

**AIRPORT LAND USE
COMPATIBILITY PLAN**

San Diego International Airport

AIRPORT LAND USE COMPATIBILITY PLAN SAN DIEGO INTERNATIONAL AIRPORT SAN DIEGO, CALIFORNIA

**Originally Adopted February 28, 1992
Amended April 22, 1994**

Amended October 4, 2004



SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

P.O. Box 82776
San Diego, CA 92138-2776
Phone: 619-400-2400

This plan is mandated by Section 21675 of the Public Utilities Code. Local agency adoption or amendment of general and specific plans, zoning ordinances, building regulations, or other land use ordinances or regulations which affect land within the airport influence area, and individual development proposals, airport master plans, construction plans for new airports, and expansion plans for existing airports that are within the airport influence area are required to be submitted to the Airport Land Use Commission (ALUC) for a determination of consistency with this Plan. This Plan was financed with local funds. Local actions or individual development proposals are required to be submitted to the ALUC for a consistency review only when a local agency has neither revised its general plan or specific plan to be consistent with the commission's compatibility plan, nor overruled the commission with regard to these plans.

This Plan was originally adopted by SANDAG and was amended by the San Diego County Regional Airport Authority, acting in its capacity as the San Diego County ALUC.

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY AIRPORT LAND USE COMMISSION (ALUC)

Members of the Board

The Airport Land Use Commission (ALUC) is an agency that is required by state law to exist in counties in which there is an airport operated for the benefit of the general public. The purpose of the ALUC is to protect public health, safety and welfare by ensuring the orderly development of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

The San Diego County Regional Airport Authority is the ALUC for San Diego County. The Airport Authority, acting in its capacity as the ALUC for the County of San Diego, is governed by a nine-member Board, which meets monthly to conduct the Authority's ALUC business.

Board Member

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Xema Jacobson
William D. Lynch
Ralph Inzunza, Councilmember
Terry W. Johnson, Mayor, Oceanside
Paul Nieto (Vice Chair)
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Mary Sessom, Mayor, Lemon Grove
Ted Reynolds

Appointing Authority

Mayor, City of San Diego
Governor, State of California
Sheriff, County of San Diego
Mayor, City of San Diego
North Coastal area mayors
Mayor, City of Chula Vista
Mayor, City of San Diego
East County area mayors
North Inland area mayors

CEO/President

Thella F. Bowens



**San Diego
ASSOCIATION OF
GOVERNMENTS**

First Interstate Plaza, Suite 800
401 B Street
San Diego, California 92101
(619) 595-5300 Fax (619) 595-5305

RESOLUTION

No.

92-14

ADOPTING THE COMPREHENSIVE LAND USE PLAN FOR LINDBERGH FIELD

WHEREAS, SANDAG is designated as the Airport Land Use Commission for the San Diego Region, pursuant to Article 3.5, Chapter 4, Part 1, Division 9, of the Public Utilities Code; and

WHEREAS, SANDAG has prepared a Comprehensive Land Use Plan for Lindbergh Field in order to preserve and protect the airport and the land uses surrounding it; and

WHEREAS, the draft Comprehensive Land Use Plan was prepared with advice from an advisory committee including organizations and agencies which might be affected by the Plan; and

WHEREAS, the draft Comprehensive Land Use Plan has been revised based upon written comments on the draft CLUP and the draft Environmental Impact Report; and

WHEREAS, the City of San Diego, as the local land use agency, has reviewed the draft Comprehensive Land Use Plan for Lindbergh Field; and

WHEREAS, the Airport Land Use Commission held a public hearing on February 28, 1992, to take testimony from the public on the Plan's findings and recommendations; NOW THEREFORE

BE IT RESOLVED that the Board of Directors of the San Diego Association of Governments, acting as the Airport Land Use Commission of the San Diego Region, hereby adopts the Comprehensive Land Use Plan for Lindbergh Field.

PASSED AND ADOPTED this 28th day of February, 1992.



CHAIRPERSON

ATTEST:



SECRETARY



**San Diego
ASSOCIATION OF
GOVERNMENTS**

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RESOLUTION

No.

94-58

AMENDING THE LINDBERGH FIELD COMPREHENSIVE LAND USE PLAN

WHEREAS, SANDAG serves as the Airport Land Use Commission for the San Diego Region, pursuant to California Public Utilities Code, Article 3.5, Chapter 4, Part 1, Division 9; and

WHEREAS, SANDAG has an adopted Comprehensive Land Use Plan (CLUP) for Lindbergh Field in order to protect the viability of the airport from incompatible development and preserve the public health, safety, and welfare of the region's citizens; and

WHEREAS, the City of San Diego and San Diego Unified Port District have requested SANDAG to amend the Lindbergh Field CLUP; and

WHEREAS, a public hearing was held on April 22, 1994, to receive public testimony; and

WHEREAS, SANDAG has determined, based on previously prepared EIR's which adequately analyze the projects, that there will be no significant environmental impact caused by the implementation of these amendments; NOW THEREFORE

BE IT RESOLVED that the Board of Directors, serving as the region's Airport Land Use Commission, hereby adopts the following amendments to the Lindbergh Field CLUP:

"As an alternative to the CLUP density criterion, a compatible land use within the Little Italy and Cortez Hill areas may be limited to a floor area ratio (FAR) of 2.0 and a thirty-six (36) foot height limit.

Incompatible land uses are:

- Hospitals or Nursing Homes
- School or College Educational Buildings
- Specialized Recreational Buildings
- Church and Other Public Assembly Buildings

Properties in the Little Italy area that are intersected by the airport approach/departure zone to Lindbergh Field shall be exempt from the density criterion.

For the remaining area within the Lindbergh Field eastern approach/departure zone, the adopted CLUP density criterion applies."

BE IT FURTHER RESOLVED that the Lindbergh Field CLUP be amended to reflect the agreements reached among the San Diego Unified Port District, the San Diego Unified School District, and the Airport Coalition as stated in their request dated December 10, 1993.

PASSED AND ADOPTED this 22nd day of April, 1994.


CHAIRPERSON

ATTEST: 
SECRETARY

RESOLUTION NO. 2004-0110

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY CERTIFYING THE ENVIRONMENTAL IMPACT REPORT TO ADOPT THE ANNUAL AMENDMENTS TO THE COMPREHENSIVE LAND USE PLANS FOR SAN DIEGO COUNTY AIRPORTS AND ADOPT FINDING OF FACTS IN SUPPORT OF FINDINGS IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THE AIRPORT AUTHORITY'S CEQA POLICIES

WHEREAS, the San Diego County Regional Airport Authority ("Airport Authority") has been designated as the Airport Land Use Commission ("ALUC") for all public airports in the County of San Diego ("County"), effective January 1, 2003 (PUB.RES.CODE §21670.3);

WHEREAS, the Airport Authority is lead agency on a project involving proposed annual amendments to the Comprehensive Land Use Plans ("CLUPs") for County public airports ("the CLUP Amendment Project" or "Project");

WHEREAS, as lead agency, the Airport Authority prepared a Notice of Preparation and Initial Study ("NOP/IS"), in accordance with the CALIFORNIA ENVIRONMENTAL QUALITY ACT, PUB.RES.CODE §§21000, *et seq.* ("CEQA") and its implementing GUIDELINES, 14 CAL.CODE REGS. §§15000, *et seq.* ("CEQA GUIDELINES");

WHEREAS, on January 16, 2004, the Airport Authority published the NOP/IS on the proposed CLUP Amendment Project and accepted responses on the NOP/IS for a period of thirty (30) days from January 19, 2004, to February 18, 2004;

WHEREAS, the Airport Authority prepared a Draft Environmental Impact Report No. 01-04 (SCH No. 2004011078) ("Draft EIR"), pursuant to the requirements of CEQA and the CEQA GUIDELINES, to analyze the potential environmental effects of the CLUP Amendment Project;

WHEREAS, in addition to the CLUP Amendment Project, the Draft EIR evaluates a range of reasonable alternatives to the project, which includes a No Project Alternative and a Limited Residential Project Alternative;

WHEREAS, the Draft EIR determines, pursuant to Section 15126.6 of the CEQA Guidelines, that the CLUP Amendment Project is the environmentally superior project;

WHEREAS, on May 19, 2004, the Airport Authority published the Notice of Availability of Draft EIR 01-04;

WHEREAS, the Draft EIR was circulated for public review and comment for a period of forty-five (45) days, beginning May 19, 2004, and was extended for an additional thirty (30) days to August 5, 2004;

WHEREAS, the Airport Authority received comments on the Draft EIR from two (2) state agencies, five (5) local agencies, eleven (11) private organizations, and six (6) companies, corporations or individuals;

WHEREAS, the Airport Authority prepared responses to all comments received during the comment period on the Draft EIR;

WHEREAS, in accordance with Section 15132 of the CEQA GUIDELINES, proposed Final EIR 01-04 consists of the following:

- (1) Draft EIR 01-04, as revised, and all appendices and technical reports thereto;
- (2) Comments and Responses to Comments on Draft EIR 01-04, including a list of all persons, organizations and public agencies submitting comments;
- (3) Staff Report to the Airport Authority, regarding EIR certification and approval of the modified CLUP Amendment Project;
- (4) Airport Authority Resolutions relating to the EIR certification, adoption of findings and facts in support of findings, and approval of the Proposed Project, including all attachments thereto; and
- (5) All attachments and documents incorporated by reference in items (1) through (4) above

WHEREAS, the Airport Authority held public meetings on September 9, 2004, and September 13, 2004, to receive and consider public testimony with respect to the CLUP Amendment Project and the completeness and adequacy of proposed Final EIR 01-04;

WHEREAS, on September 13, 2004, the Airport Authority's Strategic Planning Committee ("Committee") directed staff to carry forward a "modified CLUP Amendment Project" for full ALUC Board consideration and approval;

WHEREAS, the Committee indicated a desire to modify the CLUP Amendment Project in a manner that, if approved, would not require the County or any affected cities to make modifications to their general plans as a result of the approval action;

WHEREAS, the modified CLUP Amendment Project includes the following components:

- (1) Designate as "conditionally compatible" all new residences and other noise sensitive uses (*i.e.*, hospitals, schools and libraries) located within the 60-65 dB CNEL noise contours for Borrego Valley Airport, Oceanside

Municipal Airport and San Diego International Airport ("SDIA"), provided that the interior noise levels attributable to exterior noise sources not exceed 45 dB CNEL in any habitable room, and that, for all property transactions, appropriate notice be provided to all purchasers, lessees and renters of property which describes the potential for impacts from aircraft noise associated with airport operations;

- (2) Designate as "incompatible" any proposed development project located within the Airport Influence Area ("AIA") for Brown Field, Montgomery Field and Oceanside Municipal Airport that has been determined by the Federal Aviation Administration ("FAA") to be a "hazard" to airspace navigation pursuant to a Federal Aviation Regulation ("FAR") Part 77 determination;
- (3) Replace the San Diego Association of Governments' ("SANDAG") ALUC policies with the Airport Authority's current policies relating to ALUC duties and responsibilities in all existing County CLUPs; and
- (4) Make certain technical and legal modifications consistent with State requirements and the Airport Authority's current policies relating to ALUC duties and responsibilities.

WHEREAS, the CLUP Amendment Project, as modified by the Strategic Planning Committee on September 13, 2004, comprises the Proposed Project ("modified CLUP Amendment Project");

WHEREAS, the Airport Authority has reviewed all documentation comprising proposed Final EIR 01-04 and has found that proposed Final EIR 01-04 considers all environmental effects of the modified CLUP Amendment Project, and is complete, adequate and fully complies with all requirements of CEQA, the State CEQA GUIDELINES, and the Airport Authority's CEQA Procedures;

WHEREAS, Section 21081 of the PUBLIC RESOURCES CODE and Section 15091 of the CEQA GUIDELINES requires the Airport Authority make one or more of the following findings prior to approving or carrying out a project for which an EIR has been prepared identifying one or more significant effects of the project, together with a statement of facts in support of each finding:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.”

WHEREAS, with respect to significant effects which were subject to a finding under paragraph (3) above, Section 21081 of the PUBLIC RESOURCES CODE and Section 15091 of the CEQA GUIDELINES require the public agency to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment;

WHEREAS, Section 15093 of the CEQA GUIDELINES requires this Airport Authority to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project;

WHEREAS, Section 15093(b) of the CEQA GUIDELINES requires that, where the decision of this Airport Authority allows the occurrence of significant effects which are identified in an EIR, but are not at least substantially mitigated, the Airport Authority must state in writing the reasons to support its action based on the Final EIR or other information in the record.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Airport Authority has reviewed and considered Final EIR 01-04 (SCH No. 2004011078) and finds that it is adequate, complete and contains all information required by CEQA and the CEQA GUIDELINES.

2. The Airport Authority further finds that Final EIR 01-04 has identified all significant environmental effects of the modified CLUP Amendment Project, and has analyzed a range of reasonable alternatives to the Proposed Project, as set forth in the "CEQA Findings and Facts in Support of Findings," which is incorporated by reference, made an express part of this Resolution and attached to the Resolution as Attachment "A."

3. The Airport Authority adopts the appropriate finding(s) set forth in Section 21081 of the PUBLIC RESOURCES CODE and Section 15091 of the CEQA GUIDELINES, and the explanation of its reasoning with respect to each finding as set forth in Attachment "A."

4. The Airport Authority finds that Final EIR 01-04 has described all reasonable alternatives to the modified CLUP Amendment Project that feasibly could obtain the basic objectives of the project (including the no project alternative), even when these alternatives might impede the attainment of project objectives and might be more costly. Further, the Airport Authority finds that a good faith effort was made to incorporate alternatives suggested by the public, and that all reasonable alternatives were considered in the review process and ultimate decision on the project.

5. The Airport Authority finds that no substantial evidence has been presented which would call into question the facts and conclusions in Final EIR 01-04, or require that Final EIR 01-04 evidence be reexamined.

6. The Airport Authority finds that significant new information has not been added to Final EIR 01-04 since circulation of the Draft EIR such that recirculation for additional public review is necessary pursuant to CEQA GUIDELINES §15088.5. The Airport Authority further finds that no information has been presented showing new significant effects or an increase in the severity of effects due to a new mitigation measure, and that no feasible alternative which would clearly lessen the significant physical environmental effects identified in Final EIR 01-04 has been proposed and rejected by the Airport Authority.

7. The Airport Authority has filed a Certificate of Fee Exemption with its Notice of Determination for the modified CLUP Amendment Project. See, 14 CAL.CODE REGS. §§753.5(c)(2), (c)(3).

8. The Airport Authority finds that Final EIR 01-04 serves as adequate, complete and appropriate environmental documentation for the modified CLUP Amendment Project.

9. The Airport Authority hereby certifies Final EIR 01-04 as complete and adequate in that Final EIR 01-04 addresses all environmental effects of the Proposed Project and fully complies with the requirements of CEQA and the CEQA GUIDELINES.

10. Final EIR 01-04 has been, and will continue to be, on file at the Airport Authority offices located at 3225 North Harbor Drive, San Diego, California.

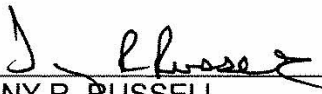
PASSED, ADOPTED AND APPROVED by the Board of Directors of the San Diego County Regional Airport Authority, acting in its capacity as the ALUC for the County of San Diego, at a regular meeting this 4th day of October, 2004, by the following vote:

AYES: Board Members: Craver, Jacobson, Johnson, Lynch, Nieto, Peterson, Reynolds, Sessom

NOES: Board Members: None

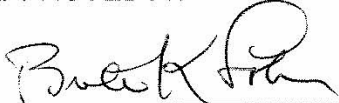
ABSENT: Board Members: Inzunza

ATTEST:



TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:



BRETON K. LOBNER
GENERAL COUNSEL

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY



CEQA FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR FINAL ENVIRONMENTAL IMPACT REPORT NO. 01-04

For The

Annual Amendments To The
Comprehensive Land Use Plans For San Diego County Airports
(Final EIR 01-04; State Clearinghouse No. 2004011078)

October 4, 2004

ATTACHMENT A

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CEQA FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR FINAL ENVIRONMENTAL IMPACT REPORT NO. 01-04

1.0 INTRODUCTION

1.1 STATUTORY REQUIREMENTS FOR FINDINGS

The California Environmental Quality Act ("CEQA") (PUB.RES.CODE ' §21000, *et al.*) and the CEQA GUIDELINES ("the CEQA GUIDELINES") (14 CAL. CODE REGS. § ' 15000, *et al.*) require that no public agency approve or carry out a project for which an Environmental Impact Report ("EIR") has been certified which identifies one or more significant effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effect as identified in the final EIR (hereinafter, "Finding 1").
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such agency (hereinafter, "Finding 2").
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (hereinafter, "Finding 3").

For those significant effects that cannot be mitigated to below a level of significance, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse effects on the environment.

In addition, CEQA requires a public agency to make a finding that the EIR reflects the lead agency's independent judgment and analysis. In accordance with the provisions of CEQA and the CEQA GUIDELINES, the San Diego County Regional Airport Authority ("the Airport Authority") expressly finds that the Final Environmental Impact Report No. 01-04 (SCH No. 2004011078) ("Final EIR"), for the Annual Amendments to the Comprehensive Land Use Plans ("CLUPs") for San Diego County Airports ("modified CLUP Amendment Project" or "Proposed Project") reflects the Airport Authority's independent judgment and analysis.

Finally, in order to avoid filing a fee under the FISH AND GAME CODE because of a *de minimus* impact on fish and wildlife, the findings must include a declaration as follows: "[w]hen considering the record as a whole there is no evidence before the [Airport Authority] that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends."

In accordance with the provisions of Section 753.5 of Title 14 of the CALIFORNIA CODE OF REGULATIONS, the Airport Authority expressly finds that: when considering the record as a whole

there is no evidence before the Airport Authority that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends. The Airport Authority has, therefore, on the basis of substantial evidence, rebutted the presumption of adverse effect contained in the FISH AND GAME CODE regulations at 14 CAL.CODE REGS. §753.5(d).

In accordance with the provisions of CEQA and the CEQA GUIDELINES, the Airport Authority adopts these findings as part of its certification of Final EIR 01-04.

1.2 ORGANIZATION/FORMAT OF FINDINGS

In compliance with the statutory requirements, the findings are organized as follows:

- (1) Significant effects identified in the Draft EIR that can be avoided through project modification;
- (2) Effects identified in the Draft EIR as too speculative for further analysis that can be avoided through project modification;
- (3) Effects determined not to be significant;
- (4) Cumulative effects;
- (5) Growth-inducing effects; and
- (6) Feasibility of project alternatives.

Each of these categories is accompanied by a discussion of the effects identified, findings, and facts in support of those findings, as appropriate.

2.0 DESCRIPTION OF PROJECT PROPOSED FOR APPROVAL

2.1 INTRODUCTION AND DESCRIPTION OF THE PROJECT

The CLUP Amendment Project analyzed in the Draft EIR consists of amendments to the nine (9) existing County CLUPs as follows: San Diego International Airport ("SDIA"), Borrego Valley Airport, Brown Field, Fallbrook Community Airpark, Gillespie Field, McClellan-Palomar Airport, Montgomery Field, Marine Corps Air Station ("MCAS") Miramar and Oceanside Municipal Airport. The amendments, if approved, would have accomplished the following:

- (i) Designate as "incompatible" all new residences and other noise sensitive uses (*i.e.*, neighborhood parks, playgrounds, hospitals and related uses, preschools, schools and libraries) proposed to be located within the 65 decibel ("dB") Community Noise Equivalent Level ("CNEL") and greater noise contours of County airports;
- (ii) Designate as "conditionally compatible" all new residences and other noise sensitive uses (*i.e.*, hospitals, schools and libraries) located within the 60-65 dB CNEL noise contours of County airports, provided that the interior noise levels attributable to exterior noise sources not exceed 45 dB CNEL in any habitable room, that an aviation easement be required as a condition of project approval,

and that, for all property transactions, appropriate notice be provided to all purchasers, lessees and renters of property which describes the potential for impacts from aircraft noise associated with airport operations;

- (iii) Designate as "incompatible" any proposed development project that has been determined by the Federal Aviation Administration ("FAA") to be a "hazard" to airspace navigation pursuant to a Federal Aviation Regulation ("FAR") Part 77 determination;
- (iv) Replace the San Diego Association of Governments' ("SANDAG") ALUC policies with the Airport Authority's current policies relating to ALUC duties and responsibilities; and
- (v) Make certain technical and legal modifications consistent with State requirements and the Airport Authority's current policies relating to ALUC duties and responsibilities.

The CLUP Amendment Project proposed in the Draft EIR would have provided consistency between the County CLUPs with respect to land use compatibility designations concerning the location of residential and other noise sensitive uses, the provision of residential sound attenuation, aviation easements, and notification requirements, and Federal Aviation Administration ("FAA") Federal Aviation Regulation ("FAR") Part 77 compliance requirements. A list of the individual County CLUPs, and the specific amendments originally proposed in the Draft EIR to each CLUP, is provided in Table 1-1, below.

TABLE 1-1

**SUMMARY OF PREVIOUSLY PROPOSED ANNUAL AMENDMENTS TO
THE SAN DIEGO COUNTY CLUPS**

Airports with CLUPs	Replace SANDAG Policies with SDCRAA Policies	Designate as "Incompatible" Any Proposed Development Project That is Not Consistent With the FAA's FAR Part 77 Requirements	Designate as "Conditionally Compatible" New Residences and Other Noise Sensitive Uses Located Within 60-65 dB CNEL Noise Contours, Provided That Sound Attenuation, Avigation Easements and Notice of Airport Operations Be Required	Designate as "Incompatible" New Residences and Other Noise Sensitive Uses Located Within 65 dB CNEL or Greater Noise Contours
Borrego Valley Airport	Amendments required	No amendments required*	Amendments required	No amendments required***
Brown Field	Amendments required	Amendments required	No amendments required**	No amendments required***
Fallbrook Community Airpark	Amendments required	No amendments required*	No amendments required**	No amendments required***
Gillespie Field	Amendments required	No amendments required*	No amendments required**	No amendments required***
McClellan-Palomar Airport	Amendments required	No amendments required*	No amendments required**	No amendments required***
Montgomery Field	Amendments required	Amendments required	No amendments required**	No amendments required***
MCAS Miramar	Amendments required	No amendments required*	No amendments required**	No amendments required***
Oceanside Municipal Airport	Amendments required	Amendments required	Amendments required	No amendments required***
San Diego International Airport	Amendments required	No amendments required*	Amendments required	Amendments required

* Existing CLUP already designates as incompatible proposed developments determined by the FAA to be a "hazard" to airspace navigation pursuant to FAR Part 77 requirements.

** Existing CLUP already requires sound attenuation, avigation easements and notification for new residences located within the 60-65 dB CNEL noise contour as a condition of project approval.

*** Existing CLUP already designates new residences and other noise sensitive uses located within the 65 dB CNEL and greater noise contours as incompatible land uses.

On September 9, 2004, and September 13, 2004, the Airport Authority held public meetings to receive and consider public testimony with respect to the proposed CLUP Amendment Project and the completeness and adequacy of the proposed Final EIR 01-04. On September 13, 2004, the Airport Authority's Strategic Planning Committee ("Committee") directed staff to carry forward a "modified CLUP Amendment Project" for full ALUC Board consideration. The modifications requested by the Committee included making changes and alterations to the proposed project in a manner that, as approved, would not require the County or any affected cities to make modifications to their general plans as a result of the approval action.

Consistent with Board direction, staff made changes and alterations to the proposed project which eliminate the proposed SDIA CLUP amendments designating as "incompatible" all new residences and other noise sensitive uses (*i.e.*, neighborhood parks, playgrounds, hospitals and related uses, preschools, schools, and libraries) proposed to be located within the 65 dB CNEL and greater noise contours. Essentially, for reference, this change to the project eliminates column 4 in Table 1-1, above (Designate as "incompatible" new residences and other noise sensitive uses located within the 65 dB CNEL or greater noise contours). In addition to this modification, the proposed project was changed to eliminate the aviation easement requirement for new residences and other noise sensitive uses proposed to be located within the 60-65 dB CNEL noise contours for Borrego Valley Airport and SDIA because this project component may have required the County of San Diego and the City of San Diego to amend their respective General Plans.

The modified CLUP Amendment Project, as approved, consists of amendments to the nine (9) existing County CLUPs as follows: San Diego International Airport ("SDIA"), Borrego Valley Airport, Brown Field, Fallbrook Community Airpark, Gillespie Field, McClellan-Palomar Airport, Montgomery Field, Marine Corps Air Station ("MCAS") Miramar and Oceanside Municipal Airport. The amendments, as modified and approved, will accomplish the following:

- (i) Designate as "conditionally compatible" all new residences and other noise sensitive uses (*i.e.*, hospitals, schools and libraries) located within the 60-65 dB CNEL noise contours of County airports, provided that the interior noise levels attributable to exterior noise sources not exceed 45 dB CNEL in any habitable room, and that, for all property transactions, appropriate notice be provided to all purchasers, lessees and renters of property which describes the potential for impacts from aircraft noise associated with airport operations;
- (ii) Designate as "incompatible" any proposed development project that has been determined by the Federal Aviation Administration ("FAA") to be a "hazard" to airspace navigation pursuant to a Federal Aviation Regulation ("FAR") Part 77 determination;
- (iii) Replace the SANDAG Airport Land Use Commission ("ALUC") policies with the Airport Authority's current policies relating to ALUC duties and responsibilities; and
- (iv) Make certain technical and legal modifications consistent with State requirements and the Airport Authority's current policies relating to ALUC duties and responsibilities.

The modified CLUP Amendment Project, as approved, provides consistency between the County CLUPs with respect to land use compatibility designations concerning the provision of residential sound attenuation and notification requirements, as well as FAR Part 77 compliance requirements. A list of the individual County CLUPs, and the specific amendments to each CLUP that have been approved, is provided in Table 1-2, below.

TABLE 1-2

**SUMMARY OF APPROVED ANNUAL AMENDMENTS TO
THE SAN DIEGO COUNTY CLUPS**

Airports with CLUPs	Replace SANDAG Policies with SDCRAA Policies	Designate as "Incompatible" Any Proposed Development Project That is Not Consistent With the FAA's FAR Part 77 Requirements	Designate as "Conditionally Compatible" New Residences and Other Noise Sensitive Uses Located Within 60-65 dB CNEL Noise Contours, Provided That Sound Attenuation and Notice of Airport Operations Be Required
Borrego Valley Airport	Amendments required	No amendments required*	Amendments required
Brown Field	Amendments required	Amendments required	No amendments required**
Fallbrook Community Airpark	Amendments required	No amendments required*	No amendments required**
Gillespie Field	Amendments required	No amendments required*	No amendments required**
McClellan-Palomar Airport	Amendments required	No amendments required*	No amendments required**
Montgomery Field	Amendments required	Amendments required	No amendments required**
MCAS Miramar	Amendments required	No amendments required*	No amendments required**
Oceanside Municipal Airport	Amendments required	Amendments required	Amendments required
San Diego International Airport	Amendments required	No amendments required*	Amendments required

* Existing CLUP already designates as incompatible proposed developments determined by the FAA to be a "hazard" to airspace navigation pursuant to FAR Part 77 requirements.

** Existing CLUP already requires sound attenuation, aviation easements and notification for new residences located within the 60-65 dB CNEL noise contour as a condition of project approval.

2.2 HISTORY OF THE PROJECT

In 1970, the State of California enacted a law requiring the formation of an ALUC in each county containing a public airport. CAL.PUB.UTIL.CODE §§21670, *et seq.* The legislative findings and declarations set forth in Section 21670 of the PUBLIC UTILITIES CODE define the goals of the California Legislature and underscore the parameters and limitations of this statutory scheme:

"(a)(1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.

"(2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures

that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

"(b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission . . . "

The California Legislature, then, placed important parameters on the ALUC statutory scheme. First, the law states expressly that the principal purpose of the land use planning mandated by the statute is to foster the "orderly expansion" of airports by protecting against new development in areas affected by aircraft noise. Therefore, the ALUC statutory scheme is intended to provide appropriate prospective land use planning through, for example, the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports, to the extent that these areas are not already devoted to incompatible uses. The ALUC is, therefore, permitted to develop height restrictions on buildings, specify future uses of land and determine future building standards, including soundproofing adjacent to airports, in order to prevent incompatible land uses.

The San Diego County Board of Supervisors, by unanimous vote on December 15, 1970, recommended that SANDAG be designated to assume the responsibilities of an ALUC for the San Diego region. SANDAG, as the ALUC for the San Diego region, approved and adopted CLUPs for the following nine (9) public airports in the San Diego region:

- Borrego Valley Airport;
- Brown Field;
- Fallbrook Community Airpark;
- Gillespie Field;
- McClellan-Palomar Airport;
- Montgomery Field;
- MCAS Miramar;
- Oceanside Municipal Airport; and
- San Diego International Airport.

On January 1, 2003, the Airport Authority, created by State legislation, came into existence. As required by State legislation, the Airport Authority was created to operate SDIA and lead the regional strategic planning effort to meet air transportation service demands in the County. The Airport Authority also was designated by the Legislature as the new ALUC for all the airports in the County. The ALUC's membership is comprised of the Airport Authority's nine-member Board. See, CAL.PUB.UTIL.CODE §21670.3. Based on this legislative mandate, the Airport Authority has assumed the ALUC responsibilities and duties formerly held by SANDAG.

The purpose of a CLUP is two-fold: (i) to provide for the orderly growth of airports and the area surrounding the airports within the jurisdiction of the ALUC; and (ii) to safeguard the general welfare of inhabitants within the vicinity of the airports, and the public in general. State law requires CLUPs to be reviewed as often as necessary in order to accomplish their purposes, but does not allow amendments more than once in any calendar year. CAL.PUB.UTIL.CODE §21675(a). A periodic review is required in order to keep the CLUP up to date with changes in State laws, local land uses, airport development and activity, and current concepts for achieving noise and safety compatibility.

The Airport Authority, acting in its capacity as the ALUC for the County, has reviewed the existing CLUPs and has determined that amendments are required, as summarized above. As discussed, the modified CLUP Amendment Project, as approved, is important in order for the ALUC to comply with its statutory mandate to safeguard the general welfare of the inhabitants within the vicinity of the airports and the public in general by providing height restrictions on structures, requiring appropriate sound attenuation and notification of airport operations, and assisting local agencies, to the extent possible, in ensuring compatible land uses in the vicinity of the airports, to the extent that the land in the vicinity of the airports is not already devoted to incompatible uses.

In proposing each of the CLUP amendments, the Airport Authority has attempted to develop policies which are responsive to local needs and goals, and which are generally tailored to placing conditions (*i.e.*, sound attenuation and notification requirements) on the future development of any new land uses which might be incompatible with airport operations.

2.3 PROJECT PURPOSES AND OBJECTIVES

The principal objectives of the modified CLUP Amendment Project are as follows: (i) provide consistent land use compatibility requirements relating to sound attenuation and notice for residential and other noise sensitive land uses located within the 60-65 dB CNEL noise contours of County airport; (ii) require FAR Part 77 compliance for a compatibility determination by incorporating FAR Part 77 requirements into existing CLUPs when such requirements are not already incorporated; and (iii) update the existing County CLUPs by replacing the outdated SANDAG policies with the new Airport Authority ALUC policies.

3.0 SIGNIFICANT EFFECTS IDENTIFIED IN THE DRAFT EIR THAT CAN BE AVOIDED THROUGH PROJECT MODIFICATION

The following section provides a discussion of the significant unavoidable land use and planning impacts of the project that were addressed in the Draft EIR and provides findings as to why the land use and planning impacts of the modified project, as approved, would be avoided and would, therefore, not be significant.

3.1 LAND USE AND PLANNING IMPACTS

This section addresses the potential impacts of the modified CLUP Amendment Project relative to land use and planning. Copies of all referenced materials described in this section are hereby incorporated by this reference into the Draft EIR, and are available for public review during regular business hours at the Airport Authority offices located at 3225 North Harbor Drive, San Diego, California.

3.1.1 Significant Effect Identified In Draft EIR

The CLUP Amendment Project, as analyzed in the Draft EIR, involved proposed modifications to the existing compatibility policies and criteria provided in the SDIA CLUP which, due to their nature, could have conflicted with applicable land use plans and/or policies of the City of San Diego and its associated agencies. For example, the City of San Diego General Plan Strategic Framework Element states that increased housing opportunities (in terms of amount of land, location, density, type, size and cost) are needed to accommodate future population growth, changing demographics and to enable the work force to live near

employment centers. The CLUP Amendment Project analyzed in the Draft EIR proposed amendments to the SDIA CLUP that would have designated as "incompatible" all new residential land uses and other noise sensitive uses, such as schools, libraries, and hospitals, located within the 65 dB CNEL or greater noise contours and would have, therefore, potentially been in conflict with the City of San Diego's General Plan policies. The CLUP Amendment Project raised similar conflicts with other land use plans and policies, including the SANDAG Regional Comprehensive Plan, the San Diego General Plan Land Use and Housing Elements, and various City zoning ordinances.

As indicated previously, the CLUP Amendment Project, however, has now been modified consistent with Board direction in manner that eliminates the proposed modifications to the existing compatibility policies and criteria provided in the SDIA with respect to new residential and other noise sensitive uses located within the 65 dB CNEL or greater noise contours. Therefore, the previously identified potential conflicts between the amendments to the SDIA CLUP and the City of San Diego's General Plan policies has been eliminated in connection with the modified CLUP Amendment Project. All similar conflicts with other land use plans and policies, including the SANDAG Regional Comprehensive Plan, the San Diego General Plan Land Use and Housing Elements and various City zoning ordinances, have also been eliminated in light of the revisions made to the Proposed Project.

3.1.2 Findings

The Board adopts the CEQA Finding 1, as follows:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effect as identified in the final EIR.

3.1.3 Facts In Support Of Findings

The significant land use and planning impacts identified in the Draft EIR and discussed above, have been reduced to below a level of significance with the modifications to the project as discussed in Section 3.1.1.

4.0 EFFECTS IDENTIFIED IN THE DRAFT EIR AS TOO SPECULATIVE FOR FURTHER ANALYSIS THAT CAN BE AVOIDED THROUGH PROJECT MODIFICATION

The following section provides a discussion of the potential effects found to be too speculative for further analysis, based on the Draft EIR, Sections 3.2 and 3.3, and provides findings as to why these effects of the modified project, as approved, would be avoided.

4.1 POPULATION AND HOUSING AND PUBLIC SERVICES

This section addresses the potential impacts of the modified CLUP Amendment Project relative to population and housing and public services. Copies of all referenced materials described in this section are hereby incorporated by this reference into the Draft EIR, and are available for public review during regular business hours at the Airport Authority offices located at 3225 North Harbor Drive, San Diego, California.

4.1.1 Significant Effects Identified In Draft EIR

The ALUC's role in land use planning is to limit the public's exposure to airport noise and safety hazards by setting guidelines discouraging development in noisy or unsafe areas. CAL.PUB.UTIL.CODE §§21670 and 21675. The potentially significant population and housing and public services impacts identified in the Draft EIR for the proposed CLUP Amendment Project relate to the following: (i) amendments to the Borrego Valley Airport, Oceanside Municipal Airport and SDIA CLUPs designating as "conditionally compatible" all new residences and other noise sensitive land uses proposed to be located within the 60-65 dB CNEL noise contours, provided that sound attenuation to 45 dB CNEL interior noise levels, avigation easements, and notification of airport operations, is required; and (ii) amendments to the Brown Field, Montgomery Field and Oceanside Municipal Airport CLUPs designating as "incompatible" any proposed development project that has been determined by the FAA to be a "hazard" to airspace navigation pursuant to an FAR Part 77 determination.

As discussed in Section 2.1, above, the CLUP Amendment Project, as approved, was changed and altered consistent with Board direction in manner that eliminates the proposed modifications to the existing compatibility policies and criteria provided in the SDIA CLUP with respect to new residential and other noise sensitive uses located within the 65 dB CNEL or greater noise contours, and the avigation easement modifications to the SDIA and Borrego Valley CLUPs. Therefore, the previously identified potential population and housing and public services impacts have been avoided in connection with the modified CLUP Amendment Project, as approved. Rather, the modified CLUP Amendment Project simply makes the existing CLUPs consistent with the existing general plan and zoning requirements of the affected jurisdictions.

Specifically, with respect to the sound attenuation amendments to the SDIA CLUP, the City of San Diego's Airport Environs Overlay Zone requires sound attenuation for residential development within the 60 dB CNEL and greater noise contours for SDIA. (SDMC §132.0306(b)(1).)

With respect to the Part 77 amendments to the Brown Field and Montgomery Field CLUPs, the City's Progress Guide and General Plan Transportation Element refers to the FAA guidance on height restrictions and recommends that building heights and land use intensities beneath airport approach and departure paths be limited to protect public safety. (PGGP, pgs. 262, 274.)

With respect to the sound attenuation, avigation easement and Part 77 amendments to the Oceanside Municipal Airport CLUP, the Oceanside General Plan imposes consistent sound attenuation, avigation easement and height restrictions as those approved in the Oceanside CLUP. (See, e.g., OGPNE, pgs. 6, 7 and 27; OGPLUE, pgs. 23 and 25; and Ordinances §3B.84.)

With respect to the sound attenuation amendments to the Borrego Valley Airport CLUP, the County of San Diego's General Plan Noise Element requires sound attenuation for any development out to the 60 dB CNEL noise contour. (GP, pg. VIII-20.)

Essentially then, because the affected jurisdictions for the amendments to the Borrego Valley Airport CLUP (the County of San Diego), the Oceanside Municipal Airport (the City of Oceanside), the Brown Field CLUP, the Montgomery Field CLUP, and the SDIA CLUP

(the City of San Diego), already have general plan and/or other policy requirements in place that are consistent with the CLUP amendments, as approved, the modified CLUP Amendment Project, as approved, will not result in significant population and housing or public services impacts.

4.1.2 Findings

The Board adopts the CEQA Finding 1, as follows:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effect as identified in the final EIR.

4.1.3 Facts In Support Of Findings

The speculative population and housing and public services impacts identified in the Draft EIR for the CLUP Amendment Project and discussed above, have been reduced to below a level of significance with the modifications to the project as discussed in Section 3.1.1.

5.0 EFFECTS DETERMINED NOT TO BE SIGNIFICANT

The modified CLUP Amendment Project, as approved, is anticipated to result in the following impacts that are not significant:

- Aesthetics;
- Agricultural Resources;
- Air Quality;
- Biological Resources;
- Cultural Resources;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Planning;
- Mineral Resources;
- Noise;
- Population and Housing;
- Public Services;
- Recreation;
- Transportation/Traffic; and
- Utilities and Service Systems.

6.0 CUMULATIVE IMPACTS

This section addresses potential cumulative impacts to the environment that could be associated with implementation of the modified CLUP Amendment Project, as approved, in concert with one or more other past, present and reasonably foreseeable probable future projects.

Section 15130 of the CEQA GUIDELINES requires that a project's cumulative impacts be discussed when "[t]he incremental effect is cumulatively considerable . . ." According to CEQA GUIDELINES §15065(c), the term cumulatively considerable means "[t]hat the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects . . ." Specifically, CEQA GUIDELINES §15355 defines cumulative impacts as:

"[t]wo or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- (a) The individual effects may be changes resulting from a single project or a number of separate projects.
- (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time."

As previously discussed, because the amendments to the County CLUPs are regulatory and restrictive in nature and will not cause any physical development to occur, and, further, because the amendments are consistent with existing general plan requirements, the modified CLUP Amendment Project does not have the potential to create cumulatively significant environmental impacts. Rather, the compatibility plan amendments address potential noise and safety impacts and other airport land use compatibility issues associated with potential future development which other public entities or private parties may propose for the vicinity of County airports consistent with the existing policies of the affected jurisdictions.

7.0 GROWTH-INDUCING IMPACTS

Section 15126(d) of the CEQA GUIDELINES requires an analysis of the growth-inducing impacts of the modified CLUP Amendment Project, as approved. A project is considered growth-inducing if it "could foster economic or population growth, or construction of additional housing, either directly or indirectly, in the surrounding environment" (as defined in CEQA GUIDELINES, Section 15126.2(d)). "Included in this [definition] are projects which would remove obstacles to population growth." Examples of growth-inducing actions include extension of urban services into previously unserved areas, extending a major roadway into a previously unserved area, and establishing major new employment opportunities. The characteristic of some projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively, would be considered growth-inducing.

The modified CLUP Amendment Project, as approved, will not have any significant growth-inducing impacts. This conclusion is based upon the analyses summarized and discussed in these findings. Essentially, because the modified CLUP Amendment Project is regulatory and restrictive in nature and will not cause any physical development to occur and because the project merely makes the amendments to the County CLUPs that are consistent with the existing general plan and other applicable affected jurisdictional land use policies, it has no potential to create growth-inducing impacts. Rather, the CLUP Amendment Project addresses potential noise and safety impacts and other airport land use compatibility issues associated with potential future development which other public entities or private parties may propose for the vicinity of County airports consistent with the existing policies of the affected jurisdictions.

8.0 FEASIBILITY OF PROJECT ALTERNATIVES

8.1 INTRODUCTION

Section 15126.6 of the CEQA GUIDELINES provides guidance on the scope of alternatives to a CLUP Amendment Project that must be evaluated. It states:

"An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason."

As previously discussed, the modified CLUP Amendment Project, as approved, would not result in any significant impacts. In this section of the findings, the two alternatives to the CLUP Amendment Project discussed in the Draft EIR are described and evaluated in connection to the modified CLUP Amendment Project, as approved.

8.2 NO PROJECT ALTERNATIVE

CEQA requires that the no project alternative include the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future, if the project were not approved. Specifically, CEQA GUIDELINES section 15126.6(e)(3)(A) addresses the definition of the no project alternative for land use or regulatory plans. It states:

"When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. Typically, this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan."

Based on this guidance, the no project alternative assumes the continuation of the provisions of the existing County CLUPs. Essentially, then, under the no project alternative, no amendments would be made to any of the existing nine (9) County CLUP provisions. Therefore, under the no project alternative:

- The CLUPs for Borrego Valley Airport, Oceanside Municipal Airport and SDIA would continue to designate as "compatible" new residences and other noise sensitive land uses located within the 60-65 dB CNEL noise contours without imposing any sound attenuation and notification requirements on the new development;
- The CLUPs for Brown Field, Montgomery Field and Oceanside Municipal Airport would not be amended to require the ALUC to require compliance with the FAR Part 77 requirements as a condition of land use compatibility; and
- The existing County CLUPs would continue to reflect the obsolete SANDAG ALUC policies rather than the current Airport Authority ALUC policies.

8.2.1 Attainment Of Project Objectives

The no project alternative would not meet any of the project objectives identified in Section 2.3, above.

8.2.2 Environmental Impacts Of No Project Alternative

8.2.2.1 Population And Housing

The no project alternative would maintain the existing compatibility policies in the SDIA, Borrego Valley Airport and Oceanside Municipal Airport CLUPs, which provide that residential and other noise sensitive uses located within the 60-65 dB CNEL noise contours for the airports are "compatible" without the provision for sound attenuation and notice of airport operations, as required in the other County CLUPs. Therefore, there would be no change in the compatibility designation relating to the sound attenuation requirements within the SDIA, Borrego Valley and Oceanside Municipal Airport environs.

The Draft EIR analysis determined that the potential population and housing impacts relating to the proposed CLUP Amendment Project are nonspecific and uncertain and are, therefore, too speculative for further evaluation. Therefore, any analysis of these impacts under the no project alternative when compared to the proposed CLUP Amendment Project would be too speculative for evaluation as well. However, it is important to recognize that the existing CLUPs for SDIA, Borrego Valley Airport and Oceanside Municipal Airport are inconsistent with State standards that require multi-family residential structures located within the 60 dB CNEL or greater noise contours to be sound attenuated so that the interior noise levels attributable to exterior noise sources will not exceed 45 dB CNEL in any habitable room. See, CALIFORNIA BUILDING CODE requirements. Thus, under the no project alternative, these existing inconsistencies with State requirements would not be rectified.

8.2.2.2 Public Services

Similar to the impact analysis for population and housing, the no project alternative would not result in any changes to the compatibility designation relating to the sound

attenuation of public services, such as schools, libraries, and hospitals, as would be the case under the modified CLUP Amendment Project. The Draft EIR analysis, however, determined that the potential public services impacts relating to the proposed CLUP Amendment Project are too speculative. Therefore, any analysis of these impacts under the no project alternative when compared to the proposed CLUP Amendment Project would be too speculative for evaluation as well.

8.2.2.3 Noise

Under the no project alternative, the Borrego Valley Airport, Oceanside Municipal Airport and SDIA CLUPs would not be amended in a manner that revises the "compatibility" determination to require sound attenuation and notification of airport operations for new residential units (single and multi-family) and other noise sensitive uses located within the 60-65 dB CNEL noise contours.

However, it is important to recognize that the existing CLUPs for SDIA, Borrego Valley Airport and Oceanside Municipal Airport are inconsistent with State standards that require multi-family residential structures located within the 60 dB CNEL or greater noise contours to be sound attenuated so that the interior noise levels attributable to exterior noise sources will not exceed 45 dB CNEL in any habitable room. See, CALIFORNIA BUILDING CODE requirements. Thus, under the no project alternative, this existing inconsistency with State requirements would not be rectified.

Based upon this analysis, the no project alternative may result in an increase of potentially significant impacts relating to noise from aircraft operations over the existing conditions. Specifically, by maintaining the existing land use compatibility policies, appropriate sound attenuation and notification requirements would not be imposed by the ALUC on new residential and other noise sensitive development within the 60-65 dB CNEL noise contours for Borrego Valley Airport, Oceanside Municipal Airport and SDIA, consistent with Federal, State and local requirements. Therefore, compared to the CLUP Amendment Project, the no project alternative may result in potentially significant noise impacts.

Essentially, then, the modified CLUP Amendment Project would bring the CLUPs into consistency with Federal, State and local sound attenuation requirements.

8.2.2.4 Aesthetics, Light And Glare, And Public Health And Safety

Under the no project alternative, Brown Field, Montgomery Field, and Oceanside Municipal Airport CLUP provisions would not be amended to designate as "incompatible" any proposed development that has been determined by the FAA to be a "hazard" to airspace navigation pursuant to the FAR Part 77 requirements. Therefore, under the no project alternative, the land use compatibility policies for Brown Field, Montgomery Field and Oceanside Municipal Airport would not require FAR Part 77 compliance as a condition of project approval.

Based upon this analysis, the no project alternative may result in an increase in the light and glare impacts and health and safety impacts as compared to existing conditions. Specifically, the ALUC will not have the ability to deem "incompatible" new development projects that are built in the areas surrounding Brown Field, Montgomery Field and Oceanside that are not in compliance with the FAR Part 77 requirements, including those requirements specifically relating to light and glare from development. Additionally, because the FAR Part 77

requirements are intended to protect public health and safety, non-compliance with these requirements may lead to increased health and safety risks. Further, development projects that are approved without FAR Part 77 compliance may be unable to obtain adequate insurance and/or financing.

Essentially then, again, the modified CLUP Amendment Project serves as a mitigation plan designed to help minimize potentially significant light and glare and public health and safety impacts as a result of new development projects when compared to the no project alternative.

8.2.3 Conclusions

The no project alternative would:

- (i) Not meet any of the project objectives; and
- (ii) Result in potential new significant adverse impacts to noise, light and glare, and public health and safety.

8.3 LIMITED RESIDENTIAL PROJECT ALTERNATIVE

The limited residential project alternative is comprised of the following five (5) project components. The first component has been modified from that provided in the CLUP Amendment Project described in the Draft EIR. The next four components are identical to the CLUP Amendment Project described in the Draft EIR.

- 1. Designate As "Conditionally Compatible" New Multi-Family Residences (More Than Four Units) And Other Noise Sensitive Uses Located Within The 65-70 dB CNEL Noise Contours For SDIA And Designate As "Incompatible" All New Residences And Other Noise Sensitive Uses Located Within The 70 dB CNEL And Greater Noise Contours For SDIA.**

The following project component has been revised from that provided in the CLUP Amendment Project:

Under the limited residential project alternative, any new residential or other noise sensitive uses (neighborhood parks, playgrounds, hospitals and related uses, libraries, and schools) located within the 70 dB CNEL or greater noise contours for SDIA would be designated as "incompatible." Under the limited residential project alternative, however, new "multi-family residential" and other noise sensitive uses would be designated as "conditionally compatible" uses within the 65-70 dB CNEL noise contours for SDIA if these uses provide sound attenuation to an interior noise level of 45 dB CNEL, provide an appropriate avigation easement to the airport operator, and provide appropriate notification regarding airport operations. For purposes of this alternative, "multi-family residential" means residential developments with more than four (4) residential units that provide limited outdoor habitable areas. As is the case under the CLUP Amendment Project, single-family residences or residences with four (4) or fewer residential units would be designated as "incompatible" land uses within the 65-70 dB CNEL noise contours.

2. Designate As "Conditionally Compatible" All New Residences Located Within The 60-65 dB CNEL Noise Contour, Provided Appropriate Sound Attenuation Of Structures, Avigation Easements, And Notification Of Airport Operations Is Provided.

This project component is identical to component 2 of the CLUP Amendment Project.

In summary, the limited residential project alternative would designate as "conditionally compatible" all new residences (single- and multi-family) and other noise sensitive uses (*i.e.*, hospitals, schools and libraries) located within the 60-65 dB CNEL noise contours of SDIA, Borrego Valley Airport and Oceanside Municipal Airport, provided that:

- (i) The interior noise levels attributable to exterior noise sources not exceed 45 dB CNEL interior noise levels in any habitable room;
- (ii) An avigation easement be required as a condition of project approval; and
- (iii) For all property transaction, appropriate legal notice be given to all purchasers, lessees and renters of property which clearly describes the potential for impacts from aircraft noise associated with airport operations.

3. Designate As "Incompatible" Any Development That Has Been Determined By The FAA To Be A "Hazard" To Airspace Navigation Pursuant To FAR Part 77 Requirements.

This project component is identical to component 3 of the CLUP Amendment Project.

The limited residential project alternative would require FAR Part 77 compliance for proposed projects within the AIA of County airports as a condition for a compatibility determination. Any proposed development found to be a "hazard" to air navigation by the FAA pursuant to FAR Part 77 requirements would be determined to be "incompatible" with the CLUP.

4. Incorporate New Airport Land Use Commission Policies.

This project component is identical to component 4 of the CLUP Amendment Project.

The limited residential project alternative would replace the SANDAG ALUC policies, which are currently included in the existing CLUPs, with the new Airport Authority ALUC policies, as reflected in Appendix D.

5. Technical Modifications.

This project component is identical to component 5 of the CLUP Amendment Project.

The limited residential project alternative also includes the deletion of some of the outdated and irrelevant language, the addition of consistent terminology, and the correction of typographical/grammatical errors that are present in the existing CLUPs. In addition, certain technical and legal modifications have been made consistent with State requirements, and the Airport Authority's ALUC duties and responsibilities.

8.3.1 Attainment Of Project Objectives

The limited residential project alternative would meet all of the project objectives identified in the Draft EIR, with the exception of designating as "incompatible" all new residential land use located within the 65-70 dB CNEL noise contours of SDIA. As discussed above, under this project alternative, new single-family residential uses would continue to be designated as "incompatible" if located within the 65-70 dB CNEL noise contours at SDIA. Under this alternative, however, new multi-family residences (more than four (4) residential units) and other noise sensitive uses would be designated as "conditionally compatible" uses if located within the 65-70 dB CNEL noise contours, provided certain requirements are met. This alternative would meet this project objective, only to the extent that the location of new residential and other noise sensitive uses within the 70 dB CNEL and greater noise contours for SDIA would be designated as "incompatible" land uses.

8.3.2 Environmental Impacts Of The Limited Residential Project Alternative

8.3.2.1 Land Use And Planning

The limited residential project alternative would have significant land use and planning impacts when compared to the modified CLUP Amendment Project.

8.3.2.2 Population And Housing

The Draft EIR analysis determined that the potential population and housing impacts relating to the proposed CLUP Amendment Project are too speculative for further consideration. Similarly, any analysis of these impacts under the limited residential project alternative when compared to the proposed CLUP Amendment Project would be too speculative for evaluation, as well. However, as previously discussed in these findings, the modified CLUP Amendment Project, as approved, would not result in any population and housing impacts.

8.3.2.3 Public Services

The Draft EIR analysis determined that the potential public services impacts relating to the proposed CLUP Amendment Project are too speculative for further consideration. Similarly, any analysis of these impacts under the limited residential project alternative when compared to the proposed CLUP Amendment Project would be too speculative for evaluation, as well. However, as previously discussed in these findings, the modified CLUP Amendment Project, as approved, would not result in any public services impacts.

8.3.2.4 Noise

Similar to the analysis provided for the no project alternative, this alternative would be inconsistent with Federal, State and local requirements and guidelines relating to the sound attenuation of new multi-family residential land uses.

8.3.2.5 Aesthetics, Light And Glare, And Public Health And Safety

The limited residential project alternative would be identical to the modified CLUP Amendment Project, as approved, with respect to requiring that any project that has been determined by the FAA to be a "hazard" to airspace navigation pursuant to FAR Part 77 requirements be designated as an "incompatible" development project. Therefore, under the limited residential project alternative, there would be no significant aesthetic, light, glare, or public health and safety impacts.

8.3.3 Conclusions

As compared to the modified CLUP Amendment Project, as approved, the limited residential project alternative would:

- (i) Meet some of the project objectives;
- (ii) Result in significant impacts on land use and planning; and
- (iii) May result in potential new significant adverse noise impacts when compared to the modified CLUP Amendment Project, as approved.

8.4 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126.6 of the CEQA GUIDELINES requires an analysis of a range of reasonable alternatives to the CLUP Amendment Project. In particular, subsections (e)(1) and (e)(2) in relevant part state:

(1) "The specific alternative of 'no project' shall also be evaluated along with its impact (2)If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives."

The no project alternative was analyzed and discussed above in detail. The no project alternative would not be the environmentally superior alternative because it may have greater adverse environmental impacts than the modified CLUP Amendment Project relating to: (i) noise; (ii) aesthetics, light and glare; and (iii) public health and safety.

Specifically, the no project alternative may increase noise impacts because it would continue to designate as "compatible" the development of residential and other noise sensitive land uses in the 60-65 dB CNEL noise impact areas of County airports without requiring sound attenuation. In addition, the ALUC would have no independent authority to recommend compliance with FAR Part 77 requirements at Brown Field, Montgomery Field and Oceanside Municipal Airport by designating uses not in compliance with FAR Part 77 requirements as "incompatible," thus, potentially resulting in significant light and glare and public health and safety impacts that would not exist under the CLUP Amendment Project.

For these reasons, the no project alternative would not be the environmentally superior alternative.

The limited residential project alternative was also analyzed and discussed above. The limited residential project alternative would not be the environmentally superior alternative because it may result in greater adverse environmental impacts than the CLUP Amendment Project related to land use and planning, population and housing, and public services.

Based on the above analysis, the modified CLUP Amendment Project, as approved, is the environmentally superior alternative. The modified CLUP Amendment Project would provide the following environmental benefits when compared to the no project alternative and limited residential project alternative, and would avoid any significant environmental effects:

- (i) Designate as "conditionally compatible" with sound attenuation and notification requirements, new residential and other noise sensitive land uses located within the 60-65 dB CNEL noise contours for SDIA, Borrego Valley Airport and Oceanside Municipal Airport; thus, requiring, to the extent possible, compliance with Federal, State and local regulations, guidelines and requirements; and
- (ii) Designate as "incompatible" any proposed development within the Airport Influence Areas ("AIAs") for Brown Field, Montgomery Field and Oceanside Municipal Airport that has been determined by the FAA to be a "hazard" to airspace navigation pursuant to a FAR Part 77 determination; thus, minimizing, to the extent possible, the likelihood of the creation of new light and glare and public health and safety impacts associated with development approved that is not in compliance with FAR Part 77 requirements.

8.5 ALTERNATIVES CONSIDERED AND ELIMINATED FROM DETAILED STUDY

A number of alternatives to the CLUP Amendment Project were considered during preparation of the Draft EIR but were rejected from further consideration. These include alternatives suggested during the NOP/IS public comment period. The alternatives that were not carried forward for further consideration were eliminated, generally, if screening analyses indicated that the alternative:

- (i) Had a serious environmental deficiency and/or was clearly inferior to the CLUP Amendment Project or alternatives retained for further study;
- (ii) Was infeasible or would have failed to meet the goals and objectives of the CLUP Amendment Project;
- (iii) Did not offer significant advantages over the CLUP Amendment Project or alternatives retained for further study; and
- (iv) Was a closely-related variant of the CLUP Amendment Project or of an alternative that had been carried forward for further analysis.

Brief descriptions of the rejected alternatives and the reasons for eliminating them from further consideration are provided below.

8.5.1 Delay Residential Restrictions At SDIA Until New/Expanded Airport Decision Is Made

This project alternative would tie any amendments to the SDIA CLUP to a decision defining the future of SDIA. It is not a project objective of the CLUP Amendment Project or the EIR to make any decisions relating to the future of SDIA, nor is it within the ALUC's ability to make any such decisions. The CLUP Amendment Project does not require closure, expansion, or the continued use of SDIA for an indefinite period of time in the future. Rather, the CLUP Amendment Project has independent utility from any decision regarding the future of SDIA and will not impact that decision. Therefore, the Airport Authority is not required to delay the CLUP Amendment Project in the manner suggested.

8.5.2 Combine CLUP Annual Amendment With 2005 CLUP Update Process

The 2004 annual CLUP Amendment Project is separate and distinct from the 2005 CLUP Update process that the Airport Authority is responsible for in connection with the San Diego County CLUPs. The 2005 CLUP Update process will include a more comprehensive update of each of the nine (9) county CLUPs, and may include, but not be limited to, an update of an airport's noise and safety contours, an update of aviation activity forecasts, and possible revisions to the compatibility policies and criteria with respect to each land use category. In addition, the 2005 CLUP Update process will include the preparation of CLUPs for County and military airports for which a CLUP does not currently exist. The current CLUPs for County airports (as amended) will remain in place until approval of all new CLUPs by the Airport Authority.

The 2004 CLUP Amendment Project has independent utility from the 2005 CLUP Update process. As previously indicated, the current amendment process focuses on bringing consistency to the existing County CLUPs with respect to the designation of "compatibility" concerning the location, sound attenuation, provision of aviation easements, and notification requirements for new residential and other noise sensitive uses located within the airport environs of County airports. Such an "annual" update is contemplated by State directive. See, e.g., CAL.PUB.UTIL.CODE §21675(a). In addition, this CLUP amendment process does not commit the ALUC to a definitive course of action in connection with the 2005 CLUP Update process.

8.5.3 Operational Limitations

Under this alternative, operational methods to reduce noise would be implemented. These operational methods would include how, where, and when aircraft are flown. The FAA has exclusive jurisdiction over matters related to the safe operation of aircraft. The ALUC does not have any regulatory authority to directly address aircraft operational issues. Therefore, this is not a reasonable or feasible alternative.

8.5.4 Remedial Actions/Purchase Of Residential Land By Airport Operator

This group of actions are ones designed to mitigate current and future noise impacts on established land uses around airports through modification of the land uses. The objective of mitigating current noise impacts on established land uses around airports is to change existing incompatible land uses into ones which are compatible or at least more

acceptable. Property redevelopment and reuse are examples of remedial actions which can be fostered by local governments and taken by property owners.

Airport proprietors can effect remedial action through programs such as property acquisition and soundproofing of existing structures. The Airport Authority is currently implementing an aggressive sound attenuation program (the Quieter Home Program) for existing incompatible residential structures within the noise impact area of SDIA. This existing program is independent from the ALUC responsibilities of the Airport Authority and is implemented through the variance process and not in connection with the CLUP incompatibility policies.

The Airport Authority is authorized, as the ALUC for the San Diego Region, to adopt land use policies/plans that minimize the public's exposure to excessive noise and safety within areas around airports "to the extent that these areas are *not already devoted to incompatible uses*." Pursuant to its limited planning authority, the ALUC is permitted to develop height restrictions on buildings, specify future uses of land, and determine future building standards, including soundproofing adjacent to airports, in order to prevent *presently* compatible land use from *becoming* incompatible. However, the California Legislature has expressly limited the ALUC's authority in two critical respects. First, the ALUC has no statutory authority to adopt land use measures with respect to those areas around the airport which are already *devoted to incompatible uses*. Second, the California Legislature has expressly provided that the powers of the ALUC "shall no way be construed to give [the ALUC] jurisdiction over the operation of any airport."

With respect to property acquisition, the Airport Authority opposes any suggestion that the Airport Authority be obligated to buy "property rights." To use limited financial resources available for airport purposes in San Diego for properties which have not even yet been developed is inconsistent with sound public policy. There is, ultimately, a limited amount of Federal funds available for such land use programs. In addition, proposing the use of Federal or other public funds to acquire undeveloped property when compatible development is still feasible is inappropriate public policy.

8.5.5 Preventative Measures

This recommendation would prohibit further incompatible uses within the AIA of County airports and would require all new development projects to be consistent with the CLUP. This recommendation is precisely the type of regulatory land use action identified by the CLUP Amendment Project. Falling into this category are the wide variety of land use planning measures designed to avoid encroachment of incompatible development into airport environs. These measures include general plans, specific plans, and zoning ordinances adopted by local governments. Compatibility plans adopted by ALUCs are another example. Among the many noise impact reduction methods, preventative measures are the only category in which ALUCs have authority.

8.5.6 Source Noise Reduction

Under this alternative, airport noise would be reduced at its source - through regulation of aircraft noise. However, local entities, including airports, local land use jurisdictions, and ALUCs have no control over this technique. Responsibility for source noise reduction actions rests with the Federal government (which sets standards and conducts research), aircraft manufacturers (which design and build new technology aircraft), and aircraft

owners (which place the new aircraft in their fleets). A basic difficulty with implementation of this process is that it takes time between when new technologies are created and when they are put into use.

8.5.7 Allow Residential And Other Noise Sensitive Uses With Sound Attenuation And The Provision Of An Avigation Easement

This alternative is essentially the "no project" alternative. An analysis of this alternative is provided above.

8.6 CONCLUSION

This discussion contrasts and compares the alternatives, where appropriate, to show that the selection of the modified CLUP Amendment Project, as approved, has substantial environmental, planning, and other benefits. In rejecting certain alternatives, the Airport Authority has examined the project objectives and weighed the ability of the various alternatives to meet the objectives. The Airport Authority believes that the modified CLUP Amendment Project, as approved, best meets the approved objectives with no environmental impact.

RESOLUTION NO. 2004-0111

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY TO ADOPT THE ANNUAL AMENDMENTS TO THE COMPREHENSIVE LAND USE PLANS (CLUPS) FOR SAN DIEGO COUNTY AIRPORTS

WHEREAS, the San Diego County Regional Airport Authority ("Airport Authority") has been designated as the Airport Land Use Commission ("ALUC") for all public airports in the County of San Diego ("County"), effective January 1, 2003 (PUB.RES.CODE §21670.3);

WHEREAS, the Airport Authority is lead agency on a project involving proposed annual amendments to the Comprehensive Land Use Plans ("CLUPs") for County public airports ("the CLUP Amendment Project" or "Project");

WHEREAS, in accordance with the CALIFORNIA ENVIRONMENTAL QUALITY ACT, PUB.RES.CODE §§21000, *et seq.* ("CEQA") and its implementing GUIDELINES, 14 CAL.CODE REGS. §§15000, *et seq.* ("CEQA GUIDELINES"), the San Diego County Regional Airport Authority prepared a Draft Environmental Impact Report No. 01-04 (SCH No. 2004011078) ("Draft EIR") to analyze the potential environmental effects of the Annual Amendments to the CLUPs for San Diego County Airports ("CLUP Amendment Project");

WHEREAS, the Draft EIR was circulated for public review and comment for a period of forty-five (45) days, beginning May 19, 2004, and was extended for an additional thirty (30) days to August 5, 2004;

WHEREAS, this substantial public comment period allowed affected communities the opportunity to make their opinions on the proposed project known;

WHEREAS, the Airport Authority prepared responses to all comments received during the comment period on the Draft EIR;

WHEREAS, the Airport Authority also held public meetings on September 9, 2004, and September 13, 2004, to receive and consider public testimony with respect to the CLUP Amendment Project and the completeness and adequacy of proposed Final EIR 01-04;

WHEREAS, on September 13, 2004, the Airport Authority's Strategic Planning Committee ("Committee") directed staff to carry forward a "modified CLUP Amendment Project" for full ALUC Board consideration;

WHEREAS, the Committee indicated a desire to modify the CLUP Amendment Project in a manner that, if approved, would not require the County or any affected cities to make modifications to their general plans as a result of the approval action;

WHEREAS, the modified CLUP Amendment Project ("Proposed Project") consists of the following:

- (1) Designate as "conditionally compatible" all new residences and other noise sensitive uses (*i.e.*, hospitals, schools and libraries) located within the 60-65 dB CNEL noise contours for Borrego Valley Airport, Oceanside Municipal Airport and San Diego International Airport ("SDIA"), provided that the interior noise levels attributable to exterior noise sources not exceed 45 dB CNEL in any habitable room, and that, for all property transactions, appropriate notice be provided to all purchasers, lessees and renters of property which describes the potential for impacts from aircraft noise associated with airport operations;
- (2) Designate as "incompatible" any proposed development project located within the Airport Influence Area ("AIA") for Brown Field, Montgomery Field and Oceanside Municipal Airport that has been determined by the Federal Aviation Administration ("FAA") to be a "hazard" to airspace navigation pursuant to a Federal Aviation Regulation ("FAR") Part 77 determination;
- (3) Replace the San Diego Association of Governments' ("SANDAG") ALUC policies with the Airport Authority's current policies relating to ALUC duties and responsibilities; and
- (4) Make certain technical and legal modifications consistent with State requirements and the Airport Authority's current policies relating to ALUC duties and responsibilities.

WHEREAS, the Airport Authority has set forth, and met by this modified CLUP Amendment Project, certain project objectives, including, but not limited to:

- (1) Establishing consistent land use compatibility requirements relating to sound attenuation and notice for residential and other noise sensitive land uses located within the 60-65 dB CNEL noise contours of County airports;
- (2) Establishing consistent compliance with Federal Aviation Regulations ("FAR") Part 77 requirements in compatibility determinations by incorporating FAR Part 77 requirements into existing CLUPs when such requirements are not already incorporated; and

- (3) Updating the existing County CLUPs by replacing the outdated San Diego Association of Governments ("SANDAG") policies with the new Airport Authority policies.

NOW, THEREFORE, BE IT RESOLVED THAT the Airport Authority approves and adopts for implementation the Proposed Project, as described in Final EIR 01-04, and as modified in this Resolution and in companion Resolution No. 2004-0110, and the related and attached CEQA Findings and Facts in Support of Findings.

The approval and adoption of the modified CLUP Amendment Project is effective immediately upon certification of this Resolution No. 2004-0111.

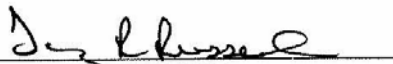
PASSED, ADOPTED AND APPROVED by the Board of Directors of the San Diego County Regional Airport Authority at a regular meeting this 4th day of October, 2004, by the following vote:

AYES: Board Members: Craver, Jacobson, Johnson, Lynch, Nieto, Peterson, Reynolds, Sessom

NOES: Board Members: None

ABSENT: Board Members: Inzunza

ATTEST:


TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:


BRETON K. LOBNER
GENERAL COUNSEL

Abstract

TITLE: Airport Land Use Compatibility Plan for San Diego International Airport

AUTHOR: San Diego Association of Governments

AMENDED BY: San Diego County Regional Airport Authority

SUBJECT: Land Use Compatibility Surrounding San Diego International Airport

DATE: Originally Adopted February 28, 1992
Amended April 22, 1994
Amended October 4, 2004

LOCAL PLANNING AGENCY: San Diego County Regional Airport Authority

SOURCE OF COPIES: San Diego County Regional Airport Authority
3225 North Harbor Drive
San Diego, California 92101

NUMBER OF PAGES: 94

ABSTRACT: This report has been prepared to assist in achieving compatible land use development in the area surrounding San Diego International Airport. The Plan contains the Airport's Influence Area, projected noise contours, flight activity zones, land use compatibility, runway protection zones, and aviation easements, a land use compatibility matrix and plan recommendations.

LAND USE GUIDELINES: This Plan is mandated by Section 21675 of the PUBLIC UTILITIES CODE. Member agency general and specific plans, zoning ordinances, and building regulations encompassing the airport influence area and airport master plans are subject to a determination of consistency with this Plan.

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**AIRPORT LAND USE COMPATIBILITY PLAN
FOR SAN DIEGO INTERNATIONAL AIRPORT**

AIRPORT LAND USE COMPATIBILITY PLAN FOR SAN DIEGO INTERNATIONAL AIRPORT SAN DIEGO, CALIFORNIA

I. INTRODUCTION

The Airport Land Use Commission

In 1970, the State of California enacted a law requiring the formation of an Airport Land Use Commission (ALUC) in each county containing a public airport. (CAL.PUB.UTIL.CODE §§21670, *et seq.*) The purpose of the ALUC is to protect “public health, safety and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.” Section 21670.

Section 21675 of the CALIFORNIA PUBLIC UTILITIES CODE requires the ALUC to:

“formulate an airport land use compatibility plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The airport land use compatibility plan shall include and shall be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation, that reflects the anticipated growth of the airport during at least the next 20 years. In formulating an airport land use compatibility plan, the commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the planning area.”

The San Diego County Board of Supervisors, by unanimous vote on December 15, 1970, recommended that the San Diego Association of Governments (SANDAG) be designated to assume the responsibilities of an ALUC. A similar resolution was passed and adopted by the Selection Commission of Mayors of the San Diego County Region on February 8, 1971. The Secretary of State was notified of this determination on February 25, 1971, and an acknowledgement of this determination was received from the Secretary of State’s office on March 2, 1971.

SANDAG, as the Airport Land Use Commission for the San Diego Region, approved and adopted Comprehensive Land Use Plans (CLUPs), hereinafter referred to as Airport Land Use Compatibility Plans (ALUCPs), for nine (9) public use airports in San Diego as follows:¹

1. Borrego Valley Airport;

¹ 2002 and 2004 Legislation amended the STATE AERONAUTICS ACT to refer to airport land use plans as “Airport Land Use Compatibility Plans.” *See, e.g.*, CAL.PUB.UTIL.CODE §21670.1.

2. Brown Field;
3. Fallbrook Community Airpark;
4. Gillespie Field;
5. McClellan-Palomar Airport;
6. Montgomery Field;
7. NAS (MCAS) Miramar;
8. Oceanside Municipal Airport; and
9. San Diego International Airport.

The San Diego County Regional Airport Authority (SDCRAA or Airport Authority) was created by state legislation, AB 93, and was signed into law by the Governor of California, Gray Davis, and became effective on January 1, 2003. As required by state legislation, the Authority was created to operate the San Diego International Airport (SDIA or the Airport) and lead the regional strategic planning effort to meet air transportation service demands in San Diego County. The Airport Authority has also been designated by the Legislature as the new ALUC for all the airports in San Diego County; its membership is comprised of the Airport Authority's nine-member Board. (See, CAL.PUB.UTIL.CODE §21670.3.) Based on this legislative mandate, the Airport Authority has assumed the ALUC responsibilities formerly held by SANDAG, effective January 1, 2003.

State law (Section 21675(a)) provides for one (1) amendment to a compatibility plan per calendar year. In 2004, the ALUC elected to amend the SDIA ALUCP as follows:

1. Designate as "conditionally compatible" all new residences and other noise sensitive uses (*i.e.*, hospitals, schools and libraries) located within the 60-65 decibel (dB) Community Noise Equivalent Level (CNEL) noise contours of County airports, provided that the interior noise levels attributable to exterior sources not exceed 45 dB in any habitable room, an aviation easement is required as a condition of project approval, and appropriate notice is provided regarding airport operations;
2. Replace SANDAG's ALUC policies with the SDCRAA current policies relating to ALUC duties and responsibilities; and
3. Make certain minor technical modifications.

This amended ALUCP replaces the ALUCP adopted by SANDAG for the San Diego International Airport on February 28, 1992, and amended on April 22, 1994.

In addition to this 2004 amendment, the Airport Authority is responsible for adopting new ALUCPs for County airports on or before June 30, 2005. This process will include a more comprehensive update of this ALUCP, and may include, but not be limited to, an update of the Airport's noise contours, an update of the aviation activity forecasts, and possible revisions to the compatibility policies and criteria. The current compatibility plans for County airports (as amended) will remain in place until approval of new compatibility plans by the Airport Authority.

The purposes of this ALUCP are: (i) to provide for the orderly growth of SDIA and the area surrounding the Airport within the jurisdiction of the Commission; and (ii) to safeguard the general welfare of the inhabitants within the vicinity of the Airport and the public in general.

Figure 1 identifies the Existing Regional Airports System for the County. Figure 2 identifies the 2.3-mile circling radius around SDIA imposing a 500-foot height restriction on areas within the City of San Diego. Figure 3 identifies the projected Community Noise Equivalent Level (CNEL) noise contours for the Airport and the Airport Influence Area for the Airport. Figure 4 provides a land use compatibility matrix identifying incompatible land uses within the noise impact boundary and implementation directives for implementing the compatibility policies. Figure 5 provides a map of the Airport Approach Overlay Zone. Figure 6 provides a map of the Airport's approach zone. The narrative includes the plan assumptions, a discussion of runway protection zones, a discussion of relevant compatibility policies and criteria, and a discussion of the ALUC review process. A copy of the current ALUC rules and regulations, including definitions, and the FAR Part 77 criteria are contained in Appendices to this Plan.

The ALUCP was originally prepared by the Lindbergh Field ALUCP Advisory Committee in cooperation with the City of San Diego and the San Diego Unified Port District (Port District), using the San Diego International Airport Lindbergh Field Development Study and the San Diego International Airport Lindbergh Field Part 150 Program, which was adopted by the Port District and submitted to the Federal Aviation Administration (FAA) for its review. Noise contours used in the ALUCP were prepared by Rawlings Enterprises, Inc. The Plan should permit the reader to determine if a particular land use action affects land within the Airport Influence Area, what criteria and policies apply to the land use action, and what conditions must be implemented in connection with the land use action to permit development that is compatible with airport operations.

The recommendations that appear in this Plan apply to the current situation and future operations at the Airport.

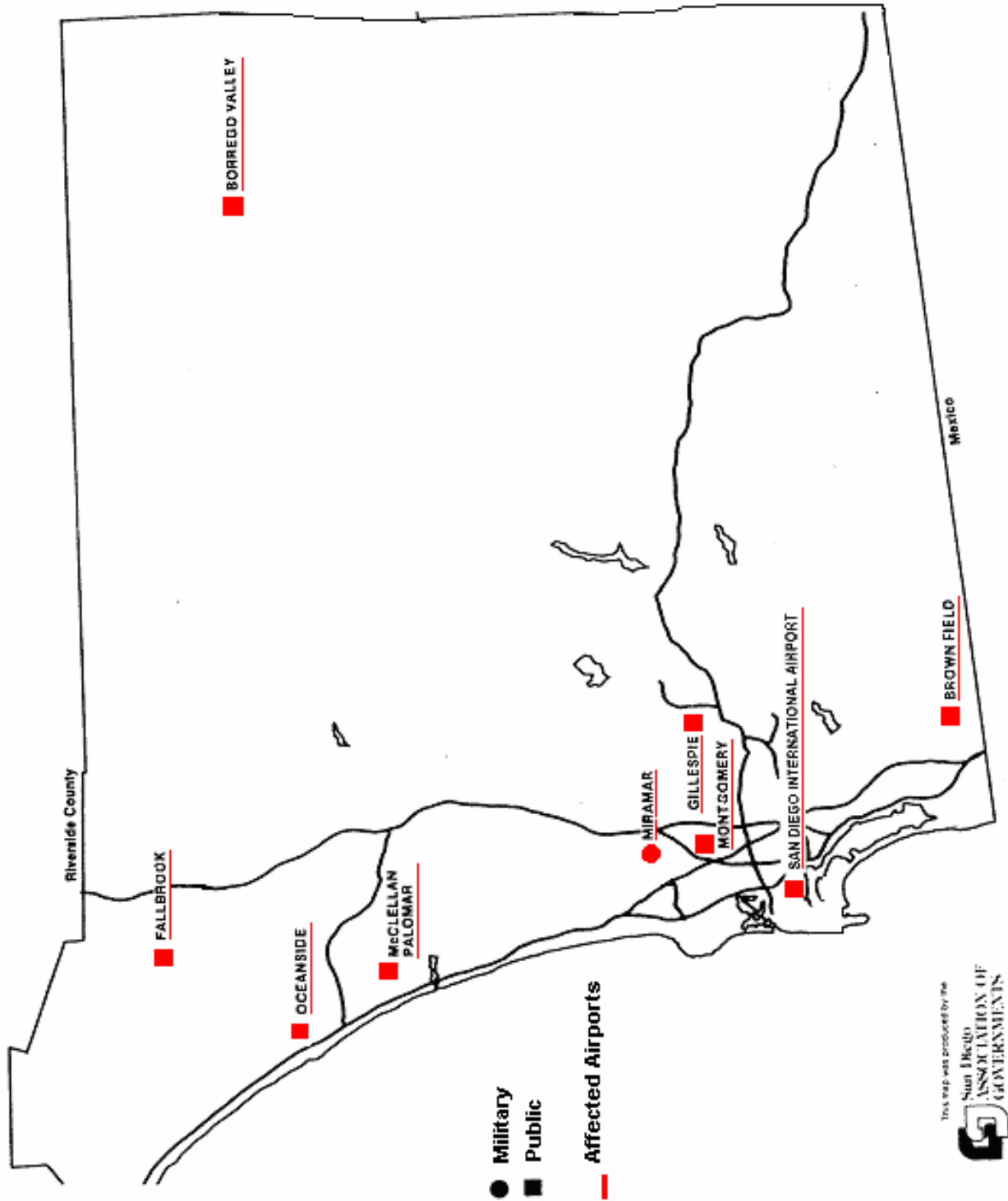
The intent of the ALUCP is to ensure that the Airport will be able to operate in a manner that will serve the surrounding community without any significant increase in incompatible land uses in the vicinity of the Airport.

San Diego International Airport

SDIA is the only air carrier airport serving the San Diego region. It is conveniently located adjacent to the downtown area of the City of San Diego. However, SDIA's runway is so constrained by urban development and by its hills, especially to the east, that it must have displaced thresholds of 1,810 feet on the east end and 703 feet on the west end. The entire Airport is surrounded by varying urban land uses, providing little opportunity for operational changes by the proprietor, the Airport Authority.

SDIA is located one (1) mile northwest of the central business district, in the City of San Diego. It is located partially on State tidelands and is operated and maintained by the Airport Authority.

FIGURE 1 - EXISTING REGIONAL AIRPORTS SYSTEM



Occupying 614 acres, the airfield consists of a single runway: Runway 27/9 - 200 feet wide by 9,400 feet long. The Airport has three (3) passenger terminals (the Commuter Terminal and Terminals 1 and 2) containing forty-one (41) gates with jet bridges and ten (10) commuter aircraft positions.

The U.S. Marine Corps Recruit Depot (MCRD) is located immediately north and west of the Airport, and the former U.S. Naval Training Center (NTC) is located to the west across the estuary. A variety of additional land uses surround the Airport: commercial and industrial uses adjacent on the south and east; and residential uses, including high density residential dwelling units on the west, north and east.

The FAA has established a 2.3-mile circling radius around SDIA consistent with FAA Order 8260.3B, United States Standard for Terminal Instrument Procedures (TERPs) in order to accommodate a circling approach into SDIA. A circling approach is an instrument approach procedure used when winds do not favor landing on a runway equipped with an Instrument Landing System (ILS) and a visual approach may not be available due to weather conditions or visibility above a specified altitude. Thus, a pilot would fly an instrument approach to a specified minimum descent altitude, establish visual contact with the Airport, circle around the Airport while maintaining the minimum descent altitude, and complete the final approach segment to another runway.

Most airports with a published approach have circling minima. SDIA has published circling minima of 800 feet above Mean Sea Level (MSL). A pilot executing a circling approach to SDIA would fly an instrument approach to Runway 9, establish visual contact with the Airport at a minimum altitude of 800 feet, circle the airfield and execute the final approach segment in the opposite direction, landing on Runway 27.

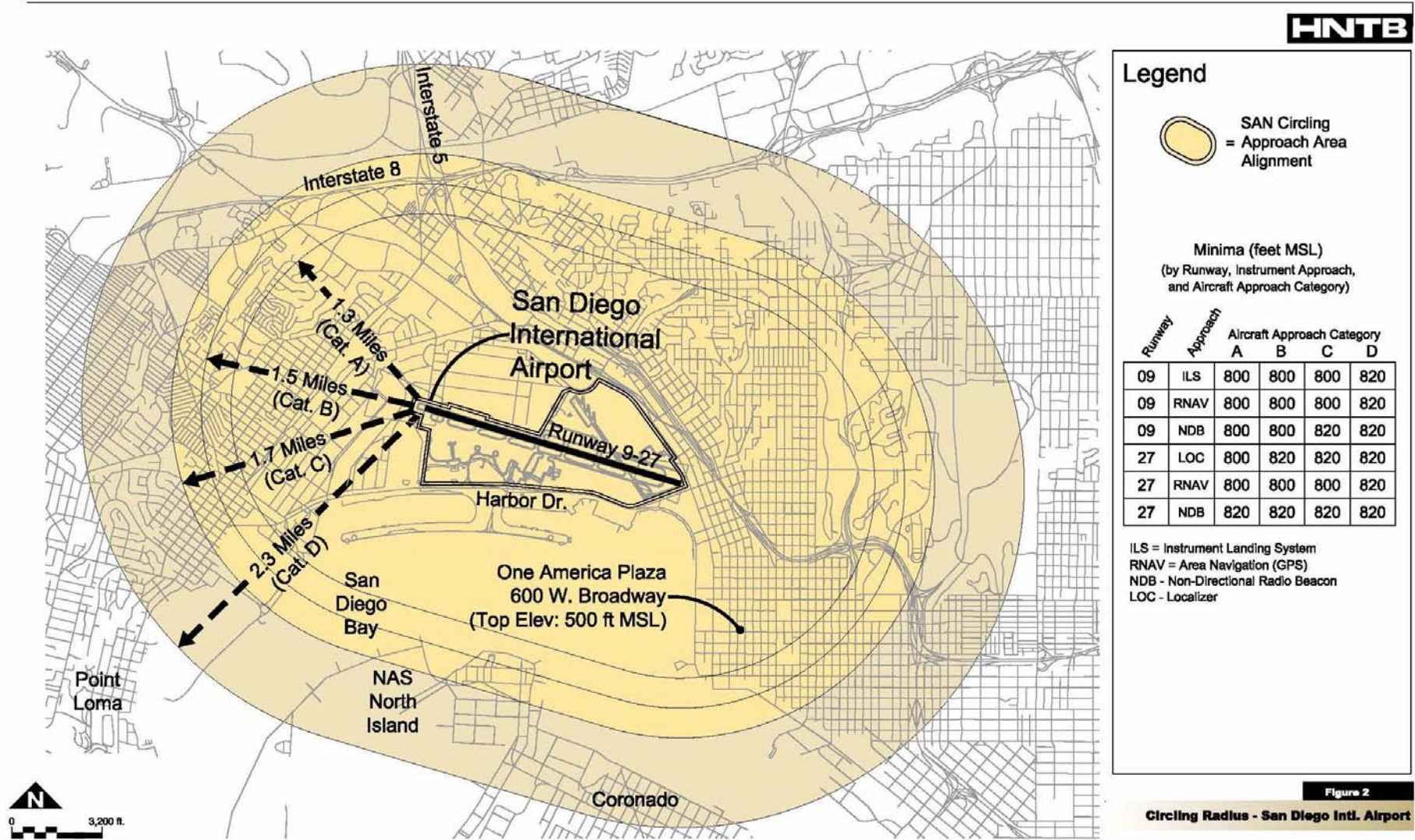
The alignment and limits of the SDIA circling area are defined by an arc with a radius of 2.3 miles drawn from the center of each end of Runway 9-27. The extremities of the arcs are joined with lines drawn tangent to the arcs. The enclosed area is the circling approach area illustrated in Figure 2.

A minimum of 300 feet of obstacle clearance must be provided in the circling approach area. The tallest permanent obstruction, with a height of 500 feet Above Ground Level (AGL), within the SDIA Approach Category D circling approach area is One America Plaza, a building at 600 West Broadway in downtown San Diego. The circling minima for all SDIA instrument approaches are 800 feet or greater, maintaining the required 300-foot obstacle clearance.

Construction of new buildings or changes to existing buildings, resulting in higher obstructions within the circling approach area would require new analysis of the circling approach minima. The likely result would be an altitude increase in SDIA circling approach minima. Additional obstructions in the Airport vicinity would further erode SDIA's accessibility, which is already heavily constrained by site limitations and prevailing wind and weather conditions.

In order to accommodate the circling approach into SDIA, the City has put in place zoning restrictions which prohibit construction of structures greater than 500 feet in height within the FAA-established circling radius.

**FIGURE 2
CIRCLING RADIUS - SAN DIEGO INTERNATIONAL**



Source: United States Standard for Terminal Instrument Procedures (TERPS) FAA Handbook 6250.30, Change 16, May 15, 2002
Prepared by: HNTB

An ALUCP for SDIA was adopted by SANDAG on February 28, 1992, and was amended on April 22, 1994. This ALUCP provides a discussion of the Plan's assumptions, defines the AIA for the Airport, provides projected noise contours and flight activity zones, identifies non-conforming uses, and provides plan recommendations and a discussion of the ALUC development review process.

The AIA represents the boundary of the ALUC's planning and review authority for SDIA. The SDIA AIA is shown on Figure 3. The AIA for SDIA was delineated by essentially using the projected 60 dB CNEL noise contour. The Airport Authority has a map at an appropriate scale which graphically depicts the 60, 65 and 70 dB CNEL contours. The City of San Diego, through its community planning processes and zoning ordinances, retains land use control within the AIA.

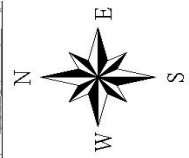
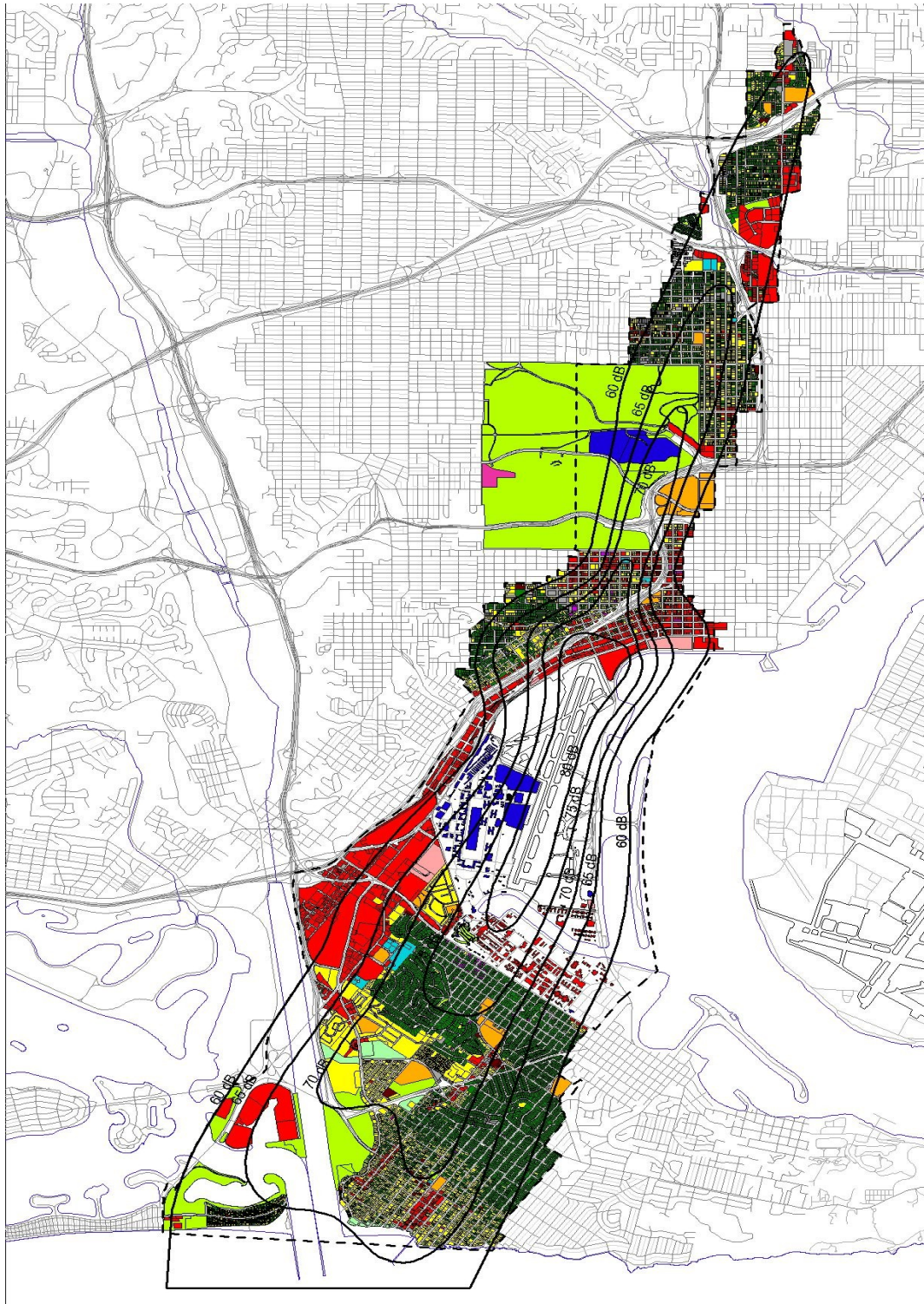
Goal And Assumptions

The purpose of the SDIA ALUCP is to provide for the operation of the airport and the use of the areas surrounding the airport and safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general.

As the ALUCP is implemented, it should reduce the adverse impacts from aircraft noise, limit the increase in the number of people exposed to airport approach hazards, and ensure that no structures are erected that are deemed by FAA to be hazards and that no obstructions are erected that either individually or cumulatively cause an adverse safety affect on air navigation, as determined by the FAA.

A number of assumptions have been made to assist in preparation of the ALUCP. The assumptions are:

1. "Existing" aircraft activity is assumed at the 1990 level, including noise contours for the year 1990, and including continuation of the Airport Use Regulations of the Airport Authority.
2. Flight patterns will continue as existing in 1990.
3. The City of San Diego will adopt and implement an Airport Environs Overlay Zone encompassing the ALUCP's Airport Influence Area to ensure that proposed land uses are reviewed; compliance with the ALUCP will ensure compatibility with the operation of the airport.
4. The City of San Diego will adopt an amendment to the Airport Overlay Approach Zone to provide a buffer between the top of structures and aircraft approaching Runway 27 from the east.
5. Future SDIA expansion plans, if approved, will require a revision of the ALUCP.



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FIGURE 3

PROJECTED COMMUNITY NOISE EQUIVALENT LEVEL (CNEL) CONTOURS FOR SAN DIEGO INTERNATIONAL AIRPORT AND AIRPORT INFLUENCE AREA

- 60 - 80 dB/1990 CNEL Contours
- SDIA Airport Influence Area
- Land Use
- SFR
- Mitigated SFR/MFR
- MFR
- Commercial / Industrial
- Public Services
- Churches
- Military
- Hospitals / Clinics
- Schools
- Schools - Mitigated
- Park & Rec.
- Open Space Reserve
- Vacant



II. AIRPORT INFLUENCE AREA

The ALUC establishes an Airport Influence Area for each airport in the region. The influence area encompasses those areas adjacent to airports that could be impacted by noise levels exceeding the California State Noise Standards or where height restrictions would be needed to prevent obstructions to navigable airspace, as outlined in Federal Aviation Administration regulations. It generally presents the boundary of the ALUC's planning and review authority.

The SDIA Airport Influence Area is shown on Figure 3. The City of San Diego, through its community planning process and zoning ordinance, retains land use control of the Airport Influence Area.

The Airport Influence Area for SDIA was delineated by using the projected 60 dB CNEL noise contour. Easily recognizable features such as streets, public rights of way, and landmarks do not exist to the north and west of SDIA; therefore, the 60 dB CNEL contour was used as the boundary. The Airport Authority has a map at an appropriate scale which graphically depicts the 60, 65 and 70 dB CNEL contours. This map should assist individuals in determining whether or not a property or proposed development is affected by this Plan.

III. PROJECTED NOISE CONTOURS

In California the technique used for quantifying aircraft noise is the Community Noise Equivalent Level (CNEL). The CNEL is a descriptor of daily noise environment which accounts for the magnitude, the time of day, and the frequency of occurrence of noise intrusions. The CNEL is calculated from the hourly noise levels by a formula prescribed in the California Noise Standards.

CNEL is a 24-hour, time-weighted energy average noise level based on the A-weighted decibel. It is a measure of the overall noise experienced during an entire day. The term "time-weighted" refers to the penalties attached to noise events occurring during certain sensitive time period. In the CNEL scale, noise occurring between the hours of 7 p.m. and 10 p.m. is penalized by approximately five (5) dB. This penalty accounts for the greater potential for noise to cause communication interference during these hours, as well as typically lower ambient noise levels during these hours. Noise that takes place during the night, from 10 p.m. to 7 a.m., is penalized by ten (10) dB. This penalty was selected to account for the higher sensitivity to noise in the nighttime and the expected further decrease in background noise levels that typically occurs in the nighttime. As a practical matter, this means that aircraft events occurring during the evening hours are treated as approximately three (3) noise events for purposes of calculating CNEL values. Each aircraft noise event occurring during the nighttime hours is treated as if ten (10) aircraft noise events had occurred.

The CNEL descriptor is used by the State of California to describe land use compatibility with respect to aircraft noise exposures. CNEL is also the noise descriptor standard defined in Title 21 of the CALIFORNIA CODE OF REGULATIONS, AIRPORT NOISE STANDARDS, and the standard specified for evaluation of exterior and interior noise impacts in Title 24 of the CALIFORNIA BUILDING STANDARDS COMMISSION, CALIFORNIA STANDARD BUILDING CODE. The CNEL is

also identified as one of two noise descriptors used in the preparation of a noise element of a general plan.

The outside boundaries of the areas generally subject to such noise are usually shown as lines overlaid on a map of the area around the airport. The boundary lines, referred to as "noise contours," provide the basis for delineating the Airport Influence Area.

The 60 and 65 dB CNEL noise contours are each significant because they establish the threshold for actions required in approving compatible land uses around an airport.

The 60 dB CNEL noise contour is important because the CALIFORNIA BUILDING CODE'S Noise Insulation Standards require that all new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family residences with exterior noise exposures greater than 60 dB CNEL be sound insulated so that the interior noise level will not exceed 45 dB CNEL. Therefore, the 60 dB CNEL contour does not define a land area in which residential uses are unsuitable. Rather, the contour identifies an area in which a mitigation measure may have to be utilized to reduce the impact of aircraft noise on dwelling units.

The 65 dB CNEL noise contour is important because both the Federal Aviation Regulations Part 150, Airport Noise Compatibility Planning (FAR Part 150) and the California Airport Noise Regulations (21 CAL.CODE REGS. §§5000, *et seq.*) define this noise contour as the boundary within which the noise environment is *not* suitable for residential land use, public and private schools, hospitals and convalescent homes, and churches and related uses.

Specifically, as a means of implementing the Aviation Safety and Noise Abatement Act of 1979, the FAA adopted Regulations on Airport Noise Compatibility Planning, which are defined in FAR Part 150. As part of the FAR Part 150 Noise Control Program regulations, the FAA published guidelines to local authorities for determining acceptability and permissibility of residential land uses. The guidelines recommend a maximum amount of noise exposure, in terms of the cumulative noise metric Annual Day Night Average Sound Level (DNL) that might be considered acceptable or compatible to people in living areas.² These noise levels are derived from case histories involving aircraft noise problems at civilian and military airports and the resultant community responses. These guidelines provide that residential land use is deemed acceptable for noise exposures up to 65 dB DNL. Residential land uses are not acceptable at noise exposure levels greater than 65 dB DNL.

In addition, the Aeronautics Division of the California Department of Transportation (Caltrans) administers the California Airport Noise Regulations (21 CAL.CODE REGS. §§5000, *et seq.*), which were adopted in 1971, pursuant to statutory mandate. *See*, CAL.PUB.UTIL.CODE §21669.4. The local jurisdiction is responsible for enforcing these regulations. For an airport designated as

² DNL is very similar to CNEL. Both DNL and CNEL include a "nighttime" (10:00 p.m. – 7:00 a.m.) penalty weighting for an aircraft offense occurring during that time period. However, CNEL also includes a lesser penalty weighting for "evening" flights (7:00 p.m. – 10:00 p.m.) . Therefore, typically, DNL is about one dB lower than CNEL, although the difference may be greater if there is an abnormal concentration of noise events in the 7 p.m. to 10 p.m. time period. DNL is specified by the FAA for airport noise assessment and by the United States Environmental Protection Agency (EPA) for community noise and airport noise assessments. The FAA guidelines allow for the use of CNEL as a substitute to DNL. California uses CNEL for airport noise assessments.

having a “noise problem” pursuant to 21 CAL.CODE REGS. §5020, these regulations establish 65 dB CNEL as a noise impact boundary within which there shall be no incompatible land uses. Four (4) types of uses are defined as “incompatible”: (i) residences of all types; (ii) public and private schools; (iii) hospitals and convalescent homes; and (iv) churches and related uses. This requirement is based, in part, on the determination in the Caltrans regulations that 65 dB CNEL is the level of noise which should be a acceptable to “. . . a reasonable man residing in the vicinity of an airport.”

The 70 dB CNEL noise contour defines a boundary in which the area is not suitable for numerous land uses, such as office buildings, auditoriums, churches, concert halls, and indoor arenas.

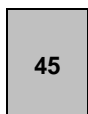
Figure 4 provides a land use compatibility matrix and implementation directives. This matrix identifies a range of land uses compatible with various projected annual CNEL values. The matrix should be used to determine the appropriateness of different planned land uses and must be used in determining whether a proposed land use is consistent with the ALUCP policies and guidelines. It is the intent of the ALUCP to preclude further incompatible development consistent with the land use compatibility matrix and implementation directives.

**FIGURE 4
AIRPORT NOISE/LAND USE COMPATIBILITY MATRIX**

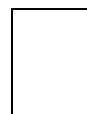
LAND USE	Annual Community Noise Equivalent Level (CNEL) in Decibels					
	55-60	60-65	65-70	70-75	75-80	80-85
1. NEIGHBORHOOD PARKS, AND PLAYGROUNDS						
2. SCHOOLS, PRESCHOOLS, LIBRARIES		45	45	45	45	45
3. RESIDENTIAL-SINGLE FAMILY, MULTIPLE FAMILY, MOBILE HOMES, RESIDENTIAL HOTELS, RETIREMENT HOMES, INTERMEDIATE CARE FACILITIES, HOSPITALS, NURSING HOMES		45	45	45	45	45



COMPATIBLE
The outdoor community noise equivalent level ("CNEL") is sufficiently attenuated by conventional construction so that the indoor noise level is acceptable, and both indoor and outdoor activities associated with the land use may be carried out with essentially no interference from aircraft noise.



CONDITIONALLY COMPATIBLE
The outdoor CNEL level will be attenuated to the indoor noise level shown, and the outdoor noise level is acceptable for associated outdoor activities.



INCOMPATIBLE
The CNEL is severe. Although extensive mitigation techniques could make the indoor environment acceptable for performance of activities, the outdoor environment would be intolerable for outdoor activities associated with the land use.

This matrix should be used in reference to the Implementation Directives shown on the following Table 1.

Table 1

Incompatible Land Uses Within The Noise Impact Boundary (65 CNEL)
(Caltrans Division of Aeronautics Noise Standards, Section 5014, with Revisions
and with Other Uses Added by the ALUC, San Diego Assn. of Governments)

RESIDENCES, including but not limited to, detached single-family dwellings, multi-family dwellings, high-rise apartments or condominiums, and mobile homes, unless:

- (1) a recorded avigation easement for aircraft noise has been acquired by the airport operator, or
- (2) the dwelling unit was in existence at the same location prior to January 1, 1989, and has adequate acoustic insulation to ensure an interior CNEL due to aircraft noise of 45 dB or less in all habitable rooms. However, acoustic treatment alone does not convert residences having an exterior CNEL of 75 dB or greater to aircraft noise to a compatible use if the residence has an exterior normally occupiable private habitable area such as a backyard, patio, balcony. Or,
- (3) the residence is a high-rise apartment or condominium having an interior CNEL of 45 dB or less in all habitable rooms due to aircraft noise, and an air circulation or air conditioning system as appropriate, or
- (4) the airport proprietor has made a genuine effort as determined by the department in accordance with adopted land use compatibility plans and appropriate laws and regulations to acoustically treat residences exposed to an exterior CNEL less than 80 dB (75 dB if the residence has an exterior normally occupiable private habitable area such as a backyard, patio, or balcony) or acquire avigation easements, or both, for the residences involved, but the property owners have refused to take part in the program, or
- (5) the residence is owned by the airport proprietor.

PUBLIC OR PRIVATE SCHOOLS of standard construction for which an avigation easement for noise has not been acquired by the airport proprietor, or that do not have adequate acoustic performance to ensure an interior CNEL of 45 dB or less in all classrooms due to aircraft noise;

HOSPITALS AND CONVALESCENT HOMES for which an avigation easement for noise has not been acquired by the airport proprietor, or that do not have adequate acoustic performance to provide an interior CNEL of 45 dB or less due to aircraft noise in all rooms used for patient care.

CHURCHES, SYNAGOGUES, TEMPLES, and other places of worship for which an avigation easement for noise has not been acquired by the airport proprietor, or that do not have adequate acoustic performance to ensure an interior CNEL of 45 dB or less due to aircraft noise.

OTHER USES for which recorded avigation easements for noise have not been acquired by the airport proprietor, or that do not have adequate acoustic performance to ensure maximum or less interior CNEL, identified for each use, due to aircraft noise.

Aircraft Noise Reduction

The Airport has taken a number of steps over the years to reduce the noise impact area around SDIA and to enhance compatibility between SDIA and adjacent communities. These include various restrictions on the use of SDIA, including a nighttime curfew on departures between

11:30 p.m. and 6:30 a.m., a prohibition on full power engine run-ups during that same period each day, and, in 1988, two (2) years ahead of comparable federal action, the Airport adopted a regulation requiring a phase-out of Stage 2 commercial aircraft operations at SDIA by January 1, 1999. The Airport's phase-out program was successfully implemented and the Airport continues to enforce its curfew restrictions.

Noise Attenuation

Although the Airport Authority maintains avigation easements over any San Diego Unified School District property from the settlement of earlier litigation, the Airport agreed to sponsor a sound insulation program for public and private schools located within the noise impact area. In 1997, the school sound attenuation program was completed. The program provided noise insulation at five (5) public schools and one (1) private school located within the 65 dB CNEL noise contour.

In addition, the Airport, in cooperation with the local community, selected and purchased a single family residence in Loma Portal area which was used as a pilot residential sound attenuation demonstration project sponsored by the Airport. The Airport performed sound attenuation construction on the residence and held a series of public "open houses" to allow members of the general public to visit the residence both before and after sound attenuation construction. As part of the pilot residential sound attenuation project, the Airport and its consultants, in consultation with the local affected communities, assessed both the effectiveness of the sound attenuation construction and the level of public interest in a broader residential sound attenuation program and, if there was sufficient public interest in a broader program, assessed the reasonableness and economic feasibility of such a program. Based, in part, on this pilot program, the Airport implemented a sound attenuation program (the Residential Sound Attenuation Program or Quieter Homes Program). The Airport continues to implement the Quieter Homes Program (QHP) for eligible residences within the noise impact area of SDIA in connection with the variance that it operates under pursuant to the California Noise Standards.

IV. RUNWAY PROTECTION ZONES AND AVIGATION EASEMENTS

Runway Protection Zones

It is the intent of an ALUCP to preclude further incompatible development from locating in the areas of significant risk resulting from aircraft takeoffs and landings. These areas are identified as "Runway Protection Zones" (RPZs). The size of the zone is determined by the class of the airport, as promulgated by the FAA. The Runway 27 RPZ of SDIA lies partly on the Airport and partly over private properties. Therefore, it cannot be fully protected by the Airport Authority; protection from incompatible land use is based mainly upon regulations of the City of San Diego.

The Runway 9 RPZ lies over MCRD and NTC, lands controlled by the federal government.

Compatible uses in the runway protection zone include undeveloped areas, airport storage facilities, automobile parking, and rights of way for utilities and streets provided clearance is adequate. In the runway protection zones of SDIA, only the streets, parking, and the estuary are

compatible uses; all the other existing uses must be considered either conditionally compatible or incompatible.

Airport Approach Overlay Zone

The City of San Diego adopted an Airport Approach Overlay Zone ordinance to provide supplemental regulations for the property surrounding the approach path for SDIA. The Airport Approach Overlay Zone includes a regulation that prohibits any structure to be constructed or altered in a manner than results in any permanent encroachment within fifty (50) feet of the FAA established approach paths, while allowing construction of structures not higher than forty (40) feet above the existing ground level. In addition, the Airport Approach Overlay Zone requires development proposals to comply with the standards of the Runway Protection Zones. The map delineating the ordinance requirements is shown on Figure 5.

Avigation Easements

Avigation easements are easements over private property recognizing the flight path or noise intrusion of aircraft flying over or near the property; they may be granted by the private property owner in exchange for the conditional right to develop or for some other reason. While such easements usually are granted to an entity with land use authority, they can be granted to another party in interest.

An avigation easement, recorded with the County recorder as a part of the property record, would ensure recognition of the easement as a part of the title. Avigation easements for aircraft noise would be required following acoustic insulation for existing dwelling units to ensure an interior of 45 dB CNEL or less in all habitable rooms for any new residential or other noise sensitive use within the 60-65 dB CNEL noise contours.

Property owners would continue to be able to build (with noise attenuation) in noisy areas over 65 dB CNEL, and an avigation easement would provide verification that the structure had met the noise insulation requirements.

Existing public and private schools, hospitals and convalescent homes, and churches, synagogues, temples, or other places of worship for which an avigation easement has been acquired or that have adequate acoustic performance to provide an interior CNEL of 45 dB or less can be found to be compatible with the operation of the airport, as noted in Section 5014 of the California Noise Standards. However, the schools would continue to be incompatible with the City of San Diego's General Plan standards for noise.

V. FAR PART 77 - OBJECTS AFFECTING NAVIGABLE AIRSPACE

Airport vicinity height limitations are required to protect the public safety, health, and welfare by ensuring that aircraft can safely fly in the airspace around an airport. This protects both those in the aircraft and those on the ground who could be injured in the event of an accident. In addition, height limitations are required to protect the operational capability of airports, thus preserving an important part of National and State aviation transportation systems.

**FIGURE 5
AIRPORT APPROACH OVERLAY ZONE**

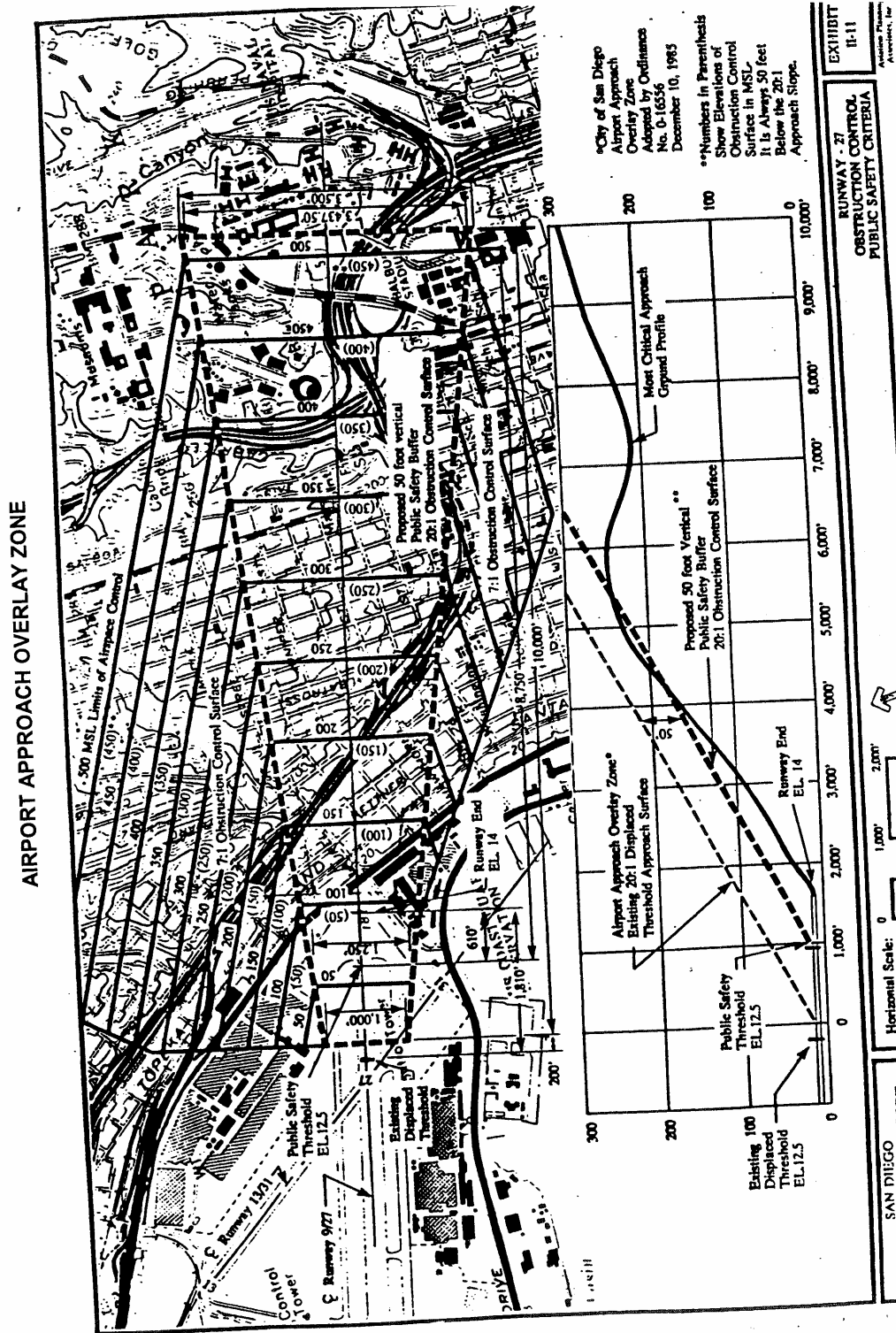
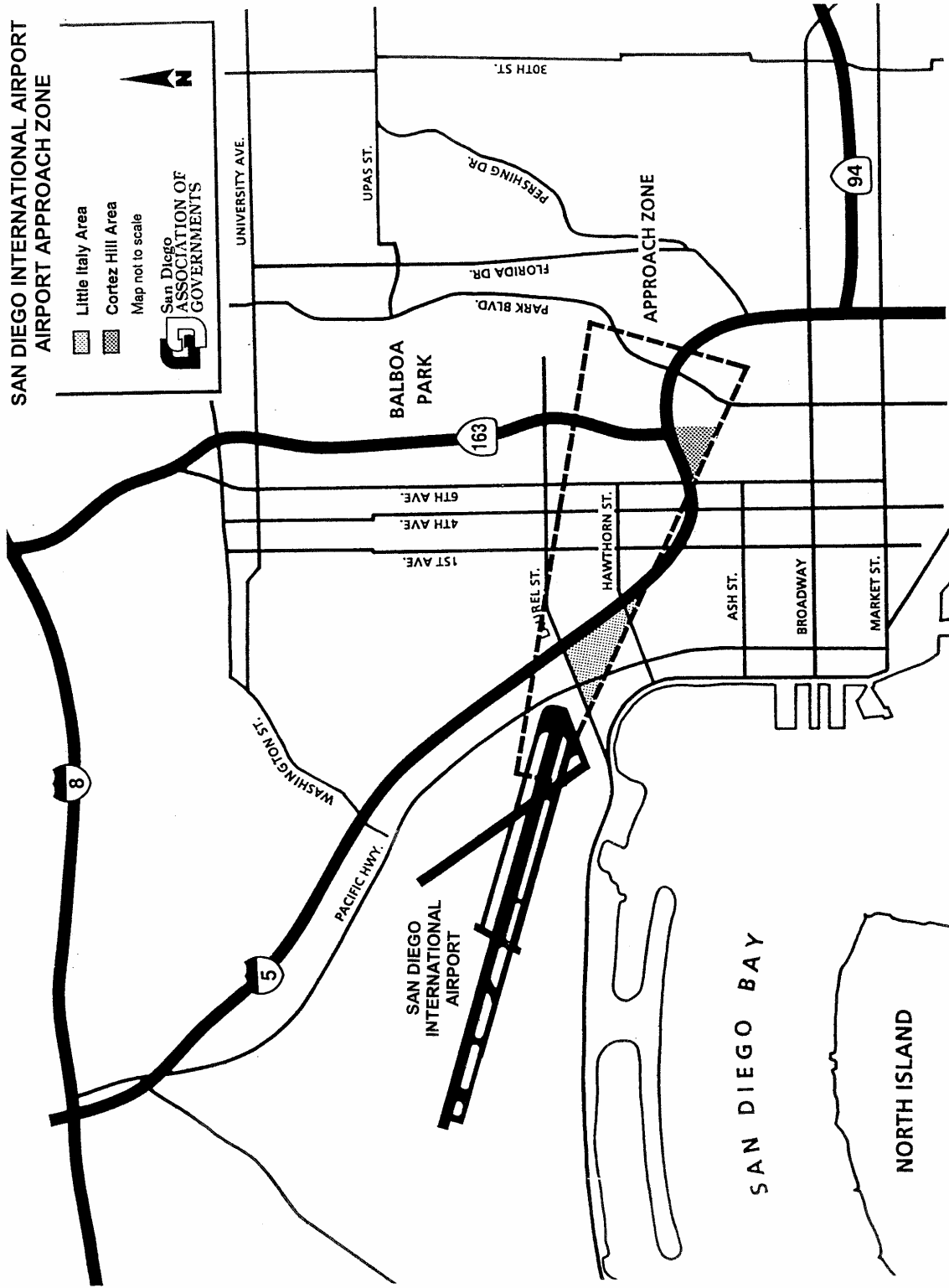


FIGURE 6
SAN DIEGO INTERNATIONAL AIRPORT APPROACH ZONE



FAR Part 77, *Objects Affecting Navigable Airspace*, (14 C.F.R. §§77.1, *et seq.*) establishes imaginary surfaces for airports and runways as a means to identify objects that are obstructions to air navigation. Each surface is defined as a slope ratio or at a certain altitude above the airport elevation.

The FAA uses FAR Part 77 obstructions standards as elevations above which structures may constitute a safety problem. The regulations require that anyone proposing to construct an object which could affect the navigable airspace around an airport submit information about the proposed construction to the FAA. The FAA then conducts an aeronautical study, the outcome of which is a determination as to whether the object would be a potential hazard to air navigation. If the proposed object is concluded to pose a hazard, the FAA may object to its construction and issue a determination of a hazard to air navigation, examine possible revisions of the proposal to eliminate the problem, require that the project be appropriately marked and lighted as an airspace obstruction, and/or initiate changes to the aircraft flight procedures for the airport so as to account for the object. FAA does not have the authority to prevent the encroachment; however, California law can prevent the encroachment if the FAA has made a determination of a hazard to air navigation. The local jurisdiction can establish and enforce height restrictions.

Although the FAR Part 77 height restrictions are only guidelines, the FAA recommends that they be adopted into the ALUCPs and into zoning ordinances of surrounding jurisdictions. Pursuant to FAA directive, the FAR Part 77 height restrictions are incorporated into this ALUCP.

Any use, whether within or outside the defined Airport Influence Area, found to be a “hazard” by the FAA should be determined not to be in conformance with the ALUCP. Such a provision would assure that approval of a discretionary use (such as a very high smokestack in an industrial area) that might otherwise be considered acceptable, would not create a hazard to the operation of the airport. The FAA has no authority to limit land use and can only direct that changes be made in airport operations when the determination of a “hazard” is made. Therefore, the ALUCP would be the determining factor by indicating that such a use would not be in conformance with the ALUCP.

VI. SYSTEM SAFETY

In addition to the specific consideration of the runway protection zone described previously, the advisory committee desired further review of the FAA System Safety and Efficiency Review. The FAA study presented a number of safety issues and provided recommendations, some of which have been addressed in this ALUCP; many others remain to be addressed. A scope of work was prepared by a joint committee of the City of San Diego, the Peninsula Community Planning Board, the Airline Pilots Association, the Airport Coalition, and MCRD proposing a two (2) phase program. (See Appendix E.) The ALUCP provides a number of advisory recommendations regarding the safety recommendations in the FAA study.

The advisory recommendations describe the intent of the committee that Phase H of the work program shall be carried out as the initial part of any expansion program of SDIA beyond the Immediate Action Plan. Neither of these phases is a program that is directly related to the noise

considerations at SDIA, but they are considerations that are pertinent to the continued safe operation of the Airport.

VII. GENERAL PLAN CONSISTENCY AND NONCONFORMING USES

SDIA is located east of the Point Loma peninsula. It is surrounded by a number of communities, most of which recognize the location of the Airport and address it in the noise elements of the respective community plans. The noise-impacted communities include Mission Beach, Ocean Beach, Peninsula, Midway-Pacific Highway, Old Town, Uptown, Balboa Park, Greater Golden Hill, Park Northeast, Mid-City, Southeast San Diego, and Centre City, as well as the Marine Corps Recruit Depot, Naval Training Center, and other facilities around San Diego Bay adjacent to the Airport.

Although many uses currently cannot conform to the noise element requirements, each of these community plans should be reviewed for recommendations intended to ensure future consistency with the ALUCP. The greatest emphasis must be on actions to reduce inconsistencies immediately west and east of the Airport - the noisiest areas and the areas where height limitations are urgent.

Previously Conforming/Nonconforming Uses

The City of San Diego currently has a section in its zoning ordinance that addresses nonconforming uses that allows such uses to be continued provided no enlargement or addition to such uses is made. The ordinance also states:

"If any nonconforming building or use be destroyed by fire, explosion, act of God or act of the public enemy to the extent of fifty percent (50%) or more of the fair market value, according to the assessment thereof by the County Assessor for the fiscal year during which such destruction occurs, then and without further action by the City Council, the said building or use and the land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations specified by the Zoning Ordinance for the district in which such building was located."

Consequently, the zoning ordinance allows a nonconforming use to continue until it is abandoned or destroyed beyond fifty percent (50%) of the fair market value. If either of these should occur, the reuse of the land or buildings must conform to the general plan requirements, the requirements of this ALUCP, and the specific requirements of the City's zoning ordinance.

Unless revised by the Council, this ordinance allows an exception to the consistency requirement of the general plan and the ALUCP. A revision to require the same regulations for infill development would cause the uses to conform to the ALUCP.

Infill Development And Density Limitations

Recent experience with SB 255 (Chapter 306 of the Statutes of 1989) indicates that the nearby community believes that owners of vacant lots should be allowed to develop their property, within the rules established as part of the ALUC's implementation of SB 255. Several of these rules shall continue to be followed, requiring that all of the following applicable standards and criteria must be met:

1. The proposed project would not, in the event of an aircraft accident, pose a substantial hazard due to above-ground use or storage of large quantities of flammable or explosive substances on a site located beneath the airport approach or departure surfaces delineated in the Airport Approach Overlay Zone.
2. The proposed project would not intensify human occupancy of the site to an extent greater than one hundred ten percent (110%) of the average intensity of existing uses (exclusive of large public assemblies) within a one-quarter (1/4) mile radius of the project site, if located beneath the airport approach or departure surfaces delineated in the Airport Approach Overlay Zone. However, no increase in intensity would be allowed within the "runway protection zone." This standard shall not apply to runway 13/31, as it relates to the Centre City area south of Ash Street, as requested by the City of San Diego.

As an alternative to the above density criterion, a compatible land use within the Little Italy and Cortez Hill (see Figure 3) areas may be limited to a floor area radon (FAR) of 2.0 and a thirty-six (36) foot height limit. For the remaining area within the SDIA eastern approach/departure zone, the adopted ALUCP density criterion applies.

Incompatible land uses are:

Hospitals or Nursing Homes

School or College Educational Buildings
Specialized Recreational Buildings

Church and Other Public Assembly Buildings

Properties in the Little Italy area that are intersected by the airport approach/departure zone to SDIA shall be exempt from the density criterion.

3. The proposed project, including habitable rooms remodeled or added, would by design or requirement pursuant to CAC Title 24 Noise Insulation Standards, San Diego Municipal Code Section 59.5.0701, or as a condition of project approval, attenuate building interior sound levels to the applicable acoustical performance standard shown on the Airport Noise/Land Use Compatibility Matrix adopted by the City of San Diego, if located within the CNEL of 65 dB or greater as shown on the

1990 Noise Contour Exposure Map. If work to be done subject to building permits exceeds a valuation of \$50,000, the new or remodeled portion of the residence or unit in a multi-family structure must be brought into compliance with current noise attenuation standards, with a ten percent (10%) cap on the acoustical insulation costs.

Hazards Outside The Airport Influence Area Of SDIA

In order to ensure that no further incompatible uses will be created *outside* the Airport Influence Area, one additional concern must be addressed: Any use, whether within or outside the defined Airport Influence Area, that the FAA finds to be a "hazard" or an "obstruction which would have a significant adverse impact," should be determined not to be in conformance with the ALUCP. Such a provision would ensure that approval of a discretionary use that might otherwise be considered acceptable would not create a hazard to the operation of the Airport. The FAA has no authority to limit land use and can only direct that changes be made in airport operations whenever the determination of a "hazard" or an "obstruction which would have a significant adverse impact" is made. In such cases the ALUCP would provide the determining conditions.

VIII. PLAN RECOMMENDATIONS

The Plan recommendations that follow are divided into two (2) groups: mandatory requirements pursuant to state law; and advisory recommendations proposed by the advisory committee. If any change was made in the plan recommendations, it is explained in the EIR, Appendix F. These recommendations were amended in 1994 at the joint request of the San Diego Unified School District, the Airport Coalition, and the San Diego Unified Port District and in 2004 by the Airport Authority.

Recommendations for the Airport Authority (ALUC)

Mandatory

1. Monitor the general and community plans, zoning, and other regulations adopted by the City of San Diego and act in accordance with the rules and regulations adopted by the Airport Authority (ALUC), including notifying the City of conformance and nonconformance.
2. Utilize the Airport Noise/Land Use Compatibility Matrix and implementation directives, as revised for this ALUCP and as specified in Figure 4, to determine compatible uses and to determine consistency of a proposed development within the Airport Influence Area.
3. Utilize the City of San Diego's amended Airport Approach Overlay Zone restricting building heights within the approach corridors to the airport to determine appropriate heights of proposed structures above ground level (forty (40) feet maximum).

4. Utilize those standards and criteria adopted by the ALUC to implement SB 255 (Chapter 306 of the Statutes of 1989) within the SDIA Airport Influence Area as established in this plan.
5. Oppose federal or state expenditures on projects intended to support residential or other forms of incompatible development within areas subject to excessive noise levels and/or accident potential zones, as defined in this Plan.
6. Utilize the Runway Protection Zone suitability guidelines and Part 77 criteria in determining compatible land uses (including height limits) for areas subject to risk resulting from aircraft takeoff and landing patterns. Stipulate that any discretionary construction proposed that is found to be a "hazard" to navigation by the FAA is not in conformance with the ALUCP.
7. Require appropriate legal notice to be given to all purchasers, lessees, and renters of property that describes the potential noise impact from airport operations when properties are affected by an annual 60 dB CNEL or greater noise contours.
8. Review the aircraft mix assumptions and forecasts of aircraft operations, update the existing Community Noise Equivalent Levels, evaluate the impacts of noise and update the ALUCP in five (5) years or whenever warranted.

Recommendations for the City of San Diego

Mandatory

1. Accept the 1990 60 dB CNEL and adopt an Airport Influence Area encompassing the contour; prohibit further incompatible uses within the Airport Influence Area, as defined in this Plan, including inappropriate heights that would penetrate the airport approach surfaces and FAR Part 77 surfaces; and require all new development projects to be consistent with this Plan.
2. As a condition of discretionary action approval in the Airport Influence Area, require a limited aviation easement for both noise and height limitation to be recorded with the County Recorder and a copy to be filed with the airport operator.
3. Use this Plan to review and update the affected general plans and community plans. Include, as a part of the implementing ordinances, a provision which ensures that no structure is erected that is deemed by the FAA to be a "hazard" and that no obstructions are erected that either individually or cumulatively cause an adverse safety affect on air navigation, as determined by the FAA.

Advisory

4. If the Port District establishes a residential sound insulation program, work in cooperation with the Port District, to establish a program by which the Port District would acquire appropriate avigation easements over all participating properties in return for sound attenuation of the structures.
5. Analyze incompatible land uses within the 60 dB or greater CNEL and develop a program to rezone such properties to their current densities. Include a time frame for action.
6. At such time as amendments to this Plan or a new plan are adopted, determine which undeveloped land is zoned in a manner allowing uses incompatible with this Plan and take steps to rezone that land to a compatible use.
7. Adopt an ordinance making the requirements of the existing and applicable CALIFORNIA BUILDING CODE'S Noise Insulation Standards (Title 24, CAL.CODE REGS.) apply to single family detached residences in the same manner as they are applied to multiple family residences, hotels, motels, and other buildings addressed in that law.
8. Direct the appropriate City Department to record the address information of any aircraft accidents that occur outside the airport property boundaries but within the Airport Influence Area.
9. Implement a disclosure notice for all new residential development within the noise impact notification area. Attempt to establish a method by which all potential property owners and renters are informed as part of the public reports when properties are affected by an annual 60 dB CNEL noise contour or greater.

Recommendations for the Airport Authority

Mandatory

1. Continue to monitor noise levels around the airport annually and advise the ALUC and the City of San Diego of changes in noise contours.

Advisory

2. Undertake a study of the feasibility of establishing a program for acquiring fee ownership, easements, or air rights of parcels in the runway protection zone, especially in the "object free area" shown in Figure 5.
3. Continue implementation and enforcement of the existing Airport Use Regulations for SDIA during the transition to a Stage 3 commercial airline fleet.

4. Advise the City of San Diego of the results of the Pilot Residential Sound Attenuation Demonstration Project.

IX. RECOMMENDATION SCHEDULE

Recommendations together with a schedule for action by each of the implementing agencies are summarized in the table following. Mandatory recommendations will be implemented upon adoption of the Plan or as noted below. Advisory recommendations should be implemented as soon as practicable.

<u>Agencies</u>	<u>Action</u>
<u>Airport Authority (ALUC)</u>	
1. Review the general plan and pertinent community plans, zoning and other requirements; notify the City of San Diego of conformance or nonconformance.	Mandatory Upon adoption
2. Utilize the state Noise Standards, "Incompatible Uses Within the Noise Impact Boundary" and the Noise/Land Use Compatibility Matrix.	Mandatory Upon adoption
3. Utilize the Airport Approach Overlay Zone, as amended on February 4, 1992.	Mandatory Upon adoption
4. Utilize other standards and criteria adopted by the ALUC to determine compatibility.	Mandatory Upon adoption
5. Oppose federal or state support for projects which are incompatible with this plan.	Mandatory As required
6. Review the aircraft mix and operations and update the CNELs, and update the ALUCP.	Mandatory In 5 years
7. Utilize the Runway Protection Zone suitability guidelines and Part 77 criteria in determining compatible land uses (including height limits) for areas subject to risk resulting from aircraft takeoff and landing patterns. Stipulate that any discretionary construction proposed that is found to be a "hazard" to navigation by the FAA is not in conformance with the ALUCP.	Mandatory Upon Adoption
8. Establish a method by which all purchasers, lessees and renters of property in "conditionally compatible" areas are provided adequate legal notice which clearly describes the potential for impacts from aircraft noise associated with airport operations.	Mandatory Upon Adoption

Agencies

Action

City of San Diego

- | | |
|---|---|
| 1. Prohibit incompatible uses within the 60 dB or greater CNEL noise contours, the Airport Influence Area, as defined by this Plan, including inappropriate heights. | Mandatory
Upon adoption |
| 2. As a condition of discretionary approval, require a limited aviation easement for noise and height limitation to be recorded with the County Recorder. | Mandatory
Upon adoption |
| 3. Use the ALUCP to update affected general and community plans. | Mandatory
Upon adoption |
| 4. If the Port District establishes a residential sound insulation program, work in cooperation with the Port District, to establish a program by which the Port District would acquire appropriate aviation easements over all participating properties in return for sound attenuation of the structures. | Advisory, at
discretion of the
agencies |
| 5. Analyze incompatible land uses within the 60 dB CNEL and develop a program to rezone to current densities and adopt necessary community plan amendments to reflect the rezone. | Advisory, at
discretion
of the agency |
| 6. At such time as amendments to this Plan or a new plan are adopted, determine which undeveloped land is zoned in a manner allowing uses incompatible with this Plan and take steps to rezone that land to a compatible use. | Advisory, at
discretion
of the agency |
| 7. Adopt an ordinance requiring noise insulation for single family residences and remodels. | Advisory, at
discretion
of the agency |
| 8. Establish a method by which all purchasers, lessees and renters of property in "conditionally compatible" areas are provided appropriate legal notice which clearly describes the potential for impacts from aircraft noise associated with airport operations. | Advisory, at
discretion
of the agency |

Airport Authority

- | | |
|--|---|
| 1. Monitor and report noise levels annually. | Advisory, at
discretion of the
agency |
| 2. Undertake a study of acquisition of parcels in "object free area." | Mandatory |
| 3. Continue implementation and enforcement of the existing Airport Use Regulations for SDIA. | Advisory, at
discretion
of the agency |

X. ALUC DEVELOPMENT REVIEW PROCESS

The following steps are identified as the process by which a development or proposal is determined to be consistent with the ALUCP for SDIA:

1. The local agency staff notifies the ALUC staff of proposed adoption or amendment of general and specific plans, zoning ordinances, building regulations, or other land use ordinances or regulations, which affect lands within the Airport Influence Area, and individual development proposals, airport master plans, construction plans for new airports, and expansion plans for existing airports that are within the Airport Influence Area that are required to be submitted to the ALUC for a determination of consistency with this Plan.

Local actions or individual development proposals are required to be submitted to the ALUC for a consistency review only when a local agency has neither revised its general plan or specific plan to be consistent with the commission's compatibility plan, nor overruled the commission with regard to these plans.

The public agency owning any airport within the boundaries of an ALUCP is responsible for submitting airport master plans, construction plans for new airports, and airport expansion plans to the ALUC for a consistency review.

2. The ALUC staff determines whether or not such proposed actions would be consistent or conditionally consistent with the ALUC's adopted land use compatibility plans covering such areas. Any determination of consistency or conditional consistency may be placed on the ALUC's consent calendar and the local agency shall be notified of the consistency determination.
3. If the proposed action of the local agency is considered by the ALUC staff to be inconsistent with the adopted land use compatibility plan, the ALUC shall hold a public hearing and make specific findings regarding whether the proposed action is inconsistent with the ALUC's plan. If the ALUC makes a finding that the project application is inconsistent with the ALUCP, the local agency shall be notified.
4. If it is determined by the ALUC that the proposed action is inconsistent with the ALUCP, the ALUC's action shall be considered by the local agency. The local agency may overrule the ALUC's determination by taking the following mandatory steps:
 - (i) the local agency must provide the Airport Authority and the California Department of Transportation (Caltrans) with a copy of the local agency's proposed decision and findings at least forty-five (45) days prior to the decision to overrule the Airport Authority;

- (ii) the Airport Authority and Caltrans may provide advisory written comments to the Local Agency within thirty (30) days of reviewing the proposed decision and findings;
 - (iii) the local agency shall hold a public hearing and include comments from the Airport Authority and Caltrans in the public record of any final decision to overrule the Airport Authority;
 - (iv) the local agency must make specific findings that the action proposed is consistent with the purposes of the State Aeronautics Act; and
 - (v) the local agency must approve the proposed action by a two-thirds (2/3) vote of the local agency's governing body.
5. If a local agency decides to overrule an ALUC determination, then the airport operator shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the local agency's decision to override the ALUC's action or recommendation pursuant to CALIFORNIA PUBLIC UTILITIES CODE §§ 21675.1(f) and 21678.

XI. PLAN UPDATE

This Plan should be updated every five (5) years from the date of adoption or when the information upon which the Plan is based has been changed sufficiently to warrant a review of noise contours, flight activity patterns, or land use compatibility.

APPENDIX A
ALUC RULES AND REGULATIONS

APPENDIX A

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

RULES AND REGULATIONS AIRPORT LAND USE COMMISSION FOR THE SAN DIEGO REGION

ARTICLE	8	-	GENERAL OPERATIONS
PART	8.3	-	STRATEGY AND PLANNING
SECTION	8.30	-	AIRPORT LAND USE COMMISSION

PURPOSE: To implement the legislative directive for the Authority to: (i) coordinate the airport planning of public agencies within the County of San Diego, California (the “**County**”); and (ii) adopt a Comprehensive Land Use Plan (as more fully defined in Appendix A, “**CLUP**”) for County Airports on or before June 30, 2005.

POLICY STATEMENT:

(1) General Provisions.

(a) Defined Terms. All capitalized terms not otherwise defined in the body of this policy shall have the corresponding meanings set forth in Appendix A.

(b) Authority. The San Diego County Regional Airport Authority (the “**Authority**”), is acting in its capacity as the Airport Land Use Commission (“**ALUC**”) for the County, as provided by Section 21670.3 of the California Public Utilities Code. The Authority has adopted this policy in recognition of its governmental obligations under the laws of the State of California, which designate the Authority as the proper Local Agency in the County to protect public health, safety and welfare by ensuring the orderly expansion of Airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports, to the extent that these areas are not already devoted to incompatible uses consistent with Section 21670.3 of the California Public Utilities Code.

(c) Powers and Duties. The Authority has the following powers and duties, subject to the limitations upon its jurisdiction as set forth in Section 21676 of the California Public Utilities Code:

(i) To assist Local Agencies in ensuring compatible land uses in the vicinity of all new Airports and in the vicinity of existing Airports to the extent that the land in the vicinity of those Airports is not already devoted to incompatible uses;

(ii) To coordinate planning at the state, regional and local levels, so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety and welfare;

(iii) To prepare and adopt a CLUP for the County on or before June 30, 2005, pursuant to the requirements of California Public Utilities Code Sections 21670.3 and 21675. Any CLUP developed pursuant to Section 21675 and adopted pursuant to Section 21675.1 by the San Diego Association of Governments shall remain in effect until June 30, 2005, unless the Authority adopts a CLUP prior to that date; and

(iv) To review the plans, regulations and other actions of Local Agencies and Airport Operators pursuant to the requirements of California Public Utilities Code Sections 21670.3 and 21676.

(d) Conflicts of Interest. Any member of the Authority's Board (the "**Board**") shall temporarily disqualify himself from participating in the review or adoption of a proposal, if there is a conflict of interest pursuant to California Public Utilities Code Section 21672 and/or a violation or potential violation of the Authority's Conflicts of Interest Code.

(e) Schedule of Fees. The Authority may establish a schedule of fees necessary to comply with Article 3.5 of Division 9 of the California Public Utilities Code. Those fees shall be charged to the proponents of actions, regulations or permits and shall not exceed the estimated reasonable cost of providing the service. The fees shall be imposed pursuant to Section 66016 of the California Government Code. The Authority may not charge fees for actions in connection with any Airport that does not have an adopted CLUP.

(f) Amendments, Termination or Suspension. This policy may be amended, terminated or suspended only by official and duly noticed action of the Board. The Board may, in its sole and exclusive exercise of its full legislative discretion, amend, terminate, or suspend this policy at any time.

(g) Partial Invalidity. In the event that any court of competent jurisdiction determines that any portion or provision of this policy is invalid, illegal or unenforceable, or temporarily enjoins enforcement or application of any portion or provision of this policy, all other provisions of this policy shall remain enforceable and in effect unless and until revoked, suspended or modified by the Authority.

(h) No Waiver or Creation of Implied Policy of Enforcement. Neither any (i) failure of the Authority to take any act or action in strict enforcement of this policy, inadvertent or otherwise, nor (ii) affirmative waiver of enforcement of this policy by the Authority in a specific instance after consideration of special requests or circumstances, shall be deemed to constitute the establishment of any express or implied policy of the Authority in the enforcement or non-enforcement of this policy, and shall not be relied upon by any person in making any determination, or taking any action, in violation of any provision of this policy.

(2) Comprehensive Land Use Plan.

(a) Purpose of Comprehensive Land Use Plan. The CLUP is the fundamental tool used by the Authority in fulfilling its purpose of promoting Airport land use compatibility. Specifically, compatibility plans have two purposes: (i) to provide for the orderly growth of each

Airport and the area surrounding each Airport within the jurisdiction of the Authority; and (ii) to safeguard the general welfare of the inhabitants within the vicinity of each Airport within the jurisdiction of the Authority and the public in general.

(b) Preparation of Comprehensive Land Use Plan. The Authority shall be responsible for the preparation of a CLUP on or before June 30, 2005. The CLUP shall provide for the orderly growth of each Airport and the area surrounding each Airport within the Authority's jurisdiction, and shall provide policies to safeguard the general welfare of the inhabitants within the vicinity of each Airport and the public in general, as required by Section 21675 of the California Public Utilities Code. The CLUP that is adopted by the Authority shall include and shall be based on a long-range Master Plan or an Airport Layout Plan, where available, that reflects the anticipated growth of such Airport during at least the next twenty (20) years. In preparing a CLUP, the Authority may develop height restrictions on buildings, specify use of land and determine building standards, including soundproofing adjacent to Airports within the planning area. The CLUP also may identify where additions or changes to local jurisdictions' general and specific plans will be necessary. The CLUP also should include a clear statement of compatibility criteria and Authority review procedures.

The Authority shall also include within the CLUP the area within the jurisdiction of the Authority surrounding any military Airport for all of the purposes identified above. The CLUP provisions shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military Airport. The Authority does not have, however, any jurisdiction or authority over the territory or operations of any military Airport.

The Authority shall submit to the Division of Aeronautics of the California Department of Transportation one (1) copy of the CLUP and each amendment to the CLUP.

(c) Amendments to Comprehensive Land Use Plan. The CLUP shall be reviewed as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year. For a CLUP that pertains to more than one Airport in the County, this limitation allows separate amendments for the portion dealing with each individual Airport. Any policies applicable to all Airports in the Authority's jurisdiction shall be amended only once during a calendar year. Coordination with local jurisdictions shall be conducted prior to the approval of any CLUP amendments.

A periodic review of the CLUP shall be conducted in order to keep the CLUP up to date with changes in state laws, local land uses, Airport development and activity, and current concepts for achieving noise and safety compatibility.

(d) Adoption of Comprehensive Land Use Plan and Amendments. The CLUP and any amendments shall be approved and adopted by the Authority, and shall constitute the Authority's recommendation to the Local Agency for compatible land uses within the Airport Influence Area. Prior to adopting each CLUP or amendment, the Authority shall hold a public hearing consistent with this policy.

(3) Authority Review of Local Actions.

(a) Overview. One of the fundamental responsibilities of the Authority is the review of Local Agencies' land use plans, Airport plans and certain other land use projects and actions for compliance with the criteria and policies set forth in the applicable CLUP. The process that the Authority shall follow for this review process depends upon the following three (3) factors: (i) the type of local action involved; (ii) whether a compatibility plan exists for the Airport; and (iii) what action the Local Agency has taken with regard to making its general plan consistent with the Authority's CLUP.

(b) Authority Review Requirements. Local Agencies must refer certain actions to the Authority for review. Referral of other local actions, primarily individual development projects, is required in some instances, but voluntary in others.

(i) Actions For Which Authority Review Is Mandatory.

(A) General Plans and Specific Plans. Any proposal by a Local Agency to adopt a general plan or specific plan shall be referred to the Authority for review, if the boundaries of the plan are within the Airport Influence Area of an Airport, irrespective of whether a CLUP has been adopted for the Airport. If a CLUP has not been adopted, then the Airport Influence Area is defined to mean the study area for such plan or the land within two (2) miles of the Airport boundary pursuant to Section 21675.1(b) of the California Public Utilities Code. Amendments to such plans also shall be referred to the Authority, if the change affects locations within an Airport Influence Area. In such instances, referral shall take place prior to the Local Agency's action to adopt or amend the plan consistent with the requirements of Section 21676(b) of the California Public Utilities Code.

The requirement for submittal of general plans and specific plans exists regardless of whether a proposal is initiated by the Local Agency to adopt or amend a general or specific plan or whether a proposal is initiated based upon the requirement for the Local Agency's plans to be reviewed for consistency with a CLUP that is newly adopted or amended by the Authority. California Government Code Section 65302.3 requires Local Agencies to either amend their general plans and any affected specific plan to be consistent with the Authority's CLUP within one-hundred eighty (180) days of when the Authority adopted or amended its CLUP, or take the steps necessary to overrule the Authority.

(B) Ordinances and Regulations. Authority review of Local Agency proposals to adopt or amend Zoning, building, and other land use ordinances and regulations shall be required in instances where those ordinances and regulations have implications for Airport land use noise or safety compatibility pursuant to the requirements of Section 21676(b) of the California Public Utilities Code.

(C) Airport Plans. The Authority shall require a mandatory review of Airport Master Plans, construction plans for new Airports and Airport expansion plans (including the construction of a new runway, the extension or realignment of an existing runway and the acquisition of Runway Protection Zones or any interest in land for purposes of safety) for

consistency with the adopted CLUP for that Airport pursuant to the requirements of California Public Utilities Code Sections 21676(c), 21661.5 and 21664.5, respectively.

(ii) Other Actions Subject to Authority Review.

(A) Individual Land Use Development Projects. The Authority shall require a mandatory review of all actions, regulations and permits involving the vicinity of an Airport within the Authority's jurisdiction under the following circumstances: (i) prior to the Authority adoption of a CLUP for an Airport; and (ii) when a Local Agency has neither revised its general plan or specific plan to be consistent with the Authority's CLUP nor overruled the Authority with regard to the CLUP pursuant to the requirements of California Public Utilities Code Sections 21675.1(b) and 21676.5(a).

The Authority requests that, even when the Authority has adopted a CLUP for an Airport and the Local Agency has revised its general plan or specific plan to be consistent with the Authority's CLUP, the Local Agency continue to submit major land use actions for review, including, but not limited to, large developments where site design and other factors, such as building height, have potential compatibility implications, even when the overall development may be acceptable. The Authority's project review on these types of non-mandatory project submittals shall be advisory in nature.

(B) Ministerial Permits. Ministerial permits shall be subject to Authority review prior to the adoption of a CLUP for an Airport. After adopting a CLUP, ministerial permits should continue to be submitted to the Authority for review, but only for an advisory review.

(C) CEQA Documents. The Authority is not a Responsible Agency for the purposes of the California Environmental Quality Act ("CEQA") and therefore is not legally required to respond to a CEQA document. The Authority's sole responsibility is to make a compatibility determination regarding the project that is the subject of the Environmental Documentation. However, the Authority has the right and authority to provide comments to the Lead Agency to help ensure the highest level of compatibility.

(c) Information Required for Project Reviews. Requests by Local Agencies to the Authority for project review shall be submitted in writing. Requests shall state fully and fairly the reason for the referral and shall include the names, addresses and telephone numbers of all applicants, project location and assessor's parcel number, a detailed project description, site plans, maps, heights of buildings, any Environmental Documentation and any other material necessary to fully understand the matter for which a project review is being requested. Applicants must include this information on the form entitled "Application for ALUC Determination of Consistency," available at the Authority's offices. The Authority reserves its right to request additional information and documents regarding any project submittal.

In addition to the material required to be submitted, the Authority may require the submittal to include the appropriate fees associated with the request for project review. These

fees shall not exceed the estimated cost of providing service and shall be consistent with any Schedule of Fees established by the Authority pursuant to this policy.

(d) Determination Requirements. The Authority shall respond to a Local Agency with respect to a mandatory project submittal within sixty (60) days of referral pursuant to the requirements of California Public Utilities Code Sections 21675.2(a) and 21676(d). This response period does not begin until such time as all information necessary for accomplishment of the project review has been submitted to the Authority and the Authority has deemed the application complete.

(e) Authority Project Review and Determination Process. The Authority shall review applications for compliance with the criteria and policies set forth in the applicable CLUP. The Authority may consider its own interpretive guidelines and past precedents. After review, the Authority's staff shall place the matter on the Board's agenda for the earliest possible Board meeting. The Authority's staff shall determine if the application can be put on the information, consent or administrative calendar or whether it must receive a public hearing. The application may be placed on the information, consent or administrative calendar if the Authority's staff determines that the project application is consistent or conditionally consistent with the applicable CLUP. Such an application may be removed from the information, consent or administrative calendar at the request of any interested party, member of the public or Board member. In such event, the application shall be heard at the same Board meeting or may be continued at a subsequent Board meeting by a vote of the Board. The application shall receive a public hearing prior to the any determination by the Authority that the project application is inconsistent with the applicable CLUP and notice of the public hearing shall be provided to the referring agency, the project applicant and the affected airport operator.

The Authority may determine that a project application is inconsistent with the criteria and policies of the applicable CLUP by taking the following steps: (i) the holding of a public hearing; and (ii) the making of specific factual Findings that the action proposed is inconsistent with the criteria and policies of the applicable CLUP. If the Authority makes a finding that the project application is inconsistent with the applicable CLUP, the referring agency shall be notified.

(f) Authorization for Staff Review. The Authority's Executive Director or his or her designee (the "Executive Director") is authorized to determine the consistency of proposed actions referred to the Authority by Local Agencies in the following circumstances: (i) where the proposed actions are determined to be consistent with the CLUP; or (ii) where the Local Agency submittal was voluntary. Staff review and consistency determinations shall be made consistent with the determination deadlines specified in this policy. Any determination of consistency made pursuant to this section shall be placed on the information calendar on the Board's agenda for the earliest possible meeting.

(g) Reconsideration Criteria for Determinations of Consistency. An applicant may request that the Authority reconsider its previous action on an application. The request for reconsideration shall be made within thirty (30) days of the decision on the application. The applicant must show that there is relevant new evidence which could not have reasonably been

presented at the original hearing or that an error of fact or law occurred. If the Board grants reconsideration, then the matter shall be scheduled for a public hearing as if it were a new application.

(h) Applicant's Rights and Responsibilities after the Authority's Consistency Determination has been Made. If the Authority determines that a proposed action is inconsistent with an applicable CLUP, then a Local Agency may overrule the Authority's determination by taking the following mandatory steps: (i) the holding of a public hearing; (ii) the making of specific Findings that the action proposed is consistent with the purposes of The State Aeronautics Act; and (iii) the approval of the proposed action by a two-thirds vote of the agency's governing body.

If a Local Agency decides to overrule an Authority determination, then the following apply: (a) the Local Agency's approval of a plan, ordinance or project takes effect as if the Authority had approved the project or found it consistent with the CLUP; (b) if a Local Agency adopts or amends a general plan or specific plan for the Airport area by overruling the Authority, then subsequent Authority review of individual development projects related to that overruling become voluntary consistent with California Public Utilities Code Section 21676.5(b); and (c) if the Local Agency overrules the Authority's consistency determination on any project subject to mandatory review by the Commission, then the airport operator shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to override the Authority's action or recommendation pursuant to California Public Utilities Code Sections 21678 and 21675.1(f).

(i) Authority's Rights and Responsibilities if the Local Agency Overrules the Authority's Consistency Determination. If a Local Agency proposes to overrule the Authority's consistency determination, the Local Agency must provide the Authority and the California Department of Transportation ("Caltrans") with a copy of the local agency's proposed decision and findings at least forty-five (45) days prior to the decision to overrule the Authority. The Authority and Caltrans may provide advisory written comments to the Local Agency within thirty (30) days of receiving the proposed decision and findings. If comments are not available within this time limit, the Local Agency may act without them. If comments are available, the Local Agency shall include them in the public record of any final decision to overrule the Authority. *See*, Public Utilities Code §§ 21676, 21676.5 and 21677.

(4) Administrative Provisions.

(a) Public Hearings. Public hearings shall be held in accordance with the procedures identified for public hearings for the Authority.

(b) Authority Information Requests. In addition to all other authority granted to the Executive Director, the Executive Director shall have the authority to provide any information, reports, applications or other related documents, in whatever form or format that the Executive Director may determine useful in the implementation or enforcement of the provisions of this policy.

(c) Notices.

(i) Local Agency Designation of Person(s) to Receive Notices. Each Local Agency within the County shall designate in writing (addressed to the Executive Director) not more than two (2) employees, officers or other representatives who are authorized to receive notices regarding action taken under the authority of this policy. The notice also shall provide a mailing address and work telephone number and a telecopier number, for each designated person.

(ii) Delivery of Authority Notices. Whenever the Authority provides written notice under this policy, the notice shall be mailed by first class mail, or by a next-day package delivery service, or delivered by telecopier.

(iii) Effective Date of Notices Delivered by the Authority. Whenever the Authority gives written notice under or concerning this policy by next-day package delivery service and/or telecopier, the notice shall be deemed to have been received on the day it was transmitted by telecopier, or, if given only by next-day package delivery service, on the day following the day on which the notice was delivered or given to a next-day package service for delivery. If the Authority gives notice only by depositing a copy of the notice in first class mails, the notice shall be deemed to have been received three (3) days after the date on which it was deposited in the United States mail.

(iv) Effective Date of Notices or Requests. Whenever this policy requires any person to file or submit any notice or document to the Authority, that notice or document shall be deemed to have been delivered on the first working day when it is actually received by the Authority.

(d) Modification of Forms or Guidelines.

(i) Authority. The Executive Director may prepare, modify or augment any form required to be filed under this policy, may require the filing of additional forms or information not otherwise referenced in this policy, or may prepare, modify or augment any Authority consistency review guidelines or other administrative guidelines without Board action, if the Executive Director reasonably determines that the action would facilitate the implementation and enforcement of this policy, or any other Authority ordinances, rules, regulations or policies.

(ii) Notices. When the Executive Director exercises his or her authority under subsection (i) above, the Executive Director promptly shall give notice to all Local Agencies and other interested parties who are required or permitted to use those forms, information or guidelines, and the Executive Director shall specify the date upon which use of the new or modified forms, information or guidelines is required.

[Resolution No. 03-020R dated April 3, 2003.]

APPENDIX A

DEFINITIONS

“**Airport**” means any area of land or water that is used, or intended for use, for the landing and take-off of aircraft. Included are any appurtenant areas that are used, or intended for use, for Airport buildings or any other Airport facilities or right-of-way, and all Airport buildings and facilities located thereon. Public-Use Airports, Special-Use Airports, Heliports, Helipads and Helistops shall be considered Airports for purposes of this policy.

“**Airport Influence Area**” means a planning area designated by the Authority around each Public-Use Airport which is, or reasonably may become, affected by Airport operations including, but not limited to noise, fumes, or other influence, or which is, or reasonably may become, a site for a hazard to aerial navigation. If a CLUP has not been adopted, then the Airport Influence Area means the land within two (2) miles of the Airport boundary. See California Public Utilities Code Section 21675.1(b).

“**Airport Layout Plan (ALP)**” means a scale drawing of existing and proposed Airport facilities, their location on an Airport, and the pertinent clearance and dimensional information required to demonstrate conformance with applicable standards.

“**Airport Master Plan (AMP)**” means a long-range plan for development of an Airport, including descriptions of the data and analyses on which the plan is based.

“**Airport Operator**” means any person or entity having the authority and responsibility for the establishment and operation of an Airport.

“**California Environmental Quality Act**” or “**CEQA**” means the statutes adopted by the state legislature for the purpose of maintaining a quality environment for the people of the state now and in the future. CEQA establishes a process for state agency and Local Agency review of projects, as defined in the implementing guidelines, which may adversely affect the environment. See California Public Resources Code Sections 21000, et. seq.

“**Comprehensive Land Use Plan**” or “**CLUP**” means the compatibility plan that presents the areas currently impacted or likely to be impacted by noise levels and flight activities associated with aircraft operations of one or more Airports. A CLUP usually presents in narrative and graphic form the noise, safety and other criteria that will enable Local Agencies to compatibly plan and develop the land within the Airport Influence Area.

“**Draft EIR**” means an EIR containing the information specified in Sections 15122 through 15131 in CEQA Guidelines.

“**Environmental Documentation**” means Initial Studies, Negative Declarations, draft and final EIRs, documents prepared as substitutes for EIRs and Negative Declarations under a program certified pursuant to California Public Resources Code Section 21080.5, and documents prepared

under the National Environmental Policy Act (“NEPA”) and used by a state agency or Local Agency in the place of Initial Study, Negative Declaration, or an EIR.

“**Environmental Impact Report**” or “**EIR**” means a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects. The term EIR may mean either a Draft EIR or a Final EIR depending on the context.

“**Environmental Impact Statement**” or “**EIS**” means an impact document prepared pursuant to the NEPA. NEPA uses the term EIS in the place of the term EIR, which is used in CEQA.

“**Final EIR**” means an EIR containing the information contained in the draft EIR, comments either verbatim or in summary received in the review process, a list of persons commenting, and the response of the Lead Agency to the comments received.

“**Findings**” means the legally relevant subconclusions which expose a government agency’s mode of analysis of facts, regulations and policies, and which bridge the analytical gap between raw data and ultimate decision.

“**Helipad**” means a small, designated area, usually with a prepared surface, on a heliport, Airport, landing/takeoff area, apron/ramp, or movement area used for takeoff, landing, or parking of helicopters. Included are any appurtenant areas which are used, or intended for use, for helipad buildings or other helipad facilities or rights-of-way, and all helipad buildings and facilities located thereon.

“**Heliport**” means a facility used for operating, basing, housing and maintaining helicopters. Included are any appurtenant areas which are used, or intended for use, for heliport buildings or other heliport facilities or rights-of-way and all heliport buildings and facilities located thereon.

“**Helistop**” means any area of land, water, or structure not designated as either a heliport or a helipad which is used, or intended for use, for the landing and take-off of helicopters. Such areas generally provide only minimal facilities to accommodate helicopter landings and take-offs.

“**Initial Study**” means a preliminary analysis prepared by the Lead Agency to determine whether an EIR or a Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR.

“**Lead Agency**” means the public agency which has the principal responsibility for carrying out or approving a project. The Lead Agency will decide whether an EIR or Negative Declaration will be required for the project and will cause the document to be prepared.

“**Local Agency**” means any public agency, including, but not limited to, cities, counties, charter cities and counties, districts, school districts, special districts, redevelopment agencies, local agency formation commissions, and any board, commission or organizational subdivision of a Local Agency when so designated by order or resolution of the governing legislative body of the Local Agency.

“Negative Declaration” means a written statement by the Lead Agency briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and, therefore, does not require the preparation of an EIR.

“Public Agency” means any state agency, board, or commission and any local or regional agency, as defined in the CEQA Guidelines. It does not include the courts of the state. This term does not include agencies of the federal government.

“Public-Use Airport” means a publicly or privately owned Airport that offers the use of its facilities to the public without prior notice or special invitation or clearance and that has been issued a California Airport Permit by the Aeronautics Program of the California Department of Transportation.

“Responsible Agency” means a public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purpose of CEQA, the term Responsible Agency includes all public agencies other than the Lead Agency which have discretionary approval power over the project.

“Runway Protection Zone (RPZ)” means an area (formerly called a clear zone) off the end of a runway used to enhance the protection of people and property on the ground.

“Special-Use Airport” means an airport not open to the general public, access to which is controlled by the owner in support of commercial activities, public services, and/or personal use.

“The State Aeronautics Act” means The State Aeronautics Act, California Public Utilities Code Section 21670, et seq.

“Zoning” means a police power measure, enacted primarily by units of local government, in which the community is divided into districts or zones within which permitted and special uses are established, as are regulations governing lot size, building bulk, placement and other development standards. Requirements vary from district to district, but they must be uniform within districts. A zoning ordinance consists of two parts - the text and a map.

APPENDIX B
FEDERAL AVIATION REGULATIONS (FAR) PART 77
FOR SAN DIEGO INTERNATIONAL AIRPORT

APPENDIX B

FEDERAL AVIATION REGULATIONS (FAR) PART 77 FOR SAN DIEGO INTERNATIONAL AIRPORT

FAA regulation of airspace around airports is established primarily to protect aircraft. FAA notifies pilots and airport operators of hazardous conditions. However, only local governments have the authority to correct or prevent any construction or alterations which would pose a hazard to air navigation.

FAR Part 77 identifies airspace within which development should be controlled to protect air navigation. It describes a number of imaginary surfaces with various shapes for different types of airports and runway configurations. Dimensions of the surfaces vary from airport to airport depending on the runway classification. The following describes the imaginary surface for San Diego International Airport, and Runway 27. Descriptions of the surfaces are abbreviated from the federal document.

Primary surface: a surface longitudinally centered on a runway and extending 200 feet beyond the end of that runway. The width of this surface is 1,000 feet. The elevation of any point on the primary surface is the same as the elevation of the runway at that point.

Approach surface: a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach surface is the same as the width of the primary surface and it expands uniformly to 16,000 feet at a distance of 50,000 feet. The slope of this surface is 50:1. This approach intersects with the topography east of Runway 27 at San Diego International Airport. Therefore, the FAA has established a modified approach with a 20:1 surface beginning 200 feet from the displaced threshold of 1,810 feet. The elevation at the end of Runway 27 is 14 feet MSL.

Transitional surface: these surfaces extend outward and upward at right angles to the runway centerline or its extension at a slope of 7:1 from the sides of the primary surfaces and the approach surfaces.

Horizontal surface: a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet from the center of each end of the primary surface of each runway and connecting the adjacent arc by lines tangent to those arcs.

Conical surface: a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

The purpose of the imaginary surfaces is to protect the approach, departure, and circling airspace in the vicinity of the airport. Any object that penetrates the surfaces is an obstruction. FAA reviews each proposed obstruction to determine if it constitutes a hazard to air navigation.

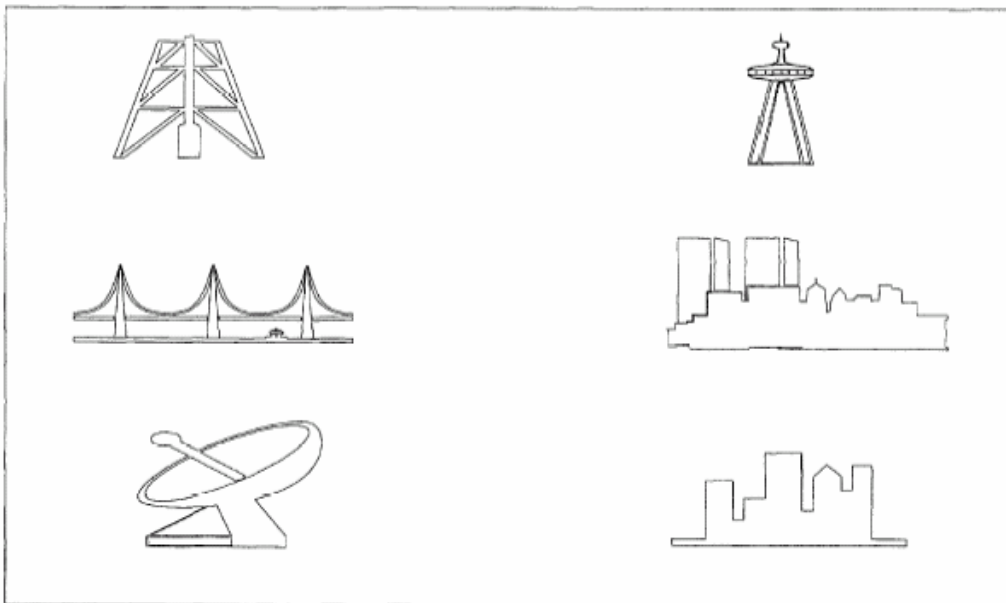


U.S. Department
of Transportation
**Federal Aviation
Administration**

ADVISORY CIRCULAR

AC 70/7460-2K

Proposed Construction or Alteration of Objects that May Affect the Navigable Airspace



Effective: March 1, 2000

Prepared by the Air Traffic
Airspace Management Program



ADVISORY CIRCULAR

Subject: PROPOSED CONSTRUCTION OR ALTERATION OF OBJECTS THAT MAY AFFECT THE NAVIGABLE AIRSPACE

Date: 3/1/00

AC No: 70/7460.2K

Initiated by: ATA-400

1. PURPOSE.

This Advisory Circular (AC) provides information to persons proposing to erect or alter an object that may affect the navigable airspace. The AC also explains the requirement to notify the Federal Aviation Administration (FAA) before construction begins and FAA's responsibility to respond to these notices in accordance with Title 14 Code of Federal Regulations (14 CFR) part 77, Objects Affecting Navigable Airspace. Additionally, the AC explains the process by which to petition the FAA's Administrator for discretionary review of the determinations issued by the FAA.

2. CANCELLATION.

AC 70/7460-2J, Proposed Construction or Alteration of Objects That May Affect the Navigable Airspace, dated 11/29/95, is cancelled.

3. BACKGROUND/AUTHORITY.

a. 49 U.S.C. Section 44718 mandates, in pertinent part, that "The Secretary of Transportation shall require a person to give adequate public notice...of the construction or alteration, establishment or extension, or the proposed construction, alteration, establishment, or expansion, of any structure...when the notice will promote:

- (1) safety in air commerce, and
- (2) the efficient use and preservation of the navigable airspace and of airport traffic capacity at public-use airports."

b. To this end, 14 CFR Part 77 was issued prescribing that notice shall be given to the Administrator of certain proposed construction or alteration.

4. EFFECTIVE DATE.

This advisory circular becomes effective March 1, 2000.

5. NOTICES.

a. WHY IS NOTIFICATION REQUIRED?

In administering 14 CFR Part 77, the FAA's prime objectives are to ensure the safe and efficient use of the navigable airspace. The FAA recognizes that there are varied demands for the use of airspace, both by aviation and nonaviation interests. When conflicts arise out of construction proposals, the FAA emphasizes the need for conserving the navigable airspace. Therefore, early notice of proposed construction or alteration provides the FAA the opportunity to:

- (1) Recognize potential aeronautical hazards to minimize the adverse effects to aviation.
- (2) Revise published data or issue a Notice to Airmen (NOTAM) to alert pilots to airspace or procedural changes made as a result of the structure.
- (3) Recommend appropriate marking and lighting to make objects visible to pilots. Before filing FAA Form 7460-1, Notice of Proposed Construction or Alteration, construction sponsors should become knowledgeable in the different types of obstruction marking and lighting systems that meet FAA standards. Information about these systems can be obtained from the manufacturers. Proponents can then determine which system best meets their needs based on purchase, installation, and maintenance costs. The FAA will make every effort to accommodate the request.
- (4) Depict obstacles on aeronautical charts for pilotage and safety.

b. WHO MUST FILE NOTICE?

Any person or an agent who intends to sponsor construction is required to submit notice to the Administrator if the proposed construction or alteration falls within any of the following categories:

- (1) *Greater than 200 feet in height.* The proposed object would be more than 200 feet above ground level (AGL) at its location.

NOTE-

See FIG 1 and FIG 2.

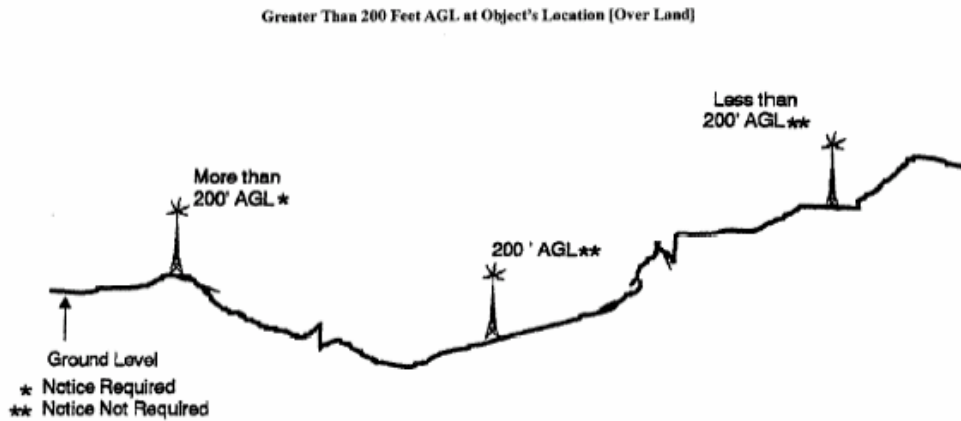


FIG 1

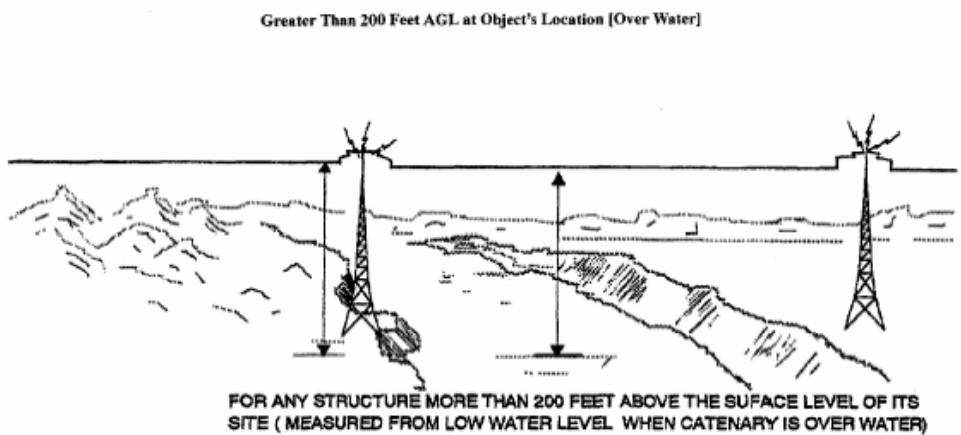


FIG 2

(2) Near a Public-Use or Military Airport, Heliport, or Seaplane Base. A public use airport, heliport or a seaplane base with visually marked seaplanes that is listed in the current Airport Facility Directory, the Alaska Supplement or the Pacific Chart Supplement, or near an airport operated by an armed force of the United States.

(a) Airport or Seaplane Base. The proposed object or alteration would be within:

(1) 20,000 feet of an airport or seaplane base with at least one runway more than 3,200 feet in length

and the object would exceed a slope of 100:1 horizontally (100 feet horizontally for each 1 foot vertically) from the nearest point of the nearest runway.

(2) 10,000 feet of an airport or seaplane base that does not have a runway more than 3,200 feet in length and the object would exceed a 50:1 horizontal slope (50 feet horizontally for each 1 foot vertically) from the nearest point of the nearest runway.

NOTE-
See FIG 3.

Object Penetrates Airport/Seaplanes Base Surface

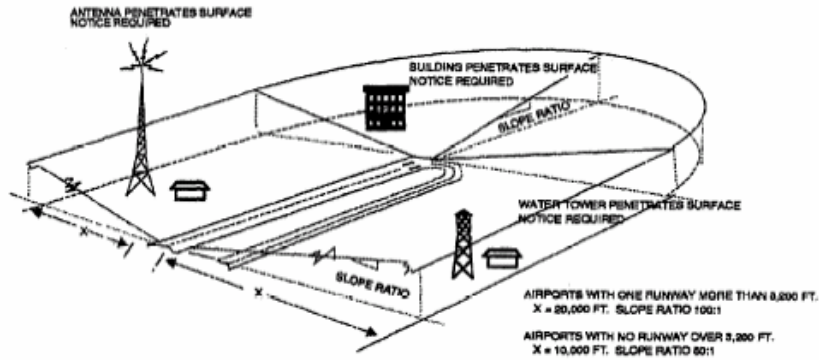


FIG 3

(b) *Heliport.* The proposed object would be within 5,000 feet of a heliport and would exceed a 25:1 horizontal slope (25 feet horizontally for each 1 foot vertically) from the nearest landing and takeoff area of that heliport.

NOTE-
See FIG 4.

Object Penetrates Heliport Surface

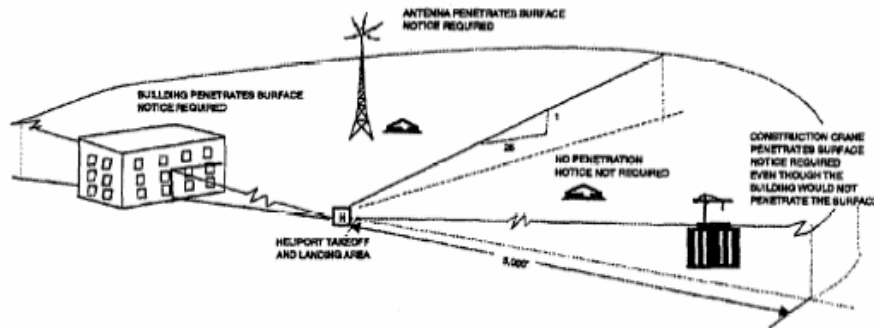


FIG 4

(3) *Highways and Railroads.* The proposed object is a traverse way which would exceed one or more of the standards listed in paragraphs a and b above, after the height of the object is adjusted upward as follows:

(a) *Private road:* 10 feet or the height of the highest mobile object that would traverse the roadway, whichever is greater.

(b) *Other public roadways:* 15 feet.

(c) *Interstate Highways:* 17 feet.

(d) *Railroad:* 23 feet.

(e) *Waterway or any other thoroughfare not previously mentioned:* an amount equal to the highest mobile object that would traverse the waterway or thoroughfare.

NOTE-
See FIG 5.

Proposed Object in a Traverse Way

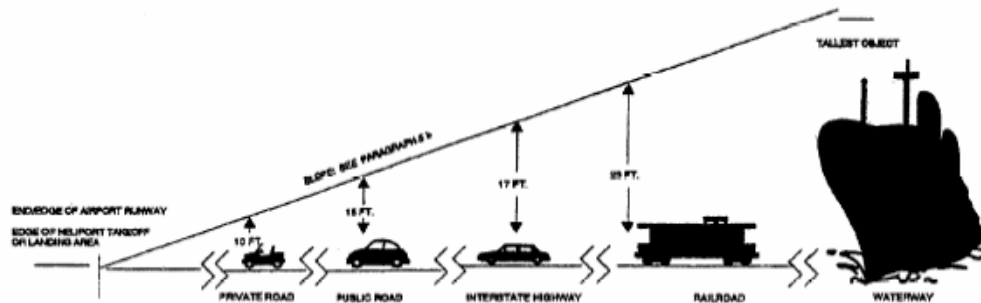


FIG 5

(4) *Objects on a Public-Use or Military Airport or Heliport.* The proposed construction or alteration would be on an airport or heliport, or any airport operated by an armed force of the United States, regardless of height or location.

(5) *When Requested by the FAA.* The FAA may request notice if available information indicates the proposal may exceed an obstruction standard or the proposal may cause electromagnetic interference to aircraft, particularly construction associated with an AM, FM, or TV station including a change in authorized frequency or transmitting power, may cause transmitted signals to be reflected upon ground-based or airborne air navigation communications equipment, or affect instrument procedures. In addition, notice may be requested when the proposal may affect an air traffic control procedure, may obstruct air traffic controllers' line of sight capability, or may affect air traffic control radar.

c. WHAT KIND OF STRUCTURES REQUIRE FAA NOTIFICATION?

The following are examples of structures requiring notice to the FAA.

(1) Proposed construction or alteration of structures such as:

- (a) Buildings.
- (b) Antenna Towers.
- (c) Roadways.
- (d) Overhead communications and transmission lines as well as the height of the supporting structures.
- (e) Water towers and the supporting structure.

(2) Construction equipment or other temporary structures such as:

- (a) Cranes.
- (b) Derricks.
- (c) Stockpiles of equipment.
- (d) Earth moving equipment.

d. WHEN MUST NOTICES BE FILED?

Notice must be submitted:

(1) At least 30 days before the earlier of the following:

- (a) The date the proposed construction or alteration is to begin, or
- (b) The date the application for a construction permit will be filed.

(2) On or before the date the application for construction is filed with the Federal Communications Commission (FCC), if the proposed structure is subject to FCC licensing requirements.

(3) Immediately by telephone or other expeditious means to the nearest FSS, with written notification submitted within 5 days thereafter, if immediate construction or alteration is required as in cases involving public services, health or safety.

(4) As early as possible in the planning stage but not less than 30 days before construction will begin.

e. HOW AND WHERE TO FILE NOTICE.

Notification of the proposal should be made on FAA Form 7460-1, Notice of Proposed Construction or Alteration. Additional information such as charts and/or drawings that accurately depict the proposed construction or alteration should be included to

facilitate the FAA's analysis of the project. The completed form should be mailed to the Manager, Air Traffic Division, of the regional office having jurisdiction over the area within which the construction or alteration will occur.

NOTE-

Information on regional addresses may be found on the FAA's website at www.faa.gov/ats/ata/ata-400/oeaaa.htm or contact the FAA listed in local telephone books under United States Government.

I. PENALTY FOR FAILING TO PROVIDE NOTICE.

Persons who knowingly and willfully violate the notice requirements of 14 CFR part 77 are subject to a civil penalty.

g. COMPLIANCE RESPONSIBILITY.

A notice filed with the FAA does not relieve the proponent of compliance with laws, ordinances or regulations of any other Federal, state or local governmental entity.

h. ASSOCIATED PUBLICATIONS.

The following publications contain obstruction criteria, marking and lighting standards and specifications for lighting and paint.

(1) *Federal Aviation Regulations 14 CFR, part 77, Objects Affecting Navigable Airspace*. This part sets forth the requirements for notice to the FAA of proposed construction or alteration and provides standards for determining obstructions to navigable airspace. 14 CFR, part 77 (Stock No. 050-007-00276-9) may be ordered from:

Superintendent of Documents
U. S. Government Printing Office
Washington, DC 20402

(2) *Advisory Circulars*. FAA advisory circulars are available free of charge from:

Department of Transportation
TASC
Subsequent Distribution Office,
SVC-121.23
Ardmore East Business Center
3341 Q 75th Avenue
Landover, MD 20785

(a) *AC 70/7460-1, Obstruction Marking and Lighting*, describes the standards for marking and lighting structures such as buildings, chimneys, antenna towers, cooling towers, storage tanks, supporting structures of overhead wires, etc.

(b) *AC 150/5190-4, A Model Zoning Ordinance to Limit Height or Objects Around Airports*, provides a

model-zoning ordinance to be used as a guide to control the height of objects around airports.

(c) *AC 150/5300-13, Airport Design*, includes planning information on electronic and visual navigational aids and air traffic control facility siting and clearance requirements that influence the physical layout of airports.

(d) *AC 150/5345-53, Airport Lighting Equipment Certification Program*, addendum lists equipment model numbers and manufacturer's part numbers in compliance with item (e) below. The addendum is located on the Internet at the Office of Airports homepage: <http://www.faa.gov/arp/arp/home.htm> under Advisory Circulars.

(e) *AC 150/5345-43, Specification for Obstruction Lighting Equipment*, contains specifications for equipment used in obstruction lighting systems.

(3) *Marking Specifications and Standards*. Aviation colors and paint standards and specifications are available from:

General Services Administration
Specifications Section
470 L'Enfant Plaza, Suite 8214
Washington, DC 20407

(4) *FAA Forms*. FAA forms are available free of charge from all FAA regional offices.

(a) *FAA Form 7460-1, Notice of Proposed Construction or Alteration*, is used to notify the FAA of proposed construction or alteration of an object that may affect the navigable airspace.

(b) *FAA Form 7460-2, Notice of Actual Construction or Alteration*, is used to notify the FAA of progress or abandonment, as requested on the form. The FAA regional office routinely includes this form with a determination when such information will be required. The information is used for charting purposes, to change affected aeronautical procedures and to notify pilots of the location of the structure.

I. ADMINISTRATIVE ASSISTANCE TO CONSTRUCTION PROPONENTS.

(1) Airspace specialists are available in each regional office to assist proponents in filing their notice. Proponents are encouraged to call in advance for appointments. Limited resources often prevent the specialist from responding spontaneously without advanced planning or preparation.

(2) To insure timely determinations, construction proponents must submit complete and accurate data. Lack of complete and accurate data could result in the return of the form. United States Geological Survey quadrangle maps are available at nominal costs to aid in determining

the geographical coordinates (latitude/longitude) and site elevation above mean sea level. The latitude/longitude information should be submitted in North American Datum of 1983. The quadrangle maps can be obtained from:

U.S. Geological Survey
Reston, Virginia 22092
Telephone No. (703) 860-6045

U.S. Geological Survey
District Branch
P.O. Box 25286, Bldg. #41
Denver, Colorado 80225
Telephone No. (303) 844-4169

(3) Airport planners are available for assistance with construction proposals on Federally obligated airports.

(4) Proposals for electronic transmitting devices should include frequency, effective radiated power (ERP), radiation center height (RCAMSL), and antenna characteristics such as number of bays, beam tilt, and null fill.

6. FAA'S RESPONSIBILITY.

a. The FAA will acknowledge receipt of the notice.

b. After initial screening, the outcome of the screening will be sent to the filer and may state one of the following:

(1) The proposal is not identified as an obstruction and would not be a hazard to air navigation, or

(2) The proposal would be an obstruction unless reduced to a specified height and is presumed to be a hazard to air navigation pending further study. When this is indicated, the acknowledgement will either specify that the FAA has initiated further study, or the proponent may elect to reduce the height or request further study within (sixty) 60 days, in which event, the FAA will begin the study when the proponent so advises.

c. If further aeronautical study is initiated, public notice may be prepared and distributed for comments to those agencies, organizations, or individuals with known aeronautical interests to determine if the proposal would be a hazard to air navigation. State and local aviation authorities, as well as various military organizations of the Department of Defense, are also offered the opportunity to comment on the aeronautical effects of the proposal.

d. All responses received by the end of the specified comment period are analyzed by the FAA regional specialists for valid aeronautical comments and objections.

e. The office conducting the study may decide to conduct an informal airspace meeting with interested parties to discuss the effects of the proposal and to gather additional facts or information relevant to the study.

f. The FAA specialists may negotiate with the proponent during the study process to resolve any adverse

effect(s) on aeronautical operations. Many times, a minor reduction in height and/or relocation of a proposed structure will eliminate or sufficiently minimize adverse aeronautical effects that would permit the issuance of a Determination of No Hazard to Air Navigation.

g. After the aeronautical study is completed, the regional office will normally issue a:

(1) Determination of Hazard to Air Navigation; or

(2) Determination of No Hazard to Air Navigation.

h. An FAA determination is a conclusion based on the study of a structure's projected impact on the safe and efficient use of the navigable airspace by aircraft. It should not be construed as an approval or disapproval of the project.

i. The FAA usually recommends marking and/or lighting of a structure when its height exceeds 200 feet above ground level (AGL) or exceeds Part 77 obstruction criteria. However, the FAA may recommend marking and/or lighting of a structure that does not exceed 200 feet AGL or Part 77 obstruction standards because of its particular location.

7. HOW TO PETITION THE ADMINISTRATOR FOR DISCRETIONARY REVIEW.

a. When a determination is issued under 14 CFR Section 77.19 (except Section 77.19 c.(1)), or Section 77.35 or when a revision or extension is issued under Section 77.39 (c), you may petition the FAA Administrator for a review of the determination, revision, or extension if you:

(1) Are the sponsor of the proposed construction or alteration,

(2) Stated a substantial aeronautical objection to the proposal during an aeronautical study, or

(3) Have a substantial aeronautical objection but were not given an opportunity to state it.

b. The petition must be submitted within 30 days after the issue date of the determination, revision, or extension and must contain a full statement of the basis upon which it is made. Submit an original and two copies to:

Manager, Airspace and Rules
Division, ATA-400
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Nancy Kalinowski

John S. Walker

Program Director, Air Traffic
Airspace Management Program

APPENDIX C
AMENDED AIRPORT USE REGULATIONS,
VARIANCE AND PART 150 PROGRAM

APPENDIX C

AMENDED AIRPORT USE REGULATIONS (March 6, 2003)

These regulations, first adopted in a comprehensive form in 1988 by the San Diego Unified Port District (“Port District”), the then-owner of San Diego International Airport (“the Airport”) and the predecessor in interest to the San Diego County Regional Airport Authority (“the Airport Authority”), are restated and adopted by the Airport Authority as a continuation of a preexisting regulation governing the Airport in accordance with the statutory mandates applicable to the Airport Authority.

1.0 General Provisions

This document contains regulations of the Airport Authority restricting and regulating the use of the Airport by certain types of aircraft, and restricting the use of the Airport during certain times of day. The Airport Authority is the certificated proprietor of the Airport. Except as expressly provided in this regulation, these regulations are supplemental to, and not in replacement of, any other duly adopted or authorized rules, policies, regulations, and ordinances governing the use of the Airport.

1.1 Effective Date

All provisions of this regulation are effective on January 1, 1989, except for the provisions of Section 4.1.2 and 4.2.2 of this regulation which prohibit certain departures between 6:30 and 7:00 a.m., and which prohibit publication of certain gate departure times between 9:45 p.m. and 6:45 a.m., respectively. Sections 4.1.2 and 4.2.2 shall become effective April 1, 1989. In addition, amendments to Sections 5.2 and 6.4 of these regulations have been made by action of the Airport Authority Board by resolution adopted on March 6, 2003. Those amendments are effective on March 6, 2003.

1.2 Superseded Regulations

On its effective date, this amended regulation assumes enforcement authority in the Airport Authority consistent with the transfer of title and ownership of the San Diego International Airport to the Airport Authority pursuant to California Public Utilities Code §§170056 and 170062, maintaining those substantive portions still relevant and deleting now irrelevant material, and supersedes the Airport regulations adopted by the Board of Port Commissioners of the San Diego Unified Port District on 5 June 1979, and those Airport Regulations adopted by Resolutions 85-201, 87-206, and 87-207 of the Board of Port Commissioners.

This amended regulation is also modified in a manner which does not affect aircraft operations or decrease airport or aircraft safety.

2.0 Definitions

As used in this regulation, the terms set forth below shall be deemed to have the following meanings:

2.1 Airport

“Airport” shall mean San Diego International Airport (SAN).

2.2 Compliance Period

“Compliance Period” shall mean each successive six-month period beginning January 1 and July 1 of each year. For purposes of this regulation, the first Compliance Period shall be from January 1, 1989 through June 30, 1989.

2.3 FAA

“FAA” shall mean the Federal Aviation Administration of the United States Department of Transportation, and any successor federal agency.

2.4 Limited Operations Hours

“Limited Operations Hours” shall mean the period each day between 6:30 a.m. and 7:00 a.m. (0630 to 0700 hours), and the period between 10:00 p.m. and 11:30 p.m. (2200 to 2330 hours) (local time).

2.5 Person

“Person” shall mean one or more human beings, legal entities or other artificial persons, including, without limitation, any airline, association, partnership, business trust, corporation, estate, or other legal entity, and any combination of human beings, legal entities or both.

2.6 Regularly Scheduled Commercial Operator

2.6.1 Passenger Operations

“Regularly Scheduled Commercial Operator” shall mean any person engaged in scheduled passenger carrying operations at the Airport with aircraft operating at gross weights of 75,000 or more pounds and: (i) with four (4) or more departures during any weekly period which are published

or listed in the Official Airline Guide, or advertised by any other means, as being available to the general public upon the payment of an established fare(s); or (ii) which have entered into contracts with any person or group of persons to conduct passenger carrying operations to or from the Airport which result in four (4) or more departures per week during any three (3) weeks of any calendar quarter.

2.6.2 Cargo Operation

“Regularly Scheduled Commercial Operator” shall also mean any person operating aircraft at the Airport at gross weights of 75,000 pounds or more for purposes of carrying cargo to or from the Airport, and which operate four (4) or more departures per week at the Airport during any three (3) weeks of any calendar quarter.

2.7 Stage 3 Aircraft

“Stage 3 aircraft” shall mean an aircraft which meets at least one of the definitions of the following subsections:

2.7.1 Certificated Aircraft

For aircraft which have been certificated under Federal Aviation Regulation (“FAR”) Part 36, an aircraft which, at the time of its manufacture, or, if modified, subsequent to its modification, has been formally and officially certificated by FAA as a “Stage 3 airplane” within the meaning of Section 36.1(f)(6) of Part 36 of the Federal Aviation Regulations (14 C.F.R. {36.1(f)(6) [1987]}).

2.7.2 Uncertificated Aircraft

For aircraft not certificated by FAA under Part 36 of the Federal Aviation Regulations, an aircraft which is identified under FAA Advisory Circulars (“ACs”) AC36-2C and/or AC36-3G (as current on the date of adoption of this regulation, and as these advisory circulars may later be amended, revised, or replaced by superseding advisory circulars) as generating noise levels at the Part 36 take-off measuring point of 89 dB EPNdB or less.

2.7.3 Non-Stage 3 Certificated Aircraft

For aircraft which are certificated by FAA under FAR Part 36, but which have not been certificated as a Stage 3 aircraft, an aircraft which has been expressly certificated by the Executive Director under Section 7 to be a “Stage 3 Aircraft” for purposes of this regulation.

2.8 Gate Departure Time

“Gate Departure Time” for Regularly Scheduled Commercial Operators shall mean: (i) for passenger carrying operators, the published departure time of any Regularly Scheduled Commercial Air Carrier operation at the Airport; and (ii) for all-cargo operators, the time at which the aircraft conducting a departure from the Airport is scheduled by the operator to receive permission from the FAA Ground Control facility at the Airport (or other comparable FAA tower function) to enter the system of taxiways and runways at the Airport in preparation for departure from the airport.

2.9 Engine Run-Up

“Engine Run-Up” means the operation of one or more aircraft engines at the Airport for the purpose of, or in connection with, testing, servicing, or repairing an aircraft and its subsystems, including, but not limited to, any of its engines.

3.0 Prohibition of Certain Aircraft Types

No person shall operate any aircraft at the Airport which generates more than 104 EPNdB under FAR Part 36 test procedures, as measured at the FAR Part 36 takeoff measuring point (6500 meters from brake release). For purposes of this regulation, the values listed in FAA AC 36-2C (for uncertificated aircraft) under the column entitled “Take-off M/Est. EPNdB”, and in FAA AC 36-1E (for certificated and international aircraft) (as current on the date of adoption of this regulation, and as these advisory circulars may later be amended, revised, or replaced by superseding advisory circulars), in the section “Noise Levels - EPNdB”, under the column headed “Take-off” shall be conclusive with respect to any aircraft listed in any such advisory circular. See also Part 36 of the Federal Aviation Regulations (14 C.F.R. {36.1(f)(6) [1987]}).

4.0 Time of Day Restrictions

4.1 Nighttime Departures

4.1.1 All Aircraft

No person shall operate any aircraft on departure from the Airport between 11:30 p.m. and 6:30 a.m. (2330 and 0630 hours) (local time).

4.1.2 Non-Stage 3 Aircraft

No person shall operate any aircraft on departure from the Airport between 10:00 p.m. and 11:30 p.m. (2200 to 2330 hours), or between 6:30 a.m. and 7:00 a.m. (0630 to 0700 hours) (local time) unless such aircraft is a Stage 3 aircraft.

4.2 Scheduled Gate Departure Times

4.2.1 Stage 3 Aircraft

No person shall schedule, or advertise for departure, a gate departure time for any Stage 3 aircraft between 11:15 p.m. and 6:15 a.m. (2315 and 0615 hours) (local time). The provisions of this section do not modify the restrictions of Section 4.1.1 or 4.1.2.

4.2.2 Non-Stage 3 Aircraft

No person shall schedule, or advertise for departure, a gate time for any non-Stage 3 aircraft between 9:45 p.m. and 6:45 a.m. (2145 and 0645 hours) (local time).

4.3 Engine Run-Ups

No person shall perform any engine run-up at a power setting above idle power between 11:30 p.m. and 6:30 a.m. (2330 and 0630 hours) (local time).

4.4 Exceptions

4.4.1 Emergency and Mercy Flights

The prohibitions of Section 4.1 shall not be applicable to any aircraft operation at the Airport that is conducted in an emergency situation, or to any mercy flight authorized in advance by the Executive Director or senior Airport official on duty.

4.4.2 Engine Run-Ups

The prohibition of Section 4.3 shall not be applicable to an engine run-up necessary to allow an aircraft engaged in an emergency or mercy operation to comply with any safety, legal, or regulatory obligations or requirements prior to commencing the emergency or mercy flight.

5.0 Minimum Operations Mix Requirements

5.1 Semi-Annual Reporting Requirements

5.1.1 Form 41

Not later than March 31 of each year, beginning March 31, 1989, each Regularly Scheduled Commercial Operator shall file with the Clerk of the Airport Authority a true and correct copy of that operator's report to the United States Department of Transportation ("DOT"), for the preceding calendar year, of the operator's DOT RSPA Form 41, Schedule B-43. Not later than January 21 and July 21 of each year, beginning January 21, 1989, each Regularly Scheduled Commercial Operator shall also file with the Clerk of the Airport Authority a report or schedule which accurately identifies the number of airplanes of each separate aircraft type and model operated by the operator as of the preceding January 1 or July 1, respectively.

5.1.2 Supplemental Information

With respect to the semi-annual reports required by Section 5.1.1, and the required filing of a copy of the Form 41, Schedule B-43, the operator shall also: (i) make entries (and appropriate and legible annotations to each aircraft entry on Schedule B-43) which describe the aircraft's certificated "Stage" classification under Part 36 of the Federal Aviation Regulations; (ii) provide a separate list or schedule of each aircraft which the operator has ordered, and for which he has received a scheduled delivery date from the aircraft manufacturer, and the expected delivery of each such aircraft; and (iii) provide a separate list or schedule of each aircraft which the operator expects to remove from its service during the following three (3) year period. The supplemental list of aircraft to be removed from service shall state the date on which the air carrier expects to remove each such aircraft from its service.

5.1.3 Form 41 Substitute

Any operator not required by federal law or regulations to file a Form 41, Schedule B-43, shall comply with Section 5.1.1 and 5.1.2 by filing with the Clerk of the Airport Authority Board a substitute schedule containing all information required by Form 41, Schedule B-43, and the supplemental information required by Section 5.1.2.

5.1.4 Form 41 Replacement

The Airport Authority may prepare and make available forms, including forms in replacement of Form 41, Schedule B-43, to be used for purposes of Section 5.1.1 and Section 5.1.2. If the Airport Authority prepares such replacement form(s), they shall be used for purposes of complying with Sections 5.1.1, 5.1.2, and 5.1.3.

5.1.5 Monthly Reporting Requirements

Not later than the 21st day of each month, each Regularly Scheduled Commercial Operator shall file with the Airport Noise Information Office at the Airport a schedule which reflects the number of landings for each type and model of that operator's aircraft which landed at the Airport in the preceding month. A copy of the Airport Authority Form, which is used for reporting landing fees to the Airport Authority, may be used for purposes of complying with this section.

5.2 Sections 5.2, 5.3, 5.4 and 5.5 of this Regulation, as adopted by the Board of Port Commissioners of the San Diego Unified Port District on March 7, 1989, defined or related to a requirement that scheduled commercial operators phase out the use of Stage 2 aircraft at the Airport on a defined schedule between January 1, 1989, and January 1, 1999 ("the Phase-Out Program"). Section 5.4.1 required the operation of only Stage 3 aircraft on and after January 1, 1999. Since the Phase-Out Program has been completed and the original Sections 5.2 through 5.5 are no longer relevant, Sections 5.2, 5.3, 5.4 and 5.5 of this Regulation have been repealed and superceded by this Section 5.2 and the following subsections:

5.2.1 No Regularly Scheduled Operator shall conduct operations at the Airport with aircraft that are not Stage 3 aircraft.

5.2.2 Violation of Section 5.2.1 may, at the discretion of the Airport Authority, and in addition to any and all other remedies available to the Airport Authority, result in the imposition of administrative penalties under Section 6.4 of this Regulation and termination of all future operation privileges of the person violating this section at the Airport.

6.0 Administrative Penalties

In addition to any and all other remedies which may be available to the Airport Authority in respect of any violation of the regulation, any person which violates this regulation shall be subject to the following civil penalties:

6.1 Violations of Section 3

In the event of any violation of Section 3 of this regulation, the person(s) committing such violation shall be assessed a penalty of Ten Thousand Dollars (\$10,000), and all the Airport operating privileges of any such person(s) shall be terminated.

6.2 Violations of Section 4

- a) In the event of the first violation of any provision of Section 4 of this regulation during any calendar quarter, the person(s) committing the violation each may be assessed One Thousand Dollars (\$1,000) as a condition to the privilege of engaging in any further operations at the Airport.
- b) In the event of a second violation of Section 4 of this regulation during any calendar quarter, the person(s) committing the second violation may each be assessed Three Thousand Dollars (\$3,000) as a condition to the privilege of engaging in any further operations at the Airport.
- c) In the event of a third violation of Section 4 of this regulation during any calendar quarter, the person(s) committing the third violation each may be assessed Five Thousand Dollars (\$5,000) as a condition to the privilege of engaging in any further operations at the Airport. In addition, the operating privileges of any such person at the Airport may be terminated, or limited, on such terms and conditions, and for such period of time, as the Airport Authority Board, after notice and opportunity to be heard, determines is appropriate under the circumstances.

6.3 Violations of Section 5.1

Any person failing to file with the Airport Authority the reports required by Section 5.1 by the date such reports are due may be assessed Five Hundred Dollars (\$500) for each day such reports are late. If the required reports are not filed within thirty (30) days of the date on which they would be due under Section 5.1, the person failing to file the required report(s) may be assessed One Thousand Dollars (\$1,000) for each succeeding day until the required report(s) are filed, and the operating privileges of any such person at the Airport may be terminated, or limited, on such terms and conditions, and for such period of time, as the Airport Authority Board, after notice and opportunity to be heard, determines is appropriate under the circumstances.

6.4 Violations of Section 5 Other than Section 5.1

- a) Any person(s) violating Section 5.2.1 may be assessed Ten Thousand Dollars (\$10,000) for each violation. In addition, the operating privileges

of any such person(s) at the Airport may be terminated, or limited, on such terms and conditions, and for such period of time, as the Airport Authority Board, after notice and opportunity to be heard, determines is appropriate under the circumstances.

7.0 Aircraft Qualification Procedures

7.1 Opportunity for Qualification

Any person wishing to use an aircraft in regular service at the Airport which is not certificated as a Stage 3 aircraft by FAA, but which the requesting person believes has been modified in a manner which permits the aircraft to operate regularly at the Airport at or below Stage 3 noise levels, may request special certification by the Airport Authority. The request shall be a request for a determination by Airport Authority that the aircraft is a “Stage 3 aircraft” within the meaning of Section 2.7.3.

7.2 Application Procedures

Any person requesting Airport Authority certification of an aircraft under Section 7.1 shall submit a written request for such certification to the Executive Director of the Airport Authority. The written request shall be accompanied by all information available to the operator regarding the noise performance characteristics of the aircraft for which certification has been requested.

7.3 Aircraft Testing Procedures

The Executive Director of the Airport Authority and the Deputy Director, Airport Noise Mitigation, with the approval of the Executive Director, shall establish appropriate testing procedures affording any person making a request for Airport Authority certification under Section 7.1 to demonstrate to the satisfaction of the Airport Authority that the aircraft for which a Airport Authority certification request has been made can operate at the Airport as a “Stage 3 aircraft” within the meaning and intent of Section 2.7.1.

7.4 Certification Action

The Deputy Director, Airport Noise Mitigation, shall report the results of any test conducted pursuant to Section 7.3 to the Executive Director, who shall then act promptly to approve or deny the request for certification. In granting any Airport Authority certification of an aircraft as a “Stage 3 Aircraft” within the meaning and intent of Section 2.7.1, the Executive Director may impose such conditions as he deems to be appropriate and consistent with the provisions, policies and intent of this regulation.

8.0 Other Provisions

8.1 Partial Invalidity

In the event any court of competent jurisdiction determines that any portion or provision of this regulation is invalid, illegal, or unenforceable, or temporarily enjoins enforcement or application of any provision of this regulation, all other provisions of this regulation shall remain enforceable and in effect unless and until revoked, suspended, or modified by the Airport Authority Board; and all obligations of any person under any provision of this regulation not affected by any such court ruling or order shall remain in full force and effect.

8.2 No Waiver or Implied Policy

Specific actions taken in respect of the enforcement of this regulation are within the discretion of the Airport Authority. Any failure by the Airport Authority to take any act or action in strict enforcement of this regulation, inadvertent or otherwise, or any affirmative waiver of enforcement by the Airport Authority in a specific instance after consideration of any special request or circumstances, shall not constitute the establishment of any express or implied policy of the Airport Authority in respect of the enforcement of this regulation, and shall not be relied on by any person in making any determination, or taking any action, to violate any provision of this regulation.

APPENDIX D
CITY OF SAN DIEGO AIRPORT
APPROACH OVERLAY ZONE

APPENDIX D

Article 2: Overlay Zones

Division 2: Airport Approach Overlay Zone

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§132.0201 Purpose of the Airport Approach Overlay Zone

The purpose of the Airport Approach Overlay Zone is to provide supplemental regulations for the property surrounding the approach path for San Diego International Airport, Lindbergh Field. The intent of these regulations is to help ensure the following:

- (a) That the provisions of the Federal Aviation Act of 1958, as implemented through the Federal Aviation Administration (FAA) obstruction evaluation programs, are satisfied;
- (b) That the applicable provisions of California Public Utilities Code Section 21659, as administered by the California Department of Transportation (CALTRANS), are satisfied;
- (c) That the San Diego Unified Port District (Port District), as the proprietor of San Diego International Airport, Lindbergh Field, is provided the opportunity to participate in the evaluation process conducted by the FAA and CALTRANS; and
- (d) That minimum vertical buffers are provided between the FAA-established approach paths as identified on Map No. C-842 and *structures* constructed within the Airport Approach Overlay Zone.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§132.0202 Where the Airport Approach Overlay Zone Applies

- (a) This overlay zone applies to property surrounding San Diego International Airport, Lindbergh Field that is located within the boundaries shown on Map No. C-842, filed in the office of the City Clerk as Document No. OO-17756. This property is shown generally on Diagram 132-02A.
- (b) Table 132-02A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* in this overlay zone.

Ch.	Art.	Div.
13	2	2
		1

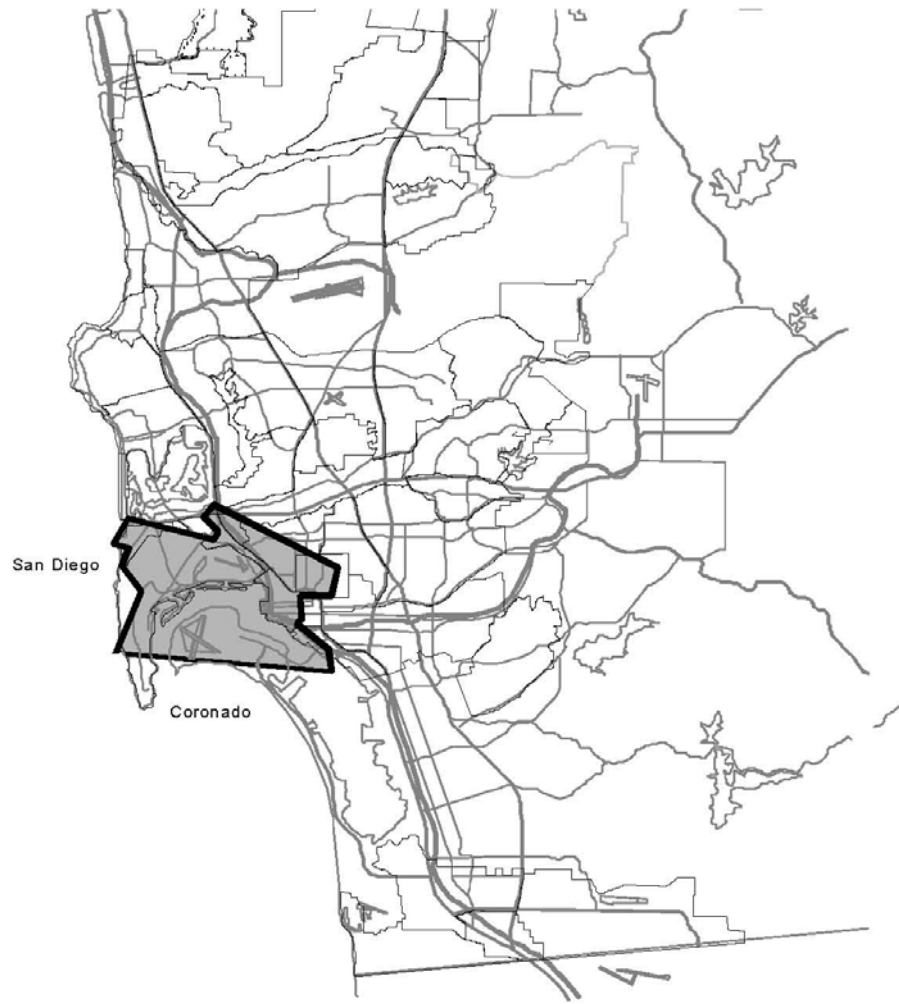


DIAGRAM 132-02A
Airport Approach Overlay Zone
This is a reproduction of Map C-842
for illustration purposes only.



Ch.	Art.	Div.
13	2	2

Table 132-02A
Airport Approach Overlay Zone Applicability

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Interior modifications of existing <i>structures</i> that do not increase the height of the <i>structure</i>	None--Exempt from this division	No permit required by this division
(2) <i>Development</i> of <i>structures</i> that will not exceed 30 feet in height, except if the proposed <i>development</i> is located between Interstate 5, Ivy Street, Nutmeg Street, and Lindbergh Field	None--Exempt from this division	No permit required by this division
(3) Construction or alteration of any <i>structure</i> , or establishment of a new use that is not exempt under (1) or (2) of this table, and for which the FAA has issued a Determination of No Hazard	See Sections 132.0205-132.0208	No permit required by this division
(4) Construction or alteration of any <i>structure</i> , or establishment of a new use that is not exempt under (1) or (2) of this table, and for which the FAA has issued a Determination of Hazard	See Sections 132.0205-132.0209	No permit required by this division

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§132.0205 Supplemental Development Regulations--Airport Approach Path Buffer

No *structure* shall be constructed or altered and no use shall be established that results in any permanent encroachment within 50 feet of the FAA-established approach paths as set forth in Drawing No. C-842. Proposed *structures* or uses that are 40 feet in height or less, measured from the grade of the property as established by Map No. C-842 or by the City Manager, shall not be limited by this section.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§132.0206 Notification Requirements

Upon receipt of an application for a Building Permit or *development permit* that is subject to this overlay zone, the City Manager will provide a notice of the proposed permit to the FAA and the Port of San Diego.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§132.0207 Supplemental Regulations for an FAA Determination of No Hazard and Port District Concurrence

The decision maker shall not issue a Building Permit or *development permit* within the Airport Approach Overlay Zone until the following have occurred:

- (a) The *applicant* has obtained and provided to the City Manager (1) a letter from the FAA stating that the proposed *development* does not require notice to the

Table 132-02A
Airport Approach Overlay Zone Applicability

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Interior modifications of existing <i>structures</i> that do not increase the height of the <i>structure</i>	None--Exempt from this division	No permit required by this division
(2) <i>Development of structures</i> that will not exceed 30 feet in height, except if the proposed <i>development</i> is located between Interstate 5, Ivy Street, Nutmeg Street, and Lindbergh Field	None--Exempt from this division	No permit required by this division
(3) Construction or alteration of any <i>structure</i> , or establishment of a new use that is not exempt under (1) or (2) of this table, and for which the FAA has issued a Determination of No Hazard	See Sections 132.0205-132.0208	No permit required by this division
(4) Construction or alteration of any <i>structure</i> , or establishment of a new use that is not exempt under (1) or (2) of this table, and for which the FAA has issued a Determination of Hazard	See Sections 132.0205-132.0209	No permit required by this division

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§132.0205 Supplemental Development Regulations--Airport Approach Path Buffer

No *structure* shall be constructed or altered and no use shall be established that results in any permanent encroachment within 50 feet of the FAA-established approach paths as set forth in Drawing No. C-842. Proposed *structures* or uses that are 40 feet in height or less, measured from the grade of the property as established by Map No. C-842 or by the City Manager, shall not be limited by this section.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§132.0206 Notification Requirements

Upon receipt of an application for a Building Permit or *development permit* that is subject to this overlay zone, the City Manager will provide a notice of the proposed permit to the FAA and the Port of San Diego.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§132.0207 Supplemental Regulations for an FAA Determination of No Hazard and Port District Concurrence

The decision maker shall not issue a Building Permit or *development permit* within the Airport Approach Overlay Zone until the following have occurred:

- (a) The *applicant* has obtained and provided to the City Manager (1) a letter from the FAA stating that the proposed *development* does not require notice to the

FAA or (2) a Determination of No Hazard from the Air Traffic Division of the Western Pacific Regional Office of the FAA, stating that the proposed *development* has been determined not to be a hazard to air navigation and this determination has become final; and

- (b) The Port District has concurred with the FAA determination in one of the following ways:
 - (1) The City Manager has provided the Port District with a copy of the FAA determination and has received a response stating that the Port District is aware of the proposed *development* and that it concurs with the determination made by the Regional Office of the FAA; or
 - (2) The Port District has not responded within 40 calendar days from the date that the FAA determination was forwarded to the Port District. In this case, the decision maker will assume concurrence and may approve the Building Permit or *development permit*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§132.0208 Supplemental Regulations for an FAA Determination of No Hazard and Port District Appeal

If the Port District does not concur with the FAA determination as described in Section 132.0207, and the Port District has notified the City Manager that it does not concur with the FAA determination and has filed an appeal of the determination with the FAA, the decision maker shall not issue a Building Permit or *development permit* until the following have occurred:

- (a) The City Manager has received a letter of determination from the FAA National Headquarters Air Traffic Administrator stating that the proposed *development* does not constitute a hazard to air navigation and this determination has become final;
- (b) At least 60 calendar days have elapsed from the date on which the Air Traffic Administrator's determination became final; and
- (c) The proposed *development* complies with Section 132.0205.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

Ch.	Art.	Div.	
13	2	2	4

§132.0209 Supplemental Regulations for an FAA Determination of Hazard

- (a) If the FAA Regional Office or the National Headquarters issues a Determination of Hazard stating that the proposed construction will constitute a hazard to safe and efficient use of airspace, the *applicant* must obtain a permit from CALTRANS in accordance with California Public Utilities Code, Section 21659, before a Building Permit or a *development permit* can be issued. If CALTRANS issues the permit, the application for a Building Permit or *development permit* will be reviewed by the City Council. The City Manager shall provide the Port District with a copy of the Determination of Hazard and shall notify the Port District of the public hearing to review the permit application.
- (b) The City Council shall consider the following in its review of the permit application:
 - (1) Aeronautical studies conducted by the FAA that determine the effect of the proposal upon the operation of air navigation facilities and the safe and efficient use of the navigable airspace;
 - (2) Quantified analyses conducted by the Port District that provide technical and economic statistics of the effect the proposed construction will have on existing airport operations;
 - (3) Consistency with the purpose and intent of the Airport Approach Overlay Zone; and
 - (4) The public health, safety, and welfare of the residents and property in the City.
- (c) At the conclusion of the public hearing, the Building Permit or *development permit* may be approved, denied, or delayed as follows:
 - (1) *Development Permit Applications*. The City Council may approve or deny the permit or delay issuance of the permit until 120 calendar days following the conclusion of the hearing if the City Council finds that the delayed issuance is in the public interest, based on the information provided at the hearing. A Building Permit application for development that has been approved under a *development permit* issued in accordance with this division shall not be subject to an additional public hearing to determine compliance with this division.

Ch.	Art.	Div.
13	2	2
		5

- (2) Building Permit Applications. The Building Official may approve or deny the permit or delay issuance of the permit until 120 calendar days following the conclusion of the hearing if the City Council finds that the delayed issuance is in the public interest, based on the information provided at the hearing.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

<i>Ch.</i>	<i>Art.</i>	<i>Div.</i>	
13	2	2	6

APPENDIX E
BREAKDOWN OF PROPOSED SCOPE OF WORK
SAN DIEGO INTERNATIONAL AIRPORT SAFETY STUDY

APPENDIX E

BREAKDOWN OF PROPOSED SCOPE OF WORK LINDBERGH FIELD SAFETY STUDY

PHASE ONE

DATA TO BE COMPILED BY THE PORT DISTRICT:

1. Update the FAA System Safety and Efficiency Review of Lindbergh Field.
 - List recommendations made in the review
 - List recommendations implemented
 - List recommendations not implemented with explanations
- 2A. Compile a list of deviations from airport design standards at Lindbergh Field.
- 3A. List the constraints of the natural topography on air carrier operations.
- 4A. Inventory the man-made structures which have been designated obstructions by FAA, to include existing, planned, and future.
- 8A. Compile data on the number of missed approaches at Lindbergh and air carrier "near misses" in the San Diego TRACON area over the last five years.
9. Compile data on equipment failures to include navigational aids at Lindbergh, ATC equipment, and power failure affecting airport operations.

DATA TO BE COMPILED BY THE CITY OF SAN DIEGO:

- 5A. Inventory the land uses within the FAR Part 77 approach surfaces.
- 4A. Assist the Port District with the inventory of man-made structures which have been designated obstructions by the FAA in regard to future building projects.

PHASE TWO INCLUDES TASKS TO BE PERFORMED BY A CONSULTANT

- 2B. Determine the cumulative effect of the deviations from airport design standards at Lindbergh Field on safety, including, but not limited to, aborted takeoffs and landings.
- 3B. Determine the effects of the constraints of the natural topography on air carrier operations.
- 4B. Determine the cumulative effects of the man-made structures which have been designated obstructions by the FAA. Determine if other structures contribute to the cumulative effects of the obstructions. (Consult with FAA, ALPA, and ATA).

- 5B. Compare the land uses and land use densities within the FAR Part 77 approach surfaces with the following land use compatibility matrixes: FAA, HUD, State of California, and SANDAG.
6. Using National Transportation Safety Board, ACPA, and other available air carrier accident data, calculate the statistical likelihood of an aircraft accident within 5,000 feet of the airport and the number of people within that area.
7. Evaluate the safety impact of "head-to-head" 9-27 operations at Lindbergh. Determine the number of days and hours this procedure is used and the maximum tailwind component recorded. Compare the impact of 1989 operations with 291,500 annual operations.
- 8B. Compare the data on the number of missed approaches at Lindbergh and air carrier "near misses" in the San Diego TRACON area over the last five years with the national average and project these figures to an annual level of operations of 250,000 and 291,500.
10. Determine the adequacy of existing Aircraft Rescue and Fire Fighting equipment and make recommendations on additional equipment or training as appropriate.
11. Complete an airspace analysis of Lindbergh Field with 1989 operations and annual operations levels of 250,000 and 291,500 with consideration given to peak hour activity.
12. Evaluate the safety impacts of closing Runway 13-31 as it relates to current and future operations.

APPENDIX F
FINAL ENVIRONMENTAL IMPACT REPORT

APPENDIX F

APPENDIX F

FINAL ENVIRONMENTAL IMPACT REPORT For Lindbergh Field Comprehensive Land Use Plan

SCH # 9107001

JANUARY 1992

San Diego



ASSOCIATION OF
GOVERNMENTS

401 B street, Suite 800
San Diego, CA 92101
(619) 595-5300



**San Diego
ASSOCIATION OF
GOVERNMENTS**
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RESOLUTION

No.

92-13

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR LINDBERGH FIELD COMPREHENSIVE LAND USE PLAN

WHEREAS, the San Diego Association of Governments is designated as the Airport Land Use Commission for the San Diego Region; and

WHEREAS, the San Diego Association of Governments has prepared the Lindbergh Field Comprehensive Land Use Plan; and

WHEREAS, the San Diego Association of Governments has prepared an Environmental Impact Report of the noise impacts of the Plan in compliance with the California Environmental Quality Act and state guidelines; and

WHEREAS, the California Environmental Quality Act requires the Board of Directors of the San Diego Association of Governments, acting as the Airport Land Use Commission, to certify that it has reviewed and considered the Environmental Impact Report; and

WHEREAS, the ALUC has complied with Public Notice and Review procedures required by the California Environmental Quality Act; NOW THEREFORE

BE IT RESOLVED that the SANDAG Board of Directors, acting as the Airport Land Use Commission for the San Diego Region, hereby certifies the Final Environmental Impact Report for the Lindbergh Field Comprehensive Land Use Plan.

BE IT FURTHER RESOLVED that the SANDAG Board of Directors, acting as the Airport Land Use Commission, hereby adopts the Mitigation Monitoring and Reporting Program and Findings and Statement of Overriding Considerations, pursuant to California Public Resources Code Section 21081;

PASSED AND ADOPTED, this 28th day of February, 1992.


CHAIRPERSON

ATTEST: 
SECRETARY

MEMBER AGENCIES: Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, Vista and County of San Diego.
MEMBERS: California Department of Transportation, U.S. Department of Defense and Tijuana/Baja California.

FINAL ENVIRONMENTAL IMPACT REPORT

SCH No. 9107001

SUBJECT: Lindbergh Field Comprehensive Land Use Plan. The project proposes a plan to ensure compatibility of new development on and surrounding Lindbergh Field, while continuing the safe operation of the airport. The Plan describes the rules and regulations required to carry out the Plan.

CONCLUSIONS:

The plan includes a number of recommendations which effectively address the problems identified in the plan. Additionally, it recognizes that while the CLUP will reduce the level of incompatibility of future uses, the impact of aircraft generated noise cannot be fully mitigated outdoors.

Approval of the project will require the Board of Directors to make Findings, substantiated in the record, stating that the project is acceptable despite the continuing outdoor noise.

KENNETH E. SULZER
Executive Director

September 1991
Date of Draft Report

January 1992
Date of Final Report

**LINDBERGH FIELD COMPREHENSIVE LAND USE PLAN
AND DRAFT ENVIRONMENTAL IMPACT REPORT
Public Review List**

The Lindbergh Field draft Comprehensive Land Use Plan and draft Environmental Impact Report was sent to the following advisory committee members, individuals, organizations, and agencies for review and comment.

San Diego Councilmember Roberts, Chairman
State Clearinghouse
CALTRANS, Division of Aeronautics, Fred Stewart
San Diego TRACON, Robert Vaughn
San Diego Planning Department, Ann Hix and Byron Estes
San Diego Central Library
San Diego Unified Port District, Don Nay
Centre City Development Corporation, Pam Hamilton
Marine Corps Recruit Depot, Col. J. P. McHenry and Major Michael Toepfer
Naval Training Station, Commanding Officer
Naval Facilities Eng. Command, Capt. Tom Crane and Doug Lemaire
KTUA, Michael Singleton
San Diegans Inc., Wayne Rafflesberger
Lewis Dowdy
Centre City San Diego Planning Committee, Ernest Hahn
Unified Port District, Manuel Aceves
Unified Port District, Henry Peters
Pat Rikon
Uptown Planners, Eric Nasland
Peninsula Community Planning Board, Norm Magnuson
Airport Coalition, Nancy Palmtag
Ocean Beach Planning Board, Priscilla McCoy
Mission Beach Precise Planning Committee, John Ready
Old Town Community Planning Committee, Olive Chivers
Midway Community Planning Advisory Committee, Kaye Hobson
Unified Port District, Clifford Graves
Vernon Gauntt
Greater Golden Hill Planning Committee, Gail MacLeod
Construction Industry Federation, John Seymour

Copies of the draft CLUP and the draft EIR were provided to others upon request. These documents, as well as the Mitigation Monitoring and Reporting Program and the Findings and Statement of Overriding Considerations may be reviewed in the SANDAG office.

Comments addressing the accuracy or completeness of the draft EIR follow.

Responses to Comments on Lindbergh Field Comprehensive Land Use Plan
and Draft Environmental Impact Report

City of San Diego

The City of San Diego has reviewed the Comprehensive Land Use Plan for Lindbergh Field and the draft EIR and has no comments.

No response required.

Peninsula Community Planning Board, Inc.

The Peninsula Community Planning Board supports the draft EIR with two changes:

The current cost estimate for soundproofing Loma Portal Elementary School is \$1,203,685.

The draft EIR shows \$100,000 threshold for a structure to be noise attenuated. However, the City Council revised the figure to \$50,000 threshold, and required the acoustical installation at the expense of the homeowners for a room addition or for a rebuilt portion of the residence with a 10 percent of the total cost limitation on the acoustical installation. Total retrofit would be required only if and when an acoustical installation program is funded by the appropriate agencies through the FAR Part 150 program.

Advisory element. Response. The current cost estimate for soundproofing Loma Portal Elementary School will be inserted in the final EIR. The City Council's language will be inserted in the revised CLUP.

San Diego City Schools

The San Diego City Schools reviewed the CLUP and the draft EIR and indicated substantial support, "particularly the section related to the provisions for addressing the acoustical needs of the school district by 1995." The comment further noted, "Funding of matching costs by the Port District is essential to our being able to go forward with grant requests to the FAA...."

One change was requested:

"The consultant's sound insulation recommendations include treatment of windows, doors, roof/ceiling, floor and full mechanical ventilation. Estimated total cost for the project is \$1,170,000.

Advisory element. Response. The total project cost, \$1,203,685 (from the Port District) will be inserted in the final EIR.

San Diego Unified Port District

I. Introduction.

Comments noted. No response required.

II. Relevant State and Local Regulations

The District points out the sections of State law that direct the ALUC in preparation of the CLUP, noting that SANDAG has restated the requirements and limitations in its rules and regulations as the ALUC for the San Diego Region.

Response. SANDAG staff will note the areas that are mandatory elements and those that are advisory elements under the draft CLUP. The mandatory elements are those that are required by state law for all CLUPs or are permitted to be required when needed in an individual CLUP. All other elements are advisory only, although they are presented as recommended actions to be taken by the appropriate entities.

III. Discussion of Program Elements

A. Recommendations for SANDAG

1. The District supports the recommendation that SANDAG monitor plans and zoning and other regulations and act in accordance with the rules and regulations of the ALUC.

Mandatory element. No response required.

2. The District does not oppose the recommendation that SANDAG utilize the CALTRANS, Division of Aeronautics Noise Standards, to determine compatible uses.

Mandatory element. No response required.

3. The District supports the recommendation that SANDAG utilize the City of San Diego's (proposed) amended Airport Approach Overlay Zone. Further, the District recommends that a recommendation be included for the City to adopt the proposed amendment to the ordinance, and that a recommendation be added for SANDAG to urge the City to adopt the ordinance.

Mandatory element. Response. The District is correct in pointing out that the City Council has not yet taken action. Most SANDAG recommendations include urging the appropriate agency to take action. In this one case, SANDAG should not only urge the City to take action, but also point out that the buffer zone is a mandatory requirement of the CLUP.

4. The District has no opposition to the recommendation for SANDAG's continued use of the standards and criteria adopted by the ALUC to implement SB 255.

Mandatory element. Response. The standards will be continued as part of the mandatory requirements of the CLUP.

5. The District opposes the recommendation "to support federal or state expenditures on projects intended to add residential or nonresidential development which comply with the noise attenuation requirements shown on the Noise Matrix."

Mandatory element. Response. The District is aware that the staff draft of this recommendation was the reverse of the Advisory Committee's action. The usual CLUP recommendation is, "Oppose federal or state expenditures on projects intended to support residential or other forms of incompatible development within areas subject to excessive noise levels as defined in this plan."

The District indicates that seeking to use "federal or state" funds as a subsidy for private development of "incompatible" land uses in the vicinity of an airport is particularly inappropriate... The original SANDAG statement was intended to oppose all federal and state expenditures, whether public or private, that would be found incompatible with the CLUP. The original statement will be used in the plan.

6. (Changed to 7 in the Plan). The District objects to the recommendation that would have the Port District "undertake a feasibility study of acquisition of fee title, easement, or air rights of parcels within the object free area and its extension to the highest point of the most critical approach ground profile..." The District indicates that it is inappropriate public policy to use public funds to acquire undeveloped property when compatible development is still feasible, and especially while the community is actively pursuing alternative air carrier sites. However, the District approves the proposed height restriction ordinance, and "would consider addressing any acute structure problems... on Runway 27 approaches, and particularly the Laurel Travel Center. However, this proposed recommendation is no substitute..."

Mandatory height restriction; Advisory for acquisition. Response. SANDAG staff agrees with the need for a height restriction. The height restriction is critical, and the District should review acute structure problems, especially within the "object free area".

7. (Changed to 8 in the Plan.) The District opposes the recommendation that would have SANDAG urge the City, the School and the Port Districts undertake a massive acoustical insulation program for schools, residential units, and all sensitive public facilities within the 65dB CNEL contour -- to be funded with Part 150 grant or other monies. The District believes that this recommendation is forbidden by statute and by the SANDAG ALUC regulations. Nevertheless, the District points out that, pursuant to its existing Part 150 program, it is sponsoring a pilot program involving the soundproofing of Loma Portal Elementary School; following evaluation of the pilot program, more may be done.

Advisory. Response. The SANDAG recommendation would "urge" the District to undertake such a program. If the full program were not feasible, the District could make such a determination. Clearly, the District recognizes the problem of the School District and has applied for and received federal funds to assist in noise attenuation at the pilot project school; it anticipates that others may follow, but objects to the 1995 completion date.

The District believes that the CLUP is not the appropriate (or legal) vehicle for a noise attenuation program. The CLUP actually refers to a revised Part 150 program as the appropriate vehicle.

8. (Changed to 6 in the Plan.) The District supports the recommendation for SANDAG to review, evaluate and update the CLUP in five years or whenever warranted due to change of aircraft mix assumptions or forecasts of aircraft operations.

Mandatory. No response required.

9. The District opposes the recommendation to "Urge the City of San Diego and the Port District to explore other programs, such as a guarantee purchase program." The District notes that under typical purchase assurance programs, the number of properties is quite limited; the significant number of parcels within the 65dB CNEL would be far beyond the financial capability of the Port District.

Advisory. Response. Again, the recommendation is to "urge" exploration of such programs. The District is correct in stating that the number of impacted properties is very large.

10. The District takes no position on the recommendation urging FAA and the City of San Diego to establish an action plan with implementation dates for the twenty safety recommendations set forth in the FAA System Safety and Efficiency Review report.

Advisory. No response required.

B. Recommendations for the City of San Diego

1. The District supports the recommendation that the City prohibit further incompatible uses within the Airport Influence Area; and require all new development projects to be consistent with this plan.

Mandatory. No response required.

2. (Broken in two recommendations, 2, and 4 in the Plan.) The District objects to this recommendation which would require limited aviation easements over all properties in the Airport Influence Area in return for sound-proofing. The District did not comment on the additional statement in this recommendation, "As a condition of discretionary action approval, require a limited aviation easement for both noise and height limitation..."

Advisory for existing structures; Mandatory for new structures.
Response. The District's explanation is the same as presented in SANDAG recommendation 7 and Port District recommendation 4. The last sentence will be retained as recommendation 2; it is critical to the protection of the airport and notification of new purchasers.

3. The District supports the recommendation, which calls for use of the CLUP to review and update community plans and implementing ordinances.

Mandatory. No response required.

4. (Changed to 6 in the Plan.) The District objects to this recommendation that the City, "Undertake an acoustical insulation program in cooperation with the Port District... as soon as possible." The District comments appear in SANDAG recommendation 7 and Port District 4.

Response. See SANDAG recommendation 7 response.

5. (Changed to 7 in the Plan.) The District supports the recommendation for the City to adopt noise standards for single family residences similar to multi-family residences, and address remodels as well. The District also comments that the DEIR erred in stating that the City proposes a threshold of \$100,000 for remodels, rather than the approved \$50,000; the District would support an even lower threshold. Additionally, the District notes that the 1986

contours would be particularly inappropriate because the 1990 contours are much smaller.

Advisory. Response. The District is correct in stating that the City Council set the threshold for remodels at \$50,000. And the District is correct in noting that the number of impacted parcels is much reduced using the 1990 contours.

6. (Changed to 8 in the Plan.) The District objects to the recommendation which relates to the 12-point Safety Study noted in SANDAG recommendation 10, and further discussed under Port District recommendation 5.

Advisory. Response. See SANDAG recommendation 10 and Port District recommendation 5.

C. Recommendations for the Port District

1. The District supports the recommendation that the District continue to monitor noise levels around the airport annually and advise the City of San Diego of changes. The City of San Diego has asked that the ALUC also be advised and made the agency responsible for annually adopting an Airport Influence Area. The City also recommends that the District prepare a projected noise impact footprint, based on a five year planning program.

The DEIR notes that the Airport Influence Area could be based upon the District's Immediate Action Plan (IAP). However, the District comments that the draft EIR for the IAP has not yet been circulated, and suggests that the 1990 contours be utilized until the IAP has been approved.

Mandatory. Response. No response to District comment on the recommendation. SANDAG must be informed of changes in noise contours, as part of the ALUC monitoring program. The 1990 contours should be used until other data are available.

2. The District objects to the recommendation, which relates to SANDAG recommendation 6.

Response. See SANDAG recommendation 6.

3. The District objects to this recommendation, which relates to City recommendation 2.

Response. See City of San Diego recommendation 2.

4. The District objects to this recommendation, which relates to SANDAG recommendations 7 and City of San Diego recommendation 4.

Response. See SANDAG recommendation 7 and City of San Diego recommendation 4.

5. The District objects to the recommendation that the District complete Phase One of the 12-point Safety Study. The District views the recommendation as giving SANDAG "de facto" jurisdiction over the operation of the airport, which is the exclusive responsibility of the FAA.

Advisory. Response. The intent of the CLUP recommendation was that the District make the required information readily available. The District offers a number of explanations of why the ALUC should not be involved in this issue.

6. The District objects to the recommendation that the District undertake Phase Two of the Safety Study as the first item of work in any expansion program beyond the Immediate Action Plan, noting the same concerns as stated in comments on recommendation 5.

Advisory. Response. Same as 5, above.

D. Recommendation for the San Diego Unified School District

1. The recommendation asks that the School District join with the Port District in undertaking an acoustical insulation program for the public schools within the 65 CNEL. The City has asked for program completion by 1995, a date to which the District is opposed, as noted above in SANDAG recommendation 7.

Response. See SANDAG recommendation 7.

IV. Comments to the DEIR

The District comments that the DEIR incorrectly assumes that a CLUP is permitted to have a "remedial effect on the noise-impacted area that surrounds the airport."

Response. Implementation of the recommendations, all or in part, could assist in reducing the noise impact of the airport on the interior of many structures. To that extent, there would be a remedial effect. The outside noise environment will experience no significant change: the noise level will continue to be significant.

The District again notes, "recommendation for soundproofing and other similar remediation programs are fundamentally inconsistent with the statutory scheme", and also points out that no economic feasibility study was done, and expresses concern that implementation of the proposed programs could affect the District Airport Use Regulations.

The District states that the DEIR should address the potential risks, and resulting environmental impacts of resubmitting the Part 150 program for FAA review.

Response. It is important to note again that sound-proofing of new and expanded units, as well as aviation easements, as requirements of the discretionary approval process, are appropriate activities of the ALUC, and these recommendations should not be overlooked.

Economic feasibility is not required in environmental review documents.

The District's concern regarding continued viability of the District Airport Use Regulations is recognized. The CLUP refers to the Airport Use Regulations' positive effect on the noise footprint, reducing the impact significantly. The assumptions stated did not include the continuation of the Airport Use Regulations. Such a statement should be added, because the Use Regulations clearly are the most significant factor in reducing the overall noise impact of the airport. Review of the risks of FAA review do not appear to be environmental impacts.

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I. Executive Summary

Purpose and Project Description

SANDAG, as the Airport Land Use Commission (ALUC) for the San Diego Region, prepares and adopts Comprehensive Land Use Plans (CLUP) for the region's airports in order to ensure compatibility of new development on and surrounding the airports. This environmental impact report analyzes the environmental impacts of the adoption of the CLUP.

Environmental Setting

Lindbergh Field is the only U. S. air carrier airport serving the San Diego region. Located adjacent to the downtown area of the City of San Diego, it is severely constrained by both urban development and by hills to the east and west. The airport causes severe noise impacts, and limits construction in the approach to the main runway. Approval of the CLUP and implementation of its recommendations will have a remedial effect on the noise-impacted area surrounding the airport while allowing continued moderate in-fill.

Environmental Impacts

The only potential impacts of the CLUP would be those related to aircraft noise and safety regulations.

The airport noise impact presented in the draft CLUP was based upon the 1986 noise contours. The 60, 65, 70, 75, and 80 Community Noise Equivalent Levels (CNEL), delineated on Figure 1 in the draft CLUP (pocket), show that many blocks are developed with land uses that are significantly impacted by noise. Table 2 (in the Initial Study see Appendix F in the Draft CLUP) shows the number of housing units impacted by noise in the ranges delineated by the contours. Some 35,500 housing units are impacted, including 24,900 significantly impacted (65 CNEL or greater). Any additional housing units within the noise-impacted area would be incompatible with the City of San Diego's General Plan. Other uses identified on the Noise Matrix would be incompatible unless the noise insulation measures are carried out and an aviation easement is recorded.

Proposed Mitigation

Development requirements under SB 255 address the land use proposals in the impacted areas; these requirements would be continued by adoption of the CLUP. Under this program no hazardous substances may be stored above ground in the area located beneath the airport approach surfaces; human occupancy of a site cannot be increased by more than 110 percent of the existing uses; and new rooms added or remodeled must be noise attenuated if the building permit value exceeds \$50,000.

Additionally, the CLUP proposes that there should be no increase in intensity of use in the "runway protection zone"; there should be an amendment to the City of San Diego's Airport Approach Overlay Zone which will provide a 50 foot buffer between the vertical height of structures and the established FAA approach surfaces; and there should be a noise attenuation program for existing structures--to be voluntary for churches and residential properties within the 65 CNEL and mandatory for sensitive public facilities.

Project Alternatives

The "no project" alternative would retain the status quo. Each new project would be reviewed as at present. No mitigation of existing noise impacts would be undertaken.

The 1990 Noise Contours alternative would use the revised noise footprint to determine areas requiring noise attenuation. The reduced area, due to the lower level of noise generated by newer aircraft, would release many residential properties from the noise attenuation requirement.

In review of the draft CLUP, a number of additional regulatory alternatives were proposed by the City of San Diego. While any of these proposals would improve the clarity of the CLUP and assist in carrying out the recommendations, none would have a significant environmental impact.

II. Purpose and Project Description

SANDAG, as the Airport Land Use Commission (ALUC) for the San Diego Region, has the responsibility to protect the region's airports from incompatible land use development. To accomplish this goal, state law requires the preparation and adoption of an airport Comprehensive Land Use Plan (CLUP) by the ALUC.

State law (SB 255) also requires the ALUC to review all permits, regulations, and actions issued by the city within the vicinity of a public airport without a CLUP. This plan, when adopted, will fulfill the requirement for a CLUP, thereby bringing to an end the requirements under SB 255 (Chapter 306 of the Statutes of 1989.)

The Lindbergh Field CLUP proposes to ensure compatibility of new development on and surrounding Lindbergh Field, while continuing the safe operation of the airport. The Plan describes the Airport Influence Area determined by the aircraft-generated noise, runway protection zones, the Airport Approach Overlay Zone, aviation easements, and noise attenuation proposals.

III. Environmental Setting

Lindbergh Field is the only U.S. air carrier airport serving the San Diego region. It is located adjacent to the downtown area of the City of San Diego. The main runway is severely constrained by both urban development and by hills that provide little opportunity for operational changes by the proprietor, the San Diego Unified Port District.

The airport causes severe noise impacts, as well as limitations on construction in the area east of runway 9/27, the main runway. Approval of the CLUP and implementation of its recommendations will have a remedial effect on the noise-impacted area that surrounds the airport, and will continue to allow moderate in-fill under specific conditions, as desired by land-owners in the impacted area. Lindbergh Field aircraft operations currently (calendar year 1986) generate noise at a level considered significant, the 65 decibel (dB) Community Noise Equivalent Level (CNEL).

Aircraft Noise Contours

The CNEL noise contours presented in this CLUP are the 65 CNEL and the 70 CNEL derived at monitoring stations and the 60, 75, and 80 dB contours extrapolated from those data.

Aircraft Noise Impact

The basis for determination of airport noise impact upon land uses in the vicinity of Lindbergh Field is the information presented in the Federal Aviation Regulations (FAR) Part 150 Program presented to the Federal Aviation Administration (FAA) in 1987. The Part 150 study was made to review the operational characteristics of the airport to determine if any changes could be made to reduce noise impact on the surrounding area. The 1986 noise contours were submitted and accepted by the FAA as the Noise Exposure Map. Review of the land uses on and around Lindbergh Field showed that numerous land uses were impacted by noise levels considered significant, CNEL of 65 dB and above. As individual uses are noise attenuated, the noise impacted area will be reduced, but not eliminated. Therefore, Lindbergh Field will remain a noise problem airport for the foreseeable future.

No airport proprietor of a noise problem airport is permitted to operate an airport with a noise impact area based on the standard of 65 CNEL unless the operator has applied for or received a variance from CALTRANS.

Variance

The Port District has received five consecutive variances from CALTRANS for the operation of Lindbergh Field, the most recent one effective through

specified by land use type on the Matrix. The exterior noise level of residential uses would continue to cause significant unmitigable environmental impact and would be incompatible with the CLUP without the exceptions noted under Avigation Easements.

Three additional land use requirements, established as part of the ALUC's implementation of SB 255, would be continued under the draft CLUP. These requirements would: (1) prohibit above-ground storage of flammable or explosive substances on sites beneath the aircraft approach or departure surfaces; (2) limit human occupancy to an intensity no greater than 110 percent of the existing average within one quarter mile radius of the site; and (3) require a remodeled structure, or units in a multi-unit structure, to be brought into compliance with current noise standards if work to be done exceeds \$50,000, as well as the noise attenuation noted in paragraph one of this section.

Aircraft Noise Contours and Noise Impacts

The CLUP presents the 1986 noise contours, because these contours were submitted to the FAA as the Noise Exposure Map as part of the Part 150 study. The estimated population and number of housing units impacted by various noise levels are presented in Table 2. The table indicates that an estimated 35,500 housing units are impacted by aircraft generated noise. Any additional housing units within the noise-impacted area would be incompatible with the General Plan and pertinent community plans. Other uses identified on the Noise Matrix as incompatible at various noise levels would be incompatible unless the noise insulation measures are carried out and an avigation easement is recorded.

Noise Attenuation Program

The recommendations of the CLUP would require all new housing construction within the 60 CNEL to provide noise attenuation adequate to reduce the interior noise level to 45 CNEL. The level of interior noise attenuation for other types of uses would be based upon the Noise Matrix adopted by the Airport Land Use Commission (ALUC) and the City of San Diego. However, the exterior noise level would follow the Caltrans Division of Aeronautics Noise Standards. (See Table 1 in the CLUP.)

This change would allow expansion of existing units and new construction on an estimated 18 vacant residential parcels within the 75 CNEL, if the builder provided an avigation easement for noise and noise attenuation to the City of San Diego as a condition of the construction. Thus, 18 additional dwelling units housing approximately 40 people could be impacted. An unknown number of residents have chosen to noise attenuate all or part of their own units. Under the CLUP recommendations, future expansions or remodelings of existing units would require noise attenuation of the addition or remodeled area if the construction costs exceeded \$50,000.

In this manner, the number of noise attenuated units would gradually increase, and the impact of the aircraft generated noise would be reduced. The CLUP recommendations call for the Port District and the City of San Diego, with SANDAG support of state or federal funding, to undertake a mandatory acoustical insulation program for schools and other noise-sensitive uses, and a voluntary program for residential uses and churches impacted by noise levels greater than 65 CNEL. In exchange for the noise attenuation assistance, the property owners would provide and record avigation easements for noise, recognizing that the exterior level of noise would remain. Most of the treated units would no longer be counted as incompatible uses under the State Noise Standards. Almost 24,000 residential units would require some insulation, indicating that the program would be extremely costly. (A noise attenuation program at the John Wayne Airport in Orange County set a maximum of \$32,000 per dwelling for insulation of houses in the 65-70 CNEL contour.)

Currently, the Port District is working with the San Diego Unified School District on an insulation test project at Loma Portal Elementary School. The consultant's sound insulation recommendations include treatment of windows, doors, roof/ceiling, floor, and full ventilation. Total project costs were shown at \$1,203,685. Results of this project should be used to further evaluate the remaining noise-impacted schools (within the 65 CNEL) as soon as possible.

Avigation Easements

The CLUP recommendations would require avigation easements to be recorded for new construction or for insulated structures. The recorded easements would inform new buyers of the noise impacts and overflights. When an avigation easement has been obtained and filed with the County Recorder, the previously inconsistent land use would be considered to be consistent with the State Noise Standards. Nevertheless, the parcel would continue to be located within a noisy area, and the outside use of the property would continue to be noise impacted.

Runway Protection Zones

Safety concerns are considered to be an important part of the CLUP. One such concern is addressed by the runway protection zones. All of these areas should be protected from incompatible lands uses. Of particular concern is the approach to runway 27; this concern has been addressed by the amendment to City of San Diego's Airport Approach Overlay Zone. It would allow a buffer of 50 feet between the vertical height of structures and the established FAA approach surfaces, identified on Figure 3 as 20:1 and 7:1 obstruction control surfaces. There would be a 40 foot limit on height above ground for all new structures. While such a restriction could be considered visually limiting to good urban design, the limit would provide a greater element of safety for the community--also an important factor in good urban planning. The conflict between these two

goals should be resolved in favor of safety and good urban planning, as it is in other jurisdictions throughout the region and elsewhere.

Hazards Outside the Influence Area

The CLUP also calls for limits on any use outside the defined Airport Influence Area that is found to be a "hazard" or an "obstruction which would have a significant adverse impact" on the operation of the airport. Such a determination would be made by the FAA. However, the disruption that could be caused by further change in airport operations should be recognized: new flight paths would create new noise impacts and new incompatible uses.

Airport Use Regulations

The CLUP indicates that Lindbergh Field operates with a variance that includes operational restrictions. Any change in these restrictions would require revision of the CLUP and of this EIR. The use restrictions now in place have reduced the noise footprint significantly over the years that it has been in place, as noted in the Alternatives Section, below.

V. Alternatives

No Project

The "no project" alternative would retain the status quo. Each new project would be reviewed by the City of San Diego, the Port District, and the FAA; the best alternative that could be worked out with the developer would be accepted after considerable public discussion. No mitigation of the current noise impacts would be available to current residents beyond whatever they wished to provide for themselves. Schools and other uses would be treated in a similar manner. Presumably, the Port District would continue the use restrictions.

1990 Noise Contours Alternative

The 1990 Noise Contours have been made available, and the footprint is significantly smaller than the noise footprint in 1986, as shown in Table 3, following. By accepting the more recent contours, the public could be released from the requirement for noise attenuation of new construction in areas that are no longer impacted by the 60 or 65 CNELs. In the future the noise footprint may increase again, and this information should be made available through presentation of the Immediate Action Plan DEIR, so that a reasonable decision can be made.

Alternative Regulations

Each of the regulations imposed under SB 255 and continued under the draft CLUP would have only minor environmental impact. Discontinuing the

regulations could create future problems and would not encourage noise reduction for the interior of structures. The requirements and potential impacts are as follows:

1. "The proposed project would not . . . pose a substantial hazard due to above-ground storage . . . of flammable or explosive substances . . . beneath the airport approach or departure surfaces . . ."

While this requirement limits the economic use of some parcels, the environmental impact is positive: no hazardous uses will be placed beneath the airport approach.

2. "The proposed use would not intensify human occupancy of the site to an extent greater than 110 percent of the average intensity of existing uses. . . ." and "no increase in intensity would be allowed within the 'runway protection zone'. This standard shall not apply to the Centre City area south of Ash Street, as requested by the City of San Diego."

This requirement limits the economic use of the parcels addressed by the requirement. However, the environmental impact of the regulation is positive: fewer people would be exposed to noise and danger of occupancy by being in the approach to the airport. By limiting the entire area to no increase in intensity of use, greater protection would be available. However, the Advisory Committee and the City of San Diego preferred the limits as proposed.

3. The proposed project . . . would . . . attenuate building interior sound levels to the applicable acoustical performance standard shown on the Airport Noise/Land Use Compatibility Matrix . . . If work to be done subject to building permits exceeds evaluation of \$50,000, the new or remodeled portion of the structure or unit in a multi-family structure must be brought into compliance with current noise attenuation standards."

This requirement would improve the interior noise environment of an unknown number of dwellings.

City of San Diego Recommendations

The City of San Diego has indicated a preference for a \$50,000 building permit threshold for a structure to be noise attenuated, and has also added a ten percent cap for the cost of the acoustical insulation. Such a change would alter the economic value of some parcels; the number would probably be insignificant.

4. Additional City of San Diego recommendations for changes in the draft CLUP.
 - o That the Port District undertake a project to identify the long-term noise impact footprint for Lindbergh Field for inclusion in the CLUP.

The noise contours should include projected noise impacts for at least five years, and should include projected noise impacts of the Immediate Action Plan.

The Immediate Action Plan noise footprint would provide additional certainty to the determination of noise impacted parcels; it would provide the more environmentally sound indication of future noise impact, and would be more suitable for economic analysis as well.

- o That the Port District acquire development rights for all vacant properties located within the 75 to 80 decibel CNEL, approximately 18 properties, and establish a prohibition against further incompatible development on the parcels. A time frame should be developed by the City and the ALUC and included in the CLUP.

This proposal would limit construction of new incompatible uses on the vacant parcels in the noisiest areas. The Port District, of course, should be involved in development of any time frame for implementation of the proposal.

- o That the final CLUP utilize the 1990 noise contours rather than the 1986 contours.

This proposal would relieve parcels outside the reduced 60 CNEL of any obligation to noise attenuate new construction; the number of parcels involved is significant. However, the lengthened noise 60 CNEL over the east San Diego area would add a small number of parcels to the number requiring noise attenuation if the airport influence area were revised to encompass all areas within the 60 CNEL.

- o That the City analyze incompatible land uses within the 75 or greater CNEL and develop a program to rezone such properties to their current densities. A time frame for development of the program should be prepared as part of the ALUC's review of land use plans within the airport influence areas.

This proposal is more specific than the draft CLUP proposal to "review and update the affected community plans". No environmental impact is likely to result from the proposed change.

- o That the Port District be required to purchase development rights of properties should a dispute arise.

No environmental impact is likely from the proposed language.

- o That new residential development within the 75 to 80 CNEL be subject to further "substantial" noise mitigation such that interior noise levels do not exceed 55 decibels maximum or an average of 45 dB.

This language adds a requirement for 55dB maximum; the CLUP already requires a limit of 45 dB average. The improved noise environment would affect only the new residential units within the 75 to 80 CNEL, which are likely to be very few, especially if there are to be none on the 18 vacant lots.

- o That the CLUP emphasize the Port District's role as the lead jurisdiction with respect to program development and funding for the proposed aviation easement program and the proposed acoustical insulation program.

Neither of these proposals would cause any environmental impacts.

- o That the responsibility for annually adopting an airport influence area or updating noise contour information rest with the ALUC, not the City of San Diego.

This proposal would no longer be pertinent if the airport influence area were based upon a projected 60 CNEL based upon the Immediate Action Plan.

- o That the CLUP not consider existing schools as conditionally compatible land uses above 65 CNEL, in accord with existing City of San Diego general plan standards.

This proposal would not cause any environmental impact. The schools exist; no new schools would be permitted. Additions to existing public schools would require state review and interior noise mitigation.

- o That the CLUP list all specific land use recommendations that differ from the City of San Diego's currently adopted noise matrix as footnoted exceptions, rather than as conditionally compatible.

This proposal would require elimination of the draft CLUP's noise matrix for Lindbergh Field, and utilization of the ALUC Noise Matrix, which the City of San Diego may have adopted. Exceptions then would include those uses allowed under State of California Noise Standards: Any residential use is considered compatible if an aviation easement for aircraft noise has been acquired by the airport operator or the dwelling is owned by the airport operator. The state noise standards, Table 1, have been included in the CLUP. The exterior noise levels would continue to be significant and unmitigable.

The City of San Diego Planning Commission proposed additional recommendations, which the City Council then approved:

- o That the Port District operate Lindbergh Field in conformance with the recommendations of the CLUP, and that future operation of the airport should result in noise impacts no worse than those identified in the CLUP's contours (1990 contours, as recommended by the Planning Department.)

These comments would not significantly alter the environmental impacts caused by aircraft generated noise. However, the ALUC does not limit airport operations as requested.

- o That the CLUP direct the Port District to acoustically insulate all existing public schools within the CLUP's 65 CNEL no later than 1995.

This proposal would direct, rather than "urge", the Port District to take action; the action would improve the noise environment within the impacted schools. The timing has not been addressed in the CLUP.

None of the proposed changes would significantly alter the environmental impacts of noise or safety requirements in the CLUP. They have not been included.

Centre City Development Corporation Response to Notice of Preparation

The CCDC comments (letter July 9, 1991) propose further analysis regarding population under "Infill Development and Density Limitations". CCDC staff suggested that further clarification was needed, particularly to exclude areas south of the airport approach surface within Centre City.

The proposed limitation on human occupancy of sites beneath the airport approach or departure surfaces is the same as the existing limitation; thus, there would be no additional impact on population due to this requirement. The further limitation to no increase in density within the "runway protection zone" would reduce the potential for population growth in that limited area. However, the impact on population growth would be insignificant. Additionally, the City of San Diego has proposed the amendment to the Airport Approach Overlay Zone that was referenced in the draft CLUP; that ordinance would control the development.

California Department of Transportation Response to Notice of Preparation

The Caltrans, Division of Aeronautics comments (letter August 12, 1991) indicate that in addition to height constraints and aviation easements, the CLUP will include requirements that would prohibit aboveground storage of

flammable substances beneath the approach or departure surfaces and would limit human occupancy to an intensity no greater than 110 percent of the existing average within one quarter mile radius. Caltrans asks whether the DEIR will address compatible/incompatible uses and density limitations within the airport influence area that fall outside the runway protection zone.

The draft CLUP addresses all existing and future uses within the airport influence area: all existing uses are allowed to continue; future uses will be limited to a slight increase in density except in the runway protection zone, as recommended by the Advisory Committee. This recommendation will continue approximately the current level of noise impact (number of residences and population). It will cause some economic impact, due to the proposed reduction in intensity of development that would be allowed.

VI. Analysis of Long-Term Effects

Irreversible Environmental Changes

Implementation of the recommendations will make no significant environmental changes for the interior of structures. However, the aircraft generated noise that is addressed in the DEIR will persist. There is no plan to test the impact of the outside noise on the residents, and there is no way to eliminate that noise, which will continue to be significant.

Growth Inducing Impacts

The CLUP will not create significant growth inducement; it would allow in-fill projects, which are permitted now. However, the current (SB 255) limitations on density and intensity, which are proposed to continue, could reduce the growth potential of the area beneath the airport approach surfaces.

APPENDIX G
UNIFORM BUILDING CODE, 1985 EDITION
MINIMUM EGRESS AND ACCESS REQUIREMENTS

APPENDIX G

33-A

UNIFORM BUILDING CODE 1985 EDITION

33-A

TABLE NO. 33-A—MINIMUM EGRESS AND ACCESS REQUIREMENTS

USE ¹	MINIMUM OF TWO EXITS OTHER THAN ELEVATORS ARE REQUIRED WHERE NUMBER OF OCCUPANTS IS AT LEAST	OCCUPANT LOAD FACTOR ² (Sq. Ft.)	ACCESS BY MEANS OF A RAMP OR AN ELEVATOR MUST BE PROVIDED FOR THE PHYSICALLY HANDICAPPED AS INDICATED ³
1. Aircraft Hangars (no repair)	10	500	Yes
2. Auction Rooms	30	7	Yes
3. Assembly Areas, Concentrated Use (without fixed seats) Auditoriums Bowling Alleys (Assembly areas) Churches and Chapels Dance Floors Lobby Accessory to Assembly Occupancy Lodge Rooms Reviewing Stands Stadiums	50	7	Yes ^{4 5}
4. Assembly Areas, Less-concentrated Use Conference Rooms Dining Rooms Drinking Establishments Exhibit Rooms Gymnasiums Lounges Stages	50	15	Yes ^{4 6}
5. Children's Homes and Homes for the Aged	6	80	Yes ⁷
6. Classrooms	50	20	Yes ⁸
7. Dormitories	10	50	Yes ⁷
8. Dwellings	10	300	No
9. Garage, Parking	30	200	Yes ⁹
10. Hospitals and Sanitariums—Nursing Homes	6	80	Yes
11. Hotels and Apartments	10	200	Yes ¹⁰
12. Kitchen—Commercial	30	200	No
13. Library Reading Room	50	50	Yes ⁴
14. Locker Rooms	30	50	Yes
15. Malls (see Appendix Chapter 7)	—	—	—
16. Manufacturing Areas	30	200	Yes ⁷

(Continued)

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USE ¹	MINIMUM OF TWO EXITS OTHER THAN ELEVATORS ARE REQUIRED WHERE NUMBER OF OCCUPANTS IS AT LEAST	OCCUPANT LOAD FACTOR ² (Sq. Ft.)	ACCESS BY MEANS OF A RAMP OR AN ELEVATOR MUST BE PROVIDED FOR THE PHYSICALLY HANDICAPPED AS INDICATED ³
17. Mechanical Equipment Room	30	300	No
18. Nurseries for Children (Day-care)	7	35	Yes
19. Offices	30	100	Yes ⁷
20. School Shops and Vocational Rooms	50	50	Yes
21. Skating Rinks	50	50 on the skating area; 15 on the deck	Yes ⁴
22. Storage and Stock Rooms	30	300	No
23. Stores—Retail Sales Rooms	11 50 10	20 30 50	Yes Yes Yes
24. Swimming Pools	50	50 for the pool area; 15 on the deck	Yes ⁴
25. Warehouses	30	500	No
26. All others	50	100	

¹For additional provisions on number of exits from Group H and I Occupancies and from rooms containing fuel-fired equipment or cellulose nitrate, see Sections 3320, 3321 and 3322, respectively.

²This table shall not be used to determine working space requirements per person.

³Elevators shall not be construed as providing a required exit.

⁴Access to secondary areas on balconies or mezzanines may be by stairs only, except when such secondary areas contain the only available toilet facilities.

⁵Reviewing stands, grandstands and bleachers need not comply.

⁶Access requirements for conference rooms, dining rooms, lounges and exhibit rooms that are part of an office use shall be the same as required for the office use.

⁷Access to floors other than that closest to grade may be by stairs only, except when the only available toilet facilities are on other levels.

⁸When the floor closest to the grade offers the same programs and activities available on other floors, access to the other floors may be by stairs only, except when the only available toilet facilities are on other levels.

⁹Access to floors other than that closest to grade and to garages used in connection with apartment houses may be by stairs only.

¹⁰See Section 1213 for access to buildings and facilities in hotels and apartments.

¹¹See Section 3303 for basement exit requirements.

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APPENDIX H
SAN DIEGO INTERNATIONAL AIRPORT
QUIETER HOME PROGRAM

APPENDIX H



Port of San Diego

and San Diego International Airport - Lindbergh Field

(619) 686-6200 - P.O. Box 120488, San Diego, CA 92112-0488

8TH VARIANCE TERMS and STIPULATIONS FOR SAN DIEGO INTERNATIONAL AIRPORT – LINDBERGH FIELD (SDIA)

1. Residential Sound Attenuation Program (RSAP)

(a) Extended Term

The RSAP, as modified, is adopted and approved for implementation for a period of three years, beginning with the District's 2001-02 fiscal year ("first extended term"). The District reserves the right to review, revise elements of, or terminate the RSAP at the end of that three year period, including, but not limited to, revisions to the eligibility and funding provisions of the RSAP.

The District will review existing and new materials produced for the RSAP and distributed to potential participants in the program. The purpose of this review will be to identify ways in which terms, requirements and operation of the program, including the required aviation easement, can best be explained in readily understood, common sense, terms.

(b) Enhanced Funding

(1) During each fiscal year of the extended term, the District will provide a minimum of \$2 million in District funds to support implementation of the RSAP.

(2) The District will use its best efforts to obtain matching discretionary FAA Airport Improvement Program (AIP) funding at the maximum AIP contribution percentage (80.59%).

(3) In any fiscal year during the extended term when the total District and FAA funding for the RSAP is less than \$10 million, the District will additionally contribute any amount necessary to bring the total funding to \$10 million, except that the District's obligation under this paragraph shall not exceed \$1 million in additional funding, and shall not exceed \$3 million in total District funding in any fiscal year.

(c) Easement Requirements

With respect to any easement executed by an eligible property owner in favor of the District, as required under the RSAP:

(1) The reference contour for purposes of calculating the easement CNEL values shall be the calendar year 2000 actual noise contours as reported in the District's year 2000 annual report under the Noise Standards; and

(2) The easement CNEL value for any eligible property shall be the highest year 2000 CNEL value (rounded up to the nearest whole decibel number) affecting any portion of the property plus 1.5 decibels CNEL.

2. **Airport Noise Advisory Committee (ANAC)**

After approval by the ANAC and the Board of Port Commissioners, the District will implement the following actions with respect to the ANAC:

- (a) The membership of the ANAC will be increased by adding as an *ex officio* member a representative of the airlines selected by the SDIA Airport Airline Affairs Committee (SDIA AAAC), who shall serve a one-year term. The Senior Director, Aviation, will invite the SDIA AAAC to nominate a representative each year to be appointed to the ANAC.
- (b) The membership of the ANAC will be increased by adding a general community member (residing inside the current 65-dB CNEL contour for SDIA) who shall serve a two-year term. The appointment shall be made by the Senior Director, Aviation. Prior to making the appointment, the Senior Director, Aviation, shall consult with the Airport Coalition regarding the nomination and, unless there is good cause for nominating some other person to this position, the Senior Director, Aviation, shall appoint the person nominated by the Airport Coalition.
- (c) The ANAC shall meet every other month.
- (d) The ANAC will, at a regular meeting each year, provide special recognition for any airline which has not violated the curfew during the prior year, or which has otherwise made a significant contribution to improving the SDIA noise environment and the airport's relationships with the surrounding communities.
- (e) The District will request, by letter, that the various planning boards which nominate members to the ANAC nominate, when relevant and practicable, nominate representatives who reside within the SDIA 65 dB CNEL contour.

3) **Airport Noise Monitoring System**

The District anticipates and has budgeted for a major upgrade to its noise monitoring system at SDIA, and it anticipates implementing that project during the 2001-02 fiscal year. In designing the upgrade, the District will take the following steps:

- (a) The location of individual noise monitors is limited to some extent by the express requirements of the California Noise Standards regulations. However, various community representatives have requested that one of the monitors be located in a specific location which they believe will provide them with noise information they consider to be significant. Therefore, the District will accept suggestions from the Airport Coalition, as a representative of the community, regarding the future location of one of the noise monitoring stations to be implemented as part of the upgrade package.
- (b) The District will explore with the selected vendor the availability of enhanced statistical reporting software for the upgraded noise monitoring system. The objective is, where feasible, to use the capabilities of existing available software to provide enhanced statistical information of interest to the community which would be made available publicly, either as part of the quarterly reports or on the District's web site, as appropriate, particularly with respect to individual airline contributions to the total aircraft noise environment around SDIA.
- (c) Once installation and certification by the Department has been completed for a new noise monitoring system, the District will, in its Quarterly Reports, provide tables which include information for each noise monitoring station in the new noise monitoring system identifying the quarterly arithmetic

average SENEL level recorded by the system for each scheduled commercial operator at SDIA, by individual aircraft type and model (i.e., Boeing 737, 757, A-320, etc.). In addition, the Quarterly Report will be accompanied by a short summary sheet in which the District highlights any such data that reflects a significant or substantial change in recorded average SENEL levels, or individual air carrier operational fleet mixes at SDIA, compared to the prior quarter. A copy of the Quarterly report, including the summary sheet, will be provided to the Station Manager of each scheduled airline serving SDIA during the period reported, and the District will advise each carrier if the carrier is specifically identified in the summary sheet.

4. **Web Site**

The District will enhance further the information on, and function of the noise information portion of the District's web site. Objectives of this program include enhancements to: (1) links to other relevant web sites, particularly governmental web sites with noise related information; (2) posting of notices, agendas and minutes of meetings of the ANAC and other local organizations considering aircraft noise related issues, such as the County Noise Control Hearing Board; (3) reports of the proceedings of the District's Curfew Violation review Panel; (4) archiving historical quarterly reports, to the extent they are still readily available to the District and can reasonably be converted to web format; (5) enhancing the usability, to the extent reasonably feasible, of any noise related mapping provided on the site in order to make it easier for individual residents to locate their home in relationship to the airport and the published noise contours; and (6) making reasonable enhancements to information developed by the upgraded noise monitoring system, so long as the enhancements do not compromise the security of the system or the District's ability to effectively enforce its airport regulations.

5) **Newsletter**

The District publishes periodically a noise information newsletter entitled *Noise Matters*. The District will seek to continue to improve information distribution through this newsletter. As part of the current program, the District will undertake to publish *Noise Matters* on a quarterly basis. The District will also review its distribution of *Noise Matters* to determine if the regular mailing and distribution can be more focused on individuals with a specific interest in SDIA noise related issues. Finally, while retaining full editorial prerogatives, the District will periodically make column space available in *Noise Matters* to the Airport Coalition as a community representative to address issues of interest or concern to the community.

6) **Quarterly Noise Reports**

Unless the Department objects and otherwise instructs the District, the District will provide the following additional information in its Quarterly Noise Reports:

- (a) Table 2 will be supplemented to provide the name of the operator, the flight number and the operation time of day for each of the listed operations.
- (b) Table 2 will report the noisiest 25% of noise events captured by the monitoring system during a three-day survey period each quarter.
- (c) The District will add a section to the report to discuss the current status of the RSAP.

Contacts And References

CONTACTS:

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

Thella Bowens, President/CEO

Angela Shafer-Payne, Vice President, Strategic Planning

Ted Anasis, AICP, Manager, Airport Planning

Linda M. Johnson, RLA, ASLA, Airport Planner, Airport System Planning

REFERENCES:

CALIFORNIA DEPARTMENT OF TRANSPORTATION

Airport Land Use Planning Handbook, 1983.

Airport Land Use Planning Handbook, 2002.

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

Final Environmental Impact Report No. 01-04, October 4, 2004.