

INFORMATION
BULLETIN

519

June 2022

Airport Land Use Commission Consistency Determination Review Process

This information bulletin (IB) provides general information concerning development that requires a consistency determination from the Airport Land Use Commission (ALUC) for San Diego County prior to City approval. The San Diego County Regional Airport Authority, as the ALUC for San Diego County 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 [§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 ALUC for an ALUCP consistency determination prior to final approval by the City. Refer to the information below for a description of the type of development that requires a consistency determination from ALUC and the process for coordinating ALUC 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. ALUC determined the City's land use plans and implementing regulations to be consistent with the adopted ALUCPs for MCAS Miramar, NAS North Island, NOLF Imperial Beach, San Diego International Airport, Brown Field, Gillespie Field, and Montgomery-Gibbs Executive Airport. Therefore, fewer development types in the ALUCOZ are subject to ALUC review.

The following development requires a consistency determination by ALUC prior to City approval in accordance with Municipal Code Section (SDMC) [§132.1550](#):

- Development in Clear Zone or Safety Zone 1.
- Development that deviates from ALUCOZ for density or intensity.
- Development that has been determined to be a hazard by the FAA.
- Development that includes a rezone or land use plan approval within Review Area 1.
- Development that includes aviation uses, non-aviation uses located on airport property (public use airport only), or approval of airport master plan.
- Development of a power plant or electrical substation per SDMC [§132.1515](#).

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 ALUC 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 ALUC.

III. ALUC Application Process

The City will complete and sign the ALUC application and submit the application package to 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 IB-520. Note that ALUC only accepts consistency determination applications signed by the City and depending on proposed project, may not accept the "No FAA Notification Self Certification Agreement" (DS-503).

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IV. ALUC Receipt of Application

ALUC will mail or email 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. ALUC has 60 calendar days to make a determination from the time they mail or email 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

ALUC will mail or email 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 under "Airport Land Use Commission" a minimum of 72 hours before the meeting at www.san.org. ALUC hearings are typically held on the first Thursday of the month.

VI. ALUC Consistency Determination

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

1. Consistent Determination: ALUC determines that a project is consistent with the ALUCP with no conditions.
2. Conditionally Consistent Determination: If 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 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 in accordance with SDMC [§132.1555](#).

VII. ALUC Resolution

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 ALUC.

VIII. Final City Approval

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

Reference Table

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

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