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Ted Sexton - RE: DRAFT Presentation to FAA re Centrum I at Montgomery Field

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Date: 5/21/2007 3:42 PM
Subject: RE: DRAFT Presentation to FAA re Centrum I at Montgomery Field
CC: "Gosslin Amy" <agosslin@san.org>, "Wilschetz Keith" <kwilsche@san.org>

Ted and Angela,

The 2004 ALUCP update amended the Montgomery Field ALUCP to designate as incompatible any proposed development project that is not consistent with the FAA Part 77 requirements. The text of the plan (page 15) indicates that "Pursuant to FAA directive, the Part 77 height restrictions are incorporated into this ALUCP." This was effective on the date that the ALUC approved the ALUCPs (October 4, 2004).

Because we all thought that the countywide ALUCP update would be done by June 2005, the graphics in the 2004 ALUCP were not revised. It was intended that these changes and other more substantive changes to the plans would be reflected in the 2005 countywide update. Similarly, the City did not want to go through the amendment process for their general plan and zoning code twice (for the 2004 ALUCP update and 2005 update). However, the City was obligated by state law to send all proposed projects affected by the ALUCPs within their jurisdiction to the ALUC for a Consistency Determination between the time that the ALUC adopted the new ALUCP and the local jurisdiction revised their general plan and implementing ordinances to be consistent with that newly adopted ALUCP. The City's general plan and zoning ordinances were not consistent with either the previous versions of the ALUCPs or the newly adopted ALUCPs. The city refused to acknowledge that their plans and ordinances were inconsistent with the ALUCPs or that state law required them to submit projects to us in the interim period; therefore, proposed projects were not sent by the City to the ALUC for review. In mid 2006 City staff was directed to begin to send the ALUC projects for Consistency Determinations.

The new Montgomery Field ALUCP will not be adopted by July. We hope that we will have a final agreement (or not) with the ATAG on the policy content of the draft ALUCP by July; once that point is reached, we'll be able to prepare the draft plan and start the environmental process. At the earliest, I'd expect the public review period for the environmental document to begin in September, but this is still an unknown. I would say that we hope to have the Montgomery Field ALUCP adopted this year, but that is subject to the discussions and issues raised by the ATAG and the public during the community outreach process.

(This situation highlights why it is so important for the ALUC to provide clear recommendations to local jurisdictions on land use projects proposed around airports; and why state law requires local jurisdictions to send proposed projects to the ALUC for consistency determinations during the interim period between ALUCP adoption by the ALUC and the local jurisdiction revising its plans and zoning ordinances to be consistent with that revised ALUCP. Had we insisted that the City comply with state law and send projects around their airports to the ALUC for review during this interim period, we might have been able to have had a more collaborative discussion before the building was built – even if our position was that the ALUC could not take an action because this particular project site was outside the AIA. In the long run, I don't think the City was well served by our attempts to avoid controversy and "be nice".)