



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

**Item No.  
4**

Meeting Date: **JANUARY 10, 2013**

**Subject:**

**Presentation and Possible Policy Direction Regarding Draft San Diego International Airport – Airport Land Use Compatibility Plan**

**Recommendation:**

Receive the report and provide possible policy direction for the draft Airport Land Use Compatibility Plan.

**Background/Justification:**

Pursuant to its mandate as the Airport Land Use Commission (ALUC), the Airport Authority has prepared a draft Airport Land Use Compatibility Plan (ALUCP) for San Diego International Airport (SDIA), including a process for public stakeholder input. The ALUCP would replace the existing SDIA ALUCP, which was adopted in 1992 by the San Diego Association of Governments (SANDAG), the Airport Authority's predecessor acting as the ALUC, and subsequently amended by the Airport Authority in 2004.

This report follows up on the presentation to the ALUC by staff at its November 2012 meeting, in which direction was given to staff to convey greater detail on issues of outstanding range of opinion with the City of San Diego. This report summarizes the policy recommendations on two major issues.

ALUC and City of San Diego staff have agreed on acceptable policy language for abandonment of existing incompatible uses, as follows:

*1.6.5 Abandonment of Existing Incompatible Uses*

*An existing incompatible land use (as indicated in Table 2-1 and Table 3-1) that has been abandoned for more than 24 months cannot qualify as an existing use. An incompatible land use may be re-established prior to 24 months following initial abandonment without being subject to ALUC review. Any resumption of a previously existing incompatible use may not add additional area or height which would increase any degree of incompatibility or increase intensity beyond what existed immediately prior to abandonment of the use.*

900011

Coordination is ongoing with City of San Diego staff regarding policies on which ALUCP governs certain proposed projects, and changes to a project after a consistency determination is issued. ALUC staff will provide an update at the ALUC meeting on January 10<sup>th</sup>. The following language is proposed by ALUC staff:

### *1.8 Governing ALUCP*

*Land Use projects for which an application has been deemed complete per the Government Code by the local agency prior to the adoption of this ALUCP are subject to the previous ALUCP, provided that either: (a) the ALUC has received an application for a consistency determination prior to the adoption of this ALUCP; or (b) a notice ("Notice") of the local agency's determination that the land use project has been deemed complete and has been received by the ALUC prior to adoption of this ALUCP and the local agency submits an application to the ALUC for a consistency determination within 100 days of the service of the Notice on the ALUC. Projects that do not meet either (a) or (b) will be evaluated under the ALUCP in effect at the time the ALUC deems the application for the land use project complete.*

*Land use plans and regulations for which an application to the ALUC was deemed complete prior to the adoption of this ALUCP will be reviewed under the previous ALUCP. Land use plans and regulations for which an application is deemed complete by the ALUC after the adoption of this ALUCP will be reviewed under this ALUCP.*

#### **1.8.1 Changes to Projects with Previous Consistency Determinations**

*Land Use projects with consistency determinations made under the previous ALUCP may not be modified after adoption of the new ALUCP, if the change would result in any of the following:*

- An increase in the proposed residential density or nonresidential intensity which would exceed the respective limits of the new ALUCP*
- A change to a land use that is incompatible with the new ALUCP*
- A proposed height which would penetrate the airport threshold siting surfaces (TSSs) or create a hazard or obstruction as determined by the Federal Aviation Administration (FAA)*
- A characteristic that would create a hazard to air navigation (e.g., glare, thermal plumes, bird attractants)*

*Land use project modifications that do not violate any of the four preceding bullets are allowed, provided that notice of the change is given to the ALUC. Land use project applications deemed complete by the local agency after the adoption of the new ALUCP are subject to the new ALUCP, and any changes which would increase residential density or nonresidential intensity shall require additional ALUC review. This will ensure any applicable sound attenuation,*

*avigation easement or overflight agreement conditions will apply to any increases.  
The last three preceding bullet conditions will also require additional ALUC review.*

**Fiscal Impact:**

The SDIA ALUCP update program is funded through the Airport Planning FY13 operating budget. Adequate funds for the subject of this staff report are budgeted in the Airport Planning Department's FY13 operating budget, within personnel costs and professional (i.e., consultant) services.

**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. This ALUC presentation is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act (CEQA), as amended. 14 Cal. Code Regs. §15378. This ALUC presentation is not a "project" subject to CEQA. Cal. Pub. Res. Code §21065.
- B. This ALUC presentation is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

**Equal Opportunity Program:**

Not applicable.

**Prepared by:**

KEITH WILSCHETZ  
DIRECTOR, AIRPORT PLANNING



# SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

## Board Communication

**Date:** January 9, 2013  
**To:** Board Members  
**From:** Angela Shafer-Payne, Vice President, Planning & Operations  
**Subject:** ALUC Agenda Item 4 – Governing ALUCP

A handwritten signature in black ink, appearing to read "AS Payne", located to the right of the "From:" field.

---

At the November 1, 2012 ALUC meeting, ALUC staff discussed two outstanding issues on the SDIA ALUCP that required resolution with City staff. The staff report that was forwarded to you last week, in advance of tomorrow's ALUC meeting, explains that one of the issues has been resolved while staff has continued discussion with City staff on the remaining issue. The remaining issue concerned which ALUCP would be in effect for projects that have been submitted to the City for approval prior to adoption of the new SDIA ALUCP, but had not yet applied to the ALUC.

ALUC staff has come to a mutually agreeable resolution on this remaining issue with the City. The recommendation by both ALUC and City staff is to allow 100 days after the effective date of the new ALUCP to submit applications for consistency determination using the old plan. This solution meets the needs of the City, as it addresses fairness of process for applicants, while also meeting the needs of ALUC staff and SDIA General Counsel.

Here is the language we will be proposing at the January 10<sup>th</sup> ALUC meeting:

### *1.8 Governing ALUCP*

*Land Use projects for which an application has been deemed complete per the Government Code by the local agency prior to the adoption of this ALUCP are subject to the previous ALUCP, provided that the ALUC has received an application for a consistency determination within 100 days of the effective date of the new ALUCP. If the application for consistency determination is incomplete, the local agency will have an additional 20 days to complete the application.*

*Land use plans and regulations for which an application to the ALUC was deemed complete prior to the adoption of this ALUCP will be reviewed under the previous ALUCP. Land use plans and regulations for which an application is deemed complete by the ALUC after the adoption of this ALUCP will be reviewed under this ALUCP.*

If you have questions or would like additional information please contact Angela Shafer-Payne at 619-400-2455 or [apayne@san.org](mailto:apayne@san.org).

# Presentation and Possible Policy Direction Regarding Draft San Diego International Airport – Airport Land Use Compatibility Plan

January 10, 2013



# Remaining Policy Issues



- Abandonment of Existing Incompatible Land Uses
- Governing ALUCP

# Abandonment of Existing Incompatible Uses



- An existing incompatible land use (as indicated in **Table 2-1** and **Table 3-1**) that has been abandoned for more than 24 months cannot qualify as an existing use.
- An incompatible land use may be re-established prior to 24 months following initial abandonment without being subject to ALUC review.

# Abandonment of Existing Incompatible Uses



- ALUC and City of San Diego staff support a 24-month limitation rather than 36 months. This would prevent the ability for the following sensitive uses to be re-established, which the Caltrans Handbook prohibits in all safety zones:
  - Child day care centers
  - K-12 schools
  - Congregate care/nursing home facilities
  - Hospitals

# Governing ALUCP



- Projects deemed complete by the local agency prior to adoption of this ALUCP are subject to the previous ALUCP, provided:
  - (a) An application for consistency determination is received by the ALUC
  - (b) The Local Agency provides notice that they have deemed a project complete, and submits an application for consistency determination within 100 days

# Changes to Projects with Previous Consistency Determinations



- Projects with consistency determinations made under the previous ALUCP may not make project modifications after adoption of the new ALUCP that would result in:
  - An increase in the proposed density or intensity (new ALUCP limits)
  - A change to a land use that is incompatible with the new ALUCP
  - A proposed height which would penetrate the airport threshold siting surfaces (TSSs) or create a hazard or obstruction
  - A characteristic that would create a hazard to air navigation (e.g., glare, thermal plumes, bird attractants)

# Changes to Projects with Previous Consistency Determinations



- Land use project modifications that fall within the limits of the four preceding bullets are allowed, provided that notice of the change is given to the ALUC.
- Land use projects deemed complete by the local agency after the adoption of the new ALUCP are subject to the new ALUCP
  - Changes which would increase residential density or nonresidential intensity would require additional ALUC review. The last three preceding bullet conditions would also require additional ALUC review.



# Discussion and Questions