



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: March 17, 2009

TO: Members of the Community Planners Committee (CPC)

FROM: Kelly G. Broughton, Director, Development Services

SUBJECT: Airport Land Use Compatibility Plan Implementation

In accordance with state law, the San Diego County Regional Airport Authority is in the process of adopting Airport Land Use Compatibility Plans (ALUCPs) for each public and military airport in the county. ALUCPs regulate the "airport influence area" surrounding airport facilities and are based on the respective airport master plan. State law requires that the City implement ALUCPs as they are adopted by the Airport Authority. On March 9, 2009, the City Council adopted a resolution to initiate land use plan amendments and zoning actions, as necessary, to meet applicable ALUCP implementation requirements.

General Strategy to Address

The City's adopted General Plan includes policy statements related to airport facilities and surrounding airport influence areas. Staff intends to incorporate brief airport related policy statements into all community plans with airport influence areas. Existing sections that directly conflict with an adopted ALUCP would be removed.

Staff is also proposing to consolidate all airport related regulations into a new overlay zone that would address airport compatibility issues related to noise, safety, airspace protection, and aircraft overflight. The overlay zone would establish measurable standards to evaluate compatibility within the context of the Land Development Code. All properties within an airport influence area would be subject to the new overlay zone.

The Airport Land Use Compatibility overlay zone and associated land use plans would initially be processed to implement the Miramar ALUCP, and would later be amended as other ALUCPs are adopted. Implementation of the amendments and zoning actions will require a Planning Commission recommendation, City Council adoption, determination of consistency by the Airport Authority, and Coastal Commission certification.

Phase I: MCAS Miramar

The MCAS Miramar ALUCP was adopted by the Airport Authority on October 2, 2008, and will be the first adopted ALUCP to be presented to the City Council for a decision regarding implementation. The Miramar ALUCP became effective on the date of adoption. All new development within the airport influence area is required to comply. The adopted Miramar ALUCP is available on the City's website: <http://www.sandiego.gov/development-services/industry/airportamend.shtml>

Community Plans Impacted:

Black Mountain Ranch, Carmel Mountain Ranch, Carmel Valley, Clairemont Mesa, Del Mar Mesa, East Elliott, Kearny Mesa, La Jolla, Los Penasquitos Canyon Preserve, Miramar Ranch North, Mira Mesa, Pacific Highlands Ranch, Rancho Bernardo, Rancho Encantada, Rancho Penasquitos, Sabre Springs, Scripps Miramar Ranch, Tierrasanta, Torrey Highlands, Torrey Hills, Torrey Pines, University

Opportunities for Public Participation:

The Miramar ALUCP adoption process is complete. Additional opportunities for public participation will occur in association with the City's land use plan amendment, code amendment, and rezone process. However, it should be noted that the scope of discretion in the City's pending approvals will be limited in accordance with state law. Staff's proposal is a translation of the adopted ALUCP policies/regulations into the City's regulatory framework in a manner that avoids direct conflict with the adopted ALUCP. City decision makers will be unable to modify the policies adopted by the Airport Authority, unless by a two-thirds majority they vote to overrule. The first public hearing (Planning Commission) to address ALUCP implementation is expected to be scheduled in late May or early June 2009.

Related Projects in Process:

The Department of Navy released a draft Environmental Impact Statement (EIS) for the proposed basing of the MV-22 Osprey tilt-rotator aircraft at MCAS-Miramar. The document is available at www.mv22eiswest.net/ Comments may be submitted to comments@marinescience.saic.com until April 3, 2009. Similarly, the United States Marine Corps is in the process of preparing an EIS for the proposed basing of the F-35B Joint Strike Fighter at MCAS-Miramar. The significance of these proposals is that approval of new aircraft for Miramar may impact the Air Installations Compatible Use Zones (AICUZ) for MCAS Miramar, which in turn may require the Airport Authority to amend the Miramar ALUCP and the City to amend associated implementing documents.

Phase II: Urban Airports: Brown Field, Gillespie Field, and Montgomery Field

The Urban Airports ALUCP is currently in process with the Airport Authority.

Community Plans Potentially Impacted:

Brown Field: Otay Mesa, Otay Mesa-Nestor, San Ysidro, Tijuana River Valley; *Gillespie Field:* East Elliott, Navajo, Tierrasanta; *Montgomery Field:* Clairemont Mesa, College Area, Greater North Park, Kearny Mesa, Linda Vista, Mid City, Mission Valley, Navajo, Serra Mesa, Tierrasanta, University, Uptown

Opportunities for Public Participation:

The draft Urban Airports ALUCP and associated environmental document are expected to be released by the Airport Authority for public review in spring 2009. The Airport Authority public hearing process would follow shortly thereafter.

Phase III: San Diego International Airport (SDIA)

The ALUCP for SDIA has not yet been drafted by the Airport Authority.

Community Plans Potentially Impacted:

Clairemont Mesa, Centre City, Greater Golden Hill, Greater North Park, Linda Vista, Mid City, Midway-Pacific Highway, Mission Bay Park, Mission Beach, Mission Valley, Ocean Beach, Old San Diego, Peninsula, Serra Mesa, Southeastern San Diego, Uptown

Opportunities for Public Participation:

The Airport Authority is coordinating the Airport Technical Advisory Group (ATAG) Committee for SDIA. Interested members of the public should contact the Airport Authority for additional information. The draft ALUCP and associated environmental document are expected to be released by the Airport Authority for public review in fall 2009. The Airport Authority public hearing process would follow shortly thereafter.

Related Projects in Process:

The Destination Lindbergh Plan will be scheduled for consideration by the Airport Authority in Spring 2009, which may amend the SDIA Airport Master Plan and associated environmental document previously reviewed and considered on May 1, 2008.

Phase IV: Navy Airports: NAS North Island and NOLF Imperial Beach

The ALUCP for the Navy airports has not yet been drafted by the Airport Authority.

Community Plans Potentially Impacted:

NAS North Island: Barrio Logan, Centre City, Greater Golden Hill, Linda Vista, Midway-Pacific Highway, Mission Bay Park, Mission Valley, Ocean Beach, Old San Diego, Peninsula, Southeastern San Diego, Uptown; *NOLF Imperial Beach:* Otay Mesa, Otay Mesa-Nestor, San Ysidro, Tijuana River Valley

Opportunities for Public Participation:

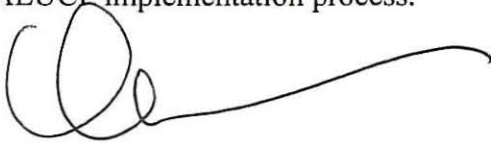
The AICUZ studies for these military airports are being finalized by the Department of Navy. No documents are available for public review at this time. Once the AICUZ studies become available, the Airport Authority will begin coordinating an ATAG group for the Navy airports.

Members of the public are encouraged to continue to monitor and participate in the process, particularly for those airports where ALUCPs have not yet been adopted by the Airport Authority. Information is available on the San Diego County Regional Airport Authority website at www.san.org

Requested Action

Staff requests that the Community Planners Committee review the draft code amendments and provide input. There will be additional opportunities for CPC input, prior to final action by the City Council. Community planning groups subject to the Miramar ALUCP are encouraged to provide a recommendation on the proposed amendments. Staff is available to attend individual planning group meetings as necessary.

Please contact Tait Galloway, Senior Planner, City Planning and Community Investment Department, at (619) 533-4550 or tgalloway@sandiego.gov for information related to the proposed land use plan amendments or ALUCPs in process with the Airport Authority. Please contact Amanda Lee, Senior Planner, Development Services Department, at (619) 446-5367 or ajohnsonlee@sandiego.gov for information related to the proposed code amendments and the ALUCP implementation process.



Kelly G. Broughton
Director, Development Services

AJL

Attachment: Draft Code Amendment Language

cc: Mayor Jerry Sanders
Members of the City Council
William Anderson, Director, CPCI
Tait Galloway, Senior Planner, CPCI
Amanda Lee, Senior Planner, DSD

**Airport Land Use Compatibility Plan Implementation: Phase I MCAS-Miramar
Summary of Draft Land Development Code Amendments (March 17, 2009)**

The City is required by state law to implement the MCAS-Miramar Airport Land Use Compatibility Plan (ALUCP) as adopted by the Airport Authority on October 2, 2008. To clarify the applicable ALUCP regulations, all airport related regulations are proposed to be transferred into the City's existing regulatory format. Amendments are proposed to Land Development Code Chapter 11, Article 2; Chapter 12, Article 6; Chapter 13, Article 2; and Chapter 15, Article 1 to create a new overlay zone that would address airport compatibility issues related to noise, safety, airspace protection, and aircraft overflight.

Sections	Description of Proposed Amendment
112.0301 112.0302	<u>Public Notice.</u> Incorporates new notice provisions to inform airport stakeholders of discretionary permits in process, creates a new notification process for requests to overrule the Airport Land Use Commission, and clarifies the connection to the existing "notice of availability" required in accordance with the Coastal Act.
126.0402 126.0502 132.1502	<u>Required Reviews and Development Permits.</u> Clarifies applicability of the overlay zone with respect to required review processes and permit types. Neighborhood Development Permits and Site Development Permits are the two main types of required discretionary permits that would be associated with the proposed overlay zone. In general, new development that would not increase the density or floor area ratio of an existing building, or that would otherwise comply with the specified compatibility criteria, would not require a special permit for the proposed overlay zone.
132.0102 132.0104 151.0103	<u>Base Zones/Planned Districts and Overlay Zone.</u> Clarifies the connection between citywide base zones, planned district base zones, and the new overlay zone. A use indicated as permitted in accordance with the base zone (including a planned district base zone) may be further limited or restricted to meet the purpose of the overlay zone.
132.1501 132.1502 132.1505	<u>Purpose and Boundaries of Airport Influence Area.</u> Clarifies the purpose and applicability of the proposed Airport Land Use Compatibility Overlay Zone and identifies the boundaries of the airport influence areas. The airport influence area maps from adopted ALUCPs would be presented to the City Council for adoption and incorporated by reference.
132.1510	<u>Noise Compatibility.</u> Identifies compatible uses based on noise exposure. The noise contour maps from adopted ALUCPs would be presented to the City Council for adoption and incorporated by reference.

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132.1515	<p><u>Safety Compatibility.</u> Identifies compatible uses in each safety zone and describes the method for calculation and measurement of density (dwelling units per acre) and intensity (people per acre) for the purpose of this overlay zone. The safety zone maps from adopted ALUCPs would be presented to the City Council for adoption and incorporated by reference.</p>
132.1520	<p><u>Airspace Protection Compatibility.</u> Identifies the FAA notification area and Part 77 height limits for airspace protection. The airspace protection maps from adopted ALUCPs would be presented to the City Council for adoption and incorporated by reference.</p>
132.1525	<p><u>Aircraft Overflight Notification.</u> Identifies where new residential development is required to record a notice of aircraft overflight. The overflight maps from adopted ALUCPs would be presented to the City Council for adoption and incorporated by reference.</p>
132.1530	<p><u>Previously Conforming.</u> Describes applicability to previously conforming development (meaning development that was legally established prior to adoption of an ALUCP).</p>
132.1535	<p><u>Infill Development Criteria.</u> Identifies criteria for proposed infill development (meaning new development that would be consistent with the existing development pattern for surrounding area established prior to ALUCP, but incompatible with ALUCP noise or safety criteria).</p>
132.1540	<p><u>Real Estate Disclosure.</u> Restates existing state law regarding real estate disclosure. (A required component of the implementation ordinance per Airport Authority staff.)</p>
132.1545	<p><u>Airport Land Use Commission Review.</u> Clarifies where Airport Land Use Commission review would be required for new development proposals following adoption of new overlay zone.</p>
132.1550	<p><u>Overrule Process.</u> Identifies the overrule process for City Council consideration of requests to overrule a determination made by the Airport Land Use Commission as provided for in state law.</p>