

Appendix C

AIRPORT LAND USE COMMISSION CONSISTENCY FINDINGS



SAN LUIS OBISPO COUNTY

AIRPORT LAND USE COMMISSION

Chairman: Roger Oxborrow
Commissioners: Bill Borgsmiller
Michael Cripe
John Eichler
Craig Piper
Erich Schaefer
Allen Settle

NOTICE OF AIRPORT LAND USE COMMISSION ACTION

ALUC 2017-002

HEARING DATE: April 19, 2017

RECOMMENDATION TO: City of San Luis Obispo

SUBJECT: A mandatory referral by the **City of San Luis Obispo (City)** for a determination of consistency or inconsistency with the Airport Land Use Plan (ALUP) for the San Luis Obispo County Regional Airport (Airport) for proposed amendments to the City's General Plan, the City Zoning Map, the City Airport Compatible Open Space (ACOS) Plan, And Vesting Tentative Map to implement the **San Luis Ranch Development**. The San Luis Ranch Specific Plan encompasses approximately 131 acres generally bounded by Madonna Road, Dalidio Drive, US Highway 101, and the San Luis Obispo City Farm. The Project is located in ALUP Aviation Safety Areas S-1b and S-2. (Continued from March 29, 2017)

On **April 19, 2017**, the Airport Land Use Commission determined the above referenced project is **Consistent** with the San Luis Obispo Regional Airport Land Use Plan, and referred it back to the County of San Luis Obispo, Brian LeVeille, Project Manager, on the basis the Findings / Conditions in the staff report.

If you have any questions regarding this matter, please contact me at (805) 781-5718.

Sincerely,

Nicole Retana, Secretary
Airport Land Use Commission

(Planning Department Use Only)

Date: May 1, 2017

Enclosed: X Airport Land Use Commission Staff Report

FINDINGS OF CONSISTENCY

San Luis Ranch Specific Plan

FINDINGS IN SUPPORT OF CONSISTENCY DETERMINATION:

Applicability of ALUP Section 2.7

a) The Updated Amendments represent “unique circumstances” as described in Section 2.7 of the ALUP because:

1. The Project site has existing entitlements under the San Luis Obispo County General Plan and Land Use Ordinances pursuant to Measure J (2004) – “An Initiative Petition to Amend the County General Plan and Land Use Ordinances to Allow for Development of the Dalidio Ranch Project.” The development allowed by Measure J is subject solely to “State Law, General Plan provisions applicable to the Property and the following: the provisions of the Dalidio Ranch zoning district [...]; grading and building standards of Title 19 [...] applicable to all development in [...] [the] County; Title 18 of the County Code, entitled ‘Public Facilities Fees;’ and Title 19 of the County Code, entitled ‘Street Address Ordinance’” (Measure J at p. 5). The development allowed by Measure J is inconsistent with the maximum non-residential density allowed in the ALUP. However, given that the development was approved by initiative, it was not and is not subject to the referral requirements contained within the State Aeronautics Act pursuant to *Citizens for Planning Responsibly v. County of San Luis Obispo* (2009) 176 Cal.App.4th 357.
2. The Project site is located in the vicinity of residential and commercial uses, including such uses within the S1-b Safety Area, which have greater densities than the Project. By way of example, several mobile home parks have densities in the range of 8-10 units per acre.
3. The Project is a clustered development, designed to minimize inconsistency and enhance safety, including a significant 52.7-acre ACOS and a 5.5-acre, 200-foot x 1,200-foot “no-build” zone aligned with the extended centerline of Runway 11-29 through the S-1b Safety Area.
4. The Project includes other safety design features, such as a 50-foot site-wide height limit.

b) The Updated Amendments represent a “small-scale individual project” as described in Section 2.7 because:

1. Subject to the conditions set forth below and use of the updated noise contours, all non-residential uses proposed within the S-1b Safety Area are consistent with strict application of the ALUP.
 2. The total acreage proposed for residential use within the S-1b Safety Area in a manner inconsistent with the strict application of the ALUP density restrictions is 7.9 acres, and thus the area of inconsistency is of limited scope or extent when compared to the total acreage of the Project site.
 3. The area of inconsistency within the S-1b Safety Area is immediately adjacent to Safety Area S-2.
- c) The Updated Amendments apply only to the property occupied by the referred individual project, *i.e.* to the Project site.
- d) The Updated Amendments contain provisions sufficient to ensure that no development other than the exact project referred to and considered by the ALUC, *i.e.* the Project, may be established within the referral area

Deviation from Strict Application of Specific Noise and Safety Policies under Authority of Section 2.7 of the ALUP

- e) Safety. Notwithstanding that the allowable residential density within the S-1b Safety Area exceeds the maximum residential density set forth in Table 7 of the ALUP, the Updated Amendments are consistent with the objective of the safety policies of the ALUP as described in Section 4.4.1 (*i.e.* “to minimize the risks to the safety and property of persons on the ground associated with potential aircraft accidents and to enhance the chances for survival of the occupants involved in an accident which takes place beyond the immediate runway environment”) and are consistent with the identified effective approaches to accomplishing this objective based on the following:
1. The Project includes a significant 52.7-acre ACOS and a 5.5-acre, 200-foot x 1,200-foot “no-build” zone aligned with the extended centerline of Runway 11-29 through the S-1b Safety Area.
 2. The Project has been modified to relocate the 27 townhomes originally located nearest to the Runway 11-29 centerline from the S-1b Safety Area to the S-2 Safety Area.
 3. The residential units within Safety Area S-1b are clustered in the area of the Safety Area that is furthest from the Airport along the S-2 Safety Area boundary.

- f) Noise. Notwithstanding that there are residential land uses within the projected 55 dB CNEL contour as identified in the ALUP, the Updated Amendments are consistent with the objectives of the noise policies of the ALUP as described in Section 4.3.1 (*i.e.* “to minimize the number of people exposed to infrequent and/or high levels of airport noise or to frequent and/or high cumulative noise levels of which airport noise is one component”) because all residential land uses are located outside of the projected 55 dB CNEL contour as identified in the updated noise contours prepared by RS&H at the direction of the ALUC in 2015 that reflect more current information regarding Airport operations. In addition, the Applicant commissioned a noise study performed by 45dB.com (consultant) which showed a maximum overflight noise of 52 dB CNEL. Lastly, the Applicant has committed to design and construction measures and disclosure processes that exceed the standard requirements, including interior noise reduction through additional construction techniques, physical noise barriers through the careful placement of buildings, and enhanced buyer and renter disclosures and notifications with an augmented noticing process with renter education.

Consistencies based on Strict Application of the ALUP Policies

- g) Noise. Except as set forth in Finding (f), the Updated Amendments are consistent with the strict application of the Specific Land Use Policies for Noise within the ALUP because (1) all of the proposed development will be located within the 55-60 dB CNEL contour, (2) none of the development (aside from the residential uses discussed above) constitute extremely noise sensitive land uses and (3) all moderately noise sensitive land uses must meet the requirements for mitigation of interior noise levels specified in Table 4 and Section 4.3.3 of the ALUP.
- h) Safety. Except as set forth in Finding (e), the Updated Amendments are consistent with strict application of the Specific Land Use Policies for Safety within the ALUP. Specifically, with respect to Safety Area S-2, both the allowable commercial density (329 people versus 703.5 maximum) and residential density (467 units versus 666 maximum) are under the maximum densities set forth in Table 7 of the ALUP. With respect to commercial density within the S-1b Safety Area, the Project has been modified and conditioned consistent with the letter from the City dated April 7, 2017 not to permit more than 75 persons per acre. In addition, the Amendments would not result in a greater building coverage than permitted by Table 7 of the ALUP or in high intensity or special function land uses.
- i) Airspace Protection. The Updated Amendments are consistent with the Specific Land Use Policies for Airspace Protection because the Applicant has proposed regulations that limit the height of structures on the site to 50 feet to the highest architectural feature. The Updated Amendments will not permit any structure, landscaping, glare, apparatus, or other feature, whether temporary or permanent in

nature to constitute an obstruction to air navigation or a hazard to air navigation, as conditioned.

- j) Overflight. The Updated Amendments are consistent with the Specific Land Use Policies for Overflight because the Project has been conditioned to record aviation easements for each property developed within the Project site prior to the issuance of any building permit or minor use permit; and all owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) will receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with Airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the Airport Area.

FINDINGS IN SUPPORT OF DETAILED AREA PLAN APPROVAL:

- a) The Detailed Area Plan is contained within the San Luis Ranch Specific Plan and has been referred to the ALUC for a mandatory determination of consistency.
- b) The maximum residential density and nonresidential density are indicated in the Detailed Area Plan and no building, use, or occupancy permit will be issued for any development which exceeds the established maximum densities of development.
- c) The residential and nonresidential densities allowed within the Detailed Area Plan are in conformance with the maximum density of use as set forth in the ALUP or as authorized by the ALUC under the authority of Section 2.7 of the ALUP as more specifically described above, and no special function or high intensity land uses are proposed.
- d) All development within the Detailed Area Plan conforms to the noise policies as set forth in the ALUP or as authorized by the ALUC through the authority of Section 2.7 of the ALUP as more specifically described above.
- e) All development within the Detailed Area Plan conforms to the Airspace Protection and Overflight Policies of the ALUP.

ALUC CONDITIONS
San Luis Ranch Specific Plan

1. Consistent with its letter dated April 7, 2017, the City shall require the Applicant to revise the Amendments and all other entitlements associated with the Project to reflect the modifications to the Project (Updated Amendments) more specifically set forth below and shall prepare conditions of approval to ensure that all applicable ALUP policies and aviation related development restrictions are enforced (Conditions of Approval).
2. The Updated Amendments shall apply only to the property occupied by the referred individual project, *i.e.* to the Project site.
3. The Updated Amendments shall contain provisions sufficient to ensure that no development other than the exact project referred to and considered by the ALUC, *i.e.* the Project, may be established within the referral area
4. The Updated Amendments and Conditions of Approval shall limit non-residential density for the portion of the Project site within the S-1b Safety Area to 75 persons per acre. For purposes of this condition, non-residential density shall include all commercial and office areas, as well as the Agricultural Heritage Facility and Family Center within the proposed ACOS shown on the Project plans.
5. Non-residential density for the portion of the Project site within the S-2 Safety Area shall be limited to 150 persons per acre.
6. The Updated Amendments and Conditions of Approval shall limit the number of residential units allowed on the portion of the Project site within the S-1b Safety Area to 88 units.
7. The residential density for the portion of the Project site within the S-2 Safety Area shall be limited to 15 units per acre.
8. The maximum height limit of structures on the site shall be 50 feet to the highest architectural feature.
9. The Updated Amendments and Conditions of Approval shall provide for a 200-foot by 1,200-foot “no build” zone within the S-1b Safety Area that shall remain free of structures except for infrastructure associated with any future planned highway interchange with Highway 101. The “no build” zone may be used for parking areas with no lighting or landscaping that exceeds 8 feet in height. All drive aisles in the “no build zone” will be parallel with the centerline of the airport runway.

10. No structure, landscaping, apparatus, or other feature, whether temporary or permanent in nature shall constitute an obstruction to air navigation or a hazard to air navigation, as defined by the ALUP.
11. Any use is prohibited that may entail characteristics which would potentially interfere with the takeoff, landing, or maneuvering of aircraft at the Airport, including:

- creation of electrical interference with navigation signals or radio communication between the aircraft and airport;
- lighting which is difficult to distinguish from airport lighting;
- glare in the eyes of pilots using the airport;
- uses which attract birds and create bird strike hazards;
- uses which produce visually significant quantities of smoke; and
- uses which entail a risk of physical injury to operators or passengers of aircraft (e.g., exterior laser light demonstrations or shows).

12. Avigation easements shall be recorded for each property developed within the Project site prior to the issuance of any building permit or conditional use permit.

13. All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) shall receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area.

14. To the best of the applicant's ability, they will comply with their proposed enhanced disclosure and notification plan.

