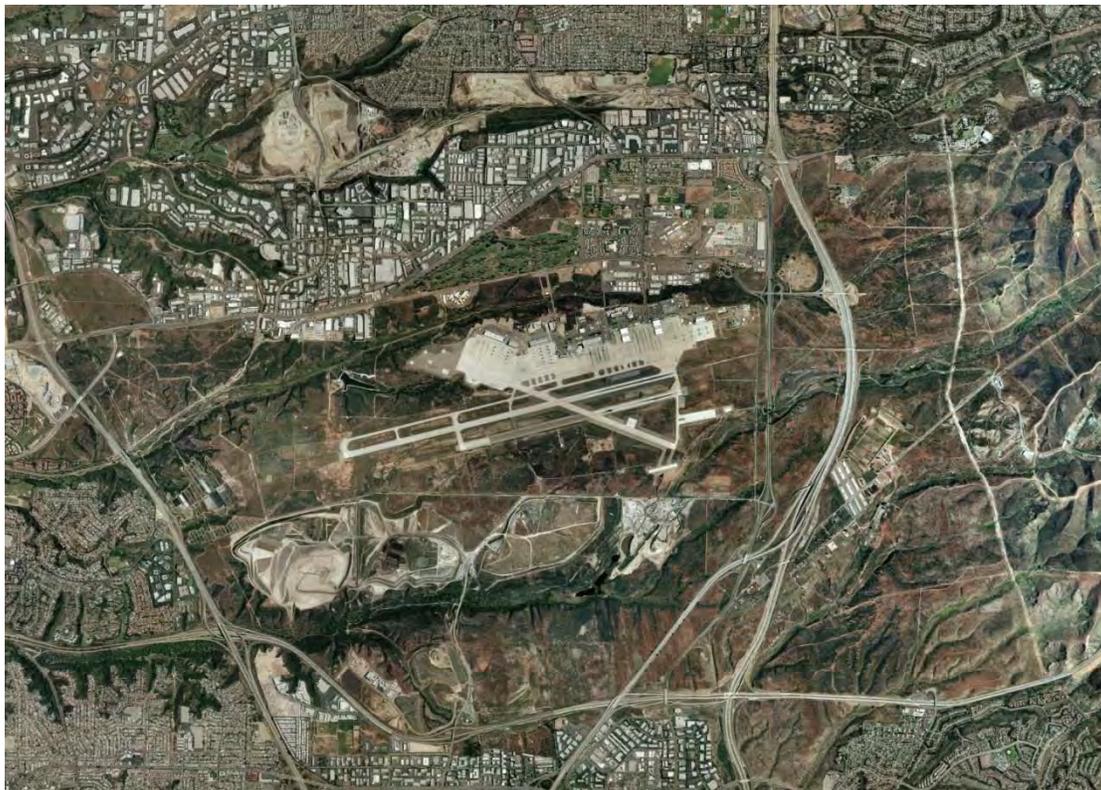

MCAS Miramar Airport Land Use Compatibility Plan

*Adopted October 2008
Amended December 2010 and November 2011*



AIRPORT LAND USE COMMISSION
S A N D I E G O C O U N T Y



RESOLUTION NO. 2011-0018 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY, APPROVING AN AMENDMENT TO THE MARINE CORPS AIR STATION MIRAMAR AIRPORT LAND USE COMPATIBILITY PLAN AND ADOPTING AN ADDENDUM TO THE PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT REPORT

WHEREAS, on October 2, 2008, the Board of the San Diego County Regional Airport Authority, acting in its capacity as the Airport Land Use Commission (ALUC) for the San Diego County, pursuant to Section 21670.3 of the Public Utilities Code, adopted an Airport Land Use Compatibility Plan (ALUCP) for Marine Corps Air Station (MCAS) Miramar; and

WHEREAS, the ALUC concurrently certified the Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2005031148) prepared for the adopted MCAS Miramar ALUCP, which concluded that there was substantial evidence that the ALUCP would have a significant and unavoidable impact on the environment, which was deemed acceptable in light of the benefits identified in the Statement of Overriding Considerations (Resolution No. 2008-091 ALUC); and

WHEREAS, on December 20, 2010, the ALUC approved an amendment to the adopted MCAS Miramar and adopted an Addendum to the previously certified EIR for the MCAS Miramar ALUCP (Resolution No. 2010-0061R ALUC); and

WHEREAS, the ALUC is required to prepare, adopt, and amend as necessary an ALUCP for each of the airports in its jurisdiction (Public Utilities Code, §§21674, subd. (c); 21675, subd. (a)); and

WHEREAS, the ALUC finds it appropriate to amend the adopted MCAS Miramar ALUCP, as requested by ALUC staff and the operator of MCAS Miramar, so as to provide that new electrical substations within Accident Potential Zone (APZ) II are conditionally compatible as long as they do not cause electronic interference with aircraft; and

WHEREAS, the amendment to the adopted MCAS Miramar ALUCP is consistent with the primary objectives of the State Aeronautics Act (Cal. Pub. Util Code §§21001, et seq.), the Air Installations Compatibility Zones (AICUZ) study for MCAS Miramar, the California Airport Land Use Planning Handbook and does not diminish the protection provided by the previously adopted ALUCP for MCAS Miramar; and

WHEREAS, the amendment to the adopted MCAS Miramar ALUCP ensures that the Airport Authority, acting in its capacity as the ALUC, and the affected local agencies have the most accurate technical data regarding the proposed clarification and revision before them when rendering consistency determinations and/or implementing the MCAS Miramar ALUCP; and

WHEREAS, on April 7, 2011, the ALUC received confirmation from the operator of MCAS Miramar that the proposed amendment to the MCAS Miramar ALUCP is consistent with the AICUZ; and

WHEREAS, ALUC staff has prepared and revised the affected policy to reflect the clarification, which is consistent with the Air Installations Compatible Use Zones (AICUZ) Study for MCAS Miramar; and

WHEREAS, in compliance with the requirements of the California Environmental Quality Act (CEQA; Pub. Resources Code, §§2100, et seq.), the CEQA Guidelines (Cal. Code Regs., tit. 14, §§15000 et seq.), and the Airport Authority's own CEQA Procedures, ALUC staff has evaluated the environmental effects of the proposed amendment to the adopted MCAS Miramar ALUCP; and

WHEREAS, ALUC staff has prepared an Addendum to the previously certified EIR (State Clearinghouse No. 2005031148); and

WHEREAS, the Addendum concludes the previously certified EIR, as amended by the previously adopted Addendum, addresses all impacts associated with the implementation of the proposed amendment to the adopted MCAS Miramar ALUCP; and

WHEREAS, the Addendum also concludes that any potential environmental impacts associated with the revision to the affected policy were identified within the scope of the previously certified EIR, and that the environmental effects associated with the proposed amendment are the same as or less than that identified in the previously certified EIR, as amended by the previously adopted Addendum; and

WHEREAS, the Addendum further finds that no new or substantially more severe environmental effects would result from the ALUC's decision to amend the adopted MCAS Miramar ALUCP; and

WHEREAS, the Addendum concludes that no new information has been presented regarding the adopted MCAS Miramar ALUCP's environmental effects that gives rise to any new or more severe environmental effects than were previously identified in the certified EIR; and

WHEREAS, the ALUC considered the Addendum for the proposed amendment to the adopted MCAS Miramar ALUCP, along with the previously certified EIR, as amended by the previously adopted Addendum, and the ALUC, based on its independent judgment and analysis, agrees with the conclusions reached in the Addendum.

NOW, THEREFORE, BE IT RESOLVED, that the ALUC hereby approves an amendment to the Marine Corps Air Station Miramar Airport Land Use Compatibility Plan and adopts an addendum to the previously certified Environmental Impact Report (Exhibit A); and

BE IT FURTHER RESOLVED, that the ALUC approves an amendment to the MCAS Miramar ALUCP, as previously adopted by the ALUC on October 2, 2008, and amended on December 20, 2010, so as to include a revision to affected policy regarding new electrical substations located within APZ II to be conditionally compatible as long as they do not cause electronic interference with aircraft, to be effective immediately upon certification of this Resolution; and

BE IT FURTHER RESOLVED that this ALUC action is not a "development" as defined by the California Coastal Act, Pub. Res. Code Section 30106.

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a regular meeting this 3rd day of November, 2011, by the following vote:

AYES: Commissioners: Boland, Desmond, Gleason, Hubbs,
Panknin, Robinson, Smisek

NOES: Commissioners: None

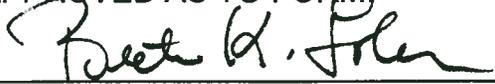
ABSENT: Commissioners: Cox, Young

ATTEST:



TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:



BRETON K. LOBNER
GENERAL COUNSEL

ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE MARINE CORPS AIR STATION MIRAMAR ALUCP (STATE CLEARINGHOUSE NO. 2005031148)

November 3, 2011

1.0 INTRODUCTION

This document is an Addendum to the previously certified Environmental Impact Report ("EIR") (State Clearinghouse No. 2005031148), for the Airport Land Use Compatibility Plan ("ALUCP") prepared for Marine Corps Air Station (MCAS) Miramar ("approved Project"). The EIR evaluated the environmental impacts associated with implementation of the MCAS Miramar ALUCP, and concluded that there was no substantial evidence that the approved Project would result in significant environmental impacts. On October 2, 2008, after a public hearing, the San Diego County Regional Airport Authority ("Airport Authority"), acting in its capacity as the Airport Land Use Commission ("ALUC") for the County of San Diego, certified the legal adequacy of the EIR, pursuant to the California Environmental Quality Act ("CEQA," Pub. Resources Code, §21000 et seq.), the CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.), and the Airport Authority's CEQA Procedures. On December 20, 2010, after a public hearing, the Airport Authority, acting in its capacity as the ALUC for the County of San Diego, adopted an Addendum to the previously certified EIR for the MCAS Miramar ALUCP (Resolution No. 2010-0061R ALUC).

This Addendum examines the environmental effects of proposed minor amendment to the approved Project. The minor amendment is being made in response to comments provided by ALUC staff as well as staff at local agencies affected by the Project regarding processing issues that have been encountered since the Project was adopted by the ALUC in October 2008. The proposed amendment contemplated in this Addendum would clarify that new electrical substations within Accident Potential Zone (APZ) II are conditionally compatible as long as they do not cause electronic interference with aircraft.

As discussed in greater detail in the Addendum below, the proposed amendment to the approved Project would reduce the amount of potential displacement of future development identified in the previously certified EIR for the approved Project, such that potential displacement would be less than previously anticipated.

2.0 PURPOSE OF AN ADDENDUM

Under CEQA, a lead agency may prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. (Cal. Code Regs., tit. 14, §15164, subd. (a).) Here, the proposed amendment does not trigger preparation of a subsequent EIR, thereby rendering preparation of an addendum appropriate.

Notably, when an EIR has already been certified for a project, no subsequent environmental review is required for that project unless the lead agency determines, based on substantial evidence in the record

before it, that one or more specified circumstances has occurred. (Cal. Code Regs., tit. 14, §15162, subd. (a).) Those circumstances are:

- (1) Substantial changes to the project are proposed that will require major revision of the previously adopted negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(Cal. Code Regs., tit. 14, §15162, subd. (a).)

This Addendum to the previously certified EIR for the approved Project has been prepared because ALUC staff has concluded, following an evaluation of the environmental effects of the proposed minor amendment, that the proposed amendment does not give rise to any of the circumstances requiring preparation of a subsequent EIR, as identified above. The evidence supporting ALUC staff's determination is contained in **Section 4.0**, Environmental Analysis, below.

3.0 BACKGROUND

3.1 DESCRIPTION OF THE APPROVED PROJECT

The approved Project is an airport land use compatibility plan, which is inherently regulatory in nature and designed to promote compatibility between MCAS Miramar and the surrounding land uses, to the extent that these areas are not already devoted to incompatible uses. (Pub. Util. Code, §21674, subd. (a).) The MCAS Miramar ALUCP accomplishes this, in part, by regulating the future development of new residential dwellings, commercial and industrial structures, and other noise- or risk-sensitive land uses within the Airport Influence Area ("AIA"), based upon multiple factors established in the ALUCP. Accordingly, the MCAS Miramar ALUCP serves two complementary purposes: (i) the ALUCP provides for the orderly growth of the area surrounding MCAS Miramar in a manner that is compatible and

consistent with the Airport's operations; and (ii) the ALUCP safeguards the general welfare of the inhabitants within the Airport's vicinity and the public in general. (*Id.* at §21670, subd. (a)(1)-(2).)

The MCAS Miramar ALUCP contains compatibility criteria applicable to land lying within the AIA. The boundaries of the AIA, which establish the jurisdictional boundaries of the Airport Authority, acting in its capacity as the ALUC, and the ALUCP, are set, on a cumulative basis. Specifically, the AIA's geographic coverage is established by the four factors/layers of land use planning related to aeronautical activities: (i) noise; (ii) safety; (iii) airspace protection; and (iv) overflight. The ALUCP's compatibility criteria identify whether a particular land use is compatible, conditionally compatible, or incompatible with the Airport's operations based on the proximity of the land uses to the Airport and the four factors/layers. These criteria are then used by the ALUC to determine whether development projects and local plans lying within the AIA for MCAS Miramar are consistent with the ALUCP. In addition, these criteria are used by local agencies during the preparation or amendment of general plans and/or other land use plans and ordinances, and by landowners during the design of new development projects.

The previously certified EIR, as discussed above, evaluated the environmental impacts of implementation of the MCAS Miramar ALUCP. As certified by the Airport Authority on October 2, 2008, the EIR concluded that there was substantial evidence that the ALUCP would have a significant and unavoidable impact on the environment, which was deemed acceptable in light of the benefits identified in the Statement of Overriding Considerations.

3.2 CURRENT PROPOSED ACTION

The specific amendment to the approved Project contemplated in this Addendum clarifies that new electrical substations within APZ II are conditionally compatible as long as they do not cause electronic interference with aircraft. The Project, when adopted in October 2008, did not allow for new electrical substations within APZ II. Policy language would be amended to allow for new electrical substations within APZ II, but only if they will not cause electronic interference with aircraft. This revision is consistent with the Air Installations Compatible Use Zones Study for MCAS Miramar.

4.0 ENVIRONMENTAL ANALYSIS

As discussed further below, the proposed amendment to the approved Project would not alter the conclusions reached in the previously certified EIR, as amended by the previously adopted Addendum, regarding the potential environmental impacts associated with the approved Project; the potential impacts resulting from the approved Project, as amended, would be the same as or less than those previously identified. (The previously certified EIR, as amended by the previously adopted Addendum, is hereby incorporated by reference and is available for public inspection during regular business hours at the Airport Authority's offices, which are located at 3225 North Harbor Drive, Third Floor, Commuter Terminal, San Diego, California 92101.)

First, the proposed amendment, like the approved Project, does not propose or entail any new development, construction, or physical changes to existing land uses or the environment. Therefore, the proposed amendment would not directly impact the environment or result in any direct impacts to any of the environmental impact categories contemplated in Appendix G of the CEQA Guidelines, as identified in the previously certified EIR.

Second, while the proposed amendment may indirectly influence future land use development in the vicinity of the Airport by facilitating development in some locations and constraining development at other locations, any potential indirect effects that may arise are uncertain from a timing and location standpoint. Therefore, it is speculative to anticipate the specific characteristics of any development with which it would be associated. As discussed in the previously certified EIR, one possibility is that land uses in much of the Airport's environs would remain unchanged when compared to existing conditions. Another possibility is that implementation of the proposed amendment may indirectly result in shifting future industrial land uses to other locations designated or zoned to allow for such uses. Since such potential shifts cannot be accurately predicted, particularly as to the rate, timing, location, and extent, it is not considered reasonable to conclude that any potential shifts would be significant. Absent information to the contrary, any such shifts are reasonably considered less than significant.

Such conflicts also are considered less than significant under CEQA because state law (Gov. Code §65302.3) requires that the applicable local planning document(s) be consistent with an adopted ALUCP; and, in the event of an inconsistency, such document(s) must be amended promptly (or go through the special process required to overrule the ALUC pursuant to section 21676 of the Public Utilities Code). The ALUC finds that, by adopting the proposed amendment, any such conflicts can be avoided or substantially lessened by local agency action. The ALUC further finds that such action is within the responsibility and jurisdiction of the respective local agencies, and not the ALUC.

Importantly, the proposed amendment is *less* restrictive than the existing compatibility criteria and policies adopted on October 2, 2008. As such, the environmental analysis for the approved Project represents the worst-case scenario, such that the environmental effects of the proposed amendment are less than those previously studied and reported in the certified EIR.

5.0 CONCLUSION

After reviewing the previously certified EIR, ALUC staff finds that: (i) the EIR, previously certified by the Airport Authority on October 2, 2008, addresses all impacts associated with implementation of the approved Project; (ii) any potential environmental impacts associated within the proposed amendment were identified within the scope of the previously certified EIR; (iii) no new or substantially more severe environmental effects would result from the Airport Authority's decision to adopt the proposed amendment; and (iv) no new information has been presented regarding the approved Project's environmental effects that gives rise to any new or more severe environmental effects than were previously identified in the certified EIR. Therefore, the legal requirements for preparation of a subsequent EIR are inapplicable, and preparation of an addendum to the previously certified EIR is appropriate under the present circumstances.

This Addendum relies on the previously certified EIR, as amended by the previously adopted Addendum, and the related administrative record, in addition to the new documentation that has been prepared to support the Addendum.

RESOLUTION NO. 2010-0061R ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY APPROVING AN AMENDMENT TO THE MARINE CORPS AIR STATION MIRAMAR AIRPORT LAND USE COMPATIBILITY PLAN AND ADOPTING AN ADDENDUM TO THE PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT REPORT

WHEREAS, on October 2, 2008, the Board of the San Diego County Regional Airport Authority, acting in its capacity as the Airport Land Use Commission (ALUC) for the San Diego County, pursuant to Section 21670.3 of the Public Utilities Code, adopted an Airport Land Use Compatibility Plan (ALUCP) for Marine Corps Air Station (MCAS) Miramar; and

WHEREAS, the ALUC concurrently certified the Environmental Impact Report (EIR) (State Clearinghouse No. 2005031148) prepared for the adopted MCAS Miramar ALUCP, which concluded that there was substantial evidence that the ALUCP would have a significant and unavoidable impact on the environment, which was deemed acceptable in light of the benefits identified in the Statement of Overriding Considerations (Resolution No. 2008-091 ALUC); and

WHEREAS, the ALUC is required to prepare, adopt, and amend (as necessary) an ALUCP for each of the airports in its jurisdiction (Public Utilities Code, §§21674, subd. (c); 21675, subd. (a)); and

WHEREAS, the amendment to the adopted MCAS Miramar ALUCP is consistent with the primary objectives of the State Aeronautics Act (Cal. Pub. Util. Code §§21001, et seq.), the Air Installations Compatible Use Zones study for MCAS Miramar, the California Airport Land Use Planning Handbook and does not diminish the protection provided by the previously adopted ALUCP for MCAS Miramar; and

WHEREAS, on November 4, 2010, ALUC staff presented a list of issues and concerns to the ALUC that have been encountered when applying the MCAS Miramar ALUCP to land use projects requiring consistency determination review; and

WHEREAS, on November 9, 2010, ALUC staff held a meeting with all of the affected local agencies to inform them about the proposed revisions to the MCAS Miramar ALUCP as well as to solicit their input; and

WHEREAS, the ALUC finds it appropriate to amend the adopted MCAS Miramar ALUCP, as requested by ALUC staff, so as to provide clarity on the following: 1) correct an error in the safety policy language for indoor small assembly rooms; 2) clarify the applicability of the MCAS Miramar ALUCP to nonconforming structures for upgrades that are necessary in order to comply with life/safety requirements; 3) clarify how to calculate Floor Area Ratio (FAR) for mixed-use projects; 4) clarify how to evaluate new uses within existing structures for compatibility with the MCAS Miramar ALUCP; 5) clarify the need for ALUC review of consistent/compatible projects that are within Review Area 1; 6) quantify how much change would be considered “substantive” with respect to project changes and the need for new or subsequent ALUC review; and

WHEREAS, the amendment the adopted MCAS Miramar ALUCP will ensure that the Airport Authority, acting in its capacity as the ALUC, and the affected local agencies have the most accurate technical data regarding the proposed clarifications and revisions before them when rendering consistency determinations and/or implementing the MCAS Miramar ALUCP; and

WHEREAS, ALUC staff has prepared and revised the affected policies to reflect the clarifications; and

WHEREAS, in compliance with the requirements of the California Environmental Quality Act (CEQA; Pub. Resources Code, §2100, et seq.), the CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.), and the Airport Authority's own CEQA Procedures, ALUC staff has evaluated the environmental ramifications of the proposed amendment to the adopted MCAS Miramar ALUCP; and

WHEREAS, ALUC staff has prepared an Addendum to the previously certified EIR (State Clearinghouse No. 2005031148); and

WHEREAS, the Addendum concludes the previously certified EIR addresses all impacts associated with the implementation of the proposed amendment to the adopted MCAS Miramar ALUCP; and

WHEREAS, the Addendum also concludes that any potential environmental impacts associated with the revisions to the affected policies were identified within the scope of the previously certified EIR, and that the environmental ramifications associated with the proposed amendment is the same as or less than that identified in the previously certified EIR; and

WHEREAS, the Addendum further finds that no new or substantially more severe environmental effects would result from the ALUC's decision to amend the adopted MCAS Miramar ALUCP; and

WHEREAS, the Addendum concludes that no new information has been presented regarding the adopted MCAS Miramar ALUCP's environmental effects that gives rise to any new or more severe environmental effects than were previously identified in the certified EIR; and

WHEREAS, the ALUC considered the Addendum for the proposed amendment to the adopted MCAS Miramar ALUCP, along with the previously certified EIR, and the ALUC, based on its independent judgment and analysis, agrees with the conclusions reached in the Addendum.

NOW, THEREFORE, BE IT RESOLVED, that the ALUC adopts the Addendum (Attachment A) to the previously certified EIR (State Clearinghouse No. 2005031148), as described therein, and orders that ALUC staff prepare and file a Notice of Determination within five (5) days of the certification of this Resolution; and

BE IT FURTHER RESOLVED, that the ALUC approves an amendment to the MCAS Miramar ALUCP, as previously adopted by the ALUC on October 2, 2008, so as to include revisions to affected policies as outlined within the Staff Report, with the exception of items 3 and 8, to be effective immediately upon certification of this Resolution; and

BE IT FURTHER RESOLVED that this ALUC action is not a "development" as defined by the California Coastal Act, Pub. Res. Code Section 30106.

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a special meeting this 20th day of December, 2010, by the following vote:

AYES: Commissioners: Boland, Cox, Finnila, Gleason, Panknin, Robinson, Smisek, Young

NOES: Commissioners: None

ABSENT: Commissioners: Desmond

ATTEST:



TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:



BRETON K. LOBNER
GENERAL COUNSEL

RESOLUTION NO. 2008-0101 ALUC

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY ADOPTING THE MARINE CORPS AIR STATION MIRAMAR AIRPORT LAND USE COMPATIBILITY PLAN.

WHEREAS, the San Diego County Regional Airport Authority (Airport Authority) has been designated as the Airport Land Use Commission (ALUC) for each airport in the County of San Diego (County), effective January 1, 2003 (Pub. Util. Code, §21670.3); and

WHEREAS, the ALUC is required to prepare and adopt an airport land use compatibility plan (ALUCP) for the areas within its jurisdiction surrounding any military airport (Pub. Util. Code, §§21674(c); 21675(b)); and

WHEREAS, ALUCPs are the fundamental tool used by ALUCs in fulfilling their purpose of promoting airport land use compatibility; and

WHEREAS, the ALUC is required to be guided by information in the *California Airport Land Use Planning Handbook*, State of California, Department of Transportation, Division of Aeronautics ("*Caltrans Handbook*") in preparing ALUCPs (Pub. Util. Code, §21674.7(a)); and

WHEREAS, the ALUC also is required to prepare an ALUCP for an area surrounding a military airport that is "consistent with the safety and noise standards" in the Air Installation Compatible Use Zone (AICUZ) study prepared for that military airport by the federal military authority operating the airport (Pub. Util. Code, §21675(b)); and

WHEREAS, a Comprehensive Land Use Plan (CLUP) for then Naval Air Station Miramar was adopted in 1977 by the San Diego Association of Governments (SANDAG), the predecessor of the Airport Authority with respect to the ALUC role for the County, and then subject to amendment in 1990 and 1992 by SANDAG, and in 2004 by the Airport Authority for Marine Corps Air Station (MCAS) Miramar; and

WHEREAS, the AICUZ study for MCAS Miramar was revised substantially in March 2005, thereby necessitating the preparation of an amended ALUCP; and

WHEREAS, in conjunction with extensive collaboration between the ALUC and ALUCP Technical Advisory Group (ATAG), the ALUC has prepared an ALUCP for MCAS Miramar that is consistent with the safety and noise standards in the AICUZ and otherwise in accordance with the requirements of the State Aeronautics Act and *Caltrans Handbook*; and

WHEREAS, the ALUC provided opportunity to comment on the proposed Project for forty-seven days, beginning on April 7, 2008 and concluding on May 23, 2008; and

WHEREAS, the ALUC provided notice of the opportunity to comment on the proposed ALUCP to interested individuals, organizations, agencies, and the affected land use jurisdictions (*i.e.*, the County of San Diego, and the cities of Poway, San Diego and Santee); and

WHEREAS, the ALUC also held a community workshop on April 29, 2008, in order to provide additional opportunity for public comment on the proposed ALUCP; and

WHEREAS, the ALUC received comments on the proposed ALUCP from three local agencies and three private businesses/companies; and

WHEREAS, the ALUC prepared written responses to all comments received in the proposed ALUCP during the comment period; and

WHEREAS, the ALUC made minor revisions to the proposed ALUCP, as necessary and/or in response to the comments received on the proposed MCAS Miramar ALUCP; and

WHEREAS, the ALUC, the lead agency for the proposed MCAS Miramar ALUCP, also has prepared and circulated an Environmental Impact Report (EIR) for the proposed ALUCP in accordance with the requirements of the California Environmental Quality Act (CEQA, which is set forth in the Public Resources Code, section 21000 *et seq.*), and the CEQA Guidelines, which are set forth in the California Code of Regulations, Title 14, section 15000 *et seq.*, and the Airport Authority's own CEQA Procedures; and

WHEREAS, the ALUC held a duly noticed public meeting on October 2, 2008, to receive and consider public testimony with respect to the proposed MCAS Miramar ALUCP and the completeness and adequacy of the Final EIR for the proposed ALUCP; and

WHEREAS, the ALUC has reviewed all of the CEQA documentation for the MCAS Miramar ALUCP and determined that, on the basis of the whole record before it, there is substantial evidence that the proposed ALUCP will have a significant and unavoidable impact on the environment; this impact is acceptable in light of the benefits identified in the Statement of Overriding Considerations; the Final EIR reflects the ALUC's independent judgment and analysis; and, the Final EIR is complete, adequate and fully complies with all requirements of CEQA, the CEQA Guidelines, and the Airport Authority's CEQA Procedures; and

WHEREAS, on October 2, 2008, the Board approved Resolution No. 2008-0091 ALUC certifying the Final EIR prepared for the proposed MCAS Miramar ALUCP on the basis of the findings summarized above and more extensively detailed in the companion Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Board, serving as the ALUC for the County, adopts for implementation the ALUCP for MCAS Miramar, as described in this Board Resolution, in the Final EIR for the proposed ALUCP, and in the companion CEQA approval Resolution for the Final EIR (Board Resolution No. 2008-0091 ALUC), to be effective immediately upon certification of this Resolution.

PASSED, ADOPTED AND APPROVED by the Board of the San Diego County Regional Airport Authority at a regular meeting this 2nd day of October, 2008, by the following vote:

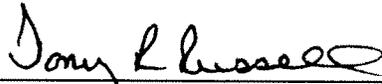
AYES: Board Members: Bersin, Boland, Desmond, Finnila,
Miller, Panknin, Young

NOES: Board Members: Zettel

ABSTAIN: Board Members: Watkins

ABSENT: Board Members: None

ATTEST:



TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:



BRETON K. LOBNER
GENERAL COUNSEL

MCAS Miramar Airport Land Use Compatibility Plan

Adopted by the
San Diego County
Airport Land Use Commission
October 2, 2008

Prepared by



Santa Rosa, California

In association with

Harris Miller Miller & Hanson, Inc.
Dudek & Associates, Inc.
Technology Associates International Corporation

San Diego County Regional Airport Authority
(as of October 2, 2008)

Executive Committee Members

Alan D. Bersin, Chairman
Ramona Finnila, Vice Chairman
Bob Watkins

General Members

Bruce R. Boland
Jack Miller
Jim Desmond
Jim Panknin
Charlene Zettel
Anthony K. Young

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General Counsel
Amy Gonzalez
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Outside Legal Counsel

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Chapter 1

Introduction



Introduction

1.1 OVERVIEW OF THE PLAN

The basic function of airport land use compatibility plans (ALUCPs or compatibility plans) is to promote compatibility between airports and the land uses that surround them to the extent that these areas are not already devoted to incompatible uses. With limited exception, California law requires preparation of a compatibility plan for each public-use and military airport in the state. Most counties have established an *airport land use commission (ALUC)*, as provided for by law, to prepare compatibility plans for the airports in that county and to review land use plans and development proposals, as well as certain airport development plans, for consistency with the compatibility plans. In San Diego County, the *ALUC* function rests with the *San Diego County Regional Airport Authority (SDCRAA)*, as provided in section 21670.3 of the California Public Utilities Code.

1.1.1 Function and Applicability of the Compatibility Plan

The *Marine Corps Air Station (MCAS) Miramar Airport Land Use Compatibility Plan (MCAS Miramar ALUCP or Compatibility Plan)* is the fundamental tool used by the *SDCRAA*, acting in its capacity as the San Diego County *ALUC*, in fulfilling its purpose of promoting airport land use compatibility. Specifically, this *Compatibility Plan*: (1) provides for the orderly growth of the *Airport* and the area surrounding the *Airport*; and (2) safeguards the general welfare of the inhabitants within the vicinity of the *Airport* and the public in general. Essentially then, this *Compatibility Plan* serves as a tool for use by the *ALUC* in fulfilling its duty to review land use development proposals within the *airport influence area (ALA)* at MCAS Miramar. In addition, the *Compatibility Plan* provides compatibility policies and criteria applicable to *local agencies* in their preparation or amendment of land use plans and ordinances and to landowners in their design of new development.

Details regarding the purpose, scope, and applicability of this *Compatibility Plan* are set forth in Chapter 2. Also included in Chapter 2 are the procedural requirements associated with the compatibility review of development proposals. These procedures together with the compatibility criteria, maps, and other policies in Chapter 3 of the *Compatibility Plan* comprise the tools used by the *ALUC* in conducting reviews of proposed land use development actions.

Use of the *Compatibility Plan* is not limited only to the *ALUC*. As noted above, the compatibility criteria must be used by *local agencies* in their preparation or amendment of land use plans and ordinances. The *ALA* of MCAS Miramar includes lands within four general land use jurisdictions: the County of San Diego and the cities of Poway, San Diego, and Santee. State law requires each *local agency* to modify its general plan and/or land use policy documents and implementing ordinances to be consistent with the *ALUC*'s compatibility plan, or take special steps to overrule the *ALUC*. Furthermore, this *Compatibility Plan* applies not just to the County and cities, but to school districts, community college districts, special districts, and other local agencies when these entities consider the siting and design of new facilities or expansion of existing ones. Finally, private parties are subject to the provisions of this *Compatibility Plan* either directly or as implemented in the plans and zoning of the *local agencies*.

This *Compatibility Plan* replaces the ALUCP for MCAS Miramar that the *SDCRAA*, acting in its capacity as the *ALUC* for San Diego County, adopted in 2004. This action was taken by the *ALUC* in order to amend the Comprehensive Land Use Plan that the San Diego County Association of Governments (SANDAG), which served as the San Diego County *ALUC* prior to 2003, originally adopted in 1977 for MCAS Miramar and last amended in 1992. The 2004 amendments involved only minor modifications to the previous policies. As required by state law (Pub. Util. Code, §21675(b)), this *Compatibility Plan* is consistent with the safety and noise standards in the *Air Installations Compatible Use Zones (AICUZ)* prepared by the United States Department of Defense for MCAS Miramar, dated December 2004, and revised in March 2005.

1.1.2 Statutory Requirements

Powers and Duties

Requirements for the creation of *ALUCs* were first established under the California *Aeronautics Act* (Pub. Util. Code, §§21670 *et seq.*) in 1967. (See Appendix A.) Although the law has been amended numerous times since then, the fundamental purpose of *ALUCs*, to promote land use compatibility around airports, has remained unchanged. As expressed in present statutes, the *ALUC's* purpose is:

...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.

The statutes give *ALUCs* the following powers and duties, subject to limitation, by which to accomplish this objective:

- ▶ To assist *local agencies* in ensuring compatible land uses in the vicinity of airports to the extent that such land is not already devoted to incompatible uses;
- ▶ 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;
- ▶ To prepare and adopt an airport land use compatibility plan; and
- ▶ To review the plans, regulations, and certain other actions of *local agencies* and airport operators for consistency with that compatibility plan.

Limitations

The above fundamental purpose notwithstanding, there are important limitations on an *ALUC's* authority. Three important limitations are explicitly written into the law: *ALUCs* have no authority over either "existing land uses" (Pub. Util. Code, §21674(a)) or the "operation of airports" (Pub. Util. Code, §21674(e)). Definitions of *existing land use* and *airport-related use* are provided in Chapter 2. In addition, although *ALUCs* must prepare compatibility plans for military airports, *ALUCs* have no jurisdiction over federal lands, such as military bases. (Pub. Util. Code, §21675(b).)

A fourth, less absolute limitation upon *ALUC* authority concerns the types of *land use actions* that are subject to *ALUC* review. The law emphasizes that local general plans are the primary mechanism for implementing the compatibility policies set forth in an *ALUC's* compatibility plan. Thus, each *local agency* that has land within the *ALA* established in the *MCAS Miramar ALUCP* is required to make its general plan (or land use policy documents and implementing ordinances) consistent with the *ALUCP*, or take special steps to overrule the *ALUC*. Once the *ALUC* has determined that the county or cit(ies) general plan(s) are consistent with the *ALUCP*, or the *local agency* overrules the *ALUC*, the *ALUC's* authority to review projects within that jurisdiction is limited. The only actions for which review remains mandatory are the proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations (or other land use policy documents and implementing ordinances) affecting land within the *ALA*. Submittal of individual projects for *ALUC* review is voluntary, and *ALUC* determinations on these projects are recommendations and are not subject to the overruling provisions associated with mandatory reviews. (Pub. Util. Code, §21676.5(b)).

1.1.3 San Diego County Airport Land Use Commission

As noted earlier in this chapter, the *SDCRAA* serves as the *ALUC* in San Diego County. The *SDCRAA* designation as the San Diego County *ALUC* is written into state law. (Pub. Util. Code, §21670.3.) The *SDCRAA* assumed *ALUC* duties from SANDAG when the *SDCRAA* came into existence on January 1, 2003. SANDAG had served as the San Diego County *ALUC* since December 1970 when the *ALUC* function was first established.

In addition to serving as the County's *ALUC*, the *SDCRAA* is the operator of San Diego International Airport (SDIA), the sole major domestic and international airport in the County. Additionally, the *SDCRAA* is responsible for leading the comprehensive planning effort directed at meeting the long-term air transportation service demands of the region. In connection with this responsibility, the *SDCRAA* must complete a Regional Aviation Strategic Plan by June 30, 2011. The goal of the Plan is to improve the performance of all airports within San Diego County. While these three functions are housed within a single organization, the *ALUC* role is largely independent of the others because, by law, *ALUCs* have no authority over airport operations.

1.1.4 Relationship of the ALUC to Local Agencies

The fundamental relationship between the San Diego County *ALUC* and the *local agencies* that may be affected by this *Compatibility Plan* is set forth in the *Aeronautics Act*. The *ALUC* does not need the approval of the county or any city in order to adopt this *Compatibility Plan* or to carry out the *ALUC* project review responsibilities; however, the *ALUC* must coordinate its activities

with the *local agencies*. In one particular respect, this coordination is mandatory. State law requires "hearing and consultation with the involved agencies" with regard to establishment of *ALA* boundaries. (Pub. Util. Code, §21675(c).)

Another aspect of the relationship between the *ALUC* and local *agencies* concerns implementation of the *Compatibility Plan*. Although the *ALUC* has the sole authority to adopt this *Compatibility Plan* and to conduct compatibility reviews, the authority and responsibility for implementing the compatibility policies rests with the *local agencies* that control land uses within the *ALA*. Actions that these *local agencies* can take to implement the *Compatibility Plan's* policies are outlined later in this chapter.

1.2 POLICY FRAMEWORK

The policies in Chapter 2 and 3 of this *Compatibility Plan* are based upon these primary sources: the *Aeronautics Act* and other state laws and guidelines, including those in the *California Airport Land Use Planning Handbook (Handbook)* published by the California Department of Transportation, *Division of Aeronautics (Division of Aeronautics)*; and the *MCAS Miramar AICUZ*, dated December 2004, and revised March 2005.

1.2.1 State Laws and Guidelines

Many of the procedures that govern how *ALUCs* operate are defined by state law. Statutory provisions in the Public Utilities Code require *ALUC* adoption of compatibility plans for each public use and military airport, and establish certain steps to be taken in the plan adoption process. (See Pub. Util. Code, §21675.) The law also dictates the requirements for airport land use compatibility reviews by the *ALUC* and the types of actions that *local agencies* must submit for a consistency review. (See, e.g., Pub. Util. Code, §§21675.2, 21676, 21676.5.)

When preparing compatibility plans for individual airports, *ALUCs* must be guided by the information contained in the *Handbook*. The *Handbook* is not regulatory in nature, however, and it does not constitute formal state policy except to the extent that it explicitly refers to state laws. Rather, its guidance is intended to serve as the starting point for compatibility planning around individual airports. The policies and maps in this *Compatibility Plan* take into account the guidance provided in the current edition of the *Handbook*, dated January 2002.

An additional function of the *Handbook* is established elsewhere in California state law. The Public Resources Code creates a tie between the *Handbook* and California Environmental Quality Act (CEQA) documents. Specifically, Public Resources Code section 21096 requires that lead agencies use the *Handbook* as "a technical resource" when assessing airport-related noise and safety impacts of projects located in the vicinity of airports.

The *Handbook* is available from the *Division of Aeronautics*.

1.2.2 Relationship to AICUZ Studies

Federal regulations require the military services to prepare an *AICUZ* study for each military airfield. The *AICUZ* Program was established by the Department of Defense (DOD) in response to increasing incompatible urban development around military airfields. DOD Instruction Number 4165.57 (November 8, 1977) (Basic Instruction) provides the overall

guidance for the program. Each military service has its own individual guidelines for implementing the Basic Instruction. The Navy guidelines are defined in OPNAV Instruction 11010.36B, *AICUZ Program Procedures and Guidelines for Department of the Navy Air Installations*, dated December 19, 2002 (OPNAV Instruction). These procedures apply to Marine Corps airfields as well as to those operated by the Navy.

The OPNAV Instruction states that the purpose of the *AICUZ* Program is "to achieve compatibility between air installations and neighboring communities by:

- ▶ Protecting the health, safety, and welfare of civilians and military personnel by encouraging land use which is compatible with aircraft operations;
- ▶ Protecting Navy and Marine Corps installation investment by safeguarding the installation's operational capabilities;
- ▶ Reducing noise impacts caused by aircraft operations while meeting operational, training, and flight safety requirements, both on and in the vicinity of air installations; and
- ▶ Informing the public about the *AICUZ* program and seeking cooperative efforts to minimize noise and aircraft accident potential impact by promoting compatible development in the vicinity of military air installations."

AICUZ plans prepared for individual military airfields serve as recommendations to *local agencies*. However, California state law (Pub. Util. Code, §21675(b)) not only requires that *ALUCs* prepare an *ALUCP* for each military airport in their jurisdiction, but also that such plan "be consistent with the safety and noise standards ..." in the *AICUZ* for that airport. Although the compatibility policies set forth in this *Compatibility Plan* for MCAS Miramar are not identical to the *AICUZ* plan for the facility, the noise and safety *Compatibility Plan* policies are consistent with the *AICUZ* guidance and provide the level of compatibility protection recommended by the *AICUZ*.

1.2.3 Restrictive Use Easements

During the 1970s and 1980s, the Department of Navy (DON) acquired *restrictive use easements (RUEs)* over nearly 400 acres of property in the communities surrounding MCAS Miramar. These parcels mostly are contained within the primary departure corridors for MCAS Miramar operations and in the areas to the south around State Route 52, and were determined to be essential in ensuring compatible land use planning within these critical areas. Development within these parcels must be consistent with the height, lot coverage, land use type restrictions, or related restrictions specified in the *RUEs*. The *RUEs* are identified on Map MIR-2, which is located in Chapter 3 of this *Compatibility Plan*.

The *RUEs* are discussed and identified in this *Compatibility Plan* for informational purposes and incorporated into this document. The enforcement of the *RUEs* is the responsibility of the DOD/DON.

1.3 FORECASTING METHODOLOGY

State law (Pub. Util. Code, §21675(a)) requires that a compatibility plan reflect "the anticipated growth of the airport during at least the next 20 years." For this *Compatibility Plan*, the forecasted growth is based upon the projected activity levels indicated in the *AICUZ* document.

Although the *AICUZ* does not specifically assign a year to the projected activity levels, the projections reflect the maximum activity levels consistent with the currently identified mission of the Airport. For compatibility planning purposes, this projection is presumed to represent the requisite 20-year time horizon. If the mission of MCAS Miramar changes in the future in a manner that would significantly affect the activity levels, the Marine Corps would prepare a new *AICUZ* and the *ALUC* would update this *Compatibility Plan*, if necessary.

A summary of current and projected aircraft operations data from the MCAS Miramar *AICUZ* is included in Chapter 4 of this *Compatibility Plan*. Other background information regarding the base is presented in that chapter as well.

1.4 PLAN IMPLEMENTATION

1.4.1 General Plan Consistency

As noted above, state law requires each *local agency* having jurisdiction over land uses within an *ALUC's* planning area to modify its general plan and any affected specific plans to be consistent with the compatibility plan, or to take the steps necessary to overrule the *ALUC* within 180 days of when the *ALUC* adopts or amends its compatibility plan. The local agency may propose to overrule the *ALUC* after a hearing by a two-thirds vote of the *local agency's* governing body if it makes specific findings that the *local agency's* plans are consistent with the intent of state airport land use planning statutes. The *local agency* must provide both the *ALUC* and the *Division of Aeronautics* with a copy of the *local agency's* proposed decision and findings at least 45 days in advance of its decision to overrule the *ALUC* and must hold a public hearing on the proposed overruling. (Pub. Util. Code, §21676(a)-(b).) If the *ALUC* and *Division of Aeronautics* choose to provide comments to the *local agency*, they must do so within 30 days of receiving the proposed decision and findings. Any comments received from the *ALUC* or *Division of Aeronautics* must be included in the public record of the *local agency's* final decision to overrule the *ALUC*. (Pub. Util. Code, §§21676, 21676.5, 21677.) (Similar requirements apply to a *local agency's* decision to overrule the *ALUC's* consistency determinations concerning individual development proposals for which *ALUC* review is mandatory. (Pub. Util. Code, §21676.5(a)) and airport master plans (Pub. Util. Code, §21676(c)).)

A general plan does not need to be identical with the *ALUC's* compatibility plan in order to be consistent with the compatibility plan. To meet the consistency test, a general plan must do two things:

- ▶ Specifically address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and
- ▶ Avoid direct conflicts with compatibility planning criteria.

(See Policy 2.9.)

1.4.2 Project Referrals

The types of *land use actions* for which referral to the *ALUC* is mandatory include the adoption of general plans, specific plans, amendments of general or specific plans, or the adoption or approval of a zoning ordinance, building regulation or other implementing ordinance. This requirement should be indicated in the general plan and other land use policy document or

implementing ordinance of each affected *local agency*. Additionally, beginning with when this *Compatibility Plan* is adopted by the *ALUC* and continuing until such time as each affected *local agency* has made the necessary modifications to its general plan or overruled the *ALUC*, all subsequent actions, regulations and permits within the *ALA* are to be submitted to the *ALUC* for review. After the *local agency* has made its general plan and other land use policy documents and implementing ordinances consistent with the *Compatibility Plan* or overruled the *ALUC*, submittal of individual subsequent actions, regulations and permits is generally not required, but the *ALUC* and the *local agency* can agree upon continued submittal of certain actions on an informal basis.

1.5 PLAN CONTENTS

This *Compatibility Plan* is complete unto itself and is separate and independent from compatibility plans adopted by the *ALUC* for other airports in the County. This *Compatibility Plan* is organized into four chapters and a set of appendices.

Chapters 2 and 3 contain the policies by which the *ALUC* operates and conducts compatibility reviews of proposed land use and airport development actions. The policies in Chapter 2 are written broadly so as to address overarching compatibility concerns. Detailed compatibility criteria and other policies applicable specifically to MCAS Miramar are set forth in Chapter 3 of this document. Chapter 4 presents various background data regarding features, impacts, and environs of MCAS Miramar. Chapter 4 also serves to document the data and assumptions upon which the compatibility policy maps for the *Airport* are based.

Also included in this document are a set of appendices containing a copy of state statutes concerning *ALUCs* and other general information pertaining to airport land use compatibility planning. Chapter 4, along with the appendices, provide background and other information used to prepare the policies contained in Chapters 2 and 3.

Chapter 2

Basic Airport Land Use Commission Policies



Airport Land Use Commission Policies

2.1 INTRODUCTION

2.1.1 *Purpose:* The policies set forth in this chapter and Chapter 3 of this *Compatibility Plan* serve two functions:

- (a) To provide the procedures to be used by the *SDCRAA*, acting in its capacity as the *ALUC*, and affected *local agencies* for the purpose of fulfilling the airport land use compatibility review requirements set forth in the *Aeronautics Act* (Pub. Util. Code, §21670 *et seq.*). Specifically, these procedures define:
 - (1) The steps to be taken by *local agencies* including, but not limited to, the County of San Diego, the cities of Poway, San Diego and Santee, special districts, school districts, and community college districts in submitting certain land use development plans and other proposed actions to the *ALUC* for review in accordance with Policies 2.6.1 and 2.6.2 of this *Compatibility Plan*.
 - (2) The process, as set forth in Policies 2.7 through 2.10 of this *Compatibility Plan*, to be used by the *ALUC* in reviewing the above actions for compliance with the compatibility criteria set forth in this *Compatibility Plan*.
- (b) To identify compatibility criteria to be utilized by:
 - (1) The *ALUC* in review of various actions involving land use development within the MCAS Miramar *AIA*.
 - (2) *Local agencies*, including, but not limited to the County of San Diego and the cities of Poway, San Diego and Santee in modifying their respective general plans, applicable specific plans, and zoning ordinances for consistency with this *Compatibility Plan*.

2.1.2 *Relationship to Chapter 3 Policies:* The policies in this chapter address *ALUC* review procedures and overarching compatibility considerations. Compatibility criteria and other policies applicable to MCAS Miramar are set forth in Chapter 3. For purposes of this *Compatibility Plan*, as listed in Policy 2.1.1 above, adherence to the policies of both chapters is required.

2.2 DEFINITIONS

The following definitions apply for the purposes of the policies set forth in this document (additional terms are defined in the *Glossary*):

- 2.2.1 *Accident Potential Zone I (APZ I)*: APZ I is the area located immediately beyond the *Clear Zone*.
- 2.2.2 *Accident Potential Zone II (APZ II)*: APZ II is the area located immediately beyond APZ I.
- 2.2.3 *Aeronautics Act*: Except as otherwise indicated, the article of the California Public Utilities Code, section 21670 *et seq.*, relating to ALUCs.
- 2.2.4 *Air Installations Compatible Use Zones Study (AICUZ)*: A land use compatibility plan prepared by the U.S. Department of Defense for military airfields. AICUZ plans serve as recommendations to *local agencies* having jurisdiction over land uses surrounding these facilities.
- 2.2.5 *Airport*: Marine Corps Air Station (MCAS) Miramar.
- 2.2.6 *Airport Influence Area (ALA)*: An area where noise, safety, airspace protection, or overflight may significantly affect land uses or necessitate restrictions on those uses as determined by the ALUC. The *airport influence area* constitutes the area within which certain *land use actions* are subject to ALUC review to determine consistency with the policies set forth in the *MCAS Miramar Airport Land Use Compatibility Plan*. If a property is located within the *airport influence area*, a *Real Estate Disclosure* must be provided in connection with the sale or transfer of residential property.
- 2.2.7 *Airport Land Use Commission (ALUC)*: The *San Diego County Regional Airport Authority* acting in its capacity as the *San Diego County Airport Land Use Commission*.
- 2.2.8 *Airport Land Use Commission Staff*: The President/Chief Executive Officer (CEO) of the *San Diego County Regional Airport Authority*, or a person designated by the President/CEO.
- 2.2.9 *Airspace Protection Area*: The area beneath the *airspace protection surfaces* for the MCAS Miramar, as depicted on the *Compatibility Policy Map: Airspace Protection* in Chapter 3.
- 2.2.10 *Airspace Protection Surfaces*: Imaginary surfaces in the airspace surrounding airports defined in accordance with criteria set forth in *Federal Aviation Regulations Part 77*. These surfaces establish the maximum height that objects on the ground can reach without potentially creating constraints or hazards to the use of the airspace by aircraft approaching, departing, or maneuvering in the vicinity of an airport.
- 2.2.11 *Aviation-Related Use*: Any facility or activity directly associated with the air transportation of persons or cargo, or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protection areas as defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations facilities, terminal buildings, *etc.*
- 2.2.12 *California Building Code (CBC)*: The CBC is located in Title 24, Part 2, of the California Code of Regulations and governs general building construction standards.
- 2.2.13 *Clear Zone (CZ)*: The CZ includes areas immediately beyond the ends of military airport runways. These areas have the greatest potential for occurrence of aircraft accidents and should remain undeveloped.
- 2.2.14 *Community Noise Equivalent Level (CNEL)*: The noise metric adopted by the State of California for land use planning purposes, including describing airport noise impacts. This noise metric

- compensates for the increase in people's sensitivity to noise during nighttime hours. The noise impacts typically are depicted by a set of contours, each of which represents points having the same *CNEL* value. (See Appendix H and Glossary.)
- 2.2.15 *Compatibility Plan*: This document, the *MCAS Miramar Airport Land Use Compatibility Plan*, also referred to as "this *Compatibility Plan*."
- 2.2.16 *Development by Right*: Other than in the *Clear Zone*, construction of a single-family home, including a second unit as defined by state law, on a legal lot of record if such use is permitted by local land use regulations, and lot line adjustments provided that new developable parcels would not be created and the resulting density or intensity of the affected property would not exceed the applicable criteria indicated in Table MIR-2. (See Chapter 3 of this *Compatibility Plan* for Table MIR-2.) (See also Policy 2.11.4.)
- 2.2.17 *Division of Aeronautics*: California Department of Transportation, *Division of Aeronautics*.
- 2.2.18 *Existing Land Use*: A project shall be considered an "*existing land use*" when:
- (a) A "vested right" is obtained, as follows:
 - (1) A vesting tentative map has been approved pursuant to Government Code section 66498.1 and has not expired; or
 - (2) A development agreement has been executed pursuant to Government Code section 65866 and remains in effect; or
 - (3) A valid building permit has been issued, substantial work has been performed, and substantial liabilities have been incurred in good faith reliance on the permit, pursuant to the California Supreme Court decision in *Arco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 791, and its progeny.
 - (i) A proposed modification to an *existing land use* that will result in an increase in height, a change of use, or an increase in density or intensity of use which is not in substantial conformance with the development project entitled by the *local agency* shall be subject to this *Compatibility Plan*. (See Policy 2.10.4.)
 - (ii) The determination of whether a project meets the criteria of an "*existing land use*" shall be made by the *local agency* and the *ALUC*.
 - (b) A new occupancy of an existing building, provided the new occupancy remains within the same or reduced level of occupancy as the most recent one. A new occupancy which increases intensity shall not qualify as an *existing land use*.
- 2.2.19 *Federal Aviation Regulations (FAR Part 77)*: The Part of the *Federal Aviation Regulations* that deals with objects affecting navigable airspace in the vicinity of airports. *FAR Part 77* establishes standards for identifying obstructions to navigable airspace, sets forth requirements for notice to the FAA of certain proposed construction or alteration, and provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace. (See Appendix B of this *Compatibility Plan* for the text of *Part 77*.)
- 2.2.20 *Floor Area Ratio (FAR)*: The total building square footage (building area) divided by the site size square footage (site area).
- 2.2.21 *General Plan*: For purposes of this *Compatibility Plan*, this term shall mean any general plan or specific plan or amendments thereto, or any zoning ordinance, building regulation or land use policy document or implementing ordinance. (See Pub. Util. Code, §21676.)

- 2.2.22 *Handbook: California Airport Land Use Planning Handbook*, published by the State of California, Department of Transportation, *Division of Aeronautics* (January 2002).
- 2.2.23 *High Terrain Zone*: Areas of land in the vicinity of an airport where the ground lies above an *FAR Part 77* surface or less than 35 feet beneath such surface. In addition, any location where the ground level reaches to within 100 feet of an instrument approach surface, as defined by the *U.S. Standard for Terminal Instrument Procedures*. This zone is shown on the airspace protection policy map in Chapter 3, where applicable, based upon surrounding terrain.
- 2.2.24 *Infill*: Development of vacant or underutilized land within established communities or neighborhoods that are: (a) already served with streets, water, sewer, and other infrastructure; and (b) comprised of existing uses inconsistent with the compatibility criteria set forth in this *Compatibility Plan*. (See Policy 2.11.1 for criteria used by *local agencies* to identify potential *infill* areas in the *Transition Zone* for compatibility planning purposes.)
- 2.2.25 *Local Agency*: For the purposes of this *Compatibility Plan*, the County of San Diego, the cities of Poway, San Diego, and Santee, or other local governmental entity such as a special district, school district, or community college district having jurisdiction over land uses within the *ALA's* boundaries. These entities are subject to the provisions of this *Compatibility Plan*; the *ALUC* does not have authority over *land use actions* of federal agencies.
- 2.2.26 *Local Plan or Other Land Use Project/Plan*: For purposes of this *Compatibility Plan*, these terms shall mean any action, regulation or permit. (See Pub. Util. Code, §21676.5.)
- 2.2.27 *Nonconforming Use*: A land use, parcel or building that does not comply with this *Compatibility Plan*. (See Policies 2.11.2 and 2.11.3 for criteria applicable to *land use actions* involving *nonconforming uses*.)
- 2.2.28 *Overflight Notification*: An *Overflight Notification* is a buyer awareness tool that ensures prospective buyers of residential land use development near an airport are informed about the airport's potential impact on the property. An *Overflight Notification* is recorded in the chain of title of the property and indicates that a property may be subject to some of the annoyances or inconveniences associated with proximity to an airport and aircraft operations (for example: noise, vibration, overflights or odors). An *Overflight Notification* does not convey property rights from the property owner to the airport and does not restrict the height of objects. It simply documents the existence of certain conditions which may affect the property. The *Airport Land Use Commission* will require the recording of an *Overflight Notification* as a condition of project approval within portions of the *airport influence area* where overflights are known to occur.
- 2.2.29 *Project; Permit; Land Use Action; Development Proposal; Project/Plan*: Terms similar in meaning and all referring to the types of land use matters, either publicly or privately sponsored, that are subject to the provisions of this *Compatibility Plan*. (See definition of *Local Plan*.)
- 2.2.30 *Real Estate Disclosure*: A *Real Estate Disclosure* is required by state law as a condition of the sale of most residential property if the property is located in the vicinity of an airport and within its *airport influence area*. (See Bus. & Prof. Code, §11010; Civ. Code, §§1102.6, 1103.4, 1353.) The disclosure notifies the prospective purchaser of potential annoyances or inconveniences associated with airport operations prior to completing the purchase.
- 2.2.31 *Reconstruction*: The rebuilding of an existing nonconforming structure that has been fully or partially destroyed as a result of a calamity (not planned reconstruction or *redevelopment*), as defined by the *local agency*.

- 2.2.32 *Redevelopment*: Development of a new use (not necessarily a new type of use) to replace an existing use at a density or intensity that may vary from the existing use. *Redevelopment* projects are subject to the provisions of this *Compatibility Plan* to the same extent as other forms of proposed development. (Also see Policy 2.6.2(c).)
- 2.2.33 *Restrictive Use Easement*: Transfers certain property rights from the owner of property to the United States Department of Navy (DON). These easements are maintained by the DON as a tool to assist in ensuring compatible land use planning in surrounding communities adjacent to MCAS Miramar.
- 2.2.34 *SDCRAA*: *San Diego County Regional Airport Authority*, acting in its capacity as the *ALUC* for the County of San Diego.
- 2.2.35 *Sensitive Land Uses*: Land uses for which the associated primary activities, whether indoor or outdoor, are susceptible to disruption by aircraft operations and require special protection from hazards, such as potential aircraft accidents, because of, for example, the low effective mobility of occupancies or the presence of hazardous materials. The most common types of *sensitive land uses* include, but are not limited to: residential, hospitals, nursing facilities, intermediate care facilities, educational facilities, outdoor assembly uses, libraries, museums, places of worship, and child-care facilities.
- 2.2.36 *Transition Zone (TZ)*: The *Transition Zone* is the safety zone located on the perimeter of *APZ II*. The boundaries of the *Transition Zone* were created for this *Compatibility Plan* using low-altitude fixed-wing aircraft flight track location data presented in the *AICUZ*. Additional data from the military was used to identify locations where these aircraft fly at an altitude of less than 2,000 feet above mean sea level (MSL).
- 2.2.37 *U.S. Standard for Terminal Instrument Procedures (TERPS)*: Standardized criteria adopted by the Federal Aviation Administration, U.S. military branches, and the U.S. Coast Guard for use in designing the airport area and *en route* instrument flight procedures. The criteria are predicated on normal aircraft operations for considering obstacle clearance requirements.

2.3 EFFECTIVE DATE

- 2.3.1 *Plan Adoption*: The policies in this *Compatibility Plan* shall become effective as of the date that the *ALUC* adopts this *Compatibility Plan*.
- (a) The MCAS Miramar ALUCP adopted by the ALUC in 2004 shall remain in effect until ALUC adoption of this *Compatibility Plan*, and shall again become effective if the entirety of this *Compatibility Plan* should be invalidated by court action.
 - (b) If any portion of this *Compatibility Plan* should be invalidated by court action, it shall not invalidate the portions of this *Compatibility Plan* that are not the subject of the court action.
 - (c) Any action to invalidate all or portions of a compatibility plan adopted by the ALUC for any other airport within its jurisdiction shall not invalidate this *Compatibility Plan*.
- 2.3.2 *Applicability to Projects Not Yet Completed*: The compatibility policies, if any, that will be used to perform a consistency review for a proposed *project*, and any subsequent implementing action(s) associated with that *project*, shall be determined according to the following, as provided in

Paragraphs (a) through (e) below. In no instance, however, shall the *ALUC* apply any *Compatibility Plan* rules, regulations, and/or policies to any *project*, permit or action, or to any subsequent discretionary or ministerial implementing permit or action for that *project*, that are in any manner inconsistent with the provisions of *Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace*, and/or the California Airport Noise Regulations (Cal. Code Regs., tit. 21, §5000 *et seq.*).

- (a) **General Plan Consistent with Prior Compatibility Plan:** A project, and any subsequent implementing action(s) for that project, that is located within an area in which the local agency has modified its general plan to be consistent with the compatibility plan in effect prior to approval of this Compatibility Plan, or within an area in which a local agency has taken the special steps necessary to overrule the prior compatibility plan, shall not be subject to ALUC review under this Compatibility Plan, provided that the local agency:
 - (1) Has deemed the project application to be complete prior to the effective date of this Compatibility Plan;
 - (2) The project is consistent with the local agency's ALUC-approved general plan (or the local agency has overruled the prior compatibility plan); and
 - (3) The project and/or any subsequent implementing action(s) have not changed in a substantive manner, as determined by the local agency, based on the criteria provided in Policy 2.10.4, that potentially would invalidate any original approval of the project by the local agency and require a subsequent review.

- (b) **General Plan Not Consistent with Prior Compatibility Plan:** A project, and/or any subsequent implementing action(s) for that project, that is located within an area in which a local agency has not modified its general plan to be consistent with the compatibility plan in effect prior to the approval of this Compatibility Plan, or taken the special steps necessary to overrule the prior compatibility plan, that is within the AIA, as defined in this Compatibility Plan; and is not an existing land use, as defined in Policy 2.2.18, shall be submitted to the ALUC to be reviewed in accordance with the compatibility plan in effect at the time the application was deemed complete by the local agency, except where such application is materially deficient pursuant to Paragraph (1) below, in which case the project shall be reviewed in accordance with the compatibility plan in effect at the time the application is deemed complete by the ALUC, as specifically provided in Paragraphs (2) through (4) below.
 - (1) If an application for a project has been submitted to the local agency and the application has been deemed complete by the local agency, the information contained in such application may be used to submit a consistency determination application and shall constitute a complete application for purposes of a consistency review by the ALUC, unless the ALUC determines that the application lacks one or more of the components required in Policy 2.7.2.
 - (2) If an application for consistency is determined by the ALUC to be incomplete pursuant to Paragraph (1), above, then not later than thirty (30) calendar days after the ALUC has received an application for a determination of consistency, the ALUC shall respond in writing as to why the application is not complete and shall immediately transmit the information to the local agency and the project proponent. The ALUC shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete,

- including a list and thorough description of the specific information needed to complete the application for a determination of consistency.
- (3) If the written response as to the completeness of the application is not made by the ALUC within thirty (30) calendar days after receipt of the consistency application, and/or after receipt of any additional information requested, the project will be evaluated using the ALUCP in effect on the date of expiration of the thirty (30) calendar day time limit for determining completeness of the application materials submitted.
 - (4) Nothing in this policy precludes a local agency and the ALUC from mutually agreeing, with the concurrence of the project owner, to an extension of any time limit provided by this policy.
- (c) **Subsequent Review of Project(s) Found Consistent:** A *project* previously reviewed by the *ALUC* and found to be consistent with the compatibility plan in effect at the time of the project review shall not be subject to further review under a subsequently adopted compatibility plan unless the *project* changes in a substantive manner—as determined by the *local agency* or by the *ALUC* when the *ALUC* concludes that further review is warranted based on criteria provided in Policy 2.10.4(b)—that potentially would invalidate the original *ALUC* consistency findings.
- (1) Any project requiring subsequent ALUC review will be evaluated using the ALUCP in effect at the time the re-application was deemed complete by the local agency, unless the ALUC determines that such re-application lacks one or more of the components required in Policy 2.7.2, in which case the project will be evaluated in accordance with Policies 2.3.2 (b)(2) through (4), inclusive, above.
 - (2) Any project requiring subsequent ALUC review need not be resubmitted for ALUC review if, prior to resubmission, the general plan of the local agency in which the project is situated has been reviewed by the ALUC and found to be consistent with this Compatibility Plan; and the revised project is consistent with that ALUC-approved general plan.
- (d) **ALUC Project Review Not Required:** A project application which was deemed complete by the *local agency* prior to the effective date of this *Compatibility Plan*, and which did not require *ALUC* review because it was located beyond the boundary of the *ALA* defined by the compatibility plan in place at the time the application was deemed complete shall not require subsequent *ALUC* review under this *Compatibility Plan*, unless the project changes in a substantive manner (*see* Policy 2.10.4).
- (e) **Long-Term Project:** Except as otherwise provided in Paragraphs (a) through (d) above, a long-term project, such as a master plan, large subdivision with several phases, or functionally comparable discretionary permit or action ("original long-term project"), and any subsequent discretionary or ministerial implementing permit or action for that project, shall be governed by the compatibility plan in effect at the time the first such permit or action for the project was issued by the *local agency*, provided all of the following exist:
- (1) The project applicant has obtained from a local agency final approval of the original long-term project prior to the effective date of this Compatibility Plan;
 - (2) The local agency has obtained a consistency determination for the original long-term project (for those local agencies where the General Plan is not consistent with compatibility plan);

- (3) The original long-term project approval(s) remain(s) in effect;
- (4) Final approval of the original long-term project(s) was (were) obtained not more than fifteen (15) years prior to the effective date of this Compatibility Plan;
- (5) The project applicant has used reasonable good faith efforts in proceeding with the original long-term project, including without limitation, processing any other governmental permits and approvals necessary to implement the original approval(s) (such as preparing and processing any subsequent or additional CEQA documents or resource agency permits), preparing architectural or engineering plans, or constructing infrastructure for the original approval(s), such as roadways, storm drains, parks, sewer, water or other utilities;
- (6) The local agency has approved a related implementing permit or action for the original approval(s) within five (5) years prior to the effective date of this Compatibility Plan or the project applicant has an application on file that has been deemed complete by the local agency for any related implementing permit or action as of the effective date of this Compatibility Plan; and
- (7) The original long-term project(s) has/have not changed in a substantive manner, as determined by the local agency or the ALUC (see Policy 2.10.4).

2.4 TYPES OF AIRPORT IMPACTS

2.4.1 *Principal Compatibility Concerns:* As established by state law (Pub. Util. Code, §21670), the ALUC has the responsibility both "to provide for the orderly development of airports" and "to prevent the creation of new noise and safety problems." ALUC policies thus have the dual objective of protecting against constraints on airport expansion and operations that can result from encroachment of incompatible land uses and minimizing the public's exposure to excessive noise and safety hazards.

- (a) In order to meet these objectives, this *Compatibility Plan* addresses potential *Airport* compatibility impacts related to four specific airport-related factors/layers:
 - (1) Noise—Exposure to aircraft noise;
 - (2) Safety—Land use factors that affect safety both for people on the ground and the occupants of aircraft;
 - (3) Airspace Protection—Protection of Airport airspace; and
 - (4) Overflight—Annoyance and other general concerns related to aircraft overflights.
- (b) Compatibility policies concerning each of these factors/layers are enumerated in Chapter 3. Each factor/layer is addressed separately. Proposed land use development actions must comply with the compatibility policies and maps for each compatibility factor/layer, as well as all policies in this chapter.

2.4.2 *Policy Objectives:* For each compatibility factor/layer, specific policy objectives are as follows:

- (a) Noise: The purpose of noise compatibility policies is to avoid establishment of new *sensitive land uses* and exposure of the users to levels of aircraft noise that can disrupt the activities involved. The characteristics of the *Airport* and the surrounding community are taken into account in determining the level of noise deemed acceptable for each type of land use.

- (b) **Safety:** The purpose of safety compatibility policies is to minimize the risks associated with an off-airport aircraft accident or emergency landing. Risks both to people and property on the ground in the vicinity of the *Airport* and to people on board the aircraft are considered.
 - (c) **Airspace Protection:** The purpose of airspace protection compatibility policies is to ensure that structures and other uses of the land do not cause hazards to aircraft in flight within the *Airport* vicinity. Hazards to flight include, but are not limited to:
 - (1) Physical obstructions to the navigable airspace;
 - (2) Wildlife hazards, particularly bird strikes; and
 - (3) Land use characteristics that create visual or electronic interference with aircraft navigation or communication.
 - (d) **Overflight:** The purpose of overflight compatibility policies is to notify people about the presence of overflights near airports so that they can make more informed decisions regarding acquisition or lease of property in the affected areas. Noise from individual aircraft overflights, especially by comparatively loud aircraft, can be intrusive and annoying in locations beyond the limits of the mapped noise contours. Sensitivity to aircraft overflights varies from one person to another.
- 2.4.3 *Airport Impacts Not Considered:* Other impacts sometimes created by airports (e.g., air pollution; automobile traffic) are not addressed by these compatibility policies and are not subject to *ALUC* review. Also, in accordance with state law (Pub. Util. Code, §21674(e)), neither this *Compatibility Plan* nor the *ALUC* have authority over the operation of the *Airport* (including where and when aircraft fly, airport security, and other such matters).

2.5 GEOGRAPHIC SCOPE

The geographic scope of this *Compatibility Plan* is established through an *ALA* delineated as follows:

- 2.5.1 The MCAS Miramar *ALA* is established as the area in which current and projected future airport-related noise, safety, airspace protection, or overflight factors/layers may significantly affect land use or necessitate restrictions on that land use.
- 2.5.2 The MCAS Miramar *ALA* is divided into two subareas, Review Area 1 and Review Area 2. Review Area 1 encompasses the noise and safety factors/layers. Review Area 2 encompasses the portions of the overflight and airspace protection factors/layers not encompassed within Review Area 1. A more detailed description of each of these areas and the basis for their delineation is contained in Chapter 3. Requirements for referral of *land use actions* to the *ALUC* for review differ between the two review areas (*see* Policy 2.6.2).

2.6 TYPES OF ACTIONS REVIEWED

2.6.1 *Actions that Always Require ALUC Review:* As required by state law, the following types of actions shall be referred to the *ALUC* for determination of consistency with this *Compatibility Plan* prior to their approval by the *local agency*:

- (a) The adoption or approval of any new general or specific plan, or any amendment thereto (*see* Pub. Util. Code, §21676(b)) that affects lands within the *ALA* and involves:
 - (1) Noise or safety concerns within Review Area 1; or

- (2) *Land use actions* that have been determined to be a hazard by the FAA in accordance with *Part 77* within Review Areas 1 and 2.
- (b) The adoption or approval of a zoning ordinance or building regulation (or any other policy document or implementing ordinance), including any proposed change or variance to any such ordinance or regulation (Pub. Util. Code, §21676(b)) that affects lands within the *ALA* and involves:
 - (1) Noise or safety concerns within Review Area 1; or
 - (2) *Land use actions* that have been determined to be a hazard by the FAA in accordance with *Part 77* within Review Areas 1 and 2.

2.6.2 *Other Land Use Actions Subject to ALUC Review:* Other types of *land use actions* are subject to review under the following circumstances:

- (a) Until such time as the *ALUC* finds that a *local agency's* general plan or specific plan is consistent with this *Compatibility Plan*, or the *local agency* has overruled the *ALUC's* determination of inconsistency, state law allows *ALUCs* to require that *local agencies* submit all actions, regulations, and permits involving land within an *ALA* to the *ALUC* for review. (Pub. Util. Code, §21676.5(a).) Only those actions that an *ALUC* elects not to review are exempt from this requirement.
 - (1) Within Review Area 1, all actions, regulations, and permits affecting land use are subject to *ALUC* review, except as provided in Section 2.6.3.
 - (2) Within Review Area 2, only the following actions affecting land uses require *ALUC* review:
 - (i) Any object which has received a final notice of determination from the *FAA* that the *project* will constitute a hazard or obstruction to air navigation, to the extent applicable.
 - (ii) Any proposed object in a *High Terrain Zone* having a height of greater than 35 feet above ground level.
 - (iii) Any *project* having the potential to create electrical or visual hazards to aircraft in flight, including: electrical interference with radio communications or navigational signals; lighting which could be mistaken for airport lighting; glare or bright lights (including laser lights) in the eyes of pilots of aircraft using the *Airport*; certain colors of neon lights—especially red and white—that can interfere with night vision goggles used by military pilots; and impaired visibility near the *Airport*. The *local agency* should coordinate with the Marine Corps in making this determination.
 - (iv) Any *project* having the potential to cause an increase in the attraction of birds or other wildlife that can be hazardous to aircraft operations in the vicinity of the *Airport*. The *local agency* should coordinate with the airport proprietor in making this determination.
- (b) After a *local agency* has revised its general plan or specific plan to be consistent with the *ALUCP* (see Policy 2.9) or has overruled the *ALUC*, the *ALUC* no longer has authority under state law to require that all actions, regulations, and permits be submitted for review. However, the *ALUC* and the *local agency* can agree that the *ALUC* should continue to review and comment upon individual *projects*. (Pub. Util. Code, §21676.5(b).) Because the *ALUC* reviews are optional under these circumstances, *local*

agencies are not required to adhere to the overruling process if they elect to approve a *project* without incorporating design changes or conditions recommended by the *ALUC*.

- (c) Proposed *redevelopment* of a property for which the existing use is consistent with the general plan and/or specific plan (including a general plan or specific plan that has been reviewed by the *ALUC* and found to be consistent with this or a prior compatibility plan for MCAS Miramar), but nonconforming with the compatibility criteria set forth in this *Compatibility Plan*, shall be subject to *ALUC* review. This policy is intended to address circumstances that arise when a general or specific plan land use designation does not conform to *ALUC* compatibility criteria, but is deemed consistent with the compatibility plan because the designation reflects an *existing land use*. Proposed *redevelopment* of such lands voids the consistency status and is to be treated as new development subject to *ALUC* review even if the proposed use is consistent with the local general plan or specific plan. (Also see Policies 2.11.2 and 2.11.3.)

2.6.3 *Land Use Actions Subject to Discretionary ALUC Staff Review:* *ALUC staff* has the authority and discretion to make a consistency determination without formal *ALUC* review of the *project* if the *land use action*:

- (a) Is “compatible” with both noise and safety compatibility policies;
- (b) Has received a final notice of determination from the *FAA* that the *project* will not constitute a hazard or obstruction to air navigation, to the extent applicable; and
- (c) Has been conditioned by the *local agency* to require an *overflight notification* consistent with the requirements of Policy 3.6.2, to the extent applicable.

2.7 GENERAL REVIEW PROCESS FOR LAND USE ACTIONS

2.7.1 *Timing of Project Submittal:* The precise timing of *ALUC* review of a proposed *land use action* may vary depending upon the nature of the specific project.

- (a) In general, plans and projects should be referred to the *ALUC* at the earliest reasonable point in time so that the *ALUC's* review can be duly considered by the local agency prior to formalizing its actions. Depending upon the type of plan or project and the normal scheduling of meetings, *ALUC* review can be completed before, after, or concurrently with review by the local planning commission and other advisory bodies, but must be accomplished before final action by the local agency.
- (b) Although the most appropriate time for a proposed land use action to be referred to the *ALUC* for review is as soon as possible after an application has been deemed complete by the local agency, the completion of an application with the local agency is not required prior to a local agency's referral of a proposed land use action to the *ALUC* staff for preliminary review. Rather, the local agency may refer a proposed land use action with potential policy significance to the *ALUC* staff for a preliminary review so long as the local agency is able to provide the *ALUC* with the project submittal information for the proposed land use action, as specified and required in Policy 2.7.2 of this *Compatibility Plan*. Staff review under these circumstances is discretionary, and if completed, is preliminary in nature and not binding on subsequent *ALUC* determinations.

2.7.2 *Project Submittal Information:* A proposed *land use action* submitted to the ALUC (or to the ALUC staff) for review that requires a new or amended general plan, specific plan, zoning ordinance, or building regulation in accordance with Policy 2.6.1 or other *land use actions* in accordance with Policy 2.6.2 shall include the following information:

- (a) Property location data (assessor's parcel number, street address, subdivision lot number).
- (b) An accurately scaled map showing the relationship (distance and direction) of the project site to the Airport boundary and runways or the applicable compatibility zones. When available, a digital version of the map should be provided along with a paper copy. The map should not exceed 24 x 36 inches.
- (c) A description of the existing use(s) of the land in question, including current general plan and zoning designations, height of structures, maximum intensity limits, floor area ratio, and other applicable information.
- (d) A description of the proposed use(s) and the type of land use action being sought from the local agency (e.g., zoning change, building permit, etc.).
- (e) For residential uses, the potential or proposed number of dwelling units per acre (excluding any secondary units on a parcel); or, for nonresidential uses, the number of people potentially occupying the total site or portions thereof at any one time, and/or the proposed floor area ratio and lot coverage of the project.
- (f) 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 above mean sea level and above ground level; a profile view of proposed features; all relevant information provided in connection with the FAR Part 77 submittal; and, when available, a digital version of the drawings should be provided along with the paper version.
- (g) Identification of any features that would increase the attraction of birds or cause other wildlife hazards to aircraft operations on the Airport or in its environs.
- (h) Identification of any characteristics that could create electrical interference, confusing or bright lights, neon lights, glare, smoke, or other electrical or visual hazards to aircraft flight.
- (i) Any environmental document (initial study, negative declaration, mitigated negative declaration, or draft environmental impact report) that has been prepared for the project.
- (j) Any staff reports regarding the project that have been presented to local agency decision makers.
- (k) Any airspace determination that has been obtained from the Federal Aviation Administration in accordance with Part 77 of the Federal Aviation Regulations or documentation that the project does not meet FAA notification requirements.
- (l) Other relevant information that the ALUC determines is necessary to enable a comprehensive review of the proposal.
- (m) The project submittal information also shall include any applicable review fees as established by the ALUC. (Pub. Util. Code, §21671.5(f).)

- (n) The documents submitted to the ALUC (or to the ALUC staff) should not exceed 24x36 inches.

2.7.3 *Public Input:* Where applicable, the *ALUC* shall provide public notice and obtain public input in accordance with Public Utilities Code section 21675.2(d) before acting on any proposed project under consideration.

2.8 REVIEW PROCESS FOR GENERAL PLANS, SPECIFIC PLANS, ZONING ORDINANCES, AND BUILDING REGULATIONS

2.8.1 *Initial ALUC Review of General Plan Consistency:* In conjunction with adoption or amendment of this *Compatibility Plan*, the *ALUC* will coordinate with the *local agencies* in reviewing the general plans, specific plans and community plans to determine their consistency with this *Compatibility Plan*.

- (a) Within 180 days of the *ALUC*'s adoption or amendment of this *Compatibility Plan*, each local agency affected by the plan must amend its general plan and any applicable specific plan to be consistent with the *ALUC*'s *Compatibility Plan* or, alternatively, provide required notice, adopt findings, and overrule the *ALUC* by two-thirds vote of the local agency's governing body in accordance with Public Utilities Code section 21676(b) (Gov. Code, §65302.3).
- (b) Prior to taking action on a proposed general plan or specific plan amendment, the local agency must submit the draft of the general plan or specific plan amendment(s) or other enabling or implementing ordinance(s) to the *ALUC* for review and approval.
- (c) In conjunction with its submittal of a general plan or specific plan amendment(s) or other enabling or implementing ordinance(s) to the *ALUC*, a local agency must identify areas that the local agency requests the *ALUC* to consider as infill in accordance with Policy 2.11.1, if it wishes to take advantage of the infill policy provisions. The *ALUC* will include a determination on the infill as part of its action on the consistency review of the general plan and specific plans or other enabling documents.

2.8.2 *Subsequent Reviews of Related Land Use Development Proposals:* As indicated in Policy 2.6.1, prior to taking action on the adoption or amendment of a general plan or specific plan, or the addition or approval of a zoning ordinance or building regulation, or other enabling or implementing ordinance(s) affecting the *ALA* as defined by this *Compatibility Plan*, *local agencies* must submit the proposed plan, ordinance, or regulation to the *ALUC* for review. Once the general plan and applicable specific plans have been made consistent with this *Compatibility Plan*, subsequent *land use actions* that are consistent with those plans, as well as any related ordinances and regulations previously reviewed by the *ALUCs* are subject to *ALUC* review only under the conditions indicated in Policies 2.6.2 and 2.10.4.

- (a) Copies of the complete text and maps of the proposed plan, ordinance, or regulation or amendment thereto must be submitted, and any supporting material documenting that the proposal is consistent with the *Compatibility Plan* should be included.
- (b) If the amendment is required as part of a proposed development project, then the information listed in Policy 2.7.2 also shall be included, to the extent applicable.

- 2.8.3 *ALUC Action Choices:* When reviewing a general plan, specific plan, zoning ordinance, building regulation or other enabling or implementing ordinance(s) for consistency with the *Compatibility Plan*, the *ALUC* has three choices:
- (a) Find the plan, ordinance, or regulation consistent with the Compatibility Plan. (To make such a finding with regard to a general plan, the items identified in Policy 2.9 must be met.)
 - (b) Find the plan, ordinance, or regulation consistent with the Compatibility Plan, subject to conditions and/or modifications that the ALUC may require. Any such conditions should be limited in scope, consistent with the provisions of the ALUCP, and described in a manner that allows compliance to be clearly assessed.
 - (c) Find the plan, ordinance, or regulation inconsistent with the Compatibility Plan. In making a finding of inconsistency, the ALUC shall note the specific conflicts upon which its determination of inconsistency is based.
- 2.8.4 *Response Time:* The *ALUC* must respond to a *local agency's* request for a consistency determination on a general plan, specific plan, zoning ordinance, or building regulation within 60 days from the date of submittal. (Pub. Util. Code, §21676(d).) However, this response period does not begin until such time as *ALUC staff* has determined that all information necessary for accomplishment of the project review has been submitted to the *ALUC*. (*Handbook* at page 4-12.)
- (a) The 60-day review period may be extended if the submitting local agency agrees in writing or so states at an ALUC public hearing on the action.
 - (b) The date of submittal is deemed to be the date on which all required project information is received by ALUC and the ALUC determines that the application for a consistency determination is complete. (See Policy 2.10.2.)
 - (c) If the ALUC fails to make a determination within the time period required or agreed upon, the proposed action shall be deemed consistent with the Compatibility Plan. (Pub. Util. Code, §21676(d).)
 - (d) Regardless of action or failure to act on the part of the ALUC, the proposed action must comply with other applicable local, state, and federal laws and regulations.
 - (e) The submitting local agency shall be notified of the ALUC's action in writing.
- 2.8.5 *ALUC Response to Notification of Proposed Overruling:* If a *local agency* proposes to overrule an *ALUC* action regarding a general plan, specific plan, zoning ordinance, or building regulation, it must provide a copy of the proposed decision and findings to both the *ALUC* and *Division of Aeronautics* at least 45 days prior to taking action. The *ALUC* and *Division of Aeronautics* then have 30 days in which to respond to the *local agency* with their comments. (Pub. Util. Code, §21676(a)-(b).) The *ALUC* may authorize the *ALUC staff* to respond, as appropriate. The comments of the *Division of Aeronautics* and *ALUC* are advisory, but must be made part of the record of final decision to overrule the *ALUC*. (Pub. Util. Code, §§21676, 21676.5.)

2.9 GENERAL PLAN CONSISTENCY WITH COMPATIBILITY PLAN

In order for a general plan to be considered consistent with this *Compatibility Plan*, the following must be accomplished (*see* Appendix E for additional guidance):

2.9.1 *Elimination of Conflicts:* No direct conflicts can exist between the two plans.

- (a) Direct conflicts primarily involve general plan land use designations that do not meet the density or intensity criteria specified in Chapter 3 of this Compatibility Plan. In addition, conflicts with regard to other policies—height limitations in particular—may exist.
- (b) A general plan will not be found inconsistent with the Compatibility Plan because of land use designations that reflect existing land uses even if those designations conflict with the compatibility criteria of this Compatibility Plan. General plan land use designations that reflect the existing uses are exempt from requirements for general plan consistency with the Compatibility Plan. This exemption derives from state law which proscribes ALUC authority over existing land uses. However, proposed redevelopment or other changes to existing land uses are not exempt from compliance with compatibility policies and are subject to ALUC review in accordance with Policy 2.6.2. To ensure that nonconforming uses do not increase the level of nonconformity, general plans must include policies setting limitations on expansion and reconstruction of nonconforming uses located within the AIA consistent with Policies 2.11.2 and 2.11.3.
- (c) To be consistent with the Compatibility Plan, a general plan and/or implementing ordinance also must include provisions ensuring long-term compliance with the compatibility criteria. Compatibility planning issues can be reflected in a general plan in several ways:
 - (1) Incorporate Policies into Existing General Plan Elements—One approach of achieving the necessary planning consistency is to modify existing general plan elements. For example, airport land use noise policies could be placed into the noise element, safety policies could be placed into a safety element, and the primary compatibility criteria and associated maps in addition to the procedural policies might fit into the land use element. With this approach, direct conflicts would be eliminated and the majority of the mechanisms and procedures necessary to ensure compliance with compatibility criteria could be fully incorporated into the local agency's general plan.
 - (2) 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 community's 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.
 - (3) Adopt Compatibility Plan as Stand Alone Document—Local agencies could also simply adopt as a local policy document the relevant portions of this Compatibility Plan—specifically, the policies and maps in Chapters 2 and 3. Applicable background information from Chapter 4 could be included as well, if desired. Changes to the community's existing general plan would be minimal. Policy reference to the Compatibility Plan would need to be added and any direct land use or other conflicts with compatibility planning criteria would have to be removed. Limited discussion of compatibility planning issues could be included in the general plan, but the substance of most compatibility policies would appear only in the stand-alone document.
 - (4) Adopt Airport Combining District or Overlay Zoning Ordinance—This approach is similar to the stand-alone document except that the local agency

would not explicitly adopt this Compatibility Plan as policy. Instead, the compatibility policies would be restructured as an airport combining or overlay zoning ordinance. A combining zone serves as an overlay of standard community-wide land use zones and modifies or limits the uses permitted by the underlying zone. Flood hazard combining zoning is a common example. An airport combining zone ordinance can serve as a convenient means of bringing various airport compatibility criteria into one place. The airport-related height-limit zoning that many local agencies have adopted as a means of protecting airport airspace is a form of combining district zoning. Noise and safety compatibility criteria, together with procedural policies, would need to be added to create a complete airport compatibility zoning ordinance. Other than where direct conflicts need to be eliminated from the local plans, implementation of the compatibility policies would be accomplished solely through the zoning ordinance. Policy reference to airport compatibility in the general plan could be as simple as mentioning support for the airport land use commission and stating that policy implementation is by means of the combining zone. (An outline of topics which could be addressed in an airport combining zone is included in Appendix F.)

2.9.2 *Establishment of Review Process:* Local agencies must define the process they will follow when reviewing proposed land use development within the *ALA* to ensure that the development will be consistent with the policies set forth in this *Compatibility Plan*.

- (a) The process established must ensure that the proposed development is consistent or conditionally consistent with the land use or zoning designation indicated in the local agency's general plan, specific plan, zoning ordinance, and/or other development regulations that the ALUC previously has found consistent with the compatibility plan and that the development's subsequent use or reuse will remain consistent over time. Additionally, consistency with other applicable compatibility criteria—e.g., maximum intensity limits, height limitations or other conditions—must be assessed.
- (b) The review process may be described either within the land use plans themselves or in implementing ordinances. Local agencies have the following choices for satisfying this review process requirement:
 - (1) Sufficient detail can be included in the general plan and/or referenced implementing ordinances and regulations to enable the local agency to assess whether a proposed development fully meets the compatibility criteria specified in the applicable compatibility plan. These details should include that the compatibility criteria be identified and that project review procedures be described;
 - (2) The ALUC's compatibility plan can be adopted by reference. In this case, the project review procedure must be described in a separate policy document or memorandum of understanding presented to, and approved by, the ALUC; and/or
 - (3) The general plan can indicate that all land use actions, or a list of action types agreed to by the ALUC, shall be submitted to the ALUC for review in accordance with the policies set forth in this Compatibility Plan.

2.10 REVIEW PROCESS FOR OTHER LAND USE ACTIONS

2.10.1 *ALUC Consistency Determinations:* When reviewing land use project proposals other than general plans, specific plans, zoning ordinances, building regulations, or other enabling or implementing ordinance(s), the *ALUC* is required to make one of the following determinations:

- (a) Find the project consistent with the Compatibility Plan.
- (b) Find the project consistent with the Compatibility Plan, subject to compliance with such conditions as the *ALUC* may specify. Any such conditions should be limited in scope consistent with the policy provisions of the *ALUCP* and described in a manner that allows compliance to be clearly assessed (e.g., require sound attenuation).
- (c) Find the project inconsistent with the Compatibility Plan. In making a finding of inconsistency, the *ALUC* shall note the specific conflicts upon which the determination of inconsistency is based.

2.10.2 *Response Time:* In responding to *land use actions* other than general plans, specific plans, zoning ordinances, or building regulations submitted for review, the policy of the *ALUC* is that:

- (a) Reviews of *projects* forwarded to the *ALUC* for a consistency determination shall be completed within 60 days of "project submittal," as defined in Paragraph (b) below. This response period does not begin until such time as all information necessary for accomplishment of the project review has been submitted to the *ALUC*. (Pub. Util. Code, §21675.2(a) and 21676(d).)
- (b) The date of "project submittal" shall be the date on which all applicable project submittal information as listed in Policy 2.7.2 is received by the *ALUC staff* and the *ALUC staff* has determined the application to be complete (see also Policy 2.3.2). Not later than 30 calendar days after the *ALUC* has received an application, the *ALUC staff* shall determine in writing whether the application is complete and shall immediately transmit the determination to the *local agency*. If the written determination of completeness of the application is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a consistency determination, the application shall be determined complete. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the *ALUC staff* shall determine the completeness of the application. If the application is determined not to be complete, the *ALUC staff'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.
- (c) If the *ALUC* fails to make a determination within 60 days after *ALUC staff* has determined the application to be complete, the proposed action shall be deemed consistent with the *Compatibility Plan* unless the *local agency* agrees to an extension beyond 60 days in writing or so states at an *ALUC* public hearing on the action.
- (d) Regardless of action or failure to act on the part of the *ALUC*, the proposed action must comply with other applicable local, state, and federal laws and regulations.
- (e) The submitting agency shall be notified of the *ALUC's* action in writing.

2.10.3 *ALUC Response to Notification of Proposed Overruling:* If a *local agency* proposes to overrule an *ALUC* decision regarding a *land use action* for which *ALUC* review is mandatory, then the *local*

agency must provide a copy of the proposed decision and findings to both the *ALUC* and *Division of Aeronautics* at least 45 days prior to taking action to overrule. The *ALUC* and *Division of Aeronautics* then have 30 days in which to respond to the *local agency* with their written comments. (Pub. Util. Code, §21676.5(a).) The *ALUC* may authorize the *ALUC staff* to respond as appropriate. The comments of the *Division of Aeronautics* and *ALUC* are advisory, but must be made part of the record of final decision to overrule the *ALUC*.

2.10.4 *Subsequent Review*: Even after a *project* has been found consistent or conditionally consistent with the *Compatibility Plan*—whether as part of a general plan change, zoning amendment, other mandatory-review action, or as a prior action related to the same *project*—it may still need to be submitted for review at subsequent stages of the planning process if any of the following are true:

- (a) At the time of the original *ALUC* review, the project information available only was sufficient to determine consistency with compatibility criteria at a planning level of detail, not at the project design level. For example, the proposed land use designation indicated in a general plan, specific plan, or zoning amendment may have been found consistent, but information on site layout, maximum intensity limits, building heights, and other such factors that may also affect the consistency determination for a *project* may not have yet been known.
- (b) The design of the *project* subsequently changes in a manner that affects previously considered compatibility issues and could raise questions as to the validity of the earlier finding of consistency. Proposed changes warranting a new review may include, but are not limited to, the following:
 - (1) An increase in the number of dwelling units or intensity of use (more people on the site);
 - (2) Any cumulative increase in the total building area or lot coverage for non-residential uses in excess of 10% of the previous *project*;
 - (3) An increase in the height of structures which has been deemed a hazard by the FAA; and/or
 - (3) Major site design changes (such as incorporation of clustering or modifications to the configuration of open land areas proposed for the site).
- (c) The local agency concludes that further review is warranted.
- (d) At the time of original *ALUC* review, conditions are placed on the project that require subsequent *ALUC* review.

2.11 SPECIAL COMPATIBILITY CONDITIONS

2.11.1 *Infill*: Where land uses not in conformance with the criteria set forth in this *Compatibility Plan* exist at the time of the plan's adoption, *infill* development of similar land uses may be allowed to occur in that area even if the proposed new land use is otherwise incompatible within the factor/layer involved.

- (a) Except as specifically provided below, all policies provided in this *Compatibility Plan* shall apply to *infill*.
- (b) *Infill* is/is not permitted in the following locations.

- (1) Residential infill development shall not be permitted in the CZ, APZ I, APZ II, or the TZ.
 - (2) Nonresidential infill development shall not be permitted within the CZ, APZ I or APZ II.
 - (3) Nonresidential infill development shall be permitted in the TZ.
 - (4) Infill is not applicable within Review Area 2 as land uses are not restricted in this area other than with respect to height limits and related airspace protection policies.
- (c) In locations within the TZ, nonresidential development can be considered for *infill* if it meets any one of the following criteria.
- (1) The parcel or parcels on which the project is to be situated is part of an area identified by the local agency on a map as appropriate for infill development, the local agency has submitted the map to the ALUC for infill identification and processing, and the ALUC has concurred with the infill identification. The intent is that all parcels eligible for infill be identified at one time by the local agency. Therefore, this action may take place in conjunction with the process of amending a general plan for consistency with this Compatibility Plan or may be submitted by the local agency for consideration by the ALUC at the time of initial adoption of this Compatibility Plan.
 - (2) The project application submitted by the local agency to the ALUC for a consistency determination identifies the site as an area appropriate for infill development and the ALUC concurs with the infill identification. This situation may apply if a map has not been submitted by the local agency for infill identification consistent with the requirements of Policy 2.11.1(c)(1), above.
 - (3) The ALUC determines that the parcel is part of an identifiable area of existing development, and:
 - (i) At least 65% of the identifiable area was developed prior to adoption of this *Compatibility Plan* with land uses not in conformance with this *Compatibility Plan*;
 - (ii) The proposed development of the parcel would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses;
 - (iii) The proposed development of the parcel would be consistent with zoning regulations governing the existing, already developed, surrounding area; and
 - (iv) The area to be developed cannot previously have been set aside as open land in accordance with the policies contained in this *Compatibility Plan* unless replacement open land is provided within the same compatibility zone.
- (d) In locations within the TZ that qualify as *infill* in accordance with the criteria in Paragraphs (b) and (c) above, the average maximum intensity limits (the number of people per acre) of the site's proposed use shall not exceed the greater of:
- (1) The average intensity of all similar uses that lie fully or partially within the boundary of the area identified by the local agency as appropriate for infill development, as specified in Paragraph (c)(1), above; or

- (2) The average intensity of all similar existing uses that lie within the TZ and are fully or partially within a distance of 0.25 mile from the boundary of the proposed development; or
- (3) 110% of the usage intensity permitted in accordance with the criteria provided in Table MIR-2 of this Compatibility Plan.

2.11.2 *Nonconforming Uses:* Existing uses (including a parcel or building) not in conformance with this *Compatibility Plan* are subject to the following restrictions:

- (a) Except as specifically provided below, all policies provided in this Compatibility Plan shall apply to nonconforming uses.
- (b) Nonconforming residential uses:
 - (1) A nonconforming single-family residence may be reconstructed (see Policy 2.11.3) or expanded in building size provided that the reconstruction or expansion does not increase the number of dwelling units. For example, a bedroom could be added to an existing residence, but an additional dwelling unit could not be built unless that unit is a secondary dwelling unit as defined by state and local laws.
 - (2) A new single-family residence may be constructed in accordance with Policy 2.11.3.
 - (3) A nonconforming multi-family use may be reconstructed in accordance with Policy 2.11.3(b), but not expanded in number of dwelling units, floor area of the building, or height of the previously existing building.
 - (4) No ALUC review of these improvements is required.
- (c) Nonconforming nonresidential uses:
 - (1) A nonconforming nonresidential use may be continued, leased, or sold and the facilities may be maintained, altered, or reconstructed.
 - (2) Any maintenance, alteration or reconstruction must not result in expansion of either the portion of the site or the floor area of the building devoted to the nonconforming use in a manner that would increase the maximum intensity limits (the number of people per acre) or the floor area ratios to levels above those existing at the time of adoption of this Compatibility Plan.
 - (3) No ALUC review of such changes is required when these conditions are met.
 - (4) Exceptions to the expansion limitation apply with respect to schools, hospitals, and certain other uses. The criteria applicable to these uses are listed in Policy 3.4.6 of Chapter 3.
- (d) *ALUC* review is required for any proposed expansion of a *nonconforming use* that would increase the number of dwelling units, increase the number of people on the site for nonresidential uses, or increase the height of the structure such that it would be deemed a hazard by the FAA.

2.11.3 *Reconstruction:* An existing nonconforming development that has been fully or partially destroyed as the result of a calamity or natural disaster (not planned *reconstruction* or *redevelopment*) may be rebuilt only under the following conditions:

- (a) Except as specifically provided below, all policies provided in this Compatibility Plan shall apply to reconstruction.

- (b) Nonconforming residential uses may be rebuilt provided that the reconstruction does not result either in more dwelling units than existed on the parcel at the time of the damage or, for multi-family residential uses, an increase in the floor area of the building, or the height of the structure. Addition of a secondary dwelling unit to a single-family residence is permitted if in accordance with state law.
- (c) A nonconforming nonresidential development may be rebuilt provided that the reconstruction does not increase the floor area of the previous structure or result in an increased intensity of use (i.e., more people per acre).
- (d) Reconstruction under Paragraphs (b) or (c) above must have a permit deemed complete by the local agency within twenty-four (24) months of the date the damage occurred.
- (e) Nothing in the above policies is intended to preclude work required for normal maintenance and repair.

2.11.4 *Development by Right:*

- (a) Except as specifically provided below, all policies provided in this Compatibility Plan shall apply to development by right.
- (b) Nothing in these policies prohibits:
 - (1) Other than in the CZ, construction of a single-family home, including a second unit as defined by state law, on a legal lot of record if such use is permitted by local land use regulations.
 - (2) Construction of other types of uses if local government approvals qualify the development as an existing land use (see Policy 2.2.18 for definition).
 - (3) Lot line adjustments provided that new developable parcels would not be created and the resulting density or intensity of the affected property would not exceed the applicable criteria indicated in the Table MIR-2 of Chapter 3.

Chapter **3**

**MCAS Miramar
Policies and Maps**



AIRPORT LAND USE COMPATIBILITY
PLAN

MCAS Miramar Policies and Maps

3.1 CHAPTER OVERVIEW

The policies and maps presented in this chapter of the *Compatibility Plan* function together with the policies outlined in Chapter 2. The policies in Chapter 2 establish the procedures by which the *ALUC* conducts compatibility reviews of certain proposed *land use actions* in the *ALA* for MCAS Miramar. The policies and maps in this chapter set the compatibility criteria by which those reviews are to be conducted.

The following portion of this chapter summarizes the physical and operational data about MCAS Miramar that were relied upon in development of the compatibility policy maps. Specific factors considered in delineation of each map are noted, as well. A more detailed presentation of the data is included in Chapter 4. The remainder of the chapter contains *MCAS Miramar Compatibility Plan* policies.

3.2 COMPATIBILITY ZONE DELINEATION

3.2.1 Underlying Airport Data

- > *Airport Master Plan Status:* Master plans of the type prepared for civilian airports are not normally prepared for military airports. However, state law mandates that this *Compatibility Plan* be consistent with the safety and noise standards in the *AICUZ* study prepared by the Department of Defense for MCAS Miramar. (Pub. Util. Code, §21675(b).) The *Compatibility Plan* for MCAS Miramar is based upon the *AICUZ* document dated, December 2004, and revised in March 2005.
- > *Airfield Configuration:* The airfield consists of three runways, one helicopter landing deck strip, and six helipads. Runway 24R is the only runway with precision instrument approach capabilities. No changes are anticipated in the existing configuration of the airport runways, helipads, or approaches.
- > *Airport Activity:* As required by state law, potential future effects are to be evaluated with respect to "the anticipated growth of the airport during at least the next 20 years." (Pub. Util.

Code, §21675(a).) As a military airfield, the "maximum mission" or other projection of future aircraft activity as identified in the *AICUZ* represents the 20-year activity projection for the purposes of this *Compatibility Plan*. The *Compatibility Plan* reflects the *AICUZ* study's maximum mission level of 112,242 annual aircraft operations.

3.2.2 Compatibility Factor Policy Maps

As indicated in Chapter 2, this *Compatibility Plan* addresses four types of airport land use compatibility concerns: noise, safety, airspace protection, and overflight. Each concern represents a separate factor/layer for the purposes of assessing the compatibility of proposed land use development. The policies and maps applicable to each factor/layer are found in this chapter. The combination of the four layers determines the boundary of the *airport influence area*, as depicted on Map MIR-5. (See Bus. & Prof. Code, §11010(b).)

Noise Contours

The noise contours established for the purpose of evaluating the noise compatibility of land use development in the *ALA* of MCAS Miramar are depicted on Map MIR-1. The criteria applicable within each zone are identified in Table MIR-1 in this chapter. As required by state law (Pub. Util. Code, §21675(b)), the noise contours reflect the noise contours provided in the *AICUZ*. Aircraft operational data used in the noise contour calculations are summarized in Exhibit MIR-3 in Chapter 4.

Safety Zones

The safety zones established for the purpose of evaluating the safety compatibility of land use development in the *ALA* of MCAS Miramar are depicted on Map MIR-2. The criteria applicable within each zone are identified in Table MIR-2 in this chapter. The zone boundaries are based upon the *CZ*, *APZ I* and *APZ II*, as contained in the *AICUZ*. In addition, a *TZ* is provided based upon low-altitude fixed-wing aircraft flight track location data presented in Figures 2-2 and 2-3 of the *AICUZ*. Additional data from the military was used to identify locations where these aircraft fly at an altitude of less than 2,000 feet above mean sea level (MSL). Helicopter flight tracks are not considered in delineation of the *TZ*. The most critical areas of helicopter flight tracks from a safety standpoint are either over base property or overlap the fixed-wing aircraft tracks. This data is mapped in Exhibit MIR-10 in Chapter 4 of this *Compatibility Plan*.

Airspace Protection Zones

The airspace protection zones established for the purpose of evaluating the airspace compatibility of land use development in the *ALA* of MCAS Miramar are depicted on Map MIR-3. The zones represent the imaginary surfaces defined for the *Airport* in accordance with the *Federal Aviation Regulations Part 77* height notification area and airspace protection surfaces. Map MIR-3 reflects the areas that should be protected for the safe use of the airport airspace.

Overflight Zones

The overflight zones established for the purpose of providing aircraft the overflight notification area for land uses in the *ALA* of MCAS Miramar are depicted on Map MIR-4. The overflight

notification area applies to locations where fixed-wing aircraft fly at less than 3,000 feet above ground level (AGL) and/or helicopters fly at less than 1,500 feet AGL. The AGL measurement takes into account topography.

Airport Influence Area

In accordance with guidance from the *Handbook*, and as defined in the California Business and Professions Code (section 11010), the MCAS Miramar *ALA* 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." To facilitate implementation and reduce unnecessary referrals of projects to the *ALUC*, the *airport influence area* is divided into Review Area 1 and Review Area 2. The composition of each area is determined as follows:

- > Review Area 1 consists of locations where noise and/or safety concerns may necessitate limitations on the types of land uses. Specifically, Review Area 1 encompasses locations exposed to noise levels of *CNEL* 60 dB or greater together with all of the safety zones depicted on the associated maps in this chapter. Within Review Area 1, *all* types of land use actions are to be submitted to the *ALUC* for review to the extent review is required by law. (*See* Policy 2.6.1.)
- > Review Area 2 consists of locations beyond Review Area 1 but within the airspace protection and/or overflight areas depicted on the associated maps in this chapter. Limits on the heights of structures, particularly in areas of high terrain, are the only restrictions on land uses within Review Area 2. The additional function of this area is to define where various mechanisms to alert prospective property owners about the nearby airport are appropriate. Within Review Area 2, only land use actions for which the height of objects is an issue are subject to *ALUC* review. (*See* Policy 2.6.2(a)(2).)

The boundaries of Review Area 1 and Review Area 2 are shown on the *ALA* map (Map MIR-5) in this chapter. The MCAS Miramar *ALA* boundary encompasses lands within the jurisdiction of several *local agencies*, including the city of San Diego surrounding the *Airport*, the city of Poway to the north, the city of Santee to the east, and the unincorporated lands of San Diego County to the northeast. The *AICUZ* study area also is shown on the *ALA* map. The *ALA* is mostly contained within the *AICUZ* study area, but includes some additional land to the northeast.

3.3 NOISE COMPATIBILITY POLICIES FOR MCAS MIRAMAR

- 3.3.1 *Evaluating Acceptable Noise Levels for New Development:* The noise compatibility of proposed land uses within the *ALA* of MCAS Miramar shall be evaluated in accordance with the policies set forth in this section, including the criteria listed in Table MIR-1 and the noise contours depicted on Map MIR-1. Table MIR-1 shows each listed land use type as being either "incompatible," "conditional," or "compatible" within each noise exposure range. The meaning of these terms differs for indoor versus outdoor uses, and is stated in the table.
- 3.3.2 *Noise Exposure Levels:* For noise compatibility planning purposes around MCAS Miramar, the *ALUC* shall use the projected noise contours as calculated by the U.S. Marine Corps. Specifically, the noise exposure contours depicted on Map MIR-1 are the contours shown in Figure 3-2 of the *AICUZ* (revised March 2005).

- 3.3.3 *Measures of Noise Compatibility:* The criteria in Table MIR-1 indicate the maximum acceptable airport-related noise levels, measured in terms of *CNEL*, for residential and various nonresidential land uses.
- 3.3.4 *Factors Considered in Setting Noise Compatibility Criteria:* The principal factors considered in setting noise compatibility criteria for MCAS Miramar are:
- (a) The noise compatibility recommendations set forth in the *AICUZ*.
 - (b) The California state law (Pub. Util. Code, §21675(b)) requirement that compatibility plans for military airports "shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport."
 - (c) The ambient noise levels in the community. Ambient noise levels influence the potential intrusiveness of aircraft noise upon a particular land use and vary greatly between rural, suburban, and urban communities. For the purposes of this *Compatibility Plan*, the communities within the MCAS Miramar *ALA* are considered urban communities.
 - (d) The extent to which noise would intrude upon and interrupt the activity associated with a particular use.
 - (e) The extent to which the activity itself generates noise.
 - (f) The extent of outdoor activity associated with a particular land use.
 - (g) The extent to which indoor uses associated with a particular land use may be made compatible with application of sound attenuation in accordance with Policy 3.3.7.
- 3.3.5 *Acceptable Noise Levels for Specific Types of Land Use Development:* The threshold for MCAS Miramar noise impact evaluation is the projected *CNEL* 60 dB contour. This contour defines the noise impact area of MCAS Miramar. The majority of land uses located outside this noise contour are consistent with the noise compatibility policies of this section. The federal property that comprises MCAS Miramar is not part of the noise impact area subject to the policies of this *Compatibility Plan*.
- (a) The maximum airport-related noise level considered compatible for new residential development in the environs of MCAS Miramar is *CNEL* 65 dB.
 - (b) The compatibility of new nonresidential development with noise levels generated by the *Airport* is indicated in Table MIR-1.
 - (1) If indicated in Table MIR-1, structures associated with land uses listed as "conditional" must add sound attenuation, as necessary, to meet the interior noise level standards indicated in the table and in Policy 3.3.7.
 - (2) Certain noise-sensitive outdoor uses are listed as "conditional" in Table MIR-1 (*see* Chapter 2 and Table MIR-1 footnote for definition of *sensitive land uses*). These uses are likely to be disrupted by aircraft noise events. Caution should be exercised with regard to site selection and design of these uses. Acceptability is dependent upon characteristics of the specific use.
 - (3) Land uses not specifically listed shall be evaluated using the criteria for similar listed uses, as determined by *ALUC staff*.

- 3.3.6 *Parcels Located Within 2 or More Noise Exposure Contours:* Noise contours shall be utilized as follows in assessing the proposed use of a specific development site.
- (a) Where no part of the building(s) proposed on the site fall within the higher *CNEL* range, the criteria for the *CNEL* range where the proposed building(s) are located shall apply for the purposes of evaluating the compatibility of the proposed uses and for determining sound attenuation and other requirements.
 - (b) Where the proposed building(s) fall within multiple *CNEL* ranges, the criteria for the highest *CNEL* range where the proposed building(s) are located shall apply for purposes of evaluating the compatibility of the proposed use and for the purposes of determining sound attenuation and other requirements.
- 3.3.7 *Interior Noise Levels:* Land uses for which indoor activities may be easily disrupted by noise shall be required to comply with the interior noise level criteria indicated in Table MIR-1.
- (a) The airport-related noise contours depicted in Map MIR-1 shall be used in calculating compliance with these criteria.
 - (1) The calculations should assume that windows are closed.
 - (2) For the purposes of this *Compatibility Plan*, only airport-related noise need be considered in determining compliance with the specified interior noise level criteria. The *California Building Code* requires that new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family residences located in areas that exceed *CNEL* 60 dB provide sound attenuation to ensure interior noise levels are not higher than *CNEL* 45 dB in any habitable room. All exterior noise sources are considered in determining compliance with this state requirement, not just airport noise. Policies of *local agencies* may extend this criterion to single-family residences.
 - (b) Where Table MIR-1 indicates that buildings associated with a particular land use must be capable of attenuating exterior noise to the specified maximum interior noise level, acoustical data documenting that the structure will be designed to comply with the criterion shall be provided.
 - (c) Exceptions to the interior noise level criteria in this policy may be allowed where evidence is provided that the indoor noise generated by the use itself exceeds the listed criteria.
- 3.3.8 *Airport Expansion:* For civilian airports, state law requires that the *ALUC* review airport master plans and certain other plans for airport expansion to determine whether such plans would result in increased impacts on surrounding land uses. The *ALUC* does not have this authority with respect to military airports. Expansion or change of aircraft activity at MCAS Miramar, including changes that could result in increased noise impacts, is not subject to review by the *ALUC*.

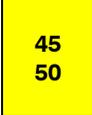
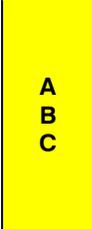
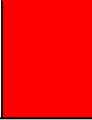
Land Use Category ¹	Exterior Noise Exposure (dB CNEL)					
	50-55	55-60	60-65	65-70	70-75	75-80
<i>Note: Multiple land use categories and compatibility criteria may apply to a project</i>						
Agricultural and Animal-Related						
nature preserves; wildlife preserves; horse stables; livestock breeding or farming		A	A	A	A	
zoos; animal shelters/kennels; interactive nature exhibits			A	A		
agriculture (except residences and livestock); greenhouses; fishing						A
Recreational						
children-oriented neighborhood parks; playgrounds			A			
campgrounds; recreational vehicle/motor home parks						
community parks; regional parks; golf courses; tennis courts; athletic fields; outdoor spectator sports; fairgrounds; water recreation facilities				A		
recreation buildings; gymnasiums; club houses; athletic clubs; dance studios				50	50	
Public						
outdoor amphitheatres		A	A			
children's schools (K-12); day care centers (>14 children)			45			
libraries			45			
auditoriums; concert halls; indoor arenas; places of worship			45	45		
adult schools; colleges; universities ²			45	45		
prisons; reformatories				50		
public safety facilities (e.g., police, fire stations)				50	50	
cemeteries; cemetery chapels; mortuaries				45 A	45 A	
Residential, Lodging, and Care						
residential (including single-family, multi-family, and mobile homes); family day care homes (≤14 children)			45			
extended-stay hotels; retirement homes; assisted living; hospitals; nursing homes; intermediate care facilities			45			
hotels; motels; other transient lodging ³			45	45		
Commercial and Industrial						
office buildings; medical clinics; clinical laboratories; radio, television, recording studios				50	50	
retail sales; eating/drinking establishments; movie theaters; personal services				50	50 B	
wholesale sales; warehouses; mini/other indoor storage					50 C	50 C
industrial; manufacturing; research & development; auto, marine, other sales & repair services; car washes; gas stations; trucking, transportation terminals					50 C	50 C
extractive industry; utilities; road, rail rights-of-way; outdoor storage; public works yards; automobile parking; automobile dismantling; solid waste facilities						50 C

See next page for Interpretation/Comments on above evaluations

Table MIR-1

Noise Compatibility Criteria

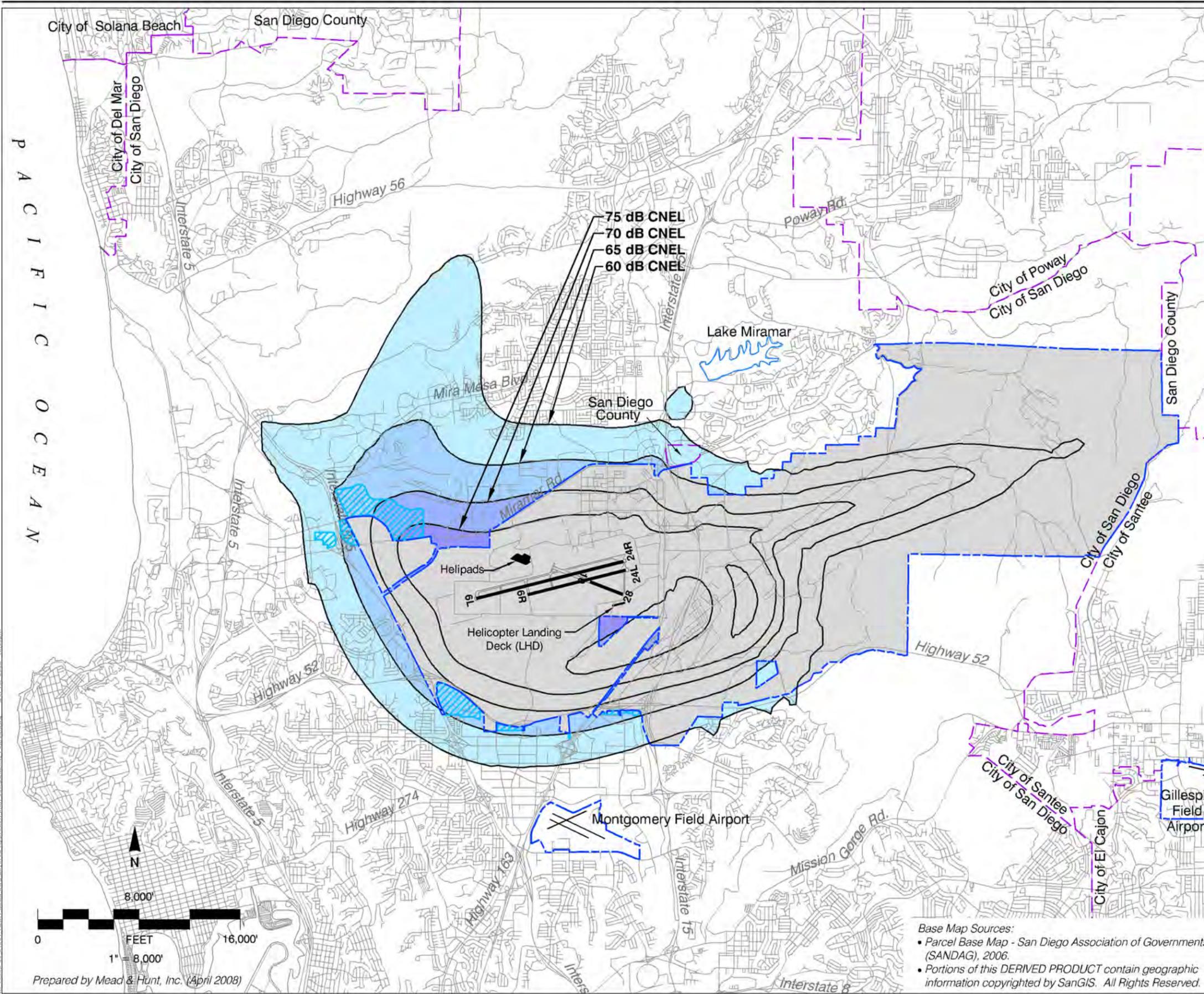
MCAS Miramar

Land Use Acceptability	Interpretation/Comments
	<p><i>Compatible</i></p> <p><i>Indoor Uses:</i> Standard construction methods will sufficiently attenuate exterior noise to an acceptable indoor community noise equivalent level (CNEL) <i>Outdoor Uses:</i> Activities associated with the land use may be carried out with essentially no interference from aircraft noise</p>
	<p><i>Conditional</i></p> <p><i>Indoor Uses:</i> Building must be capable of attenuating exterior noise to the indoor CNEL indicated by the number; standard construction methods will normally suffice <i>Outdoor Uses:</i> CNEL is acceptable for outdoor activities, although some noise interference may occur.</p>
	<p><i>Indoor or Outdoor Uses:</i></p> <p>A Caution should be exercised with regard to noise-sensitive outdoor uses; these uses are likely to be disrupted by aircraft noise events; acceptability is dependent upon characteristics of the specific use ⁴ B Outdoor dining or gathering places incompatible above CNEL 70 dB C Sound attenuation must be provided for associated office, retail, and other noise-sensitive indoor spaces sufficient to reduce exterior noise to an interior maximum of CNEL 50 dB</p>
	<p><i>Incompatible</i></p> <p><i>Indoor Uses:</i> Unacceptable noise interference if windows are open; at exposures above 65 dB CNEL, extensive mitigation techniques required to make the indoor environment acceptable for performance of activities <i>Outdoor Uses:</i> Severe noise interference makes outdoor activities unacceptable</p>

Notes

- ¹ Land uses not specifically listed shall be evaluated using the criteria for similar uses.
- ² Applies only to classrooms, offices, and related indoor uses. Laboratory facilities, gymnasiums, outdoor athletic facilities, and other uses to be evaluated as indicated for those land use categories.
- ³ Hotels and motels are lodging intended for stays by an individual person of no more than 30 days consecutively and no more than 90 days total per year; facilities for longer stays are in extended-stay hotels category.
- ⁴ Noise-sensitive land uses are ones for which the associated primary activities, whether indoor or outdoor, are susceptible to disruption by loud noise events. The most common types of noise-sensitive land uses include, but are not limited to, the following: residences, hospitals, nursing facilities, intermediate care facilities, educational facilities, libraries, museums, concert halls, places of worship, child-care facilities, and certain types of passive recreational parks and open space.

Table MIR-1, continued



Legend

- Boundary Lines**
- Airport Property
 - Restrictive Use Easement
 - Roads
 - City Limits

- Noise Exposure Contours¹**
- | | | |
|--|-----------------|-----------------------------|
| | 60 - 65 dB CNEL | Future Average ² |
| | 65 - 70 dB CNEL | Annual Day |
| | 70 - 75 dB CNEL | (308 Operations) |
| | 75 + dB CNEL | |

Notes

1. See Table MIR-1 for criteria applicable within each noise exposure contour.
2. Noise Contour source: MCAS Miramar AICUZ (March 2005).



AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

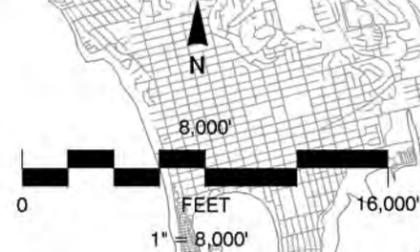
MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

Map MIR-1

Compatibility Policy Map:
Noise

Base Map Sources:

- Parcel Base Map - San Diego Association of Governments (SANDAG), 2006.
- Portions of this DERIVED PRODUCT contain geographic information copyrighted by SanGIS. All Rights Reserved.



Prepared by Mead & Hunt, Inc. (April 2008)

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P A C I F I C O C E A N

3.4 SAFETY COMPATIBILITY POLICIES FOR MCAS MIRAMAR

3.4.1 *Evaluating Safety Compatibility for New Development:* The safety compatibility of proposed land uses within the *ALA* of MCAS Miramar shall be evaluated in accordance with the policies set forth in this section, including Table MIR-2 and the safety zones depicted on Map MIR-2. Table MIR-2 shows each listed land use type as being either "incompatible," "conditional," or "compatible" within each safety zone. The meaning of these terms is as follows:

- (a) Incompatible: The use is not acceptable under any circumstances.
- (b) Conditional: The use is acceptable if the *floor area ratio (FAR)* criteria indicated, maximum intensity limits (people/acre) provided at the top of the table, and conditions listed in the column on the right and further described in the policies in this section are satisfied. If these conditions are not met, the use is incompatible.
- (c) Compatible: The use is acceptable without safety-related conditions. Noise, airspace protection, and/or overflight limitations may apply.

3.4.2 *Safety Zones:* For safety compatibility planning purposes around MCAS Miramar, the *ALUC* uses the safety zones defined in the *AICUZ*, with an additional zone created using low-altitude fixed-wing aircraft flight track location data, as further described below. Specifically:

- (a) The *CZ*, and *APZ I* and *II* are identical in location and dimensions to the *CZ*, *APZ I*, and *APZ II*, respectively, as depicted in Figure 4-1 of the *AICUZ*.
- (b) The *TZ* was created using low-altitude fixed-wing aircraft flight track location data presented in Figures 2-2 and 2-3 of the *AICUZ*. Additional data from the military was used to identify locations where these aircraft fly at an altitude of less than 2,000 feet above MSL. Helicopter flight tracks are not considered in delineation of the *TZ*. The most critical areas of helicopter flight tracks from a safety standpoint are either over base property or overlap the fixed-wing aircraft tracks.

3.4.3 *Measures of Safety Compatibility:* To minimize risks to people and property on the ground and to people on board aircraft, the safety compatibility criteria set limits on:

- (a) The density of residential development, which is measured in terms of dwelling units per acre on the project site. The residential density limitations cannot be equated to the maximum intensity limits for nonresidential uses. Consistent with the *Handbook* guidelines, a greater degree of protection is warranted for residential uses. (*See Handbook*, page 9-3.)
- (b) The intensity of nonresidential development measured in terms of the number of people located in areas most susceptible to aircraft accidents (*i.e.*, *CZ*, *APZ I*, *APZ II* and *TZ*).
- (c) Development or expansion of certain *risk-sensitive land uses* that represent special safety concerns regardless of the number of people present.

3.4.4 *Factors Considered in Setting Safety Compatibility Criteria:* The principal factors considered in setting criteria applicable within each safety zone are:

- (a) Safety compatibility recommendations set forth in Appendix Table 3 of the *AICUZ*.

- (b) The California state law (Pub. Util. Code, §21675(b)) requirement that compatibility plans for military airports "shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport."
- (c) The airport proximity within which aircraft accidents near military airports typically occur. The most stringent land use controls apply to the areas with the greatest potential risks.
- (d) Characteristics of the fleet mix of the aircraft used at the *Airport* and aircraft operations at the *Airport*.
 - (1) The low-altitude, high-performance, and tactical maneuvering nature of many operations at MCAS Miramar represents a heightened risk to land uses beneath the primary flight routes of the base.
 - (2) Helicopter operations pose a smaller risk in that the size of the site that might be affected by an accident is relatively small. Helicopters, however, fly routes different from those of fixed-wing aircraft.

3.4.5 *Residential Use Criteria:* Criteria applicable to proposed residential development in the vicinity of MCAS Miramar are as follows.

- (a) Density, which is measured in terms of dwelling units per acre on the project site, is used to determine the compatibility of residential uses in Table MIR-2.
- (b) In the *CZ* and *APZ I*, new residential uses are incompatible under any circumstances and should not be permitted by the *local agency*.
- (c) In *APZ II*:
 - (1) Residential uses with a density greater than 2.0 dwelling units per acre are incompatible and should not be permitted by the *local agency*.
 - (2) Residential uses with a density less than or equal to 2.0 dwelling units per acre are conditionally compatible provided that, if the density exceeds 0.2 dwelling units per acre, the development is clustered to provide the maximum amount of open land.
- (d) In the *TZ*:
 - (1) Residential uses with a density greater than 20.0 dwelling units per acre are incompatible and should not be permitted by the *local agency*.
 - (2) Residential uses with a density of less than or equal to 20.0 dwelling units per acre, but greater than 2.0 dwelling units per acre are conditionally compatible provided that the development is clustered so as to provide the maximum amount of open land.
 - (3) Residential uses with a density less than or equal to 2.0 dwelling units per acre are compatible.
- (e) The following factors shall be taken into account in determining the densities of a proposed residential project:
 - (1) A development area/project may include multiple parcels.

- (2) The maximum allowable residential densities indicated in Table MIR-2 and Paragraphs (b) through (d), above, are intended to include any density bonuses, height allowances, or any other bonuses or allowances that *local agencies* may provide for affordable housing developed in accordance with the provisions of state and/or local law or regulation. Residential densities or heights greater than those indicated in Table MIR-2 are not allowed irrespective of whether the increase in density or height is provided for affordable housing in connection with the jurisdiction's density bonus provisions. *Local agencies* must take into account any density bonus and any other allowances, including height allowances, for a development project when determining whether a development project meets the allowable densities indicated in Table MIR-2 and Paragraphs (b) through (d) above, and height limits specified in the airspace protection policies of this chapter.
- (3) Secondary or accessory units, as defined by state law, are excluded from density calculations.
- (4) As indicated in Policy 2.11.4(b)(1) of Chapter 2, construction of a single-family residential use, including a secondary or accessory unit, as defined by state law, on a legal lot of record is compatible in all safety zones, except the CZ, if such use is permitted by local land use regulations.

3.4.6 *Nonresidential Development Criteria:* The criteria in Paragraphs (a), (b) and (c), below apply to most proposed nonresidential uses. Additional or different criteria apply to the uses described in Paragraphs (d) through (i) and Policy 3.4.7. (Concepts associated with these criteria are discussed in Appendix C.)

- (a) The term "intensity" is measured in terms of people per acre and is the primary indicator of the risk exposure of people on the ground in the event of an aircraft accident. People per acre is used to determine the compatibility of nonresidential uses in Table MIR-2.
 - (1) The maximum intensity limits of proposed nonresidential uses are:
 - = Within CZ: 10 people per acre.
 - = Within APZ I: 25 people per acre.
 - = Within APZ II: 50 people per acre.
 - = Within the TZ: 300 people per acre.
 - (2) Nonresidential land use types listed in Table MIR-2 as "compatible" are presumed to meet the above maximum intensity limits without constraints on the use.
 - (3) The maximum intensity limits include all people (*e.g.*, employees; customers/visitors) who may be at the use at any single point in time, whether indoors or outdoors.
 - (4) *Local agencies* may make exceptions for special events (*e.g.*, an air show at the airport).
- (b) Evaluation of the compatibility of proposed nonresidential land uses shall be made using the land use types listed in Table MIR-2.

- (1) The nonresidential uses are categorized by general use and the typical occupancy load factor of the use measured in terms of square footage per occupant; these use categories are based, in large part, upon the use categories provided in the *AICUZ*. Occupancy load factor takes into account all occupants of the facility including employees, customers, and others. Also indicated in the table is the *California Building Code* (CBC) classification under which each facility is presumed to be constructed.
 - (2) Proposed development for which no land use type is listed in Table MIR-2 shall be evaluated by *ALUC staff* using a similar use included on the Table. The occupancy load factor of the use not listed in Table MIR-2 and that of the similar listed use shall be the primary basis for comparison.
- (c) For "conditional" uses, the *floor area ratio* (*FAR*) is limited, as listed in Table MIR-2.
- (1) The *FAR* criteria differ among different uses in recognition of the fact that the occupancy load factors vary substantially from one land use type to another—a low-intensity warehouse versus a high-intensity restaurant, for example. (Appendix D describes the relationships among maximum intensity limits, occupancy load factor, and *FAR*.)
 - (2) The measurement of *FAR* shall be based upon the gross floor area of the buildings proposed for the project site, excluding parking garages, if any.
 - (3) *FAR* limitations may be exceeded provided that the project meets the applicable maximum intensity limits (people/acre) and that, as a condition of project approval: (i) the project provides a deed restriction regarding the maximum intensity limits for the project; and (ii) the project meets the applicable *local agency* parking requirements consistent with the maximum intensity limits for the project.
- (d) Assembly Facilities Criteria: Assembly facilities are uses in which 50 or more people are concentrated in a confined space. Structural elements of indoor assembly rooms may partially protect occupants from accidents involving aircraft or helicopters. However, the ability of large numbers of occupants to exit the indoor assembly room is a primary compatibility consideration. Outdoor assembly facilities do not protect the occupants from accidents involving aircraft or helicopters. Assembly facilities are restricted as follows:
- (1) Indoor Major Assembly Rooms (capacity of 1,000 people or more) are not compatible in any safety zone and should not be permitted by the *local agency*.
 - (2) Outdoor Major Assembly Facilities (capacity of 1,000 people or more) are not compatible in any safety zone and should not be permitted by the *local agency*.
 - (3) Indoor Large Assembly Rooms (capacity of 300 to 999 people) are not compatible in the *CZ* or in *APZ I* or *APZ II*. In the *TZ*, these facilities are conditionally compatible, provided that these facilities are limited to a fixed seating capacity of less than 650 people and restricted to a maximum intensity of no more than 300 people/acre.
 - (4) Outdoor Large Assembly Facilities (capacity of 300 to 999 people) are not compatible in the *CZ*, *APZ I* or *APZ II*. In the *TZ*, these facilities are conditionally compatible provided that the facilities are limited to a maximum

intensity of no more than 300 people per acre and a fixed seating capacity of less than 300 people.

- (5) Indoor Small Assembly Rooms (capacity of 50 to 299 people) are not compatible in the *CZ* or *APZ I*. In *APZ II* and the *TZ*, these uses are conditionally compatible provided that they do not exceed the *FAR* limits as indicated in Table MIR-2 and are restricted to a maximum intensity of 50 people/acre in *APZ II* or 300 people/acre in the *TZ*.
 - (6) Outdoor Small Assembly Facilities (capacity of 50 to 299 people) are not compatible in the *CZ* or *APZ I* and should not be permitted by the *local agency*. In *APZ II* and the *TZ*, these facilities are conditionally compatible provided that the facilities are limited to usage intensities of 50 and 300 people per acre, respectively. In addition, in the *TZ*, these facilities shall be limited to a fixed seating capacity of less than 300 people.
- (e) Office, Commercial, Service and Lodging Use Criteria: These uses include eating/drinking establishments, retail shopping centers, office buildings, hotels, motels and related uses.
- (1) Eating/Drinking Establishments: Eating and drinking establishments in a free standing building are:
 - = Not compatible in the *CZ*, *APZ I* or *APZ II* and should not be permitted by the local agency.
 - = Compatible in the *TZ*.
 - (2) Retail Shopping Centers: New or expanded retail shopping centers containing a mixture of uses are:
 - = Not compatible in the *CZ* or *APZ I* and should not be permitted by the local agency.
 - = Conditionally compatible in *APZ II* provided that no eating and drinking establishments are allowed, and the retail shopping centers are limited to a maximum intensity of no more than 50 people/acre and comply with the *FAR* limits as indicated in Table MIR-2.
 - = Compatible in the *TZ*.
 - (3) Low Intensity or Outdoor Oriented Retail or Wholesale Trade or Low Hazard Storage Uses are:
 - = Not compatible in the *CZ* and should not be permitted by the local agency.
 - = Conditionally compatible in *APZ I* and *APZ II*, provided that these uses comply with the *FAR* limits as indicated in Table MIR-2 and limited to a maximum intensity of no more than 25 and 50 people/acre in *APZ I* and *APZ II*, respectively.
 - = Compatible in the *TZ*.
 - (4) Office Buildings and Miscellaneous Service Uses: This category includes, but is not limited to, professional services (such as doctors), financial and civic uses, and service uses (such as car washes, barbers, animal kennels and print shops). These uses are:

- = Not compatible in the CZ or APZ I and should not be permitted by the local agency.
 - = Conditionally compatible in APZ II, provided that these uses comply with the FAR limits as indicated in Table MIR-2 and limited to a maximum intensity of no more than 50 people/acre.
 - = Compatible in the TZ.
- (5) Hotels/Motels, Residential Hotels and Bed and Breakfast Establishments are:
- = Not compatible in the CZ, APZ I or APZ II and should not be permitted by the local agency.
 - = Conditionally compatible in the TZ provided that any Residential Hotels comply with the FAR limits as indicated in Table MIR-2 and limited to a maximum intensity of no more than 300 people/acre.
- (f) Industrial, Manufacturing, and Warehouse Use Criteria: With respect to the manufacturing uses considered below, such uses are categorized into three groups according to whether their usage intensities and risk levels are high, medium, or low. The listed examples of uses in each category are based upon *AICUZ* guidance.
- (1) Processing, manufacturing or storage of bulk quantities of hazardous materials (tank capacity > 10,000 gallons), oil refineries or chemical plants are:
- = Not compatible in the CZ, APZ I, APZ II or the TZ.
- (2) High Intensity or Risk Manufacturing Uses: These uses include the manufacturing of apparel, fabric and leather products; rubber and plastic products; professional scientific and control instruments; photographic and optical goods; watches and clocks; and chemical products. Such uses are:
- = Not compatible in the CZ, APZ I or APZ II.
 - = Conditionally compatible in the TZ, provided that the permitting agency:
 - (i) comply with all federal, state and local standards and evaluate the need for special measures to minimize hazards to nearby people and property if the facility is struck by aircraft; (ii) comply with the FAR limits as indicated in Table MIR-2; and (iii) do not exceed a maximum intensity of 300 people/acre.
- (3) Medium Intensity or Risk Manufacturing Uses: These uses include the manufacturing of food products; textile mill products; stone, clay and glass products; and metal products. Such uses are:
- = Not compatible in the CZ or APZ I and should not be permitted by the local agency.
 - = Conditionally compatible in APZ II, provided that the uses comply with the FAR limits as indicated in Table MIR-2 and have a maximum intensity of not more than 50 people/acre.
 - = Compatible in the TZ.
- (4) Low Intensity or Risk Manufacturing Uses: These uses include the manufacturing of lumber and wood products; furniture and fixtures; paper products; and printing and publishing. Such uses are:
- = Not compatible in the CZ and should not be permitted by the *local agency*.

- = Conditionally compatible in APZ I and APZ II provided that these uses comply with the FAR limits as indicated in Table MIR-2, and are limited to a maximum intensity limit of not more than 25 to 50 people/acre, respectively.
 - = Compatible in the TZ.
- (5) Research and Development Uses: Research and development uses are considered similar to manufacturing uses having medium intensity or risk and shall be evaluated for compatibility in accordance with the criteria in Paragraph (f)(3), above.
- (6) Other Industrial and Warehouse Uses including, but not limited to, auto, aircraft, marine service repair, industrial outdoor storage, warehouses, distribution facilities, gas stations and repair garages are:
- = Not compatible in CZ and should not be permitted by the local agency.
 - = Conditionally compatible in APZ I and APZ II provided that these uses comply with the FAR limits as indicated in Table MIR-2 and are limited to a maximum intensity of 25 and 50 people/acre in APZ I and APZ II, respectively.
 - = Compatible in the TZ.
- (g) Educational and Institutional Use Criteria: The following land uses represent special safety concerns irrespective of the number of people associated with those uses.
- (1) Children's Schools (grades K–12) and Day Care Centers (facilities with 15 or more children, as defined in the California Health and Safety Code):
- = Are not compatible in the CZ, APZ I, or APZ II, and should not be permitted by the local agency. In addition, acquisition of land for the construction of new or the expansion of existing schools and day care centers is not compatible in the CZ, APZ I, APZ II or TZ, and should not be permitted by the local agency.
 - = Buildings at existing schools and day care centers that are located within the TZ may be modified, replaced, expanded, and/or retrofitted, provided that any new modification, replacement, expansion or retrofit does not require the acquisition of a new site or any land acquisition; does not result in an increase of capacity of 50 or more people; and the usage of the modified, replaced, expanded, and/or retrofitted children's school or day care center does not exceed a maximum intensity of 300 people/acre.
- (2) Family Day Care Homes (14 or fewer children) are:
- = Not compatible in the CZ, APZ I, or APZ II, and should not be permitted by the local agency.
 - = Conditionally compatible in the TZ only in conjunction with compatible residential land uses.
- (3) Hospitals, Mental Hospitals, and Other Medical Facilities with Overnight Patients are:
- = Not compatible in the CZ, APZ I, and APZ II and should not be permitted by the local agency.

- = Conditionally compatible in the TZ. However, acquisition of land for construction of new or expansion of existing hospitals, mental hospitals, and other medical facilities with overnight patients is incompatible and should not be permitted. Buildings associated with existing uses of these types may be modified, replaced, or expanded, and/or retrofitted if the use does not exceed the FAR limit as indicated in Table MIR-2 and are limited to 300 people/acre.
- (4) Health Care Centers, Other Medical Facilities and Congregate Care Facilities (except doctors' offices) without Overnight Patients are:
 - = Not compatible in the CZ, APZ I, and APZ II and should not be permitted by the local agency.
 - = Conditionally compatible in the TZ, provided that the use complies with the FAR limit as indicated in Table MIR-2 and is limited to a maximum intensity of 300 people/acre.
- (5) Public Emergency Services Facilities (facilities such as police and fire stations) are:
 - = Not compatible in the CZ, APZ I, or APZ II and should not be permitted by the local agency.
 - = Compatible in the TZ.
- (6) Public Inmate Facilities (such as prisons and reformatories) are:
 - = Not compatible in the CZ, APZ I, or APZ II and should not be permitted by the local agency.
 - = Conditionally compatible in the TZ. However, acquisition of land for construction of new or expansion of existing public inmate facilities is incompatible and should not be permitted by the local agency. Buildings associated with existing uses of these types may be modified, replaced, or expanded, and/or retrofitted if the use does not exceed the FAR limit as indicated in Table MIR-2. Any expansion must meet applicable assembly facility criteria as indicated in Policy 3.4.6(d) and be limited to a maximum intensity of 300 people/acre.
- (h) Transportation, Communication, and Utilities Use Criteria: This category includes airport terminals, transportation terminals (rail, bus, marine), truck terminals, small transportation hubs (bus stops), aircraft storage, automobile parking structures and surface lots, street and highway rights-of-way and railroads and public transit lines.
 - (1) Airport terminals, transportation terminals and aircraft storage are:
 - = Not compatible in the CZ, APZ I, or APZ II and should not be permitted by the local agency.
 - = Compatible in the TZ.
 - (2) Small transportation hubs, automobile parking structures and surface lots, street and highway rights-of-way, railroads and public transit lines are:
 - = Not compatible in the CZ and should not be permitted by the *local agency*.
 - = Compatible in *APZ I, APZ II, and the TZ*.
 - (3) Power Plants: This category includes primary power plants and peaker power plants. These uses are:

- = Not compatible in the CZ and should not be permitted by the local agency.
 - = Conditionally compatible in APZ I, provided that major overhead power lines are placed underground. In addition, no new sites or land acquisition/expansion of facilities on existing sites is allowed if, after consultation with the airport operator, the ALUC determines that the facility includes petrochemical storage or any uses that generate smoke, heat, or visibility hazards that could interfere with the safety of flight.
 - = Conditionally compatible in APZ II and the TZ, provided that no new sites or land acquisition/expansion of facilities on existing sites is allowed if, after consultation with the airport operator, the ALUC determines that the facility includes petrochemical storage or any uses that generate smoke, heat, or visibility hazards that could interfere with the safety of flight. (Peaker plants are compatible in the TZ without restriction.)
- (4) Electrical Substations are:
- = Not compatible in the CZ, and should not be permitted by the *local agency*.
 - = Conditionally compatible in APZ I, provided that major overhead power lines are placed underground. In addition, no new sites or land acquisition is allowed; however, the replacement or expansion of facilities on existing sites is allowed.
 - = Conditionally compatible in APZ II, provided that there is no electronic interference with aircraft.
 - = Compatible in the TZ.
- (5) Public Emergency Communications Facilities are:
- = Not compatible in the CZ and should not be permitted by the *local agency*.
 - = Conditionally compatible in APZ I, APZ II and the TZ provided that no new sites or acquisition of land for construction of new or expansion of existing public emergency communication facilities is allowed. Buildings associated with existing uses of these types may be modified, replaced, or expanded, and/or retrofitted.
- (6) Cell phone towers and wind turbines are:
- = Not compatible in the CZ and should not be permitted by the *local agency*.
 - = Conditionally compatible in APZ I and APZ II provided that there is no use of frequencies that can interfere with military communications or navigation frequencies, and provided there are no airspace protection surface penetrations.
 - = Compatible in the TZ.
- (i) Agricultural and Other Uses: This category includes agricultural uses, recreational uses and wastewater treatment and related facilities.
- (1) Agricultural lands and lands with low or no vegetation are:
- = Conditionally compatible in the CZ, provided the uses comply with DOD standards as specified in OPNAV Instruction 11010.36b and NAVFAC P-80.3.

- = Compatible in *APZ I*, *APZ II* and the *TZ*.
- (2) Agricultural buildings are:
 - = Not compatible in the *CZ* and should not be permitted by the *local agency*.
 - = Conditionally compatible in *APZ I* provided they comply with the *FAR* and maximum intensity limits in Table MIR-2.
 - = Compatible in *APZ II* and the *TZ*.
- (3) Mining and extraction, golf courses, tennis courts, parks, camp grounds, wastewater treatment and disposal facilities, solid waste transfer facilities and recycle centers are:
 - = Not compatible in the *CZ* and should not be permitted by the *local agency*.
 - = Conditionally compatible in *APZ I* and *APZ II*, provided the use complies with the conditions and maximum intensity limits as provided in Table MIR-2.
 - = Compatible in the *TZ*.
- (4) Water including rivers, creeks, canals, wetlands, bays, lakes and reservoirs are:
 - = Conditionally compatible in the *CZ*, *APZ I* and *APZ II* only if the water is naturally occurring.
 - = Compatible in the *TZ*.
- (5) Marinas are:
 - = Not compatible in the *CZ* and should not be permitted by the *local agency*.
 - = Conditionally compatibility in *APZ I* and *APZ II*, provided that there are no group activities and the maximum intensity limits, as provided in Table MIR-2, are not exceeded.
 - = Compatible in the *TZ*.
- (6) Large group recreation and shooting ranges are:
 - = Not compatible in the *CZ* or *APZ I* and should not be permitted by the *local agency*.
 - = Conditionally compatible in *APZ II*, provided that the use does not exceed a maximum intensity of 50 people/acre.
 - = Compatible in the *TZ*.
- (7) Memorial parks and cemeteries are:
 - = Not compatible in the *CZ* and should not be permitted by the local agency.
 - = Conditionally compatible in *APZ I* and *APZ II*, provided that no places of assembly are allowed and the maximum intensity limits, as provided in Table MIR-2, are not exceeded.
 - = Compatible in the *TZ*.
- (8) Solid waste disposal facilities (such as landfills and incineration) are:
 - = Not compatible in the *CZ*, *APZ I* or *APZ II* and should not be permitted by the local agency.
 - = Compatible in the *TZ*.

3.4.7 *Mixed-Use Development:* Where a combination of land use types listed separately in Table MIR-2 are proposed for a single project, the following policies apply:

- (a) Development in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or nearby buildings on the same site must meet both residential density and nonresidential intensity criteria. The number of dwelling units shall not exceed the residential density limits indicated in Table MIR-2. For the nonresidential component, the intensity shall not exceed the intensity limits in Table MIR-2, based on each nonresidential use's component proportion of the total *project's* square footage. For example, if 70% of a *project's* total square footage is residential and 30% is retail, the maximum allowable *FAR* for the retail component would be 30% of the retail *FAR* in Table MIR-2. Each component nonresidential use must not exceed the proportionate *FAR* limit applicable to each use in order for the use to be allowed as part of the *project*.
 - (1) This policy is not intended to apply to projects in which the residential component is isolated from the nonresidential uses of the site.
 - (2) Mixed-use development shall not be allowed where the residential component would be exposed to noise levels above the 65 dB *CNEL* limit set in the noise compatibility policies of this chapter.
- (b) Where proposed development will contain a mixture of the nonresidential uses listed separately in Table MIR-2, each use must comply with the criteria specified for that use.
 - (1) The *FAR* for each component use shall be calculated as a proportion of the *FAR* specified for that use. For example, if 70% of a *project's* total square footage is office and 30% is retail, the allowable *FAR* for the office component would be 70% of the office *FAR* in **Table MIR-2** and the allowable *FAR* for the retail component would be 30% of the retail *FAR* in **Table MIR-2**. Each component use must not exceed the proportionate *FAR* limit applicable to that use in order for the use to be allowed as part of the *project*.
 - (2) See Policy 3.4.8 with regard to criteria for project sites that occupy two or more safety zones.
- (c) Land uses for which a *FAR* limit is listed in Table MIR-2 as a condition for acceptability in a particular safety zone may have up to 10% of the total floor area devoted to an ancillary use of another type, even a use with a higher occupancy load factor (*see* Policy 3.4.6(b)(1)), provided that the ancillary use is neither:
 - (1) An assembly room having more than 750 square feet of floor area (this criterion is intended to parallel *CBC* standards) and a capacity of 50 people; nor
 - (2) A K-12 school, day care center, or other risk-sensitive use that is "incompatible" within the safety zone where the primary use is to be located.

3.4.8 *Parcels Lying within Two or More Safety Zones:* For the purposes of evaluating consistency with the compatibility criteria set forth in Table MIR-2, any parcel that is split by safety zone boundaries shall be considered as if it were multiple parcels divided at the safety zone boundary line.

- (a) Where no part of the building(s) proposed on the parcel/site fall within the more restrictive safety zone, the criteria for the safety zone where the proposed building(s) are

located shall apply for the purposes of evaluating the compatibility of the proposed uses and determining other conditions to be placed upon the proposed project.

- (b) Where the building(s) proposed on the parcel/site fall within multiple safety zones, the criteria for the most restrictive safety zone where the building(s) proposed are located shall apply for purposes of evaluating the compatibility of the proposed use and for determining other conditions to be placed upon the proposed project.

Land Use Types / Typical Uses	CBC Group*	Safety Zone**				Criteria for Conditional (yellow) Uses
		CZ	APZ I	APZ II	TZ	
<ul style="list-style-type: none"> Multiple land use categories and compatibility criteria may apply to a project (see Policy 3.4.7) See Policy 3.4.7(c) for limits on ancillary uses ¹ 						<ul style="list-style-type: none"> Maximum intensity limits apply to all Conditional uses Abbreviations below refer to zones in which condition specified is applicable Numbers in yellow cells are Floor Area Ratio (FAR) limitations (see Policy 3.4.6(c) and End-note 4)
<p>Maximum Intensity Limits (People/Acre)</p> <ul style="list-style-type: none"> Applicable to nonresidential conditional land uses 		10	25	50	300	
Residential Uses						
Residential, ≤0.2 d.u./acre (5+ acre lots)	R-3					
Residential, >0.2, ≤2.0 d.u./acre	R-3					APZ II: Buildings to be clustered to provide maximum open land; maximum intensity limit as indicated at top of page See Policies 3.4.5(c)(2) and 3.4.5(e)(2)
Residential, >2.0, ≤8.0 d.u./acre	R-3					TZ: Buildings to be clustered to provide maximum open land See Policies 3.4.5(d)(2) and 3.4.5(e)(2)
Residential, >8.0, ≤20.0 d.u./acre	R-1					TZ: Buildings to be clustered to provide maximum open land See Policies 3.4.5(d)(2) and 3.4.5(e)(2)
Residential, >20.0 d.u./acre	R-1					
Assembly Facilities (≥50 people)						
Indoor Major Assembly Room (capacity ≥1,000 people): major sports arenas, concert halls [approx. 15 s.f./person]	A-1					
Outdoor Major Assembly Facility (capacity ≥1,000 people): amphitheaters, stadiums, race tracks, fairgrounds, zoos [approx. 15 s.f./person]	A-4					
Indoor Large Assembly Room (capacity 300 to 999 people): sports arenas, theaters, auditoriums, assembly halls [approx. 15 s.f./person]	A-2					TZ: No room with fixed seating capacity ≥650 people; maximum intensity limit as indicated at top of page See Policy 3.4.6(d)(3)
Outdoor Large Assembly Facility (capacity 300 to 999 people)	A-4					TZ: No room with fixed seating capacity ≥300 people; maximum intensity limit as indicated at top of page; See Policy 3.4.6(d)(4)
Indoor Small Assembly Room (capacity 50 to 299 people): meeting rooms, dining halls, dance studios, places of worship [approx. 60 s.f./person]	A-3			0.07	0.42	APZ II, TZ: FAR limit as indicated; maximum intensity limit as indicated at top of page See Policy 3.4.6(d)(5)
Outdoor Small Assembly Facility (capacity 50 to 299 people): community swimming pools, group camps	A-4					APZ II: Maximum intensity limit as indicated at top of page TZ: No fixed seating with capacity ≥300 people; maximum intensity limit as indicated at top of page See Policy 3.4.6(d)(6)
Office, Commercial, Service, and Lodging Uses						
Large Eating/Drinking Establishments in free-standing building (capacity >300 people) [approx. 60 s.f./person]	A2, A-2.1					

Table MIR-2

Safety Compatibility Criteria

MCAS Miramar

Land Use Types / Typical Uses <ul style="list-style-type: none"> Multiple land use categories and compatibility criteria may apply to a project (see Policy 3.4.7) See Policy 3.4.7(c) for limits on ancillary uses ¹ 	CBC Group*	Safety Zone**				Criteria for Conditional (yellow) Uses <ul style="list-style-type: none"> Maximum intensity limits apply to all Conditional uses Abbreviations below refer to zones in which condition specified is applicable Numbers in yellow cells are Floor Area Ratio (FAR) limitations (see Policy 3.4.6(c) and End-note 4)
		CZ	APZ I	APZ II	TZ	
Maximum Intensity Limits (People/Acre) <ul style="list-style-type: none"> Applicable to nonresidential conditional land uses 		10	25	50	300	
Mid-Size Eating/Drinking Establishments in free-standing bldg (capacity 50 to 299 people) [approx. 60 s.f./person]	A-3					
Small Eating/Drinking Establishments in free-standing building (capacity <50 people)	B					
Retail Shopping Centers [approx. 110 s.f./person]	M			0.13		APZ II: No eating/drinking establishments; FAR limits as indicated; maximum intensity limit as indicated at top of page See Policy 3.4.6(e)(2)
Retail Stores, no Restaurants [approx. 170 s.f./person]	M			0.20		APZ II: FAR limit as indicated; maximum intensity limit as indicated at top of page See Policy 3.4.6(e)(2)
Low-Intensity or Outdoor-Oriented Retail or Wholesale Trade: furniture, automobiles, heavy eqpt, nurseries, lumber yards, boat yards [approx. 250 s.f./person]	B, M		0.14	0.29		APZ I, APZ II: FAR limits as indicated; maximum intensity limit as indicated at top of page See Policy 3.4.6(e)(3)
Low-Hazard Storage: mini-storage, greenhouses [approx. 1,000 s.f./person]	S-2		0.57	1.15		APZ I, APZ II: FAR limits as indicated; maximum intensity limit as indicated at top of page APZ I: 40% lot coverage See Policy 3.4.6(e)(3)
Office Buildings: professional services, doctors, financial, civic [approx. 215 s.f./ person]	B			0.25		APZ II: FAR limits as indicated; maximum intensity limit as indicated at top of page See Policy 3.4.6(e)(4)
Misc. Service Uses: car washes, barbers, animal kennels, print shops [approx. 200 s.f./person]	B			0.23		APZ II: FAR limit as indicated; maximum intensity limit as indicated at top of page See Policy 3.4.6(e)(4)
Hotels, Motels (except conference/ assembly facilities) [approx. 200 s.f./person] ²	R-1					
Residential Hotels ²	R-1				1.38	TZ: FAR limits as indicated; maximum intensity limit as indicated at top of page See Policy 3.4.6(e)(5)
Bed & Breakfast Establishments	R-3					
Industrial, Manufacturing, and Warehouse Uses						
Processing, Manufacturing, or Storage of Bulk Quantities of Hazardous Materials (tank capacity >10,000 gallons): oil refineries, chemical plants	—					

Table MIR-2, continued

Safety Compatibility Criteria

MCAS Miramar

Land Use Types / Typical Uses <ul style="list-style-type: none"> Multiple land use categories and compatibility criteria may apply to a project (see Policy 3.4.7) See Policy 3.4.7(c) for limits on ancillary uses ¹ 	CBC Group*	Safety Zone**				Criteria for Conditional (yellow) Uses <ul style="list-style-type: none"> Maximum intensity limits apply to all Conditional uses Abbreviations below refer to zones in which condition specified is applicable Numbers in yellow cells are Floor Area Ratio (FAR) limitations (see Policy 3.4.6(c) and End-note 4)
		CZ	APZ I	APZ II	TZ	
Maximum Intensity Limits (People/Acre) <ul style="list-style-type: none"> Applicable to nonresidential conditional land uses 		10	25	50	300	
Manufacturing, High Intensity or Risk (flammable, explosive, corrosive, or toxic): apparel, fabric, leather products; rubber, plastic products; professional scientific & control instruments; photographic, optical goods; watches, clocks; chemical products [approx. 215 s.f./person]	H-1, 3, 6, 7				1.50	TZ: Permitting agencies must comply with all federal, state, and local standards and shall evaluate need for special measures to minimize hazards to nearby people and property if facility struck by aircraft; not allowed if accident could escalate to significant loss of air crew or civilian life; FAR limits as indicated; maximum intensity limit as indicated at top of page See Policy 3.4.6(f)(2)
Manufacturing, Medium Intensity or Risk (flammable, explosive, corrosive, or toxic): food products; textile mill products; stone, clay, glass products; metal products [approx. 300 s.f./person]	F-1, 2 H-2			0.34		APZ II: FAR limits as indicated; maximum intensity limit as indicated at top of page See Policy 3.4.6(f)(3)
Manufacturing, Low Intensity or Risk (flammable, explosive, corrosive, or toxic): lumber, wood products; furniture, fixtures; paper products; printing, publishing [approx. 490 s.f./person]	F-1, 2		0.28	0.56		APZ I, APZ II: FAR limits as indicated; maximum intensity limit as indicated at top of page See Policy 3.4.6(f)(4)
Research and Development [approx. 300 s.f./person]	F-1, 2 H-2			0.34		APZ II: FAR limits as indicated; maximum intensity limit as indicated at top of page See Policy 3.4.6(f)(5)
Auto, Aircraft, Marine Repair Services [approx. 300 s.f./person]	H-4		0.17	0.34		APZ I, APZ II: FAR limits as indicated; maximum intensity limit as indicated at top of page See Policy 3.4.6(f)(6)
Industrial Outdoor Storage; public works yards, auto wrecking yards	—					APZ I, APZ II: No processing or storage of hazardous materials; maximum intensity limit as indicated at top of page See Policy 3.4.6(f)(6)
Warehouses, Distribution Facilities [approx. 1,000 s.f./person]	S-1, 2		0.57	1.15		APZ I, APZ II: No processing or storage of hazardous materials; FAR limits as indicated; maximum intensity limit as indicated at top of page See Policy 3.4.6(f)(6) APZ I: 40% lot coverage
Gas Stations, Repair Garages [approx. 300 s.f./person]	S-3		0.17	0.34		APZ I, APZ II: FAR limits as indicated; maximum intensity limit as indicated at top of page; fuel storage must be underground See Policy 3.4.6(f)(6)
Educational and Institutional Uses						
Colleges and Universities	B					TZ: Maximum intensity limit as indicated at top of page See Policy 3.4.7(b)

Table MIR-2, continued

Safety Compatibility Criteria

MCAS Miramar

Land Use Types / Typical Uses <ul style="list-style-type: none"> Multiple land use categories and compatibility criteria may apply to a project (see Policy 3.4.7) See Policy 3.4.7(c) for limits on ancillary uses ¹ 	CBC Group*	Safety Zone**				Criteria for Conditional (yellow) Uses <ul style="list-style-type: none"> Maximum intensity limits apply to all Conditional uses Abbreviations below refer to zones in which condition specified is applicable Numbers in yellow cells are Floor Area Ratio (FAR) limitations (see Policy 3.4.6(c) and End-note 4)
		CZ	APZ I	APZ II	TZ	
Maximum Intensity Limits (People/Acre) <ul style="list-style-type: none"> Applicable to nonresidential conditional land uses 		10	25	50	300	
Children Schools, K – 12	E-1, E-2					TZ: No new sites or land acquisition; building replacement/expansion/retrofit allowed for existing schools; expansion limited to ≤50 students See Policy 3.4.6(g)(1)
Day Care Centers (>14 children)	I-1.1, E-3					TZ: No new sites or land acquisition; building replacement/expansion/retrofit allowed for existing centers; expansion limited to ≤50 students See Policy 3.4.6(g)(1)
Family Day Care Homes (≤14 children)	I-1.1, E-3					TZ: Allowed in conjunction with compatible residential land uses; maximum intensity limit as indicated at top of page See Policy 3.4.6(g)(2)
Hospitals, Mental Hospitals, Other Medical Facilities with overnight patients [approx. 240 s.f./ person]	I-1.1, I-1.2				1.65	TZ: No new sites or land acquisition; FAR limit as indicated for expansion of existing facilities; maximum intensity limit as indicated at top of page See Policy 3.4.6(g)(3)
Health Care Centers, Other Medical Facilities (except doctors offices) without overnight patients [approx. 240 s.f./ person]	I-1.1, I-1.2				1.65	TZ: FAR limit as indicated; maximum intensity limit as indicated at top of page See Policy 3.4.6(g)(4)
Congregate Care Facilities (>5 clients): nursing homes, assisted living facilities [approx. 100 s.f./ person]	I-1.1, I-2				0.69	TZ: FAR limit as indicated; maximum intensity limit as indicated at top of page See Policy 3.4.6(g)(4)
Public Emergency Services Facilities: police stations (except jails), fire stations	B					
Public Inmate Facilities: prisons, reformatories	I-3					TZ: No new sites or land acquisition; building replacement/expansion allowed for existing facilities; must also meet applicable assembly facility criteria; maximum intensity limit as indicated at top of page See Policy 3.4.6(g)(6)
Transportation, Communications, and Utilities						
Airport Terminals	A-2.1					
Transportation Terminals: rail, bus, marine	A-2.1					
Truck Terminals	A-3					APZ I, APZ II: Fuel storage must be underground; maximum intensity limit as indicated at top of page
Small Transportation Hubs: bus stops	—					
Aircraft Storage	S-5					
Automobile Parking Structures	U-1					
Automobile Parking Surface Lots	—					
Street, Highway Rights-of-Way	—					

Table MIR-2, continued

Safety Compatibility Criteria

MCAS Miramar

Land Use Types / Typical Uses <ul style="list-style-type: none"> Multiple land use categories and compatibility criteria may apply to a project (see Policy 3.4.7) See Policy 3.4.7(c) for limits on ancillary uses ¹ 	CBC Group*	Safety Zone**				Criteria for Conditional (yellow) Uses <ul style="list-style-type: none"> Maximum intensity limits apply to all Conditional uses Abbreviations below refer to zones in which condition specified is applicable Numbers in yellow cells are Floor Area Ratio (FAR) limitations (see Policy 3.4.6(c) and End-note 4)
		CZ	APZ I	APZ II	TZ	
Maximum Intensity Limits (People/Acre) <ul style="list-style-type: none"> Applicable to nonresidential conditional land uses 		10	25	50	300	
Railroads, Public Transit Lines	—					
Primary Power Plants	—					APZ I, APZ II, TZ: No new sites or land acquisition/expansion of facilities on existing sites allowed if, after consultation with airport operator, ALUC determines that facility includes petrochemical storage or any uses that generate smoke, heat, or visibility hazards that could interfere with the safety of flight ³ APZ I: Major power lines must be underground ³ See Policy 3.4.6(h)(3)
Peaker Power Plants	—					APZ I, APZ II: No new sites or land acquisition/expansion of facilities on existing sites allowed if, after consultation with airport operator, ALUC determines that facility includes petrochemical storage or any uses that generate smoke, heat, or visibility hazards that could interfere with the safety of flight ³ APZ I: Major power lines must be underground ³ See Policy 3.4.6(h)(3)
Electrical Substations	—					APZ I: No new sites or land acquisition; replacement/expansion of facilities on existing sites allowed. Major power lines must be underground ³ APZ II: New substations must not cause electronic interference with aircraft. See Policy 3.4.6(h)(4)
Public Emergency Communications Facilities	—					APZ I, APZ II: No new sites or land acquisition; modification, replacement, expansion of facilities on existing sites allowed See Policy 3.4.6(h)(5)
Cell Phone Towers, Wind Turbines	U-2					APZ I, APZ II: No use of frequencies that can interfere with military communications or navigation frequencies; no airspace protection surface penetrations ³ See Policy 3.4.6(h)(6)
Agricultural and Other Uses						
Agricultural Lands: pasture, rangelands, field crops, grain crops, dry farming, vineyards	—					CZ: Subject to DOD standards (as specified in OPNAV Instruction 11010.36b and NAVFAC P-80.3) See Policy 3.4.6(i)(1)
Agricultural Buildings: barns, feed lots, stockyards, riding stables [approx. 1,000 s.f./person]	U-1		0.57			APZ I: FAR limit as indicated; maximum intensity limit as indicated at top of page See Policy 3.4.6(i)(2)
Wooded Areas: forests, tree farms, orchards	—					

Table MIR-2, continued

Safety Compatibility Criteria

MCAS Miramar

Land Use Types / Typical Uses <ul style="list-style-type: none"> Multiple land use categories and compatibility criteria may apply to a project (see Policy 3.4.7) See Policy 3.4.7(c) for limits on ancillary uses ¹ 	CBC Group*	Safety Zone**				Criteria for Conditional (yellow) Uses <ul style="list-style-type: none"> Maximum intensity limits apply to all Conditional uses Abbreviations below refer to zones in which condition specified is applicable Numbers in yellow cells are Floor Area Ratio (FAR) limitations (see Policy 3.4.6(c) and End-note 4)
		CZ	APZ I	APZ II	TZ	
Maximum Intensity Limits (People/Acre) <ul style="list-style-type: none"> Applicable to nonresidential conditional land uses 		10	25	50	300	
Lands with Low or No Vegetation: brush lands, deserts, beaches, flood hazard areas	—					CZ: Subject to DOD standards (as specified in OPNAV Instruction 11010.36b and NAVFAC P-80.3) See Policy 3.4.6(i)(1)
Mining & Extraction	—					APZ I, APZ II: No use of explosives; maximum intensity limit as indicated at top of page See Policy 3.4.6(i)(3)
Water: rivers, creeks, canals, wetlands, bays, lakes, reservoirs	—					CZ, APZ I, APZ II: Only if naturally occurring See Policy 3.4.6(i)(4)
Marinas	—					APZ I, APZ II: No group activities; maximum intensity limit as indicated at top of page See Policy 3.4.6(i)(5)
Large Group Recreation: team athletic fields, picnic areas	—					APZ II: Maximum intensity limit as indicated at top of page See Policy 3.4.6(i)(6)
Non-Group Recreation: golf courses, tennis courts, parks, camp grounds	—					APZ I, APZ II: Maximum intensity limits as indicated at top of page See Policy 3.4.6(i)(3)
Shooting Ranges	—					APZ II: Maximum intensity limit as indicated at top of page See Policy 3.4.6(i)(6)
Memorial Parks, Cemeteries	—					APZ I, APZ II: No places of assembly; maximum intensity limit as indicated at top of page See Policy 3.4.6(i)(7)
Wastewater Treatment and Disposal Facilities	—					APZ I, APZ II: No processing or utilization of hazardous materials; fuel storage must be underground; facilities must be designed and operated to avoid attracting birds ³ See Policy 3.4.6(i)(8)
Solid Waste Transfer Facilities, Recycle Centers	—					APZ I, APZ II: Facilities must be designed and operated to avoid attracting birds ³ See Policy 3.4.6(i)(8)
Solid Waste Disposal Facilities: landfills, incineration	—					
Legend						
	Incompatible: Use should not be permitted under any circumstances					
	Conditional: Use is acceptable if indicated Floor Area Ratio (FAR), Lot Coverage, and other listed conditions are met					
	Compatible: Use is acceptable without safety-related conditions (noise, airspace protection, and/or overflight limitations may apply)					
*	CBC Group: Refers to building occupancy types established by California Building Code (see Appendix D of this document for listing)					
**	Safety Zone: CZ (Clear Zone) APZ I (Accident Potential Zone I) APZ II (Accident Potential Zone II) TZ (Transition Zone)					

Table MIR-2, continued

Safety Compatibility Criteria

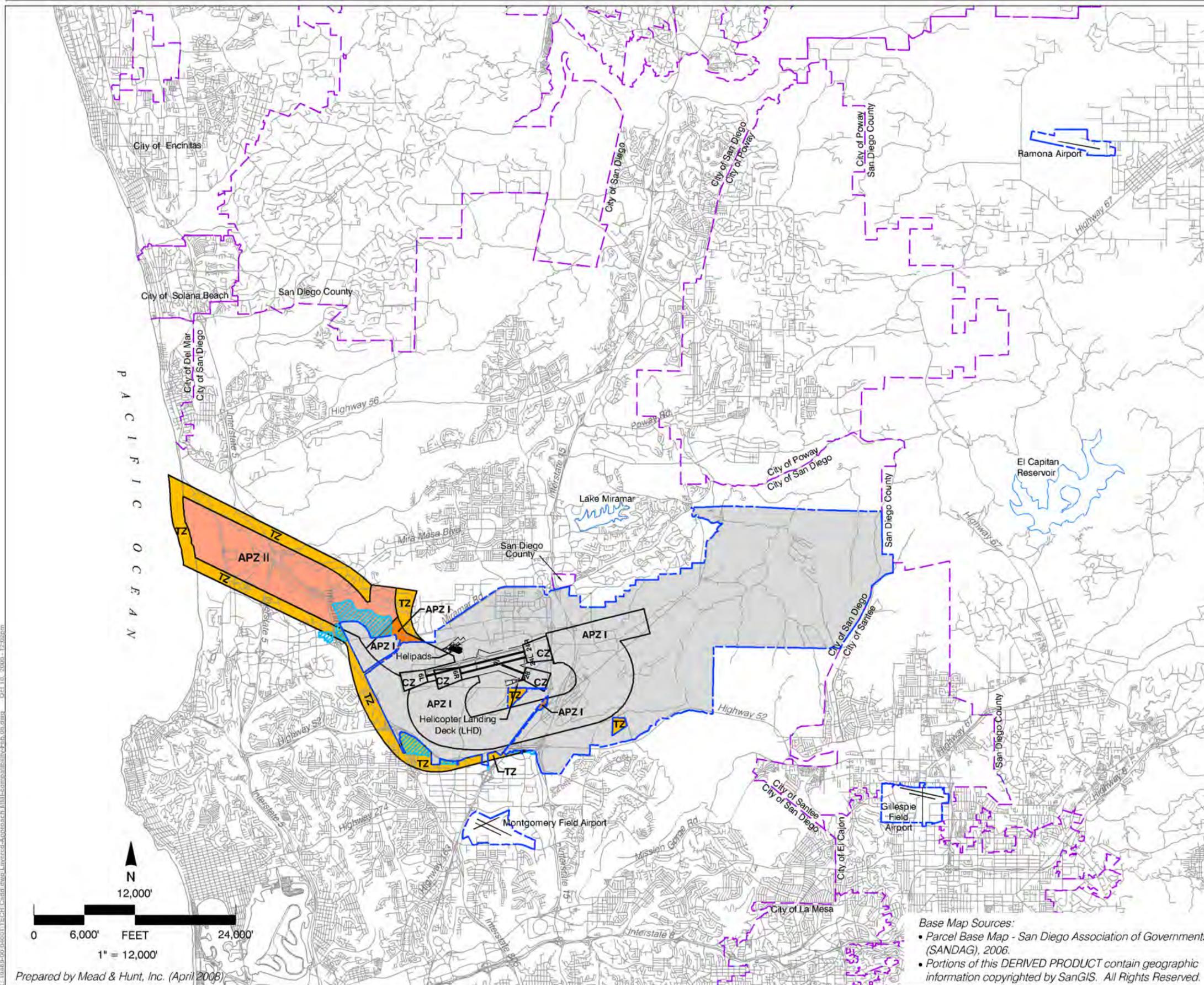
MCAS Miramar

Land Use Types / Typical Uses <ul style="list-style-type: none"> Multiple land use categories and compatibility criteria may apply to a project (see Policy 3.4.7) See Policy 3.4.7(c) for limits on ancillary uses ¹ 	CBC Group*	Safety Zone**				Criteria for Conditional (yellow) Uses <ul style="list-style-type: none"> Maximum intensity limits apply to all Conditional uses Abbreviations below refer to zones in which condition specified is applicable Numbers in yellow cells are Floor Area Ratio (FAR) limitations (see Policy 3.4.6(c) and End-note 4)
		CZ	APZ I	APZ II	TZ	
Maximum Intensity Limits (People/Acre) <ul style="list-style-type: none"> Applicable to nonresidential conditional land uses 		10	25	50	300	
Notes						
¹ Ancillary Uses: Land use types for which a FAR limit is listed in Table MIR-2 as a condition for acceptability in a particular safety zone may have up to 10% of the floor space devoted to an ancillary use of another type, even a use with a higher occupancy load factor, provided that the ancillary use is neither: (a) An assembly room having more than 750 square feet of floor area (this criterion is intended to parallel CBC standards); nor (b) A school, day care center, or other risk-sensitive use that is "incompatible" within the safety zone where the primary use is to be located. ² Hotels and motels are lodging types intended for stays by an individual person of no more than 25 days consecutively and no more than 90 days total per year; facilities for longer stays are in residential hotels category. ³ For clarity as well as consistency with AICUZ criteria, the evaluation of land uses herein includes factors that the military considers germane to safe operation of their facilities including, but not limited to, airspace obstructions, bird attractants, and other hazards to flight (land uses that generate smoke, heat, or visibility hazards that can cause an accident) and factors that put more people at risk should an accident occur. ⁴ FAR limitations may be exceeded provided that the project meets the applicable maximum intensity limits (people / acre) and that, as a condition of project approval: (i) the project provides a deed restriction regarding the maximum intensity limits for the project; and (ii) the project meets the applicable parking requirements consistent with the maximum intensity limits for the project.						

Table MIR-2, continued

Safety Compatibility Criteria

MCAS Miramar



Legend

Boundary Lines

- Airport Property
- Restrictive Use Easement
- Roads
- City Limits

Safety Zones¹

- CZ (Clear Zone)
 - APZ I (Accident Potential Zone I)
 - APZ II (Accident Potential Zone II)
 - TZ (Transition Zone)³
- } AICUZ Safety² Zones

Notes

1. See Table MIR-2 for criteria applicable within each zone.
2. CZ, APZ I, APZ II source: MCAS Miramar AICUZ (March 2005).
3. TZ source: Based on low-altitude flight track data as depicted in MCAS Miramar AICUZ (March 2005).



AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

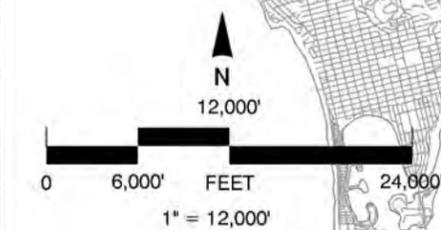
MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

Map MIR-2

Compatibility Policy Map:
Safety

Base Map Sources:

- Parcel Base Map - San Diego Association of Governments (SANDAG), 2006.
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Prepared by Mead & Hunt, Inc. (April 2008)

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3.5 AIRSPACE PROTECTION COMPATIBILITY POLICIES FOR MCAS MIRAMAR

- 3.5.1 *Evaluating Airspace Protection Compatibility for New Development:* The airspace protection compatibility of proposed land uses within the *ALA* of MCAS Miramar shall be evaluated in accordance with the policies in this section, including the *airspace protection surfaces* depicted on Map MIR-3, Compatibility Policy Map: Airspace Protection. The policies apply to all of the *airport influence area* (Review Area 1 and Review Area 2).
- 3.5.2 *Airspace Protection Surfaces:* For airspace protection compatibility planning purposes around MCAS Miramar, the *ALUC* shall use the *airspace protection surfaces* defined in accordance with the standards for military airports set forth in *Federal Aviation Regulations Part 77 (FAR Part 77)*. Specifically, the airspace protection compatibility area shall geographically consist of locations within the *FAR Part 77* primary surface and beneath the approach (to where it intersects the outer horizontal surface), transitional, horizontal, and conical surfaces together with locations within the Federal Aviation Administration notification area as described below, excluding the federally owned lands that comprise MCAS Miramar. This area and the surfaces that delineate it are depicted on Map MIR-4.
- (a) The *airspace protection surfaces* shown on Map MIR-3 are the same as the surfaces shown in Figure 5-1 of the *AICUZ*. These surfaces, as defined by Subpart C of *FAR Part 77*, establish the elevations above which any taller object or terrain is deemed to be an airspace obstruction. (See Policy 3.5.5 below and Section 77.28 in Appendix B of this *Compatibility Plan* for the text of the *FAR Part 77* standards for military airport *airspace protection surfaces*.)
 - (b) In addition to the primary, approach, transitional, horizontal, and conical surfaces, the *FAR Part 77* standards for military airports define an outer horizontal surface. This surface extends 30,000 feet beyond the limits of the conical surface and a total of 44,500 feet (8.4 miles) from the runway and lies at an elevation of 500 feet above the *Airport* elevation. Because the elevation of this surface is more than 200 feet above the ground level in most locations and also extends beyond the limits of the FAA notification area, locations beneath the outer horizontal surface that are outside the FAA notification area are excluded from the MCAS Miramar airspace protection compatibility area established for this *Compatibility Plan*.
 - (c) The FAA notification area is an area within which project proponents must notify the Federal Aviation Administration regarding proposed construction. (See Policy 3.5.4 below and *FAR Part 77*, Subpart B, in Appendix B herein). For MCAS Miramar, this area uses a 100:1 surface that extends 20,000 feet from the runways. For the purposes of this *Compatibility Plan*, the area lying within the FAA notification area is considered part of the airspace protection compatibility area.
- 3.5.3 *Measures of Airspace Protection Compatibility:* In establishing airspace protection policies, the *ALUC* relies upon regulations enacted by the Federal Aviation Administration and the state of California. The *ALUC* policies are intended to help implement the federal and state regulations. Specific regulations are referenced in subsequent policies of this section.

- (a) With *FAR Part 77*, the FAA has well-defined standards by which potential hazards to flight can be assessed. However, the agency has no authority to prevent creation of such hazards. That authority rests with state and local government.
- (b) State airspace protection standards for the most part mirror those of the FAA. A key difference is that state law gives the California Department of Transportation, *Division of Aeronautics* and local agencies the authority to enforce the standards.

3.5.4 *Requirements for FAA Notification of Proposed Construction:* Proponents of a project containing structures or other objects that may meet the notification criteria or exceed the height standards defined in *FAR Part 77*, Subpart C, as applied to MCAS Miramar must submit notification of the proposal to the Federal Aviation Administration where required by the provisions of *FAR Part 77*, Subpart B, and by the California Public Utilities Code, sections 21658 and 21659. (Notification to the FAA 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. See Appendix B of this *Compatibility Plan* for the complete text of *FAR Part 77*. The boundaries of the FAA notification area for MCAS Miramar are shown on Map MIR-3.) The FAA will conduct an "aeronautical study" of the object(s) and determine whether the object(s) would be of a height that would constitute a hazard to air navigation. These requirements apply to all objects including structures, antennas, trees, mobile objects, and temporary objects such as construction cranes.

- (a) Local agencies shall inform project proponents of the FAA notification requirements.
- (b) Any proposed development project that includes construction of a structure or other object and that is required to be submitted to the *ALUC* for a consistency review in accordance with Policy 2.6 of Chapter 2 shall include a copy of the completed *FAR Part 77* notification form to the FAA, if applicable, and of the resulting FAA findings from its aeronautical study (*i.e.*, notice of determination letter).
- (c) The requirements for notification to the FAA shall not trigger an airport compatibility review of an individual project by the *ALUC* unless the general plan of the local agency in which the project is to be located has not been determined by the *ALUC* to be consistent with this *Compatibility Plan*.

3.5.5 *ALUC Airspace Obstruction Criteria:* The *ALUC* criteria for determining the acceptability of a project with respect to height shall be based upon: the standards set forth in *FAR Part 77*, Subpart C; the *United States Standard for Terminal Instrument Procedures (TERPS)*; and applicable airport design standards published by the Federal Aviation Administration. Additionally, the *ALUC* shall, where an FAA aeronautical study of a proposed object has been required, take into account the results of that study.

- (a) Except as provided in Paragraphs (b) and (c) of this policy, no object, including mobile object such as a vehicle or temporary object such as construction crane, shall have a height that would result in penetration of the airspace protection surface depicted for MCAS Miramar in Map MIR-3, Compatibility Policy Map: Airspace Protection. By FAA definition, any object that penetrates one of these surfaces is deemed an *obstruction*.
- (b) Within the primary surface and beneath the approach or transitional surface, objects shall be limited in height consistent with the airspace protection surfaces defined by *FAR Part 77* and *TERPs* criteria. Elsewhere within the airspace protection area, no

object shall be limited to a height of less than 35 feet above the ground even if the object would penetrate *FAR Part 77* or *TERPs* and thus constitute an obstruction. *TERPs* is evaluated in the *AICUZ* through the *FAR Part 77* process.

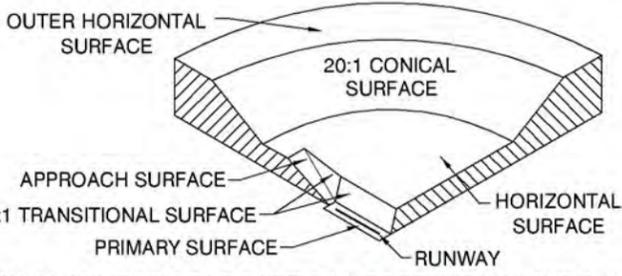
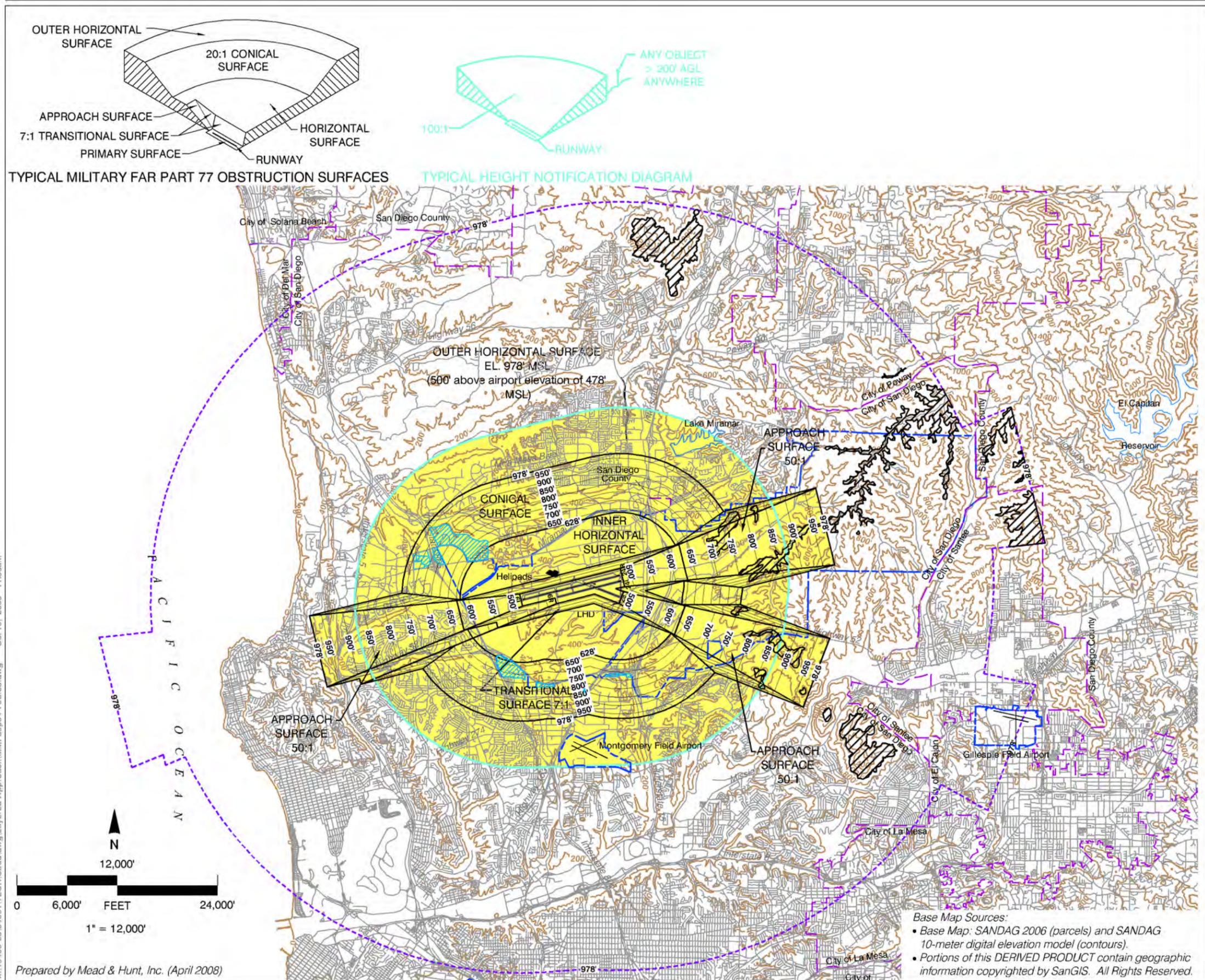
- (c) A proposed object having a height that exceeds the *Airport's* airspace protection surface is compatible with the airspace protection only if *all* of the following apply:
- (1) As the result of an aeronautical study, the FAA determines that the object would not be a hazard to air navigation; and
 - (2) FAA or other expert analysis conducted under the auspices of the ALUC or the airport operator concludes that, despite being an airspace obstruction (not necessarily a hazard), the object that would not cause any of the following:
 - = An increase in the ceiling or visibility minimums of the airport for an existing or planned instrument procedure (a planned procedure is one that is formally on file with the FAA);
 - = A diminution of the established operational efficiency and capacity of the airport, such as by causing the usable length of the runway to be reduced; or
 - = Conflict with the visual flight rules (VFR) airspace used for the airport traffic pattern or en route navigation to and from the airport; and
 - (3) Marking and lighting of the object will be installed as directed by the FAA aeronautical study or the Division of Aeronautics, and in a manner consistent with FAA standards in effect at the time the construction is proposed (Advisory Circular 70/7460-1J, Obstruction Marking and Lighting, or any later guidance); and
 - (4) The land use project/plan complies with all policies of this Compatibility Plan.

3.5.6 *Other Flight Hazards:* Land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft in flight or taking off or landing at the airport shall be allowed within the *airport influence area* only if the uses are consistent with FAA rules and regulations.

- (a) Specific characteristics to be avoided include:
- (1) Sources of glare (such as from mirrored or other highly reflective buildings or building features) or bright lights (including search lights and laser light displays);
 - (2) Distracting lights that could be mistaken for airport lights;
 - (3) Certain colors of neon lights—especially red and white—that can interfere with night vision goggles used by military pilots;
 - (4) Sources of dust, steam, or smoke that may impair pilot visibility;
 - (5) Sources of electrical interference with aircraft communications or navigation; and
 - (6) Any proposed use that creates an increased attraction for wildlife and that is inconsistent with FAA rules and regulations including, but not limited to, FAA Order 5200.5A, Waste Disposal Sites on or Near Airports, and Advisory Circular 150/5200-33, Hazardous Wildlife Attractants On or Near Airports. Of

particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight.

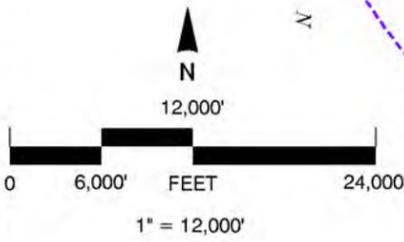
- (b) To resolve any uncertainties with regard to the significance of the above types of flight hazards, local agencies should consult with FAA and MCAS Miramar.



- Legend**
- Boundary Lines**
- Airport Property Line
 - Roads
 - - - City Limits
 - ~ Topographic Contours (200-foot contour interval)
 - ▨ Restrictive Use Easement
- Airspace Protection Surfaces**
- FAA Height Notification Area
 - FAR Part 77 Obstruction Surfaces
 - - - FAR Part 77 Outer Boundary
 - ▨ High Terrain Zone
 - ▨ Airspace Protection Compatibility Area

Notes

1. Airfield elevation is 478 feet above mean sea level (MSL).



AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

Map MIR-3

**Compatibility Policy Map:
Airspace Protection**

Base Map Sources:

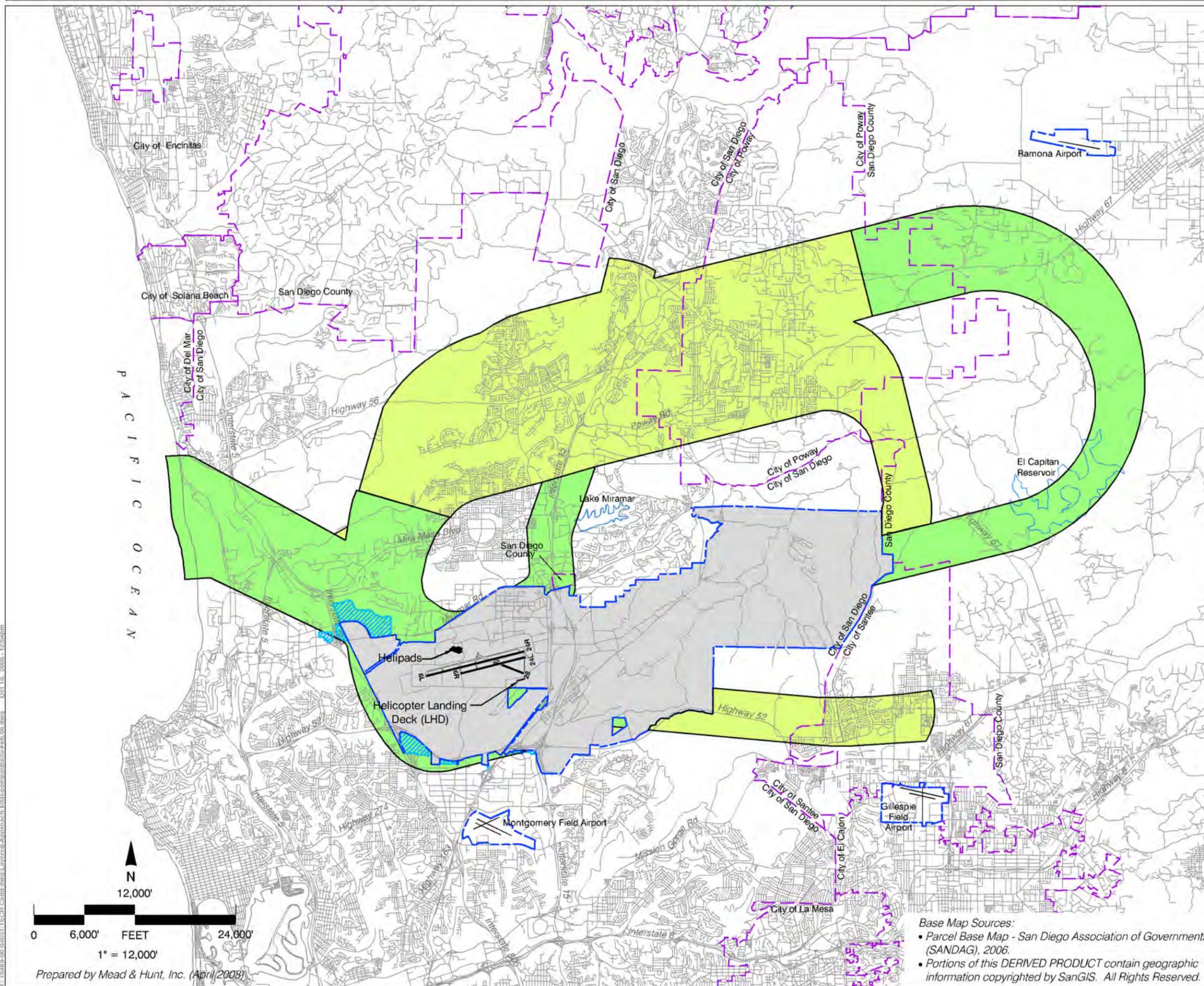
- Base Map: SANDAG 2006 (parcels) and SANDAG 10-meter digital elevation model (contours).
- Portions of this DERIVED PRODUCT contain geographic information copyrighted by SanGIS. All Rights Reserved.

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3.6 OVERFLIGHT COMPATIBILITY POLICIES FOR MCAS MIRAMAR

- 3.6.1 *Overflight Compatibility Criteria for New Development:* The overflight compatibility of proposed land uses within the *ALA* of MCAS Miramar shall be evaluated in accordance with the policies set forth in this section together with the overflight layer depicted on Map MIR-4 of this chapter. The policies apply to all of the *airport influence area* (Review Area 1 and Review Area 2), except the federal lands that comprise MCAS Miramar.
- 3.6.2 *Overflight Notification:* In addition to the *Real Estate Disclosure* documents required by State law (*see* Policy 3.7.2), an *Overflight Notification* document shall be recorded for any *local agency* approval of residential land use development within the area indicated on Map MIR-4, Compatibility Policy Map: Overflight.
- (a) The *Overflight Notification* document shall contain the language indicated in Appendix F.
 - (b) Recordation of an *Overflight Notification* document is not required for nonresidential development.
 - (c) Nothing in this policy is intended to prevent a local land use jurisdiction from adopting and implementing an expanded form of the overflight notification area or *Overflight Notification* document.

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Legend

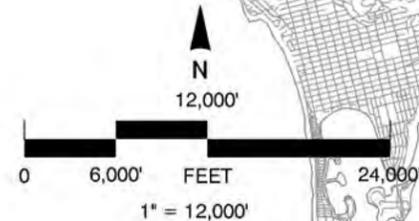
- Boundary Lines**
- Airport Property
 - Restrictive Use Easement
 - Roads
 - City Limits

Overflight Zones

- Overflight Notification Area
- Overflight-Related Real Estate Disclosure Area ¹

Notes

1. See Airport Influence Area Map for the real estate disclosure area.



Prepared by Mead & Hunt, Inc. (April 2008)



AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

Map MIR-4

Compatibility Policy Map:
Overflight

Base Map Sources:

- Parcel Base Map - San Diego Association of Governments (SANDAG), 2006.
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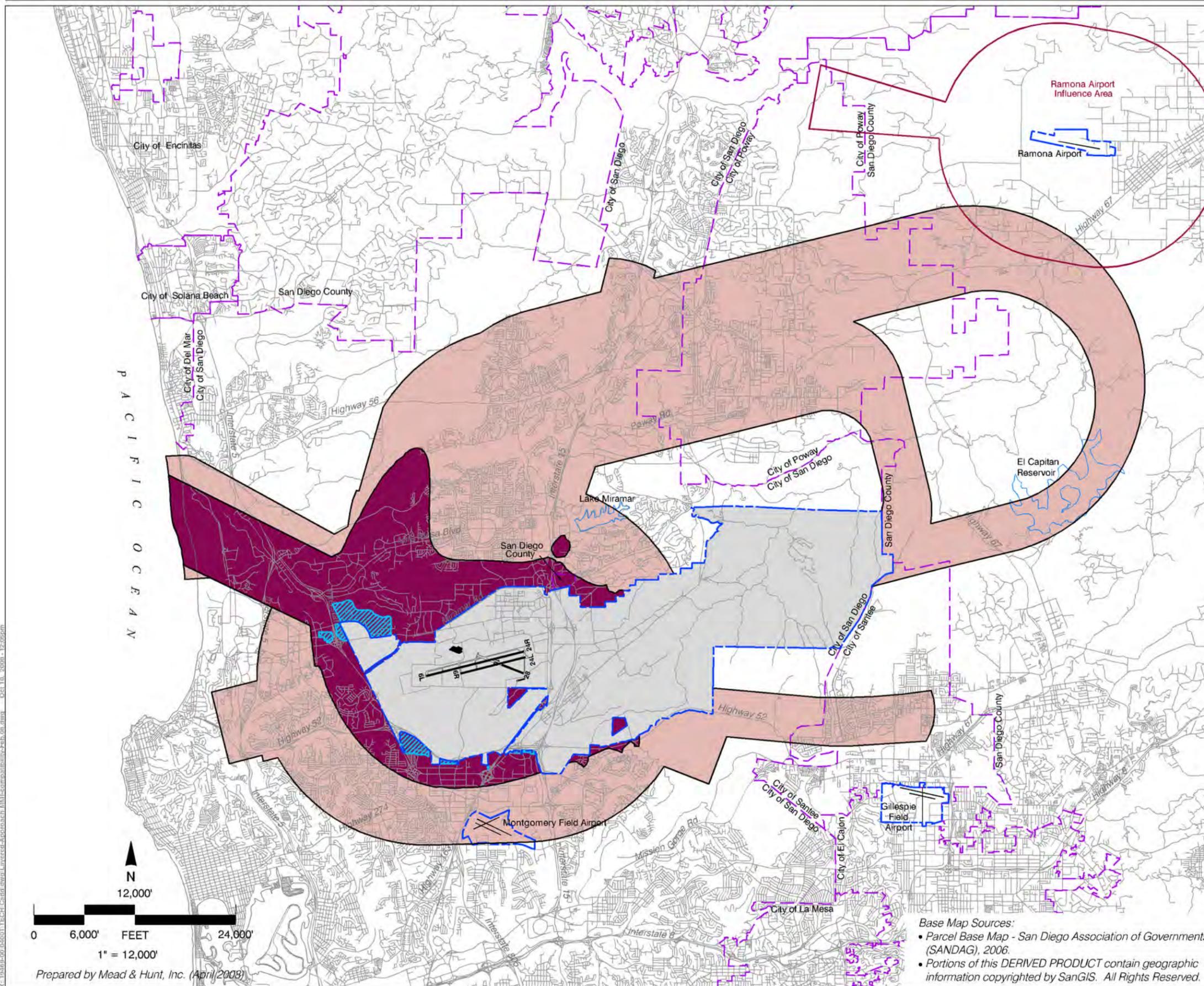
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3.7 AIRPORT INFLUENCE AREA POLICIES FOR MCAS MIRAMAR

- 3.7.1 *Geographic Area:* The *airport influence area* of MCAS Miramar geographically encompasses all locations covered by the four individual compatibility factor layers identified in the preceding sections. This composite area is depicted in Map MIR-5. The boundaries of Review Areas 1 and 2 as described in Policy 2.5 of Chapter 2 are shown as well. The following real estate transfer disclosure policy applies to the entire *airport influence area*.
- 3.7.2 *State Law Requirements Regarding Real Estate Disclosure:* Effective January 1, 2004, California state statutes (Bus. & Prof. Code, §11010; Civ. Code, §§1102.6, 1103.4, 1353) require that, as part of many residential real estate transactions, information be disclosed regarding whether the property is situated within an *ALA*.
- (a) These state requirements apply to the sale or lease of newly subdivided lands and condominium conversions, and to the sale of certain existing residential property.
 - (b) The statutes define an *airport influence area* as "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."
 - (1) The airport influence area for the MCAS Miramar is identified on Map MIR-5.
 - (2) For the purposes of compliance with the state statutes, San Diego County Airport Land Use Commission policy is that the disclosure requirements shall apply within all of the airport influence area (Review Area 1 and Review Area 2).
 - (c) Where disclosure is required, the state statutes dictate that the following statement shall be provided:

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.
 - (d) For the purposes of this *Compatibility Plan*, the disclosure provisions of state law are deemed mandatory for *new* development and shall continue in effect as *ALUC* policy even if the state law is revised or rescinded. Also *ALUC* policy requires that signs providing the above notice be prominently posted in the real estate sales office and/or other key locations at any new development within the *airport influence area* (Review Area 1 and Review Area 2).
 - (e) Although not required by state law, the recommendation of the *ALUC* is that the above airport proximity disclosure should be provided as part of *all* real estate transactions involving private property within the *ALA* (Review Area 1 and Review Area 2), especially any sale, lease, or rental of residential property. Furthermore, the *ALUC* recommends that each land use jurisdiction affected by this *Compatibility Plan* adopt a

policy designating these areas as the places where disclosure of airport proximity is required under state law or is otherwise appropriate. Although strongly encouraged, adherence to this policy is not mandatory as it applies to *existing land uses* over which the *ALUC* does not have authority.



Legend

- Boundary Lines**
- Airport Property
 - Restrictive Use Easement
 - Roads
 - City Limits
 - Ramona Airport Influence Area (Adopted)

Airport Influence Area

- Review Area 1
- Review Area 2

Notes

1. Real Estate Disclosure required in the entire Airport Influence Area (see Policy 3.7.2).



AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

Map MIR-5

Compatibility Policy Map:
Airport Influence Area

Base Map Sources:

- Parcel Base Map - San Diego Association of Governments (SANDAG), 2006.
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Chapter 4

Background Data: MCAS Miramar and Environs



AIRPORT LAND USE COMPATIBILITY
PLAN

Background Data: MCAS Miramar and Environs

4.1 INTRODUCTION

MCAS Miramar provides aviation and other facilities and services in support of various Marine Corps and Navy operating units. Established as a military base in 1917 and an airfield during World War II, the base has undergone several changes in command among the Army (briefly), then the Navy and Marine Corps. Miramar and its facilities have expanded over time as well. Today it encompasses a 36-square mile area situated within the northern part of the city of San Diego and straddling Interstate 15. The freeway divides the base into two functionally distinct areas. The airfield and related aviation and industrial facilities occupy the western portion while the eastern side is largely open land used for various training purposes. MCAS Miramar is designated as a master jet facility and serves both fixed and rotary-wing aircraft. It has three runways, one helicopter landing deck strip, and six helipads.

The *Marine Corps Air Station Miramar Air Installations Compatibility Use Zones (AICUZ) Update* (March 2005) indicates that the maximum presently authorized mission of the airfield is 112,242 annual aircraft operations. The majority of fixed-wing aircraft operations are conducted on Runway 24R, the only runway with precision instrument approach capabilities. Helicopter operations are primarily conducted on either the 1,000-foot long helicopter landing strip or one of the helipads. As noise abatement measures, fixed and rotary-wing flight routes have been designed to follow major rail lines and highways or to remain over base property.

Historically, the *Airport* sat far from the urbanized areas of the San Diego metropolitan area. The last two decades, though, have seen urbanization surround the base. Even so, nearby land uses remain largely compatible with current and foreseeable maximum mission military aircraft operations.

The following exhibits illustrate the compatibility factors which are the basis for the MCAS Miramar compatibility maps included in Chapter 3.

- ▶ *MIR-1 and MIR-2, Airport Features and Airport Diagram* — Reflect major features of MCAS Miramar.

- ▶ *MIR-3 and MIR-4, Airport Activity Data and Noise Contours* — Reflect maximum mission aircraft activity data and the resulting noise contours.
- ▶ *MIR-5, Airport Environs* — Contains land use information for the jurisdictions in the vicinity of MCAS Miramar.
- ▶ *MIR-6 and MIR-7A-H, Existing and Planned Land Use Information* — Graphically depicts the land use designations from each of the *local agencies* within the *airport influence area*.
- ▶ *MIR-8, Airport Aerial* — An aerial photo depicting the *Airport* and its environs.
- ▶ *MIR-9, Compatibility Data: Noise* — The mapped noise contours represent the maximum mission of 112,242 annual operations, as presented in the *AICUZ*. These operations consist of approximately 70% fixed-wing aircraft and 30% helicopters. The flight tracks for fixed-wing and helicopter traffic patterns also are shown on the map to indicate the approximate areas commonly overflown by aircraft arriving, departing, or engaging in closed-circuit flight training at the *Airport*. *High terrain zones* (penetrations of the *FAR Part 77* surfaces) are shown as well.
- ▶ *MIR-10, Compatibility Data: Safety* — Fixed-wing and helicopter traffic patterns are shown in conjunction with the *AICUZ CZ*, *APZ I*, and *APZ II*. The *TZ* is based upon low-altitude flight track locations depicted in the *AICUZ*.
- ▶ *MIR-11, Compatibility Data: Airspace Protection* — The *Federal Aviation Regulations Part 77* airspace surfaces depict the areas which should be kept free of obstructions. These areas should be protected for the safe and efficient use of navigable airspace by aircraft.

In addition to the primary, approach, transitional, horizontal, and conical surfaces, the *FAR Part 77* standards for military airports define an outer horizontal surface. Because the elevation of this surface is more than 200 feet above the ground level in most locations and also extends beyond the limits of where FAA notification of new construction is required, locations beneath the outer horizontal surface that are outside the FAA notification area have been excluded from the *airport influence area* (see Policy 3.5.2 in Chapter 3).

- ▶ *MIR-12, Compatibility Data: Overflight* — Two distinct overflight zones are shown; the overflight notification area and the overflight-related real estate disclosure area. The overflight notification area applies to locations where fixed-wing aircraft fly at less than 3,000' above ground level and/or helicopters fly at less than 1,500' above ground level. The overflight-related real estate disclosure area encompasses areas where aircraft fly at less than 5,000' above mean sea level. Areas which are subject to the *Overflight Notification* document requirement also are subject to *Real Estate Disclosure* documents.

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GENERAL INFORMATION

- ▶ *Airport Ownership:* U.S. Navy
- ▶ *Year Opened:* 1943
- ▶ *Property Size:* 23,000 acres (fee title)
- ▶ *Airport Classification:* Military
- ▶ *Airport Elevation:* 478 ft. MSL (estimated)

RUNWAY/TAXIWAY DESIGN

Runway 6L-24R

- ▶ *Dimensions:* 12,000 ft. long, 200 ft. wide
- ▶ *Surface Type:* Concrete
- ▶ *Runway Lighting*
 - › High Intensity Runway Edge Lights (HIRL)
 - › Runway Centerline Lights
 - › Runway 24R: Approach Lighting System (ALSF)
- ▶ *Primary Taxiways:* Full-length parallel taxiway on north

Runway 6R-24L

- ▶ *Dimensions:* 8,000 ft. long, 200 ft. wide
- ▶ *Surface Type:* Concrete and asphalt
- ▶ *Runway Lighting*
 - › High Intensity Runway Edge Lights (HIRL)
- ▶ *Primary Taxiways:* Full-length parallel taxiway on north

Runway 10-28

- ▶ *Dimensions:* 2,800 ft. long, 200 ft. wide
- ▶ *Surface Type:* Concrete
- ▶ *Runway Lighting*
 - › High Intensity Runway Edge Lights (HIRL)
- ▶ *Primary Taxiways:* Exit taxiway at east end

BUILDING AREA

- ▶ *Aircraft Parking Location*
 - › Building area northeast of airfield
- ▶ *Aircraft Parking Capacity:* Data not available
- ▶ *Other Facilities:* Air Traffic Control Tower (ATCT)
- ▶ *Services:* J5 Fuel

PLANNED FACILITY IMPROVEMENTS

- ▶ No changes are proposed

APPROACH PROTECTION

- ▶ *Clear Zones*
 - › All Runways: All on base property
- ▶ *Approach Obstacles:* None

AIRPORT PLANNING DOCUMENTS

- ▶ *Air Installation Compatible Use Zone Study*
 - › Approved 2005 by U.S. Marine Corps

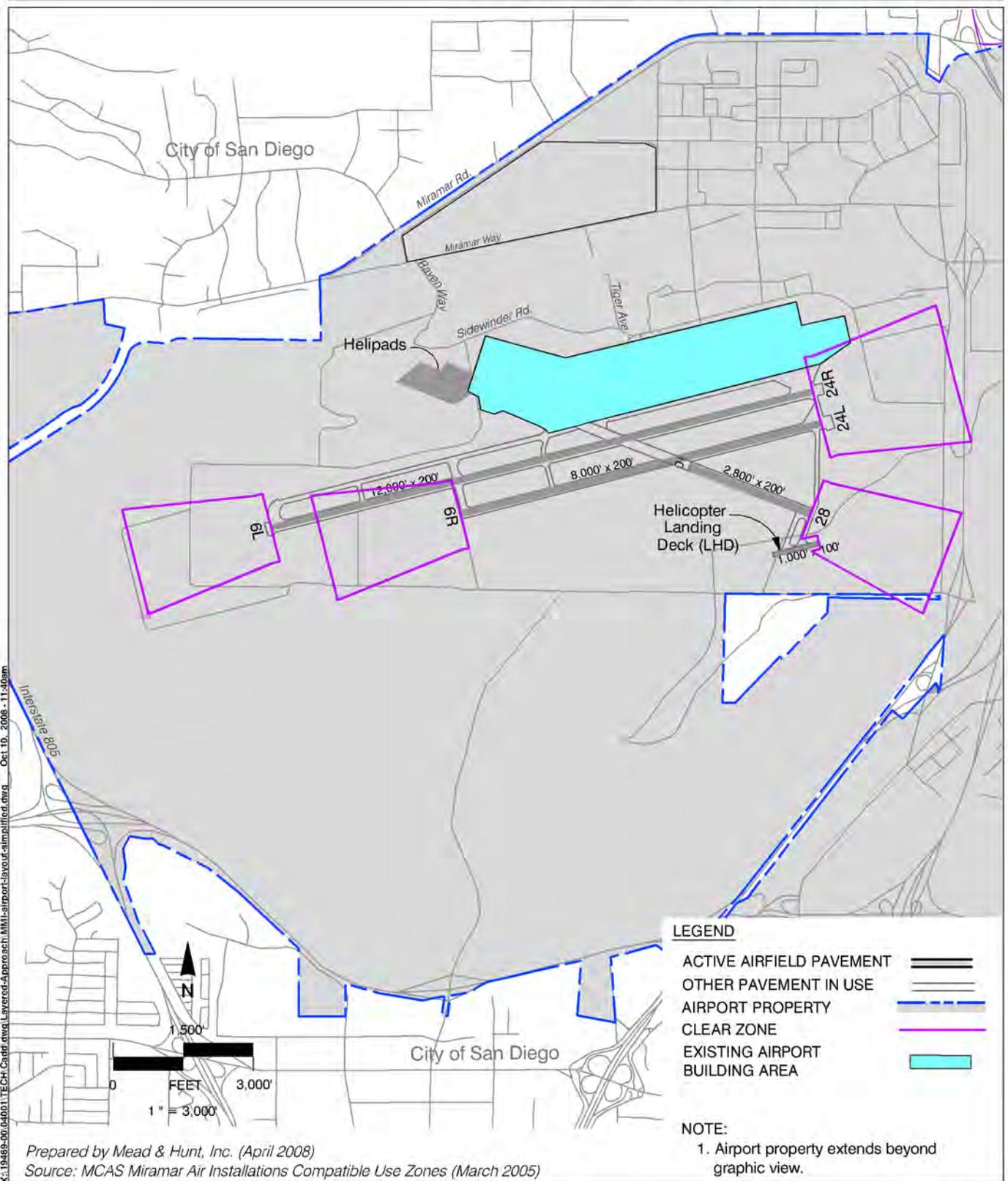
TRAFFIC PATTERNS AND APPROACH PROCEDURES

- ▶ *Airplane Traffic Patterns*
 - › All Runways: Left traffic
- ▶ *Instrument Approach Procedures*
 - › Runway 24R ILS:
 - Straight-in: ½ mi. visibility, 200 ft. descent height
 - Straight-in PAR: ¼-mi. visibility, 100 ft. descent ht.
 - Straight-in LOC/DME: ½-mi. visibility, 600 ft. descent height
 - Circling: 1 mi. visibility, 600 ft. descent height
 - › Runway 24R TACAN:
 - Straight-in: ½ mi. visibility, 600 ft. descent height
 - Circling: 1 mi. visibility, 600 ft. descent height
 - Straight-in PAR 24R: ¼ mi. visibility; 100 ft. descent height
 - Straight-in PAR 24L: ½-mi. visibility; 100 ft. descent height
 - Side-Step 24L: 1 mi. visibility; 600 ft. descent height
- ▶ *Visual Approach Aids*
 - › Airport: Beacon
 - › Runway 6L-24R, 28: Optical Landing System (OLS)
 - › Runways 6L-24R, 6R- 24L: PAPI (3.0° angle)
- ▶ *Operational Restriction / Noise Abatement Procedures*
 - › Private use, permission required prior to landing
 - › Noise abatement strictly enforced, mandatory procedures and course rules; all transient aircraft must review and sign Noise Abatement form with flight planning
 - › 24-hour prior notice for aircraft with hazardous cargo
 - › Heavy aircraft landing/takeoff authorized on Runway 6L-24R only
 - › Extensive general aviation traffic all altitudes, all directions near airfield; glider activity near Torrey Pines golf course
 - › Traffic pattern reduced runway separation standards in effect U.S. Navy/U.S. Marine Corp aircraft operations on parallel runway 700 ft. apart
 - › Multiple practice approach Runway 6L and Runway 6R not authorized
 - › Runway 10 not available and Runway 28 emergency use only

Exhibit MIR-1

Airport Features Summary

MCAS Miramar



Prepared by Mead & Hunt, Inc. (April 2008)
Source: MCAS Miramar Air Installations Compatible Use Zones (March 2005)

Exhibit MIR-2

Airport Diagram

MCAS Miramar

BASED AIRCRAFT			RUNWAY USE DISTRIBUTION			
	<i>Current</i> 2002	<i>Future</i> Max Mission	<i>Fixed-Wing Aircraft</i>	<i>Current</i>	<i>Future</i> Max Mission	
<i>Fixed Wing Aircraft</i>			Takeoffs/Landings/GCA			
F/A-18A/C/D	126		Runway 24R	100%		
Lockheed KC-130	12		Touch-and-go			
Beech UC12/35	3	Data Not Available	Runway 24R	50%		
			Runway 24L	50%		
<i>Helicopters</i>			FCLP			
Boeing CH-46	48		Runway 24L	100%		
Sikorsky CH-53E	64		<i>Helicopters</i>			
<i>Total</i>	<i>253</i>		Landings			
			Runway 24R	40%	No Change	
			Helipad 3	60%		
			Takeoffs			
			Runway 24R	30%		
			Helipad 5	70%		
			Touch-and-go			
			Runway 24R	1%		
			Runway 24L	9%		
			Helipad 1	40%		
			LHD	50%		
			GCA			
			Runway 24R	100%		
			<hr/>			
AIRCRAFT OPERATIONS			TIME OF DAY DISTRIBUTION			
	<i>Current</i> 2002	<i>Future</i> Max Mission		<i>Day</i>	<i>Evening</i>	<i>Night</i>
<i>Total</i>			<i>Fixed Wing</i>			
Annual	101,472	112,242	<i>F-18</i>			
Average Day	278	307	Landings			
<i>Distribution by Aircraft Type</i>			Straight-in	85%	11%	4%
<i>Fixed Wing Aircraft</i>			Overflight	92%	7%	1%
F/A-18A/C/D	61%	60%	Takeoffs			
Lockheed KC-130	8%	8%	Seawolf (west)	90%	9%	1%
Beech UC-35	0.4%	0.4%	Julian (north)	87%	11%	2%
Raytheon T-34	0.9%	0.9%	Touch-and-go	79%	17%	4%
Raytheon C-12	1%	1%	FCLP	55%	29%	16%
<i>Helicopters</i>			GCA	49%	45%	6%
Boeing CH-46	15%	15%	<i>KC-130</i>			
Sikorsky CH-53E	11%	12%	Landings			
Transient Helos	2%	2%	Straight-in	55%	11%	34%
<i>Distribution by Type of Operation</i>			Overflight	89%	11%	0%
<i>Local/Closed Pattern</i>			Takeoffs	92%	7%	1%
<i>Fixed Wing Aircraft</i>			Touch-and-go	67%	25%	8%
F/A-18A/C/D	41%		GCA	93%	7%	0%
Lockheed KC-130	84%	No Change	<i>Helicopters</i>			
Beech UC-35	7%		<i>CH-46</i>			
Raytheon T-34	21%		Landings	77%	13%	10%
Raytheon C-12	19%		Takeoffs	88%	8%	4%
<i>Helicopters</i>			Touch-and-go			
Boeing CH-46	54%		LHD	57%	34%	10%
Sikorsky CH-53E	55%		Other facilities	74%	24%	2%
Transient Helos	48%		GCA	76%	19%	5%
<i>Itinerant</i>			<i>CH-53</i>			
<i>Fixed Wing Aircraft</i>			Landings	79%	13%	8%
F/A-18A/C/D	59%	No Change	Takeoffs	84%	13%	3%
Lockheed KC-130	16%		Touch-and-go			
Beech UC-35	93%		LHD	64%	24%	12%
Raytheon T-34	79%		Other facilities	87%	8%	5%
Raytheon C-12	81%		GCA	82%	17%	1%
<i>Helicopters</i>						
CH-46	46%					
CH-53E	45%					
Transient Helos	52%					

Exhibit MIR-3

Airport Activity Data Summary

MCAS Miramar

FLIGHT TRACK USAGE*F/A-18*

- ▶ *Landings, Runway 24R*
 - › 50% straight-in (30% north, 15% east, 5% south)
 - › 50% overhead (20% east, 15% north, 15% south)
- ▶ *Takeoffs, Runway 24R*
 - › 50% Seawolf (west)
 - › 50% Julian (north)
- ▶ *Touch-and-go, Runway 24R*
 - › 100% Left turn (south)
- ▶ *GCA, Runway 24R*
 - › 100% Right turn (north)
- ▶ *Touch-and-go, Runway 24L*
 - › 100% Left turn (south)
- ▶ *FCLP Runway 24L*
 - › 100% Left turn (south)

KC-130

- ▶ *Landings, Runway 24R*
 - › 20% Straight-in (12% north, 6% east, 2% south)
 - › 80% Overhead (32% east, 24% north, 24% south)
- ▶ *Takeoffs, Runway 24R*
 - › 43% Seawolf (west)
 - › 57% Julian (north)
- ▶ *Touch-and-go, Runway 24R*
 - › 100% Left turn (south)
- ▶ *GCA, Runway 24R*
 - › 100% Right turn (north)
- ▶ *Touch-and-go, Runway 24L*
 - › 100% Left turn (south)

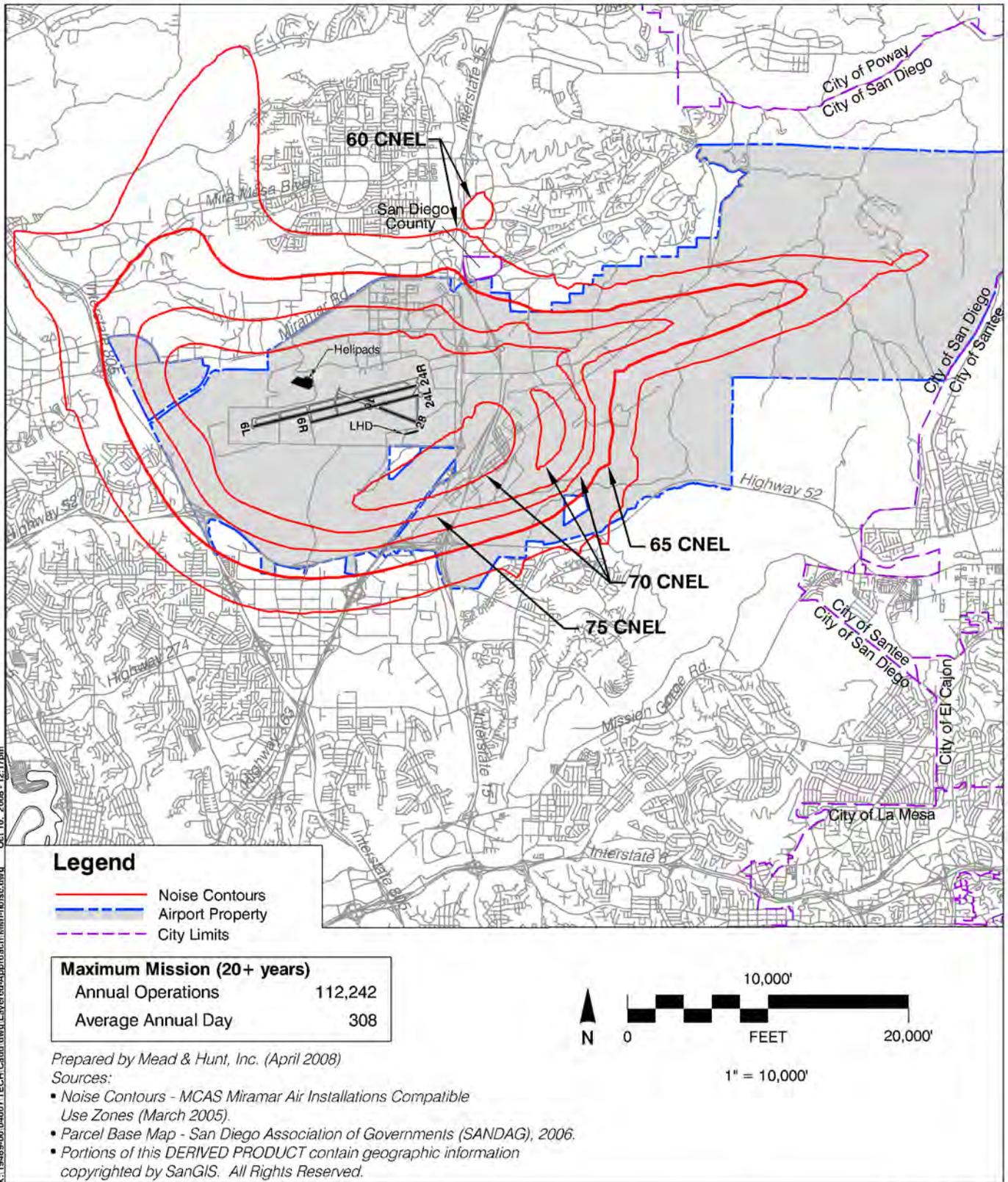
Helicopters

- ▶ *Landings, Runway 24R/Helipad 3*
 - › 60% Fairway (West)
 - › 15% Beach (West)
 - › 15% I-15 (North)
 - › 10% Yuma (East)
- ▶ *Takeoffs, Runway 24R/Helipad 5*
 - › 60% Fairway (West)
 - › 15% Beach (West)
 - › 15% I-15 (North)
 - › 10% Yuma (East)
- ▶ *Touch-and-go, Runway 24R, 24L, LHD*
 - › 100% Left turn (south)
- ▶ *Touch-and-go, Pad 1*
 - › 100% Right turn (south)
- ▶ *GCA, Runway 24R*
 - › 100% Right turn (north)

Sources: 1) Marine Corps Air Station Miramar *Air Installations Compatible Use Zones (AICUZ) Update* (March 2005)
 2) Aircraft Noise Study for Marine Corps Air Station Miramar, CA. Prepared by Wyle Laboratories (November 2004)

Exhibit MIR-3, continued

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Exhibit MIR-4

Noise Contours — Maximum Mission MCAS Miramar

<p>AIRPORT SITE</p> <ul style="list-style-type: none"> ▶ <i>Location</i> <ul style="list-style-type: none"> › Northern section of the City of San Diego ▶ <i>Nearby Terrain</i> <ul style="list-style-type: none"> › Generally level terrain, hills to the east 	<p>AIRPORT ENVIRONS LAND USE JURISDICTIONS</p> <ul style="list-style-type: none"> ▶ <i>City of San Diego</i> <ul style="list-style-type: none"> › Base entirely within city limits ▶ <i>County of San Diego</i> <ul style="list-style-type: none"> › Borders the base to the east ▶ <i>City of Poway</i> <ul style="list-style-type: none"> › Located northeast of base property ▶ <i>City of Santee</i> <ul style="list-style-type: none"> › Borders the base to the east
<p>STATUS OF COMMUNITY PLANS</p> <ul style="list-style-type: none"> ▶ <i>City of San Diego</i> <ul style="list-style-type: none"> › General Plan adopted 1979; draft update 2007 › Kearny Mesa Community Plan adopted October 1992; updated January 2006 › Mira Mesa Comm. Plan adopted 1992; updated 2006 › Scripps Miramar Ranch Community Plan adopted 1978; updated 2006 › Tierrasanta Community Plan adopted July 1992; updated January 2007 › University City Community Plan adopted July 1987; updated 2005 	<p>PLANNED AIRPORT AREA LAND USES</p> <ul style="list-style-type: none"> ▶ <i>City of San Diego</i> <ul style="list-style-type: none"> › North: Residential, Commercial, Industrial, Institutional & Open Space › South: Residential, Commercial, Industrial, Institutional & Open Space › East: Residential, Commercial, Industrial, Institutional & Open Space › West: Residential, Commercial & Public/Semi Public Lands
<p>EXISTING AIRPORT AREA LAND USES</p> <ul style="list-style-type: none"> ▶ <i>General Character</i> <ul style="list-style-type: none"> › Developed to north, south, and west; undeveloped to the east ▶ <i>Runway Approaches</i> <ul style="list-style-type: none"> › West (Runway 6L): Commercial, Communication Utilities/Parking, Industrial (Warehouse/Storage); › East (Runway 24R): Commercial, Industrial (Warehouse/Storage), Park/Open Space, Extractive Industry, › North (Runway 10): Commercial, Industrial (Warehouse/Storage), Park/Open Space, Extractive Industry › South (Runway 28): Transportation/Yards, Park/Open Space, Commercial, Industrial (Warehouse/Storage), Institutional, Communication Utilities/Parking 	
<p>ESTABLISHED AIRPORT COMPATIBILITY MEASURES</p> <ul style="list-style-type: none"> ▶ <i>City of San Diego General Plan (2007 Public Review Draft)</i> <ul style="list-style-type: none"> › “Encourage noise-compatible land use within airport influence areas in accordance with federal and state noise standards and guidelines” (NE-D.1) › “Limit future residential uses within airport influence areas to the 65 dBA CNEL airport noise contour, except for multiple-unit, mixed-use, and live work residential uses within the San Diego International airport influence area in areas with existing residential uses and where a community plan and the Airport Land Use Compatibility Plan allow future residential uses” (NE-D.2) › “Discourage outdoor uses in areas where people could be exposed to prolonged periods of high aircraft noise levels greater than the 65 dBA CNEL airport noise contour where aircraft operations would expose people to prolonged periods of high noise levels” (NE-D.64) 	<ul style="list-style-type: none"> › “Study single event noise levels in areas exposed to aircraft noise levels greater than the 60 dBA CNEL airport noise contour for discretionary development projects with residential and other noise-sensitive uses.” (NE-D.75) › “Encourage civilian and military airport operators, to the extent practical, to monitor aircraft noise, implement noise-reducing operation measures, and promote pilot awareness of where aircraft noise affects noise-sensitive land uses” (NE-D.7) ▶ <i>City of San Diego General Plan (1979)</i> <ul style="list-style-type: none"> › “Limit building heights and land use intensities beneath airport approach and departure paths” (TE p. 96) ▶ <i>City of San Diego Municipal Code</i> <ul style="list-style-type: none"> › No construction or alteration resulting in permanent encroachment within 50 feet of FAA approach path › Proposals to increase dwelling units within the Airport Environs Overlay Zone require avigation easements

Exhibit MIR-5

Airport Environs Information

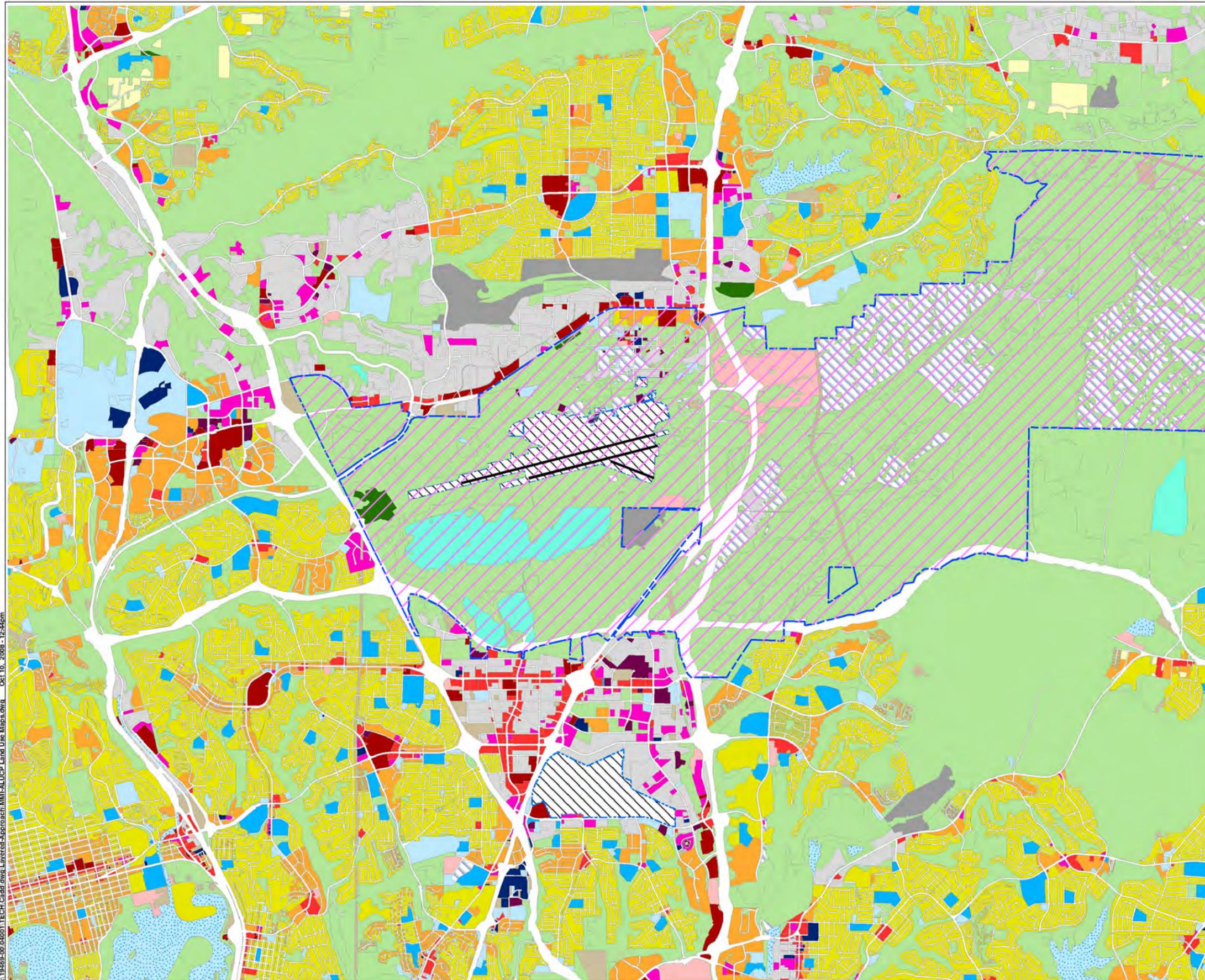
MCAS Miramar

- ▶ *Kearny Mesa Community Plan (updated 2006)*
 - ▶ 60 CNEL - mitigation req'd to reduce interior levels to 45 dB. 65 CNEL- residential not suitable. 70 CNEL- office uses, churches, and indoor arenas not permitted (AE – pg. 102)
 - ▶ "Hotel development should not be located where noise impacts exceed 65 decibels or Community Noise Equivalent Levels (CNEL) without mitigating interior noise levels to 45 CNEL." (IE – p. 38)
- ▶ *Mira Mesa Community Plan (updated 2006)*
 - ▶ The City shall ensure that all projects under the Navy's flight pattern are reviewed for conformance with the CLUP for Miramar
- ▶ *Scripps Miramar Ranch Community Plan (updated 2006)*
 - ▶ "Support the reduction or elimination of aircraft and motor noise and potential safety and environmental hazards." (J. – CEE pg. 57)
 - ▶ "The U.S. Navy should institute a long-range program for controlling and reducing noise emanating from Miramar Naval Air Station. U.S. Navy cooperation in achieving community goals should be solicited." (J. – CEE pg. 58)
 - ▶ New homes within 60 CNEL should be insulated to meet CA Noise Insulation Standards (J. – CEE pg.59)
- ▶ *Tierrasanta Community Plan (updated 2007)*
 - ▶ All projects should ensure interior noise levels consistent with State requirements (Tierrasanta Norte pg. 17)
- ▶ *University City Community Plan (updated February 2008)*
 - ▶ Only land uses approved prior to SANDAG's noise standards - residential units near east edge of South University and Torrey Pines Inn (NE pg. 231)
 - ▶ "Encourage and where possible assist the Navy in acquisition of land or easements surrounding NAS Miramar to ensure that the land uses are compatible with noise from airport operations" (SE pg. 235)
 - ▶ Take into account aircraft accident potential in the placement of structures and activities. (SE pg. 240)
 - ▶ Provide preservation of appropriate departure corridors (SE pg. 240)
 - ▶ Projects should be reviewed for compatibility with CLUP and AICUZ. Height limits on specific uses (i.e. easements) should be considered (SE pg. 244)
 - ▶ Encourage easement purchases by the Navy and development of a special zone to restrict compatible land uses and densities in the APZ (SE pg. 245).

Exhibit MIR-5, continued

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- Legend**
- 2006 Existing Land Use Designations:**
- Very Low Density Residential (0.1 - 1.0 d.u./ac.)
 - Low to Medium Density Residential (1.1 - 8.0 d.u./ac.)
 - Medium to Very High Density Residential (>8.1 d.u./ac.)
 - Commercial Recreation
 - Neighborhood/Low Intensity Commercial
 - Regional/High Intensity Commercial
 - Office - Low Intensity
 - Office - High Intensity
 - Institutions/Public/Semi-Public
 - Education (K - 12)
 - Hospital/Health Care
 - Light Industry/Business Park
 - Extractive Industry
 - Heavy Industry
 - Open Space/Parks/Golf Course/Vacant
 - Tribal Lands
 - Agriculture (>10 ac. parcels)
 - Junkyard/Dumps/Landfills
 - Transportation and Utilities
 - Military Lands
 - Water
 - Airport Property
 - Federal Property



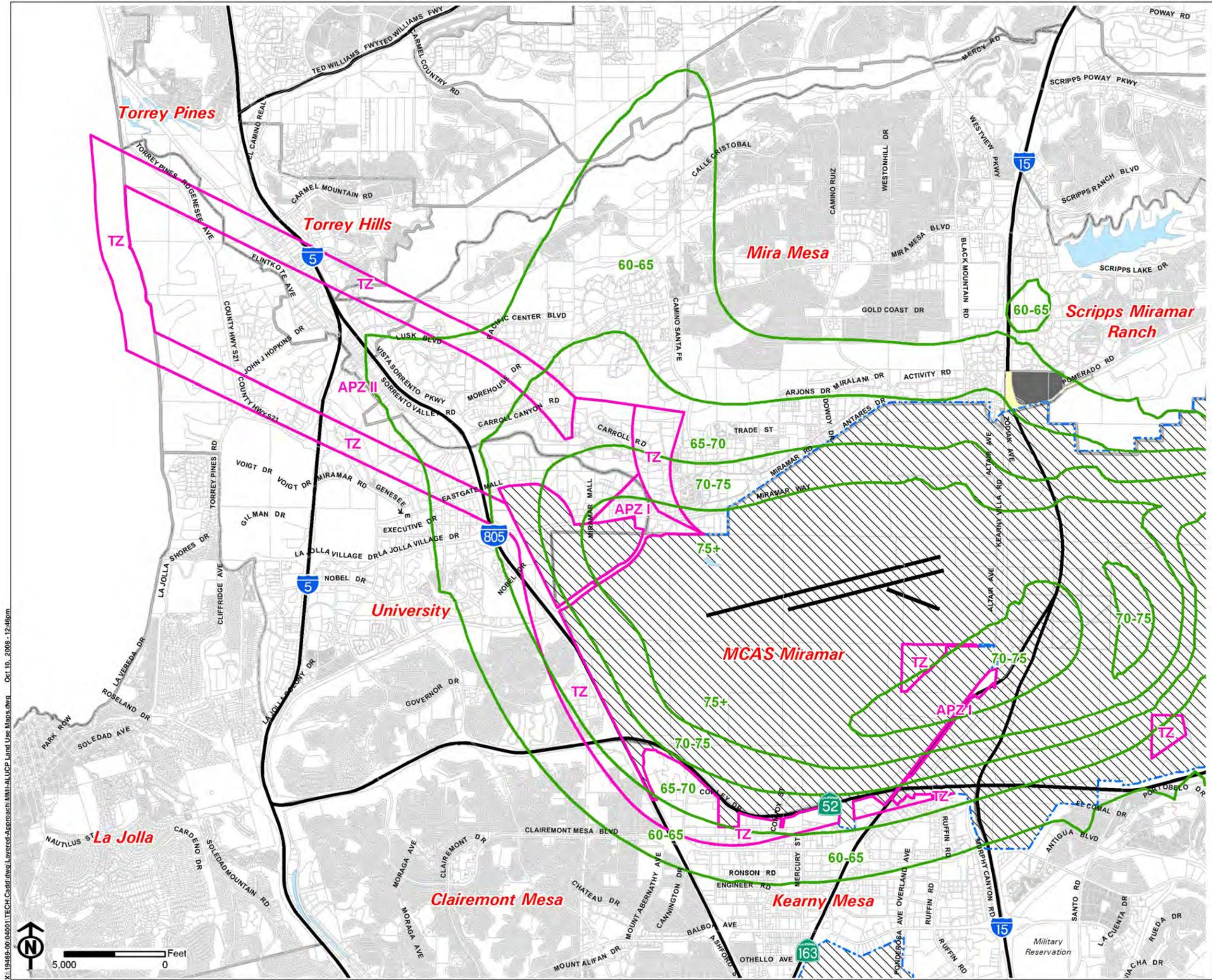
AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

Exhibit MIR-6

Existing Land Uses
MCAS Miramar

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- ▬ Noise Contour Boundary
- ▬ Safety Zones Impact Boundary
- County General Plan Land Use**
- RESIDENTIAL 1 DU/1.2,4 ACRES
- PUBLIC/SEMI-PUBLIC LANDS
- Water
- Airport Property



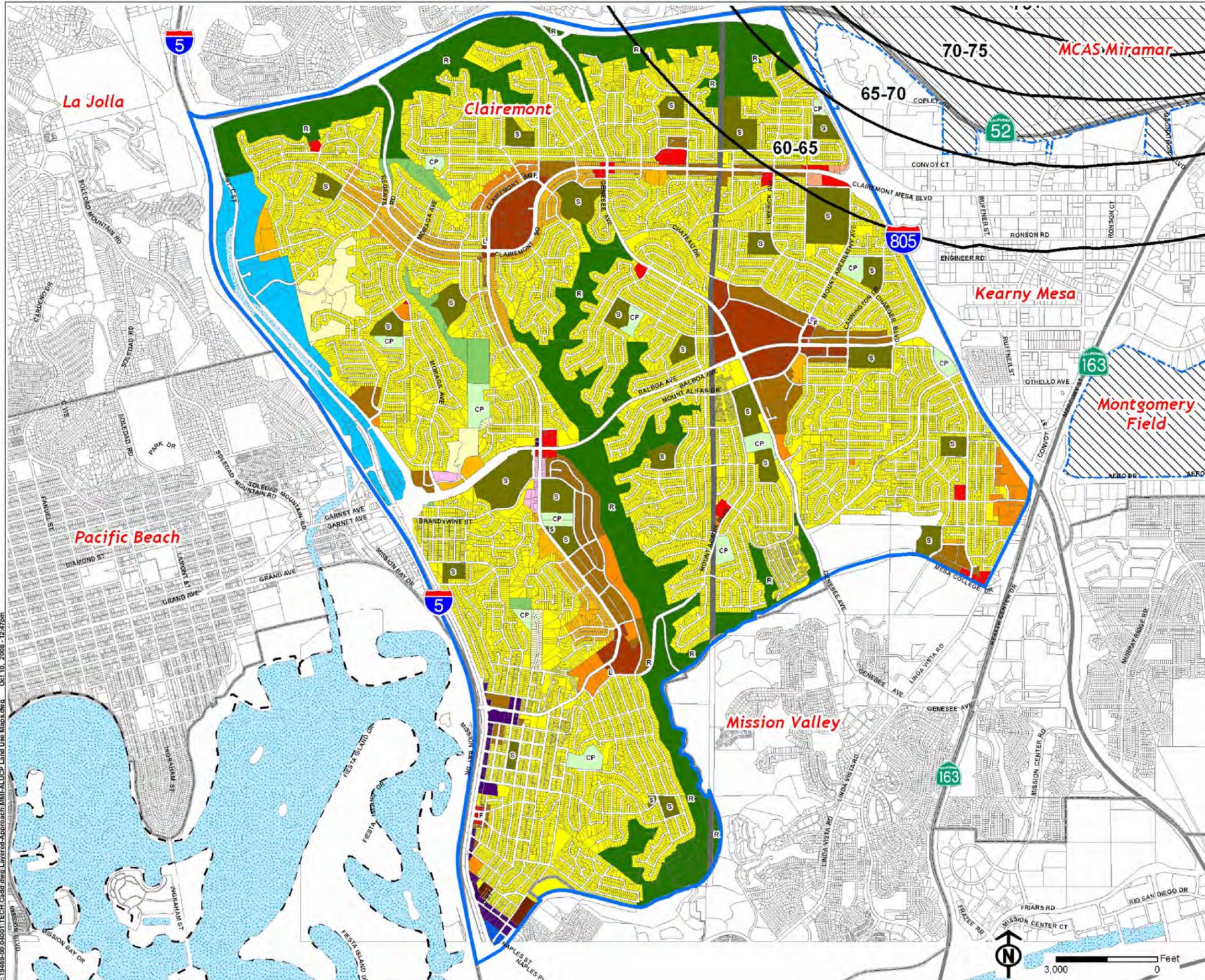
AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

Exhibit MIR-7A

Adopted County of San Diego
General Plan Land Uses
MCAS Miramar





- Noise Contour Boundary
- Clairemont Mesa Community Plan**
- VERY LOW DENSITY RES (1-5 DU/AC)
- LOW DENSITY RES (5-10 DU/AC)
- LOW-MED DENSITY RES (10-15 DU/AC)
- MEDIUM DENSITY RES (15-30 DU/AC)
- MED-HIGH DEN RES (30-45 DU/AC)
- MOBILE HOME PARK
- GENERAL COMMERCIAL
- COMMUNITY CENTER
- NEIGHBORHOOD COMMERCIAL
- VISITOR COMMERCIAL
- OFFICE COMMERCIAL
- INDUSTRIAL PARK
- LIGHT INDUSTRIAL
- CP - COMMUNITY/NEIGHBORHOOD PARKS
- R - RESOURCE BASED PARK
- DESIGNATED OPEN SPACE(0-1 DU/AC)
- S - SCHOOL SITE
- CC - MESA COLLEGE
- L - LIBRARY
- F - FIRE STATION
- 150 FOOT S.D.G. & E. EASEMENT
- Airport Property
- Water
- Clairemont Mesa CPA Boundary

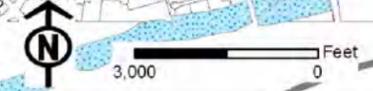


AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

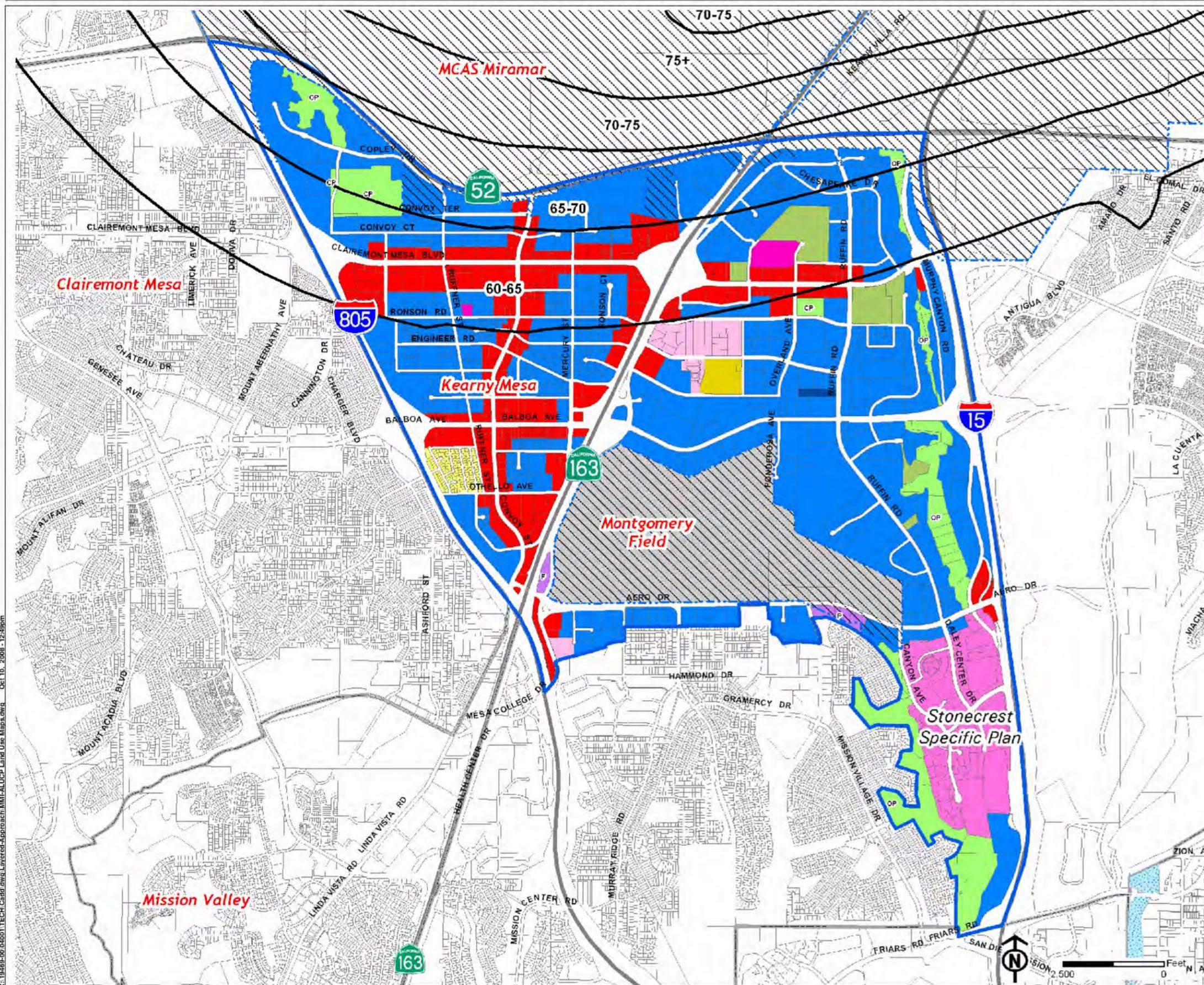
MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

Exhibit MIR-7B

Clairemont Mesa Community Plan
MCAS Miramar



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- Noise Contour Boundary
- Kearny Mesa Community Plan**
- Low Density Residential
- Low Medium Residential
- Mixed Use Commercial/Residential
- General Commercial
- CP - Community Parks
- OP - Open Space
- General Aviation Airport
- Industrial and Business Park
- P - Police Station
- F - Fire Station
- Utility
- County Facilities
- Stonecrest Specific Plan
- Vernal Pool
- Airport Property
- Water
- Kearny Mesa CPA Boundary



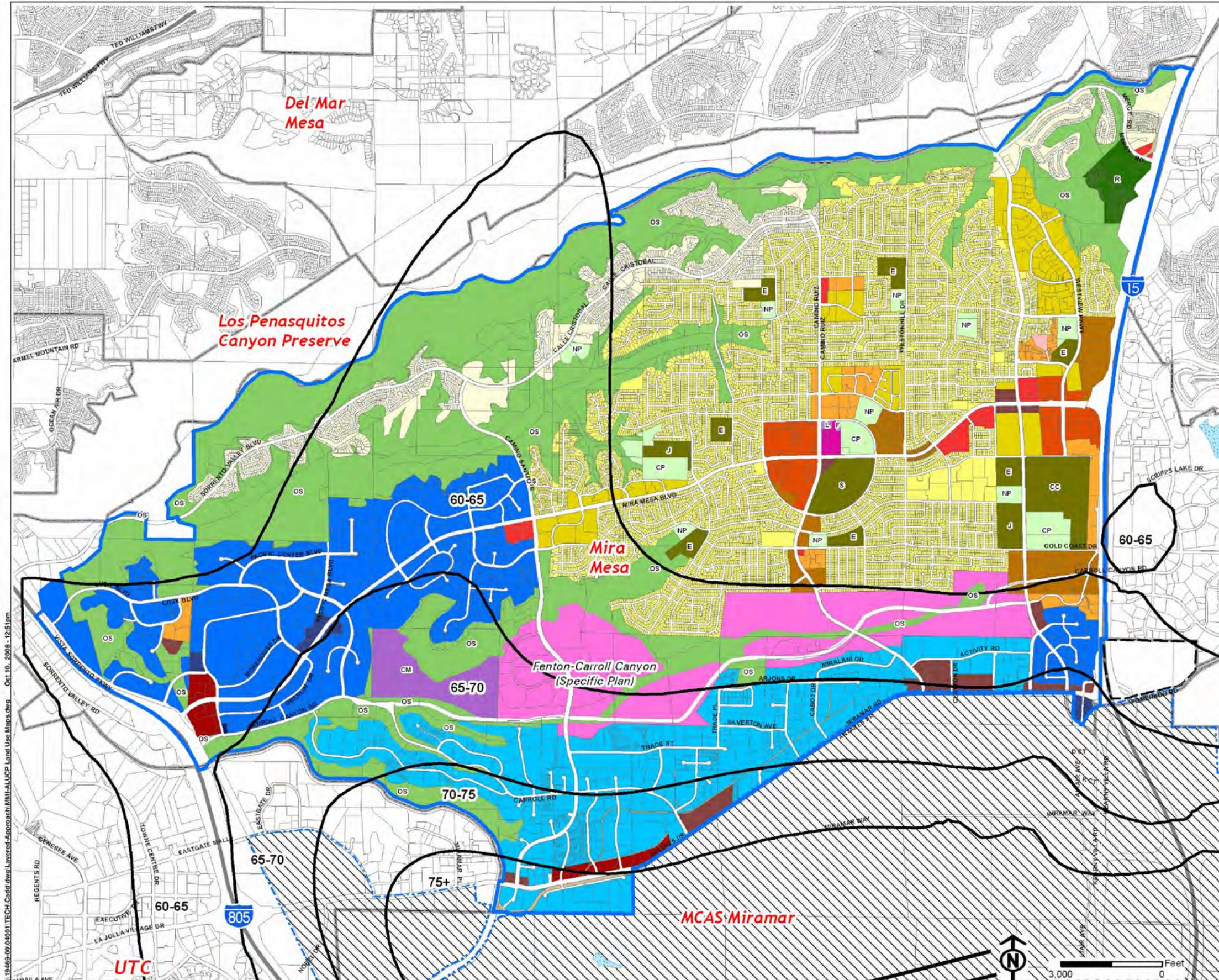
AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

Exhibit MIR-7C

Kearny Mesa Community Plan
MCAS Miramar

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- Noise Contour Boundary
- Mira Mesa Community Plan**
- Very Low Res (0-4)
- Low Res (5-9)
- Low-Med Res (10-15)
- Med Res (16-29)
- Med High Res (30-45)
- Neighborhood Commercial
- Business Commercial
- Commercial Recreation
- Specialized Commercial
- Visitor Commercial
- Office Commercial
- Community Commercial
- NP - Neighborhood Park
- CP - Community Park
- OS - Open Space
- R - Resource Based Park
- E - Elementary School
- J - Junior High School
- S - Senior High School
- CC - Miramar College
- CM - Cemetery
- F - Fire Station
- L - Library
- Industrial Park
- Light Industrial
- Industrial
- Freeway/Roads
- Specific Plan
- Railroad/Trolley
- Airport Property
- Water
- Mira Mesa CPA Boundary



AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

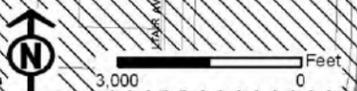
MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

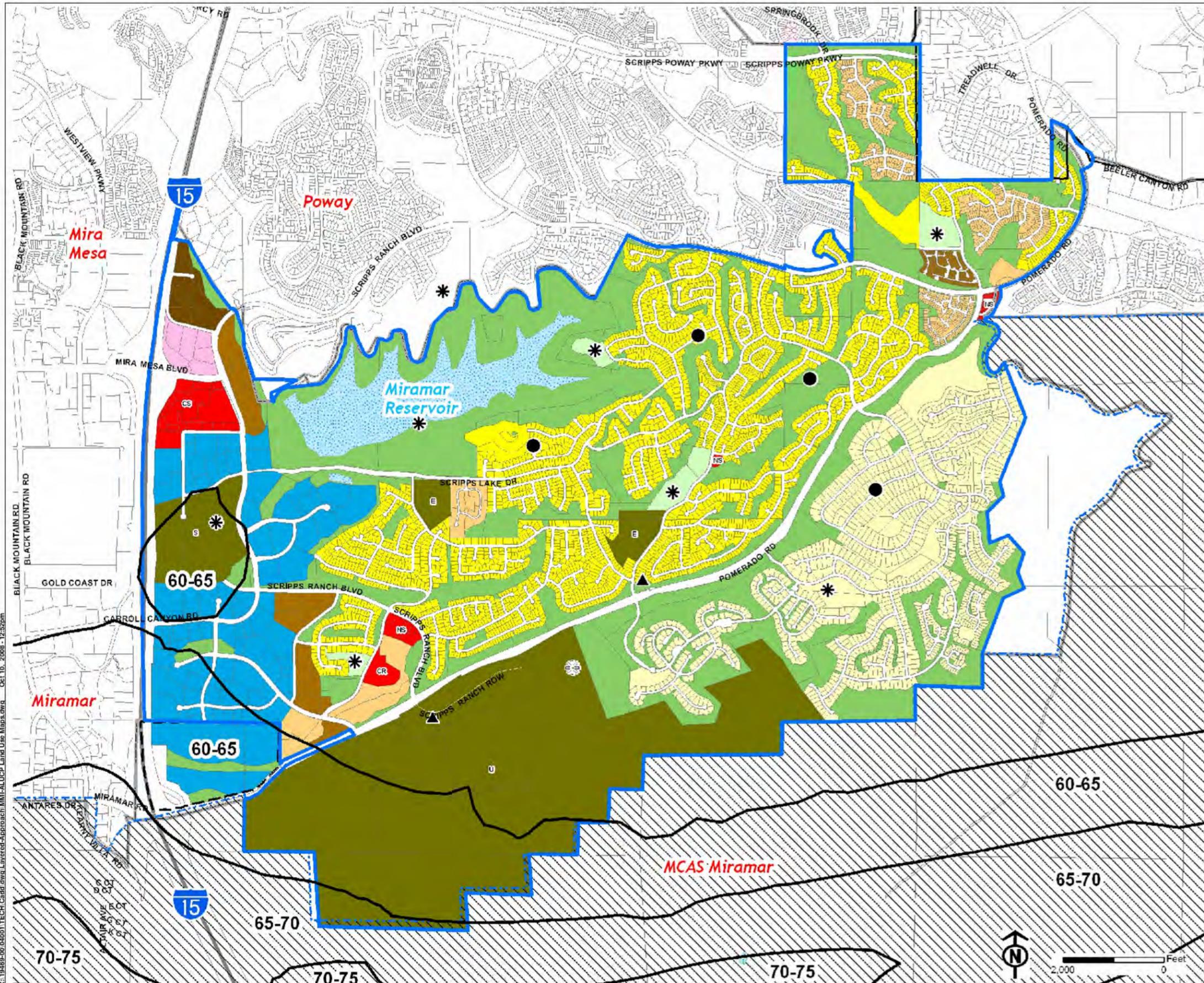
Exhibit MIR-7D

Mira Mesa Community Plan
MCAS Miramar

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UTC





- Noise Contour Boundary**
- Tot Lot
 - * Park
 - ⊛ Resource Base Park
 - ▲ Possible Fire Station
 - RESIDENTIAL (0-3 DU/AC)
 - RESIDENTIAL (3-5 DU/AC)
 - RESIDENTIAL (5-10 DU/AC)
 - RESIDENTIAL (10-15 DU/AC)
 - RESIDENTIAL (15-29 DU/AC)
 - CR - COMMERCIAL RECREATION
 - CS - COMMUNITY SHOPPING
 - NS - NEIGHBORHOOD SHOPPING
 - PROFESSIONAL OFFICES
 - INDUSTRIAL PARK
 - PARK
 - OPEN SPACE
 - E - ELEMENTARY SCHOOL
 - S - SECONDARY SCHOOL
 - U - UNIVERSITY
 - ⊘ Airport Property
 - Water
 - Scripps Miramar Ranch CPA Boundary



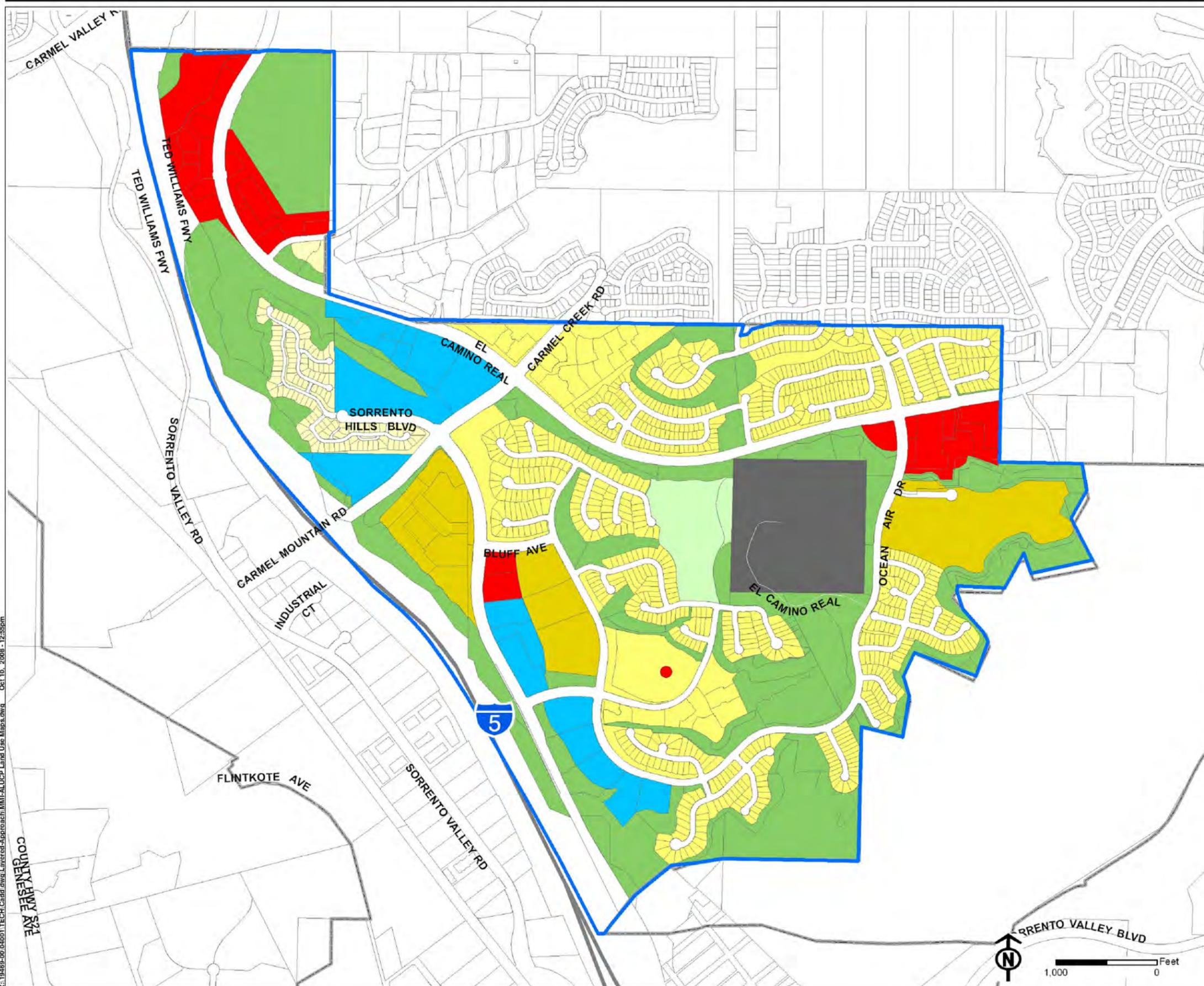
AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

Exhibit MIR-7E

Scripps Miramar Ranch
Community Plan
MCAS Miramar

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- Noise Contour Boundary
- Torrey Hills Community Plan**
- OPTIONAL SCHOOL SITE
- VERY LOW DENSITY RESIDENTIAL (0-5 DU/AC)
- LOW DENSITY RESIDENTIAL (5-15 DU/AC)
- MEDIUM LOW DENSITY RESIDENTIAL (15-29 DU/AC)
- COMMERCIAL
- PARK
- OPEN SPACE
- INDUSTRIAL
- SDG&E SUBSTATION
- FREEWAY/ROADS
- Airport Property
- Torrey Hills CPA Boundary

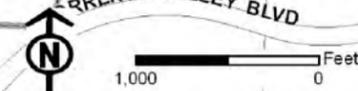


AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

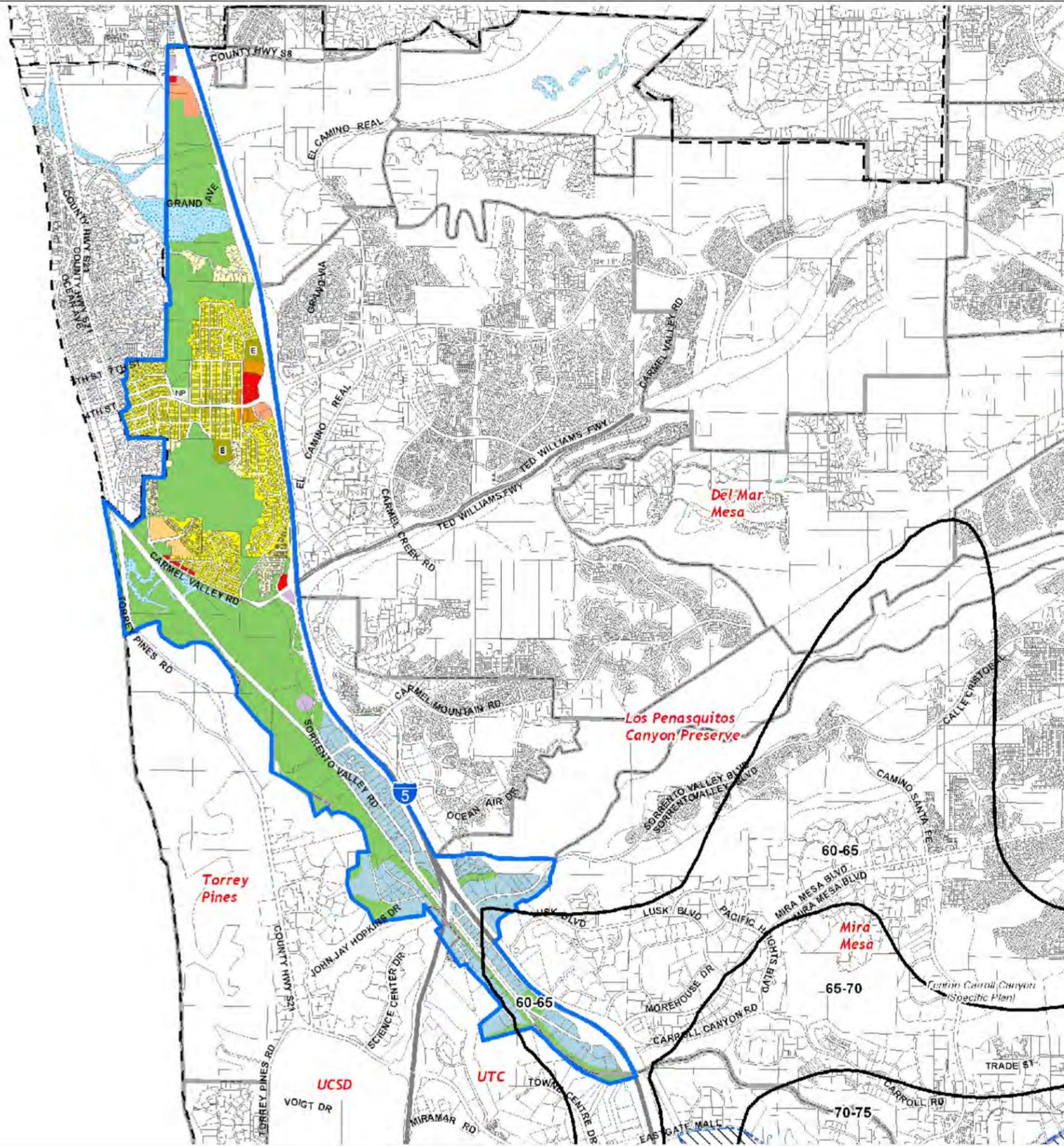
Exhibit MIR-7F

Torrey Hills Community Plan
MCAS Miramar

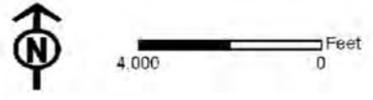


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COUNTY AIRWAY S21
GENESEE AVE



- Noise Contour Boundary
- Torrey Pines Community Plan**
- VERY LOW DENS RES (0-4 DU/AC)
- LOW DENS RES (5-9 DU/AC)
- LOW-MED DENS RES (10-15 DU/AC)
- MEDIUM DENS RES (16-44 DU/AC)
- COMMERCIAL
- COMMERCIAL RECREATION
- INDUSTRIAL PARK
- PUBLIC UTILITY / FACILITY
- NP - NEIGHBORHOOD PARK
- OPEN SPACE
- E- ELEMENTARY SCHOOL
- Airport Property
- Water
- Torrey Pines CPA Boundary



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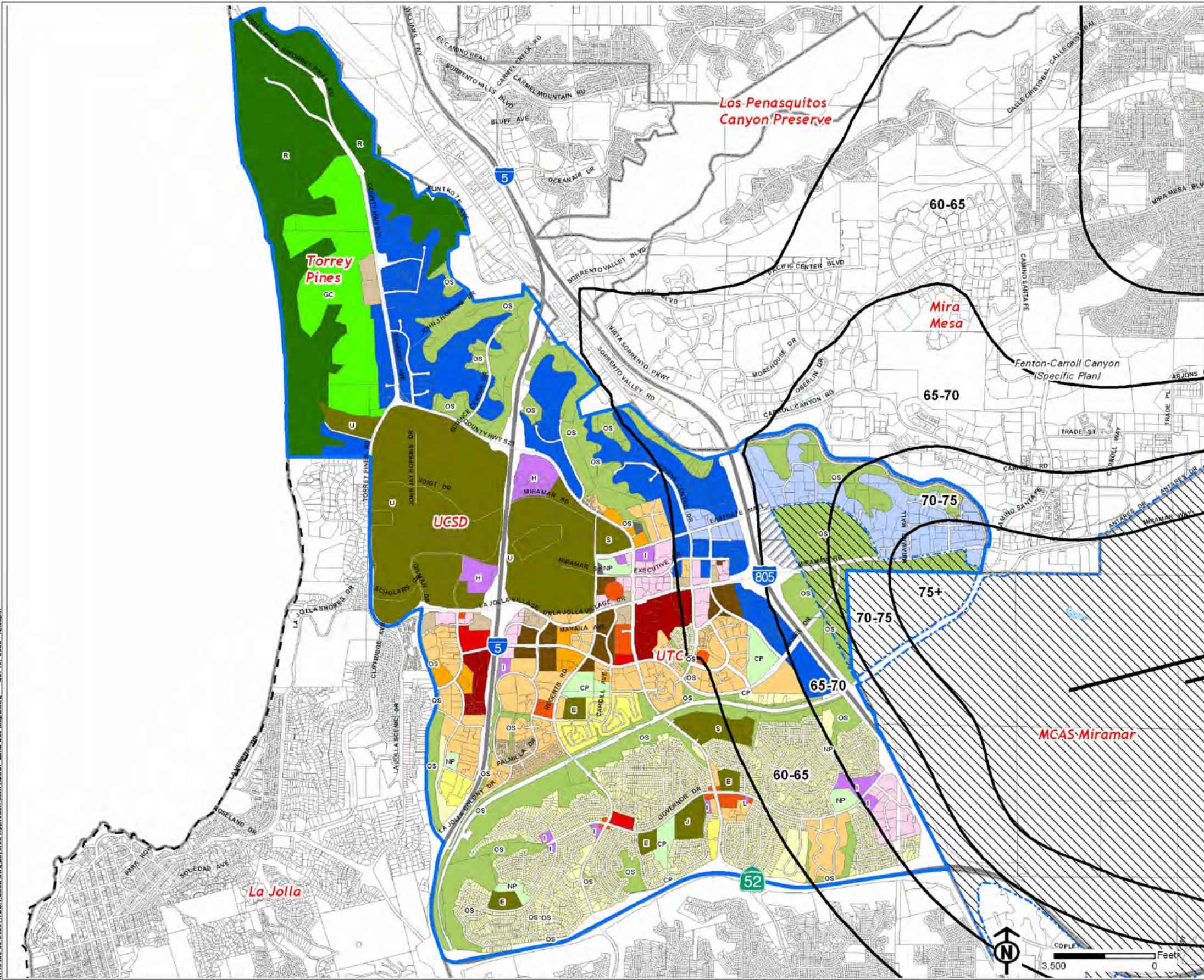
AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

Exhibit MIR-7G

Torrey Pines Community Plan
MCAS Miramar

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- Noise Contour Boundary
- University Community Plan**
- LOW DENSITY RESIDENTIAL (5-10 DU/AC)
- LOW-MED DENSITY RESIDENTIAL (10-15 DU/AC)
- MEDIUM DENSITY RESIDENTIAL (15-30 DU/AC)
- MEDIUM-HIGH DENSITY RESIDENTIAL (30-45 DU/AC)
- HIGH DENSITY RESIDENTIAL (45-75 DU/AC)
- NEIGHBORHOOD COMMERCIAL
- COMMUNITY COMMERCIAL
- VISITOR COMMERCIAL
- OFFICE COMMERCIAL
- REGIONAL COMMERCIAL
- SCIENTIFIC RESEARCH
- RESTRICTED INDUSTRIAL
- NP - NEIGHBORHOOD PARK
- CP - COMMUNITY PARK & REC. CENTER
- GC - GOLF COURSE
- OS - OPEN SPACE
- R - RESOURCE BASED PARK
- E - ELEMENTARY SCHOOL
- J - JUNIOR HIGH SCHOOL
- S - SENIOR HIGH SCHOOL
- U - UCSD
- L - LIBRARY
- P - POLICE
- F - FIRE
- H - HOSPITAL
- I - INSTITUTIONAL
- SPORTS COMPLEX
- UTILITY
- WATER RECLAMATION PLANT
- Airport Property
- Water
- University CPA Boundary



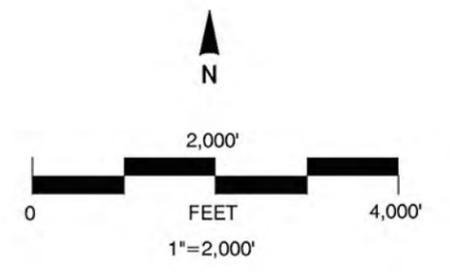
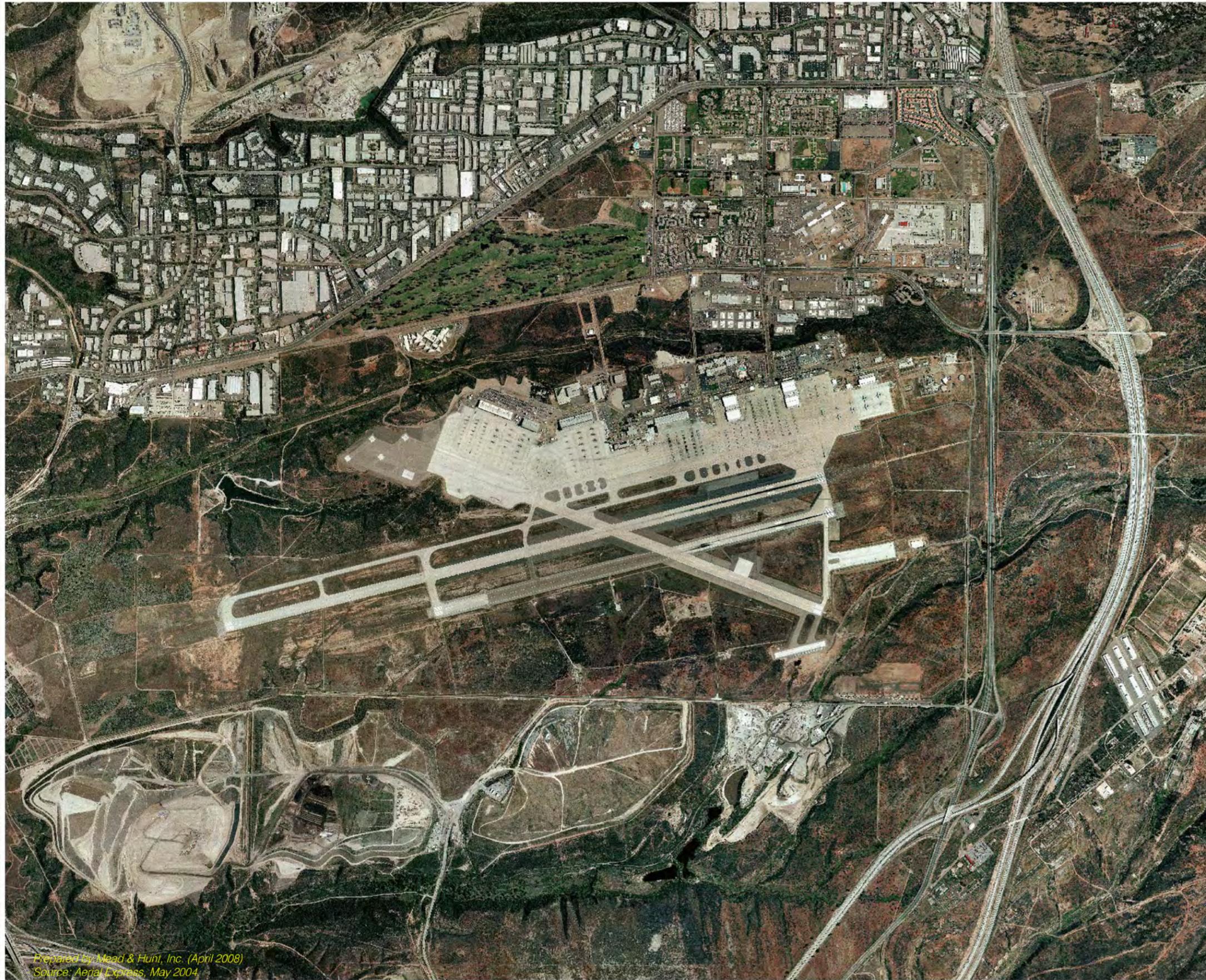
AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

Exhibit MIR-7H

University Community Plan
MCAS Miramar





AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

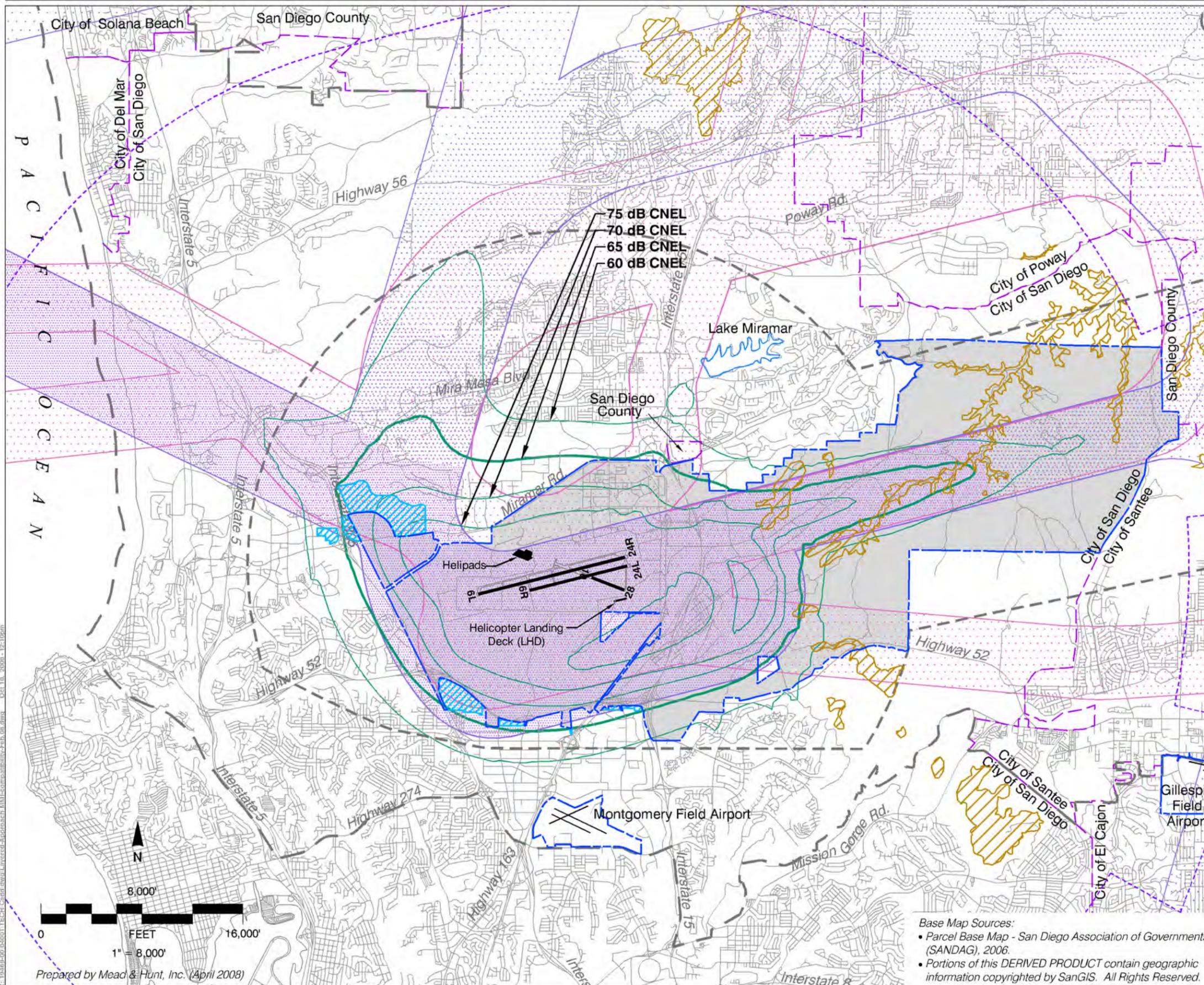
MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

Exhibit MIR-8

Airport Aerial
MCAS Miramar

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Prepared by Mead & Hunt, Inc. (April 2008)
Source: Aerial Express, May 2004.



Legend

- Boundary Lines**
- Airport Property
 - Restrictive Use Easement
 - Roads
 - City Limits
 - AICUZ Study Area
 - Airport Traffic Area
- General Flight Corridors (MSL)²**
- Fixed Wing Traffic Pattern**
- < 2,000'
 - 2,000'-3,000'
 - 3,000'-5,000'
 - > 5,000'
- Helicopter Traffic Pattern**
- < 4,000'
- Other Compatibility Factors**
- FAR Part 77 Conical and Approach Surfaces Outer Boundary
 - Terrain Penetration of FAR Part 77 Surfaces
- Noise Contours³**
- 60 dB CNEL
 - 65 dB CNEL
 - 70 dB CNEL
 - 75 dB CNEL
- Future Average Annual Day (308 Operations)

Notes

1. Airfield elevation is 478 feet above mean sea level (MSL).
2. General flight track corridors reflect data provided in the MCAS Miramar AICUZ (March 2005). Altitudes of aircraft extrapolated from Wyle Report (November 2004).
3. Reflects maximum mission of 112,242 annual operations. Approximately 70% of operations conducted by fixed-wing aircraft and 30% by helicopters. Noise Contour Source: MCAS Miramar AICUZ (March 2005).



AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

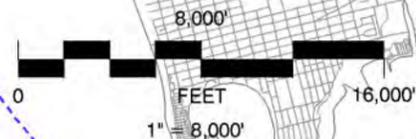
MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

Exhibit MIR-9

Compatibility Data:
Noise

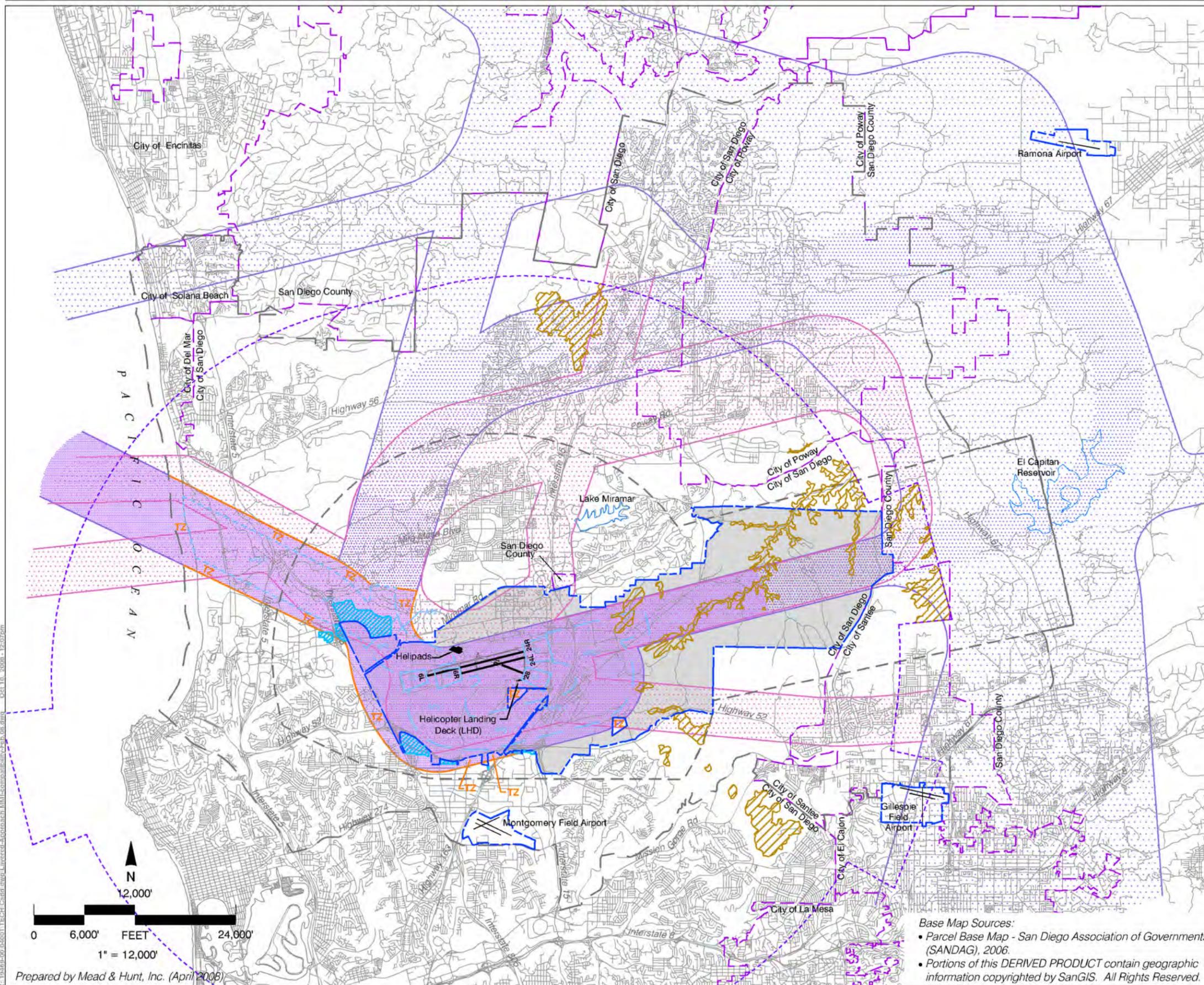
Base Map Sources:

- Parcel Base Map - San Diego Association of Governments (SANDAG), 2006.
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Prepared by Mead & Hunt, Inc. (April 2008)

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Legend

Boundary Lines

- Airport Property
- Restrictive Use Easement
- Roads
- City Limits
- AICUZ Study Area
- Airport Traffic Area

General Flight Corridors (MSL)²

Fixed Wing Traffic Pattern

- < 2,000'
- 2,000'-3,000'
- 3,000'-5,000'
- > 5,000'

Helicopter Traffic Pattern

- < 4,000'

Other Compatibility Factors

- FAR Part 77 Conical and Approach Surfaces Outer Boundary
- Terrain Penetration of FAR Part 77 Surfaces

Safety Zones

- CZ (Clear Zone)
 - APZ I (Accident Potential Zone I)
 - APZ II (Accident Potential Zone II)
 - TZ (Transition Zone)⁴
- } AICUZ Safety³ Zones

Notes

1. Airfield elevation is 478 feet above mean sea level (MSL).
2. General flight track corridors reflect data provided in the MCAS Miramar AICUZ (March 2005). Altitudes of aircraft extrapolated from Wyle Report (November 2004).
3. CZ, APZ I, APZ II source: MCAS Miramar AICUZ (March 2005).
4. TZ source: Based on low-altitude flight track data as depicted in MCAS Miramar AICUZ (March 2005).



AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

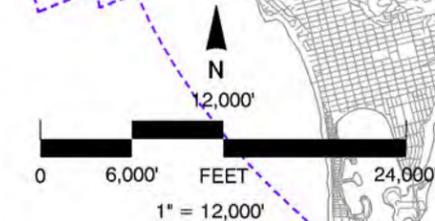
Exhibit MIR-10

Compatibility Data:
Safety

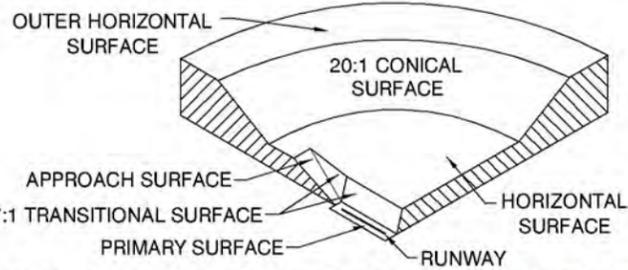
Base Map Sources:

- Parcel Base Map - San Diego Association of Governments (SANDAG), 2006.
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Prepared by Mead & Hunt, Inc. (April 2008)



RUNWAY END DATA						
APPROACH END OF RUNWAY:	6L	24R	6R	24L	10	28
AIRPORT REFERENCE CODE	MILITARY		MILITARY		MILITARY	
APPROACH TYPE [FAR Part 77 Category]	Nonprecision	Precision	Visual	Precision	Visual	Visual
APPROACH VISIBILITY	1 Mile	1/4 Mile	Visual	1/2 Mile	Visual	Visual
APPROACH and LANDING AIDS	Visual PAPI,HIRL	PAPI,ALSF1,HIRL	PAPI,HIRL	PAPI,HIRL	HIRL	HIRL
	Electronic ASR	LOC/GPS/PAR/ASR	None	GPS/PAR/ASR	None	None
RUNWAY ELEVATIONS	425.3	475.1	430.4	477.4	460.8	472.6
SOURCE: MCAS Miramar AICUZ Update (March 2005) AirNav (May 2007)						

TYPICAL MILITARY FAR PART 77 OBSTRUCTION SURFACES

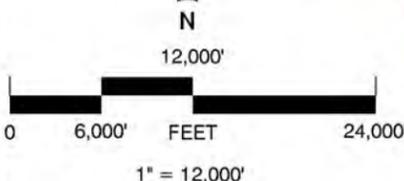
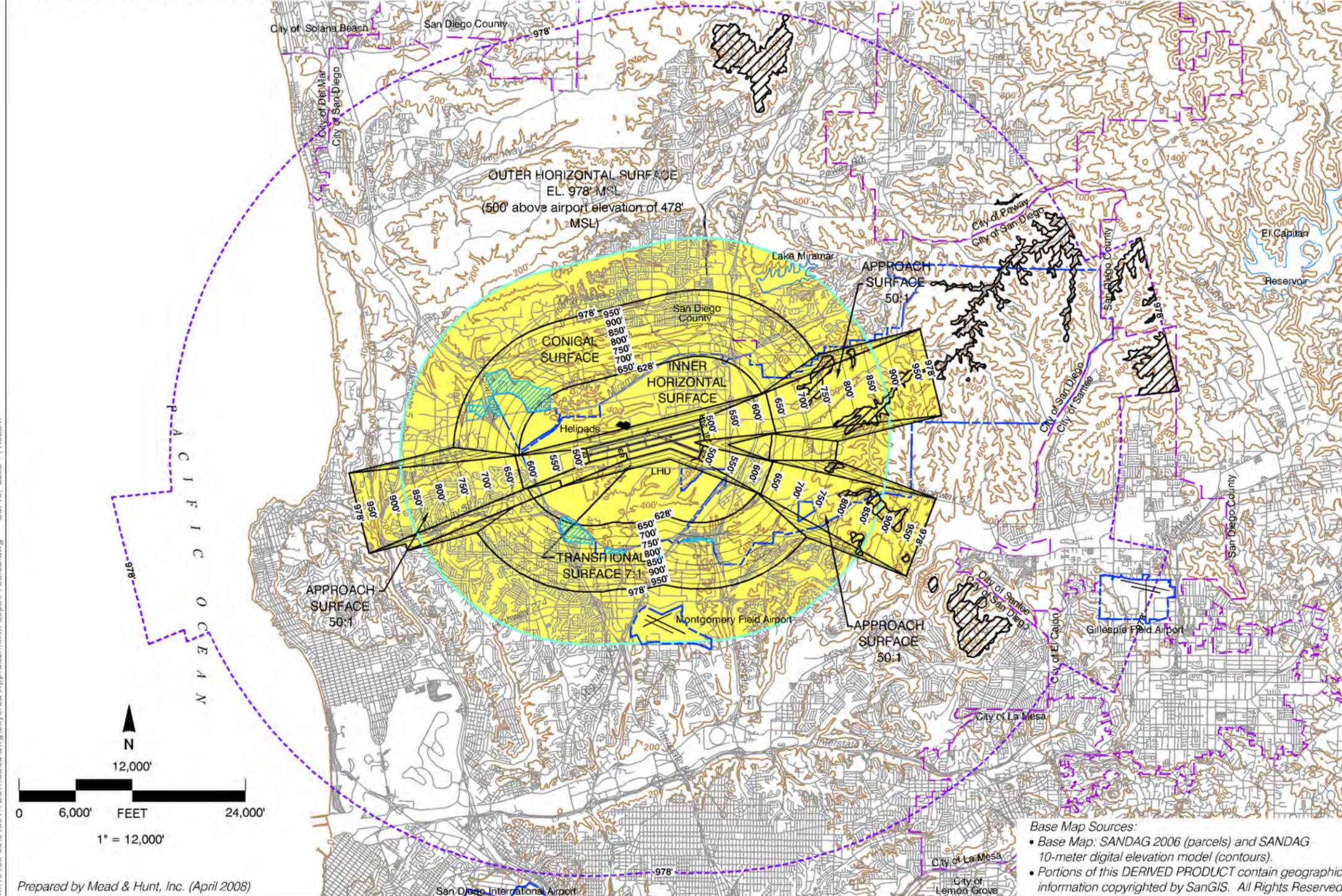
TYPICAL HEIGHT NOTIFICATION DIAGRAM

Legend

- Boundary Lines**
- Airport Property Line
 - Roads
 - City Limits
 - Topographic Contours (200-foot contour interval)
 - Restrictive Use Easement
- Airspace Protection Surfaces**
- FAA Height Notification Area²
 - FAR Part 77 Obstruction Surfaces³
 - FAR Part 77 Outer Boundary³
 - Terrain Penetration of FAR Part 77 Surfaces
 - Airspace Protection Compatibility Area

Notes

- Airfield elevation is 478 feet above mean sea level (MSL).
- FAA Height Notification Area: Based on FAR Part 77, Subpart B, which requires that the FAA be notified of any proposed construction or alteration having a height greater than an imaginary surface extending 100 feet outward and 1 foot upward (slope of 100 to 1) for a distance of 20,000 feet from the nearest point of any runway. Beyond this boundary, any object taller than 200 feet requires FAA notification.
- FAR Part 77 Obstruction Surfaces: MCAS Miramar AICUZ (March 2005).



AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

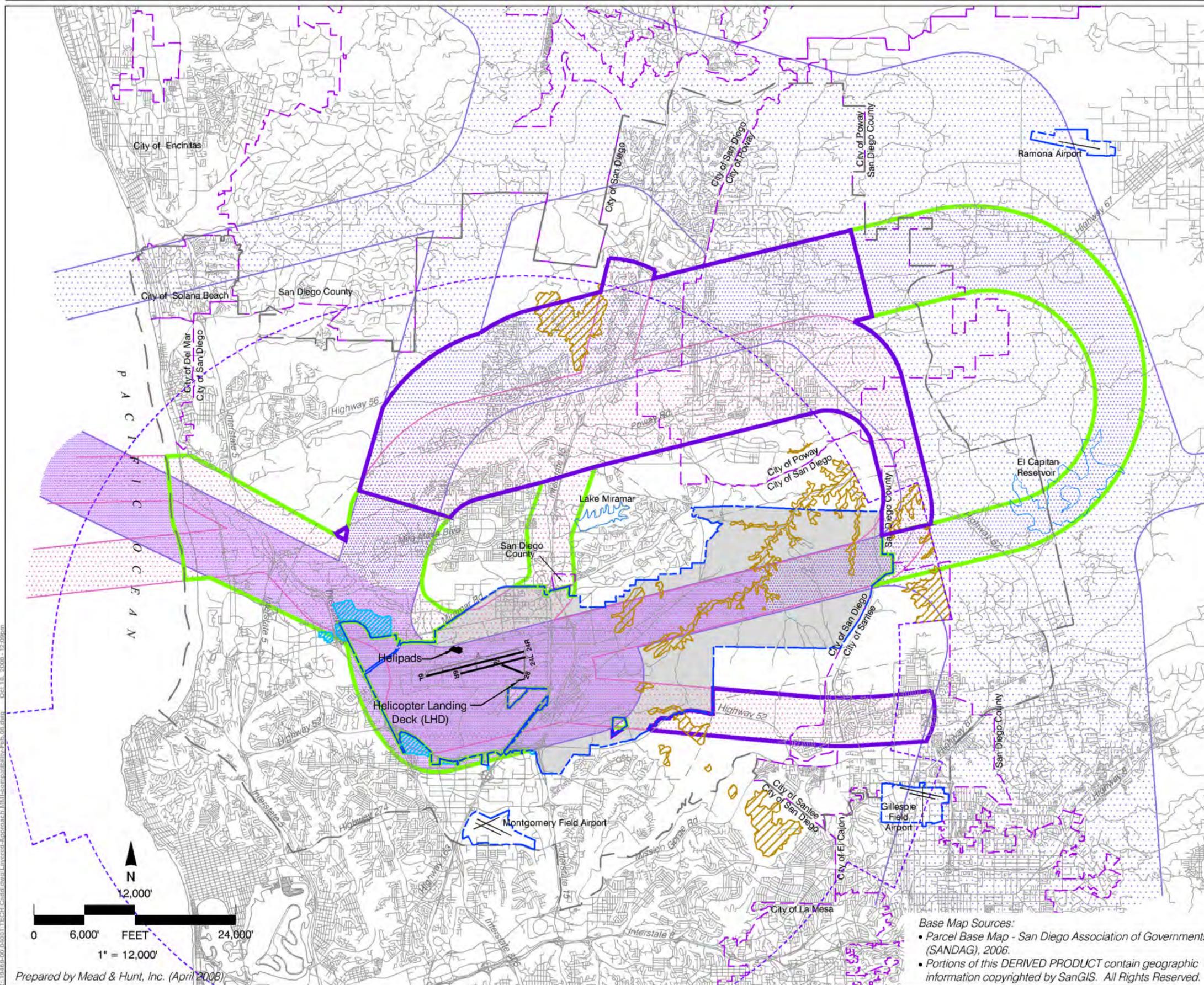
MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

Exhibit MIR-11

Compatibility Data:
Airspace Protection

Base Map Sources:
 • Base Map: SANDAG 2006 (parcels) and SANDAG 10-meter digital elevation model (contours).
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Legend

- Boundary Lines**
- Airport Property
 - Restrictive Use Easement
 - Roads
 - City Limits
 - AICUZ Study Area
 - AICUZ Airport Traffic Area
- General Flight Corridors (MSL)²**
- Fixed Wing Traffic Pattern**
- < 2,000'
 - 2,000'-3,000'
 - 3,000'-5,000'
 - > 5,000'
- Helicopter Traffic Pattern**
- < 4,000'
- Other Compatibility Factors**
- FAR Part 77 Conical and Approach Surfaces Outer Boundary
 - Terrain Penetration of FAR Part 77 Surfaces
- ALUCP Overflight Zones**
- Overflight Notification Area³
 - Overflight-Related Real Estate Disclosure Area⁴

Notes

1. Airfield elevation is 478 feet above mean sea level (MSL).
2. General flight track corridors reflect data provided in the MCAS Miramar AICUZ (March 2005). Altitudes of aircraft extrapolated from Wyle Report (November 2004).
3. Overflight Notification required in areas where fixed-wing aircraft fly at less than 3,000' above ground level and/or helicopters fly at less than 1,500' above ground level.
4. Real Estate Disclosure required in areas where aircraft fly at less than 5,000' MSL. See Airport Influence Area Map for the real estate disclosure area. (Map MIR-5)



AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

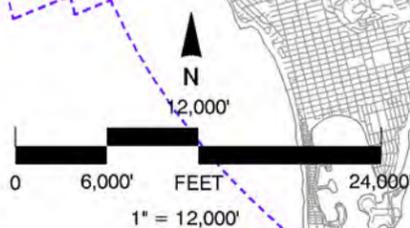
MCAS Miramar
Airport Land Use Compatibility Plan
(Adopted October 2008)

Exhibit MIR-12

Compatibility Data:
Overflight

Base Map Sources:

- Parcel Base Map - San Diego Association of Governments (SANDAG), 2006.
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Prepared by Mead & Hunt, Inc. (April 2008)

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Appendices



AIRPORT LAND USE COMPATIBILITY
PALM BEACH COUNTY

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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 paragraphs (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 him or her 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, that special districts, school districts and community college 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 other provision of this article, if the board of supervisors and the city selection committee of mayors in the 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) that does not include among its membership at least two members having 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) 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 an airport land use compatibility 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 (Chapter 4 (commencing with Section 4050) of Title 21 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 airport land use compatibility 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 the 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 compatibility 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 airport land use compatibility 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 170002, shall be responsible for the preparation, adoption, and amendment of an airport land use compatibility plan for each airport in San Diego County.
- (b) The San Diego County Regional Airport Authority shall engage in a public collaborative planning process when preparing and updating an airport land use compatibility plan.

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 of 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 the airport influence area.
 - (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

- (a) 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.
- (b) It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by 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, to the extent that the criteria has been incorporated into the plan prepared by a commission pursuant to Section 21675. This subdivision does not limit the jurisdiction of a commission as established by this article. This subdivision does not limit the authority of local agencies to overrule commission actions or recommendations pursuant to Sections 21676, 21676.5, or 21677.

21675. Land Use Plan

- (a) Each commission shall formulate an airport land use compatibility 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 airport land use compatibility 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 an airport land use compatibility 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 airport land use compatibility 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 shall include, within its airport land use compatibility 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 airport land use compatibility 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 airport influence area 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 an airport land use compatibility 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 airport land use compatibility 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 an airport influence area, 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 propose to overrule the commission after the 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. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.
- (b) Prior to the amendment of a general plan or specific plan, or the adoption 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, propose to 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. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.
- (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 any 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, propose to 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. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

- (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 that 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 propose to overrule the commission after the 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. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.
- (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 individual projects shall be reviewed by the commission.

21677. Marin County Override Provisions

Notwithstanding the two-thirds vote required by 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. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing

body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public governing body. The public agency governing body shall include comments from the commission and the division in the public record of the final decision to overrule the commission, which may be adopted by a majority vote of the 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, or 21677 overrules 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 overrule 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 or 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

- (a) 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.
- (b) A county board of supervisors or a city council may, pursuant to Section 65100 of the Government Code, delegate its responsibility under this section for the approval of plan for construction of new helicopter landing and takeoff areas, to the county or city planning agency.

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 that effective date of each governmental agency that by law required the approval by law.

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.
- (d) (1) After a public agency accepts an application as complete, and if the project applicant has identified that the proposed project is located within 1,000 feet of a military installation or within special use airspace or beneath a low-level flight path in accordance with Section 65940, the public agency shall provide a copy of the complete application to any branch of the

United States Armed Forces that has provided the Office of Planning and Research with a single California mailing address within the state for the delivery of a copy of these applications. This subdivision shall apply only to development applications submitted to a public agency 30 days after the Office of Planning and Research has notified cities, counties, and cities and counties of the availability of Department of Defense information on the Internet pursuant to subdivision (d) of Section 65940.

- (2) Except for a project within 1,000 feet of a military installation, the public agency is not required to provide a copy of the application if the project is located entirely in an “urbanized area.” An urbanized area is any urban location that meets the definition used by the United States Department of Commerce’s Bureau of Census for “urban” and includes locations with core census block groups containing at least 1,000 people per square mile and surrounding census block groups containing at least 500 people per square mile.
- (e) Upon receipt of a copy of the application as required in subdivision (d), any branch of the United States Armed Forces may request consultation with the public agency and the project applicant to discuss the effects of the proposed project on military installations, low-level flight paths, or special use airspace, and potential alternatives and mitigation measures.
- (f) (1) Subdivisions (d), (e), and (f) as these relate to low-level flight paths, special use airspace, and urbanized areas shall not be operative until the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations, at a scale and in an electronic format that is acceptable to the Office of Planning and Research.
- (2) Within 30 days of a determination by the Office of Planning and Research that the information provided by the Department of Defense is sufficient and in an acceptable scale and format, the office shall notify cities, counties, and cities and counties of the availability of the information on the Internet. Cities, counties, and cities and counties shall comply with subdivision (d) within 30 days of receiving this notice from the office.

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) 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 or leasing property for a new school site, the governing board of each school district, including any district governed by a city board of education or a charter school, shall give the State Department of Education written notice of the proposed acquisition or leasing and shall submit any information required by the State Department of Education if the 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 or lease. 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 or lease 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 site. The Department of Transportation shall adopt regulations setting forth the criteria by which a 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 or charter school. The governing board or charter school may not acquire title to or lease the property until the report of the Department of Transportation has been received. If the report does not favor the acquisition or lease of the property for a school site or an addition to a present school site, the governing board or charter school may not acquire title to or lease the property. If the report does favor the acquisition or lease of the property for a school site or an addition to a present school site, the governing board or charter school shall hold a public hearing on the matter prior to acquiring or leasing the site.
- (e) If the Department of Transportation's recommendation does not favor acquisition or lease of the 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 (12) omitted]

- (13) (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 coowner to one or more other coowners.
 - (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: [content omitted].
- (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 (h) 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) [Omitted]
- (4) 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.
- 2003 Assembly Bill 332 (Mullin) Chapter 351, Statutes of 2003—Clarifies that school districts and community college districts are subject to compatibility plans. Requires local public agencies to notify ALUC and Division of Aeronautics at least 45 days prior to deciding to overrule the ALUC.
- 2004 Senate Bill 1223 (Committee on Transportation) Chapter 615, Statutes of 2004—Technical revisions eliminating most remaining references to the term “comprehensive land use plan” and replacing it with “airport land use compatibility plan.” Also replaces the terms “planning area” and “study area” with “airport influence area.”
- 2005 Assembly Bill 1358 (Mullin) Chapter 29, Statutes of 2005—Requires a school district to notify the Department of Transportation before leasing property for a new school site. Also makes these provisions applicable to charter schools.

Federal Aviation Regulations 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 therefore 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 en route 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 of 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.

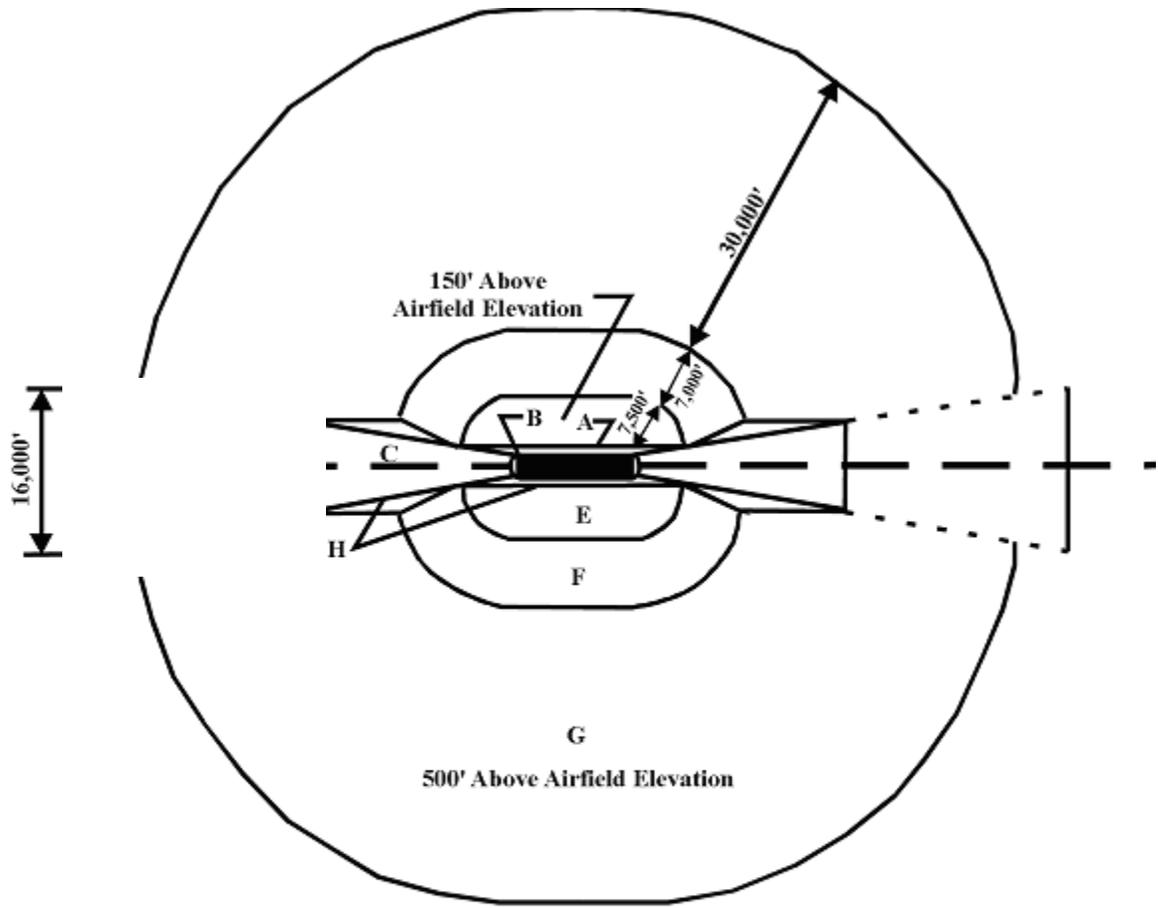
- (a) The sponsor of any proposed construction or alteration or any person who stated a substantial aeronautical objection to it in an aeronautical study, or any person who has a substantial aeronautical objection to it but was not given an opportunity to state it, may petition the Administrator, within 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 in-

terested 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.



Legend

- | | |
|--|----------------------------|
| A Primary Surface | E Inner Horizontal Surface |
| B Clear Zone Surface | F Conical Surface |
| C Approach-Departure Clearance Surface (Glide Angle) | G Outer Horizontal Surface |
| D Approach-Departure Clearance Surface (Horizontal) | H Transitional Surface |

Source: Federal Aviation Administration, Order 7400.2F, Procedures for Handling Airspace Matters (effective February 16, 2006)

Figure B1

Military Airport Imaginary Surfaces

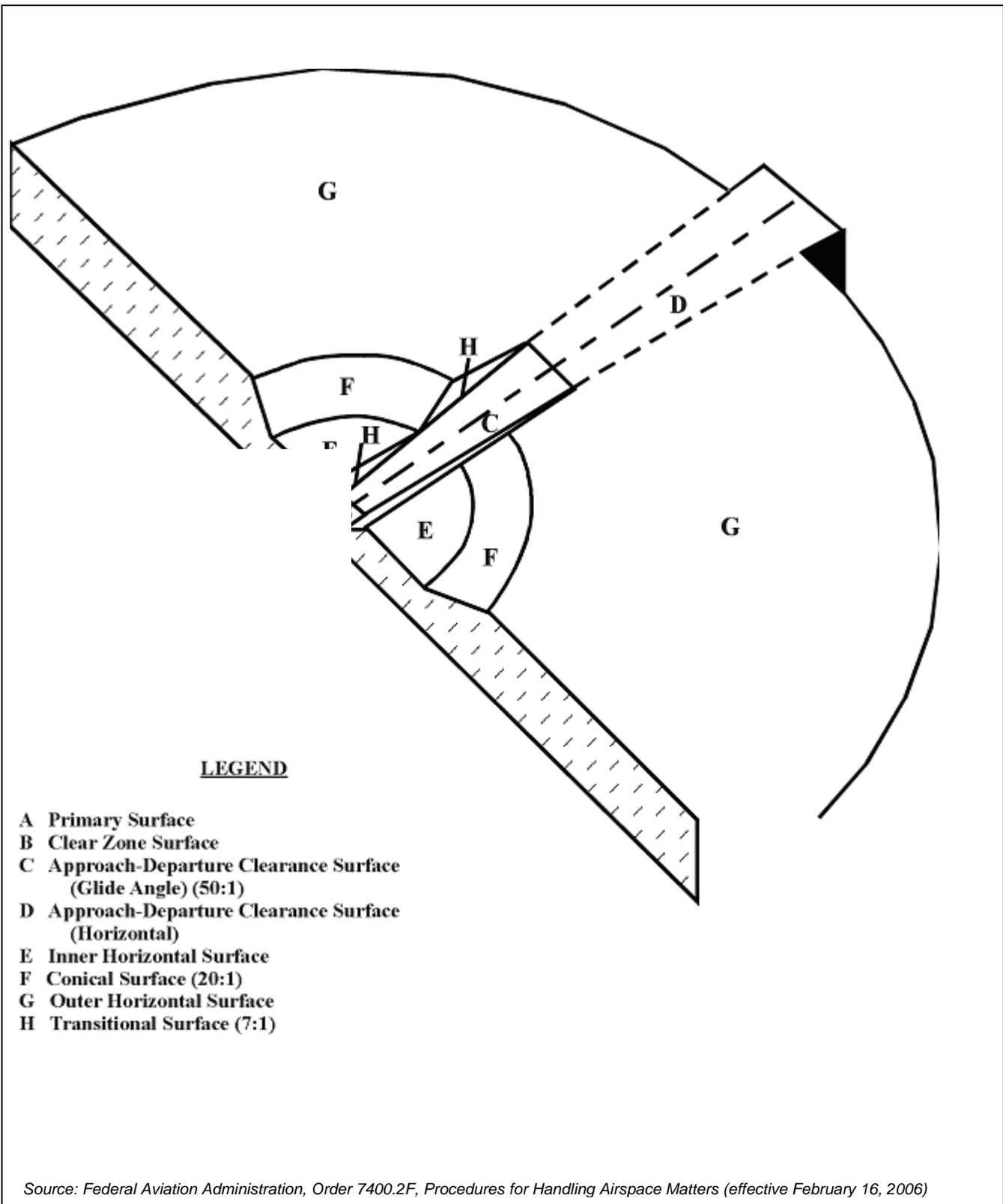
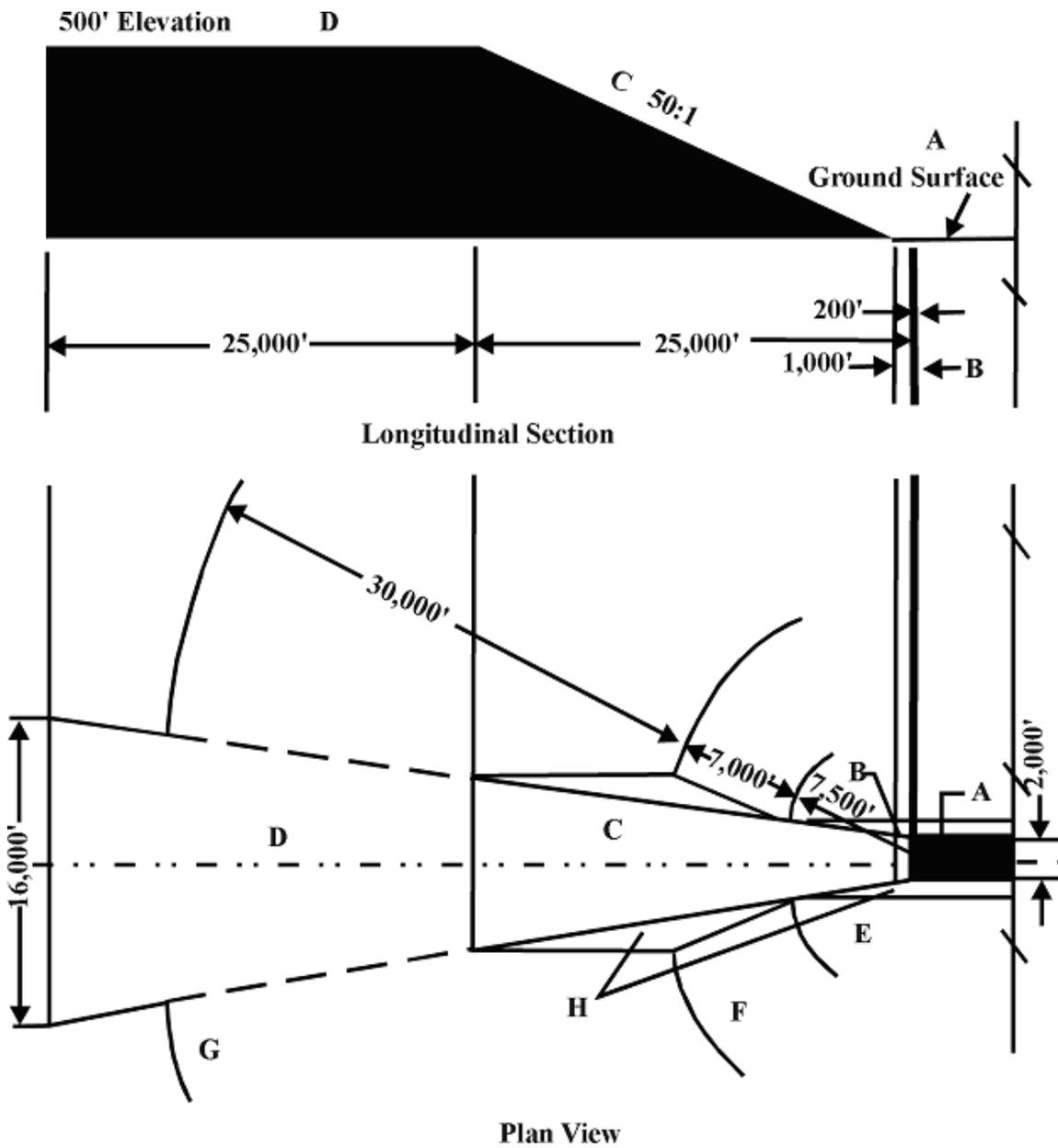


Figure B2

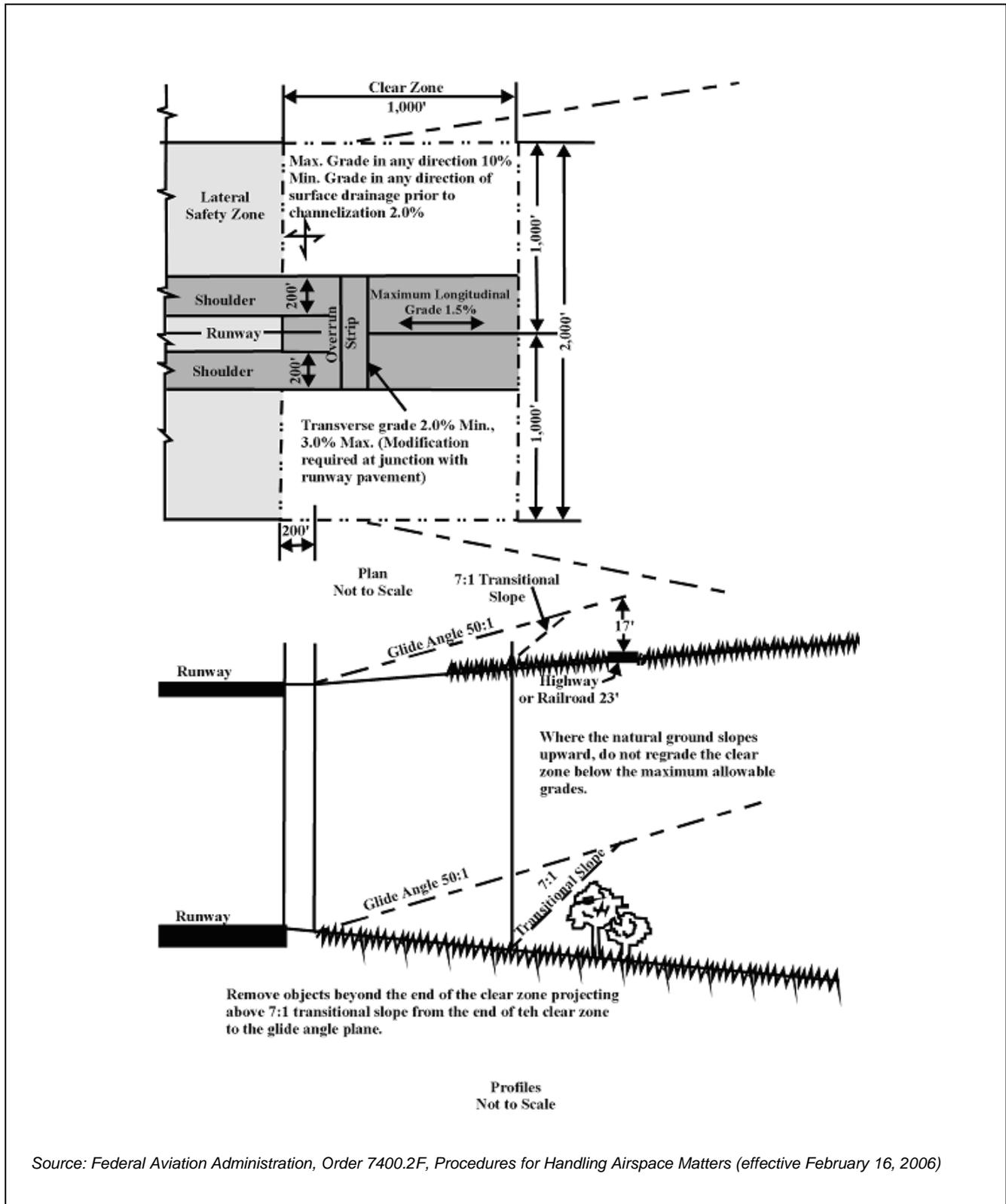
Military Airport Imaginary Surfaces



Source: Federal Aviation Administration, Order 7400.2F, Procedures for Handling Airspace Matters (effective February 16, 2006)

Figure B3

Military Airport Imaginary Surfaces



Source: Federal Aviation Administration, Order 7400.2F, Procedures for Handling Airspace Matters (effective February 16, 2006)

Figure B4

Clear Zone - Military

A **Notice of Proposed Construction or Alteration** (Form 7460-1) must be filed with the Federal Aviation Administration (FAA).

If construction or alteration *is not located* on an airport, you may file electronically (i.e., e-filing) using the following web-link:

<https://oeaaa.faa.gov/oeaaaEXT/portal.jsp>

If construction or alteration *is located* on an airport, you must file Form 7460-1 via US Postal Mail to:

Western Pacific Region

HI, CA, NV, AZ, GU

Western-Pacific Regional Office Air Traffic Division, AWP-520

15000 Aviation Boulevard Hawthorne, CA 90260

Tel: 310-725-6557

Form 7460-1 is available online in PDF (printable version, only) or Word format (data may be typed into form).

<http://forms.faa.gov/forms/faa7460-1.pdf>

<http://www.faa.gov/aso/aso500/7460-1n.doc>

Figure B5

FAR Part 77 Filing Process

Airport Land Use Compatibility Concepts Military Airports

INTRODUCTION

This appendix provides basic information regarding the concepts used to develop the compatibility policies and maps set forth in Chapters 2 and 3 of this *Marine Corps Air Station (MCAS) Miramar Land Use Compatibility Plan* (ALUCP). As a compatibility plan for a military airport, the approach differs in some respects from the concepts utilized for civilian airport compatibility plans.

Of most direct significance to this plan are the compatibility criteria contained in the March 2005 *Marine Corps Air Station Miramar Air Installations Compatible Use Zones Update* (AICUZ), prepared by the Department of Defense (DOD). The AICUZ provides the DOD perspective on the land use compatibility measures needed “to protect the public’s health, safety and welfare and to prevent encroachment from degrading the operational capability of military air installations in meeting national security objectives.” As the federal government has no direct authority over local land use planning decisions, the AICUZ is not binding upon the ALUC or land use jurisdictions around the base; Instead, the AICUZ memorializes the DOD’s land use planning recommendations to local jurisdictions surround the military base.

While the AICUZ is not a regulatory document, Public Utilities Code section 21675(b) requires that “the airport land use compatibility plan [prepared by the ALUC] shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport.” Based upon guidance included in the *California Airport Land Use Planning Handbook* (January 2002) published by the California Division of Aeronautics, “consistent” is interpreted here to mean that the ALUCP does not have to be identical to the AICUZ. Rather, it means that the ALUCP must provide at least the same degree of protection for the public and the airport. While the categorization of land uses and the format of the compatibility criteria in this ALUCP differ from that of the AICUZ, the two sets of criteria were carefully compared during the plan’s preparation to ensure that the ALUCP provides an equivalent or greater level of protection from land use conflicts than the AICUZ.

The second major source of guidance used in preparing this *MCAS Miramar ALUCP* is the *California Airport Land Use Planning Handbook* (*Handbook*) noted above. State law requires that airport land use commissions “be guided by” the information presented in the *Handbook*. However the *Handbook* does not constitute formal state policy or regulation. Indeed, adjustment of the guidelines to fit the circumstances of individual airports is recommended by the *Handbook*. This is particularly true with respect to military airports because of the Public Utilities Code requirement that the ALUCP be consistent with the AICUZ for that facility.

As outlined in the *Handbook*, the noise and safety compatibility concerns of ALUCs fall into four categories. This *Compatibility Plan* refers to these categories as “factors/layers:”

- › *Noise:* As defined by cumulative noise exposure contours describing noise from aircraft operations near an airport.
- › *Safety:* From the perspective of minimizing the risks of aircraft accidents beyond the runway environment.
- › *Airspace Protection:* Accomplished by limits on the height of structures and other objects in the airport vicinity and restrictions on other uses that potentially pose hazards to flight.
- › *Overflight:* The impacts of routine aircraft flight over a community.

The AICUZ provides guidance with regard to each of these factors/layers; although, as explained further below, the AICUZ only indirectly provides guidance with regards to the overflight factor/layer. Within each of the four factors/layers, the discussion is organized around four topics:

- › *Compatibility Objective:* The objective to be sought by establishment and implementation of the compatibility policies.
- › *Measurement:* The scale on which attainment of the objectives can be measured;
- › *Compatibility Strategies:* The types of strategies which, when formulated as compatibility policies, can be used to accomplish the objectives.
- › *Basis for Setting Criteria:* The factors which should be considered in setting the respective compatibility criteria.

It is important to emphasize that the ALUCP must be consistent with the noise and safety standards provided in the AICUZ. In addition, it is important to emphasize that the *Handbook* guidance does not supersede or otherwise take precedence over the policies adopted by the San Diego County Airport Land Use Commission (ALUC) in this *Compatibility Plan*. Furthermore, this appendix itself does not constitute ALUC policy. If the material herein conflicts in any manner with the actual policy language or maps, the policies and maps prevail.

NOISE

Noise is perhaps the most basic airport land use compatibility concern, and is the most noticeable impact of airports.

Compatibility Objective

The purpose of noise compatibility policies is to avoid establishment of new noise-sensitive land uses in the portions of an airport environs that are exposed to significant levels of aircraft noise, taking into account the characteristics of the airport and the community surrounding the airport.

Measurement

For the purposes of airport land use compatibility planning, noise generated by the operation of aircraft to, from, and around an airport is primarily measured in terms of the cumulative noise levels of all aircraft operations. In California, the cumulative noise level metric established by state regulations, including for measurement of airport noise, is the Community Noise Equivalent Level (CNEL). Cumula-

tive noise level metrics measure the noise levels of all aircraft operating at an airport on an average day (1/365) of the year. The calculations take into account not only the number of operations of each aircraft type and the noise levels they produce, but also their distribution geographically (the runways and flight tracks used) and by time of day. To reflect an assumed greater community sensitivity to nighttime and evening noise, the CNEL metric counts events during these periods as being louder than actually measured.

Cumulative noise level metrics provide a single measure of the average sound level in decibels (dB) to which any point near an airport is exposed over the course of a day. Although the maximum noise levels produced by individual aircraft are a major component of the calculations, cumulative noise level metrics do not explicitly measure these peak values. Cumulative noise levels are usually illustrated on airport area maps as contour lines connecting points of equal noise exposure. Mapped noise contours primarily show areas of significant noise exposures—ones affected by high concentrations of aircraft takeoffs and landings.

For military airports, noise contours are typically calculated using Department of Defense's NOISE-MAP model. Data inputs to this model include: standardized data regarding aircraft performance and noise levels generated (this data can be adjusted for a particular airport if necessary), and airport-specific data (including aircraft types and number of operations, time of day of aircraft operations, runway usage distribution, and the location and usage of flight tracks). Airport elevation and surrounding topographic data also can be entered.

For airports with airport traffic control towers, some of these inputs can be obtained from recorded data. Noise monitoring and radar flight tracking data available for airports in metropolitan areas are other sources of valuable information. At most airports, though, the individual input variables must be estimated.

This ALUCP uses the exact noise contours presented in the Miramar AICUZ. These contours and a summary of the underlying aircraft operational data on which they are based are included in Chapter 4 of this *Compatibility Plan*.

Compatibility Strategies

The basic strategy for achieving noise compatibility in an airport's vicinity is to limit development of land uses that are particularly sensitive to noise. The most acceptable land uses are ones that either involve few people (especially people engaged in noise-sensitive activities) or generate significant noise levels themselves (such as other transportation facilities or some industrial uses).

Generally, California state law provides that residential land uses are incompatible where the noise exposure exceeds 65 dB CNEL. State airport noise regulations, though, explicitly apply only to identified "noise problem airports," in the context of providing the ability of these airports to operate under a noise variance from the State. In addition, the 65 dB CNEL standard is set with respect to high-activity airports, particularly major air carrier airports in urban locations, where ambient noise levels are generally higher than in suburban and rural areas. As discussed below and as provided in the *Handbook*, a lower threshold of incompatibility is often appropriate at certain airports, particularly around airports in suburban or rural locations where the ambient noise levels are lower than those found in more urban areas.

In places where the noise exposure is not so severe as to warrant exclusion of new residential development, the ideal strategy is to have very low densities—that is, parcels large enough that the dwelling can be placed in a less impacted part of the property.

In urban areas, however, this strategy is seldom viable. The alternative is to encourage high-density, multi-family residential development with little, if any, outdoor areas, provided that the 65 dB CNEL standard and limitations based upon safety are not exceeded. Compared to single-family subdivisions, ambient noise levels are typically higher in multi-family developments, outdoor living space is less, and sound insulation features can be more easily added to the buildings. All of these factors tend to make aircraft noise less intrusive.

Sound insulation is an important requirement for residential and other noise-sensitive indoor uses in high noise areas. The California Building Code requires that sufficient acoustic insulation be provided in any habitable rooms of new hotels, motels, dormitories, and dwellings (other than detached single-family residences) to assure that aircraft noise is reduced to an interior noise level of 45 dB CNEL or less. To demonstrate compliance with this standard, an acoustical analysis must be done for any residential structure proposed to be located where the annual CNEL exceeds 60 dB. This *Compatibility Plan* extends the 45 dB CNEL interior noise limit standard to single-family dwellings.

Basis for Setting Criteria

Compatibility criteria related to cumulative noise levels are well-established in federal and state laws and regulations. The California Airport Noise Regulations (California Code of Regulations Section 5000 *et seq.*) states that:

“The level of noise acceptable to a reasonable person residing in the vicinity of an airport is established as a community noise equivalent level (CNEL) value of 65 dB for purposes of these regulations. This criterion level has been chosen for reasonable persons residing in urban residential areas where houses are of typical California construction and may have windows partially open. It has been selected with reference to speech, sleep and community reaction.”

No airport declared by a county’s board of supervisors as having a “noise problem” is to operate in a manner that result in incompatible uses being located within the CNEL 65 dB contour. In San Diego County, only San Diego International Airport has been so designated. Incompatible uses are defined as being: residences of all types; public and private schools; hospitals and convalescent homes; and places of worship. However, these uses are not regarded as incompatible where acoustical insulation necessary to reduce the interior noise level to CNEL 45 dB has been installed or the airport proprietor has acquired an aviation easement for aircraft noise.

As noted in the regulations, the CNEL 65 dB standard is set with respect to urban areas. For many airports and many communities, CNEL 65 dB is too high to be considered acceptable to “reasonable persons.” Through a process called “normalization,” adjustments can be made to take into account such factors as the background noise levels of the community and previous exposure to particular noise sources. This process suggests, for example, that CNEL 60 dB may be a more suitable criterion for suburban communities not exposed to significant industrial noise and CNEL 55 dB may be appropriate for quiet suburban or rural communities remote from industrial noise and truck traffic. On the other hand, even though exceeding state standards, CNEL 70 dB may be regarded as an acceptable noise exposure in noisy urban residential communities near industrial areas and busy roads.

Industrial activity and transportation noise are undoubtedly two of the most prominent contributors to background noise levels in a community. According to a U.S. Environmental Protection Agency (EPA) study however, the variable that correlates best with ambient noise levels across a broad range of communities is population density (*Population Distribution of the United States as a Function of Outdoor Noise Level*, EPA Report No. 550/9-74-009, June 1974). This study established the following formula as a means of estimating the typical background noise level of a community:

$$\text{DNL}_{\text{EPA}} = 22 + 10 * \log(p)$$

where “p” is the population density measured in people per square statute mile.

These factors are central considerations in the noise level criteria for new residential development endorsed by the San Diego County ALUC and reflected in the policies of this *Compatibility Plan*. In general, the ALUC considers CNEL 65 dB to be the maximum normally acceptable noise exposure for new residential development near airports in urban areas, 60 dB near airports in suburban areas, and 55 dB near low-activity airports in rural areas. Based upon the above EPA equation, these criteria are a minimum of 5 dB above the predicted ambient noise levels in the respective communities.

Similar considerations come into play with respect to establishing maximum acceptable noise exposure for nonresidential land uses, particularly those that are noise sensitive. For schools, lodging, and other such uses, a higher noise exposure may be tolerated in noisy urban communities than in quieter suburban and rural areas. For uses that are not noise sensitive or which generate their own noise, the maximum acceptable noise exposure levels tend to be the same regardless of ambient noise conditions. The criteria listed in Chapter 3 of this *Compatibility Plan* are set with these various factors in mind.

This *Compatibility Plan* takes its guidance regarding noise compatibility in the vicinity of MCAS Miramar from the AICUZ. The maximum noise exposure considered acceptable for new residential development is set at 65 dB CNEL. The acceptable exposure for other land uses is set consistent with that baseline.

OVERFLIGHT

Experience at many airports has shown that noise-related concerns do not stop at the boundary of the outermost mapped CNEL contours. Many people are sensitive to the frequent presence of aircraft overhead even at low levels of noise. These reactions can mostly be expressed in the form of *annoyance*.

The *Handbook* notes that at many airports, particularly air carrier airports, complaints often come from locations beyond any of the defined noise contours. In fact, heavily used flight corridors to and from metropolitan areas are known to generate noise complaints 50 miles or more from the associated airport. The basis for such complaints may be a desire and expectation that outside noise sources not be intrusive—or, in some circumstances, even distinctly audible—above the quiet, natural background noise level. Elsewhere, especially in locations beneath the traffic patterns of general aviation airports, a fear factor also contributes to some individuals’ sensitivity to aircraft overflights.

While these impacts may be important community concerns, the question here is whether any land use planning actions can be taken to avoid or mitigate the impacts or otherwise address the concerns. Commonly, when overflight impacts are under discussion in a community, the focus is on modification of the flight routes. Indeed, some might argue that overflight impacts should be addressed solely through the aviation side of the equation—not only flight route changes, but other modifications to

where, when, and how aircraft are operated. Such changes are not always possible because of terrain, aircraft performance capabilities, FAA regulations, and other factors.

In any case, though, ALUCs are particularly limited in their ability to deal with overflight concerns. Most significantly, they have no authority over aircraft operations. The most they can do to bring about changes is to make requests or recommendations. Relatedly, even with regards to land use, the authority of ALUCs extends only to proposed new development and the delineation of an airport's overall influence area. The authority and responsibility for implementing the *Compatibility Plan's* policies and criteria rests with the local governments.

These limitations notwithstanding, there are steps which ALUCs can and should take to help minimize overflight impacts.

Compatibility Objective

In an idealistic sense, the compatibility objective with respect to overflight is the same as for noise: avoid new land use development that can disrupt activities and lead to annoyance and complaints. However, given the extensive geographic area over which overflight impacts occur, this objective is unrealistic except for areas relatively close to the airport. A more realistic objective of overflight compatibility policies therefore is to help notify people about the presence of overflights near airports so that they can make more informed decisions regarding acquisition or lease of property in the affected areas.

Measurement

Cumulative noise metrics such as CNEL, are well-suited for use in establishing land use compatibility policy criteria and are the only noise metrics for which widely accepted standards have been adopted. However, these metrics are not very helpful in determining the extent of overflight impact areas. Locations where overflight concerns may be significant are typically well beyond where noise contours can be drawn with precision. Flight tracks tend to be quite divergent and noise monitoring data is seldom available. Moreover, even if the contours could be drawn precisely, the noise levels they would indicate may not be much above the ambient noise levels.

For the purposes of airport land use compatibility planning, two other forms of noise exposure information are more useful. One measure is the momentary, maximum sound level (L_{\max}) experienced on the ground as the aircraft flies over while landing at and taking off from a runway. These noise levels can be depicted in the form of a noise "footprint" for a variety of general aviation, airline, and military aircraft. Each of these footprints is broadly representative of those produced by other aircraft similar to the ones shown. The actual sound level produced by any single aircraft takeoff or landing will vary not only among specific makes and models of aircraft, but also from one operation to another of identical aircraft.

In examining the footprints, two additional points are important to note. One is the importance of the outermost contour. This noise level -- 65 dBA L_{\max} -- is the level at which interference with speech begins to be significant. Land uses anywhere within the noise footprint of a given aircraft would experience a noise level, even if only briefly, that could be disruptive to outdoor conversation. Indoors, with windows closed, the aircraft noise level would have to be at least 20 dBA louder to present similar impacts.

A second point to note concerns the differences among various aircraft, particularly business jets. As the data shows, business jets manufactured in the 1990s are much quieter than those of 10 and 20 years earlier. The impacts of the 1990s era jets are similar to those of twin-engine piston aircraft, and jets being made in the 2000s are quieter yet. At many general aviation airports, the size of the CNEL contours is driven by a relatively small number of operations by the older, noisier business jets. These aircraft are gradually disappearing from the nationwide aircraft fleet and will likely be mostly gone within 20 years, but at this point in time it is uncertain when they will be completely eliminated.

A similar trend has taken place with airline aircraft and comparable transport aircraft used by the military. Tactical military aircraft also have become somewhat quieter, but still remain considerably noisier than most civilian aircraft. Finally, helicopters produce noise that, while not generally as loud as many fixed-wing aircraft, is distinctive because of its vibrational character.

Another useful source of overflight information is a map of the common flight tracks used by aircraft when approaching and departing an airport. Where available, recorded radar data is an ideal source for flight track mapping. Even more revealing is to refine the simple flight track mapping with data such as the frequency of use and aircraft altitudes. Data of this type is included in the Miramar AICUZ and, along with supplemental information provided by the military, was directly relied upon with regard to delineating the area of overflight concern for the purposes of this *Compatibility Plan*.

Compatibility Strategies

As noted above, the ideal land use compatibility strategy with respect to overflight annoyance is to avoid development of new residential and other noise-sensitive uses in the affected locations. To the extent that this approach is not practical, other strategies need to be explored.

The strategy emphasized in this *Compatibility Plan* is to help people with above-average sensitivity to aircraft overflights—people who are highly *annoyed* by overflights—avoid living in locations where frequent overflights occur. This strategy involves making people more aware of an airport's proximity, and its current and potential aircraft noise impacts on the community before they move to the area. This can be accomplished through buyer awareness measures, such as dedication of avigation or overflight easements, recorded deed notices, and/or real estate disclosure statements.

The two specific types of buyer awareness measures included into this *Compatibility Plan* for MCAS Miramar are overflight notifications and real estate disclosure statements. The Overflight Notification, as described in Chapter 3 and Appendix F, is a form of recorded deed notice. Real estate disclosure statements are a requirement of state law and this plan serves to define the boundaries of where the disclosure is deemed appropriate.

A second strategy is to minimize annoyance in overflight areas by promoting types of land uses that tend to mask or reduce the intrusiveness of aircraft noise. Although this strategy does not directly appear in the overflight policies of this *Compatibility Plan*, the objectives of the plan would be well-served if local jurisdictions take this concept into consideration in their own planning efforts. To the extent that residential land uses must be located in aircraft overflight areas, multi-family residences (because they tend to have comparatively little outdoor living areas, fewer external walls through which aircraft noise can intrude, and relatively high noise levels of their own) are preferable to single-family dwellings. Particularly undesirable are “ranchette” style residential areas consisting of large (about an acre on average) lots. Such developments are dense enough to expose many people to overflight noise, yet sufficiently rural in character that background noise levels are likely to be low.

Basis for Setting Criteria

In California, the most definitive guidance on where overflight impacts are significant or what actions should be taken in response comes from a state law that took effect in January 2004. California statutes (Bus. and Prof. Code, §11010; Civ. Code, §§ 1103, 1353) require most residential real estate transactions, including all involving new subdivisions, to include disclosure that an airport is nearby. The area encompassed by the disclosure requirements is two miles from the airport or the airport influence area established by the county's airport land use commission. The law defines the airport influence area as "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." This *Compatibility Plan* requires that the disclosure of airport proximity be applied to all new development within the airport influence area, and recommends that disclosure be provided as part of all real estate transactions involving private property, especially any sale, lease, or rental of residential property.

In addition to the real estate disclosure requirements, this *Compatibility Plan* requires an Overflight Notification document to be recorded for local agency approval of residential land use development within the overflight factor/layer. The overflight notification area applies to locations where fixed-wing aircraft fly at less than 3,000 feet above ground level (AGL) and/or helicopters fly at less than 1,500 feet AGL.

SAFETY

Compared to noise, safety is in many respects a more difficult concern to address in airport land use compatibility policies. A major reason for this difference is that safety policies address uncertain events that *may occur* with *occasional* aircraft operations, whereas noise policies deal with known, more or less predictable events which *do occur* with *every* aircraft operation. Because aircraft accidents happen infrequently and the time, place, and consequences of an individual accident's occurrence cannot be predicted, the concept of *risk* is central to the assessment of safety compatibility.

Compatibility Objective

The overall objective of safety compatibility criteria is to minimize the risks associated with potential off-airport aircraft accidents and emergency landings beyond the runway environment. There are two components to this objective:

- › *Safety on the Ground:* The most fundamental safety compatibility component is to provide for the safety of people and property on the ground in the event of an aircraft accident near an airport.
- › *Safety for Aircraft Occupants:* The other important component is to enhance the chances of survival of the occupants of an aircraft involved in an accident that takes place beyond the immediate runway environment. This component is primarily viable with respect to small general aviation aircraft, not to larger, faster airline and military aircraft.

Measurement

Because aircraft accidents happen infrequently, measuring the risks associated with their occurrence is difficult. It is necessary to look beyond an individual airport in order to assemble enough data to be

statistically valid. It is beyond the intent of this discussion to provide statistical data about aircraft accidents. However, certain aspects of aircraft accidents are necessary to discuss in that they have a direct bearing on land use compatibility strategies.

From the standpoint of land use planning, two variables determine the degree of risk posed by potential aircraft accidents: *frequency* and *consequences*.

Frequency Variable

The frequency variable measures *where* and *when* aircraft accidents occur in the vicinity of an airport. More specifically, these two elements can be described as follows:

- › *Spatial Element:* The spatial element describes *where* aircraft accidents can be expected to occur. Of all the accidents that take place in the vicinity of airports, what percentage occurs in any given location?
- › *Time Element:* The time element adds a *when* variable to the assessment of accident frequency. In any given location around a particular airport, what is the chance that an accident will occur in a specified period of time?

Of these two elements, the spatial element is the one most meaningfully applied to land use compatibility planning around an individual airport. Looking at airports nationwide, enough accidents have occurred to provide useful data regarding where they mostly occur in the environs of airports. Additionally, the relative concentration of accidents in certain parts of the airport environs is a key consideration in the establishment of compatibility criteria applicable within those zones.

The U.S. Air Force has compiled data for military aircraft accidents and used it to define basic accident potential zones (APZs) for military airport runways. All branches of the military rely upon this analysis. The AICUZ for MCAS Miramar adjusts the basic APZs to follow the predominant flight corridors and to take into account the altitudes at which aircraft fly along these routes. The AICUZ also utilizes the data on concentrations of accidents as one of the determinants of the degree of land use development restrictions deemed appropriate within each zone. The ALUC is required to utilize the APZs, as provided in the ALCUZ, for purposes of preparation of the safety zones for the ALUCP.

The time element, by way of contrast, is not very useful for land use compatibility planning purposes for several reasons. First, at any given airport, the number of accidents is, with rare exceptions, too few to be statistically meaningful in determining where future accidents might occur. Secondly, a calculation of accident frequency over time depends upon the size of the area under consideration—the smaller the area examined, the less likely it is that an accident will occur in that spot.

Consequences Variable

The consequences variable describes *what* happens when an aircraft accident occurs. Specific measures can be defined in terms of deaths, injuries, property damage, or other such characteristics. In many respects, the consequences component of aircraft accident risk assessment is a more important variable than accident frequency. Not only can a single accident cost many lives, it can indirectly force operational changes or even airport closure.

Relatively little data is available specifically documenting the consequences of aircraft accidents. Except with regard to numbers of deaths or injuries to people on the ground, data on various aspects of aircraft accidents must be used to infer what the consequences have been. Swath size is one useful piece

of information. It indicates the area over which accident debris is spread. Swath size in turn depends upon the type of aircraft and the nature of the accident: was the aircraft in controlled flight (an engine failure for example), but then collided with something on the ground or did a catastrophic event (such as a mid-air collision or stall-spin) result in the aircraft making an uncontrolled descent? For small general aviation aircraft, the swath size data suggests that a controlled emergency landing in which the aircraft occupants have a strong chance of surviving is possible in an area about the size of a football field: 75 feet by 300 feet or about 0.5 acre. For larger aircraft, the minimum flight speed is so much higher that the consequences for people on board and anyone on the ground are likely to be high regardless of the land use or terrain characteristics.

Compatibility Strategies

The relatively low numbers of deaths and injuries from aircraft accidents is sometimes cited as indicating that the risks are low. Clearly, though, the more people occupying the critical areas around airports, the greater the risks are. Aircraft accidents may be rare occurrences, but when they occur, the consequences can be severe.

From a land use compatibility perspective, it is therefore essential to avoid conditions that can lead to catastrophic results. Basically, the question is: what land use planning measures can be taken to reduce the severity of an aircraft accident if one occurs in a particular location near an airport? Although there is a significant overlap, specific strategies must consider both components of the safety compatibility objective: protecting people and property on the ground; and, primarily for general aviation airports, enhancing safety for aircraft occupants. In each case, the primary strategy is to limit the intensity of use (the number of people concentrated on the site) in locations most susceptible to an off-airport aircraft accident. This is accomplished by three types of criteria.

Density and Intensity Limitations

Establishment of criteria limiting the maximum number of dwellings or people in areas close to the airport is the most direct method of reducing the potential severity of an aircraft accident. In setting these criteria, consideration must be given to the two different forms of aircraft accidents: those in which the aircraft is descending, but is flying and under directional control of the pilot; and those in which the aircraft is out of control as it falls. Comparable military data is not available, but anecdotal information suggests that both controlled and uncontrolled types of accidents occur with military aircraft as well.

Limits on usage intensity—the number of people per acre—must take into account both types of potential aircraft accidents. To the extent that accidents and incidents are of the controlled variety, then allowing high concentrations of people in a small area would be sensible, as long as intervening areas are little populated. However, concentrated populations present a greater risk for severe consequences in the event of an uncontrolled accident at that location. The policies in Chapter 3 address both of these circumstances. Limiting the average usage intensity over a site reduces the risks associated with either type of accident. In most types of land use development, though, people are not spread equally throughout the site. To minimize the risks from an uncontrolled accident, certain policies also limit the extent to which people can be concentrated and development can be clustered in any small area.

Open Land Requirements

Creation of requirements for open land near an airport addresses the objective of enhancing safety for the occupants of an aircraft forced to make an emergency landing away from a runway. If sufficiently

large and clear of obstacles, open land areas can be valuable for light aircraft anywhere near an airport. For large and high-performance aircraft, however, open land has little value for emergency landing purposes and is useful primarily where it is an extension of the clear areas immediately adjoining a runway. This *Compatibility Plan* includes open land requirements primarily with respect to residential land uses, echoing criteria in the AICUZ.

Highly Risk-Sensitive Uses

Certain critical types of land uses—particularly schools, hospitals, and other uses in which the mobility of occupants is effectively limited—should be avoided near the ends of runways and along high-risk flight corridors regardless of the number of people involved. Critical community infrastructure also should be avoided near airports. These types of facilities include power plants, electrical substations, public communications facilities and other facilities, the damage or destruction of which could cause significant adverse effects to public health and welfare well beyond the immediate vicinity of the facility. Lastly, aboveground storage of large quantities of highly flammable or otherwise hazardous materials may pose high risks if involved in an aircraft accident and therefore are generally incompatible close to runway ends.

Basis for Setting Criteria

As with noise contours, risk data by itself does not answer the question of what degree of land use restrictions should be established in response to the risks. Although most ALUCs have policies that restrict certain land use activities in locations beyond the runway protection zones, or clear zones in the case of military airports, the size of the area in which restrictions are established and the specific restrictions applied vary from one county to another.

Data useful in defining the geographic extent of airport safety areas was discussed above. To set safety compatibility criteria applicable within these zones presents the fundamental question of what is safe. Expressed in another way: what is an *acceptable risk*? In one respect, it may seem ideal to reduce risks to a minimum by prohibiting most types of land use development from areas near airports. However, as addressed in the *Handbook*, there are usually costs associated with such high degrees of restrictiveness. In practice, safety criteria are set on a progressive scale with the greatest restrictions established in locations with the greatest potential for aircraft accidents.

For military airports, guidance contained in an AICUZ together with the California state law requiring that an ALUCP be consistent with the AICUZ for that facility, provides a definitive starting point for establishing safety zone boundaries and compatibility criteria. This *Compatibility Plan* relies directly upon the guidance contained in the MCAS Miramar AICUZ. The Clear Zone, APZ I, and APZ II boundaries depicted in the AICUZ are incorporated outright into the ALUCP. The ALUCP adds a Transition Zone, which is located on the perimeter of APZ II, and which was created using low-altitude fixed-wing aircraft flight track location data for the Airport provided in the AICUZ. Additional data from the military, as provided in the AICUZ, was used to identify locations where these aircraft fly at an altitude of less than 2,000 feet above mean sea level. The Transition Zone does not consider helicopter flight tracks, as these tracks are either over base property or overlap the fixed-wing aircraft tracks. Finally, the safety compatibility criteria in the ALUCP, while structured differently than found in the AICUZ, provide an equivalent or greater degree of protection against incompatible land use development as achieved by the AICUZ criteria.

In addition to the AICUZ, this *Compatibility Plan* also utilizes the safety compatibility guidance provided by the state *Handbook*. In particular, three risk-related variables discussed in the *Handbook* have been considered.

- › *Runway Proximity*: In general, the areas of highest risk are closest to the runway ends and secondarily along the extended runway centerline. However, many common aircraft flight tracks do not follow along the runway alignment, particularly on departures. Also, where an aircraft crashes may not be along the flight path that was intended to be followed.
- › *Urban versus Rural Areas*: Irrespective of airports, people living in urban areas face different types of risks than those living in rural areas. The cost of avoiding risks differs between these two settings as well. The *Handbook* acknowledges these differences by indicating that usage intensities can be higher in heavily developed urban areas compared to partially undeveloped suburban areas or minimally developed rural locations, yet be equivalent in terms of the level of acceptable risk. The MCAS Miramar environs are urban in character.
- › *Existing versus Proposed Uses*: Another distinction in compatibility policies can be drawn between existing and proposed development. It is reasonable for safety-related policies to be established which prohibit certain types of new development while considering identical existing development to be acceptable. The range of risks can be divided into three levels (see page 9-15 of the *Handbook*). At the bottom of this scale are negligible and acceptable risks for which no action is necessary. At the top are intolerable risks for which action is necessary regardless of the cost. In between are risks that are significant, but tolerable. Whether action should be taken to reduce these risks depends upon the costs involved. Typically, the cost of removing an incompatible development is greater than the cost of avoiding its construction in the first place.

Preparation of this *Compatibility Plan* relies directly upon the guidance contained in the MCAS Miramar AICUZ. In addition, this *Compatibility Plan* has been guided by the *Handbook* information. A major effort has been made in this *Compatibility Plan* to adhere to the fundamental objective, as identified in state law, of minimizing the public's exposure to excessive safety hazards within airport environs while not unduly restricting needed land use development, while complying with the statutory mandate that the ALUCP be consistent with the noise and safety standards in the AICUZ.

AIRSPACE PROTECTION

Relatively few aircraft accidents are caused by land use conditions that are hazards to flight. The potential exists, however, and protecting against aircraft accident is essential to airport land use safety compatibility. In addition, and importantly, land use conditions that are hazards to flight may impact the continued viability of airport operations and limit the ability of an airport to operate in the manner identified in an AICUZ.

Compatibility Objective

Because airspace protection is a safety-related factor, its objective can likewise be thought of in terms of reducing risk. Specifically, the objective is to avoid development of land use conditions that, by posing hazards to flight, can increase the risk or likelihood of aircraft accident. The particular hazards of concern include:

- › Airspace obstructions;
- › Wildlife hazards, particularly bird strikes; and
- › Land use characteristics that pose other potential hazards to flight by creating visual or electronic interference with air navigation.

This objective (*i.e.*, aircraft accident risk reduction) is best accomplished by policies that (i) place limits on the height of structures and other objects in the airport vicinity, and (ii) restrict other uses that potentially pose hazards to flight.

Measurement

The measurement of requirements for airspace protection around an airport is a function of several variables including: the dimensions and layout of the runway system; the type of operating procedures established for the airport; and, the performance capabilities of aircraft operated at the airport.

- › *Airspace Obstructions:* Whether a particular object constitutes an obstruction depends upon two factors: (i) the height of the object relative to the runway elevation; and (ii) its proximity to the airport. The acceptable height of objects near an airport is most often determined by application of the standards for military airports set forth in Federal Aviation Regulations (FAR Part 77), *Objects Affecting Navigable Airspace*. These regulations establish a three-dimensional surface in the air above an airport. Any object which penetrates this airspace is considered to be an “obstruction” and may affect the aeronautical use of the airspace. Additionally, as described below, the *U.S. Standard for Terminal Instrument Procedures* (TERPS) also identifies airspace protection surfaces. Although the intended function of the TERPS standards relate to the design of instrument approach and departure procedures, they can be important for airport land use compatibility planning purposes where ground elevations near an airport exceed the FAR Part 77 surfaces. As with FAR Part 77, the TERPS surfaces include specific criteria for military airports.
- › *Wildlife and Other Hazards to Flight:* The significance of other potential hazards to flight is principally measured in terms of the hazards’ specific characteristics and their distance from the airport and/or its normal traffic patterns.

The airspace protection surfaces utilized in this *Compatibility Plan* match those contained in the MCAS Miramar AICUZ and are derived from the FAR Part 77 standards for military airports.

Compatibility Strategies

Compatibility strategies for the protection of aeronautical airspace are relatively simple and are directly associated with individual types of hazards:

- › *Airspace Obstructions:* Buildings, antennas, other types of structures, and trees should be limited in height so as not to pose a potential hazard to flight.
- › *Wildlife and Other Hazards to Flight:* Land uses that may create other types of hazards to flight near an airport should be avoided or modified so as not to include the offending characteristic.

Basis for Setting Criteria

The criteria for determining airspace obstructions have been long-established in FAR Part 77. Further, the regulation of obstructions under the State Aeronautics Act (Pub. Util. Code, §21659) is based on FAR Part 77 criteria. A shortcoming of FAR Part 77 criteria, however, is that they often are too generic to fit the conditions specific to individual airports. The airspace protection surfaces defined in these regulations can be either more or less restrictive than appropriate for a particular airport. For example, the surfaces can be less restrictive than needed in instances where an instrument approach procedure or its missed approach segment are not aligned with the runway. FAR Part 77 also does not take into account instrument departure procedures which, at some airports, can have critical airspace requirements. Moreover, FAR Part 77 provides no useful guidance as to the acceptable height of objects where the ground level already penetrates the airspace surfaces.

To define airspace protection surfaces better suited to these situations, reference can be made the TERPS standards. These standards are used for creation of instrument approach and departure procedures. Thus, they exactly match the procedures in effect at an individual airport. Unlike the FAR Part 77 surfaces, the elevations of which are set relative to the runway end elevations irrespective of surrounding terrain and obstacles, the TERPS elevations are directly determined by the location and elevation of critical obstacles. By design, neither the ground nor any obstacles can penetrate a TERPS surface. However, construction of a tall object that penetrates a TERPS surface can dictate immediate modifications to the location and elevation of the surfaces and directly cause minimum flight visibility and altitudes to be raised or the instrument course to be realigned. In severe instances, obstructions can force a procedure to be cancelled altogether. A significant downside to use of TERPS surfaces for compatibility planning purposes is that they are highly complex compared to the relative simplicity of FAR Part 77 surfaces. Also, the configuration and/or elevations of TERPS surfaces can change not only in response to new obstacles, but as implementation of new navigational technologies permits additional or modified instrument procedures to be established at an airport.

Among other hazards to flight, bird strikes represent the most widespread concern. The FAA recommends that uses known to attract birds (*e.g.*, sanitary landfills) be kept at least 10,000 feet away from any runway used by turbine-powered aircraft. More information regarding criteria for avoidance of uses that can attract wildlife to airports can be found in FAA Advisory Circulars 150/5200-34 and 150/5300-33. Similar guidance is contained in the MCAS Miramar AICUZ.

Other flight hazards include land uses that may cause visual or electronic hazards to aircraft in flight or taking off or landing at the airport. Specific characteristics to be avoided include sources of glare or bright lights, distracting lights that could be mistaken for airport lights, sources of dust, steam, or smoke that may impair pilot visibility, and sources of electrical interference with aircraft communications or navigation. The military is particularly concerned about certain types of lighting that can interfere with use of night-vision goggles.

Methods for Determining Concentrations of People

INTRODUCTION

The underlying safety compatibility criterion employed by the San Diego County Airport Land Use Commission (ALUC) in this *Compatibility Plan* is “usage intensity”—the maximum number of people per acre that can be present in a given area at any one time. If a proposed use exceeds the maximum intensity, it is considered incompatible and thus inconsistent with compatibility planning policies. The usage intensity concept is identified in the *California Airport Land Use Planning Handbook* as the measure best suited for assessment of land use safety compatibility with airports. The *Handbook* is published by the California Division of Aeronautics and is required under state law to be used as a guide in preparation of airport land use compatibility plans.

It is recognized, though, that “people per acre” is not a common measure in other facets of land use planning. This *Compatibility Plan* therefore also utilizes the more common measure of floor area ratio (FAR) as a means of implementing the usage intensity criteria on the local level. This appendix both provides guidance on how the usage intensity determination can be made and defines the relationships between this measure, FAR, and other measures found in land use planning. For a discussion of the rationale for use of people per acre as a measure of risk exposure, see Appendix C.

COUNTING PEOPLE

The most difficult part about calculating a use’s intensity is estimating the number of people expected to use a particular facility under normal circumstances. All people—not just employees, but also customers and visitors—who may be on the property at a single point in time, whether indoors or outside, must be counted. The only exceptions are for rare special events, such as an air show at an airport, for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.

Ideally, the actual number of people for which the facility is designed would be known. For example, the number of seats in a proposed movie theater can be determined with high accuracy once the theater size is decided. Other buildings, though, may be built as a shell and the eventual number of occupants not known until a specific tenant is found. Furthermore, even then, the number of occupants can change in the future as tenants change. Even greater uncertainty is involved with relatively open uses not having fixed seating—retail stores or sports parks, for example.

Absent clearly measurable occupancy numbers, other sources must be relied upon to estimate the number of people in a proposed development.

Survey of Similar Uses

A survey of similar uses already in existence is one option. Gathering data in this manner can be time-consuming and costly, however. Also, unless the survey sample is sufficiently large and conducted at various times, inconsistent numbers may result. Except for uncommon uses for which occupancy levels cannot be estimated through other means, surveys are most appropriate as supplemental information.

Maximum Occupancy

A second option for estimating the number of people who will be on a site is to rely upon data indicating the maximum occupancy of a building measured in terms of occupancy load factor—the number of square feet per occupant. The number of people on the site, assuming limited outdoor or peripheral uses, can be calculated by dividing the total floor area of a proposed use by the occupancy load factor. The challenge of this methodology lies in establishing realistic figures for square feet per occupant. The number varies greatly from one use to another and, for some uses, has changed over time as well.

A commonly used source of maximum occupancy data is the standards set in the California Building Code (CBC). The chart reproduced as Table D1 indicates the occupancy load factors for various types of uses. The CBC, though, is intended primarily for purposes of structural design and fire safety and represents a legal maximum occupancy in most jurisdictions. A CBC-based methodology consequently results in occupancy numbers that are higher than normal maximum usage in most instances. The numbers also are based upon usable floor area and do not take into account corridors, stairs, building equipment rooms, and other functions that are part of a building’s gross square footage. Surveys of actual occupancy load factors conducted by various agencies have indicated that many retail and office uses are generally occupied at no more than 50% of their maximum occupancy levels, even at the busiest times of day. Therefore, the *Handbook* indicates that the number of people calculated for office and retail uses can usually be divided in half to reflect the actual occupancy levels before making the final people-per-acre determination. Even with this adjustment, the CBC-based methodology typically produces intensities at the high end of the likely range.

Another source of data on square footage per occupant comes from the facility management industry. The data is used to help businesses determine how much building space they need to build or lease and thus tends to be more generous than the CBC standards. The numbers vary not only by the type of facility, as with the CBC, but also by type of industry. The following are selected examples of square footage per *employee* gathered from a variety of sources.

- › Call centers 150 – 175
- › Typical offices 180 – 250
- › Law, finance, real estate offices 300 – 325
- › Research & development, light industry 300 – 500
- › Health services 500

The numbers above do not take into account the customers who may also be present for certain uses. For retail business, dining establishments, theaters, and other uses where customers outnumber employees, either direct measures of occupancy—the number of seats, for example—or other methodologies must be used to estimate the potential number of people on the site.

Parking Space Requirements

For many jurisdictions and a wide variety of uses, the number of people present on a site can be calculated based upon the number of automobile parking spaces that are required. Certain limitations and assumptions must be considered when applying this methodology, however. An obvious limitation is that parking space requirements can be correlated with occupancy numbers only where nearly all users arrive by private vehicle rather than by public transportation, walking, or other method. Secondly, the jurisdiction needs to have a well-defined parking ordinance that lists parking space requirements for a wide range of land uses. For most uses, these requirements are typically stated in terms of the number of parking spaces that must be provided per 1,000 square feet of gross building size or a similar ratio. Lastly, assumptions must be made with regard to the average number of people who will arrive in each car.

Both of the critical ratios associated with this methodology—parking spaces to building size and occupants to vehicles—vary from one jurisdiction to another even for the same types of uses. Research of local ordinances and other sources, though, indicates that the following ratios are typical.

- ▶ **Parking Space Ratios**—These examples of required parking space requirements are typical of those found in ordinances adopted by urban and suburban jurisdictions. The numbers are ratios of spaces required per 1,000 square feet of gross floor area. Gross floor area is normally measured to the outside surfaces of a building and includes all floor levels as well as stairways, elevators, storage, and mechanical rooms.

▶ Small Restaurants	10.0
▶ Medical Offices	4.0 – 5.7
▶ Shopping Centers	4.0 – 5.0
▶ Health Clubs	3.3 – 5.0
▶ Business Professional Offices	3.3 – 4.0
▶ Retail Stores	3.0 – 3.5
▶ Research & Development	2.5 – 4.0
▶ Manufacturing	2.0 – 2.5
▶ Furniture, Building Supply Stores	0.7 – 1.0

- ▶ **Vehicle Occupancy**—Data indicating the average number of people occupying each vehicle parking at a particular business or other land use can be found in various transportation surveys. The numbers vary both from one community or region to another and over time, thus current local data is best if available. The following data represent typical vehicle occupancy for different trip purposes.

▶ Work	1.05 – 1.2
▶ Education	1.2 – 2.0
▶ Medical	1.5 – 1.7
▶ Shopping	1.5 – 1.8
▶ Dining, Social, Recreational	1.7 – 2.3

USAGE INTENSITY RELATIONSHIP TO OTHER DEVELOPMENT MEASURES

Calculating Usage Intensities

Once the number of people expected in a particular development—both over the entire site and within individual buildings—has been estimated, the usage intensity can be calculated. The criteria in Chapter 3 of this *Compatibility Plan* are measured in terms of the average intensity over the entire project site.

The average intensity is calculated by dividing the total number of people on the site by the site size. A 10-acre site expected to be occupied by as many as 1,000 people at a time, thus would have an average intensity of 100 people per acre. The site size equals the total size of the parcel or parcels to be developed.

Having calculated the usage intensities of a proposed development, a comparison can be made with the criteria set forth in the *Compatibility Plan* to determine whether the proposal is consistent or inconsistent with the policies.

Comparison with Floor Area Ratio

As noted earlier, usage intensity or people per acre is not a common metric in land use planning. Floor area ratio or FAR—the gross square footage of the buildings on a site divided by the site size—is a more common measure in land use planning. Some counties and cities adopt explicit FAR limits in their zoning ordinance or other policies. Those that do not set FAR limits often have other requirements such as, a maximum number of floors a building can have, minimum setback distances from the property line, and minimum number of parking spaces. These requirements effectively limit the floor area ratio as well.

To facilitate local jurisdiction implementation, the Safety Compatibility Criteria table in Chapter 3 has been structured around FAR measures to determine usage intensity limits for many types of nonresidential land use development. To utilize FAR in this manner, a critical additional piece of information is necessary to overcome the major shortcoming of FAR as a safety compatibility measure. The problem with FAR is that it does not directly correlate with risks to people because different types of buildings with the same FAR can have vastly different numbers of people inside—a low-intensity warehouse versus a high-intensity restaurant, for example. For FAR to be applied as a factor in setting development limitations, assumptions must be made as to how much space each person (employees and others) in the building will occupy. The Safety Compatibility Criteria table therefore indicates the assumed occupancy load factor for various land uses. Mathematically, the relationship between usage intensity and FAR is:

$$\text{FAR} = \frac{(\text{allowable usage intensity}) \times (\text{occupancy load factor})}{43,560}$$

where *usage intensity* is measured in terms of people per acre and *occupancy load factor* as square feet per person.

The land use types in the Safety Compatibility Criteria table are organized in part based upon CBC occupancy type classifications. These classifications are indicated in the table. Table D2 in this appendix briefly describes each of these classifications. Other land use types, especially ones not associated with buildings, have been added to the table in order to better cover the range of land use categories that

appear in general plans and zoning ordinances. For most of these added land use types, FAR limits are not applicable.

Selection of the usage intensity, occupancy level, and FAR numbers that appear in the Safety Compatibility Criteria table was done in an iterative manner that considered each of the components both separately and together. Usage intensities were initially set with respect to guidelines provided in the *California Airport Land Use Planning Handbook* (see Appendix C). Occupancy levels were derived from the CBC, but were adjusted based upon additional research from both local and national sources in the manner discussed earlier in this appendix. The FAR limits were initially calculated from these other two numbers using the formula above.

Additionally, research was done to determine the typical FARs of existing development in the vicinity of urban airports in San Diego County. Extensive data provided by the city of Carlsbad indicates that most of the development near McClellan-Palomar Airport has an FAR of 0.40 or less (some small parcels that are part of larger sites and do not individually include parking have higher FARs). The city of Carlsbad has no defined maximum FAR, but buildings have a three-story height limit. Parking typically is all at ground level. FARs in the city of San Diego are higher, particularly for more recent development. City of San Diego staff indicates that the typical FAR for new office and industrial uses in its jurisdiction is 2.0. Table D3 summarizes the usage intensities that correspond to the above FAR data.

Comparison with Parking Space Requirements

As discussed above, many jurisdictions have adopted parking space requirements that vary from one land use type to another. Factoring in an estimated vehicle occupancy rate for various land uses as described earlier, the occupancy load factor can be calculated. For example, a typical parking space requirement for office uses is 4.0 spaces per 1,000 square feet or 1 space per 250 square feet. If each vehicle is assumed to be occupied by 1.1 persons, the equivalent occupancy load factor would be 1 person per 227 square feet. This number falls squarely within the range noted above that was found through separate research of norms used by the facility management industry.

As an added note, the occupancy load factor of 215 square feet per person indicated in the Safety Compatibility Criteria table for office uses is slightly more conservative than the above calculation produces. This means that, for a given usage intensity standard, the FAR limit in the table is slightly more restrictive than would result from a higher occupancy load factor.

<i>Use</i>	<i>Minimum Square Feet per Occupant</i>
1. Aircraft Hangars (no repair)	500
2. Auction Rooms	7
3. Assembly Areas, Concentrated Use (without fixed seats)	7
Auditoriums	
Churches and Chapels	
Dance Floors	
Lobby Accessory to Assembly Occupancy	
Lodge Rooms	
Reviewing Stands	
Stadiums	
Waiting Areas	3
4. Assembly Areas, Less Concentrated Use	15
Conference Rooms	
Dining Rooms	
Drinking Establishments	
Exhibit Rooms	
Gymnasiums	
Lounges	
Stages	
Gaming	11
5. Bowling Alley (assume no occupant load for bowling lanes)	4
6. Children's Homes and Homes for the Aged	80
7. Classrooms	20
8. Congregate Residences	200
9. Courtrooms	40
10. Dormitories	50
11. Dwellings	300
12. Exercising Rooms	50
13. Garage, Parking	200
14. Health-Care Facilities	80
Sleeping Rooms	120
Treatment Rooms	240
15. Hotels and Apartments	200
16. Kitchen – Commercial	200
17. Library Reading Room	50
Stack Areas	100
18. Locker Rooms	50
19. Malls	Varies
20. Manufacturing Areas	200
21. Mechanical Equipment Room	300
22. Nurseries for Children (Daycare)	35
23. Offices	100
24. School Shops and Vocational Rooms	50
25. Skating Rinks	50 on the skating area; 15 on the deck
26. Storage and Stock Rooms	300
27. Stores – Retail Sales Rooms	
Basements and Ground Floors	30
Upper Floors	60
28. Swimming Pools	50 for the pool area; 15 on the deck
29. Warehouses	500
30. All Others	100

Source: California Building Code (2001), Table 10-A

Table D1

Occupant Load Factors

California Building Code

Group and Division	CBC Section	Description of Occupancy ¹
A-1	303.1.1	A building or portion of a building having an assembly room with an occupant load of 1,000 or more and a legitimate stage.
A-2		A building or portion of a building having an assembly room with an occupant load of less than 1,000 and a legitimate stage.
A-2.1		A building or portion of a building having an assembly room with an occupant load of 300 or more without a legitimate stage, including such buildings used for educational purposes and not classed as a Group E or Group B Occupancy.
A-3		Any building or portion of a building having an assembly room with an occupant load of less than 300 without a legitimate stage, including such buildings used for educational purposes and not classed as a Group E or Group B Occupancy.
A-4		Stadiums, reviewing stands and amusement park structures not included within other Group A Occupancies.
B	304.1	A building or structure, or a portion thereof, for office, professional, or service-type transactions, including storage of records and accounts; eating and drinking establishments with an occupant load of less than 50.
E-1	305.1	Any building used for educational purposes through the 12 th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.
E-2		Any building used for educational purposes through the 12 th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.
E-3		Any building or portion thereof used for day-care purposes for more than six persons.
F-1	306.1	Moderate-hazard factory and industrial occupancies include factory and industrial uses not classified as Group F, Division 2 Occupancies.
F-2		Low-hazard factory and industrial occupancies include facilities producing noncombustible or nonexplosive materials that during finishing, packing or processing do not involve a significant fire hazard.
H-1	307.1	Occupancies with a quantity of material in the building in excess of those listed in Table 3-D that present a high explosion hazard as listed in Section 307.1.1.
H-2		Occupancies with a quantity of material in the building in excess of those listed in Table 3-D that present a moderate explosion hazard or a hazard from accelerated burning as listed in Section 307.1.1.
H-3		Occupancies with a quantity of material in the building in excess of those listed in Table 3-D that present a high fire or physical hazard as listed in Section 307.1.1.
H-4		Repair garages not classified as Group S, Division 3 Occupancies.
H-5		Aircraft repair hangars not classified as Group S, Division 5 Occupancies and heliports.
H-6	307.1 and 307.11	Semiconductor fabrication facilities and comparable research and development areas when the facilities in which the hazardous production materials are used, and the aggregate quantity of material is in excess of those listed in Table 3-D or 3-E.
H-7	307.1	Occupancies having quantities of materials in excess of those listed in Table 3-E that are health hazards as listed in Section 307.1.1.
I-1.1	308.1	Nurseries for the full-time care of children under the age of six (each accommodating more than five children), hospitals, sanitariums, nursing homes with nonambulatory patients and similar buildings (each accommodating more than five patients <i>[for SFM]</i> six patients or children).
I-1.2		Health-care centers for ambulatory patients receiving outpatient medical care which may render the patient incapable of unassisted self-preservation (each tenant space accommodating more than five such patients).
I-2		Nursing homes for ambulatory patients, homes for children six years of age or older (each accommodating more than five persons <i>[for SFM]</i> six patients or children).
I-3		Mental hospitals, mental sanitariums, jails, prisons, reformatories and buildings where personal liberties of inmates are similarly restrained.
M	309.1	A building or structure, or a portion thereof, for the display and sale of merchandise, and involving stocks of goods, wares or merchandise, incidental to such purposes and accessible to the public.
R-1	310.1	Hotels and apartment houses, congregate residences (each accommodating more than 10 persons).
R-2.1		<i>Residential care facilities for the elderly (each accommodating more than six nonambulatory clients).</i>
R-2.2		<i>Residential care facilities for the elderly (each accommodating more than six ambulatory clients).</i>
R-2.1.1		<i>Residential care facilities for the elderly (each accommodating six or less nonambulatory clients).</i>
R-2.2.1		<i>Residential care facilities for the elderly (each accommodating six or less ambulatory clients).</i>
R-2.3		<i>Residential-based licensed facilities providing hospice care throughout, accommodating more than six bedridden clients.</i>
R-2.3.1		<i>Residential-based facilities providing hospice care throughout, accommodating six or less bedridden clients.</i>
R-3	Dwellings, lodging houses, congregate residences (each accommodating 10 or fewer persons).	
S-1	311.1	Moderate-hazard storage occupancies including buildings or portions of buildings used for storage of combustible materials not classified as Group S, Division 2 or Group H Occupancies.
S-2		Low-hazard storage occupancies including buildings or portions of buildings used for storage of noncombustible materials
S-3		Repair garages where work is limited to exchange of parts and maintenance not requiring open flame or welding, and parking garages not classified as Group S, Division 4 Occupancies.
S-4		Open parking garages.
S-5		Aircraft hangars and heliports.
U-1	312.1	Private garages, carports, sheds and agricultural buildings.
U-2		Fences over 6 feet (1829 mm) high, tanks and towers.

¹ For detailed descriptions, see the occupancy definitions in the noted sections of the California Building Code.

Table D2

Occupancy Types
California Building Code

Existing Development Intensities (people/acre)	Median		90 Percentile		Specific Sites	
	Average Acre	Single Acre	Average Acre	Single Acre	Average Acre	Single Acre
Montgomery Field Environs						
Industrial	39	110	44	152		
Office	56	290	72	351		
Retail/Commercial	95	350	174	459		
Miramar Environs						
Industrial	37	110	45	218		
Office	63	292	70	321		
Retail/Commercial	92	350	116	355		
McClellan-Palomar Environs						
Office/R&D	70	150	80	250		
Shopping Centers						
Single Story / Surface Parking FAR = 0.24					100	425
Two Story / Parking Structure FAR = 0.54					212	600

Notes

- › Intensities were calculated on the basis of 300 s.f./person for R&D uses, 200 s.f./person for office uses, and 125 s.f./person for retail/commercial uses using jurisdiction data on building and parcel sizes; all intensity numbers are approximate
- › Montgomery Field and Miramar environs data from City of San Diego
- › McClellan-Palomar data from City of Carlsbad

Table D3

Usage Intensities of Existing Development

San Diego County Urban Areas

General Plan Consistency Checklist

This checklist is intended to assist counties and cities with modifications necessary to make their general plans and other local policies consistent with the ALUC's compatibility plan. It is also designed to facilitate ALUC reviews of these local plans and policies. The list will need to be modified to reflect the policies of each individual ALUC and is not intended as a state requirement.

COMPATIBILITY CRITERIA**General Plan Document**

The following items typically appear directly in a general plan document. Amendment of the general plan will be required if there are any conflicts with the compatibility plan.

- ▶ **Land Use Map**—No direct conflicts should exist between proposed new land uses indicated on a general plan land use map and the ALUC land use compatibility criteria.
 - › Residential densities (dwelling units per acre) should not exceed the set limits. Differences between gross and net densities and the potential for secondary dwellings on single parcels (see below) may need to be taken into account.
 - › Proposed nonresidential development needs to be assessed with respect to applicable intensity limits (see below).
 - › No new land uses of a type listed as specifically prohibited should be shown within affected areas.
- ▶ **Noise Element**—General plan noise elements typically include criteria indicating the maximum noise exposure for which residential development is normally acceptable. This limit must be made consistent with the equivalent compatibility plan criteria. Note, however, that a general plan may establish a different limit with respect to aviation-related noise than for noise from other sources (this may be appropriate in that aviation-related noise is often judged to be more objectionable than other types of equally loud noises).

Zoning or Other Policy Documents

The following items need to be reflected either in the general plan or in a separate policy document such as a combining zone ordinance. If a separate policy document is adopted, modification of the general plan to achieve consistency with the compatibility plan may not be required. Modifications would normally be needed only to eliminate any conflicting language which may be present and to make reference to the separate policy document.

- ▶ **Secondary Dwellings**—Detached secondary dwellings on the same parcel should be counted as additional dwellings for the purposes of density calculations. This factor needs to be reflected in local policies either by adjusting the maximum allowable densities or by prohibiting secondary dwellings where their presence would conflict with the compatibility criteria.
- ▶ **Intensity Limitations on Nonresidential Uses**—Local policies must be established to limit the usage intensities of commercial, industrial, and other nonresidential land uses. This can be done by duplication of the performance-oriented criteria—specifically, the number of people per acre—indicated in the compatibility plan. Alternatively, local jurisdictions may create a detailed list of land uses which are allowable and/or not allowable within each compatibility zone. For certain land uses, such a list may need to include limits on building sizes, floor area ratios, habitable floors, and/or other design parameters which are equivalent to the usage intensity criteria.
- ▶ **Identification of Prohibited Uses**—Compatibility plans may prohibit day care centers, hospitals, and certain other uses within much of each airport's influence area. The facilities often are permitted or conditionally permitted uses within many commercial or industrial land use designations. Policies need to be established which preclude these uses in accordance with the compatibility criteria.

Zoning or Other Policy Documents, Continued

- ▶ **Open Land Requirements**—Compatibility plan requirements, if any, for assuring that a minimum amount of open land is preserved for the airport vicinity must be reflected in local policies. Normally, the locations which are intended to be maintained as open land would be identified on a map with the total acreage within each compatibility zone indicated. If some of the area included as open land is private property, then policies must be established which assure that the open land will continue to exist as the property develops. Policies specifying the required characteristics of eligible open land also must be established.
- ▶ **Infill Development**—If a compatibility plan contains infill policies and a jurisdiction wishes to take advantage of them, the lands which meet the qualifications must be shown on a map.
- ▶ **Height Limitations and Other Hazards to Flight**—To protect the airport airspace, limitations must be set on the height of structures and other objects near airports. These limitations are to be based upon Part 77 of the Federal Aviation Regulations, but may include exceptions for objects on high terrain if provided for in the compatibility plan. Restrictions also must be established on other land use characteristics which can cause hazards to flight (specifically, visual or electronic interference with navigation and uses which attract birds). Note that many jurisdictions have already adopted an airport-related hazard and height limit zoning ordinance which, if up to date, will satisfy this consistency requirement.
- ▶ **Noise Insulation Requirements**—Some compatibility plans call for certain buildings proposed for construction within high noise-impact areas to demonstrate that they will contain sufficient sound insulation to reduce aircraft-related noise to an acceptable level. These criteria apply to new residences, schools, and certain other buildings containing noise-sensitive uses. Local policies must include parallel criteria.
- ▶ **Buyer Awareness Measures**—As a condition for approval of development within certain compatibility zones, some compatibility plans require either dedication of an aviation easement to the airport proprietor or placement on deeds of a notice regarding airport impacts. If so, local jurisdiction policies must contain similar requirements. Compatibility plans also may encourage, but should not require, local jurisdictions to adopt a policy stating that airport proximity and the potential for aircraft overflights be disclosed as part of real estate transactions regarding property in the airport influence area.
- ▶ **Nonconforming Uses and Reconstruction**—Local jurisdiction policies regarding nonconforming uses and reconstruction must be equivalent to or more restrictive than those in the compatibility plan, if any.

Source: *California Airport Land Use Planning Handbook (January 2002)*

REVIEW PROCEDURES

In addition to incorporation of ALUC compatibility criteria, local jurisdiction implementing documents must specify the manner in which development proposals will be reviewed for consistency with the compatibility criteria.

- ▶ **Actions Always Required to be Submitted for ALUC Review**—State law specifies which types of development actions must be submitted for airport land use commission review. Local policies should either list these actions or, at a minimum, note the jurisdiction's intent to comply with the state statute.
- ▶ **Other Land Use Actions Potentially Subject to ALUC Review**—In addition to the above actions, compatibility plan may identify certain major land use actions for which referral to the ALUC is dependent upon agreement between the jurisdiction and the ALUC. If the jurisdiction fully complies with all of the items in this general plan consistency check list or has taken the necessary steps to overrule the ALUC, then referral of the additional actions is voluntary. On the other hand, a jurisdiction may elect not to incorporate all of the necessary compatibility criteria and review procedures into its own policies. In this case, referral of major land use actions to the ALUC is mandatory. Local policies should indicate the jurisdiction's intentions in this regard.
- ▶ **Process for Compatibility Reviews by Local Jurisdictions**—If a jurisdiction chooses to submit only the mandatory actions for ALUC review, then it must establish a policy indicating the procedures which will be used to assure that airport compatibility criteria are addressed during review of other projects. Possibilities include: a standard review procedure checklist which includes reference to compatibility criteria; use of a geographic information system to identify all parcels within the airport influence area; etc.
- ▶ **Variance Procedures**—Local procedures for granting of variances to the zoning ordinance must make certain that any such variances do not result in a conflict with the compatibility criteria. Any variance which involves issues of noise, safety, airspace protection, or overflight compatibility as addressed in the compatibility plan must be referred to the ALUC for review.
- ▶ **Enforcement**—Policies must be established to assure compliance with compatibility criteria during the lifetime of the development. Enforcement procedures are especially necessary with regard to limitations on usage intensities and the heights of trees. An airport combining district zoning ordinance is one means of implementing enforcement requirements.

Sample Implementation Documents

The responsibility for implementation of the compatibility criteria set forth in the *Compatibility Plan* rests largely with the County of San Diego and affected cities. As described in Appendix E, modification of general plans and specific plans for consistency with applicable compatibility plans is the major step in this process. However, not all of the measures necessary for achievement of airport land use compatibility are necessarily included in general plans and specific plans. Other types of documents also serve to implement the *Compatibility Plan* policies. Samples of such implementation documents are included in this appendix.

Airport Combining Zone Ordinance

As noted in Chapter 2 of this document, one option that the affected local jurisdictions can utilize to implement airport land use compatibility criteria and associated policies is adoption of an airport combining zone ordinance. An airport combining zone ordinance is a way of collecting various airport-related development conditions into one local policy document. Adoption of a combining zone is not required, but is suggested as an option. Table F1 describes some of the potential components of an airport combining zone ordinance.

Buyer Awareness Measures

Buyer awareness is an umbrella category for several types of implementation documents all of which have the objective of ensuring that prospective buyers of airport area property, particularly residential property, are informed about the airport's impact on the property. The *Compatibility Plan* policies include each of these measures.

- ▶ **Overflight Notification**—An overflight notification informs property owners that the property is subject to aircraft overflight and generation of noise and other impacts. No restrictions on the heights of objects, requirements for marking or lighting of objects, or access to the property for these purposes are included. An overflight notification serves only as buyer acceptance of overflight conditions. Suggested wording of an overflight notification is included in Table F2. Unlike an aviation easement, overflight easement, or other type of easement, an overflight notification is not a conveyance of property rights. However, like an easement, an overflight notification is recorded on the property deed and therefore remains in effect with sale of the property to subsequent owners. Overflight notifications are generally appropriate in areas outside the 60 dB CNEL noise contour, outside Safety Zones, and within areas where the height of structures and other objects would not pose a significant potential of being airspace obstruction hazards.
- ▶ **Real Estate Disclosure**—A less definitive, but more all-encompassing, form of buyer awareness measure is for the ALUC and local jurisdictions to establish a policy indicating that information about an airport's influence area should be disclosed to prospective buyers of all airport-vicinity properties prior to 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. The requirement for disclosure of infor-

mation about the proximity of an airport has been present in state law for some time, but legislation adopted in 2002 and effective in January 2004 explicitly ties the requirement to the airport influence areas established by airport land use commissions (see Appendix A for excerpts from sections of the Business and Professions Code and Civil Code that define these requirements). With certain exceptions, these statutes require disclosure of a property's location within an airport influence area under any of the following three circumstances: (1) sale or lease of subdivided lands; (2) sale of common interest developments; and (3) sale of residential real property. In each case, the disclosure statement to be used is defined by state law as follows:

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.

An airport compatibility combining zoning ordinance might include some or all of the following components:

- ▶ **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 the Federal Aviation Regulations (FAR) Part 77, *Objects Affecting Navigable Airspace*, Subpart C. Additions or adjustment to take into account instrument approach (TERPS) surfaces should be made as necessary. 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 requires 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.
- ▶ **State Regulation of Obstructions**—State law prohibits anyone from constructing or altering a structure or altering a structure or permitting an object of natural growth to exceed the heights established by FAR Part 77, Subpart C, unless the FAA has determined the object would or does not constitute a hazard to air navigation (Public Utilities Code, Section 21659). Additionally, a permit from the Department of Transportation is required for any structure taller than 500 feet above the ground unless the height is reviewed and approved by the Federal Communications Commission or the FAA (Section 21656).
- ▶ **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 ensure compliance with this requirement. The combining district also could extend this criterion to single-family dwellings.
- ▶ **Maximum Densities/Intensities**—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 method of calculating the intensity limitations needs to be defined. Alternatively, a matrix can be established indicating whether each specific type of land use is compatible with each compatibility zone. To be useful, the land use categories need to be more detailed than typically provided by general plan or zoning ordinance land use designations.
- ▶ **Open Areas for Emergency Landing of Aircraft**—In most circumstances in which an accident involving a small aircraft 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 areas readily available. To enhance safety both for people on the ground and the occupants of the aircraft, airport compatibility plans often contain criteria requiring a certain amount of open land near airports. 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.
- ▶ **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 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.]
- ▶ **Real Estate Disclosure Policies**—The geographic extent and specific language of recommended real estate disclosure statements can be described in an airport combining zone ordinance.

Source: *California Airport Land Use Planning Handbook* (January 2002)

Table F1

Sample Airport Combining Zone Components

OVERFLIGHT NOTIFICATION

This *Overflight Notification* concerns the real property situated in the City of _____, County San Diego, State of California, described as _____ [APN No.: _____].

This *Overflight Notification* provides notification of the condition of the above described property in recognition of, and in compliance with, CALIFORNIA BUSINESS & PROFESSIONS CODE Section 11010 and CALIFORNIA CIVIL CODE Sections 1102.6, 1103.4 and 1353, effective January 1, 2004, and related state and local regulations and consistent with the County of San Diego Airport Land Use Commission’s policies for overflight notification provided in the Airport Land Use Compatibility Plan for MCAS Miramar Airport.

NOTICE OF AIRPORT IN VICINITY: This property is located in the vicinity of an airport and within the airport influence area. The property may be subject to some of the annoyances or inconveniences associated with proximity to an airport and aircraft operations (for example: noise, vibration, overflights or odors). Individual sensitivities to those annoyances can vary from person to person. You should consider what airport annoyances, if any, affect the Property before you complete your purchase and whether they are acceptable to you.

The Department of Defense (Department) and Federal Aviation Administration (FAA) share regulatory authority over the operation of military aircraft in flight and on the runway and taxiway surfaces at MCAS Miramar Airport. The Department and FAA are, therefore, exclusively responsible for airspace and air traffic management, including ensuring the safe and efficient use of navigable airspace, developing air traffic rules, assigning the use of airspace and controlling air traffic. Please contact the Department and FAA for more detailed information regarding overflight and airspace protection issues associated with the operation of military aircraft.

The Airport Operator, the Department, maintains information regarding hours of operation and other relevant information regarding airport operations. Please contact your local airport operator for more detailed information regarding airport specific operational issues including hours of operation.

This *Overflight Notification* shall run with the Property and shall be binding upon all parties having or acquiring any right, title or interest in the Property.

Effective Date: _____, 2008

See ALUCP Policies 2.3 and 3.6 regarding Effective Date/Overflight Policies

Table F2

Sample Overflight Notification

APPENDIX **G**

On-Line Implementation Tool

Chapter 3 of this *Airport Land Use Compatibility Plan* sets forth the noise, safety, airspace protection, and overflight criteria by which land use plans and individual development projects are to be evaluated for compatibility with the airport. To assist with this evaluation, an interactive on-line implementation tool is being created. As of the adoption date of this Compatibility Plan the tool is not yet available for use, but will be functional as soon as practical.

The tool will utilize the mapping and analysis capabilities of geographic information system (GIS) software. Users will enter specific data about the location and characteristics of a development proposal (for example: parcel number, parcel size, type of use, building height and size, number of residential dwellings or nonresidential occupants). For most projects, the tool will indicate whether the proposal is compatible or incompatible with the adopted criteria. Some projects may contain features that make a clear determination of consistency difficult. The tool will flag these projects for individualized evaluation by staff.

The implementation tool will be designed to be accessed on-line. For more information please contact the ALUC staff at 619-400-2400.

Glossary of Terms

Above Ground Level (AGL): An elevation datum given in feet above ground level.

Accident Potential Zones (APZs): A set of safety-related zones defined by AICUZ studies for areas beyond the ends of military airport runways. Typically, three types of zones are established: a clear zone closest to the runway end, then APZ I and APZ II. The potential for aircraft accidents and the corresponding need for land use restrictions are greatest with the clear zone and diminish with increased distance from the runway.

Air Carriers: The commercial system of air transportation, consisting of the certificated air carriers, air taxis (including commuters), supplemental air carriers, commercial operators of large aircraft, and air travel clubs.

Air Installation Compatible Use Zones (AICUZ): A land use compatible plan prepared by the U.S. Department of Defense for military airfields. AICUZ plans serve as recommendations to local governments bodies having jurisdiction over land uses surrounding these facilities.

Aircraft Accident: An occurrence incident to flight in which, as a result of the operation of an aircraft, a person (occupant or nonoccupant) receives fatal or serious injury or an aircraft receives substantial damage.

- ▶ Except as provided below, *substantial damage* means damage or structural failure that adversely affects the structural strength, performance, or flight characteristics of the aircraft, and that would normally require major repair or replacement of the affected component.
- ▶ Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small puncture holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered substantial damage.

Aircraft Incident: A mishap associated with the operation of an aircraft in which neither fatal or serious injuries nor substantial damage to the aircraft occurs.

Aircraft Mishap: The collective term for an aircraft accident or an incident.

Aircraft Operation: The airborne movement of aircraft at an airport or about an en route fix or at other point where counts can be made. There are two types of operations: local and itinerant. An operation is counted for each landing and each departure, such that a touch-and-go flight is counted as two operations. (FAA Stats)

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 useable runways, measured in feet above mean sea level. (AIM)

Airport Influence Area (AIA): An area surrounding an airport designated by an ALUC for the purpose of airport land use compatibility planning conducted in accordance with provisions of the State Aeronautics Act.

Airport Land Use Commission (ALUC): A commission authorized under the provisions of California Public Utilities Code, Section 21670 et seq. and established (in any county within which a public-use airport is located) for the purpose of promoting compatibility between airports and the land uses surrounding them.

Airport Layout Plan (ALP): A scale drawing of existing and proposed airport facilities, their location on an airport, and the pertinent clearance and dimensional information required to demonstrate conformance with applicable standards.

Airport Master Plan (AMP): A long-range plan for development of an airport, including descriptions of the data and analyses on which the plan is based.

Ambient Noise Level: The level of noise that is all encompassing within a given environment for which a single source cannot be determined. It is usually a composite of sounds from many and varied sources near to and far from the receiver.

Approach Protection Easement: A form of easement that both conveys all of the rights of an aviation easement and sets specified limitations on the type of land uses allowed to be developed on the property.

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)

Aviation-Related Use: Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protected areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations, terminal buildings, etc.

Aviation Easement: A type of easement that typically conveys the following rights:

- ▶ A right-of-way for free and unobstructed passage of aircraft through the airspace over the property at any altitude above a surface specified in the easement (usually set in accordance with FAR Part 77 criteria).
- ▶ A right to subject the property to noise, vibrations, fumes, dust, and fuel particle emissions associated with normal airport activity.
- ▶ A right to prohibit the erection or growth of any structure, tree, or other object that would enter the acquired airspace.
- ▶ A right-of-entry onto the property, with proper advance notice, for the purpose of removing, marking, or lighting any structure or other object that enters the acquired airspace.
- ▶ A right to prohibit electrical interference, glare, misleading lights, visual impairments, and other hazards to aircraft flight from being created on the property.

Based Aircraft: Aircraft stationed at an airport on a long-term basis.

California Environmental Quality Act (CEQA): Statutes adopted by the state legislature for the purpose of maintaining a quality environment for the people of the state now and in the future. The Act establishes a process for state and local agency review of projects, as defined in the implementing guidelines that may adversely affect the environment.

Ceiling: Height above the earth's surface to the lowest layer of clouds or obscuring phenomena. (AIM)

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)

Clear Zone: The military airport equivalent of runway protection zones at civilian airports.

Combining District: A zoning district that establishes development standards in areas of special concern over and above the standards applicable to basic underlying zoning districts.

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 metric adopted by the State of California for evaluating 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 (7:00 p.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) periods relative to the daytime period. Evening noise event levels are weighted by a factor of three (+4.77 dB) and nighttime noise event levels are weighted by a factor of ten (+10 dB) prior to averaging. The noise levels are typically depicted by a set of contours, each of which represents points having the same CNEL value. (State Airport Noise Standards)

Compatibility Plan: As used herein, a plan, usually adopted by an Airport Land Use Commission that sets forth policies for promoting compatibility between airports and the land uses that surround them. Often referred to as a *Comprehensive Land Use Plan (CLUP)*.

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

Day-Night Average Sound Level (DNL): The noise metric adopted by the U.S. Environmental Protection Agency for measurement of environmental noise. It represents the average daytime noise level during a 24-hour day, measured in decibels and adjusted to account for the lower tolerance of people to noise during nighttime periods. The mathematical symbol is L_{dn} .

Decibel (dB): A unit measuring the magnitude of a sound, equal to the logarithm of the ratio of the intensity of the sound to the intensity of an arbitrarily chosen standard sound, specifically a sound just barely audible to an unimpaired human ear. For environmental noise from aircraft and other transportation sources, an *A-weighted sound level* (abbreviated dBA) is normally used. The A-weighting scale adjusts the values of different sound frequencies to approximate the auditory sensitivity of the human ear.

Displaced Threshold: A landing threshold that is located at a point on the runway other than the designated beginning of the runway (see *Threshold*). (AIM)

Easement: A less-than-fee-title transfer of real property rights from the property owner to the holder of the easement.

Equivalent Sound Level (L_{eq}): The level of constant sound that, in the given situation and time period, has the same average sound energy as does a time-varying sound.

FAR Part 77: The part of the *Federal Aviation Regulations* that deals with objects affecting navigable airspace in the vicinity of airports. *FAR Part 77* establishes standards for determining obstructions in navigable airspace, sets forth requirements for notice to FAA of certain proposed construction or alteration, and provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace.

FAR Part 77 Surfaces: Imaginary airspace 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 U.S. government agency that is responsible for ensuring the safe and efficient use of the nation's airports and airspace.

Federal Aviation Regulations (FAR): Regulations formally issued by the FAA to regulate air commerce.

Findings: Legally relevant subconclusions that expose a government agency's mode of analysis of facts, regulations, and policies, and that bridge the analytical gap between raw data and ultimate decision.

General Aviation: That portion of civil aviation that encompasses all facets of aviation except air carriers. (FAA Stats)

Glide Slope: An electronic signal radiated by a component of an ILS to provide vertical guidance for aircraft during approach and landing.

Global Positioning System (GPS): A navigational system that utilizes a network of satellites to determine a positional fix almost anywhere on or above the earth. Developed and operated by the U.S. Department of Defense, GPS has been made available to the civilian sector for surface, marine, and aerial navigational use. For aviation purposes, the current form of GPS guidance provides en route aerial navigation and selected types of nonprecision instrument approaches. Eventual application of GPS as the principal system of navigational guidance throughout the world is anticipated.

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)

Heliport: A facility used for operating, basing, housing, and maintaining helicopters. (HAI)

Infill: Development that takes place on vacant property largely surrounded by existing development, especially development that is similar in character.

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 (refer to *Nonprecision Approach Procedure* and *Precision Approach Procedure*). (AIM)

Instrument Flight Rules (IFR): Rules governing the procedures for conducting instrument flight. Generally, IFR applies when meteorological conditions with a ceiling below 1,000 feet and visibility less than 3 miles prevail. (AIM)

Instrument Landing System (ILS): A precision instrument approach system that 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 nonprecision approach procedure having straight-in landing minimums has been approved. (AIM)

Inverse Condemnation: An action brought by a property owner seeking just compensation for land taken for a public use against a government or private entity having the power of eminent domain. It is a remedy peculiar to the property owner and is exercisable by that party where it appears that the taker of the property does not intend to bring eminent domain proceedings.

Land Use Density: A measure of the concentration of land use development in an area. Mostly the term is used with respect to residential development and refers to the number of dwelling units per acre.

Land Use Intensity: A measure of the concentration of nonresidential land use development in an area. For the purposes of airport land use planning, the term indicates the number of people per acre attracted by the land use.

Large Airplane: An airplane of more than 12,500 pounds maximum certificated takeoff weight. (Airport Design AC)

Localizer (LOC): The component of an ILS that provides course guidance to the runway. (AIM)

Mean Sea Level (MSL): An elevation datum given in feet from mean sea level.

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)

National Transportation Safety Board (NTSB): The U.S. government agency responsible for investigating transportation accidents and incidents.

Navigational Aid (Navaid): Any visual or electronic device airborne or on the surface that provides point-to-point guidance information or position data to aircraft in flight. (AIM)

Noise Contours: Continuous lines of equal noise level usually drawn around a noise source, such as an airport or highway. The lines are generally drawn in 5-decibel increments so that they resemble elevation contours in topographic maps.

Noise Level Reduction (NLR): A measure used to describe the reduction in sound level from environmental noise sources occurring between the outside and the inside of a structure.

Noise-Sensitive Land Uses: Land uses for which the associated primary activities, whether indoor or outdoor, are susceptible to disruption by loud noise events. The most common types of noise sensitive land uses include, but are not limited to, the following: residential, hospitals, nursing facilities, intermediate care facilities, educational facilities, libraries, museums, places of worship, child-care facilities, and certain types of passive recreational parks and open space.

Nonconforming Use: An existing land use that does not conform to subsequently adopted or amended zoning or other land use development standards.

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 approved or planned straight-in instrument approach procedure that has no existing or planned precision instrument approach procedure. (Airport Design AC)

Obstruction: Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, the height of which exceed the standards established in Subpart C of Federal Aviation Regulations Part 77, *Objects Affecting Navigable Airspace*.

Overflight: Any distinctly visible and/or audible passage of an aircraft in flight, not necessarily directly overhead.

Overflight Notification: A buyer awareness tool that ensures prospective buyers of properties near an airport, particularly residential property, are informed about the airport's potential impact on the property. An *overflight notification* is recorded in the chain of title of the property and indicates that a property may be subject to some of the annoyances or inconveniences associated with proximity to an airport and aircraft operations (for example: noise, vibration, overflights or odors). Unlike an *avigation easement*, an *overflight notification* does not convey property rights from the property owner to the airport and does not restrict the height of objects. It simply documents the existence of certain conditions which may affect the property.

Overflight Zone: The area(s) where aircraft maneuver to enter or leave the traffic pattern, typically defined by the FAR Part 77 horizontal surface.

Overlay Zone: See *Combining District*.

Precision Approach Procedure: A standard instrument approach procedure where an electronic glide slope is provided. (FAR 1)

Precision Instrument Runway: A runway with an existing or planned precision instrument approach procedure. (Airport Design AC)

Review Area: The area around an airport defined by the *airport influence area* boundary adopted by an airport land use commission within which certain land use proposals are to be referred to the ALUC for review. The *airport influence area* may contain multiple review areas with different requirements as to actions to be submitted to the ALUC.

Runway Protection Zone (RPZ): An area off the end of a civilian airport runway used to enhance the protection of people and property on the ground. This area is equivalent to a *clear zone* at military airports (Airport Design AC)

Safety Zone: For the purpose of airport land use planning, an area near an airport in which land use restrictions are established to protect the safety of the public from potential aircraft accidents.

Single-Event Noise: As used in herein, the noise from an individual aircraft operation or overflight.

Small Airplane: An airplane of 12,500 pounds or less maximum certificated takeoff weight. (Airport Design AC)

Sound Exposure Level (SEL): A time-integrated metric (i.e., continuously summed over a time period) that quantifies the total energy in the A-weighted sound level measured during a transient noise event. The time period for this measurement is generally taken to be that between the moments when the A-weighted sound level is 10 dB below the maximum.

Straight-In Instrument Approach: An instrument approach wherein a 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)

Taking: Government appropriation of private land for which compensation must be paid as required by the Fifth Amendment of the U.S. Constitution. It is not essential that there be physical seizure or appropriation for a *taking* to occur, only that the government action directly interferes with or substantially disturbs the owner's right to use and enjoyment of the property.

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 (also see *Displaced Threshold*). (AIM)

Touch-and-Go: An operation by an aircraft that lands and departs on a runway without stopping or exiting the runway. (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)

Visual Approach: An approach where the pilot must use visual reference to the runway for landing under VFR conditions.

Visual Flight Rules (VFR): Rules that govern the procedures for conducting flight under visual conditions. VFR applies when meteorological conditions are equal to or greater than the specified minimum—generally, a 1,000-foot ceiling and 3-mile visibility.

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 AC)

Zoning: A police power measure, enacted primarily by units of local government, in which the community is divided into districts or zones within which permitted and special uses are established, as are

regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. A zoning ordinance consists of two parts: the text and a map.

Glossary Sources

FAR 1: Federal Aviation Regulations Part 1, Definitions and Abbreviations

AIM: Aeronautical Information Manual

Airport Design AC: Federal Aviation Administration, *Airport Design Advisory Circular 150/5300-13*

CCR: California Code of Regulations, Title 21, Section 3525 et seq., *Division of Aeronautics*

FAA ATA: Federal Aviation Administration, *Air Traffic Activity*

FAA Stats: Federal Aviation Administration, *Statistical Handbook of Aviation*

HAI: Helicopter Association International

NTSB: National Transportation Safety Board