

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

POLICIES

ARTICLE 8	- GENERAL OPERATIONS
PART 8.3	- STRATEGY AND PLANNING
SECTION 8.30	- AIRPORT LAND USE COMMISSION

PURPOSE: To implement the legislative directive for the San Diego County Regional Airport Authority (“Authority”) acting as the Airport Land Use Commission (“ALUC”) for San Diego County (“County”) to prepare, adopt, and update an Airport Land Use Compatibility Plan (“ALUCP”) (as more fully defined in Appendix A attached hereto) for each Public-Use and military Airport in the County; and engage in a public collaborative planning process when preparing and updating an ALUCP.

POLICY STATEMENT:

(1) General Provisions.

(a) Defined Terms. All capitalized terms not otherwise defined in the body of this policy shall have the corresponding meanings set forth in Appendix A.

(b) Statutory Authority. California Public Utilities Code (“PUC”) §21670.3 designates the Authority as the ALUC for the County. The Authority, acting in its capacity as the ALUC, adopts and administers this policy in recognition of its statutory obligations as the ALUC for the County to protect public health, safety and welfare by ensuring the orderly expansion of Airports by adopting ALUCPs that minimize the public’s exposure to excessive noise and safety hazards within areas around Airports, to the extent that these areas are not already devoted to incompatible uses.

(c) Powers and Duties. Pursuant to PUC §21674, the ALUC has the following powers and duties, subject to the limitations upon its jurisdiction as set forth in PUC §21676:

(i) To assist Local Agencies in ensuring compatible land uses in the vicinity of all new Airports and in the vicinity of existing Airports to the extent that the land in the vicinity of those Airports is not already devoted to incompatible uses;

(ii) To coordinate planning at the state, regional and local levels, so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety and welfare;

(iii) To prepare and adopt an ALUCP for each airport in the County, pursuant to the requirements of PUC §21670.3 and §21675; and

(iv) To review the plans, regulations and other actions of Local Agencies and Airport Operators, pursuant to the requirements of PUC §21670.3 and §21676.

(d) Conflicts of Interest. Any member of the ALUC shall temporarily disqualify himself or herself from participating in the review or adoption of a proposal or ALUCP, if there is a conflict of interest pursuant to PUC §21672, other applicable state law, and/or a violation or potential violation of the Authority's Code.

(e) Schedule of Fees. The ALUC may establish a schedule of fees necessary to comply with PUC §21671.5. Those fees shall be charged to the proponents of actions, regulations, or permits and shall not exceed the estimated reasonable cost of providing the service. The fees shall be imposed pursuant to Government Code §66016. The ALUC may not charge fees for actions in connection with any Airport that does not have an adopted ALUCP.

(f) Amendments, Termination or Suspension. This policy may be amended, terminated, or suspended only by official and duly noticed action of the Board. The Board may, in its sole and exclusive exercise of its full legislative discretion, amend, terminate, or suspend this policy at any time.

(g) Partial Invalidity. In the event that any court of competent jurisdiction determines that any portion or provision of this policy is invalid, illegal, or unenforceable, or temporarily enjoins enforcement or application of any portion or provision of this policy, all other provisions of this policy shall remain enforceable and in effect unless and until revoked, suspended, or modified by the Authority.

(h) No Waiver or Creation of Implied Policy of Enforcement. Neither any (i) failure of the ALUC to take an action in strict enforcement of this policy, inadvertent or otherwise, nor (ii) affirmative waiver of enforcement of this policy by the ALUC in a specific instance after consideration of special requests or circumstances, shall be deemed to constitute the establishment of any express or implied policy of the Authority in the enforcement or non-enforcement of this policy, and shall not be relied upon by any person in making any determination, or taking any action, in violation of any provision of this policy.

(2) Airport Land Use Compatibility Plan.

(a) Purpose. An ALUCP is the fundamental tool used by the ALUC in fulfilling its purpose of promoting Airport land use compatibility. Specifically, ALUCPs have two purposes: (i) to provide for the orderly growth of each Airport and the area surrounding each Airport within the jurisdiction of the ALUC and (ii) to safeguard the general welfare of the inhabitants within the vicinity of each Airport within the jurisdiction of the ALUC and the public in general.

(b) Preparation.

(i) The ALUC shall be responsible for the preparation of an ALUCP for each Public-Use and military Airport within the County. The ALUCP shall provide for the orderly growth of each Airport and the area surrounding each Airport within the ALUC's jurisdiction and shall provide policies to safeguard the general welfare of the inhabitants within the vicinity of each Airport and the public in general, as required by PUC §21675.

The ALUCP shall include and shall be based on a long-range Airport Master Plan or an Airport Layout Plan, where available, that reflects the anticipated growth of such Airport during at least the next twenty (20) years. In preparing an ALUCP, the ALUC may develop height restrictions on buildings, specify the compatibility criteria for proposed uses of land, and determine building standards, including soundproofing adjacent to Airports, within the Airport Influence Area (“AIA”). The ALUCP also may identify where additions or changes to Local Agency’s general and specific plans will be necessary. The ALUCP also should specify ALUC review procedures.

(ii) The ALUC shall also include within an ALUCP the area within the jurisdiction of the ALUC surrounding any military Airport for all of the purposes identified in Section (2)(b) of this policy. The ALUCP provisions shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zones (“AICUZ”) study prepared for that military Airport. The ALUC does not have any jurisdiction or authority over the territory or operations of any military Airport.

(iii) The ALUC shall submit to the Division of Aeronautics of the California Department of Transportation (“Caltrans”) one (1) copy of each ALUCP and each amendment to an ALUCP.

(c) Amendments. An ALUCP shall be reviewed as often as necessary in order to accomplish its purposes but shall not be amended more than once in any calendar year. For an ALUCP that pertains to more than one Airport in the County, this limitation allows separate amendments for the portion dealing with each individual Airport. Any policies applicable to all Airports shall be amended only once during a calendar year. Coordination with affected Local Agencies shall be conducted prior to ALUC consideration of any ALUCP amendments.

A periodic review of each ALUCP shall be conducted in order to keep the ALUCP up to date with changes in state laws, local land uses, Airport development and activity, and current concepts for achieving noise and safety compatibility.

(d) Adoption and Amendments. An ALUCP and any amendments shall be approved and adopted by the ALUC and shall constitute the ALUC’s recommendation to the Local Agency for compatible land uses within the AIA. Prior to adopting each ALUCP or amendment, the ALUC shall engage in a public collaborative planning process. and hold a public hearing consistent with this policy PUC §21670.3(b).

(3) ALUC Review of Local Actions.

(a) Overview. One of the fundamental responsibilities of the ALUC is the review of Local Agencies’ land use plans, Airport Master Plans, and certain other land use projects and actions for compatibility with the criteria and policies set forth in the applicable ALUCP. The process that the ALUC shall follow for this review process depends upon (i) the type of local action involved (ii) whether a compatibility plan exists for the Airport; and (iii) whether the Local Agency has made its general plan and zoning ordinance consistent with the applicable ALUCP.

(b) Actions Subject to ALUC Review. Local Agencies must refer certain actions to the ALUC for review. Referral of individual development projects is required in some instances, but voluntary in others.

(i) Actions For Which ALUC Review Is Mandatory.

(A) General Plans and Specific Plans. Any proposal by a Local Agency to adopt or amend a general plan or specific plan where those plans have implications for ALUCP noise, airspace, or safety compatibility pursuant to the requirements of PUC §21676(b) shall be referred to the ALUC for review if the boundaries of the general plan or specific plan are within the AIA of an Airport, irrespective of whether an ALUCP has been adopted for the Airport. If an ALUCP has not been adopted, then the AIA is defined to mean the study area for such plan or the land within two (2) miles of the Airport boundary pursuant to P.U.C. §21675.1(b). Amendments to such plans also shall be referred to the ALUC, if the change affects locations within an AIA. In such instances, referral shall take place prior to the Local Agency's action to adopt or amend the plan consistent with the requirements of P.U.C. §21676(b).

The requirement for submittal of general plans and specific plans exists regardless of whether (i) a proposal is initiated by the Local Agency to adopt or amend a general or specific plan or (ii) a proposal is initiated based upon the requirement for the Local Agency's plans to be reviewed for consistency with an ALUCP that is newly adopted or amended by the ALUC. California Government Code §65302.3 requires Local Agencies to either amend their general plans and any affected specific plan to be consistent with the applicable ALUCP within one-hundred eighty (180) days of when the ALUC adopted or amended its ALUCP or take the steps necessary to overrule the ALUC.

(B) Ordinances and Regulations. ALUC review of Local Agency proposals to adopt or amend zoning ordinances, building regulations, and other land use ordinances and regulations shall be required in instances where those ordinances and regulations have implications for ALUCP noise, airspace, or safety compatibility within the AIA of an Airport pursuant to the requirements of PUC §21676(b).

(C) Airport Master Plans. The ALUC shall review Airport Master Plans, construction plans for new Airports, and Airport expansion plans (including the construction of a new runway, the extension or realignment of an existing runway, and the acquisition of Runway Protection Zones ("RPZ"s) or any interest in land for purposes of safety) for consistency with the adopted ALUCP for that Airport pursuant to the requirements of PUC §§21676(c), 21661.5, and 21664.5, respectively. In reviewing Airport Master Plans, the ALUC may amend the applicable ALUCP rather than find that the Airport Master Plan is inconsistent with the current ALUCP.

(ii) Individual Projects Subject to ALUC Review.

The ALUC requires mandatory review of all land use actions, regulations, and permits in the following circumstances: (i) prior to the ALUC adoption of an ALUCP for an Airport when the land use action, regulation or permit is located within two (2) miles of the Airport boundary pursuant to PUC §21675.1(b); or (ii) within an AIA when a Local Agency has neither revised its general plan or specific plan to be consistent with the ALUCP nor overruled the ALUC with regard to the ALUCP, pursuant to the requirements of PUC §21675.1(b) and §21676.5(a). Ministerial permits which have implications for ALUCP compatibility factors shall be subject to ALUC review in the same manner as discretionary projects.

The ALUC requests that, even when the ALUC has adopted an ALUCP for an Airport and the Local Agency has revised its general plan or specific plan to be consistent with the ALUCP, the Local Agency continue to submit land use actions for ALUC review where building and corresponding construction crane heights have potential airspace compatibility implications that may adversely affect Airport operations. The ALUC's project review on these types of non-mandatory project submittals shall be advisory in nature.

(c) Applicability of CEQAT. The ALUC is not a Responsible Agency for the purposes of the California Environmental Quality Act ("CEQA") for which it issues consistency determinations and, therefore, is not legally required to respond to comments to a CEQA document prepared by the Lead Agency. The ALUC's sole responsibility is to make a consistency determination regarding the project that is the subject of the Environmental Documentation. However, the ALUC has the right and authority to provide comments to the Lead Agency to help ensure the highest level of airport land use compatibility.

(d) Information Required for Project Reviews. Requests by Local Agencies to the ALUC for project review shall be submitted by electronic transmission of the application form designated for ALUC review on the Authority website. Requests shall include the name, addresses, and telephone number of the Local Agency point of contact; project location and assessor's parcel number(s); a detailed project description; site plans; project plans that include the floor area and heights of all buildings; documentation of property ownership and all persons or entities with an interest in the project; and a copy of the determination(s) of no hazard to air navigation from the Federal Aviation Administration (FAA) for all buildings and corresponding construction cranes or, alternatively, a signed and stamped certification from the project design professional on the project plans that notice to the FAA is not required. The ALUC reserves the right to request any Environmental Documentation and any additional information and documents necessary to fully understand the matter for which a project review is being requested.

(e) Determination Requirements. The ALUC shall respond to a Local Agency with respect to a mandatory project submittal within sixty (60) days of a complete application, as determined by the ALUC, pursuant to the requirements of PUC §21675.2(a) and §21676(d). This response period does not begin until such time as all information necessary for accomplishment of the project review has been submitted to the ALUC and the ALUC has deemed the application complete.

(f) ALUC Project Review and Determination Process. The ALUC shall review applications for consistency with the criteria and policies set forth in the applicable ALUCP. The ALUC may consider its own interpretive guidelines and past precedents. After review, the ALUC staff shall place the matter on the ALUC's agenda for the earliest possible ALUC meeting.

(1) Process for Inconsistent Determinations: The ALUC may determine that a project is inconsistent with the criteria and policies of the applicable ALUCP by taking the following steps: (i) the holding of a public hearing; and (ii) the making of Findings that the action proposed is inconsistent with the criteria and policies of the applicable ALUCP. The ALUC shall notify the referring Local Agency of its Findings.

(2) Process for Consistent and Conditionally Consistent Determinations. The Authority's President/Chief Executive Officer or his or her designee (the "President/CEO") is authorized to determine the consistency of proposed actions referred to the ALUC by Local Agencies in the following circumstances: (i) where the proposed actions are determined to be consistent or conditionally consistent with the ALUCP; or (ii) where the Local Agency submittal was voluntary. The President/CEO shall strictly apply the provisions of the applicable ALUCP to the proposed action. The President/CEO's review of proposed actions shall be made in accordance with the determination deadlines specified in this policy. Any determination of consistency made pursuant to this section shall be placed on the ALUC agenda for the next available meeting. If no further action is taken by the ALUC at the meeting when the item appears on the ALUC agenda, the President/CEO's determination shall be considered the final decision of the ALUC. The date of that decision for purposes of reconsideration (see subsection (g) below) shall be the date that the item is reported to the ALUC.

(g) Reconsideration Criteria for Determinations of Consistency. A Local Agency may request that the ALUC reconsider its previous action on an application. The request for reconsideration shall be made within thirty (30) days of the consistency determination by the ALUC. The Local Agency must show that there is relevant new evidence which could not have reasonably been presented at the original meeting when the matter appeared on the ALUC agenda or that an error of fact or law occurred. If the ALUC grants reconsideration, then the matter shall be scheduled for a public hearing as if it were a new application.

(h) Local Agency's Rights and Responsibilities after the ALUC's Consistency Determination has been Made. If the ALUC determines that a proposed action is inconsistent with an applicable ALUCP, then a Local Agency may overrule the ALUC's determination by taking the following mandatory steps: (i) the holding of a public hearing; (ii) the making of specific Findings that the action proposed is consistent with the purposes of the State Aeronautics Act; and (iii) the approval of the proposed action by a two-thirds vote of the Local Agency's governing body.

If a Local Agency decides to overrule an ALUC consistency determination, then the Local Agency's approval of a plan, ordinance, or project takes effect as if the ALUC had found it consistent with the ALUCP, and subsequent ALUC review of individual development projects within the boundaries of that general or specific plan related to that overruling become voluntary per PUC §21676.5(b).

(i) ALUC's Rights and Responsibilities if the Local Agency Overrides the ALUC's Consistency Determination. If a Local Agency overrides the ALUC's consistency determination, then the Local Agency shall provide notification to the ALUC and Caltrans of the proposed overruling, providing the specific Findings for their review and comment, thirty (30) days prior to the final hearing and decision on whether to overrule the ALUC. The Local Agency shall include comments from the ALUC and Caltrans in the public record of any final decision to overrule the ALUC.

If the Local Agency overrides the ALUC's consistency determination on any project subject to mandatory review by the ALUC, then the Authority shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the Local Agency's decision to overrule the ALUC's consistency determination pursuant to PUC §21678 and §21675.1(f).

(4) Administrative Provisions.

(a) Public Hearings. Public hearings shall be held in accordance with the procedures identified for public hearings for the Authority.

(b) Authority Information Requests. In addition to all other authority granted to the President/CEO, the President/CEO shall have the authority to provide any information, reports, applications, or other related documents, in whatever form or format that the President/CEO may determine useful, in the implementation or enforcement of the provisions of this policy.

(c) Notices.

(i) Local Agency Person(s) to Receive Notices. Each Local Agency representative who makes application for consistency determination review shall receive notices regarding action taken by the ALUC.

(ii) Delivery of Authority Notices. Whenever the ALUC provides written notice under this policy, the notice shall be sent by electronic mail to the Local Agency representative designated as the point of contact in that agency's application to the ALUC for consistency determination.

(iii) Effective Date of Notices Delivered by the Authority. Whenever the ALUC gives written notice under or concerning this policy by electronic mail, the notice shall be deemed to have been received on the day it was sent by electronic mail.

(iv) Effective Date of Notices or Requests. Whenever this policy requires any person to file or submit any notice or document to the ALUC, that notice or document shall be deemed to have been delivered on the first working day when it is actually received by the ALUC.

(d) Modification of Forms or Guidelines.

(i) Authority. The President/CEO may prepare, modify, or augment any form required to be filed under this policy; may require the filing of additional forms or information not otherwise referenced in this policy; or may prepare, modify, or augment any ALUC consistency review guidelines or other administrative guidelines without Board action, if the President/CEO reasonably determines that the action would facilitate the implementation and enforcement of this policy, or any other Authority ordinances, rules, regulations, or policies.

(ii) Notices. When the President/CEO exercises his or her authority under subsection (i) above, the President/CEO promptly shall give notice to all Local Agencies who are required or permitted to use those forms, information, or guidelines, and the President/CEO shall specify the date upon which use of the new or modified forms, information, or guidelines is required.

APPENDIX A**DEFINITIONS**

“Air Installation Compatible Use Zones (AICUZ)” means a land use planning program by the United States Department of Defense for a military Airport with the purposes to promote public health and safety through the local adoption of compatible land use controls and to protect the operational capability of the air installation on and near a military Airport.

“Airport” means any area of land or water that is used, or intended for use, for the landing and take-off of aircraft. Included are any appurtenant areas that are used, or intended for use, for Airport buildings or any other Airport facilities or right-of-way, and all Airport buildings and facilities located thereon. Public-Use Airports and military Airports shall be considered Airports for purposes of this policy.

“Airport Influence Area (AIA)” means the area in which current and projected future airport-related noise, safety, airspace protection, or overflight factors/layers may significantly affect land use or necessitate restrictions on land use; see California Business and Professions Code §11010(b)(13)(B). If an ALUCP has not been adopted, then the AIA means the land within two (2) miles of the Public Use Airport boundary; see California PUC §21675.1(b).

“Airport Layout Plan (ALP)” means a scale drawing of existing and proposed Airport facilities, their location on an Airport, and the pertinent clearance and dimensional information required to demonstrate conformance with applicable Federal Aviation Administration standards.

“Airport Master Plan (AMP)” means a long-range plan for development of an Airport, including descriptions of the data and analyses on which the plan is based.

“Airport Operator” means any person or entity having the authority and responsibility for the establishment and operation of an Airport.

“Authority” means the San Diego County Regional Airport Authority.

“Board” means the Board of Directors of the San Diego County Regional Airport Authority.

“California Environmental Quality Act (CEQA)” means California Public Resources Code §21000, *et. seq* and its implementing guidelines.

“Airport Land Use Commission (ALUC)” means the San Diego County Regional Airport Authority, acting in its capacity as the Airport Land Use Commission for San Diego County, pursuant to PUC §21670.3.

“Airport Land Use Compatibility Plan (ALUCP)” means the directory and maps of compatibility policies and standards for proposed uses of land within the AIA of one or more Airports.

“California Department of Transportation (Caltrans)” means the executive agency of the State of California authorized with the administration of all means of public mobility within the state, including a Division of Aeronautics, which manages the state’s aviation transportation system.

“Environmental Documentation” means documents prepared under CEQA, the California Coastal Act or the National Environmental Policy Act (“NEPA”).

“Findings” means the legally relevant sub-conclusions which expose a government agency’s mode of analysis of facts, regulations, and policies, and which bridge the analytical gap between raw data and ultimate decision.

“Lead Agency” means the public agency which has the principal responsibility for carrying out or approving a project.

“Local Agency” means any public agency, including, but not limited to, cities, counties, charter cities and counties, utility districts, school and community college districts, special districts, redevelopment agencies, local agency formation commissions, and any board, commission or organizational subdivision of a Local Agency when so designated by order or resolution of the governing legislative body of the Local Agency.

“President/CEO” means the presiding chief executive officer of the San Diego County Regional Airport Authority as appointed by the Board and any employee of the Authority authorized to act in delegated capacity on behalf of the President/CEO.

“Public-Use Airport” means a publicly or privately owned Airport that offers the use of its facilities to the public without prior notice or special invitation or clearance and that has been issued a California Airport Permit by the Division of Aeronautics of Caltrans.

“Public Utilities Code (PUC)” means the regulatory volume of requirements enacted by the California Legislature governing the organization and use of infrastructure for public purposes.

“Responsible Agency” means a public agency which has responsibility to carry out or approve a project for which a Lead Agency is preparing or has prepared Environmental Documentation. For the purpose of CEQA, the term “Responsible Agency” includes all public agencies other than the Lead Agency which have discretionary approval power over the project.

“Runway Protection Zone (RPZ)” means a trapezoidal area (called a Clear Zone for military Airports) off the end of a runway used to enhance the protection of people and property on the ground in the event of an aircraft emergency landing or mishap beyond the runway.

“The State Aeronautics Act” means California PUC §21001-21707, *et seq.*

[Amended by Resolution No. 2022-0093 dated November 3, 2022.]

[Amended by Resolution No. 2017-0111 dated December 7, 2017.]

[Amended by Resolution No. 2012-0106 dated October 4, 2012.]

[Amended by Resolution No. 2008-0029 dated March 6, 2008.]

[Amended by Resolution No. 2005-0027 dated March 7, 2005.]

[Amended by Resolution No. 03-075 dated November 10, 2003.]

[Adopted by Resolution No. 03-020R dated April 3, 2003.]