

## *Draft (author: John Ziebarth)*

Re: The Role and Responsibility of the ALUC in creating Airport Land Use Compatibility Plans

Dear Legislative Members:

Quality land use planning like the General Plan for the City of San Diego should take into consideration all land use concerns and impacts as it is developed. The City of San Diego's General Plan which was adopted on March 10, 2008 was recently received the 2010 Daniel Burnham Award for the best comprehensive plan in the nation by the American Planning Association (APA). Yet, the direction supposedly given to the San Diego Airport Land Use Commission (ALUC) by airport staff and their legal counsel in creating Airport Land Use Compatibility Plans (ALUCPs) was that it was the responsibility of the jurisdictions to evaluate the economic impacts of the ALUCPs and not the responsibility of the ALUC. This message was reinforced at the recent public outreach meeting on the update of the California Airport Land Use Planning Handbook (Handbook) held at Ontario Airport on February 9, 2010. The response to comments on the San Diego ALUCPS goes so far as to say that the economic considerations are outside the purview of the ALUC. The ALUC was basically directed to ignore the conclusion of the City of San Diego Independent Budget Analyst who concluded; "It is important to note that some changes proposed in the draft ALUCP's could have significant economic impact to the City of San Diego's communities." (IBA Report Number: 09-68 Dated July 23, 2009)

The Public Utilities Code is repeatedly referred to as stating that it is the purpose of the ALUC to minimize excessive safety and noise risks. In response to questions from a representative from the San Diego County Airport Operations at the recent update meeting on the Handbook in Ontario, it was confirmed that a major goal of the ALUC was to maximize safety and to reduce liability as much as possible. The reduction in liability was for the ALUC, the airport operator, and the pilots. The word "excessive" was left out in describing safety risks that should be minimize. Safety was instead related to reducing liability to the aviation community.

The Community Planning Groups of both Kearny Mesa and Otay Mesa expressed concerns during the CEQA process that the ALUCPs affecting their respective communities had significant land use impacts. Yet, the San Diego ALUC concluded without any substantial evidence that any potential land use impacts can simply be relocated elsewhere and the impacts can then be transferred to individual projects rather than to the ALUCPs.

The San Diego ALUC is composed of the Airport Authority Board whose purpose is the optimization of airport operations. The Peninsula Community Planning Group is already on record of raising concern about the ability for a single purpose entity, the ALUC, to self certify their environmental documents. We concern that the direction, given to ALUC, instructs them to give greater emphasis to one aspect of the Handbook and ignore another aspect of the Handbook. The result is an unbalanced ALUCP and unbalanced land use planning. We ask that this direction be clarified to analyze all guidance and factors given in the Handbook and to create balanced land use planning as reflected in the award winning General Plan for the City of San Diego which includes a section on economic prosperity. If the sole purpose of the ALUC is to maximize safety without consideration of economic or land use impacts, then why not give the ALUCP responsibility to the jurisdictions, which has the responsibility to also consider economic and land use concerns consistent with their general plans.

In 2006, hearings were held by Senator Kehoe and Ducheny and Assembly Members Plescia, Salas, and Saldana. After the October 10, 2006 hearing, the Committee issued a summary report (1383-S) which included 18 staff findings and 14 recommendations. We request that recommendations 13 and 14 be implemented.

Recommendation 13: The elements of overflight, airspace protection, noise and safety are required by the Caltrans Handbook to be assessed in making a land use compatibility determination. Revise the Caltrans Handbook to add “economic impacts and effects on land use” caused by those elements.

Recommendation 14: Amend the Public Utilities Code Section 21670 (see Appendix B) to include a statement that one of the purposes is to find a balance between economic and physical development goals of the community and the goal of the aviation safety.

Thus, we request that either clear direction be given to the ALUC to consider all impacts in establishing quality land use compatibility plans around out airports or we request that the ALUC authority be given to the local jurisdictions that are impacted.

Respectfully,