

Revised 6/6/06

1.2. Effective Date

1.2.1 *Plan Adoption:* The policies in this *Compatibility Plan* shall become effective for each of the included airports as of the date that the San Diego County Airport Land Use Commission (“ALUC”) adopts those portions applicable to each respective airport.

(a) Each of the Airport Land Use Compatibility Plans (“ALUCPs”) adopted by the ALUC in 2004 shall remain in effect until replaced by a subsequent ALUCP adopted for that airport.

(b) If there ~~was~~ no ALUCP in effect at the time ~~the~~ **of the original application for** the permit or action for the project ~~is reviewed for an airport,~~ **then** the permit or action must be governed by the ALUCP being prepared by the ALUC. Pub.Util.Code §21675.1(c).

(c) Any action to invalidate airport-specific *Compatibility Plan* policies governing an individual airport shall not invalidate the county-wide *Compatibility Plan* policies as they apply to other airports.

1.2.2 *Applicability to Projects Not Yet Completed:* The compatibility policies, if any, that will be used to perform a consistency review for a proposed project, and any subsequent implementing action(s) associated with that project, shall be determined according to the following, **as provided in subsections (a) through (f), below. In no instance, however, shall the ALUC apply any ALUCP rules, regulations, and/or policies to any project, permit or action, or to any subsequent discretionary or ministerial implementing permit or action for that project, that are in any manner inconsistent with the provisions of Federal Aviation Regulations Part 77 (Objects Affecting Navigable Airspace) and/or the California Airport Noise Regulations (21 Cal.Code Regs. 5000 et seq.).**

(a) Airport Plans: Notwithstanding any provision of this Section, **the ALUC shall apply any new ALUCP rules, regulations, and policies to any project, permit or action, and any subsequent discretionary or ministerial implementing permit or action for that project, that have been approved based upon:** ~~if a public agency owning any airport within the ALUC’s jurisdiction submits for ALUC review:~~ (i) an airport master plan, or amendments or modifications to an airport master plan (see, Pub.Util.Code §21676(c)); (ii) construction plans for a new airport (see, Pub.Util.Code §21661.5); or (iii) any airport expansion project which requires amendment of the Airport Permit issued by the California Department of Transportation, including the construction of a new runway, the extension or realignment of an existing runway or the acquisition of runway protection zones or any interest in land for the purpose of any airport expansion project

(see, Pub.Util.Code §21664.5), that has been submitted to the ALUC for review by a public agency owning any airport within the ALUC's jurisdiction.

~~(a) A project previously reviewed by the ALUC and found to be consistent with the ALUCP in effect at the time of project review shall not be subject to a second review under a subsequently adopted ALUCP unless the project changes in a substantive manner, as determined by the local jurisdiction, based on criteria, that would potentially invalidate the original ALUC consistency findings.~~

~~(1) Any project resubmitted for ALUC review pursuant to Section 1.2.2(a) will be evaluated using the ALUCP in effect at the time the re-application was deemed complete by the local jurisdiction, unless the ALUC determines that such re-application lacks one or more of the components required in Section 2.1.2(a), in which case the project will be evaluated in accordance with subsections (c)(2)-(c)(4), inclusive, below.~~

~~(2) A project that was previously reviewed by the ALUC review but which has changed in a substantive manner, need not be resubmitted for ALUC review if, prior to resubmission, the general plan of the local jurisdiction in which the project is situated has been reviewed by the ALUC and found to be consistent with this *Compatibility Plan*, and the revised project is consistent with the ALUC approved general plan.~~

(b) **General Plan Consistent With ALUCP.** **A project, and any subsequent implementing action(s) for that project, that is located within** If the general plan of a local jurisdiction **which** has **modified its general plan** been reviewed and found by the ALUC to be consistent with the existing ALUCP prior to approval of this *Compatibility Plan*, or ~~the~~ **within a** local jurisdiction **which** has taken the special steps necessary to overrule the existing ALUCP, then a project for which the local jurisdiction has deemed the application to be complete prior to the effective date of this *Compatibility Plan*, and any and subsequent implementing action(s) associated with the project, shall not be subject to ALUC review under this *Compatibility Plan*, provided that **the local jurisdiction has deemed the project application to be complete prior to the effective date of this *Compatibility Plan***, the project is consistent with the jurisdiction's ALUC-approved general plan, and ~~provided that~~ the project and/or any subsequent implementing action(s) associated with the project have not changed in a substantive manner, as determined by the local jurisdiction, based on ~~established~~ **provided in Policy 2.3.4**, that would potentially invalidate ~~the any original consistency findings~~ **approval of the project by the local jurisdiction** and require a subsequent review. (See Policy 2.3.4).

(c) **General Plan Not Consistent With ALUCP.** **A project, and/or any subsequent implementing action(s) for that project, that is located**

~~within~~ If a local jurisdiction ~~that~~ has not modified its general plan to be consistent with the ALUCP in effect prior to the approval of this *Compatibility Plan*, or taken the special steps necessary to overrule the existing ALUCP, ~~then all projects in that jurisdiction that are~~ **is** within the airport influence area as defined in this *Compatibility Plan*, and ~~that is~~ **are** not yet an existing use, as defined in Section 1.3.13, shall be submitted to the ALUC to be reviewed in accordance with the ALUCP in effect at the time the application ~~was~~ deemed complete by the local jurisdiction, except where such application is materially deficient pursuant to subsection (1) below, in which case the project shall be reviewed in accordance with the ALUCP in effect at the time the application is deemed complete by the ALUC, as specifically provided in subsections (2) through (4) below.

- (1) If an application for a project has been submitted to the local jurisdiction and the application has been deemed complete by the local jurisdiction, such application shall constitute a complete application for purposes of a consistency review by the ALUC, unless the ALUC determines that the application lacks one or more of the components required in Section 2.1.2(a).
- (2) If an application for consistency is determined by the ALUC to be incomplete pursuant to Section 1.2.2(c)(1), above, then not later than thirty (30) calendar days after the ALUC has received an application for a determination of consistency, the ALUC shall ~~determine~~ **respond** in writing ~~whether~~ **as to why** the application is complete and shall immediately transmit the ~~determination information~~ **information** to the local jurisdiction and the project proponent. The ALUC's ~~written determination of completeness~~ shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application for a determination of consistency.
- (3) If the written ~~determination~~ **response** as to the completeness of the application is not made by the ALUC within thirty (30) calendar days after receipt of the consistency application, and/or after receipt of any additional information requested, the project will be evaluated using the ALUCP in effect on the date of expiration of the thirty (30) calendar day time limit for determining completeness of the application materials submitted.
- (4) Nothing in this section precludes a local jurisdiction and the ALUC from mutually agreeing to an extension of any time limit provided by this section, ~~at the request~~ **with the concurrence** of the project applicant.

(ad) ***Subsequent Review Of Project(s):*** A project previously reviewed by the ALUC and found to be consistent with the ALUCP in effect at

the time of project review shall not be subject to a second review under a subsequently adopted ALUCP unless the project changes in a substantive manner, as determined by the local jurisdiction, based on established criteria **provided in Policy 2.3.4(b)**, that would potentially invalidate the original ALUC consistency findings. ~~(see Policy 2.3.4(b)).~~

- (1) Any project ~~resubmitted for~~ **requiring subsequent** ALUC review ~~pursuant to Section 1.2.2(a)~~ will be evaluated using the ALUCP in effect at the time the re-application was deemed complete by the local jurisdiction, unless the ALUC determines that such re-application lacks one or more of the components required in Section 2.1.2(a), in which case the project will be evaluated in accordance with subsections (c)(2)-(c)(4), inclusive, ~~below.~~ **above.**
- (2) ~~Any~~ project ~~that was previously reviewed by the~~ **requiring subsequent** ALUC review ~~but which has changed in a substantive manner;~~ need not be resubmitted for ALUC review if, prior to resubmission, the general plan of the local jurisdiction in which the project is situated has been reviewed by the ALUC and found to be consistent with this *Compatibility Plan*; and the revised project is consistent with the ~~at~~ ALUC-approved general plan.

~~(de)~~ ***ALUC Project Review Not Required:*** ~~If, prior to the effective date of this *Compatibility Plan*, a~~ **A** project application **which** was deemed complete by the local jurisdiction **prior to the effective date of this *Compatibility Plan***, and **which** did not require ALUC review for one of the reasons in subsections (1), (2), and (3), below, ~~then the project shall not require subsequent ALUC review under this *Compatibility Plan*, unless the project changes in a substantive manner (see Policy 2.3.4(b)), in which case the provisions of Section 1.2.2, above, shall apply.~~

- (1) The project is located beyond the boundary of an airport influence area defined by the ALUCP in place at the time the application was deemed complete;
- (2) The project is located more than two (2) miles from the boundary of a public airport for which the ALUC did not have an ALUCP in place at the time the application was deemed complete ~~(the default two-mile distance is set by~~ **See**, Public Utilities Code Section 21675.1(b)); or
- (3) The project is located in the vicinity (more than two (2) miles from the boundary) of a military airport for which the ALUC did not have an ALUCP in place at the time the application was deemed complete.

~~(ef)~~ ***Long-Term Project:*** Except as otherwise provided in Section 1.2.2(a)-~~(de)~~, above, ~~if, prior to the effective date of this *Compatibility Plan*,~~ ~~(i) a project has obtained from a local jurisdiction final approval of a~~ **long term project, such as a specific plan, master plan, precise plan, large subdivision which consists of several phases,** ~~tentative or final~~

~~subdivision or parcel map, building permit or a functionally comparable discretionary permit or action, and any subsequent discretionary or ministerial implementing permit or action for that project, shall be governed by the ALUCP in effect at the time the first such permit or action for the project was issued by the local jurisdiction, provided all of the following exist:~~

- (1)** ~~The project applicant has obtained from a local jurisdiction final approval of the permit or action prior to the effective date of this *Compatibility Plan*; and~~
- (2)** ~~The local jurisdiction has obtained a consistency determination for the proposed project (for those jurisdictions where General Plan is not consistent with ALUCP);~~
- (3)** ~~The permit or action remains in effect;~~
- (4)** ~~Final approval of the first such permit or action was obtained not more than ten (10) years prior to the effective date of this *Compatibility Plan*;~~
- (5)** ~~The project applicant has used reasonable good faith efforts in proceeding with the project, including without limitation, processing any other governmental permits and approvals necessary to implement the project (such as preparing and processing any subsequent or additional CEQA documents or resource agency permits), preparing architectural or engineering plans, or constructing infrastructure for the project, such as roadways, storm drains, parks, sewer, water or other utilities;~~
- (6)** ~~The local jurisdiction has approved the related implementing permit or action for the long term project within five (5) years prior to the effective date of this *Compatibility Plan* or the project applicant has an application on file that has been deemed complete by the local jurisdiction for any related implementing permit or action as of the effective date of this *Compatibility Plan*; and~~
- (7)** ~~then, that project, and any subsequent discretionary or ministerial implementing permit or action for that project after the effective date of this *Compatibility Plan*, shall be governed by the ALUCP in effect at the time the first such permit or action for the project was issued by the local jurisdiction, unless The project **has not** changes~~d~~ in a substantive manner, as determined by the local jurisdiction (see, Policy 2.3.4).~~