

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY



AIRPORT LAND USE COMMISSION AGENDA

Thursday, February 6, 2014
9:00 A.M.

San Diego International Airport
Commuter Terminal – Third Floor
Board Room
3225 N. Harbor Drive
San Diego, California 92101

BOARD MEMBERS

DAVID ALVAREZ
LAURIE BERMAN*
BRUCE R. BOLAND
GREG COX
JIM DESMOND
COL. JOHN FARNAM*
ROBERT H. GLEASON
LLOYD B. HUBBS
ERAINA ORTEGA*
PAUL ROBINSON
MARY SESSOM
TOM SMISEK

* EX OFFICIO BOARD MEMBERS

PRESIDENT/CEO
THELLA F. BOWENS

Live webcasts of Authority Board meetings can be accessed at http://www.san.org/airport_authority/boardmeetings.asp.

Pursuant to California Public Utilities Code §§ 21670-21679.5, the Airport Land Use Commission ("Commission") is responsible for coordinating the airport planning of public agencies within San Diego County. The Commission has the legal responsibility to formulate airport land use compatibility plans ("ALUCPs") that will (a) provide for the orderly growth of each public airport and the areas surrounding the airport within the County and (b) safeguard the general welfare of the inhabitants within the vicinity of each airport and the public in general. Pursuant to §21670.3, the San Diego County Regional Airport Authority serves as the Commission.

This Agenda contains a brief general description of each item to be considered. The indication of a recommended action does not indicate what action (if any) may be taken. ***Please note that agenda items may be taken out of order.*** If comments are made to the Commission without prior notice or are not listed on the Agenda, no specific answers or responses should be expected at this meeting pursuant to State law.

Staff Reports and documentation relating to each item of business on the Agenda are on file in Corporate Services and are available for public inspection.

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

PLEASE COMPLETE A "REQUEST TO SPEAK" FORM PRIOR TO THE COMMENCEMENT OF THE MEETING AND SUBMIT IT TO THE AUTHORITY CLERK. *PLEASE REVIEW THE POLICY FOR PUBLIC PARTICIPATION IN BOARD AND BOARD COMMISSION MEETINGS (PUBLIC COMMENT) LOCATED AT THE END OF THE AGENDA.*

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

NON-AGENDA PUBLIC COMMENT:

Non-Agenda Public Comment is reserved for members of the public wishing to address the Commission on matters for which another opportunity to speak **is not provided on the Agenda**, and which is within the jurisdiction of the Commission. Please submit a completed speaker slip to the Authority Clerk. ***Each individual speaker is limited to three (3) minutes. Applicants, groups and jurisdictions referring items to the Board for action are limited to five (5) minutes.***

Note: Persons wishing to speak on specific items should reserve their comments until the specific item is taken up by the Commission.

CONSENT AGENDA (Items 1-3):

The Consent Agenda contains items that are routine in nature and non-controversial. It also contains consistency determinations that have been deemed consistent or **conditionally consistent**. The matters listed under 'Consent Agenda' may be approved by one motion. Any Commission Member may remove an item for separate consideration. Items so removed will be heard before the scheduled New Business items, unless otherwise directed by the Chair.

1. APPROVAL OF MINUTES:

The Commission is requested to approve minutes of prior Commission meetings.
RECOMMENDATION: Approve the minutes of the January 6, 2014, special meeting.

CONSISTENCY DETERMINATIONS

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

The Commission is requested to receive a report of land use actions determined by staff to be consistent with their respective Airport Land Use Compatibility Plans.

RECOMMENDATION: Receive the report.

(Airport Planning: Angela Jamison, Manager)

3. CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN – CONSTRUCTION OF 2 SINGLE-FAMILY RESIDENTIAL UNITS AT 4766 BRIGHTON AVENUE, CITY OF SAN DIEGO:

The Commission is requested to make a consistency determination on a proposed project in the City of San Diego.

RECOMMENDATION: Adopt Resolution No. 2014-0002 ALUC, making the determination that the project is conditionally consistent with the San Diego International Airport - Airport Land Use Compatibility Plan.

(Airport Planning: Angela Jamison, Manager)

PUBLIC HEARINGS: None

OLD BUSINESS:

NEW BUSINESS:

4. CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE SAN DIEGO INTERNATIONAL AIRPORT – AIRPORT LAND USE COMPATIBILITY PLAN AND ADOPTION OF THE SAN DIEGO INTERNATIONAL AIRPORT – AIRPORT LAND USE COMPATIBILITY PLAN:

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

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

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

(Airport Planning: Angela Jamison, Manager)

COMMISSION COMMENT:

ADJOURNMENT:

Policy for Public Participation in Board, Airport Land Use Commission (ALUC), and Committee Meetings (Public Comment)

- 1) Persons wishing to address the Board, ALUC, and Committees shall complete a "Request to Speak" form prior to the initiation of the portion of the agenda containing the item to be addressed (e.g., Public Comment and General Items). Failure to complete a form shall not preclude testimony, if permission to address the Board is granted by the Chair.
- 2) The Public Comment Section at the beginning of the agenda is limited to eighteen (18) minutes and is reserved for persons wishing to address the Board, ALUC, and Committees on any matter for which another opportunity to speak is not provided on the Agenda, and on matters that are within the jurisdiction of the Board. A second Public Comment period is reserved for general public comment later in the meeting for those who could not be heard during the first Public Comment period.
- 3) Persons wishing to speak on specific items listed on the agenda will be afforded an opportunity to speak during the presentation of individual items. Persons wishing to speak on specific items should reserve their comments until the specific item is taken up by the Board, ALUC and Committees. Public comment on specific items is limited to twenty (20) minutes – ten (10) minutes for those in favor and ten (10) minutes for those in opposition of an item. Each individual speaker will be allowed three (3) minutes, and applicants and groups will be allowed five (5) minutes.
- 4) If many persons have indicated a desire to address the Board, ALUC and Committees on the same issue, then the Chair may suggest that these persons consolidate their respective testimonies. Testimony by members of the public on any item shall be limited to **three (3) minutes per individual speaker and five (5) minutes for applicants, groups and referring jurisdictions.**
- 5) Pursuant to Authority Policy 1.33 (8), recognized groups must register with the Authority Clerk prior to the meeting.
- 6) After a public hearing or the public comment portion of the meeting has been closed, no person shall address the Board, ALUC, and Committees without first obtaining permission to do so.

Additional Meeting Information

NOTE: This information is available in alternative formats upon request. To request an Agenda in an alternative format, or to request a sign language or oral interpreter, or an Assistive Listening Device (ALD) for the meeting, please telephone the Authority Clerk's Office at (619) 400-2400 at least three (3) working days prior to the meeting to ensure availability.

For your convenience, the agenda is also available to you on our website at www.san.org.

For those planning to attend the Board meeting, parking is available in the public parking lot located directly in front of the Commuter Terminal. Bring your ticket to the third floor receptionist for validation.

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

UPCOMING MEETING SCHEDULE

<i>Date</i>	<i>Day</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>
March 6	Thursday	9:00 a.m.	Regular	Board Room
April 3	Thursday	9:00 a.m.	Regular	Board Room

**DRAFT
AIRPORT LAND USE COMMISSION
MINUTES
MONDAY, JANUARY 6, 2014
SAN DIEGO INTERNATIONAL AIRPORT
BOARD ROOM**

CALL TO ORDER: Chair Gleason called the special meeting of the Airport Land Use Commission to order at 9:31 a.m. on Monday, January 6, 2014 in the Board Room at the San Diego International Airport, Commuter Terminal, 3225 North Harbor Drive, San Diego, CA 92101.

ROLL CALL:

PRESENT: Commission Members: Alvarez, Cox, Desmond, Farnam (Ex Officio), Gleason, Hubbs, Robinson, Sessom, Smisek

ABSENT: Commission Members: Berman (Ex Officio), Boland, Ortega (Ex Officio)

ALSO PRESENT: Thella F. Bowens, President/CEO; Breton K. Lobner, General Counsel; Tony R. Russell, Director, Corporate Services/Authority Clerk; Lorraine Bennett, Assistant Authority Clerk II

NON-AGENDA PUBLIC COMMENT: None.

CONSENT AGENDA (Items 1-3):

ACTION: Moved by Commissioner Smisek and seconded by Commissioner Robinson to approve the Consent Agenda. Motion carried by the following vote: YES – Alvarez, Cox, Desmond, Gleason, Hubbs, Robinson, Sessom, Smisek; NO – None; ABSENT – Boland. (Weighted Vote Points: YES – 87; NO – 0; ABSENT – 13)

1. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the minutes of the December 12, 2013 special meeting.

CONSISTENCY DETERMINATIONS

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

RECOMMENDATION: Receive the report.

3. CONSISTENCY DETERMINATION – SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN – CONSTRUCTION OF A SINGLE-FAMILY RESIDENTIAL UNIT AT 3142 STERNE STREET, CITY OF SAN DIEGO

RECOMMENDATION: Adopt Resolution No. 2014-0001 ALUC, making the determination that the project is conditionally consistent with the San Diego International Airport - Airport Land Use Compatibility Plan.

PUBLIC HEARINGS: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

COMMISSION COMMENT: None.

ADJOURNMENT: The meeting was adjourned at 9:32 a.m.

APPROVED BY A MOTION OF THE AIRPORT LAND USE COMMISSION THIS
6th DAY OF FEBRUARY, 2014.

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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

Item No.
2

Meeting Date: **February 6, 2014**

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

McClellan-Palomar Airport ALUCP

Zoning Ordinance Amendments for Supportive & Transitional Housing, City of Carlsbad

Deemed Complete & Consistent on January 15, 2014

Description of Project: The proposed project involves a zoning ordinance amendment to treat transitional and supportive housing the same as other residential uses, but does not propose any physical development.

Noise Contours: Properties affected by the project potentially lie within all noise contours. The ALUCP identifies residential uses located within the 60-65 dB CNEL noise contour as conditionally compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level, and prohibits residential uses in any noise contour in excess of 65 dB CNEL. Existing City of Carlsbad policies require sound attenuation to the 45 dB CNEL interior noise level within the 60-65 dB CNEL noise contour and prohibit residential uses in contours above 65 dB CNEL.

Airspace Protection Surfaces: The proposed project is in compliance with the ALUCP airspace protection surfaces because no physical construction is actually proposed by the project.

Safety Zones: Properties affected by the project potentially lie within all safety zones. The ALUCP identifies residential uses located within all safety zones as compatible, conditionally compatible, or incompatible with airport uses based upon density allowances. The City of Carlsbad implements the ALUCP according to these allowances per its General Plan, which has been deemed conditionally consistent with the ALUCP by the ALUC.

Overflight Notification: Properties affected by the project potentially lie within the overflight notification area. The ALUCP requires that an overflight notification be provided for new residential land uses. Existing City of Carlsbad policies provide for overflight notification for new residential land uses.

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**CONSISTENCY DETERMINATION
SAN DIEGO INTERNATIONAL AIRPORT (SDIA)
AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP)
February 6, 2014**

Item # 3 Resolution # 2014-0002 ALUC

Recommendation: Conditionally Consistent

**CONSTRUCTION OF 2 SINGLE-FAMILY RESIDENTIAL UNITS AT 4766
BRIGHTON AVENUE, CITY OF SAN DIEGO**

Description of Project: Based on plans submitted to the ALUC, the project proposes the construction of 2 two-story, single-family residences of 1,600 and 1,280 square feet, the former with a 2-car garage and the latter with a carport, on two adjoining properties of 2,500 square feet each. The application was deemed complete by ALUC staff on January 17, 2014.

Noise Contours: The proposed project is located within the 65-70 and 70-75 decibel Community Noise Equivalent Level (dB CNEL) noise contours. (See the attached map.) The ALUCP identifies residential uses located within the 65-70 and 70-75 dB CNEL noise contours as conditionally compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level. The ALUCP requires that an avigation easement for aircraft noise and height be recorded for each property with the County Recorder.

Airspace Protection Surfaces: The proposed project is located within the City of San Diego Airport Approach Overlay Zone (AAOZ). The maximum allowable height for a project on this site is approximately 400 feet Above Mean Sea Level (AMSL). The elevation of the site is approximately 36 feet AMSL and the structure is another 27 feet, resulting in a total project height of approximately 63 feet AMSL. Therefore, the project complies with the AAOZ.

Safety Zones: The proposed project is located outside the Runway Protection Zones (RPZs).

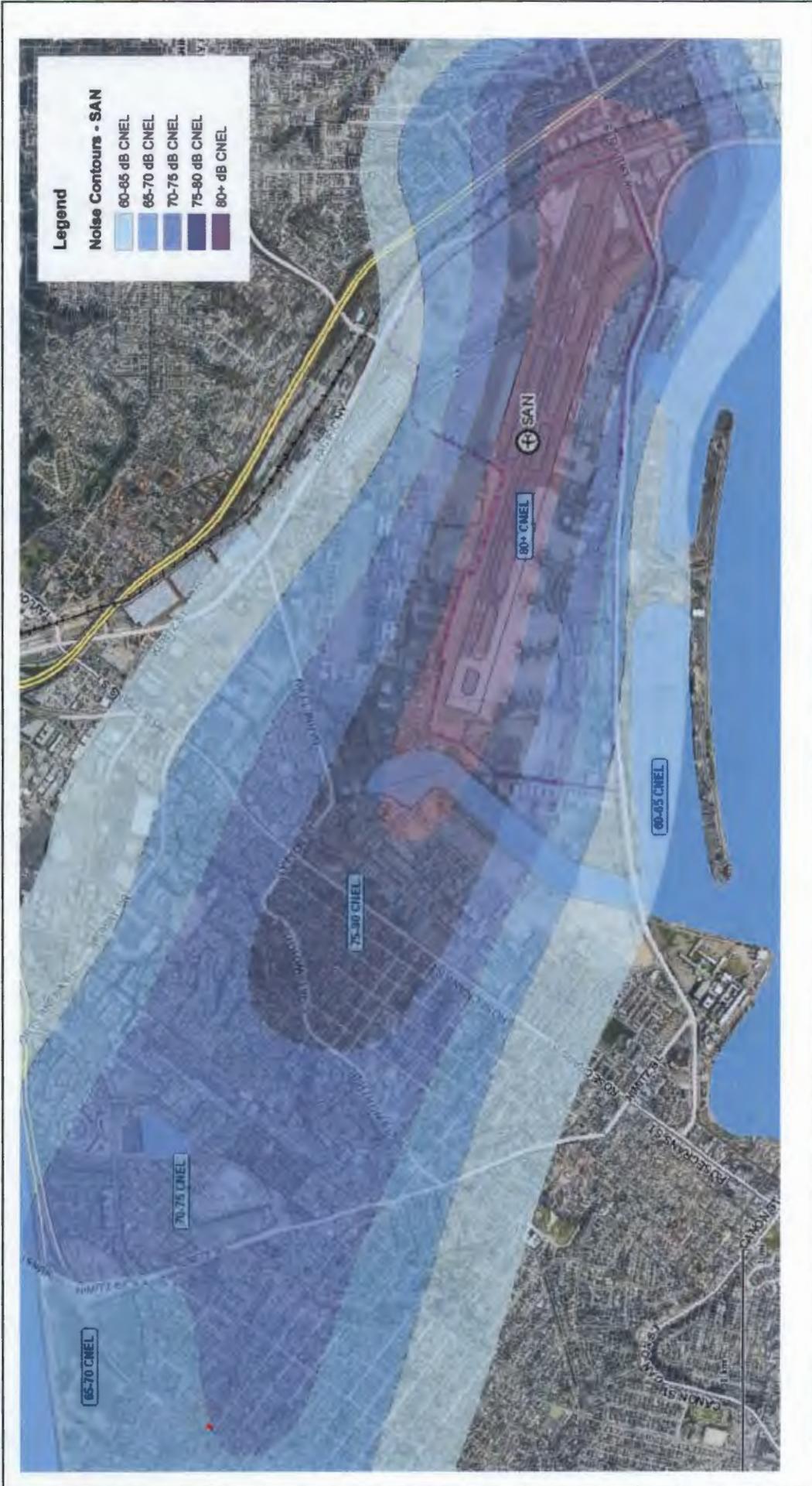
Interests Disclosure: The property is owned by Henry Jalloos of San Diego. The engineer is TKJ Structural Engineering of Coronado. The soils engineer is Kleinfelder Simon Wong Engineering of San Diego.

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

Conditions: 1) Sound attenuation of each residential unit to an interior noise level of 45 dB CNEL.

2) Recordation of an avigation easement on each property with the County Recorder.



4766 Brighton Avenue
APN 448-423-06 & -07



RESOLUTION NO. 2014-0002 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY, MAKING A DETERMINATION THAT THE PROPOSED PROJECT: CONSTRUCTION OF 2 SINGLE-FAMILY RESIDENTIAL UNITS AT 4766 BRIGHTON AVENUE, CITY OF SAN DIEGO, IS CONDITIONALLY CONSISTENT WITH THE SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN.

WHEREAS, the Board of the San Diego County Regional Airport Authority, acting in its capacity as the Airport Land Use Commission (ALUC) for San Diego County, pursuant to Section 21670.3 of the Public Utilities Code, was requested by the City of San Diego to determine the consistency of a proposed development project: Construction of 2 Single-Family Residential Units at 4766 Brighton Avenue, City of San Diego, which is located within the Airport Influence Area (AIA) for the San Diego International Airport (SDIA) Airport Land Use Compatibility Plan (ALUCP), originally adopted in 1992 and amended in 1994 and 2004; and

WHEREAS, the plans submitted to the ALUC for the proposed project indicate that it would involve the construction of two single-family residential units on two adjoining properties; and

WHEREAS, the proposed project would be located within the 65-70 and 70-75 decibel (dB) Community Noise Equivalent Level (CNEL) noise contours, and the ALUCP identifies residential uses located within the 65-70 and 70-75 dB CNEL noise contours as compatible with airport uses, provided each residence is sound attenuated to 45 dB CNEL interior noise level, and that an avigation easement over each property is recorded with the County Recorder; and

WHEREAS, the proposed project is in compliance with the Airport Approach Overlay Zone (AAOZ) height restrictions; and

WHEREAS, the proposed project is located outside the Runway Protection Zones (RPZs); and

WHEREAS, the ALUC has considered the information provided by staff, including information in the staff report and other relevant material regarding the project; and

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WHEREAS, the ALUC has provided an opportunity for the City of San Diego and interested members of the public to present information regarding this matter;

NOW, THEREFORE, BE IT RESOLVED that the ALUC determines that the proposed project: Construction of 2 Single-Family Residential Units at 4766 Brighton Avenue, City of San Diego, is conditionally consistent with the SDIA ALUCP, which was originally adopted in 1992 and amended in 1994 and 2004, based upon the following facts and findings:

- (1) The proposed project involves the construction of two single-family residential units on two adjoining properties.
- (2) The proposed project is located within the 65-70 and 70-75 dB CNEL noise contours. The ALUCP identifies residential uses located within the 65-70 and 70-75dB CNEL noise contours as compatible with airport uses, provided that each residence is sound attenuated to 45 dB CNEL interior noise level and that an aviation easement over each property is recorded with the County Recorder. Therefore, as a condition of project approval, the structures must each be sound attenuated to 45 dB CNEL interior noise level and an aviation easement must be recorded over each property with the County Recorder.
- (3) The proposed project is located within the AAOZ. The maximum allowable height for a project on this site is approximately 400 feet Above Mean Sea Level (AMSL). The maximum height of the proposed project is approximately 63 feet AMSL. The proposed project is therefore in compliance with the height limitations identified in the SDIA ALUCP.
- (4) The proposed project is located outside the RPZs.
- (5) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the SDIA ALUCP.

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

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a regular meeting this 6th day of February, 2014, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL



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

Item No.
4

Meeting Date: **FEBRUARY 6, 2014**

Subject:

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

Recommendation:

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

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

Background/Justification:

1. Purpose of the ALUC and ALUCPs

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

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

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

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

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

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

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

2. The Existing ALUCP

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

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

3. The Proposed ALUCP and Public Outreach

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

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

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

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

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

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

- February 19, 2013 – San Diego Regional Chamber Infrastructure, Housing and Land Use Committee
- February 20, 2013 – North Bay Community Planning Group
- February 21, 2013 – Peninsula Community Planning Board
- March 5, 2013 – Little Italy Association
- March 6, 2013 – Ocean Beach Planning Board
- March 12, 2013 – San Diego Regional Chamber Public Policy Committee

- March 20, 2013 – Downtown Community Planning Council (formerly the Centre City Advisory Committee)

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

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

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

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

4. Areas of Potential Concern Among Certain Stakeholders

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

Mixed-use Project Calculation

As originally written, the policy in the proposed ALUCP would have allowed the residential component of a mixed-use project to be converted from density (units per acre) to intensity (people per acre), allowing the development to exceed the residential density limit in the applicable safety zone/community planning area. ALUC staff determined that the proposed policy would result in the unintended

consequence of allowing significantly denser projects as compared to the existing development pattern. After further study of the *Handbook*, ALUC staff determined that this approach conflicts with the *Handbook* guidance in two ways. The *Handbook* (p. 4-21 through 4-24; Figures 4C-4F) states that maximum residential densities should be allowed up to the average of the surrounding area. Requests to allow residential density to be allowed up to the nonresidential intensity limit would be contrary to *Handbook* guidance. Second, the *Handbook* explains that ALUCs owe a higher standard of care to residential development than to nonresidential development. We generally expect our homes to be safer than other places. The usage intensities of residential uses thus cannot be directly equated to those of nonresidential uses. Therefore, ALUC staff revised the policy to not allow for significantly denser projects.

Residential Density Conversion

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

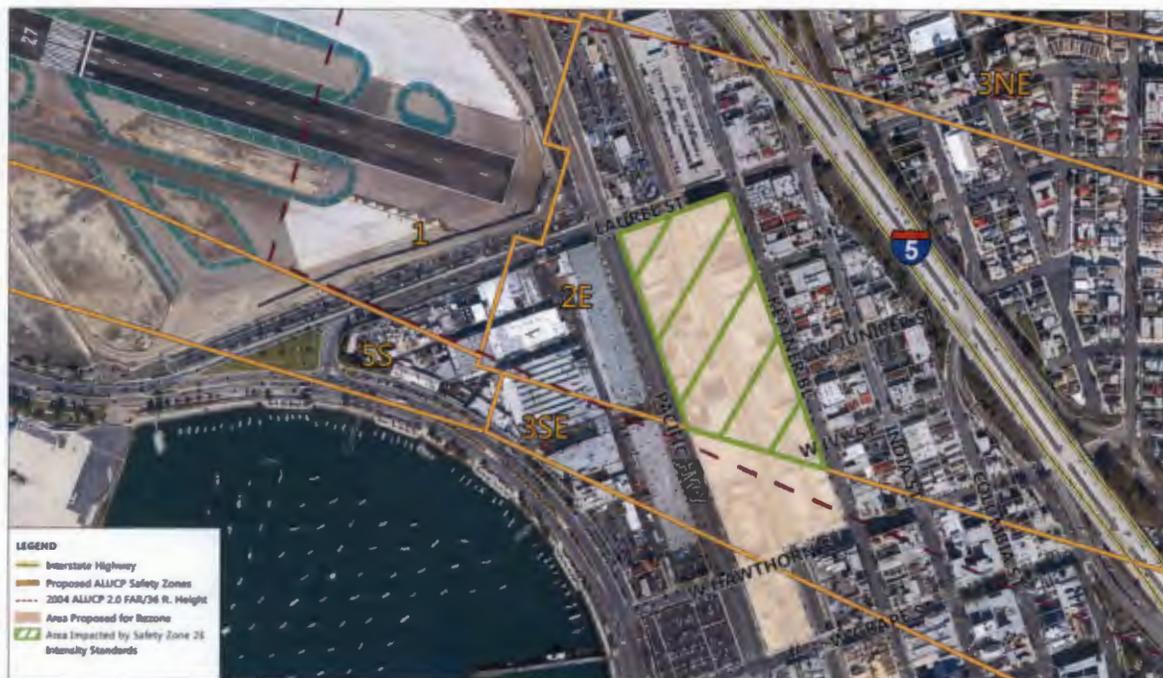
The original policy would have essentially equated residential development with nonresidential development, treating the occupants of dwelling units the same as occupants of nonresidential development. The request to allow residential density to be held to an intensity limit would be contrary to *Handbook*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

Safety Zone 2E Little Italy/Industrial Buffer Overlay Zone

Since the release of the proposed ALUCP, the City of San Diego and Civic San Diego have initiated an amendment to the Downtown Planned District Ordinance (PDO) that would eliminate residential use from nine blocks surrounding Solar Turbines (see the green striped area on Exhibit 1, below). This amendment would reduce the

development potential of several parcels within Safety Zone 2E because the proposed ALUCP allowed residential on those parcels. Once the PDO amendment is adopted, only nonresidential development would be allowed. Commenters suggested that due to the future restriction of the PDO amendment, the existing ALUCP requirements (2.0 floor area ratio/36-foot height limit) should apply rather than the nonresidential intensity limits in the proposed ALUCP. These requirements were established when the existing ALUCP was amended in 1994, years before the *Handbook* established safety zones beyond the RPZ. This request was made specifically to accommodate anticipated future development scenarios on several parcels. The closest parcel in the PDO amendment area is only 500 feet from the end of the runway.

Exhibit 1



Additionally, this area is repeatedly overflowed on approach to land (approximately 97% of annual operations). As shown on Exhibit 2, data for three months – about 55,000 flight tracks – can be observed. In locations where the need for compatible land uses is particularly critical, airports should take direct action to prevent or mitigate problems (*Handbook*, p. 5-19). ALUC staff could find no basis to support carving out a portion of Safety Zone 2E that would be subject to out-of-date safety standards when compared to the rest of the safety zone, or any of the other safety zones. Allowing such a compromise would be contrary to *Handbook* guidance (p. 4-21, Figure 4C and p. 4-42) and no findings can be made to support this suggestion. Therefore, ALUC staff did not make any revisions to the proposed ALUCP to accommodate this request.

Exhibit 2

*Gross vs. Net Square Footage*

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

EIR Alternative 4

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

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

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

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

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

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

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

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

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

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

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

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

5. ALUCP Implementation

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

Staff submits the following documents for ALUC consideration:

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

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

Fiscal Impact:

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

Authority Strategies:

This item supports one or more of the Authority Strategies, as follows:

Community Strategy Customer Strategy Employee Strategy Financial Strategy Operations Strategy

Environmental Review:

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

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

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

- B. This project is not a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

Application of Inclusionary Policies:

Not applicable.

Prepared by:

ANGELA JAMISON
MANAGER, AIRPORT PLANNING

RESOLUTION NO. 2014-0003 ALUC

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

WHEREAS, the San Diego County Regional Airport Authority (Airport Authority), acting in its capacity as the Airport Land Use Commission (ALUC) for the County of San Diego (County), is required to prepare and adopt an Airport Land Use Compatibility Plan (ALUCP) for San Diego International Airport (SDIA) (see Pub. Util. Code §21670.3, subd. (a); 21675, subd. (b)); and

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, after due notice, on February 6, 2014 the ALUC conducted a public hearing on this matter at which it reviewed and considered the information in the Final EIR; and

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

NOW, THEREFORE, BE IT RESOLVED that the ALUC:

- (1) Certifies that the Final EIR (State Clearinghouse No. 2013031060) has been prepared and completed in compliance with CEQA, the CEQA Guidelines and the Airport Authority's own CEQA Procedures; and
- (2) Certifies that it has reviewed and considered the Final EIR, including the information contained therein, and the whole record of these proceedings; and
- (3) Certifies that they Final EIR reflects the ALUC's independent judgment and analysis; and
- (4) Adopts the attached Findings and Statement of Overriding considerations (Attachment A to this Resolution), which the ALUC finds are supported by substantial evidence; adopts the attached Mitigation Monitoring and Reporting Program (Attachment B to this Resolution); and directs staff to file a Notice of Determination with respect to the SDIA ALUCP within five (5) days of approval of the SDIA ALUCP and in accordance with the requirements of CEQA Guidelines section 15094.

PASSED, ADOPTED, AND APPROVED by the ALUC for San Diego County at a regular meeting this 6th day of February, 2014, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

000023

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

1.0 INTRODUCTION

This document constitutes the independent findings and reflects the independent judgment of the San Diego County Regional Airport Authority (Airport Authority), acting in its capacity as the Airport Land Use Commission (ALUC) for the County of San Diego (County). The findings are fully and completely supported by substantial evidence.¹ All of the language in this document constitutes findings, whether or not any particular sentence or clause includes a statement to that effect.

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

1.1 STATUTORY REQUIREMENTS FOR FINDINGS

The Final EIR identified significant environmental impacts associated with the proposed SDIA ALUCP. Under the California Environmental Quality Act (CEQA)², approval of a project with significant and unavoidable impacts must be supported by findings made by the lead agency.³ Specifically, the Airport Authority, acting in its capacity as the ALUC for the County, must make one or more of the following written findings:

- a. Changes or alterations have been required in, or incorporated into, the proposed SDIA ALUCP that avoid or substantially lessen the significant environmental impacts identified in the Final EIR;

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

² California Public Resources Code, §21000 *et seq.*

³ California Public Resources Code, §21081.

- b. Such changes or alterations are within the responsibility and jurisdiction of another public agency, and such changes have been adopted by such other agency or can and should be adopted by such other agency; and/or
- c. Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.⁴

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

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

2.0 DESCRIPTION OF PROPOSED PROJECT

The proposed Project is the SDIA ALUCP. The Airport Authority, acting in its capacity as the ALUC for the County, is required by law to adopt an ALUCP "that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission."⁵ SDIA is within the jurisdiction of the ALUC.

The basic function of an ALUCP is to promote compatibility between an airport and the land uses that surround the airport and lie within the airport's designated airport influence area (AIA), to the extent that these areas are not already devoted to incompatible uses.⁶ The AIA is comprised of the areas in which current or future airport-related noise, overflight, safety and/or airspace protection concerns may affect future land uses or necessitate restrictions on those uses. The SDIA AIA includes portions of

⁴ California Code of Regulations, Title 14, §15091(a).

⁵ California Public Utilities Code, §21675(a).

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

the cities of San Diego, Coronado, National City; the County of San Diego; and the San Diego Unified Port District.

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

In addition, the proposed SDIA ALUCP would be utilized by the ALUC when it reviews proposed land use plans and regulations and projects within the AIA. The ALUCP also would assist local agencies in their preparation or amendment of land use plans and ordinances, as state law explicitly requires local agencies to modify their planning documents to be consistent with the ALUCP, or otherwise overrule the ALUC within a specified time frame.⁷

3.0 IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT

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

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

⁷ California Public Utilities Code, §21676.

- Utilities and service systems

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

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

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

4.1 LAND USE AND PLANNING

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

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

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

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

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

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

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

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

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

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

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

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

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

be considered to result in significant impacts with the environmental goals, objectives or guidelines of a community or general plan.

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

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

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

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

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

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

As discussed in **Section 4.2.4.8** of the EIR, the proposed ALUCP would result in less than significant impacts on the *Port Master Plan*, prepared by the Unified Port District. While two parcels within the Port District's jurisdiction would be subject to the potential displacement of 1,181 square feet of nonresidential floor area, that impact is

caused by the somewhat more restrictive standards of the proposed ALUCP within Safety Zone 2E compared with the standards of the 2004 ALUCP applying within the Runway 27 Approach Area. The *Port Master Plan* is written with sufficient flexibility for the Port District, if it so desires, to allow development intensities outside the ALUCP Impact Area great enough to compensate for the potential displacement on these two parcels.

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

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

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

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

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

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

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

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

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

4.2 POPULATION AND HOUSING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.3 PUBLIC SERVICES

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

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

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

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

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

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

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

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

(v) Libraries

(vi) Schools (SD-1)

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

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

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

Finding: The ALUC finds that implementation of the proposed Project will have a less-than-significant impact with regards to conflicts with the applicable community plans in terms of the number, size, and location of public service facilities, and therefore no mitigation is required.

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

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

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

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

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

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

Finding: The ALUC finds that the proposed ALUCP does not affect any community plans that were also affected by other ALUCPs previously adopted for other airports in the County and that any impacts on the planned number, size and location of public services facilities would be less than significant. Therefore, no mitigation is required.

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

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

The Final EIR identified the following significant and unavoidable impacts associated with Project approval, and, where feasible, recommended mitigation measures. The ALUC hereby finds that these significant and unavoidable impacts are outweighed by the public benefits provided by the proposed Project, and are

acceptable, as more fully specified in the "Statement of Overriding Considerations" (Section 12.0, below.) As noted above, the significance thresholds used to render these impact determinations are found in Appendix G of the CEQA Guidelines and in the City of San Diego's *California Environmental Quality Act Significance Determination Thresholds* (January 2011).

5.1 LAND USE AND PLANNING

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

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

With implementation of the mitigation measures proposed in Section 4.2.6 of the Final EIR, any substantial incompatibilities with adopted plans would be reduced to levels below significant. However, implementation of the mitigation measures is within the jurisdiction of the City of San Diego, rather than the ALUC. Thus, the ALUC has no authority to guarantee implementation of the proposed mitigation measures. If the City of San Diego does not implement the mitigation measures, then the identified substantial incompatibilities would remain significant and unavoidable.

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

5.1.1 Environmental Impacts

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

- *Downtown Community Planning Area*

As discussed in Section 4.2.4.1 of the Final EIR, the SDIA ALUCP will result in as much as 12.8 acres on 64 parcels in the Downtown Community Planning Area (CPA) becoming unavailable for the development of selected incompatible land uses, including

group quarters, sport/fitness facilities, emergency communication facilities, transit centers and bus and rail stations. Those land uses would be allowed under the current zoning applying within the Downtown CPA.

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

- *Midway/Pacific Highway Corridor Community Planning Area*

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

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

- *Peninsula Community Planning Area*

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

- *Uptown Community Planning Area*

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

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

5.1.2 Mitigation Measures

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

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

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

By law, affected cities and counties are required to make their land use plans and zoning regulations consistent with new or amended ALUCPs.⁸ Adoption of the ALUCP policies and standards by the City of San Diego can be achieved by adoption of the ALUCOZ for the SDIA AIA, which appears to be the City's preferred means of ensuring consistency with the proposed ALUCP.⁹ By definition, this would eliminate substantial incompatibilities between the proposed ALUCP and the City's adopted land use plans. At the same time, however, the future nonresidential floor area within the ALUCP Impact Area would be reduced compared with existing conditions. If the potential development of those nonresidential land uses is to be fully offset, then additional nonresidential development must be allowed elsewhere. This could be accommodated through further zoning amendments increasing allowable floor area ratios in areas outside the safety zones of the proposed ALUCP.

Under the law, the City of San Diego also can overrule the proposed ALUCP, rather than implement it through amendments to zoning regulations. Thus, implementation of the proposed ALUCP cannot be guaranteed by the ALUC. If the City chooses to overrule the proposed ALUCP, no adverse environmental impacts would result, although the City would be required to adopt findings demonstrating that overrule of the proposed ALUCP would be consistent with the intent of the ALUC statute (PUC §21670, *et seq.*) as required by law.¹⁰

⁸ California Public Utilities Code §§21675.1(d), 21676, 21676.5.

⁹ See letter from Myra Herrmann, City of San Diego Development Services Department, commenting on Draft EIR, in Appendix E of this EIR.

¹⁰ To overrule the ALUCP, a local governing body must make specific findings that its current land use plans and regulations are consistent with the purposes of the state's airport land use compatibility law and approve the overrule resolution by a two-thirds majority vote. See California Public Utilities Code, §§21675.1(d) and 21676.5(a).

5.2 POPULATION AND HOUSING

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

Finding: The ALUC finds that implementation of the proposed Project will result in potentially significant impacts by substantially altering the planned location, distribution and density of population within the ALUCP safety zones. The reduction in allowable residential densities would result in the potential displacement of 779 future housing units from the safety zones. Given the level of anticipated future housing needs and the relatively limited amount of land in the City, the displacement is potentially significant, even though it would represent only 1.8 percent of the potential additional housing that could be built in the entirety of the four CPAs affected by the proposed safety zones.

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

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

5.2.1 Environmental Impacts

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

- *Downtown Community Planning Area*

As discussed in Section 4.3.4.2.1 of the Final EIR, the SDIA ALUCP will result in the potential displacement of 696 future dwelling units in the Downtown CPA because of the reduction in allowable residential densities in the safety zones. The potential additional dwelling unit capacity within the safety zones in the Downtown CPA would be reduced from 2,150 to 1,454 units with the proposed Project (see Table 4-32 in the Final EIR). The total additional dwelling unit capacity in *the entire* Downtown CPA would be reduced from 30,562 to 29,866 units, a 2.3 percent reduction (see Table 4-34 in the Final EIR).

- *Midway/Pacific Highway Corridor Community Planning Area*

As discussed in **Section 4.3.4.2.2** of the Final EIR, the SDIA ALUCP will result in the potential displacement of only one dwelling unit in the Midway/Pacific Highway Corridor CPA. The potential additional dwelling unit capacity within the safety zones in the Midway/Pacific Highway Corridor CPA would be reduced from 51 to 50 units with the proposed Project (see **Table 4-32** in the Final EIR). The total additional dwelling unit capacity in *the entire* Midway/Pacific Highway Corridor CPA would be reduced from 1,760 to 1,759 units (see **Table 4-34** in the Final EIR).

- *Peninsula Community Planning Area*

As discussed in **Section 4.3.4.2.4** of the Final EIR, the SDIA ALUCP will result in the potential displacement of 42 dwelling units from the safety zones in the Peninsula CPA. The potential additional dwelling unit capacity within the safety zones in the Peninsula CPA would be reduced from 431 to 389 units with the proposed Project (see **Table 4-32** in the Final EIR). The potential nonresidential build-out estimates were based on the current zoning applying within the Peninsula CPA. The total additional dwelling unit capacity in *the entire* Peninsula CPA would be reduced from 1,737 to 1,695 units, a 2.4 percent reduction (see **Table 4-34** in the Final EIR).

- *Uptown Community Planning Area*

As discussed in **Section 4.3.4.2.5** of the Final EIR, the SDIA ALUCP will result in the potential displacement of 40 future dwelling units in the Uptown CPA because of the reduction in allowable residential densities in the safety zones. The potential additional dwelling unit capacity within the safety zones in the Uptown CPA would be reduced from 1,013 to 973 units with the proposed Project (see **Table 4-32** in the Final EIR). The total additional dwelling unit capacity in *the entire* Uptown CPA would be reduced from 7,004 to 6,964 units, a 0.6 percent reduction (see **Table 4-34** in the Final EIR).

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

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

Importantly, any indirect effects on residential development patterns and related impacts on the environment that may arise from implementation of the proposed Project

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

5.2.2 Mitigation Measure

One mitigation measure to reduce the adverse impacts of the proposed ALUCP on Population and Housing was proposed in the Final EIR for the SDIA ALUCP. It would require action by the City of San Diego:

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

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

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

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

5.3 CUMULATIVE IMPACTS

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

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

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

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

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

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

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

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

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

Finding: The ALUC finds that implementation of the proposed Project, in combination with other previously approved ALUCPs, will have a potentially significant impact on housing and population in the City of San Diego and in the metropolitan area because of the cumulative effect of all ALUCPs in reducing potential future housing development in the affected AIAs. Total future housing development could be reduced by 1,250 to 2,001 dwelling units due to the reduction in allowable housing densities proposed in all eight ALUCPs within metropolitan San Diego (see Section 4.7.5 and Table 4-42 in the Final EIR).

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

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

The effect of all eight ALUCPs within metropolitan San Diego would be to reduce potential future housing yield by 1,250 to 2,001 units (see Section 4.7.5 and Table 4-42 in the Final EIR). The greatest effect would be experienced in the City of San Diego, where an estimated 1,010 to 1,761 future dwelling units could be displaced. The SDIA ALUCP would account for 779 of those potentially displaced housing units, 44 to 77 percent of the total (see Section 4.7.5 and Table 4-42 in the Final EIR).

Given the pressures on all local agencies, and the City of San Diego in particular, to provide affordable housing in an expensive and high demand market, the potential loss of 1,250 to 2,001 future housing units only increases the difficulty of meeting the affordable housing challenge.

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

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

6.0 ALTERNATIVES ANALYZED IN THE EIR

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

An alternative may be eliminated from detailed consideration in the Draft EIR if it fails to meet most of the basic project objectives, is infeasible, or is unable to avoid significant environmental impacts. As discussed in **Section 5.1** of the Final EIR, due to the nature of the ALUCP (*i.e.*, the ALUC's statutory obligation to prepare and adopt an ALUCP for SDIA), there are no alternative locations for the proposed Project and, therefore, the analysis did not evaluate any alternative locations to the proposed Project.¹¹

In addition, as discussed in **Sections 5.2.3, 5.3.3, 5.4.3 and 5.5.2** of the Final EIR, the ALUC is constrained by the requirement to "be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook..."¹² The statute further explains that "it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and

¹¹ California Code of Regulations, Title 14, §15126.6(f)(2).

¹² California Public Utilities Code §21674.7(a).

density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook...¹³

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

6.1 Alternative 1 – No Project

CEQA requires evaluation of the "No Project" alternative.¹⁴ Where the project is the "revision of an existing land use or regulatory plan . . . , the 'no project' alternative will be the continuation of the existing plan . . . into the future."¹⁵ Therefore, the "projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan."¹⁶

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

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

As also explained in **Section 5.2.2** of the Final EIR, however, implementation of Alternative 1 would result in some impacts compared to the existing condition. This is because the City of San Diego has not amended its zoning regulations to implement the 2004 ALUCP. Implementation of the 2004 ALUCP would require the City to amend its Airport Environs Overlay Zone (AEOZ) by adopting the noise contours from the 2004 ALUCP, which are larger than the noise contours currently in effect under the AEOZ. Such an amendment would increase the area rendered unavailable to selected incompatible land uses, as described in **Table 5-2** on **page 5-4** of the Final EIR. The result is that the area that would become unavailable for the development of new incompatible uses would be enlarged, relative to the AEOZ, as described below:

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

LAND USE TYPE	PROPERTY RENDERED UNAVAILABLE	
	NUMBER OF PARCELS ¹	AREA (ACRES) ¹
¹³ California Public Utilities Code §21674.7(b).		
¹⁴ California Code of Regulations, Title 14, §15126.6(e)(1).		
¹⁵ California Code of Regulations, Title 14, §15126.6(e)(3)(A).		
¹⁶ California Code of Regulations, Title 14, §15126.6(e)(3)(A).		

Office Buildings, Auditoriums, Churches	322	94.2
Concert Halls	275	81.6
Indoor Arenas -	83	39.2

NOTE:

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

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

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

That being said, the impacts on land uses rendered incompatible under the No Project alternative are considerably less than with the proposed Project. First, only five land use types (office buildings, auditoriums, churches, concert halls and indoor arenas) are considered incompatible under the 2004 ALUCP, and only within the 70 dB CNEL contour. Under the proposed ALUCP, over 20 land use types are considered incompatible at various noise levels and in different safety zones. The total amount of developable land rendered unavailable for the development of incompatible institutional uses under the proposed Project, for example, totals over 110 acres.¹⁷

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

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

The noise contours in the 2004 ALUCP represent 1990 conditions rather than the latest forecast conditions. Additionally, the list of incompatible uses for noise is not consistent with the latest guidance in the Caltrans *Handbook* and Title 21. Therefore, this Project objective would not be satisfied by the "No Project" alternative.

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

The 2004 ALUCP does not reflect the latest guidance in the Caltrans *Handbook* because only the Runway Protection Zones and an Approach Zone on the east side of the Airport are depicted as safety zones. Certain sensitive uses are deemed incompatible only within the Approach Zone on the east side of SDIA, but the list of

¹⁷ These institutional uses include schools, nursing homes, places of assembly for children, hospitals, and child care facilities. See Table A-8 in Appendix A of the EIR.

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

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

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

Objective 4. *To ensure that prospective buyers of new housing within areas subject to aircraft overflights are informed about the potential effects of overflights by (a) promoting compliance with the state’s real estate disclosure law,¹⁸ and (b) ensuring that owners and developers of new residential projects provide notice of the presence of aircraft overflight to prospective buyers.*

The 2004 ALUCP defines an Airport Influence Area (AIA), within which the requirements of the state’s real estate disclosure law apply. The AIA in the 2004 ALUCP, however, is considerably smaller than the AIA in the proposed ALUCP because the 2004 AIA is based only on the 60 dB CNEL contour, rather than all four compatibility factors (including airspace and overflight areas). The delineation of the AIA in the 2004 ALUCP is not consistent with the latest guidance in the Caltrans *Handbook*. The requirement in the 2004 ALUCP for the dedication of avigation easements for certain residential development within the 65 dB CNEL contour promotes awareness of aircraft overflights among prospective buyers of property, but it does so in a less expansive manner than the proposed ALUCP. In conclusion, the 2004 ALUCP (the “No Project” alternative) meets this objective, but in a minimal way that is not completely consistent with the guidance in the latest edition of the Caltrans *Handbook*.

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

¹⁸ California Business and Professions Code §11010(a) and (b)(13); California Civil Code §§1102.6, 1103.4 and 1353; California Code of Civil Procedure §731a.

and 2 leads the ALUC to conclude that the “No Project” alternative is infeasible.

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

Under the proposed ALUCP, Safety Zones 3NW and 4W were widened beyond the generic dimensions suggested in the Caltrans *Handbook* for safety zones at air carrier airports.¹⁹ The boundaries of both safety zones were fanned to the north to reflect the commonly used 290-degree departure heading used by aircraft taking off on Runway 27. This adjustment was made to comply with *Handbook* guidance advising modifications in safety zone configurations to reflect commonly used flight procedures and corridors. Refer to **Exhibit 5-2** in the Final EIR for a depiction of the commonly used departure corridors off Runway 27.

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

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

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

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

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

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

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

Alternative 2 would partially achieve this objective. The revised safety zone configuration would continue to apply safety policies and standards to the area along the extended centerline of Runway 27. The Alternative 2 safety zone configuration would not, however, apply policies and standards beneath the heavily used departure corridor along the 290-degree heading, as the Caltrans guidance would suggest.²⁰ Thus, Alternative 2 would not provide as much safety compatibility coverage as the proposed ALUCP.

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

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

Objective 4. *To ensure that prospective buyers of new housing within areas subject to aircraft overflights are informed about the potential effects of overflights by (a) promoting compliance with the state's real estate disclosure law,²¹ and (b) ensuring that owners and developers of new residential projects provide notice of the presence of aircraft overflight to prospective buyers.*

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

The key shortcoming of Alternative 2 is that the revised boundaries of Safety Zones 3NW and 4W would not extend beneath the heavily used 290-degree departure path off Runway 27. Based on the guidance in the Caltrans *Handbook*, the enlargement of these safety zones as provided in the proposed ALUCP is fully justified.²² Alternative 2 indicates that the amount of potential displaced development

²⁰ The nominal configuration of safety zones for air carrier airports presented in the Caltrans Handbook (**Exhibit 5-1** in the Final EIR) is based on the assumption of primarily straight-in and straight-out flight routes. The *Handbook* advises the consideration of common flight routes and "special flight procedures" in determining optimum safety zone shapes and sizes. See *California Airport Land Use Planning Handbook*, 2011, pp. 3-21 – 3-22.

²¹ California Business and Professions Code §11010(a) and (b)(13); California Civil Code §§1102.6, 1103.4 and 1353; California Code of Civil Procedure §731a.

²² California Department of Transportation, Division of Aeronautics, *California Airport Land Use Planning Handbook*, October 2011, pp. 3-20 – 3-26.

would decrease very slightly if these zones were reduced in size. The potential reduction in impacts is not great enough to warrant consideration of changes to the safety zone boundaries, especially when those boundaries have been developed through a technical analysis that applied guidance from the Caltrans *Handbook*.

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

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

The proposed ALUCP would establish residential density and nonresidential intensity standards in Safety Zone 3SE that are less restrictive than suggested by the guidance in the Caltrans *Handbook*. As explained in **Appendix E-4** (page E-62) of the proposed ALUCP, this area is subject to very few direct overflights because of the infrequent use of Runway 9 for takeoffs and the published departure procedures that require straight-out routes or left turns away from this area. Because of the nature of the activity off the east end of the runway, the probability of accidents in Safety Zone 3SE is likely to be considerably less than in the other safety zones.²³

Alternative 3 was developed in recognition that a substantial share of the displacement impacts caused by the proposed ALUCP would occur in Safety Zone 3SE. This alternative would retain the safety standards relating to incompatible uses but would eliminate the limits on residential densities and nonresidential intensities in Safety Zone 3SE. It would ensure that the future development of highly sensitive uses serving vulnerable populations, processing or storing hazardous materials, or involving critical public utilities would be avoided in this safety zone, just as in the proposed ALUCP. The elimination of the intensity and density standards, however, would reduce the potential development displacement in the area.²⁴

Alternative 3 would result in less environmental impact than the proposed ALUCP (see **Section 5.4.2** and **Table 5-6** in the Final EIR). Under Alternative 3, 614 dwelling units could potentially be displaced, compared with 779 under the proposed ALUCP, a reduction of 165 units (162 units in Downtown and 3 units in Uptown). The

²³ This assertion is based on an interpretation of the location patterns for large aircraft accidents, supplemented by a review of the location of general aviation accidents presented in the Caltrans *Handbook*.

²⁴ The density and intensity of development in Safety Zone 3SE would be limited indirectly, however, by the airspace protection standards, which would limit the heights of buildings in this area near the runway end and near the approach to Runway 27. (The airspace protection standards are currently in effect, so this situation would not be a change from current conditions.)

potentially displaced nonresidential floor area would decrease to 268,407 square feet under Alternative 3, a reduction of 217,386 square feet compared with the proposed ALUCP. All of the reduction in nonresidential displacement would occur in the Downtown CPA. The decrease in potential displacement resulting from Alternative 3 would not avoid or substantially lessen any of the significant effects of the proposed Project as appreciable quantities of potential displacement would remain in both residential and nonresidential land use categories.

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

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

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

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

Alternative 3 would partially achieve this objective. The effective prohibition on future incompatible uses in Safety Zone 3SE would be consistent with this objective, but the elimination of limits on the intensity and density of development in the safety zone would be inconsistent with this objective. While the airspace-related limits on building heights could result in indirect limits on the density and intensity of development in Safety Zone 3SE, those limits are likely to be less restrictive than the proposed ALUCP. Furthermore, the elimination of direct limits on the intensity and density of future development in the safety zone would deviate from the guidance provided in the Caltrans *Handbook*.²⁵ Thus, Alternative 3 would not provide as much safety compatibility coverage as the proposed ALUCP or as advised in the *Handbook*, and is contrary to the ALUC's statutory mandate to protect the public health, safety and welfare.

²⁵ California Department of Transportation, Division of Aeronautics, *California Airport Land Use Planning Handbook*, 2011, p. 4-22.

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

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

Objective 4. *To ensure that prospective buyers of new housing within areas subject to aircraft overflights are informed about the potential effects of overflights by (a) promoting compliance with the state's real estate disclosure law,²⁶ and (b) ensuring that owners and developers of new residential projects provide notice of the presence of aircraft overflight to prospective buyers.*

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

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

21674.7. (a) An airport land use commission that formulates, adopts, or amends an airport land use compatibility plan shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation.

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

Finding: Based on the analysis in Section 5.4 of the Final EIR, summarized above, the ALUC finds that Alternative 3 would not avoid or

²⁶ California Business and Professions Code §11010(a) and (b)(13); California Civil Code §§1102.6, 1103.4 and 1353; California Code of Civil Procedure §731a.

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

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

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

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

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

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

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

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

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

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

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

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

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

While the amount of potential development displacement with Alternative 4 would be much less than with the proposed ALUCP, the alternative deviates substantially from Caltrans guidance in eliminating density and intensity standards in all safety zones. This deviation is great enough to consider this alternative as inconsistent with the intent of the ALUC statute, as excerpted in the analysis of Alternative 3 above.²⁸ Despite the reduction in impacts, the deviation from Caltrans guidance and state law is not warranted.

Finding: **Based on the analysis in Section 5.5 of the Final EIR, summarized above, the ALUC finds that Alternative 4 would avoid the significant impacts of the proposed Project. However, while Alternative 4 would achieve three of the four Project Objectives (1, 3 and 4), Alternative 4 only would partially fulfill Objective 2. Relative to Objective 2, Alternative 4**

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

²⁸ California Public Utilities Code, §21674.7.

would deviate substantially from *Handbook* guidance in failing to set development density and intensity limits in the safety zones. Thus, the ALUC finds that adoption of Alternative 4 would be inconsistent with the intent of the *Handbook* and the ALUC statute and, therefore, is not feasible.

7.0 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

An EIR must discuss any potentially significant effects on the environment that would be irreversible if the proposed project were implemented.²⁹ As discussed in **Section 4.5** of the Final EIR, the SDIA ALUCP is a regulatory, land use planning document, and no significant irreversible environmental changes would result from its approval and implementation. Specifically, because implementation of the ALUCP will not propose or entail any new development, construction, or changes to the existing land uses or the environment, the proposed Project will not require the commitment or use of any nonrenewable resources. Accordingly, the SDIA ALUCP will not result in significant irreversible environmental changes stemming from the use of nonrenewable resources or the irretrievable commitment of resources.

8.0 GROWTH-INDUCING IMPACTS

An EIR also must discuss the "ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment."³⁰ As discussed in **Section 4.6** of the Final EIR, the SDIA ALUCP does not directly facilitate growth as it does not contain any growth-accommodating features (e.g., infrastructure). Further, the proposed Project does not directly necessitate the construction of growth-accommodating facilities because the Project, which is a regulatory planning document, will not directly attract residential and/or non-residential growth.

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

²⁹ California Public Resources Code, §21100(b)(2)(B); California Code of Regulations, Title 14, §15126.2(c).

³⁰ California Code of Regulations, Title 14, §15162.2(d); California Public Resources Code, §21100(b)(5).

impacts and that any localized growth-inducing effects have been accounted for in the applicable community plans and the City's General Plan.

9.0 ABSENCE OF SIGNIFICANT NEW INFORMATION

The CEQA Guidelines require a Lead Agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification.³¹ New information includes: (i) changes to the project; (ii) changes in the environmental setting; or (iii) additional data or other information.³² The CEQA Guidelines further provide that "[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."³³

Here, the Final EIR incorporated a number of changes and revisions to the proposed Project. However, as indicated in the Final EIR, Section 1.9 these changes and revisions do not result in any new significant environmental impacts or a substantial increase in the severity of an environmental impact which cannot be mitigated. In addition, all feasible mitigation measures are included in the MMRP, which is hereby adopted and incorporated into the Project. Therefore, having reviewed the information in the Draft and Final EIRs, the administrative record, the requirements of the CEQA Guidelines, and applicable judicial authority, the ALUC hereby finds that no new significant information was added to the Draft EIR following public review and thus, recirculation of the EIR is not required by CEQA.

10.0 PAYMENT OF FISH AND GAME FILING FEE

As discussed above, an Initial Study was prepared by ALUC staff in order to evaluate the SDIA ALUCP's potential to result in adverse environmental impacts. Based on the information presented in the Initial Study, and the record as a whole, there is no substantial evidence before the ALUC that the SDIA ALUCP may result in a significant adverse effect on wildlife resources, or the habitat on which the wildlife depends. Nevertheless, because an EIR has been prepared for the SDIA ALUCP, the Airport Authority will remit the required filing fees to the San Diego County Clerk at the time of filing the Notice of Determination in compliance with state law.³⁴

³¹ California Code of Regulations, Title 14, §15088.5.

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

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

³⁴ California Fish and Game Code, §711.4 (d)(3).

11.0 MITIGATION MONITORING PLAN

Pursuant to Public Resources Code section 21081.6, the ALUC is required to adopt an MMRP for the proposed Project in order to ensure compliance with the adopted mitigation measures during project implementation.³⁵ The ALUC finds that the impacts of the proposed Project have been mitigated to the extent feasible by the mitigation measures identified in the Final EIR and MMRP. Further, by these findings, the ALUC adopts the MMRP (see Attachment B) that accompanies the Final EIR.

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

12.0 STATEMENT OF OVERRIDING CONSIDERATIONS

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

CEQA requires the decisionmaking body to balance the economic, legal, social, technological or other benefits of a project against its significant and unavoidable impacts when determining whether to approve a project.³⁶ If the benefits of a project outweigh the significant and unavoidable impacts, those impacts may be considered acceptable. CEQA also requires the public agency to provide written findings supporting the specific reasons for considering a project acceptable when significant impacts are unavoidable. Such reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record. Those reasons are provided in this Statement of Overriding Considerations.

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

³⁵ Also, see California Code of Regulations., Title 14, §15091(e).

³⁶ California Code of Regulations, Title 14, §15093.

1. The Airport Authority has duly considered the guidance provided in the *California Airport Land Use Planning Handbook*,³⁷ published by the Caltrans Division of Aeronautics, as required by law.³⁸ Furthermore, the proposed Project is broadly consistent with the *Handbook* guidance. Therefore, adoption of the proposed Project ensures that the Airport Authority complies with existing state law when adopting an ALUCP for SDIA.
2. The proposed Project will assist the Airport Authority and local agencies (specifically, the cities of San Diego, Coronado and National City, the County of San Diego and the San Diego Unified Port District) in ensuring that future land use development within the vicinity of SDIA is compatible with the Airport's operations.
3. The proposed Project will enable the Airport Authority to coordinate land use planning at the local level in order to provide for the orderly development of air transportation, while at the same time protecting the public health, safety and welfare, as required by the State Aeronautics Act.³⁹
4. The proposed Project will protect the public health, safety and general welfare of the inhabitants within the vicinity of SDIA and the public in general by establishing land use measures that minimize the public's exposure to excessive noise and safety hazards to the extent that these areas are not already devoted to incompatible uses. This is of particular import with respect to the policies and standards related to the future development of noise-sensitive land uses and other land uses posing safety concerns (e.g., facilities serving people with low effective mobility and facilities processing or storing hazardous materials) near SDIA.
5. The proposed Project will secure the continued operation of SDIA as it is currently designed and in accordance with the future Airport Layout Plan, to the extent that the aeronautical activities otherwise could have been adversely impacted by incompatible land use development in the SDIA vicinity.

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

³⁷ California Department of Transportation, Division of Aeronautics, *California Airport Land Use Planning Handbook*, 2011.

³⁸ California Public Utilities Code, §21674.7(a).

³⁹ California Public Utilities Code, §21670(a).

13.0 CUSTODIAN OF RECORD

Public Resources Code section 21081.6, subdivision (a)(2), requires the Lead Agency (*i.e.*, the Airport Authority, acting in its capacity as the ALUC) to specify the location and custodian of the documents or other material that constitute the record of proceedings upon which the decision is based.⁴⁰

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

⁴⁰ Also, see California Code of Regulations, Title 14, §15091(e).

ATTACHMENT B

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

AUTHORITY

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

Concurrent with certification of the Final EIR, the MMRP will be adopted by the San Diego County Regional Airport Authority (Airport Authority), acting in its capacity as the Airport Land Use Commission (ALUC) for the County of San Diego and the lead agency for the proposed ALUCP. The MMRP will be kept on file in the offices of the Airport Authority, located at 3225 North Harbor Drive, San Diego, California 92101.

MONITORING REQUIREMENTS

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

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

REPORTING REQUIREMENTS, AND CHANGES TO MITIGATION MEASURES

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

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

implementation status of the proposed ALUCP and the compliance of the affected jurisdictions with state law.

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

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

OR

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

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

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

SUPPORT DOCUMENTATION

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

FORMAT OF MITIGATION MONITORING MATRIX

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

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

MITIGATION MEASURES	TIME FRAME/ MONITORING MILESTONE	RESPONSIBLE MONITORING PARTY
4.2 LAND USE AND PLANNING		
LUP-1 Following adoption of the SDIA ALUCP, the City of San Diego can and should prepare and adopt the Airport Land Use Compatibility Overlay Zone (ALUCOZ) to apply within the SDIA AIA.	Within 180 Days of ALUCP Adoption; annually afterwards	Airport Authority and City of San Diego
LUP-2 Following adoption of the SDIA ALUCP, the City of San Diego can and should prepare and adopt amendments to community plans or applicable base zones outside the ALUCP Safety Zones to increase prescribed nonresidential intensities or floor area ratios (FARs) to compensate for the future development displaced from the safety zones and to maintain current buildout targets.	Within 180 Days of ALUCP Adoption; annually afterwards	Airport Authority and City of San Diego
4.3 POPULATION AND HOUSING		
PH-1 Following adoption of the SDIA ALUCP, the City of San Diego can and should prepare and adopt amendments to the existing zoning outside the ALUCP Safety Zones to increase prescribed residential densities to compensate for the future development displaced from the safety zones and to maintain current buildout targets.	Within 180 Days of ALUCP Adoption; annually afterwards	Airport Authority and City of San Diego

RESOLUTION NO. 2014-0004 ALUC

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

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

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

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

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

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

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

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

WHEREAS, to the extent that the policies and standards in the ALUCP for SDIA deviate from the guidance provided in the Caltrans *Handbook*, the policies and standards remain consistent with the purposes of the State Aeronautics Act by: (i) considering the long-range development plans for the Airport over the next 20 years, (ii) providing for the orderly development of the area surrounding SDIA by maintaining land use compatibility policies that are consistent with the State's noise standards, (iii) providing for the orderly development of the area surrounding SDIA so as to prevent the creation of safety problems by ensuring that the land use compatibility policies and standards fall within the level of acceptable risk considered to be a community norm in the environs of the Airport, and (iv) protecting the public health, safety, and welfare by the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses; and

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

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

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

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

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

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

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

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

WHEREAS, the ALUC held a duly noticed public meeting on February 6, 2014, to receive and consider public testimony with respect to the SDIA ALUCP and the completeness and adequacy of the Final EIR for the proposed ALUCP; and

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

WHEREAS, on February 6, 2014, the ALUC approved Resolution No. 2014-0003 ALUC, certifying the Final EIR prepared for the SDIA ALUCP on the basis of the findings summarized above and more extensively detailed in the companion Resolution.

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

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

PASSED, ADOPTED, AND APPROVED by the ALUC for San Diego County at a regular meeting this 6th day of February, 2014, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

Board Communication

Date: January 24, 2014
To: Board Members
From: Jeffrey Woodson, Vice President, Development
Subject: **SDIA ALUCP –Comment Letters Received Post Public Review**

The Airport Land Use Compatibility Plan (ALUCP) and Final Environmental Impact Report (EIR) for San Diego International Airport are scheduled for Airport Land Use Commission consideration on February 6, 2014. Comments on the Draft EIR and ALUCP were accepted through September 10, 2013 (the standard 45-day public review period was extended to 60 days). The following groups submitted letters after the close of public review. (Civic San Diego and Conejo Development, LLC submitted other letters prior to the close of public review and have been included in the FEIR along with responses to comments):

- October 22, 2013 – Downtown Community Planning Council
- October 28, 2013 – Conejo Development, LLC
- November 5, 2013 – Civic San Diego Board of Directors
- December 31, 2013 – Little Italy Association
- January 15, 2014 – Conejo Development, LLC

Copies of these letters are attached. Please contact me at 619-400-2510 or jwoodson@san.org if you have any questions.



Downtown Community Planning Council

October 22, 2013

Laura Garrett, Chair
Downtown Community Planning Council
401 B Street, Suite 400
San Diego, CA 92101

Angela Jamison
Manager, Airport Planning
San Diego County Regional Airport Authority
PO Box 82776
San Diego, CA 92138-2776

Dear Ms. Jamison:

On behalf of the Downtown Community Planning Council, I want to thank you for the chance to comment on the proposed Airport Land Use Compatibility Plan (ALUCP).

The Downtown Community Planning Council (DCPC) is the official, Council-recognized community planning group for Downtown San Diego. We have 27 members who have been elected to represent the residents, business owners and civic organizations throughout the Downtown neighborhoods.

During our October 16, 2013 meeting, our members reviewed the proposed ALUCP with a particular focus on the potential impact it would have on the development and character of our Little Italy neighborhood.

With a unanimous vote of 20-0, our Council stated that the Safety Zone policies outlined in the ALUCP are entirely too restrictive. As you probably know, Little Italy is one of our cherished neighborhoods and has seen a wonderful rebirth. In the past several years, we've seen that rejuvenation extend to the northern portion of the neighborhood, with walkable, vibrant, mixed-use developments that enhance the quality of life for our residents and business owners. The ALUCP's proposed density and intensity limitations would all but eliminate that progress.

As you continue to refine the ALUCP, we're grateful for your collaboration with the staff of Civic San Diego, who understand the vision for our neighborhoods as depicted in our Community Plan. We also ask that you engage with the Little Italy Association to find a suitable outcome for all involved.

Respectfully,

Laura Garrett, Chair
Downtown Community Planning Council

cc: Candice Disney Magnus, Civic San Diego
Marco Li Mandri, Little Italy Association

000068

October 28th, 2013

San Diego County Regional Airport Authority
Third Floor, Commuter Terminal
3225 North Harbor Drive
San Diego, California 92101

Re: Proposed Airport Land Use Compatibility Plan (ALUCP)

I am writing to comment on the proposed Airport Land Use Compatibility Plan (ALUCP) for the San Diego International Airport (SDIA).

I own through a single member entity, Conejo Development, LLC, the following APNs within the Airport Influence Area.

APN: 533-112-01 (925 West Juniper)
APN: 533-112-02 (2228 Kettner Blvd.)
APN: 533-112-05 (2266 Kettner Blvd.)

On a portion of my property, I am currently renovating a 93 year-old dilapidated warehouse. This project will transform a blighted block into a vibrant enterprise that has and will generate fees, real estate taxes, jobs, income tax revenue and sales tax receipts.

Under the current ALUCP density in the Airport Approach Path is limited by a 2.0 floor area ratio (FAR) and a 36' foot height limit. However, under the proposed ALUCP, density would be based on a human occupancy factor that encourages mixed-use low intensity development. For the most part, this methodology works. It achieves the Airport Authority's safety objectives and, at the same time, respects property rights. There is, however, a small, but very severe ramification for a few parcels that are located in both Safety Zone 2E and the proposed Solar Turbine Industrial Buffer (IB) Overlay zone. The combined effect of the two plans is a dramatic reduction in density and development rights as further described below.

The Solar Turbines amendment to the Centre City Planned District Ordinance (CCPDO Amendment 2013-01) would establish an IB Overlay Zone that would prohibit residential and other sensitive land uses in the area surrounding Solar Turbine. This proposed IB Overlay Zone overlaps with areas covered by Safety Zone 2E and portion of Safety Zone 3E. The IB Overlay Zone includes the eight blocks located east of Pacific Highway, south of Laurel Street, west of Kettner Boulevard, and north of Hawthorn Street as well as the block bounded by Pacific Highway, Hawthorn Street, California, and Grape Street.

When taken together, the two plans dramatically reduce density and development rights for properties located in the IB Overlay Zone and Safety Zone 2E. The residential restriction in the IB Overlay Zone forces property owners into commercial developments. On the other hand, the proposed ALUCP punishes commercial development and dramatically reduces commercial density.

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The development and hence financial implications of the proposed amendments are very severe to me. The current highest value use of my property in my neighborhood is residential. The second highest value use of property in my neighborhood is entertainment (or High Intensity Service). The proposed ALUCP has the effect of dramatically restricting high occupancy uses of undeveloped properties in Safety Zone 2E.

The combination of the two plans, with the dramatic ALUCP occupancy based-downzoning and the inability to develop low-intensity residential development renders any development of the remainder of my property either uneconomically viable or severely diminished.

The Airport Authority may argue that the proposed ALUCP, by itself, does not restrict residential development, and in certain cases would permit for increases in other high value development. And similarly, in response to the proposed IB Overlay, the City may take the position that I can still build a 2.0 FAR high-intensity commercial development. However, taken together, it would be difficult for the City or the Airport Authority to argue the position that my land and development rights have been effectively confiscated.

We ask that the Airport Land Use Commission consider the combined effect of the two plans.

We request that the Airport Land Use Commission keep in place the existing 2.0 FAR and 36' height limitation for undeveloped (or potentially developable) properties impacted by both the proposed ALUCP plan and the Solar Turbine IB Overlay Zone.

Sincerely,



Michael S. Rosen
For Conejo Development, LLC

Enclosures: Exhibit "A" Ownership and Property Information of Potentially Developable parcels located within Safety Zone 2E and the Solar Turbine Solar Industrial Buffer

Exhibit "B" Aerial of Potentially Developable parcels located within Safety Zone 2E and the Solar Turbine Industrial Buffer

Exhibit "C" Map of All Parcels located within Safety Zone 2E and the Solar Turbine Industrial Buffer

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EXHIBIT "A"

Potentially Developable Parcels within Safety Zone 2E and the Solar Turbine Industrial Buffer

Property Owner(S)	Assessor Parcel Number	Current Land Use	Lot Area	Street Number	Street Name	City	State	Zip Code
15 0536 Nsns1 09	533-021-03-00	Store Building	27,878	2401	Pacific Hwy	San Diego	CA	92101
24% Onecap Holdings Llc Cons76% 14Th Place	533-022-02-00	Parking Lot	26,136	1025	W. Laurel	San Diego	CA	92101
Allied Equity Llc	533-022-04-00	Warehouse	21,248	2308	Kettner	San Diego	CA	92101
Bisharat S & G Family Trust 12-06-06	533-021-06-00	Store Building	9,997	2305	Pacific Hwy	San Diego	CA	92101
Conejo Dev Llc	533-112-05-00	Light Industrial	10,001	2266	Kettner	San Diego	CA	92101
Conejo Dev Llc	533-112-01-00	Light Industrial	7,501	925	S. Juniper	Escondido	CA	92025
Conejo Dev Llc	533-112-02-00	Store Building	17,498	2228-2230	Kettner	San Diego	CA	92101
H F C Acceptance Llc	533-111-01-00	Parking Lot	10,001	2263	Pacific Hwy	San Diego	CA	92101
Khouli George	533-021-07-00	Store Building	19,998	1002	W. Juniper	San Diego	CA	92101
Kusuhara Toshihiro & Reiko	533-021-02-00	Restaurant Building	14,941	2431	Pacific Hwy	San Diego	CA	92101
Leonardini Family S D Property Llc	760-006-02-00	Parking Lot		2499	Pacific Hwy	San Diego	CA	

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EXHIBIT "B"

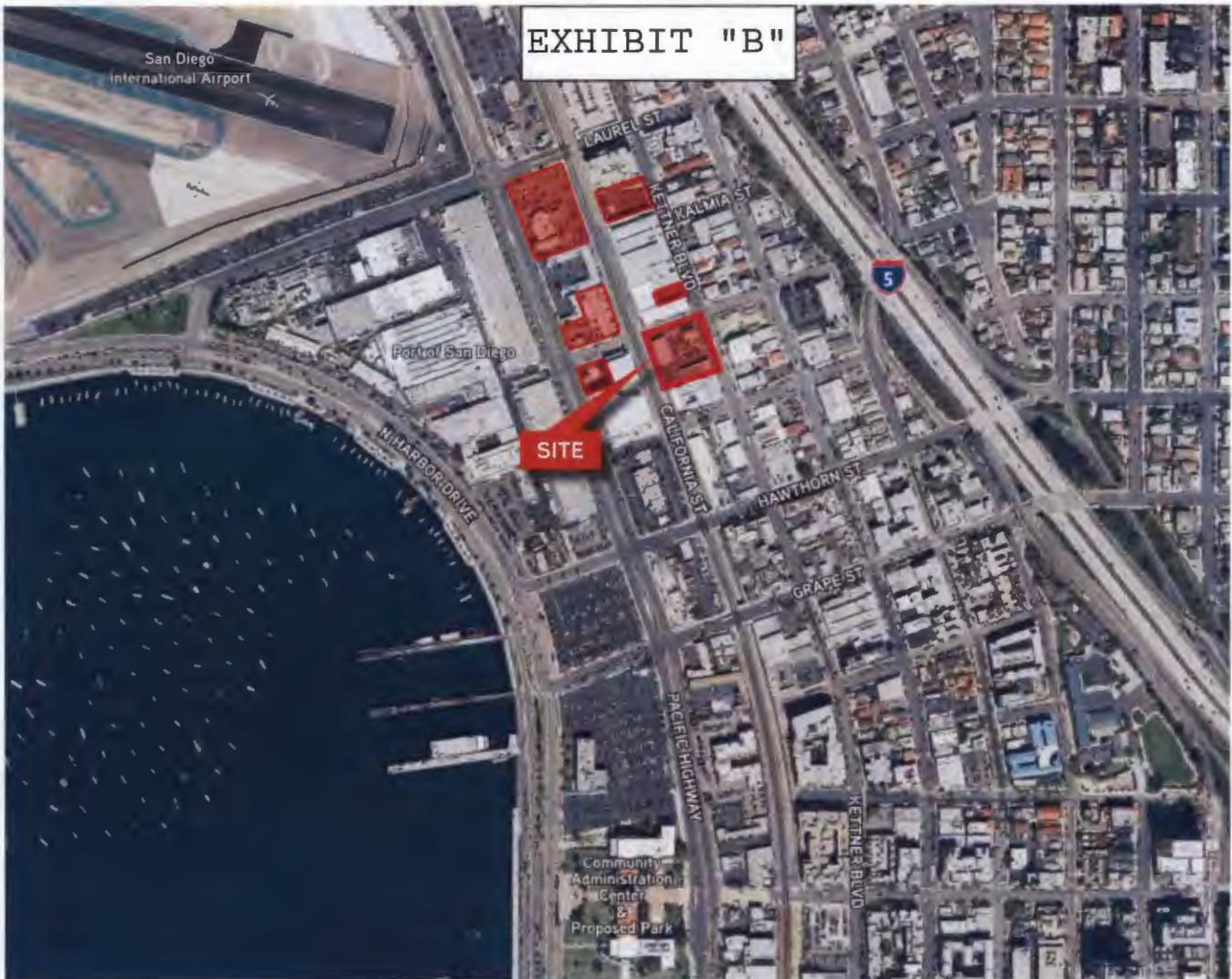


EXHIBIT "C"





November 5, 2013

Angela Jamison
Manager, Airport Planning
San Diego County Regional Airport Authority
PO Box 82776
San Diego, CA 92138-2776

Dear Ms. Jamison:

On behalf of the Civic San Diego ("CivicSD") Board of Directors, I want to thank you for the opportunity to comment on the proposed Airport Land Use Compatibility Plan (ALUCP) for the San Diego International Airport.

The City Council adopted the Downtown Community Plan (DCP) in 2006 after a three-year process involving a comprehensive study, numerous public workshops and the oversight of a 28-member Steering Committee. The City's General Plan is predicated on the City of Villages smart growth strategy, which concentrates growth in compact, walkable urban centers that place people and housing close to transit. The DCP's vision for Downtown is the richest example of this type of growth and development. During our October 23, 2013 Board meeting, the Board reviewed the Draft ALUCP policies to determine if these policies are consistent with the DCP vision and goals and/or if the policies could inhibit the DCP's implementation.

With a unanimous vote of 7-0, the Board determined that, with the exception of potential mixed-use residential projects, the proposed density and intensity restrictions in Safety Zone 2E are too restrictive. We recognize and agree with the concerns at the Airport Authority in addressing safety issues at San Diego International Airport; however, the City of San Diego has already incorporated much stricter development standards in the Approach Path area than anywhere else in the DCP area. Therefore, the Board recommends that the existing density limit allowed under the current Comprehensive Land Use Plan (2.0 FAR with a 36 foot height limit within the Approach Path) be retained in order to ensure that the Little Italy neighborhood continues to redevelop and thrive consistent with the goals of the DCP and the City's General Plan. This limit has served the community well for the last 15 years. The Board also recommends that the residential density allowed for 100% residential projects should be equivalent to the density allowed for mixed-use residential projects in both Safety Zones 2E and 3SE.

Angela Jamison
November 5, 2013
Page Two

As you continue to refine the ALUCP, the Board would like the Airport Authority to take these recommendations into consideration and to engage CivicSD staff, the Downtown Community Planning Council and the Little Italy Association to help find a suitable outcome for all involved.

Respectfully,



Jeff Gattas
Vice Chair

JG:lly

Pc: CivicSD Board of Directors (*via electronic mail*)
Jeff Graham
Andrew Phillips



December 31, 2013

Ms. Angela Jamison
Manager, Airport Planning
San Diego County Regional Airport Authority
PO Box 82776
San Diego, CA 92138-2776

**SUBJECT: Position of Little Italy Association Proposed Land Use Changes North
Of Hawthorn**

Dear Ms. Jamison:

On October 1st, the Little Italy Board unanimously voted and took the position which opposed any further restrictions to land use development in Little Italy north of Hawthorn. Understanding the residential restrictions imposed for the Solar Turbine Overlay area, the Board voted to work with Brad Richter and Civic San Diego on ensuring that no further restrictions would be imposed on this vital and growing area of our neighborhood. Specifically, the Board voted to:

1. Allow any type of construction east of Kettner Blvd, consistent with the current Downtown Community Plan. Development west of Kettner and north of Grape, would be subject to the "no residential overlay", imposed due the industrial needs of Solar Turbines. However, any and all other types of development, including visitor serving, would be allowable.
2. The FAR north of Hawthorn would not be reduced below a factor of 2;
3. A height limit of at least 36 feet from the ground level, would not be reduced or lowered;
4. All land uses, regardless of residential, office, retail or visitor serving, would be allowed north of Hawthorn and east of Kettner Blvd.

Please submit these recommendations with any documentation you submit to your Board of Directors as you deliberate on the future Airport Authority Land Use decisions in 2014. Please call me at 619 233-3898 should you have any questions about our position on these issues.

LITTLE ITALY ASSOCIATION OF SAN DIEGO

2210 Columbia Street ▪ San Diego, CA 92101 ▪ Phone: 619-233-3898 ▪ Fax: 619-233-4866
Email: mail@littleitalysd.com ▪ Website: www.littleitalysd.com
Facebook: Little Italy San Diego ▪ Twitter / Instagram / Pinterest: @LittleItalySD ▪ #LittleItalySD

000076

Sincerely,

A handwritten signature in black ink, appearing to read "S. Galasso".

Steven J. Galasso
President
Little Italy Association

cc: Little Italy Board of Directors
Little Italy Property Owners North of Grape Street
Honorable Interim Mayor Todd Gloria
Honorable Councilmember Kevin Faulconer
Jeff Graham, CEO Civic San Diego
Laura Garrett, Downtown Community Planning Council

000077

January 15, 2014

Angela Jamison
Manager, Airport Planning
San Diego County Regional Airport Authority
PO Box 82776
San Diego, CA 92138-2776

Re: Proposed Airport Land Use Compatibility Plan

Dear Mrs. Jamison:

This letter follows up on our meeting of October 28th, 2013, and supplements our letter of the same date. At our meeting, we discussed the adverse effect the proposed ALUCP has on development rights for property located in Safety Zone 2E. Specifically, I illustrated the dramatic down zoning of my property located at 2266 Kettner, 2228 Kettner, and 925 W. Juniper Streets. My property is located in Safety Zone 2E and the Solar Turbines Industrial Buffer (IB) overlay zone. The combined effect of the two proposals effectively eliminates all economically feasible developments.

At the meeting I made the following request: That airport planning staff ("Staff") support a revision to the proposed ALUCP that would keep the existing 2.0 FAR and 36' height limitation in place for undeveloped properties, and at the least, those undeveloped parcels impacted by both the restrictive Safety Zone 2E and the Solar Turbines IB amendment.

Staff initially was critical our proposal, and asked that we provide language in the CalTrans Handbook ("Handbook") and the Public Utilities Code ("PUC") that would support our position. Staff also indicated that their only evaluation criterion as it relates to density is "safety", and that planning and economic issues are not considered. On the contrary, the Handbook states that **Commissioners, "May consider political, economic, other non-compatibility-related ramifications of criteria and policies,"** when evaluating ALUCPs (Page 442, Handbook).

My review of these documents have prompted this letter which provides Staff with language and policy in Handbook and PUC Section 21001 to make the findings necessary to support our request to retain the existing zoning relating to safety under the 2004 ALUCP.

In summary, this letter looks at the following concepts and questions:

1. What document renders the safety component of the 2004 ALUCP incompatible?
2. What outreach has Staff done with the City as required under the Handbook?
3. Infill Development and urban airport exemptions in the Handbook as findings to support our request.

What document renders the safety component of the 2004 ALUP incompatible?

The proposed ALUCP will have a dramatic effect on the development rights of private property owners, and is in direct conflict with the Downtown Community Plan. Before the Airport Authority takes such a drastic action, it should be certain that the safety component of the 2004 ALUCP is in fact incompatible.

The proposed ALUCP addresses airspace protection (height), overflight, and noise compatibility as outlined in the Handbook. Guidance for the compatibility elements of noise, overflight, and airspace protection are clearly defined in the Handbook. On the other hand, the policy surrounding safety is

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vague, and the Handbook and PUC provide Airport Land Use Commissions (ALUCs) with wide discretion on how to address the safety component.

Established Guidance: “Little established guidance is available to ALUCs regarding how restrictive to make safety criteria for various parts of an airport’s environs. Unlike the case with noise, there are no formal federal or state laws or regulations which set safety criteria for airport area land uses for civilian airports except within *runway protection zones* (and with regard to airspace obstructions as described in the next section) (Page 4-33, *Handbook*).

Whereas the FAA has specific regulations in place to address airspace protection (height limitations), and similarly, whereas the State has specific noise evaluation criteria and soundproofing standards for new development, the only mandatory requirement for “safety” is the Runway Protection zone per FAA Policy and Procedure Memorandum 5300.1B and this is limited to property in the Runway Protection Zone only.

Furthermore, the Handbook states that, “recent accident data does not support changes to the safety zones (Page viii, *Handbook*).”

To propose a plan with such severe consequences to private property owners, and that is in direct conflict with the local plan and planning objectives to accommodate future growth, one would expect much more direct law forcing the proposed changes. The Handbook is not only ambiguous on the criteria for safety compatibility, there’s actually language that supports a position of no change to the safety polices of the 2004 ALUCP.

If I’m missing something, and the proposed safety updates are absolutely necessary in order to comply with State and Federal law, there most certainly is enough discretion afforded by the Handbook to this Airport Land Use Commission to support our request which only affects 9 parcels.

Has Staff met the public outreach requirements under the Handbook?

Both the PUC and the Handbook require extensive outreach with the local planning groups, local planning authority, and the City of San Diego. In various meetings throughout October with City officials and local planning groups, I was surprised to learn that none of these groups had been briefed on the proposed plan. In fact, the local planning group, the Little Italy Association (LIA), the community wide planning group, the Downtown Community Planning Council (DCPC), and the planning authority, CivicSD, have all expressed strong opposition to the proposed plan. The respective Boards of the DCPC, LIA, and CivicSD have all voted unanimously to write letters in opposition. Those letters are included for reference.

Other than making public notices pursuant to CEQA requirements, it does not appear that Staff has done the amount of public outreach that is required under the PUC and the Handbook. The Handbook states that the “[r]eview of local government plans and projects pertaining to airport land use compatibility is one of the fundamental responsibilities of ALUCs” (Page 2-9, *Handbook*). Yet, no one has been briefed, and the proposed plan is drastically different from all local planning documents.

Infill Development and Urban Airport Exemption in the Handbook

The opening paragraphs of the Handbook address the potential for exemptions.

“This *Handbook* is intended to (1) provide information to ALUCs, their staffs, airport proprietors, cities, counties, consultants, and the public, (2) to identify the requirements and procedures for preparing effective compatibility planning documents, and (3) **define exemptions where applicable** (i-1 Enabling Legislation, *Handbook*).

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In addition, the Handbook does instruct ALUCs and Staff to consider the economic implication of a proposed ALUCP. "The comparatively higher land values in urban areas are also worthy of recognition in setting safety compatibility criteria" (Page 4-17, Handbook). The Handbook goes on to recognize the inherent difficulty in establishing safety regulations in urban areas:

"The established character of land uses in urban places may limit the options for future development. Sometimes all that can be achieved is to hold new development to intensities similar to those that exist. This concept falls under the heading of "infill" (Page 4-17, Handbook)."

In fact, the San Diego ALUC considered economic implication in the adjustments they made in the Rural and Urban General Aviation ALUCPs. As a result of adjustments and analysis of the San Diego ALUC, Caltrans adjusted the latest Handbook to allow increase intensity in the General Aviation Safety Zones.

In order to respond to the economic and growth consideration in urban areas, the Handbook provides an Infill policy with exemptions for airports located in urban areas. The Handbook provides the following language for its Infill policy:

Policy 4: Infill – Where land uses not in conformance with the criteria set forth in the ALUCP exist at the time of the plan's adoption, infill of similar land uses may be allowed to occur in that area even if the proposed new land use is otherwise incompatible with respect to the compatibility criteria for that location. (Page 4-34, Handbook)

At our meeting on October 28th, Staff said they would need language in the Handbook or in the PUC in order to adopt our request to keep the existing 2.0 FAR and 36' height limitation in place for undeveloped properties impacted by the restrictiveness of Safety Zone 2E and the Solar Turbine amendment.

There is not clear guidance in the Handbook on density and intensity limits for large air carrier airports. Handbook Chapter 4.4 on Developing Airport Land Use Compatibility Policies for Safety. In fact the entire section fails to mention or address Large Air Carrier Accidents. There are several aspects of Section 4.4 that solely apply to "general aviation" and not "large air carriers" such as the discussions of clustering and open space land. The most critical evidence that Chapter 4.4 is addressing "general aviation" is Figures 4A-4G. The percentages of near runway accidents in each of the safety zones directly correspond to the accident data for general aviation that is presented in the Handbook Table 3B for General Aviation Runways. Figures 4A-4G are the only location where guidance for specific approaches for density and intensity levels are specified. There is no location in the Handbook where guidance is given for "large air carrier airports." Therefore, the San Diego ALUC can make the finding that there is no clear guidance on development restrictions for safety related to large air carriers.

We believe that the San Diego ALUC and the City of San Diego has already acted previously to address safety with the height restriction of 36 feet and an FAR of 2.0 in the 2E safety zone. There's no guidance in the Handbook to direct any additional restrictions. Even if one were to consider restricting development to one half of the existing development that guidance should be based on all jurisdictions including those that have done nothing to date. San Diego has already made restrictions. Staff's approach to restrict the intensity to half of the existing development does not take into consideration the ALUC's and the City's previous actions. Therefore, the San Diego ALUC can make the finding that absence clear guidance in the Handbook, the current zoning and restrictions agreed to between the San Diego ALUC and the City of San Diego are sufficient to address the safety concerns of SDIA beyond the Runway Protection Zone (Safety Zone1) which the FAA has already established for safety protection.

The Handbook points out that there's insufficient accident data on large air carrier to develop accident contours. The Handbook fails to identify the number of people on the ground who have been killed on an annual basis as a result of a "large air carrier accident" which the Handbook did identify for "general

aviation" accidents because they are so few. The Handbook points out that the probability of a person on the ground being killed by "general aviation" accident fails to meet the threshold to "merit an explicit response" by requiring additional land use restrictions related to safety (Handbook 9-14). Therefore, the San Diego ALUC can make the finding based on the Handbook, that the probability of a death to a person on the ground from a "large air carrier" accident is so low as to not merit an explicit response beyond the current restrictions that have previously been agreed to.

Sincerely,



Michael S. Rosen
Conejo Development, LLC
2223 Avenida de la Playa
Suite 300
La Jolla, CA 92037
858.481.3666 x1

cc: San Diego County Regional Airport Authority Board Members
San Diego City Councilmembers

Enclosures: Conejo Development, LLC Comment Letter dated October 28, 2013
CivicSD Letter Opposing Proposed ALUCP dated November 5, 2013

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COMMUNICATION RECEIVED FROM THE PUBLIC

AIA San Diego

A Chapter of The American Institute of Architects



January 29, 2014

San Diego County Regional Airport Authority
Chairman Gleason
3225 North Harbor Drive
San Diego, CA 92101

Re: SD ALUC Meeting February 6, 2014—Subject: ALUCP adoption

Dear Mr. Gleason:

AIA San Diego appreciated the opportunity to participate in the Steering Committee for the development of the Airport Land Use Compatibility Plan (ALUCP) for San Diego International Airport (SDIA). The airport staff and their consultant, Ricondo Associates, have been terrific to work with. They have been open, receptive, and willing to discuss all aspects of the ALUCP. They have done a tremendous outreach effort. The Environmental Impact Report (EIR) analysis is extensive. However, the EIR identified that the potential displacements of 485,793 sf. of non-residential development and the displacement of 779 residential units are a direct significant impact. The EIR also identified potential cumulative displacements of over 30 million square feet of non-residential development and between 1,250 to 2,001 dwelling units. These significant impacts are of concern to AIA San Diego.

The ALUCP, and the guidance in the Caltrans Handbook upon which it is based, is complex. Therefore, in order to address some of these complexities, we would request that our representative, John Ziebarth AIA, on the Steering Committee be permitted 5 minutes to address the ALUC on February 6 as permitted for a representative of an organization rather than the standard 3 minutes for an individual. Our previous discussions with the Steering Committee and before the ALUC were made prior to the significant impacts being identified in the EIR. We appreciate your consideration of this request. Please let us know if this additional time would be permitted so that we can prepare our comments accordingly.

AIA San Diego would again like to express our appreciation for the tremendous job that the ALUC, airport staff and their consultant have done in developing this ALUCP.

Respectfully,

Matthew Geaman, AIA
President
2014 Board of Directors
The American Institute of Architects San Diego

COMMUNICATION RECEIVED FROM THE PUBLIC



CITY OF CORONADO

1825 STRAND WAY
CORONADO, CA 92118

OFFICE OF CITY MANAGER
(619) 522-7335
FAX (619) 522-7846

January 31, 2014

Robert H. Gleason, Chair
San Diego County Regional Airport Authority
P.O. Box 82776
San Diego, CA 92138-2776

Dear Mr. Gleason:

The purpose of this letter is to request that the Airport Land Use Compatibility Plan (ALUCP) for San Diego International Airport (SDIA) be revised as set forth below. The requested changes are to reflect the response provided to the City of Coronado's comments on the draft Environmental Impact Report (EIR) prepared for this project.

The EIR prepared for the ALUCP for SDIA did not identify any conflicts or inconsistencies between the policies of the ALUCP and the current Coronado General Plan and zoning regulations. In response to Coronado's letter of comment on the EIR, the response to comment concluded that "The City of Coronado's General Plan and Zoning Ordinance were reviewed during the process of drafting the ALUCP and EIR, and no specific inconsistencies with the proposed ALUCP were found." Therefore, the City of Coronado seeks confirmation that no amendments to its land use plans and regulations are needed to be consistent with this ALUCP.

Specifically, the City of Coronado requests the following language (in bold type) be added to Chapter 1 of the plan to clarify local agency requirements and responsibilities and to be consistent with the EIR's conclusions:

1.10 Local Agency Implementation

1.10.1 Local Agency Requirements and Responsibilities

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

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

It should be noted that similar clarifying language was added to Section 2.5.2 of the EIR in response to comments as follows "...the cities of San Diego, National City, and Coronado...are expected to refer to this EIR as they prepare and consider **any needed** amendments to their general plans..."

Mr. Gleason
January 31, 2014
Page 2

Additionally, the City of Coronado also requests that the following language (in bold type) be added to Chapter 1 of the plan to clarify that no amendments to a local agency's General Plan or zoning may be needed if the local agency's current policies and regulations are not inconsistent with the ALUCP.

1.10.21 Methods of Implementing this ALUCP

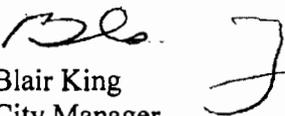
A local agency can make its land use plans and regulations consistent with this ALUCP in the following ways:

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

If the local agency's land use plans and regulations are not inconsistent with this ALUCP, no action to adopt additional policies or regulations is required.

The City of Coronado appreciates your attention of this request and believes that incorporation of these suggested changes will clarify what is required of local agencies.

Sincerely,


Blair King
City Manager

RAH/lar

cc: Thella F. Bowens President/CEO, San Diego County Regional Airport Authority
Paul Robinson, Vice Chair, San Diego County Regional Airport Authority
Tom Smisek, Board Member, San Diego County Regional Airport Authority
City Council



Ziebarth Associates

February 3, 2014

San Diego County Regional Airport Authority
Chairman Gleason
3225 North Harbor Drive
San Diego, CA 92101

Re: SDIA ALUCP-ALUC Hearing February 6 Item 4

Dear Chairman Gleason and Members of the ALUC

The ALUC will be considering the approval of the SDIA ALUCP and its associated EIR. I would like to start by thanking the SDIA ALUC for the opportunity over the last eight years to be involved in the ATAG for general aviation and the steering committee for SDIA. I have had the opportunity to read the California Airport Land Use Planning Handbook and learn a great deal from the broad discussions from the various stakeholders on all sides of the issues.

Second, I want to thank the airport staff and Ricondo Associates, their consultant for their openness and willingness to meet and discuss the various components and tremendous efforts to developing a fair reasonable Airport Land Use Compatibility Plan for SDIA. I support the majority of what has been developed.

However as the EIR has identified, there are significant unmitigated environmental issues as a result of the proposed safety measures in the draft ALUCP. These significant unmitigated environmental issues require the ALUC to make Statements of Overriding Considerations. However, the broad guidelines in the *Handbook* actually provide the basis for rejection of "overriding considerations". The attached Exhibit A provides the rationale for rejecting the Statement of Overriding Considerations. Exhibit B clarifies some of the staff's responses to comments on Alternative 4.

Attached Exhibit C provides the ALUC with justification based on the *Handbook* and NTSB accident data to approve Alternative 4 creates the safety zones and restricts the development of sensitive receptors in the safety zones while maintain the rest of the existing zoning regulations. Exhibits E, F, and G provide evidence for Exhibit C. There is no evidence that additional development restrictions are warranted.

Alternative 4 eliminates the significant environmental impacts.

Exhibit D provides the findings to approve Alternative 6 based on the criteria for establishing safety zones in the *Handbook* on pages 3-15 and 3-16. Alternative 6 limits the number of realistic safety zones to Safety Zone 1 because it is the only safety zone with sufficient data to meet the criteria in the Handbook. Alternative 6 is addressed in the FEIR but not in the staff report. Alternative 6 would eliminate significant environmental impacts.

Architecture / Planning

2900 Fourth Ave Ste 204 San Diego, CA 92103 Phone 619.233.6450 Fax 619.233.6449

In 2008, the San Diego Airport Land Use Commission had the wisdom and the courage to modify the intensity and density levels for general aviation airports. The result was that Caltrans modify the latest update of the Handbook to reflect the wisdom reflected in the SD ALUC's action. I urge you again to make a strong statement to Caltrans and the rest of the airports in the state who are looking at you for guidance. The findings for Alternative 4 and 6 are based on the *Handbook*. There is insufficient data that meets the Handbook criteria on pages 3-15 and 3-16 for creating the safety zones in Figure 3B and does the risk of a fatality to a person on the ground exceed the acceptable risk threshold. Historically, San Diego has already created restrictions on development to address safety concerns. Shouldn't San Diego be recognized for the proactive safety approach that it has historically taken? Finally, ALUC must answer the fundamental question in the *Handbook* page F-13:

"How safe is safe enough?"

Respectfully,

A handwritten signature in black ink, appearing to read "John C. Ziebarth". The signature is fluid and cursive, with the first name "John" being the most prominent.

John C. Ziebarth,
AIA Representative on SDIA Steering Committee

Exhibit A—Response to Statement of Overriding Considerations

The EIR has concluded that the ALUCP has significant unmitigated impacts which require the ALUC to make a Statement of Overriding Considerations. These overriding considerations lack sufficient substantial evidence to support them as required by CEQA.

In Section 12.0 Statement of Overriding Considerations: ***The Airport Authority finds that the economic, social and other benefits of the proposed Project outweighs the significant and unavoidable impacts identified in the Final EIR and elsewhere in the record.***

Response: What are the specific economic and social benefits of displacing 485,793 square feet of non-residential development and 779 residential units? The reality is that there is a significant loss in property value, property taxes to the government, and a loss of jobs and income as well as housing.

The *Handbook* (Appendix Page F-9) states that “the range of possible safety measures thus generally also needs to be evaluated on a cost-effectiveness scale.” Review of NTSB accident data for the past 25 years reveals that not a single person on the ground has been killed in any of the safety zones except Zone 1. Thus, without addressing the costs of the proposed safety zones, a justification for the effectiveness cannot be made.

According to Page F-13 of the *Handbook*, “the benefit-cost ratio of the risk reduction measures must be taken into account.” Please provide the “benefit cost analysis” that was done to substantiate the Airport finding above *that the economic, social and other benefits of the proposed Project outweighs the significant and unavoidable impacts identified in the Final EIR and elsewhere in the record.*

CEQA requires that the Statement of Overriding Considerations be based on substantial evidence. The Statement of Overriding Consideration claims that it is based on substantial evidence. What evidence? The summary of accidents in the staff report fails to identify a single large air carrier accident in any of the safety zones except due to the overrunning of the runway. Only one overrun of the runway in Chicago in 2005 occurred in a safety zone resulting in the death of a child in a car which would not have been prevented by land use restrictions. The FAA addressed the Burbank incident in 2000 by directing EMAS barricades to be installed at the end of the runway similar to what SDIA has installed. If the overrunning of the runway is a serious concern, why hasn't the FAA expanded the RPZ? Even the staff's addition of a military flight in 1987 over 27 years ago did not occur in a safety zone. In fact, there have been only 3 accidents from commercial aviation off the airport grounds resulting in deaths to 7 individuals on the ground in the last 25 years. So how effective are the proposed safety zones? Would they have prevented a single death in the last 25 years? This substantial evidence does not support the Statement of Overriding Considerations.

The Airport Authority finds that each one of the following benefits of the proposed Project, independent of the other benefits, warrant approval of the proposed Project notwithstanding the significant and unavoidable impacts of the proposed Project:

1. ***The Airport has duly considered the guidance provided in the California Airport Land Use Planning Handbook, published by the Caltrans Division of Aeronautics, as required by law. Furthermore, the proposed Project is broadly consistent with the Handbook guidance. Therefore, adoption of the proposed Project ensures that the Airport Authority complies with existing state law when adopting an ALUCP for SDIA.***

Response: Actually, the proposed Project is **not broadly consistent** with the *Handbook* guidance. In fact it is solely compatible with Figure 3B of the *Handbook*, which according to the *Handbook* is not a Caltrans standard or policy, and which is not consistent with the criteria for establishing safety zones identified in the *Handbook* nor the supporting evidence in the *Handbook*. Please identify how Figure 3 B meets the criteria in the *Handbook* based on the data and evidence in the *Handbook*.

According to the *Handbook*, the information on air carrier accidents is “comparatively scant” (page 3-25). “Data in Appendix E shows the location pattern for some three dozen near-airport commercial aircraft accidents.” Only 39 accidents over a 10 year period from all over the country is not a statistically significant sampling to draw a conclusion. Further, we find that the *Handbook* (page F-14) states that “Figures F2 through F9 portrays contours for various subsets of the general aviation aircraft location data from Appendix E. (No comparable analysis of air carrier and military aircraft).” If the *Handbook* is unable to develop accident contours, then it is not possible to create geometric safety zones, which reflect the probable location of accidents. This is Criteria 1 on page 3-15 and 3-16.

Ricondo Associates found based on Figure E-6 of the *Handbook* that there were only 4, 5, and 6 accidents in zones 2, 3, and 4 respectively. How does ALUC conclude based on only 15 accidents spread over 8 safety areas in 3 safety zones that there is a distinct progression in the degree of risk which is Criteria 3 or that the safety zones are as compact as possible which is Criteria 4? The progression if anything is going in the opposite direction from the claim in the *Handbook*. Criteria 2 says to limit the number of safety zones to a **realistic** number. Only Safety Zone 1 (the RPZ established by the FAA) is realistic based on significant accident data. The *Handbook* **does not** say that you **must have** 5 to 6 safety zones.

2. ***The proposed Project will assist the Airport Authority and local agencies (specifically, the cities of San Diego, Coronado and National City, the County of San Diego and the San Diego Unified Port District) in ensuring that future land use development within the vicinity of SDIA is compatible with the Airport's operation.***

Response: Please identify the specific Airport operation that would be adversely impacted by the current land use regulations around SDIA.

3. ***The Proposed Project will enable the Airport Authority to coordinate land use planning at the local level in order to provide for the orderly development of air transportation, while at the***

same time protecting the public health, safety and welfare, as required by the State Aeronautics Act.

Response: Please identify the specific impact that the proposed safety measure have on the orderly development of air transportation, when neither the FAA or NTSB have identified land use restrictions in any of the procedure, practices and policies which have resulted in the distinct reduction of number of commercial aircraft accidents. Please identify to potential number of lives on the ground that projected to be saved by the safety measures in the proposed Project. Based only one fatality on the ground in any of the safety zones in the last 25 years and given the significant decrease in the number of accidents, there is no substantial evidence that the proposed Project's safety measures will result in saving a single life. At the same time the loss of jobs and housing will impact the welfare of the area around SDIA.

- 4. *The Proposed Project will protect the public health, safety and general welfare of the inhabitants within the vicinity of SDIA and the public in general by establishing land use measures that minimize the public's exposure to excessive noise and safety hazards to the extent that these areas are not already devoted to incomparable uses. This is of particular import with respect to the policies and standards related to the future development of noise-sensitive land uses and other land uses posing safety concerns (e.g., facilities serving people with low effective mobility and facilities processing or storing hazardous materials) near SDIA.***

Response: Please identify the substantial evidence supporting the assertion that the public health, safety and general welfare risks related to safety are not acceptable according to the standard in the Handbook guidelines. Per the *Handbook* page F-7, acceptable risk "pertains only to risk for which exposure is *involuntary*." Involuntary risk is risk to people on the ground rather than those who volunteered to be in the airplane. The *Handbook* provides no data on large air carrier accidents to people on the ground. Review of current NTSB accident data reveals that only one person on the ground off the airport ground has been killed and one person suffered minor injuries from air carrier accident in the last 10 years in the entire country. (This is reflected in summary page of accidents slide of the staff report). In fact over the last 25 years, there have been only 2 accidents off the airport ground resulting in 6 people being killed. Neither accident occurred in any of the safety zones. NTSB Chairperson Deborah Hersman testified before a Senate subcommittee in April of 2013, "the U.S. commercial aviation system is experiencing an unprecedented level of safety. . . There have been significant technological advances, new and important statutory mandates and regulatory changes, and more comprehensive crew training—all greatly contributing to the current level of aviation safety. "
http://www.nts.gov/doclib/speeches/hersman/daph_testimony_130416.pdf

MIT airline safety expert Arnold Barnett did a study on aviation safety and found that the chance of dying as a passenger on a scheduled flight, from a propeller planes to jet liners, in the United States is 1 in 14 million (<http://abcnews.go.com/US/tips-surviving-plane-crash-flying-safest-travel/story?id=13359862>). Mr. Barnett has been called the nation's leading expert on aviation

safety and has received a President's Citation for his work. The probability of someone on the ground off the airport being killed would be even less than 1 in 14 million which is well below the Handbook's threshold for meriting an explicit response.

Alternate 4 addresses other land uses posing safety concerns (e.g., facilities serving people with low effective mobility and facilities processing or storing hazardous materials) near SDIA without creating significant unmitigated impacts.

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

Response: How is the continued operation of SDIA as it is currently designed and with the future Airport Layout Plan adversely impacted by incompatible land use development? Development is currently restricted below the 50' buffer to the Air Space protection limit and restricted in the RPZ and the Airport Approach Zone. Which specific aeronautical operation is being referred to?

Exhibit B—Response to Staff Report

On page 8 of 11, the staff report addresses EIR Alternative 4. I believe some clarifications to the staff report responses to comments are warranted as presented below.

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

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

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

Comment: The problem with the staff's response is that there is no reference to Figures 4C-4 G in Mr. Barrie's letter. A copy of the letter is attached as Exhibit H.

Figure 3 B says "see Figures 4B through 4G for guidance on compatibility criteria applicable with each zone." It further says that Figure 3B provides general guidance but does not represent Caltrans standards or policy. The percentage of near runway accidents in each of the zones listed in the Figures 4A-4G is based on data in Table 3-B for general aviation. There are no corresponding percentages provided in the Handbook for large air carriers because of the scant data in the Handbook. Risk, consequences, and probability of accidents for large aircraft are very different from general aviation as explained elsewhere in the Handbook. It is reasonable to conclude that Tables 4A-4G provides guidance to "general aviation," but it is difficult for the ALUC to justify that the same guidance should apply to large aircraft airports based on the *Handbook*. The *Handbook* Chapter 4.4.3 discussions on safety are about general aviation aircraft. In fact there is no mention of "large air carriers" in the entire discussion of safety.

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

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

Comment: Staff fails to point out that the current baseline (according to the Final EIR) for development in the AEOZ and Airport Approach Zone (AAZ) going back to 1992 and as modified in 2004 is:

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

So staff is now proposing to reduce the intensity to the average of a base line that has already established a lower density and intensity over the last 20 years. This explains the rationale that further restrictions are unnecessary.

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

Staff's Response: Those airports do not have updated ALUCPs . . .

Comment: Unfortunately, staff misunderstood the comment. LAX and John Wayne were cited to illustrate that San Diego has already established a base line restrictions that are approximately half of LAX and John Wayne and further San Diego has a 50 foot buffer requirement in the AAZ below the Airspace Protection level which neither LAX or John Wayne has.

A final comment is that Alternative 4 addresses additional restrictions on sensitive receptors which is the 4th benefit in the Statement of Overriding Considerations without creating significant unmitigated impacts.

Exhibit C – Draft Findings to Approve Alternates 4 in the SDIA ALUCP DEIR:

The EIR has concluded that the ALUCP has significant unmitigated impacts which require the ALUC to make a Statement of Overriding Considerations. The ALUC is required by the PUC to use the *Handbook* as guidelines. The ALUC has the responsibility to evaluate that guidance. If the ALUC deviates from that guidance, they must make overriding findings similar to what the ALUC did for general aviation airports. However, the findings proposed below to approve Alternate 4 are based on the guidance of the *Handbook* and supporting NTSB accident data.

Findings for Alternative 4 which establishes the five safety zones to restrict development of sensitive receptors, but maintains the existing zoning regulations for other types of development as appropriate for airport safety.

Finding:

We find that that the level of land use development controls currently around San Diego International Airport are appropriate to address safety concerns of the Airport Land Use Compatibility Plan as provided in the criteria of the Handbook.

This Finding is based on the following supporting Findings:

Finding 4A The ALUC finds that the *Handbook* guidance on density and intensity levels for large air carrier airports is based on general aviation data.

Justification for Finding 4A

Figure 3 B says “see Figures 4B through 4G for guidance on compatibility criteria applicable with each zone.” It further says that Figure 3B provides general guidance but does not represent Caltrans standards or policy. The percentage of near runway accidents in each of the zones listed in the Figures 4A-4G is based on data in Table 3-B for general aviation. There are no corresponding percentages provided in the Handbook for large air carriers because of the scant data in the *Handbook*. Risk, consequences, and probability of accidents for large aircraft are very different from general aviation as explained elsewhere in the *Handbook*. It is reasonable to conclude that Tables 4A-4G provides guidance to “general aviation,” but it is difficult to justify that the same guidance should apply to large aircraft airports. The *Handbook* Chapter 4.4.3 discussions on safety are about general aviation aircraft. In fact there is no mention of “large air carriers” in the entire discussion of safety.

Finding 4B *The ALUC finds that the “risks to which people are exposed on an involuntary basis” is significantly lower than 1 in 1 million threshold in the Handbook, and thus does “not merit an explicit response” by requiring additional land use restrictions related safety layer beyond what is established in the Runway Protection Zone and the air space protection layer.*

Justification for Finding 4B

Per the *Handbook* page F-7, acceptable risk “pertains only to risk for which exposure is *involuntary*.” Involuntary risk is risk to people on the ground rather than those who volunteered to be in the airplane. The *Handbook* provides no data on large air carrier accidents to people on the ground. Review of current NTSB accident data reveals that only two people on the ground off the airport ground have been killed from air carrier accident in the last 10 years in the entire country. In fact over the last 25 years, there have been only 3 accidents off the airport ground resulting in 7 fatalities. Only the 2006 Chicago accident where the plane overran the runway occurred in any of the safety zones. NTSB Chairperson Deborah Hersman testified before a Senate subcommittee in April of 2013, “the U.S. commercial aviation system is experiencing an unprecedented level of safety. . . There have been significant techno-logical advances, new and important statutory mandates and regulatory changes, and more comprehensive crew training—all greatly contributing to the current level of aviation safety. “

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

MIT airline safety expert Arnold Barnett did a study on aviation safety and found that the chance of dying as a passenger on a scheduled flight, from a propeller planes to jet liners, in the United States is 1 in 14 million (<http://abcnews.go.com/US/tips-surviving-plane-crash-flying-safest-travel/story?id=13359862>). Mr. Barnett has been called the nation’s leading expert on aviation safety and has received a President’s Citation for his work. The probability of someone on the ground off the airport being killed would be even less than 1 in 14 million which is well below the *Handbook*’s threshold for meriting an explicit response.

Finding 4C *The ALUC finds that the recommended safety zones in the Handbook are not sufficiently effective to justify land use restrictions.*

Justification for Finding 4C:

The *Handbook* (Appendix Page F-9) states that “the range of possible safety measures thus generally also needs to be evaluated on a cost-effectiveness scale.” Review of NTSB accident data for the past 25 years reveals that not a single person on the ground has been killed in any of the safety zones except Zone 1. Thus, without addressing the costs of the proposed safety zones, a justification for the effectiveness cannot be made.

Finding 4D *The ALUC finds that that the level of land use development controls currently around San Diego International Airport have already been adjusted to appropriately address the safety concerns of the Airport Land Use Compatibility Plan outside of Safety Zone 1 as provided in the criteria of the Handbook based on the following findings:*

Justification for Findings 4D:

San Diego's zoning already establishes restrictions that are approximately equivalent to the average development potential in other jurisdictions around the state. The City of San Diego has imposed a 30' height restriction west of Interstate 5 which restricts the intensity and density of development as well as 36, 40, and 50 feet height limit as development moves further from the airport as well as an FAR of 2 in Safety Zone 2E. An FAR of 2 is the equivalent of a 2 story building over the entire site.

For example, the C2-A commercial zone in Inglewood at the end of the Los Angeles International Airport allows six stories or 75' or twice the height and intensity as San Diego. The City of Irvine Zone 5.1 IBC Multi Use at the end of John Wayne Airport restricts the height to FAA Part 77 with a lot coverage restriction of 50-65%. City of Irvine also has Zone 5.3, 5.3A and 5.3C near the end of the runway which has residential zoning and restricts the height to FAA Part 77 with a lot coverage restriction of 65%. San Diego has established a 50 feet buffer below the modified FAA Part 77 height restriction.

The current baseline (according to the Final EIR) for development in San Diego's AEOZ and Airport Approach Zone (AAZ) going back to 1992 and as modified in 2004 is:

- Proposed Projects must not increase the human occupancy of the site to an extent greater than 110% of the average intensity of existing uses within a ¼ mile radius of the site.
- As an alternative to the 110 percent density/ intensity criterion, proposed uses in the portions of the Little Italy and Cortez Hill neighborhoods within the Approach Area may be limited to a Floor Area Ratio (FAR) of 2.0 and a 36-foot height limit. The question is what is the baseline for starting to establish safety measures, when San Diego's base line is already starting out more restrictive than other jurisdictions and has been doing it for 20 years?

Caltrans in their letter of February 29, 2012 to Ms. Jamison of the San Diego airport staff cites the 2010 Burbank incident where the plane overran the end of the runway protection zone as a justification for not eliminating a safety zone. Yet, Caltrans fails to reveal that the FAA solution for Burbank was to install an Engineered Materials Arrestor System (EMAS) stop at the end of the runway. FAA didn't conclude that the RPZ needed to be extended or additional land use restrictions were needed. San Diego International Airport has already proactively implemented the EMAS measure.

The finding can be made that San Diego ALUC has been proactive about safety and the current restrictions imposed on development with respect to height, FAR, and lot coverage already represent the equivalent average of potential development in other less restrictive jurisdictions in the state.

The ALUC can make the finding that San Diego's current baseline requires no additional restriction on intensity and density around SDIA other than restricting sensitive uses in the safety zones near the airport which is consistent with the guidance of the Handbook.

These four findings based on the criteria and data in the Handbook and supplemented with NTSB accident data is the basis for approval of Alternate 4.

Exhibit D – Draft Findings Alternate 6 in the SDIA ALUCP DEIR:

The EIR has concluded that the ALUCP has significant unmitigated impacts which require you to make overriding findings. You are required by the PUC to use the *Handbook* as guidelines. You have the responsibility to evaluate that guidance. And if you deviate from that guidance you must make overriding findings similar to what the ALUC did for general aviation airports. However the findings below to approve Alternate 6 are based on the guidance of the *Handbook*.

Findings for Alternate 6 (which eliminates all safety zones except Zone 1 which represents the FAA's Runway Protection Zone or RPZ)

The ALUC finds that they cannot make the necessary overriding findings required by the Environmental Impact Report for the Airport Land Use Compatibility Plan for San Diego International Airport because

Finding *The ALUC finds that they cannot establish safety zones for large aircraft accidents beyond the Runway Protection Zone and still meet three of the four criteria for establishing safety zones that is provided in the guidance in the Caltrans Handbook (page 3-15 and 3-16). Those three criteria are:*

- 2. The number of zones should be limited to a realistic number (five or six should be adequate in most cases);*
- 3. The set of zones should have a distinct progression in the degree of risk represented (that is, the distribution of accidents within each zone should be relatively uniform, but more or less concentrated than adjacent zones); and*
- 4. Each zone should be as compact as possible (the percentage of accident points per acre should be maximized)*

Supporting Findings:

Finding 6A. *The ALUC finds that as stated in the Handbook, that there is insufficient accident data to prepare accident contours for large air carriers in order to establish safety zones. Therefore, the ALUC finds that 39 accident points from 1980 to 1990 is insufficient to establish "a set of zones that would have a distinct progression in the degree of risk represented (that is, the distribution of accidents within each zone should be relatively uniform, but more or less concentrated than adjacent zones)."*

Justification for Finding 6A:

According to the *Handbook*, the information on air carrier accidents is "comparatively scant" (page 3-25). "Data in Appendix E shows the location pattern for some three dozen near-airport commercial aircraft accidents." Only 39 accidents over a 10 year period from all over the country is not a statistically significant sampling to draw a conclusion. Further, we find that the *Handbook* (page F-14) states that "Figures F2 through F9 portrays contours for various subsets of the general aviation aircraft location data from Appendix E. (No comparable analysis of air carrier and military aircraft)."

If the *Handbook* is unable to develop accident contours, then how can the ALUC create geometric zones that create a distinct progression in the degree of risk.

Finding 6B. *The ALUC finds that per Appendix E, there are only 2 accident points that occurred in either the approach or the departure of Safety Zone 2 over a 10 year period 20 years ago which is insufficient to determine that the size of the Safety Zone 2 is “as compact as possible.” The ALUC further finds that only 5 accidents spread over the four Zone 3 areas is insufficient to determine that the size of the Safety Zone 3 is “as compact as possible.” The ALUC also finds that only 6 accidents spread over the two Zone 4 areas are insufficient to determine that the size of the Safety Zone 4 is “as compact as possible.”*

Justification for Finding 6B:

An overlay of the proposed geometric safety zones over the 39 accident points for large aircraft accidents in Figure E-6 reveals that there is not a distinct progression in the degree of risk. How does ALUC conclude from approximately 1 to 3 accident points in any one of the 8 areas reflected in Safety Zones 2, 3, and 4, that the zones are as compact as possible. The number of accident points in the various safety zones is based on Airport staff’s consultant review as reflected in a November 28, 2011 response letter from airport staff to Mr. Ziebarth’s questions.

Finding 6C. *The ALUC finds that the recommended safety zones in the Handbook are not sufficiently effective to justify land use restrictions.*

Justification for Finding 6C:

The *Handbook* (Appendix Page F-9) states that “the range of possible safety measures thus generally also needs to be evaluated on a cost-effectiveness scale.” Review of NTSB accident data for the past 25 years reveals that only one person on the ground in a car has been killed in any of the safety zones except Zone 1. Thus, without addressing the costs of the proposed safety zones, a justification for the effectiveness cannot be made. Thus the only realistic (Criteria 2) cost effective safety zone is Safety Zone 1.

Finding 6D *The ALUC finds that over two thirds of large aircraft accidents occur either in the RPZ or on airport grounds.*

Justification for Finding 6B:

The source is the *Handbook* Appendix E.

Finding 6E *The ALUC finds that the FAA gives guidance on safety to airports, which both involve land use restrictions beyond the boundaries of the airport through the establishment of air space protection as well as the development restrictions in the Runway Protection Zones.*

Justification for Finding 6E:

The *Handbook* says: What must be remembered, however, is that the FAA criteria apply only to property controlled by the airport proprietor,” but the RPZ for SDIA and the airspace protection for SDIA provide guidance that affect land use beyond the land controlled by the airport.

Finding 6F The ALUC finds that the only safety zone with sufficient data to meet the Handbook criteria for limiting the number of safety zones to a realistic number is Safety Zone 1.

Justification for Finding 6F

The response to the EIR comments states that the Division of Aeronautics staff and legal counsel strongly discourage the elimination of any safety zones. Yet, the *Handbook* simply says “the number of zones should be limited to a realistic number (five or six should be adequate in most cases).” The *Handbook* said “should” not “shall.” Nowhere in the Handbook does it say you have to have 5 or 6 safety zones. Only Zone 1 has sufficient data to be realistic. Caltrans in their letter of February 29, 2012 to Ms Jamison of the San Diego airport staff cites the 2010 Burbank incident where the plane overran the end of the runway protection zone as an example for not eliminating a safety zone. Yet, Caltrans fails to reveal that the FAA solution was for Burbank to install Engineered Materials Arrestor System (EMAS) stop at the end of the runway similar to what SDIA has already done. FAA didn’t conclude that the RPZ needed to be extended or additional land use restrictions were needed.

These six findings based on the guidance in the *Handbook* and NTSB accident data support the approval of the environmentally superior Alternate 6 which eliminates the safety zones other than Zone 1 because the other safety zones fail to meet the criteria established in the *Handbook*.

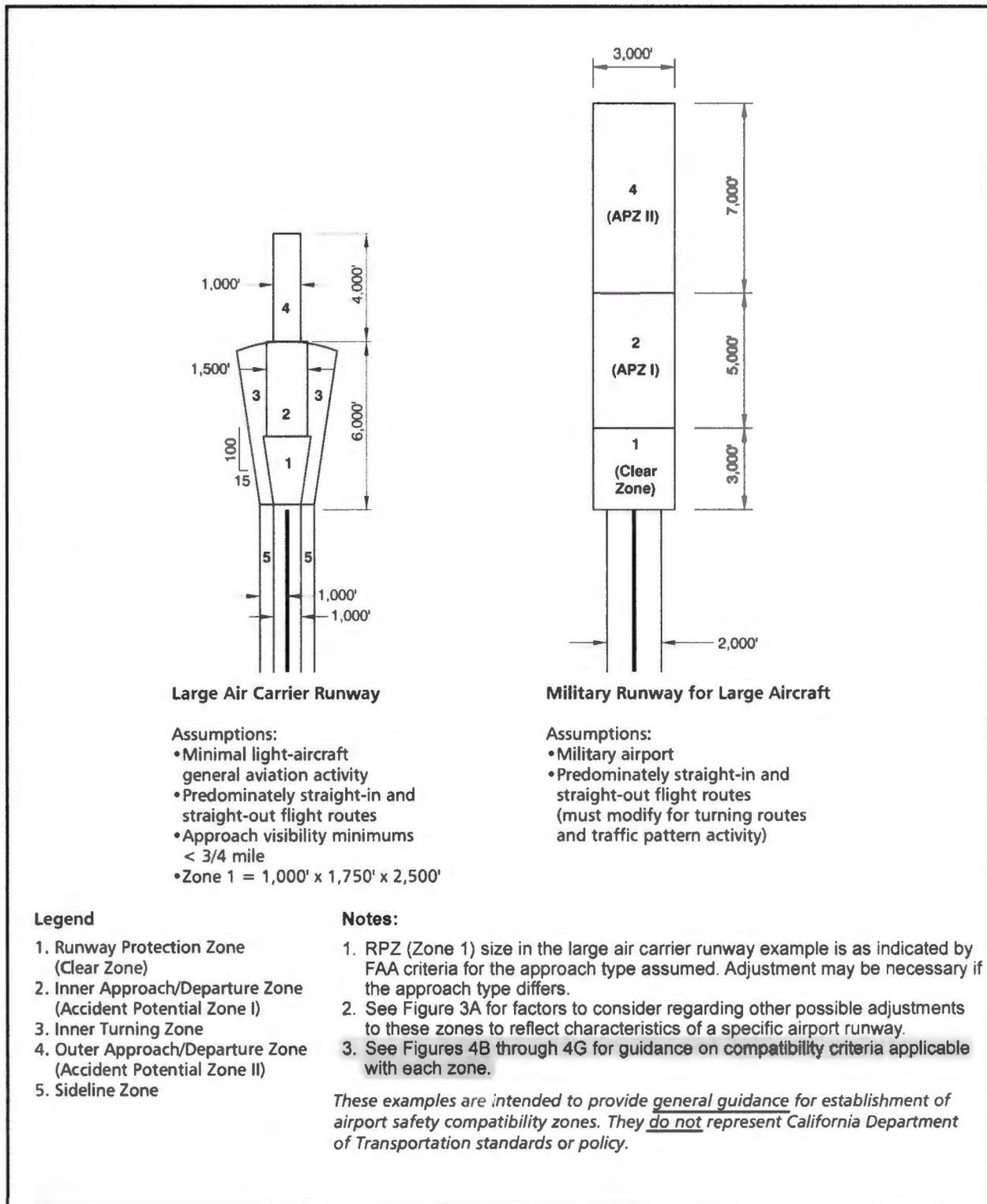


FIGURE 3B

Safety Compatibility Zone Examples – Large Air Carrier and Military Runways

Nature of Risk

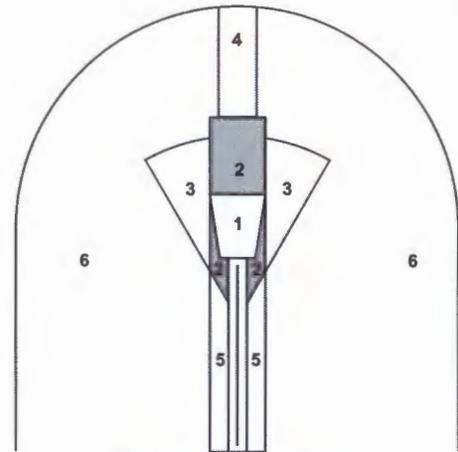
- Normal Maneuvers
 - Aircraft overflying at low altitudes on final approach and straight-out departures
- Altitude
 - Between 200 and 400 feet above runway
- Common Accident Types
 - Arrival: Similar to Zone 1, aircraft under-shooting approaches, forced short landings
 - Departure: Similar to Zone 1, emergency landing on straight-out departure
- Risk Level
 - High
 - Percentage of near-runway accidents in this zone: 8% - 22%



FINAL APPROACH

Basic Compatibility Policies

- Normally Allow
 - Agriculture; non-group recreational uses
 - Low-hazard materials storage, warehouses
 - Low-intensity light industrial uses; auto, aircraft, marine repair services
- Limit
 - Single-story office buildings
 - Nonresidential uses to activities that attract few people
- Avoid
 - All residential uses except as infill in developed areas
 - Multi-story uses; uses with high density or intensity
 - Shopping centers, most eating establishments
- Prohibit
 - Theaters, meeting halls and other assembly uses
 - Office buildings greater than 3 stories
 - Labor-intensive industrial uses
 - Children's schools, large daycare centers, hospitals, nursing homes
 - Stadiums, group recreational uses
 - Hazardous uses (e.g. aboveground bulk fuel storage)



Refer to Chapter 3 for dimensions.

	Maximum Residential Densities	Maximum Nonresidential Intensities	Maximum Single Acre
	Average number of dwelling units per gross acre	Average number of people per gross acre	2x the Average number of people per gross acre
Rural	See Note A	10 – 40	50 – 80
Suburban	1 per 10 - 20 ac.	40 – 60	80 – 120
Urban	0	60 – 80	120 – 160
Dense Urban	0	See Note B	See Note B

Note A: Maintain current zoning if less than density criteria for suburban setting.
 Note B: Allow infill at up to average intensity of comparable surrounding uses.

FIGURE 4C

Safety Zone 2 – Inner Approach/Departure Zone

4 DEVELOPING AIRPORT LAND USE COMPATIBILITY POLICIES

Nature of Risk

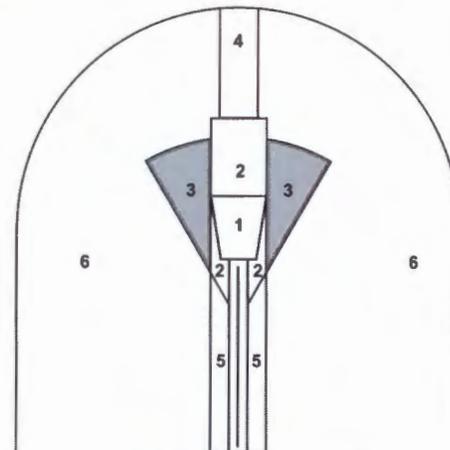
- Normal Maneuvers
 - Aircraft—especially smaller, piston-powered aircraft— turning base to final on landing approach or initiating turn to en route direction on departure
- Altitude
 - Less than 500 feet above runway, particularly on landing
- Common Accident Types
 - Arrival: Pilot overshoots turn to final and inappropriately cross controls the airplane rudder and ailerons while attempting to return to the runway alignment causing stall, spin, and uncontrolled crash
 - Departure: Mechanical failure on takeoff; low altitude gives pilot few options on emergency landing site; or, pilot attempts to return to airport and loses control during tight turn
- Risk Level
 - Moderate to high
 - Percentage of near-runway accidents in this zone: 4% - 8%



TURNING TO FINAL

Basic Compatibility Policies

- Normally Allow
 - Uses allowed in Zone 2
 - Greenhouses, low-hazard materials storage, mini-storage, warehouses
 - Light industrial, vehicle repair services
- Limit
 - Residential uses to very low densities
 - Office and other commercial uses to low intensities
- Avoid
 - Commercial and other nonresidential uses having higher usage intensities
 - Building with more than 3 aboveground habitable floors
 - Hazardous uses (e.g., aboveground bulk fuel storage)
- Prohibit
 - Major shopping centers, theaters, meeting halls and other assembly facilities
 - Children's schools, large daycare centers, hospitals, nursing homes
 - Stadiums, group recreational uses



Refer to Chapter 3 for dimensions.

	Maximum Residential Densities	Maximum Nonresidential Intensities	Maximum Single Acre
	Average number of dwelling units per gross acre	Average number of people per gross acre	3x the Average number of people per gross acre
Rural	See Note A	50 – 70	150 – 210
Suburban	1 per 2 - 5 ac.	70 – 100	210 – 300
Urban	See Note B	100 – 150	300 – 450
Dense Urban	See Note B	See Note B	See Note B

Note A: Maintain current zoning if less than density criteria for suburban setting.

Note B: Allow infill at up the average of surrounding residential area.

FIGURE 4D

Safety Zone 3 – Inner Turning Zone

Nature of Risk

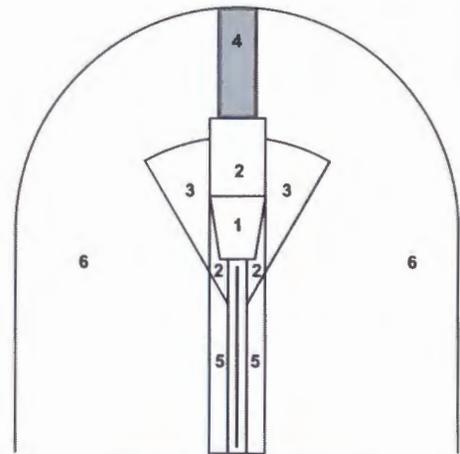
- Normal Maneuvers
 - Approaching aircraft usually at less than traffic pattern altitude. Particularly applicable for busy general aviation runways (because of elongated traffic pattern), runways with straight-in instrument approach procedures, and other runways where straight-in or straight-out flight paths are common
- Altitude
 - Less than 1,000 feet above runway
- Common Accident Types
 - Arrival: Pilot undershoots runway during an instrument approach, aircraft loses engine on approach, forced landing
 - Departure: Mechanical failure on takeoff
- Risk Level
 - Moderate
 - Percentage of near-runway accidents in this zone: 2% - 6%



LONG FINAL

Basic Compatibility Policies

- Normally Allow
 - Uses allowed in Zone 3
 - Restaurants, retail, industrial
- Limit
 - Residential uses to low density
- Avoid
 - High-intensity retail or office buildings
- Prohibit
 - Children's schools, large daycare centers, hospitals, nursing homes
 - Stadiums, group recreational uses
- Other Factors
 - Most low to moderate intensity uses are acceptable. Restrict assemblages of people
 - Consider potential airspace protection hazards of certain energy/industrial projects



Refer to Chapter 3 for dimensions.

	Maximum Residential Densities	Maximum Nonresidential Intensities	Maximum Single Acre
	Average number of dwelling units per gross acre	Average number of people per gross acre	3x the Average number of people per gross acre
Rural	See Note A	70 – 100	210 – 300
Suburban	1 per 2 - 5 ac.	100 – 150	300 – 450
Urban	See Note B	150 – 200	450 – 600
Dense Urban	See Note B	See Note B	See Note B

Note A: Maintain current zoning if less than density criteria for suburban setting.
 Note B: Allow infill at up average density/intensity of comparable surrounding users.

FIGURE 4E

Safety Zone 4 – Outer Approach/Departure Zone

**TABLE 3B: ANALYSIS OF SAFETY ZONE EXAMPLES
(GENERAL AVIATION RUNWAYS)**

Safety Zone	Example 1: Runway Length Less than 4,000 Feet			Example 2: Runway Length 4,000 to 5,999 Feet			Example 3: Runway Length 6,000 Feet or More		
	% of Points	Acres	% / Acre	% of Points	Acres	% / Acres	% of Points	Acres	% / Acres
Arrival Accident Sites									
Primary Surface	29%	-	-	2%	-	-	11%	-	-
Zone 1: Runway Protection Zone	27%	8	3.35	26%	49	0.53	25%	79	0.32
Zone 2: Inner Approach/Departure Zone	15%	44	0.34	9%	101	0.09	12%	114	0.11
Zone 3: Inner Turning Zone	2%	50	0.04	5%	151	0.04	6%	131	0.05
Zone 4: Outer Approach/Departure Zone	3%	35	0.07	5%	69	0.08	8%	92	0.09
Zone 5: Sideline Zone	1%	-	-	3%	-	-	1%	-	-
Zone 6: Traffic Pattern Zone	10%	-	-	11%	-	-	21%	-	-
Total: Zones 1-6 + Primary Surface	87%	-	-	79%	-	-	85%	-	-
Departure Accident Sites									
Primary Surface	9%	-	-	9%	-	-	16%	-	-
Zone 1: Runway Protection Zone	17%	8	2.09	14%	49	0.28	13%	79	0.17
Zone 2: Inner Approach/Departure Zone	28%	44	0.63	11%	101	0.11	3%	114	0.02
Zone 3: Inner Turning Zone	5%	50	0.10	9%	151	0.06	8%	131	0.06
Zone 4: Outer Approach/Departure Zone	2%	35	0.06	4%	69	0.06	3%	92	0.03
Zone 5: Sideline Zone	8%	-	-	8%	-	-	5%	-	-
Zone 6: Traffic Pattern Zone	24%	-	-	37%	-	-	39%	-	-
Total: Zones 1-6 + Primary Surface	94%	-	-	91%	-	-	86%	-	-
All Accident Sites									
Primary Surface	18%	-	-	15%	-	-	13%	-	-
Zone 1: Runway Protection Zone	21%	8	2.65	21%	49	0.40	20%	79	0.26
Zone 2: Inner Approach/Departure Zone	22%	44	0.50	10%	101	0.10	8%	114	0.07
Zone 3: Inner Turning Zone	4%	50	0.08	7%	151	0.05	7%	131	0.05
Zone 4: Outer Approach/Departure Zone	2%	35	0.07	5%	69	0.07	6%	92	0.07
Zone 5: Sideline Zone	5%	-	-	5%	-	-	3%	-	-
Zone 6: Traffic Pattern Zone	18%	-	-	23%	-	-	29%	-	-
Total: Zones 1-6 + Primary Surface	91%	-	-	85%	-	-	85%	-	-

Notes.

Totals may not equal the sum of the numbers above because of mathematical rounding.

See Figure 3A for the shapes and dimensions of each zone.

Accident site locations as indicated in expanded general aviation aircraft accident database (see Appendix E).

Received 2/5/14

ITEM 4

ADDITIONAL COMMUNICATION RECEIVED FROM THE PUBLIC



CITY OF CORONADO

1825 STRAND WAY
CORONADO, CA 92118

OFFICE OF CITY MANAGER
(619) 522-7335
FAX (619) 522-7846

February 4, 2014

Robert H. Gleason, Chair
San Diego County Regional Airport Authority
P.O. Box 82776
San Diego, CA 92138-2776

Dear Mr. Gleason:

The purpose of this letter is to supplement our letter dated January 31, 2014, in which we have requested changes to the Airport Land Use Compatibility Plan (ALUCP) for San Diego International Airport (SDIA).

It has come to our attention that Airport Authority staff has suggested editorial changes to our recommended language, as indicated in strike through/underline format, below.

1.10.21 Methods of Implementing this ALUCP

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

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

If the local agency's land use plans and regulations are ~~not inconsistent~~ consistent with this ALUCP, no action to adopt additional policies or regulations is required.

This is to let you know that the City of Coronado does not object to this suggestion.

Robert Gleason
February 4, 2014
Page Two

We would appreciate your consideration of the other suggested changes as stated in our letter of January 31, 2014 (attached).

Sincerely,

A handwritten signature in black ink, appearing to read "Blair King", with a long horizontal flourish extending to the right.

Blair King
City Manager

RAH/jdc

cc: Thella F. Bowens President/CEO, San Diego County Regional Airport Authority
Paul Robinson, Vice Chair, San Diego County Regional Airport Authority
Tom Smisek, Board Member, San Diego County Regional Airport Authority



CITY OF CORONADO

1825 STRAND WAY
CORONADO, CA 92118

OFFICE OF CITY MANAGER
(619) 522-7335
FAX (619) 522-7046

January 31, 2014

Robert H. Gleason, Chair
San Diego County Regional Airport Authority
P.O. Box 82776
San Diego, CA 92138-2776

Dear Mr. Gleason:

The purpose of this letter is to request that the Airport Land Use Compatibility Plan (ALUCP) for San Diego International Airport (SDIA) be revised as set forth below. The requested changes are to reflect the response provided to the City of Coronado's comments on the draft Environmental Impact Report (EIR) prepared for this project.

The EIR prepared for the ALUCP for SDIA did not identify any conflicts or inconsistencies between the policies of the ALUCP and the current Coronado General Plan and zoning regulations. In response to Coronado's letter of comment on the EIR, the response to comment concluded that "The City of Coronado's General Plan and Zoning Ordinance were reviewed during the process of drafting the ALUCP and EIR, and no specific inconsistencies with the proposed ALUCP were found." Therefore, the City of Coronado seeks confirmation that no amendments to its land use plans and regulations are needed to be consistent with this ALUCP.

Specifically, the City of Coronado requests the following language (in bold type) be added to Chapter 1 of the plan to clarify local agency requirements and responsibilities and to be consistent with the EIR's conclusions:

1.10 Local Agency Implementation

1.10.1 Local Agency Requirements and Responsibilities

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

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

It should be noted that similar clarifying language was added to Section 2.5.2 of the EIR in response to comments as follows "...the cities of San Diego, National City, and Coronado...are expected to refer to this EIR as they prepare and consider any **needed** amendments to their general plans..."

Mr. Gleason
January 31, 2014
Page 2

Additionally, the City of Coronado also requests that the following language (in bold type) be added to Chapter 1 of the plan to clarify that no amendments to a local agency's General Plan or zoning may be needed if the local agency's current policies and regulations are not inconsistent with the ALUCP.

1.10.21 Methods of Implementing this ALUCP

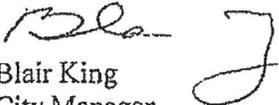
A local agency can make its land use plans and regulations consistent with this ALUCP in the following ways:

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

If the local agency's land use plans and regulations are not inconsistent with this ALUCP, no action to adopt additional policies or regulations is required.

The City of Coronado appreciates your attention of this request and believes that incorporation of these suggested changes will clarify what is required of local agencies.

Sincerely,


Blair King
City Manager

RAH/lar

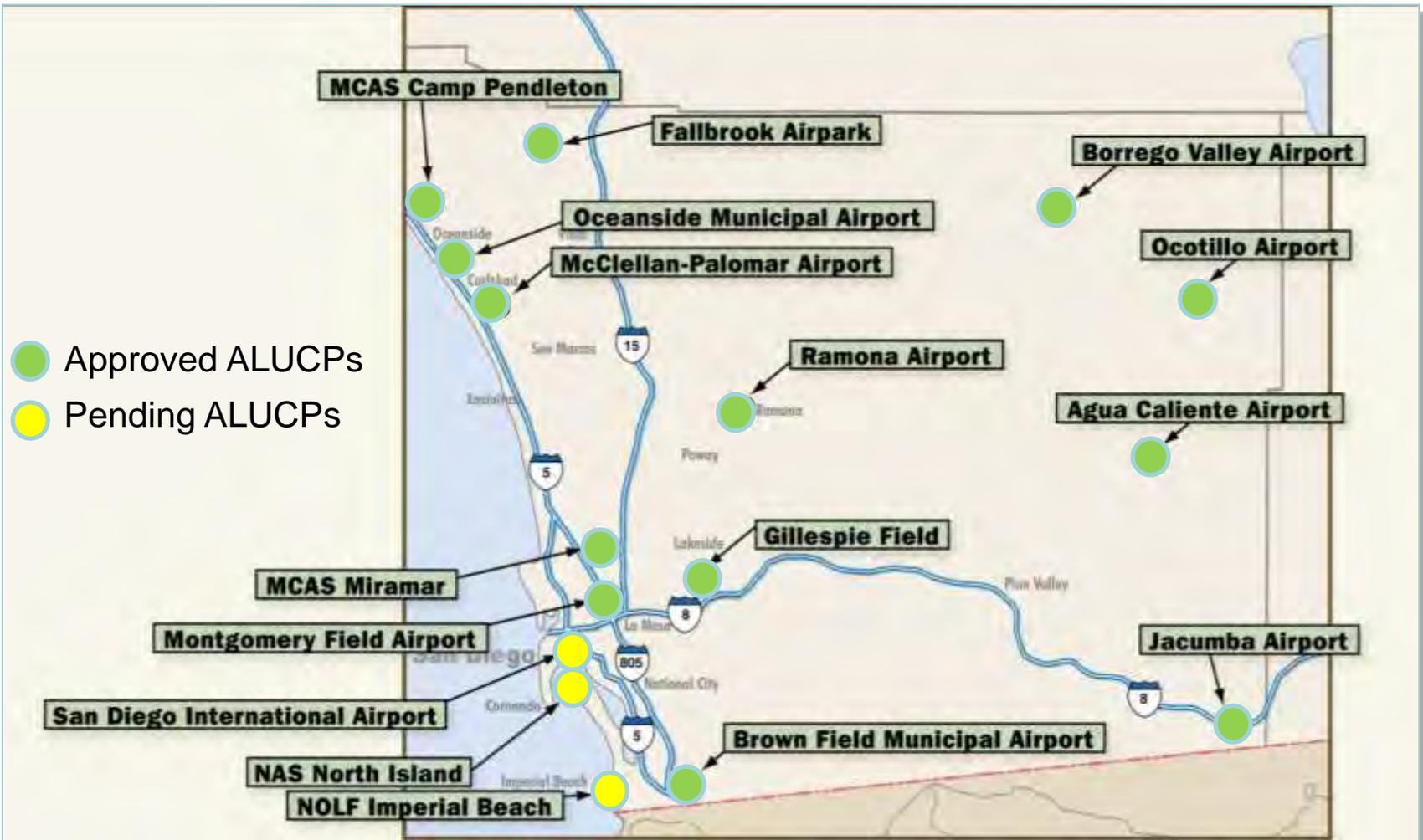
cc: Thella F. Bowens President/CEO, San Diego County Regional Airport Authority
Paul Robinson, Vice Chair, San Diego County Regional Airport Authority
Tom Smisek, Board Member, San Diego County Regional Airport Authority
City Council

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

February 6, 2014



Progress to Date



Purpose of ALUCPs



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

2013 Asiana Airlines San Francisco Int'l. Airport



The pilot made an error setting the throttle according to NTSB probe findings.



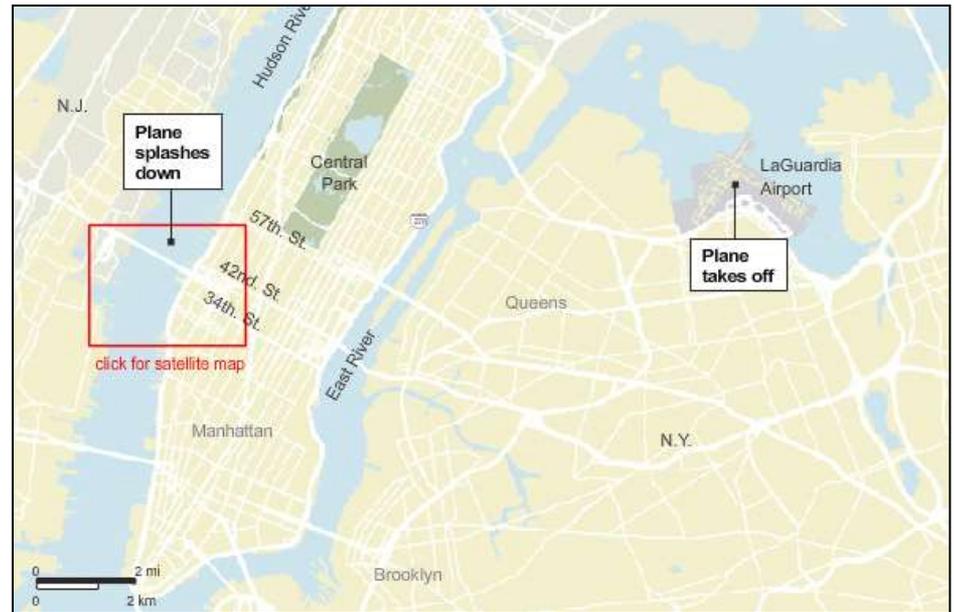
Source: NTSB

Source: AFP News

2009 U.S. Airways La Guardia Airport



A collision of large birds into each engine resulted in loss of thrust and an emergency landing into the Hudson River.



Source: www.abcnews.go.com



Source: www.dailymail.co.uk

2009 Continental Buffalo-Niagara International



The flight crashed into a residence about 5 nautical miles northeast of the airport along extended runway centerline.

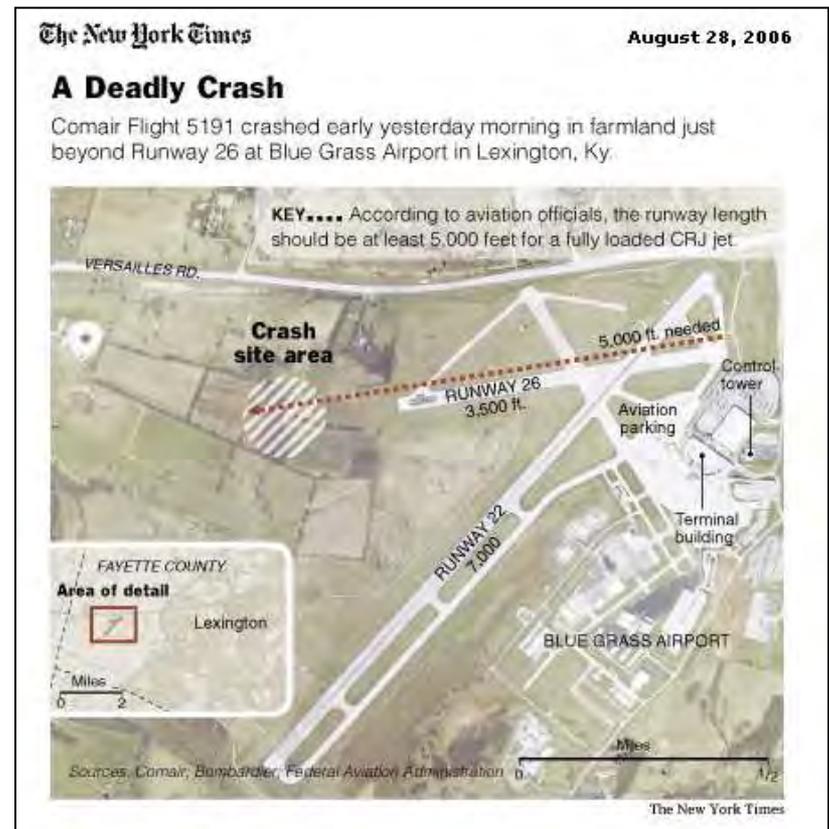


Source: Derek Gee / The Buffalo News

2006 Comair Lexington, Kentucky



The airplane was destroyed as it ran off the end of the runway and impacted the airport perimeter fence, trees, and terrain.

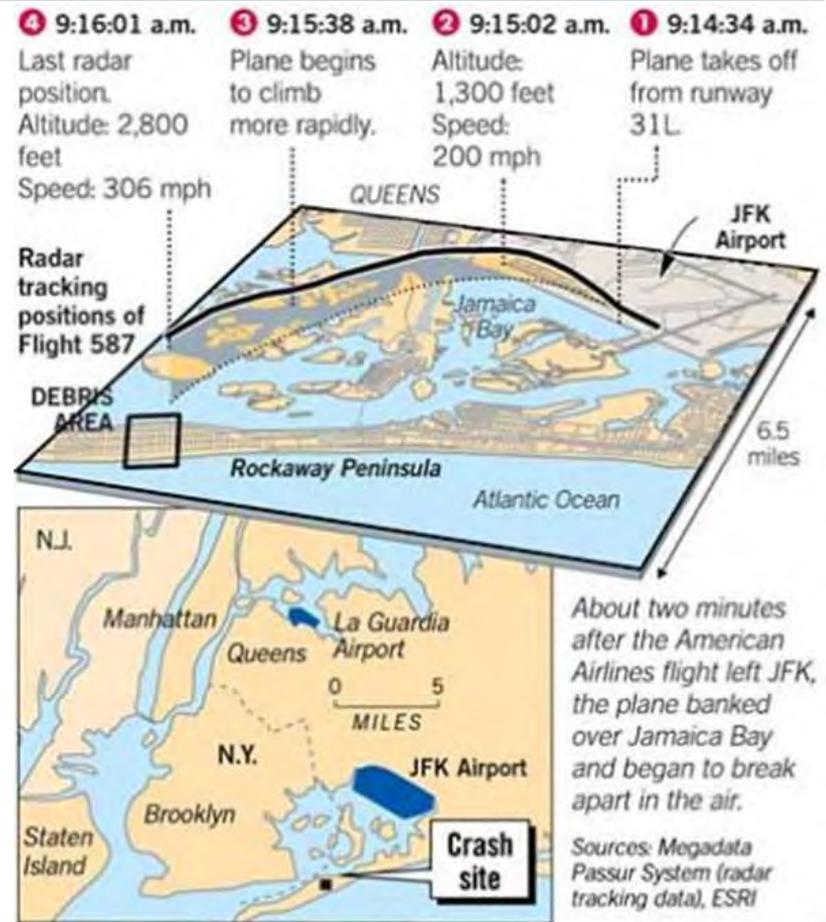


Source: <http://www.nytimes.com>

2001 American Airlines John F. Kennedy Airport



Shortly after takeoff, the aircraft lost control and crashed four miles southwest of the airport.



2000 Southwest Bob Hope Airport, Burbank



Pilot overran the departure end of runway 8 after landing.



Source: Burbank Fire Department

Summary Page



2013 Asiana Airlines – San Francisco International Airport, San Francisco, CA

Pilot error setting the throttle according to NTSB probe findings – Injuries: 3 fatal, 182 transported to the hospital

2009 Continental – Buffalo-Niagara International Airport, Buffalo, NY

Pilot error led to aerodynamic stall and crash -- Injuries: 50 fatal (49 aboard, 1 on the ground)

2009 US Airways – LaGuardia Airport, New York, NY

Collision with birds, crash-landing in river -- Injuries: 5 serious

2006 Comair – Blue Grass Airport, Lexington, KY

Takeoff occurred on the wrong runway -- Injuries: 49 fatal, 1 serious

2005 Southwest Airlines - Chicago Midway International Airport, Chicago, IL

Runway overrun -- Injuries: 18 minor aboard and 1 fatal, 1 serious, 1 minor on the ground

2001 American Airlines - JFK Airport, Queens, NY

Excessive and unnecessary use of rudder inputs by first officer -- Injuries: 265 fatal (260 aboard, 5 ground)

2000 Southwest Airlines – Bob Hope Airport (formerly Burbank-Glendale-Pasadena Airport), Burbank, CA

Runway overrun -- Injuries: 2 serious, 42 minor

1999 American Airlines – Little Rock National Airport, Little Rock, AR

Runway overrun -- Injuries: 11 fatal, 45 serious, 65 minor

1987 Air National Guard – Indianapolis International Airport, Indianapolis, IN

Engine failure and emergency landing failure – Injuries: 9 fatal (all on ground), 4 serious

Existing ALUCP



- Originally adopted in 1992
- Minor amendments in 1994 and 2004
- Does not include guidance from the 2002 or 2011 Caltrans *Handbook*

Role of Caltrans *Handbook*



- The ALUC shall be guided by information in the California Department of Transportation, Division of Aeronautics, (Caltrans) *Airport Land Use Planning Handbook (Handbook)* in preparing each ALUCP (Pub. Util. Code, §21674.7(a)).

SDIA ALUCP Process



Gather & analyze technical data



Consultation with Steering Committee
ALUC policy direction



Draft ALUCP/Environmental review process



Adoption of ALUCP and Certification of EIR by ALUC



Implementation by local agencies

SDIA Steering Committee



- Open committee membership
- Met 11 times from February 2011 to March 2013
- Groups represented:

American Inst. of Architects, SD

Chamber of Commerce

City of Coronado Planning

City of San Diego Planning

CCDC/Civic San Diego

Caltrans Regional Office

Community Airfields Assoc. of SD

League of Women Voters

NAIOP, San Diego

Naval Facilities Eng'rg Command

Peninsula CPB

San Diego City Council staff

SDCRAA Board Members

Real estate and development consultants

San Diego USD

Senator Kehoe's staff

Solar Turbines

Unaffiliated Local Residents

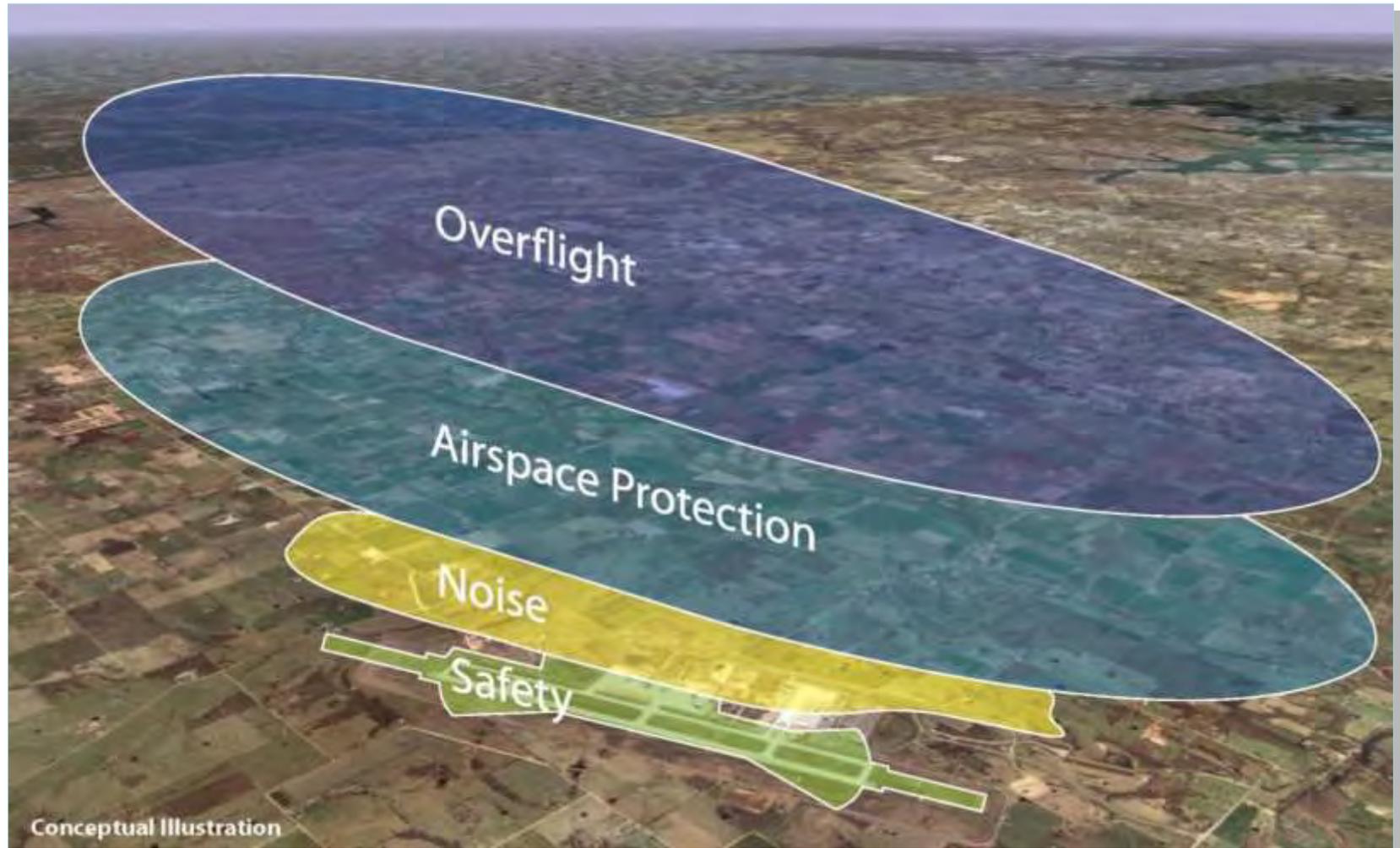
Unified Port District

Uptown Planners

ALUCP Policy Overview



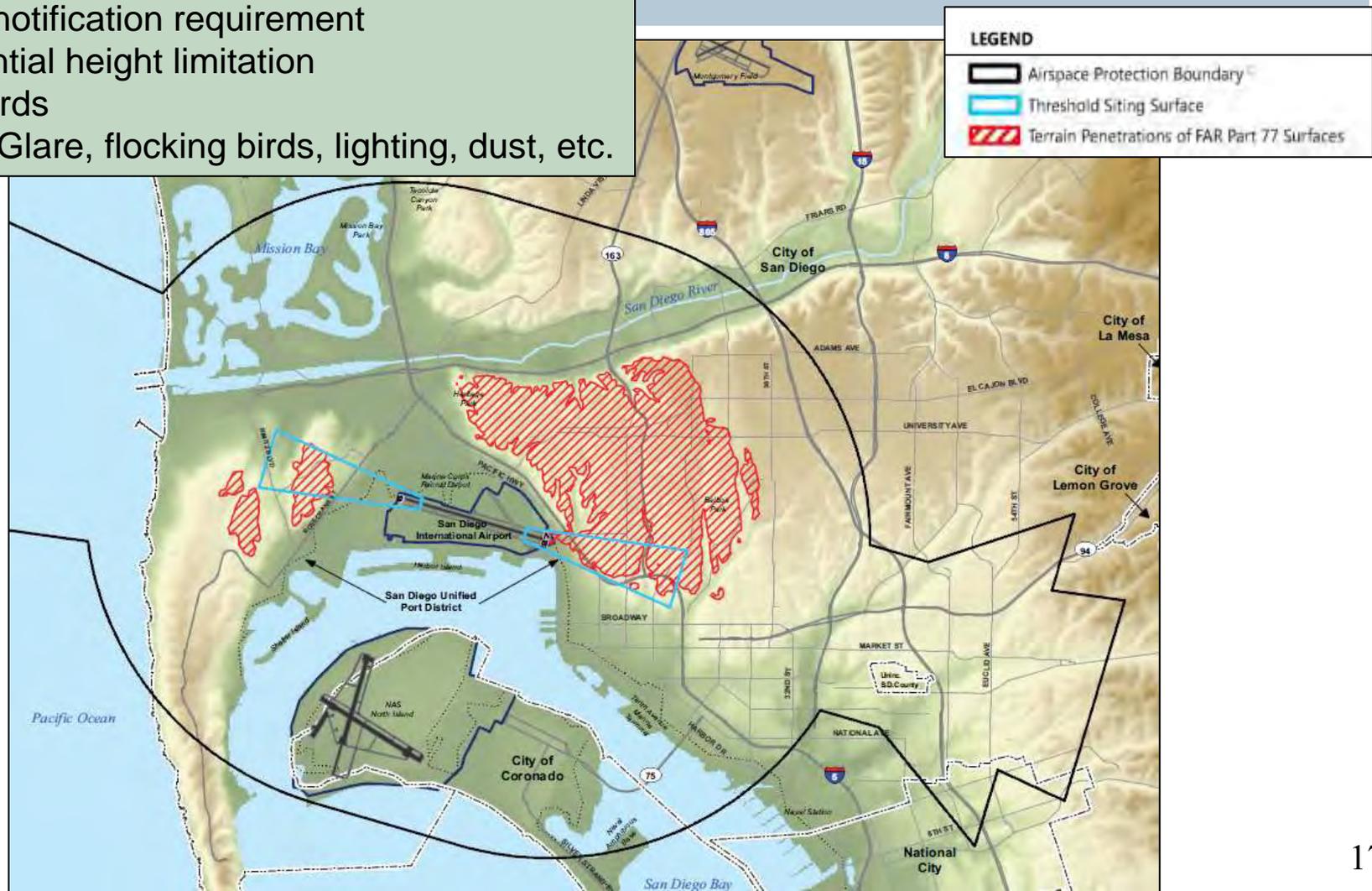
Compatibility Factors



Airspace Protection Boundary



- FAA notification requirement
- Potential height limitation
- Hazards
 - Glare, flocking birds, lighting, dust, etc.



Previous Overflight Boundary

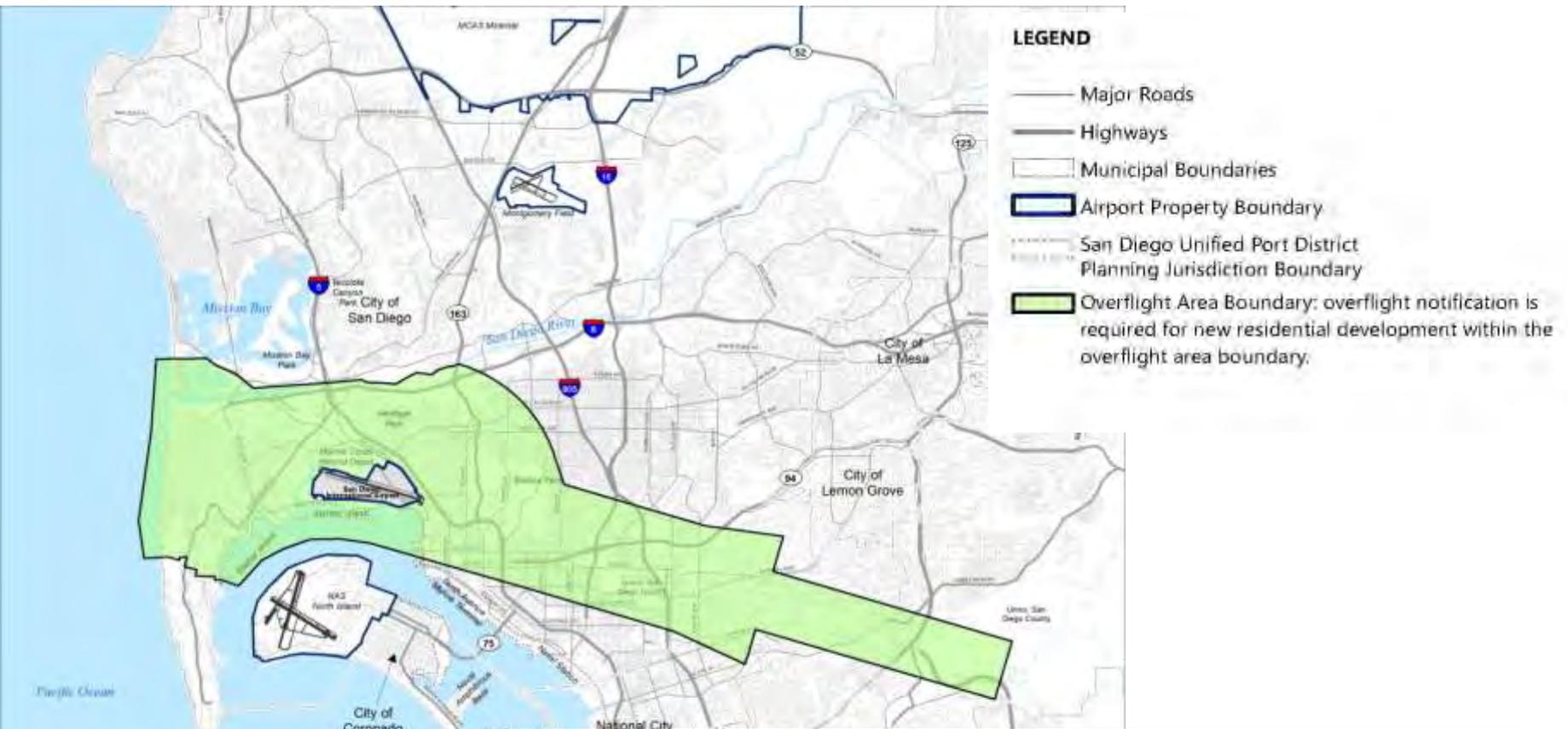


LEGEND

- Major Roads
- Highways
- ▭ Municipal Boundaries
- ▭ Airport Property Boundary
- ⋯ San Diego Unified Port District Planning Jurisdiction Boundary
- ▭ Overflight Area Boundary: overflight notification is required for new residential development within the overflight area boundary;
- ▨ Area Formerly Included in Overflight Area Boundary

- No restriction on future development
- Overflight agreement recorded for new residential only
- Additional form of real estate disclosure

Revised Overflight Area Boundary

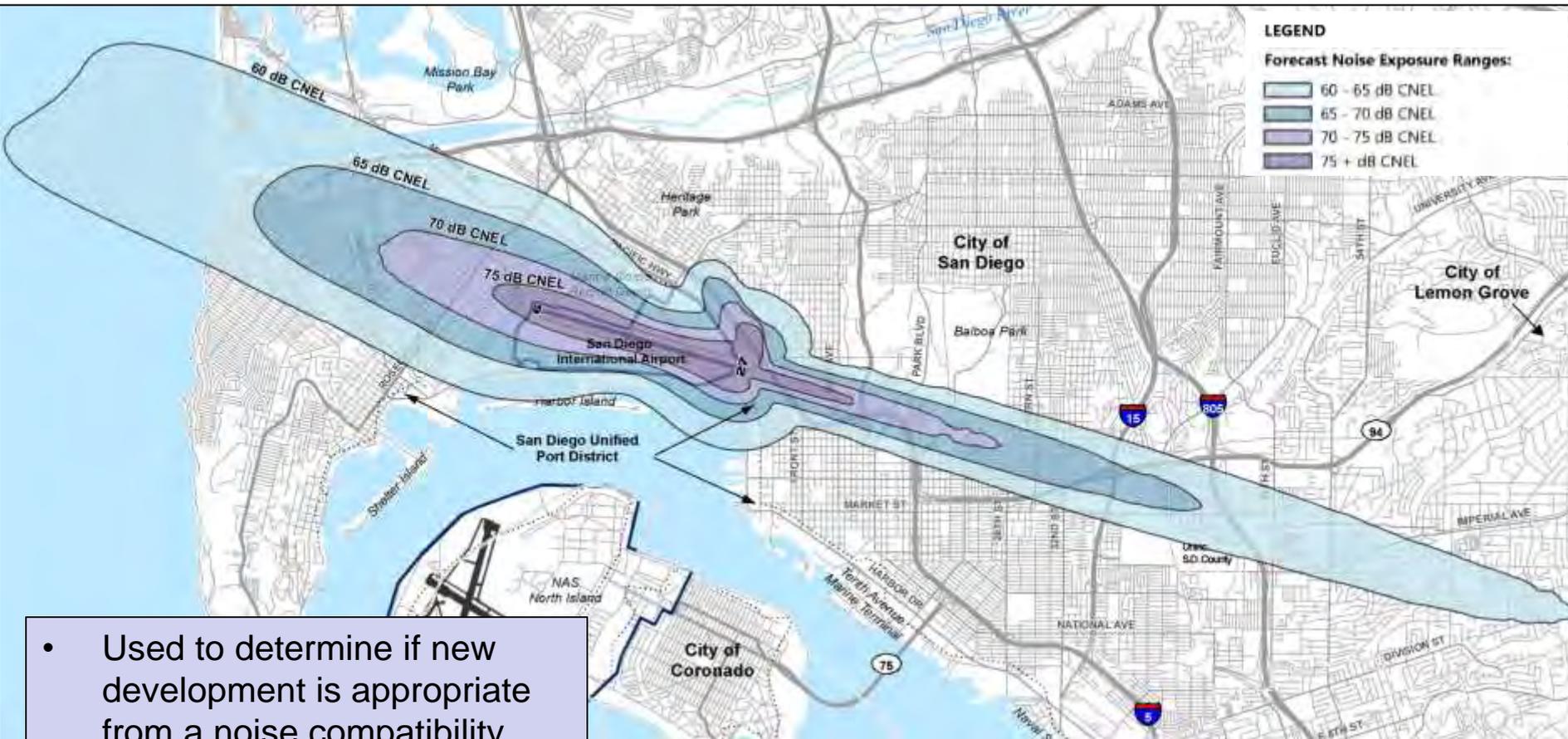


LEGEND

- Major Roads
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- Municipal Boundaries
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Noise Contour Map 2030 Forecast



- Used to determine if new development is appropriate from a noise compatibility perspective

Noise Compatibility Standards – Table 2-1 Snapshot

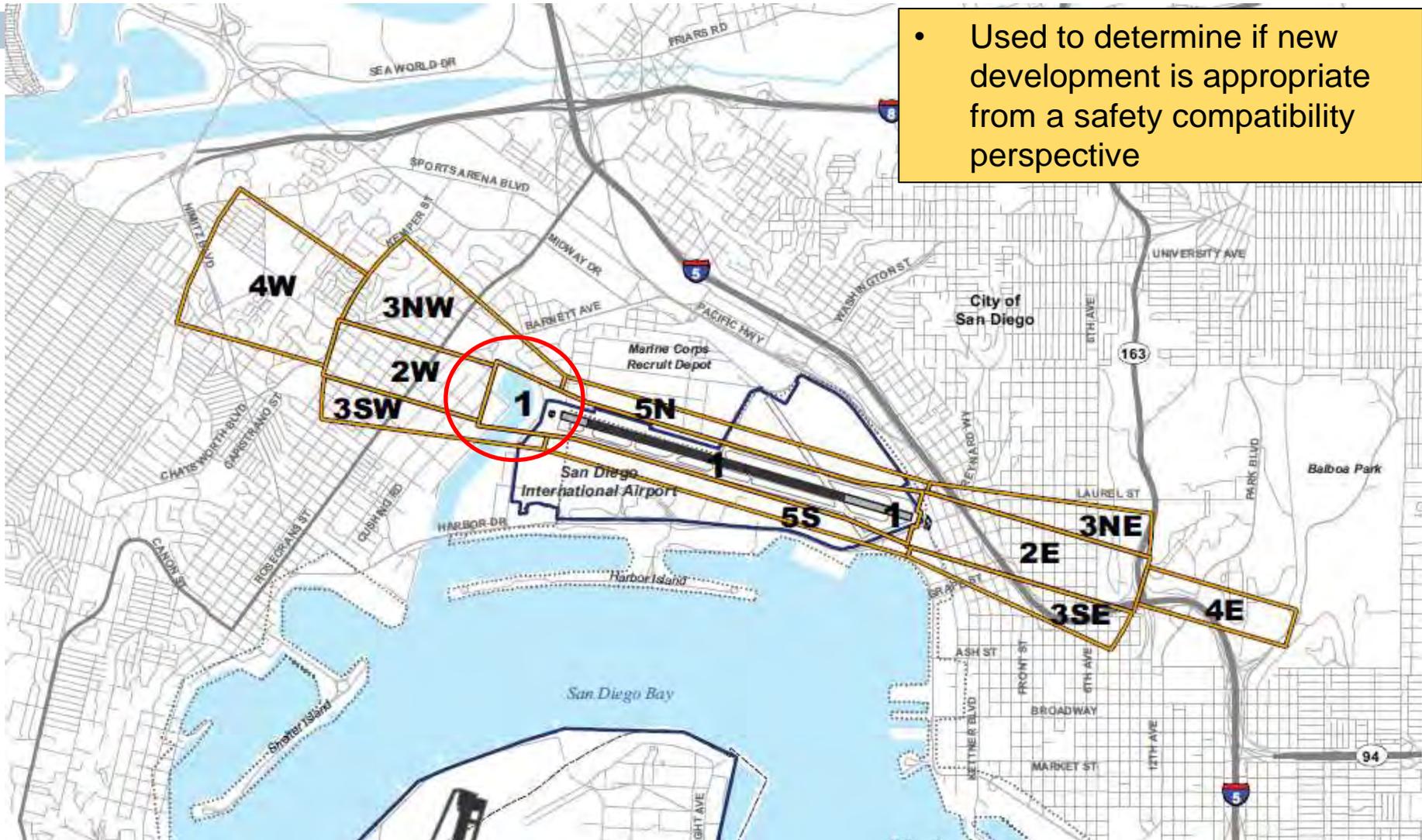


Table 2-1

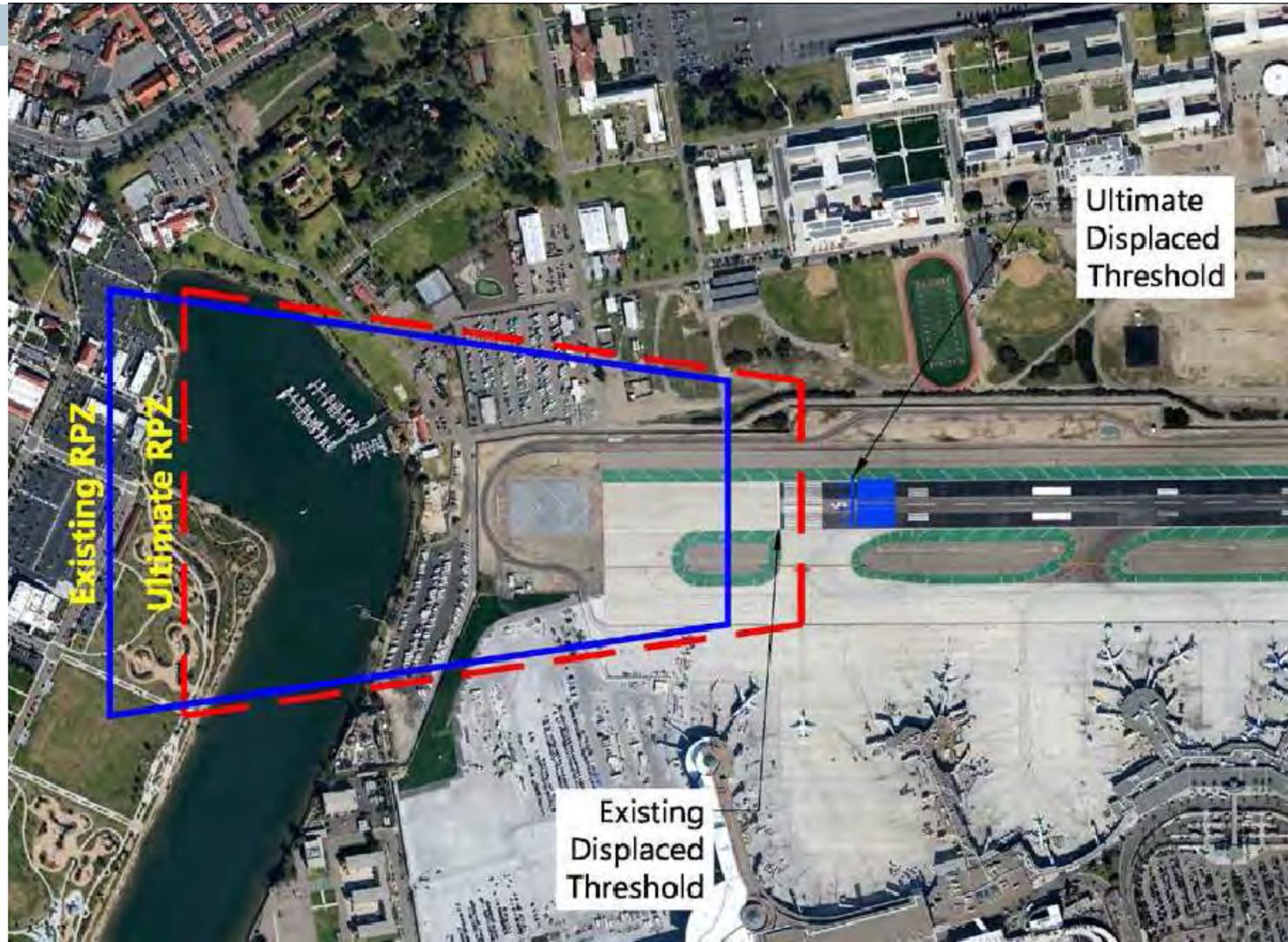
Noise Compatibility Standards

Land Use Category ^a	Noise Contour Range (dB CNEL)			
	60-65	65-70	70-75	75 +
RESIDENTIAL				
Single-Family, Multi-family	45	45 ¹	45 ^{1,2}	45 ^{1,2}
Single Room Occupancy (SRO) Facility	45	45 ¹	45 ^{1,2}	45 ^{1,2}
Group Quarters ^b	45	45 ¹	45 ^{1,2}	45 ^{1,2}
COMMERCIAL, OFFICE, SERVICE, TRANSIENT LODGING				
Hotel, Motel, Resort	45/50	45/50	45/50	45/50
Office - Medical, Financial, Professional Services, Civic			50	50
Retail (e.g., Convenience Market, Drug Store, Pet Store)			50	50
Service - Low Intensity (e.g., Gas Station, Auto Repair, Car Wash)			50	50
Service - Medium Intensity (e.g., Check-cashing, Veterinary Clinics, Kennels, Personal Services)			50	50
Service - High Intensity (e.g., Eating, Drinking Establishment, Funeral Chapel, Mortuary)			50	50
Sport/Fitness Facility			50	50
Theater - Movie/Live Performance/Dinner		45	45	45

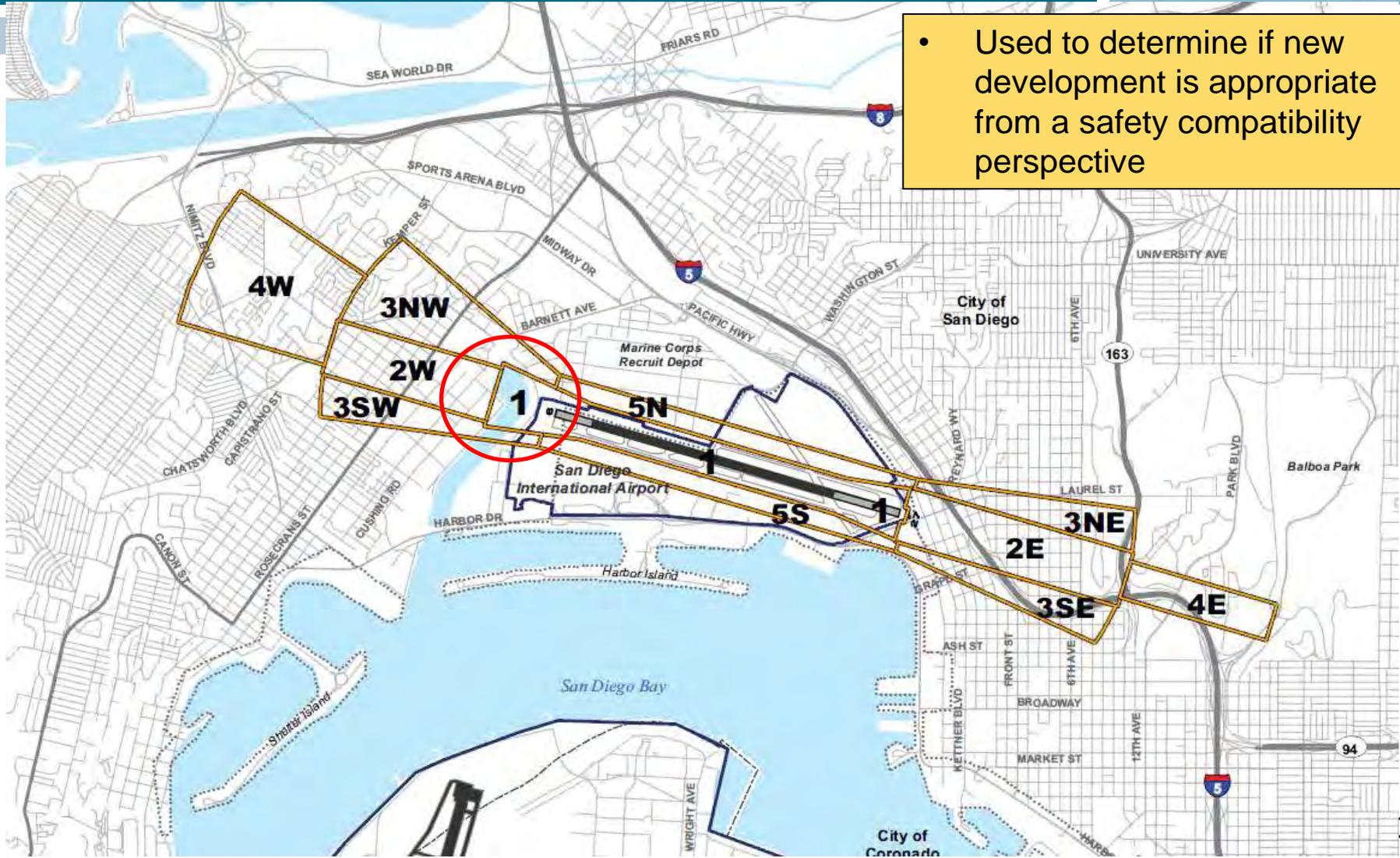
Previous Safety Compatibility Zones



Runway 9 Displaced Threshold



Revised Safety Compatibility Zones



Safety Compatibility Standards – Table 3-1 Snapshot

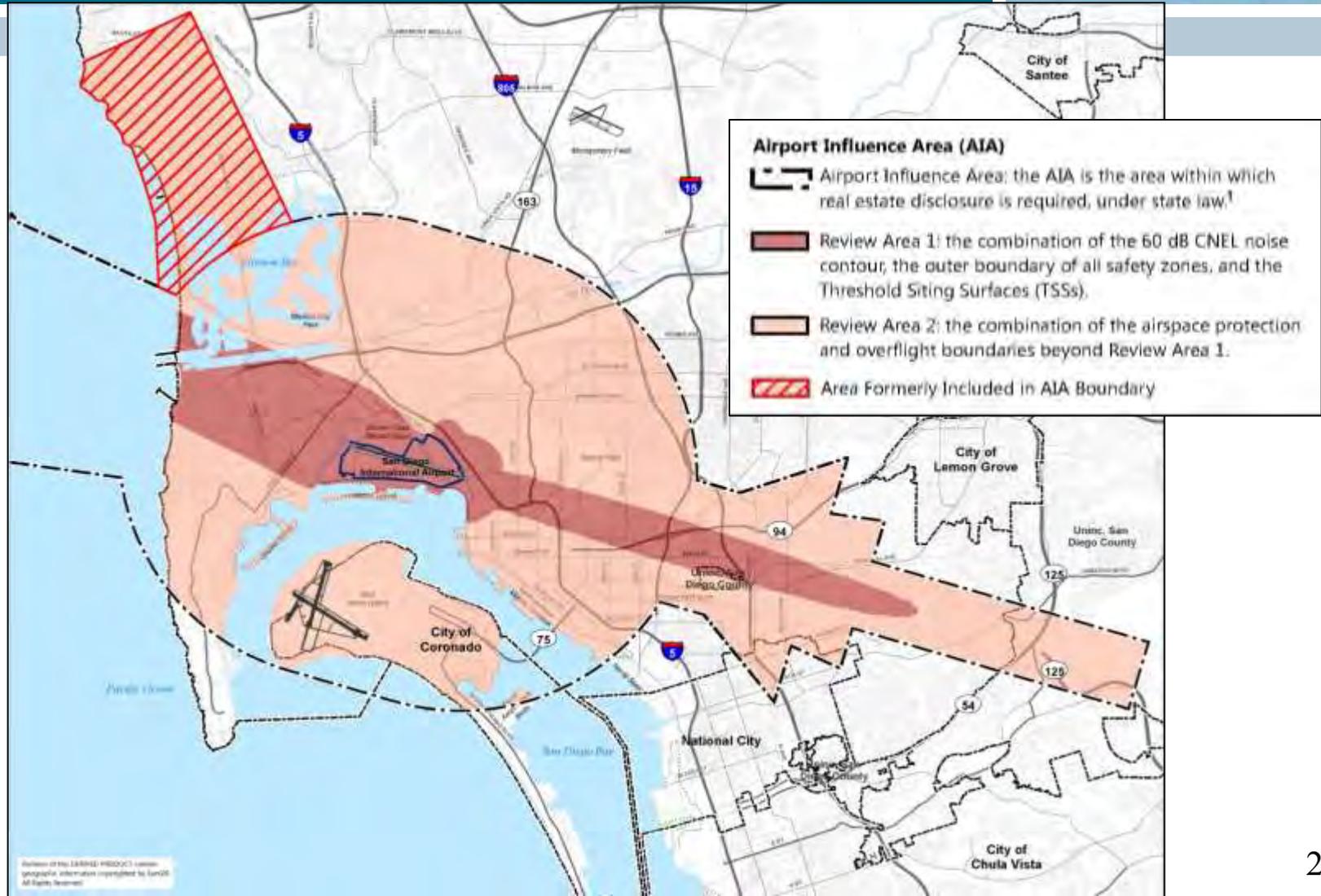


Table 3-1
Safety Compatibility Standards

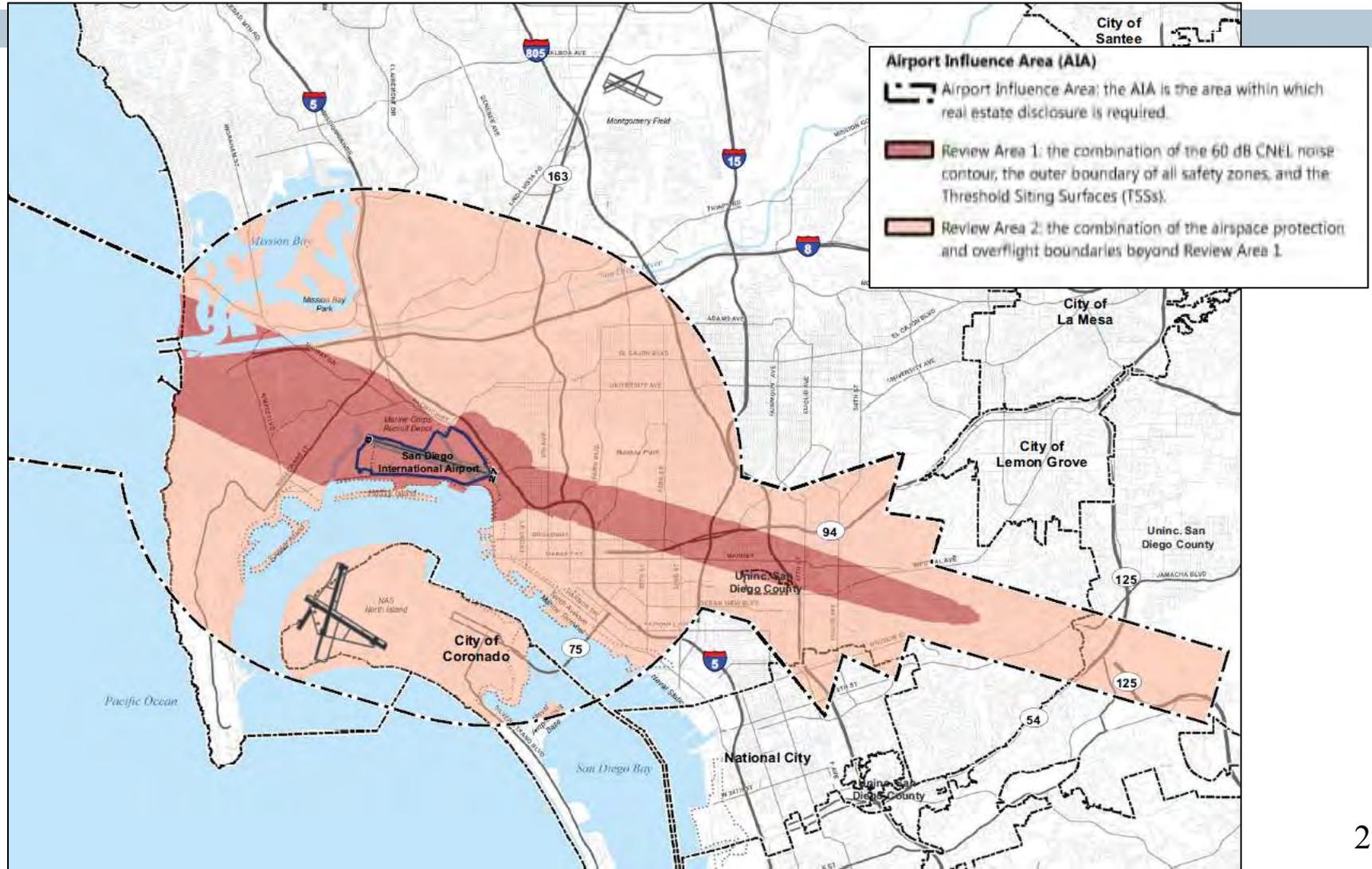
Community Planning Area - Neighborhood	Density/Intensity for Conditional Uses																				
	Safety Zones																				
	2E		2W		3NE		3SE		3NW		3SW		4E		4W		5N		5S		
	R	NR	R	NR	R	NR	R	NR	R	NR	R	NR	R	NR	R	NR	R	NR	R	NR	
Balboa Park	+	96												+	240						
Centre City - Cortez	+	96					210	842						+	240						
Centre City - East Village														+	240						
Centre City - Little Italy	A0	255					154	732												+	180
Midway - Pacific Highway	A6	191			+	180			44	198									+	180	
Ocean Beach															31	240					
Peninsula - NTC			+	127					+	180	+	235									
Peninsula - Other Neighborhoods			20	96					10	180	9	180			36	240					
Uptown	58	272			62	278	164	674													
Persons per household for mixed-use projects		1.51		2.35		1.48		1.57		2.27		2.23		1.52		2.14			n/a		n/a
R	Maximum allowable residential density, in dwelling units per acre.																				
NR	Maximum allowable nonresidential intensity, in people per acre.																				
+	No dwellings are in the part of the CPA or neighborhood within the indicated Safety Zone. No new dwellings are permitted in this area unless the parcel was designated for residential use in the community plan as of the effective date of this ALUCP.																				
A	No part of the Community Planning Area or neighborhood is in the Safety Zone.																				

Land Use Category ^a	Safety Zones					Conditions	Occupancy Factor ¹
	1	2	3	4	5		
RESIDENTIAL							
Single-Family, Multi-family						Zones 2, 3, 4: Allow in areas designated for residential use in the applicable Community Plan, subject to the dwelling unit density limits shown above.	N/A
Single Room Occupancy (SRO) Facility ²						Zones 2, 3, 4: Allow if development intensity does not exceed the NR limits shown above.	200
Group Quarters ^{2b}						Zones 3, 4: Allow if development intensity does not exceed the NR limits shown above.	100

Previous Airport Influence Area (AIA)



Proposed Airport Influence Area (AIA)



Public Outreach Overview



Elected Official Briefings



- February 19, 2013 – Councilmember Faulconer’s office
- February 21, 2013 – Councilmember Sherman’s office
- February 25, 2013 – Councilmember Lightner’s office
- February 27, 2013 – Former Mayor Filner’s office
- May 1, 2013 – Councilmember (Interim Mayor) Gloria’s office
- July 17, 2013 – San Diego City Council Land Use and Housing Committee
- September 5, 2013 – Staff from Councilmember Faulconer’s and Lightner’s offices

Outreach Meetings



- February 19, 2013 – San Diego Regional Chamber Infrastructure, Housing and Land Use Committee
- February 20, 2013 – North Bay Community Planning Group
- February 21, 2013 – Peninsula Community Planning Board
- March 5, 2103 – Little Italy Association
- March 6, 2013 – Ocean Beach Planning Board
- March 12, 2013 – San Diego Regional Chamber Public Policy Committee
- March 20, 2013 – Downtown Community Planning Council

Outreach/Local Agency Meetings



- August 28, 2013 – Civic San Diego
- September 30, 2013 – Peninsula Community Planning Board - Paul Webb
- September 30, 2013 – San Diego Unified School District
- October 1, 2013 – City of San Diego
- October 28, 2013 – Evan Gerber, Conejo Development
- November 4, 2013 – City of San Diego, Civic San Diego
- November 19, 2013 – City of San Diego, Civic San Diego
- November 20, 2013 – San Diego Regional Chamber of Commerce, BIA, NAIOP, City of San Diego, Civic San Diego, AIA San Diego
- November 22, 2013 – Bill Fulton, City of San Diego
- January 21, 2014 – City of San Diego/Civic San Diego



Environmental Impact Report Overview



EIR Timeline



- **March 13, 2013** – Notice of Preparation /Initial Study circulated
- **March 27, 2013** – Scoping meeting held
- **July 12, 2013** – Draft EIR out for public review
- **September 10, 2013** – End of public review (13 letters received; 60 days instead of standard 45 days)
- **January 16, 2014** – Final EIR and Responses to Comments made available to the public

Development Displacement Analysis



- Purpose
 - To estimate the amount of future development that could potentially be displaced after adoption of the ALUCP

Development Displacement Analysis

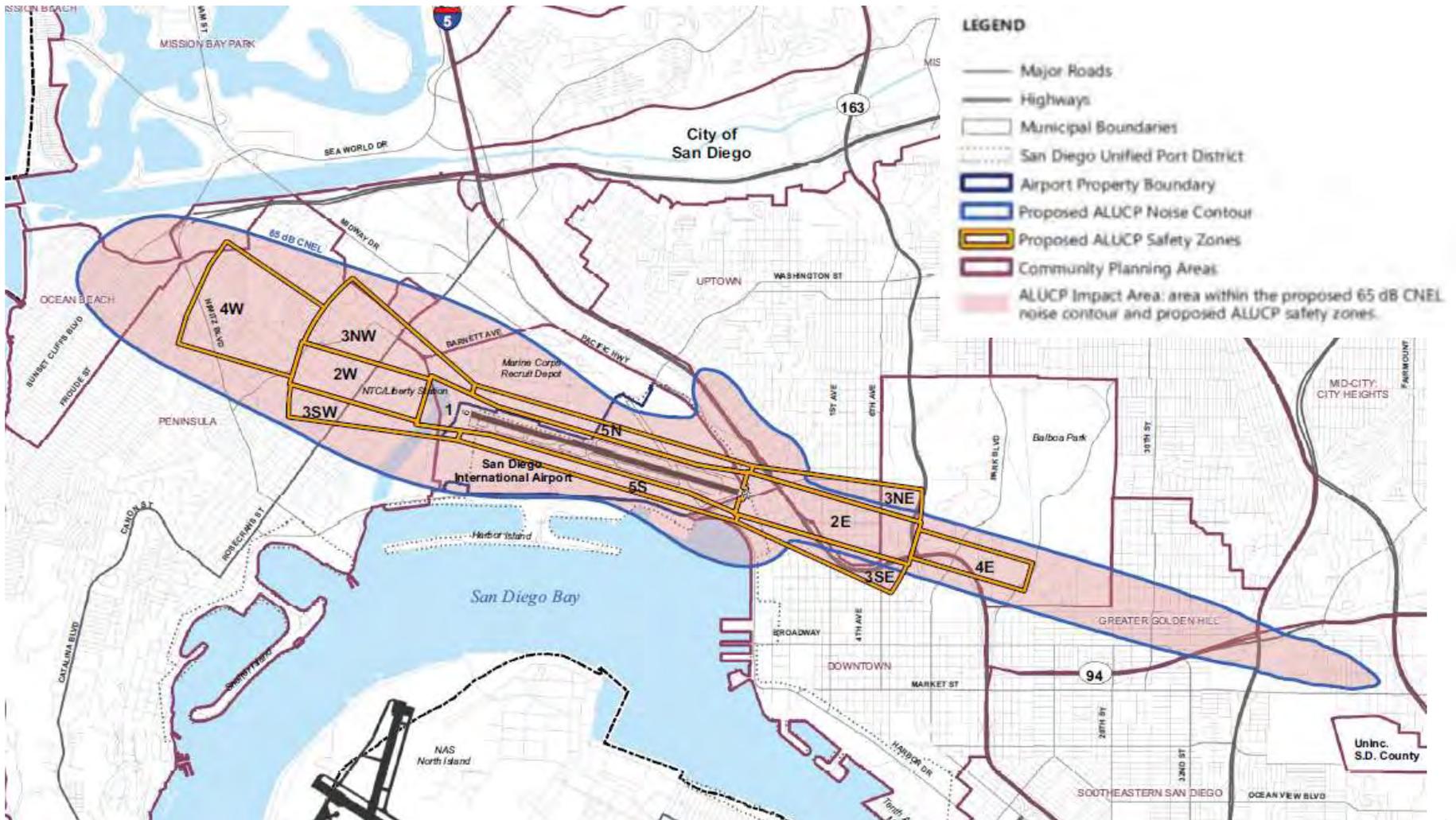


Development Allowed Under Current Policies and Regulations

- Development Allowed with Proposed ALUCP

= Potentially Displaced Development

Displacement Analysis Area



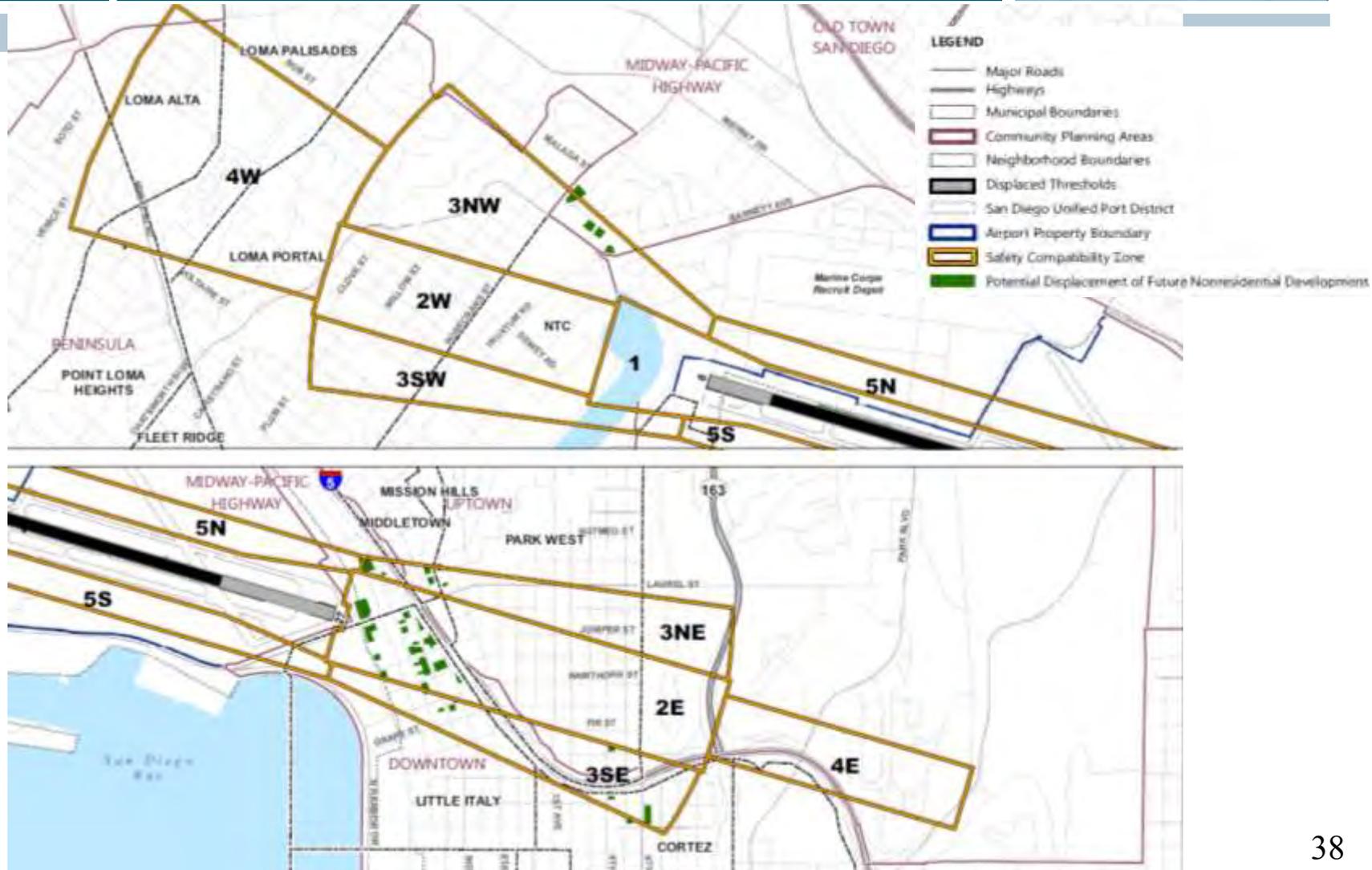
EIR Displacement Results – Residential Development



Community Plan Area/Neighborhood	Dwelling Units
Downtown – Cortez	0 dus
Downtown – Little Italy	696 dus*
Midway-Pacific Highway	1 du
Peninsula	42 dus
Uptown	40 dus
TOTAL	779 dus*

** Would be reduced to 221 units in Little Italy; 304 total units w/Industrial Buffer*

Properties Subject to the Potential Displacement of Future Residential Development

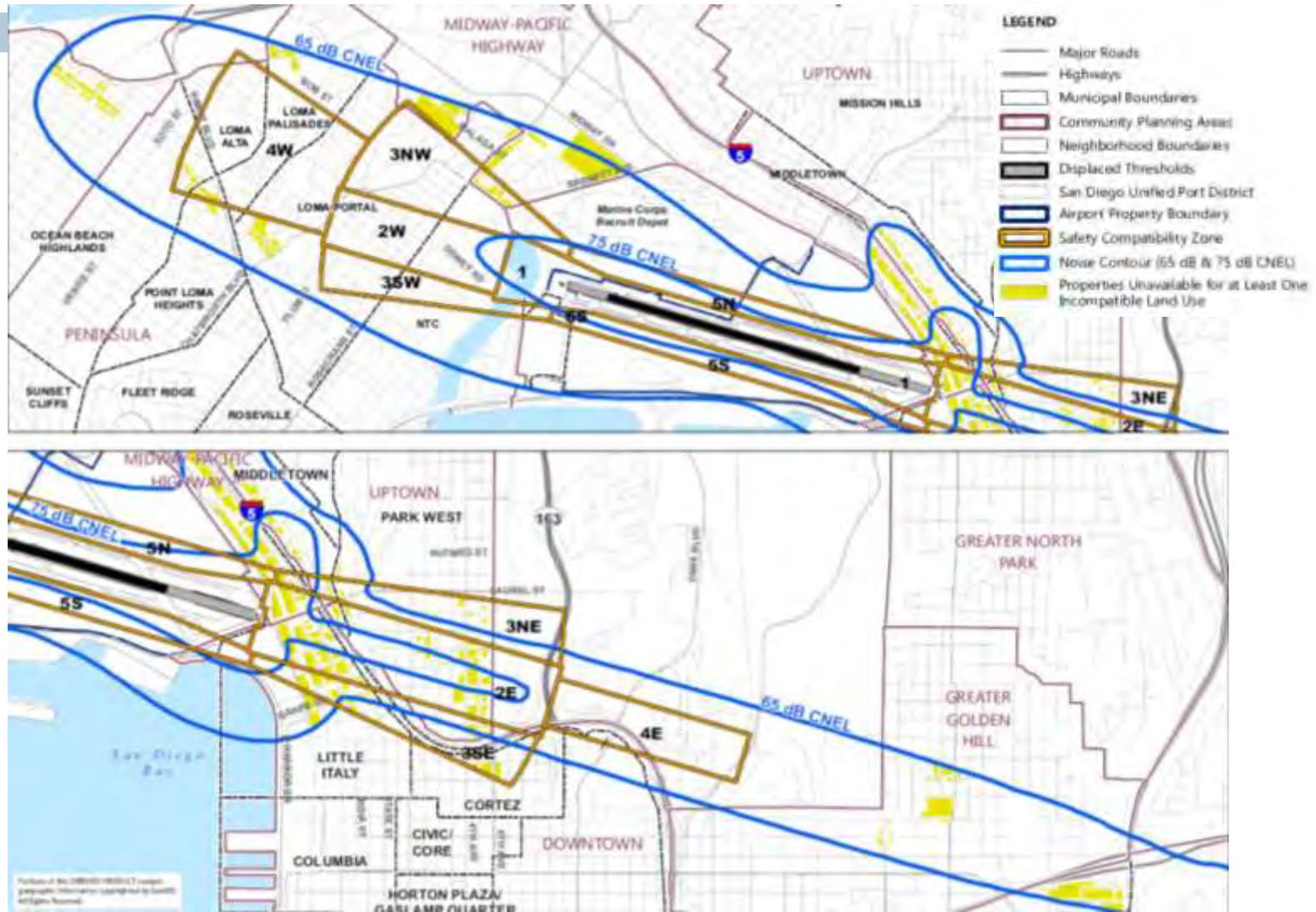


EIR Displacement Results – Nonresidential Development



Land Use Category	Area in Square Feet
Commercial – Eating, Drinking, Entertainment	17,174 sf
Commercial – Lodging	82,788 sf
Commercial – Retail	101,214 sf
Commercial – Services	21,358 sf
Industrial	75,185 sf
Institutional	14,043 sf
Office	174,030 sf
TOTAL	485,793 sf

Properties Subject to the Potential Displacement of Future Nonresidential Development



EIR Impacts



- Significant and unavoidable impacts to two categories:
 - Land Use and Planning
 - Population and Housing
- Statement of Overriding Considerations Required
 - Conflicts between ALUCP and existing land use plans within the City of San Diego
 - Potential displacement of future residential and nonresidential uses within noise contours and safety zones

Project Objectives



- New development within noise contours is consistent with state noise law and compatible with aircraft noise by:
 - Limiting new noise-sensitive development within the 65 dB CNEL noise contour
 - Ensuring new noise-sensitive development within the 65 dB CNEL is sound attenuated

Project Objectives



- To protect the public health, safety and welfare by:
 - Establishing safety zones in areas subject to the greatest risk of aircraft accidents, in accordance with guidance from the Caltrans *Handbook*
 - Avoiding new development of certain sensitive land uses within safety zones
 - Limiting the number of people occupying new development within safety zones

Project Objectives



- Ensure new development is consistent with:
 - Flight safety by limiting height of structures and objects consistent with FAA guidance and regulation
 - The operational capability of the Airport
 - Avoidance of further reductions in available runway landing distances

Project Objectives



- Ensure prospective buyers of new housing within areas subject to aircraft overflights are informed about the potential effects of overflights by:
 - Promoting compliance with the state’s real estate disclosure law
 - Ensuring owners and developers of new residential projects provide notice of the presence of aircraft overflight to prospective buyers

Project Alternatives Considered in Draft EIR

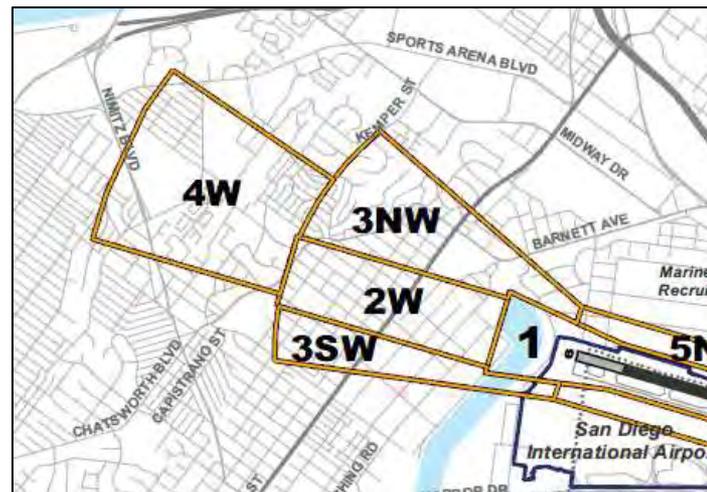


- Alternative 1: “No Project” Alternative
 - Mandated by CEQA
 - Continued implementation of existing ALUCP (adopted in 1992, last amended in 2004)
 - No significant and unavoidable impacts
 - Does not achieve project objectives

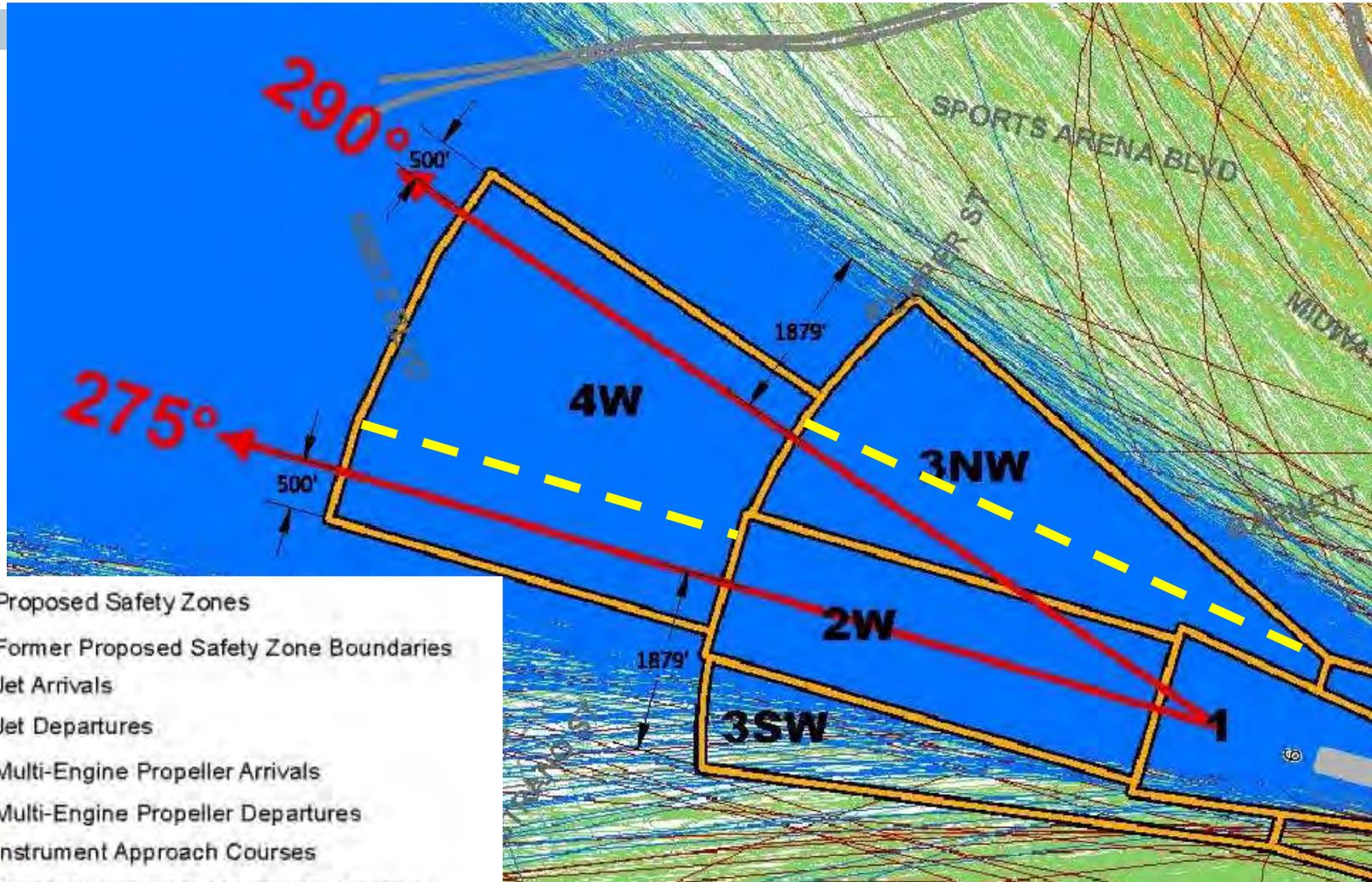
Project Alternatives Considered in Draft EIR



- Alternative 2: “Standard Safety Zones 3NW and 4W”
Alternative
 - Does not achieve project objectives
 - Standard Safety Zones 3NW and 4W do not account for the high volume of departures using the 290-degree departure path off Rwy 27



Safety Zones 3NW and 4W



- Proposed Safety Zones
- Former Proposed Safety Zone Boundaries
- Jet Arrivals
- Jet Departures
- Multi-Engine Propeller Arrivals
- Multi-Engine Propeller Departures
- Instrument Approach Courses
- Standard Instrument Departure Courses

Project Alternatives Considered in Draft EIR



- Alternative 3: “Less Restrictive Standards in Safety Zone 3SE” Alternative
 - Deviates from guidance in the Caltrans *Handbook*
 - Reduced displacement impacts
 - Partially achieves project objectives



Project Alternatives Considered in Draft EIR



- Alternative 4: “Elimination of Density and Intensity Standards in All Safety Zones” Alternative
 - Does not achieve project objectives
 - Conflicts with guidance in the Caltrans *Handbook*



Identified Concerns for Certain Stakeholders



Identified Concerns



- Mixed-Use Project Calculations
- Residential Density Conversion
- Safety Zone 2E Little Italy/Industrial Buffer Overlay Zone
- Gross vs. Net Square Footage
- EIR Alternative 4

Mixed-Use Project Calculation



- Original policy may have allowed the residential component of a mixed-use project to be converted from density (units per acre) to intensity (people per acre), resulting in development exceeding residential density limits
- Policy revised to retain residential density limits in mixed-use projects

Density/Intensity for Conditional Uses																			
Safety Zones																			
2E		2W		3NE		3SE		3NW		3SW		4E		4W		5N		5S	
R	NR	R	NR	R	NR	R	NR	R	NR	R	NR	R	NR	R	NR	R	NR	R	NR
±	96											±	240						
±	96					210	842					±	240						
												±	240						
40	255					154	732											±	180
46	191			±	180			44	198							±	180		
														31	240				
		±	127					±	180	±	235								
		20	96					10	180	9	180			36	240				
58	272			62	278	164	674												

Residential Density Conversion



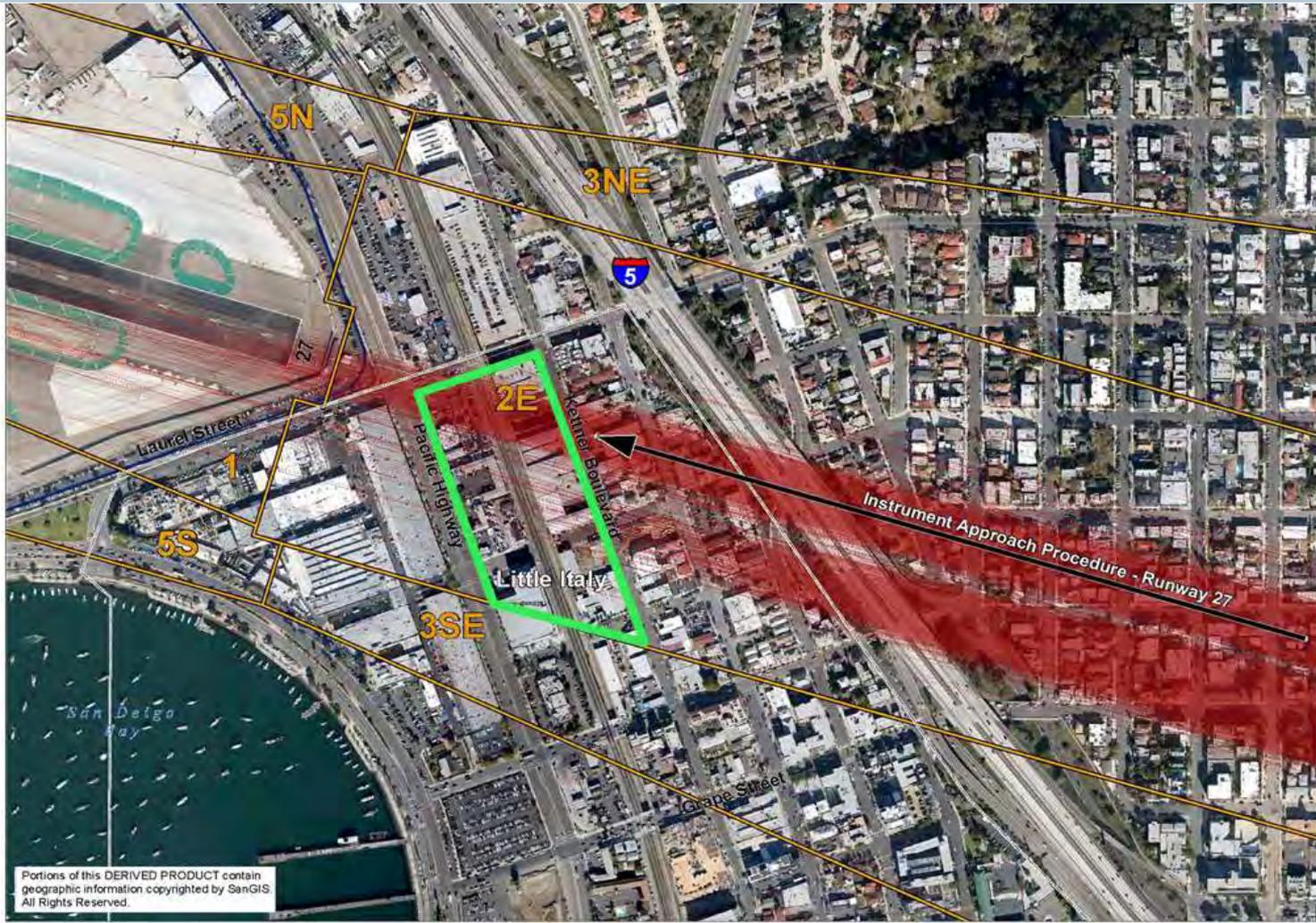
- Staff was asked to consider allowing residential-only projects to be held to nonresidential intensity levels
- Policy was not revised

Density/Intensity for Conditional Uses																			
Safety Zones																			
2E		2W		3NE		3SE		3NW		3SW		4E		4W		5N		5S	
R	NR	R	NR	R	NR	R	NR	R	NR	R	NR	R	NR	R	NR	R	NR	R	NR
±	96											±	240						
±	96					210	842					±	240						
40	255					154	732											±	180
46	191			±	180			44	198								±	180	
														31	240				
		±	127					±	180	±	235								
		20	96					10	180	9	180			36	240				
58	272			62	278	164	674												

Safety Zone 2E Little Italy/ Industrial Buffer Overlay Zone



Safety Zone 2E Little Italy/ Industrial Buffer Overlay Zone



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Gross vs. Net Square Footage



- Staff was asked to consider allowing the utilization of net square footage when calculating the intensity of new nonresidential projects rather than gross square footage
- Policy was not revised

EIR Alternative 4



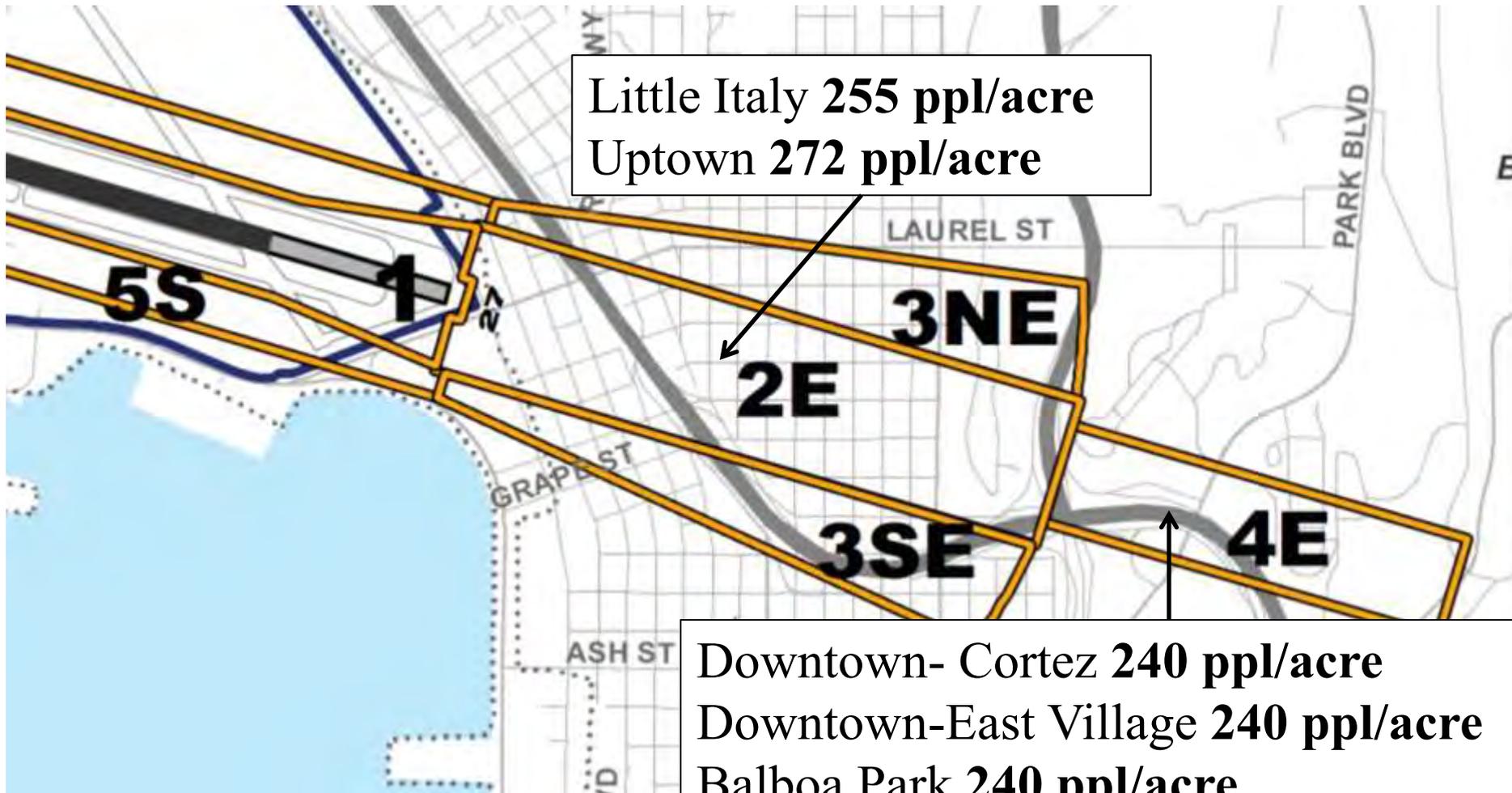
- Comment: *The Handbook* does not provide clear guidance on the density and intensity limits for large air carrier/commercial airports like SDIA; figures in the *Handbook* only apply to general aviation airports.
- Response: Caltrans Division of Aeronautics staff has clearly indicated that the guidance in the *Handbook* applies to commercial airports, including the density and intensity limits.

EIR Alternative 4



- Comment: Densities and intensities should be lower in safety zones that are closest to the Airport. Use of average of existing density/intensity by safety zone has no correlation to safety as limits closest to the Airport are sometimes higher than safety zones that are further away.
- Response: Based on *Handbook* guidance, higher densities and intensities in higher risk areas reflect existing land use patterns. New development must be held to no more than the densities and intensities that already exist.

Intensity Limits by Safety Zone – East Side



Little Italy **255 ppl/acre**
Uptown **272 ppl/acre**

Downtown- Cortez **240 ppl/acre**
Downtown-East Village **240 ppl/acre**
Balboa Park **240 ppl/acre**

EIR Alternative 4



- Comment: Existing zoning/height restrictions are sufficient and will limit the density and intensity of future development. Further restrictions as proposed in the ALUCP are unnecessary.
- Response: Existing height limits are not an adequate means of limiting intensity because different uses have different intensity levels.

Example: 20,000 sf office = 93 people

20,000 sf restaurant = 333 people

EIR Alternative 4



- Comment: Existing zoning around other commercial airports (Los Angeles International Airport and John Wayne International Airport were specifically cited) is an example of how existing regulations can provide adequate restrictions on future development for the purposes of safety
- Response: Those airports do not have updated ALUCPs that take into consideration all five safety zones or reflect guidance from the 2002 or 2011 editions of the Caltrans *Handbook*.

Staff Recommendation



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



Questions?