

# Redlands Municipal Airport Land Use Compatibility Plan



Adopted  
by  
Redlands City Council  
February 18, 1997  
Revised May 6, 2003



Prepared  
by  
Shutt Moen Associates  
Santa Rosa, California

RESOLUTION NO. 5344

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS  
ADOPTING THE REDLANDS MUNICIPAL AIRPORT LAND USE  
COMPATIBILITY PLAN

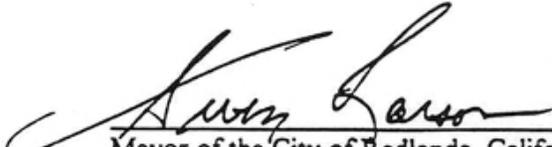
WHEREAS, the City of Redlands, through the adoption of Assembly Bill 2831 (AB 2831) by the State legislature, is required to comply with the guidelines of AB 2831; and

WHEREAS, on December 10, 1996, the Planning Commission of the City of Redlands reviewed and recommended approval of the Redlands Municipal Airport Land Use Compatibility Plan to satisfy the guidelines of the "alternative process" provision of AB 2831;

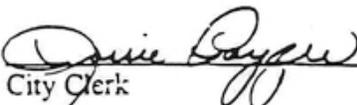
NOW, THEREFORE, BE IT RESOLVED by the City Council of the Redlands of Redlands as follows:

Section 1. The City Council of the City of Redlands adopts the Redlands Municipal Airport Land Use Compatibility Plan in the form attached hereto as Exhibit "A."

ADOPTED, SIGNED AND APPROVED this 18th day of February, 1997.

  
\_\_\_\_\_  
Mayor of the City of Redlands, California

ATTEST:

  
\_\_\_\_\_  
City Clerk

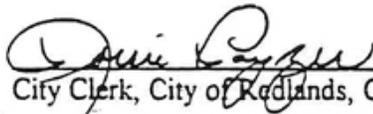
I, Lorrie Poyzer, City Clerk of the City of Redlands, California, do hereby certify that the foregoing resolution was duly adopted by the City Council at a regular meeting thereof held on the 18th day of February, 1997, by the following vote:

AYES: Councilmembers Gilbreath, Cunningham, Banda;  
Mayor Larson

NOES: None

ABSENT: Councilmember Gil

ABSTAIN: None

  
\_\_\_\_\_  
City Clerk, City of Redlands, California

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# Introduction

# Introduction

## AIRPORT LAND USE COMPATIBILITY PLANNING

Requirements for preparation of airport land use compatibility plans were first established under the California State Aeronautics Act (Public Utility Code Sections 21670 et seq.) in 1970. Traditionally, this task was one of the duties of an airport land use commission (ALUC). From 1967 - when they were first created - to 1993, ALUCs were mandatory in each county having a public airport served by a certificated air carrier. Beginning in 1984, the requirement was extended (with limited exceptions) to each county having an airport "operated for the benefit of the general public."

For a brief period in 1993 and 1994, ALUCs were permissive rather than mandatory under the law. Then, in 1994, the legislature again modified the statutes to reinstate the mandatory status. At the same time, though, the legislation (AB 2831) provided for an alternative process by which the airport land use planning function of ALUCs could be accomplished. Subject to the approval of the California Department of Transportation (Caltrans) Aeronautics Program (previously the Division of Aeronautics), a county can implement this alternative process by doing all of the following:

- "Adopt processes for the preparation, adoption, and amendment of the comprehensive airport land use plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.
- Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the comprehensive airport land use plans.
- Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the comprehensive airport land use plans.
- Adopt processes for the amendment of general and specific plans to be consistent with the comprehensive airport land use plans.
- Designate the agency that shall be responsible for the preparation, adoption, and amendment of each comprehensive airport land use plan."

In 1993, the County of San Bernardino and its incorporated cities elected to dissolve its airport land use commission as the law then allowed. With legislative adoption of the subsequent requirement for local government to continue to engage in airport land use planning, the county and affected cities determined that the alternative process outlined by the legislation was appropriate for all airports within San Bernardino County. Furthermore, the county and cities delegated to each airport owner the responsibility for preparation of an airport land use compatibility plan and established an *Airport Mediation Board* to help resolve any disputes which may arise out of the plans' preparation. (See Appendix F herein for a description of the mediation process.)

## PLAN PREPARATION AND REVIEW

This *Redlands Municipal Airport Land Use Compatibility Plan* is a result of the 1994 state legislation and the subsequent actions by the county and affected cities. The City of Redlands action agreeing to the provisions of the alternative process is set forth in City Council Resolution No. 5175, adopted on April 18, 1995 (a copy is included in Appendix F).

The plan is similar in most ways to a plan which an airport land use commission might adopt. As required by Section 21675 of the Airport Land Use Commission statutes, a compatibility plan - regardless of whether it is prepared by an ALUC or as a consequence of the alternative process - must "provide for the orderly growth of each public airport and the area surrounding the airport ... " and "safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general." Also, the preparation of compatibility plans must be "guided by" information contained in the Caltrans *Airport Land Use Planning Handbook* published in 1993.

The compatibility review criteria and policies as outlined in Sections 2 and 3 of Chapter 2 herein thus are comparable to the criteria and policies found in ALUC plans. In other words, the *factors* which determine whether a given type of land use is suitable for development within a certain part of an airport environs remains the same irrespective of what entity is conducting the review. Noise and safety are the two basic compatibility factors which must be addressed in these reviews.

However, the *procedures* by which a compatibility review is conducted are inevitably different when individual local governments have the primary review responsibility rather than an ALUC. Most of the policies in Section 1 of Chapter 2 - especially those in Sections 1.4 through 1.8 - reflect this non-ALUC approach to land use compatibility planning for the Redlands Municipal Airport.

A draft of this plan was completed in September 1996 and circulated for public and agency review and comment. Additionally, the plan was formally reviewed by the City of Redlands Environmental Review Committee, Airport Advisory Board, and Planning Commission. Only minor comments resulted from these reviews. Following a public hearing, the Redlands City Council adopted the plan on February 17, 1997.

## PLAN IMPLEMENTATION

### General Plan Consistency

When an airport land use commission exists in a county and the commission has adopted a compatibility plan, the state law requires the county and each city in the county to amend its general plan and any applicable specific plans to be consistent with the ALUC's compatibility plan. (Alternatively, local agencies can make findings that their plans are consistent with the intent of the state law and override the ALUC.) This statutory requirement for consistency is also applicable to the alternative process.

To achieve this required consistency, a general plan must do two things: it must specifically address compatibility planning issues; and it must avoid direct conflicts with compatibility planning criteria. Most community general plans pay little attention to the noise and safety factors associated with airport land use compatibility. Also, some of the designated land uses of property near an airport frequently are contrary to good compatibility planning.

Compatibility planning issues can be reflected in a general plan in several ways:

- *Incorporate Policies into Existing General Plan Elements* - One method of achieving the necessary planning consistency is to modify existing *General Plan* elements. For example, airport land use noise policies could be inserted into the noise element, safety policies could be placed into a safety element, and the primary compatibility criteria and associated maps plus the procedural policies might fit into the land use element. With this approach, the majority of the *Compatibility Plan* policies would be fully incorporated into the general plan.
- *Adopt a General Plan Airport Element* - Another approach is to prepare a separate *airport element* of the *General Plan*. Such a format may be advantageous when the *General Plan* also needs to address on-airport development and operational issues. Modification of other plan elements to provide cross referencing and eliminate conflicts would still be necessary.
- *Adopt Compatibility Plan as Stand-Alone Document* - This option would involve minimal changes to the existing *General Plan* other than to refer to the separate *Compatibility Plan* document and remove any direct conflicts with compatibility planning criteria. Limited discussion of compatibility planning issues could be included in the *General Plan*, but the substance of most policies would appear only in the *Compatibility Plan*.

Although all of the above options remain viable for the City of Redlands, this *Compatibility Plan* is formatted in a manner which will allow the City Council to adopt it as a stand-alone document. Certain modifications to sections of the 1995 *City of Redlands General Plan* will nevertheless still be necessary. To facilitate this amendment process, Appendix G identifies where such changes may be appropriate.

## Airport Overlay Zone

Beyond the above policy level choice, establishment of tools for implementation of the policies is also essential. The basic test is whether airport land use compatibility criteria will be readily available to and routinely considered by the staff who review individual development proposals. One tool which can be particularly useful in this regard is an airport overlay zone or combining district.

An airport overlay zoning ordinance is a way of codifying airport compatibility criteria and review procedures identified in the general plan only in concept. As described in the Caltrans *Airport Land Use Planning Handbook*, an airport overlay zone “permits the continued utilization of the majority of the design and use guidelines contained in the existing general plan and zoning ordinance. At the same time, it provides a mechanism for implementation of restrictions and conditions that may apply to only a few types of land uses within a given land use category or zoning district.” Additional text from the *Handbook* pertaining to this subject is included in Appendix E herein.

An airport overlay zone would be a particularly useful tool for compatibility planning around the Redlands Municipal Airport because most of the surrounding land is within the city's jurisdiction. The ordinance could supplement individual land use zoning districts by adding specific noise and safety criteria as indicated in this *Compatibility Plan* (maximum numbers of people per acre permitted on a site, site design and open space criteria, height restrictions, etc.) and also further define key components such buyer awareness measures. The city is strongly encouraged to consider preparation and adoption of such an ordinance.

## Other Jurisdictions

### *Plan Review and Approval*

Several discussions were held with the planning staffs of the County of San Bernardino and City of Highland during the course of preparation of this *Compatibility Plan*. Copies of both the preliminary and final draft plan were submitted to these jurisdictions for review. Comments received from the County are reflected in this adopted plan. No formal response has been received from the City of Highland.

Successful implementation of the plan requires more formal review and action by these jurisdictions. Although it is not essential that the County of San Bernardino and City of Highland adopt the *Compatibility Plan*, it is important that they take some type of formal action to recognize the plan and agree to implement its procedures and criteria. Such action could be in the form of an interagency agreement. Policies defining when notification from one agency to another is desirable are indicated in Section 1.8 of Chapter 2.

Every effort should be made to obtain mutual agreement on the portions of the *Compatibility Plan* that affect these jurisdictions. Activation of the San Bernardino County Airport Mediation Board - as provided for in the county and city resolutions implementing the AB 2831 process - should be a last

resort. [Note that if the Airport Mediation Board is needed, the county and cities first must decide upon the membership composition of the board. This was not done as part of the original resolutions. Since this board would meet only rarely and the whole idea of the alternative process is to eliminate the need for a separate ALUC, utilization of a board or commission which already exists for other purposes is recommended. A candidate in this regard is the San Bernardino County Local Agency Formation Commission (LAFCO). It has multi-jurisdictional representation and is accustomed to dealing with planning issues. Other options include committees of the countywide council of governments.]

### ***Relationship to San Bernardino International Airport***

The western edge of the City of Redlands lies immediately adjacent to the boundary of San Bernardino International Airport (SBIA), the former Norton Air Force Base. Aircraft approaching and departing that facility overfly and have impacts on lands within the City of Redlands. The resulting compatibility concerns, however, are not considered in this *Redlands Municipal Airport Land Use Compatibility Plan*. Such issues need to be addressed in a plan specific to SBIA. It is recommended that the San Bernardino International Airport officials, in consultation with the City of Redlands and other affected jurisdictions, define an airport influence area for the airport and prepare a land use compatibility plan in accordance with state statutes.

## **PLAN CONTENTS**

As is apparent from the above discussion, the most important components of this plan are found in Chapter 2. Chapter 2 presents the compatibility criteria and map intended for use in evaluating land use proposals in the Redlands Municipal Airport vicinity. Criteria for evaluation of future updates to the *Redlands Municipal Airport Master Plan*, as well as review of any proposals for construction of heliports within the Redlands city limits are also included. Additionally, the chapter establishes procedures for accomplishment of compatibility reviews and for coordination of such reviews with the County of San Bernardino and City of Highlands when those jurisdictions would also be affected. The policies set forth in Chapter 2 are derived from and based upon the information and guidelines contained in the Caltrans *Airport Land Use Planning Handbook*.

The remainder of the document constitutes supporting material. Chapter 3 contains background data regarding the Redlands Municipal Airport and its environs. This data is included as a means of documenting the airport-specific information upon which this *Compatibility Plan* is based. The appendices provide other information related to airport land use planning in general and the compatibility planning for the Redlands Municipal Airport in particular.



2

Policies

# 2

## Policies

### 1. GENERAL APPLICABILITY

#### 1.1. Purpose

The purpose of this *Redlands Municipal Airport Land Use Compatibility Plan* is to establish procedures and criteria by which:

1.1.1. *City of Redlands* - The City of Redlands can:

- (a) Address airport compatibility issues when making planning decisions affecting land uses in the vicinity of the Redlands Municipal Airport;
- (b) Evaluate the land use compatibility implications of future plans for development or use of the airport; and
- (c) Review proposals for development of other aircraft landing sites, especially heliports, which may affect nearby land uses within the city limits.

1.1.2. *County of San Bernardino* - The County of San Bernardino can:

- (a) Address airport compatibility issues involving unincorporated portions of the Redlands Municipal Airport vicinity.

1.1.3. *City of Highland* - The City of Highland, can:

- (a) Be alert to the proximity of the Redlands Municipal Airport and the potential effects of its air traffic on land uses on the south side of the city.

#### 1.2. Geographic Scope

1.2.1. *Redlands Municipal Airport Influence Area* - Most of the policies set forth herein are directed toward land uses influenced by the proximity of the Redlands Municipal Airport.

- (a) In general, this influence area is defined to encompass:

- (1) All lands on which the uses could be negatively affected by present or future aircraft operations at the Redlands Municipal Airport and
  - (2) Lands on which the uses could negatively affect said airport.
- (b) The specific limits of the Redlands Municipal Airport influence area are depicted on the Redlands Municipal Airport Compatibility Map, Figure 2A, later in this chapter.
  - (c) The Redlands Municipal Airport influence area includes lands within unincorporated portions of the County of San Bernardino as well as lands within the Redlands city limits.
  - (d) No lands within the incorporated boundaries of the City of Highland fall within the airport influence area. However, the southern part of the city is noted on the Compatibility Map as an area of special compatibility concern as described in Section 2.2.4.
- 1.2.2. *Citywide Impacts on Flight Safety* - Airport compatibility concerns also extend to other lands (regardless of their location in the city limits) on which certain land use characteristics could adversely affect the safety of flight. These characteristics are listed in Paragraph 1.5.2.(g).
- 1.2.3. *Existing and Future Heliports* - The policies listed in Section 1.7 apply to the site and environs of any public-use or special-use heliport (as defined by the California Department of Transportation) which may exist or be proposed anywhere within the Redlands city limits.

### **1.3. Types of Airport Impacts**

- 1.3.1 Principal Compatibility Concerns - The airport land use compatibility concerns addressed by this plan fall into four categories:
- (a) Exposure to aircraft noise;
  - (b) Land use safety with respect both to people and property on the ground and the occupants of aircraft;
  - (c) Protection of airport airspace; and
  - (d) General concerns related to aircraft overflights.
- 1.3.2. Other Airport Impacts - Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are not considered herein.

### **1.4 Relationship to Local General Plans and Zoning**

- 1.4.1 Land Use Designations - The airport land use compatibility criteria included herein are intended to supplement the criteria established for individual land use designations under the City of Redlands and the County of San Bernardino general plans and zoning ordinances.

- 1.4.2 Options for Addressing Inconsistencies - Where direct conflicts exist between these criteria and the adopted land use designation for a particular location, one of the following actions should be taken:
- (a) If the property in question is undeveloped, the land use designation should be changed to one which is compatible with airport activities as defined herein.
  - (b) In cases where the affected land use already exists, the preferred action also is to change the land use designation to one which is compatible with airport activities. The effect of such an action would be to place the land use in a nonconforming status.
  - (c) Where a change in land use designation is not practical because of other land use planning considerations, appropriate restrictions on the use should be established by means of an airport overlay zone.
  - (d) Property situated immediately beyond each end of the proposed extension of the Redlands Municipal Airport runway should be acquired by the City of Redlands as recommended by the adopted Redlands Municipal Airport Master Plan.
- 1.4.3 Precedence - Until such time as one of the above actions is taken with regard to a particular parcel, the land use designations established in local general plans, specific plans, and zoning ordinances shall have precedence over the airport land use compatibility criteria set forth herein.
- 1.4.4. Land Use Plan Amendments - Any proposals to amend a general plan, specific plan, or zoning ordinance land use designation affecting land within the Redlands Municipal Airport influence area shall be reviewed with respect to the compatibility criteria set forth herein.
- (a) In the City of Redlands, this review requirement is established by General Plan policy 5.70h.
- 1.4.5. Required Findings - Prior to approval of any such amendment, specific findings shall be made that:
- (a) The amendment is consistent with the primary compatibility criteria and/or the supporting criteria for noise, safety, airspace protection, and overflight; or
  - (b) Other overriding land use factors are of higher priority.

## **1.5 Review of Individual Development Actions**

- 1.5.1 Purpose of Special Review - Once applicable general plans, specific plans, and zoning ordinances are brought into conformance with the compatibility criteria set forth in these policies, proposals for individual land use developments ordinarily would not require any special review for airport compatibility. However, certain

types of major public or private land use developments have the potential to significantly affect Redlands Municipal Airport activities or be affected by those activities.

- (a) The local jurisdiction having authority over approval of the development proposal (the City of Redlands or County of San Bernardino) shall specifically review the major development actions, as listed in Paragraph 1.5.2., for conformance with these airport compatibility criteria.
  - (b) The agency responsible for any such review shall coordinate its review with other affected agencies as indicated in Section 1.8.
- 1.5.2. *Types of Major Development* - Except as noted under special conditions (Section 2.2.3), this special compatibility review process shall apply to the following types of land use development located within the Redlands Municipal Airport influence area defined in Section 1.2.1:
- (a) Any project requiring a general plan, specific plan, or zoning ordinance amendment.
  - (b) Proposed residential development, including land divisions, consisting of five or more dwelling units or parcels.
  - (c) Building permit applications for projects having a valuation greater than \$1,000,000.
  - (d) Major capital improvements (e.g., water, sewer, or roads) which would promote urban uses in undeveloped or agricultural areas.
  - (e) Proposed land acquisition by a government entity for the purpose of developing a school or hospital.
  - (f) Requests for variance from the height limits established by a local zoning ordinance.
  - (g) Regardless of location within the City of Redlands, any proposal for construction or alteration of a structure (including antennas) taller than 200 feet above the ground level at the site. (Such structures also require notification to the Federal Aviation Administration in accordance with Federal Aviation Regulations Part 77, Paragraph 77.13(a)(1). See Appendix B herein.)
  - (h) Any other proposed land use action, as determined by the respective local planning agency, involving questionable compatibility with airport activities.
- 1.5.3. *Project Submittal Information* - When review of a land use development proposal is required under these airport land use compatibility policies (that is, the proposed development falls within the Redlands Municipal Airport influence area (as defined by Figure 2A) and is of a type listed in Paragraph 1.5.2), the following information shall be provided by the applicant in addition to the information otherwise required by the city or county:
- (a) An accurately scaled map showing the relationship of the project site to the Redlands Municipal Airport boundary and runway.

- (b) If applicable, a detailed site plan showing ground elevations, the location of structures, open spaces, and water bodies, and the heights of structures and trees.
  - (c) A description of permitted or proposed land uses and restrictions on the uses.
  - (d) For residential uses, an indication of the potential or proposed number of dwelling units per acre; or, for non-residential uses, the number of people potentially occupying the total site or portions thereof at any one time (see Appendix C for methods of calculating people per acre).
- 1.5.4. *Required Findings* - Prior to the approval of a proposal involving any of the above types of land use development, the responsible agency shall make specific findings that:
- (a) Such development is consistent with the primary compatibility criteria and/or the supporting criteria for noise, safety, airspace protection, and overflight; or
  - (b) Other overriding land use factors are of higher priority.

## **1.6 Relationship to Redlands Municipal Airport Plans and Operations**

- 1.6.1. *Redlands Municipal Airport Plans* - The compatibility policies and maps included herein are based upon and are consistent with the 1993 Redlands Municipal Airport Master Plan as adopted by the City of Redlands.
- 1.6.2. *Required Findings* - Any proposals to further develop the Redlands Municipal Airport or change the character of its use in a manner not anticipated by the adopted Master Plan shall be reviewed for consistency with these compatibility policies. Prior to approval of any such changes to the adopted plan, the City of Redlands shall make specific findings regarding the compatibility of that development or use with existing and planned land uses in the airport vicinity. Specific factors to be considered are defined in Section 2.3.
- 1.6.3. *Redlands Municipal Airport Operations* - The compatibility policies herein reflect the current patterns of Redlands Municipal Airport aircraft operations as dictated by federal and state regulations and any applicable local ordinances or permits. Unless supported by such regulations, ordinances, or permits, or amendments thereto, these policies are not intended to restrict the aircraft activity or other uses of the Redlands Municipal Airport.

## 1.7 Heliport Plans and Operations

- 1.7.1. *Project Submittal Information* - Any application for construction of a new heliport (or modification of an existing heliport) located within the City of Redlands for which a state heliport permit is required shall include sufficient information to enable adequate assessment of the proposal's noise, safety, height restriction, and overflight impacts. At a minimum, information to be submitted shall include:
- (a) A layout plan drawing of the proposed facility showing the location of: (1) property boundaries; (2) helicopter takeoff and landing areas; and (3) helicopter approach/departure zones.
  - (b) Airspace surfaces in accordance with Federal Aviation Regulations Part 77, together with the locations of any obstructions to those surfaces.
  - (c) Activity forecasts, including the number of operations by each type of helicopter proposed to use the facility.
  - (d) Proposed flight track locations and projected noise contours or other relevant noise impact data.
  - (e) A map showing existing and planned land uses in the vicinity of the proposed heliport.
  - (f) Identification and proposed mitigation of impacts of the types listed in Section 1.3 on surrounding land uses.
- 1.7.2. *Required Findings* - Prior to approval of a development plan for an existing or proposed public-use or special-use heliport, the City of Redlands shall make specific findings regarding the compatibility of that development with existing and planned land uses in the vicinity. Specific factors to be considered are defined in Section 2.3.
- 1.7.3. *Helicopter Operations* - The compatibility concerns addressed by these policies should be considered in the review of proposed operational procedures for any existing or future heliport located within the Redlands city limits. However, any helicopter operational procedures to be established or modified as the result of such review must be consistent with applicable federal and state aviation regulations.

## 1.8 Relationship to Other Local Agencies

- 1.8.1. *Notification of Other Agencies* - In addition to internal review, the primary agency involved (the City of Redlands, City of Highland, or the County of San Bernardino) shall refer information on certain actions involving airport land use compatibility issues to other involved agencies for review and comment.
- 1.8.2. *Actions Requiring Notification by City of Redlands* - The City of Redlands shall notify the County of San Bernardino and, if appropriate, the City of Highland regarding any of the following types of actions which have the potential to affect land uses within those jurisdictions.

- (a) Any proposed changes to the configuration of the Redlands Municipal Airport runway/taxiway system or instrument approach capabilities which are not indicated in the adopted Redlands Municipal Airport Master Plan.
  - (b) Any proposed modification to the airport's established airplane or helicopter flight patterns.
  - (c) Any proposed heliports which would result in approach/departure routes over unincorporated areas or the City of Highland.
- 1.8.3. *Actions Requiring Notification by County of San Bernardino* - The County of San Bernardino shall notify the City of Redlands regarding any of the following types of actions which have the potential to affect or be affected by Redlands Municipal Airport operations:
- (a) Any proposed amendments to a county general plan, specific plan, or zoning ordinance which would affect land uses within the Redlands Municipal Airport influence area.
  - (b) Any proposal for construction or alteration of an object which would be located within 20,000 feet of the Redlands Municipal Airport runway and which would require notice to the Federal Aviation Administration in accordance with Federal Aviation Regulations Part 77, Paragraph 77.13.
  - (c) Any proposal for construction of a public-use or special-use heliport or airport which would be located within 20,000 feet of the Redlands Municipal Airport runway and which would require a permit from the California Department of Transportation.
- 1.8.4. *Actions Requiring Notification by City of Highland* - The City of Highland shall notify the City of Redlands regarding any of the following types of actions which have the potential to affect or be affected by Redlands Municipal Airport operations:
- (a) Any proposal for construction or alteration of an object which would be located within 20,000 feet of the Redlands Municipal Airport runway and which would require notice to the Federal Aviation Administration in accordance with Federal Aviation Regulations Part 77, Paragraph 77.13.
  - (b) Any proposal for construction of a public-use or special-use heliport or airport which would be located within 20,000 feet of the Redlands Municipal Airport runway and which would require a permit from the California Department of Transportation.
- 1.8.5. *Responsible Agency* - Notification of other local agencies does not shift the primary responsibility for action on a proposed land use or airport development proposal from the jurisdiction within which the development would occur. Comments received from other agencies shall be treated in the manner otherwise required for the action involved.

## 2. COMPATIBILITY REVIEW CRITERIA

### 2.1 Basis for Compatibility Zone Boundaries

The boundaries of the airport land use compatibility zones diagramed in Figure 2A were initially outlined in accordance with the general guidelines described below. The basic boundaries were then modified to reflect airport traffic patterns, existing land uses, distinct geographic features, and other factors unique to the Redlands Municipal Airport and its environs. Noise, safety, overflight, and, to some extent, airspace protection concerns were all taken into account in the boundary definitions.

- 2.1.1. *Compatibility Zone A* - Zone A includes the airport runway and immediately adjacent areas wherein uses are restricted to aeronautical functions in accordance with Federal Aviation Administration standards. The lateral limits of Zone A are defined by the airfield building restriction lines as depicted on the Redlands Municipal Airport Layout Plan. The length of Compatibility Zone A is set to encompass the runway protection zone located at each end of the runway. Runway protection zone dimensions are defined by Federal Aviation Administration airport design standards and take into account the runway approach type and the type of aircraft the runway is intended to accommodate.
- 2.1.2. *Compatibility Zone B1* - The boundaries of *Zone B1* are intended to encompass the 60 dBA Community Noise Equivalent Level contour as well as additional areas where aircraft commonly flying at less than 400 feet above ground level (ACL) when approaching or departing the airport. The size and shape of *Zone B1* at Redlands Municipal Airport reflects both the dominance of departures toward the west and the lack of an airplane traffic pattern on the south side of the runway.
- 2.1.3. *Compatibility Zone 82* - Zone 82 includes areas along the principal departure paths overflown by a high volume of aircraft at an altitude of less than 800 feet ACL.
  - (a) Because relatively few of the departures at Redlands Municipal Airport are to the east, no Zone 82 is included at that end of the runway.
  - (b) Also included within the *Redlands Municipal Airport Zone B2* are the standard helicopter approach and departure routes and flight training pattern as currently established south of the airport. The south-side pattern is the result both of the landing site's location south of the runway and the preferred practice of separating helicopter traffic from airplane traffic. The Redlands Airport Advisory Board has recommended to the City Council that the existing helicopter flight training pattern be regarded as an interim pattern for use only until such time as residential development occurs within the area affected. In the meantime, efforts will be made to determine an alternative pattern location (potentially on the north side of the airport with construction of a new helipad in the airport's northeast corner). If a future amendment of the airport rules and regulations officially eliminates the present south-side helicopter flight training pattern, most of the *Zone B2* adjacent to the south side of the airport can be redesignated as a *Zone C*. A portion of the area may need to remain as Zone 82 to reflect the flight route of helicopters approaching and departing the airport from and to the south.

- 2.1.4. *Compatibility Zone C* - The outer boundary of Zone C is defined as the area commonly overflowed by aircraft at an altitude of 1,000 feet or less above ground level. Included are locations beneath the traffic pattern and pattern entry points. Also included is the area southeast of the airport where high terrain results in penetrations of the FAR Part 77 airspace surfaces.
- 2.1.5. *Compatibility Zone D* - Zone D includes other areas within the airport vicinity which are overflowed less frequently or at a higher altitude by aircraft arriving and departing the airport.

## 2.2 Land Use Actions

- 2.2.1. *Primary Land Use Compatibility Criteria* - The primary criteria for assessing whether a potential land use development is to be judged compatible with a nearby airport are set forth in the Primary Compatibility Criteria matrix. Table 2A. These criteria are to be used in conjunction with the compatibility map and policies for Redlands Municipal Airport as presented in Figure 2A.
- 2.2.2. *Function of Supporting Criteria* - The Primary Compatibility Criteria matrix represents a compilation of compatibility criteria associated with each of the four types of airport impacts listed in Section 1.3. For the purposes of preparing or amending community land use plans and zoning ordinances, as well as in the review of most individual development proposals, the criteria in the matrix are anticipated to suffice. However, certain complex land use actions may require more intensive review. The supporting compatibility criteria outlined in Section 3 are provided for use in those circumstances.
- 2.2.3. *Special Conditions*
  - (a) *Infill* - Where substantial incompatible development already exists, additional infill development of similar land uses may be allowed to occur even if such land uses are to be prohibited elsewhere in the zone. This exception does not apply within the Compatibility Zone A. Projects can be considered infill if they meet all of the following criteria:
    - (1) The project site is bounded on at least three sides by uses similar to those proposed.
    - (2) The proposed project would not extend the perimeter of the area developed with incompatible uses.
    - (3) The proposed project does not otherwise increase the intensity and/or incompatibility of use through use permits, density transfers or other strategy.

Zone	Location	Impact Elements	Maximum Densities		Required Open Land <sup>3</sup>
			Residential (du/ac) <sup>1</sup>	Other Uses (people/ac) <sup>2</sup>	
<b>A</b>	Runway Protection Zone or within Building Restriction Line	<ul style="list-style-type: none"> <li>High risk</li> <li>High noise levels</li> </ul>	0	10	All Remaining
<b>B1</b>	Approach/Departure Zone and Adjacent to Runway	<ul style="list-style-type: none"> <li>Substantial risk – aircraft commonly below 800 ft. AGL</li> <li>Substantial noise</li> </ul>	0.1 (10-acre parcel)	60	30%
<b>B2</b>	Extended Approach/Departure Zone	<ul style="list-style-type: none"> <li>Moderate risk – aircraft commonly below 400 ft. AGL or within 1,000 ft. of runway</li> <li>Significant noise</li> </ul>	0.5 (2-acre parcel)	90	30%
<b>C</b>	Common Traffic Pattern	<ul style="list-style-type: none"> <li>Limited risk – aircraft at or below 1,000 ft. AGL</li> <li>Frequent noise intrusions</li> </ul>	6	150	15%
<b>D</b>	Other Airport Environs	<ul style="list-style-type: none"> <li>Negligible risk</li> <li>Potential for annoyance from overflights</li> </ul>	No Limit	No Limit	No Requirement

Zone	Additional Criteria		Examples	
	Prohibited Uses	Other Development Conditions <sup>4</sup>	Normally Acceptable Uses <sup>5</sup>	Uses Not Normally Acceptable <sup>6</sup>
<b>A</b>	<ul style="list-style-type: none"> <li>All structures except one with location set by aeronautical function</li> <li>Assemblages of people</li> <li>Objects exceeding FAR Part 77 height limits</li> <li>Aboveground bulk storage of hazardous materials</li> <li>Hazard to flight<sup>7</sup></li> </ul>	<ul style="list-style-type: none"> <li>Dedication of avigation easement</li> </ul>	<ul style="list-style-type: none"> <li>Aircraft tiedown apron</li> <li>Pastures, field crops, vineyards</li> <li>Automobile parking</li> </ul>	<ul style="list-style-type: none"> <li>Heavy poles, signs, etc.</li> <li>Orchards, large trees</li> </ul>
<b>B1 and B2</b>	<ul style="list-style-type: none"> <li>Children's schools, day care centers, libraries</li> <li>Hospitals, nursing homes</li> <li>Highly noise-sensitive uses (e.g., outdoor theaters)</li> <li>Aboveground bulk storage of hazardous materials<sup>8</sup></li> <li>Hazards to flight<sup>7</sup></li> </ul>	<ul style="list-style-type: none"> <li>Locate structures maximum distance from extended runway centerline</li> <li>Minimum NLR<sup>9</sup> of 25 dB in residential and office buildings</li> <li>Dedication of avigation easement</li> </ul>	<ul style="list-style-type: none"> <li>Uses in Zone A</li> <li>Agricultural uses except ones attracting birds</li> <li>Single-family residences on existing lots</li> <li>Warehousing, truck terminals, low-intensity manufacturing</li> <li>Single-story offices</li> <li>Low-intensity retail (e.g., auto, furniture sales)</li> </ul>	<ul style="list-style-type: none"> <li>Residential subdivisions</li> <li>Multi-family residential</li> <li>Intensive retail uses</li> <li>Intensive manufacturing or food processing uses</li> <li>Multiple story offices</li> <li>Hotels and motels</li> </ul>
<b>C</b>	<ul style="list-style-type: none"> <li>Children's schools</li> <li>Hospitals, nursing homes</li> <li>Hazards to flight<sup>7</sup></li> </ul>	<ul style="list-style-type: none"> <li>Dedication of overflight easement for residential uses</li> </ul>	<ul style="list-style-type: none"> <li>Uses in Zones B1 and B2</li> <li>Parks, playgrounds</li> <li>General retail, offices, etc. (2-story maximum)</li> <li>Low-intensity manufacturing, food processing</li> <li>Two-story motels</li> </ul>	<ul style="list-style-type: none"> <li>Major shopping malls</li> <li>Theaters, auditoriums</li> <li>Large sports stadiums</li> <li>Hi-rise office buildings</li> </ul>
<b>D</b>	<ul style="list-style-type: none"> <li>Hazards to flight<sup>7</sup></li> </ul>	<ul style="list-style-type: none"> <li>Deed notice required for residential development</li> </ul>	<ul style="list-style-type: none"> <li>All except ones hazardous to flight</li> </ul>	

Source: Shutt Moen Associates (September 1996)

Table 2A

**Primary Compatibility Criteria**  
Redlands Municipal Airport

**NOTES**

- 1 Residential development should not contain more than the indicated number of dwelling units per gross acre. Clustering of units is encouraged as a means of meeting the Required Open Land requirements.
- 2 The land use should not attract more than the indicated number of people per acre at any time, measured as an average over the entire site. In *Compatibility Zones B1 and B2*, no single acre (rectangular, not irregular in shape) should be occupied by more than double the average number of people per acre allowed for the specified compatibility zone. In *Zone C*, no single acre should attract more than triple the average allowable number of people per acre. These figures should include all individuals who may be on the property (e.g., employees, customers, visitors, etc.). These densities are intended as general planning guidelines to aid in determining the acceptability of proposed land uses.
- 3 Open land requirements are intended to be applied with respect to an entire zone. This is typically accomplished as part of a community general plan or a specific plan. See supporting compatibility policies on safety for definition of open land.
- 4 Airport proximity and the existence of aircraft overflights should be disclosed as part of all real estate transactions involving property within any of the airport influence area zones. Easement dedication and deed notice requirements apply only to new development.
- 5 These uses typically can be designed to meet the density requirements and other development conditions listed.
- 6 These uses typically do not meet the density and other development conditions listed. They should be allowed only if a major community objective is served by their location in this zone and no feasible alternative location exists.
- 7 Hazards to flight include physical, visual, and electronic forms of interference with the safety of aircraft operations. See supporting compatibility policies on airspace protection for details.
- 8 Storage of aviation fuel, other aviation-related flammable materials, and up to 2,000 gallons of nonaviation flammable materials are exempted from this criterion in *Zones B1 and B2*.
- 9 NLR = Noise Level Reduction; i.e., the attenuation of sound level from outside to inside provided by the structure.

**Table 2A, Continued**

- (4) The entity having land use authority (City of Redlands or County of San Bernardino) has determined that substantial development already exists and has identified the area accordingly in its general plan or other adopted planning document. (Some of these areas are identified in Appendix C.)
  - (b) *Nonconforming Uses* - In locations not designated as infill areas, nonconforming uses may be expanded by up to 20% of the existing structure floor area or 1,000 square feet, whichever is greater. Nonconforming single-family residences may be expanded provided that the expansion does not result in an additional dwelling unit. These exceptions do not apply within *Compatibility Zone A*. Local ordinances on non-conforming uses may be used if they are more restrictive.
  - (c) *Reconstruction* - Where an existing incompatible development has been partially or fully destroyed, it may be allowed to be rebuilt to a density not exceeding that of the original construction. This exception does not apply within *Compatibility Zone A*.
  - (d) *Land Use Conversion* - The compatibility of uses in the airport influence area shall be preserved to the maximum feasible extent. Particular emphasis should be placed on preservation of existing agricultural and open space uses.
    - (1) The conversion of land from existing or planned agricultural, industrial, or commercial use to residential uses within *Compatibility Zones A and B* is strongly discouraged.
    - (2) In *Compatibility Zone C*, general plan amendments (as well as other discretionary actions such as rezonings, subdivision approvals, use permits, etc.) which would convert land to residential use or increase the density of residential uses should be subject to careful consideration of overflight impacts.
- 2.2.4. *Areas of Special Compatibility Concern* - The purpose of this designation is take note of locations which: (1) are routinely overflown by aircraft approaching and/or departing the Redlands Municipal Airport, but at some distance from the airport; and (2) have existing and planned land uses which are compatible with the airport activity.
- (a) Notation of areas of special compatibility concern is intended to serve as a reminder that airport impacts should be carefully considered in any decision to change the current land use designation.
  - (b) These areas are not part of the Redlands Municipal Airport influence area and are not subject to the review policies contained in this *Compatibility Plan*, except with respect to the notification requirements indicated in Paragraph 1.8.4. Also, establishment of a buyer awareness program is encouraged if any of these areas are to be converted to residential uses.

- (c) The only portion of the Redlands Municipal Airport environs designated in this manner is the southern edge of the City of Highland.

## 2.3 Airport Development Plans

2.3.1 *Airport Improvement Plans* - When reviewing a future master plan or other plan for improvement of the Redlands Municipal Airport, land use compatibility issues should be evaluated with respect to potential changes in noise, overflight, and safety impacts or height restrictions which would result from the plans' implementation. Inconsistencies between such plans and the compatibility policies herein may occur if the airport improvement plans include:

- (a) New activity forecasts which are: (1) significantly higher than those used in developing the *Redlands Municipal Airport Compatibility Map*; or (2) assume a higher proportion of larger or noisier aircraft
- (b) Proposals for facilities or procedures not assumed herein; specifically:
  - (1) Construction of a new runway or helicopter takeoff and landing area.
  - (2) Change in the length, width, or landing threshold location of an existing runway.
  - (3) Establishment of an instrument approach procedure.
  - (4) Modification of the flight tracks associated with existing visual or instrument operations procedures.

2.3.2 *New Heliports* - If a heliport should be proposed for construction within the Redlands city limits, it should be reviewed for compatibility with surrounding land uses. The review should examine the impacts that the facility would have upon both existing and planned land uses. Questions to be considered include:

- (A) Would the existing or planned land uses be considered incompatible with the heliport if the latter were already in existence?
- (B) What measures are included in the proposal to mitigate the noise, safety, and height restriction impacts on surrounding land uses? Such measures might include:
  - (1) Locating flight tracks so as to minimize the impacts.
  - (2) Other operational procedures to minimize impacts.
  - (3) Acquisition of property interests (fee title or easements) on the impacted land.

### 3. SUPPORTING COMPATIBILITY CRITERIA

#### 3.1 Noise

- 3.1.1. *Projected Noise Levels* - The evaluation of airport/land use noise compatibility shall consider the future Community Noise Equivalent Level (CNEL) contours of Redlands Municipal Airport or a proposed heliport. These contours are calculated based upon aircraft activity forecasts which are set forth in the Redlands Municipal Airport Master Plan or other local planning documents. The city should periodically review the projected noise level contours and update them if appropriate.
- 3.1.2. *Application of Noise Contours* - The locations of CNEL contours are one of the factors used to define compatibility zone boundaries and criteria. It is intended that noise compatibility criteria be applied at the general plan, specific plan, or other broad-scale level. Because of the inherent variability of flight paths and other factors that influence noise emissions, the depicted contour boundaries are not absolute determinants of the compatibility or incompatibility of a given land use. Noise contours can only quantify noise impacts in a general manner; except on large parcels or blocks of land, they should not be used as site design criteria.
- 3.1.3. *Noise Exposure in Residential Areas* - The maximum CNEL considered normally acceptable for residential uses in the vicinity of the Redlands Municipal Airport or any heliport covered by this plan is 60 dB. (Note that this criterion is more stringent than the noise criteria established in the General Plan for residential land uses affected by other noise sources.)
- 3.1.4. *Noise Exposure for Other Land Uses* - Noise level compatibility standards for other types of land uses shall be applied in the same manner as the above residential noise level criteria. Examples of acceptable noise levels for other land uses in an airport's vicinity are presented in Table 2B.
- 3.1.5. *Other Noise Factors* - The extent of outdoor activity associated with a particular land use is an important factor to be considered in evaluating its compatibility with airport noise. In most locations, noise level reduction measures (such as installation of sound insulation or noise barriers) are only effective in reducing interior noise levels.
- 3.1.6. *Single-Event Noise Levels* - Single-event noise levels should be considered when evaluating the compatibility of highly noise-sensitive land uses such as schools, libraries, and outdoor theaters. Single-event noise levels are especially important in areas which are regularly overflowed by aircraft, but which do not produce significant CNEL contours (helicopter overflight areas are a particular example). Flight patterns for the Redlands Municipal Airport or any proposed heliport should be considered in the review process. Acoustical studies or on-site noise measurements may be required to assist, in determining the compatibility of sensitive uses.

Land Use Category	CNEL (dB)				
	50-55	55-60	60-65	65-70	70-75
<i>Residential</i>					
single-family, nursing homes, mobile homes	++	+	-	--	--
multi-family, apartments, condominiums	++	+	o	--	--
<i>Public</i>					
schools, libraries, hospitals	+	o	-	--	--
churches, auditoriums, concert hall	+	o	o	-	--
transportation, parking, cemeteries	++	++	++	+	o
<i>Commercial and Industrial</i>					
offices, retail trade	++	+	o	o	--
service commercial, wholesale trade, warehousing, light industrial	++	++	++	o	o
general manufacturing, utilities, extractive industry	++	++	++	+	+
<i>Agricultural and Recreational</i>					
Cropland	++	++	++	++	+
livestock breeding	++	+	o	o	-
parks, playgrounds, zoos	++	+	+	o	-
golf courses, riding stables, water recreation	++	++	+	o	o
outdoor spectator sports amphitheaters	+	o	-	--	--
<hr/>					
Land Use Acceptability	Interpretation/Comments				
++ <i>Clearly Acceptable</i>	The activities associated with the specified land use can be carried out with essentially no interference from the noise exposure.				
+ <i>Normally Acceptable</i>	Noise is a factor to be considered in that slight interference with outdoor activities may occur. Conventional construction methods will eliminate most noise intrusions upon indoor activities.				
o <i>Marginally Acceptable</i>	The indicated noise exposure will cause moderate interference with outdoor activities and with indoor activities when windows are open. The land use is acceptable on the conditions that outdoor activities are minimal and construction features which provide sufficient noise attenuation are used (e.g., installation of air conditioning so that windows can be kept closed). Under other circumstances, the land use should be discouraged.				
- <i>Normally Unacceptable</i>	Noise will create substantial interference with both outdoor and indoor activities. Noise intrusion upon indoor activities can be mitigated by requiring special noise insulation construction. Land uses which have conventionally constructed structures and/or involve outdoor activities which would be disrupted by noise should generally be avoided.				
-- <i>Clearly Unacceptable</i>	Unacceptable noise intrusion upon land use activities will occur. Adequate structural noise insulation is not practical under most circumstances. The indicated land use should be avoided unless strong overriding factors prevail and it should be prohibited if outdoor activities are involved.				
Source: Shutt Moen Associates (September 1996)					

Table 2B

## Noise Compatibility Criteria

### Redlands Municipal Airport

## 3.2 Safety

- 3.2.1. *Objective* - The intent of land use safety compatibility criteria is to minimize the risks associated with an off-airport aircraft accident or emergency landing.
- (A) Risks both to people and property in the vicinity of an airport and to people on board-the aircraft shall be considered.
  - (B) More stringent land use controls shall be applied to the areas with greater potential risk.
- 3.2.2. *Risks to People on the Ground* - The principal means of reducing risks to people on the ground is to restrict land uses so as to limit the number of people who might gather in areas most susceptible to aircraft accidents.
- (A) A method for determining the concentration of people for various land uses is provided in Appendix C.
- 3.2.3. *Land Uses of Particular Concern* - Land uses of particular concern are ones in which the occupants have reduced effective mobility or are unable to respond to emergency situations. Children's schools and day care centers (with 7 or more children), hospitals, nursing homes, and other uses in which the majority of occupants are children, elderly, and/or handicapped shall be prohibited within *Compatibility Zones A, B1, B2, and C*.
- (A) Children's schools and day care centers are facilities as defined by state law.
  - (B) Hospitals are medical facilities which include provision for overnight stays by patients. Day-use medical clinics are permitted in *Compatibility Zones B1, B2, and C* provided that these facilities meet the maximum density standards found in Table 2A, *Primary Compatibility Criteria*.
- 3.2.4. *Other Risks* - Storage of fuel or other hazardous materials shall be prohibited in Compatibility Zone A. Except for aviation fuel, other aviation-related flammable materials, and up to 2,000 gallons of nonaviation flammable materials, storage of such materials also shall be prohibited in *Compatibility Zones B1 and B2*.
- 3.2.5. *Open Land* - In the event that an aircraft is forced to land away from an airport, the risks to the people on board can best be minimized by providing as much open land area as possible within the airport vicinity. This concept is based upon the fact that the majority of aircraft accidents and incidents occurring away from an airport runway are controlled emergency landings in which the pilot has reasonable opportunity to select the landing site.
- (a) To qualify as open land, an area must be:
    - (1) Free of structures and other major obstacles such as walls, large trees or poles, and overhead wires.
    - (2) Have minimum dimensions of at least 75 feet by 300 feet.

- (b) Roads and automobile parking lots are acceptable as open land areas if they meet the above criteria.
- (c) Open land requirements for each compatibility zone are to be applied with respect to the entire zone. Individual parcels may be too small to accommodate the minimum-size open area requirement. Consequently, the identification of open land areas must initially be accomplished at the general plan or specific plan level or as part of large-acreage projects.
- (d) Clustering of development and providing contiguous landscaped and parking areas is encouraged as a means of increasing the size of open land areas.
- (e) Building envelopes and the airport compatibility zones should be indicated on all development plans and tentative maps within the Redlands Municipal Airport influence area in order to assure that individual development projects provide the open land areas identified in the applicable general plan, specific plan, or other large-scale plan.

### 3.3 Airspace Protection

- 3.3.1. *Height Limits* - The criteria for limiting the height of structures, trees, and other objects in the vicinity of an airport shall be set in accordance with Part 77, Subpart C, of the Federal Aviation Regulations (see Appendix B herein) and, if it should become applicable, with the United States Standard for Terminal Instrument Procedures (TERPS). The Redlands Municipal Airport Airspace Plan is depicted in Figure 3C.
- 3.3.2. *Avigation Easement Dedication* - As a condition for approval of any proposed development within *Compatibility Zone B1 or B2*, the owner shall be required to dedicate an avigation easement to the City of Redlands (it is the intent of the city to acquire remaining private property within *Zone A*).
  - (a) The avigation easement shall:
    - (1) Provide the right of flight in the airspace above the property;
    - (2) Allow the generation of noise and other impacts associated with aircraft overflight;
    - (3) Restrict the height of structures, trees and other objects in accordance with the Redlands Municipal Airport Airspace Plan (Figure 3C herein) and Section 3.3.3;
    - (4) Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit; and
    - (5) Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property. An example of an avigation easement is provided in Appendix E.

- (b) Within *Compatibility Zones A and B1*, height restrictions of less than 35 feet may be required. See the *Redlands Municipal Airport Airspace Plan* (Figure 3C).
- 3.3.3. *Minimum Restriction* - Other than within *Compatibility Zones A and B1*, no restrictions shall be set which limit the height of structures, trees, or other objects to less than 35 feet above the level of the ground on which they are located even if the terrain or objects on the ground may penetrate Federal Aviation Regulations Part 77 surfaces.
- (a) In locations within *Compatibility Zones B2 and C* where the ground level exceeds or comes within 35 feet of a Part 77 surface, dedication of an aviation easement limiting heights to 35 feet shall be required in accordance with Paragraph 3.3.2. (No such locations appear to exist within the Redlands Municipal Airport vicinity.)
- 3.3.4. *FAA Notification* - Proponents of a project which may exceed a Part 77 surface must notify the Federal Aviation Administration as required by FAR Part 77, Subpart B, and by the California State Public Utilities Code Sections 21658 and 21659. (Notification to the Federal Aviation Administration under FAR Part 77, Subpart B, is required even for certain proposed construction that does not exceed the height limits allowed by Subpart C of the regulations. Refer to Appendix B for the specific Federal Aviation Administration notification requirements.)
- (a) Local jurisdictions shall inform project proponents of the requirements for notification to the Federal Aviation Administration.
- (b) The requirement for notification to the Federal Aviation Administration shall not necessarily trigger an airport compatibility review of an individual project by the local agency (county or city) if the project is otherwise in conformance with the compatibility criteria established herein.
- (c) Any project submitted for airport land use compatibility review for reason of height-limit issues shall include a copy of FAR Part 77 notification to the Federal Aviation Administration.
- 3.3.5. *Other Flight Hazards* - Land uses which may produce hazards to aircraft in flight shall not be permitted within the airport influence area. Specific characteristics to be avoided include:
- (a) Glare or distracting lights which could be mistaken for airport lights;
- (b) Sources of dust, steam, or smoke which may impair pilot visibility;
- (c) Sources of electrical interference with aircraft communications or navigation;  
and
- (d) Any use, especially landfills and certain agricultural uses, which may attract large flocks of birds.

### 3.4 Overflights

3.4.1. *Nature of Impact* - All locations within the Redlands Municipal Airport influence area are regarded as potentially subject to routine aircraft overflight. Although sensitivity to aircraft overflights varies from one person to another, overflight sensitivity is particularly important within residential land uses.

- (a) The City of Redlands and County of San Bernardino should each establish an overlay zone for all properties located within the Redlands Municipal Airport influence area. One function of such an ordinance would be to provide constructive notice as to: (1) what real property is within the airport influence area; and (2) the obligations of a seller of real property to disclose information regarding the airport's proximity to any prospective buyer.
- (b) The City of Redlands and County of San Bernardino may require other appropriate measures, including, but not limited to, requiring the dedication of aviation or overflight easements and deed noticing. See "Other Development Conditions" in Table 2A for guidance on where measures should be applied.

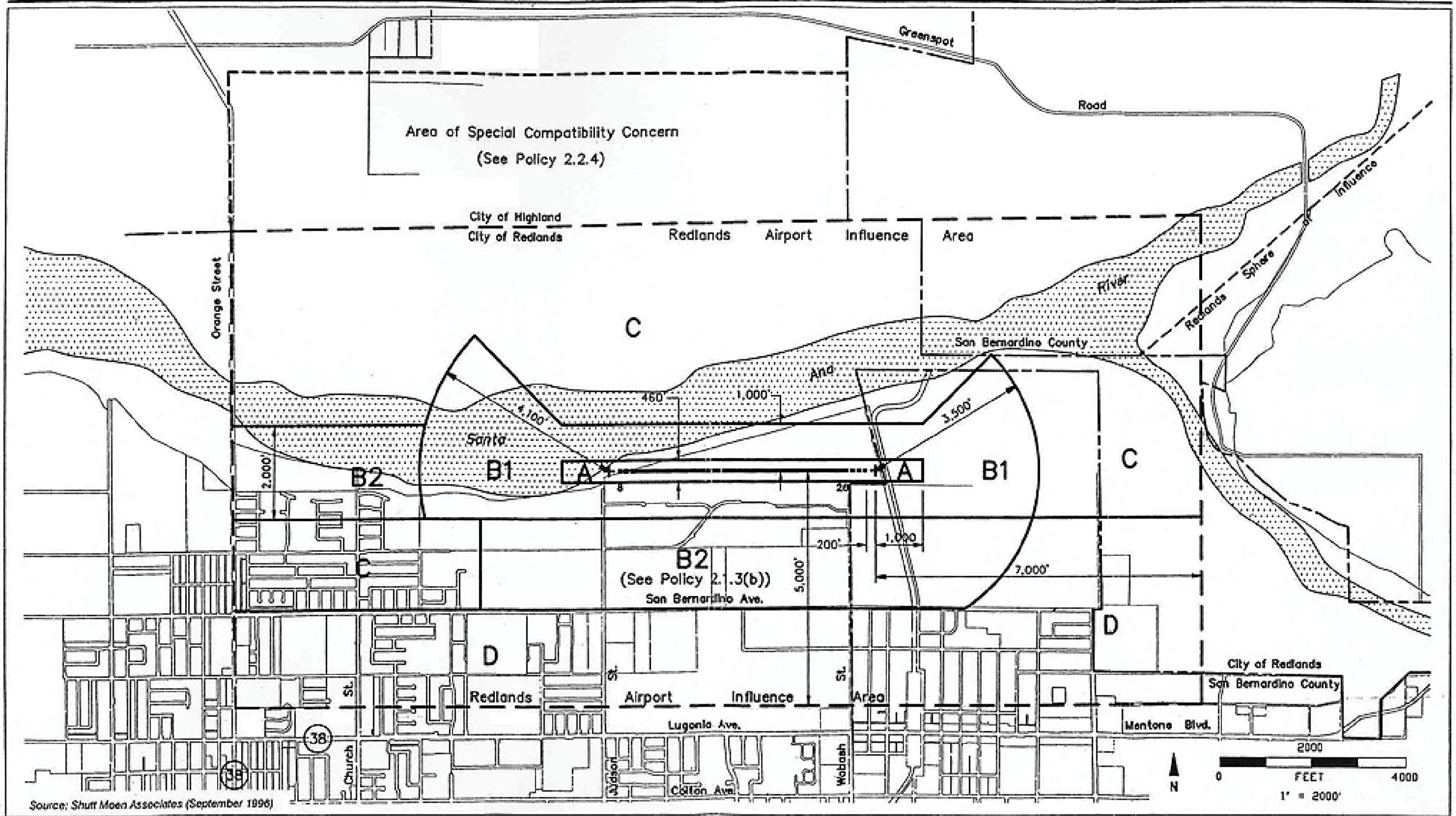


Figure 2A

Compatibility Map  
Redlands Municipal Airport

3

## Background Data

# 3

## Background Data

### INTRODUCTION

### INTRODUCTION

This chapter contains background information relevant to land use compatibility planning for the areas surrounding the Redlands Municipal Airport. Most of this data is summarized from the 1993 *Redlands Municipal Airport Master Plan*. The information is presented here as a means of documenting the airport-specific data upon which this *Compatibility Plan* is based. The material is organized as follows:

- **Airport Environs** - A description of existing and planned land uses in the airport vicinity.
- **Airport Features** - A listing of the principal physical features and services of the airport. The emphasis is on data having potential implications for land use compatibility.
- **Airport Layout Plan** - A copy of the current airport layout plan as shown in the adopted *Airport Master Plan*.
- **Airport Activity** - Data regarding current and forecast airport activity as indicated in the *Airport Master Plan*. Updated information is noted where available.
- **Noise Impact Area** - A map depicting future noise impacts of the airport as projected by the *Airport Master Plan*. Flight track locations, as described by airport management and tenants, have been added to the drawing.
- **Airspace Plan** - Height limit surfaces defined by Part 77 of the Federal Aviation Regulations as illustrated in the *Airport Master Plan*.

**AIRPORT LOCATION AND NEARBY TOPOGRAPHY**

- Located 2 miles northeast of Redlands city center, 7 miles east of city of San Bernardino and 70 miles east of Los Angeles.
- Situated in flat land along south edge of Santa Ana Wash.
- Gradually rising terrain to east; base of San Bernardino Mountains within 3 miles to north and northeast.

**AIRPORT ENVIRONS LAND USE JURISDICTIONS**

- City of Redlands:
  - Airport property fully within city limits.
  - Lands west, south, and within 1 mile north also within city limits.
  - East (beyond 750 feet from runway end) and southeast areas unincorporated, but within Redlands sphere of influence.
- City of Highland:
  - Southeast corner of city is 1 mile north of airport.
- County of San Bernardino:
  - County has jurisdiction within unincorporated area to east and south east and also to northeast beyond ½ mile from runway end.

**EXISTING AIRPORT AREA LAND USES****General Character**

- Mostly agricultural land and open space (including Santa Ana Wash to north) within 1 mile of airport.
- Extensive residential subdivisions beyond 1 mile to west and south and 2 miles to north.

**Runway Approaches**

- Runway 8 (west) Approach - Santa Ana Wash at runway end; residential subdivisions beyond 1 mile.
- Runway 26 (east) Approach - Industrial uses at edge of runway protection zone; Santa Ana Wash and citrus groves beyond ½ mile.

**Traffic Pattern**

- Airplane pattern (only on north side of runway) mostly over Santa Ana Wash.
- Residential uses along pattern entry routes to northwest and west.
- Helicopter pattern south of airport mostly over agricultural and industrial areas.

Source: Shutt Moen Associates (September 1996)

**PLANNED LAND USES IN AIRPORT AREA**

- New *City of Redlands General Plan* adopted in 1995 governs within most of airport environs.
  - Area north of airport limited to flood control use.
  - Lands along south side of airport and in unincorporated area to east reserved for industrial and airport-related uses.
  - West approach and most of lands to east designated to remain agricultural.
  - Park usage indicated for east approach and under helicopter traffic pattern to south.
  - Residential areas within ¾ mile of airport boundary mostly limited to very low density.
- Current *City of Highland General Plan* shows lands south of Greenspot Road designated for flood control, agriculture, and very-low-density residential.
- County of San Bernardino land use plans and zoning covers lands east of airport; indicated uses include:
  - Regional industrial in Runway 26 approach corridor.
  - Floodway to northeast.
  - Urban uses consistent with existing development and Redlands land use designations to southeast.

**ESTABLISHED COMPATIBILITY MEASURES**

- *Redlands General Plan* contains several policies intended to assure compatibility of land uses in airport vicinity.
  - Land uses within projected CNEL 65 dB contour limited to agricultural, open space, golf course, and light industry.
  - Dedication of aviation easements is required as a condition for development approval of projects within one mile of the CNEL 65-dB contour.
  - Airport area development which is subject to discretionary approval to be reviewed with respect to policies in this Compatibility Plan.
  - General Plan establishes safety areas in the vicinity of the airport to minimize hazards to life and property both in the air and on the ground. These areas are based upon the Aviation Safety Component of the 1989 San Bernardino County General Plan.
- Redlands Municipal Code, Section 18.132, Airport Flight Zone, limits heights of objects in airport vicinity.
- San Bernardino County procedures for review of projects within airport planning areas require referral of project information to airport proprietor jurisdiction.

**Table 3A**

## Airport Environs

### Redlands Municipal Airport

**AIRPORT PROPERTY**

- *Ownership* - City of Redlands.
- *Size* - 170 acres.
- *Elevation* - 1,569 feet MSL.

**AIRPORT PLANNING**

- *Adopted Plans*
  - 1993 Master Plan
- *Proposed Improvements*
  - Extension of Runway 8-26 (350 ft. west; 450 ft. east).
  - RPZ property acquisition.
  - Partial parallel taxiway to north.
  - Apron expansion and hangar construction.

**BUILDING AREA**

- *Location* - South side of airfield.
- *Aircraft Parking Capacity*
  - 307 based and transient tiedowns.
  - 125± hangar spaces.
- *Other Major Facilities* - Fixed base operations maintenance hangars and offices.
- *Services* - Fixed base operators provide aircraft repairs, instruction and rental, pilots' supplies, and air charter service.

**RUNWAY SYSTEM****Runway 8-26 (Existing)**

- *Critical Aircraft* - Light, twin-engine propeller.
- *Classification* - Airport Reference Code B-I.
- *Dimensions* - 4,510 feet long, 75 feet wide.
  - Runway 8 threshold displaced 900 ft. (short RSA).
  - Runway 26 threshold displaced 800 ft. (power line).
- *Lighting* - Medium-intensity runway edge lighting; Runway end identification lighting.
- *Navigational Aids* - Runway 8 equipped with VASI.
- *Surface* - Asphalt, 12,500 lb. single wheel load.
- *Primary Taxiways* - Full-length south parallel taxiway.
- *Average Gradient* - 2.26%.

**Runway 8-26 (Future)**

- *Critical Aircraft* - Small business jet.
- *Classification* - No change.
- *Dimensions* - 5,310 feet long, 75 feet wide.
  - Runway 26 threshold displaced 266 ft.
- *Lighting* - No changes planned.
- *Navigational Aids* - PAPIs at both runway ends.
- *Surface* - No change.
- *Primary Taxiways* - Edge lighting to be added on south parallel taxiway; partial north parallel taxiway planned.
- *Average Gradient* - 2.16%.

**RUNWAY APPROACHES AND TRAFFIC PATTERNS****Runway 8-26 (Existing)**

- *Approach Type* - Visual at both runway ends.
- *Runway Protection Zones*
  - Runway 8 - Mostly within airport property line.
  - Runway 26 - Roughly 2/3 on airport property.
- *Approach Obstacles*
  - Runway 8 - None.
  - Runway 26 - Power poles, rail line recently removed.
- *Airplane Traffic Pattern* (see Figure 3B)
  - Only on north side of runway.
  - Altitude - 800 feet above airport elevation.
  - Arrival/departure routes affected by airspace of San Bernardino Int'l Airport (formerly Norton AFB) 4½ miles west and by mountains north and northwest.
- *Noise Abatement Procedures* - Avoid overflights of residential housing when possible.
- *Helicopter Traffic Pattern* - South side of runway; designated for interim use.

**Runway 8-26 (Future)**

- *Approach Type* - Visual (no instrument procedures planned).
- *Runway Protection Zones* - Property/aviation easement acquisition planned for remainder of future RPZs.
- *Approach Obstacles* - None.
- *Traffic Patterns* - No changes planned.
- *Noise Abatement Procedures* - No changes planned.
- *Helicopter Traffic Pattern* - To be moved from south side when necessary to allow residential development beneath pattern.

Source: Compiled by Shutt Moen Associates (September 1996) from 1993 Airport Master Plan

**Table 3B**

## Airport Features

### Redlands Municipal Airport

BASED AIRCRAFT			TIME OF DAY DISTRIBUTION		
	<b>Current<sup>a</sup></b>	<b>Future<sup>b</sup></b>		<b>Current<sup>a</sup></b>	<b>Future<sup>b</sup></b>
Single Engine	200	323	Day	95%	95%
Multi Engine	28	54	Evening	4%	4%
Turboprop	2	6	Night	1%	1%
Turbojet	0	3			
Helicopter	0	5			
Total	230 <sup>c</sup>	391			
AIRCRAFT OPERATIONS			RUNWAY USE DISTRIBUTION		
	<b>Current<sup>a</sup></b>	<b>Future<sup>b</sup></b>		<b>Current<sup>a</sup></b>	<b>Future<sup>b</sup></b>
Total			All Aircraft		
Annual	65,100 <sup>d</sup>	102,000	Takeoffs		
Average Day	178	279	Runway 8	15%	same
			Runway 26	85%	
Distribution			Landings		
Single-Engine	88.7%	86.3%	Runway 8	15%	same
Twin-Engine	10.5%	11.0%	Runway 26	85%	
Turboprop	0.3%	0.7%			
Turbojet	0.3%	1.0%			
Helicopter	0.3%	1.0%			
			FLIGHT TRACK DATA		
			<ul style="list-style-type: none"> <li>• Airplane pattern altitude - 800 feet AGL.</li> <li>• Pattern direction                             <ul style="list-style-type: none"> <li>- Runway 8 - left traffic.</li> <li>- Runway 26 - right traffic.</li> </ul> </li> <li>• Helicopter pattern south of runway.</li> </ul>		
			<p><sup>a</sup> 1991 Activity levels, as set forth in the 1993 <i>Airport Master Plan</i>.</p> <p><sup>b</sup> <i>Airport Master Plan</i> enhanced forecasts 2015.</p> <p><sup>c</sup> Airport manager's estimate of total based aircraft as of November 1995 = 187±</p> <p><sup>d</sup> Total operations for 1993/94 estimated by Caltrans from activity counter data = 41,600.</p>		

Source: Shutt Moen Associates (September 1996)

Table 3C

**Airport Activity**  
Redlands Municipal Airport



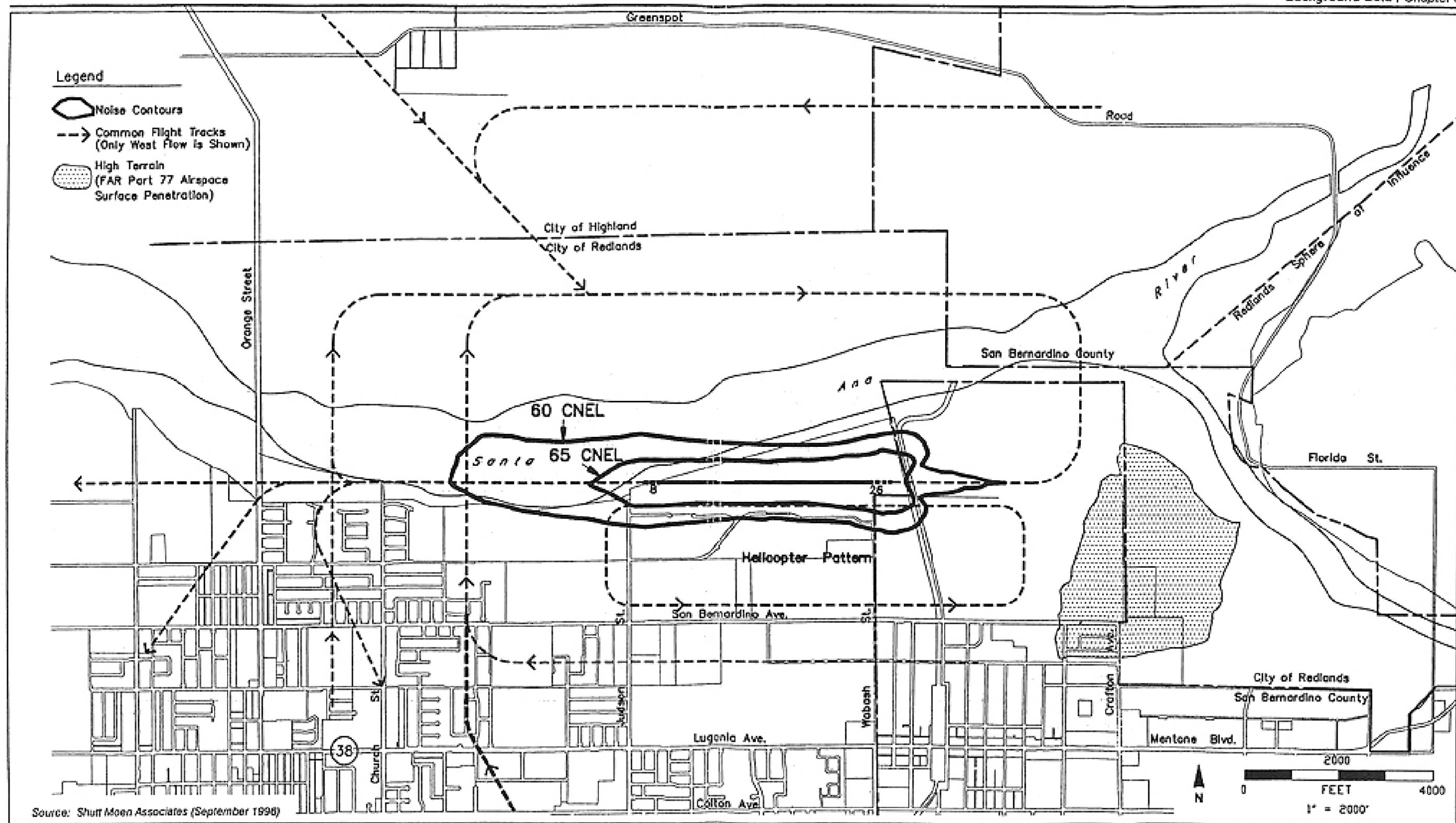


Figure 3B

**Aircraft Noise Concerns**  
Redlands Municipal Airport

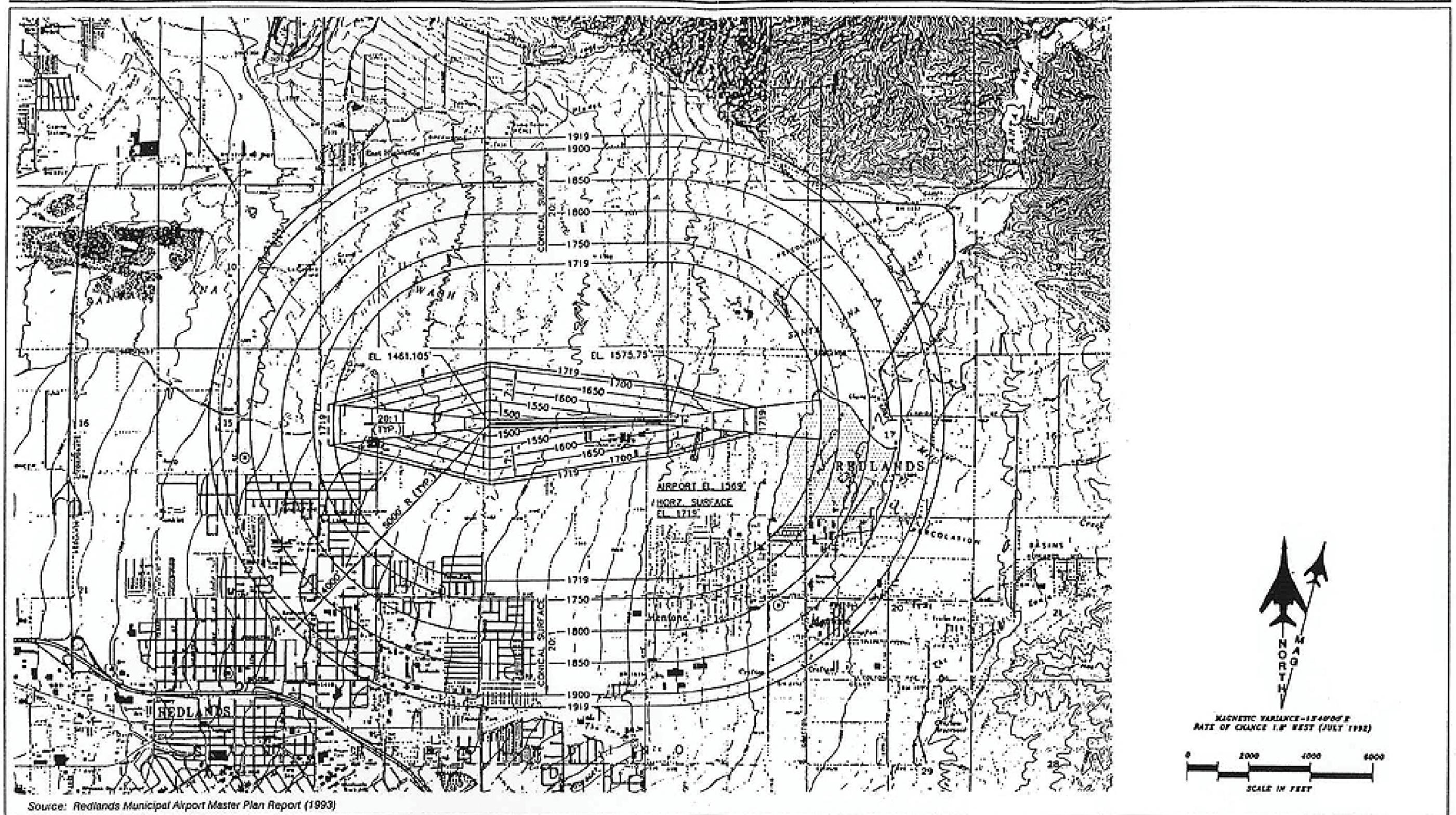


Figure 3C

**Airspace Plan**  
Redlands Municipal Airport



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## ***Aeronautics Law***

### **Public Utilities Code Division 9-Aviation Part 1-State Aeronautics Act Chapter 4-Airports and Air Navigation Facilities**

#### ***Article 3.5- Airport Land Use Commission***

##### **21670. Creation; Membership; Selection**

- (a) The Legislature hereby finds and declares that:
- (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. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission, except that the board of supervisors for the county may, after consultation with the appropriate airport operators and affected local entities and after a public hearing, adopt a resolution finding that there are no noise, public safety, or land use issues affecting any airport in the county which require the creation of a commission and declaring the county exempt from that requirement. The board shall, in this event, transmit a copy of the resolution to the Director of Transportation. For purposes of this section, "commission" means an airport land use commission. Each commission shall consist of seven members to be selected as follows:
- (1) Two representing the cities in the county, appointed by a city selection committee comprised of the mayors of all the cities within that county, except that if there are any cities contiguous or adjacent to the qualifying airport, at least one representative shall be appointed therefrom. If there are no cities within a county, the number of representatives provided for by subdivisions (2) and (3) shall each be increased by one.
  - (2) Two representing the county, appointed by the board of supervisors.
  - (3) Two having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.
  - (4) One representing the general public, appointed by the other six members of the commission.

- (c) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.
- (d) Each member shall promptly appoint a single proxy to represent the member in commission affairs and to vote on all matters when the member is not in attendance. The proxy shall be designated in a signed written instrument which shall be kept on file at the commission offices, and the proxy shall serve at the pleasure of the appointing member. A vacancy in the office of proxy shall be filled promptly by appointment of a new proxy.
- (e) A person having an "expertise in aviation" means a person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports, or is an elected official of a local agency which owns or operates an airport.
- (f) It is the intent of the Legislature to clarify that, for the purposes of this article, special districts are included among the local agencies that are subject to airport land use laws and other requirements of this article.

**21670.1. Action by Designated Body Instead of Commission**

- (a) Notwithstanding any provisions of this article, if the board of supervisors and the city selection committee of mayors in any county each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated shall assume the planning responsibilities of an airport land use commission as provided for in this article, and a commission need not be formed in that county.
- (b) A body designated pursuant to subdivision (a) which does not include among its membership at least two members having an expertise in aviation, as defined in subdivision (e) of Section 21670, shall, when acting in the capacity of an airport land use commission, be augmented so that the body, as augmented, will have at least two members having that expertise. The commission shall be constituted pursuant to this section on and after March 1, 1988.
- (c) (1) Notwithstanding subdivisions (a) and (b), and subdivision (b) of Section 21670, if the board of supervisors of a county and each affected city in that county each makes a determination that proper land use planning pursuant to this article can be accomplished pursuant to this subdivision, then a commission need not be formed in that county.
  - (2) If the board of supervisors of a county and each affected city makes a determination that proper land use planning may be accomplished and a commission is not formed pursuant to paragraph (1) of this subdivision, that county and the appropriate affected cities having jurisdiction over an airport, subject to the review and approval by the Division of Aeronautics of the department, shall do all of the following:
    - (A) Adopt processes for the preparation, adoption, and amendment of the airport land use compatibility plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.
    - (B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the airport land use compatibility plans.
    - (C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the airport land use compatibility plans.

- (D) Adopt processes for the amendment of general and specific plans to be consistent with the airport land use compatibility plans.
  - (E) Designate the agency that shall be responsible for the preparation, adoption, and amendment of each airport land use compatibility plan.
- (3) The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following:
- (A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time.
  - (B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations.
  - (C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies.
- (4) If the county does not comply with the requirements of paragraph (2) within 120 days, then the airport land use compatibility plan and amendments shall not be considered adopted pursuant to this article and a commission shall be established within 90 days of the determination of noncompliance by the division and a plan shall be adopted pursuant to this article within 90 days of the establishment of the commission.
- (d) A commission need not be formed in a county that has contracted for the preparation of airport land use compatibility plans with the Division of Aeronautics under the California Aid to Airport Program (Title 21 (commencing with Section 4050) of the California Code of Regulations), Project Ker-VAR 90-1, and that submits all of the following information to the Division of Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the plans:
- (1) Agree to adopt and implement the airport land use compatibility plans that have been developed under contract.
  - (2) Incorporated the height, use, noise, safety, and density criteria that are compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations as part of the general and specific plans for the county and for each affected city.
  - (3) If the county does not comply with this subdivision on or before May 1, 1995, then a commission shall be established in accordance with this article.
- (e) (1) A commission need not be formed in a county if all of the following conditions are met:
- (A) The county has only one public use airport that is owned by a city.
  - (B) (i) The county and the affected city adopt the elements in paragraph (2) of subdivision (d), as part of their general and specific plans for the county and the affected city.

- (ii) The general and specific plans shall be submitted, upon adoption, to the Division of Aeronautics. If the county and the affected city do not submit elements specified in paragraph (2) of subdivision (d), on or before May 1, 1996, then a commission shall be established in accordance with this article.

**21670.2. Application to Counties Having over 4 Million in Population**

- (a) Sections 21670 and 21670.1 do not apply to the County of Los Angeles. In that county, the county regional planning commission has the responsibility for coordinating the airport planning of public agencies within the county. In instances where impasses result relative to this planning, an appeal may be made to the county regional planning commission by any public agency involved. The action taken by the county regional planning commission on such an appeal may be overruled by a four-fifths vote of the governing body of a public agency whose planning led to the appeal.
- (b) By January 1, 1992, the county regional planning commission shall adopt the airport land use compatibility plans required pursuant to Section 21675.
- (c) Sections 21675.1, 21675.2, and 21679.5 do not apply to the County of Los Angeles until January 1, 1992. If the airport land use plans required pursuant to Section 21675 are not adopted by the county regional planning commission by January 1, 1992, Sections 21675.1 and 21675.2 shall apply to the County of Los Angeles until the plans are adopted.

**21670.3 San Diego County**

- (a) Sections 21670 and 21670.1 do not apply to the county of San Diego. In that county, the San Diego County Regional Airport Authority, as established pursuant to Section 17002, is responsible for coordinating the airport planning of public agencies within the county and shall, on or before June 20, 2005, after reviewing the existing comprehensive land use plan adopted pursuant to Section 21675, adopt a comprehensive land use plan.
- (b) Any comprehensive land use plan 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 San Diego County Regional Airport Authority adopts a plan prior to that date pursuant to subdivision (a).

**21670.4. Intercounty Airports**

- (a) As used in this section, "intercounty airport" means any airport bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones, as defined by the department's Airport Land Use Planning Handbook and referenced in the airport land use compatibility plan formulated under Section 21675.
- (b) It is the purpose of this section to provide the opportunity to establish a separate airport land use commission so that an intercounty airport may be served by a single airport land use planning agency, rather than having to look separately to the airport land use commissions of the affected counties.

- (c) In addition to the airport land use commissions created under Section 21670 or the alternatives established under Section 21670.1, for their respective counties, the boards of supervisors and city selection committees for the affected counties, by independent majority vote of each county's two delegations, for any intercounty airport, may do either of the following:
- (1) Establish a single separate airport land use commission for that airport. That commission shall consist of seven members to be selected as follows:
    - (A) One representing the cities in each of the counties, appointed by that county's city selection committee.
    - (B) One representing each of the counties, appointed by the board of supervisors of each county.
    - (C) One from each county having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.
    - (D) One representing the general public, appointed by the other six members of the commission.
  - (2) In accordance with subdivision (a) or (b) of Section 21670.1, designate an existing appropriate entity as that airport's land use commission.

### **21671. Airports Owned by a City, District, or County**

In any county where there is an airport operated for the general public which is owned by a city or district in another county or by another county, one of the representatives provided by paragraph (1) of subdivision (b) of Section 21670 shall be appointed by the city selection committee of mayors of the cities of the county in which the owner of that airport is located, and one of the representatives provided by paragraph (2) subdivision (b) of Section 21670 shall be appointed by the board of supervisors of the county in which the owner of that airport is located.

#### **21671.5. Term of Office**

- (a) Except for the terms of office of the members of the first commission, the term of office for each member shall be four years and until the appointment and qualification of his or her successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members if four years. The body that originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing that member. The expiration date of the term of office of each member shall be the first Monday in May in the year in which that member's term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The chairperson of the commission shall be selected by the members thereof.
- (b) Compensation, if any, shall be determined by the board of supervisors.
- (c) Staff assistance, including the mailing of notices and the keeping of minutes, and necessary quarters, equipment, and supplies shall be provided by the county. The usual and necessary expenses of the commission shall be a county charge.

- (d) Notwithstanding any other provisions of this article, the commission shall not employ any personnel either as employees or independent contractors without the prior approval of the board of supervisors.
- (e) The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership.
- (f) The commission may establish a schedule of fees necessary to comply with this article. Those fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the estimated reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of the Government Code. Except as provided in subdivision (g), after June 30, 1991, a commission which has not adopted the airport land use compatibility plan required by Section 21675 shall not charge fees pursuant to this subdivision until the commission adopts the plan.
- (g) In any county which has undertaken by contract or otherwise completed land use plans for at least one-half of all public use airports in the county, the commission may continue to charge fees necessary to comply with this article until June 30, 1992, and, if the land use plans are complete by that date, may continue charging fees after June 30, 1992. If the airport land use compatibility plans are not complete by June 30, 1992, the commission shall not charge fees pursuant to subdivision (f) until the commission adopts the land use plans.

**21672. Rules and Regulations**

Each commission shall adopt rules and regulations with respect to the temporary disqualification of its members from participating in the review or adoption of a proposal because of conflict of interest and with respect to appointment of substitute members in such cases.

**21673. Initiation of Proceedings for Creation by Owner of Airport**

In any county not having a commission or a body designated to carry out the responsibilities of a commission, any owner of a public airport may initiate proceedings for the creation of a commission by presenting a request to the board of supervisors that a commission be created and showing the need therefore to the satisfaction of the board of supervisors.

**21674. Powers and Duties**

The commission has the following powers and duties, subject to the limitations upon its jurisdiction set forth in Section 21676:

- (a) 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.
- (b) 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.
- (c) To prepare and adopt an airport land use compatibility plan pursuant to Section 21675.
- (d) To review the plans, regulations, and other actions of local agencies and airport operators pursuant to Section 21676.

- (e) The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.
- (f) In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article.

**21674.5. Training of Airport Land Use Commission’s Staff**

- (a) The Department of Transportation shall develop and implement a program or programs to assist in the training and development of the staff of airport land use commissions, after consulting with airport land use commissions, cities, counties, and other appropriate public entities.
- (b) The training and development program or programs are intended to assist the staff of airport land use commissions in addressing high priority needs, and may include, but need not be limited to, the following:
  - (1) The establishment of a process for the development and adoption of airport land use compatibility plans.
  - (2) The development of criteria for determining airport land use planning boundaries.
  - (3) The identification of essential elements which should be included in the airport land use compatibility plans.
  - (4) Appropriate criteria and procedures for reviewing proposed developments and determining whether proposed developments are compatible with the airport use.
  - (5) Any other organizational, operational, procedural, or technical responsibilities and functions that the department determines to be appropriate to provide the commission staff and for which it determines there is a need for staff training and development.
- (c) The department may provide training and development programs for airport land commission staff pursuant to this section by any means it deems appropriate. Those programs may be presented in any of the following ways:
  - (1) By offering formal courses or training programs.
  - (2) By sponsoring or assisting in the organization and sponsorship of conferences, seminars, or other similar events.
  - (3) By producing and making available written information.
  - (4) Any other feasible method of providing information and assisting in the training and development of airport land use commission staff.

**21674.7. Airport Land Use Planning Handbook**

An airport land use commission that formulates, adopts or amends an airport land use compatibility plan shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation.

**21675. Land Use Plan**

- (a) Each commission shall formulate a comprehensive land use 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 commission 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, which reflects the anticipated growth of the airport during at least the next 20 years. In formulating a land use 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 comprehensive land use plan 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.
- (b) The commission may include, within its plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any military airport for all the purpose specified in subdivision (a). The plan shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport. This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport.
- (c) The planning boundaries shall be established by the commission after hearing and consultation with the involved agencies.
- (d) The commission shall submit to the Division of Aeronautics of the department one copy of the plan and each amendment to the plan.
- (e) If a comprehensive land use plan does not include the matters required to be included pursuant to this article, the Division of Aeronautics of the department shall notify the commission responsible for the plan.

**21675.1. Adoption of Land Use Plan**

- (a) By June 30, 1991, each commission shall adopt the comprehensive land use plan required pursuant to Section 21675, except that any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county shall, adopt the airport land use compatibility plan on or before June 30, 1992.
- (b) Until a commission adopts an airport land use compatibility plan, a city or county shall first submit all actions, regulations, and permits within the vicinity of a public airport to the commission for review and approval. Before the commission approves or disapproves any actions, regulations, or permits, the commission shall give public notice in the same manner as the city or county is required to give for those actions, regulations, or permits. As used in this section, "vicinity" means land that will be included or reasonably could be included within the airport land use compatibility plan. If the commission has not designated a study area for the plan, then "vicinity" means land within two miles of the boundary of a public airport.
- (c) The commission may approve an action, regulation, or permit if it finds, based on substantial evidence in the record, all of the following:

- (1) The commission is making substantial progress toward the completion of the airport land use compatibility plan.
  - (2) There is a reasonable probability that the action, regulation, or permit will be consistent with the airport land use compatibility plan being prepared by the commission.
  - (3) There is little or no probability of substantial detriment to or interference with the future adopted airport land use compatibility plan if the action, regulation, or permit is ultimately inconsistent with the airport land use compatibility plan.
- (d) If the commission disapproves an action, regulation, or permit, the commission shall notify the city or county. The city or county may overrule the commission, by a two-thirds vote of its governing body, if it makes specific findings that the proposed action, regulation, or permit is consistent with the purposes of this article, as stated in Section 21670.
- (e) If a city or county overrules the commission pursuant to subdivision (d), that action shall not relieve the city or county from further compliance with this article after the commission adopts the airport land use compatibility plan.
- (f) If a city or county overrules the commission pursuant to subdivision (d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport is not liable for damages to property or personal injury from the city's or county's decision to proceed with the action, regulation, or permit.
- (g) A commission may adopt rules and regulations that exempt any ministerial permit for single-family dwellings from the requirements of subdivision (b) if it makes the findings required pursuant to subdivision (c) for the proposed rules and regulations, except that the rules and regulations may not exempt either of the following:
- (1) More than two single-family dwellings by the same applicant within a subdivision prior to June 30, 1991.
  - (2) Single-family dwellings in a subdivision where 25 percent or more of the parcels are undeveloped.

### **21675.2. Approval or Disapproval of Actions, Regulations, or Permits**

- (a) If a commission fails to act to approve or disapprove any actions, regulations, or permits within 60 days of receiving the request pursuant to Section 21675.1, the applicant or his or her representative may file an action pursuant to Section 1094.5 of the Code of Civil Procedure to compel the commission to act, and the court shall give the proceedings preference over all other actions or proceedings, except previously filed pending matters of the same character.
- (b) The action, regulation, or permit shall be deemed approved only if the public notice required by this subdivision has occurred. If the applicant has provided seven days advance notice to the commission of the intent to provide public notice pursuant to this subdivision, then, not earlier than the date of the expiration the time limit established by Section 21675.1, an applicant may provide the required public notice. If the applicant chooses to provide public notice, that notice shall include a description of the proposed action, regulation, or permit substantially similar to the descriptions which are commonly used in public notices by the commission, the name and address of the commission, and a statement that the action, regulation, or permit shall be deemed approved if the commission has not acted within 60 days. If the applicant has provided the public notice specified in this subdivision, the time limit

for action by the commission shall be extended to 60 days after the public notice is provided. If the applicant provides notice pursuant to this section, the commission shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose.

- (c) Failure of an applicant to submit complete or adequate information pursuant to Sections 65943 to 65946, inclusive, of the Government Code, may constitute grounds for disapproval of actions, regulations, or permits.
- (d) Nothing in this section diminishes the commission's legal responsibility to provide, where applicable, public notice and hearing before acting on an action, regulation, or permit.

### **21676. Review of Local General Plans**

- (a) Each local agency whose general plan includes areas covered by an airport land use compatibility plan shall, by July 1, 1983, submit a copy of its plan or specific plans to the airport land use commission. The commission shall determine by August 31, 1983, whether the plan or plans are consistent or inconsistent with the airport land use compatibility plan. If the plan or plans are inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall have another hearing to reconsider its airport land use compatibility plans. The local agency may overrule the commission after such a hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.
- (b) Prior to the amendment of a general plan or specific plan, or the addition or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local agency may, after a public hearing, overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.
- (c) Each public agency owning any airport within the boundaries of an airport land use compatibility plan shall, prior to modification of its airport master plan, refer such proposed change to the airport land use commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The public agency may, after a public hearing, overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.
- (d) Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the airport land use compatibility plan.

### **21676.5. Review of Local Plans**

- (a) If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require the local agency submit all subsequent actions,

regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. If, in the determination of the commission, an action, regulation, or permit of the local agency is inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall hold a hearing to reconsider its plan. The local agency may overrule the commission after hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670.

- (b) Whenever the local agency has revised its general plan or specific plan or has overruled the commission pursuant to subdivision (a), the proposed action of the local agency shall not be subject to further commission review, unless the commission and the local agency agree that the individual projects shall be reviewed by the commission.

### **21677. Marin County Override Provisions**

Notwithstanding Section 21676, any public agency in the County of Marin may overrule the Marin County Airport Land Use Commission by a majority vote of its governing body.

### **21678. Airport Owner's Immunity**

With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676 or 21676.5 overrides a commission's action or recommendation, the operator of the airport 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 commission's action or recommendation.

### **21679. Court Review**

- (a) In any county in which there is no airport land use commission or other body designated to assume the responsibilities of an airport land use commission, or in which the commission or other designated body has not adopted an airport land use compatibility plan, an interested party may initiate proceedings in a court of competent jurisdiction to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, that directly affects the use of land within one mile of the boundary of a public airport within the county.
- (b) The court may issue an injunction which postpones the effective date of the zoning change, zoning variance, permit, or regulation until the governing body of the local agency which took the action does one of the following:
  - (1) In the case of an action that is a legislative act, adopts a resolution declaring that the proposed action is consistent with the purposes of this article stated in Section 21670.
  - (2) In the case of an action that is not a legislative act, adopts a resolution making findings based on substantial evidence in the record that the proposed action is consistent with the purposes of this article stated in Section 21670.
  - (3) Rescinds the action.
  - (4) Amends its action to make it consistent with the purposes of this article stated in Section 21670, and complies with either paragraph (1) or (2) of this subdivision, whichever is applicable.

- (c) The court shall not issue an injunction pursuant to subdivision (b) if the local agency which took the action demonstrates that the general plan and any applicable specific plan of the agency accomplishes the purposes of an airport land use compatibility plan as provided in Section 21675.
- (d) An action brought pursuant to subdivision (a) shall be commenced within 30 days of the decision or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever is longer.
- (e) If the governing body of the local agency adopts a resolution pursuant to subdivision (b) with respect to a publicly owned airport that the local agency does not operate, the operator of the airport shall be immune from liability for damages to property or personal injury from the local agency's decision to proceed with the zoning change, zoning variance, permit, or regulation.
- (f) As used in this section, "interested party" means any owner of land within two miles of the boundary of the airport or any organization with a demonstrated interest in airport safety and efficiency.

**21679.5. Deferral of Court Review**

- (a) Until June 30, 1991, no action pursuant to Section 21679 to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport, shall be commenced in any county in which the commission or other designated body has not adopted an airport land use plan, but is making substantial progress toward the completion of the airport land use compatibility plan.
- (b) If a commission has been prevented from adopting the comprehensive land use plan by June 30, 1991, or if the adopted plan could not become effective, because of a lawsuit involving the adoption of the plan, the June 30, 1991 date in subdivision (a) shall be extended by the period of time during which the lawsuit was pending in a court of competent jurisdiction.
- (c) Any action pursuant to Section 21679 commenced prior to January 1, 1990, in a county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan, which has not proceeded to final judgment, shall be held in abeyance until June 30, 1991. If the commission or other designated body adopts an airport land use compatibility plan on or before June 30, 1991, the action shall be dismissed. If the commission or other designated body does not adopt an airport land use plan on or before June 30, 1991, the plaintiff or plaintiffs may proceed with the action.
- (d) An action to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport for which an airport land use compatibility plan has not been adopted by June 30, 1991, shall be commenced within 30 days of June 30, 1991, or within 30 days of the decision by the local agency, or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever date is later.

## ***Aeronautics Law***

### **PUBLIC UTILITIES CODE Division 9, Part 1**

#### ***Chapter 3-Regulation of Aeronautics (excerpts)***

##### **21402. Ownership; Prohibited Use of Airspace**

The ownership of the space above the land and waters of this State is vested in the several owners of the surface beneath, subject to the right of flight; provided, that any use of property in conformity with an original zone of approach of an airport shall not be rendered unlawful by reason of a change in such zone of approach.

##### **21403. Lawful Flight; Flight Within Airport Approach Zone**

- (a) Flight in aircraft over the land and waters of this state is lawful, unless at altitudes below those prescribed by federal authority, or unless conducted so as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his or her consent, is unlawful except in the case of a forced landing or pursuant to Section 21662.1. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.
- (b) The landing, takeoff, or taxiing of an aircraft on a public freeway, highway, road, or street is unlawful except in the following cases:
  - (1) A forced landing.
  - (2) A landing during a natural disaster or other public emergency if the landing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road, or street.
  - (3) When the landing, takeoff, or taxiing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road or street.

The prosecution bears the burden of proving that none of the exceptions apply to the act which is alleged to be unlawful.

- (c) The right of flight in aircraft includes the right of safe access to public airports, which includes the right of flight within the zone of approach of any public airport without restriction or hazard. The zone of approach of an airport shall conform to the specifications of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation.

## ***Aeronautics Law***

### **PUBLIC UTILITIES CODE Division 9, Part 1 Chapter 4-Airports and Air Navigation Facilities**

#### ***Article 2.7-Regulation of Obstructions (excerpts)***

##### **21655. Proposed Site for Construction of State Building Within Two Miles of Airport Boundary**

Notwithstanding any other provision of law, if the proposed site of any state building or other enclosure is within two miles, measured by air line, of that point on an airport runway, or runway proposed by an airport master plan, which is nearest the site, the state agency or office which proposes to construct the building or other enclosure shall, before acquiring title to property for the new state building or other enclosure site or for an addition to a present site, notify the Department of Transportation, in writing, of the proposed acquisition. The department shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the state agency or office which proposes to construct the building or other enclosure a written report of the investigation and its recommendations concerning acquisition of the site.

If the report of the department does not favor acquisition of the site, no state funds shall be expended for the acquisition of the new state building or other enclosure site, or the expansion of the present site, or for the construction of the state building or other enclosure, provided that the provisions of this section shall not affect title to real property once it is acquired.

##### **21658. Construction of Utility Pole or Line in Vicinity of Aircraft Landing Area**

No public utility shall construct any pole, pole line, distribution or transmission tower, or tower line, or substation structure in the vicinity of the exterior boundary of an aircraft landing area of any airport open to public use, in a location with respect to the airport and at a height so as to constitute an obstruction to air navigation, as an obstruction is defined in accordance with Part 77 of the Federal Aviation Regulations, Federal Aviation Administration, or any corresponding rules or regulations of the Federal Aviation Administration, unless the Federal Aviation Administration has determined that the pole, line, tower, or structure does not constitute a hazard to air navigation. This section shall not apply to existing poles, lines, towers, or structures or to the repair, replacement, or reconstruction thereof if the original height is not materially exceeded and this section shall not apply unless just compensation shall have first been paid to the public utility by the owner of any airport for any property or property rights which would be taken or damaged hereby.

##### **21659. Hazards Near Airports Prohibited**

- (a) No person shall construct or alter any structure or permit any natural growth to grow at a height which exceeds the obstruction standards set forth in the regulations of the Federal Aviation Administration relating to objects affecting navigable airspace contained in Title 14 of the Code of Federal Regulations, Part 77, Subpart C, unless a permit allowing the construction, alteration, or growth is issued by the department.

- (b) The permit is not required if the Federal Aviation Administration has determined that the construction, alteration, or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation. Subdivision (a) does not apply to a pole, pole line, distribution or transmission tower, or tower line or substation of a public utility.
- (c) Section 21658 is applicable to subdivision (b).

## ***Aeronautics Law***

### **PUBLIC UTILITIES CODE Division 9, Part 1, Chapter 4**

#### ***Article 3-Regulation of Airports (excerpts)***

##### **21661.5. City Council or Board of Supervisors and ALUC Approvals**

No political subdivision, any of its officers or employees, or any person may submit any application for the construction of a new airport to any local, regional, state, or federal agency unless the plan for such construction is first approved by the board of supervisors of the county, or the city council of the city, in which the airport is to be located and unless the plan is submitted to the appropriate commission exercising powers pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9, and acted upon by such commission in accordance with the provisions of such article.

##### **21664.5. Amended Airport Permits; Airport Expansion Defined**

- (a) An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of the section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.
- (b) As used in this section, "airport expansion" includes any of the following:
  - (1) The acquisition of runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/5300-13, clear zones or of any interest in land for the purpose of any other expansion as set forth in this section.
  - (2) The construction of a new runway.
  - (3) The extension or realignment of an existing runway.
  - (4) Any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to the purpose of paragraph (1), (2), or (3).
- (c) This section does not apply to any expansion of an existing airport if the expansion commenced on or prior to the effective date of this section and the expansion met the approval on or prior to such effective date of each governmental agency which by law required such approval.

## ***Planning and Zoning Law***

### **GOVERNMENT CODE Title 7-Planning and Land Use Division 1-Planning and Zoning Chapter 3-Local Planning**

#### ***Article 5-Authority for and Scope of General Plans (excerpts)***

##### **65302.3. General and Applicable Specific Plans; Consistency with Airport Land Use Plans; Amendment; Nonconcurrency Findings**

- (a) The general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.
- (b) The general plan, and any applicable specific plan, shall be amended, as necessary, within 180 days of any amendment to the plan required under Section 21675 of the Public Utilities Code.
- (c) If the legislative body does not concur with any of the provisions of the plan required under Section 21675 of the Public Utilities Code, it may satisfy the provisions of this section by adopting findings pursuant to Section 21676 of the Public Utilities Code.
- (d) In each county where an airport land use commission does not exist, but where there is a military airport, the general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport.

## ***Planning and Zoning Law***

### **GOVERNMENT CODE**

#### **Title 7, Division 1**

### **Chapter 4.5-Review and Approval of Development Projects**

#### ***Article 3-Application for Development Projects (excerpts)***

*Note: The following government code sections are referenced in Section 21675.2(c) of the ALUC statutes.*

#### **65943. Completeness of Application; Determination; Time; Specification of Parts not Complete and Manner of Completion**

- (a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination 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. The applicant shall submit materials to the public agency in response to the list and description.
- (b) Not later than 30 calendar days after receipt of the submitted materials, the public agency shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for the purposes of this chapter.
- (c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

There shall be a final written determination by the agency of the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

- (d) Nothing in this section precludes an applicant and a public agency from mutually agreeing to an extension of any time limit provided by this section.

- (e) A public agency may charge applicants a fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

**65943.5.**

- (a) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving a permit application to a board, office, or department within the California Environmental Protection Agency shall be made to the Secretary for Environmental Protection.
- (b) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving an application for the issuance of an environmental permit from an environmental agency shall be made to the Secretary for Environmental Protection under either of the following circumstances:
  - (1) The environmental agency has not adopted an appeals process pursuant to subdivision (c) of Section 65943.
  - (2) The environmental agency declines to accept an appeal for a decision pursuant to subdivision (c) of Section 65943.
- (c) For purposes of subdivision (b), "environmental permit" has the same meaning as defined in Section 72012 of the Public Resources Code, and "environmental agency" has the same meaning as defined in Section 71011 of the Public Resources Code, except that "environmental agency" does not include the agencies described in subdivisions (c) and (h) of Section 71011 of the Public Resources Code.

**65944. Acceptance of Application as Complete; Requests for Additional Information; Restrictions; Clarification, Amplification, Correction, etc; Prior to Notice of Necessary Information**

- (a) After a public agency accepts an application as complete, the agency shall not subsequently request of an applicant any new or additional information which was not specified in the list prepared pursuant to Section 65940. The agency may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.
- (b) The provisions of subdivision (a) shall not be construed as requiring an applicant to submit with his or her initial application the entirety of the information which a public agency may require in order to take final action on the application. Prior to accepting an application, each public agency shall inform the applicant of any information included in the list prepared pursuant to Section 65940 which will subsequently be required from the applicant in order to complete final action on the application.
- (c) This section shall not be construed as limiting the ability of a public agency to request and obtain information which may be needed in order to comply with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

**65945. Notice of Proposal to Adopt or Amend Certain Plans or Ordinances by City or County, Fee; Subscription to Periodically Updated Notice as Alternative, Fee**

(a) At the time of filing an application for a development permit with a city or county, the city or county shall inform the applicant that he or she may make a written request to retrieve notice from the city or county of a proposal to adopt or amend any of the following plans or ordinances:

- (1) A general plan.
- (2) A specific plan.
- (3) A zoning ordinance.
- (4) An ordinance affecting building permits or grading permits.

The applicant shall specify, in the written request, the types of proposed action for which notice is requested. Prior to taking any of those actions, the city or county shall give notice to any applicant who has requested notice of the type of action proposed and whose development project is pending before the city or county if the city or county determines that the proposal is reasonably related to the applicant's request for the development permit. Notice shall be given only for those types of actions which the applicant specifies in the request for notification.

The city or county may charge the applicant for a development permit, to whom notice is provided pursuant to this subdivision, a reasonable fee not to exceed the actual cost of providing that notice. If a fee is charged pursuant to this subdivision, the fee shall be collected as part of the application fee charged for the development permit.

(b) As an alternative to the notification procedure prescribed by subdivision (a), a city or county may inform the applicant at the time of filing an application for a development permit that he or she may subscribe to a periodically updated notice or set of notices from the city or county which lists pending proposals to adopt or amend any of the plans or ordinances specified in subdivision (a), together with the status of the proposal and the date of any hearings thereon which have been set.

Only those proposals which are general, as opposed to parcel-specific in nature, and which the city or county determines are reasonably related to requests for development permits, need be listed in the notice. No proposals shall be required to be listed until such time as the first public hearing thereon has been set. The notice shall be updated and mailed at least once every six weeks; except that a notice need not be updated and mailed until a change in its contents is required.

The city or county may charge the applicant for a development permit, to whom notice is provided pursuant to this subdivision, a reasonable fee not to exceed the actual cost of providing that notice, including the costs of updating the notice, for the length of time the applicant requests to be sent the notice or notices.

**65945.3. Notice of Proposal to Adopt or Amend Rules or Regulations Affecting Issuance of Permits by Local Agency other than City or County; Fee**

At the time of filing an application for a development permit with a local agency, other than a city or county, the local agency shall inform the applicant that he or she may make a written request to receive notice of any proposal to adopt or amend a rule or regulation affecting the issuance of

development permits.

Prior to adopting or amending any such rule or regulation, the local agency shall give notice to any applicant who has requested such notice and whose development project is pending before the agency if the local agency determines that the proposal is reasonably related to the applicant's request for the development permit.

The local agency may charge the applicant for a development permit, to whom notice is provided pursuant to this section, a reasonable fee not to exceed the actual cost of providing that notice. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

**65945.5. Notice of Proposal to Adopt or Amend Regulation Affecting Issuance of Permits and Which Implements Statutory Provision by State Agency**

At the time of filing an application for a development permit with a state agency, the state agency shall inform the applicant that he or she may make a written request to receive notice of any proposal to adopt or amend a regulation affecting the issuance of development permits and which implements a statutory provision.

Prior to adopting or amending any such regulation, the state agency shall give notice to any applicant who has requested such notice and whose development project is pending before the state agency if the state agency determines that the proposal is reasonably related to the applicant's request for the development permit.

**65945.7. Actions, Inactions, or Recommendations Regarding Ordinances, Rules or Regulations; Invalidity or Setting Aside Ground of Error Only if Prejudicial**

No action, inaction, or recommendation regarding any ordinance, rule, or regulation subject to this Section 65945, 65945.3, or 65945.5 by any legislative body, administrative body, or the officials of any state or local agency shall be held void or invalid or be set aside by any court on the ground of any error, irregularity, informality, neglect, or omission (hereinafter called "error") as to any matter pertaining to notices, records, determinations, publications, or any matters of procedure whatever, unless after an examination of the entire case, including evidence, the court shall be of the opinion that the error complained of was prejudicial, and that by reason of such error that party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error had not occurred or existed. There shall be no presumption that error is prejudicial or that injury was done if error is shown.

**65946. [Replaced by AB2351 Statutes of 1993]**

## ***Planning and Zoning Law***

### **GOVERNMENT CODE**

#### **Title 7, Division 1**

### ***Chapter 9.3-Mediation and Resolution of Land Use Disputes (excerpts)***

#### **66030.**

- (a) The Legislature finds and declares all of the following:
- (1) Current law provides that aggrieved agencies, project proponents, and affected residents may bring suit against the land use decisions of state and local governmental agencies. In practical terms, nearly anyone can sue once a project has been approved.
  - (2) Contention often arises over projects involving local general plans and zoning, redevelopment plans, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), development impact fees, annexations and incorporations, and the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).
  - (3) When a public agency approves a development project that is not in accordance with the law, or when the prerogative to bring suit is abused, lawsuits can delay development, add uncertainty and cost to the development process, make housing more expensive, and damage California's competitiveness. This litigation begins in the superior court, and often progresses on appeal to the Court of Appeal and the Supreme Court, adding to the workload of the state's already overburdened judicial system.
- (b) It is, therefore, the intent of the Legislature to help litigants resolve their differences by establishing formal mediation processes for land use disputes. In establishing these mediation processes, it is not the intent of the Legislature to interfere with the ability of litigants to pursue remedies through the courts.

#### **66031.**

- (a) Notwithstanding any other provision of law, any action brought in the superior court relating to any of the following subjects may be subject to a mediation proceeding conducted pursuant to this chapter:
- (1) The approval or denial by a public agency of any development project.
  - (2) Any act or decision of a public agency made pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).
  - (3) The failure of a public agency to meet the time limits specified in Chapter 4.5 (commencing with Section 65920), commonly known as the Permit Streamlining Act, or in the Subdivision Map Act (Division 2 (commencing with Section 66410)).
  - (4) Fees determined pursuant to Sections 53080 to 53082, inclusive, or Chapter 4.9 (commencing with Section 65995).
  - (5) Fees determined pursuant to Chapter 5 (commencing with Section 66000).

- (6) The adequacy of a general plan or specific plan adopted pursuant to Chapter 3 (commencing with Section 65100).
  - (7) The validity of any sphere of influence, urban service area, change of organization or reorganization, or any other decision made pursuant to the Cortese-Knox Local Government Reorganization Act (Division 3 (commencing with Section 56000) of Title 5).
  - (8) The adoption or amendment of a redevelopment plan pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).
  - (9) The validity of any zoning decision made pursuant to Chapter 4 (commencing with Section 65800).
  - (10) The validity of any decision made pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code.
- (b) Within five days after the deadline for the respondent or defendant to file its reply to an action, the court may invite the parties to consider resolving their dispute by selecting a mutually acceptable person to serve as a mediator, or an organization or agency to provide a mediator.
  - (c) In selecting a person to serve as a mediator, or an organization or agency to provide a mediator, the parties shall consider the following:
    - (1) The council of governments having jurisdiction in the county where the dispute arose.
    - (2) Any subregional or countywide council of governments in the county where the dispute arose.
    - (3) The Office of Permit Assistance within the Trade and Commerce Agency, pursuant to its authority in Article 1 (commencing with Section 15399.50) of Chapter 11 of Part 6.7 of Division 3 of Title 2.
    - (4) Any other person with experience or training in mediation including those with experience in land use issues, or any other organization or agency which can provide a person with experience or training in mediation, including those with experience in land use issues.
  - (d) If the court invites the parties to consider mediation, the parties shall notify the court within 30 days if they have selected a mutually acceptable person to serve as a mediator. If the parties have not selected a mediator within 30 days, the action shall proceed. The court shall not draw any implication, favorable or otherwise, from the refusal by a party to accept the invitation by the court to consider mediation. Nothing in this section shall preclude the parties from using mediation at any other time while the action is pending.

***Planning and Zoning Law***

**GOVERNMENT CODE  
Title 7-Planning and Land Use  
Division 2-Subdivisions  
Chapter 3-Procedure**

***Article 3-Review of Tentative Map by Other Agencies  
(excerpts)***

**66455.9.**

Whenever there is consideration of an area within a development for a public school site, the advisory agency shall give the affected districts and the State Department of Education written notice of the proposed site. The written notice shall include the identification of any existing or proposed runways within the distance specified in Section 17215 of the Education Code. If the site is within the distance of an existing or proposed airport runway as described in Section 17215 of the Education Code, the department shall notify the State Department of Transportation as required by the section and the site shall be investigated by the State Department of Transportation required by Section 17215.

## ***Education Code***

### **Title 1-General Education Code Provisions Division 1-General Education Code Provisions Part 10.5-School Facilities Chapter 1-School Sites**

#### ***Article 1-General Provisions (excerpts)***

#### **17215.**

- (a) In order to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of school sites before acquiring title to property for a new school site, the governing board of each school district, including any district governed by a city board of education, shall give the State Department of Education written notice of the proposed acquisition and shall submit any information required by the State Department of Education if the proposed site is within two miles, measured by air line, of that point on an airport runway or a potential runway included in an airport master plan that is nearest to the site.
- (b) Upon receipt of the notice required pursuant to subdivision (a), the State Department of Education shall notify the Department of Transportation in writing of the proposed acquisition. If the Department of Transportation is no longer in operation, the State Department of Education shall, in lieu of notifying the Department of Transportation, notify the United States Department of Transportation or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the department or other agency any information or assistance that it may desire to give.
- (c) The Department of Transportation shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the State Department of Education a written report of its findings including recommendations concerning acquisition of the site. As part of the investigation, the Department of Transportation shall give notice thereof to the owner and operator of the airport who shall be granted the opportunity to comment upon the proposed school site. The Department of Transportation shall adopt regulations setting forth the criteria by which a proposed site will be evaluated pursuant to this section.
- (d) The State Department of Education shall, within 10 days of receiving the Department of Transportation's report, forward the report to the governing board of the school district. The governing board may not acquire title to the property until the report of the Department of Transportation has been received. If the report does not favor the acquisition of the property for a school site or an addition to a present school site, the governing board may not acquire title to the property. If the report does favor the acquisition of the property for a school site or an addition to a present school site, the governing board shall hold a public hearing on the matter prior to acquiring the site.
- (e) If the Department of Transportation's recommendation does not favor acquisition of a proposed site, state funds or local funds may not be apportioned or expended for the acquisition of that site, construction of any school building on that site, or for the expansion of any existing site to include that site.

- (f) This section does not apply to sites acquired prior to January 1, 1966, nor to any additions or extensions to those sites.

## ***Education Code***

### **Title 3-Postsecondary Education Division 7-Community Colleges Part 49-Community Colleges, Education Facilities Chapter 1-School Sites**

#### ***Article 2-School Sites (excerpts)***

#### **81033. Investigation: Geologic and Soil Engineering Studies; Airport in Proximity**

- (c) To promote the safety of students, comprehensive community planning, and greater educational usefulness of community college sites, the governing board of each community college district, if the proposed site is within two miles, measured by air line, of that point on an airport runway, or a runway proposed by an airport master plan, which is nearest the site and excluding them if the property is not so located, before acquiring title to property for a new community college site or for an addition to a present site, shall give the board of governors notice in writing of the proposed acquisition and shall submit any information required by the board of governors.

Immediately after receiving notice of the proposed acquisition of property which is within two miles, measured by air line, of that point on an airport runway, or a runway proposed by an airport master plan, which is nearest the site, the board of governors shall notify the Division of Aeronautics of the Department of Transportation, in writing, of the proposed acquisition. The Division of Aeronautics shall make an investigation and report to the board of governors within 30 working days after receipt of the notice. If the Division of Aeronautics is no longer in operation, the board of governors shall, in lieu of notifying the Division of Aeronautics, notify the Federal Aviation Administration or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the authority or other agency such information or assistance as it may desire to give.

The board of governors shall investigate the proposed site and within 35 working days after receipt of the notice shall submit to the governing board a written report and its recommendations concerning acquisition of the site. The governing board shall not acquire title to the property until the report of the board of governors has been received. If the report does not favor the acquisition of the property for a community college site or an addition to a present community college site, the governing board shall not acquire title to the property until 30 days after the department's report is received and until the board of governors' report has been read at a public hearing duly called after 10 days' notice published once in a newspaper of general circulation within the community college district, or if there is no such newspaper, then in a newspaper of general circulation within the county in which the property is located.

- (d) If, with respect to a proposed site located within two miles of an operative airport runway, the report of the board of governors submitted to a community college district governing board under subdivision (c) does not favor the acquisition of the site on the sole or partial basis of the unfavorable recommendation of the Division of Aeronautics of the Department of Transportation, no state agency or officer shall grant, apportion, or allow to such community college district for expenditure in connection with that site, any state funds otherwise made

available under any state law whatever for a community college site acquisition or college building construction, or for expansion of existing sites and buildings, and no funds of the community college district or of the county in which the district lies shall be expended for such purposes; provided that provisions of this section shall not be applicable to sites acquired prior to January 1, 1966, nor any additions or extensions to such sites.

If the recommendations of the Division of Aeronautics are unfavorable, such recommendations shall not be overruled without the express approval of the board of governors and the State Allocation Board.

***California Environmental Quality Act Statutes  
Public Resources Code***

**Division 13-Environmental Quality**

***Chapter 2.6-General  
(excerpts)***

**21096. Airport Planning**

- (a) If a lead agency prepares an environmental impact report for a project situated within airport comprehensive land use plan boundaries, or, if a comprehensive land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation, in compliance with Section 21674.5 of the Public Utilities Code and other documents, shall be utilized as technical resources to assist in the preparation of the environmental impact report as the report relates to airport-related safety hazards and noise problems.
- (b) A lead agency shall not adopt a negative declaration for a project described in subdivision (a) unless the lead agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

***Business and Professions Code***

**Division 4-Real Estate  
Part 2-Regulation of Transactions  
Chapter 1-Subdivided Lands**

***Article 2-Investigation, Regulation and Report  
(excerpts)***

**11010.**

- (a) Except as otherwise provided pursuant to subdivision (c) or elsewhere in this chapter, any person who intends to offer subdivided lands within this state for sale or lease shall file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire on a form prepared by the department.
- (b) The notice of intention shall contain the following information about the subdivided lands and the proposed offering:

[Sub-Sections (1) through (11) omitted]

- (12) (A) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the property is located within an airport influence area, the following statement shall be included in the notice of intention:

**NOTICE OF AIRPORT IN VICINITY**

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

- (B) For purposes of this section, an "airport influence area," also known as an "airport referral area," is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.

## ***Civil Code***

### **Division 2-Property Part 4-Acquisition of Property Title 4-Transfer Chapter 2-Transfer of Real Property**

#### ***Article 1.7-Disclosure of Natural Hazards Upon Transfer of Residential Property (excerpts)***

#### **1103.**

- (a) Except as provided in Section 1103.1, this article applies to any transfer by sale, exchange, installment land sale contract, as defined in Section 2985, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any real property described in subdivision (c), or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units.
- (b) Except as provided in Section 1103.1, this article shall apply to a resale transaction entered into on or after January 1, 2000, for a manufactured home, as defined in Section 18007 of the Health and Safety Code, that is classified as personal property intended for use as a residence, or a mobilehome, as defined in Section 18008 of the Health and Safety Code, that is classified as personal property intended for use as a residence, if the real property on which the manufactured home or mobilehome is located is real property described in subdivision (c).
- (c) This article shall apply to the transactions described in subdivisions (a) and (b) only if the transferor or his or her agent are required by one or more of the following to disclose the property's location within a hazard zone:
  - (1) A person who is acting as an agent for a transferor of real property that is located within a special flood hazard area (any type Zone "A" or "V") designated by the Federal Emergency Management Agency, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a special flood hazard area if either:
    - (A) The transferor, or the transferor's agent, has actual knowledge that the property is within a special flood hazard area.
    - (B) The local jurisdiction has compiled a list, by parcel, of properties that are within the special flood hazard area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.
  - (2) ... is located within an area of potential flooding ... shall disclose to any prospective transferee the fact that the property is located within an area of potential flooding ...
  - (3) ... is located within a very high fire hazard severity zone, designated pursuant to Section 51178 of the Public Resources Code ... shall disclose to any prospective transferee the fact that the property is located within a very high fire hazard severity zone and is subject to the requirements of Section 51182 ...

- (4) ... is located within an earthquake fault zone, designated pursuant to Section 2622 of the Public Resources Code ... shall disclose to any prospective transferee the fact that the property is located within a delineated earthquake fault zone
  - (5) ... is located within a seismic hazard zone, designated pursuant to Section 2696 of the Public Resources Code ... shall disclose to any prospective transferee the fact that the property is located within a seismic hazard zone
  - (6) ... is located within a state responsibility area determined by the board, pursuant to Section 4125 of the Public Resources Code, shall disclose to any prospective transferee the fact that the property is located within a wildland area that may contain substantial forest fire risks and hazards and is subject to the requirements of Section 4291 ...
- (d) Any waiver of the requirements of this article is void as against public policy.

**1103.1.**

- (a) This article does not apply to the following transfers:
- (1) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers pursuant to a writ of execution, transfers by any foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.
  - (2) Transfers to a mortgagee by a mortgagor or successor in interest who is in default, transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default, transfers by any foreclosure sale after default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, transfers by a sale under a power of sale or any foreclosure sale under a decree of foreclosure after default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale, or transfers by a mortgagee or a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a power of sale under a mortgage or deed of trust or a sale pursuant to a decree of foreclosure or has acquired the real property by a deed in lieu of foreclosure.
  - (3) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.
  - (4) Transfers from one co-owner to one or more other co-owners.
  - (5) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the transferors.
  - (6) Transfers between spouses resulting from a judgment of dissolution of marriage or of legal separation of the parties or from a property settlement agreement incidental to that judgment.
  - (7) Transfers by the Controller in the course of administering Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure.
  - (8) Transfers under Chapter 7 (commencing with Section 3691) or Chapter 8 (commencing with Section 3771) of Part 6 of Division 1 of the Revenue and Taxation Code.
  - (9) Transfers or exchanges to or from any governmental entity.

- (b) Transfers not subject to this article may be subject to other disclosure requirements, including those under Sections 8589.3, 8589.4, and 51183.5 of the Government Code and Sections 2621.9, 2694, and 4136 of the Public Resources Code. In transfers not subject to this article, agents may make required disclosures in a separate writing.

**1103.2.**

- (a) The disclosures required by this article are set forth in, and shall be made on a copy of, the following Natural Hazard Disclosure Statement: ...
- (b) If an earthquake fault zone, seismic hazard zone, very high fire hazard severity zone, or wildland fire area map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a natural hazard area, the transferor or transferor's agent shall mark "Yes" on the Natural Hazard Disclosure Statement. The transferor or transferor's agent may mark "No" on the Natural Hazard Disclosure Statement if he or she attaches a report prepared pursuant to subdivision (c) of Section 1103.4 that verifies the property is not in the hazard zone. Nothing in this subdivision is intended to limit or abridge any existing duty of the transferor or the transferor's agents to exercise reasonable care in making a determination under this subdivision.

[Sub-Sections (c) through (g) omitted]

[Section 1103.3 omitted]

**1103.4.**

- (a) Neither the transferor nor any listing or selling agent shall be liable for any error, inaccuracy, or omission of any information delivered pursuant to this article if the error, inaccuracy, or omission was not within the personal knowledge of the transferor or the listing or selling agent, and was based on information timely provided by public agencies or by other persons providing information as specified in subdivision (c) that is required to be disclosed pursuant to this article, and ordinary care was exercised in obtaining and transmitting the information.
- (b) The delivery of any information required to be disclosed by this article to a prospective transferee by a public agency or other person providing information required to be disclosed pursuant to this article shall be deemed to comply with the requirements of this article and shall relieve the transferor or any listing or selling agent of any further duty under this article with respect to that item of information.
- (c) The delivery of a report or opinion prepared by a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional's license or expertise, shall be sufficient compliance for application of the exemption provided by subdivision (a) if the information is provided to the prospective transferee pursuant to a request therefor, whether written or oral. In responding to that request, an expert may indicate, in writing, an understanding that the information provided will be used in fulfilling the requirements of Section 1103.2 and, if so, shall indicate the required disclosures, or parts thereof, to which the information being furnished is applicable. Where that statement is furnished, the expert shall not be responsible for any items of information, or parts thereof, other than those expressly set forth in the statement. In responding to the request, the expert shall determine whether the property is within an airport influence area as defined in subdivision (b) of Section 11010 of the Business and Professions Code. If the property is within an airport influence area, the report shall contain the following statement:

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

[Remainder of Article 1.7 omitted]

## ***Civil Code***

### **Division 2, Part 4**

#### ***Title 6-Common Interest Developments (excerpts)***

#### **1353.**

- (a) (1) A declaration, recorded on or after January 1, 1986, shall contain a legal description of the common interest development, and a statement that the common interest development is a community apartment project, condominium project, planned development, stock cooperative, or combination thereof. The declaration shall additionally set forth the name of the association and the restrictions on the use or enjoyment of any portion of the common interest development that are intended to be enforceable equitable servitudes. If the property is located within an airport influence area, a declaration, recorded after January 1, 2004, shall contain the following statement:

#### **NOTICE OF AIRPORT IN VICINITY**

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

- (2) For purposes of this section, an "airport influence area," also known as an "airport referral area," is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.
- (3) The statement in a declaration acknowledging that a property is located in an airport influence area does not constitute a title defect, lien, or encumbrance.
- (b) The declaration may contain any other matters the original signator of the declaration or the owners consider appropriate.

**Legislative History Summary**  
**PUBLIC UTILITIES CODE**

**Sections 21670 et seq.**  
**Airport Land Use Commission Statutes**  
**And Related Statutes**

- 1967 Original ALUC statute enacted.
- = Establishment of ALUCs required in each county containing a public airport served by a certificated air carrier.
  - = The purpose of ALUCs is indicated as being to make recommendations regarding height restrictions on buildings and the use of land surrounding airports.
- 1970 Assembly Bill 1856 (Badham) Chapter 1182, Statutes of 1970-Adds provisions which:
- = Require ALUCs to prepare comprehensive land use plans.
  - = Require such plans to include a long-range plan and to reflect the airport's forecast growth during the next 20 years.
  - = Require ALUC review of airport construction plans (Section 21661.5).
  - = Exempt Los Angeles County from the requirement of establishing an ALUC.
- 1971 The function of ALUCs is restated as being to require new construction to conform to Department of Aeronautics standards.
- 1973 ALUCs are permitted to establish compatibility plans for military airports.
- 1982 Assembly Bill 2920 (Rogers) Chapter 1041, Statutes of 1982-Adds major changes which:
- = More clearly articulate the purpose of ALUCs.
  - = Eliminate reference to "achieve by zoning."
  - = Require consistency between local general and specific plans and airport land use commission plans; the requirements define the process for attaining consistency, they do not establish standards for consistency.
  - = Eliminate the requirement for proposed individual development projects to be referred to an ALUC for review once local general/specific plans are consistent with the ALUC's plan.
  - = Require that local agencies make findings of fact before overriding an ALUC decision.
  - = Change the vote required for an override from 4/5 to 2/3.
- 1984 Assembly Bill 3551 (Mountjoy) Chapter 1117, Statutes of 1984-Amends the law to:
- = Require ALUCs in all counties having an airport which serves the general public unless a county and its cities determine an ALUC is not needed.
  - = Limit amendments to compatibility plans to once per year.
  - = Allow individual projects to continue to be referred to the ALUC by agreement.
  - = Extend immunity to airports if an ALUC action is overridden by a local agency not owning the airport.
  - = Provide state funding eligibility for preparation of compatibility plans through the Regional Transportation Improvement Program process.

- 1987 Senate Bill 633 (Rogers) Chapter 1018, Statutes of 1987-Makes revisions which:
- = Require that a designated body serving as an ALUC include two members having "expertise in aviation."
  - = Allows an interested party to initiate court proceedings to postpone the effective date of a local land use action if a compatibility plan has not been adopted.
  - = Delete *sunset* provisions contained in certain clauses of the law. Allows reimbursement for ALUC costs in accordance with the Commission on State Mandates.
- 1989 Senate Bill 255 (Bergeson) Chapter 54, Statutes of 1989-
- = Sets a requirement that comprehensive land use plans be completed by June 1991.
  - = Establishes a method for compelling ALUCs to act on matters submitted for review.
  - = Allows ALUCs to charge fees for review of projects.
  - = Suspends any lawsuits that would stop development until the ALUC adopts its plan or until June 1, 1991.
- 1989 Senate Bill 235 (Alquist) Chapter 788, Statutes of 1989-Appropriates \$3,672,000 for the payment of claims to counties seeking reimbursement of costs incurred during fiscal years 1985-86 through 1989-90 pursuant to state-mandated requirement (Chapter 1117, Statutes of 1984) for creation of ALUCs in most counties. This statute was repealed in 1993.
- 1990 Assembly Bill 4164 (Mountjoy) Chapter 1008, Statutes of 1990-Adds section 21674.5 requiring the Division of Aeronautics to develop and implement a training program for ALUC staffs.
- 1990 Assembly Bill 4265 (Clute) Chapter 563, Statutes of 1990-With the concurrence of the Division of Aeronautics, allows ALUCs to use an airport layout plan, rather than a long-range airport master plan, as the basis for preparation of a compatibility plan.
- 1990 Senate Bill 1288 (Beverly) Chapter 54, Statutes of 1990-Amends Section 21670.2 to give Los Angeles County additional time to prepare compatibility plans and meet other provisions of the ALUC statutes.
- 1991 Senate Bill 532 (Bergeson) Chapter 140, Statutes of 1991-
- = Allows counties having half of their compatibility plans completed or under preparation by June 30, 1991, an additional year to complete the remainder.
  - = Allows ALUCs to continue to charge fees under these circumstances.
  - = Fees may be charged only until June 30, 1992, if plans are not completed by then.
- 1993 Senate Bill 443 (Committee on Budget and Fiscal Review) Chapter 59, Statutes of 1993-Amends Section 21670(b) to make the formation of ALUCs permissive rather than mandatory as of June 30, 1993. (Note: Section 21670.2 which assigns responsibility for coordinating the airport planning of public agencies in Los Angeles County is not affected by this amendment.)
- 1994 Assembly Bill 2831 (Mountjoy) Chapter 644, Statutes of 1994 -Reinstates the language in Section 21670(b) mandating establishment of ALUCs, but also provides for an alternative airport land use planning process. Lists specific actions which a county and affected cities must take in order for such alternative process to receive Caltrans approval. Requires

that ALUCs be guided by information in the Caltrans *Airport Land Use Planning Handbook* when formulating airport land use plans.

- 1994 Senate Bill 1453 (Rogers) Chapter 438, Statutes of 1994-Amends California Environmental Quality Act (CEQA) statutes as applied to preparation of environmental documents affecting projects in the vicinity of airports. Requires lead agencies to use the *Airport Land Use Planning Handbook* as a technical resource when assessing the airport-related noise and safety impacts of such projects.
- 1997 Assembly Bill 1130 (Oller) Chapter 81, Statutes of 1997-Added Section 21670.4 concerning airports whose planning boundary straddles a county line.
- 2000 Senate Bill 1350 (Rainey) Chapter 506, Statutes of 2000-Added Section 21670(f) clarifying that special districts are among the local agencies to which airport land use planning laws are intended to apply.
- 2001 Assembly Bill 93 (Wayne) Chapter 946, Statutes of 2001-Added Section 21670.3 regarding San Diego County Regional Airport Authority's responsibility for airport planning within San Diego County.
- 2002 Assembly Bill 3026 (Committee on Transportation) Chapter 438, Statutes of 2002-Changes the term "comprehensive land use plan" to "airport land use compatibility plan."
- 2002 Assembly Bill 2776 (Simitian) Chapter 496, Statutes of 2002-Requires information regarding the location of a property within an airport influence area be disclosed as part of certain real estate transactions effective January 1, 2004.
- 2002 Senate Bill 1468 (Knight) Chapter 971, Statutes of 2002-Changes ALUC preparation of airport land use compatibility plans for military airports from optional to required. Requires that the plans be consistent with the safety and noise standards in the Air Installation Compatible Use Zone for that airport. Requires that the general plan and any specific plans be consistent with these standards where there is military airport, but an airport land use commission does not exist.

**Federal Aviation Regulations Part 77**

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**PART 77 - OBJECTS AFFECTING NAVIGABLE AIRSPACE****Subpart A  
GENERAL**

Amdt. 77-11, Sept. 25, 1989.

**77.1 Scope.**

This part:

- (a) Establishes standards for determining obstructions in navigable airspace;
- (b) Sets forth the requirements for notice to the Administrator of certain proposed construction or alteration;
- (c) Provides for aeronautical studies of obstructions to air navigation, to determine their effect on the safe and efficient use of airspace;
- (d) Provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and
- (e) Provides for establishing antenna farm areas.

**77.2 Definition of Terms.**

For the purpose of this part:

"Airport available for public use" means an airport that is open to the general public with or without a prior request to use the airport.

"A seaplane base" is considered to be an airport only if its sea lanes are outlined by visual markers.

"Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service military airport planning document.

"Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA approved airport layout plan; a military service approved military airport layout plan; any other FAA planning document, or military service military airport planning document.

"Utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

"Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

### **77.3 Standards.**

- (a) The standards established in this part for determining obstructions to air navigation are used by the Administrator in:
  - (1) Administering the Federal-aid Airport Program and the Surplus Airport Program;
  - (2) Transferring property of the United States under section 16 of the Federal Airport Act;
  - (3) Developing technical standards and guidance in the design and construction of airports; and
  - (4) Imposing requirements for public notice of the construction or alteration of any structure where notice will promote air safety.
- (b) The standards used by the Administrator in the establishment of flight procedures and aircraft operational limitations are not set forth in this part but are contained in other publications of the Administrator.

### **77.5 Kinds of Objects Affected.**

This part applies to:

- (a) Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, and apparatus of a permanent or temporary character; and
- (b) Alteration of any permanent or temporary existing structure by a change in its height (including appurtenances), or lateral dimensions, including equipment or materials used therein.

**Subpart B**  
**NOTICE OF CONSTRUCTION OR ALTERATION**

**77.11 Scope.**

- (a) This subpart requires each person proposing any kind of construction or alteration described in § 77.13(a) to give adequate notice to the Administrator. It specifies the locations and dimensions of the construction or alteration for which notice is required and prescribes the form and manner of the notice. It also requires supplemental notices 48 hours before the start and upon the completion of certain construction or alteration that was the subject of a notice under § 77.13(a).
- (b) Notices received under this subpart provide a basis for:
  - (1) Evaluating the effect of the construction or alteration on operational procedures and proposed operational procedures;
  - (2) Determinations of the possible hazardous effect of the proposed construction or alteration on air navigation;
  - (3) Recommendations for identifying the construction or alteration in accordance with the current Federal Aviation Administration Advisory Circular AC 70/7460-1 entitled "Obstruction Marking and Lighting," which is available without charge from the Department of Transportation, Distribution Unit, TAD 484.3, Washington, D.C. 20590.
  - (4) Determining other appropriate measures to be applied for continued safety of air navigation; and
  - (5) Charting and other notification to airmen of the construction or alteration.

**77.13 Construction or Alteration Requiring Notice.**

- (a) Except as provided in § 77.15, each sponsor who proposes any of the following construction or alteration shall notify the Administrator in the form and manner prescribed in § 77.17:
  - (1) Any construction or alteration of more than 200 feet in height above the ground level at its site.
  - (2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
    - (i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section with at least one runway more than 3,200 feet in actual length, excluding heliports.
    - (ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section with its longest runway no more than 3,200 feet in actual length, excluding heliports.

- (iii) 5 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport specified in paragraph (a)(5) of this section.
- (3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) (1) or (2) of this section.
- (4) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed a standard of Subpart C of this part.
- (5) Any construction or alteration on any of the following airports (including heliports):
- (i) An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.
  - (ii) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that airport will be available for public use.
  - (iii) An airport that is operated by an armed force of the United States.
- (b) Each sponsor who proposes construction or alteration that is the subject of a notice under paragraph (a) of this section and is advised by an FAA regional office that a supplemental notice is required shall submit that notice on a prescribed form to be received by the FAA regional office at least 48 hours before the start of the construction or alteration.
- (c) Each sponsor who undertakes construction or alteration that is the subject of a notice under paragraph (a) of this section shall, within 5 days after that construction or alteration reaches its greatest height, submit a supplemental notice on a prescribed form to the FAA regional office having jurisdiction over the region involved, if -
- (1) The construction or alteration is more than 200 feet above the surface level of its site; or
  - (2) An FAA regional office advises him that submission of the form is required.

**77.15 Construction or Alteration Not Requiring Notice.**

No person is required to notify the Administrator for any of the following construction or alteration:

- (a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

- (b) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
- (c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.
- (d) Any construction or alteration for which notice is required by any other FAA regulation.

**77.17 Form and Time of Notice.**

- (a) Each person who is required to notify the Administrator under § 77.13(a) shall send one executed form set (four copies) of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 7460-1 may be obtained from the headquarters of the Federal Aviation Administration and the regional offices.
- (b) The notice required under § 77.13(a)(1) through (4) must be submitted at least 30 days before the earlier of the following dates:
  - (1) The date the proposed construction or alteration is to begin.
  - (2) The date an application for a construction permit is to be filed.

However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

- (c) A proposed structure or an alteration to an existing structure that exceeds 2,000 feet in height above the ground will be presumed to be a hazard to air navigation and to result in an inefficient utilization of airspace and the applicant has the burden of overcoming that presumption. Each notice submitted under the pertinent provisions of this Part 77 proposing a structure in excess of 2,000 feet above ground, or an alteration that will make an existing structure exceed that height, must contain a detailed showing, directed to meeting this burden. Only in exceptional cases, where the FAA concludes that a clear and compelling showing has been made that it would not result in an inefficient utilization of the airspace and would not result in a hazard to air navigation, will a determination of no hazard be issued.
- (d) In the case of an emergency involving essential public services, public health, or public safety that requires immediate construction or alteration, the 30 day requirement in paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed FAA Form 7460-1 submitted within 5 days thereafter. Outside normal business hours, emergency notices by telephone or telegraph may be submitted to the nearest FAA Flight Service Station.

- (e) Each person who is required to notify the Administrator by paragraph (b) or (c) of § 77.13, or both, shall send an executed copy of FAA Form 117-1, Notice of Progress of Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area involved.

#### **77.19 Acknowledgment of Notice.**

- (a) The FAA acknowledges in writing the receipt of each notice submitted under § 77.13(a).
- (b) If the construction or alteration proposed in a notice is one for which lighting or marking standards are prescribed in the FAA Advisory Circular AC 70/7460-1, entitled "Obstruction Marking and Lighting," the acknowledgment contains a statement to that effect and information on how the structure should be marked and lighted in accordance with the manual.
- (c) The acknowledgment states that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
- (1) Would not exceed any standard of Subpart C and would not be a hazard to air navigation;
  - (2) Would exceed a standard of Subpart C but would not be a hazard to air navigation; or
  - (3) Would exceed a standard of Subpart C and further aeronautical study is necessary to determine whether it would be a hazard to air navigation, that the sponsor may request within 30 days that further study, and that, pending completion of any further study, it is presumed the construction or alteration would be a hazard to air navigation.

### ***Subpart C*** **OBSTRUCTION STANDARDS**

#### **77.21 Scope.**

- (a) This subpart establishes standards for determining obstructions to air navigation. It applies to existing and proposed manmade objects, objects of natural growth, and terrain. The standards apply to the use of navigable airspace by aircraft and to existing air navigation facilities, such as an air navigation aid, airport, Federal airway, instrument approach or departure procedure, or approved off airway route. Additionally, they apply to a planned facility or use, or a change in an existing facility or use, if a proposal therefor is on file with the Federal Aviation Administration or an appropriate military service on the date the notice required by § 77.13(a) is filed.
- (b) At those airports having defined runways with specially prepared hard surfaces, the primary surface for each such runway extends 200 feet beyond each end of the runway. At those airports having defined strips or pathways that are used regularly for the taking off and landing of aircraft and have been designated by appropriate authority as runways, but do not have specially prepared hard surfaces, each end of the primary surface for each such runway shall coincide with the corresponding end of the runway. At those airports, excluding seaplane bases, having a defined landing and takeoff area with no defined pathways for the landing and taking off of aircraft, a determination shall be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those pathways so determined shall be considered runways and an appropriate primary surface as defined in § 77.25(c) will be considered as being longitudinally centered on each runway so determined, and each end of that primary surface shall coincide with the corresponding end of that runway.
- c) The standards in this subpart apply to the effect of construction or alteration proposals upon an

airport if, at the time of filing of the notice required by § 77.13(a), that airport is -

- (1) Available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement; or
- (2) A planned or proposed airport or an airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that that airport will be available for public use; or,
- (3) An airport that is operated by an armed force of the United States.

**77.23 Standards for Determining Obstructions.**

- (a) An existing object, including a mobile object, is, and a future object would be, an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:
  - (1) A height of 500 feet above ground level at the site of the object.
  - (2) A height that is 200 feet above ground level or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 500 feet.
  - (3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.
  - (4) A height within an enroute obstacle clearance area, including turn and termination areas, of a Federal airway or approved off airway route, that would increase the minimum obstacle clearance altitude.
  - (5) The surface of a takeoff and landing area of an airport or any imaginary surface established under § 77.25, § 77.28, or § 77.29. However, no part of the takeoff or landing area itself will be considered an obstruction.
- (b) Except for traverse ways on or near an airport with an operative ground traffic control service, furnished by an air traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:

- (1) Seventeen feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.
- (2) Fifteen feet for any other public roadway.
- (3) Ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.
- (4) Twenty-three feet for a railroad, and,
- (5) For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

### **77.25 Civil Airport Imaginary Surfaces.**

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

- (a) Horizontal surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
  - (1) 5,000 feet for all runways designated as utility or visual;
  - (2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.
- (b) Conical surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- (c) Primary surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

- (1) 250 feet for utility runways having only visual approaches.
- (2) 500 feet for utility runways having nonprecision instrument approaches.
- (3) For other than utility runways the width is:
  - (i) 500 feet for visual runways having only visual approaches.
  - (ii) 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.
  - (iii) 1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

(d) Approach surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

- (1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
  - (i) 1,250 feet for that end of a utility runway with only visual approaches;
  - (ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
  - (iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach;
  - (iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
  - (v) 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and
  - (vi) 16,000 feet for precision instrument runways.
- (2) The approach surface extends for a horizontal distance of:
  - (i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;
  - (ii) 10,000 feet at a slope of 34 to 1 for all nonprecision instrument runways other than utility; and,
  - (iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

(3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(e) Transitional surface. These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

**77.27 [Reserved]**

**77.28 Military Airport Imaginary Surfaces.**

- (a) Related to airport reference points. These surfaces apply to all military airports. For the purposes of this section a military airport is any airport operated by an armed force of the United States.
- (1) Inner horizontal surface. A plane is oval in shape at a height of 150 feet above the established airfield elevation. The plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.
  - (2) Conical surface. A surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.
  - (3) Outer horizontal surface. A plane, located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.
- (b) Related to runways. These surfaces apply to all military airports.
- (1) Primary surface. A surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000 foot width may be reduced to the former criteria.
  - (2) Clear zone surface. A surface located on the ground or water at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.
  - (3) Approach clearance surface. An inclined plane, symmetrical about the runway centerline extended, beginning 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for 50,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 is 16,000 feet.
  - (4) Transitional surfaces. These surfaces connect the primary surfaces, the first 200 feet of the clear zone surfaces, and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway centerline.

**77.29 Airport Imaginary Surfaces for Heliports.**

- (a) Heliport primary surface. The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
- (b) Heliport approach surface. The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.
- (c) Heliport transitional surfaces. These surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

**Subpart D**  
**AERONAUTICAL STUDIES OF EFFECT OF**  
**PROPOSED CONSTRUCTION ON NAVIGABLE AIRSPACE**

**77.31 Scope.**

- (a) This subpart applies to the conduct of aeronautical studies of the effect of proposed construction or alteration on the use of air navigation facilities or navigable airspace by aircraft. In the aeronautical studies, present and future IFR and VFR aeronautical operations and procedures are reviewed and any possible changes in those operations and procedures and in the construction proposal that would eliminate or alleviate the conflicting demands are ascertained.
- (b) The conclusion of a study made under this subpart is normally a determination as to whether the specific proposal studied would be a hazard to air navigation.

**77.33 Initiation of Studies.**

- (a) An aeronautical study is conducted by the FAA:
  - (1) Upon the request of the sponsor or any construction or alteration for which a notice is submitted under Subpart B of this part, unless that construction or alteration would be located within an antenna farm area established under Subpart F of this part; or
  - (2) Whenever the FAA determines it appropriate.

**77.35 Aeronautical Studies.**

- (a) The Regional Manager, Air Traffic Division of the region in which the proposed construction or alteration would be located, or his designee, conducts the aeronautical study of the effect of the proposal upon the operation of air navigation facilities and the safe and efficient utilization of the navigable airspace. This study may include the physical and electromagnetic radiation effect the proposal may have on the operation of an air navigation facility.
- (b) To the extent considered necessary, the Regional Manager, Air Traffic Division or his designee:
  - (1) Solicits comments from all interested persons;
  - (2) Explores objections to the proposal and attempts to develop recommendations for

adjustment of aviation requirements that would accommodate the proposed construction or alteration;

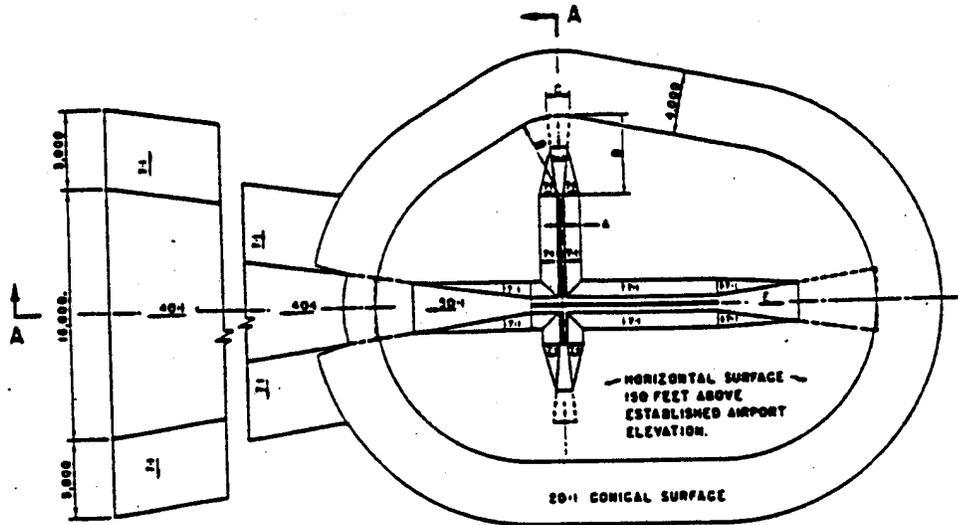
- (3) Examines possible revisions of the proposal that would eliminate the exceeding of the standards in Subpart C of this part; and
  - (4) Convenes a meeting with all interested persons for the purpose of gathering all facts relevant to the effect of the proposed construction or alteration on the safe and efficient utilization of the navigable airspace.
- (c) The Regional Manager, Air Traffic Division or his designee issues a determination as to whether the proposed construction or alteration would be a hazard to air navigation and sends copies to all known interested persons. This determination is final unless a petition for review is granted under § 77.37.
- (d) If the sponsor revises his proposal to eliminate exceeding of the standards of Subpart C of this part, or withdraws it, the Regional Manager, Air Traffic Division, or his designee, terminates the study and notifies all known interested persons.

**77.37 Discretionary Review.**

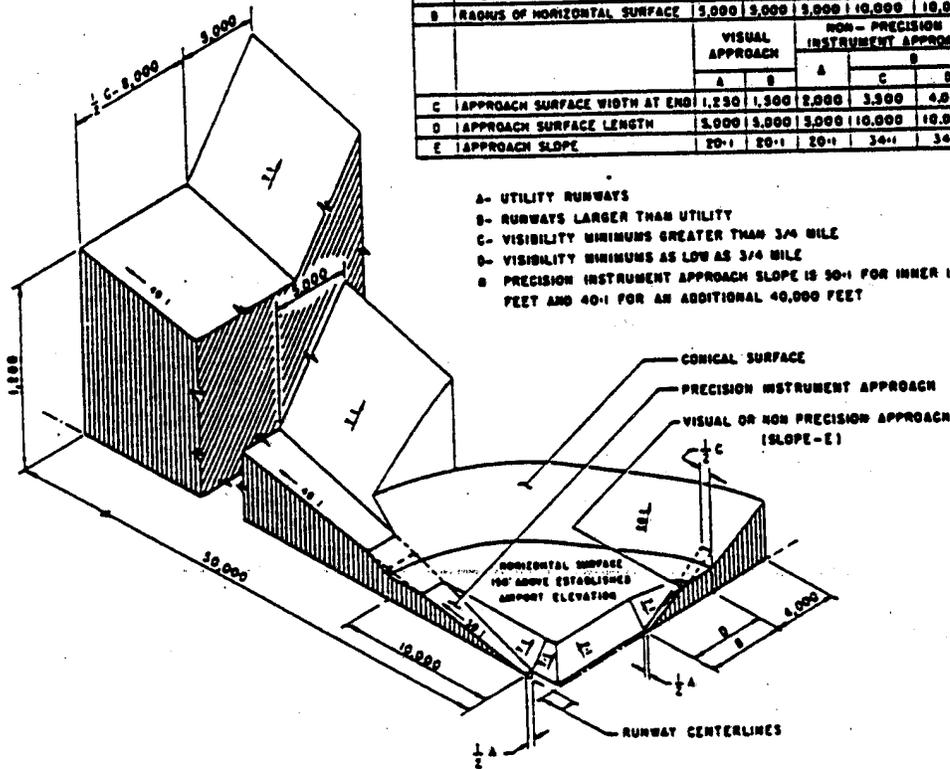
- (a) The sponsor of any proposed construction or alteration or any person who stated a substantial aeronautical objection to it in an aeronautical study, or any person who has a substantial aeronautical objection to it but was not given an opportunity to state it, may petition the Administrator, within 30 days after issuance of the determination under § 77.19 or § 77.35 or revision or extension of the determination under § 77.39(c), for a review of the determination, revision, or extension. This paragraph does not apply to any acknowledgment issued under § 77.19(c)(1).
- (b) The petition must be in triplicate and contain a full statement of the basis upon which it is made.
- (c) The Administrator examines each petition and decides whether a review will be made and, if so, whether it will be:
  - (1) A review on the basis of written materials, including study of a report by the Regional Manager, Air Traffic Division of the aeronautical study, briefs, and related submissions by any interested party, and other relevant facts, with the Administrator affirming, revising, or reversing the determination issued under § 77.19, § 77.35 or § 77.39(c); or
  - (2) A review on the basis of a public hearing, conducted in accordance with the procedures prescribed in Subpart E of this part.

**77.39 Effective Period of Determination of No Hazard.**

- (a) Unless it is otherwise extended, revised, or terminated, each final determination of no hazard made under this subpart or Subpart B or E of this part expires 18 months after its effective date, regardless of whether the proposed construction or alteration has been started, or on the date the proposed construction or alteration is abandoned, whichever is earlier.
- (b) In any case, including a determination to which paragraph (d) of this section applies, where the proposed construction or alteration has not been started during the applicable period by actual structural work, such as the laying of a foundation, but not including excavation, any interested person may, at least 15 days before the date the final determination expires, petition the FAA official who issued the determination to:
  - (1) Revise the determination based on new facts that change the basis on which it was made; or
  - (2) Extend its effective period.
- (c) The FAA official who issued the determination reviews each petition presented under paragraph (b) of this section, and revises, extends, or affirms the determination as indicated by his findings.
- (d) In any case in which a final determination made under this subpart or Subpart B or E of this part relates to proposed construction or alteration that may not be started unless the Federal Communications Commission issues an appropriate construction permit, the effective period of each final determination includes -
  - (1) The time required to apply to the Commission for a construction permit, but not more than 6 months after the effective date of the determination; and
  - (2) The time necessary for the Commission to process the application except in a case where the Administrator determines a shorter effective period is required by the circumstances.
- (e) If the Commission issues a construction permit, the final determination is effective until the date prescribed for completion of the construction. If the Commission refuses to issue a construction permit, the final determination expires on the date of its refusal.



DIM	ITEM	DIMENSIONAL STANDARDS (FEET)					
		VISUAL RUNWAY		NON-PRECISION INSTRUMENT RUNWAY		PRECISION INSTRUMENT RUNWAY	
		A	B	A	C	B	D
A	WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END	250	300	300	300	1,000	1,000
B	RADIUS OF HORIZONTAL SURFACE	5,000	5,000	3,000	10,000	10,000	10,000
C	APPROACH SURFACE WIDTH AT END	VISUAL APPROACH		NON-PRECISION INSTRUMENT APPROACH		PRECISION INSTRUMENT APPROACH	
		A	B	A	C	B	D
C	APPROACH SURFACE WIDTH AT END	1,250	1,300	2,000	3,300	4,000	10,000
D	APPROACH SURFACE LENGTH	5,000	5,000	5,000	10,000	10,000	0
E	APPROACH SLOPE	20:1	20:1	20:1	34:1	34:1	0



ISOMETRIC VIEW OF SECTION A-A

§ 77.25 CIVIL AIRPORT IMAGINARY SURFACES

 U.S. Department of Transportation Federal Aviation Administration	<h2 style="margin:0;">Notice of Proposed Construction or Alteration</h2>	Aeronautical Study Number _____				
<h3>1. Nature of Proposal</h3> <table style="width:100%; border: none;"> <tr> <td style="width:33%; border: none;"> <b>A. Type</b>  <input type="checkbox"/> New Construction  <input type="checkbox"/> Alteration *                 </td> <td style="width:33%; border: none;"> <b>B. Class</b>  <input type="checkbox"/> Permanent  <input type="checkbox"/> Temporary (Duration _____ months)                 </td> <td style="width:33%; border: none;"> <b>C. Work Schedule Dates</b>                      Beginning _____                      End _____                 </td> </tr> </table> <p>* If Alteration, provide previous FAA Aeronautical Study Number, if available: _____</p>		<b>A. Type</b> <input type="checkbox"/> New Construction <input type="checkbox"/> Alteration *	<b>B. Class</b> <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Duration _____ months)	<b>C. Work Schedule Dates</b> Beginning _____ End _____	<h3>2. Complete Description of Structure</h3> <p>Please describe, on a separate sheet of paper if necessary, the proposed construction or alteration.</p> <p>A. For proposals involving transmitting stations, include effective radiated power (ERP) and assigned frequency of all proposed or modified transmitters on the structure. (If not known, give frequency band and maximum ERP).</p> <p>B. For proposals involving overhead wire, transmission lines, etc., include the size and the configuration of the wires and their supporting structures.</p> <p>C. For all proposals, include site orientation, dimensions, and construction materials of the proposed or altered structure.</p> <p>D. Optional— Describe the type of obstruction marking and lighting system desired for your structure. The FAA will recommend appropriate marking and lighting for the structure in accordance with the standards of Advisory Circular AC 70/7460-1. An FAA marking and lighting recommendation will reflect the minimum acceptable level of conspicuity necessary to warn pilots of the presence of an object. However, the FAA, under certain circumstances, will not object to the use of a system (such as a medium intensity flashing white light system or a dual lighting system) other than the recommended standard.</p>	
<b>A. Type</b> <input type="checkbox"/> New Construction <input type="checkbox"/> Alteration *	<b>B. Class</b> <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Duration _____ months)	<b>C. Work Schedule Dates</b> Beginning _____ End _____				
<p>3A. Name, address, and telephone number of individual, company corporation, etc. proposing the construction or alteration. (Number, Street, City, State, and Zip Code)</p> <p>_____                  _____                  _____                  _____</p> <p>(Area Code) _____ Telephone Number _____</p> <p>3B. Name, address and telephone number of proponent's representative, if different than 3A. above.</p> <p>_____                  _____                  _____                  _____</p> <p>(Area Code) _____ Telephone Number _____</p>						
<h3>4. Location Of Structure</h3> <table style="width:100%; border: none;"> <tr> <td style="width:30%; border: none;"> <b>A. Coordinates</b> (to hundredths of second, if known)                      Latitude 01 _____ " _____"                      Longitude 01 _____ " _____"                      4D. Source of coordinate information for item 4A. above.  <input type="checkbox"/> USGS 7.5' Quad Chart <input type="checkbox"/> Survey <input type="checkbox"/> Other Specify _____                      Indicate the reference datum of the coordinates, if known.  <input type="checkbox"/> NAD 27 <input type="checkbox"/> NAD 83 <input type="checkbox"/> Specify _____                 </td> <td style="width:20%; border: none;"> <b>B. Nearest City or Town and State</b>                      _____                 </td> <td style="width:20%; border: none;"> <b>C. Nearest public or military airport, heliport, flightpark, or seaplane base</b>                      (1). Distance to 4B _____ (1). Distance from structure to nearest point of nearest runway _____                      (2). Direction to 4B _____ (2). Direction from structure to airport _____                 </td> <td style="width:30%; border: none;"> <b>A. Elevation of site above mean sea level.</b>                      _____  <b>B. Height of structure including all appurtenances and lighting above ground or water.</b>                      _____  <b>C. Overall height above mean sea level (A + B)</b>                      _____                 </td> </tr> </table> <p>4E. Describe, on a separate sheet of paper, the location of the site with respect to highways, streets, airports, prominent terrain features, existing structures, etc. Attach a copy of a U.S. Geological Survey quadrangle map 7.5 minute series (or equivalent) showing the construction site. If available, attach a copy of a documented site survey with the surveyor's certification.</p>		<b>A. Coordinates</b> (to hundredths of second, if known) Latitude 01 _____ " _____" Longitude 01 _____ " _____" 4D. Source of coordinate information for item 4A. above. <input type="checkbox"/> USGS 7.5' Quad Chart <input type="checkbox"/> Survey <input type="checkbox"/> Other Specify _____ Indicate the reference datum of the coordinates, if known. <input type="checkbox"/> NAD 27 <input type="checkbox"/> NAD 83 <input type="checkbox"/> Specify _____	<b>B. Nearest City or Town and State</b> _____	<b>C. Nearest public or military airport, heliport, flightpark, or seaplane base</b> (1). Distance to 4B _____ (1). Distance from structure to nearest point of nearest runway _____ (2). Direction to 4B _____ (2). Direction from structure to airport _____	<b>A. Elevation of site above mean sea level.</b> _____ <b>B. Height of structure including all appurtenances and lighting above ground or water.</b> _____ <b>C. Overall height above mean sea level (A + B)</b> _____	
<b>A. Coordinates</b> (to hundredths of second, if known) Latitude 01 _____ " _____" Longitude 01 _____ " _____" 4D. Source of coordinate information for item 4A. above. <input type="checkbox"/> USGS 7.5' Quad Chart <input type="checkbox"/> Survey <input type="checkbox"/> Other Specify _____ Indicate the reference datum of the coordinates, if known. <input type="checkbox"/> NAD 27 <input type="checkbox"/> NAD 83 <input type="checkbox"/> Specify _____	<b>B. Nearest City or Town and State</b> _____	<b>C. Nearest public or military airport, heliport, flightpark, or seaplane base</b> (1). Distance to 4B _____ (1). Distance from structure to nearest point of nearest runway _____ (2). Direction to 4B _____ (2). Direction from structure to airport _____	<b>A. Elevation of site above mean sea level.</b> _____ <b>B. Height of structure including all appurtenances and lighting above ground or water.</b> _____ <b>C. Overall height above mean sea level (A + B)</b> _____			
<p><b>FAILURE TO PROVIDE ALL REQUESTED INFORMATION MAY DELAY PROCESSING OF YOUR NOTICE</b></p> <p>Notice is required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77) pursuant to Section 1101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. app. § 1501). Persons who knowingly and willfully violate the Notice requirements of Part 77 are subject to a civil penalty of \$1,000 per day until the notice is received, pursuant to Section 901(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. app. § 1471(a)); as well as the fine (criminal penalty) of not more than \$500 for the first offense and not more than \$2,000 for subsequent offenses, pursuant to Section 902(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. app. § 1472(a)).</p>						
<p>I HEREBY CERTIFY that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to obstruction mark and/or light the structure in accordance with established marking &amp; lighting standards as necessary.</p> <p>Date _____ Typed or Printed Name and Title of Person Filing Notice _____ Signature _____</p>						
<p><b>FOR FAA USE ONLY</b></p> <p>The Proposal:</p> <input type="checkbox"/> Does not require a notice to FAA. <input type="checkbox"/> is not identified as an obstruction under any standard of FAR, Part 77, Subpart C, and would not be a hazard to navigation. <input type="checkbox"/> is identified as an obstruction under the standards of FAR, Part 77, Subpart C, but would not be a hazard to navigation. <input type="checkbox"/> Should be obstruction <input type="checkbox"/> marked <input type="checkbox"/> lighted per FAA Advisory Circular 70/7460-1, Chapters _____ <input type="checkbox"/> Obstruction marking and lighting are not necessary		<p style="text-align: right;"><i>FAA will either return this form or issue a separate acknowledgement.</i></p> <p>Supplemental Notice of Construction, FAA Form 7460-2, is required any time the project is abandoned, or</p> <input type="checkbox"/> At least 48 hours before the start of construction <input type="checkbox"/> Within five days after the construction reaches its greatest height. This determination expires on _____ unless (a) extended, revised or terminated by the issuing office. (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit is made to the FCC on or before the above expiration date. In such cases the determination expires on the date prescribed by the FCC for completion of construction, or on the date the FCC denies the application. NOTE: Request for extension of the effective period of this determination must be postmarked or delivered to the issuing office at least 15 days prior to the expiration date. If the structure is subject to the licensing authority of the FCC, a copy of this determination will be sent to that agency.				
<p>Remains _____</p>						
<p>NAD 83 Coordinates (Use these coordinates for any future correspondence with the FAA)</p>	<p>Latitude _____</p>	<p>Longitude _____</p>				
<p>Issued on _____</p>	<p>Signature _____</p>	<p>Date _____</p>				

## Methods for Determining Concentrations of People

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One criterion used in the *Airport Land Use Compatibility Plan* is the maximum number of people per acre that can be present in a given area at anyone time. If a proposed use exceeds the maximum density; it will be considered inconsistent with compatibility planning policies. This appendix provides some guidance on how the people-per-acre determination can be made.

The most difficult part about making a people-per-acre determination is estimating the number or people likely to use a particular facility. There are several methods which can be utilized, depending upon the nature of the proposed use:

- **Parking Ordinance** -The number of people present in a given area can be calculated based upon the number of parking spaces provided. Some assumption regarding the number of people per vehicle needs to be developed to calculate the number of people on-site. The number of people per acre can then be calculated by dividing the number of people on-site by the size of the parcel" in acres. This approach is appropriate where the use is expected to be dependent upon access by vehicles.
- **Maximum Occupancy** -The Uniform Building Code can be used as a standard for determining the maximum occupancy of certain uses. The chart provided as Exhibit A is taken from the 1916 edition of the UBC (Table 33-A) and indicates the required number of square feet per occupant. The number of people on the site can be calculated by dividing the total floor area of a proposed use by the minimum square feet per occupant requirement listed in the table. The maximum occupancy can then be divided by the size of the parcel in acres to determine the people per acre.

Surveys of actual occupancy levels conducted by the City of Sacramento and other agencies have indicated that many retail and office uses are generally occupied at 50% of their maximum occupancy levels, even at the busiest times of day. Therefore, the number of people calculated for office and retail uses should be adjusted (50%) to reflect the actual occupancy levels before making the final people-per-acre determination.

- **Survey of Similar Uses** - Certain uses may require an estimate based upon a survey of similar uses. This approach is more difficult, but is appropriate for uses which, because of the nature of the use, cannot be reasonably estimated based upon parking or square footage.

Exhibit C1

Occupancy Levels  
Uniform Building Code

	<u>Minimum Square Feet per Occupant</u>
1. Aircraft Hangars (no repair)	500
2. Auction Room	7
3. Assembly Areas, Concentrated Use (without fixed seats)	7
Auditoriums	
Bowling Alleys (assembly areas)	
Churches and Chapels	
Dance Floors	
Lodge Rooms	
Reviewing Stands	
Stadiums	
4. Assembly Areas. Less Concentrated Use	15
Conference Rooms	
Dining Rooms	
Drinking Establishments	
Exhibit Rooms	
Gymnasiums	
Lounges	
Skating Rinks	
Stages	
5. Children's Homes and Homes for the Aged	80
6. Classrooms	20
7. Dormitories	50
8. Dwellings	300
9. Garage, Parking	200
10. Hospitals and Sanitariums; Nursing Homes	80
11. Hotels and Apartments	200
12. Kitchen, Commercial	200
13. Ubrart Reading Room	50
14. Locker Rooms	50
15. Mechanical Equipment Room	300
16. Nurseries for Children (Day Care)	50
17. Offices	100
18. School Shops and Vocational Rooms	50
19. Stores. Retail Sales	
Basement	20
Upper Floors	30
20. Warehouses	300
21. All Others	100

**Examples:**

- A. The proposal is for a 60,000-square-foot two-story office building on 4 net acres (exclusive of roads). The local parking ordinance requires one parking space for every 250 square feet of commercial space. Assuming that the use would generate one person per vehicle, the following calculations would derive the number of people per acre.

*Steps:*

- 1)  $60,000 \text{ sq. ft.} \div 250 \text{ people per vehicle/sq. ft.} = 240$  (people expected at anyone time)
- 2)  $240 \text{ people} \div 4 \text{ acres} = 60 \text{ people per acre}$

Under this example, the use would be estimated to generate 60 people per acre. In zones with limits of 100 people-per-acre, the use would be considered compatible assuming all other conditions were met.

- B. The proposal is for a 12,000-square-foot store on a 63,000-square-foot parcel. Using the maximum occupancy table from the Uniform Building Code (Exhibit C1) and applying the assumption that the building is occupied at 50% of maximum results in the following calculations:

*Steps:*

- 1)  $63,000 \text{ sq. ft.} \div 43,560 \text{ sq. ft. (per acre)} = 1.45 \text{ acres}$
- 2)  $12,000 \text{ sq. ft.} \div 30 \text{ sq. ft./occupant} = 400$  (max. building occupancy)
- 3)  $400 \text{ max. bldg. occupancy} \times 50\% = 200$  (people expected at anyone time)
- 4)  $200 \text{ people} \div 1.45 \text{ acre} = 138 \text{ people per acre}$

Under this example, 138 people per acre would represent a reasonable estimate. In zones with limitations of 100 people-per-acre or less, the use would be considered incompatible.

- C. The proposal is for a 3,000-square-foot office on a 16,500-square-foot parcel. Again using the table in Exhibit A but assuming the actual occupancy level is 50% of the maximum indicated by the UBC code provides the following result:

*Steps:*

- 1)  $16,500 \text{ sq. ft.} \div 43,560 \text{ sq. ft. (acre)} = 0.38 \text{ acre}$
- 2)  $3,000 \text{ sq. ft.} \div 100 \text{ sq. ft./occupant} = 30$  (max. building occupancy)
- 3)  $30 \text{ people maximum building occupancy} \times 50\% \text{ (actual occupancy)} = 15 \text{ people in the building at any one time}$
- 4)  $15 \text{ people} \div 0.38 = 39 \text{ people per acre}$

Under this example, the use would be estimated to generate 39 people per acre. In zones with occupancy limits of 100, the use would be considered compatible assuming all other conditions are met.



## Compatibility Guidelines for Specific Land Uses

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The compatibility evaluations listed below for specific types of land uses can be used by the individual jurisdictions as guidelines in implementation of the general compatibility criteria listed in Table 2A.

These evaluations are not regarded as adopted policies or criteria. In case of any conflicts between these evaluations of specific land uses and the policies and criteria in Chapter 2 of this document, the contents of Chapter 2 shall prevail.

Land Use	Compatibility Zones			
	A	B1/B2	C	D
<b><i>Agricultural Uses</i></b>				
Truck and Specialty Crops	0	+	+	+
Field Crops	0	+	+	+
Pasture and Rangeland	0	+	+	+
Orchard and Vineyards	-	+	+	+
Dry Farm and Grain	0	+	+	+
Tree Farms, Landscape Nurseries and Greenhouses	-	0	+	+
Fish Farms	-	0	+	+
Feed Lots and Stockyards	-	0	+	+
Poultry Farms	-	0	+	+
Dairy Farms	-	0	+	+
<b><i>Natural Uses</i></b>				
Fish and Game Preserves	0	0	0	0
Land Preserves and Open Space	0	+	+	+
Flood and Geological Hazard Areas	0	+	+	+
Waterways: Rivers, Creeks, Canals, Wetlands, Bays, Lakes	0	0	0	+

- 
- Incompatible
  - 0 Potentially compatible with restrictions
  - + Compatible

Land Use	Compatibility Zones			
	A	B1/B2	C	D
<b>Residential and Institutional</b>				
Rural Residential - 10 acres or more	-	0	+	+
Low Density Residential - 2 to 10 acre lots	-	0/+	+	+
Single Family Residential - lots under 2 acres	-	-	0	+
Multi Family Residential	-	-	0	+
Mobile Home Parks	-	-	0	+
Schools, Colleges and Universities	-	-	-	+
Day Care Centers	-	-	0	+
Hospitals and Residential Care Facilities	-	-	-	+
<b>Recreational</b>				
Golf Course	0	+	+	+
Parks - low intensity; no group activities	0	+	+	+
Playgrounds and Picnic Areas	-	0	+	+
Athletic Fields	-	0	+	+
Riding Stables	-	0	+	+
Marinas and Water Recreation	-	0	+	+
Health Clubs and Spas	-	-	0	+
Tennis Courts	-	0	+	+
Swimming Pools	-	0	0	+
Fairgrounds and Race Tracks	-	-	-	+
Resorts and Group Camps	-	-	0	+
<b>Industrial</b>				
Research and Development Laboratories	-	0	+	+
Warehouses and Distribution Facilities	-	0	+	+
Manufacturing and Assembly	-	0	0	+
Cooperage and Bottling Plants	-	0	+	+
Printing, Publishing and Allied Services	-	0	+	+
Chemical, Rubber and Plastic Products	-	-	0	+
Food Processing	-	-	0	+

- 
- Incompatible
  - 0 Potentially compatible with restrictions
  - + Compatible

Land Use	Compatibility Zones			
	A	B1/B2	C	D
<b>Commercial Uses</b>				
Large Shopping Malls (500,000+ sq. ft.)	-	-	0	+
Retail Stores (one story)	-	0	0	+
Retail Stores (two story)	-	-	0	+
Restaurants and Drinking Establishments (no take out)	-	0	0	+
Food Take-Outs	-	-	0	+
Auto and Marine Services	-	0	+	+
Building Materials, Hardware and Heavy Equipment	-	0	+	+
Office Buildings (one story)	-	0	+	+
Multiple-story Retail, Office, and Financial	-	-	0	+
Banks and Financial Institutions	-	0	+	+
Repair Services	-	0	+	+
Gas Stations	-	0	+	+
Government Services/Public Buildings	-	0	+	+
Motels (one story)	-	0	0	+
Hotels and Motels (two story)	-	-	0	+
Theaters, Auditoriums, and Assembly Halls	-	-	0	+
Outdoor Theaters	-	-	0	+
Memorial Parks/Cemeteries	-	+	+	+
Truck Terminals	-	+	+	+
<b>Transportation, Communications, and Utilities</b>				
Automobile Parking	0	+	+	+
Highway & Street Right-of-ways	0	+	+	+
Railroad and Public Transit Facilities	0	+	+	+
Taxi, Bus & Train Terminals	-	0	+	+
Reservoirs	-	0	0	+
Power Lines	-	0	0	+
Water Treatment Facilities	-	0	+	+
Sewage Treatment and Disposal Facilities	-	0	0	+
Electrical Substations	-	0	0	+
Power Plants	-	-	0	+
Sanitary Landfills	-	-	-	0

- 
- Incompatible
  - 0 Potentially compatible with restrictions
  - + Compatible



## Sample Implementation Documents

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Some compatibility plans require the dedication of avigation of overflight easements or use of deed notices in selected areas around each of the airports in the county. The specific applications are discussed in Chapter 5.

Examples of three types of documents are presented on the following pages.

Exhibit E1 – Avigation Easement

Exhibit E2 – Overflight Easement

Exhibit E3 – Deed Notice

Also included as Exhibit E4 is an excerpt from the 1993 California Department of Transportation Division of Aeronautics *Airport Land Use Planning Handbook* possible components of an Airport Overlay Zone and Buyer Awareness Program.

## Exhibit E1

### Typical Avigation Easement

This indenture made this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, between \_\_\_\_\_ hereinafter referred to as Grantor, and the [Insert County or City name], a political subdivision in the State of California, hereinafter referred to as Grantee.

The Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement over the following described parcel of land in which the Grantor holds a fee simple estate. The property which is subject to this easement is depicted as on "Exhibit A" attached and is more particularly described as follows:

[Insert legal description of real property]

The easement applies to the Airspace above an imaginary plane over the real property. The plane is described as follows:

The imaginary plane above the hereinbefore described real property, as such plane is defined by Part 77 of the Federal Aviation Regulations, and consists of a plane [describe approach, transition, or horizontal surface]; the elevation of said plane being based upon the Airport official runway end elevation of feet Above Mean Sea Level (AMSL), as determined by [Insert name and Date of Surveyor Airport Layout Plan that determines the elevation] the approximate dimensions of which said plane are described and shown on Exhibit A attached hereto and incorporated herein by reference.

The aforesaid easement and right-of-way includes, but is not limited to:

- (1) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in, through, across, or about any portion of the Airspace hereinabove described; and
- (2) The easement and right to cause or create, or permit or allow to be caused or created within all space above the existing surface of the hereinabove described real property and any and all Airspace laterally adjacent to said real property, such noise, vibration, currents and other effects of air, illumination and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air; and
- (3) A continuing right to clear and keep clear from the Airspace any portions of buildings, structures, or improvements of any kinds, and of trees or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees, or other things which extend into or above said Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace; and
- (4) The right to mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures, or other improvements, and trees or other objects, which extend into or above the Airspace; and
- (5) The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.

For and behalf of itself, its successors and assigns, the Grantor hereby covenants with the [Insert County or City name], for the direct benefit of the real property constituting the \_\_\_\_\_ Airport hereinafter described, that neither the Grantor, nor its successors in interest or assigns will construct, install, erect, place or grow in or upon the hereinabove described real property, nor will they permit to allow any building structure, improvement, tree or other object which extends into or above the Airspace, or which constitutes an obstruction to air navigation, or which obstructs or interferes with the use of the easement and rights-of-way herein granted.

The easements and rights-of-way herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the \_\_\_\_\_ Airport, in the [Insert County or City name], State of California; and shall further be deemed in gross, being conveyed to the Grantee for the benefit of the Grantee and any and all members of the general public who may use said easement or right-of-way, in landing at, taking off from or operating such aircraft in or about the Airport, or in otherwise flying through said Airspace.

This grant of easement shall not operate to deprive the Grantor, its successors or assigns, of any rights which may from time to time have against any air carrier or private operator for negligent or unlawful operation of aircraft.

These covenants and agreements run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and, for the purpose of this instrument, the real property firstly hereinabove described is the servient tenement and said \_\_\_\_\_ Airport is the dominant tenement.

DATED: \_\_\_\_\_

STATE OF \_\_\_\_\_ } ss \_\_\_\_\_

COUNTY OF \_\_\_\_\_ }

On \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, and \_\_\_\_\_ known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

**Exhibit E2**

**Typical Overflight Easement**

GRANTOR hereby grants to the \_\_\_\_\_ in \_\_\_\_\_, its successors or assigns, as owners of the  [Name of Airport] , California, an overflight easement for the following purposes and granting the following rights:

- (1) For the use and benefit of the public, and to the extent and in the manner consistent with safe operating procedures as provided under applicable governmental regulations, the right to make flights, and the noise inherent thereto, in airspace over the property described in Exhibit A (attached) in connection with landings, takeoffs, and general operation of the  [Name of Airport] .
- (2) The right to regulate or prohibit the release into the air of any substance which would impair the visibility or otherwise interfere with the operations of aircraft such as, but not limited to, steam, dust, and smoke.
- (3) The right to regulate or prohibit light emissions, either direct or indirect (reflective), which might interfere with pilot vision.
- (4) The right to prohibit electrical emissions which would interfere with aircraft communication systems or aircraft navigational equipment.

This easement shall be effective from this date and run with the land until such time as the  [Name of Airport]  is no longer used as an airport.

The real property subject to this overflight easement is described as follows:

See Attachment "A"

DATED: \_\_\_\_\_

GRANTOR: \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

### Exhibit E3

#### Sample Deed Notice

The following statement should be included on the deed for the subject property and recorded in by the County. This statement should also be included on any parcel map, tentative map or final map for subdivision approval.

This property is in the area subject to overflights by aircraft using \_\_\_\_\_ airport, and as a result, residents may experience inconvenience, annoyance or discomfort arising from the noise of such operations. State law (public utilities code section 21670 et. Seq.) establishes the importance of public use airports to protection of the public interest of the people of the State of California. Residents of property near a public use airport should therefore be prepared to accept such inconvenience, annoyance or discomfort from normal aircraft operations. Any subsequent deed conveying parcels or lots shall contain a statement in substantially this form.

## Exhibit E4

### Possible Airport Overlay Zone Elements

An airport overlay zoning ordinance might include some or all of the following elements:

- **Airspace Protection** - A combining district can establish restrictions on the height of buildings, antennas, trees, and other objects as necessary to protect the airspace needed for operation of the airport. These restrictions should be based upon the current version of Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace, Subpart C. Provisions prohibiting smoke, glare, bird attractions, and other hazards to flight should also be included.
- **FAA Notification Requirements** - Combining districts also can be used to ensure that project developers are informed about the need for compliance with the notification requirements of FAR Part 77. Subpart B of the regulations require that the proponent of any project which exceeds a specified set of height criteria submit a Notice of Proposed Construction or Alteration (Form 7460.1) to the Federal Aviation Administration prior to commencement of construction. The height criteria associated with this notification requirement are lower than those spelled out in Part 77, Subpart C, which define airspace obstructions. The purpose of the notification is to determine if the proposed construction would constitute a potential hazard or obstruction to flight. Notification is not required for proposed structures that would be shielded by existing structures or by natural terrain of equal or greater height, where it is obvious that the proposal would not adversely affect air safety.
- **Maximum Densities** - Airport noise and safety compatibility criteria are frequently expressed in terms of dwelling units per acre for residential uses and people per acre for other land uses. These standards can either be directly included in a combining zone or used to modify the underlying land use designations. For residential land uses, the correlation between the compatibility criteria and land use designations is direct. For other land uses, the implications of the density limitations are not as clear. One step that can be taken by local governments is establish a matrix indicating whether each specific type of land use is compatible with each compatibility zone. To be useful, the land use categories will need to be more detailed than typically provided by general plan or zoning ordinance land use designations.
- **Designation of High Noise-Impact Areas** - California state statutes require that multi-family residential structures in high-noise exposure areas be constructed so as to limit the interior noise to a Community Noise Equivalent Level of no more than 45 dB. A combining district could be used to indicate the locations where special construction techniques may be necessary in order to assure compliance with this requirement. The combining district also could extend this criterion to single-family dwellings.
- **Open Areas for Emergency landing of Aircraft** - In most circumstances in which an aircraft accident occurs near an airport, the aircraft is under control as it descends. When forced to make an off-airport emergency landing, pilots will usually attempt to do so in the most open area readily available. Airport compatibility plans often contain criteria establishing open space

requirements for this purpose. These criteria are most effectively carried out by planning at the general or specific plan level, but may also need to be included in a combining district so that they will be

applied to development of large parcels. Adequate open areas can often be provided by clustering of development on adjacent land. [The concept of clustering of development as it relates to the risks associated with aircraft accidents is examined in Chapter 9.]

- **Airport Traffic Pattern Delineation** - Depiction of the locations overflown by aircraft at or lower than traffic pattern altitude can be a useful element of an airport overlay zone. Buyer awareness program measures, such as those described below, can be tied to the area delineated.
- **Areas of Special Compatibility Concern** - A significant drawback of standard general plan and zoning ordinance land use designations is that they can be changed. Uses that are currently I compatible are not assured of staying that way in the future. Designation of areas of special compatibility concern would serve as a reminder that airport impacts should be carefully considered in any decision to change the existing land use designation. [A legal consideration. Which supports the value of this concept is that down-zoning of a property to a less intensive use is becoming more difficult. It is much better not to have inappropriately up-zoned the property in the first place.]

## Exhibit E5

### Possible Buyer Awareness Program Elements

Buyer awareness is an umbrella category for several measures whose objective is to ensure that prospective buyers of airport area property, particularly residential property, are informed about the airport's impact on the property.

- **Dedication of Avigation Easements** - As a means of assuring buyer awareness, some communities - many times in response to ALUC policies - require that developers of property near an airport dedicate an avigation or overflight easement to the airport as a condition for approval of the development. This approach is particularly common with residential development, but has also been applied with regard to other land uses. In recent years, however, the legality of requiring avigation easement dedication has sometimes been questioned, particularly in circumstances where buyer awareness is the primary objective. A connection (nexus) between the easement dedication requirement and the negative consequences of land use development near an airport can more readily be made in locations where substantial noise and safety impacts can be demonstrated. Regardless of whether the nexus concern is valid in many circumstances, other forms of buyer awareness may be equally effective and simpler to implement.
- **Recorded Deed Notices** - A deed notice is an official statement which is recorded in county records as part of a tentative or final subdivision map prepared at the time a parcel is subdivided. As used for airport compatibility planning, the purpose of a deed notice is to disclose that the property is subject to routine overflights and associated noise and other impacts by aircraft operating at a nearby airport. Because this information becomes part of the deed to each property in the subdivision, it should show up in a title report prepared when one of the parcels is being sold.

In one sense, deed notices are similar to avigation or other aviation-related easements in that they become part of the title to a property and thus are a permanent form of buyer awareness. The distinguishing difference between deed notices and avigation easements is that deed notices only serve as a disclosure of potential overflights (and the property's location within an airport combining district and/or ALUC planning area), whereas avigation easements convey an identified set of property rights. In locations where height limitations or other land use restrictions are unnecessary, deed notices have the advantage of being less cumbersome to define. Also, they give less appearance of having a negative affect on the value of the property. An ideal application of deed notices is as a condition of approval for development of residential land uses in airport-vicinity locations where neither noise nor safety are significant factors, but frequent aircraft overflights might be annoying to some people.

- **Real Estate Disclosure Statements** - A less definitive, but more all-encompassing, form of buyer awareness program is to require that information about an airport's influence area be disclosed to prospective buyers of all airport-vicinity properties prior to the transfer of title. The advantage of this type of program is that it applies to previously existing land uses as well as to new development. This requirement already exists in California state real estate law, but it can be reinforced by local policy established in conjunction with the adoption of an airport combining zone. Notification describing the zone and discussing its significance could be formally sent

to all local real estate brokers and title companies. Having received this information, the brokers would be obligated by state law to pass it along to prospective buyers. [As discussed at the end of this chapter, airport proprietors also can carry out a real estate disclosure program, although generally on a less formal basis than can be accomplished by the local land use jurisdiction.]

At a minimum, the area covered by a real estate disclosure program should include the airport planning area as established by the compatibility plan. The boundary also could be defined to coincide with the boundaries of an airport combining zone.



## Local Actions Related to Alternative Compatibility Planning Process

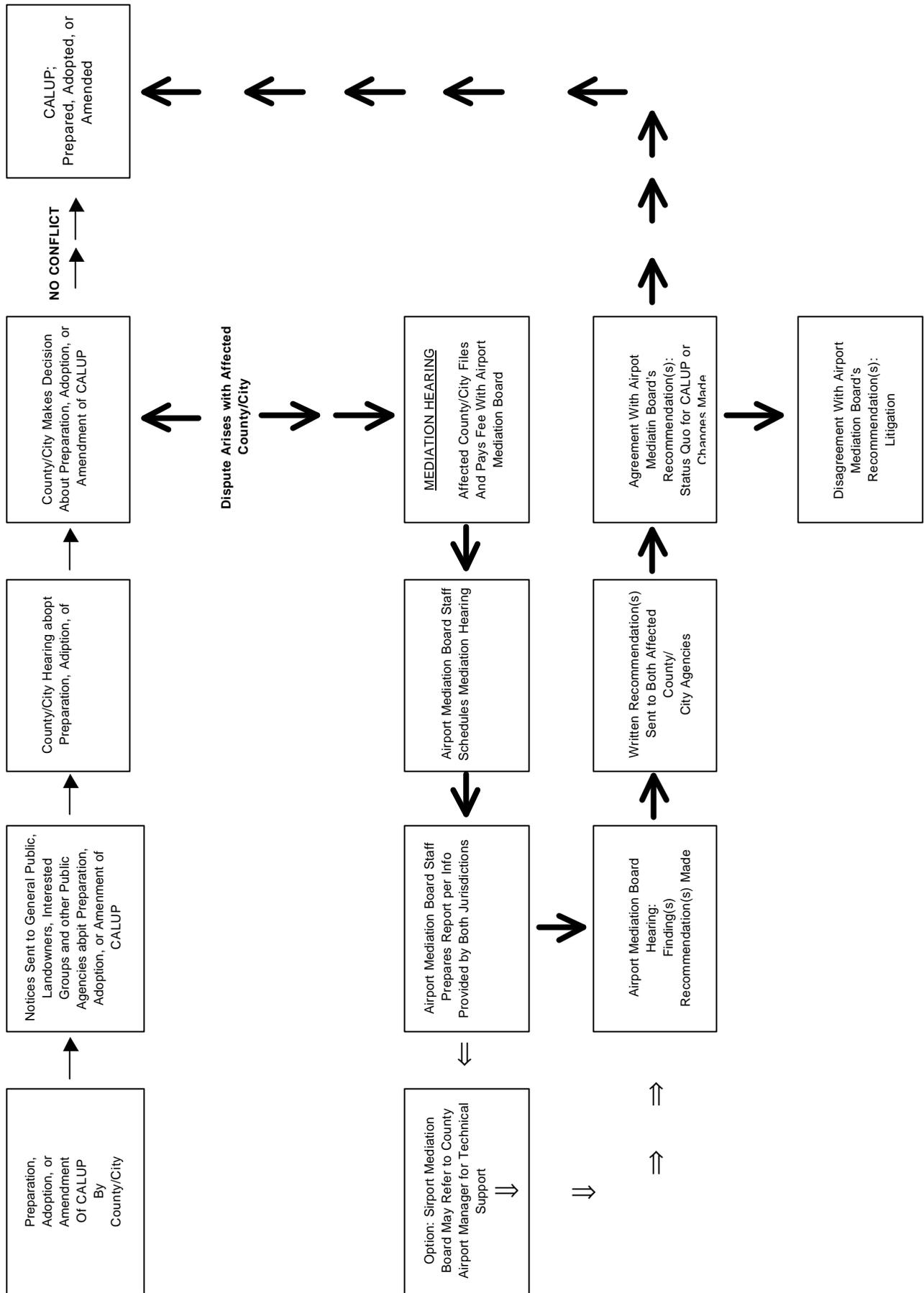
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### San Bernardino County Airport Mediation Process

#### I. GENERAL

- A. Per the Public Utilities Code section 21670.1(c)(2)(C) as amended by AB 2831 (enacted January 1, 1995), the Airport Mediation Board is designated by the Board of Supervisors and local affected City Councils as the "mediator" of disputes arising from the preparation, adoption, and amendment of the comprehensive airport land use plans (CALUP). When a dispute arises between jurisdictions, the following process shall be utilized:
1. The Mediation process is voluntary and shall be utilized only after agreement to it by the jurisdictions involved in a dispute as described above.
  2. Affected County/City files with the Airport Mediation Board a request for a "Mediation Hearing". A filing fee shall be paid by the jurisdiction requesting the hearing. Said fee shall be sufficient to pay for the level of service mandated by the Public Utilities Code statute.
  3. Hearing to be scheduled by the Airport Mediation Board staff within 30-60 days from the date of filing.
  4. The jurisdictions involved in the dispute are responsible in providing the Airport Mediation Board staff all pertinent information. The Airport Mediation Board staff will prepare a report utilizing the submitted information.
    - a. Option: A referral may be made to the County Airport Manager for additional information or technical support. The Airport Manager may also provide staff support at the Mediation Hearing.
  5. Report must contain an analysis, finding(s) and recommendation. The following finding shall be made by the Airport Mediation Board:
    - a. The (preparation, adoption or amendment) of the (airport name) CALUP will enhance the protection of the public health, safety and welfare, will provide a community benefit and is compatible with the airport operations because: (provide specific reasons).
  6. Report must be distributed to jurisdictions involved in the dispute and the Airport Mediation Board at least ten (10) calendar days prior to the hearing date.

7. Mediation Hearing: The Airport Mediation Board must have a 2/3 quorum in order to conduct a hearing. The Airport Mediation Board staff will present report. Representatives from both jurisdictions will present their arguments. The Airport Mediation Board will deliberate the issue and make their recommendation.
8. The Airport Mediation Board's written recommendation will be distributed to each jurisdiction after approval of the hearing's minutes.



**Redlands City Council Resolution No. 5175**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS RELATING  
TO LAND USE PLANNING AROUND PUBLIC AIRPORTS

WHEREAS, prior to passage of Senate Bill No. 443 (effective June 30, 1993), Public Utilities Code Section 21670 (b) required each county in which there is located an airport that is served by a scheduled airline to establish an Airport Land Use Commission (ALUC); and

WHEREAS, Senate Bill No. 443 amended Public Utilities Code Section 21670(b) to change the term "shall" to "may" in order to relieve local entities such as the County of the duty to incur unnecessary expenses in certain aspects of airport land use; and

WHEREAS, the State of California no longer reimburses San Bernardino County for administration of the ALUC program; and

WHEREAS, Assembly Bill No. 2831 (effective January 1, 1995) amended Public Utilities Code section 21670(b) to change the term "may" to "shall" in order to reinstate the requirement that local entities establish an ALUC; and

WHEREAS, Assembly Bill No. 2831 further amended Public Utilities Code Section 21670.1 to provide an alternative procedure to the requirement for the establishment of an ALUC which allows local jurisdictions to make land use decisions for areas within a public use airport sphere of influence as designated by a comprehensive airport land use plan; and

WHEREAS, use of the alternative procedure set forth in Section 21670.1, rather than reestablishment of the County ALUC, will eliminate redundant reviews and streamline processes;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDLANDS AS FOLLOWS:

Section 1. The alternative procedure set forth in Public Utilities Code Section 21670.1 subdivision (c) is hereby adopted based upon the determination that proper land use planning pursuant to Article 3.5 of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code can be accomplished pursuant to Public Utilities Code Section 21670.1, subdivision (c).

Section 2. Proper land use planning may be accomplished within areas around public airports by using as guidelines the State Division of Aeronautics Airport Land Use Planning Handbook and any applicable federal aviation regulations.

Section 3. Proper land use planning may be accomplished within areas around public airports through local planning laws and ordinances which will address the preparation, adoption

and amendment of the comprehensive airport land use plan.

Section 4. The planning efforts of the City around public airports will involve notification to the general public, landowners, interested groups and other public agencies regarding the preparation, adoption and amendment of the comprehensive airport land use plan.

Section 5. The Airport Mediation Board will serve as the mediator of disputes arising from the preparation, adoption and amendment of the comprehensive airport land use plan.

Section 6. The City's general and specific plans will be amended, when necessary, to be consistent with the adopted comprehensive airport land use plan.

Section 7. The City's Community Development Department shall be the agency responsible for the preparation, adoption and amendment of the comprehensive airport land use plan within the City boundaries in cooperation with adjacent impacted jurisdictions.

Section 8. The adoption of the alliterative procedure described in Public Utilities Code Section 21670( c) is hereby determined exempt from the provisions of the California Environmental Quality Act per Public Resources Code Sections 21000 et seq.

ADOPTED, SIGNED AND APPROVED this 18th day of April, 1995.

\_\_\_\_\_  
Mayor of the City of Redlands

ATTEST:

\_\_\_\_\_  
City Clerk



## Local Plans Consistency Review

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A review the 1995 *City of Redlands General Plan Update* reveals the following items in need of modification for consistency with the proposed *Redlands Municipal Airport Land Use Compatibility Plan*. This list covers most of the suggested modifications, but is not necessarily complete. Also, the precise wording of substitute language is not indicated.

- *Land Use Map, Figure 4.1 of Land Use Element* — The following designated land uses conflict or, depending upon the specific characteristics of the development, potentially conflict with the land use criteria set forth in the *Compatibility Plan*:
  - A portion of the Low-Density Residential area west of the airport lies near the extended centerline of the runway and within *Compatibility Zone B2*. The *General Plan* density limit of 6.0 dwelling units per acre exceeds the *Zone B2* limit of 0.5 dwelling units per acre. Most of the affected area is already developed, however, and the remaining vacant parcels can qualify as infill under Policy 2.2.3(a). Thus, while it would have been better to have avoided residential development in this location, a change in the *General Plan* designation is not necessary. If possible, aviation easements should nevertheless be dedicated to the city as a condition for approval of future development. Also, real estate transaction disclosure of aircraft overflights and noise is particularly important in this area.
  - The Agriculture area west of the airport includes a large parcel, a portion of which is occupied by an existing church. The church building on the southern part of the parcel lies within *Zone C*, while the northern part of the parcel is in *Zone B1*. Except for limitations on the number of people per acre and prohibition of schools, the church is consistent with *Zone C* criteria. Greater restrictions would apply to any development of the part of the parcel lying within *Zone B1*.
  - The Very-Low-Density Residential area located between Pioneer Avenue and San Bernardino Avenue south of the airport falls within *Compatibility Zone B2*. The permitted density of 2.7 dwelling units per acre in this area exceeds the 0.5 dwelling units per acre limit of *Zone B2*. Coverage of this area by a *Zone B2* is a reflection of the established helicopter flight training traffic pattern on the south side of the airport. If the city were to adopt an airport operational policy prohibiting helicopter training in this location, the *Zone B2* could be changed to a *Zone D* designation.
  - No other direct conflicts between the *General Plan* land use designations and the *Compatibility Plan* land use criteria are noted. However, it is important to recognize that not all of the types of land uses allowable within some of the land use designations may be acceptable from an airport-compatibility standpoint. Also, some types of land uses may be acceptable only if the number of people per acre of development is limited.
- Redlands Airport, Section 5.70 of Circulation Element — Policies 5.70b and 5.70e set a 65 dB Community Noise Equivalent Level (CNEL) as the upper limit for acceptability of residential land uses. The *Compatibility Plan* recommends that this limit be set at 60 dB. Also, the Caltrans Airport Land Use Planning Handbook suggests the latter criterion as appropriate for

general aviation airports located in suburban settings. No planned residential development is situated within the projected 60-dB CNEL contour, as depicted in the Redlands Municipal Airport Master Plan, thus application of this criterion to land use planning around the airport would not result in any compatibility conflicts. It should be noted that these airport-related criteria differ from the General Plan policies regarding noise from other sources.

- *Airport Safety, Section 8.80 of Health Element* — The safety area criteria discussed in this section should be deleted as they are inconsistent with the *Compatibility Plan* criteria. A replacement paragraph could be inserted referring to the overall safety and noise criteria set forth in the *Compatibility Plan*.
- *Noise Land Use Compatibility Matrix, Table 9.1 of Noise Element* — The table should be modified to indicate that residential land uses are considered normally incompatible within the 60 to 70-dB CNEL range and clearly incompatible at levels above 70-dB CNEL. If these changes pose problems with respect to residential land uses impacted by nonaviation transportation noises, the standards could be indicated to apply only to airport noise. Such a distinction would acknowledge the fact that the outdoor activities associated with residential land uses cannot be shielded from overhead aircraft noise, whereas sound walls or other forms of buffering can be installed to reduce highway noise impacts.

# Environmental Initial Study and Notice of Determination

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## BACKGROUND

1. **Project Title:**  
*Redlands Municipal Airport Land Use Compatibility Plan*
2. **Lead Agency Name and Address:**  
City of Redlands  
Community Development Department  
35 Cajon Street Suite 20  
Redlands, CA 92373
3. **Contact Person and Phone Number:**  
Jeffrey L. Shaw, Director  
909/798-7555
4. **Project Location:**  
An area within approximately 5,000 feet north and south of the Redlands Municipal Airport runway and approximately 7,000 feet from the runway ends. The boundary includes unincorporated land within the jurisdiction of the County of San Bernardino. Certain policies in the plan also concern the City of Highland.
5. **Project Sponsor's Name and Address:**  
Same as #2 above.
6. **General Plan Designation:**  
Various.
7. **Zoning:**  
Various.
8. **Description of Project:**  
The plan provides a set of policies for use by the City of Redlands in evaluating the compatibility between future proposals for land use development in the vicinity of the Redlands Municipal Airport and the operations of the airport. The plan also identifies circumstances which warrant airport/land use planning coordination between the City of Redlands, the City of Highland, and San Bernardino County. The plan is prepared in accordance with requirements of the California State Aeronautics Act.
9. **Surrounding Land Uses and Setting:**  
The plan boundaries include developed (mostly residential) and undeveloped (planned residential) portions of the City of Redlands south and west of the airport; the Santa Ana Wash on the north; and mostly undeveloped (planned industrial or open space) lands to the east.

10. **Other agencies whose approval is required:**

The City of Redlands can adopt the plan without approval from any other agency. Although it is not essential that the County of San Bernardino and City of Highland adopt the *Compatibility Plan*, it is important that they take some type of formal action to recognize the plan and agree to implement its procedures and criteria. Such action could be in the form of an interagency agreement.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Land Use and Planning      | <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Aesthetics            |
| <input type="checkbox"/> Population and Housing     | <input type="checkbox"/> Energy and Mineral Resources  | <input type="checkbox"/> Cultural Resources    |
| <input type="checkbox"/> Geological Problems        | <input type="checkbox"/> Hazards                       | <input type="checkbox"/> Recreation            |
| <input type="checkbox"/> Water                      | <input type="checkbox"/> Noise                         | <input type="checkbox"/> Mandatory Findings of |
| <input type="checkbox"/> Air Quality                | <input type="checkbox"/> Public Services               | <input type="checkbox"/> Significance          |
| <input type="checkbox"/> Transportation/Circulation | <input type="checkbox"/> Utilities and Service Systems |  |

**DETERMINATION**

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based upon the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant impact unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a)



Would the proposal:

b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?	_____	_____	_____	_____ <u>X</u>
c) Be incompatible with existing land use in the vicinity?	_____	_____	_____	_____ <u>X</u>
d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?	_____	_____	_____	_____ <u>X</u>
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	_____	_____	_____	_____ <u>X</u>

- 1.a) Conflicts between the proposed *Airport Land Use Compatibility Plan* and current *City of Redlands General Plan* are listed in Appendix G of the *Compatibility Plan*. In some locations designated by the *General Plan* for nonresidential uses, the *Compatibility Plan* would restrict the intensity of use. The basic land use designations are not in conflict, however.

The only direct land use designation conflict between the two plans is with respect to the *Very-Low-Density Residential* land uses indicated for the area east of Judson Street, between Pioneer Avenue and San Bernardino Avenue south of the airport. This *General Plan* designation allows 2.7 dwelling units per acre. The *Compatibility Plan* zone proposed for this area is *Zone B2* which limits residential uses to 0.5 dwelling units per acre. The land use restrictions proposed for this area are a reflection of the established helicopter flight training traffic pattern on the south side of the airport. With regard to this conflict, the Redlands Airport Advisory Board has unanimously recommended to the City Council that this helicopter pattern be considered as an interim location. This interim pattern should only be used until such time as development takes place on this residentially zoned property.

In preparation of the *Compatibility Plan*, consideration was given to the interim nature of the helicopter pattern. Given this status, an alternative to the *Zone B2* designation of the proposed plan would be a *Zone D* designation in recognition of the anticipated eventual elimination of this established traffic pattern. The *Compatibility Plan*, however, is based upon aircraft operational procedures which are currently in effect or have been adopted as part of an airport master plan or other official airport policy. Leaving the *Zone B2* designation will highlight the fact that a conflict will exist unless specific actions are taken to mitigate the impact. The *Compatibility Plan* therefore should continue to indicate a *Zone B2* for this area on the same interim basis as the helicopter pattern.

One alternative location for a future training helipad is on existing airport property, north of the runway's east end. This location would allow establishment of a helicopter flight training pattern north of the runway over the Santa Ana Wash. Although the specifics of any such pattern would need to be examined for land use compatibility in accordance with provisions of the *Compatibility Plan*, no need for land use restrictions additional to those proposed in the plan are anticipated.

Continued use of a south-side helipad and flight routes for transient helicopters approaching and departing the airport (as opposed to those remaining in a closed, training pattern) is acknowledged. At the current and anticipated future low volume of such operations, no associated land use restrictions are deemed necessary. Establishment of suitable helicopter approach and departure corridors may nevertheless be appropriate in the future.

*Mitigation Measures:*

- The City of Redlands Public Works Department should continue to pursue options for an alternative location for a training helipad and associated helicopter pattern. A new helipad and pattern should be established at the earliest opportunity.
- The City of Redlands Community Development Department should keep the Public Works Department apprised of any imminent plans for development of the affected property.
- The Redlands City Council should adopt an airport operational policy indicating the interim nature of the current helicopter pattern.
- At such time as the south-side helicopter flight training pattern is eliminated, the area designated *Zone B2* can be changed to a *Zone D* classification. This classification is consistent with the current *General Plan* land use designations for the area.

With these measures, this impact will be reduced to less than significant.

- 1.b) Other than the issues discussed in Item 1.a) above, the *Compatibility Plan* has no known conflicts with applicable environmental plans or policies adopted by the City of Redlands, the City of Highland, or the County of San Bernardino.
- 1.c) The *Compatibility Plan* is concerned with the airport-related compatibility of future land use development in the airport vicinity. Consistent with state aeronautics statutes, the plan is not specifically applicable to existing land uses. Although existing land uses in some locations might not have been allowed had the *Compatibility Plan* been in effect, no changes to those uses are proposed. Also, the plan allows continued development of a similar nature in these locations in accordance with the policies on infill.
- 1.d) The *Compatibility Plan* identifies agricultural or grazing land as a compatible use in all compatibility zones except for some restrictions in *Zone A*. The plan therefore would not adversely affect agricultural resources or operations, but could result in continued agricultural use of lands for which other types of land uses would be restricted.
- 1.e) See preceding Comment 1.c).

## 2. Population and Housing

Issues and Supporting Information Sources	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal:				
a) Cumulatively exceed official regional or local population projections?	_____	_____	_____	<u>  X  </u>
b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	_____	_____	_____	<u>  X  </u>
c) Displace existing housing, especially affordable housing?	_____	_____	_____	<u>  X  </u>
2.a) The <i>Compatibility Plan</i> does not induce population growth either regionally or locally. In fact, its provisions limit the location, distribution, and density of residential and nonresidential land uses in the airport's environs to minimize potential noise impacts and safety concerns.				
2.b) To the extent that the implementation of the plan would preclude or reduce the density of additional housing, development in other areas could result. The plan has the potential, therefore, to shift future population densities away from the airport's environs. "Substantial growth" as a result of this plan, however, is unlikely to occur.				
2.c) See preceding Comment 1.c).				

## 3. Geologic Problems

Issues and Supporting Information Sources	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal result in or expose people to potential impacts involving:				
a) Fault rupture?	_____	_____	_____	<u>  X  </u>
b) Seismic ground shaking?	_____	_____	_____	<u>  X  </u>
c) Seismic ground failure, including liquefaction?	_____	_____	_____	<u>  X  </u>
d) Seiche, tsunami, or volcanic hazard?	_____	_____	_____	<u>  X  </u>
e) Landslides or mudflows?	_____	_____	_____	<u>  X  </u>
f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?	_____	_____	_____	<u>  X  </u>

g) Subsidence of the land?	_____	_____	_____	_____X
h) Expansive soils?	_____	_____	_____	_____X

See preceding General Comment.

#### 4. Water

Issues and Supporting Information Sources	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the proposal result in:				
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	_____	_____	_____	_____X
b) Exposure of people or property to water related hazards such as flooding?	_____	_____	_____	_____X
c) Discharge into surface water or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?	_____	_____	_____	_____X
d) Changes in the amount of surface water in any water body?	_____	_____	_____	_____X
e) Changes in currents, or the course or direction of water movements?	_____	_____	_____	_____X
f) Change in the quality of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?	_____	_____	_____	_____X
g) Altered direction or rate of flow of groundwater?	_____	_____	_____	_____X
h) Impacts to groundwater quality?	_____	_____	_____	_____X
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	_____	_____	_____	_____X

See preceding General Comment.

## 5. Air Quality

Issues and Supporting Information Sources	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal:				
a) Violate any air quality standard or contribute to an existing or projected air quality violation?	_____	_____	_____	<u>X</u>
b) Expose sensitive receptors to pollutants?	_____	_____	_____	<u>X</u>
c) Alter air movement, moisture, or temperature, or cause any change in climate?	_____	_____	_____	<u>X</u>
d) Create objectionable odors?	_____	_____	_____	<u>X</u>

See preceding General Comment.

## 6. Transportation/Circulation

Issues and Supporting Information Sources	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal result in:				
a) Increased vehicle trips or traffic congestion?	_____	_____	_____	<u>X</u>
b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	_____	_____	_____	<u>X</u>
c) Inadequate emergency access or access to nearby uses?	_____	_____	_____	<u>X</u>
d) Insufficient parking capacity on-site or off-site?	_____	_____	_____	<u>X</u>
e) Hazards or barriers for pedestrians or bicyclists?	_____	_____	_____	<u>X</u>
f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	_____	_____	_____	<u>X</u>
g) Rail, waterborne or air traffic impacts?	_____	_____	_____	<u>X</u>

6.a) through 6.f): See preceding General Comment.

6.g) The *Compatibility Plan* requires any future modifications of the *Redlands Municipal Airport Master Plan* to consider the potential impacts on the existing land uses around the airport.

## 7. Biological Resources

Issues and Supporting Information Sources	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal result in impacts to:				
a) Endangered, threatened or rare species or their habitats (including, but not limited to: plants, fish, insects, animals and birds)?	_____	_____	_____	<u>  X  </u>
b) Locally designated species (e.g., heritage trees)?	_____	_____	_____	<u>  X  </u>
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	_____	_____	_____	<u>  X  </u>
d) Wetland habitat (e.g., marsh, riparian and vernal pool)?	_____	_____	_____	<u>  X  </u>
e) Wildlife dispersal or migration corridors?	_____	_____	_____	<u>  X  </u>
See preceding General Comment				

## 8. Energy and Mineral Resources

Issues and Supporting Information Sources	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal:				
a) Conflict with adopted energy conservation plans?	_____	_____	_____	<u>  X  </u>
b) Use non-renewable resources in a wasteful and inefficient manner?	_____	_____	_____	<u>  X  </u>
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	_____	_____	_____	<u>  X  </u>
See preceding General Comment.				

## 9. Hazards

Issues and Supporting Information Sources	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal involve:				
a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?	_____	_____	_____	<u>  X  </u>
b) Possible interference with an emergency response plan or emergency evacuation plan?	_____	_____	_____	<u>  X  </u>
c) The creation of any health hazard or potential health hazard?	_____	_____	_____	<u>  X  </u>
d) Exposure of people to existing sources of potential health hazards?	_____	_____	_____	<u>  X  </u>
e) Increased fire hazard in areas with flammable brush, grass or trees?	_____	_____	_____	<u>  X  </u>

9.a) The *Compatibility Plan* reduces the risk of exposure to the hazards of an off-airport aircraft accident by limiting residential densities and concentrations of people in locations near the airport. The risks of aircraft accident occurrence are reduced by limitations on the height of structures, trees, and other objects which might penetrate airport airspace as defined by Federal Aviation Regulations, Part 77. The plan also seeks to minimize the consequences of an off-airport aircraft accident by requiring a percentage of the land area in critical areas near the airport to remain open and reasonably suitable for a survivable emergency aircraft landing.

9.b) through 9.e): See preceding General Comment.

## 10. Noise

Issues and Supporting Information Sources	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Will the proposal result in:				
a) Increases in existing noise levels?	_____	_____	_____	<u>  X  </u>
b) Exposure of people to severe noise levels?	_____	_____	_____	<u>  X  </u>

10.a) The *Compatibility Plan* reflects both current and anticipated future aircraft operational volumes and flight procedures and the noise resulting therefrom. The plan does not directly affect the operation of the airport or of aircraft using the airport. However, as discussed above with respect to Land Use and Planning, the community's desire to allow additional residential development in areas where such uses would be incompatible with current airport procedures may result in changes to those procedures. Such changes could shift noise to areas not

currently affected. It is anticipated that locations thus affected would consist of open space, agricultural, industrial, and/or other land uses which are not noise sensitive.

- 10.b) The *Compatibility Plan* reduces the potential for people to be exposed to airport-related noise by limiting future residential densities and concentrations of people in the airport vicinity.

## 11. Public Services

Issues and Supporting Information Sources	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:				
a) Fire protection?	___	___	___	<u>X</u>
b) Police protection?	___	___	___	<u>X</u>
c) Schools?	___	___	<u>X</u>	___
d) Maintenance of public facilities, including roads?	___	___	___	<u>X</u>
e) Other governmental services?	___	___	___	<u>X</u>

11.a), 11.b), 11.d), 11.e): See preceding General Comment.

- 11.c) The plan prohibits children's schools and day care centers in *Compatibility Zones A, B1, B2, and C*. The *General Plan* shows no existing or planned school sites within these areas.

## 12. Utilities and Service Systems

Issues and Supporting Information Sources	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:				
a) Power and natural gas?	___	___	___	<u>X</u>
b) Communication systems?	___	___	___	<u>X</u>
c) Local or regional water treatment or distribution facilities?	___	___	___	<u>X</u>
d) Sewer or septic tanks?	___	___	___	<u>X</u>
e) Storm water drainage?	___	___	___	<u>X</u>
f) Solid waste disposal?	___	___	___	<u>X</u>
g) Local or regional water supplies?	___	___	___	<u>X</u>

See preceding General Comment.

### 13. Aesthetics

Issues and Supporting Information Sources

Would the proposal:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Affect a scenic vista or scenic highway?	_____	_____	_____	<u>X</u>
b) Have a demonstrable negative aesthetic effect?	_____	_____	_____	<u>X</u>
c) Create light or glare?	_____	_____	_____	<u>X</u>

See preceding General Comment.

### 14. Cultural Resources

Issues and Supporting Information Sources

Would the proposal:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Disturb paleontological resources?	_____	_____	_____	<u>X</u>
b) Disturb archaeological resources?	_____	_____	_____	<u>X</u>
c) Affect historical resources?	_____	_____	_____	<u>X</u>
d) Have the potential to cause a physical change which would affect unique ethnic cultural values?	_____	_____	_____	<u>X</u>
e) Restrict existing religious or sacred uses within the potential impact area?	_____	_____	<u>X</u>	_____

14.a) through 14.d): See preceding General Comment.

14.e) An undeveloped portion of an existing church property lies partially within *Compatibility Zone B1*. This zone limits nonresidential uses to a maximum of 60 people per acre and thus potentially could affect church use of the property.

### 15. Recreation

Issues and Supporting Information Sources

Would the proposal:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the demand for neighborhood or regional parks or other recreational facilities?	_____	_____	_____	<u>X</u>



- 16.b) The major purpose of the *Compatibility Plan* is to provide long-term compatibility between the Redlands Municipal Airport and future land use development in the airport's vicinity. The plan is also intended to assure that compatibility issues are taken into account in any future development of the airport or of any heliport which may be proposed to be located within the city limits.
- 16.c) As a long-range plan, the *Compatibility Plan* is intended to encompass all the actions and impacts which might cumulatively relate to its implementation. The plan will not have any significant cumulative impacts, however. The plan necessitates only relatively minor changes to the adopted *City of Redlands General Plan* and the land uses indicated therein. Similarly, with the potential exception of changes in the helicopter flight training pattern location, the plan will not directly or indirectly result in any cumulative restrictions on airport use. If anything, the effect of the plan will be to avoid the types of restrictions to airport operations which often occur as a cumulative result of incompatible land use development in the airport vicinity.

NOTICE OF DETERMINATION

TO:  Clerk of the Board of Supervisors  
County of San Bernardino  
385 North Arrowhead Boulevard  
San Bernardino, CA 92415-0130

FROM: City of Redlands  
Planning Division  
P.O. Box 3005  
Redlands, CA ,92373

Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

SUBJECT: Filing of Notice of Determination in Compliance with Section 21152 of the Public Resources Code.

Project Title  
State Clearinghouse Number  
<If submitted to Clearinghouse>

Richard Malacoff, AICP  
Contact Person

(909) 798-7558  
Telephone Number

**Located at Wabash Avenue and Sessums Drive in the City of Redlands and the County of San Bernardino.**

Project Location

Project Description

**The approval of the Redlands Airport Land Use Compatibility Plan.**

This is to certify that the City of Redlands' City Council Approved the above described project on February 18, 1997 I and made the following determinations:

1. The project will not have a significant effect on the environment
2.  An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.  
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA and reflects the independent judgment of the Lead Agency.
3. Mitigation measures were made a condition of the approval of the project.
4. A Statement of Overriding Considerations was not adopted for this project.
5. Findings were not made pursuant to the provisions of CEQA.

This is to certify that the Mitigated Negative Declaration and record of project approval are available to the general public and may be examined at the City of Redlands Community Development Department, Planning Division, 35 Cajon Street Suite 20, Redlands, CA 92373

\_\_\_\_\_  
Rich Malacoff AICP  
Associate Planner  
February 24, 1997

\_\_\_\_\_  
Date Received for Filing

**CERTIFICATE OF FEE EXEMPTION**

**De Minimis Impact Finding  
County of San Bernardino  
City of Redlands**

**Project Title/Location:**

Located at Wabash Avenue and Sessums Drive in the City of Redlands and County of San Bernardino

**Name and Address of Project Applicant:**

Mr. Manuel Gaitan  
City of Redlands  
35 Cajon Street #20  
Redlands, California 92373

**Project Description:**

**The approval of the Redlands Airport Land Use Compatibility Plan.**

**Findings of Exemption:**

1. An Initial Study has been prepared by the Lead Agency to evaluate the projects effects on wildlife resources, if any.
2. The Lead Agency hereby finds that there is no evidence before the City that the project will have any potential for adverse effect on the environment.
3. The project will not result in any changes to the following resources:
  - a. Riparian land, rivers, streams, watercourses and wetlands;
  - b. Native and non-native plant life and the soil required to sustain habitat for fish and wildlife;
  - c. Rare and unique plant life and ecological communities dependant on plant life;
  - d. Listed threatened and endangered plants and animals and the habitat in which they are believed to reside;
  - e. All species listed as protected or identified for special management in the Fish and Game Code, the Public Resources Code, the Water Code or regulations adopted thereunder;
  - f. All marine and terrestrial species subject to the jurisdiction of the Department of Fish and Game and the ecological communities in which they reside; and
  - g. All air and water resources, the degradation of which will individually or cumulatively result in a loss of biological diversity among the plants and animals residing in that air and water.

\* If the project will result in changes to any of these resources, the City has, on the basis of substantial evidence, "rebutted" the presumption of adverse effect to these resources. A statement in support of this rebuttal is attached.

**Certification:**

I hereby certify that the Lead Agency has made the above findings of fact and based upon the Initial Study and the hearing record the project will not individually or cumulatively have an adverse impact on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Rich Malacoff, AICP  
Associate Planner  
February 24, 1997

**ABOVE GROUND LEVEL (AGL):** An elevation datum given in feet above ground level.

**AIR CARRIER:** A person who undertakes directly by lease, or other arrangement, to engage in air transportation. (FAR 1) (Also see Certificated Route Air Carrier)

**AIR CARRIERS:** The commercial system of air transportation, consisting of the certificated route air carriers, air taxis (including commuters), supplemental air carriers, commercial operators of large aircraft, and air travel clubs. (FAA Census)

**AIR ROUTE TRAFFIC CONTROL CENTER (ARTCC):** A facility established to provide air traffic control service to aircraft operating on IFR flight plans within controlled airspace, principally during the en route phase of flight. (AIM)

**AIR TAXI:** A classification of air carriers which directly engage in the air transportation of persons, property, mail, or in any combination of such transportation and which do not directly or indirectly utilize large aircraft (over 30 seats or a maximum payload capacity of more than 7,500 pounds) and do not hold a Certificate of Public Convenience and Necessity or economic authority issued by the Department of Transportation. (Also see commuter air carrier and demand air taxi.) (FAA Census)

**AIR TRAFFIC CONTROL (ATC):** A service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic. (FAR 1)

**AIRPORT TRAFFIC CONTROL TOWER (ATCT):** A terminal facility that uses air/ground communications, visual signaling, and other devices to provide ATC services to aircraft operating in the vicinity of an airport or on the movement area. (AIM)

**AIRCRAFT ACCIDENT:** An occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage. (NTSB)

**AIRCRAFT OPERATION:** The airborne movement of aircraft in controlled or non-controlled airport terminal areas and about given en route fixes or at other points where counts can be made. There are two types of operations - local and itinerant. (FAA Stats)

**AIRCRAFT PARKING LIMIT LINE (APL):** A line established by the airport authorities beyond which no part of a parked aircraft should protrude. (Airport Design)

**AIRPORT:** An area of land or water that is used or intended to be used for the landing and taking off of aircraft, and includes its buildings and facilities, if any. (FAR 1)

**AIRPORT ELEVATION:** The highest point of an airport's usable runways, measured in feet above mean sea level. (AIM)

**AIRPORT HAZARD:** Any structure or natural object located on or in the vicinity of a public airport, or any use of land near such airport, that obstructs the airspace required for the flight of aircraft in landing or

taking off at the airport or is otherwise hazardous to aircraft landing, taking off, or taxiing at the airport. (Airport Design)

**AIRPORT LAYOUT PLAN:** A scale drawing of existing and proposed airport facilities, their location on the airport, and the pertinent clearance and dimensional information required to demonstrate conformance with applicable standards.

**AIRPORT REFERENCE POINT:** A point established on an airport, having equal relationship to all existing and proposed landing and takeoff areas, and used to geographically locate the airport and for other planning purposes. (Airport Design)

**AIRWAY/FEDERAL AIRWAY:** A control area or portion thereof established in the form of a corridor, the centerline of which is defined by radio navigational aids. (AIM)

**ALERT AREA:** A special use airspace which may contain a high volume of pilot training activities or an unusual type of aerial activity, neither of which is hazardous to aircraft. (AIM)

**APPROACH LIGHT SYSTEM (ALS):** An airport lighting system which provides visual guidance to landing aircraft by radiating light beams in a directional pattern by which the pilot aligns the aircraft with the extended runway centerline during a final approach to landing. Among the specific types of systems are:

- LDIN - Lead-in Light System.
- MALSR — Medium-intensity Approach Light System with Runway Alignment Indicator Lights.
- ODALS - Omnidirectional Approach Light System, a combination of LDIN and REILS.
- SSALR - Simplified Short Approach Light System with Runway Alignment Indicator Lights. (AIM)

**APPROACH SPEED:** The recommended speed contained in aircraft manuals used by pilots when making an approach to landing. This speed will vary for different segments of an approach as well as for aircraft weight and configuration. (AIM)

**AUTOMATED WEATHER OBSERVING SYSTEM (AWOS):** Airport electronic equipment which automatically measures meteorological parameters, reduces and analyzes the data via computer, and broadcasts weather information which can be received on aircraft radios in some applications, via telephone.

**AUTOMATIC DIRECTION FINDER (ADF):** An aircraft radio navigation system which senses and indicates the direction to a L/MF nondirectional radio beacon (NDB) ground transmitter. (AIM)

**AUTOMATIC TERMINAL INFORMATION SERVICE (ATIS):** The continuous broadcast of recorded non-control information in selected terminal areas. (AIM)

**BACK COURSE APPROACH:** A non-precision instrument approach utilizing the rearward projection of the ILS localizer beam.

**BASED AIRCRAFT:** Aircraft stationed at an airport on a long-term basis.

**BUILDING RESTRICTION LINE (BRL):** A line which identifies suitable building area locations on airports.

**CEILING:** Height above the earth's surface to the lowest layer of clouds or obscuring phenomena that is reported as "broken", "overcast", or "obscuration" and is not classified as "thin" or "partial". (AIM)

**CERTIFICATED ROUTE AIR CARRIER:** An air carrier holding a Certificate of Public Convenience and Necessity issued by the Department of Transportation authorizing the performance of scheduled service over specified routes, and a limited amount of nonscheduled service. (FAA Census)

**CIRCLING APPROACH/CIRCLE-TO-LAND MANEUVER:** A maneuver initiated by the pilot to align the aircraft with a runway for landing when a straight-in landing from an instrument approach is not possible or not desirable. (AIM)

**COMMERCIAL OPERATOR:** A person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier. (FAR 1)

**COMMUNITY NOISE EQUIVALENT LEVEL (CNEL):** The noise rating adopted by the State of California for measurement of airport noise. It represents the average daytime noise level during a 24-hour day, measured in decibels and adjusted to an equivalent level to account for the lower tolerance of people to noise during evening and nighttime periods.

**COMMUTER AIR CARRIER:** An air taxi operator which performs at least five round trips per week between two or more points and publishes flight schedules which specify the times, days of the week and places between which such flights are performed. (FAA Census)

**CONTROLLED AIRSPACE:** Any of several types of airspace within which some or all aircraft may be subject to air traffic control. (FAR 1)

**CONTROL ZONE:** Controlled airspace surrounding one or more airports, normally a circular area with a radius of 5 statute miles plus extensions to include instrument arrival and departure paths. Most control zones surround airports with air traffic control towers and are in effect only for the hours the tower is operational.

**DISPLACED THRESHOLD:** A threshold that is located at a point on the runway other than the designated beginning of the runway. (See Threshold) (AIM)

**DISTANCE MEASURING EQUIPMENT (DME):** Equipment (airborne and ground) used to measure, in nautical miles, the slant range distance of an aircraft from the DME navigational aid. (AIM)

**FAR PART 77:** The part of the Federal Aviation Regulations which deals with objects affecting navigable airspace.

**FAR PART 77 SURFACES:** Imaginary surfaces established with relation to each runway of an airport. There are five types of surfaces: (1) primary; (2) approach; (3) transitional; (4) horizontal; and (5) conical.

**FEDERAL AVIATION ADMINISTRATION (FAA):** The United States government agency which is responsible for insuring the safe and efficient use of the nation's airspace.

**FIXED BASE OPERATOR (FBO):** A business operating at an airport that provides aircraft services to the general public, including but not limited to sale of fuel and oil; aircraft sales, rental, maintenance, and repair; parking and tiedown or storage of aircraft; flight training; air taxi/charter operations; and

specialty services, such as instrument and avionics maintenance, painting, overhaul, aerial application, aerial photography, aerial hoists, or pipeline patrol.

**FLIGHT SERVICE STATION (FSS):** FAA facilities which provide pilot briefings on weather, airports, altitudes, routes, and other flight planning information.

**GENERAL AVIATION:** That portion of civil aviation which encompasses all facets of aviation except air carriers. (FAA Stats)

**GLIDE SLOPE:** An electronic signal radiated by a component of an ILS to provide descent path guidance to approaching aircraft.

**GLOBAL POSITIONING SYSTEM (GPS):** A space-based radio positioning, navigation, and time-transfer system being developed by the U.S. Department of Defense. This newly-emerging technology may eventually become the principal system for air navigation throughout the world.

**HELIPAD:** 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. (AIM)

**INSTRUMENT APPROACH PROCEDURE:** A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority. (AIM)

**INSTRUMENT FLIGHT RULES (IFR):** Rules governing the procedures for conducting instrument flight. Also term used by pilots and controllers to indicate a type of flight plan. (AIM)

**INSTRUMENT LANDING SYSTEM (ILS):** A precision instrument approach system which normally consists of the following electronic components and visual aids: (1) Localizer; (2) Glide Slope; (3) Outer Marker; (4) Middle Marker; (5) Approach Lights. (AIM)

**INSTRUMENT OPERATION:** An aircraft operation in accordance with an IFR flight plan or an operation where IFR separation between aircraft is provided by a terminal control facility. (FAA ATA)

**INSTRUMENT RUNWAY:** A runway equipped with electronic and visual navigation aids for which a precision or non-precision approach procedure having straight-in landing minimums has been approved. (AIM)

**ITINERANT OPERATION:** An arrival or departure performed by an aircraft from or to a point beyond the local airport area.

**LARGE AIRCRAFT:** An aircraft of more than 12,500 pounds maximum certificated takeoff weight. (FAR 1)

**LOCALIZER (LOC):** The component of an ILS which provides course guidance to the runway. (AIM)

**LOCAL OPERATION:** An arrival or departure performed by an aircraft: (1) operating in the traffic pattern, (2) known to be departing or arriving from flight in local practice areas, or (3) executing practice instrument approaches at the airport. (FAA ATA)

**LORAN:** An electronic ground-based navigational system established primarily for marine use but used extensively for VFR and limited IFR air navigation.

**MEAN SEA LEVEL (MSL):** An elevation datum given in feet above mean sea level.

**MILITARY OPERATIONS AREA (MOA):** A type of special use airspace of defined vertical and lateral dimensions established outside of Class A airspace to separate/segregate certain military activities from IFR traffic and to identify for VFR traffic where these activities are conducted. (AIM)

**MINIMUM DESCENT ALTITUDE (MDA):** The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided. (FAR 1)

**MISSED APPROACH:** A maneuver conducted by a pilot when an instrument approach cannot be completed to a landing. (AIM)

**NAVIGATIONAL AID/NAVAID:** Any visual or electronic device airborne or on the surface which provides point-to-point guidance information or position data to aircraft in flight. (AIM)

**NONDIRECTIONAL BEACON (NDB):** A 4 MF or UHF radio beacon transmitting nondirectional signals whereby the pilot of an aircraft equipped with direction finding equipment can determine his bearing to or from the radio beacon and "home" on or track to or from the station. (AIM)

**NONPRECISION APPROACH PROCEDURE:** A standard instrument approach procedure in which no electronic glide slope is provided. (FAR 1)

**NONPRECISION INSTRUMENT RUNWAY:** A runway with an instrument approach procedure utilizing air navigation facilities, with only horizontal guidance, or area-type navigation equipment for which a straight-in nonprecision instrument approach procedure has been approved or planned, and no precision approach facility or procedure is planned. (Airport Design)

**OBJECT FREE AREA (OFA):** A surface surrounding runways, taxiways, and taxilanes which should be clear of parked airplanes and objects except for objects that need to be located in the OFA for air navigation or aircraft maneuvering purposes. (Airport Design)

**OBSTACLE:** An existing object, object of natural growth, or terrain, at a fixed geographical location, or which may be expected at a fixed location within a prescribed area, with reference to which vertical clearance is or must be provided during flight operation. (AIM)

**OBSTACLE FREE ZONE (OFZ):** A volume of space above and adjacent to a runway and its approach lighting system if one exists, free of all fixed objects except FAA-approved frangible aeronautical equipment and clear of vehicles and aircraft in the proximity of an airplane conducting an approach, missed approach, landing, takeoff, or departure.

**OBSTRUCTION:** An object/obstacle, including a mobile object, exceeding the obstruction standards specified in FAR Part 77, Subpart C. (AIM)

**PRECISION APPROACH PATH INDICATOR (PAPI):** An airport landing aid similar to a VASI, but which has light units installed in a single row rather than two rows.

**PRECISION APPROACH PROCEDURE:** A standard instrument approach procedure in which an electronic glide slope is provided. (FAR 1)

**PRECISION INSTRUMENT RUNWAY:** A runway with an instrument approach procedure utilizing an instrument landing system (ILS), microwave landing system (MLS), or precision approach radar (PAR). (Airport Design)

**RELOCATED THRESHOLD:** The portion of pavement behind a relocated threshold that is not available for takeoff and landing. It may be available for taxiing and aircraft. (Airport Design)

**RESTRICTED AREA:** Designated airspace within which the flight of aircraft, while not wholly prohibited, is subject to restriction. (FAR 1)

**RUNWAY CLEAR ZONE:** A term previously used to describe the runway protection zone.

**RUNWAY EDGE LIGHTS:** Lights used to define the lateral limits of a runway. Specific types include:

- HIRL - High-Intensity Runway Lights.
- MIRL - Medium-Intensity Runway Lights.

**RUNWAY END IDENTIFIER LIGHTS (REIL):** Two synchronized flashing lights, one on each side of the runway threshold, which provide a pilot with a rapid and positive visual identification of the approach end of a particular runway. (AIM)

**RUNWAY PROTECTION ZONE (RPZ):** A trapezoidal area off the runway ends that enhances the protection of people and property on the ground through airport owner control of the RPZ. The RPZ usually begins at the end of each primary surface and is centered upon the extended runway centerline. (Airport Design)

**RUNWAY SAFETY AREA (RSA):** A defined surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway. (Airport Design)

**SMALL AIRCRAFT:** An aircraft of 12,500 pounds or less maximum certificated takeoff weight. (FAR 1)

**SPECIAL USE AIRSPACE:** Airspace of defined horizontal and vertical dimensions identified by an area on the surface of the earth wherein activities must be confined because of their nature and/or wherein limitations may be imposed upon aircraft operations that are not a part of those activities. (AIM)

**STANDARD INSTRUMENT DEPARTURE (SID):** A preplanned instrument flight rules (IFR) air traffic control departure procedure printed for pilot use in graphic and/or textual form. SID's provide transition from the terminal to the appropriate en route structure. (AIM)

**STANDARD TERMINAL ARRIVAL ROUTE (STAR):** A preplanned instrument flight rule (IFR) air traffic control arrival route published for pilot use in graphic and/or textual form. STARs provide transition from the en route structure to an outer fix or an instrument approach fix/arrival waypoint in the terminal area. (AIM)

**STRAIGHT-IN INSTRUMENT APPROACH — IFR:** An instrument approach wherein final approach is begun without first having executed a procedure turn; it is not necessarily completed with a straight-in landing or made to straight-in landing weather minimums. (AIM)

**TAXILANE:** The portion of the aircraft parking area used for access between taxiways, aircraft parking positions, hangars, storage facilities, etc. (Airport Design)

**TAXIWAY:** A defined path, from one part of an airport to another, selected or prepared for the taxiing of aircraft. (Airport Design)

**TERMINAL INSTRUMENT PROCEDURES (TERPS):** Procedures for instrument approach and departure of aircraft to and from civil and military airports. There are four types of terminal instrument procedures: precision approach, nonprecision approach, circling, and departure.

**THRESHOLD:** The beginning of that portion of the runway usable for landing. (AIM) (Also see Displaced Threshold)

**TOUCH-AND-GO:** An operation by an aircraft that lands and departs on a runway without stopping or exiting the runway. A touch-and-go is defined as two operations. (AIM)

**TRAFFIC PATTERN:** The traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from an airport. The components of a typical traffic pattern are upwind leg, crosswind leg, downwind leg, base leg, and final approach. (AIM)

**TRANSIENT AIRCRAFT:** Aircraft not based at the airport.

**TRANSMISSOMETER:** An apparatus used to determine visibility by measuring the transmission of light through the atmosphere. (AIM)

**TRANSPORT AIRPORT:** An airport designed, constructed, and maintained to serve airplanes having approach speeds of 121 knots or more. (Airport Design)

**UNICOM (Aeronautical Advisory Station):** A nongovernment air/ground radio communication facility which may provide airport information at certain airports. (AIM)

**VERY-HIGH-FREQUENCY OMNIDIRECTIONAL RANGE (VOR):** The standard navigational aid used throughout the airway system to provide bearing information to aircraft. When combined with Tactical Air Navigation (TACAN) the facility, called VORTAC, provides distance as well as bearing information.

**VISUAL APPROACH SLOPE INDICATOR (VASI):** An airport landing aid which provides a pilot with visual descent (approach slope) guidance while on approach to landing. Also see PAPI.

**VISUAL FLIGHT RULES (VFR):** Rules that govern the procedures for conducting flight under visual conditions. The term "VFR" is also used by pilots and controllers to indicate type of flight plan. (AIM)

**VISUAL GLIDE SLOPE INDICATOR (VGS):** A generic term for the group of airport visual landing aids which includes Visual Approach Slope Indicators (VASI), Precision Approach Path Indicators (PAPI), and Pulsed Light Approach Slope Indicators (PLASI). When FAA funding pays for this equipment, whichever type receives the lowest bid price will be installed unless the airport owner wishes to pay the difference for a more expensive unit.

**VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan. (Airport Design)

**WARNING AREA:** Airspace which may contain hazards to nonparticipating aircraft in international airspace. (AIM)

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## SOURCES

**FAR 1:** Federal Aviation Regulations Part 1, Definitions and Abbreviations. (1993)

**AIM:** Airman's Information Manual, Pilot/Controller Glossary. (1995)

**Airport Design:** Federal Aviation Administration. *Airport Design*. Advisory Circular 150/5300-13. (1994)

**FAA ATA:** Federal Aviation Administration. *Air Traffic Activity*. (1986)

**FAA Census:** Federal Aviation Administration. *Census of U.S. Civil Aircraft*. (1986)

**FAA Stats:** Federal Aviation Administration. *Statistical Handbook of Aviation*. (1984)

**NTSB:** National Transportation Safety Board. *U.S. NTSB 830-3*. (1989)