

The exceptional land use actions specified by the Public Utilities Code (§21676) and applicable ALUCPs would continue to require individual project consistency determinations by the ALUC. These include approval of and/or an amendment to a general, specific, land use, or airport master plan, zoning ordinance (including rezones) or building regulation; any project proposed in a Clear Zone or Safety Zone 1; any project that has been determined to be an airspace hazard by the Federal Aviation Administration (FAA); any project that would include nonaviation uses on public-use airport property; any project proposing a deviation to the City of San Diego Airport Land Use Compatibility Overlay Zone which is part of the current project; and power plants or electrical substations.

In addition to the Land Development Code and Community Plan amendments and rezones, the City of San Diego is also requesting ALUC concurrence with maps (see attachments) which depict designated infill areas, per procedure provided for within the ALUCPs. The City of San Diego is requesting designation of infill areas within the AIAs of only MCAS Miramar and Montgomery Field. Infill development of vacant or underutilized land which is already serviced by existing infrastructure is allowed to occur in such designated locations up to 110 percent of the applicable residential density or non-residential intensity of all similar uses within the infill area. Individual land uses as proposed would have to demonstrate compliance with the ALUCP infill criteria in order to receive the increase or would otherwise be limited to the basic compatibility criteria.

Noise Contours: Properties affected by the proposed project lie within all Community Noise Equivalent Level (CNEL) noise contours.

Airspace Protection Surfaces: The project does not propose any structures for construction, but future buildings would be subject to height limitations per applicable property zoning and FAA review for determination of hazard to air navigation.

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

Recommendation: Based on review of the proposed project and the policies in the Brown Field Municipal Airport, Gillespie Field, MCAS Miramar, and Montgomery Field ALUCPs, staff recommends that the ALUC make the determination that the project is conditionally consistent with those ALUCPs if the conditions specified below are met.

Conditions: Amend the City of San Diego Land Development Code to: 1) exclude Brown Field Municipal Airport from infill development eligibility, as no infill map is proposed for that airport, and 2) restrict infill increases to those uses which are designated as "conditionally compatible" and exclude from infill increases all uses designated as "incompatible" by either noise or safety policies of the ALUCPs.

RESOLUTION NO. 2011-0013 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: ADOPTION OF LAND DEVELOPMENT CODE AND COMMUNITY PLAN AMENDMENTS, REZONES, AND INFILL IDENTIFICATION MAPS TO IMPLEMENT AIRPORT LAND USE COMPATIBILITY PLANS, CITY OF SAN DIEGO, IS CONDITIONALLY CONSISTENT WITH THE BROWN FIELD MUNICIPAL AIRPORT, GILLESPIE FIELD, MARINE CORPS AIR STATION MIRAMAR, AND MONTGOMERY FIELD AIRPORT LAND USE COMPATIBILITY PLANS.

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 project: Adoption of Land Development Code and Community Plan Amendments, Rezones, and Infill Identification Maps to Implement Airport Land Use Compatibility Plans, City of San Diego, which is located within the Airport Influence Areas (AIA) for the Brown Field Municipal Airport, Gillespie Field, Marine Corps Air Station (MCAS) Miramar, and Montgomery Field Airport Land Use Compatibility Plans (ALUCPs), originally adopted in 2008 and 2010 and amended in 2010; and

WHEREAS, the proposed project consists of amendments to the City of San Diego's Clairemont Mesa Community Plan, Linda Vista Community Plan, Serra Mesa Community Plan, Kearny Mesa Community Plan, Tierrasanta Community Plan, University Community Plan, Mira Mesa Community Plan, Torrey Pines Community Plan, Torrey Hills Community Plan, Rancho Peñasquitos Community Plan, Scripps Miramar Ranch Community Plan and the Land Development Code and rezoning to apply the requirements of the ALUCPs for Brown Field, Montgomery Field, Gillespie Field, and MCAS Miramar to the use of properties located within AIAs and a request for ALUC concurrence with the designation of infill areas for MCAS Miramar and Montgomery Field ALUCPs; and

WHEREAS, the proposed project would integrate the noise contour, airspace protection, safety zone, and overflight notification compatibility criteria of the ALUCPs for Brown Field, Montgomery Field, Gillespie Field and MCAS Miramar into the City of San Diego Land Development Code and apply those criteria to properties located within AIAs via rezoning; and

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

WHEREAS, referral of individual land use projects to the ALUC is not mandatory when the ALUC has deemed a local agency's plan and implementing ordinance consistent with the ALUCPs, except for the following actions: (1) the approval of and/or amendment to a general, specific, land use, or airport master plan, zoning ordinance (including rezones) or building regulation (Pub.Util. Code §21676); (2) any project proposed in a Clear Zone or Safety Zone 1; (3) any project that has been determined to be an airspace hazard by the Federal Aviation Administration (FAA); (4) any project that would include nonaviation uses on public-use airport property; (5) any project proposing a deviation to the City of San Diego Airport Land Use Compatibility Overlay Zone; and (6) any project consisting of a power plant or electrical substation; and

WHEREAS, the proposed project includes maps for ALUC concurrence with the designation of areas in the MCAS Miramar and Montgomery Field AIAs eligible for infill density and intensity increases if certain criteria specified within the ALUCPs and included in the City of San Diego Land Development Code are met; and

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

WHEREAS, the ALUC has provided an opportunity for the City of San Diego, the U.S. Marine Corps, 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: Adoption of Land Development Code and Community Plan Amendments, Rezones, and Infill Identification Maps to Implement Airport Land Use Compatibility Plans, City of San Diego, is conditionally consistent with the Brown Field Municipal Airport, Gillespie Field, MCAS Miramar, and Montgomery Field ALUCPs, originally adopted in 2008 and 2010 and amended in 2010, based upon the following facts and findings:

- (1) The proposed project consists of amendments to the City of San Diego's Clairemont Mesa Community Plan, Linda Vista Community Plan, Serra Mesa Community Plan, Kearny Mesa Community Plan, Tierrasanta Community Plan, University Community Plan, Mira Mesa Community Plan, Torrey Pines Community Plan, Torrey Hills Community Plan, Rancho Peñasquitos Community Plan, Scripps Miramar Ranch Community Plan, and the Land Development Code and rezones to apply the requirements of the ALUCPs for Brown Field, Montgomery Field, Gillespie Field, and MCAS Miramar to the use of properties located within AIAs, and a request for ALUC concurrence with the designation of infill areas for MCAS Miramar and Montgomery Field ALUCPs.
- (2) The proposed project would integrate the noise contour, airspace protection, safety zone, and overflight notification compatibility criteria of the ALUCPs for Brown Field, Montgomery Field, Gillespie Field and MCAS Miramar into the City of San Diego's Land Development Code and apply those criteria to properties located within AIAs via rezoning.
- (3) Pursuant to Public Utilities Code §21676.5, referral of only certain specified actions to the ALUC for consistency determination continues to be mandatory after the ALUC has deemed a local agency's implementation plan consistent with the applicable ALUCPs. This proposed project does not include the San Diego International Airport (SDIA) ALUCP, and hence, referral to the ALUC of all land use proposals within the SDIA AIA remains mandatory until such time as the ALUC finds the City of San Diego has amended its Land Development Code to be consistent with all requirements of the SDIA ALUCP.
- (4) ALUC review of the following actions remains mandatory: (a) the approval of and/or amendment to a general, specific, land use, or airport master plan, zoning ordinance (including rezones) or building regulation (Pub.Util. Code §21676); (b) any project proposed in a Clear Zone or Safety Zone 1; (c) any project that has been determined to be an airspace hazard by the Federal Aviation Administration (FAA); (d) any project that would include nonaviation uses on public-use airport property; (e) any project proposing a deviation to the City of San Diego Airport Land Use Compatibility Overlay Zone; and (f) any project consisting of a power plant or electrical substation
- (5) The proposed project includes a request for ALUC concurrence with maps designating areas eligible for infill density and intensity increases in the MCAS Miramar and Montgomery Field AIAs if certain criteria specified within the ALUCPs and included in the City of San Diego Land Development Code are met.

- (6) The ALUC concurs with the infill identification maps with two caveats. The project must exclude Brown Field Municipal Airport since no infill map is proposed for that airport. The project must restrict permitted infill increases to those uses which are designated as "conditionally compatible" and exclude infill increases for uses designated as "incompatible" by either noise or safety policies of the ALUCPs. Therefore, as a condition of ALUC concurrence with the infill identification maps, references to Brown Field Municipal Airport must be removed and only uses designated as "conditionally compatible" by both the noise and safety policies of the ALUCPs are to be eligible for infill development increases.
- (7) Therefore, if the proposed project contains the above-required conditions, the proposed project is consistent with the Brown Field Municipal Airport, Gillespie Field, MCAS Miramar, and Montgomery Field ALUCPs.

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 4th day of August, 2011, 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

Board Communication

Date: August 3, 2011
To: Board Members
From: Angela Shafer-Payne, Vice President, Planning and Operations 
Subject: ALUC Item #2 – City of San Diego ALUCP Implementation Plan

Authority staff is in receipt of the August 2 letter from the City of San Diego (you received this morning via email) addressed to the Airport Land Use Commission (ALUC) wherein the City outlines several outstanding issues related to the consistency determination for the City's Implementation Plan. This is Item #2 on the ALUC agenda for August 5, 2011. In staff's review of the letter, several important errors or misstatements were identified. These are briefly explained below.

1. The letter erroneously implies that ALUC staff's only outstanding issue is "applicability of the adopted ALUCP infill policy to Montgomery." While Montgomery remains a concern, staff also has outstanding issues with the City's application of the infill policy to MCAS Miramar. The City's application of the ALUCP infill policy (the Implementation Plan) would permit the following incompatible noise uses that are specifically prohibited in the adopted ALUCPs for both Montgomery and MCAS Miramar:
 - Campgrounds
 - Parks/Playgrounds
 - Libraries
 - Hotels/Motels
 - Hospitals
 - Nature Exhibits and Zoos
 - Retirement Homes/Intermediate Care/Nursing Facilities (concern for Miramar plan only)
 - Auditoriums/Assembly/Places of Worship (concern for Miramar plan only)
 - Amphitheaters (concern for Miramar plan only)
 - Adult Schools/Colleges (concern for Miramar plan only)
2. The City's letter states that its proposal would be more restrictive than the adopted ALUCPs. This is not true. The City's Implementation Plan is less restrictive, as it would allow a number of uses that the ALUCPs specifically prohibit (see list above).

SUBJECT: ALUC Item #2 – City of San Diego ALUCP Implementation Plan

3. The City's letter states that "the only uses that would be eligible for noise infill under the City's Implementation Plan would be churches or intermediate care/nursing facilities...and only if sound attenuated..." This again is not true, as stated above.
4. In addition to conflicting with the adopted ALUCPs for both Montgomery and MCAS Miramar, the City's application of infill is also in direct conflict with Public Utilities Code (PUC) Section 21675(b) which states:

(b) The commission shall include, within its airport land use compatibility plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any military airport for all of the purposes specified in subdivision (a). The airport land use compatibility plan shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport. This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport.

As stated in this section, the ALUC is required to adopt ALUCPs for military installations that are consistent with the AICUZ, as was done by the ALUC in October 2008 with your adoption of the ALUCP for MCAS Miramar. Staff cannot support the City's interpretation of infill for MCAS Miramar because it is inconsistent with the AICUZ.

5. Finally, the City states that ALUC staff has incorrectly interpreted the adopted infill policy in both the MCAS Miramar and Montgomery Field ALUCPs. While the policies in the ALUCPs are written slightly differently, the content/intent of both ALUCPs is the same. Simply stated, applying infill to incompatible noise uses is not permitted.

ALUC staff and City staff have made numerous attempts to resolve the interpretation issue, to no avail. The City's statement regarding the need for a separate public process to address their perceived issue is unnecessary because the ALUCPs do not need to be amended to address any errors.

Please contact me at Ext. 2455 if you have questions.

**COMMUNICATION RECEIVED FROM
THE CITY OF SAN DIEGO**



THE CITY OF SAN DIEGO

August 2, 2011

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

Dear Chairman Gleason:

Subject: Consistency Determination for the City of San Diego ALUCP Implementation Plan - Item 2 on August 4, 2011 Airport Land Use Commission Agenda

The San Diego City Council adopted an ALUCP Implementation Plan for the MCAS Miramar, Brown Field, Gillespie Field, and Montgomery Field airports on April 26, 2011, which was subsequently submitted to the San Diego County Regional Airport Authority for a consistency determination. Since that time, City staff has been working with SDCRAA staff to reach an understanding regarding ALUCP consistency. It would appear that a difference of opinion remains regarding applicability of the adopted ALUCP infill policy for Montgomery.

The adopted ALUCPs explain that the purpose of the infill policy is to specifically allow for infill consistent with development that existed at the time of ALUCP adoption, even if incompatible with the ALUCP factor/layer involved. The City's Implementation Plan would allow for applicants to request approval of infill consistent with the adopted MCAS Miramar and Montgomery Field ALUCPs. However, SDCRAA staff appears to be concerned with a potential for unintended consequences related to the adopted ALUCP infill policy for Montgomery.

In an attempt to address concerns expressed by SDCRAA staff, the City provided suggested ordinance modifications, see Attachment 1. The City proposal would be more restrictive than the adopted ALUCPs and would not allow for infill of new uses that would otherwise be prohibited for safety. Infill with respect to noise compatibility would have limited applicability based on existing zoning, land use plan designations, and ALUCP safety policies, and would only apply to Montgomery. Infill for noise exposure would be limited to the 65-70 dB noise range and could only be approved if sound attenuated to achieve a compatible indoor noise level. The City's proposal would explicitly prohibit infill for child care centers/preschools and schools (grades K-12) to clarify that Conditional Use Permits for such uses could not be approved based on other applicable federal and state requirements. When factored all together, the only uses that would be eligible for noise infill under the City's Implementation Plan would be churches or intermediate care/nursing facilities subject to a Conditional Use Permit, and only if sound attenuated to achieve an indoor noise level of 45db CNEL. Since the City's suggested



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modifications would require sound attenuation in order to achieve compatible interior noise exposure limits consistent with past infill approval actions by the SDCRAA, it remains unclear what the perceived conflict is with respect to noise compatibility.

As detailed in Attachment 2, the City's Implementation Plan incorporates each of the stated ALUCP infill compatibility criteria that make up the adopted infill policies. The source of disagreement appears to be with Montgomery ALUCP Policy 2.11.1(b) which indicates: "Infill development is not permitted in the following locations", and is followed by a list of four statements indicating scenarios where infill is not permitted. SDCRAA staff, however, is interpreting this policy as indicative of the only development that is permitted. This interpretation is contrary to the adopted policy language and is contrary to the legislative intent when you refer to the infill policies adopted for the rural airport ALUCPs and Miramar ALUCP. There is no evidence of inconsistency between the City's ordinance and existing ALUCP policy. If SDCRAA believes the policy was adopted in error, then the ALUCPs should be clarified and amended through a separate public process instead of via the City of San Diego's Implementation Plan.

The City's Implementation Plan went through an extensive public outreach and review process that included review and input from each of the impacted community planning groups, SDCRAA, and MCAS Miramar. In addition to the 13 community planning group meetings and various other stakeholder group meetings, the City's ordinance was previously considered at the following public hearings: Planning Commission February 17, 2011, Land Use & Housing Committee March 9, 2011, and City Council hearings on April 11 and 26, 2011. While concerns regarding implementation of the infill policy were not raised by the SDCRAA in their December 2010 comment letter or at any of the aforementioned meetings or hearings, City staff is agreeable to return to the City Council and request minor modifications to the Implementation ordinance.

The City respectfully requests that the Board, acting as the Airport Land Use Commission, find that the City's Implementation Plan is consistent with the adopted ALUCPs contingent on the City's adoption of the revisions provided in Attachment 1. In an effort to avoid future disagreements regarding this policy, the City recommends that the SDCRAA process clarifying amendments to the ALUCP documents through a public process. Thank you for your consideration of the City's request and for your assistance in helping the City to reach this important milestone.

Sincerely,



Kelly G. Broughton,
Director, Development Services

- Enclosures:
1. City's Suggested Ordinance Modifications
 2. Comparison of City's Ordinance to Adopted ALUCP Policies
 3. Rural ALUCP Infill Policy (Fallbrook Community Airpark)

City's Suggested Ordinance Modifications

The adopted ALUCP documents include an infill policy (Policy 2.11.1) to provide for future development in existing developed areas which states: *"Where land uses not in conformance with the criteria set forth in this Compatibility Plan exist in one area at the time of this Compatibility Plan's adoption, infill development of a similar land use may be allowed in that area even if the proposed new land use is otherwise incompatible with the factor/layer involved."*

The City Council adopted language in Section 132.1540 to implement the adopted ALUCP policy described above. However, ALUC staff has since raised concerns that the adopted ALUCP policy and implementation plan may have associated unintended consequences unless minor clarifying amendments are incorporated.

It is the City's understanding that the proposed ALUCP Implementation Plan would be consistent with the adopted ALUCPs for Brown Field, Gillespie Field, MCAS Miramar, and Montgomery Field if the City's ordinance is amended to

- Clarify in Section 132.1540(a) that the maps being provided by the City only identify development areas that are eligible to request approval of infill development in accordance with the criteria specified in Section 132.1540,
- Clarify in Sections 132.1505(b)(3) and 132.1540(a) that the infill policy would not allow for new development of a land use that would otherwise be prohibited within the respective safety zone,
- Clarify in Section 132.1540(a) that the infill policy would require sound attenuation as otherwise applicable to the associated land use category and that infill for noise exposure is specifically prohibited for child care centers and K-12 schools, and
- Remove the reference to Brown Field from Section 132.1540(b)(2), as indicated in the following ~~strikeout-~~ underline text:

§132.1505 Development Review for Compatibility

(b) (3) *Development* in Review Area 1 that would be consistent with the existing *development* pattern of the surrounding area, but would include ~~uses~~ noise exposure, densities or intensities ~~inconsistent~~ incompatible with the noise or safety compatibility criteria in Sections 132.1510 or 132.1515, may be determined to be compatible infill *development* in accordance with Section 132.1540.

§132.1540 Infill Development Criteria

- (a) This section applies to *development* in those areas recognized as appropriate eligible for infill *development* on maps that have been identified by the City and have received the concurrence of the Airport Land Use Commission. An applicant shall demonstrate that the ~~Development~~ *development* is located within Review Area 1 of an airport influence area that on a map identified for infill and is consistent with the existing *development* pattern of the surrounding area, but includes uses noise exposure, densities, or intensities inconsistent incompatible with the noise or safety compatibility criteria in Sections 132.1510 or 132.1515.
- (1) Infill *development* shall not be permitted in a safety zone where the associated land use or use category is identified as incompatible in that safety zone in Table 132-15F or 132-15G.
- (2) Infill *development* in an incompatible noise exposure range shall provide sound attenuation as otherwise applicable to the associated land use category in the highest compatible noise exposure range identified in Table 132-15D.
- (3) Infill *development* in an incompatible noise exposure range shall not be permitted for Child Care Centers or Kindergarten through Grade 12 Educational Facilities.
- (b) Infill *development* is permitted through Process One consistent with the following:
- (1) Within the MCAS Miramar airport influence area:
- (A) Infill *development* shall be limited to non-residential *development*

located within the Transition Zone as identified on the applicable safety zone map in Table 132-15E.

- (B) Infill *development* shall not exceed the average intensity of all similar existing uses located within the Transition Zone and within a quarter mile of the proposed *development*, or 110 percent of the usage intensity permitted within the safety zone in accordance with Section 132.1515, whichever is greater.

- (2) Within the Montgomery Field airport influence areas ~~for Brown Field and Montgomery Field~~:

- (A) Infill *development* shall not be permitted in Safety Zone 1 (Runaway Protection Zone).
- (B) Infill residential *development* shall not be permitted as follows:
- (i) Where *dwelling units* would be exposed to aircraft noise levels greater than 70 dB CNEL; or
 - (ii) Where *dwelling units* would be located within Safety Zones 1, 2, or 5.
- (C) Infill *development* shall not exceed 110 percent of the average intensity or *density* of similar uses within a quarter mile of the proposed *development*, or 110 percent of the use intensity or density permitted within the safety zone, whichever is greater.

- (c) [No change in text.]

Adopted MCAS Miramar Infill Policy

Infill Definition:

2.2.24 *Infill*: Development of vacant or underutilized land within established communities or neighborhoods that are: (a) already served with streets, water, sewer, and other infrastructure; and (b) comprised of existing uses inconsistent with the compatibility criteria set forth in this *Compatibility Plan*. (See Policy 2.11.1 for criteria used by *local agencies* to identify potential *infill* areas in the *Transition Zone* for compatibility planning purposes).

Infill Policy:

2.11.1 *Infill*: Where land uses not in conformance with the criteria set forth in this *Compatibility Plan* exist at the time of the plan's adoption, *infill* development of similar land uses may be allowed to occur in that area even if the proposed new land use is otherwise incompatible within the factor/layer involved.

- (a) Except as specifically provided below, all policies provided in this Compatibility Plan shall apply to **infill**.
- (b) Infill is/is not **permitted** in the following locations.
 - (1) Residential infill development shall not be permitted in the CZ, APZ I, APZ II, or the **TZ**.
 - (2) Nonresidential infill development shall not be permitted within the CZ, APZ I or APZ **II**.
 - (3) Nonresidential infill development shall be permitted in the **TZ**.
 - (4) Infill is not applicable within Review Area 2 as land uses are not restricted in this area other than with respect to height limits and related airspace protection **policies**.
- (c) In locations within the **TZ**, nonresidential development can be considered for *infill* if it meets any one of the following **criteria**.
 - (1) The parcel or parcels on which the project is to be situated is part of an area identified by the local agency on a map as appropriate for infill development, the local agency has submitted the map to the ALUC for infill identification and processing, and the ALUC has concurred with the infill identification. The intent is that all parcels eligible for infill be identified at one time by the local agency. Therefore, this action may take place in conjunction with the process of amending a general plan for consistency with this Compatibility Plan or may be submitted by the local agency for consideration by the ALUC at the time of initial adoption of this Compatibility Plan.

Comment [S1]: Noted, see further discussion below

Comment [a3]2: In contrast to the Montgomery Policy 2.11.1(b), the Miramar ALUCP Policy 2.11.1(b) actually specifies where infill is permitted and where it is not permitted, which makes it clear that infill in the Miramar AIA is limited to non residential in the Transition Zone

Comment [S3]: Limitation included in 132.1540(b)(1)(A)

Comment [S4]: See comment S2

Comment [S5]: See comment S2. Only non residential in Transition zone is eligible for infill in Miramar AIA

Comment [a3]6: Limitation included in 132.1540(a). City's maps only include review area 1 as eligible for infill

Comment [S7]: Remainder of (c) is process of infill map identification and approval by agencies. See section 14 (unmodified) of ordinance. Criteria that parcel be on map already submitted is in Section 132.1540(a) of City's implementation plan

- (2) The project application submitted by the local agency to the ALUC for a consistency determination identifies the site as an area appropriate for infill development and the ALUC concurs with the infill identification. This situation may apply if a map has not been submitted by the local agency for infill identification consistent with the requirements of Policy 2.11.1(c)(1), above.
- (3) The ALUC determines that the parcel is part of an identifiable area of existing development, and:
 - (i) At least 65% of the identifiable area was developed prior to adoption of this *Compatibility Plan* with land uses not in conformance with this *Compatibility Plan*;
 - (ii) The proposed development of the parcel would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses;
 - (iii) The proposed development of the parcel would be consistent with zoning regulations governing the existing, already developed, surrounding area; and
 - (iv) The area to be developed cannot previously have been set aside as open land in accordance with the policies contained in this *Compatibility Plan* unless replacement open land is provided within the same compatibility zone.
- (d) In locations within the TZ that qualify as *infill* in accordance with the criteria in Paragraphs (b) and (c) above, the average maximum intensity limits (the number of people per acre) of the site's proposed use shall not exceed the greater of:

- (1) The average intensity of all similar uses that lie fully or partially within the boundary of the area identified by the local agency as appropriate for infill development, as specified in Paragraph (c)(1), above; or
- (2) The average intensity of all similar existing uses that lie within the TZ and are fully or partially within a distance of 0.25 mile from the boundary of the proposed development; or
- (3) 110% of the usage intensity permitted in accordance with the criteria provided in Table MIR-2 of this Compatibility Plan.

Comment [S8]: MCAS uses "average," not 110 percent, as proposed by SDCRAA draft language

Comment [S9]: See Section 132.1540(b)(1)(B)

Comment [S10]: See Section 132.1540(b)(1)(B)

Comment [S11]: Section 132.1540(b)(1)(B) contains this language

Adopted Montgomery Infill Policy

Infill Definition:

2.2.23 *Infill*: Development of vacant or underutilized land within established communities or neighborhoods that is: (a) already served with streets, water, sewer, and other infrastructure; and (b) comprised of existing land uses inconsistent with the compatibility criteria in this *Compatibility Plan* (see Policy 2.11.1 for criteria to be used by *local agencies* to identify potential *infill* areas for compatibility planning purposes).

Infill Policy:

2.11.1 *Infill*: Where land uses not in conformance with the criteria set forth in this *Compatibility Plan* exist in one area at the time of this *Compatibility Plan's* adoption, *infill* development of a similar land use may be allowed in that area even if the proposed new land use is otherwise incompatible within the factor/layer.

- (a) Except as specifically provided below, all policies provided in this *Compatibility Plan* shall apply to *infill*.
- (b) *Infill* development is not permitted in the following locations.
 - (1) No type of *infill* development shall be permitted in Safety Zone 1 (the runway protection zones).
 - (2) Residential *infill* development shall not be permitted within Safety Zone 2 or Safety Zone 5, except as provided for in Policy 2.11.4.
 - (3) Residential *infill* development shall not be allowed where the dwellings would be exposed to noise levels of more than 70 dB CNEL.
 - (4) *Infill* is not applicable within Review Area 2 as land uses are not restricted in this area, other than with respect to height limits, related airspace protection policies, and overflight notification requirements.
- (c) In locations within Safety Zones 2 and 5 (nonresidential development) and Safety Zones 3, 4 and 6 (residential and nonresidential development), development can be considered for *infill* if it meets any one of the following criteria.
 - (1) The parcel or parcels on which the *project* is to be situated is part of an area identified by the *local agency* on a map as appropriate for *infill* development, the *local agency* has submitted the map to the *ALUC* for *infill* identification and processing, and the *ALUC* has concurred with the *infill* identification. The intent is that all parcels eligible for *infill* be identified at one time by the *local agency*. This action may take place along with the process of amending a *general plan* for consistency with this *Compatibility Plan* or may be submitted by the *local agency* for consideration by the *ALUC* at the time of initial adoption of this *Compatibility Plan*.

Comment [a3j12]: The adopted infill policy applies to factors that influence whether or not a land use is compatible. Only noise and safety can be reviewed for infill compatibility. Airspace and overflight factors are not factors that can be modified via the infill approval process, which is further clarified in policy 2.11.1(b)(4).

Comment [a3j13]: Policy 2.11.1 provides for infill development of a similar use, even if the proposed use is otherwise incompatible with noise or safety. This is the main purpose of an infill policy to respect the existing development pattern that was established before the ALUCP was adopted.

Comment [a3j14]: The Montgomery ALUCP specifies where infill development is NOT permitted, therefore any infill development not contrary to this list is permitted. SCRAA staff suggests this list is an exclusive list of permitted infill, contrary to the policy language. Compare to Miramar ALUCP policy 2.11.1(b) which actually does explicitly state what is permitted infill development in addition to what is not permitted infill development.

Comment [a3j15]: Limitation included in 132.1540(b)(2)(A)(B)(i).

Comment [a3j16]: Limitation included in 132.1540(b)(2)(B)(i).

Comment [a3j17]: Limitation included in 132.1540(b)(2)(B)(i).

Comment [a3j18]: Limitation included in 132.1540(a). City's maps only include review area 1 as eligible for infill.

Comment [S19]: Limitations on where non-residential development may occur is accomplished by prohibition of nonresidential infill in Zone 1, see Section 132.1540(b)(2)(A).

Comment [S20]: Limitations on where residential infill may occur is accomplished by prohibition of residential infill in Zones 1, 2, and 5, set forth in Section 132.1540(b)(2)(B)(i).

Comment [a3j21]: Remainder of (c) is process of infill map identification and approval by agencies. See section 14 (uncodified) of ordinance. Criteria that parcel be on map already submitted is in Section 132.1540(a) of City's implementation plan.

- (2) The project application submitted by the *local agency* to the *ALUC* for a consistency determination identifies the site as an area appropriate for *infill* development and the *ALUC* concurs with the *infill* identification. This situation may apply if a map has not been submitted by the *local agency* for *infill* identification consistent with the requirements of Policy 2.11.1 (c)(1), above.
- (3) The *ALUC* determines that the parcel is part of an identifiable area of existing development, and:
- (i) At least 65% of the identifiable area was developed prior to adoption of this *Compatibility Plan* with land uses not in conformance with this *Compatibility Plan*;
 - (ii) The proposed development of the parcel would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses;
 - (iii) The proposed development of the parcel would be consistent with zoning regulations governing the existing, already developed, surrounding area;
 - (iv) The area to be developed cannot previously have been set aside as open land in accordance with policies contained in this *Compatibility Plan* unless replacement open land is provided within the same compatibility zone.
- (d) In locations within Safety Zones 2, 3, 4, 5 and 6 that qualify as *infill* in accordance with the criteria in Paragraphs (b) and (c) above, the average maximum intensity (the number of people per acre) or density (the number of dwelling units per acre) of the site's proposed use shall not exceed the following:
- (1) 110% of the intensity and/or 110% of the density of all similar uses that lie fully or partially within the boundary of the area identified by the *local agency* as appropriate for *infill* development, as specified in Paragraph (c)(1) above, or the boundary of the area determined by the *ALUC* to be part of an identifiable area of existing development as specified in Paragraph (c)(3) above; or

Comment [S22]: See Section 132.1540(b)(2)(C)

(2) 110% of the intensity and/or 110% of the density of all similar existing uses that are fully or partially within a distance of 0.25 mile from the boundary of the proposed development and within the identified safety zone, as specified in Paragraph (c)(2) above.

Comment [S23]: See Section 132 1540(b)(2)(C)

(e) In locations within Safety Zones 2, 3, 4, 5 and 6 that qualify as *infill* in accordance with the criteria in Paragraphs (b) and (c) above, and where there is no similar or comparable use within the *infill* boundary or within 0.25 miles from the boundary of the proposed development and within the identified safety zone, the average maximum intensity of the site's proposed use shall not exceed 110% of the intensity and/or 110% of the density as specified in the safety policies for the specific safety zone where the *project* is located (see **Table III-2** in Chapter 3).

Comment [S24]: See Section 132 1540(b)(2)(C)
This concept is only in Montgomery, not Miramar

3. ADDITIONAL COMPATIBILITY CONSIDERATIONS

3.1. Special Conditions

3.1.1. *Infill*: Where land uses not in conformance with the criteria set forth in this *Compatibility Plan* exist at the time of the plan's adoption, infill development of similar land uses may be allowed to occur in that area even if the proposed new land use is otherwise incompatible within the compatibility zone involved. See Chapter 3 for any modifications to and application of these criteria as they pertain to Fallbrook Community Airpark.

- (a) Infill development is not permitted in the following locations.
- (1) No type of infill development shall be permitted in Safety Zone 1 (the runway protection zones and within the runway primary surface).
 - (2) Residential infill development shall not be permitted within Safety Zone 2 (inner approach/departure zone) or Safety Zone 5 (sideline zone) except as provided for in Policy 3.1.4(a)(1).
 - (3) Residential infill development shall not be allowed where the dwellings would be exposed to noise levels more than 5 dB above the acceptable limit for other new residential development as set by Policy FAL.1.3 (Noise Compatibility Policies, *Acceptable Noise Levels for Specific Types of Land Use Development*) in Chapter 3.
- (b) In other locations within Review Area 1, a project site can be considered for *infill* development if it meets one of the following criteria (infill is not applicable within Review Area 2 as land uses are not restricted in this area other than with respect to height limits):
- (1) The parcel or parcels on which the project is to be situated is part of an area identified by the local jurisdiction on a map as appropriate for infill development and the jurisdiction has submitted the map to the ALUC for infill identification and processing and the ALUC has concurred; or
 - (2) The project application submitted by the local jurisdiction to the ALUC for a consistency determination identifies the site as an area appropriate for infill development and the ALUC concurs with the infill identification (this situation may apply if a map has not been submitted by the local jurisdiction for infill identification or if the project site does not fall within the areas mapped by the jurisdiction for infill development); or
 - (3) The ALUC determines that the parcel is part of an identifiable area of existing development, and:
 - › At least 80% of the identifiable area was developed prior to adoption of this *Compatibility Plan* with land uses not in conformance with this *Compatibility Plan*;
 - › The proposed development of the parcel would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses;

- › The proposed development of the parcel would be consistent with zoning regulations governing the existing, already developed, surrounding area; and
 - › The area to be developed cannot previously have been set aside as open land in accordance with policies contained in this *Compatibility Plan* unless replacement open land is provided within the same compatibility zone.
- (c) In locations that qualify as infill under the criteria in Paragraphs (b) and (c) above, the following criteria shall apply:
- (1) For residential development, the average development density (dwelling units per acre) of the site shall not exceed the greater of the average density represented by:
 - › All existing lots with residential uses that lie fully or partially within the boundary of the area identified by the local jurisdiction as appropriate for infill development, as specified in Paragraph (b)(1), above; or
 - › All existing lots with residential uses that lie fully or partially within a distance of 0.25 mile from the boundary of the parcel or parcels identified by the local jurisdiction as appropriate for infill development; or
 - › 110% of the density permitted in accordance with the criteria provided in Table FAL-2 of Chapter 3 of this *Compatibility Plan*.
 - (2) For nonresidential development, the average usage intensity (the number of people per acre) of the site's proposed use shall not exceed the greater of:
 - › The average intensity of all similar uses that lie fully or partially within the boundary of the area identified by the local jurisdiction as appropriate for infill development, as specified in Paragraph (b)(1), above; or
 - › The average intensity of all similar existing uses that lie fully or partially within a distance of 0.25 mile from the boundary of the proposed development; or
 - › 110% of the usage intensity permitted in accordance with the criteria provided in Section 3.1 of this *Compatibility Plan*.
- (d) The sound attenuation and avigation easement dedication requirements set by Policies FAL.1.5 in Chapter 3 and 3.1.5 in this chapter shall apply to infill development.
- (e) Infill development on some parcels should not enable additional parcels to then meet the qualifications for infill. The ALUC's intent is that all parcels eligible for infill be identified at one time by the local jurisdiction.
- (1) The local jurisdiction is responsible for identifying in its general plan or other adopted planning document approved by the ALUC the qualifying locations that lie within that jurisdiction's boundaries. This action may take place in conjunction with the process of amending a general plan for consistency with the ALUC plan or may be submitted by the local agency for consideration by the ALUC at the time of initial adoption of this *Compatibility Plan*.
 - (2) In either case, the burden for demonstrating that a proposed development qualifies as infill rests with the affected land use jurisdiction and/or project proponent and is not the responsibility of the ALUC.



SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

Board Communication

Date: August 3, 2011
To: Board Members
From: Angela Shafer-Payne, Vice President, Planning and Operations 
Subject: ALUC Item #2 – City of San Diego ALUCP Implementation Plan

Authority staff is in receipt of the August 2 letter from the City of San Diego (you received this morning via email) addressed to the Airport Land Use Commission (ALUC) wherein the City outlines several outstanding issues related to the consistency determination for the City's Implementation Plan. This is Item #2 on the ALUC agenda for August 5, 2011. In staff's review of the letter, several important errors or misstatements were identified. These are briefly explained below.

1. The letter erroneously implies that ALUC staff's only outstanding issue is "applicability of the adopted ALUCP infill policy to Montgomery." While Montgomery remains a concern, staff also has outstanding issues with the City's application of the infill policy to MCAS Miramar. The City's application of the ALUCP infill policy (the Implementation Plan) would permit the following incompatible noise uses that are specifically prohibited in the adopted ALUCPs for both Montgomery and MCAS Miramar:
 - Campgrounds
 - Parks/Playgrounds
 - Libraries
 - Hotels/Motels
 - Hospitals
 - Nature Exhibits and Zoos
 - Retirement Homes/Intermediate Care/Nursing Facilities (concern for Miramar plan only)
 - Auditoriums/Assembly/Places of Worship (concern for Miramar plan only)
 - Amphitheaters (concern for Miramar plan only)
 - Adult Schools/Colleges (concern for Miramar plan only)
2. The City's letter states that its proposal would be more restrictive than the adopted ALUCPs. This is not true. The City's Implementation Plan is less restrictive, as it would allow a number of uses that the ALUCPs specifically prohibit (see list above).

SUBJECT: ALUC Item #2 – City of San Diego ALUCP Implementation Plan

3. The City's letter states that "the only uses that would be eligible for noise infill under the City's Implementation Plan would be churches or intermediate care/nursing facilities...and only if sound attenuated..." This again is not true, as stated above.
4. In addition to conflicting with the adopted ALUCPs for both Montgomery and MCAS Miramar, the City's application of infill is also in direct conflict with Public Utilities Code (PUC) Section 21675(b) which states:

(b) The commission shall include, within its airport land use compatibility plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any military airport for all of the purposes specified in subdivision (a). The airport land use compatibility plan shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport. This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport.

As stated in this section, the ALUC is required to adopt ALUCPs for military installations that are consistent with the AICUZ, as was done by the ALUC in October 2008 with your adoption of the ALUCP for MCAS Miramar. Staff cannot support the City's interpretation of infill for MCAS Miramar because it is inconsistent with the AICUZ.

5. Finally, the City states that ALUC staff has incorrectly interpreted the adopted infill policy in both the MCAS Miramar and Montgomery Field ALUCPs. While the policies in the ALUCPs are written slightly differently, the content/intent of both ALUCPs is the same. Simply stated, applying infill to incompatible noise uses is not permitted.

ALUC staff and City staff have made numerous attempts to resolve the interpretation issue, to no avail. The City's statement regarding the need for a separate public process to address their perceived issue is unnecessary because the ALUCPs do not need to be amended to address any errors.

Please contact me at Ext. 2455 if you have questions.



City of San Diego ALUCP Implementation Plan

Angela Jamison, Manager, Airport Planning

August 4, 2011



ALUCPs Adopted

Adopted ALUCPs for airports within City of San Diego land use jurisdiction:

- October 2008: MCAS Miramar
- January 2010: Brown Field Municipal Airport
Gillespie Field
Montgomery Field



Public Utilities Code Mandate

- Following ALUCP adoption, affected local agencies must do one of the following within 180 days:
 - Incorporate the ALUCPs into a General Plan and zoning code to implement through land use permitting process
 - Overrule the ALUCPs in whole or in part
 - Refer all land use actions within an AIA to the ALUC for consistency determination



Implementation Plan Components

- ✓ Land Development Code Amendments
- ✓ Community Plan Amendments
- ✓ ALUCP Overlay Rezone
- ✗ Infill Development Maps and Policies



Infill Maps

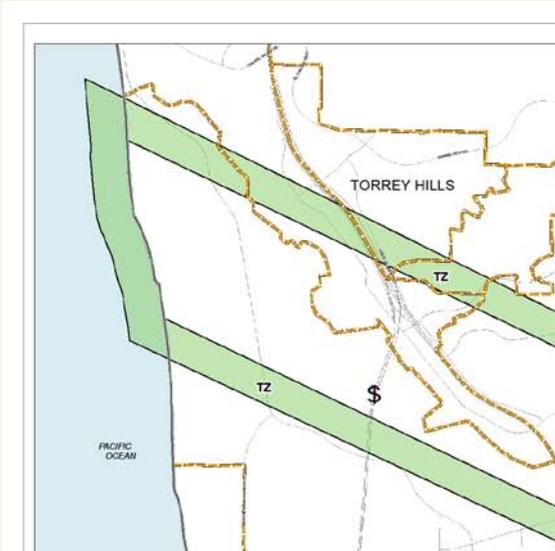
- Infill maps must be approved by the ALUC:

“The parcel or parcels on which the *project* is to be situated is part of an **area identified by the *local agency* on a map as appropriate for *infill* development**, the *local agency* has submitted the map to the *ALUC* for *infill* identification and processing, and the *ALUC* has concurred with the *infill* identification.”

- Source: Montgomery Field and Miramar ALUCPs, Section 2.11.1.c.1

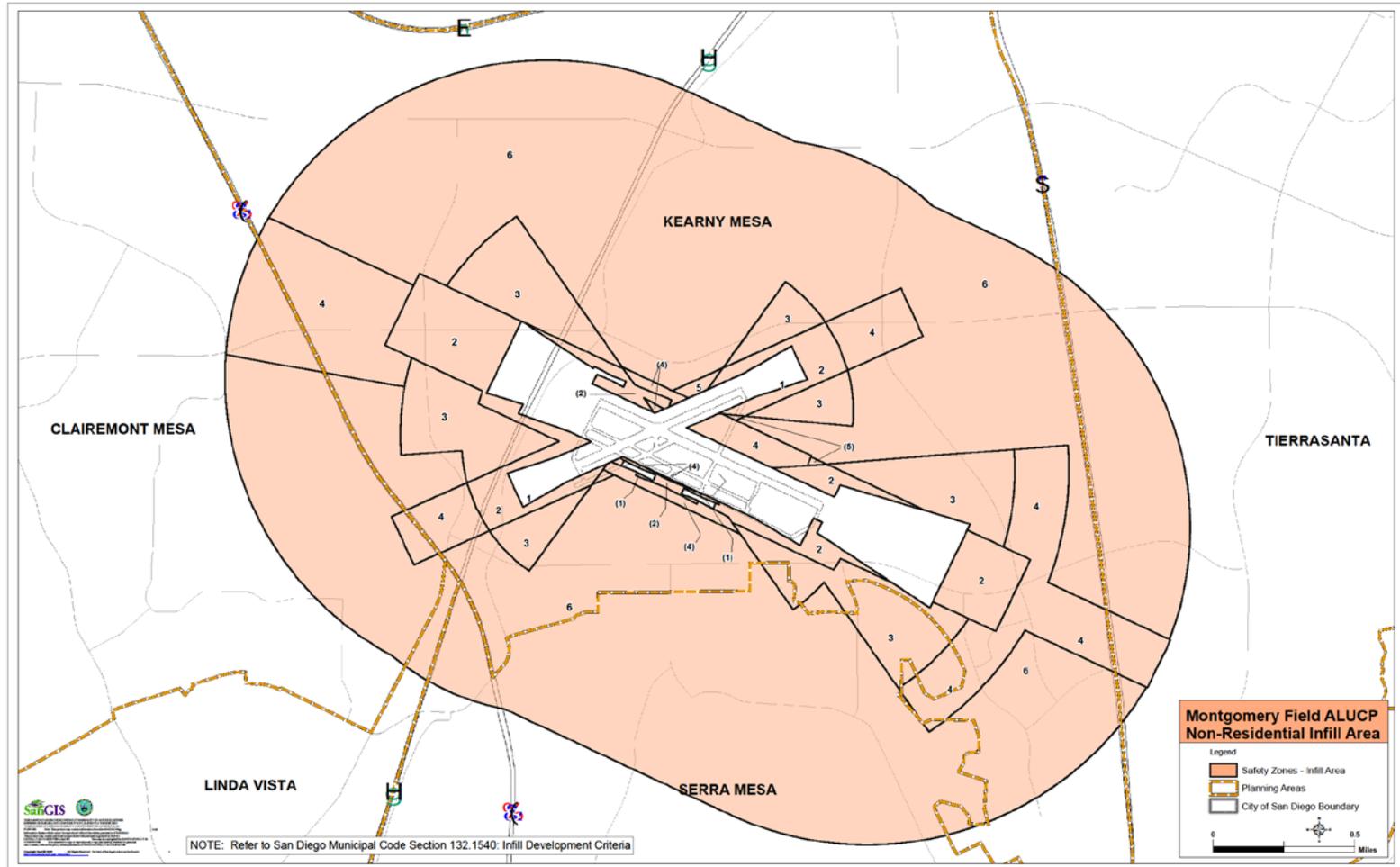


MCAS Miramar Infill Development Area Map



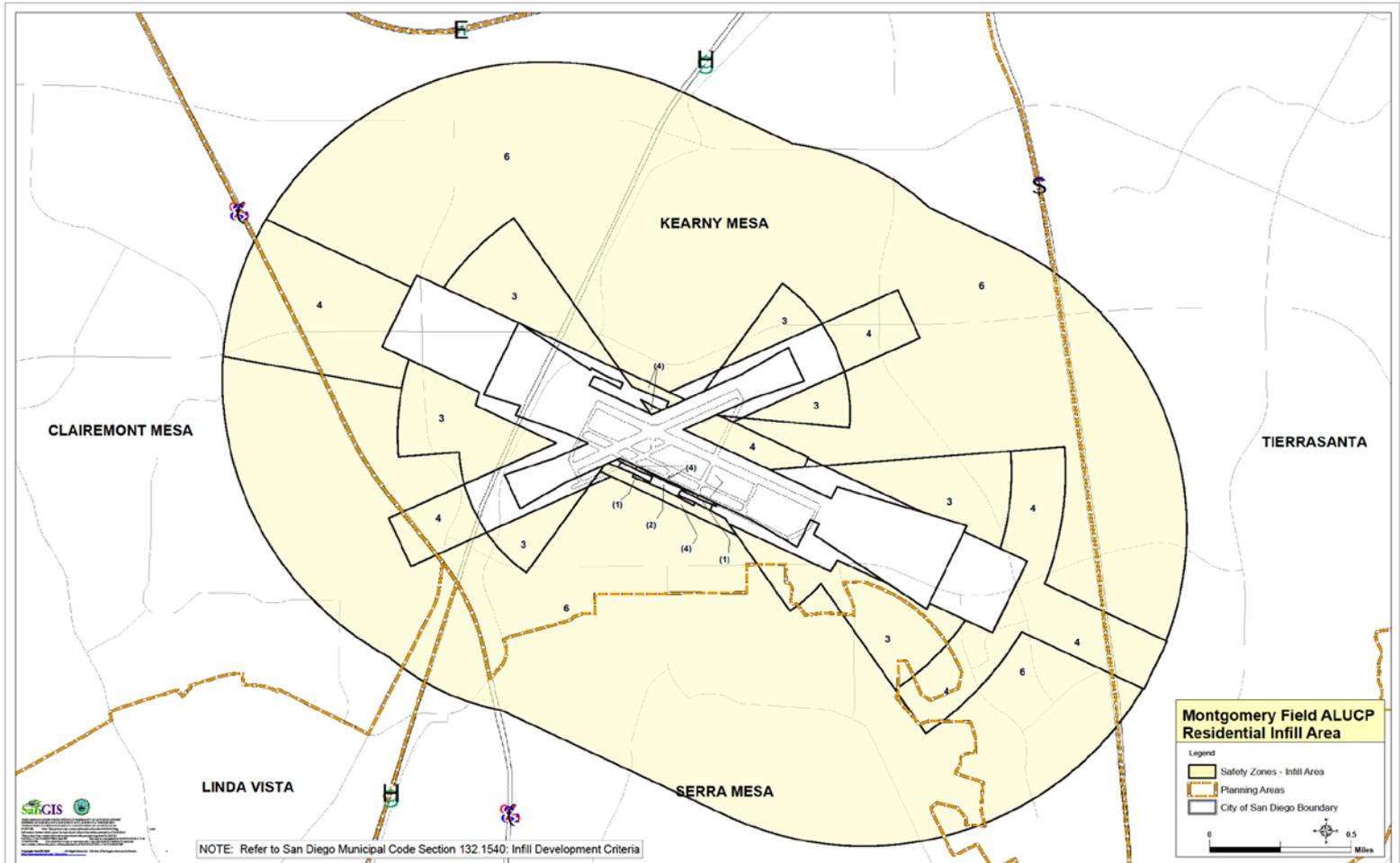


Montgomery Infill Development Area Map (Non-Residential)





Montgomery Infill Development Area Map (Residential)





Montgomery Field ALUCP Infill Policy

2.1 SPECIAL COMPATIBILITY CONSIDERATIONS

2.1.1 *Infill*: Where land uses not in conformance with the criteria set forth in this *Compatibility Plan* exist in one area at the time of this *Compatibility Plan's* adoption, *infill* development of a similar land use may be allowed in that area even if the proposed new land use is otherwise incompatible within the factor/layer.

(a) Except as specifically provided below, all policies provided in this *Compatibility Plan* shall apply to *infill*.

* By law, the City's Implementation Plan must be consistent with this ALUCP policy.



Infill Development Policies

CHAPTER 3 MCAS MIRAMAR POLICIES AND MAPS

Land Use Category ¹	Exterior Noise Exposure (dB CNEL)					
	50-55	55-60	60-65	65-70	70-75	75-80
<i>Note: Multiple land use categories and compatibility criteria may apply to a project</i>						
Agricultural and Animal-Related						
nature preserves; wildlife preserves; horse stables; livestock breeding or farming		A	A	A	A	
zoos; animal shelters/kennels; interactive nature exhibits			A	A		
agriculture (except residences and livestock); greenhouses; fishing						A
Recreational						
children-oriented neighborhood parks; playgrounds			A			
campgrounds; recreational vehicle/motor home parks						
community parks; regional parks; golf courses; tennis courts; athletic fields; outdoor spectator sports; fairgrounds; water recreation facilities				A		
recreation buildings; gymnasiums; club houses; athletic clubs; dance studios				50	50	
Public						
outdoor amphitheatres		A	A			
children's schools (K-12); day care centers (>14 children)			45			
libraries			45			
auditoriums; concert halls; indoor arenas; places of worship			45	45		
adult schools; colleges; universities ²			45	45		
prisons; reformatories			50			
public safety facilities (e.g., police, fire stations)			50	50		
cemeteries; cemetery chapels; mortuaries			45	45		
Residential, Lodging, and Care						
residential (including single-family, multi-family, and mobile homes); family day care homes (≤14 children)			45			
extended-stay hotels; retirement homes; assisted living; hospitals; nursing homes; intermediate care facilities			45			
hotels; motels; other transient lodging ³			45	45		
Commercial and Industrial						
office buildings; medical clinics; clinical laboratories; radio, television, recording studios				50	50	
retail sales; eating/drinking establishments; movie theaters; personal services				50	B	
wholesale sales; warehouses; mini/other indoor storage				50	C	50
industrial; manufacturing; research & development; auto, marine, other sales & repair services; car washes; gas stations; trucking, transportation terminals				50	C	50
extractive industry; utilities; road, rail rights-of-way; outdoor storage; public works yards; automobile parking; automobile dismantling; solid waste facilities						50

See next page for Interpretation/Comments on above evaluations

Table MIR-1

Noise Compatibility Criteria MCAS Miramar

CHAPTER 3 MONTGOMERY FIELD POLICIES AND MAPS

Table III-2

Land Use Types / Typical Uses <i>Multiple land use categories and compatibility criteria may apply to a project</i> <i>See Policy 3.4.7 for limits on ancillary uses ¹</i>	CBC Group [*]	Safety Zone						Criteria for Conditional (yellow) Uses • Maximum Intensity and Lot Coverage limits apply to all Conditional uses ⁴ • Numbers below refer to zones in which condition specified is applicable • Numbers in yellow cells are Floor Area Ratios for indicated uses ⁴
		1	2	3	4	5	6	
Maximum Intensity (People/Gross Acre - sitewide average) ² Nonresidential development		0	70	130	130	200	No limit	
Intensity with Risk Reduction Policy Objectives (People/Gross Acre - sitewide average) Nonresidential development ³		na	105	260	260	400	No limit	
Maximum L of Coverage (Bldg footprint/site size) Applicable to all conditional development		0%	50%	60%	70%	70%	100%	
Educational and Institutional Uses								
Colleges and Universities	B							3, 4: Evaluate individual component uses See Policy 3.4.7(a) and (b)
Children Schools, K-12	E-1, E-2							3, 4: No new school sites or land acquisition; bldg replacement/expansion allowed for existing schools if required by state law; expansion limited to ≤50 students See Policy 3.4.6(a)(1)
Day Care Centers (>14 children)	I-1.1, E-3							3, 4: No new sites or land acquisition; building replacement/expansion allowed for existing centers if required by state law; expansion limited to ≤50 students See Policy 3.4.6(a)(2)
Family Day Care Homes (≤14 children)	I-1.1, E-3							3, 4: Allowed only in existing residential areas See Policy 3.4.6(a)(3)
Hospitals, Health Care Centers, Mental Hospitals, Other Medical Facilities (except doctors' offices) (approx. 240 s.f./person)	I-1.1, I-1.2			0.72	0.72	1.43	1.43	3, 4: No new sites or land acquisition; FAR limits as indicated for expansion of existing facilities See Policy 3.4.6(a)(4)
Congregate Care Facilities (≥5 clients); nursing homes, assisted living facilities (approx. 100 s.f./person)	I-1.1, I-2			0.30	0.30			3, 4: FAR limits as indicated
Public Emergency Services Facilities: police stations (except jails), fire stations	B							3, 4: Allowed only if site outside zone would not serve intended public function consistent with statutory requirements See Policy 3.4.6(c)(1) and (2)
Public Inmate Facilities: prisons, reformatories	I-3							3, 4: No new sites or land acquisition; building replacement/expansion allowed for existing facilities if required by state law See Policy 3.4.6(a)(6)



Infill Development Policies

- The ALUCPs do not allow a project to be designated as infill if it is “incompatible” with any issue (noise and safety; i.e. red)

Note: The only exception is for Residential dwellings which are allowed up to 70 dB CNEL with sound attenuation and avigation easement

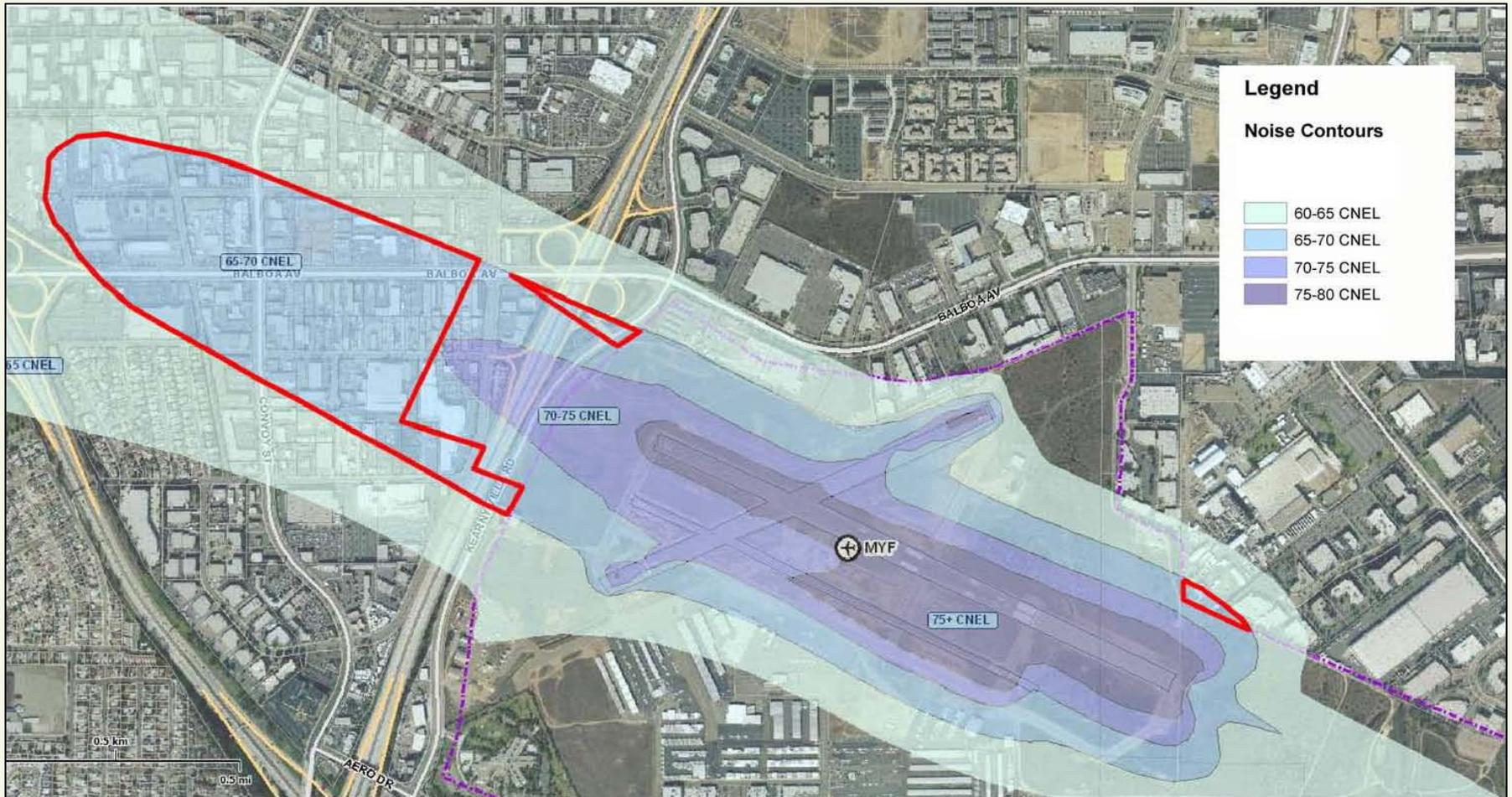


City Implementation Plan is Not Consistent

- The City's plan would allow otherwise prohibited (red) uses in terms of noise if that project is designated as infill

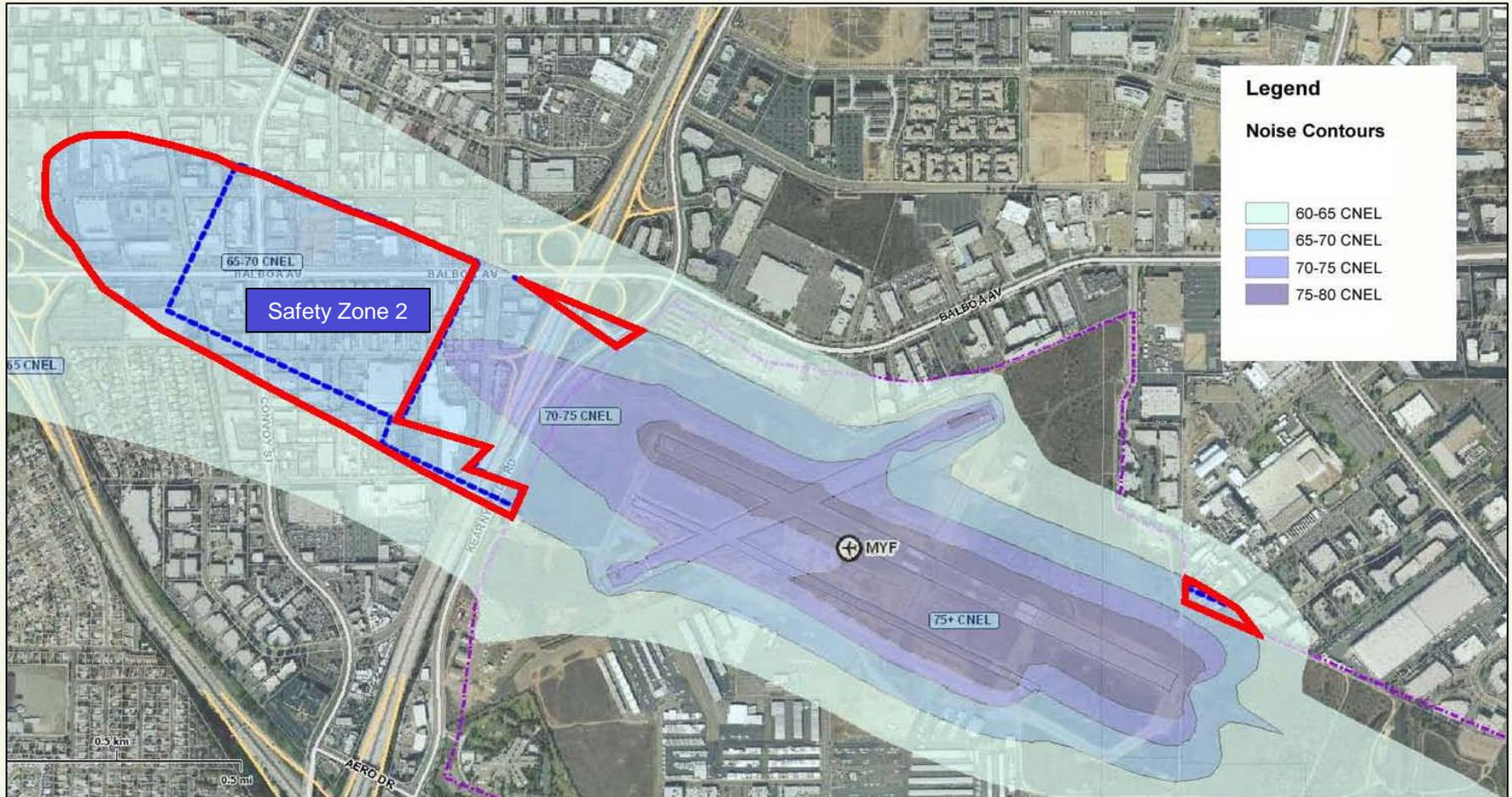


Affected Areas near Montgomery Field



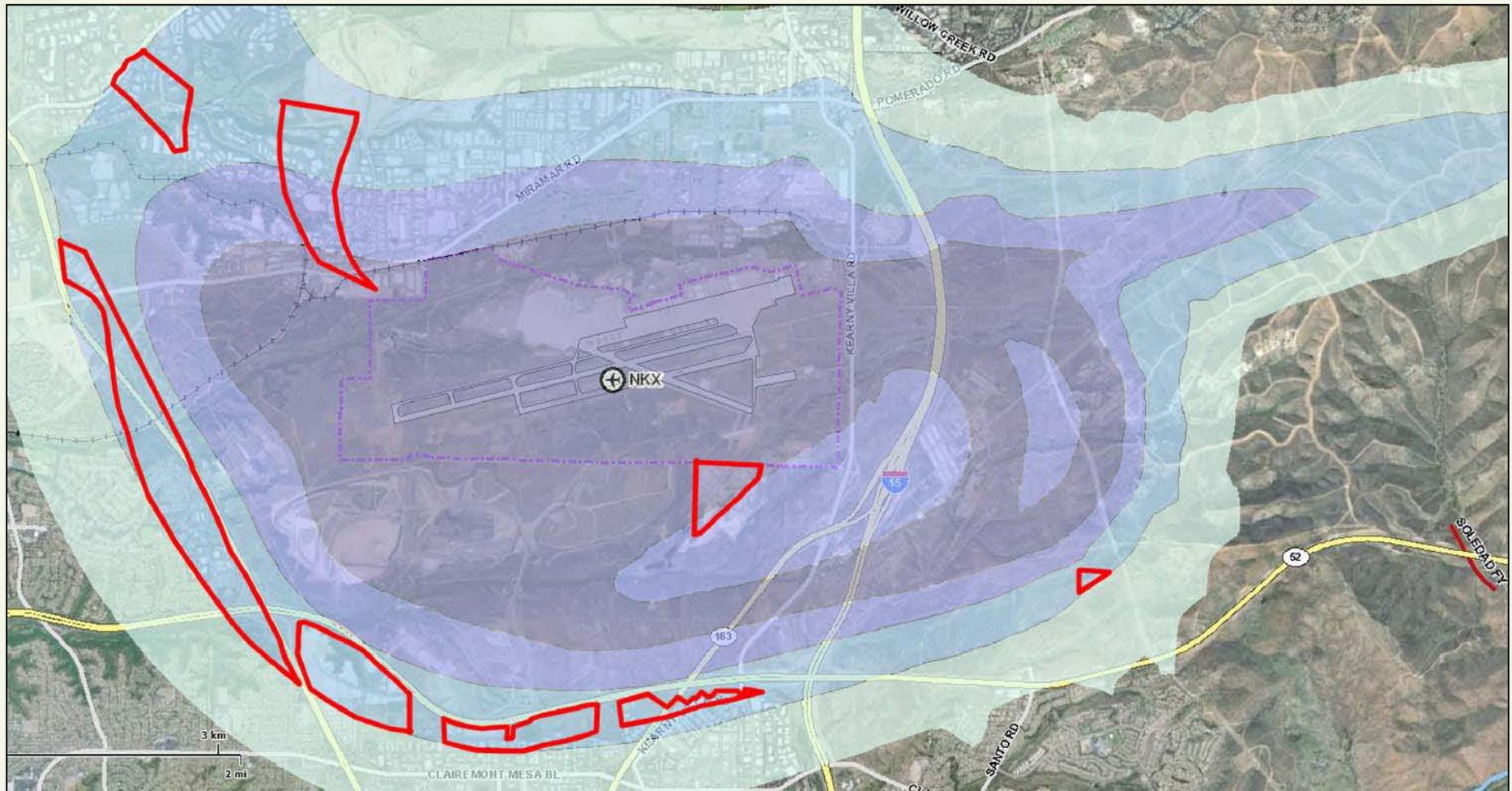


Affected Areas near Montgomery Field





Affected Areas near MCAS Miramar





Public Utilities Code

We must also be consistent with the AICUZ.

PUC Section 21675(b) states:

“...The airport land use compatibility plan shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport...”



Recommended Conditions to City Implementation Plan

- Exclude Brown Field Municipal Airport from infill development eligibility, as no infill map was submitted for ALUC concurrence
- Allow infill eligibility only for “conditionally compatible” (yellow) uses for safety density/intensity; exclude any “incompatible” (red) uses, according to ALUCP noise and safety policies



Infill Policy

The infill policy in the ALUCPs for Brown Field, Gillespie Field and Montgomery Field states:

- 2.11.1 Infill: Where land uses not in conformance with the criteria set forth in this Compatibility Plan exist in one area at the time of this Compatibility Plan's adoption, infill development of a similar land use may be allowed in that area even if the proposed new land use is otherwise incompatible within the factor/layer.
- (a) Except as specifically provided below, all policies provided in this Compatibility Plan shall apply to infill.
 - (b) Infill development is not permitted in the following locations.
 - (1) No type of infill development shall be permitted in Safety Zone 1 (the runway protection zones).
 - (2) Residential infill shall not be permitted within Safety Zone 2 or Safety Zone 5, except as provided in Policy 2.11.4.
 - (3) Residential infill development shall not be allowed where the dwellings would be exposed to noise levels of more than 70dB CNEL.
 - (4) Infill is not applicable within Review Area 2 as land uses are not restricted in this area, other than with respect to height limits, related airspace protection policies, and overflight notification requirements.