCP. Also see response #30.

42. Figure 2 should be revised to also include the “overrule” process that was discussed as an option for the City.

The merged figure in the draft ALUCP includes the overrule process, see Exhibit 2: ALUCP Consistency Determination Process.

43. The lack of consistency in formal terms in the handout (i.e., remodel, repair, alter, modify, and reconstruct) creates significant confusion and room for interpretation. The Draft ALUCP will need to include a chapter on definitions if defined terms are to be used in the document.

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Text boxes defining terms have been added to the draft ALUCP. Also refer to Appendix D.

44. The ALUCP should clarify that roof top solar (USDOT category 47, 48) is an allowed/compatible/consistent structure.

Utilities such as roof top solar would be exempt from ALUC review per Table 3 in the draft ALUCP because it would be an unoccupied residential accessory structure.

45. Under the “Trade” Category 50 (USDOT) the land use names need to be separated out.

All trade categories have the same conditions per the AICUZ and so do not need to be separated and duplicated. Appendix A defines examples within this category.

46. Detailed information regarding parcels split by a noise contour line is provided in the handout. The same level of detail should be provided for lots split by the safety contours.

As the title of the section indicates, more than one noise contour on a property is treated in the same manner as multiple safety zones on a property, so there is no need for more detail.

47. Rather than split any parcels, the contours should follow existing streets and parcel lines such that no split parcel conditions are created by the ALUCP. The models are not so advanced or scientific such that any split lots should be created by overlaying graphics of noise or safety contours.

As stated in response #7 and 14, the ALUC has no authority to alter the geometry of the noise contours or safety zones as specified by the AICUZ in order to follow parcel, street, or any other boundaries.

48. Due to the small size of most lots, if the entire lot is not within a noise or safety contour, the proposed rules should not apply.

If a property is impacted in any way by a noise contour or safety zone, it is reasonable to apply the applicable noise or safety standards only if the greater portion of a proposed building is sited within those contours or zones. To exclude the applicability of standards to properties not wholly within contours or zones effectively alters the boundary of the contour or zone, and, as has been stated in responses #7, 14, and 47, the ALUC has no authority to alter AICUZ contours and zones.

49. The figures on page 7 of the handout are unclear and should be clarified in the next iteration of materials provided for review and comment.

These figures have been modified to increase font size to be more legible.

50. The City disagrees with the statement contained in paragraph 3 on page 4 under Section 4.1.1 which reads “Because expansion of non-residential uses would increase the level of existing incompatibility, floor area increases of non-residential structures are not compatible within the CZ or APZ I or II.

As stated in response to #20, any expansion of gross floor area for a non-residential building increases the potential occupant intensity, placing more people in a safety zone than already exists, and thus worsens the degree of incompatibility per the AICUZ.

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51. It is unclear why Floor Area Ratio (FAR) is a relevant criteria or threshold for compatibility as indicated in Table 3 in the handout. This needs to be substantiated.

There was no Table 3 in the handout.

52. We disagree that Commercial land uses should be subject to a different standard for compatibility review when compared to residential land uses.

Under the AICUZ and Caltrans Handbook guidance, residential density is measured in dwelling units per acre, and nonresidential intensity is measured in gross floor area. The addition of square footage to a dwelling unit does not change it from being a dwelling unit, but the addition of square footage to a nonresidential use increases the capacity of the building to accommodate more people and thus worsens the degree of incompatibility per the AICUZ (see responses #20 and 50).

53. If ALUC has a review right, they also have veto power or the ability to deny a project. This should be clarified in the interest of full public disclosure.

As stated in response #22, the ALUC has no land use authority and cannot approve, deny, or exercise veto power over any project. The local agency retains permitting authority regardless of ALUCP recommendations of consistency, including the ability to overrule any ALUC determination of inconsistency.

54. The term “incompatible” should be included as a defined term in the Draft ALUCP. It should clarify if the incompatibility is related to safety, noise, both, or other criteria. The document should also clarify the distinction between “incompatible” and “inconsistent.”

These terms will be defined in Appendix D.

55. The draft document uses the terms “existing uses” and “existing structures” interchangeably. The two terms are not interchangeable. Existing uses relate to the underlying land use designation or category (i.e., residential, commercial, etc.). Existing structures refer specifically to the physical structures in the built environment such as a single family home, resort, restaurant, etc. This should be clarified in the document so that use of appropriate nomenclature is internally consistent.

This distinction is correct. The terms are not used interchangeably in the draft ALUCP, nor are they intended to be. Each use of either term accurately reflects its intended meaning in each instance used in the document.

Note- the original numbering has been revised to be consecutive to avoid confusion with cross-references to other responses.

Detailed Questions

56. Why isn't the U.S. Navy listed as a Stakeholder on page 1 since the NASNI AICUZ is the subject of the ALUCP and the NASNI Commander is proposed to be fully involved with FAA coordination for what appears to be almost every project?

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In acknowledgement of its AICUZ as the basis for the ALUCP and its interest in airspace protection, the Navy has been added as a stakeholder to Table 2.

57. The AICUZ was developed in 2010 (seven years ago) and, based upon the previous observations, the estimates of future noise levels may no longer be accurate and valid. Before the ALUCP is finalized, the noise estimates used to develop the 65 dB contour should be updated using the Aviation Environmental Design Tool (AEDT) which has incorporated the best available science and is a more accurate noise model than the FAA's Integrated Noise Model (INM), and presumably any other noise models available seven years ago. The modeling should reflect current knowledge about estimated prospective future operations at NAS North Island. The modeling should include changed information (since 2010 information was the basis of the AICUZ) about the number of aircraft operations, the type of operation, aircraft fleet mix, flight path/procedures, and day/evening/night mix of operations that would also affect the CNEL noise contours. Without this update, the 65 dB CNEL contour planning area covered by the ALUCP would be out of date and boundaries would not be accurate and valid.

As stated in responses #7, 14, 47, and 48, the ALUCP must be consistent with the noise contours and safety zones as provided in the AICUZ, and the ALUC has no authority to modify them.

58. As indicated in the draft ALUCP materials, the location of the 65 dB CNEL contour line is critical in determining whether noise policies and standards apply to a project. The reliance on the accuracy of the 65 dB CNEL contour is immediately obvious in the example provided in Section 4.1.1 (Noise and Safety Compatibility) of slight shifts in the 65 dB CNEL contour. Slight shifts of the contour line determine whether noise policies and standards would apply to a new or reconstructed building. It is critical that these lines be drawn using the most accurate information. The update of the 65 dB CNEL contour needs to be undertaken in the near term before the ALUCP is finalized.

See responses to #7, 14, 47, 48, and 57.

59. The analysis of total operations should also consider Civilian Aircraft and other cumulative noise generators. Table 3-1 included air carrier and general aviation operations, but these operations are for NASNI and are not included in Table A-3. What were the assumptions for the civilian aircraft in determining the NASNI 65 dB CNEL contours in the 2011 AICUZ? Have those projections been verified recently? Those aircraft operations should be updated in the anticipated update of the 65 dB CNEL projections based on the Navy's planned aircraft transition (C2-A to the V-22).

This comment relates to the development of the AICUZ by the Navy, in which the ALUC is not involved.

60. What are the criteria that would be used by the NASNI Commander in his/her proposed review capacity and what findings would need to be made? This process needs to be outlined in detail.

See Policy 5.2.4.1, Incompatible Obstructions, in the draft ALUCP. The Commanding Officer would use the following criteria:

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- a) An increase in the ceiling or visibility minimums for an existing or planned instrument procedure, airway, route, minimum vectoring altitude
- b) Conflict with instrument or visual flight rules airspace

61. Why would the City agree to transfer the burden from the Navy to the property owners for noise attenuation or mitigation for existing structures when it is not the presence of the existing structures that is creating the issue but rather the effect of changing NASNI operations as outlined in the AICUZ (and potentially an ALUCP)?

As stated in response #1 and 6, existing structures which remain unchanged are not subject to the ALUCP. Only new development would possibly be subject to interior sound performance level conditions. Public Utilities Code (PUC) Section 21675(b) states that, "The airport land use compatibility plan shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport." To be consistent with the PUC and AICUZ, the ALUCP must require interior sound performance level standards.

62. How were the safety and noise contours developed? Are they based on flights using the loudest or maximum mission aircraft? The methodologies used and assumptions employed should be fully explained. A complete list of the aircraft, including airplanes and helicopters, that were used as the basis of the safety and noise modeling should also be provided for reference.

As stated in responses to #9, 12, 14, 15, 16, 57, and 59, the AICUZ is the sole purview of the Navy, in which the ALUC is not involved.

63. It is not clear on page 2 if a complete teardown and rebuild in place within the existing/previous height and square footage or floor area would be approved by the ALUC or ALUC staff.

The ALUCP provides that most reconstruction, because it is an entirely new structure being built in the presence of known noise exposure, should provide an interior sound performance level for the benefit of the occupants of the new structure. However, reconstruction of less than 50 percent of the habitable space of the existing residence would be exempt from ALUC review per Table 3 in the draft ALUCP. Also, as stated in response #22 and 53, the ALUC and its staff do not possess land use authority to "approve" or "deny" any permit; that authority remains with the local agency.

64. What is the extent of the review of the ALUC and what are the "findings" that need to be made? This must be enumerated in full.

ALUC review is an advisory recommendation of consistency with the applicable ALUCP to the permitting local agency. The findings of consistency relate to each of the four compatibility factors of noise, safety, airspace protection, and overflight. If a land use plan, regulation, or project is compatible with each of those factors, the ALUC will find the land use action consistent with the ALUCP. If the land use plan, regulation, or project is incompatible with one or more of the factors, the ALUC will find the land use action inconsistent with the ALUCP. The ALUC's finding does not prevent or allow any land use action, rather it is the local agency that

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can either allow or prohibit a land use action. Please refer to Section 4 in the draft ALUCP for more details.

65. Why are “tenant changes” to existing structures included in Table 1? This distinction is arbitrary and no rationale is provided or indication of why this would be an issue if a tenant change did not result in a land use change.

See response #19.

66. A non-compatibility conclusion following the resumption of a discontinued use after 24-months is arbitrary. What is the basis or justification of establishing a time limit? Why not 60 months or 72 months? No evidence or rationale is provided for establishing a time limit whatsoever.

Twenty Four (24) months is a reasonable standard that is consistent with ALUCPs adopted by the ALUC as well as other local agencies in the region.

67. What if a commercial use changes and the business has been operational the entire time but a previous use returns (e.g., restaurant to shopping to restaurant again)? This scenario needs to be described and evaluated.

Per Table 3, Exemptions from ALUC Review, as long as a use changes to a compatible or conditionally compatible (green or yellow) use per Table 6, such changes are exempt from ALUC review. Only changes to an incompatible (red) use require ALUC review.

68. How would parcels that are split by the CZ, or APZ I or APZ II or noise contours be affected or reviewed by the ALUC? As indicated previously, only under a condition where the entire parcel is affected should the ALUCP policies apply. Given the generally small lot sizes in the City, most property owners would not have the ability to move the structure to a different location, beyond the contour, on the same site. Because there are so few “split parcels” in the City, if the parcel is only partially covered it should not be affected by the ALUCP noise or safety regulations.

See responses to #16, 47, and 48.

69. What is required to be submitted in order for an application to be “deemed complete” for processing by ALUC staff? This should be enumerated as a follow up to Figure 2.

All information required for an Application for Determination of Consistency to be deemed complete is in Appendix B.

70. Can the ALUC deem applications complete for processing (e.g., filed) if the Federal Aviation Administration (FAA) is non-responsive on a project review for a hazard determination? Is there a time limit where non-response is deemed concurrence?

The ALUC has no authority over airspace and thus has no independent ability to assess whether or not a project is a hazard to air navigation. Only the FAA can do that, and without that documentation, ALUC staff cannot deem an Application for Determination of Consistency complete. However, as discussed in response #32, in lieu of an FAA determination, a project

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sponsor may attest through self-certification that no notice is required to the FAA, and ALUC staff would accept that in place of an FAA determination.

71. Are the ALUCP, and any City action on the ALUCP, subject to review and concurrence by the California Coastal Commission?

Because the ALUC has no land use permitting authority, the ALUCP is not a “development” as defined by the Coastal Act and its adoption and administration by the ALUC is not subject to Coastal Commission review.

72. Where does the California Coastal Commission (CCC) fit into this ALUCP process and what is their role? Did they conduct a Federal Consistency Determination for the NASNI AICUZ in 2011 or 2012? Have they been invited to participate as a key stakeholder in the current ALUCP process?

The Coastal Commission has no role in the process of adopting or administering an ALUCP since it is not a regulatory document and determinations of consistency are advisory recommendations that do not constitute “development” as defined by the Coastal Act. For the same reason, consistency determinations are not projects as defined by CEQA. Since the preparation of an ALUCP is not within the regulatory purview of the Coastal Commission, it is not a stakeholder and has not been invited to participate in the ALUCP process. Any questions about the AICUZ should be directed to the Navy.

73. The CCC has the authority to appeal and/or modify projects that are located within the appealable area (as defined by the Coastal Act) in the City as well as projects within CCC original jurisdiction. Would an applicant be required to start over with the FAA and ALUC if a project approved by the City and the ALUC were to be modified by the CCC? This scenario analysis should be prepared and described by the SDCRAA.

The draft ALUCP has always provided, per current ALUC practice, that any consistency determination does not expire and is transferable to a modified project with prior consistency determination so long as the project does not increase residential density, does not increase the nonresidential gross floor area, does not change or add a land use that is incompatible with the ALUCP, does not increase height such that it would be deemed a hazard by the FAA, and does not add any characteristic that would add a hazard to airspace (e.g., glare, thermal plumes, bird attractants) per the airport operator. Should any of these changes occur, a new application for determination of consistency would need to be submitted, regardless of whether these modifications were made in response to City or Coastal Commission conditioning or simply changes of choice made by the project sponsor.

74. How are “bird attractants” defined on page 9 of the handout? Examples should be provided for reference and clarification.

See Policy 5.2.4.6, Bird Attractants, in the draft ALUCP.

75. If “reconstruction” of existing uses is exempt from ALUC review per Section 3 of the handout, why is “reconstruction” in the name of the title of Table 1 (stand-alone 11x17 compatibility standards table)? This is another example of an internal inconsistency in the

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materials. However, since it has not been perfected it appears that ALUCP policies and contents are variable and there is substantial discretion inherent in the process of developing an ALUCP. While the creation of the ALUCP is indeed an iterative and collaborative public planning process, the word "reconstruction" has never previously appeared in the table of exemptions. The newest draft however provides that reconstruction of less than 50 percent of the habitable space of the existing residence is exempt from ALUC review. By default, reconstruction greater than that standard would be conditionally compatible, subject to interior sound performance level.

76. Is "reconstruction" the same as repair, maintenance and/or remodeling, alteration, modification? Each of these terms needs to be clearly defined.

Reconstruction is not the same as repair, maintenance or remodeling within the existing footprint. It is defined in the draft ALUCP.

77. What is the nexus between tenant changes and changes to safety risks if they involve no change to height or SF or a reduction in development? This should be clarified in the Draft ALUCP as it seems that tenant changes would be denied by the ALUC but the standards for determining this as well as findings that would have to be made are not specified.

See responses #19 and 20.

78. Clarification for the tables in Sections 4.1 and 6.2 needs to be provided and shown how it is consistent with the State Law, which limits ALUC review to amendments of general or specific plans, and for the adoption or approval of a zoning ordinance or building regulation. It should also be clarified that the City adopting the newest iteration of the California Building Code (which comes out from the State of California every three years) is exempt from ALUC review, all General Plan Amendments or zoning code changes would be subject to review by the ALUC if the ALUCP were to be in effect? This scenario needs to be fully explained and evaluated.

Please refer to Tables 4 and 5 in the draft ALUCP. These two tables correctly summarize plans and regulations subject to ALUC review under State law. A footnote to the corresponding statute has been added to clarify that the standard for review of building regulations includes those which are local and pertain to the ALUCP, beyond the State Building Code. The other legislative actions remain subject by statute to ALUC review at all times.

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S. #40

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*Making Conservation
a California Way of Life.*

August 30, 2017

Ms. C. April Boling, Chair
Airport Land Use Commission
San Diego County Regional Airport Authority
P.O. Box 82776
San Diego, CA 92138-2776

Dear Ms. Boling and Members of the Commission:

One of the goals of the California Department of Transportation (Caltrans), Division of Aeronautics (Division), is to assist cities, counties, and Airport Land Use Commissions (ALUC) in the development and implementation of policies that protect the safety and general welfare of their communities in which aeronautical activities take place. We encourage collaboration with our partners in the planning process and appreciate opportunities to fulfill this goal.

It has come to the attention of the Division that the city of Coronado (City) has taken the position that the development and adoption of an Airport Land Use Compatibility Plan (ALUCP) for the Naval Air Station North Island (NASNI) is neither warranted nor required. This is based on the City's letter of August 21, 2017, and its attachments, which the Division has reviewed. The Division does not concur with the City's position, and the authority cited in the August 21, 2017, letter violates the State Aeronautics Act. While not controlling, the construction of a statute by the agency charged with its enforcement and interpretation is entitled to great weight, and courts generally will not depart from such an interpretation unless it is clearly erroneous. (*Whitcomb Hotel, Inc. v. California Employment Com.*, (1944) 24 Cal.2d 753, 756-57; *Anderson v. State Bd. of Chiropractic Examiners* (1970) 11 Cal.App.3d 963, 967.)

First, we would like to point out that **an ALUCP for NASNI is statutorily mandated**. This mandate is in accordance with the California Public Utilities Code (PUC) sections 21675 (a) and (b), which specifically require that each ALUC shall formulate an ALUCP for each public airport and the area surrounding the airport within the jurisdiction of the ALUC, including areas surrounding any military airport regardless of whether the City is "built-out." The California Airport Land Use Planning Handbook (Handbook) pages 2-1 and 2-3 state:

Public Utilities Code (PUC), Section 21675(a) requires preparation of an airport land use compatibility plan (ALUCP) for each public use airport in the state. This requirement applies regardless of whether a county chooses to establish and maintain an airport land use commission (ALUC) or to utilize one of the other authorized formation types for airport land use compatibility planning.

Military Airports—Commissions shall include the area surrounding any federal military airport in their ALUCP. The ALUCP shall be consistent with the safety and noise standards in the military's Air Installation Compatible Use Zone (AICUZ) plan (PUC Section 21675(b)). (See also *Muzzy Ranch Co. v. Solano County ALUC* (2008) 164 Cal.App.4th 1: [finding that compatibility plan could be more restrictive than the AICUZ and still be consistent with the AICUZ].)

ALUCs are required to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports **to the extent that these areas are not already devoted to incompatible uses.** An area already "built out" devoted to incompatible uses does not relieve the ALUC from its legislatively mandated powers and duties, which also include the preparation and adoption of an ALUCP. ALUCs apply these mandates for areas such as Coronado, which consider all their affected parcels to have been already entirely developed and occupied by existing structures and constitute incompatible uses according to the current Air Installation Compatible Use Zones for NASNI. Please see the following excerpt from the Handbook on page 4-41:

The limitation on ALUC authority over existing land uses applies only to the extent that the use remains constant. Merely because a land use exists on a property does not entitle the owner to expand the use, convert it to a different use, or otherwise redevelop the property if new or increased compatibility conflicts would result. To the extent that such land use changes require ministerial or discretionary approval on the part of the county or city, they fall within the authority of the ALUC to review.

An ALUCP for the NASNI is a mandated requirement, which the ALUC is authorized and required to develop pursuant to the California State Aeronautics Act.

Secondly, all actions, regulations, and permits, within the vicinity of the NASNI shall be submitted to the ALUC for review and approval until there is an adopted ALUCP. This is in accordance with the PUC section 21675.1 (b) which states:

Until a commission adopts an airport land use compatibility plan, a city or county shall first submit all actions, regulations, and permits within the vicinity of a public airport to the commission for review and approval. Before the commission approves or disapproves any actions, regulations, or permits, the commission shall give public notice in the same manner as the city or county is required to give for those actions, regulations, or permits. As used in this section, "vicinity" means land that will be included or reasonably could be included within the airport land use compatibility plan. If the commission has not designated an airport influence area for the airport land use compatibility plan, then "vicinity" means land within two miles of the boundary of a public airport.

Ms. C. April Boling
August 30, 2017
Page 3

Based on the above, the Division requests that an ALUCP be prepared and adopted for the NASNI in compliance with the State Aeronautics Act and the Handbook.

If you have questions, please contact me at (916) 654-7075 or by email at ron.bolyard@dot.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Ron Bolyard".

RON BOLYARD, Chief
Office of Aviation Planning

City of Coronado Suggested Modifications to the Draft NASNI ALUCP ¹			ALUC Staff Analysis & Response to Request	Cross-Reference to ALUC Presentation
Request	Basis / Rationale / Justification	Why it is important		
<p>1. Recognize that existing General Plan land uses and Zoning designations are the existing uses. Changes to the land use designation or zoning classification could increase land use incompatibilities per the ALUCP.</p> <p>Physical changes to existing structures do not increase incompatibility provided they are consistent with the current development standards of the GP and zoning ordinance.</p>	<p>A change to a "structure" must be distinguished from a change in "land use". There is no demonstrated nexus between a few more SF or a few more feet in height and an increase in "land use incompatibility".</p> <p>The ALUCP is correctly focused on land use compatibility and the policies must reflect this approach.</p> <p>For purposes of this ALUCP, "intensification" means increase in residential density, gross floor area or height beyond what is allowed under the existing General Plan land use designation or zoning.</p>	<p>Meets the intent of the ALUCP as it allows buildout in City consistent with existing GP and Zoning. Net effect is minimal since City is built out. If the "land use" itself does not change, then the on the ground situation is not made incompatible. Could be a regulatory taking if a property owner cannot build what is allowed by right under existing GP land use and zoning designations "but for" the ALUCP.</p>	<p>Request is problematic because PUC Section 21674.7 specifically states that "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 such, incompatibility is properly based on the structure and the uses in the structure.</p> <p>In addition,</p> <ol style="list-style-type: none"> 1. Recognizing existing General Plan (GP) land uses and zoning designations would conflict with the AICUZ and PUC. Page 7-3 of the AICUZ states that ALUCs should "not take actions that would make an existing land use compatibility (or incompatibility) situation worse". PUC Section 21675(b) states that the ALUCP shall be consistent with the safety and noise standards in the AICUZ for NASNI. 2. Existing GP land uses and zoning designations cannot be recognized as existing uses because they would permit incompatible uses (red uses in Table 6 of the Draft ALUCP). 3. Any change to existing structures could result in an increase in incompatibility regardless of its consistency with current GP/zoning. 4. The limitation on ALUC authority over existing land uses applies only to the extent that the use remains constant. Merely because a land use exists on a property does not entitle the owner to expand the use, convert it to a different use, or 	<p>Policy Item #3</p>

City of Coronado Suggested Modifications to the Draft NASNI ALUCP ¹			ALUC Staff Analysis & Response to Request	Cross-Reference to ALUC Presentation
Request	Basis / Rationale / Justification	Why it is important		
			<p>otherwise redevelop the property if new or increased compatibility conflicts would result. To the extent that such land use changes require ministerial or discretionary approval on the part of the county or city, they fall within the authority of the ALUC to review. (page 4-41 of the Caltrans <i>Handbook</i>)</p> <p>Existing land use, as defined in 15 adopted ALUCPs, is as follows:</p> <p>A land use is considered existing if a vested right is obtained in any of the following ways:</p> <ul style="list-style-type: none"> • Issuance of a valid building permit or other development permit with substantial work performed and substantial liabilities incurred in good faith reliance on the permit • An executed and valid development agreement • An approved and unexpired vesting tentative map <p>The consistency of an existing land use with the governing local agency's General Plan (GP) and zoning does not automatically ensure that it will be compatible with the ALUCP, and the AICUZ noise and safety standards with which the ALUCP must be consistent, should changes be proposed to that use.</p> <p>However, due to input from the Working Group, the draft NASNI ALUCP includes the following as existing uses/exemptions from ALUC review:</p> <ul style="list-style-type: none"> • Alterations to existing residential uses • Alterations to existing nonresidential uses • Projects outside noise and safety zones w/in AIA 	

City of Coronado Suggested Modifications to the Draft NASNI ALUCP ¹			ALUC Staff Analysis & Response to Request	Cross-Reference to ALUC Presentation
Request	Basis / Rationale / Justification	Why it is important		
			<ul style="list-style-type: none"> • Unoccupied accessory structures • Temporary uses and activities • Resumption of a discontinued use 	
2. Support allowance for single family residential infill consistent with ALUCP approach for multi-family residential land uses. 50% threshold for "conditionally compliant" is arbitrary and not meaningful.	50% threshold not applicable if the land use does not change. Noise attenuation for only a portion of the structure is not going to be effective and therefore is infeasible.	Does not conflict with the intent of the ALUCP which is to avoid increasing land use incompatibilities.	The draft ALUCP already allows new single-family residences on an existing legal lot of record. However, if legal lots don't exist prior to ALUCP adoption, any further subdivision of land would increase the degree of existing incompatibility and would therefore be contrary to the AICUZ which states that ALUCs should "not take actions that would make an existing land use compatibility (or incompatibility) situation worse" and PUC Section 21675(b) states that the ALUCP shall be consistent with the safety and noise standards in the AICUZ for NASNI. The 50% threshold was created as a reasonable response to input from the Working Group to exempt small-scale additions or expansions.	Policy Items #1 & #2
3. Do not split parcels that are only partially affected by noise or safety overlays.	The Caltrans Airport Land Use Planning Handbook stipulates (Page 3-41): The location of airport-related impacts is mostly determined by the location of runways, flight routes, and other aviation-related factors, not geographic features of the airport environs. While defining compatibility zone boundaries based strictly on the impacts provides the closest relationship to those impacts, the resulting maps are not as easy for local	The <i>Caltrans Airport Land Use Planning Handbook</i> clearly allows accommodation of this request (see specific citation in the adjacent column) and the SDCRAA does not explain the basis of their desire to split parcel lines.	This request is problematic, because it is inconsistent with PUC Section 21675(b), which states that the ALUCP must be consistent with the noise and safety standards of the AICUZ. The AICUZ establishes the geometry of noise contours and safety zones and the applicable standards of compatibility that must be included in the ALUCP. However, the draft NASNI ALUCP does include a policy to address parcels that are partially split by a noise and/or safety zone. This allows a project sponsor flexibility to design a project to be exempt from ALUCP standards (i.e., locate the building more than 50% outside the noise or safety zone).	Policy Item #5

City of Coronado Suggested Modifications to the Draft NASNI ALUCP ¹			ALUC Staff Analysis & Response to Request	Cross-Reference to ALUC Presentation
Request	Basis / Rationale / Justification	Why it is important		
	planners to use. The alternative is to adjust the zone boundaries to follow geographic features, existing land use development, and other local land use characteristics. By so doing, situations where a compatibility zone boundary splits a parcel can be minimized. Adjustment of boundary lines is generally more practical in urban areas, because they offer more choices of roads, parcel lines, and other geographic features, than in rural locations where these features are more widely spaced....			
4. Acknowledge that adding SF or a second floor (e.g., 10 feet) does not increase incompatibility provided the land use remains the same.	It is anticipated in Coronado that most projects that are subject to ALUC review will be shielded by existing structures of similar height due to the existing built-out development pattern and the City's strict height limits.	So that property owners can take advantage of their full property rights by developing their property as most of their neighbors have, in conformance with the existing zoning standards.	This request is problematic. There is a nexus between a few more square feet or a few more feet in height and an increase in land use incompatibility, because an existing structure may not currently meet ALCUZ noise standards and adding more square footage could increase the degree of incompatibility for noise and safety (via increased intensity). Moreover, additional height may increase incapability with the ALUCP and must be checked against the FAA's Notice Criteria Tool to determine if FAA review is required.	Policy Item #4
5. Acknowledge that new construction (and partial and full remodels) built to California Uniform Building Code standards is self-	New construction standards result in a 25dBA decibel reduction over the existing/ambient noise setting (e.g., results in an	Additional noise attenuation beyond construction to current building code would be ineffective given that	This request is problematic. The California Uniform Building Code (Title 24) does not address sound attenuation for single-family and it minimally addresses it for multi-family. Additionally, residences in higher noise contours would require more	-----

City of Coronado Suggested Modifications to the Draft NASNI ALUCP ¹			ALUC Staff Analysis & Response to Request	Cross-Reference to ALUC Presentation
Request	Basis / Rationale / Justification	Why it is important		
mitigating for interior noise attenuation and nothing additional is required for construction in the noise zone.	interior noise level of 45dBA).	residents keep windows open given proximity to the beach and lack of air conditioning.	<p>insulation treatment to meet the interior standard of 45 dB CNEL.</p> <p>The Building Code/Title 24 is updated frequently and cannot be relied upon as a method for ensuring proper sound attenuation.</p>	
6. Recognize that the City has no authority over ministerial actions/ approvals and that any ALUCP policies aimed at compelling City to regulate ministerial activities is wholly unenforceable.	State law pre-empts the City's ability to regulate any/all types of ministerial actions including addition of conditions of approval which the ALUCP is attempting to imply that the City could impose if it chose too.	Avoid creation of unenforceable burden.	<p>The draft ALUCP does not compel the City to regulate ministerial activities as if they were discretionary actions. The City's General Plan Noise Element recommends the adoption of a noise ordinance, but one has not been adopted. If one existed, ministerial approvals would be determined to conform to the noise ordinance, just like setbacks, height limits, etc.</p> <p>The limitation on ALUC authority over existing land uses applies only to the extent that the use remains constant. Merely because a land use exists on a property does not entitle the owner to expand the use, convert it to a different use, or otherwise redevelop the property if new or increased compatibility conflicts would result. To the extent that such land use changes require ministerial or discretionary approval on the part of the county or city, they fall within the authority of the ALUC to review. (page 4-41 of the Caltrans Handbook)</p> <p>To address the concern that the ALUCP will cause ministerial permits to become discretionary in nature, especially if they are required to enforce 'conditions' related to noise, the draft ALUCP will be reworded to reference noise 'standards' (instead of 'conditions'). The inclusion of a "noise standard" is similar to standards that are now required by the City of Coronado in the issuance of ministerial permits.</p>	-----

City of Coronado Suggested Modifications to the Draft NASNI ALUCP ¹			ALUC Staff Analysis & Response to Request	Cross-Reference to ALUC Presentation
Request	Basis / Rationale / Justification	Why it is important		
			<p>Also, the draft ALUCP will be amended to allow submitted projects to the ALUC that include a licensed Architect's note certifying adequate interior sound level reduction to be found 'consistent' with the ALUCP (as opposed to 'conditionally consistent').</p> <p>Finally, the draft ALUCP will be amended to allow the existing statewide real estate disclosure process to meet overflight notification requirements, thus avoiding additional permitting burdens for development projects.</p>	
<p>7. Understand that Override remains an option but considered a last resort and not necessary if City's ALUCP revisions are implemented.</p>	<p>All options are on the table; City goal remains development of a workable ALUCP that can be supported locally given existing conditions.</p>	<p>Override process results in potential liability for the City, increased workload for SDCRAA/ALUC staff, and a waste of public funds.</p>	<p>ALUC staff's intention has not been for overrule to be the City's only option and has worked with the Working Group to develop a draft ALUCP that meets the intent of the AICUZ and PUC. ALUC staff has incorporated the City's suggested edits when appropriate. However, some of the suggested ALUCP revisions are inconsistent with PUC Section 21675(b) and would potentially expose SDCRAA to legal liability.</p> <p>To acknowledge that some components of the Plan might be easier for the City of Coronado to more quickly implement (thus reducing the amount of projects needing ALUC review), the draft ALUCP will be revised to recognize the possibility of partial implementation of ALUCP components.</p>	<p>-----</p>

City of Coronado Suggested Modifications to the Draft NASNI ALUCP ¹			ALUC Staff Analysis & Response to Request	Cross-Reference to ALUC Presentation
Request	Basis / Rationale / Justification	Why it is important		
8. Acknowledge that existing development can be repaired, maintained and redeveloped consistent with existing GP and zoning development standards.	The ALUCP should remain focused on avoiding increases in incompatibilities. An incremental increase in SF or height to an existing structure is not the same as a change in use.	Avoids a regulatory taking.	<p>Existing development can be repaired and maintained and is recognized in the draft ALUCP as exempt from ALUC review. However, redevelopment consistent with existing GP and zoning is problematic, because it would potentially increase the degree of existing incompatibility by permitting incompatible uses, intensification of existing uses, and structures without adequate sound attenuation.</p> <p>The adoption of an ALUCP does not constitute a government “taking” of private property (see <i>Dryden Oaks, LLC et al. v. San Diego County Regional Airport Authority et al.</i>, Court of Appeal No. D069161).</p>	Policy Item #3
9. Include a provision in the ALUCP that states that if structure is below the existing allowable height limit, the structure can be increased in height to that allowed by the zoning standard and that if it is generally shielded by surrounding development that is the same height or taller it does not create a navigational or airspace hazard.	From a practical standpoint, the reality is that the land area within the noise and CZ, APZ I, and APZ II zones have been fully built out for many decades including remodels that have increased SF and height up to those allowed by the City's development standards. Much of this redevelopment has occurred post-1984 NASNI AICUZ. The new imposition of an ALUCP would deny a significant number of the City's residents/property owners the ability to build exactly what their next door neighbor just built.	Avoids a regulatory taking.	This request is problematic. PUC section 21674.7(b) states that “prior to granting permits for the renovation or remodeling of an existing building, structure or facility, and before construction of a new building . . . 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 . . . and any applicable federal aviation regulations, including Part 77 . . .” In addition, PUC section 21659 states that “[n]o person shall construct or alter any structure . . . at a height which exceeds the obstruction standards affecting navigable airspace contained in Title 14 of the Code of Federal Regulations, Part 77 . . . unless a permit allowing the construction, alteration . . . is issued by the department. The permit is not required if the Federal Aviation Administration has determined that the construction, alteration, or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation.”	-----

City of Coronado Suggested Modifications to the Draft NASNI ALUCP ¹			ALUC Staff Analysis & Response to Request	Cross-Reference to ALUC Presentation
Request	Basis / Rationale / Justification	Why it is important		
			<p>Any increase in height must be checked against the FAA's Notice Criteria Tool to determine if FAA review is required regardless of a local agency's existing zoning height limits. Existing zoning height limits cannot serve as a proxy for Part 77 compliance.</p> <p>However, Part 77 (77.15 Construction or alteration not requiring notice) provides an exception to filing with the FAA if the proposed structure would be shielded by existing by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation (The City of San Diego has established a No FAA Notification Self-Certification Agreement, which was discussed with the City and the Working Group as an acceptable alternative).</p> <p>Again, the adoption of an ALUCP does not constitute a government "taking" of private property (see <i>Dryden Oaks, LLC et al. v. San Diego County Regional Airport Authority et al.</i>, Court of Appeal No. D069161).</p>	

¹ This table represents a summary of the key issues that are the minimum changes to the NASNI ALUCP that are required to gain City support. This table is intended to supplement the redline/strikeout revisions to the Draft ALUCP provided to the SDCRAA Staff on the "Word" version of the working draft ALUCP transmitted via email on September 14, 2017. This table is also intended to supplement the City's previous comment letters on the working drafts of the NASNI ALUCP submitted to the SDCRAA in April 2017 and August 2017.

AIRPORT
LAND USE
COMMISSION

Presentation and Policy
Direction Regarding Draft
Naval Air Station North Island
Airport Land Use Compatibility
Plan

Brendan Reed,
Director, Planning & Environmental Affairs

November 2, 2017

Agenda

- Role of AICUZ & Caltrans Handbook
- Overview of Draft ALUCP
- City of Coronado Meeting (Oct. 19th)
- ALUC Direction on 5 Policy Items





Role of U.S. Navy's AICUZ Study

ALUCPs for military airports “shall be consistent with the safety and noise standards in the [AICUZ] prepared for that military airport.” PUC §21675(b)

AICUZ Recommendation for Developed Areas

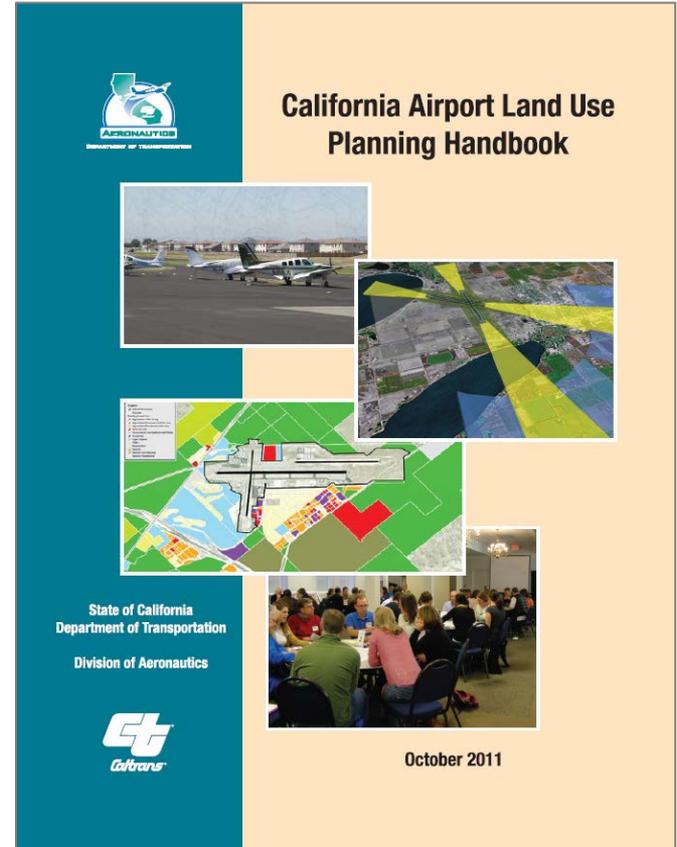
“...when land is already developed the focus is often on redevelopment and infill. From this AICUZ study’s perspective, local governments should encourage fair disclosure to the public of the noise and APZ situation, and **not take actions that would make an existing land use compatibility (or incompatibility) situation worse...**”

Final AICUZ Study Update for NAS North Island and NOLF Imperial Beach, p. 7-3, emphasis added

Role of Caltrans Handbook

- An ALUC that prepares an ALUCP “shall be guided by information [in] the [Caltrans] *Airport Land Use Planning Handbook*.”

[California Public Utilities Code §21674.7(a)]



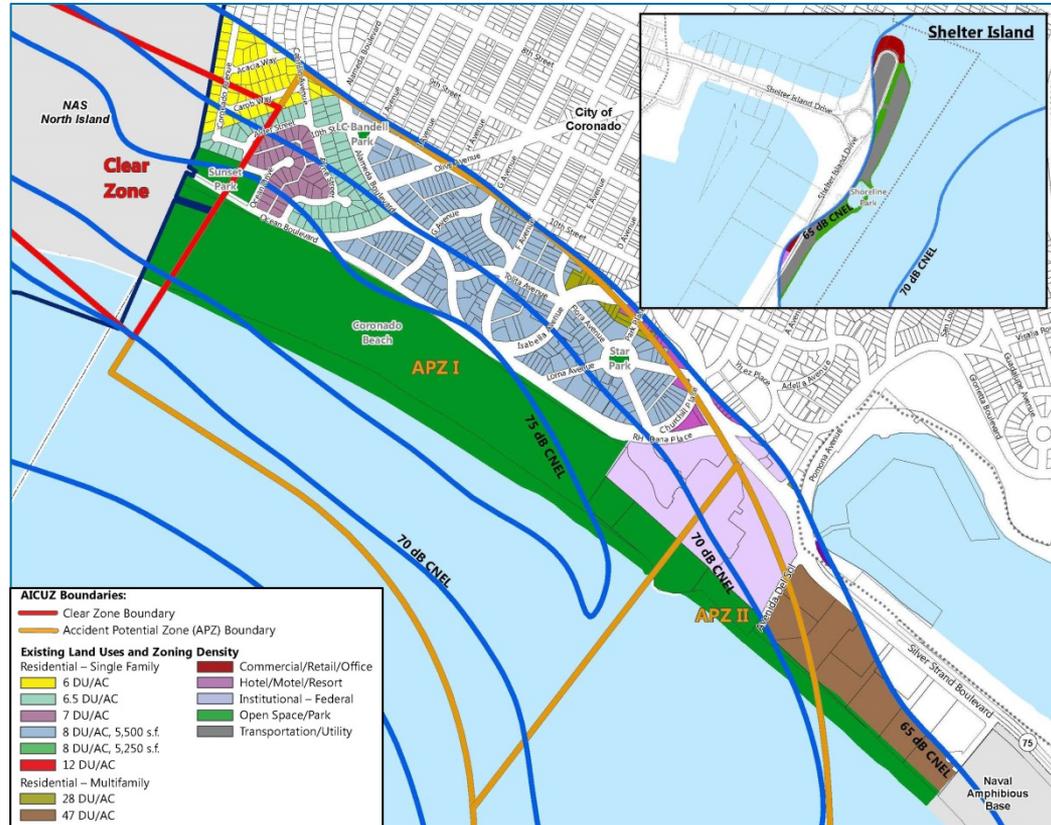
Overview of Draft ALUCP

AIRPORT
LAND USE
COMMISSION



Noise & Safety Compatibility

- Where the noise and safety policies and standards apply



Noise & Safety Compatibility Standards

Table 6: Land Use Standards for Noise and Safety Compatibility						
SLUCM ¹ Code	Land Use Type ²	CZ	APZ I	APZ II	Inside 65 dB CNEL ³ & outside Safety Zones	Conditions ⁴
10	Residences and Lodging					
111	Single-Family including accessory dwelling units	45	45	45	45	CZ, APZ I/II: one dwelling unit per legal lot of record at the time of ALUCP adoption, in addition to an accessory dwelling unit
112, 113, 12	Multi-Family; Group quarters; Bed and breakfast inn		45	45	45	APZ I/II: density limited to zoning at time of ALUCP adoption
13, 14, 15, 19	Residential Hotel; Mobile home park; Hotel/motel				45	Inside 65 dB CNEL: interior noise must perform to 45 dB CNEL in sleeping areas.
20-30	Manufacturing					
23, 28, 29, 31, 35, 36B9	Manufacturing: Apparel; Chemicals; Hazardous materials; Petroleum; Rubber; Plastic; Precision instruments					
21, 22, 32-34	Manufacturing: Food; Metals; Stone, clay, and glass; Textiles			50		APZ II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; for public reception and office areas of new or reconstructed portions of buildings within the 70 dB CNEL contour, interior noise must perform to sound level indicated.
24-27, 39	Manufacturing: Furniture and fixtures; Lumber and wood products; Paper; Printing and publishing; Miscellaneous manufacturing		50	50		APZ I/II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; for public reception and office areas of new or reconstructed portions of buildings within the 70+ dB CNEL contour, interior noise must perform to sound level indicated.
40	Transportation, Communication, and Utilities					
41-46, 49	Auto parking; Boat launch ramp; Vehicle, freight, equipment storage					APZ I/II: no passenger facilities
47, 48	Communication: Telephone, radio, television; Utilities: Electrical, including wind and solar farms; Gas; Water; Wastewater					
485	Refuse Disposal: Sanitary landfill, solid waste/recycling center ⁵					
50	Trade					
51-59	Wholesale/Retail Trade, including eating/drinking establishment		50	50		APZ I/II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; for new or reconstructed portions of buildings within the 70+ dB CNEL contour, interior noise must perform to sound level indicated.
60	Services					
61, 62, 63, 65, 67, 69	Office; Finance, insurance, real estate, medical/dental; Services; Personal/professional/government; Research & Development		50	50		APZ I/II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; for new or reconstructed portions of buildings within the 70+ dB CNEL contour, interior noise must perform to sound level indicated.
6242, 637, 64, 66	Warehousing/storage (not including hazardous materials); Repair, including		50	50		APZ I/II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; for public reception and office areas of new or

Table 6: Land Use Standards for Noise and Safety Compatibility						
SLUCM ¹ Code	Land Use Type ²	CZ	APZ I	APZ II	Inside 65 dB CNEL ³ & outside Safety Zones	Conditions ⁴
	auto, electronics, furniture; Contract construction services					reconstructed portions of buildings within the 70+ dB CNEL contour, interior noise must perform to sound level indicated.
6379	Warehousing/storage of hazardous materials					
6513, 6516	Hospital; Congregate care/nursing/convalescent facility; Large residential care facility				45	
68	Day care; Nursery school; Elementary, middle/junior high, and high school; College/university				45	
6911, 6994	Indoor Public Assembly; Religious, fraternal				45	
70	Culture, Entertainment, and Recreation					
71	Library; Museum; Art gallery; Planetarium; Aquarium		45	45	45	APZ I/II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; new or reconstructed portions of buildings, interior noise must perform to sound level indicated.
723	Indoor Entertainment Assembly; Auditorium, concert hall, theater				45	
721, 722	Outdoor Assembly; Amphitheater, music shell; Spectator sports area, stadium					
7123, 7124, 741, 743, 744,	Outdoor Participant Sports; Golf course, tennis court, riding stable, water recreation; Botanical garden;					APZ I/II: No clubhouse, indoor meeting place, or auditorium.
73	Amusement park; Golf driving range; Go-cart track; Miniature golf course					
742, 7414, 7415, 7417, 79	Athletic club; Gym; Fitness facility; Bowling alley; Recreation center; Skiing rink; Zoo		50	50		APZ I/II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; in new or reconstructed portions of buildings within the 70+ dB CNEL contour, interior noise must perform to sound level indicated.
76	Park					CZ: No above-ground structures APZ I/II: No clubhouse, indoor meeting place, or auditorium. Inside 65 dB CNEL in new or reconstructed portions of buildings, interior noise must perform to 45 dB CNEL in sleeping areas.
749, 752	Campground				45	

Table 6: Land Use Standards for Noise and Safety Compatibility						
SLUCM ¹ Code	Land Use Type ²	CZ	APZ I	APZ II	Inside 65 dB CNEL ³ & outside Safety Zones	Conditions ⁴
751	Resort		45/50	45/50	45	APZ I/II: no increase in gross floor area of existing uses; reconstructed building(s) limited to gross floor area at time of ALUCP adoption; interior noise in new or reconstructed portion of building must perform to 45 dB CNEL in sleeping areas and 50 dB CNEL in all other areas; no new uses that are classified as incompatible/red in this table. Inside 65 dB CNEL in new or reconstructed portions of buildings, interior noise must perform to 45 dB CNEL in sleeping areas.
80	Resource Production and Extraction					
81-85, 89	Agriculture, aquaculture, mining					

Key to Table 6

	Compatible land use
	Compatible land use if the indicated conditions are met (conditionally compatible)
	Incompatible land use
	45, 50
Maximum interior sound level (in dB CNEL) from exterior noise sources with windows and doors closed. Interior sound level in new, reconstructed, or expanded portion of building, or in certain parts of building as described in the Conditions column, must perform to the level indicated. It is the responsibility of the project sponsor to demonstrate that the building, as designed, can achieve the interior sound level. This may be demonstrated by the certification of an appropriately licensed design professional (engineer, architect, or acoustician with building design expertise). The degree of acoustical treatment that is required will vary based on building design and the noise exposure level to which the building is exposed.	

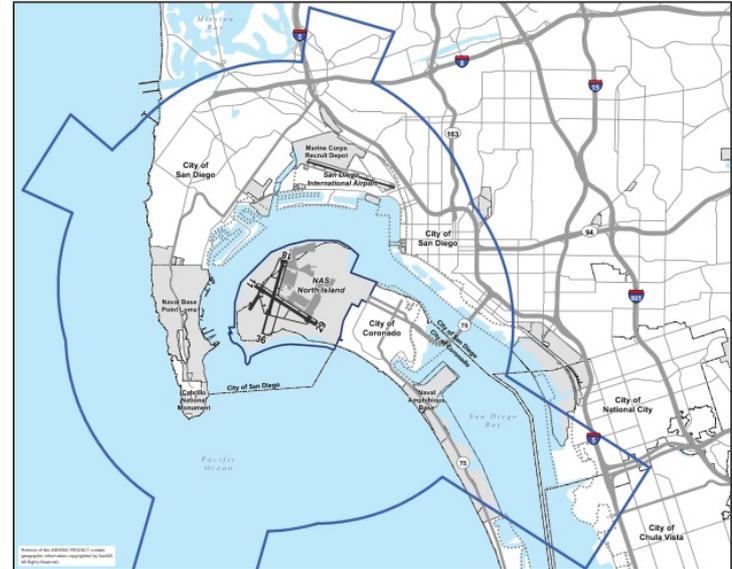
Notes to Table 6

- The reuse of any historic resource for an incompatible use per this table is inconsistent with this ALUCP.
- Standard Land Use Coding Manual*, Urban Renewal Administration and Bureau of Public Roads, U.S. Department of Commerce, 1965. The SLUCM is a comprehensive land use classification system defined with a hierarchical set of codes. The most detailed level of classification uses 4 digits (say, 6913 for "churches, synagogues, and temples"), the next most detailed level uses three digits (691 for "religious activities"), a more generalized level uses two digits (69 for "miscellaneous services"), and the most generalized level uses one digit (6 for "services"). In this land use compatibility table, the generalized two-digit SLUCM codes have been used where possible. The standards applicable to each two-digit level of land use apply to all the more detailed land uses (using three-digit and four-digit codes) within the two-digit category, unless a more detailed SLUCM code is used elsewhere in the table. For example, in the second row of the "Transportation, Communication and Utilities" category, SLUCM codes 47 and 48 include communications and utilities land uses. In the third row, however, SLUCM Code 485, refuse disposal is called out as a distinct land use for purposes of land use compatibility. Thus, SLUCM Code 48, in the second row, should be interpreted as including all uses described in the SLUCM under the "48 code," except for Code 485.
- Community Noise Equivalent Level
- Per Section 5.1.6, gross floor area includes vested development.
- While refuse disposal and related uses are not noise-sensitive, they are considered incompatible within the 65 dB CNEL contour because of their tendency to attract birds, a potential hazard to flight. These uses are considered incompatible throughout the Airspace Protection Area, which includes all areas within the 65 dB CNEL contour. See Section 5.2.4.6

Sources: Adapted from Tables C-1 and C-2 in the 2011 AUCU (The Onyx Group, Air Installations Compatible Use Zones (AICUZ) Update for Naval Air Station North Island and Naval Outlying Landing Field Imperial Beach, California, Naval Facilities Engineering Command Southwest, 2011, pages C-1 - C-10.)

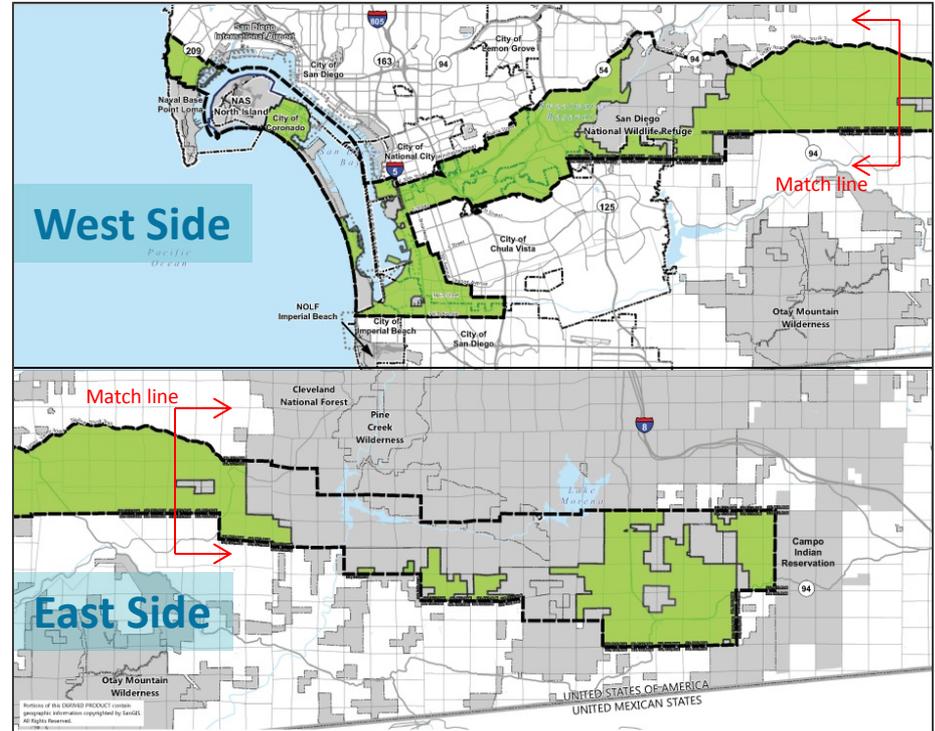
Airspace Compatibility

- Compliance with existing Federal law – FAA 7460
- Land use projects determined to be hazards by the FAA are incompatible
- Hazards to flight are incompatible
 - Glare
 - Thermal plumes
 - Certain lighting
 - Signal interference
 - Dust, water vapor, smoke
 - Bird attractants



Overflight

- For new or totally reconstructed residences, local agencies must provide a means to notify owners of potential for aircraft overflight



City of Coronado Meeting

AIRPORT
LAND USE
COMMISSION



City of Coronado Meeting

- Held Oct. 19 at City Hall
- City leaders & Board Member representatives
- Materials provided to Airport Authority:

City of Coronado Meeting

- Held Oct. 19 at City Hall
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- Materials provided to Airport Authority:
 - Redline version of draft ALUCP

San Diego County Airport Land Use Commission

Revised Draft NASNI ALUCP Policies for Discussion Only
August 2017

1. Purpose and Scope of the Plan

This Airport Land Use Compatibility Plan (ALUCP) for Naval Air Station North Island (the Airport or NASNI) has been prepared by the San Diego County Regional Airport Authority (SDCRRAA), acting in its capacity as the San Diego County Airport Land Use Commission (ALUC), in fulfillment of the State mandate to prepare ALUCPs.¹

This ALUCP promotes compatibility between NASNI and surrounding land uses in order to protect public health, safety and welfare in areas around the Airport, to the extent that these areas are not already devoted to incompatible uses.² The City of Coronado (City) is fully built out with land uses that have been identified as "incompatible" with NASNI flight operations. Therefore, this ALUCP focuses on discretionary actions that propose to amend the City's General Plan land use or zoning designations in a manner that would increase or "intensify" the level of land use incompatibility. For purposes of this ALUCP, "intensification" means increase in residential density, gross floor area or height beyond what is allowed under the existing General Plan land use designation or zoning.

Intensification means an increase in residential density, gross floor area or height beyond what is allowed under the existing General Plan land use designation or zoning.

This ALUCP becomes effective on the date of its adoption by the ALUC. If any portion of this ALUCP or another San Diego County ALUCP is invalidated by court action, all other portions of this ALUCP remain unaffected and in full force. The adoption of this ALUCP by the ALUC is not a "development" as defined by the California Coastal Act.³

As required by state law,⁴ this ALUCP is consistent with the recommended safety and noise standards set forth in the 2011 Air Installations Compatible Use Zones (AICUZ) study prepared by the United States Department of Defense for NASNI and which has a maximum mission operational planning horizon of 2020.

The ALUC is responsible for administering and applying the policies of this ALUCP unless local agencies take steps to implement or overrule the plan. See Appendix B, Implementation Tools.

1.1 Amendment of ALUCP

Amendment of this ALUCP may be made once per calendar year, as provided by law.⁵ ALUCP amendments may address any issue deemed appropriate by the ALUC. This limitation does not apply to amendments dealing with format changes or corrections to language. If a new AICUZ for NASNI is

1 California Public Utilities Code §21470.3(a), 21474, 21475.
2 California Public Utilities Code §21470(a).
3 California Public Resources Code §30206.
4 California Public Utilities Code §21470(b).
5 The One Group, Air Installations Compatible Use Zones (AICUZ) Update for Naval Air Station North Island and Naval Outlying Landing Field Imperial Beach, California, Naval Facilities Engineering Command Southwest, 2011.
6 California Public Utilities Code §21470(a).

Naval Air Station North Island Airport Land Use Compatibility Plan 1

City of Coronado Meeting

- Held Oct. 19 at City Hall
- City leaders & Board Member representatives
- Materials provided to Airport Authority:
 - Redline version of draft ALUCP
 - Comments Summary Chart

City of Coronado Suggested Modifications to the Draft NASNI ALUCP ¹		
Request	Basis / Rationale / Justification	Why It is Important
<p>Recognize that existing General Plan land uses and Zoning designations are the existing uses. Changes to the land use designation or zoning classification could increase land use incompatibilities per the ALUCP.</p>	<p>A change to a "structure" must be distinguished from a change in "land use". There is no demonstrated nexus between a few more SF or a few more feet in height and an increase in "land use incompatibility".</p>	<p>Meets the intent of the ALUCP as it allows buildout in City consistent with existing GP and Zoning. Net effect is minimal since City is built out. If the "land use" itself does not change, then the on the ground situation is not made incompatible. Could be a regulatory taking if a property owner cannot build what is allowed by right under existing GP land use and zoning designations "but for" the ALUCP.</p>
<p>Physical changes to existing structures do not increase incompatibility provided they are consistent with the current development standards of the GP and zoning ordinance.</p>	<p>The ALUCP is correctly focused on land use compatibility and the policies must reflect this approach.</p> <p>For purposes of this ALUCP, "intensification" means increase in residential density, gross floor area or height beyond what is allowed under the existing General Plan land use designation or zoning.</p>	
<p>Support allowance for single family residential infill consistent with ALUCP approach for multi-family residential land uses. 50% threshold for "conditionally compliant" is arbitrary and not meaningful.</p>	<p>50% threshold not applicable if the land use does not change. Noise attenuation for only a portion of the structure is not going to be effective and therefore is infeasible.</p>	<p>Does not conflict with the intent of the ALUCP which is to avoid increasing land use incompatibilities.</p>

City of Coronado
October 2017
Page 1 of 4

Transcribed version attached w/ ALUC staff responses & cross-reference to 5 policy items

City of Coronado Meeting

- Held Oct. 19 at City Hall
- City leaders & Board Member representatives
- Materials provided to Airport Authority:
 - Redline version of draft ALUCP
 - Comments Summary Chart
 - Presentation w/ 5 specific suggestions

City of Coronado



Specific Suggestions

- Ensure a single family dwelling that conforms to existing zoning is permitted by right
- Recognize existing zoning (height, setbacks, FAR, lot coverage, and use restrictions) as 'existing use'
- Specify Noise standards, not "conditions"
- Eliminate 50% limit on reconstruction
- Allow De Minimus infill development

Directly **referenced in staff report
under 5 policy items**

ALUC Policy Direction

AIRPORT
LAND USE
COMMISSION



ALUC Policy Direction Items

- 1 Residential uses in noise contours & safety zones
- 2 Exemptions for addition/reconstruction (less than 50% of existing area)
- 3 Multi-family residential density increases up to zoning
- 4 Replacement of nonresidential uses
- 5 Buildings divided by a noise contour or safety zone

1 Residential Uses in Noise Contours & Safety Zones

Table 1: AICUZ Land Use Standards for Noise and Safety Compatibility

SLUCM ² Code	Land Use Type ¹	CZ	APZ I	APZ II	Inside 65 dB CNEL ³ & outside Safety Zones	Conditions ⁴
10	Residences and Lodging					
111	Single-Family including accessory dwelling units					
112, 113, 12	Multi-Family; Group quarters					
13, 14, 15, 19	Residential Hotel; Mobile home park; Hotel/motel					

Table 2: Draft ALUCP Land Use Standards for Noise and Safety Compatibility

SLUCM ² Code	Land Use Type ¹	CZ	APZ I	APZ II	Inside 65 dB CNEL ³ & outside Safety Zones	Conditions ⁴
10	Residences and Lodging					
111	Single-Family including accessory dwelling units	45	45	45	45	<p>CZ, APZ I/II: interior noise must perform to standards indicated; one dwelling unit per legal lot of record at the time of ALUCP adoption, in addition to an accessory dwelling unit</p> <p>APZ I/II: APZ I/II: interior noise must perform to standards indicated; density limited to zoning at time of ALUCP adoption</p> <p>Inside 65 dB CNEL: interior noise must perform to standards indicated</p> <p>Inside 65 dB CNEL: interior noise must perform to standards indicated in sleeping areas.</p>
112, 113, 12	Multi-Family; Group quarters		45	45	45	
13, 14, 15, 19	Residential Hotel; Mobile home park; Hotel/motel				45	

1 Residential Uses in Noise Contours & Safety Zones

- 423 single-family & 31 multi-family parcels (with approximately 1,060 residences) already exist in noise contours & safety zones
- Maintain density as of ALUCP adoption (accessory dwelling units excluded); no further subdivision of lots
- Condition additions/reconstructions with sound performance level
- Maintains existing level of incompatibility with AICUZ without making it worse

1 Residential Uses in Noise Contours & Safety Zones

Coronado Specific Suggestion:

“ensure a single-family dwelling that conforms to existing zoning is permitted by right”

- Draft ALUCP does not limit an existing SF home from being expanded, reconstructed, and/or supplemented with an accessory dwelling unit (only sound performance & FAA 7460 review ‘conditions’).

Coronado Specific Suggestion:

“specify noise standards, not conditions”

- Draft ALUCP will be reworded to reference noise ‘standards’ (instead of ‘conditions’).

2 Exemptions for Addition/Reconstruction (less than 50% of existing area)

- **Residential – Addition/reconstruction** of less than 50 percent of habitable space *with no height increase*
- **Nonresidential – Reconstruction** of less than 50 percent of gross floor area *with no height increase*

2 Exemptions for Addition/Reconstruction (less than 50% of existing area)

- Would require applying ALUCP only for projects expanding over 50% of existing area
- This potential exemption does not exist in any other adopted ALUCP, all of which require applying ALUCP standards for any new addition

Staff Recommendation: Support

2 Exemptions for Addition/Reconstruction (less than 50% of existing area)

Coronado Specific Suggestion:

“eliminate 50% limit of reconstruction”

- ALUC staff concerned that there would be no ability for the ALUCP to limit density/intensity, height, or noise in any reconstructed structure.
- Once the City implements the ALUCP, development projects (such as reconstructions) no longer need to be submitted to the ALUC for review (removing any time burden).

3

Multi-Family Residential Density Increases Up To Zoning



3 Multi-Family Residential Density Increases Up To Zoning

- Although complete lot redevelopment is speculative, a total of 10 new additional multi-family units could be built
- This would make existing land use incompatibility with the AICUZ worse

Staff Recommendation: Not support due to General Counsel's concerns

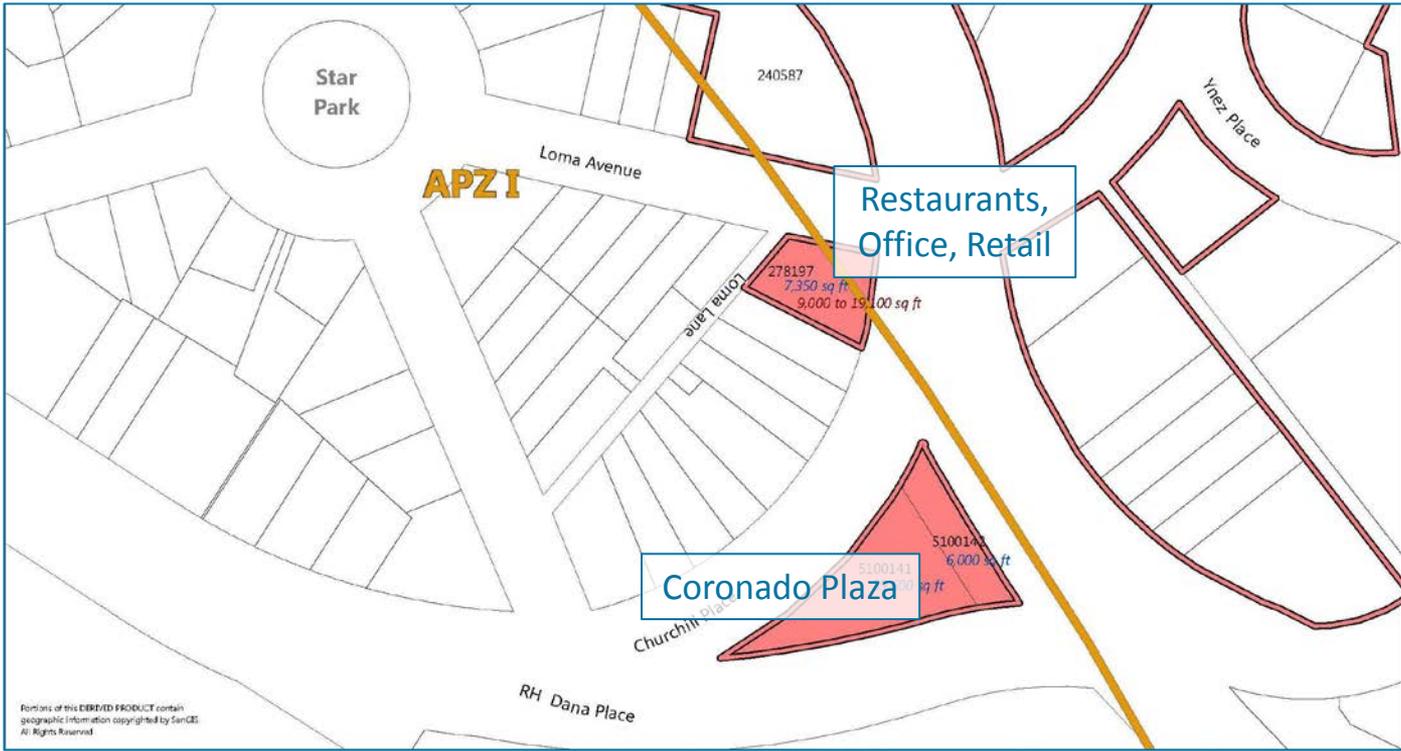
3 Multi-Family Residential Density Increases Up To Zoning

Coronado Specific Suggestion:

“recognize existing zoning (height, setbacks, FAR, lot coverage, and use restrictions) as ‘existing use’”

- This approach would broadly make the existing level of incompatibility worse, which is contrary to the AICUZ and Public Utilities Code §21675(b).

4 Replacement of Nonresidential Uses



4 Replacement of Nonresidential Uses

Table 3: AICUZ Land Use Standards for Noise and Safety Compatibility

SLUCM ² Code	Land Use Type ¹	CZ	APZ I	APZ II	Inside 65 dB CNEL ³ & outside Safety Zones	Conditions ⁴
50	Trade					
51-59	Wholesale/Retail Trade, including eating/drinking establishment		0.28 50	0.56 50		APZ I/II: Maximum FAR as indicated; interior noise must perform to sound level indicated.
60	Services					
61, 62, 63, 65, 67, 69	Office: Finance, insurance, real estate, medical/dental; Services: Personal/professional/ government; Research & Development			0.22 50		APZ II: Maximum FAR as indicated; interior noise must perform to sound level indicated.

Table 4: Draft ALUCP Land Use Standards for Noise and Safety Compatibility

SLUCM ² Code	Land Use Type ¹	CZ	APZ I	APZ II	Inside 65 dB CNEL ³ & outside Safety Zones	Conditions ⁴
50	Trade					
51-59	Wholesale/Retail Trade, including eating/drinking establishment		50	50		APZ I/II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; for new or reconstructed portions of buildings within the 70+ dB CNEL contour, interior noise must perform to sound level indicated.
60	Services					
61, 62, 63, 65, 67, 69	Office: Finance, insurance, real estate, medical/dental; Services: Personal/professional/ government; Research & Development		50	50		APZ I/II: no increase in gross floor area of existing uses; reconstructed buildings limited to gross floor area at time of ALUCP adoption; for new or reconstructed portions of buildings within the 70+ dB CNEL contour, interior noise must perform to sound level indicated.

4 Replacement of Nonresidential Uses

- Uses considered incompatible by AICUZ, which do not already exist in safety zones, are maintained as incompatible
- Incompatible uses, which already exist, may occupy existing structures as exempt from ALUCP
- Reconstruction of an existing building is considered conditionally compatible, subject to sound performance standard

4 Replacement of Nonresidential Uses

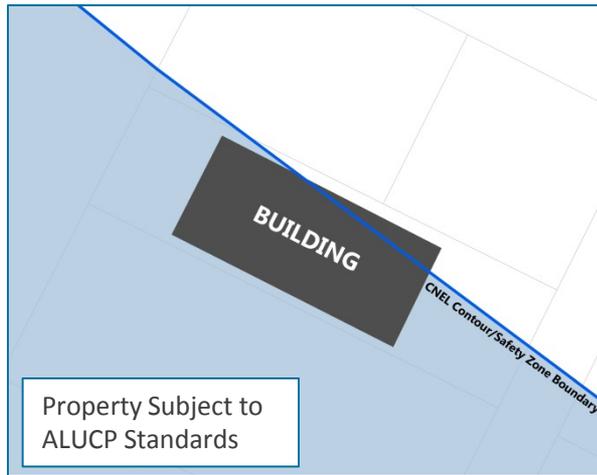
Coronado Specific Suggestion:

“allow de minimus infill development”

- Allowing expansion of non-residential structures could result in significantly more than a de minimus amount of additional gross square footage in the safety zones (further making existing land use incompatibility with the AICUZ worse).
- One particular non-residential parcel that the City highlighted is already more than 50% outside the AICUZ safety zone boundary, so it would likely not be subject to the draft ALUCP’s intensity limits (see Policy Item #5).

5 Buildings Divided By a Noise Contour or Safety Zone

- Properties split by a noise contour/safety zone boundary: *Standards which more than 50% of the building is located apply*



Additional Actions Taken to Address the City of Coronado's Concerns

Overflight Notification via Residential Real Estate Disclosure

- Allow the existing statewide real estate disclosure process to meet ALUCP's overflight notification requirements.

Submittals to ALUC with Noise Standards Embedded within Project Design

- Allow submitted projects to the ALUC that include a licensed Architect's note certifying adequate interior sound levels to be found 'consistent' with the ALUCP.

Additional Actions Taken to Address the City of Coronado's Concerns

Submittals to ALUC with Part 77 Self Certifications

- Acknowledge that a local agency can “self certify” to meet Part 77 (77.15 Construction or alteration not requiring notice), when the proposed structure would be shielded by existing structures of a permanent and substantial character of equal or greater height.

Partial Implementation of ALUCP Components

- Recognize the possibility of partial implementation of ALUCP components.

Next Steps

- Kick-off Environmental Analysis
- Public Release of Draft ALUCP/
Community Meeting

