

Airport Land Use Commission Agenda

Thursday, July 1, 2021

9:00 A.M. or immediately following the Board Meeting

San Diego International Airport
SDCRAA Administration Building
3225 N. Harbor Drive
San Diego, California 92101

Board Members

Johanna Schiavoni (Chair)
Paul Robinson (Vice Chair)
Catherine Blakespear
Gil Cabrera
Mary Casillas Salas
Robert T. Lloyd
Paul McNamara
Nora E. Vargas
Marni von Wilpert

Ex-Officio Board Members

Gustavo Dallarda
Col. Charles B. Dockery
Gayle Miller

President/CEO

Kimberly J. Becker

This meeting of the Airport Land Use Commission of the San Diego County Regional Airport Authority Board will be conducted pursuant to the provisions of California Executive Order N-08-21 which suspends certain requirements of the Ralph M. Brown Act. During the current State of Emergency and in the interest of public health, all Commission members will be participating in the meeting electronically. In accordance with the Executive Order, there will be no members of the public in attendance at the Commission Meeting. We are providing alternatives to in-person attendance for viewing and participating in the meeting. In lieu of in-person attendance, members of the public may submit their comments in the following manner.

Comment on Non-Agenda Items

Public comments on non-agenda items must be submitted to the Authority Clerk at clerk@san.org, no later than 4:00 p.m. the day prior to the posted meeting in order to be eligible to be read into the record. The Authority Clerk will read the first 30 comments received by 4:00 p.m. the day prior to the meeting into the record; each of these comments will be read for up to three minutes or for the time determined by the Chair. The maximum number of comments to be read into the record on a single issue will be 16. All other comments submitted, including those received after 4:00 p.m. the day prior and before 8:00 a.m. the day of the meeting, will be provided to the Commission and submitted into the written record for the meeting.

Comment on Agenda Items

Public comment on agenda items may be submitted to the Authority clerk at clerk@san.org. Comments received no later than 8:00 a.m. on the day of the meeting will be distributed to the Commission and included in the record.

If you'd like to speak to the Commission live during the meeting, please follow these steps to request to speak:

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- **Step 1:** Fill out the online [Request to Speak Form](#) to speak during the meeting via teleconference. The form must be submitted by 4 p.m. the day before the meeting or by 4:00 p.m. the Friday before a Monday meeting. After completing the form, you'll get instructions on how to call in to the meeting.
- **Step 2:** Watch the meeting via the Webcast located at the following link, <https://www.san.org/Airport-Authority/Meetings-Agendas/ALUC?EntryId=13921>
- **Step 3:** When the Commission begins to discuss the agenda item you want to comment on, call in to the conference line, you will be placed in a waiting area. ***Please do not call until the item you want to comment on is being discussed.***
- **Step 4:** When it is time for public comments on the item you want to comment on, Authority Clerk staff will invite you into the meeting and unmute your phone. Please mute the webcast to avoid any feedback. Staff will then ask you to state your name and begin your comments.

How to Watch the Meeting

You may also view the meeting online at the following link: <https://www.san.org/Airport-Authority/Meetings-Agendas/ALUC?EntryId=13921>

Requests for Accessibility Modifications or Accommodations

As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the Authority Clerk at (619) 400-2550 or clerk@san.org. The Authority is committed to resolving accessibility requests swiftly in order to maximize accessibility.

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 Board 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 Board Services and are available for public inspection.

Note: Pursuant to Authority Code Section 2.15, all Lobbyists shall register as an Authority Lobbyist with the Authority Clerk within ten (10) days of qualifying as a lobbyist. A qualifying lobbyist is any individual who receives \$100 or more in any calendar month to lobby any Board Member or employee of the Authority for the purpose of influencing any action of the Authority. To obtain Lobbyist Registration Statement Forms, contact the Board Services/Authority Clerk Department.

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CALL TO ORDER:

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 Board.

CONSENT AGENDA (ITEMS 1- 2):

The consent agenda contains items that are routine in nature and non-controversial. Some items may be referred by a standing Board Committee or approved as part of the budget process. 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:

RECOMMENDATION: Approve the minutes of the June 3, 2021 regular meeting.

CONSISTENCY DETERMINATIONS

2. REPORT OF DETERMINATIONS OF CONSISTENCY WITH AIRPORT LAND USE COMPATIBILITY PLANS: SAN DIEGO INTERNATIONAL AIRPORT 2124 FROUDE STREET, CITY OF SAN DIEGO AND 2077 CABLE STREET, CITY OF SAN DIEGO:

RECOMMENDATION: Receive the report.

(Planning & Environmental Affairs: Ralph Redman, Manager, Airport Planning)

PUBLIC HEARINGS:

OLD BUSINESS:

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NEW BUSINESS:

3. CONSISTENCY DETERMINATION: FALLBROOK COMMUNITY AIRPARK AIRPORT LAND USE COMPATIBILITY PLAN: GENERAL AND SPECIFIC PLAN AMENDMENTS AND ZONE RECLASSIFICATION FOR PEPPERTREE PARK UNITS 9 & 10, FALLBROOK, COUNTY OF SAN DIEGO:

RECOMMENDATION: Adopt Resolution No. 2021-0002 ALUC, making a determination that the proposed project: General and Specific Plan Amendments and Zone Reclassification for residential use of Unit 9 and commercial use of Unit 10 of the Peppertree Park Specific Plan, Fallbrook, County of San Diego, could qualify to be exempt from or is not consistent with the Fallbrook Community Airpark Airport Land Use Compatibility Plan.

Adopt Resolution No. 2021-0003 ALUC, making a determination that the proposed project: General and Specific Plan Amendments and Zone Reclassification for residential use of Units 9 and 10 of the Peppertree Park Specific Plan, Fallbrook, County Of San Diego, is not consistent with the Fallbrook Community Airpark Airport Land Use Compatibility Plan.

(Planning & Environmental Affairs: Ralph Redman, Manager, Airport Planning)

COMMISSION COMMENT:

ADJOURNMENT:

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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 submit an email to the Clerk at clerk@san.org 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 submit an email 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 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.
- 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.
- 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.

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

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You may also reach the SDCRAA Building by using public transit via the San Diego MTS System, Route 992. For route and fare information, please call the San Diego MTS at (619) 233-3004 or 511.

DRAFT
AIRPORT LAND USE COMMISSION
MINUTES
THURSDAY, JUNE 3, 2021
SAN DIEGO INTERNATIONAL AIRPORT
BOARD ROOM

CALL TO ORDER: Chair Schiavoni called the meeting of the Airport Land Use Commission to order at 11:06 a.m. on Thursday, June 3, 2021, electronically and via teleconference pursuant to Executive Order N-29-20 at the San Diego International Airport, Administration Building, 3225 North Harbor Drive, San Diego, CA 92101.

ROLL CALL:

PRESENT: Commissioners: Blakespear, Cabrera, Casillas Salas, Dallarda (Ex-Officio), Lloyd, McNamara, Robinson, Schiavoni, Vargas, von Wilpert

ABSENT: Commissioners: Dockery (Ex-Officio), Miller (Ex-Officio)

ALSO PRESENT: Kimberly J. Becker, President/CEO; Amy Gonzalez, General Counsel; Tony R. Russell, Director, Board Services/Authority Clerk; Linda Gehlken, Assistant Authority Clerk I

NON-AGENDA PUBLIC COMMENT: None.

Chair Schiavoni announced that Item 3 under *New Business* was being pulled from the agenda and would be moved to the July 1, 2021 meeting.

CONSENT AGENDA (Items 1-2):

ACTION: Moved by Commissioner Casillas Salas and seconded by Commissioner Blakespear to approve the Consent Agenda. Motion carried by the following votes: YES – Blakespear, Cabrera, Casillas Salas, Lloyd, McNamara, Robinson, Schiavoni, Vargas, von Wilpert; NO – None; ABSENT – None; (Weighted Vote Points: YES – 100; NO – 0; ABSENT – 0)

1. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the minutes of the May 6, 2021 regular meeting.

2. **REPORT OF DETERMINATIONS OF CONSISTENCY WITH AIRPORT LAND USE COMPATIBILITY PLANS: SAN DIEGO INTERNATIONAL AIRPORT, 3910 CHAPMAN STREET, CITY OF SAN DIEGO, 4645 SANTA MONICA AVENUE, CITY OF SAN DIEGO, 1136 C STREET, CITY OF SAN DIEGO, 3125 PACIFIC HIGHWAY, PORT OF SAN DIEGO; BROWN FIELD MUNICIPAL AIRPORT, GILLESPIE FIELD, MARINE CORP AIR STATION MIRAMAR, MONTGOMERY-GIBBS EXECUTIVE AIRPORT, AND SAN DIEGO INTERNATIONAL AIRPORT, AMENDMENT TO MUNICIPAL CODE FOR SHORT TERM RESIDENTIAL OCCUPANCY REGULATIONS, CITY OF SAN DIEGO:**
RECOMMENDATION: Receive the report.

PUBLIC HEARINGS:

OLD BUSINESS:

NEW BUSINESS:

3. **CONSISTENCY DETERMINATION/FALLBROOK COMMUNITY AIRPARK AIRPORT LAND USE COMPATIBILITY PLAN: GENERAL AND SPECIFIC PLAN AMENDMENTS AND ZONE RECLASSIFICATION FOR PEPPERTREE PARK UNITS 9 & 10, FALLBROOK, COUNTY OF SAN DIEGO:**
RECOMMENDATION:
ACTION: This item was pulled from the agenda.

COMMISSION COMMENT: None.

ADJOURNMENT: The meeting adjourned at 11:07 a.m.

APPROVED BY A MOTION OF THE AIRPORT LAND USE COMMISSION THIS 1ST DAY OF JULY, 2021.

ATTEST:

TONY R. RUSSELL
DIRECTOR, BOARD SERVICES /
AUTHORITY CLERK

APPROVED AS TO FORM:

AMY GONZALEZ
GENERAL COUNSEL

Airport Land Use Commission Staff Report

Meeting Date: July 1, 2021

Report of Determinations of Consistency with Airport Land Use Compatibility Plans

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 issued the following consistency determinations per their respective ALUCPs:

San Diego International Airport ALUCP:

Increase in Bedrooms and Height of Existing Residential Unit and Establishment of Second Residential Unit with Increase in Bedrooms and Height at 2124 Froude Street, City of San Diego

Deemed Complete and Conditionally Consistent on May 21, 2021

Description of Project: The proposed project involves the addition of new bedrooms, including by the addition of a second story, to an existing primary residence as well as the conversion of an existing guest quarters into an accessory dwelling unit also with new bedrooms and a second story addition on a single property.

Noise Contours: The proposed project lies within the 65-70 decibel Community Noise Equivalent Level (dB CNEL) noise exposure contour. The ALUCP identifies residential uses located within the 65-70 dB CNEL noise contour as conditionally compatible with airport uses, provided that the new bedrooms of each residential unit 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. Therefore, as a condition of project approval, the new bedrooms of each residential unit must be sound attenuated to 45 dB CNEL interior noise level and an aviation easement for aircraft noise and height must be recorded with the County Recorder.

Airspace Protection Surfaces: The maximum height of the proposed project structures will be 86 feet above mean sea level (20 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: The proposed project is located within the overflight notification area. The ALUCP requires that a means of overflight notification be provided for new residential land uses. In instances when an aviation easement is required, the overflight notification requirement is satisfied.

Construction of Residential Unit at 2077 Cable Street, City of San Diego

Deemed Complete and Conditionally Consistent on June 7, 2021

Description of Project: The project involves the construction of a new residential unit on a lot with an existing residential unit to remain.

Noise Contours: The proposed project lies within the 65-70 decibel Community Noise Equivalent Level (dB CNEL) noise exposure contour. The ALUCP identifies residential uses located within the 65-70 dB CNEL noise contour as conditionally compatible with airport uses, provided that the new residence is 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. Therefore, as a condition of project approval, the new residence must be sound attenuated to 45 dB CNEL interior noise level and 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 40 feet above mean sea level (20 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: The proposed project is located within the overflight notification area. The ALUCP requires that a means of overflight notification be provided for new residential land uses. In instances when an aviation easement is required, the overflight notification requirement is satisfied.

Airport Land Use Commission Staff Report

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Consistency Determination: Fallbrook Community Airpark Airport Land Use Compatibility Plan

General and Specific Plan Amendments and Zone Reclassification for Peppertree Park Units 9 & 10, Fallbrook, County of San Diego

Description of Project: Based on plans submitted to the ALUC, the project proposes Amendments to the County of San Diego (County) General Plan and the Peppertree Park Specific Plan together with a corresponding Zone Reclassification (Rezone) to change the land use designation and zoning from the original, Office/Professional use of the Specific Plan to one of either two development scenarios on a property of 19.7 acres: (1) Village Residential use, with a density of 7.3 dwelling units per acre, for Unit 9 and General Commercial use for Unit 10, or (2) Village Residential use at a density of 7.3 dwelling units per acre for both Units 9 and 10.

ALUC Scope

In 2011, the ALUC determined that the County General Plan and associated zoning were consistent with all applicable ALUCPs within County land use jurisdiction, including the Fallbrook Community Airpark ALUCP, because the County incorporated the standards of the ALUCPs to apply to the use of subject properties located within Airport Influence Areas (AIAs). The County thus retains original jurisdiction to review all project development and design details associated with any proposed development, pursuant to the 2011 consistency determination.

However, any proposed plan amendments or rezones must be submitted and considered by the ALUC pursuant to an explicit State mandate (Cal. Pub. Util. Code §21676(b)) for the ALUC to review all general and specific plan amendments and adoption or amendment of zoning ordinances, irrespective of whether a local agency has assumed implementation jurisdiction of an ALUCP per ALUC consistency determination.

Therefore, the scope of ALUC review for this project is limited to just the consistency of the General Plan Amendment (GPA), Specific Plan Amendment (SPA), and Rezone aspects of the project without consideration of the project site subdivision, planned development standards, and site design details, all of which remain within the purview of the County to further assess consistency with the ALUCP.

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However, any determination by the ALUC that a project is not consistent with the ALUCP prevents the County from authorizing the project, unless the County Board of Supervisors overrules the ALUC determination of inconsistency in accordance with procedures and findings per State statute (Cal. Pub. Util. Code §21676(b)).

Original Specific Plan and 2003 General Plan Amendment

The Peppertree Park Specific Plan was adopted by the County in 1991, and development of its residential unit phases proceeded thereafter. The land of currently undeveloped Units 9 and 10 was originally designated by the Specific Plan for Office/Professional uses with no residential density.

In 2003, prior to the 2006 adoption of the Fallbrook Community Airpark ALUCP, a GPA application was initiated by the development sponsor to increase the overall density of the entire 162.9 acres of the Specific Plan from 1.65 to 2.24 dwelling units per acre. The GPA included conceptual levels of variable density over a vacant 74.57-acre area within the northern land area of the Specific Plan that included the 19.7-acre area of the current project.

The County deemed the application for 2003 GPA complete, but in order to effectuate the conceptually proposed density levels and corresponding zoning in the Specific Plan, the development sponsor was directed in a project scoping letter (see Attachment A) by the County to submit concurrent applications for an SPA and Rezone as requisite components of the GPA to evaluate and entitle the project.

The County later submitted the 2003 GPA to the ALUC for consistency determination, and the ALUC responded (see Attachment B) that the subject property was located outside the AIA of the Fallbrook Community Airpark Comprehensive Land Use Plan (CLUP) then in effect, and, as such, that project was not subject to a determination of consistency with the CLUP. The CLUP was superseded by adoption of the ALUCP by the ALUC in 2006.

Current Project General and Specific Plan Amendments and Rezone

The development sponsor submitted an application to the County in 2020 with the current project description of two alternative development scenarios at the beginning of this report. The application includes an SPA and Rezone for Units 9 and 10 to accompany the 2003 GPA application, which now applies only to the 19.7-acre area containing Units 9 and 10.

County staff submitted to the ALUC applications for consistency determination for each of the two development scenarios involving the GPA, SPA, and Rezone on April 6, 2021, and the applications were deemed complete by ALUC staff on May 3, 2021.

Because the Specific Plan originally provided for only an Office/Professional land use designation without any residential density over the subject 19.7-acre property of the

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current project, both development scenarios of the current project propose changes “in a substantive manner” to the “original approval(s)” of the Specific Plan, rather than building out any vested, prior entitlements. The current project thus does not qualify to be considered as a continuation of a “long-term project”, as defined by the ALUCP (Policy 1.2.2(f)), which would otherwise not be subject to the ALUCP.

First Development Scenario: Residential Unit 9, Commercial Unit 10

The first development scenario of the current project, proposing residential use for Unit 9 and commercial use for Unit 10, reflects a conceptual design associated with the 2003 GPA, but the SPA and Rezone necessary to implement that scenario were submitted in 2020, and the central question governing ALUCP consistency is whether the SPA and Rezone constitute “subsequent implementing action(s)” in order to invoke Policy 1.2.2(e) of the ALUCP.

Under that policy, the project could qualify to be exempt from the ALUCP under the GPA submitted to the ALUC in 2003 because the project was located outside the AIA of the CLUP and was deemed complete by the County prior to the ALUCP coming into effect. The ALUCP specifies that “any subsequent implementing action(s) associated with that project” do “not require subsequent ALUC review” under the ALUCP “unless the project changes in a substantive manner” to exceed specified criteria (Policy 2.3.4(b)).

But if the SPA and Rezone submitted in 2020 do not constitute “subsequent implementing action(s)” of the 2003 GPA, then they would represent new actions to implement that GPA and would be subject to the ALUCP since the SPA and Rezone were not deemed complete by the County prior to the ALUCP adoption.

Second Development Scenario: Residential Units 9 and 10

The second development scenario of the current project, proposing residential use for both Units 9 and 10, was neither part of the original Specific Plan nor the 2003 GPA previously reviewed by the ALUC. It is therefore a new project that is subject to the ALUCP.

Noise Contours: The proposed project is partially located within the north/“suburban” 55-60 decibel Community Noise Equivalent Level (dB CNEL) noise contour (see Attachment C). The ALUCP identifies residential and commercial uses located within the north/“suburban” portion of the 55-60 dB CNEL noise contour as compatible with airport uses.

Airspace Protection Surfaces: The height of potential, proposed project structures will be a maximum of 35 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 FAA.

Safety Zones: The property of Units 9 and 10 lies primarily within Safety Zones 2 and 3, with smaller portions of Unit 10 within Safety Zones 4 and 6 (see Attachment D). The

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ALUCP identifies commercial uses located within Safety Zone 6 as compatible and within Safety Zones 2, 3, and 4 as compatible or conditionally compatible with airport uses, provided that the occupancy intensity does not exceed levels as specified in the ALUCP for the north/"suburban" zones.

The ALUCP identifies residential uses located within Safety Zone 3 as conditionally compatible with airport uses, provided that the subject property does not exceed a density of 8 units per acre and provides "open land", subject to standards defined in the ALUCP (Policy FAL.2.9), for the potential use of light aircraft in a controlled emergency landing.

The ALUCP (Policy FAL.2.4(b)) identifies residential uses located within Safety Zone 2 as incompatible with airport uses. Moreover, the ALUCP (Policy 3.1.1(a)(2)) also does not allow for residential uses within Safety Zone 2 to be considered compatible per an infill development designation.

Because the project proposes a GPA, SPA, and Rezone to allow for residential density within Safety Zone 2, the project is not compatible with the ALUCP safety policies. Only if the SPA and Rezone constitute "subsequent implementing action(s)" of the GPA deemed complete by the County in 2003, could the first development scenario of the current project, providing for residential use in Unit 9 and commercial use in Unit 10, qualify to be exempt from the ALUCP if the criteria of "changes in a substantive manner" between the 2003 GPA and current project SPA and Rezone are not exceeded.

But if the SPA and Rezone do not constitute "subsequent implementing action(s)" of the 2003 GPA, the first development scenario would be inconsistent with the ALUCP. The second development scenario is inconsistent with the ALUCP because the 2003 GPA did not reflect any residential use in Unit 10, so that development scenario is entirely new and subject to the ALUCP.

Overflight Notification: The proposed project is located within the overflight notification area. The ALUCP requires that a means of overflight notification be provided for new residential land uses.

Staff Recommendation: Based on review of the materials submitted in connection with the proposed project and the policies in the Fallbrook Community Airpark ALUCP, staff recommends that the ALUC make two consistency determinations as follows:

- (1) The first development scenario of the current project proposing a GPA, SPA, and Rezone to allow for residential uses in Unit 9 and commercial uses in Unit 10 could qualify to be exempt from or is not consistent with the Fallbrook Community Airpark ALUCP; and
- (2) The second development scenario of the current project proposing a GPA, SPA, and Rezone to allow for residential uses in both Units 9 and 10 is not consistent with the Fallbrook Community Airpark ALUCP.

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GARY L. PRYOR
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County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

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June 27, 2003

Thure Stedt
TRS Consultants
7867 Convoy Ct. #312
San Diego, CA 92111

CASE NUMBER: GPA03-xx; ACCOUNT NUMBER: CP 332; PROJECT
NAME: Peppertree Park General Plan Amendment

Dear Mr. Stedt:

The Department of Planning and Land Use (DPLU) has reviewed your application for a General Plan Amendment and has determined that your application is complete pursuant to Section 65943 of the Government Code. The Department is providing you with this letter as a guide for the further processing of this application.

This letter lists those concerns that have been identified and specifies any revisions and additional information that may be necessary to process this application. Additionally, an estimated time schedule and estimated cost of processing this application have been included as well as draft conditions that will likely be made part of any resolution of approval.

1. **PROJECT DESCRIPTION**

This is a request to change the text of the Fallbrook Community Plan that guides development of the Peppertree Park Specific Plan Area. The changes would increase the density of the Specific Plan Area from 1.65 dwelling units per acre to 2.24 dwelling units per acre, change the housing mix from 100% single family residential to 83.5% single family residential and 16.5% multi-family residential and allow General Commercial uses on a 6.7 acre portion of the Specific Plan Area. Reclassification of Pepper Tree Lane from Light Collector to Rural Light Collector is proposed.

2. **DEPARTMENT OF PLANNING AND LAND USE – PLANNING ISSUES**

The Department has identified the following issues:

The General Plan Amendment Report (GPAR) is internally inconsistent. An application for a General Plan Amendment is the only application that was submitted. However, the GPAR references concurrent processing of a Specific Plan Amendment and proposed zoning. In addition, the discussion of consistency with the General Plan and Fallbrook Community Plan is incomplete. A revised GPAR is required. A red-line copy of the GPAR is attached for your use.

3. **DEPARTMENT OF PLANNING AND LAND USE – ENVIRONMENTAL ISSUES**

The Department of Planning and Land Use has completed its review of your AEIS and determined it not to be "complete" as defined by the CEQA. At this time, additional information will be required to determine your project's potential impacts on the environment and to complete the CEQA Environmental Initial Study.

The County of San Diego's environmental review guidelines require that the following environmental technical studies be prepared by a California Licensed professional (i.e., engineer, geologist) qualified to complete the study or a consultant from the County's List of Environmental Consultants. A General Plan Amendment Report was accepted with the initial submittal. This report served to assist in the scoping process.

These reports will be reviewed for technical accuracy and to determine whether a Negative Declaration or Environmental Impact Report will be necessary for your project. Additional copies of the final technical report(s) will be required when your project's environmental documents are circulated for public review.

As discussed at our meeting on July 2, 2003, you intend to submit applications for the permits (a Specific Plan Amendment, Rezone, Tentative Maps and Major Use Permits) that will be necessary to implement this proposed GPA. As we discussed, the project will be re-evaluated and re-scoped when these implementing permit applications are submitted. These permit applications are necessary for a complete and thorough environmental review of the project.

The following information is required at this time:

A. TRAFFIC ANALYSIS

The GPA report states (Pg.3) that the Fallbrook Planning Community Planning Group has been supportive of the proposed development. The GPA report

Appendix should include correspondence from the Planning Group that documents their support of the proposed GPA.

The GPA report references (Pg.4) a traffic analysis update dated April 20, 1989. A comprehensive traffic analysis should be prepared that analyzes the proposed project based on current conditions/circumstances and addresses the following comments:

1. The traffic analysis should include a detailed project description.
2. The currently proposed GPA is only for the northern half of the Peppertree Park development. The traffic analysis should describe the status of development for the southern portion of the development.
3. The traffic analysis should provide a description of the existing roadway conditions/geometrics for the following County Circulation Element roads: 1) Mission Road (SF 1305) and 2) Pepper Tree Lane (SC 90). The description of the roadway conditions should include road width, number of lanes, posted and prevailing speed, daily traffic volumes, pavement conditions, and shoulder availability.
4. The GPA report states (Pg.3) that Pepper Tree Lane will be improved and realigned as part of the project. The traffic analysis should provide map figures that show and compare the existing, previously approved (Pg.3), and currently proposed alignments of Pepper Tree Lane. The proposed Pepper Tree Lane realignment should be consistent with the County's Public Road Standard and with any easements that the County has previously obtained for the purposes of future roadway improvements. Maps of the various alignments should show the entire segment of Pepper Tree Lane from Mission Road to Stage Coach Lane.
5. The GPA report states (Pg.3) that Pepper Tree Lane will be improve to Rural Light Collector Standards. Pepper Tree Lane (SC 90) is classified a Light Collector. The differences between the Rural Light Collector and Light Collector standards should be identified.
6. The traffic analysis should include a conceptual striping plan for the proposed improvements to Pepper Tree Lane for the segment that traverses the project site.
7. The GPA report states that the alignment of Pepper Tree Lane is being altered in order to avoid existing off-site developments. The GPA report and traffic analysis should provide maps that identify and show the off-site developments.

8. The project's trip generation and trip distribution assumptions should be identified in the traffic analysis. The trip generation assumptions should account for the maximum development potential of the site. The trip distribution assumptions should reflect near-term and long-range project-related trip distribution with and without the Pepper Tree Lane extension/connection.
9. The following scenarios should be assessed in the traffic analysis:
 - Existing conditions
 - Existing plus project
 - Existing plus project plus other proposed projects (Near-term Cumulative)
 - Future-year/2020 with (Proposed General Plan/zoning) and without (Adopted General Plan/zoning) the proposed project
10. The project applicant/consultant should coordinate with the County's Department of Planning and Use (DPLU) in order to identify what projects should be included in the near-term cumulative analysis. In addition, DPLU staff should review the proposed GPA and verify consistency with the County's General Plan 2020 update land use plan.
11. The traffic analysis should include AM and PM Peak hour LOS analyses for key intersections along Mission Road and Pepper Tree Lane.
12. The GPA report discusses (Pg.4) the availability of alternative forms of transportation such as bus, rail, and bicycles. The traffic analysis should elaborate on the discussion of alternate transportation modes and identify what alternate modes are currently available at the project site and what additional modes that the proposed GPA will implement.
13. Efforts should be made to included pathways and/or walkways to encourage pedestrian traffic. Connections to reduce pedestrian travel lengths should be provided where feasible.
14. The proposed GPA exceeds (Pg.4) the 2400 daily trips threshold identified in the 2002 Congestion Management Program (CMP) for the San Diego Region. An assessment of the project's impacts to Interstate 15 and State Route 76. The assessment should utilize the CMP Enhanced CEQA review guidelines.
15. The traffic analysis should address on-site circulation and verify that the internal roads are in conformance with the County's Public and/or Private Road Standards.

16. The traffic analysis should address the adequacy of corner sight distance for project access driveway(s) onto the County's public road system.
17. The traffic analysis should include a summary table that identifies the roadway segment and intersection LOS for all scenarios. In addition, the LOS summary table should include columns that identify the net increase in traffic volumes or intersection delays due to the project-related traffic, whether the project has a significant direct or cumulative impact, and recommended mitigation measures.
18. Five copies of the traffic study should be submitted to the Department of Public Works. Upon submittal, copies of the traffic study will be submitted to Caltrans for their review and comments.

B. Airport Issues

General Plan Amendments must be sent to the San Diego County Regional Airport Authority (SDCRAA) for review to ensure that the project is consistent with the draft Airport Compatibility Plans. County staff will forward the project to SDCRAA in the future when implementing permit applications for this GPA are received. This should allow for a more detailed and thorough review by SDCRAA.

APPEAL INFORMATION: If you disagree with the above environmental processing requirements you may, in certain circumstances, be able to appeal some or all of the requirements to the appropriate hearing body pursuant to Section 6.3.3 or 7.2 of the San Diego County CEQA Guidelines. Such an appeal must be filed at the DPLU Zoning Counter, 5201 Ruffin Road, Suite B, San Diego, CA 92123 (Telephone: (858)565-5981) no later than 4:00 p.m. on the tenth calendar day after the date of this letter and must be accompanied by the appropriate appeal form. Appeal forms and other information are available at the DPLU Zoning Counter. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. the following day the County is open for business. No separate appeal fee is required but be aware that your deposit account will be charged for the staff time spent processing such an appeal (typically approximately 20 - 30 hours). Prior to filing an appeal you should, but are not required to, confirm with the project Environmental Analyst that the point(s) of your disagreement are in fact subject to appeal. Furthermore, discussing the points of the disagreement with staff often results in a clarification or compromise that may alleviate your concerns thereby eliminating the need for the appeal.

If you have any questions regarding these requirements, we encourage you to contact Robert Hingtgen, project Environmental Analyst, at (858) 694-3712.

4. **DEPARTMENT OF PUBLIC WORKS (DPW)**

The DPW does not provide road improvement requirements for General Plan Amendments. DPW has provided comments on the GPAR. These comments also address the traffic analysis that must be prepared for the project and are incorporated in the comments in Section 3, above. In addition, the DPW has the following comment regarding trails:

Address the trails aspects of this general plan amendment.

The DPLU notes that the discussion of conformance with the County General Plan and Fallbrook Community Plan should include a discussion about trails.

If you have any questions concerning trails, please call Jeff Bosvay at (858) 694-3266.

5. **DEPARTMENT OF ENVIRONMENTAL HEALTH (DEH)**

The DEH has not provided comments on the General Plan Amendment proposal. If the DEH provides comments, they will be forwarded to you under separate cover.

6. **PUBLIC FACILITY PROVIDERS**

No public facility providers provided comments on the General Plan Amendment proposal. If comments are received, they will be forwarded to you under separate cover.

7. **PLANNING/SPONSOR GROUP ISSUES**

The Fallbrook Community Planning Group will receive a copy of your General Plan Amendment Report at the next submittal. When the Planning Group provides comments, they will be forwarded to you under separate cover.

8. **ESTIMATED PROCESSING SCHEDULE**

An estimated time schedule is attached. Several assumptions were required to supply a schedule at this time and are listed at the bottom of the estimated schedule. If these assumptions prove to be incorrect, the schedule will be adjusted. The schedule also makes assumptions regarding County staff workload, submittal turnaround times by the applicant, and the number of

iterations of submittals required for the applicant to obtain an adequate document. These assumptions are based on staff's experience with this type of case. **If reports are determined to be acceptable with less than three reviews or the applicant turnaround times shortened, the "standard" schedule can be reduced by as much as 50 percent in some cases.**

9. **ESTIMATED PROCESSING COSTS**

The following is an estimate of the additional deposits required to process the application through hearing/decision:

| AGENCY | DEPOSIT AMOUNT |
|----------------------------------|-----------------------|
| DPLU-Planning | \$7,500 |
| DPLU-Environmental | \$3,000 |
| DPW | \$- |
| DEH | \$- |
| | |
| TOTAL ADDITIONAL DEPOSITS | \$ |

Be aware that Section 362 of Article XX of the San Diego County Administrative Code, Schedule B, 5 states that:

The Director of Planning and Land Use may discontinue permit processing and/or recommend denial of the said project based on non-payment of the estimated deposit.

Several assumptions were required to supply the DPLU-Environmental cost estimate at this time in the process. If these assumptions prove to be incorrect, your cost estimate will be adjusted. These assumptions are listed at the bottom of the attached environmental cost estimate.

Should your application be approved, there will be additional processing costs in the future (e.g., Final Map processing costs, park fees, drainage fees, building permit fees). The above estimate includes only the costs to get your present application(s) to hearing/decision and does not include these additional processing costs.

The initial review of your project indicates that there will be an effect on native biological resources. Therefore, State law requires the payment of a fee to the California Department of Fish and Game for their review of the project environmental document (Fish and Game Code §711.4). If this fee is needed, it will be requested and collected at a later time during the process. Payment of the fee is required regardless of whether or not we consider the effect on native biological resources to be significant or clearly mitigated. The project analyst will

remind you to pay this fee immediately prior to public review of the project environmental document.

10. **SUBMITTAL REQUIREMENTS**

Unless other agreements have been made with County staff, you must submit all of the following items concurrently and by the submittal date listed below in order to make adequate progress and to minimize the time and costs in the processing of your application. The submittal must be made to the DPLU Zoning Counter at 5201 Ruffin Road, Suite B, San Diego, CA 92123-1666 and must include the following items:

- a. **A COPY OF THIS LETTER.** The requested information will not be accepted unless accompanied by this letter.
- b. The following information and/or document(s) with the requested number of copies as specified:

| INFORMATION/DOCUMENT | NO. OF COPIES | LEAD REVIEW DEPT./SECTION |
|--|----------------------|---|
| Revised General Plan Amendment Report | 7 | Current(3)/ Resource(1)/DPW(2) /Fallbrook PG(1) |
| Traffic Report | 7 | Current(1)/ Resource(1)/DPW(5) |
| The staff turnaround goal for review of the requested information/document is 30 days. | | |

- c. Deposits in accordance with the following schedule as specified above in the Estimated Processing Costs section:

| AGENCY | ACCOUNT NUMBER | DEPOSIT AMOUNT |
|--------------------|-----------------------|-----------------------|
| DPLU-Planning | WN 7156 | \$7,500 |
| DPLU-Environmental | WE 1980 | \$3,000 |
| DPW | | \$- |
| DEH | | \$- |
| Other: | | \$- |

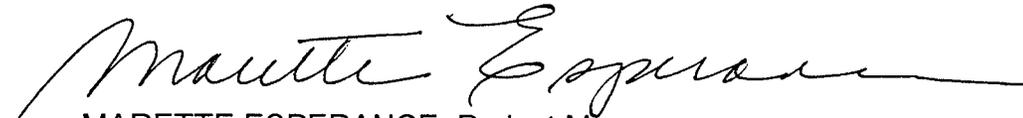
11. **SUBMITTAL DUE DATE**

In order to maintain adequate progress in the processing of your project, the DPLU requires that the revisions/information/deposits requested in this letter be submitted by **October 31, 2003**. An extension of this date may be granted at the

discretion of the Director of Planning and Land Use. To request an extension, submit a written request, signed and dated by the project applicant. The request must include the proposed new submittal date and a brief reasoning for the extension request. If the revised document(s) are not received, or an approved extension request is not granted by the Director by the above date, the Department may make a recommendation for denial of your project to the appropriate decision-making authority based upon inadequate progress pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15109.

If you have any questions regarding this letter or other aspects of your project, please contact me at (858) 694-2969.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marette Esperance", written in black ink.

MARETTE ESPERANCE, Project Manager
Current Planning

cc: Duane Urquhart, Peppertree Village VI, LLC, 5256 South Mission Rd. #905,
Bonsall, CA 92003
Fallbrook Community Planning Group
Nael Areigat, Project Manager, Department of Public Works, M.S. O336
Susan Porter, Regional Planner, Department of Planning and Land Use,
M.S. O650
Glenn Russell, Environmental Coordinator, Department of Planning and Land
Use, M.S. O650
Rob Hingtgen, Project Analyst, Department of Planning and Land Use,
M.S. O650
File

Attachments

SUMMARY ENVIRONMENTAL COST ESTIMATE AND DEPOSIT SCHEDULE

Project #: **GPA03-xx**
 Name: **Peppertree Park**
 Date: **07/02/03**
 Estimator: **Robert Hingtgen**

| TASK | Staff Hours | Management Hours | Word Proc. Hours |
|---|----------------|---------------------|---------------------|
| AEIS Completeness/Initial Study | 25.9 | 1.4 | 2.2 |
| Extended Initial Studies | N/A | N/A | N/A |
| MSCP/BMO or HLP Findings | N/A | N/A | N/A |
| Negative Declaration | 26.3 | 4.7 | 2.7 |
| Environmental Impact Report | N/A | N/A | N/A |
| Addendum/Use of Previous CEQA Document | N/A | N/A | N/A |
| Board Policy I-119 Review | N/A | N/A | N/A |
| TOTAL LABOR HOURS | 52.2 | 6.1 | 4.9 |
| Charge Rates (\$/hour) | \$ 102.01 | \$ 122.86 | \$ 39.99 |
| Subtotal - County Labor Costs* | | | \$ 6,300 |
| Fish and Game Fees** | | | \$ 1,275 |
| TOTAL ESTIMATED COST (Environmental) | | | \$ 7,575 |

DEPOSIT SCHEDULE

| | |
|---|-----------------|
| Environmental Deposits already paid | \$ 3,300 |
| Submit Immediately or Upon Next Submittal, as Appropriate | \$ 3,000 |
| Submit Immediately Prior to Public Review | N/A |
| Fish and Game Fees** | \$ 1,275 |
| TOTAL DEPOSITS (Environmental) | \$ 7,575 |

This is an estimate of County staff time and costs related to Environmental processing only.
 Estimates do not include any of the applicant's consultant costs nor County special graphics charges.

* - Labor Cost Subtotal is rounded to the nearest \$100.

** - Fish and Game fees are collected by the County on behalf of the California Dept. of Fish and Game immediately prior to public review.

GENERAL ASSUMPTIONS:

- There will be no Extended Initial Studies required.
- The project will be able to be completed using a Negative Declaration.
- MSCP/BMO or HLP Findings are not required or HLP Fee has already been paid.

There may be substantial changes in this estimate if any of the following occur:

- The above general assumptions prove incorrect, especially if an EIR is deemed to be required;
- Applicant does not meet turnaround times;
- It takes more or less than three iterations to obtain an adequate EIR or Extended Study (if applicable);
- Previously unknown public controversy occurs;
- Recirculation of the ND or EIR for public review is required;
- Your project is appealed to a hearing body for any reason.

XIS Factor: N/A

MSCP/BMO/HLP Factor: N/A

Project Factor: 6

ESTIMATED PROCESSING SCHEDULE

Project Name:
 Project Number: **GPA03-XX**
 Staff Completing Schedule: Robert Hingtgen
 Decision-Making Body: Board of Supervisors
 Date Schedule Produced/Revised: 7/2/2003

| TASK/ACTIVITY | Estimated Duration | Estimated Completion Date | Actual Completion Date |
|--|--------------------|---------------------------|------------------------|
| APPLICATION SUBMITTAL | | | 5/14/2 |
| DPLU reviews for application "completeness", determines project issues, costs and schedule | 30 | 6/13/2003 | 7/3/2003 |
| Applicant Submits 1st Draft Extended Initial Studies | 120 | 10/31/2003 | |
| DPLU Reviews 1st Draft Extended Initial Studies | 30 | 12/1/2003 | |
| Applicant Submits 2nd Draft Extended Initial Studies* | 45 | 1/15/2004 | |
| DPLU Reviews 2nd Draft Extended Initial Studies | 21 | 2/5/2004 | |
| Applicant Submits 3rd Draft Extended Initial Studies* | 30 | 3/8/2004 | |
| DPLU Reviews 3rd Draft Extended Initial Studies | 21 | 3/29/2004 | |
| DPLU finalizes Environmental Initial Study and Prepares Application Amendment Form | 21 | 4/19/2004 | |
| <i>Applicant submits Application Amendment form, F&G fees, copies of Extended Initial Studies</i> | 14 | 5/3/2004 | |
| DPLU completes, advertises and distributes draft Negative Declaration | 21 | 5/13/2004 | |
| Public review of draft Negative Declaration | 30 | 6/14/2004 | |
| <i>DPLU develops draft condition language and mitigation monitoring program</i> | 30 | 6/14/2004 | |
| DPLU reviews public review comments per "Fair Argument Standard", finalizes documentation | 10 | 6/24/2004 | |
| DPLU completes final documents, docket project and initial PROJECT HEARING/DECISION | 42 | 8/5/2004 | |

Total Estimated Duration

64 weeks
14.8 months

Bolded tasks are under the control of applicant/consultant.

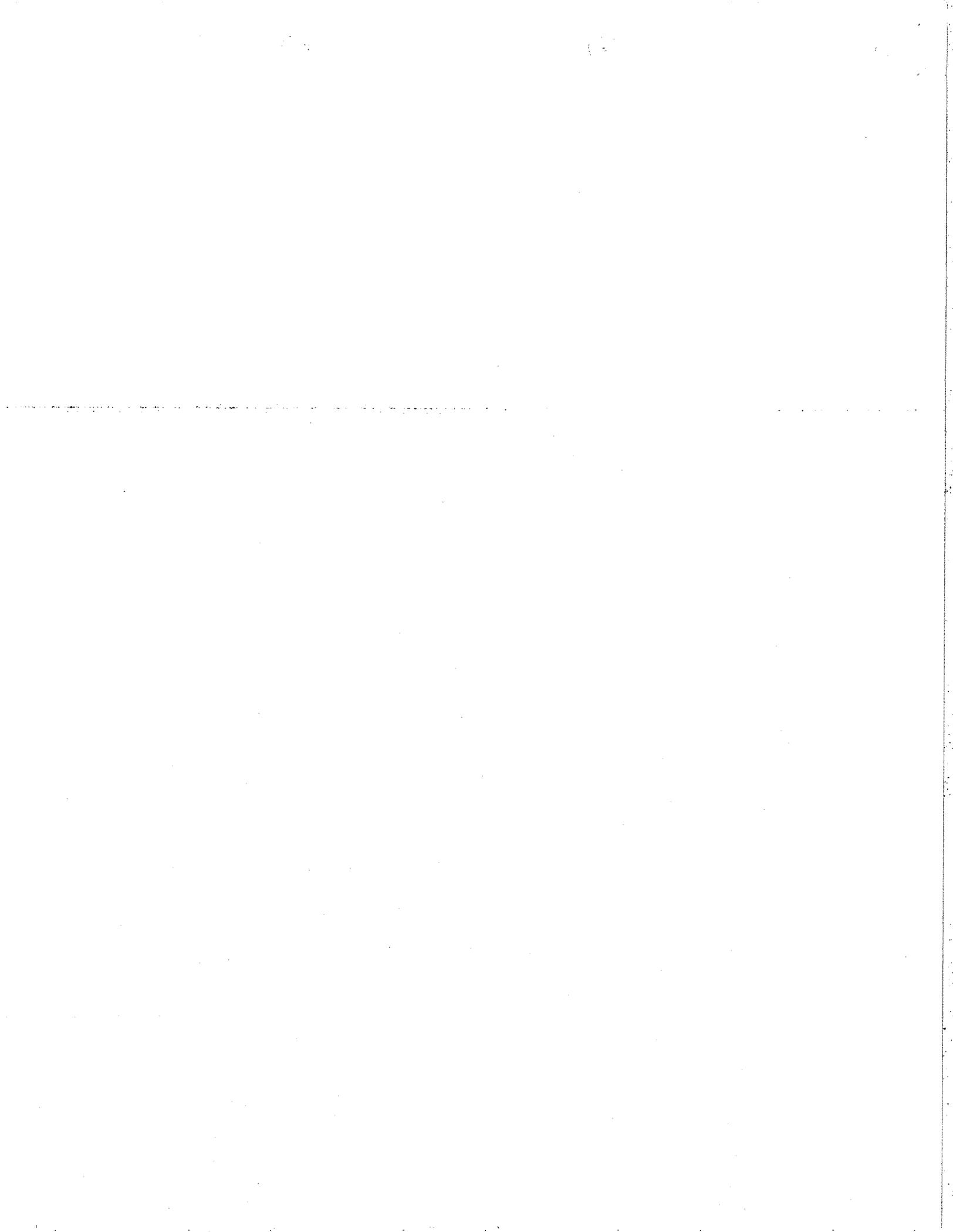
Italicized tasks are completed concurrently with other tasks.

* - Task can be eliminated if earlier draft documents are adequate.

Assumptions:

- Project will be completed using a Negative Declaration and extended Initial Studies will be required.
- Public Comments and Hearing comments will not meet the "Fair Argument" standard requiring an Environmental Impact Report.
- Applicant/consultant will provide adequate Extended Initial Studies in three iterations.
- Applicant/Consultant will submit all required information in accordance with the estimated schedule.
- The project will not be continued by the decision-making body nor appealed.
- Any Department of Public Works or Department of Environmental Health issues will be resolved concurrently with the environmental process.

The Hearing/Decision date is subject to Decision-Making Body availability and schedule.
 Dates which fall upon a holiday will have an actual completion date the first business day after such holiday.



SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY

P.O. BOX 82776, SAN DIEGO, CA 92138-2776
619.400.2400 WWW.SAN.ORG

December 22, 2003

Ms. Megan Jones
Environmental Management Specialist
County of San Diego
5201 Ruffin Road, Ste. B
San Diego, CA 92123-1666

**Re: San Diego County Regional Airport Authority ALUC Determination –
Peppertree Park Project; Pepper Tree Lane east of Mission Road; Fallbrook
Community Airpark CLUP**

Dear Megan:

The San Diego County Regional Airport Authority has received your application for review by the Airport Land Use Commission (ALUC) for the proposed project as described below:

Project: Peppertree Park Project; Pepper Tree Lane east of Mission Road

Proposed General Plan Amendment to modify the Peppertree Park Specific Plan Area text in the Fallbrook Community Plan to change the allowed density from 1.65 to 2.24 Dwelling Units/Acre.

The project is located outside the Airport Influence Area of Fallbrook Community Airpark. Therefore, staff review of the proposed project indicates that an ALUC consistency determination is not required. We appreciate your notification and wish you success with your project.

If you have any questions, please e-mail them to tanasis@san.org.

Sincerely,



TED ANASIS, AICP
Manager, Airport Planning
San Diego County Regional Airport Authority

TA/ljt

cc: Lori Ballance, Gatzke Dillon & Ballance LLP



SAN DIEGO
INTERNATIONAL
AIRPORT



PREPARE "OUTSIDE OF AIA LTR.

401 B Street, Suite 800
San Diego, CA CA 92101-4231
(619) 595-5300
Fax (619) 595-5305
www.sandag.org

FAX

MEMBER AGENCIES

- Cities of*
- Carlsbad
- Chula Vista
- Coronado
- Del Mar
- El Cajon
- Encinitas
- Escondido
- Imperial Beach
- La Mesa
- Lemon Grove
- National City
- Oceanside
- Poway
- San Diego
- San Marcos
- Santee
- Solana Beach
- Vista
- and
- County of San Diego

ADVISORY MEMBERS

- California Department of Transportation
- Metropolitan Transit System
- North San Diego County Transit Development Board
- United States Department of Defense
- San Diego Unified Port District
- San Diego County Water Authority
- Tijuana/Baja California/Mexico

Date: December 19, 2003

To: Lynda Tamura **Fax Number:** 400-2458

From: Nan Valerio

Subject: Fallbrook Properties

No. Pages: 2 (including transmittal page)

To Reply: Telephone: (619) 595-5365
Fax: (619) 595-5305

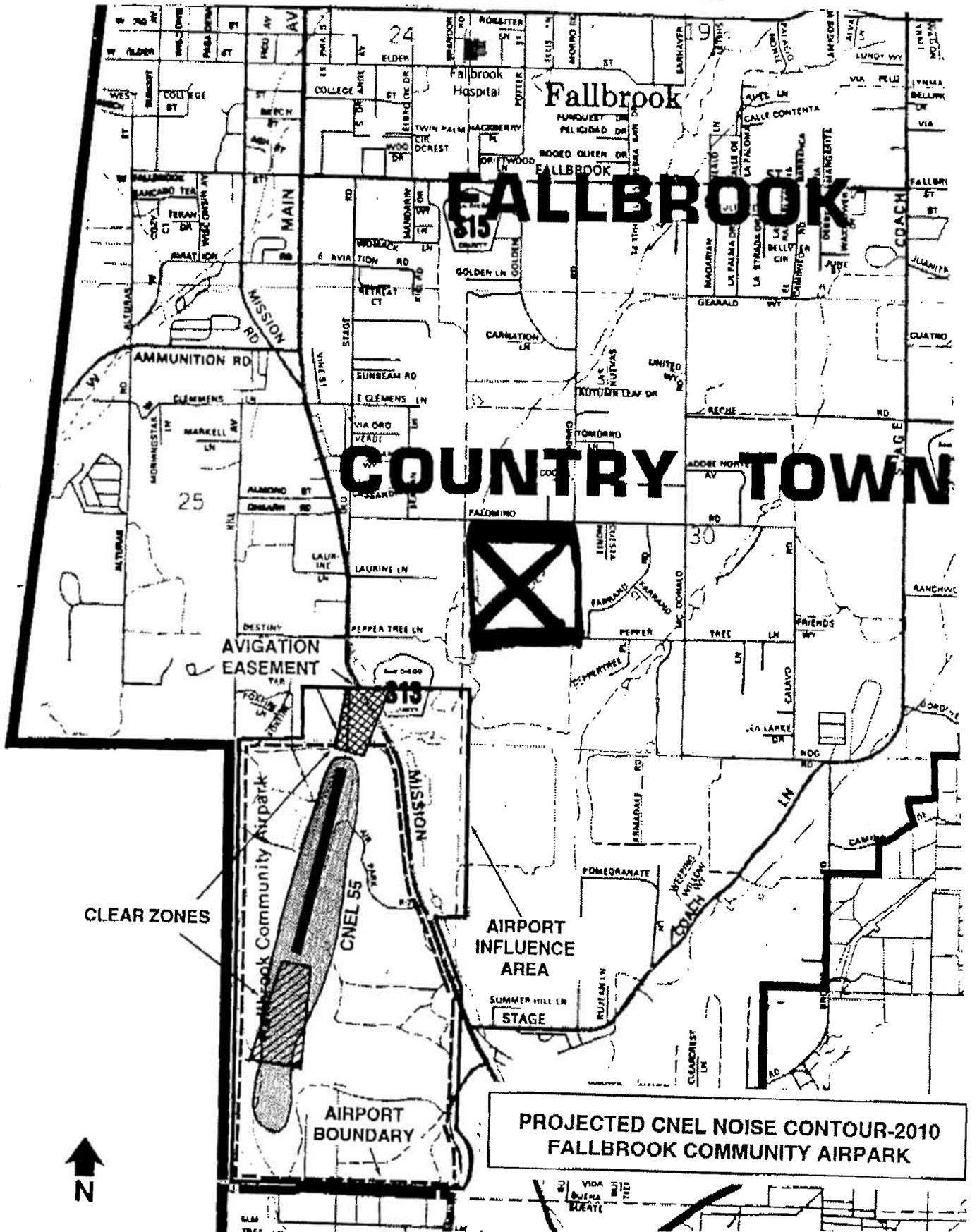
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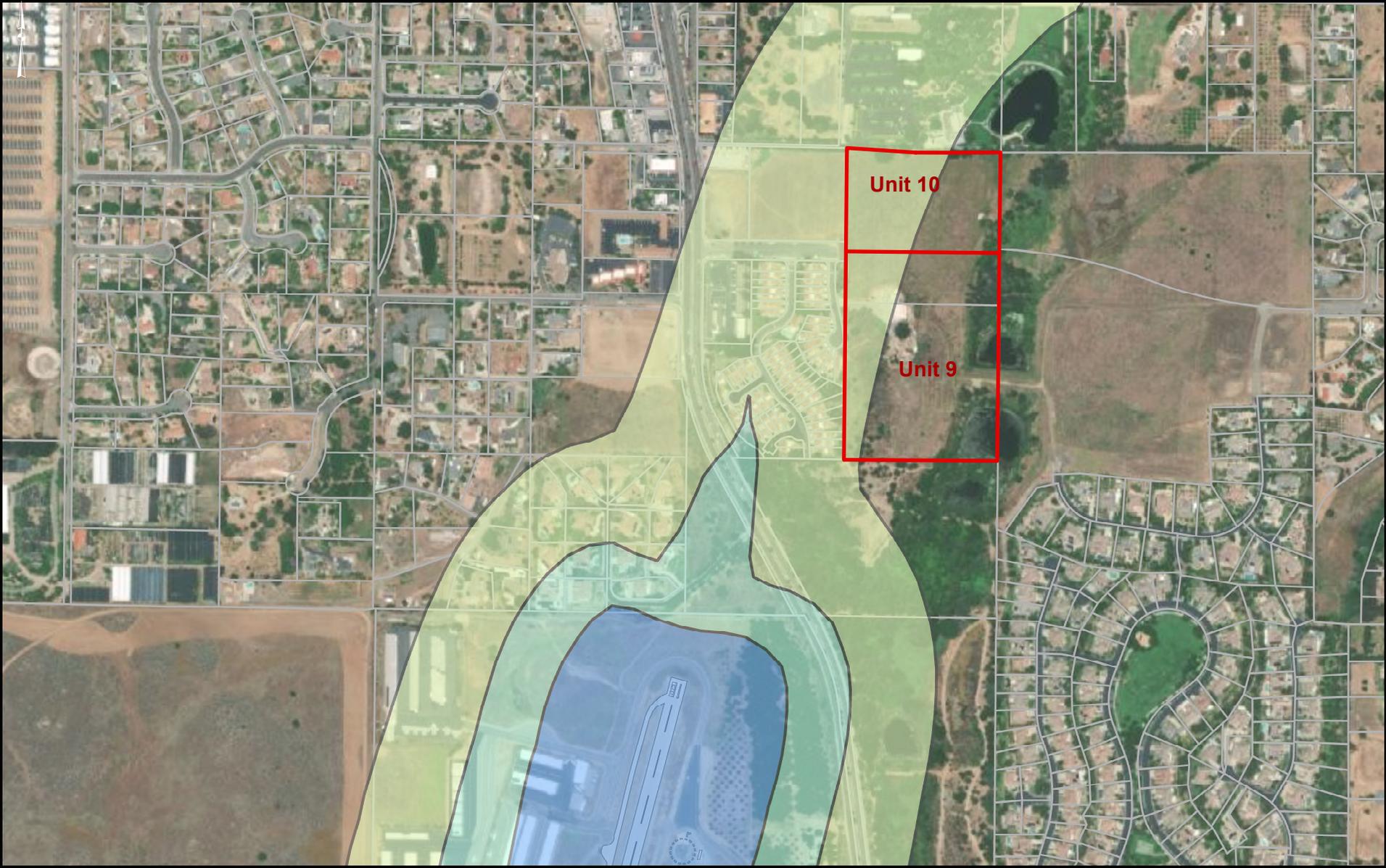
Attached is a copy of the Fallbrook Airpark Map from the CLUP, with an "X" marking the location of the properties you wanted mapped:

APNs
#104-350-15; #104-351-17, and #106-041-52;
#106-101-44 does not exist, but #106-410-44 is included in this group.

I hope this is helpful.

Figure 2
AIRPORT INFLUENCE AREA
PROJECTED NOISE CONTOUR AND CLEAR ZONES

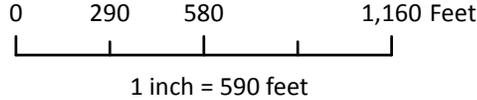




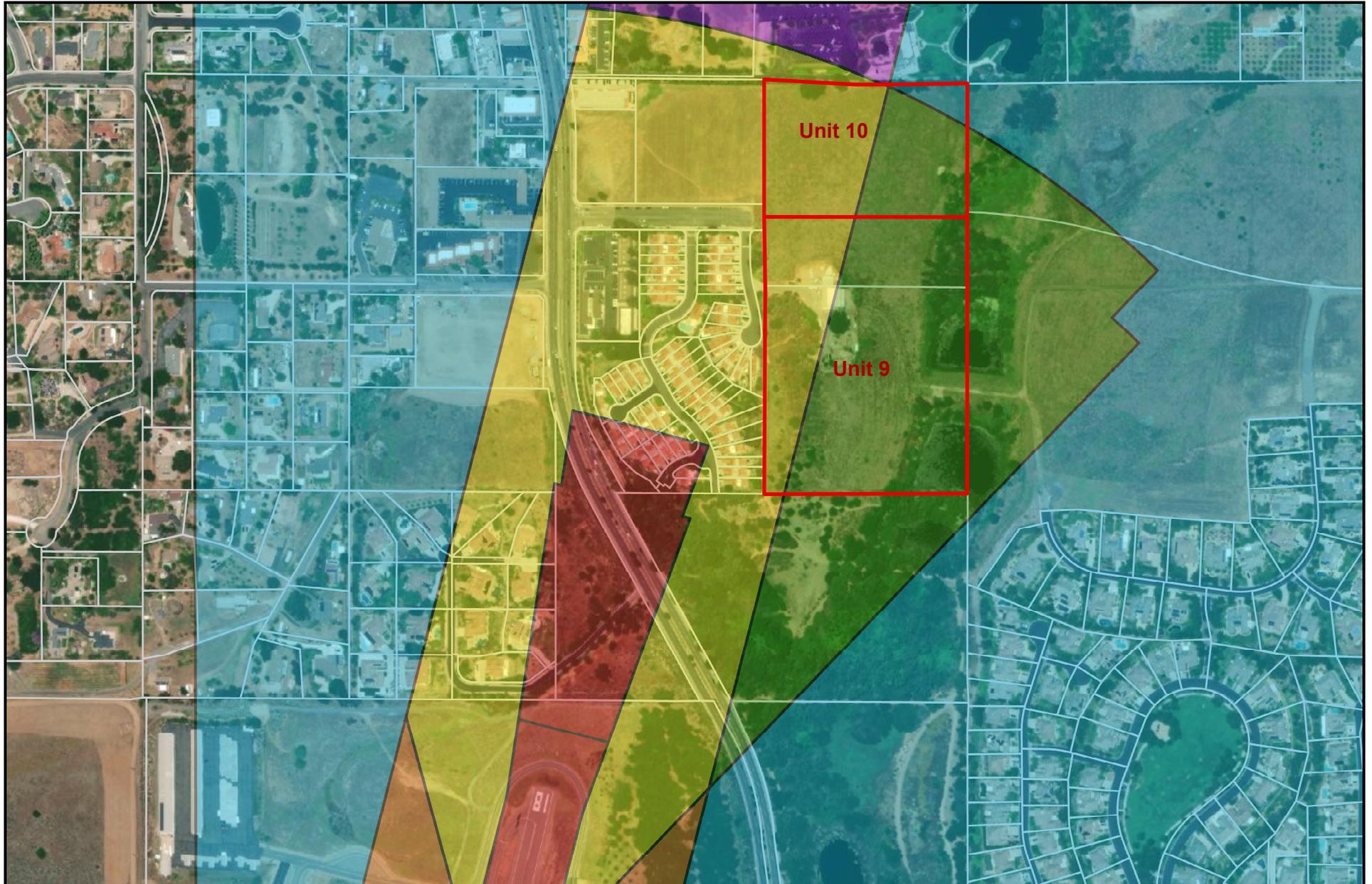
SAN DIEGO
COUNTY
REGIONAL
AIRPORT
AUTHORITY

Fallbrook CNEL Contours Peppertree Park Units 9 & 10 Noise Exhibit

- 55-60 dB CNEL
- 60-65 dB CNEL
- 65+ dB CNEL



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

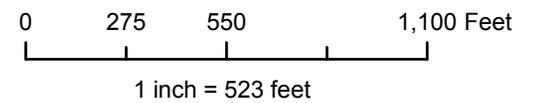


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AUTHORITY

Fallbrook ALUCP Safety Zones

- 1 - RPZ
- 2 - Inner Arrival/Departure
- 3 - Turning
- 4 - Outer Arrival/Departure
- 5 - Sideline
- 6 - Traffic Pattern

**Peppertree Park Units 9 & 10
Safety Map**



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

RESOLUTION NO. 2021-0002 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: GENERAL AND SPECIFIC PLAN AMENDMENTS AND ZONE RECLASSIFICATION FOR RESIDENTIAL USE OF UNIT 9 AND COMMERCIAL USE OF UNIT 10 OF THE PEPPERTREE PARK SPECIFIC PLAN, FALLBROOK, COUNTY OF SAN DIEGO, COULD QUALIFY TO BE EXEMPT FROM OR IS NOT CONSISTENT WITH THE FALLBROOK COMMUNITY AIRPARK 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, has been requested by the County of San Diego (County) to determine the consistency of a proposed project: General and Specific Plan Amendments and Zone Reclassification for Residential Use of Unit 9 and Commercial Use of Unit 10 of the Peppertree Park Specific Plan, Fallbrook, County of San Diego, which is located within the Airport Influence Area (AIA) for the Fallbrook Community Airpark Airport Land Use Compatibility Plan (ALUCP), adopted in 2006 and amended in 2011; and

WHEREAS, the County deemed a project application complete, in a letter dated June 27, 2003, for a proposed project involving an amendment to the County General Plan to increase the residential density within the 162.9 acres of the Peppertree Park Specific Plan area from 1.65 to 2.24 dwelling units per acre; and

WHEREAS, the ALUC was requested by the County to determine the consistency of the aforesaid General Plan Amendment (GPA), and, in a letter dated December 22, 2003, the ALUC informed the County in response to its request for a consistency determination for the proposed GPA that the subject property was located outside the AIA of the Fallbrook Community Airpark Comprehensive Land Use Plan (CLUP), adopted in 1991 by the San Diego Association of Governments (SANDAG), and the project was therefore not subject to the requirement for a determination of consistency with the CLUP from the ALUC; and

WHEREAS, the ALUC deemed the County General Plan and zoning consistent with the ALUCP in 2011 such that the County is only obligated by statute (Cal. Pub. Util. Code §21676.5) and that consistency determination (Res. No. 2011-0017 ALUC) to refer certain project applications, which include amendments to general, specific, precise, and master plans as well as zone reclassifications (rezones), to the ALUC for a consistency determination, but the County otherwise retains original jurisdiction to review project applications for all other development and design aspects of a project apart from a plan amendment or rezone; and

WHEREAS, plans have been submitted to the ALUC for the currently proposed project that indicate that it would involve amendments to the County General Plan and the Peppertree Park Specific Plan together with a Rezone to change the land use designation and zoning from Office/Professional use over a 19.7-acre area of the Specific Plan to a Village Residential use at a density of 7.3 dwelling units per acre for Unit 9 and a General Commercial use for Unit 10; and

WHEREAS, the currently proposed project does not qualify as a continuation of a “long-term project” as defined by the ALUCP (Policy 1.2.2(f)) because the current project proposes changes “in a substantive manner” to the “original approval(s)” of the Peppertree Park Specific Plan, which designated the land area of the present Units 9 and 10 as Office/Professional use, and not the current project proposal of Residential use; and

WHEREAS, the ALUCP (Policy 1.2.2(e)) provides that a project application which was deemed complete by the local jurisdiction prior to the effective date of the ALUCP and did not require ALUC review because it was located outside the AIA of the CLUP and any subsequent, implementing actions shall not require subsequent ALUC review under the ALUCP, unless the project changes in a manner that exceeds specified criteria (Policy 2.3.4(b)); and

WHEREAS, if the SPA and Rezone associated with the currently proposed project constitute subsequent, implementing actions to the GPA deemed complete by the County in 2003 and submitted to the ALUC for consistency review, then the currently proposed project could qualify to be exempt from the ALUCP if the project does not exceed the criteria of changes in a substantive manner; and

WHEREAS, if the SPA and Rezone associated with the currently proposed project do not constitute subsequent, implementing actions to the GPA deemed complete by the County in 2003 and submitted to the ALUC for consistency review, then the currently proposed project is subject to the ALUCP; and

WHEREAS, the proposed project is located within the north/"suburban" 55-60 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour, and the ALUCP identifies residential and commercial uses located within the north/"suburban" 55-60 dB CNEL noise contour as compatible with airport uses; 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) for the maximum potential height of future structures; and

WHEREAS, the proposed project property of Units 9 and 10 lies primarily within Safety Zones 2 and 3, with smaller portions of Unit 10 within Safety Zones 4 and 6; and the ALUCP identifies commercial uses located within Safety Zone 6 as compatible and within Safety Zones 2, 3, and 4 as either compatible or conditionally compatible, subject to a maximum intensity of occupancy for the north/"suburban" zones; and the ALUCP identifies residential uses within Safety Zone 3 as conditionally compatible, subject to a maximum density of 8 units per acre and provision of "open land" subject to ALUCP standards, but the ALUCP identifies residential uses located within Safety Zone 2 as incompatible with airport uses and does not allow residential uses to be considered as permissible per an infill development designation; and

WHEREAS, the proposed project is located within the overflight notification area, and the ALUCP requires a means of overflight notification to be provided for new residential land uses; 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 County, the project development sponsor, and interested members of the public to present information regarding this matter;

NOW, THEREFORE, BE IT RESOLVED that the ALUC determines that the proposed project: General and Specific Plan Amendments and Zone Reclassification for Residential Use of Unit 9 and Commercial Use of Unit 10 of the Peppertree Park Specific Plan, Fallbrook, County of San Diego, could qualify to be exempt from or is not consistent with the Fallbrook Community Airpark ALUCP, which was adopted in 2006 and amended in 2011, based upon the following facts and findings:

- (1) The County deemed a project application complete, in a letter dated June 27, 2003, for a proposed GPA to increase the residential density within the Peppertree Park Specific Plan area from 1.65 to 2.24 dwelling units per acre. The same letter directed the project development sponsor to additionally submit other permit applications that would be concurrently required to entitle the project as proposed.
- (2) The ALUC informed the County, in a letter dated December 22, 2003, in response to its request for a consistency determination for the proposed GPA that the subject property was located outside the AIA of the Fallbrook Community Airpark CLUP, and the project was therefore not subject to the requirement for a determination of consistency with the CLUP from the ALUC.
- (3) The ALUC deemed the County General Plan and zoning consistent with the ALUCP in 2011 such that the County is only obligated by statute and that consistency determination to refer certain project applications, which include amendments to general, specific, precise, and master plans as well as rezones, to the ALUC for a consistency determination, but otherwise the County retains original jurisdiction to review project applications for all other development and design aspects of a project apart from a plan amendment or rezone.
- (4) The plans submitted for consistency determination to the ALUC for the currently proposed project indicate that it would involve amendments to the County General Plan and the Peppertree Park Specific Plan together with a Rezone to change the land use designation and zoning from

Office/Professional use over an area of the Specific Plan to a Village Residential use at a density of 7.3 dwelling units per acre for Unit 9 and a General Commercial use for Unit 10.

- (5) The currently proposed project does not qualify as a continuation of a “long-term project” as defined by the ALUCP (Policy 1.2.2(f)) because the current project proposes changes “in a substantive manner” to the “original approval(s)” of the Peppertree Park Specific Plan, which designated the land area of the present Units 9 and 10 as Office/Professional use, and not the current project proposal of Residential use.
- (6) The ALUCP (Policy 1.2.2(e)) provides that a project application which was deemed complete by the local jurisdiction prior to the effective date of the ALUCP and did not require ALUC review because it was located outside the AIA of the CLUP and any subsequent, implementing actions shall not require subsequent ALUC review under the ALUCP, unless the project changes in a manner that exceeds specified criteria (Policy 2.3.4(b)).
- (7) If the SPA and Rezone associated with the currently proposed project constitute subsequent, implementing actions to the GPA deemed complete by the County in 2003 and submitted to the ALUC for consistency review, then the currently proposed project could qualify to be exempt from the ALUCP if the project does not exceed the criteria of changes in a substantive manner. The County, as the entity with land use jurisdiction, determines whether the SPA and Rezone are subsequent implementing actions to the 2003 GPA.
- (8) If the SPA and Rezone associated with the currently proposed project do not constitute subsequent, implementing actions to the GPA deemed complete by the County in 2003 and submitted to the ALUC for consistency review, then the currently proposed project is subject to the ALUCP.

- (9) The proposed project is located within the north/"suburban" 55-60 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour. The ALUCP identifies residential and commercial uses located within the north/"suburban" 55-60 dB CNEL noise contour as compatible with airport uses.
- (10) 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 for the maximum potential height of future structures.
- (11) The proposed project property of Units 9 and 10 lies primarily within Safety Zones 2 and 3, with smaller portions of Unit 10 within Safety Zones 4 and 6. The ALUCP identifies commercial uses located within Safety Zone 6 as compatible and within Safety Zones 2, 3, and 4 as either compatible or conditionally compatible, subject to a maximum intensity of occupancy for the north/"suburban" zones. The ALUCP identifies residential uses within Safety Zone 3 as conditionally compatible, subject to a maximum density of 8 units per acre and provision of "open land" subject to ALUCP standards. The ALUCP identifies residential uses located within Safety Zone 2 as incompatible with airport uses and does not allow residential uses to be considered as permissible per an infill development designation.
- (12) The proposed project is located within the overflight notification area. The ALUCP requires a means of overflight notification to be provided for new residential land uses.

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, is not a "development" as defined by the California Coastal Act, Pub. Res. Code Section 30106, and requires no federal approvals warranting review under the National Environmental Policy Act (NEPA).

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County
at a regular meeting this 1st day of July, 2021, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

TONY R. RUSSELL
DIRECTOR, BOARD SERVICES /
AUTHORITY CLERK

APPROVED AS TO FORM:

AMY GONZALEZ
GENERAL COUNSEL

RESOLUTION NO. 2021-0003 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: GENERAL AND SPECIFIC PLAN AMENDMENTS AND ZONE RECLASSIFICATION FOR RESIDENTIAL USE OF UNITS 9 AND 10 OF THE PEPPERTREE PARK SPECIFIC PLAN, FALLBROOK, COUNTY OF SAN DIEGO, IS NOT CONSISTENT WITH THE FALLBROOK COMMUNITY AIRPARK 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, has been requested by the County of San Diego (County) to determine the consistency of a proposed project: General and Specific Plan Amendments and Zone Reclassification for Residential Use of Units 9 and 10 of the Peppertree Park Specific Plan, Fallbrook, County of San Diego, which is located within the Airport Influence Area (AIA) for the Fallbrook Community Airpark Airport Land Use Compatibility Plan (ALUCP), adopted in 2006 and amended in 2011; and

WHEREAS, in 2003, the ALUC informed the County in response to its request for a consistency determination for a proposed amendment to the County General Plan within the Peppertree Park Specific Plan area that the subject property was located outside the AIA of the Fallbrook Community Airpark Comprehensive Land Use Plan (CLUP), adopted in 1991 by the San Diego Association of Governments (SANDAG), and the project was therefore not subject to the requirement for a determination of consistency with the CLUP from the ALUC; and

WHEREAS, in 2011, the ALUC deemed the County General Plan and zoning consistent with the ALUCP such that the County is only obligated by statute (Cal. Pub. Util. Code §21676.5) and that consistency determination (Res. No. 2011-0017 ALUC) to refer certain project applications, which include amendments to general, specific, precise, and master plans as well as zone reclassifications (rezones), to the ALUC for a consistency determination; and

WHEREAS, plans have been submitted to the ALUC for the currently proposed project that indicate that it would involve amendments to the County General Plan and the Peppertree Park Specific Plan together with a Zone Reclassification (Rezone) to change the land use designation and zoning from Office/Professional use over a 19.7-acre area of the Specific Plan constituting Units 9 and 10 to a Village Residential use at a density of 7.3 dwelling units per acre; and

WHEREAS, the currently proposed project does not qualify to be exempt from the ALUCP (Policy 1.2.2(e)) because it “changes in a substantive manner” from the proposed GPA submitted to the ALUC in 2003 by proposing residential density within the present Unit 10, which was conceptually designated as General Commercial in the 2003 GPA; and

WHEREAS, the currently proposed project does not qualify as a continuation of a “long-term project” as defined by the ALUCP (Policy 1.2.2(f)) because the current project proposes changes “in a substantive manner” to the “original approval(s)” of the Peppertree Park Specific Plan, which designated the land area of the present Units 9 and 10 as Office/Professional use, and not the current project proposal of Residential use; and

WHEREAS, the proposed project is located within the north/“suburban” 55-60 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour, and the ALUCP identifies residential uses located within the north/“suburban” 55-60 dB CNEL noise contour as compatible with airport uses; 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) for the maximum potential height of future structures; and

WHEREAS, the proposed project property of Units 9 and 10 lies primarily within Safety Zones 2 and 3, with smaller portions of Unit 10 within Safety Zones 4 and 6; and the ALUCP identifies residential uses located within Safety Zone 6 as compatible and within Safety Zones 3 and 4 as conditionally compatible, subject to a maximum density of 8 units per acre and provision of “open land” subject to ALUCP standards, but the ALUCP

identifies residential uses located within Safety Zone 2 as incompatible with airport uses and does not allow residential uses to be considered as permissible per an infill development designation; and

WHEREAS, the proposed project is located within the overflight notification area, and the ALUCP requires a means of overflight notification to be provided for new residential land uses; 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 County, the project development sponsor, and interested members of the public to present information regarding this matter;

NOW, THEREFORE, BE IT RESOLVED that the ALUC determines that the proposed project: General and Specific Plan Amendments and Zone Reclassification for Residential Use of Units 9 and 10 of the Peppertree Park Specific Plan, Fallbrook, County of San Diego, is not consistent with the Fallbrook Community Airpark ALUCP, which was adopted in 2006 and amended in 2011, based upon the following facts and findings:

- (1) The proposed project involves amendments to the County of San Diego General Plan and the Peppertree Park Specific Plan together with a zone reclassification to change the land use designation and zoning from Office/Professional use to Village Residential use at a density of 7.3 dwelling units per acre for Units 9 and 10.
- (2) The current project proposes residential density within the present Unit 10, which was conceptually designated as General Commercial in the 2003 GPA. This constitutes a change "in a substantive manner" from the 2003 GPA proposal previously submitted to the ALUC for consistency determination with the CLUP such that the current project does not qualify to be exempt from the ALUCP.
- (3) The currently proposed project does not qualify as a continuation of a "long-term project" as defined by the ALUCP because the current project

proposes changes “in a substantive manner” to the “original approval(s)” of the Peppertree Park Specific Plan, which designated the present Units 9 and 10 as Office/Professional use, and not the current project proposal of Residential use.

- (4) The proposed project is located within the north/“suburban” 55-60 dB CNEL noise contour. The ALUCP identifies residential uses located within the north/“suburban” 55-60 dB CNEL noise contour as compatible with airport uses.
- (5) 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 for the maximum potential height of future structures.
- (6) The proposed project property of Units 9 and 10 lies primarily within Safety Zones 2 and 3, with smaller portions of Unit 10 within Safety Zones 4 and 6; and the ALUCP identifies residential uses located within Safety Zone 6 as compatible and within Safety Zones 3 and 4 as conditionally compatible, subject to a maximum density of 8 units per acre and provision of “open land” subject to ALUCP standards, but the ALUCP identifies residential uses located within Safety Zone 2 as incompatible with airport uses and does not allow residential uses to be considered as permissible per an infill development designation.
- (7) The proposed project is located within the overflight notification area. The ALUCP requires a means of overflight notification to be provided for new residential land uses.

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, is not a “development” as defined by the California Coastal Act, Pub. Res. Code Section 30106, and requires no federal approvals warranting review under the National Environmental Policy Act (NEPA).

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County
at a regular meeting this 1st day of July, 2021, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

TONY R. RUSSELL
DIRECTOR, BOARD SERVICES /
AUTHORITY CLERK

APPROVED AS TO FORM:

AMY GONZALEZ
GENERAL COUNSEL

General and Specific Plan Amendments and Zone Reclassification for Peppertree Park Units 9 & 10, Fallbrook, County of San Diego

July 1, 2021

Proposed Project

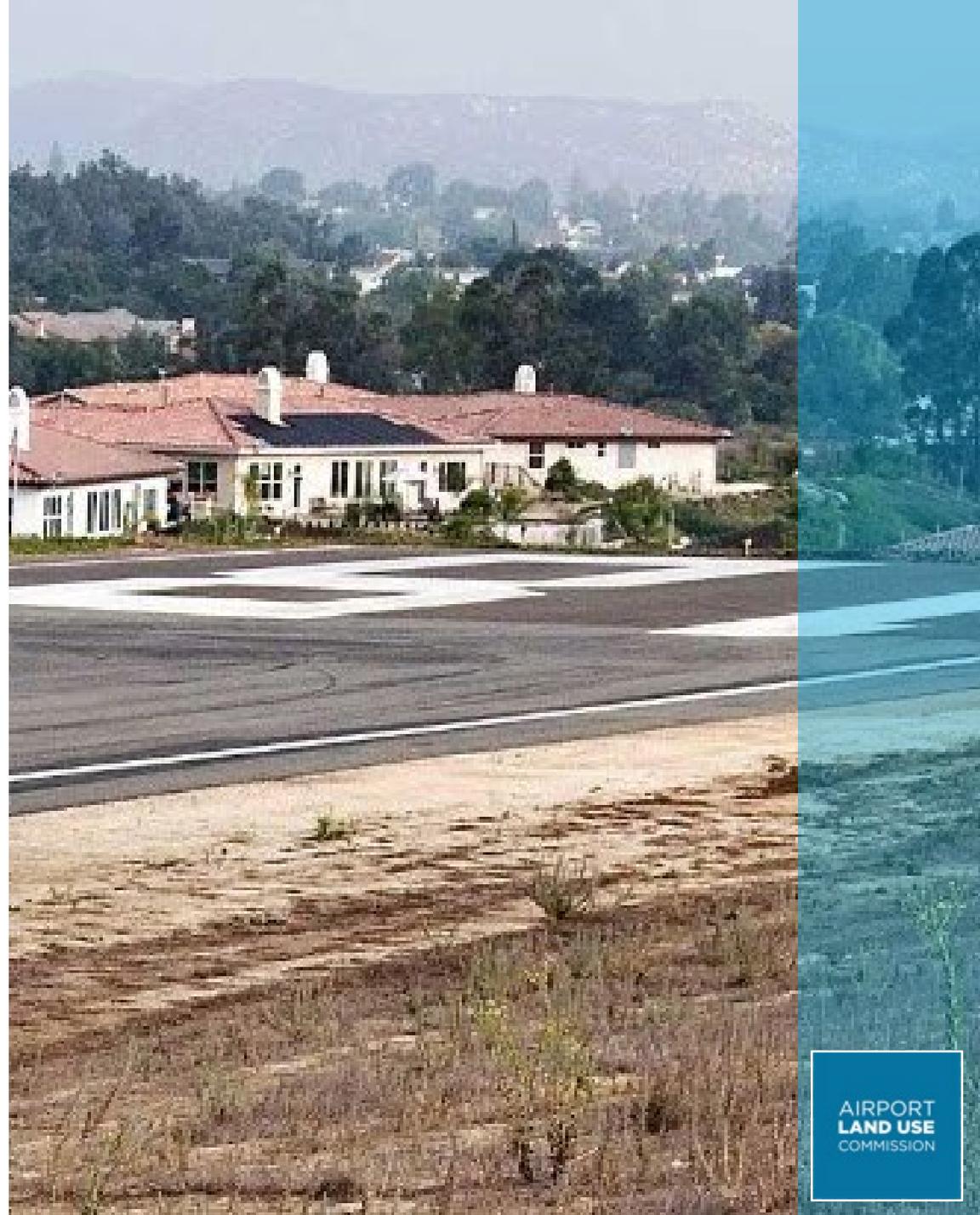
Proposed rezone and amendments to the County of San Diego General Plan and the Peppertree Park Specific Plan

Change from Office Professional to:

- Development Scenario #1, residential (Unit 9) and commercial (Unit 10)
- Development Scenario #2, residential (Units 9 & 10)

ALUC Review Responsibility

- 2011 - ALUC found County General Plan & zoning Consistent with ALUCPs
- County reviews all proposed projects within AIAs
- State law [Cal. Pub. Util. Code §21676(b)] requires ALUC to review all rezones and plan amendments within AIAs

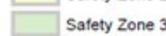
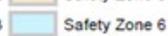


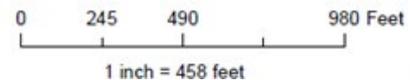
Project Location



SAN DIEGO
COUNTY
REGIONAL
AIRPORT
AUTHORITY

Peppertree Park Units 9 & 10 Safety Zone
Map

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



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

Project Timeline

1991
Peppertree
Park SP
Adopted

2003 GPA
Submitted to
ALUC for
Consistency
Determination

2006
Fallbrook
ALUCP Adopted
2011 County
Implemented

2021 new
Application
for ALUC
Consistency
Determination

**Development Scenario #1:
Residential in Unit 9 &
Commercial Unit 10**

ALUCP Policy 1.2.2(e)

- ALUC Project Review Not Required IF:
 - Project application deemed complete by the local jurisdiction prior to the effective date of 2006 ALUCP
 - Project located beyond the boundary of the CLUP AIA
 - Project has not changed in a substantive manner, as defined by ALUCP threshold criteria

Subsequent Implementing Action(s)

- County determined SPA and Rezone needed to effectuate density levels proposed in 2003 GPA
- Are SPA and Rezone “subsequent implementing action(s)”?
 - If Yes: Policy 1.2.2(e) applies, and project could be exempt from further ALUC review if it does not exceed ALUCP threshold criteria of “changes in a substantive manner”
 - If No: Policy 1.2.2(e) does not apply, and SPA and Rezone must be evaluated under 2006 ALUCP

ALUCP Review - Scenario #1

Noise

- Partially located within the north/"suburban" 55-60 dB CNEL
- Residential and commercial uses compatible within noise contour

Airspace

- FAA issued determination of no hazard to air navigation

Overflight

- ALUCP requires overflight notification to be provided to residences

Safety

- Residential uses are conditionally compatible in Zone 3, subject to density limit and "open land" standards, but **not compatible in Zone 2**
- Nonresidential uses are compatible in Zone 6 and conditionally compatible in Zones 2, 3, & 4, subject to intensity limits

**Development Scenario #2:
Residential in Units 9 &
10**

ALUCP Review - Scenario #2

Noise

- Partially located within the north/"suburban" 55-60 dB CNEL
- Residential uses compatible within noise contour

Airspace

- FAA issued determination of no hazard to air navigation

Overflight

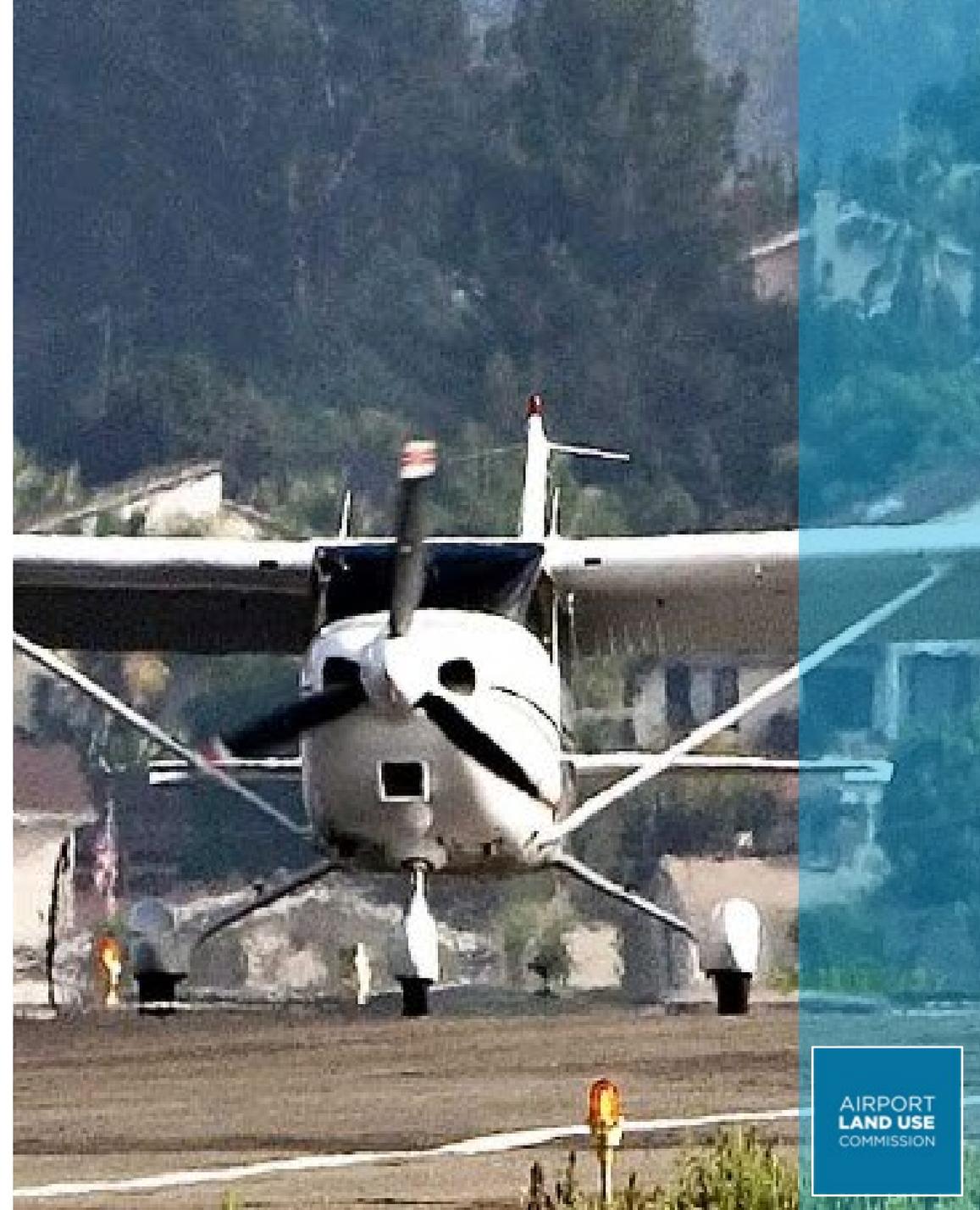
- ALUCP requires overflight notification to be provided to residences

Safety

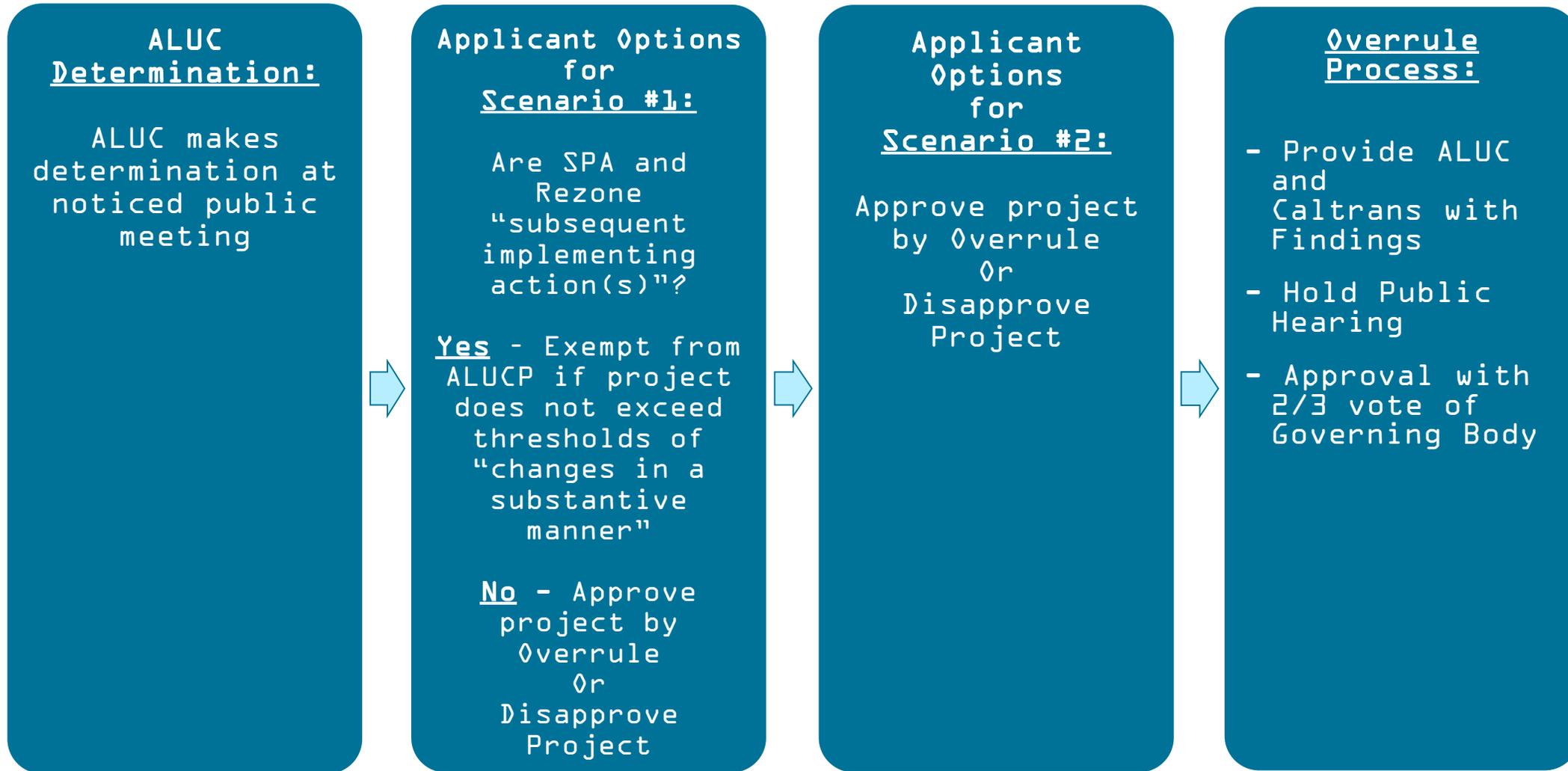
- **Residential uses are not compatible in Zone 2**
- Residential uses in Zone 3 are conditionally compatible, subject to density limit and "open land" standards

Recommendation:

- **Scenario #1** could be exempt under ALUCP Policy 1.2.2.(e) if the SPA and Rezone are “subsequent implementing action(s)” of the 2003 GPA and the project does not exceed ALUCP threshold criteria for “changes in a substantive manner”, or is not consistent with the ALUCP if the SPA and Rezone are not “subsequent implementing action(s)” of the 2003 GPA because residential uses are not compatible within Safety Zone 2
- **Scenario #2** is not consistent with the ALUCP because residential uses are not compatible within Safety Zone 2



Next Steps in Process



An aerial photograph of an airport terminal and surrounding runways, overlaid with a semi-transparent blue filter. The terminal building is prominent in the center, with several runways and taxiways visible. The text "Questions?" is written in a white, monospace-style font across the middle of the image.

Questions?

AIRPORT
LAND USE
COMMISSION

July 1, 2021 ALUC Meeting

Comments Received from the Public

ITEM 3

**Consistency Determination: Fallbrook
Community Airpark Airport Land Use
Compatibility Plan**

**General and Specific Plan Amendments and
Zone Reclassification for Peppertree Park Units
9 & 10, Fallbrook, County of San Diego**

Peppertree Park Project Report

Prior to 1988, the entire Peppertree Park project was zoned exclusively for residential uses – RR-2 or two residential units per acre. When the 1988 Peppertree Park GPA was approved, the project was converted into a Specific Plan with an S-88 Zone. The purpose of a Specific Plan as defined by Govt Code (65450), is a systematic implementation of approved Peppertree GPA. Similarly, an approved Tentative Map and Major Use Permit are how the Specific Plan is implemented.

ORIGINAL PROJECT APPROVALS

1988: Board of Supervisors approves General Plan Amendment.

1991: Board of Supervisors approves Specific Plan Amendment, Tentative Map, and Major Use Permit.

SUBSEQUENT PROJECT IMPLEMENTING ACTIONS:

First Project Airport Determination of Consistency

FALUCP Sec. 1.2.2.(e): *A project which was deemed complete by the local jurisdiction prior to the effective date of this Compatibility Plan, and which did not require ALUC review because it was located beyond the boundary of the airport influence area defined by the Fallbrook Community Airpark compatibility plan in place at the time the application was deemed complete shall not require subsequent ALUC review under this Compatibility Plan, unless the project changes in a substantive manner.*

Dec 2002: Peppertree filed GPA Application and Revised Tentative Map. See Exhibit A.

Feb 2003: **Peppertree GPA/Rezone** is approved with a Plan Amendment Authorization by PDS (formerly DPLU). The Rezone is approved to change Unit 9&10 Office/Professional uses to residential, commercial, or mixed uses. See Exhibit B.

Jun 2003: PDS determines the General Amendment application is complete in accordance with Govt. Code Section 65943. See Exhibit C.

Dec 2003: In December 2003, the Regional Airport Authority determined the proposed project is not in the Fallbrook Airport Area of Influence. See Exhibit D.

Nov 2007: Due to the 2003 PAA approval for the Peppertree GPA/Rezone, Peppertree continues to spend time and money processing the related **Revised TM**. The Revised TM is approved by the SD County Planning Commission See Exhibit E.

2008 : Due to the global real estate recession, the 2003 GPA/Rezone is placed in a County approved Idle Status account to *preserve all prior entitlements* to date, including the 2003 PAA, 2003 GPA Complete Application, and Regional Airport Finding.

2013: Peppertree pays funds to timely bring the 2003 GPA out of Idle Status to finish processing the implementing Rezone, SPA, and TM. See Exhibit F.

Second Project Airport Determination of Consistency

FALUCP Sec. 1.2.2.f Long Term Project....such as a **specific plan**, master plan, precise plan, large subdivision which consist of several phases, or functionally comparable discretionary permit or action (“original approvals”), and *any subsequent discretionary or ministerial permit or action for that project shall be governed by the compatibility plan in effect at the time of the first such permit or action for the project was issued by the local jurisdiction.*

2016/2017: Peppertree continues to process 2003 GPA/Rezone application. In the Major Pre-Application Meeting **Project Description**, the 2003 GPA/Rezone PAA is identified as the “project”. See Exhibit G.

The airport is cited as a planning issue. See Exhibit H.

Dec 2017: PDS determines that the 2003 GPA/Rezone qualifies under the FALUC under a “Long Term Project Exemption”. See Exhibit I.

Apr 2019: Almost 18 months later, after two full project submittals costing over \$100,000 in County Review Fee deposits, the County reverses themselves and incorrectly rescinds the Long-Term Project Exemption. See Exhibit J.

Oct 2019: Peppertree petitions the ALUC Commission for a public hearing on the project Long Term Project Exemption. Ed Gowens of the ALUC Staff discovers the 2003 Regional Airport Letter previously received by PDS, but not disclosed to Peppertree. See Exhibit D.

The ALUC discovery results in a meeting with Ralph Redman, Ed Gowens, PDS Senior Project Manager, Dave Sibbet, and PDS Planner Jeff Smyser. The final determination is that the 2003 GPA/Rezone is grandfathered and exempt from further ALUC consistency review. See Exhibit K.

Third Project Airport Determination of Consistency

May 2020: PDS Airport expert provides a written decision that the Peppertree 2003 GPA/Rezone would be exempt from further ALUC review if Unit 10 were only to propose *commercial uses* rather than residential. See Exhibit L.

Exhibits

Exhibit A: GPA Application

DEPT. OF PLANNING & LAND USE
6301 RUFFIN ROAD, SUITE B
SAN DIEGO, CA 92121-1804
(602) 646-6901 • (602) 297-9779 • FAX (602) 495-6060

02 03 04730 12/06/02 09:44AM
4900 TRUST FUND DEPOSITS \$2,020.0
Work Auth: WN6946
REF: PAA02-005

CP332

DISCRETIONARY PROJECT APPLICATION

Table with columns: Case Numbers, DPLU, DPW, Health, Other. Includes handwritten entries for case numbers, amounts, and a summary row for 'TOTALS'.

Have you had a pre-application conference? YES [X] NO []
If yes, Planner's Name: Jeff M...

Financial responsibility: owner [X] applicant [] engineer [] taxpayer ID# or SSN []

Owner Name Peppertree Land Co. Phone (760-630-6585

Owner's E-mail Address

Address 5256 South Mission Rd Suite 905

City Bonsall CA 92003 State Zip

Applicant Name Duane Urquhart Phone () 760-630-6585

(If different from owner and/or party financially responsible for project on DPLU#128.)

Address 5256 South Mission Rd Suite 905

City Bonsall CA 92003 State Zip

Engineer Name (Planners) TRS Consultants Phone () 858-496-2525

Address 7867 Convoy Ct. #312

City San Diego CA 92111 State Zip

Point of Contact Thure Stedt Phone () 858-496-2525

Project Name Peppertree Park

Project Address Peppertree Lane east of Mission Rd, Fallbrook

Assessor's Parcel No 104-350-15,19, 104-351-17, 106-410-44, 106-041-52

I am able and intend to proceed with actual construction work and/or division of land in accordance with plans submitted herein within months after approval. ATTACH A LETTER OF AUTHORIZATION FOR AGENT (IF APPLICABLE).

Signature of owner or Authorized Agent

12-01-02

Eric Kallen

Date

Print or type Signature's Name

Exhibit A: GPA Application (cont'd)

LIST THE ASSESSOR'S PARCEL NUMBERS FOR ALL PROPERTY INCLUDED IN THIS APPLICATION.
 An incomplete listing may invalidate General Plan Amendment Authorization.

Undeveloped portion: 104-350-15,19 104-351-17 106-041-52 106-410-44

Already developed portion: 106-500-all (except 29) 106-510-all 106-520-all

106-521-all 106-550-all 106-551-all 106-560-all 106-561-all

Total Acreage: 1629 acres Tax Rate Area: _____

Thomas Bros. Page & Coordinate: 1027 G5 Supervisor's District: Horn

Community or Subregional Plan: Fallbrook

ZONING RECLASSIFICATION INFORMATION: Complete the zoning boxes below. Information for completing this form is available from the Zoning Information Counter, Department of Planning and Land Use, 565-5981. Please duplicate this form if you need to fill out more than one zoning reclassification item.

EXISTING

General Plan Regional Category:

CUDA

Community/Subregional Plan Designation:

#21 (1.65)

PROPOSED

General Plan Regional Category:

CUDA

Community/Subregional Plan Designation:

#21 (2.24)

Existing Zoning

| USE REGULATIONS | S88/ RS1.17 |
|--------------------------|-------------|
| ANIMAL REGULATIONS | A/J |
| Density | 0/1.17 |
| Lot size | 6000/20000 |
| Building type | L/C |
| Maximum floor area | |
| Floor area ratio | |
| Height | G |
| Coverage | |
| Setback | E/J |
| Open space | E/A |
| SPECIAL AREA REGULATIONS | B/P |

Proposed Zoning

| USE REGULATIONS | S88 | R10 | RS7 | RS1.17 |
|--------------------------|------|------|------|--------|
| ANIMAL REGULATIONS | A | J | J | J |
| Density | 0 | 10 | 7 | 1.17 |
| Lot size | 6000 | 6000 | 3000 | 20000 |
| Building type | L | K | C | C |
| Maximum floor area | | | | |
| Floor area ratio | | | | |
| Height | G | G | G | G |
| Coverage | | | | |
| Setback | E | J | J | J |
| Open space | E | A | A | A |
| SPECIAL AREA REGULATIONS | B | P | P | P |

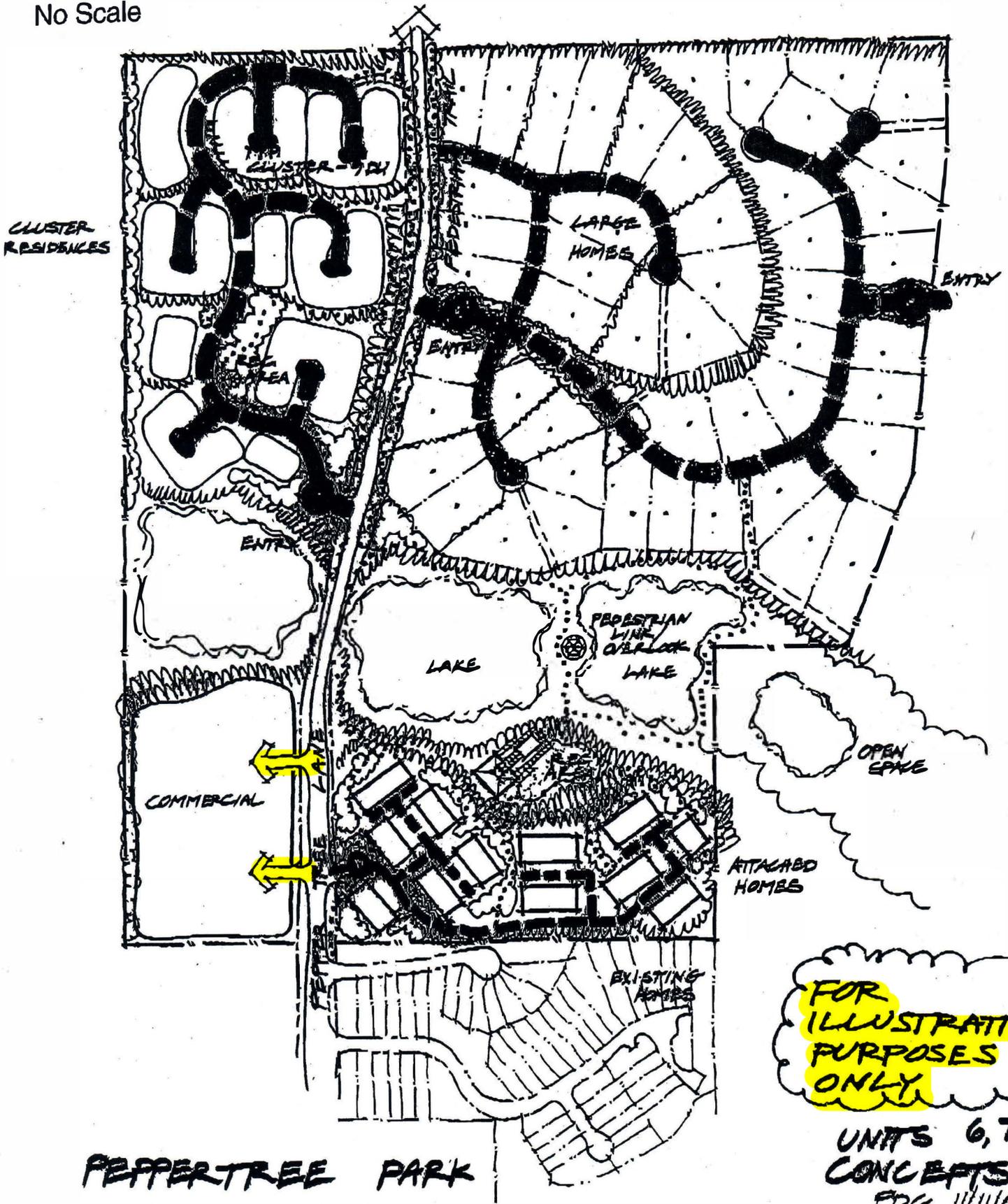
Give a brief description of the proposed plan amendment:

Value-neutral increase in residential density for presently undeveloped portion of Specific Plan area identified by Assessor's Tax Parcel numbers above. Realignment of Peppertree Lane.

No proposed zone change on already developed portion of Specific Plan area.

Exhibit A: GPA Application (cont'd)

No Scale



FOR ILLUSTRATIVE PURPOSES ONLY

UNITS 6, 7, 8;
CONCEPTS
FDC 11/11/02

Exhibit B: DPLU PAA Approval Letter



GARY L. PRYOR
DIRECTOR
(858) 694-2962

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B. SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017

SAN MARCOS OFFICE
338 VIA VERA CRUZ - SUITE 201
SAN MARCOS, CA 92069-2620
(760) 471-0730

EL CAJON OFFICE
200 EAST MAIN ST. - SIXTH FLOOR
EL CAJON, CA 92020-3912
(619) 441-4030

February 4, 2003

Duane Urquhart
Peppertree Land Co.
5256 South Mission Rd. Suite 905
Bonsall, California 92003

RE: **THRESHOLD DECISION ON PLAN AMENDMENT AUTHORIZATION (PAA)**
02-005

Dear Mr. Urquhart:

On December 12, 2002, you filed an application to amend the map and text of the Fallbrook Community Plan. Your application proposes to change the density and development criteria for 74.25 acres located in the northerly portion of the Peppertree Park Specific Plan Area. You also proposed to rezone the area in order to **implement** the General Plan Amendment.

Your plan amendment request, PAA 02-005, has been authorized for processing in accordance with Board Policy I-63. The environmental review process, including scoping for the project and the preparation of an Initial Study will begin after the project is officially submitted to the County. It will be necessary to complete an Application for Environmental Initial Study and it may be necessary to provide additional studies and information at a later date before determination as to the environmental effects of the project can be made. **In addition to the proposed Zone Reclassification, implementation of the General Plan Amendment will require an amendment to the Peppertree Park Specific Plan, and new Tentative Maps for the residential portions of the proposal.** These applications can be processed concurrently with the General Plan Amendment.

Please submit seven copies of the **General Plan Amendment Report, along with the appropriate implementing applications,** a copy of this letter, and deposits to the Department of Planning and Land Use by May 4, 2003, so processing may begin. Please consult staff at the Zoning Counter for the applicable deposits and filing

Exhibit C: 2003 Scoping Letter



FILE COPY 7/3

GARY L. PRYOR
DIRECTOR
(858) 694-2962

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017

SAN MARCOS OFFICE
338 VIA VERA CRUZ - SUITE 201
SAN MARCOS, CA 92069-2620
(760) 471-0730

EL CAJON OFFICE
200 EAST MAIN ST. - SIXTH FLOOR
EL CAJON, CA 92020-3912
(619) 441-4030

June 27, 2003

Thure Stedt
TRS Consultants
7867 Convoy Ct. #312
San Diego, CA 92111

CASE NUMBER: GPA03-xx; ACCOUNT NUMBER: CP 332; PROJECT NAME: Peppertree Park General Plan Amendment

Dear Mr. Stedt:

The Department of Planning and Land Use (DPLU) has reviewed your application for a General Plan Amendment and has determined that your application is complete pursuant to Section 65943 of the Government Code. The Department is providing you with this letter as a guide for the further processing of this application.

This letter lists those concerns that have been identified and specifies any revisions and additional information that may be necessary to process this application. Additionally, an estimated time schedule and estimated cost of processing this application have been included as well as draft conditions that will likely be made part of any resolution of approval.

1. PROJECT DESCRIPTION

This is a request to change the text of the Fallbrook Community Plan that guides development of the Peppertree Park Specific Plan Area. The changes would increase the density of the Specific Plan Area from 1.65 dwelling units per acre to 2.24 dwelling units per acre, change the housing mix from 100% single family residential to 83.5% single family residential and 16.5% multi-family residential and allow General Commercial uses on a 6.7 acre portion of the Specific Plan Area. Reclassification of Pepper Tree Lane from Light Collector to Rural Light Collector is proposed.

2. DEPARTMENT OF PLANNING AND LAND USE – PLANNING ISSUES

Exhibit D: 2003 Regional Airport Authority Letter

Linda J.

**SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY**

P.O. BOX 82776, SAN DIEGO, CA 92138-2776
619.400.2400 WWW.SAN.ORG

December 22, 2003

Ms. Megan Jones
Environmental Management Specialist
County of San Diego
5201 Ruffin Road, Ste. B
San Diego, CA 92123-1666

**Re: San Diego County Regional Airport Authority ALUC Determination –
Peppertree Park Project; Pepper Tree Lane east of Mission Road; Fallbrook
Community Airpark CLUP**

Dear Megan:

The San Diego County Regional Airport Authority has received your application for review by the Airport Land Use Commission (ALUC) for the proposed project as described below:

Project: Peppertree Park Project; Pepper Tree Lane east of Mission Road
Proposed General Plan Amendment to modify the Peppertree Park Specific Plan Area text in the Fallbrook Community Plan to change the allowed density from 1.65 to 2.24 Dwelling Units/Acre.

The project is located outside the Airport Influence Area of Fallbrook Community Airpark. Therefore, staff review of the proposed project indicates that an ALUC consistency determination is not required. We appreciate your notification and wish you success with your project.

If you have any questions, please e-mail them to tanasis@san.org.

Sincerely,



TED ANASIS, AICP
Manager, Airport Planning
San Diego County Regional Airport Authority

TA/ljt



**SAN DIEGO
INTERNATIONAL
AIRPORT**

Exhibit F: Idle Status Update



COUNTY OF SAN DIEGO PLANNING & DEVELOPMENT SERVICES

5510 Overland Avenue, Suite 110
San Diego, CA 92123
Information (858) 694-2960 Toll Free (800) 411-0017
Website: <http://publicservices.sdcounty.ca.gov/citizenaccess>

Invoice Date:
5/1/2013

Record Reference:

Record ID #: PDS2013-IC-13-025
Record Name: PEPPER TREE PARK IC
Site Address:
APN: 106-410-44-00

Financially Responsible Party:

Customer #: 2004096
Name: PEPPERTREE VILLAGE LLC
Address: 5256 S MISSION RD STE 905
City, ST, Zip: BONSALL, CA 92003-3623
Trust Acct #: 12-D-04-17636

Project Description / Scope

Initial Consultation to update Idle Status

Flat Fees To Be Paid

FEES AMOUNT DUE:

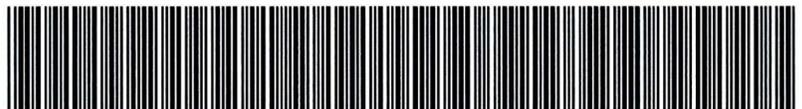
Deposits To Be Paid

| Dept Request | Description | Amount |
|--------------|-----------------|------------|
| PDS | Initial Deposit | \$4,230.00 |

DEPOSITS AMOUNT DUE: \$4,230.00

TOTAL AMOUNT DUE: \$4,230.00

PLEASE PROCEED TO THE CASHIER WITH THIS INVOICE TO MAKE YOUR PAYMENTS...THANK YOU FOR YOUR BUSINESS



.W.X1.X.WPDS2013-IC-13-025

Exhibit G: Project Description



County of San Diego, Planning & Development Services MAJOR PRE-APPLICATION MEETING REQUEST ZONING DIVISION

A Major Pre-application meeting consists of a detailed review of a proposed project prior to formal application submittal and is intended to identify and resolve major issues that may affect project feasibility. Major Pre-Apps are required for the project types listed below. In certain instances where a project may be considered minor and non-controversial a waiver of the mandatory Major Pre-App may be approved by Planning & Development Services (PDS). A waiver request [PDS-328](#) must be submitted to the PDS Zoning Counter for consideration. A determination on the waiver will be provided within five days of the waiver request.

Major Pre-Apps are mandatory for projects that will be approved by the Planning Commission or Board of Supervisors:

- Tentative Maps
- Revised Tentative Maps
- Major Use Permits
- Major Use Permit Modifications (non-cell sites)
- Rezones
- Specific Plans/Specific Plan Amendments
- General Plan/General Plan Amendments
- Reclamation Plan
- optional for other projects

A [Major Pre-Application Meeting](#) is not to review or submit an application for a discretionary permit. For information on submitting an application for a [Discretionary Permit](#), contact the Planning & Development Services (PDS) Zoning Counter at 1-888-267-8770 or, to schedule a submittal appointment, call 1-888-267-8770.

Requestor's Name: Peppertree Park Villages 9&10 LLC Phone: 760-630-6585

Mailing Address: 5256 S. Mission Rd, Suite 905 Bonsall, CA 92003

Fax: 760-630-6682 Email Address: duane@ncinvests.com

Are you an Attorney or are you bringing an Attorney to the Major Pre-Application Meeting? Yes No

Are you an Attorney or are you bringing an Attorney and will legal issues be discussed? Yes No

Be aware that PDS Policy requires that County Counsel attend meetings where an outside attorney is present and legal issues will be discussed. Deputy County Counsel will charge at the hourly rate shown in the table on page 2. If you check the "Yes" box, above, change your mind and fail to notify PDS that you will not bring an attorney, County Counsel charges for preparation and travel (generally 1-2 hours) will still be applied.

MEETING ATTENDEES AND COST

A PDS Project Manager will be assigned the Major Pre-application. Refer to the table on the following page for typical pre-application meeting attendees, deposit estimates and hourly rates. A Major Pre-application initial deposit can range from \$8,000 to 12,000+. The initial deposit is collected to cover the initial review; however the total cost may exceed initial deposits depending on the complexity of project issues. The cost of the Major Pre-application meeting is based on staff time, but not limited to, completing background research, reviewing application materials, studies, responding to phone inquiries, preparation of correspondence, meeting preparation and attendance, and follow up. If the actual cost exceeds the initial deposit, then an additional deposit must be paid by the financially responsible person to cover the difference.

----- PDS STAFF USE ONLY -----

Record ID: _____

Student Intern: _____

Project Manager: _____

Planning Manager: _____

----- OFFICIAL USE ONLY -----

5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123 • (858) 565-5981 • (888) 267-8770

<http://www.sdcounty.ca.gov/pds>



Exhibit G: Project Description (cont'd)

I. PROJECT DESCRIPTION

1. General Plan Amendment

A General Plan Amendment (GPA) is proposed to modify the Peppertree Park Specific Plan Area (SPA) in the Fallbrook Community Plan. The GPA purpose is to better accommodate land use patterns that have been established in the community since the SPA was originally approved in 1991 and reimburse the costs associated with the realignment of Pepper Tree Lane. The GPA proposes two primary changes to the existing SPA

- a. **Unit 9: Change office professional uses to a Single Family Residential (VR7.3)**
- b. **Unit 10: Change to Retail/Commercial uses or residential or mixed uses.**

2. Specific Plan Amendment

A Specific Plan Amendment is proposed to implement the General Plan Amendment changes. The SPA would modify the uses allowed in the site to permit a change in residential use type and allow retail commercial and/or mixed uses.

3. Rezone

A change in the overall density of the SPA will be accompanied by a rezone of 19.76 acres to accommodate a higher density residential development, changes in the style of residential development and/or retail commercial.

4. **Tentative Map** A new Tentative Map will provide the development details related to Unit 9 and/or Unit 10.

5. Environmental Documentation

Technical studies will be submitted concurrent with the GPA, SPA, Rezone and TM to facilitate scoping of the project. The applicant would like to rely on previous environmental approvals to the extent feasible.

Peppertree Park Original Final EIR #87-2-106 dated April 12, 1990; Supplemental EIR for TM4713RPL⁶, P87-069RPL, SP87-007, and R88-004 dated August 14, 1991; Addendum to the EIR Peppertree Park TE (TM4713RPL6TE, Log.No.87-02-106E) dated November 2, 2007; Addendum to the EIR Peppertree Park Revised Map (Tm4713RPL6R, P87-o69W, Log. No. 87-02-106D dated October 18, 2007

6. **Plan Amendment Authorization (PAA) GPA/rezone- Approved Feb 4, 2003**

Exhibit H: Scoping Comments



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds

October 9, 2017

Brice Bossler
3835 Wildwood Road
San Diego, CA 92107

PEPPERTREE PARK VILLAGES 9 & 10, LLC MAJOR PRE-APPLICATION LETTER
RECORD ID: PDS2017-MPA-17-006; **PROJECT ADDRESS:** 1654 S. Mission Road,
Fallbrook; **APN:** 104-350-15 & 19. 104-351-17; **TRUST ACCOUNT NO.:** 2030173-D-04728

Dear Brice Bossler:

On September 13, 2017, Planning & Development Services (PDS) held a Pre-application Meeting on the above listed APNs. This letter provides a summary of the major issues discussed at the conference, key decisions or determination, and guidance for project processing.

COMMUNITY PLANNING GROUP COORDINATION

Planning & Development Services (PDS) strongly recommends coordination with the Fallbrook Community Planning Group prior to application submittal, as the Department will consider comments from applicable community groups in its decision making process. See the following links for a list of the Planning Group Board chairpersons and contact information:

Planning and Sponsor Group: <http://www.sdcounty.ca.gov/PDS/docs/plngchairs.pdf>

Exhibit H: Scoping Comments (cont'd)

PDS2017-MPA-17-006;
Peppertree Park MPA

-4-

October 9, 2017

Community Plan Condition C. 1 (Office professional activities shall be located on the 15.03 acre portion of the site, west of the proposed Ostrich Farms Creek open space area). A list of policies is included in the Project Issue Checklist (See Attachment A). Ongoing coordination between staff and the applicant is required to determine if the project is consistent with all policies or how it can be revised to comply with these policies. Staff cannot move forward with a positive recommendation until the project is found consistent with the General Plan and Community Plan Policies.

Any proposed General Plan Amendment will be reviewed to ensure that the change is in the public interest and would not be detrimental to public health, safety, and welfare. Environmental review is required for substantive General Plan amendments.

4. **Airport Hazard:** The project is located within the Airport Influence Area (AIA) of the Fallbrook Air Park. Specifically the project is located within (Safety Zones 2 and 3/ Review Area #2) of the Airport's Airport Land Use Compatibility Plan (ALUCP). A portion of the project is within the Land Safety Zone 2, which prohibits residential uses. Therefore, the project, as designed, does not comply with this requirement.

After the September 13, 2017, additional outreach was made with the Regional Airport Authority (RAA). The RAA disclosed that the existing AIA zones may change in the next six to 18 months (date uncertain) which may further limit the residential use proposed for this project. The RAA and PDS did note, however, once all portions of the application are submitted (e.g., GPA, SPA, REZ, TM, etc.), and once PDS has found all portions/applications of the project complete pursuant to Section 65943 of the Government Code, and if the RAA has not adopted a new AIA, the project may be eligible to rely on the current (2011) Fallbrook Air Park AIA safety zones. However, if the project should have any changes/deviations after being deemed complete, it may void this interpretation. Therefore, at the time of submittal of all required permits, staff will have the RAA and County Counsel review the application.

5. **California Environmental Quality Act:** The previous Environmental Impact Report (EIR) prepared for Peppertree Park (SP-87-007, R88-004, TM-4713, MUP-87-069, Log No. 87-02-106) was certified by the Board of Supervisors on August 8, 1991. An Addendum to the EIR for a Time Extension (Log No. 87-02-106E) was approved on November 2, 2005. No changes were made with respect to the scope of the project, however, renumbering of the remaining phases were made. An Addendum to the EIR for a Revised Map (Log No. 87-02-106D) was approved on November 16, 2007. The EIR indicated that the project would result in significant and not mitigable impacts to: Aesthetics, Grading and Erosion, and Biological Resources. The EIR also found significant effects to Traffic, Flooding, Noise and Airport Safety that were mitigated to a less than significant. An analysis of the mitigation measures must be completed to ensure that this project

Exhibit I: December 2017 PDS Email

From: "Sibbet, David" <David.Sibbet@sdcounty.ca.gov>
Date: December 21, 2017 at 2:41:01 PM PST
To: "duane@ncinvests.com" <duane@ncinvests.com>
Cc: "Kevin P. Sullivan" <KSullivan@gdandb.com>, "Smith, Marisa" <Marisa.Smith@sdcounty.ca.gov>
Subject: Peppertree GPA airport review

Duane,

12/21/17

Good news, we agree that your proposed project can meet the 7 below findings, but the ultimate determination will be made by the ALUC and the California Division of Aeronautics pursuant to the plan (Section 2.3.3) and then the project by the Board of Supervisors.

Staff has reviewed your submitted emails regarding why – in your opinion - **Peppertree Park GPA 03-xx (for Units 9 & 10)** should **not** be *subject to the current Fallbrook Airport Land Use Compatibility Plan (ALUCP)*.

As you are aware, the current Fallbrook ALUCP shows Safety Zone 2 over the northwest corner of your project site. Section 3.1.1 (a)(2) of the Fallbrook ALUCP states, "Residential infill development shall not be permitted within Safety Zone 2." However, there are exceptions, as you noted with your proposal of using Section 1.2.2 (f) of the Fallbrook ALUCP (Long Term Projects), which states, "Except as otherwise provided in Paragraphs (a) through (e), above, a **long term project...and any subsequent discretionary or ministerial implementing permit or action for that project, shall be governed by the compatibility plan in effect at the time the first such permit or action for the project was issued by the local jurisdiction,** provided all of the following exist:

- (1) The project applicant has obtained from a local jurisdiction final approval of the original approval(s) prior to the effective date of this Compatibility Plan;
YES - The County agrees with your assessment that SP87-007 and TM-4713 were approved by the Board of Supervisors on August 14, 1991, which is prior to the ALUCP effective date (December 4, 2006).
- (2) The local jurisdiction has obtained a consistency determination for the original approval(s) (for those jurisdictions where the General Plan is not consistent with compatibility plan);
N/A - The County of San Diego's General Plan is consistent with the Fallbrook ALUCP.
- (3) **The original approval(s) remain(s) in effect;**
YES - The County agrees with your assessment that SP 87-007 remains in effect.
- (4) Final approval of the original approval(s) was (were) obtained not more than fifteen (15) years prior to the effective date of this Compatibility Plan.
YES – TM-4713R (Revised Map) and MUP-87-069W1 (Major Use Permit Modification) were approved by the Planning Commission on November 16, 2007.
- (5) The project applicant has used reasonable good faith efforts in proceeding with the original approval(s) including without limitation, processing any other governmental permits and approvals necessary to implement the original approval(s)...
YES – The County agrees with your records (the recording of Units 1-6 of TM-4713 and the approval of TM-4713R/MUP87-069W1) that the applicant has proceeded with the original approval(s).
- (6) The local jurisdiction has approved a related implementing permit or action for the original approval(s) within five (5) years prior to the effective date of this Compatibility Plan or the project applicant has an application on file that has been deemed complete by the local jurisdiction for any related implementing permit or action as of the effective date of this Compatibility Plan; and
YES – The County determined that the application for GPA 03-xx was complete pursuant to Section 65943 of the Government Code, as noted in the June 27, 2003 Scoping Letter to the applicant.

Exhibit I: December 2017 PDS Letter (con't)

- (7) **The original approval(s) has/have not changed in a substantive manner, as determined by** the local jurisdiction or **the ALUC** (see Policy 2.3.4)

Possible – Section 2.3.4 states:

Subsequent Review: Even after a project has been found consistent with the Compatibility Plan- whether as part of a general plan change or zoning amendment or other mandatory-review action or as a prior action related to the same project – it may still need be submitted for review at subsequent stages of the planning process.

As noted in Section 2.3.4, the ALUC may not agree with the above findings. Even if Planning & Development Services division of LUEG were to agree with the applicant's reasons as to why residential development should be allowed within Safety Zone 2, it would need to be reviewed by both the ALUC and the California Division of Aeronautics. Section 2.3.3 of the Fallbrook ALUCP states,

"If a local jurisdiction proposes to overrule an ALUC decision regarding a land use action for which ALUC review is mandatory under this section, then the jurisdiction must provide a copy of the proposed decision and findings to both the ALUC and the California Division of Aeronautics at least 45 days prior to taking action to overrule. These agencies then have 30 days in which to respond to the local agency with their comments (Public Utilities Code Section 21676.5(a)). The ALUC authorizes the ALUC Staff to respond as appropriate. The comments of the division and the ALUC are advisory, but must be made part of the record of final decisions to overrule the ALUC."

Let us know if you wish to add to the above findings and then can send the above findings to the ALUC and the California Division of Aeronautics for a determination.

In addition to the GPA/airport request, please note that the Time Extension application is still open. Staff requests that you submit a letter or email to withdraw the Time Extension request for TM-4713TE by December 29, 2017. If we don't receive a withdrawal letter or email by December 29, 2017, we'll start processing a denial decision on January 2, 2018. This time will be charged to your account and cost thousands of dollars. We'll get you a better estimate if a withdrawal is not submitted on January 2nd.

We'll try and work with the ALUC and the California Division of Aeronautics to get a determination as soon as possible.

Thank you,

David Sibbet, Planning Manager
COUNTY OF SAN DIEGO, Planning & Development Services
Office (858) 694-3091

Exhibit J: April 2019 PDS Letter

From: "Sibbet, David" <David.Sibbet@sdcounty.ca.gov>

Date: Monday, April 29, 2019 at 8:32 PM

To: Brice Bossler <brice@bosslergroup.com>

Subject: Peppertree Park - Long Term Project

Brice;

I don't want to have to spend a bunch of Duane's money explaining this to downtown, but I wanted to share our thoughts with you in hopes to solve this shortly.

So we understand how your team thinks the project is a long term project because you submitted a GPA in 2003 and the project description in the revised airport zone hasn't changed; but we don't think it matters. A submitted GPA is not an approval as stipulated under (1) below and you use the original TM approval, then you don't meet #7 below.

Definition of Long-Term Project

Pursuant to Section 1.2.2.f. of the Fallbrook ALUCP:

f) **Long-Term Project**: Except as otherwise provided in Paragraphs (a) through (e), above, a long term project, such as a **specific plan**, master plan, precise plan, large subdivision which **consists of several phases**, or functionally comparable discretionary permit or action ("original approval(s)"), and any **subsequent discretionary or ministerial implementing permit or action for that project**, shall be governed by the compatibility plan in effect at the time the first such permit or action for the project was issued by the local jurisdiction, provided all of the following exist:

(1) The project applicant has obtained from a local jurisdiction final approval of the original approval(s) prior to the effective date of this Compatibility Plan; **1991**

(2) The local jurisdiction has obtained a consistency determination for the original approval(s) (for those jurisdictions where the General Plan is not consistent with compatibility plan);

(3) The original approval(s) remain(s) in effect;

(4) Final approval of the original approval(s) was (were) obtained not more than fifteen (15) years prior to the effective date of this Compatibility Plan;

(5) The project applicant has used reasonable good faith efforts in proceeding with the original approval(s) including without limitation, processing any other governmental permits and approvals necessary to implement the original approval(s) (such as preparing and processing any subsequent or additional CEQA documents or resource agency permits), preparing architectural or engineering plans, or constructing infrastructure for the original approval(s), such as roadways, storm drains, parks, sewer, water or other utilities;

(6) The local jurisdiction has approved a related implementing permit or action for the original approval(s) within five (5) years prior to the effective date of this Compatibility Plan or the project applicant has an application on file that has been deemed complete by the local jurisdiction for any related implementing permit or action as of the effective date of this Compatibility Plan;

and

(7) The original approval(s) has/have not changed in a substantive manner, as determined by the local jurisdiction or the ALUC (see Policy 2.3.4).

We did some work on what these new airport zones would allow. Have you looked into what the current airport zone allows?

Let me know your thoughts.

Thanks

DAVID SIBBET, Planning Manager

COUNTY OF SAN DIEGO | Planning & Development Services

5510 Overland Avenue | Suite 310 | San Diego | CA | 92123

Exhibit K: October 2019 PDS Meeting Minutes

Meeting Record

| Project Name (Case numbers) | Meeting Chair | Meeting Date |
|--|---------------|--|
| Peppertree Park Villages 9 & 10 PDS2018-SPA-18-001, -GPA-18-002, -TM-5625, -REZ-18-001 | Jeff Smyser | October 30, 2018 <u>2019</u> |

Action Items:

| Action to be taken: | Responsible Party | Due date |
|--|-------------------|---------------------------|
| 1. Current (2018) applications must be withdrawn to allow former GPA03-XX proposal to be considered. | applicant | ASAP |
| 2. PDS pull projects from ALUC agenda when withdrawals received. | PDS staff Smyser | upon receiving withdrawal |
| 3. Pursue Unit 9 development only. | applicant | ongoing |
| 4. Amend GPA so it includes only Unit 9. | applicant | submittal TBD |
| | | |
| | | |
| | | |

Decisions:

| Decisions/Agreements reached: |
|---|
| 1. The GPA03-XX application was deemed complete in June 2003. |
| 2. When David Sibbet was on site he thought Duane Urquhart said Duane does not want to proceed with the development described in the GPA proposal. Possible misunderstanding. |
| 3. The 2003 proposal was not subject to airport commission review. |
| 4. Unit 9: 7 du/acre. Developing Unit 9 per GPA03-XX may be doable. Residential in Unit 10 is NOT workable because it conflicts with current ALUCP. |
| 5. Unit 10: Duane Urquhart said there was another submittal in August 2003. PDS has no record of such a submittal. |
| 6. A Rezone would be needed, but ALUC could consider that a “subsequent implementing action” for GPA03-XX. |
| 7. ALUC future plan may change boundaries of Zone 2, which might not restrict Unit 10. |
| 8. Applicant must withdraw current 2018 applications in order to pursue GPA03-XX. |
| 9. GPA03-XX <u>must</u> be officially reduced to only include Unit 9. |

| | | |
|---------------------------------|--------------------------------|----------------------------|
| Copy of Record provided to all? | Results of meeting summarized? | Signature of meeting chair |
| yes | see above | |

Exhibit K: October 2019 PDS Meeting Minutes (cont'd)

Meeting Record

| Project Name (Case numbers) | Meeting Chair | Meeting Date |
|--|---------------|------------------|
| Peppertree Park Villages PDS2018-SPA-18-001 | Jeff Smyser | October 30, 2019 |

Attendance Roster

| Name | Phone Number(s) | E-mail |
|---------------|-----------------|--|
| Jeff Smyser | 858-495-5438 | jeffrey.smyser@sdcountry.ca.gov |
| RICH BRASHER | 760-936-3248 | RICH.BRASHER@FANGAELAND CONSULTANTS.COM |
| Ed Gowens | 619-400-2244 | edgowens@san.org |
| RALPH REDMAN | 619-400-2464 | rredman@san.org |
| David Sibbet | 858 694-3091 | david.sibbet@sdcountry.ca.gov |
| DUANE DRISHER | (760) 650-6585 | KGITNES@JELGLIBAL.NET |
| Brice Bosler | (619) 850-1399 | briceboslergroup.com |
| | | |

Exhibit L: May 2020 PDS Memorandum



County of San Diego, Planning & Development Services *Project Planning Division*

TO: JEFF SMYSER, PLANNER
FROM: NICHOLAS KOUTOUFIDIS, STAFF AIRPORT SPECIALIST
SUBJECT: PDS2003-3800-03-XX COMMENTS – AIRPORT REVIEW (APN(S): 104-351-15, 17, & 19)
DATE: MAY 18, 2020

To assess the relative safety of uses on the subject project site in San Diego County, the **Fallbrook Airport Land Use Compatibility Plan (ALUCP)** was reviewed. An airport review assesses the project site for specific requirements by the County of San Diego and the Federal Aviation Administration (FAA).

Fallbrook ALUCP:

https://www.san.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=2945&language=en-US&PortalId=0&TabId=225

DEPARTMENT DETERMINATION

In 2003, the Peppertree Park project (PDS2003-3800-03-xx) proposed commercial in the northern half of the project and residential in the southern half of the project (see Attachment A).

On May 7, 2020, a revised project was submitted, subjecting the project to the following requirements:

- 1) FAA notification is required -
http://www.faa.gov/documentLibrary/media/Form/FAA_Form_7460-1_2017.pdf
- 2) An Avigation Easement Agreement is required. – Work with General Services located at 5560 Overland Avenue
- 3) A Regional Airport Consistency Determination will need to be made. Please submit a completed application to the County so that it can be forwarded to the Airport Land Use Commission by the County airport specialist.
- 4) The parcel falls within Airport Safety Zone 2 and 3.
 - a. No dwelling units are allowed within Zone 2. The applicant will have to revise his project to meet this criteria.

Exhibit L: May 2020 PDS Memorandum (cont'd)



County of San Diego, Planning & Development Services Project Planning Division

- b. The maximum amount of density allowed in Zone 3 is 120 people per acre. If any portion of the project involves Zone 2, then the density allowed for the entire project is 60 people per acre.
- c. According to policy FAL.2.4.c., “In the range of more than 4.0 but less than 8.0 dwelling units per acre, new developments are conditioned upon the building sites being clustered in a manner that maximizes the open land on which an aircraft could execute an emergency landing.” The applicant will have to meet this criteria as well.
- d. Pursuant to Section FAL.2.9., the applicant must meet the Open Land Criteria.
 - i. This area must be free of most structures and other major obstacles such as walls, large trees or poles, and overhead wires.
 - ii. Have minimum dimensions of approximately 75 feet by 300 feet (0.5 acres).
 - iii. Open land should be oriented with the typical direction of aircraft flight over the location involved.

Project Options

The project is inconsistent with the current Fallbrook Airport Land Use Compatibility Plan.

The applicant has the following options to resolve these inconsistencies:

1. **If the applicant removes the residential on the northern portion and is consistent with the 2003 submittal, the project will not be subject to the current Fallbrook Airport Land Use Compatibility Plan.**
2. The applicant revises the project to be outside of Zone 2.
3. The project can be submitted to the Airport Land Use Commission for a consistency review. The project, as presented, will likely be deemed inconsistent with the Airport Land Use Compatibility Plan.
 - a. In order to override a determination from the ALUC, the Board of Supervisors will need to approve the project with a 2/3 majority. When the Board overrides an ALUC determination, the County of San Diego would take full liability for any plane crash that could occur on the project.

**Fallbrook
Community
Airport
Take-off and
Landing Overflight**

S. Mission Road

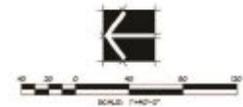
**Peppertree Park
Units 9 and 10**



SAFETY ZONE 2
52% OF DEVELOPMENT AREA

49 UNITS ALLOWED
VS. 117 PROPOSED

SAFETY ZONE 3
48% OF DEVELOPMENT AREA



PEPPERTREE PARK

UNITS 9 & 10



GARY L. PRYOR
DIRECTOR
(858) 694-2962

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017

SAN MARCOS OFFICE
338 VIA VERA CRUZ - SUITE 201
SAN MARCOS, CA 92069-2620
(760) 471-0730

EL CAJON OFFICE
200 EAST MAIN ST. - SIXTH FLOOR
EL CAJON, CA 92020-3912
(619) 441-4030

February 4, 2003

Duane Urquhart
Peppertree Land Co.
5256 South Mission Rd. Suite 905
Bonsall, California 92003

RE: **THRESHOLD DECISION ON PLAN AMENDMENT AUTHORIZATION (PAA) 02-005**

Dear Mr. Urquhart:

On December 12, 2002, you filed an application to amend the map and text of the Fallbrook Community Plan. Your application proposes to change the density and development criteria for 74.25 acres located in the northerly portion of the Peppertree Park Specific Plan Area. You also proposed to rezone the area in order to implement the General Plan Amendment.

Your plan amendment request, PAA 02-005, has been authorized for processing in accordance with Board Policy I-63. The environmental review process, including scoping for the project and the preparation of an Initial Study will begin after the project is officially submitted to the County. It will be necessary to complete an Application for Environmental Initial Study and it may be necessary to provide additional studies and information at a later date before determination as to the environmental effects of the project can be made. **In addition to the proposed Zone Reclassification, implementation of the General Plan Amendment will require an amendment to the Peppertree Park Specific Plan, and new Tentative Maps for the residential portions of the proposal.** These

information at a later date before determination as to the environmental effects of the project can be made. **In addition to the proposed Zone Reclassification, implementation of the General Plan Amendment will require an amendment to the Peppertree Park Specific Plan, and new Tentative Maps for the residential portions of the proposal.** These applications can be processed concurrently with the General Plan Amendment.



FILE COPY 7/3

GARY L. PRYOR
DIRECTOR
(858) 694-2962

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017

SAN MARCOS OFFICE
338 VIA VERA CRUZ - SUITE 201
SAN MARCOS, CA 92069-2620
(760) 471-0730

EL CAJON OFFICE
200 EAST MAIN ST. - SIXTH FLOOR
EL CAJON, CA 92020-3912
(619) 441-4030

June 27, 2003

Thure Stedt
TRS Consultants
7867 Convoy Ct. #312
San Diego, CA 92111

CASE NUMBER: **GPA03-xx**; ACCOUNT NUMBER: CP 332; PROJECT NAME: Peppertree Park General Plan Amendment

Dear Mr. Stedt:

The Department of Planning and Land Use (DPLU) has reviewed your application for a General Plan Amendment and has determined that your application is complete pursuant to Section 65943 of the Government Code. The Department is providing you with this letter as a guide for the further processing of this application.

This letter lists those concerns that have been identified and specifies any revisions and additional information that may be necessary to process this application. Additionally, an estimated time schedule and estimated cost of processing this application have been included as well as draft conditions that will likely be made part of any resolution of approval.

1. PROJECT DESCRIPTION

This is a request to change the text of the Fallbrook Community Plan that guides development of the Peppertree Park Specific Plan Area. The changes would increase the density of the Specific Plan Area from 1.65 dwelling units per acre to 2.24 dwelling units per acre, change the housing mix from 100% single family residential to 83.5% single family residential and 16.5% multi-family residential and allow General Commercial uses on a 6.7 acre portion of the Specific Plan Area. Reclassification of Pepper Tree Lane from Light Collector to Rural Light Collector is proposed.

2. DEPARTMENT OF PLANNING AND LAND USE - PLANNING ISSUES

Linda J.

SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY

P.O. BOX 82776, SAN DIEGO, CA 92138-2776
619.400.2400 WWW.SAN.ORG

December 22, 2003

Ms. Megan Jones
Environmental Management Specialist
County of San Diego
5201 Ruffin Road, Ste. B
San Diego, CA 92123-1666

**Re: San Diego County Regional Airport Authority ALUC Determination –
Peppertree Park Project; Pepper Tree Lane east of Mission Road; Fallbrook
Community Airpark CLUP**

Dear Megan:

The San Diego County Regional Airport Authority has received your application for review by the Airport Land Use Commission (ALUC) for the proposed project as described below:

Project: Peppertree Park Project; Pepper Tree Lane east of Mission Road
Proposed General Plan Amendment to modify the Peppertree Park Specific Plan Area text in the Fallbrook Community Plan to change the allowed density from 1.65 to 2.24 Dwelling Units/Acre.

The project is located outside the Airport Influence Area of Fallbrook Community Airpark. Therefore, staff review of the proposed project indicates that an ALUC consistency determination is not required. We appreciate your notification and wish you success with your project.

The project is located outside the Airport Influence Area of Fallbrook Community Airpark. Therefore, staff review of the proposed project indicates that an ALUC consistency determination is not required. We appreciate your notification and wish you success with your project.

San Diego County Regional Airport Authority

TA/ljt



SAN DIEGO
INTERNATIONAL
AIRPORT



02 05 04/7/00 12/06/02 09:44AM
4900 TRUST FUND DEPOSITS \$2,020.0
Work Auth: WN6946
REF: PAA02-005

DISCRETIONARY PROJECT APPLICATION

CP 532

| | | | | |
|-----------------------------------|---------------------------|------------|---------------|--------------|
| Case Numbers <u>PAA 02-005</u> | DPLU <u>\$2020 F/D</u> | DPW F/D | Health F/D | Other F/D |
| | F/D | F/D | F/D | F/D |
| | F/D | F/D | F/D | F/D |

ENV# _____
WE# _____ D
WN# 6946 12020 D

DEPARTMENT USE ONLY

TOTALS \$2020 + _____ + _____ = \$2020

DPLU DPW Health and Others Total

Have you had a pre-application conference? YES NO
If yes, Planner's Name: Jeff M...

Financial responsibility: owner applicant engineer taxpayer ID# or SSN _____

Owner Name Peppertree Land Co. Phone 760-630-6585

Owner's E-mail Address _____

Address 5256 South Mission Rd Suite 905

City Bonsall CA 92003 State _____ Zip _____

Applicant Name Duane Urquhart Phone 760-630-6585

(If different from owner and/or party financially responsible for project on DPLU#128.)

Address 5256 South Mission Rd Suite 905

City Bonsall CA 92003 State _____ Zip _____

Engineer Name (Planners) TRS Consultants Phone 858-496-2525

Address 7867 Convoy Ct. #312

City San Diego CA 92111 State _____ Zip _____

Point of Contact Thure Stedt Phone 858-496-2525

Project Name Peppertree Park

Project Address Peppertree Lane east of Mission Rd, Fallbrook

Assessor's Parcel No. 104-350-15,19, 104-351-17, 106-410-44, 106-041-52

I am able and intend to proceed with actual construction work and/or division of land in accordance with plans submitted herein within _____ months after approval. ATTACH A LETTER OF AUTHORIZATION FOR AGENT (IF APPLICABLE).

[Signature] 12-01-02
Signature of owner or Authorized Agent Date
Eric Kallen
Print or type Signature's Name

LIST THE ASSESSOR'S PARCEL NUMBERS FOR ALL PROPERTY INCLUDED IN THIS APPLICATION.
An incomplete listing may invalidate General Plan Amendment Authorization.

Undeveloped portion: 104-350-15,19 104-351-17 106-041-52 106-410-44

Already developed portion: 106-500-all (except 29) 106-510-all 106-520-all

106-521-all 106-550-all 106-551-all 106-560-all 106-561-all

Total Acreage: 162.9 acres Tax Rate Area: _____

Thomas Bros. Page & Coordinate: 1027 G5 Supervisor's District: Horn

Community or Subregional Plan: Fallbrook

ZONING RECLASSIFICATION INFORMATION: Complete the zoning boxes below. Information for completing this form is available from the Zoning Information Counter, Department of Planning and Land Use, 565-5991. Please duplicate this form if you need to fill out more than one zoning reclassification item.

| | |
|---|---|
| EXISTING | PROPOSED |
| General Plan Regional Category: _____ | General Plan Regional Category: _____ |
| CUDA | CUDA |
| Community/Subregional Plan Designation: _____ | Community/Subregional Plan Designation: _____ |
| #21 (1.65) | #21 (2.24) |

| Existing Zoning | | Proposed Zoning | | | |
|--------------------------|------------|-----------------|------|------|--------|
| USE REGULATIONS | S88/RS1.17 | S88 | R10 | R67 | RS1.17 |
| ANIMAL REGULATIONS | A/J | A | J | J | J |
| Density | 0/1.17 | 0 | 10 | 7 | 1.17 |
| Lot size | 8000/20000 | 6000 | 6000 | 3000 | 20000 |
| Building type | L/C | L | K | C | C |
| Maximum floor area | | | | | |
| Floor area ratio | | | | | |
| Height | G | G | G | G | G |
| Coverage | | | | | |
| Setback | E/J | E | J | J | J |
| Open space | E/A | E | A | A | A |
| SPECIAL AREA REGULATIONS | B/P | B | F | P | P |

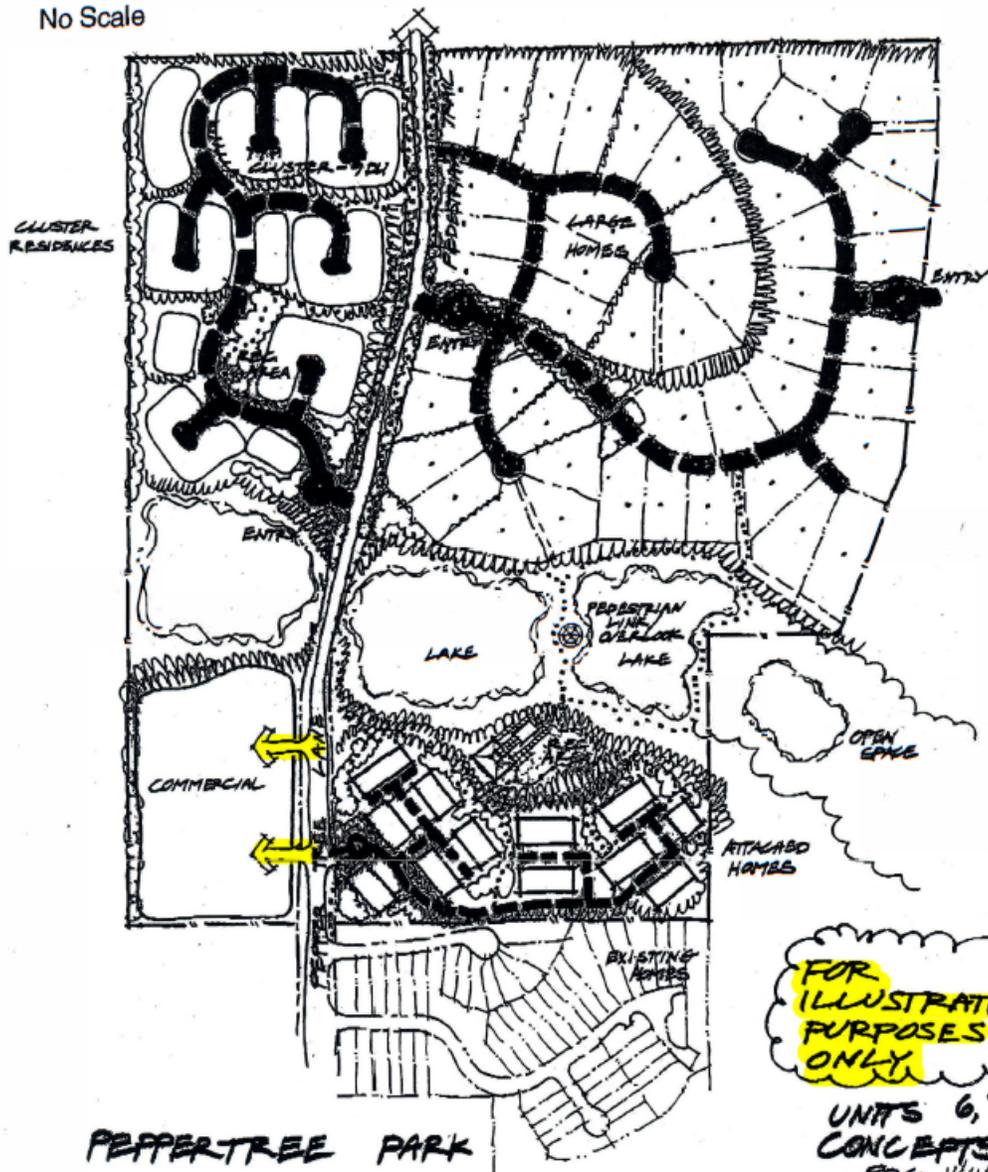
Give a brief description of the proposed plan amendment:

Value-neutral increase in residential density for presently undeveloped portion of Specific Plan area identified by Assessor's Tax Parcel numbers above. Realignment of Peppertree Lane.

No proposed zone change on already developed portion of Specific Plan area.



No Scale



PEPPERTREE PARK

FOR
ILLUSTRATIVE
PURPOSES
ONLY

UNITS 6, 7, 8,
CONCEPTS
FDG 11/11/02



REVISED TENTATIVE MAP
ILLUSTRATIVE LANDSCAPE CONCEPT PLAN

Peppertree Park

T.M. 4713 UNITS 6-10
FALLBROOK, CALIFORNIA



County of San Diego, Planning & Development Services
**MAJOR PRE-APPLICATION MEETING
 REQUEST**
 ZONING DIVISION

A Major Pre-application meeting consists of a detailed review of a proposed project prior to formal application submittal and is intended to identify and resolve major issues that may affect project feasibility. Major Pre-Apps are required for the project types listed below. In certain instances where a project may be considered minor and non-controversial a waiver of the mandatory Major Pre-App may be approved by Planning & Development Services (PDS). A waiver request [PDS-328](#) must be submitted to the PDS Zoning Counter for consideration. A determination on the waiver will be provided within five days of the waiver request.

Major Pre-Apps are mandatory for projects that will be approved by the Planning Commission or Board of Supervisors:

- Tentative Maps
- Revised Tentative Maps
- Major Use Permits
- Major Use Permit Modifications (non-cell sites)
- Rezones
- Specific Plans/Specific Plan Amendments
- General Plan/General Plan Amendments
- Reclamation Plan
- optional for other projects

A [Major Pre-Application Meeting](#) is not to review or submit an application for a discretionary permit. For information on submitting an application for a [Discretionary Permit](#), contact the Planning & Development Services (PDS) Zoning Counter at 1-888-267-8770 or, to schedule a submittal appointment, call 1-888-267-8770.

Requestor's Name: Peppertree Park Villages 9&10 LLC Phone: 760-630-6585

Mailing Address: 5256 S. Mission Rd, Suite 905 Bonsall, CA 92003

Fax: 760-630-6682 Email Address: duane@ncinvests.com

Are you an Attorney or are you bringing an Attorney to the Major Pre-Application Meeting? Yes No

Are you an Attorney or are you bringing an Attorney and will legal issues be discussed? Yes No

Be aware that PDS Policy requires that County Counsel attend meetings where an outside attorney is present and legal issues will be discussed. Deputy County Counsel will charge at the hourly rate shown in the table on page 2. If you check the "Yes" box, above, change your mind and fail to notify PDS that you will not bring an attorney, County Counsel charges for preparation and travel (generally 1-2 hours) will still be applied.

MEETING ATTENDEES AND COST

A PDS Project Manager will be assigned the Major Pre-application. Refer to the table on the following page for typical pre-application meeting attendees, deposit estimates and hourly rates. A Major Pre-application initial deposit can range from \$8,000 to 12,000+. The initial deposit is collected to cover the initial review; however the total cost may exceed initial deposits depending on the complexity of project issues. The cost of the Major Pre-application meeting is based on staff time, but not limited to, completing background research, reviewing application materials, studies, responding to phone inquiries, preparation of correspondence, meeting preparation and attendance, and follow up. If the actual cost exceeds the initial deposit, then an additional deposit must be paid by the financially responsible person to cover the difference.

| | |
|---|----------------------------------|
| <p>--- PDS STAFF USE ONLY ---</p> <p>Record ID: _____</p> <p>Student Intern: _____</p> <p>Project Manager: _____</p> <p>Planning Manager: _____</p> | <p>--- OFFICIAL USE ONLY ---</p> |
|---|----------------------------------|

5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123 • (858) 565-5981 • (888) 267-8770

<http://www.sdcountry.ca.gov/pds>



I. PROJECT DESCRIPTION

1. General Plan Amendment

A General Plan Amendment (GPA) is proposed to modify the Peppertree Park Specific Plan Area (SPA) in the Fallbrook Community Plan. The GPA purpose is to better accommodate land use patterns that have been established in the community since the SPA was originally approved in 1991 and reimburse the costs associated with the realignment of Pepper Tree Lane. The GPA proposes two primary changes to the existing SPA

- a. **Unit 9: Change office professional uses to a Single Family Residential (VR7.3)**
- b. **Unit 10: Change to Retail/Commercial uses or residential or mixed uses.**

2. Specific Plan Amendment

A Specific Plan Amendment is proposed to implement the General Plan Amendment changes. The SPA would modify the uses allowed in the site to permit a change in residential use type and allow retail commercial and/or mixed uses.

3. Rezone

A change in the overall density of the SPA will be accompanied by a rezone of 19.76 acres to accommodate a higher density residential development, changes in the style of residential development and/or retail commercial.

4. Tentative Map A new Tentative Map will provide the development details related to Unit 9 and/or Unit 10.

5. Environmental Documentation

Technical studies will be submitted concurrent with the GPA, SPA, Rezone and TM to facilitate scoping of the project. The applicant would like to rely on previous environmental approvals to the extent feasible.

Peppertree Park Original Final EIR #87-2-106 dated April 12, 1990; Supplemental EIR for TM4713RPL⁶, P87-069RPL, SP87-007, and R88-004 dated August 14, 1991; Addendum to the EIR Peppertree Park TE (TM4713RPL6TE, Log.No.87-02-106E) dated November 2, 2007; Addendum to the EIR Peppertree Park Revised Map (Tm4713RPL6R,P87-069W, Log. No. 87-02-106D) dated October 18, 2007

6. Plan Amendment Authorization (PAA) GPA/rezone- Approved Feb 4, 2003

Gowens Ed egowens@san.org

Gentlemen,

Thanks for including me in this message, and I will await further direction from the County staff on its consistency determination application per your direction to them. I can confirm the substance of Rich's summary, which was the outcome of one-on-one discussions which I had with our own General Counsel, who felt that the governing language for this circumstance, should you opt to go with the 2003 GPA which the County deemed complete that year, is the ALUCP section cited below by Rich.

I had similar thoughts of my own accord regarding the County's potential assessment of substantial conformance, but, not being in the current employ of the County, I cannot comment on its ultimate view of a map in that regard. I also must underscore that, while it is our ALUC staff draft proposal for now to reduce the Safety Zone 2 to the template for that zone for an airport of its runway length and air traffic pattern per the Caltrans Airport Land Use Planning Handbook (i.e., reduce it 500 feet from its current, "extended" position), I obviously cannot make any commitments to that being the ultimate outcome of the public process by which we must engage to update the ALUCP. In fairness, I must say that County DPW Airports staff has raised some concern about "reducing" safety zones to the Handbook templates as potentially reducing protections for the airport, so there is no guarantee that a change might prevail in the ultimate design adopted by the Airport Land Use Commission. You of course will be noticed as an affected property owner as that process proceeds and be afforded your fair opportunity to offer feedback to the decision makers in that regard.

I can say that the property to the west along South Mission Road immediately adjacent to the current project site currently owned by Stater Bros may not necessarily remain so. I was contacted a few months ago by a broker representing Stater Bros who indicated a future desire to sell the property, inquiring about the limitations of the ALUCP. Nonetheless, it remains under commercial zoning by the County, so it would likely be developed for a commercial use at some future date, even if property ownership does change.

Of particular interest to you, I'm attaching a document which is public record from our archives which I located as part of my research efforts to develop the current staff report on the project. In 2003, the County duly referred for consistency determination to the ALUC the GPA for which the County had deemed a complete application, and, as that letter accurately attests, the subject property of the project site is outside the Airport Influence Area of the Comprehensive Land Use Plan (CLUP; the predecessor document to the ALUCP) which had been adopted by SANDAG (as the predecessor ALUC to SDCRAA), which was the governing document for airport land use compatibility until SDCRAA (as the new ALUC from 2003 onward) adopted a new ALUCP in 2006 (per a State mandate to update all prior SANDAG CLUPs).

Personally, I know all of the people involved in that letter: I was good personal friends with Megan Jones (a former environmental planner with whom I worked at what was then County DPLU and subsequently became a CAO staff officer and group program manager); Nan Valerio worked for SANDAG and was in the temporary employ of SDCRAA at the time I started my position at SDCRAA 12 years ago to facilitate ALUC reviews, given her experience doing that at SANDAG; Lynda Tamura still sits in the cubicle next to me as an assistant planner, and Ted Anasis remains a manager of airport planning. While Nan appears to have mismarked the exact location of the "X" on the old CLUP map (in the days before precise GIS capability of mapping APNs), nonetheless, it's clear based on

From: Rich Brasher <rich.brasher@pangaealandconsultants.com>
Sent: Thursday, October 17, 2019 11:40 AM
To: Duane Urquhart <ncinvest@sbcglobal.net>; brice@bosslergroup.com
Cc: Chuck Glass <chuck.glass@pangaealandconsultants.com>; Rich Brasher <rich.brasher@pangaealandconsultants.com>; Gowens Ed <egowens@san.org>
Subject: Great news for a Revised Peppertree Project

Duane –

Thank you for speaking with me last night about the very helpful conversation I had with Ed Gowens.

In his preparations of the Staff Report for the project to go before the Board later this month, he noted Item (6) from Dave Sibbet's email from 12/21/2017 regarding why the project should not be subject to the current Fallbrook ALUC. Dave's email is included below for reference.

In Item (6), Dave Sibbet notes that an application for a General Plan Amendment (GPA 2003-xx) was deemed complete in a scoping letter from the County dated June 27, 2003. This GPA was to change the Unit 9 area south of Peppertree Lane from Office/Commercial to 66 units of residential. The Unit 10 area north of Peppertree Lane remained Office/Commercial.

In Dave's email, he is hung up on Item (7) where it notes, "The original approval(s) has/have not changed in a substantive manner, as determined by the local jurisdiction or the ALUC (see Policy 2.3.4)".

Ed cites the following from the Fallbrook ALUC:

Fallbrook Community Airpark Land Use Compatibility Plan (Adopted December 2006, Amended December 2011), page 2-4

1.2.2.(e) ALUC Project Review Not Required: A project application which was deemed complete by the local jurisdiction prior to the effective date of this *Compatibility Plan*, and which did not require ALUC review because it was located beyond the boundary of the airport influence area defined by the Fallbrook Community Airpark compatibility plan in place at the time the application was deemed complete shall not require subsequent ALUC review under this *Compatibility Plan*, unless the project changes in a substantive manner (see Policy 2.3.4(b)).

Because of this, Ed says that no further review is required if we opt to go back to the 2003 GPA and process a project consistent with the 2003 GPA. Item (7) in Dave Sibbet's email then does not apply because a Unit 9 application for residential would be consistent with the deemed complete 2003 GPA application. That is the measuring stick for no "substantive manner" he is comparing the application to. The timing of the deemed complete GPA application meets the guidelines of the ALUC in terms of time frame relative to the 2006 update (within 5 years prior) and location (outside the influence area of the prior ALUC).



County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017

October 18, 2007

**Environmental Review Update Checklist Form
For projects with Previously Approved Environmental Documents**

**FOR PURPOSES OF CONSIDERATION OF
PEPPERTREE PARK REVISED MAP
TM 4713RPL⁶R, P87-069W¹, LOG NO. 87-02-106D**

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary action.

1. **Background on the previously certified EIR:**

A Supplemental EIR for Peppertree Park, TM 4713RPL⁶, P87-069RPL⁶, SP87-007, and R88-004 was certified by the Board of Supervisors on August 14, 1991. The certified Supplemental EIR found significant and not mitigable effects to Aesthetics, Grading and Erosion; and, Biological Resources. The certified Supplemental EIR also found significant effects to Traffic, Flooding, Noise, and Airport Safety, however

Grading and Erosion; and, Biological Resources. The certified Supplemental EIR also found significant effects to Traffic, Flooding, Noise, and Airport Safety, however these effects were mitigated to a level of less than significant.

Reliance on the existing Supplemental EIR with no modification was approved by the Director of Department of Public Works on April 29, 2004 for Peppertree Park Portion of Unit 6 TM 4713 RPL⁶, L14323, Log No. 87-02-106B.

An Addendum to the EIR was prepared for the Peppertree Park Time Extension (TM 4713RPL⁶TE, Log No. 87-02-106E) which was approved by the Board of Supervisors on November 2, 2007.

Meeting Record

| Project Name (Case numbers) | Meeting Chair | Meeting Date |
|--|---------------|--------------------------|
| Peppertree Park Villages 9 & 10 PDS2018-SPA-18-001, -GPA-18-002, -TM-5625, -REZ-18-001 | Jeff Smyser | October 30, 2018 2019 |

Action Items:

| Action to be taken: | Responsible Party | Due date |
|--|-------------------|---------------------------|
| 1. Current (2018) applications must be withdrawn to allow former GPA03-XX proposal to be considered. | applicant | ASAP |
| 2. PDS pull projects from ALUC agenda when withdrawals received. | PDS staff Smyser | upon receiving withdrawal |
| 3. Pursue Unit 9 development only. | applicant | ongoing |
| 4. Amend GPA so it includes only Unit 9. | applicant | submittal TBD |
| | | |
| | | |
| | | |

Decisions:

| Decisions/Agreements reached: |
|---|
| 1. The GPA03-XX application was deemed complete in June 2003. |
| 2. When David Sibbet was on site he thought Duane Urquhart said Duane does not want to proceed with the development described in the GPA proposal. Possible misunderstanding. |
| 3. The 2003 proposal was not subject to airport commission review. |
| 4. Unit 9: 7 du/acre. Developing Unit 9 per GPA03-XX may be doable. Residential in Unit 10 is NOT workable because it conflicts with current ALUCP. |
| 5. Unit 10: Duane Urquhart said there was another submittal in August 2003. PDS has no record of such a submittal. |
| 6. A Rezone would be needed, but ALUC could consider that a "subsequent implementing action" for GPA03-XX. |
| 7. ALUC future plan may change boundaries of Zone 2, which might not restrict Unit 10. |
| 8. Applicant must withdraw current 2018 applications in order to pursue GPA03-XX. |
| 9. GPA03-XX must be officially reduced to only include Unit 9. |

| Copy of Record provided to all? | Results of meeting summarized? | Signature of meeting chair |
|---------------------------------|--------------------------------|----------------------------|
| yes | see above | |

From: "Sibbet, David" <David.Sibbet@sdcounty.ca.gov>
Date: December 21, 2017 at 2:41:01 PM PST
To: "duane@ncinvests.com" <duane@ncinvests.com>
Cc: "Kevin P. Sullivan" <KSullivan@gdandb.com>, "Smith, Marisa" <Marisa.Smith@sdcounty.ca.gov>
Subject: Peppertree GPA airport review

Duane, 12/21/17

Good news, we agree that your proposed project can meet the 7 below findings, but the ultimate determination will be made by the ALUC and the California Division of Aeronautics pursuant to the plan (Section 2.3.3) and then the project by the Board of Supervisors.

Staff has reviewed your submitted emails regarding why – in your opinion - Peppertree Park GPA 03-xx (for Units 9 & 10) should not be subject to the current Fallbrook Airport Land Use Compatibility Plan (ALUCP).

As you are aware, the current Fallbrook ALUCP shows Safety Zone 2 over the northwest corner of your project site. Section 3.1.1 (a)(2) of the Fallbrook ALUCP states, "Residential infill development shall not be permitted within Safety Zone 2." However, there are exceptions, as you noted with your proposal of using Section 1.2.2 (f) of the Fallbrook ALUCP (Long Term Projects), which states, "Except as otherwise provided in Paragraphs (a) through (e), above, a long term project... and any subsequent discretionary or ministerial implementing permit or action for that project, shall be governed by the compatibility plan in effect at the time the first such permit or action for the project was issued by the local jurisdiction, provided all of the following exist:

SPA 1991
local jurisdiction

* Permit No. PAA02-005 for 2003 GPA

- (1) The project applicant has obtained from a local jurisdiction final approval of the original approval(s) prior to the effective date of this Compatibility Plan;
YES - The County agrees with your assessment that SP87-007 and TM-4713 were approved by the Board of Supervisors on August 14, 1991, which is prior to the ALUCP effective date (December 4, 2006).
- (2) The local jurisdiction has obtained a consistency determination for the original approval(s) (for those jurisdictions where the General Plan is not consistent with compatibility plan);
N/A - The County of San Diego's General Plan is consistent with the Fallbrook ALUCP.
- (3) The original approval(s) remain(s) in effect;
YES - The County agrees with your assessment that SP 87-007 remains in effect.
- (4) Final approval of the original approval(s) was (were) obtained not more than fifteen (15) years prior to the effective date of this Compatibility Plan.
YES – TM-4713R (Revised Map) and MUP-87-069W1 (Major Use Permit Modification) were approved by the Planning Commission on November 16, 2007.
- (5) The project applicant has used reasonable good faith efforts in proceeding with the original approval(s) including without limitation, processing any other governmental permits and approvals necessary to implement the original approval(s)...
YES – The County agrees with your records (the recording of Units 1-6 of TM-4713 and the approval of TM-4713R/MUP87-069W1) that the applicant has proceeded with the original approval(s).
- (6) The local jurisdiction has approved a related implementing permit or action for the original approval(s) within five (5) years prior to the effective date of this Compatibility Plan or the project applicant has an application on file that has been deemed complete by the local jurisdiction for any related implementing permit or action as of the effective date of this Compatibility Plan; and
YES – The County determined that the application for GPA 03-xx was complete pursuant to Section 65943 of the Government Code, as noted in the June 27, 2003 Scoping Letter to the applicant.

- (7) The original approval(s) has/have not changed in a substantive manner, as determined by the local jurisdiction or the ALUC (see Policy 2.3.4)

Possible – Section 2.3.4 states:

Subsequent Review: Even after a project has been found consistent with the Compatibility Plan- whether as part of a general plan change or zoning amendment or other mandatory-review action or as a prior action related to the same project – it may still need be submitted for review at subsequent stages of the planning process.

As noted in Section 2.3.4, the ALUC may not agree with the above findings. Even if Planning & Development Services division of LUEG were to agree with the applicant's reasons as to why residential development should be allowed within Safety Zone 2, it would need to be reviewed by both the ALUC and the California Division of Aeronautics. Section 2.3.3 of the Fallbrook ALUCP states,

"If a local jurisdiction proposes to overrule an ALUC decision regarding a land use action for which ALUC review is mandatory under this section, then the jurisdiction must provide a copy of the proposed decision and findings to both the ALUC and the California Division of Aeronautics at least 45 days prior to taking action to overrule. These agencies then have 30 days in which to respond to the local agency with their comments (Public Utilities Code Section 21676.5(a)). The ALUC authorizes the ALUC Staff to respond as appropriate. The comments of the division and the ALUC are advisory, but must be made part of the record of final decisions to overrule the ALUC."

Let us know if you wish to add to the above findings and then can send the above findings to the ALUC and the California Division of Aeronautics for a determination.

In addition to the GPA/airport request, please note that the Time Extension application is still open. Staff requests that you submit a letter or email to withdraw the Time Extension request for TM-4713TE by December 29, 2017. If we don't receive a withdrawal letter or email by December 29, 2017, we'll start processing a denial decision on January 2, 2018. This time will be charged to your account and cost thousands of dollars. We'll get you a better estimate if a withdrawal is not submitted on January 2nd.

We'll try and work with the ALUC and the California Division of Aeronautics to get a determination as soon as possible.

Thank you,

David Sibbet, Planning Manager
COUNTY OF SAN DIEGO, Planning & Development Services
Office (858) 694-3091



County of San Diego, Planning & Development Services
**GENERAL PLAN AMENDMENT REQUEST
PROCEDURE**
ZONING DIVISION

It is the Policy of the Board of Supervisors that any privately initiated General Plan Amendment to the County General Plan is given a preliminary review for conformance with the County General Plan to identify issues which may make the General Plan Amendment request infeasible.

FILING

Applicants seeking to initiate a [General Plan Amendment](#) are subject to the following two step process. Please refer to [Board Policy I-63](#) for more information on each process.

Step 1, a General Plan Amendment Initial Consultation, which is optional. This Step is similar to the existing Planning & Development Services (PDS) Initial Consultation process. Applicant's submittal requirements are limited to the requested General Plan change(s). The purpose of this Step is to allow early initial review without requiring an applicant to submit a large upfront deposit.

Planning or Sponsor Group and/or Design Review Board review is not required for the General Plan Amendment Initial Consultations.

Step 2, General Plan Amendment Major Pre-Application Meeting, is required for all privately initiated General Plan Amendments. This Step is similar to the Major Pre-Application Meeting requirement applicable to all discretionary projects. Please note that those deciding to bypass Step 1 must acknowledge their decision when submitting a request for a General Plan Amendment Major Pre-Application meeting.

The applicable Community Planning Group shall be notified of the Pre-Application request however Planning or Sponsor Group review is not required for the General Plan Amendment Major Pre-Application Meeting.

POLICY I-63 COSTS

- Cost to file a General Plan Initial Consultation consists of a \$4230 flat fee however applicants have the option of paying the standard Initial Consultation meeting fee available to other project types in lieu of the General Plan Amendment Initial Consultation fixed fee when a simpler General Plan Amendment is being requested.
- A General Plan Amendment Major Pre-Application Meeting is required to pay the existing PDS deposit associated with Major Pre-Application meetings. This deposit may be reduced if an applicant has conducted the General Plan Initial Consultation.

REVIEW TIMELINE

Within two weeks following an Initial Consultation and/or Major Pre-Application meeting a Scoping Letter will be issued to the applicant. The Major Pre-Application meeting Scoping Letter will be forwarded to the applicable Community Planning or Sponsor Group. **The Scoping Letter will summarize the Planning & Development Services review and identify any major project issues that could render a General Plan Amendment request infeasible or pose challenges to approval.**

The party financially responsible for processing the General Plan Amendment shall be required to provide a signed copy of the Initial Consultation (if applicable) and Major Pre-application Scoping Letter acknowledging that they have reviewed the Scoping Letter when filing their application for a General Plan Amendment.

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Staff Recommendation: Based on review of the materials submitted in connection with the proposed project and the policies in the Fallbrook Community Airpark ALUCP, staff recommends that the ALUC make two consistency determinations as follows:

- (1) The first development scenario of the current project proposing a GPA, SPA, and Rezone to allow for residential uses in Unit 9 and commercial uses in Unit 10 could qualify to be exempt from or is not consistent with the Fallbrook Community Airpark ALUCP; and
- (2) The second development scenario of the current project proposing a GPA, SPA, and Rezone to allow for residential uses in both Units 9 and 10 is not consistent with the Fallbrook Community Airpark ALUCP.



County of San Diego

KATHLEEN A. FLANNERY
ACTING DIRECTOR

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VINCE NICOLETTI
ACTING ASSISTANT DIRECTOR

June 30, 2021

Amy Gonzalez
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COUNTY OF SAN DIEGO COMMENTS ON ITEM 3 (CONSISTENCY DETERMINATION: FALLBROOK COMMUNITY AIRPARK AIRPORT LAND USE COMPATABILITY PLAN-GENERAL AND SPECIFIC PLAN AMENDMENTS AND ZONE RECLASSIFICATION FOR PEPPERTREE PARK UNITS 9 & 10, FALLBROOK, COUNTY OF SAN DIEGO) ON THE JULY 1, 2021 AIRPORT LAND USE COMMISSION AGENDA

Dear Ms. Gonzalez,

The County of San Diego (County), Department of Planning & Development Services (PDS) is responding to Item 3 on the July 1, 2021 Airport Land Use Commission Agenda relating to the Peppertree Park project, including whether the Specific Plan Amendment (SPA), Rezone, Tentative Map, and other permit applications that have been submitted to the County are considered “subsequent, implementing permits”. Additionally, PDS wishes to clarify that the General Plan Amendment (GPA) application submitted in 2003 can no longer be relied upon for reasons detailed below.

Background

In 2003, the project applicant submitted a GPA proposing to increase residential density for the Peppertree Park Specific Plan. The project site is approximately 19.7 acres, located along S. Mission Road, approximately 1,100 feet northeast of the Fallbrook Airport, in the Fallbrook Community Planning Area. After reviewing the proposed GPA, PDS staff requested additional information, and permit applications were required to evaluate the proposed changes. However, none of the requested information was provided and the project was placed into idle status in 2011. No permit applications were approved.

In 2018, a new GPA application was submitted, which replaced the 2003 application. This GPA application was withdrawn by the applicant in 2019, and no permit applications were approved.

In 2020, a new GPA application was submitted and is currently being processed by the County. The 2020 project application includes a GPA, SPA, Rezone, Tentative Map, Site Plan and Major Use Permit Modification applications. The project proposes two land use alternatives. Option 1 is to develop the southern portion of the property, known as Unit 9, with residential uses and the northern portion of the property, known as Unit 10, with commercial uses. Option 2 is to develop both Units 9 and 10 with residential uses. These two land use alternatives are included in the application before the Airport Authority for consideration.

Subsequent Implementing Permits

As described in the Airport Land Use Commission staff report and in this letter, the proposed project does not have any previously approved permits and is not processing subsequent implementing permits. The SPA, Rezone, Tentative Map, Site Plan and Major Use Permit Modification are not “subsequent, implementing permits” as described by the Airport Land Use Compatibility Plan (ALUCP). Subsequent, implementing permits involve permit applications that can rely on a previous approval. An example of this would be a permit to develop Units 9 and 10 as office professional consistent with the adopted General Plan and Peppertree Park Specific Plan. This would not require a review by the Airport Authority because the permit would be consistent with the current ALUCP.

Summary

Staff has determined the applications made in 2003, 2018, and 2020 differ sufficiently from each other such that the 2020 application requires a new completeness determination, that it is not exempt from additional review by the Airport Land Use Commission, and it requires a new consistency determination based on the current ALUCP per Public Utilities Code Section 21676(b).

We appreciate the opportunity to comment on the materials in the Airport Land Use Commission Staff Report related to the Peppertree Park project and the County’s requested consistency determination with the ALUCP and will be available for questions during the July 1, 2021 Airport Land Use Commission Meeting. If you have any questions or need any additional information, please contact me or Nick Gustafson at nicolas.gustafson@sdcounty.ca.gov or (619) 323-7314.

Sincerely,



MARK SLOVICK, Deputy Director
Planning & Development Services