

ORDINANCE NUMBER O- 18859 (NEW SERIES)

ADOPTED ON OCT 02 2000

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 2,
DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 132.0301, 132.0302, 132.0303,
132.0306, 132.0308, AND 132.0309, RELATING TO THE
AIRPORT ENVIRONS OVERLAY ZONE.

WHEREAS, the purpose of the City's Airport Environs Overlay Zone [AEOZ] is to implement provisions of comprehensive land use plans [CLUPs] approved by the Airport Land Use Commission [the ALUC]; and

WHEREAS, the ALUC has adopted a CLUP for the area surrounding Lindbergh Field Airport; and

WHEREAS, on October 29, 1999, pursuant to Planning Commission Report No. P-99-187, the Planning Commission recommended the City Council revise the AEOZ and apply it to areas surrounding Lindbergh Field; and

WHEREAS, on September 8, 1999, the Land Use Housing Committee, pursuant to City Manager Report No. P-99-144, recommended amendments to the AEOZ which included requiring noise attenuation consistent with State law and requiring limited aviation easements for residential uses at the 65 CNEL contour, using 1999 CNEL contour maps; NOW, THEREFORE,

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

Section 1. That Chapter 13, Article 2, Division 3, of the San Diego Municipal Code is amended by amending Sections 132.0301, 132.0302, 132.0303, 132.0306, 132.0308, and 132.0309, to read as follows:

SEC. 132.0301 Purpose of the Airport Environs Overlay Zone

The purpose of the Airport Environs Overlay Zone is to provide supplemental regulations for property surrounding Brown Field, Montgomery Field, San Diego International Airport (SDIA) at Lindbergh Field, and Marine Corps Air Station Miramar. The intent of these regulations is as follows:

- (a) To ensure that land uses are compatible with the operation of airports by implementing the Comprehensive Land Use Plans prepared by the Airport Land Use Commission for the San Diego region (San Diego Association of Governments) for Brown Field, Montgomery Field, SDIA at Lindbergh Field and Marine Corps Air Station Miramar that have been adopted by the Airport Land Use Commission for the San Diego region;
- (b) To provide a mechanism whereby property owners receive information regarding the noise impacts and safety hazards associated with their property's proximity to aircraft operations; and
- (c) To ensure that provisions of the California Administrative Code Title 21 for incompatible land uses are satisfied.

SEC. 132.0302 Where the Airport Environs Overlay Zone Applies

- (a) This overlay zone applies to properties identified in the Brown Field, Montgomery Field, SDIA at Lindbergh Field and Marine Corps Air Station Miramar Comprehensive Land Use Plans as areas within a noise contour zone,

accident potential zone, or flight activity zone that are located within the boundaries shown on Map Nos. C-803, C-804, C-805, and C-885, filed in the office of the City Clerk, and are shown generally on Diagram 132-03A.

(b) Table 132-03A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

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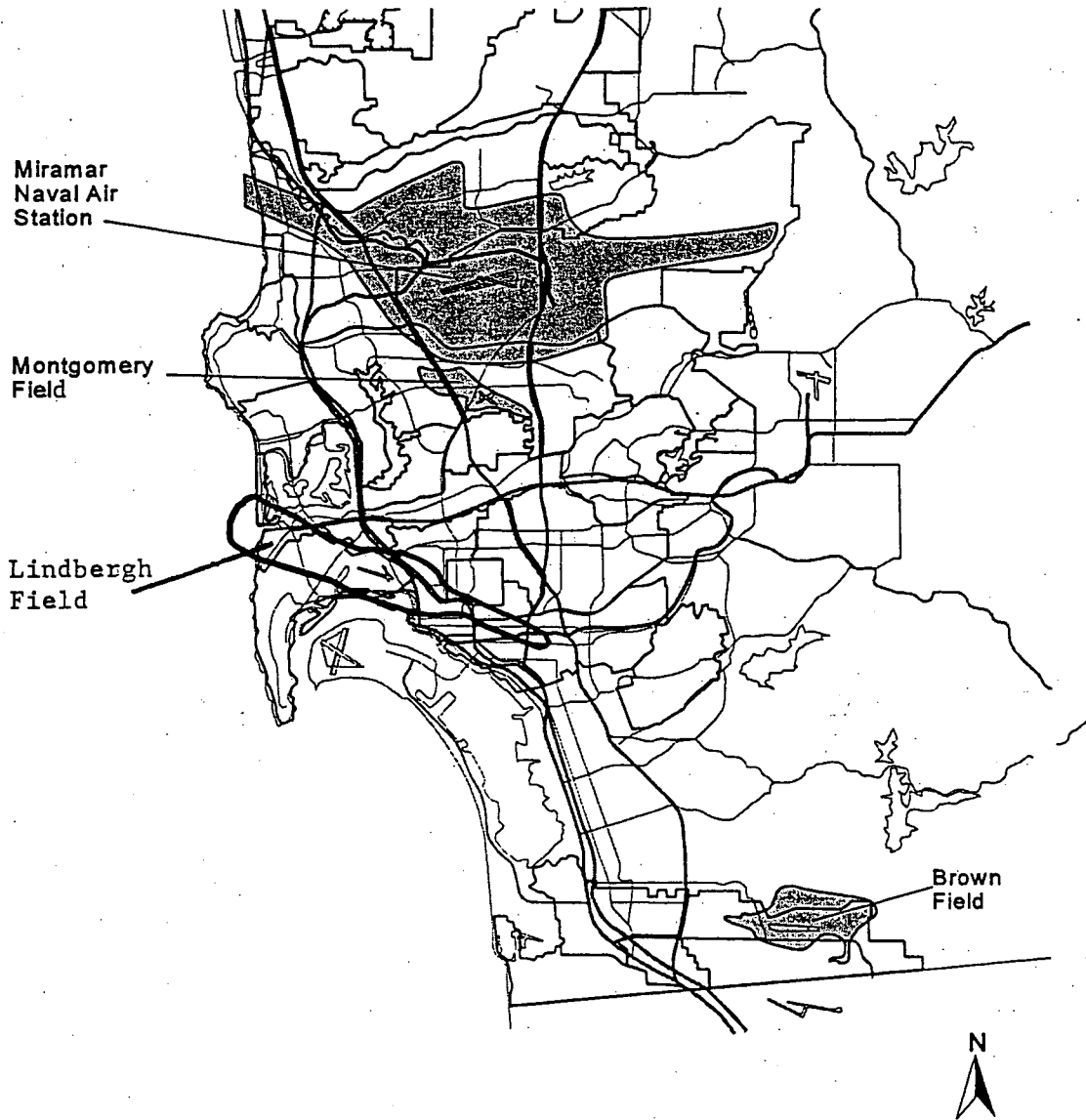


DIAGRAM 132-03A

Airport Environs Overlay Zone

This is a reproduction of map Nos. C-803, 804, 805, and 885 for illustration purposes only.

Table 132-03A

Airport Environs Overlay Zone Applicability

Type of <i>Development Proposal</i>	Supplemental <i>Development Regulations</i>	Required Permit <i>Type/Decision Process</i>
(1) <i>Development for which a permit was issued before March 18, 1991 if the development would not result in a greater degree of noncompliance with this division than the previously permitted development</i>	None--Exempt from this division	No permit required by this division
(2) <i>Additions to, replacement of, or remodeling of an existing single dwelling unit</i>	Within the <i>SDIA-Lindbergh Field Airport Influence Area</i> , development which exceeds a valuation of \$50,000 is subject to the requirement for sound attenuation. Lesser-valued additions to, replacements of, or remodeling of <i>single dwelling units</i> is exempt from this division.	No permit required by this division
(3) <i>Any change in use or development that requires a Building Permit or development permit and that is not exempt under (1) or (2) of this table</i>	See Sections 132.0306-132.0310	No permit required by this division

SEC. 132.0303 Exceptions to the Requirements of the Airport Environs Overlay Zone

The City Manager may grant an exception to the requirements of this division for proposed *development* that is minor, temporary, or incidental and is consistent with the intent of this division. The City Manager shall file a copy of the exception with the office of the City Clerk. Prior to granting such an exemption, the City Manager shall provide ten days advance notice of this intent to the affected airport operator.

SEC. 132.0306 Supplemental Regulations of the Comprehensive Land Use Plans

- (a) Brown Field, Montgomery Field, and Marine Corps Air Station

Miramar

Comprehensive Land Use Plans for Brown Field, Montgomery Field, and Marine Corps Air Station Miramar contain community noise equivalent level contour maps, which identify areas subject to airport noise impacts, and accident potential zone maps or flight activity zone maps, which identify areas of safety hazards. The Comprehensive Land Use Plans also provide land use compatibility matrices or tables, which specify the types of land uses that are compatible, conditionally compatible, or incompatible within specified noise contours, accident potential zones, or flight activity zones.

(1) *Development* proposals shall comply with the airport noise/land use compatibility matrix or table of the applicable Comprehensive Land Use Plan. Indoor noise levels that are attributable to airport operations shall not exceed the levels indicated in the Comprehensive Land Use Plan. For uses not specifically identified, the City Manager shall determine the applicable standard.

(2) *Development* proposals shall comply with the accident potential zone/land use compatibility matrix, and the text regarding land use compatibility in the flight activity zones, of the applicable Comprehensive Land Use Plan.

(3) Uses identified in the land use compatibility matrices as being conditionally compatible are permitted only if the noise is attenuated and the *density* is restricted as indicated in the matrices.

(b) Lindbergh Field

The Comprehensive Land Use Plan for SDIA-Lindbergh Field contains community noise equivalent level contour maps, which identify areas

subject to potential airport noise impacts, and airport approach maps, which identify areas of potential safety hazards. The Comprehensive Land Use Plan also provides a land use compatibility table which specifies the types of land uses that are incompatible within specified noise contours.

(1) *For residential development* within the 60dB CNEL contour, the applicant must demonstrate that indoor noise levels that are attributable to airport operations shall not exceed 45db. For uses not specifically identified, the City Manager shall determine the standard based upon applicable City and State statutory and regulatory requirements. The applicant will be required to spend no more than 10% of construction costs to meet noise attenuation requirements.

(2) *Development* proposals shall comply with the standards of the Runway Protection Zones and Airport Approach Overlay Zone as described by the Comprehensive Land Use Plan.

SEC. 132.0308 Acoustical Testing of Interior Noise Levels

An acoustical study may be required by the City Manager to determine if the *development* proposal meets the noise standards pursuant to this division. If noncompliance with this division is alleged and the City Manager requires a field test to resolve the complaint, the complainant shall post a bond or place adequate funds in escrow to cover the cost of testing. The testing costs shall be charged to the complainant if field tests show that the *development* proposal complies with these regulations. If the tests show noncompliance, the testing costs shall be charged to the applicant and the applicant shall take actions to

comply with the sound attenuation provisions of this division. For the purposes of field testing, the typical interior noise level must demonstrate that the applicant has complied with the appropriate Community Noise Equivalent Level as required by this division.

SEC. 132.0309 Requirement for Avigation Easement

(a) An avigation easement for *development* within the Airport Environs Overlay Zone is required where the *development* results in an increase in the number of *dwelling units* within the Overlay Zone; and either

(1) the *development* is identified in the approved Comprehensive Land Use Plan for Brown Field, Montgomery Field or Marine Corps Air Station Miramar, as applicable, as “incompatible” or “conditionally compatible”; or


(2) the *development* is on a *premises* located within the 1999 65dB or greater CNEL contour of the Lindbergh Field Airport Influence Area.

(b) The avigation easement shall be in a form provided by the airport operator (consistent with the provisions of Section 132.0309), and shall include the name or names of the owner of the *premises* and any other information the County Recorder may require. The easement shall permit the unconditioned right of flight of aircraft in the federally controlled air space above the *premises* and must authorize aircraft noise impacts over the *premises* at levels established by the adopted comprehensive land use plan. Any other easement information shall be supplied in a form provided by the airport owner or operator. The easement shall be recorded in the office of the County Recorder upon the title of the *premises*.

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

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance. However, this ordinance will not apply within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If this ordinance is not certified by the California Coastal Commission, or is certified with suggested modifications, this ordinance shall be void within the Coastal Zone.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. DuveMay
Deputy City Attorney

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