



THE CITY OF SAN DIEGO

# Airport Land Use Commission Consistency Determination Review Process

CITY OF SAN DIEGO DEVELOPMENT SERVICES  
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INFORMATION  
BULLETIN

# 519

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This information bulletin provides general information concerning development that requires a consistency determination from the San Diego County Regional Airport Authority (SDCRAA) prior to City approval. As the Airport Land Use Commission (ALUC) for San Diego County, SDCRAA adopts Airport Land Use Compatibility Plans (ALUCPs) that identify policies and requirements applicable to new development surrounding local public use and military airports in accordance with California Public Utilities Code sections 21670-21679.5. The City has the authority to determine ALUCP consistency for certain actions in the Airport Land Use Compatibility Overlay Zone (ALUCOZ) and is required by state law to submit other specified actions to SDCRAA for an ALUCP consistency determination prior to final approval by the City. Refer to information below for a description of the type of development that requires a consistency determination from SDCRAA and the process for coordinating SDCRAA review via the City.

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

Each adopted ALUCP identifies an Airport Influence Area (AIA) that establishes the area subject to consistency with the policies and criteria in an ALUCP. SDCRAA determined the City's land use plans and implementing regulations to be consistent with the adopted ALUCPs for MCAS Miramar, Brown Field, Gillespie Field, and Montgomery Field, therefore fewer development types in the ALUCOZ are subject to SDCRAA review. To the contrary, most development in the AIA for San Diego International Airport is subject to SDCRAA review because it is not yet a part of the ALUCOZ.

The following development requires a consistency determination by SDCRAA prior to City approval:

### A. DEVELOPMENT IN ALUCOZ IN ACCORDANCE WITH SECTION 132.1550

1. Development in Clear Zone or Safety Zone 1.
2. Development that deviates from ALUCOZ.
3. Development that has been determined to be a hazard by the FAA.
4. Development that includes a rezone or land use plan approval.
5. Development that includes aviation uses, non-aviation uses located on airport property (public use airport only), or approval of airport master plan.
6. Development of a power plant or electrical substation per Section 132.1515.

## 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, \(DS-503\)](#)

## B. DEVELOPMENT IN THE AIA FOR SAN DIEGO INTERNATIONAL AIRPORT

1. Development in Runway Protection Zone (If located in the NTC Precise Plan area RPZ, refer to the procedures/policy stated in the NTC Precise Plan, Appendix A);
2. Residential density increase (the addition of one or more dwelling units);
3. Non-residential intensity (building floor area) increase, except that accessory structures 1500 s.q. f.t. or less are exempt;
4. A change in use or building occupancy;
5. Any building or structure (new, replacement, or supplementary antennas, poles, or associated utility equipment) that requires Part 77 notification to the Federal Aviation Administration (see Procedure 5.22);
6. Rezones and land use plan amendments;
7. Amendments to the Land Development Code that affect structure height, density, or non-residential intensity;
8. 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 any of the criteria in no. 1 through 5 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 no. 1 through 5 above from the original approval;
    - ii. Original approval/permit has ALUC condition requiring subsequent ALUC determinations for SCRs; or
    - iii. Change in building materials to highly reflective materials that could affect a pilot's vision.

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9. Tentative Map or Map Waiver if:
  - a. Constructed after February 28, 1992 (ALUCP/CLUP–SDIA original adoption date); and
  - b. SDIA does not have an avigation easement.

## 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 SDCRAA and notify the applicant. The City will identify foreseeable conflicts with the ALUCOZ and/or the applicable ALUCP for the applicant to address prior to the City submitting the development project to the SDCRAA.

## III. SDCRAA APPLICATION PROCESS

The City will complete and sign the SDCRAA application and submit the application package to SDCRAA 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 SDCRAA only accepts consistency determination applications signed by the City and depending on proposed project may not accept the "No FAA Notification Self Certification Agreement (Form DS-503)."

## IV. SDCRAA RECEIPT OF APPLICATION

SDCRAA will mail a letter to the City confirming that they received the SDCRAA consistency determination application and will indicate if the application is complete or missing required or additional submittal materials. SDCRAA 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 SDCRAA application.

## V. SDCRAA CONSISTENCY HEARING

SDCRAA will mail the City a notice of the SDCRAA hearing for the project. The SDCRAA staff reports and draft resolutions are posted on the Airport Authority website under "Airport Land Use Commission" a minimum of 72 hours before the meeting at [www.san.org](http://www.san.org). SDCRAA hearings are typically held the first Thursday of the month.

## VI. SDCRAA CONSISTENCY DETERMINATION

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

1. Consistent Determination: SDCRAA determines that a project is consistent with the ALUCP with no conditions.
2. Conditionally Consistent Determination: If SDCRAA determines that a project is conditionally consistent with conditions placed on the determination, the City will place the SDCRAA conditions on the permit/action.
3. Inconsistent Determination: If SDCRAA has determined that a project is inconsistent, the City will inform the project applicant that the state requires that the City Council overrule the SDCRAA determination with a two-thirds vote and make specific findings for the project to proceed in accordance with Municipal Code Section 132.1555.

## VII. SDCRAA RESOLUTION

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

## VIII. FINAL CITY APPROVAL

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