

ORDINANCE NUMBER O- 20113 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 02 2011

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 132.1505 AND 132.1540, ADOPTED BY ORDINANCE O-20047, ALL RELATING TO AIRPORT LAND USE COMPATIBILITY OVERLAY ZONE.

WHEREAS, the San Diego County Regional Airport Authority (SDCRAA) acts as the region's Airport Land Use Commission and is required by state law to adopt Airport Land Use Compatibility Plans (ALUCP) for each airport in the county; and

WHEREAS, the SDCRAA adopted the Marine Corps Air Station (MCAS) Miramar ALUCP on October 2, 2008; and adopted ALUCPs for Brown Field, Gillespie Field, and Montgomery Field on January 25, 2010 (amended December 2010); and

WHEREAS, the ALUCP documents became effective on the date of adoption, thereby requiring the City or applicants to submit development applications to the SDCRAA for ALUCP consistency review until the City's Implementation Plan is deemed consistent; and

WHEREAS, the City's ALUCP Implementation Plan consists of amendments to the Land Development Code, amendments to community plans, rezones and infill identification maps; and

WHEREAS, the City is the first jurisdiction in the County of San Diego to have formally processed an ALUCP Implementation Plan in accordance with state law; and

WHEREAS, the City Council adopted community plan amendments pursuant to Resolution No. R-306736 on April 11, 2011, and on April 26, 2011 adopted amendments to the

Land Development Code to apply a new airport related overlay zone to property in proximity to Brown Field, Gillespie Field, and Montgomery Field airports; and

WHEREAS, the City requested a consistency determination from the SDCRAA to allow the City to retain land use authority over compatibility reviews in the new overlay zone and to streamline the permit process; and

WHEREAS, on September 1, 2011, the SDCRAA determined the City's ALUCP Implementation Plan to be conditionally consistent based on the ALUCP infill policy, which is intended to respect the character of existing development patterns established prior to adoption of the ALUCP; and

WHEREAS, the SDCRAA determined that the proposed amendments to the Land Development Code will be consistent if amended to remove the reference to Brown Field from San Diego Municipal Code section 132.1540, and to exclude uses indicated as incompatible with the ALUCP noise or safety criteria from infill, regardless of whether sound attenuation is incorporated to attenuate indoor areas to compatible sound levels; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 13, Article 2, Division 15 of the San Diego Municipal Code is amended by amending sections 132.1505 and 132.1540 to read as follows:

§132.1505 Development Review for Compatibility

- (a) [No change in text.]
- (b) New *development* or expansion of existing *development* within this overlay zone shall be subject to review for compatibility as follows:
 - (1) through (2) [No change in text.]

(3) *Development* in Review Area 1 that would be consistent with the existing *development* pattern of the surrounding area, but would include densities or intensities inconsistent with the safety compatibility criteria in Section 132.1515, may be determined to be compatible infill *development* in accordance with Section 132.1540.

(4) [No change in text.]

(c) through (d) [No change in text.]

§132.1540 Infill Development Criteria

(a) This section applies to *development* in those areas recognized as eligible for infill *development* on maps that have been identified by the City and have received the concurrence of the Airport Land Use Commission.

(1) Prior to approval of *densities* or intensities that exceed the applicable safety compatibility criteria in Tables 132-15F or 132-15G, the *applicant* shall demonstrate that the *development* is consistent with the existing *development* pattern of the surrounding area and meets the criteria for infill *development* in Section 132.1540(a) and (b).

(2) Infill *development* is not permitted where the use is identified as incompatible with the noise exposure in Table 132-15D or incompatible with the safety zone in Tables 132-15F or 132-15G.

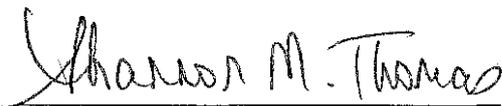
(b) Infill *development* is permitted through Process One consistent with the following:

- (1) [No change in text.]
- (2) Within the Montgomery Field airport influence area:
 - (A) Infill *development* shall not be permitted in Safety Zone 1 (Runway Protection Zone).
 - (B) through (C) [No change in text.]
- (c) [No change in text.]

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance applicable inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
10/10/2011
Or.Dept:DSD
Doc. No. 258692

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 15 2011.

ELIZABETH S. MALAND
City Clerk

By *Max Zimmays*
Deputy City Clerk

Approved: 12-2-11
(date)

J.S.
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

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AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 132.1505 AND 132.1540, ADOPTED BY ORDINANCE O-20047, ALL RELATING TO AIRPORT LAND USE COMPATIBILITY OVERLAY ZONE.

§132.1505 Development Review for Compatibility

- (a) [No change in text.]
- (b) New *development* or expansion of existing *development* within this overlay zone shall be subject to review for compatibility as follows:
 - (1) through (2) [No change in text.]
 - (3) *Development* in Review Area 1 that would be consistent with the existing *development* pattern of the surrounding area, but would include uses, densities or intensities inconsistent with the ~~noise or~~ safety compatibility criteria in Sections ~~132.1510 or~~ 132.1515, may be determined to be compatible infill *development* in accordance with Section 132.1540.
 - (4) [No change in text.]
- (c) through (d) [No change in text.]

§132.1540 Infill Development Criteria

(a) This section applies to *development* in those areas recognized as appropriate eligible for infill *development* on maps that have been identified by the City and have received the concurrence of the Airport Land Use Commission.

(1) ~~*Development may occur in Review Area 1 of an airport influence area that is consistent with the existing development pattern of the surrounding area, but includes uses, Prior to approval of densities, or intensities inconsistent with that exceed the noise or applicable safety compatibility criteria in Sections 132.1510 or 132.1515. Tables 132-15F or 132-15G, the applicant shall demonstrate that the development is consistent with the existing development pattern of the surrounding area and meets the criteria for infill development in Section 132.1540(a) and (b).*~~

(2) Infill development is not permitted where the use is identified as incompatible with the noise exposure in Table 132-15D or incompatible with the safety zone in Tables 132-15F or 132-15G.

(b) Infill *development* is permitted through Process One consistent with the following:

(1) [No change in text.]

(2) Within the Montgomery Field airport influence areas ~~for Brown Field and Montgomery Field:~~

(A) Infill *development* shall not be permitted in Safety Zone 1

(Runaway Protection Zone).

(B) through (C) [No change in text.]

(c) [No change in text.]

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