

San Diego County
Airport Land Use Compatibility Plan

Major Policy Issues

A Discussion Paper

Prepared for

San Diego County Airport Land Use Commission

by

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INTRODUCTION

Since release of the draft *San Diego County Airport Land Use Compatibility Plan* (ALUCP) in March 2005, numerous comments have been received in writing or offered at public meetings asking questions or making requests for modifications to the plan. This paper addresses the major issues raised in those comments. A recommended response to each of these issues is indicated as part of the discussion. In some instances, the recommendation is to seek guidance from the Airport Land Use Commission (ALUC).

To the extent that the recommendations herein involve modifications to the March 2005 Draft ALUCP, the changes are reflected in the accompanying October 2005 Interim Draft of Chapters 2 and 3. Inserted within the Interim Draft is either a brief indication of the rationale for each substantive revision or reference to the discussion in this paper. Also, where applicable, this paper indicates the number of the specific policy to which the discussion refers. The discussion is divided into three sections: countywide procedural policy issues; the countywide compatibility criteria; and, finally, issues pertaining to individual airports.

In the discussion of various issues herein, reference is made to the *California Airport Land Use Planning Handbook*. This document is published by the California Department of Transportation Division of Aeronautics. The most recent version of the document was released in January 2002 and can be found on the Division's web site at: www.dot.ca.gov/hq/planning/aeronaut/htmlfile/landuse.php.

COUNTYWIDE PROCEDURAL POLICIES ISSUES

Definition of Existing Land Use

Of all the issues that have been raised regarding the March 2005 Draft ALUCP, one of the most extensively debated has been the definition of “existing land use.” At the center of this issue is the statutory limitation on ALUCs as stated in Sections 21670(a) and 21674(a) of the Public Utilities Code: specifically, ALUCs have no authority over lands “already devoted to incompatible uses.” This phrase is widely interpreted as meaning that ALUCs have no authority over existing land uses.

The consequence of this limitation on ALUC powers is that, once a land use is deemed to be existing, it need not comply with the compatibility criteria set forth in the ALUCP. The ALUC does not review existing land uses. Moreover, when local jurisdictions modify their general plans and specific plans to make them consistent with the ALUCP, existing land uses are exempt from the consistency requirement.

On its face, this issue appears to be a simple one: either a land use is existing or it isn't. Clearly, if a development is completed and actively in use, it qualifies as an existing use. Equally clearly, vacant land for which no development has been proposed cannot be considered an existing use even if the local jurisdiction's general plan or specific plan anticipate some type of future development. The complication arises with regard to development projects that require various types of local jurisdiction approvals at different points in the development process. At what point in the project approval process does the local jurisdiction no longer have the ability to stop or change a project, thus giving the project proponent a “vested right” to complete the project?

Various California state laws and court cases have addressed this topic. It is beyond the scope of this paper to examine the legal facets of this issue. Suffice it to say that, under strict legal interpretation, only a few types of approvals establish a vested right. Other approvals may establish a vested right depending upon the circumstances. More on this topic can be found in the *California Airport Land Use Planning Handbook*, beginning on page 3-17.

The decision that the San Diego County ALUC faces is whether to adhere to a strict legal interpretation of what constitutes an existing land use or to adopt a more relaxed standard. Nothing in the state ALUC statutes dictates one choice versus the other. Policy 1.2.12 in the March 2005 Draft ALUCP included a somewhat liberal definition. Many of the comments received on that draft sought to have the definition relaxed further. Discussions with the City of San Diego planning staff and others lead to a revised definition that attempted more to clarify the intent of the original definition than to significantly change what would be considered an existing land use. The City staff subsequently offered another definition that would have permitted additional projects that are in the midst of the approval process (so-called “pipeline” projects) to be considered existing. Finally, input from the ALUC's legal counsel produced a definition that reverts to a more strict interpretation of what is to be deemed an existing use for the purposes of compliance with the ALUCP. This latter definition is included in the October 2005 Interim Draft ALUCP as Policy 1.2.13. Each of these four definitions are presented here for comparison.

> **March 2005 Draft ALUCP Policy 1.2.12**

Existing Land Use: A land use that either physically exists or for which local government commitments to the proposal have been obtained; that is, no further discretionary approvals are necessary.

- (a) Local government commitment to a proposal can usually be considered firm once one or more of the following have occurred:
 - (1) A tentative parcel or subdivision map has been approved and not expired;
 - (2) A vesting tentative parcel or subdivision map has been approved;
 - (3) A development agreement has been approved and remains in effect;
 - (4) A final subdivision map has been recorded;
 - (5) A use permit or other discretionary entitlement has been approved and not yet expired; or
 - (6) A valid building permit has been issued.
- (b) The determination as to whether a specific project meets the above criteria is to be made by the general government jurisdiction involved.

> **Revised Definition Suggested by ALUC Consultants (June 2005)**

Existing Land Use: A land use that either physically exists or for which local jurisdiction government commitments to the proposal have been obtained; that is, no further discretionary approvals are necessary.

- (a) In general, for the purposes of this *Compatibility Plan*, a land use is considered to become existing at the point in the local jurisdiction's approval process when the jurisdiction no longer has the ability to take actions that would change the land use compatibility of the development. It is recognized that, prior to this point, local jurisdiction commitments may preclude changes to certain aspects of a project. However, to the extent that features of a project have not received final local approval as of the effective date of the Compatibility Plan, then the policies herein shall be applied. For example, if the mix of uses has been approved prior to the effective date of these policies, but not the height of structures, the height limit policies should be applied as part of approvals of the site or building design.
- (b) Local government commitment to a proposal can usually be considered firm once one or more of the following have occurred:
 - (1) A tentative parcel or subdivision map has been approved and not expired or the application for a tentative parcel or subdivision map has been deemed complete pursuant to Section 65943 of the Government Code;
 - (2) A vesting tentative parcel or subdivision map has been approved or the application for a tentative parcel or subdivision map has been deemed complete pursuant to Section 65943 of the Government Code;
 - (3) A development agreement has been executed approved and remains in effect;
 - (4) A final subdivision map has been recorded;
 - (5) A use permit or other discretionary entitlement has been approved and not yet expired; or
 - (6) A valid building permit has been issued.

- (c) The determination as to whether a specific project meets the above criteria is to be made by the local general government jurisdiction involved.

> **Definition Suggested by City of San Diego (August 2005)**

Existing Land Use: As of the effective date of the *Compatibility Plan*, a land use that either physically exists or has been entitled by a local jurisdiction.

- (a) A development project is considered entitled by a local jurisdiction once one or more of the following have occurred pursuant to applicable state law:
 - (1) A tentative parcel or subdivision map has been approved and not expired or the application for a tentative parcel or subdivision map has been deemed complete;
 - (2) A vesting tentative parcel or subdivision map has been approved and not expired or the application for a tentative parcel or subdivision map has been deemed complete;
 - (3) A development agreement has been executed and remains in effect;
 - (4) An annexation agreement has been executed and remains in effect;
 - (5) A final subdivision map has been recorded;
 - (6) A development permit or other discretionary entitlement has been approved and not yet expired or the application for a development permit or other discretionary entitlement has been deemed complete; or
 - (7) A valid building permit has been issued.
- (b) The determination as to whether a development project meets the above criteria will be made by the local jurisdiction.

> **October 2005 Interim Draft ALUCP (Staff Recommendation)**

Existing Land Use: The Aeronautics Act provides ALUCs with the authority to conduct compatibility planning for areas around public airports only “to the extent that these areas are not already devoted to incompatible uses.” This phrase is generally accepted to mean that ALUCs have no authority over existing land use and, therefore, such projects are not subject to ALUC review. For purposes of this *Compatibility Plan*, a land use will be determined to be existing and, therefore, not subject to ALUC review, when a “vested right” is obtained, as determined in accordance with state law. Specifically, vested rights are achieved in the following instances:

- (a) Approval or conditional approval of a tentative parcel or subdivision map that has not expired, pursuant to California Government Code Section 66498.1;
- (b) Approval or conditional approval of a vesting tentative parcel or subdivision map that has not expired, pursuant to California Government Code Section 66498.1;
- (c) Execution of a development agreement that remains in effect, pursuant to California Government Code Section 65866; or
- (d) Issuance of a valid building permit, coupled with the performance of substantial work and the acquisition of substantial liabilities in good faith reliance on the permit, pursuant to the Califor-

nia Supreme Court decision in *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 791, and its progeny.

Recommendation: The ALUC should consider the fundamental approach it wishes to take with regard to the issue of what constitutes an existing land use for the purposes of the ALUCP. Staff is recommending the October 2005 Interim Draft language.

Actions Requiring ALUC Review

Several questions have arisen concerning the types of local land use actions that must be submitted to the ALUC for review. The draft policies on this topic are in Section 1.5.

Mandatory versus Voluntary Review

State law is clear on the types of actions that always must be submitted to the ALUC for review prior to final local jurisdiction approval. These actions include general plan amendments, zoning changes, etc. are listed in Policy 1.5.1. No questions about this aspect of ALUC review have been expressed.

Most of the confusion has pertained to Policy 1.5.2 which addresses other land use actions subject to ALUC review. This policy establishes the ALUC procedures implementing the section of the ALUC statutes (Public Utilities Code Section 21675.5(a)) which says:

“If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission *may require* that the local agency submit *all* subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made.” *[emphasis added]*

As included in the March 2005 draft, the intent of Policy 1.5.2 was to narrow the all-encompassing scope of the types of actions state law allows ALUCs to review under the above circumstances. Policy 1.5.3 included a list of “major land use actions” for which ALUC review would be mandatory prior to completion of the general plan consistency process. The clear benefit of this arrangement is that it would reduce the burden on both the ALUC and affected local jurisdictions. This procedure would also have a disadvantage, however, in that it requires local agency staff to decide whether or not a particular project is a major land use action to be submitted to the ALUC. The October 2005 Interim Draft therefore drops the concept of limiting ALUC reviews only to major land use actions and instead requires that all actions be submitted as the law allows. Section 1.5.3 is deleted and Section 1.5.2 revised to reflect this revised approach.

The revised Policy 1.5.2(b) leaves open the option for the ALUC to review and comment upon certain land use actions after local jurisdictions have made their general plans consistent with the ALUCP. No specific list of such voluntary review actions is defined, however. Rather, this process would be negotiated with individual jurisdictions. Information on these actions would be provided to the ALUC for comment in the same manner that it might be given to other affected governmental entities. Theoretically, no such actions should be inconsistent with the ALUCP because then they would also be inconsistent with the local jurisdiction’s plans and ordinances which implement the ALUCP. However, even if the ALUC were to find the action inconsistent with the ALUCP, the local jurisdiction could approve it without the need for overruling the ALUC.

Recommendation: The ALUC should consider what its policy should be regarding the types of land use actions local jurisdictions must submit for review prior to when they modify their general plans for consistency with the ALUCP. The two options are: to require all actions to be submitted as PUC Section 21675(a) allows and as reflected in the October 2005 Interim Draft (staff's recommendation); or to establish a more limited list such as the list of "major land use actions" presented in the March 2005 Draft Plan.

ALUC Review of Nonaviation Development on Airport Property

Although the October 2005 Interim Draft eliminates the major land use action list that was included in the March 2005 Draft Plan, one particular action from that list is mentioned for clarity purposes in revised Policy 1.5.2(a)(2). As revised, this policy says: "Proposed nonaviation development of airport property, if such development has not previously been included in an airport master plan, airport layout plan, or community general plan reviewed by the Commission, shall also be subject to ALUC review. (See Policy 1.2.8 for definition of aviation-related use.)"

State law explicitly denies ALUCs authority over "the operation of any airport" (PUC Section 21674(e)). However, nothing in the law precludes ALUC review of retail, office, and other such development that is not aviation related. Policy 1.2.8 (renumbered) of the draft ALUCP defines "aviation-related use" as "any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protection areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations facilities, terminal buildings, etc."

ALUC review of on-airport nonaviation development is a common practice among other ALUCs in the state. The rationale is simple. Development that might be considered incompatible if it were to be situated off airport property should not be exempted from compatibility review when situated in a similar proximity to the runway but within the airport boundary. Note that every such development does not require individual review. Similarly to off-airport development which can proceed once the local jurisdiction's general plan is consistent with the ALUCP, proposed on-airport nonaviation development can proceed without additional review if included in an airport master plan that the ALUC has reviewed and found to be consistent.

Many ALUCs in the state review projects involving nonaviation development of on-airport property. Furthermore, the concept is supported by guidance presented in the *California Airport Land Use Planning Handbook*.

Recommendation: Staff is continuing to review this issue.

Timing of Project Reviews

ALUC review procedures outlined in Section 2 of the draft ALUCP indicate the amount of time the ALUC has in which to complete its review of actions submitted to it. For the most part, these policies derive directly from state law. Public Utilities Code Section 21676(d), for example, says that ALUCs must respond within 60 days of the submittal of an action. ALUCP Policy 2.2.4 regarding the review of community land use plans and ordinances directly reflects this requirement, but goes on to indicate that the date of submittal is deemed to be the date on which all applicable project information is received by the ALUC. The same provisions are included in Policy 2.3.2 (renumbered) for other land use actions. However, in the latter case, the 60-day time limit prevails only when ALUC review of major land use actions is mandatory. When submitted on a voluntary basis following when the jurisdiction's general

plan has been found consistent with the ALUCP, the ALUC's review schedule is dictated by the submitting body.

In contrast, local jurisdictions have 30 days under state law in which to determine whether a project application is complete, but then generally do not have a specific deadline in which to review the application. For most projects, the ALUC review need not interfere with local jurisdiction's review schedule if submitted to the ALUC in a timely manner. Speeding local jurisdiction's project review process is an important reason why general plans should be made consistent with the ALUCP as soon as practical.

Recommendation: No ALUC policy changes appear to be necessary.

Necessity for Subsequent Reviews of Certain Actions

Normally, the ALUC should need to review a particular land use development only once. Indeed, if a jurisdiction's general plan, applicable specific plans, and zoning ordinance have been made fully consistent with the ALUCP, then most projects would not individually be subject to ALUC review at all. ALUC review of an individual development proposal would be required only if the project involves a general plan or specific plan amendment or a zoning change or variance.

To achieve the objective of one-time review, all of the criteria against which the ALUC would review a project for consistency must be reflected in the local jurisdiction's plans, ordinances, or other policy document that has been reviewed by the ALUC and found consistent with the ALUCP. Policies must be established regarding usage intensities and building heights, for example. Section 3.2 describes the requirements a general plan and implementing ordinances must meet to be deemed fully consistent with the ALUCP.

Despite this basic objective, more than one ALUC review of a particular development proposal may be required when the project had not yet been fully detailed at the time of the original review or if the details change after the initial review. See renumbered Policy 2.3.4. For example, at the time of a general plan amendment, information regarding usage intensity, site layout, building heights, or other factors that could—depending upon the zone—affect land use compatibility may not have yet been determined. Thus, unless clear limits are established as part of the general plan amendment or other original action reviewed by the ALUC, then a subsequent review would be required.

Recommendation: The October 2005 Interim Draft contains revised wording of the policies mentioned above. These changes do not modify the basic intent of the policies; their purpose is clarification of the original intent.

Special Conditions

Section 3.3 establishes ALUC policies with regard to special conditions that often arise when the ALUCP is applied to areas that are already fully or partly developed.

Infill

Policy 3.3.1 on infill is intended to allow new development to take place in areas where similar development already exists even if the uses do not conform with the ALUCP criteria. The policy seeks to strike a balance between equity and good local land use planning on one hand and, on the other, not allowing incompatibility with airport activity to become worse. We should note that many ALUC plans do not address infill, thus effectively not permitting it, and some have explicitly rejected the concept.

The concept, though, is not unique to the proposed San Diego County ALUCP—it is included in the plans adopted by several other ALUCs.

To control the manner in which infill can be applied, the draft ALUCP defines a set of criteria that a proposed development must meet. Among these criteria, are ones that limit a project site to no larger than 20 acres and require that it be 65% bounded by uses similar to the one proposed.

Some jurisdictions have expressed concern that determining what locations qualify as infill would be difficult. In particular, the City of San Diego has indicated that modifications to the criteria are needed for areas around San Diego International Airport. The draft ALUCP policy attempts to facilitate implementation by calling for infill areas to be defined just once for each jurisdiction. Each jurisdiction can do so either as part of the general plan consistency review process or, if the jurisdiction wishes, prior to ALUC adoption of the ALUCP. In the latter instance, the infill areas can be included as a map in the individual airport sections of Chapter 3. ALUC staff and the consultants can assist local jurisdictions with the infill identification process if requested.

Recommendation: Some revisions to the March 2005 draft policy have been made in response to comments received and to further clarify that local jurisdictions have the responsibility of identifying locations they wish to have considered as infill. Maps of sites qualifying as infill can be added to the draft plan if jurisdictions provide the data for consideration. Subject to consideration of possible refinements regarding San Diego International, adoption of the policy as revised is recommended by staff.

Reconstruction, Redevelopment, and Expansion of Existing Uses

The overall issue addressed by the policies (3.3.2 and 3.3.3) on these topics is: what types of changes can be made to existing land uses that are inconsistent with the compatibility criteria? Fundamentally, the intent of the policies is to allow certain changes if they reduce the incompatibility or at least do not make it worse. Writing the specific policy language to accomplish this objective is the challenge.

The approach taken parallels that found in many county and city zoning codes. For example, if a development is heavily damaged as the result of some calamity, then it must comply with the compatibility criteria when reconstructed unless the use can be considered as infill. The latter exception regarding infill was not explicitly stated in the March 2005 draft. Some of the comments received have sought a still more lenient policy on reconstruction, essentially allowing nonconforming facilities and uses to be rebuilt after being totally destroyed or even to be razed and redeveloped at a density or intensity equivalent to what originally existed. The revised draft language takes a more conservative approach, allowing reconstruction only under limited conditions. However, the issue becomes more complicated with respect to certain types of uses—schools being a prime example—where state laws may mandate reconstruction to meet current codes. The schools topic is separately discussed later in this paper.

Recommendation: Accept policy as revised, but consider further refinements as appropriate.

COUNTYWIDE COMPATIBILITY CRITERIA

General Issues Concerning Compatibility Maps and Criteria

Basic Methodology

Unlike the currently adopted compatibility plans in which each factor is treated separately, the March 2005 Draft ALUCP addresses noise and safety in a combined manner. This methodology is both more flexible and simplifies implementation: a single set of zones can be established and the zone boundaries can be adjusted to follow geographic features rather than strictly adhering to noise contours and safety zone shapes. The compatibility map for each airport was created by first mapping the compatibility factors separately. The compatibility factors map in the background volume section for each airport depicts this step in the process. The compatibility zone factors table (Table 3A) in Chapter 3 was then used to define the relationship between the noise and safety concerns in each zone and provide uniformity from one airport to another. This combined approach to addressing compatibility factors is used by numerous other ALUCs in the state.

Comments have been received suggesting that a disadvantage of this approach is that noise may be the dominant concern in one part of a zone while safety may be more significant in another area. This shortcoming can be overcome, of course, by creating more zones—which is effectively what occurs in the presently adopted plans when separate noise and safety zones are overlapped—but doing so runs contrary to the simplicity achieved by combining the factors into a single, limited set of zones. That said, some splitting of zones may become necessary in some instances. For example, the revised policies propose splitting Zone C at military airports into two. A separate compatibility factors table has been created for military airports to reflect this change. The basic methodology allows for making similar adjustments to other airports on a case-by-case basis, but at this point doing so does not appear to be necessary.

Recommendation: Keep basic methodology as currently proposed.

Basis for Compatibility Criteria

The compatibility criteria to be applied within each zone are similarly flexible in some respects. However, any refinements made to the criteria must be kept in balance with the zone dimensions: to the extent that any zones are made smaller, then the criteria generally should not be significantly relaxed. The opposite is true as well.

Various comments received on the draft plan have questioned how the proposed criteria relate to federal and state regulations. The ALUCP policies primarily rely upon guidance set forth in the *California Airport Land Use Planning Handbook* as required by state law. As emphasized in that document itself, the *Handbook* only represents guidelines; it “does not constitute formal state policy or regulation.” Moreover, even as guidelines, a range of possible compatibility controls is considered acceptable. The *Handbook* recognizes that each compatibility plan must take into account the conditions peculiar to the individual airport and its environs. The draft ALUCP policies are consistent with the *Handbook* guidelines and, especially with the revisions now under consideration, generally fall at the less restrictive end of the acceptable spectrum.

The most significant federal airport land use compatibility restrictions apply to airspace protection. Federal Aviation Regulations Part 77 sets limits on the heights of structures necessary to avoid the structures being deemed airspace obstructions. Even in this regard, though, the FAA has no power to

prevent the creation of obstructions. The federal government has no authority over local land uses—this power rests with the State. All the FAA can do is to restrict the manner in which an airport is used (increase the minimums on an instrument approach procedure, for example) or deny grant funding for airport improvements.

With respect to noise and safety, FAA policies serve essentially as guidelines or recommendations. The extent to which the FAA may participate in remedial actions is a key factor in the FAA criteria. For example, the FAA does not fund sound insulation of structures that fall outside of the 65 dB CNEL noise contour. In terms of safety, the FAA's only guidance for areas off airport property concerns the RPZs as discussed above.

Recommendation: Continue reliance upon the *California Airport Land Use Planning Handbook* as guidance for ALUCP criteria with adjustments as appropriate to airports in San Diego County.

Criteria Variations Among Airport and Community Types

The March 2005 draft ALUCP provided three sets of basic compatibility criteria tables: one for San Diego International Airport; a second for urban area and military airports; and a third for airports in suburban and rural areas. This type of distinction is unusual among countywide compatibility plans elsewhere in the state in that ALUCs have generally either adopted separate documents for each airport or have a single set of criteria that apply to all airports in the county. The *California Airport Land Use Planning Handbook*, though, discusses the differences among airport and community characteristics and suggests different sets of noise and safety criteria for each instance.

Having multiple sets of criteria can be a source of difficulties, however. Various comments received on the draft plan questioned the validity of particular airports being placed in one category versus another. The suburban and rural category in particular caused confusion because a clear distinction was not made between which airports were regarded as suburban and which ones were considered rural. In response, other ways of grouping the airports have been considered by ALUC staff and consultants. The current Interim Draft proposal is to have five groups of airports as follows:

- > *San Diego International Airport*
- > *Urban Area Airports:* Brown Field, Gillespie Field, McClellan-Palomar Airport, and Montgomery Field
- > *Suburban Area Airports:* Fallbrook Community Airpark, Oceanside Municipal Airport, and Ramona Airport
- > *Rural Area Airports:* Agua Caliente Airport, Borrego Valley Airport, Jacumba Airport, and Ocotillo Airport
- > *Military Airports:* MCAS Camp Pendleton (Munn Field), NOLF Imperial Beach (Reem Field), NAS North Island (Halsey Field), and MCAS Miramar.

Recommendation: Proceed with application of five sets of compatibility criteria as outlined above.

Compatibility Criteria

Acceptable Noise Limits for Residential Development

One of the key differences in the compatibility criteria among the above groups is the maximum noise exposure considered compatible for new residential development. Based upon guidance in the *California Airport Land Use Planning Handbook*, the draft ALUCP sets this threshold at 65 dB CNEL for urban area and military airports, at 60 dB CNEL for suburban area airports, and at 55 dB CNEL for rural airports. The appropriate policy for San Diego International Airport is a topic for later consideration. These respective criteria are the primary determinants of the Compatibility Zone B1 dimensions, although minimum distances based upon safety factors are also applied.

Recommendation: Continue to apply residential noise compatibility criteria as described.

Usage Intensity Criteria for Non-Residential Development

Distinctions are also made among the five groups with respect to usage intensities (the number of people per acre) for nonresidential development. Fundamentally, it might be said that risks should be treated equally for all airports. However, while the benefits might be equal, the costs of establishing the restrictions differ from rural to suburban to urban communities because of the variation in land values. (A more comprehensive discussion of risk concepts can be found in Chapter 9 of the *Handbook*.) On this basis, the ALUCP policies allow progressively higher intensities from rural to suburban to urban areas. These variations also serve to balance the fact that the compatibility zones are comparatively larger for the urban airports because of the character (more large aircraft) and higher volume of activity at those facilities.

The issue that has arisen concerns where to set the usage intensity limits for the each compatibility zone within the five categories of airports. Numerous comments on the March 2005 draft plan pointed out that the proposed limits, particularly the single-acre limits, would preclude much of the office and light industrial types of development that is typically considered compatible with airports. To reset the criteria to more suitable limits, data on existing development was obtained from the Cities of Carlsbad and San Diego.

The office and light industrial land uses around McClellan-Palomar Airport are typified by buildings up to three stories in height (the maximum allowed by the City of Carlsbad) with surface parking. In most instances the Floor Area Ratio (FAR) is less than 0.4. Because actual usage intensity data was not available, estimates were made based upon two pieces of information: the City's parking space requirements times 1.1 people per car (an average number obtained from several sources for locations with minimal transit usage); and, additionally, square-footage-per-person figures used for typical office and R&D space planning. The results indicate a median usage intensity of 70 people per average acre with 90% of the development having fewer than 80 people per average acre. Intensities within any single acre are, of course, higher. The median is approximately 150 people per single acre, with 90% of the uses having less than approximately 250 people per single acre. Importantly, no significant differences were found between development closest to the ends of the McClellan-Palomar Airport runway and that situated farther away.

Data recently supplied by the City of San Diego for development around Montgomery Field shows similar intensities for office and light industrial uses as those near McClellan-Palomar Airport. Commercial uses have somewhat higher intensities.

Utilizing this data, the intensity limits for nonresidential uses have been adjusted upward for all airport categories. The single-acre intensity limits were changed the most significantly. The objective of the revised criteria is to make essentially all existing Montgomery Field and McClellan-Palomar Airport area development of three stories or less consistent with the criteria for *Compatibility Zones B2 and C*. For *Zone B1*, greater restrictions are appropriate because of the greater risks. Even so, at least 75% of the existing development in *Zone B1* at these airports appears to be consistent with the proposed criteria.

Related to this topic, comments have also been received suggesting that floor area ratios (FAR) should be used as the basis for limiting nonresidential development rather than usage intensities. The problem with FARs as a compatibility measure is that they only limit the size of the building, not the number of people in it. Office or retail uses would have many more people than a warehouse would have. Usage intensities (people per acre) correlate much more directly with aviation-related risks. Nevertheless, local jurisdictions could potentially utilize FARs as compatibility criteria if they were to set different limits for different types of land uses. The relationship between floor area ratios and usage intensities is explored in the revised version of Appendix D of the draft plan.

Recommendation: Continue to base restrictions on nonresidential development on usage intensity measures. Revise the criteria upward as described.

Clustering of Development

The criteria limiting the numbers of dwelling units and people per acre are measured in terms of site-wide averages. Typical development, though, is not uniformly distributed over a project site. Rather, it is concentrated or clustered in the portions of the site where the buildings are located and the remainder of the site consists of parking, open space, or other less intensive uses. Policy 5.2.5 sets limits on the concentration of development in any single acre. The objective is to avoid a disastrous outcome if an aircraft should strike an area of highly concentrated development.

As noted with regard to the preceding issue, however, the comments and supporting data received with regard to the single-acre usage intensities in the March 2005 Draft Plan revealed that the proposed single-acre intensity limits were not in balance with the average-acre intensities. In most situations, the single acre numbers would be controlling. In the Interim Draft, therefore, the single-acre limitations have been adjusted upward more than the average-acre limits. Similar upward adjustments have been made with regard to the single-acre residential density criteria.

Recommendation: Revise Policy 5.2.5 and Basic Criteria Tables to allow a higher degree of development clustering.

“Discouraged” Uses

Policy 3.1.7 of the March 2005 Draft Plan indicated that certain types of uses were to be discouraged, but not outright prohibited. Basically, the use would not be allowed unless no feasible alternative is available. Based upon discussions with local jurisdictions, the term “discouraged” was judged to be too vague. Language was drafted to change the term to “generally incompatible” and to tighten the conditions under which a project could be considered compatible.

After further consideration, however, ALUC staff concluded that this policy would still be too open-ended. The sense is that the conditions under which particular uses could be considered compatible should be more explicitly defined and should be related primarily to airport compatibility concerns. Policy 3.1.7 is therefore deleted from the October 2005 Interim Draft. Most of the uses that had fallen into the discouraged category in the March 2005 Draft Plan are now categorized as incompatible.

However, a paragraph has been added to Policy 5.2.3(a) addressing certain community-serving facilities, including schools and libraries as addressed below, and establishing the conditions under which they would be acceptable.

Recommendation: Accept revised policies as described.

Schools and Libraries

The ALUCP treats schools (grades K through 12) and libraries as among a group of land uses which represent special safety concerns irrespective of the number of people associated with the use (see Policy 5.2.3). These uses are listed in the revised draft as “unacceptable” in *Compatibility Zones A, B1, B2, and C (C1 and C2 at military airports)* and “generally incompatible” in *Zone D*. Specific reference is made to new Policy 5.2.3(a) which describes the conditions for acceptability.

Society in general sets higher standards of safety for schools than it does for most other land uses—with respect to earthquakes and building codes, for example. A specific concern from an airport compatibility perspective is that children may not quickly respond to get out of harm’s way in the event of an aircraft accident. The effect of noise intrusion on children’s learning is another significant compatibility consideration. In recognition of these special concerns, California state law requires that the California Division of Aeronautics evaluate any proposed acquisition of a school site by a school or community college district if the site is within two miles of an airport. Also, the California Airport Noise Regulations list public and private schools as incompatible land uses within the 65 dB CNEL noise contour unless classrooms have acoustical insulation adequate to reduce interior aircraft-related noise to no more than 45 dB CNEL or the airport has acquired an aviation easement for noise.

An issue that is apparent with regard to the proposed ALUCP policy is that schools are not allowed in some locations where residential development is acceptable. Depending upon the size of the area affected, locating the school outside of the restricted zone may not be practical because the distance from homes to the school would be too great. The interim revised draft ALUCP seeks to offer some flexibility with regard to this situation by adding the following Policy 5.2.3(a)(3):

“For a community-serving facility, including but not limited to schools, parks, and recreation facilities, the local jurisdiction must document that an alternative site outside the community would not adequately meet the needs the facility is intended to serve and that this consideration outweighs the airport-related noise and safety concerns associated with a site in the impacted area.”

A second issue concerns existing schools. Should they be allowed to be rebuilt or expanded at a site that is considered incompatible? This is a difficult issue because of the noise and risk sensitivity of schools. Ideally, schools should not continue to be situated in inappropriate locations. However, relocation of a school may prevent it from adequately serving its neighborhood—if housing is nearby, then schools are needed. Furthermore, state law may require reconstruction of the school to meet current building codes. The revised draft language in Policy 3.3.2(b) would allow a nonconforming use to be reconstructed if required by state law. The new school could not be larger in size or accommodate more students than the existing one, however. Also, sound insulation and aviation easement dedication would be required.

Finally, the issue with respect to libraries is whether they should be treated the same as schools. To the extent that libraries are heavily used by children, then they can be considered similar to schools. This is the basis for the policies as currently drafted which preclude libraries in the same zones that schools are unacceptable.

Recommendation: Consider the above revisions to the draft policies regarding schools and libraries.

Other Development Conditions

Requirements for Height Limit Review

Policy 5.3.3 and the compatibility criteria tables in the March 2005 Draft Plan indicated that proposed construction of objects over a certain height within each compatibility zone were to be reviewed by the ALUC to assess compliance with the airspace protection criteria. The heights for each zone were set on the basis that objects of a lesser height would not be airspace obstructions unless situated on ground significantly above the airport elevation.

The policy, especially as it appeared in the compatibility criteria tables, created confusion, however. Some people thought that the heights mentioned were absolute limitations rather than thresholds for review. The Interim Draft takes a different approach to establishing height review thresholds, one which relies upon the GIS Tool being developed to aid in implementation of the ALUCP. For zones close to runways and in areas of high terrain, the review requirement continues to be based upon the height of the object relative to the ground. In most of the airport influence area, however, the only objects requiring review are ones that are proposed to reach to within 50 feet of the airspace protection surface defined for each airport.

Recommendation: Revise policy as proposed.

Height Criteria

The wording of Policy 5.3.4 concerning height limit criteria is proposed to be revised as reflected in the Interim Draft. The revised policy ties more directly to the airspace protection surfaces. It also indicates the circumstances under which taller objects would be acceptable and specifically requires an FAA aeronautical study in such instances.

A separate issue concerns the specific height limits that should be applied to each airport. For the most part, reliance is placed upon FAR Part 77 standards. San Diego International Airport requires special considerations because of the extensive nearby high terrain. This issue will be addressed at a later date.

Recommendation: Revise Policy 5.3.4 as indicated in the October 2005 Interim Draft.

Limits on Number of Floors

Among the compatibility criteria in the draft ALUCP are limits on the number of aboveground habitable floors—that is, floors that people normally occupy—in buildings (Policy 5.2.3(b)). Some comments on the plan have misunderstood these criteria and suggested that they are unnecessary because airspace protection surfaces limit the heights of buildings. Airspace protection surfaces, however, serve a totally different purpose than the floor limit criteria. The sole purpose of the airspace protection surfaces is to prevent creation of obstructions that can be hazards to aircraft in flight. In contrast, the objective of the floor limits is to reduce risks to people on the ground: buildings with few floors can more readily be evacuated if struck by an airplane than can taller buildings.

Other comments have understood the intended purpose, but contend that the height limit should be measured in feet rather than floors. They point out that some buildings have very tall floors or, for some R&D buildings, intervening unoccupied mechanical floors. This option is a reasonable alterna-

tive. The proposed revised policy language effectively translates between the two measures by adding that floor-to-floor heights are assumed to be no more than 15 feet.

Recommendation: Keep concept of limiting the number of floors in buildings. Revise policy language to indicate the assumed maximum floor-to-floor height.

Hazardous Materials

The draft ALUCP includes a policy restricting the storage of hazardous materials near airport runways (Policy 5.2.3(c)). Comments on this policy suggest that it is not needed or should at least be modified to refer to the standards included in state fire codes.

The fire codes, though, are intended to address normal conditions. They do not take into account the added risks present in locations near runways. The FAA *Airport Design* Advisory Circular explicitly recommends that fuel storage should be prohibited in Runway Protection Zones (RPZs). Recognizing that aircraft the risk of aircraft accidents extends beyond the RPZs, the ALUCP policy would limit quantities of fuel and other hazardous materials in nearby areas. The proposed revised draft policy, though, does directly refer to the state fire codes and also allows exceptions to the restrictions where alternative sites have been investigated and found to be infeasible.

Recommendation: Keep limitations on storage of fuel and other hazardous materials near runways, but modify policy language as discussed.

Development in Zone A

Compatibility *Zone A* for each airport is delineated to encompass airport runways, setbacks lateral to the runways, and the runway protection zones (RPZs) or, for military airports, the clear zones. At typical airports, these areas all fall within the airport property line. Indeed, with regard to RPZs in particular, FAA guidelines (Advisory Circular 150/5300-13, Change 9) indicate that airport owners should have sufficient control, preferably through property acquisition, to clear the areas of incompatible objects and activities and maintain them that way. The March 2005 Draft ALUCP echoes this guidance by specifying that all nonaviation development is incompatible within Zone A. The unstated expectation of the draft plan was that airports would acquire any remaining land in Zone A that they do not already own.

Most of the airports in San Diego County do not currently own all of the land within *Zone A*. In most cases, the respective airport layout plans show proposed acquisition of either fee title or avigation easements. The airports may not acquire this land in a timely manner, however. Also, avigation easements typically serve only to prevent approach obstructions, not to restrict the underlying land use. Existing incompatible land uses could still remain and new ones could be created. Clearly, if airport owners are not acting to protect critical areas near their runways from incompatible uses, the ALUCP and its implementation by local land use jurisdictions cannot be expected to do so. Prohibiting all uses of the property, while ideal, would constitute inverse condemnation.

The question to be answered therefore is: what types of uses can be considered acceptable in *Zone A* if the land is not owned by the airport? Turning to the FAA Advisory Circular cited above provides some guidance, but not a complete answer. The Advisory Circular identifies a few uses as permitted and certain others as ones to be prohibited, leaving a wide range of uses in between. Residences, fuel storage facilities, and places of public assembly are recommended to be prohibited. Listed as examples

of places of public assembly are churches, schools, hospitals, office buildings, shopping centers, and “other uses with similar concentrations of persons.” No specific usage intensity limit is suggested.

A new policy (3.1.7) proposed to be added to the ALUCP attempts to further define acceptable uses. Only very low intensity, nonresidential uses—ones with 10 or fewer people per single acre—would be allowed. New buildings would not be allowed. This restriction matches FAA criteria: if the property is airport owned, FAA standards would not allow buildings.

Recommendation: Add proposed special provisions for *Zone A* policy language to the draft ALUCP. Continue to find all new buildings to be incompatible within this zone.

INDIVIDUAL AIRPORT ISSUES

Agua Caliente Airport

No issues have arisen. Nevertheless, zone sizes have been reduced in recognition of the airport’s very low activity levels.

Recommendation: Revise Compatibility Map as proposed in the October 2005 Interim Draft.

Borrego Valley Airport

All except the western edge of the Borrego Valley Airport influence area is rural in character. For compatibility planning purposes, the rural criteria are applied to this airport. However, the western area, part of the town of Borrego Springs, is more suburban in character and planned future development would be similar. The existing and planned densities fall between the high- and low-density options proposed in the ALUCP for *Zone D* of rural areas. Those criteria call for densities to either be held to 0.2 dwelling units per acre or less (5-acre parcels) or, alternatively, have a more suburban character with densities of at least 5.0 dwelling units per acre. In recognition of the existing suburban character of lands west of Borrego Valley Road, a special policy is proposed to be included in Chapter 3 that would treat this area as suburban. No limitations would be placed on residential densities within *Zone D*.

Another issue pertaining to Borrego Valley Airport involves *Zone C*. The March 2005 Draft ALUCP provides for future establishment of a straight-in instrument approach procedure to the west end of the runway as shown on the Airport Layout Plan adopted by San Diego County. Recent discussions with the County airports staff, however, indicate that such a procedure is highly unlikely and that it need not be considered in the compatibility planning for the airport. In the October 2005 Interim Draft, *Zone C* west of the airport has therefore been reduced in size. This change, together with the above special policy for *Zone D*, eliminates the conflicts with planned residential development in the area. An existing school would remain within *Zone C*, though.

Recommendation: Revise Borrego Valley Airport Compatibility Map and add special policy as described.

Brown Field Municipal Airport

Several issues arose over the March 2005 draft compatibility plan for Brown Field. Revisions included in the October 2005 Interim Draft should resolve most of these.

The most significant issue stemmed in part from confusion. Although Brown Field was designated a suburban airport in the March 2005 draft, this status was not clearly indicated. Furthermore, the compatibility criteria for suburban and rural airports were grouped together, thus leading some commenters to believe that the draft plan considered the airport to be rural. At the encouragement of the City of San Diego, the Interim Draft explicitly categorizes the airport as urban.

As a suburban airport, the maximum noise exposure deemed compatible for new residential development was 60 dB CNEL. As an urban airport, this limit is increased to 65 dB CNEL. The Compatibility Map for Brown Field has been revised accordingly. No existing or planned residential development lies within the projected future 65 dB CNEL contour—the maximum is approximately 62 dB CNEL.

A related issue is the activity level projected for the airport. As described in both the March and October drafts, the ALUCP is based on an activity level consistent with the approximate capacity of the area set aside on the airport for parking aircraft. This activity level is well below the level forecast in the 1980 Airport Master Plan, the last such plan adopted by the county, but is in keeping with county policy actions regarding the airport over the last decade.

Another compatibility issue concerning the Brown Field environs has not been addressed: the area south of the airport is also impacted by nearby Tijuana International Airport in Mexico. No compatibility plan has been adopted for the latter airport although it clearly has noise impacts on part of the Brown Field vicinity.

Recommendation: Reclassify Brown Field as urban and revise the Compatibility Map accordingly.

Fallbrook Community Airpark

The issues that have been identified regarding the March 2005 Draft Plan for Fallbrook Community Airpark appear to be resolved by categorizing the airport as suburban together with the revisions that are proposed for the suburban airport compatibility criteria. No need for changes to the Compatibility Map have been noted.

The primary concern was that much of *Zone D* is already divided into parcels that fall between the high- and low-density options provided for residential development in rural areas. The County sought to have any similar future residential subdivisions be consistent with the ALUCP criteria and the Interim Draft revisions will eliminate these conflicts. Some conflicts will remain with respect to residential uses in *Zones B1* and *C* north of the airport. Most of this area is already developed, however, and the remaining parcels potentially can qualify as infill.

Recommendation: Categorize Fallbrook Community Airpark as a suburban airport.

Gillespie Field

Two issues have been raised with regard to Gillespie Field. Some commenters questioned the activity levels upon which the plan for the airport is based. Forecasts from the *Airport Layout Narrative Report* were used as most closely reflecting current county policy regarding the development of the airport. The second issue concerns future development in *Zone A*. The proposed revision to the countywide policy on *Zone A* addresses this issue.

Recommendation: No actions necessary.

Jacumba Airport

The major issue that has arisen over the draft compatibility plan for Jacumba Airport concerns the effect on potential residential development in a large area north of the airport. County land use designations for this area are to be determined by a future specific plan—at present the uses are undesignated. Nevertheless, even though County plans would not be in conflict with the draft ALUCP for the airport, revisions to the plan are proposed in the October 2005 Interim Draft. The sizes of *Zones C* and *D* have been reduced in recognition of the current and projected very low level of activity at the airport. The revisions also serve to eliminate most of the potential conflicts that would result from designation of the area north of the airport for residential land uses.

Recommendation: Revise Compatibility Map for Jacumba Airport as shown in the October 2005 Interim Draft.

McClellan-Palomar Airport

Proposed Interim Draft revisions to the nonresidential usage intensities for urban airports should minimize the most significant issue concerning McClellan-Palomar Airport: the conflict that existing and similar future development near the airport would have had with the original intensity criteria. With the revisions to Table 2B, future development of the type already existing in the area would be consistent with the criteria except that some of the more intensive uses might not comply with the *Zone B1* criteria.

A secondary issue involves the size of the traffic pattern depicted in the background data section for the airport in Volume 2. Some commenters stated that the pattern is larger than shown. In response to the comments, additional radar flight track data was obtained and it confirmed that many aircraft fly a wider pattern. *Zone D* has been expanded accordingly. However, since few restrictions apply to this zone for urban airports, the effect of the change is minimal.

Recommendation: Revise the Compatibility Map for McClellan-Palomar Airport as depicted in the October 2005 Interim Draft.

Montgomery Field

Revisions to the nonresidential usage intensity criteria for urban airports should eliminate most of the issues concerning Montgomery Field. The proposed new policy for *Zone A* will at least partially address the issues concerning development in that area. No special policies or major changes to the Compatibility Map are proposed in the October 2005 Interim Draft. The various zone boundary changes shown on the revised map mostly move the lines to follow geographic features and are made at the encouragement of the City of San Diego.

Recommendation: Revise Compatibility Map for Montgomery Field as presented in the October 2005 Interim Draft.

Oceanside Municipal Airport

Only one major issue concerning the compatibility plan for Oceanside Municipal Airport has arisen. This issue concerns the proposed mixed use development of the present drive-in theater site east of the airport. The upward adjustment of the usage intensity criteria for suburban airports—the category most appropriate for the airport—provides more flexibility for this development. Initial evaluation of

the developer's layout concept for the site indicates that it can comply with the revised criteria without the need for modifications to the compatibility zone boundaries.

As a suburban airport, no new residential development would be acceptable within the 60 dB CNEL contour. No existing or proposed residential land uses fall within this contour as projected based upon activity level associated with the apparent aircraft parking capacity of the airport. Some comments have suggested that a higher forecast should be used. Oppositely, the Oceanside City Council is assessing the future of the airport, including the possibility of closing it. From a compatibility planning standpoint, the current forecast in the ALUCP is judged to represent a realistic future scenario. The prospect that the airport could be closed is not a consideration—as long as the airport remains in operation a compatibility plan is required.

Recommendation: Revise suburban criteria table as discussed and depicted in the October 2005 Interim Draft.

Ocotillo Airport

No issues remain. Nevertheless, zone sizes have been reduced in recognition of the airport's very low activity levels.

Recommendation: Revise Compatibility Map as proposed in the October 2005 Interim Draft.

Ramona Airport

The one issue at Ramona Airport has involved the ALUCP's conflicts with existing and future land uses east of the airport. Categorization of the airport as suburban, together with the proposed adjustment of the criteria for suburban airports reduces the conflicts. Some of the existing residential land uses east of the airport may still be inconsistent with the criteria for *Zones B1* and *C*, however. The exemption for development on existing single-family residential lots plus the potential application of infill criteria for any new subdivisions should enable most planned development in the area to proceed.

Recommendation: No Draft Plan changes specific to Ramona Airport appear necessary at this time. A special policy addressing residential land uses east of the airport may need to be entertained, however.

San Diego International Airport

Issues concerning San Diego International Airport are to be considered at a later date pending continuation of on-going discussions with the City of San Diego and affected landowners.

MCAS Camp Pendleton (Munn Field)

No issues have arisen regarding this airport.

NOLF Imperial Beach (Reem Field)

The fundamental compatibility planning issue involving NOLF Imperial Beach is the adequacy of the activity data upon which the draft ALUCP is based. By state law, the ALUCP must be consistent with the military's Air Installation Compatible Use Zones (AICUZ) study for the facility. The last such study for the NOLF is some 20 years old. The Navy has formally indicated that current aircraft activity is very similar to what is described in the AICUZ study. The local jurisdiction has questioned this finding. ALUC staff is therefore requesting to put the Compatibility Plan for this facility on hold until such time as updated current and maximum mission activity data can be obtained from the military. Note

that this data does not necessarily need to be provided in the form of a new AICUZ study—compatibility plans for other air bases in the state have utilized other sources of aircraft activity data supplied by the military.

Recommendation: Delay consideration of a Compatibility Plan for NOLF Imperial Beach until updated activity data can be obtained.

NAS North Island (Halsey Field)

The primary issue facing NAS North Island is identical to that for NOLF Imperial Beach: the out-of-date status of the AICUZ study. A further, but related issue, is that the location of flight tracks for the base, particularly those affecting the City of Coronado to the southeast, have been questioned. Several other issues involving this air base will need to be addressed later once new activity data becomes available and the Compatibility Plan can be revised as necessary.

Recommendation: Delay consideration of a Compatibility Plan for NAS North Island until updated activity data can be obtained.

MCAS Miramar

A variety of issues involving MCAS Miramar have been presented by various commenters including the Marine Corps, the City of San Diego, and affected landowners. Most of these issues revolve around whether the draft ALUCP is consistent with the new AICUZ study for Miramar which was just released early in 2005. Extensive revisions to the Compatibility Map for this facility have been made in response to the comments. Additionally, a separate set of compatibility criteria has been created for military airports (see Table 2E). Among other changes, *Zone C* has been divided into a *Zone C1* and a *Zone C2*. New Table 3B in Chapter 3 describes the factors considered in establishment of the revised map and criteria.

With the revisions as included in the October 2005 Interim Draft, the Compatibility Plan for MCAS Miramar is believed to be consistent with the current AICUZ study for the base. If anything, the ALUCP provides a greater degree of protection for the base than the AICUZ study seeks. Some commenters have questioned whether such extra measures make the ALUCP inconsistent with the AICUZ study. However, nothing in state law requires the ALUCP to be identical with the AICUZ study. Indeed, the *California Airport Land Use Planning Handbook* notes that being consistent only requires that an equal or greater degree of compatibility be provided.

Recommendation: Accept the revised MCAS Miramar Compatibility Map and associated military airport compatibility criteria.