



THE CITY OF SAN DIEGO

Airport Land Use Commission Consistency Determination Review Process

CITY OF SAN DIEGO DEVELOPMENT SERVICES
1222 FIRST AVENUE, MS 302 SAN DIEGO, CA 92101-4101
CALL (619) 446-5300 FOR APPOINTMENTS AND (619) 446-5000 FOR INFORMATION

INFORMATION
BULLETIN

519

NOVEMBER 2008

This information bulletin provides general information concerning the process and types of proposed development projects/actions that the City is required to submit to the Airport Land Use Commission. The San Diego County Regional Airport Authority, as the Airport Land Use Commission (ALUC) for San Diego County, performs consistency determinations with the adopted Airport Land Use Compatibility Plans (ALUCPs) for the public use and military airports within the county as required by the California Public Utilities Code sections 21670-21679.5. In making a consistency determination, the ALUC reviews the proposed development project or action based on information submitted by the City as specified and required by applicable ALUCP policies.

I. TYPES OF DEVELOPMENT PROJECTS/ACTIONS REQUIRED TO BE SUBMITTED

Each adopted ALUCP identifies an Airport Influence Area (AIA) that establishes the area within which certain land use actions and proposed projects are subject to ALUC review to determine consistency with the policies and criteria in an ALUCP. The City is required by the state to submit these certain actions and projects to the ALUC prior to the final approval by the City.

A. REZONES, CODE AND PLAN AMENDMENTS/UPDATES

Within an AIA, all rezones, amendments/updates to zoning ordinances, development regulations, the General Plan, community plans, and specific/precise plans are always required by the state to be submitted to the ALUC.

B. DEVELOPMENT PROJECTS AND BUILDING PERMITS

Prior to the ALUC determining that the City's General Plan, community plans, and implementing regulations are consistent with the adopted ALUCPs for each public and military airport affecting land use within the City's jurisdiction or the City Council taking action to overrule the ALUC's consistency determination, the City is required to submit the following types of proposed development projects and building permits within an AIA to the ALUC for consistency determination:

1. All private and public development or building permit projects that propose to do one of the following:
 - a. Residential density increase (total of one or more dwelling units);
 - b. Non-residential floor area increases (Discretionary Approvals);

Documents Referenced in this Information Bulletin

- California Public Utilities Code [Sections 21670-21679.5](#).
- Title 14 Code of Federal Regulations, [Part 77, Objects Affecting Navigable Airspace](#)
- [Airport Land Use Compatibility Plans](#)
- [Airport Land Use Commission Consistency Determination Application](#)
- [Information Bulletin 520, Federal Aviation Administration Notification and Evaluation Process](#)
- No FAA Notification Self Certification Agreement, [\(DS-503\)](#)

- c. Non-residential floor area increases. Note that accessory structures with less than 1,500 total square feet that are not intended for occupancy, such as trash enclosures, equipment platforms, or equipment enclosures, and do not meet the criteria listed in number 1e or 1f below, will not be submitted to the ALUC. (Ministerial Approvals);
- d. Change of use or occupancy;
- e. Any project/permit within a runway protection zone;
- f. Any building or structure that requires Part 77 notification to the Federal Aviation Administration (FAA). Note that the ALUC will not accept the No FAA Notification Self Certification Agreement (Form DS-503).

2. All Substantial Conformance Reviews (SCR) or Extensions of Time for:
 - a. Projects that do not have an ALUC consistency determination for past-approved actions/permits that meet the criteria in number one above; or
 - b. Projects that have an ALUC consistency determination for past approved actions/permits that:
 - i. Are proposing a change in any of the items in number one above from the original approval;
 - ii. Original approval/permit has an ALUC condition requiring subsequent ALUC determinations for SCRs;
 - iii. Change in building materials to highly reflective materials that could affect a pilot's vision; or

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
Upon request, this information is available in alternative formats for persons with disabilities.

- iv. Change in structure location/site layout from a previous submittal.
- 3. Tentative Map or Map Waiver for condominium conversion within any AIA that meet the criteria in number one above.
- 4. Tentative Map or Map Waiver for condominium conversion within the AIA for San Diego International Airport if:
 - a. Constructed after February 28, 1992 (ALUCP/CLUP–San Diego International Airport original adoption date) and meet any of the criteria in number one above;
 - b. Do not have an aviation easement.

C. PREVIOUS ALUC CONSISTENCY DETERMINATIONS

The City will not resubmit any previous action or permit that has received an ALUC consistency determination unless:

- 1. The original approval/permit has an ALUC condition requiring subsequent ALUC determinations;
- 2. The project is proposing a change as listed in no. 2b above from the original approval.

II. CITY ALUCP PROJECT REVIEW PROCESS

As part of the first review cycle, the City will determine if the proposed development project is required to be submitted to the ALUC and notify the applicant. The City may also use the policies and criteria in the adopted ALUCP's to review the proposed project to identify any potential consistency issues that the City may request that applicant to address prior to the City submitting the development project to the ALUC.

III. ALUC APPLICATION PROCESS

The City will complete and sign the ALUC application and submit the application package to the ALUC concurrently with the distribution of the applicant's second submittal. When a project is required by the Code of Federal Regulations, Title 14, Part 77 to provide notification to the FAA of an Obstruction Evaluation / Airport Airspace Analysis, it is the responsibility of the applicant to provide the City with a valid and final determination provided by the FAA as addressed in Information Bulletin 520. Note that the ALUC only accepts consistency determination applications signed by the City and will not accept the "No FAA Notification Self Certification Agreement (Form DS 503)."

IV. ALUC RECEIPT OF APPLICATION

The ALUC will mail a letter to the City confirming that they received the ALUC consistency determination application and will indicate if the application is complete or missing required or additional submittal materials. The ALUC has 60 calendar days to make a determination from the time they mail the letter to the City indicating that the application is complete. The City will contact the project applicant if additional

information is needed for the ALUC application.

V. ALUC CONSISTENCY HEARING

The ALUC will mail the City a notice of the ALUC hearing for the project. The ALUC staff reports and draft resolutions are posted on the Airport Authority website a minimum of 72 hours before the meeting at www.san.org.

VI. ALUC CONSISTENCY DETERMINATION

The ALUC will make one of the following types of determinations for a proposed project or action:

- 1. **Consistent Determination:** The ALUC determines that a project is consistent with the ALUCP with no conditions.
- 2. **Conditionally Consistent Determination:** If the ALUC determines that a project is conditionally consistent with conditions placed on the determination, the City will place the ALUC conditions on the permit/action.
- 3. **Inconsistent Determination:** If the ALUC has determined that a project is inconsistent, the City will inform the project applicant that the state requires that the City Council overrule the ALUC determination with a two-thirds vote and make specific findings for the project to proceed.

VII. ALUC RESOLUTION

The ALUC will mail the City a signed copy of the ALUC resolution within two weeks following the hearing. The City will inform the applicant of the determination made by the ALUC.

VIII. FINAL CITY APPROVAL

- A. For discretionary approvals (projects that are subject to public noticing) required to be submitted to the ALUC, the City will not schedule a project for decision without an ALUC Consistency Determination for the project.
- B. For ministerial approvals (projects that are reviewed solely by City staff) required to be submitted to the ALUC, the City will not approve a project without an ALUC Consistency Determination for the project.
- C. Regardless, if the ALUC makes a Consistency Determination, the project is still subject to all federal, state and City of San Diego rules or regulations.