Adopted December 2006

Amended December 2011

Jacumba Airport Land Use Compatibility Plan

AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

RESOLUTION NO. 2006-0063R ALUC*

A RESOLUTION OF THE BOARD OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY APPROVING THE AIRPORT LAND USE COMPATIBILITY PLAN FOR JACUMBA AIRPORT

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

WHEREAS, the Airport Authority, acting in its capacity as the ALUC for San Diego County, is required to prepare and adopt an airport land use compatibility plan ("ALUCP") for each of the airports within its jurisdiction (Pub.Util.Code §§21674(c) and 21675(a)); and

WHEREAS, the basic function of the ALUCPs 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; and

WHEREAS, an ALUC is required to be guided by information in the California Department of Transportation, Division of Aeronautics ("Caltrans"), California Airport Land Use Planning Handbook ("Caltrans Handbook") in formulating ALUCPs; and

WHEREAS, an ALUCP must include and be based on a long-range master plan or an airport layout plan ("ALP"), as determined by Caltrans, that reflects the anticipated growth of the airport during at least the next twenty (20) years; and

WHEREAS, Caltrans approved the use of the Jacumba ALP for use in developing an ALUCP for the Airport in its letter to the Director of System Planning, dated July 8, 2005, which is provided as Exhibit C to this Resolution and which is hereby incorporated by this reference; and

WHEREAS, during a meeting on November 9, 2005, the ALUC directed staff to establish an extensive public outreach and community involvement program through the development of the Airport Land Use Compatibility Plan Technical Advisory Group ("ATAG"), consisting of public agencies, local jurisdictions, pilots, landowners, and other interested parties, to review and provide recommendations to the ALUC regarding land use compatibility policies and related issues; and

*This resolution was revised to correct a clerical error on the airport name.

WHEREAS, the ATAG established a structure consisting of various subcommittees relating to safety, noise, airspace protection, overflight and overall county policies as advisory bodies to the ATAG; and

WHEREAS, since its establishment, this extensive public outreach and community involvement ATAG process has resulted in over sixty (60) meetings where ATAG members were afforded the opportunity to work directly with the technical consultants who participated in the preparation of the draft ALUCP; work directly with the staff on the development of compatibility policies and criteria; and provide direct input to local officials, municipalities and agencies involved in the ALUCP process; and

WHEREAS, the ATAG and its subcommittees were able to reach consensus on the policy guidelines for the establishment of compatibility layers and criteria for each of the layers relating to safety, noise, airspace protection and overflight; and

WHEREAS, the ATAG and its subcommittees also were able to reach consensus on the general Countywide policies related to many issues including existing land use and ALUCP applicability; and

WHEREAS, on July 6, 2006, the ALUC adopted Resolution 2006-0038 accepting ATAG's general compatibility policies for noise, airspace protection and overflight and directing staff to utilize these compatibility policies for purposes of developing the draft ALUCP for the Jacumba Airport; and

WHEREAS, the ALUC prepared a draft ALUCP for Jacumba Airport based upon the ALP for the Airport and consistent with the requirements of the State Aeronautics Act (Cal.Pub.Util.Code §§21670, et seq.), the Caltrans Handbook requirements, and the land use compatibility policies and criteria developed through the ATAG process and accepted by the ALUC; and

WHEREAS, the draft ALUCP for Jacumba Airport is complete unto itself and is separate and independent from ALUCPs adopted by the ALUC for other airports in the County; and

*This resolution was revised to correct a clerical error on the airport name.

WHEREAS, the ALUCP for Jacumba Airport contains the policies by which the ALUC operates and conducts compatibility review of proposed land use and airport development actions; provides detailed compatibility criteria and other policies applicable to Jacumba Airport ("Airport"); presents various background data regarding features, impacts and environs of the Airport; and provides data and assumptions upon which the compatibility policy maps for the Airport are based; and

WHEREAS, the ALUC prepared an Initial Study to determine if the draft ALUCP may have a significant effect on the environment in accordance with the requirements of the California Environmental Quality Act, Pub.Res.Code §§21000, et seq. ("CEQA"), its implementing Guidelines, 14 Cal.Code Regs. §§15000, et seq. ("CEQA Guidelines") and the Airport Authority's CEQA Procedures; and

WHEREAS, the Initial Study showed that there is no substantial evidence, in light of the whole record, that the draft ALUCP for Jacumba Airport may have a significant effect on the environment; and

WHEREAS, based on the Initial Study's findings, the ALUC prepared a proposed Negative Declaration, which included a brief description of the draft ALUCP and its location; a proposed finding that the ALUCP would not have a significant effect on the environment; and a copy of the Initial Study documenting the reasons in support of the proposed finding; and

WHEREAS, the ALUC prepared a Notice of Intent ("NOI") to Adopt a Negative Declaration for the draft ALUCP. The NOI provided notice of the ALUC's intention to adopt a Negative Declaration for the draft ALUCP; that the ALUC would receive public comments on the proposed Negative Declaration for a 30-day period, beginning September 1, 2006 and concluding October 1, 2006; the locations where copies of the Initial Study and proposed Negative Declaration were available for review, including on the Internet; and that the ALUC would hold a public hearing to consider the proposed Negative Declaration on October 2, 2006; and

*This resolution was revised to correct a clerical error on the airport name.

WHEREAS, the ALUC also provided public notice of the ALUC's intention to adopt an ALUCP for Jacumba Airport; that the ALUC would receive public comments on the draft ALUCP for Jacumba Airport for a 30-day period, beginning September 1, 2006 and concluding October 1, 2006; the locations where copies of the draft ALUCP were available for review, including the Internet; and, that the ALUC would hold a public hearing to consider the draft ALUCP on October 2, 2006; and

WHEREAS, on September 12, 2006, the ALUC held a community workshop at the Borrego Springs High School, Borrego Springs, California to discuss the draft ALUCP for Jacumba Airport; and

WHEREAS, as required by Public Utilities Code Section 21675(c), during the public review period and at the community public workshop, the ALUC consulted with and sought comments from the County of San Diego regarding the proposed Airport Influence Area boundary for the draft ALUCP; and

WHEREAS, on October 2, 2006, the ALUC held a public hearing to receive information from ALUC staff regarding the status of the ALUCP preparation and approval process; including information regarding the public review and comment process, the number of written comments received, the public hearing process, and the status of the ATAG discussions concerning the ALUCP compatibility policies; and

WHEREAS, on November 7, 2006, the ALUC made available to the public written responses to all written comments received on the draft ALUCP and draft Initial Study/Negative Declaration; and

WHEREAS, on November 13, 2006, the ALUC held a public hearing to further consider the draft ALUCP. After a review of all of the documentation comprising the draft ALUCP, the Initial Study and proposed Negative Declaration prepared for the draft ALUCP, the ALUC directed staff to make the necessary revisions to the draft ALUCP consistent with public comment and the responses to comments matrices; prepare an addendum (Exhibit "D" to this resolution) to the draft ALUCP providing these revisions; and carry forward the Initial Study and proposed Negative Declaration and the draft ALUCP and addendum to the draft ALUCP (final ALUCP) for Jacumba Airport for final ALUC Board certification, adoption and approval; and

*This resolution was revised to correct a clerical error on the airport name.

WHEREAS, the Airport Authority scheduled a duly noticed public meeting on December 4, 2006, to consider the completeness and adequacy of the Initial Study and proposed Negative Declaration for the Jacumba Airport draft ALUCP and to consider approval of the draft ALUCP and its addendum; and

WHEREAS, the purpose of the ALUCP is to protect the 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 Jacumba Airport; there is no evidence in the record of these proceedings that the draft ALUCP will result in a safety hazard or noise problem for persons using the Jacumba Airport or for persons residing or working in the project area; and

WHEREAS, the ALUC has reviewed all documentation comprising the Initial Study and proposed Negative Declaration for the Jacumba ALUCP and has made the determination that, on the basis of the whole record before it and any comments received, that there is no substantial evidence that the Jacumba ALUCP will have a significant impact on the environment; that the proposed Negative Declaration reflects the ALUC's independent judgment and analysis; and that the proposed Negative Declaration is complete, adequate and fully complies with all requirements of CEQA, the State CEQA Guidelines and the Airport Authority's CEQA Procedures; and

NOW, THEREFORE, BE IT RESOLVED that the Airport Authority serving as the Airport Land Use Commission for San Diego County, pursuant to Section 21670.3 of the Public Utilities Code hereby:

> Approves and adopts for implementation the draft ALUCP and addendum to the draft ALUCP (final ALUCP) for the Jacumba Airport, as described in this Board Resolution.

*This resolution was revised to correct a clerical error on the airport name.

PASSED, ADOPTED and APPROVED by the Board of the San Diego County Regional Airport Authority, acting in its capacity as the ALUC for the County of San Diego, at a regular meeting this 4th day of December, 2006, by the following vote:

AYES:	Board Members:	Craver, Jacobson, Lynch, Maxwell, Nieto, Peterson, Sessom, Vance
NOES:	Board Members:	None
ABSENT:	Board Members:	Young

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

*This resolution was revised to correct a clerical error on the airport name.

RESOLUTION NO. 2011-0023 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY ADOPTING AN AMENDMENT TO THE JACUMBA AIRSTRIP AIRPORT LAND USE COMPATIBILITY PLAN AND ADOPTING AN ADDENDUM TO THE PREVIOUSLY ADOPTED NEGATIVE DECLARATION.

WHEREAS, on December 4, 2006, the Board of the San Diego County Regional Airport Authority, acting it its capacity as the Airport Land Use Commission (ALUC) for San Diego County, pursuant to Section 21670.3 of the Public Utilities Code, adopted an Airport Land Use Compatibility Plan (ALUCP) for Jacumba Airstrip; and

WHEREAS, the ALUC concurrently adopted the Negative Declaration (ND) (State Clearinghouse No. 2005031077) prepared for the adopted Jacumba Airstrip ALUCP, which concluded that there was no substantial evidence that the ALUCP would result in significant environmental impacts (Resolution No. 2006-0069 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 adopted Jacumba Airstrip ALUCP, as required by State law, is based on the Airport Layout Plan (ALP) and airport-related forecast and background data approved by the California Department of Transportation, Division of Aeronautics, which reflects the anticipated growth of the airport for the next 20 years; and

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

WHEREAS, on October 6, 2011, ALUC staff presented a list of issues and concerns to the ALUC that have been encountered when applying the Jacumba Airstrip ALUCP to land use projects requiring consistency determination review; and

WHEREAS, on October 28, 2011, ALUC staff held a meeting with County of San Diego staff to inform them about the proposed revisions to the Jacumba Airstrip ALUCP as well as to solicit their input; and

WHEREAS, the ALUC finds it appropriate to amend the adopted Agua Caliente Airstrip ALUCP, as requested by ALUC staff, so as to provide clarity on the following: 1) replace the term "overflight easement" with "overflight agreement" in all references throughout the entire ALUCP; 2) clarify the definition of existing land use in chapter 2, section 1.3.12 to allow new occupancies within existing buildings to be treated as existing land uses, provided that the occupancy remains within the same or reduced level of occupancy as the most recent use; 3) clarify in chapter 2, sections 1.6.1(a)(1) and (2), 1.6.1(b)(1) and (2), and 1.6.2(a)(2), that only noise or safety concerns within Review Area 1 require ALUC review, whereas all land use actions within Review Area 1 or 2 which have been determined to be a hazard by the Federal Aviation Administration (FAA) require ALUC review; 4) clarify in chapter 2, with the addition of section 1.6.3, that ALUC staff review is sufficient for projects which comply with all ALUCP compatibility factors and no conditions are required, provided the project has done one or both of the following, if applicable: obtain a determination of no hazard from the FAA, and record an overflight agreement per local agency condition; 5) clarify in chapter 2, section 2.3.4, that no increase in height which would be deemed a hazard by the FAA and no greater than a cumulative ten percent increase in building area or lot coverage over a previously approved project for nonresidential uses would be allowed before subsequent new ALUC review; 6) clarify in chapter 2, section 3.1.2(d), that ALUC review is required for any proposed expansion of a nonconforming use only when there is an increase in the number of dwelling units or people on site for nonresidential uses; 7) insert the heading "Residential Development Criteria" in chapter 3, after section 2.3(b), creating a new section 2.4 at that point, with indentation and numeration of all following subheadings and sections adjusted accordingly; 8) clarify in chapter 3, section 2.4(e) as renumbered, that the Retail Shopping Center category may or may not include eating and drinking establishments; and 9) simplify in chapter 3, section 2.6(a) and (b) as renumbered, the method of calculating maximum use of a site for projects with a mixture of nonresidential uses to use a proportionate share of each land use as a proportion of the permitted floor area ratio and provide example calculations; and

WHEREAS, the amendment to the adopted Jacumba Airstrip ALUCP will ensure that 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 Jacumba Airstrip ALUCP; 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 Jacumba Airstrip ALUCP; and

WHEREAS, ALUC staff has prepared an Addendum to the previously adopted ND (State Clearinghouse No. 2005031077); and

WHEREAS, the Addendum concludes the previously adopted ND addresses all impacts associated with the implementation of the proposed amendment to the adopted Jacumba Airstrip ALUCP; and

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

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

WHEREAS, the ALUC considered the Addendum for the proposed amendment to the adopted Jacumba Airstrip ALUCP, along with the previously adopted ND, 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 to the previously adopted ND (State Clearinghouse No. 2005031077 attached as Attachment A), as described therein, and orders that ALUC staff prepare and file a Notice of Determination within five days of the certification of this Resolution; and

BE IT FURTHER RESOLVED, that the ALUC adopts an amendment to the Jacumba Airstrip ALUCP, as previously adopted by the ALUC on December 4, 2006, so as to include corrections and revisions to applicable text as outlined within the Staff Report, to be effective immediately upon certification of this Resolution; and

BE IT FUTHER 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 1st day of December, 2011, by the following vote:

AYES:	Commissioners:	Boland, Desmond, Gleason, Hubbs, Panknin, Robinson, Smisek, Young
NOES:	Commissioners:	None
ABSENT:	Commissioners:	Cox

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

Jacumba Airport Land Use Compatibility Plan

Adopted by the
San Diego County
Airport Land Use Commission
Adopted December 4, 2006
Amended December 1, 2011

Prepared by

Santa Rosa, California

In association with

VRPA Technologies, Inc.
Harris Miller Miller & Hanson, Inc.
Dudek & Associates, Inc.
Technology Associates International Corporation
MJE Marketing Services

San Diego County Regional Airport Authority
(as of December 4, 2006)

Executive Committee Members

Joe W. Craver, Chairman

Xema Jacobson

William D. Lynch

General Members

Robert L. Maxwell

Paul G. Nieto, Vice Chairman

Paul A. Peterson

Mary Teresa Sessom

Morris Vance

Anthony K. Young

Staff

Thella F. Bowens
President/CEO

Angela Shafer-Payne
Vice President, Strategic Planning

Keith B. Wilschetz
Director, Airport System Planning

Linda M. Johnson
Manager, Airport Planning

Sandi Sawa
Airport System Planner

Breton K. Lobner
General Counsel

Amy Gonzalez
Senior Assistant General Counsel

Lori D. Ballance
Outside Legal Counsel

Table of Contents

Jacumba Airport

Appendices

Chapter 1

Introduction

1

Introduction

OVERVIEW OF THE PLAN

The basic function of airport land use 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 exceptions, 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, as provided for in the 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 airport land use commission function rests with the Board of the San Diego County Regional Airport Authority (SDCRAA), as provided in Section 21670.3 of the California Public Utilities Code.

Function and Applicability of the Compatibility Plan

The *Jacumba Airport Land Use Compatibility Plan* is the fundamental tool used by the SDCRAA, acting in its capacity as the San Diego County Airport Land Use Commission (ALUC), in fulfilling its purpose of promoting airport land use compatibility. Specifically, this *Compatibility Plan*: (1) provides for the orderly growth of the Jacumba 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 airport and adjacent land use development proposals. Additionally, the plan sets compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to land owners in their design of new development.

The airport influence area for the Jacumba Airport, as defined in this *Compatibility Plan*, encompasses lands within the unincorporated areas of the County of San Diego. Details regarding the purpose, scope, and applicability of this *Compatibility Plan* are set forth in Chapter 2.

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 plan comprise the tools used by the ALUC in conducting reviews of proposed land use and airport development actions.

Use of the *Compatibility Plan* is not limited only to the ALUC. The compatibility criteria are applicable to local agencies in their preparation or amendment of land use plans and ordinances. State law explicitly requires the county and affected cities to modify their general plans and specific plans to be consistent with the ALUC's plan or to take special steps to overrule the ALUC. As the environs of the Jacumba Airport are unincorporated, the *Jacumba Airport Compatibility Plan* is at this time primarily applicable to the County of San Diego as it prepares land use plans and reviews development proposals within its jurisdiction. This *Compatibility Plan* would also apply to any future city that may be incorporated within any part of the airport influence area. Furthermore, the *Compatibility Plan* applies not just to the county, but to school districts, community college districts, and special districts, as any of these entities consider the siting and design of new facilities or expansion of existing ones. Finally, private parties are subject to the provision of the *Compatibility Plan* either directly or as implemented in plans and zoning of the county.

This *Compatibility Plan* is the first such plan for the Jacumba Airport. Neither the San Diego County Association of Governments (SANDAG) when it served as the San Diego County ALUC prior to 2003 nor the SDCRAA acting in its capacity as the current ALUC have previously adopted a compatibility plan for the airport. This *Compatibility Plan* is based upon a simplified airport layout diagram which was prepared for compatibility planning purposes and submitted to and approved by the California Division of Aeronautics in accordance with Public Utilities Code Section 21675(a). The diagram reflects existing facilities: airfield, runway protection zones and the airport property boundary.

Statutory Requirements

Powers and Duties

Requirements for creation of airport land use commissions (ALUCs) were first established under the California State Aeronautics Act (Public Utility Code Sections 21670, *et seq.*) in 1967. (See Appendix A herein for a copy of the statutes). 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 the present statutes, this 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 limitations, by which to accomplish this objective:

- To assist local agencies in ensuring compatible land uses in the vicinity of airports to the extent that land in the vicinity of the airports 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 plan.

Limitations

The above fundamental purpose notwithstanding, there are important limitations on an ALUC's authority. Two limitations are explicitly written into the law: ALUCs have no authority over either existing land uses (Section 21674(a)) or the operation of airports (Section 21674(e)). Neither of these terms is defined within the statutes. Although the interpretation of their meaning is fairly standard throughout the state, the exact definitions—especially that of *existing land use*—were topics for considerable debate during the preparation and public review of drafts of this and other compatibility plans for airports in San Diego County. Definitions of *existing land use* and *airport-related use* are included in Chapter 2.

A third, less absolute, limitation upon ALUC authority concerns the types of land use actions that are subject to ALUC review. The law emphasizes local general plans as the primary mechanism for implementing the compatibility policies set forth in an ALUC's plan. Thus, San Diego County and each city affected by an airport land use compatibility plan is required to make its general plan consistent with the ALUC plan (or to overrule the ALUC). Once a local agency has taken this action to the satisfaction of the ALUC, the ALUC's authority to review projects within that jurisdiction is narrowly limited. The only actions for which review remains mandatory are proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations affecting land within an airport influence area. Submittal of individual projects for ALUC review is voluntary, and ALUC determinations on these projects are not subject to the overruling provisions associated with mandatory reviews.

One final limitation worth noting is that, although ALUCs must prepare compatibility plans for military airports, ALUCs have no jurisdiction over federal lands such as military bases and lands controlled by the U.S. Forest Service, Bureau of Land Management, or Indian tribes. ALUCs can merely inform these agencies about the ALUC policies and seek their cooperation.

San Diego County Airport Land Use Commission

As noted earlier in this chapter, the San Diego County Regional Airport Authority serves as the airport land use commission in San Diego County. The SDCRAA designation as the San Diego County ALUC is written into state law (Public Utilities Code Section 21670.3). SDCRAA assumed the ALUC duties from the San Diego Association of Governments (SANDAG) when the Airport Authority 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.

The legislation establishing SDCRAA gives the agency not only the role as the County's ALUC, but also two other key roles with regard to aviation in San Diego County. It is the operator of San Diego International Airport (SDIA), the sole major domestic and international airline airport in the County. Additionally, SDCRAA is responsible for leading the comprehensive planning effort directed at meeting the long-term air transportation service demands of the region. 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. This *Compatibility Plan* thus plays no direct part in determining the future of SDIA or the Airport Site Selection program for serving the county's long-term air transportation needs. For the purposes of this *Compatibility Plan*, all existing public-use and military airports in the County are assumed to continue in their present roles.

Relationship of the ALUC to County and City Governments

The fundamental relationship between the San Diego County ALUC and the governments of San Diego County and any future city that may be affected by this *Compatibility Plan* is set forth in the State Aeronautics Act. The ALUC does not need approval of the county or any city in order to adopt this *Compatibility Plan* or to carry out the ALUC project review responsibilities.

Despite this independent action status, the ALUC must coordinate its activities with the local land use jurisdictions. In one particular respect, this coordination is mandatory. State law requires "hearing and consultation with the involved agencies" with regard to establishment of airport influence area boundaries (PUC Section 21675(c)). This step will be necessary as part of the present *Compatibility Plan* preparation process in that the influence area of the airport is modified from the previous ALUC plan.

The law also identifies another point at which coordination between the ALUC and county government occurs. Once the county has revised its general plan or specific plan or has overruled the commission, the proposed action of the local agency is not subject to further commission review, "unless the commission and the local agency agree that individual projects shall be reviewed by the commission" (Section 21676.5(b)). Policies concerning such reviews are included in Chapter 2.

A final aspect of the relationship between the ALUC and county government 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 County of San Diego and any future city that may be affected by this *Compatibility Plan*. Actions that local jurisdictions affected by this *Compatibility Plan* can take to implement the plan's policies are outlined later in this chapter.

POLICY FRAMEWORK

The policies in Chapter 2 and 3 of this *Jacumba Airport Land Use Compatibility Plan* are based upon these primary sources: state laws and guidelines; the role of the airport as reflected in policies of the County of San Diego as airport proprietor; and the simplified airport layout diagram which was prepared for compatibility planning purposes and approved by the California Division of Aeronautics

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 establish the requirements for ALUC adoption of compatibility plans, including which airports should or can be included and some of the steps involved in the plan adoption. The law also dictates the requirements for airport land use compatibility reviews by the ALUC. The types of actions that local jurisdictions must submit for review are specified, for example.

With respect to airport land use compatibility criteria, the statutes say little, however. Instead, a section of the law enacted in 1994 refers to another document, the *Airport Land Use Planning Handbook* published by the California Division of Aeronautics. Specifically, the statutes say that, when preparing compatibility plans for individual airports, ALUCs shall "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 by the current edition of the *Airport Land Use Planning Handbook*, dated January 2002.

An additional function of the *Airport Land Use Planning 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, Section 21096 requires that lead agencies must use the *Handbook* as "a technical resource" when assessing airport-related noise and safety impacts of projects located in the vicinity of airports.

The January 2002 edition of the *Handbook* is available for downloading from the Division of Aeronautics web site (www.dot.ca.gov/hq/planning/aeronaut).

Relationship to Airport Master Plans

Airport land use compatibility plans are distinct from airport master plans in function and content. In simple terms, the issues addressed by airport master plans are primarily on-airport whereas those of concern in a compatibility plan are mostly off-airport. The purpose of airport master plans is to assess the demand for airport facilities and to guide the development necessary to meet those demands. An airport master plan is prepared for and adopted by the agency that owns and/or operates the airport. In contrast, the major purpose of a compatibility plan is to ensure that incompatible development does not occur on lands surrounding the airports. The responsibility for preparation and adoption of compatibility plans lies with each county's airport land use commission.

This distinction notwithstanding, the relationship between the two types of plans is close. Specifically, Public Utilities Code Section 21675(a) requires that ALUC plans be based upon a long-range airport master plan adopted by the airport owner/proprietor. If such a plan does not exist for a particular airport, an airport layout plan may be used subject to approval by the California Division of Aeronautics.

The responsibility of master planning of the Jacumba Airport rests with the airport's proprietor, the County of San Diego, Department of Public Works. The county has not prepared a master plan for this low-activity airport. However, county policies with regard to the development and use of the airport are reflected in this *Compatibility Plan*.

FORECASTING METHODOLOGY

The projected airport activity levels upon which policies in the *Jacumba Airport Land Use Compatibility Plan* are based have been determined in accordance with the forecasting methodology guidance contained in the *California Airport Land Use Planning Handbook*. The chief consideration is that the Public Utilities Code (Section 21675(a)) requires that a compatibility plan must reflect "the anticipated growth of the airport during at least the next 20 years." This same code section also requires the compatibility plan to be based upon the airport sponsor's adopted airport master plan where one exists.

Frequently, unless the master plan is very recent, its forecasts cannot be directly used because they do not cover the requisite 20-year time period. A final forecasting factor therefore is one pointed out in the *Handbook*:

> "…most airports presumably will remain in operation for more than 20 years. This factor combined with the characteristic uncertainty of forecasting suggests that, for the purposed of airport land use compatibility planning, using a high estimate of long-range activity levels is generally

preferable to underestimating the future potential. This strategy especially applies with respect to assessment of noise impacts. Too low of a forecast may allow compatibility conflicts that cannot later be undone."

The caveat to this methodology, as also stated in the *Handbook*, is that "activity projections must also be reasonable."

Given county policies toward the airport, activity levels are expected to remain low throughout the 20+ year time horizon of this *Compatibility Plan*. Specific factors considered in determining a potential maximum activity level consistent with the above *Handbook* guidelines are described in Chapters 3 and 4.

PLAN IMPLEMENTATION

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. The law says that the local agency must take this action within 180 days of when the ALUC adopts or amends its plan. The only other course of action available to local agencies is to overrule the ALUC by a two-thirds vote of its governing body after making findings that the agency's plans are consistent with the intent of state airport land use planning statutes. Additionally, the local agency must provide both the ALUC and the California Department of Transportation, 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 and must hold a public hearing on the proposed overruling (Public Utilities Code Section 21676(a) and (b)). The ALUC and the Division of Aeronautics may provide comments to the local agency within 30 days of receiving the proposed decision and findings. If comments are submitted, the local agency must include them in the public record of the final decision to overrule the ALUC (Sections 21676, 21676.5 and 21677.) Note that similar requirements apply to local agency overruling of ALUC actions concerning individual development proposals for which ALUC review is mandatory (Section 21676.5(a)) and airport master plans (Section 21676(c)).

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

- It must specifically address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and
- It must avoid direct conflicts with compatibility planning criteria.

Many community general plans pay little attention to the noise and safety factors associated with airport land use compatibility. Also, some of the designated land uses of property near an airport frequently are contrary to good airport compatibility planning. The County of San Diego may need to make some modification to its general plan and/or other land use policy documents in order to meet the *Compatibility P*lan's consistency requirements. It must be emphasized, however, that local agencies need not change land use designations to bring them into consistency with the ALUC criteria if the current designations merely reflect existing development. They merely would need to establish policies to ensure that the nonconforming uses would not be expanded in a manner inconsistent with this *Compatibility Plan* and that any redevelopment of the affected areas would be made consistent with the compatibility criteria.

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

- **Incorporate Policies into Existing General Plan Elements**—One method of achieving the necessary planning consistency is to modify existing general plan elements. For example, airport land use noise policies could be inserted into the noise element, safety policies could be placed into a safety element, and the primary compatibility criteria and associated maps plus the procedural policies might fit into the land use element. With this approach, 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 jurisdiction's general plan.

- **Adopt a General Plan Airport Element**—Another approach is to prepare a separate airport element of the general plan. Such a format may be advantageous when the 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.

- **Adopt Compatibility Plan as Stand-Alone Document**—Jurisdictions selecting this option would simply adopt as a local policy document the relevant portions of the *Jacumba Airport Land Use 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 ALUC 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.

- **Adopt Airport Combining District or Overlay Zoning Ordinance**—This approach is similar to the stand-alone document except that the local jurisdiction would not explicitly adopt the *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 jurisdictions 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.)

Project Referrals

The types of land use actions for which referral to the ALUC is mandatory in accordance with state law are listed in Chapter 2. This requirement should be indicated in the general plan or implementing ordinance of any affected local jurisdiction Additionally, beginning with when this *Compatibility Plan* is adopted by the ALUC and continuing until such time as the each affected jurisdiction has made the necessary modifications to its general plan, all land use actions are to be submitted to the commission for review. After the a jurisdiction made its general plan consistent with the *Compatibility Plan*, submittal

of individual development actions is generally not required, but the ALUC and the jurisdiction can agree upon continued submittal of certain actions on an informal basis. With respect to the *Jacumba Airport Land Use Compatibility Plan*, the County of San Diego is the only general land use jurisdiction now in existence that would be affected by these provisions.

PLAN CONTENTS

This *Jacumba Airport Land Use Compatibility Plan* is complete unto itself and is separate and independent from compatibility plans adopted by the San Diego County Airport Land Use Commission for other airports in the county. The *Jacumba Airport Land Use Compatibility Plan* is organized into four chapters and a set of appendices. The intent of this introductory chapter is to set the overall context of airport land use compatibility planning in general and for the Jacumba Airport and San Diego County ALUC in particular

The most important components of the plan are found in Chapters 2 and 3. These chapters 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 broadly written so as to address overarching compatibility concerns. Detailed compatibility criteria and other policies applicable specifically to Jacumba Airport are set forth in Chapter 3 of this document. Chapter 4 presents various background data regarding features, impacts, and environs of Jacumba Airport. 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 airport land use commissions and other general information pertaining to airport land use compatibility planning. Chapter 4 along with the appendices constitute supporting documentation for the adopted policies contained in Chapters 2 and 3. This material is taken from other sources and does not represent ALUC policy except where cited as such in Chapters 2 and 3—specifically the state ALUC statutes and certain other laws (Appendix A) and Federal Aviation Regulations Part 77 (Appendix B).

Chapter 2

Basic Airport Land Use Commission Policies

2

Basic Airport Land Use Commission Policies

1. GENERAL APPLICABILITY

1.1. Introduction

1.1.1. *Purpose:* The policies set forth in this chapter and Chapter 3 of the *Jacumba Airport Land Use Compatibility Plan* serve two functions:

(a) To articulate the procedures to be used by the San Diego County Regional Airport Authority Board, acting in its capacity as the San Diego County Airport Land Use Commission (ALUC), and affected local agencies for the purpose of fulfilling the airport land use compatibility review requirements set forth in the California State Aeronautics Act (Public Utilities Code Section 21670 *et seq.*). Specifically, these procedures define:

(1) The steps to be taken by the County of San Diego, any future cities that may be affected by this *Compatibility Plan*, 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 1.6.1(a), 1.6.1(b), and 1.6.2 of this *Compatibility Plan*.

(2) The steps to be taken by the operator of the Jacumba Airport in submitting airport master plans and certain airport expansion plans to the ALUC for review in accordance with Policies 1.6.1(c) and 1.6.1(d) of this *Compatibility Plan*.

(3) The process, as set forth in Sections 2 and 3.3 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 Jacumba Airport influence area.
- Airport master plans and other development plans for Jacumba Airport.

(2) San Diego County and any future cities that may be affected by this *Compatibility Plan* in modifying their respective general plans, applicable specific plans, and zoning ordinances for consistency with this *Compatibility Plan*.

1.1.2. *Relationship to Chapter 3 Policies:* The policies in this chapter address ALUC review procedures and overarching compatibility considerations. Compatibility criteria and other policies applicable specifically to Jacumba Airport are set forth in Chapter 3. For the purposes intended to be served by this *Compatibility Plan*, as listed in Policy 1.1.1 above, adherence to the policies of both chapters is required.

1.2. Effective Date

1.2.1. *Plan Adoption:* The policies in this *Compatibility Plan* shall become effective for the Jacumba Airport as of the date that the San Diego County Airport Land Use Commission ("ALUC") adopts the plan. 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*.

1.2.2. *Applicability to Projects Not Yet Completed:* The compatibility policies, if any, that will be used to perform a consistency review for a proposed project, and any subsequent implementing action(s) associated with that project, shall be determined according to the following, as provided in Paragraphs (a) through (f) 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 (21 Cal.Code Regs. Sections 5000, *et seq*.).

(a) Airport Plans: Notwithstanding any provision of this Section, the ALUC shall apply any new *Compatibility Plan* rules, regulations, and policies to any project, permit or action, and any subsequent discretionary or ministerial implementing permit or action for that project, that have been approved based upon:

(1) An airport master plan, or amendments or modifications to an airport master plan (Public Utilities Code Section 21676(c)); or

(2) Any airport expansion project which requires amendment of the Airport Permit issued by the California Department of Transportation, including the construction of a new runway, the extension or realignment of an existing runway or the acquisition of runway protection zones or any interest in land for the purpose of any airport expansion project (Public Utilities Code Section 21664.5), that has been submitted to the ALUC for review by the public agency owning the Jacumba Airport.

(b) General Plan Consistent with *Compatibility Plan*: A project, and any subsequent implementing action(s) for that project, that is located within a local jurisdiction which has modified its general plan to be consistent with the compatibility plan in effect prior to approval of this *Compatibility Plan*, or within a local jurisdiction which 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 jurisdiction has deemed the project application to be complete prior

to the effective date of this *Compatibility Plan,* the project is consistent with the jurisdiction's ALUC-approved general plan (or the local jurisdiction has overruled the prior compatibility plan), and the project and/or any subsequent implementing action(s) have not changed in a substantive manner, as determined by the local jurisdiction, based on the criteria provided in Policy 2.3.4, that would potentially invalidate any original approval of the project by the local jurisdiction and require a subsequent review.

(c) General Plan Not Consistent with Prior Compatibility Plan: A project, and/or any subsequent implementing action(s) for that project, that is located within a local jurisdiction that 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 airport influence area as defined in this *Compatibility Plan*, and that is not yet an existing use, as defined in Policy 1.3.12, 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 jurisdiction 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 jurisdiction and the application has been deemed complete by the local jurisdiction, such application shall constitute a complete application for purposes of a consistency review by the ALUC, unless the ALUC determines that the application lacks one or more of the components required in Policy 2.1.2(a).

(2) If an application for consistency is determined by the ALUC to be incomplete pursuant to Paragraph (c)(1), above, then not later than thirty (30) calendar days after the ALUC has received an application for a determination of consistency, the ALUC shall respond in writing as to why the application is *not* complete and shall immediately transmit the information to the local jurisdiction 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 jurisdiction and the ALUC from mutually agreeing, with the concurrence of the project owner, to an extension of any time limit provided by this policy.

(d) Subsequent Review of Project(s): 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 jurisdiction or by the ALUC when the ALUC concludes that further review is warranted based on criteria provided in Policy 2.3.4(b)—that would potentially 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 jurisdiction, unless the ALUC determines that such re-application lacks one or more of the components required in Policy 2.1.2(a), in which case the project will be evaluated in accordance with Paragraphs (c)(2) through (c)(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 jurisdiction in which the project is situated has been reviewed by the ALUC and found to be consistent with this *Compatibility Plan*; and the revised project is consistent with that ALUC-approved general plan.

(e) ALUC Project Review Not Required: A project application which was deemed complete by the local jurisdiction prior to the effective date of this *Compatibility Plan,* and which did not require ALUC review because (1) no previous compatibility plan was adopted or was in the process of being prepared for the airport in accordance with Public Utilities Code Section 21675.1(c) or (2) it was located beyond the boundary of the airport influence area defined by the Jacumba Airport 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 2.3.4(b)).

(f) Long-Term Project: Except as otherwise provided in Paragraphs (a) through (e), above, a long term project, such as a specific plan, master plan, precise plan, large subdivision which consists of several phases, or functionally comparable discretionary permit or action ("original approval(s)"), 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 jurisdiction, provided all of the following exist:

(1) The project applicant has obtained from a local jurisdiction final approval of the original approval(s) prior to the effective date of this *Compatibility Plan;*

(2) The local jurisdiction has obtained a consistency determination for the original approval(s) (for those jurisdictions where the General Plan is not consistent with compatibility plan);

(3) The original approval(s) remain(s) in effect;

(4) Final approval of the original approval(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 approval(s) 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 en-

gineering plans, or constructing infrastructure for the original approval(s), such as roadways, storm drains, parks, sewer, water or other utilities;

(6) The local jurisdiction 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 jurisdiction for any related implementing permit or action as of the effective date of this *Compatibility Plan*; and

(7) The original approval(s) has/have not changed in a substantive manner, as determined by the local jurisdiction or the ALUC (see Policy 2.3.4).

1.3. Definitions

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

1.3.1. *Aeronautics Act:* Except as indicated otherwise, the article of the California Public Utilities Code (Sections 21670 et seq.) pertaining to airport land use commissions.

1.3.2. *Airport:* The Jacumba Airport.

1.3.3. *Airport Influence Area:* An area, as delineated in Chapter 3 of this *Compatibility Plan*, 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. 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 *Jacumba Airport Land Use Compatibility Plan*. The *airport influence area* is divided into Review Area 1 and Review Area 2 as described in Policy 1.5.2 and Chapter 3. Different policies apply to each of these areas. The term *airport influence area* is synonymous with the term *airport referral area* as well as to the term *planning area* as referred to in Public Utilities Code Section 21675.

1.3.4. *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.

1.3.5. *Airport Land Use Commission Staff:* The President/CEO (Chief Executive Officer) of the San Diego County Regional Airport Authority or a person designated by the President/CEO with the concurrence of the ALUC chairperson.

1.3.6. *Airspace Protection Area:* The area beneath the *airspace protection surfaces* for the Jacumba Airport as depicted on the Compatibility Policy Map: Airspace Protection in Chapter 3.

1.3.7. *Airspace Protection Surfaces:* Imaginary surfaces in the airspace surrounding airports defined for an individual airport in accordance with criteria set forth in Federal Aviation Regulations Part 77 and the U.S. Standard for Terminal Instrument Procedures (TERPS). 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.

1.3.8. *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 asso-

ciated protection areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations facilities, terminal buildings, etc.

1.3.9. *Avigation Easement:* An easement that conveys rights associated with aircraft overflight of a property, including but not limited to creation of noise and limits on the height of structures and trees. (See Policy 3.1.5, Appendix F, and *Glossary*)

1.3.10. *Community Noise Equivalent Level (CNEL):* The noise metric adopted by the state of California for land use planning purposes, including describing airport noise impacts. The noise impacts are typically depicted by a set of contours, each of which represents points having the same CNEL value. (See *Glossary*, Appendix H)

1.3.11. *Compatibility Plan:* This document, the *Jacumba Airport Land Use Compatibility Plan*, also referred to as "this *Compatibility Plan*."

1.3.12. *Existing Land Use:* The Aeronautics Act gives an ALUC authority to conduct compatibility planning around airports only "to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses" (Public Utilities Code Section 21674(a)). This phrase is generally accepted to mean that an ALUC has no authority over existing land uses; therefore, such projects are not subject to ALUC review.

(a) For purposes of this *Compatibility Plan*, a project shall be considered an "existing land use" when a "vested right" is obtained, as follows:

(1) A vesting tentative map has been approved pursuant to California Government Code Section 66498.1 and not expired; or

(2) A development agreement has been executed pursuant to California 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 *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785,791, and its progeny.

(b) 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 jurisdiction shall be subject to this *Compatibility Plan*. (See, e.g., Policy 2.3.4)

(c) The determination of whether a project meets the criteria of an "existing land use" shall be made by the local jurisdiction and the ALUC.

(d) A new occupancy proposed within an existing building shall be treated as an existing land use, 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.

1.3.13. *Federal Aviation Regulations (FAR) Part 77:* The part of Federal Aviation Regulations that deals with objects affecting navigable airspace in the vicinity of airports. Objects that exceed the Part 77 height limits constitute airspace obstructions. See Section JAC.3 of Chapter 3 for specific height limit criteria and requirements for review by the Federal Aviation Administration and ALUC. (See Appendix B of this *Compatibility Plan* for the text of Part 77).

1.3.14. *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; also any location where the ground level reaches to within 100 feet of an instrument approach surface defined by the U.S. Standard for Terminal Instrument Procedures. This zone is shown on the individual policy maps in Chapter 3 where applicable based upon surrounding terrain.

1.3.15. *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 uses inconsistent with the compatibility criteria set forth in this *Compatibility Plan*. (See Policy 3.1.1(b) for criteria used to identify potential infill areas for compatibility planning purposes).

1.3.16. *Local Jurisdiction:* For the purposes of this *Compatibility Plan*, the County of San Diego, any future cities that may be affected by the plan, or other local governmental entity such as a special district, school district, or community college district having jurisdiction over land uses within its boundaries. These entities are subject to the provisions of this *Compatibility Plan*; the ALUC does not have authority over land use actions of state and federal agencies or Indian tribes.

1.3.17. *Noise Impact Area:* The area within which the noise impacts, measured in terms of CNEL, generated by the airport that may represent a land use compatibility concern. The CNEL that defines the noise impact area for Jacumba Airport is indicated in Section JAC.1 of Chapter 3.

1.3.18. *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.

1.3.19. *Nonconforming Use:* A land use, parcel or building that does not comply with this *Compatibility Plan*. (See Policies 3.1.2 and 3.1.3 for criteria applicable to land use actions involving nonconforming uses).

1.3.20. *Project; Land Use Action; Development Proposal:* 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*.

1.3.21. *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).

1.3.22. *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 1.6.2(c)).

1.3.23. *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 airport area and en route instrument flight procedures. The criteria are predicated on normal aircraft operations for considering obstacle clearance requirements.

1.4. Types of Airport Impacts

1.4.1. *Principal Compatibility Concerns:* As established by state law (Public Utilities Code Section 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 objectives of protecting against constraints on airport expansion and operations that can result from encroachment of incompatible land uses and also 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:

(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 types of impacts are enumerated in Chapter 3. Each concern is addressed separately. Proposed land use development actions must comply with the compatibility policies and maps for each compatibility "layer" as well as all policies in this chapter.

1.4.2. *Policy Objectives:* The primary purpose of the compatibility criteria enumerated in Chapter 3 is to minimize land use incompatibilities. For each compatibility concern, specific policy objectives are as follows:

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

(b) Safety: The intent of land use safety compatibility criteria 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 aircraft are considered.

(c) Airspace Protection: The objective of ALUC airspace protection policies is to ensure that structures and other uses of the land do not cause hazards to aircraft in flight in the airport vicinity. Hazards to flight include:

(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: 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. The purpose of overflight compatibility policies 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. Overflight compatibility is particularly important with regard to residential land uses. Overflight policies do not restrict the use of the land.

1.4.3. *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 (Public Utilities Code Section 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).

1.5. Geographic Scope

As established by the San Diego County Airport Land Use Commission, the geographic scope of the *Jacumba Airport Land Use Compatibility Plan* encompasses an airport influence area delineated as follows:

1.5.1. Property on which the uses could (a) be negatively affected by present or future aircraft operations at the Jacumba Airport; or (b) negatively affect the development or utilization of this airport. 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" (Public Utilities Code section 21675(a)).

1.5.2. The Jacumba Airport influence area is divided into two subareas, Review Area 1 and Review Area 2. Review Area 1 encompasses six designated safety zones and the 50 dB CNEL noise contour. Review Area 2 encompasses the airport-related overflight areas and the airspace protection area 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 1.6.2(a)).

1.6. Types of Actions Reviewed

1.6.1. *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 the *Jacumba Airport Land Use Compatibility Plan* prior to their approval by the local jurisdiction:

(a) The adoption or approval of any new general or specific plan or any amendment thereto that affects lands within the airport influence area and involves (Public Utilities Code Section 21676(b)):

(1) Within Review Area 1, noise or safety concerns; or

(2) Within Review Areas 1 and 2, land use actions that have been determined to be a hazard by the FAA in accordance with Part 77.

(b) The adoption or approval of a zoning ordinance or building regulation, including any proposed change or variance to any such ordinance or regulation, that affects lands within the airport influence area and involves (Public Utilities Code Section 21676(b)):

(1) Within Review Area 1, noise or safety concerns; or

(2) Within Review Areas 1 and 2, land use actions that have been determined to be a hazard by the FAA in accordance with Part 77.

(c) Adoption or modification of the master plan for Jacumba Airport, a public-use airport (Public Utilities Code Section 21676(c)).

(d) Any proposal for expansion of the Jacumba Airport if such expansion will require an amended Airport Permit from the state of California (Public Utilities Code Section 21664.5).

1.6.2. *Other Land Use Actions Subject to ALUC Review:* In addition to the above types of land use actions for which ALUC review is mandatory, other types of land use actions are subject to review under the following circumstances:

(a) Until such time as (1) the ALUC finds that a local jurisdiction's general plan or specific plan is consistent with the *Jacumba Airport Land Use Compatibility Plan*, or (2) the local jurisdiction has overruled the Commission's determination of inconsistency, state law allows ALUCs to require that local jurisdictions submit all actions, regulations, and permits involving land within an airport influence area to the Commission for review (Public Utilities Code Section 21676.5(a)). Only those actions that an ALUC elects not to review are exempt from this requirement. San Diego County ALUC policy is that, under the above circumstances.

(1) Within Review Area 1, *all* such actions, regulations, and permits affecting concerns listed in Policy 1.4.1 shall be submitted for review.

(2) Within Review Area 2, only the following actions affecting land uses require ALUC review:

- Any object having a height that requires review by the Federal Aviation Administration in accordance with Federal Aviation Regulations (FAR) Part 77, Subpart B.
- Any proposed object in a *High Terrain Zone* having a height of more than 35 feet. However, within that portion of the *High Terrain Zone* that is defined by United States Standard for Terminal Instrument Procedures (TERPS) surfaces and lies beyond the boundaries of the surfaces defined by FAR Part 77, Subpart C, ALUC review is required only for those objects taller than 100 feet above ground level. (The approximate extent of the *High Terrain Zone* is indicated on the Compatibility Policy Map: Airspace Protection included in Chapter 3. The On-Line Implementation Tool described in Appendix G can also be used to assess whether an object requires review under this policy.)
- 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; and impaired visibility near the airport.
- 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 an airport.

(3) On airport property, proposed nonaviation development shall also be subject to ALUC review unless such development has previously been included in an airport master plan or on an airport layout plan drawing prepared by the ju-

risdiction owning the airport and reviewed by the ALUC. (See Policy 1.3.8 for definition of *aviation-related use*.)

(b) After a local jurisdiction has revised its general plan or specific plan (see Section 3.2) or has overruled the ALUC, the Commission 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 jurisdiction can agree that the Commission should continue to review and comment upon individual projects. Because the ALUC reviews are optional under these circumstances, local jurisdictions 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 Commission.

(c) Proposed redevelopment of a property for which the existing use is consistent with the general plan and/or specific plan, 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 3.1.2 and 3.1.3.)

1.6.3 *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; and

(b) Has received a final notice of determination from the FAA that that 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 agreement consistent with the requirements of this *Compatibility Plan*, to the extent applicable.

2. REVIEW PROCESS FOR LAND USE ACTIONS

2.1. General

2.1.1. *Timing of Project Submittal:* The precise timing of ALUC or ALUC staff 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 jurisdiction 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 com-

mission and other advisory bodies, but must be accomplished before final action by the jurisdiction.

(b) Although the most appropriate timing for a proposed land use action to be referred to the ALUC for review is as soon as possible after a formal application has been submitted to the local jurisdiction, the completion of a formal application with the local jurisdiction is not required prior to a local jurisdiction's referral of a proposed land use action to the ALUC. Rather, a project applicant may request, and the local jurisdiction may refer, a proposed land use action to the ALUC for review, so long as the jurisdiction is able to provide the ALUC with the project submittal information for the proposal, as specified and required in Section 2.1.2 of this *Compatibility Plan*.

2.1.2. *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 1.6.1 or other land use actions in accordance with Policy 1.6.2 shall include:

(a) The following information, to the extent applicable:

(1) Property location data (assessor's parcel number, street address, subdivision lot number).

(2) An accurately scaled map showing the relationship (distance and direction) of the project site to the airport boundary and runways. When available, a digital version of the map should be provided along with a paper copy. Mapping products available from the ALUC's On-Line Implementation Tool (see Appendix G) may also be used.

(3) A description of the existing use(s) of the land in question, including current general plan and zoning designations, height of structures, usage intensity, floor area ratio (FAR), and other applicable information.

(4) A description of the proposed use(s) and the type of land use action being sought from the local jurisdiction (e.g., zoning change, building permit, etc.).

(5) For residential uses, an indication of 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 or the proposed floor area ratio (FAR) and lot coverage of the project.

(6) 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 is also to be provided in instances where height is an issue. When available, a digital version of the drawings should be provided along with the paper version.

(7) 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.

(8) Identification of any characteristics that could create electrical interference, confusing or bright lights, glare, smoke, or other electrical or visual hazards to aircraft flight.

(9) Any environmental document (initial study, negative declaration, mitigated negative declaration, or draft environmental impact report) that may have been prepared for the project.

(10) Any staff reports regarding the project that may have been presented to local agency decision makers.

(11) Any airspace determination that has been obtained from the Federal Aviation Administration in accordance with Part 77 of the Federal Aviation Regulations.

(12) Other relevant information that the ALUC or its staff determine to be necessary to enable a comprehensive review of the proposal.

(b) Any applicable review fees as established by the San Diego County Airport Land Use Commission.

2.1.3. *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 plan, regulation, or other land use proposal under consideration.

2.2. Review Process for General Plans, Specific Plans, Zoning Ordinances, and Building Regulations

2.2.1. *Initial ALUC Review of General Plan Consistency:* In conjunction with adoption or amendment of this *Airport Land Use Compatibility Plan*, the ALUC shall review the general plans and specific plans of affected local jurisdictions to determine their consistency with the Commission's policies.

(a) Within 180 days of the ALUC's adoption or amendment of the *Jacumba Airport Land Use Compatibility Plan*, each local jurisdiction 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 jurisdiction's governing body in accordance with Public Utilities Code Section 21676(b) (Government Code Section 65302.3).

(b) Prior to taking action on a proposed general plan or specific plan amendment as necessitated by Paragraph (a), the local jurisdiction must submit the draft of the amendment to the ALUC for review and approval.

(c) In conjunction with its submittal of a general plan or specific plan amendment to the ALUC in response to the requirements of Paragraphs (a) and (b) above, a local jurisdiction must identify areas that the jurisdiction requests the ALUC to consider as *infill* in accordance with Policy 3.1.1 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 of the general plan and specific plans.

2.2.2. *Subsequent Reviews of Related Land Use Development Proposals:* As indicated in Policies 1.6.1(a) and 1.6.1(b), prior to taking action on new adoption or an amendment of a general plan or specific plan or the addition or approval of a zoning ordinance or building regulation affecting an airport influence area as defined of this *Compatibility Plan*, local jurisdictions 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 development actions that are consistent with those plans as well as any related ordinances and regulations previously reviewed by the ALUC are subject to ALUC review only under the conditions indicated in Policies 1.6.2 and 2.3.4.

(a) Copies of the complete text and maps of the proposed plan, ordinance, or regulation adoption or amendment 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 2.1.2(a) shall also be included to the extent applicable.

2.2.3. *ALUC Action Choices:* When reviewing a general plan, specific plan, zoning ordinance, or building regulation for consistency with the *Compatibility Plan*, the Commission has three choices of action:

(a) Find the plan, ordinance, or regulation consistent with the *Compatibility Plan*. To make such a finding with regard to a general plan, the conditions identified in Section 3.2 must be met.

(b) Find the plan, ordinance, or regulation consistent with the *Compatibility Plan*, subject to conditions and/or modifications that the Commission may require. Any such conditions should be limited in scope 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 Commission shall note the specific conflicts or shortcomings upon which its determination of inconsistency is based.

2.2.4. *Response Time:* The ALUC must respond to a local jurisdiction'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 (Public Utilities Code Section 21676(d)).

(a) The 60-day review period may be extended if the submitting jurisdiction or project applicant 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 applicable project information is received by ALUC staff and the ALUC staff determines that the application for a consistency determination is complete. Copies of the complete text and maps of the proposed plan, ordinance, or regulation adoption or amendment must be submitted and any supporting material documenting that the proposal is consistent with the *Compatibility Plan* should also be included.

(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* (Public Utilities Code Section 21676(d)).

(d) Regardless of action or failure to act on the part of the ALUC, the proposed action still must comply with other applicable local, state, and federal laws and regulations.

(e) The submitting local jurisdiction shall be notified of the ALUC's action in writing.

2.2.5. *ALUC Response to Notification of Proposed Overruling:* If a local jurisdiction 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 the California Division of Aeronautics at least 45 days prior to taking action. These agencies then have 30 days in which to respond to the local agency with their comments (Public Utilities Code Sections 21676(a) and (b)). The ALUC authorizes the ALUC staff to respond as appropriate. The comments of the division and the ALUC are advisory, but must be made part of the record of final decision to overrule the ALUC.

2.3. Review Process for Other Land Use Actions

2.3.1. *ALUC Action Choices:* When reviewing land use project proposals other than general plans, specific plans, zoning ordinances, or building regulations, the Commission has three choices of action:

(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 Commission may specify. Any such conditions should be limited in scope and described in a manner that allows compliance to be clearly assessed (e.g., the height of a structure).

(c) Find the project inconsistent with the *Compatibility Plan*. In making a finding of inconsistency, the Commission shall note the specific conflicts upon which the determination of inconsistency is based.

2.3.2. *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 San Diego County Airport Land Use Commission is that:

(a) Reviews of projects forwarded to the ALUC for a consistency determination shall be completed within 60 days of the date of project submittal, as defined in Paragraph (b) below.

(b) The date of project submittal shall be the date on which all applicable project submittal information as listed in Policy 2.1.2 is received by the ALUC staff and the ALUC staff has determined the application to be complete (also see Policy 1.2.2(c)). 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 jurisdiction. 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 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 submitting agency or project applicant 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 still 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.

2.3.3. *ALUC Response to Notification of Proposed Overruling:* If a local jurisdiction proposes to overrule an ALUC decision regarding a land use action for which ALUC review is mandatory under this section, then the jurisdiction must provide a copy of the proposed decision and findings to both the ALUC and the California Division of Aeronautics at least 45 days prior to taking action to overrule. These agencies then have 30 days in which to respond to the local agency with their comments (Public Utilities Code Section 21676.5(a)). The ALUC authorizes the ALUC Staff to respond as appropriate. The comments of the division and the ALUC are advisory, but must be made part of the record of final decision to overrule the ALUC.

2.3.4. *Subsequent Review:* Even after a project has been found consistent with the *Compatibility Plan*—whether as part of a general plan change or zoning amendment or other mandatory-review action or as a prior action related to the same project—it may still need 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 was only 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, usage intensity, 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 reopens 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) to levels exceeding the criteria set forth in this *Compatibility Plan*;

(2) Any cumulative increase in the total building area or lot coverage for nonresidential uses in excess of 10 percent of the previous project;

(3) An increase in the height of structures which has been deemed a hazard by the FAA;

(4) Major site design changes (such as incorporation of clustering or modifications to the configuration of open land areas proposed for the site) to the extent that site design was an issue in the initial project review; and/or

(c) The local jurisdiction concludes that further review is warranted.

3. ADDITIONAL COMPATIBILITY CONSIDERATIONS

3.1. Special Conditions

3.1.1. *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 compatibility zone involved. See Chapter 3 for any modifications to and application of these criteria as they pertain to Jacumba Airport.

(a) Infill development is not permitted in the following locations.

(1) No type of infill development shall be permitted in Safety Zone 1 (the runway protection zones and within the runway primary surface).

(2) Residential infill development shall not be permitted within Safety Zone 2 (inner approach/departure zone) or Safety Zone 5 (sideline zone) except as provided for in Policy 3.1.4(a)(1).

(3) Residential infill development shall not be allowed where the dwellings would be exposed to noise levels more than 5 dB above the acceptable limit for other new residential development as set by Policy JAC.1.3 (Noise Compatibility Policies, *Acceptable Noise Levels for Specific Types of Land Use Development*) in Chapter 3.

(b) In other locations within Review Area 1, a project site can be considered for *infill* development if it meets one of the following criteria (infill is not applicable within Review Area 2 as land uses are not restricted in this area other than with respect to height limits):

(1) The parcel or parcels on which the project is to be situated is part of an area identified by the local jurisdiction on a map as appropriate for infill development and the jurisdiction has submitted the map to the ALUC for infill identification and processing and the ALUC has concurred; or

(2) The project application submitted by the local jurisdiction 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 jurisdiction for infill identification or if the project site does not fall within the areas mapped by the jurisdiction for infill development); or

(3) The ALUC determines that the parcel is part of an identifiable area of existing development, and:

- At least 80% of the identifiable area was developed prior to adoption of this *Compatibility Plan* with land uses not in conformance with this *Compatibility Plan*;
- The proposed development of the parcel would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses;
- The proposed development of the parcel would be consistent with zoning regulations governing the existing, already developed, surrounding area; and

- The area to be developed cannot previously have been set aside as open land in accordance with policies contained in this *Compatibility Plan* unless replacement open land is provided within the same compatibility zone.

(c) In locations that qualify as infill under the criteria in Paragraphs (b) and (c) above, the following criteria shall apply:

(1) For residential development, the average development density (dwelling units per acre) of the site shall not exceed the greater of the average density represented by:

- All existing lots with residential uses that lie fully or partially within the boundary of the area identified by the local jurisdiction as appropriate for infill development, as specified in Paragraph (b)(1), above; or
- All existing lots with residential uses that lie fully or partially within a distance of 0.25 mile from the boundary of the parcel or parcels identified by the local jurisdiction as appropriate for infill development; or
- 110% of the density permitted in accordance with the criteria provided in Table JAC-2 of Chapter 3 of this *Compatibility Plan*.

(2) For nonresidential development, the average usage intensity (the number of people per acre) of the site's proposed use shall not exceed the greater of:

- The average intensity of all similar uses that lie fully or partially within the boundary of the area identified by the local jurisdiction as appropriate for infill development, as specified in Paragraph (b)(1), above; or
- The average intensity of all similar existing uses that lie fully or partially within a distance of 0.25 mile from the boundary of the proposed development; or
- 110% of the usage intensity permitted in accordance with the criteria provided in Section 3.1 of this *Compatibility Plan*.

(d) The sound attenuation and avigation easement dedication requirements set by Policies JAC.1.5 in Chapter 3 and 3.1.5 in this chapter shall apply to infill development.

(e) Infill development on some parcels should not enable additional parcels to then meet the qualifications for infill. The ALUC's intent is that all parcels eligible for infill be identified at one time by the local jurisdiction.

(1) The local jurisdiction is responsible for identifying in its general plan or other adopted planning document approved by the ALUC the qualifying locations that lie within that jurisdiction's boundaries. This action may take place in conjunction with the process of amending a general plan for consistency with the ALUC 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) In either case, the burden for demonstrating that a proposed development qualifies as infill rests with the affected land use jurisdiction and/or project proponent and is not the responsibility of the ALUC.

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

(a) Nonconforming residential uses:

(1) A nonconforming single-family residence may be reconstructed (see Policy 3.1.3) 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 law. Also, a new single-family residence may be constructed in accordance with Policy 3.1.4(a)(1).

(2) A nonconforming multi-family use may be reconstructed in accordance with Policy 3.1.3(a), but not expanded in number of dwelling units or floor area of the building.

(3) No ALUC review of these improvements is required.

(4) The sound attenuation and avigation easement dedication requirements set by Policies JAC.1.5 in Chapter 3 and 3.1.5 in this chapter shall apply.

(b) Nonconforming nonresidential uses:

(1) A nonconforming nonresidential used may be continued, leased, or sold and the facilities may be maintained, altered, or, if required by state law, reconstructed provided that neither the portion of the site devoted to the nonconforming use nor the building's floor area are expanded and that the usage intensity (the number of people per acre) is not increased above the levels existing at the time of adoption of this *Compatibility Plan*.

(2) No ALUC review of such changes is required.

(3) The sound attenuation and avigation easement dedication requirements set by Policies JAC.1.5 in Chapter 3 and 3.1.5 in this chapter shall apply.

(c) Nonconforming schools and hospitals:

(1) In noise and safety zones where the criteria in Tables JAC-1 and JAC-2 of Chapter 3 show these uses to be conditionally compatible, any expansion must meet all of the following conditions:

- The expansion must be in accordance with state law requirements;
- Property acquisition to increase the site size is not allowed; and
- Sound attenuation to meet interior noise level standards as specified in Table JAC-1 is required for all new construction.

(2) Expansion of nonconforming schools or hospitals in noise or safety zones where Tables JAC-1 or JAC-2 indicate these uses to be incompatible is not allowed.

(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 a structure such that it would be deemed a hazard by the FAA. Factors to be considered in such reviews include whether the development qualifies as infill (Policy 3.1.1).

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

(a) Nonconforming residential uses may be rebuilt provided that the reconstruction does not result in either 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. Addition of a secondary dwelling unit to a single-family residence is permitted if in accordance with state law.

(b) 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).

(c) Reconstruction under Paragraphs (a) or (b) above:

(1) Must have a permit deemed complete by the local jurisdiction within twenty-four (24) months of the date the damage occurred.

(2) Shall incorporate sound attenuation features to the extent required by Policy JAC.1.5 of Chapter 3 and consistent with the California Noise Standards.

(3) Shall be conditioned upon dedication of an avigation easement to the airport proprietor if required under Policy 3.1.5.

(4) Shall comply with Federal Aviation Regulations Part 77 requirements.

(d) Reconstruction in accordance with Paragraphs (a), (b), and (c) above shall not be permitted in Safety Zone 1 (see Policy JAC.2.12 of Chapter 3 for exceptions) or where it would be in conflict (not in conformance) with the general plan or zoning ordinance of the local jurisdiction.

(e) Nothing in the above policies is intended to preclude work required for normal maintenance and repair.

3.1.4. *Development by Right:*

(a) Nothing in these policies prohibits:

(1) Other than in Safety Zone 1, 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 1.3.12 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 JAC-2 of Chapter 3.

(b) The sound attenuation and avigation easement dedication requirements set by Policies JAC.1.5 in Chapter 3 and 3.1.5 in this chapter shall apply to development permitted under this policy.

3.1.5. *Avigation Easement Dedication:* As a condition for approval of the types of projects listed in Paragraph (a) below, the owner of the property involved shall be required to dedicate an avigation easement to the entity owning the airport.

(a) An avigation easement is required for any project:

(1) Where proposed structures, trees, or other objects would constitute an obstruction as defined by FAR Part 77;

(2) Located within a High Terrain Zone (locations where the ground level penetrates a FAR Part 77 surface); or

(3) Situated on property lying within the projected 55 dB CNEL contour of Jacumba Airport as depicted on the Compatibility Policy Map: Noise, contained in Chapter 3 of this *Compatibility Plan*.

(4) Situated on property lying within Safety Zones 1, 2, 3, 4 and/or 5 as depicted on the Compatibility Policy Map: Safety in Chapter 3 of this *Compatibility Plan*.

(b) The avigation easement shall:

(1) Provide the right of flight in the airspace above the property;

(2) Allow the generation of noise and other impacts associated with aircraft overflight;

(3) Restrict the height of structures, trees and other objects;

(4) Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit; and

(5) Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.

(c) An example of an avigation easement is provided in Appendix F.

3.2. 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):

3.2.1. *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 cannot 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 merely 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 1.6.2(c). To ensure that nonconforming uses do not become more nonconforming, general plans therefore must includes policies setting limitations on expansion and reconstruction of nonconforming uses located within Review Area 1 or Review Area 2 consistent with Policies 3.1.2 and 3.1.3. Policies of this type are essential for a general plan to be deemed consistent with the *Compatibility Plan*.

(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. For example, future reuse of a building must not result in a usage intensity that exceeds the applicable standard or other limit approved by the ALUC.

3.2.2. *Establishment of Review Process:* Local jurisdictions must define the process they will follow when reviewing proposed land use development within an airport influence area to ensure that the development will be consistent with the policies set forth in the *Compatibility Plan*.

(a) Specifically, the process established must ensure that the proposed development is consistent with the land use or zoning designation indicated in the local jurisdiction's general plan, specific plan, zoning ordinance, and/or other development regulations that the ALUC has previously 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., usage intensity, height limitations, avigation easement dedication—must be assessed.

(b) This review process may be described either within land use plans themselves or in implementing ordinances. Local jurisdictions 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 jurisdiction to assess whether a proposed development fully meets the compatibility criteria specified in the applicable compatibility plan (this means both 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 Commission for review in accordance with the policies of Section 2.3.

3.3. Review of Airport Master Plans and Development Plans

3.3.1. *Actions for which ALUC Review is Required:* State law requires that, prior to modifying an airport master plan, the public agency owning the airport must submit the proposed modification to the ALUC for review (Public Utilities Code 21676(c)). Additionally, any airport expansion that entails modification of the airport permit also must submit the proposal to the ALUC (Public Utilities Code 21664.5).

(a) Beyond these mandatory reviews, the ALUC has no authority over airport operations and therefore other types of aviation-related development of airport property are not subject to ALUC review. See Policy 1.3.8 for definition of *aviation-related use*.

(b) Nonaviation development of airport property is not deemed to be a form of airport operation. Such development is therefore subject to ALUC review either on an individual project basis or, in a manner comparable to ALUC review of general plans, as part of an airport master plan.

3.3.2. *Project Submittal Information:* Any proposed new or amended master plan or development plan for Jacumba Airport submitted to the ALUC for review shall contain sufficient information to enable the Commission to adequately assess the noise, safety,

airspace protection, and overflight impacts of airport activity upon surrounding land uses.

(a) At a minimum, information to be submitted shall include:

(1) A layout plan drawing of the proposed facility showing the location of:

- Property boundaries;
- Runways or helicopter takeoff and landing areas;
- Runway or helipad protection zones;
- Aircraft or helicopter approach/departure flight routes.

(2) A map of the proposed airspace surfaces as defined by Federal Aviation Regulations, Part 77, if the proposal would result in changes to these surfaces.

(3) Activity forecasts, including the number of operations by each type of aircraft proposed to use the facility, the percentage of day versus night operations, and the distribution of takeoffs and landings for each runway direction.

(4) Existing and proposed flight track locations, current and projected noise contours, and other supplementary noise impact data that may be relevant.

(5) A map showing existing and planned land uses in the areas affected by aircraft activity associated with implementation of the proposed master plan or development plan.

(6) Any environmental document (initial study, draft environmental impact report, etc.) that may have been prepared for the project.

(7) Identification and proposed mitigation of impacts on surrounding land uses.

(b) Any applicable review fees as established by the San Diego County Airport Land Use Commission shall accompany the application.

3.3.3. *ALUC Action Choices:* When reviewing airport master plans or expansion plans for the Jacumba Airport, the Commission has three action choices:

(a) Find the airport plan consistent with the *Airport Land Use Compatibility Plan*.

(b) Find the airport plan inconsistent with the Commission's *Plan.*

(c) Modify the Airport *Land Use Compatibility Plan* (after duly noticed public hearing) to reflect the assumptions and proposals in the airport plan.

3.3.4. *Response Time:* The ALUC must respond to a local agency's submittal of an airport master plan or development plan within 60 days from the date of submittal (Public Utilities Code Section 21676(d)).

(a) The date of submittal is deemed to be the date on which all applicable project submittal information is received by the ALUC Staff and the ALUC staff determines that the application for a consistency determination is complete.

(b) The 60-day review period may be extended if the submitting agency agrees in writing or so states at an ALUC public hearing on the action.

(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*.

(d) Regardless of ALUC action or failure to act, the proposed action must comply with other applicable local, state, and federal regulations and laws.

(e) The submitting agency shall be notified of the ALUC's action in writing.

3.3.5. *ALUC Response to Notification of Proposed Overruling:* If the agency owning Jacumba Airport proposes to overrule an ALUC action regarding the airport master plan or a development plan, it must provide 45 days notice and a copy of the proposed decision and findings to both the ALUC and the California Division of Aeronautics and these agencies then have 30 days in which to respond with their comments (Public Utilities Code Section 21676(c)). The ALUC authorizes the ALUC Staff to respond as appropriate. The comments of the division and the ALUC are advisory, but must be made part of the record of final decision to overrule the ALUC.

3.3.6. *Substance of Review:* When reviewing master plans or development plans for existing airports, the ALUC shall determine whether activity forecasts or proposed facility development identified in the plan differ from the forecasts and development assumed for that airport in this *Airport Land Use Compatibility Plan*. Attention should specifically focus on:

(a) Activity forecasts that are: (1) significantly higher than those in the *Airport Land Use Compatibility Plan*; or that (2) include a higher proportion of larger or noisier aircraft.

(b) Proposals to: (1) construct a new runway or helicopter takeoff and landing area; (2) change the length, width, or landing threshold location of an existing runway; or (3) establish an instrument approach procedure.

3.3.7. *Noise Impacts of Expanded Airport:* Any proposed expansion of facilities or modification of flight procedures at Jacumba Airport that would result in a significant increase in cumulative noise exposure (measured in terms of CNEL) shall include measures to reduce the exposure to a less-than-significant level.

(a) For the purposes of this plan, a noise increase shall be considered significant if:

(1) In locations having an existing ambient noise level of less than 55 dB CNEL, the project would increase the noise level by 5.0 dB or more.

(2) In locations having an existing ambient noise level of between 55 and 60 dB CNEL, the project would increase the noise level by 3.0 dB or more.

(3) In locations having an existing ambient noise level of more than 60 dB CNEL, the project would increase the noise level by 1.5 dB or more.

(b) In instances where noise impacts of the proposed expanded airport cannot be reduced to a less-than-significant level, the ALUC may take into account in its review a statement of overriding considerations approved by the project proponent in accordance with the provisions of the California Environmental Quality Act.

3.3.8. *Consistency Determination:* The ALUC shall determine whether the proposed airport plan or development plan is consistent with the *Airport Land Use Compatibility Plan*. The Commission shall base its determination of consistency on:

(a) Findings that the forecasts and development identified in the airport plan would not result in greater noise, overflight, and safety impacts or height restrictions on surrounding land uses than are assumed in the *Airport Land Use Compatibility Plan*.

(b) A determination that any nonaviation development proposed for locations within the airport boundary (excluding federal- or state-owned property) will be consistent with the compatibility criteria and policies indicated in this *Compatibility Plan* with respect to that airport (see Policy 1.3.8 for definition of aviation-related use).

Chapter 3

Jacumba Airport Policies and Maps

3

Jacumba Airport Policies and Maps

CHAPTER OVERVIEW

The policies and maps presented in this chapter of the *Jacumba Airport Land Use Compatibility Plan* function together with the basic policies outlined in Chapter 2. The policies in Chapter 2 establish the procedures by which the San Diego County Airport Land Use Commission (ALUC) conducts compatibility reviews for certain proposed land use and airport-related actions involving the Jacumba Airport and its environs. The policies and maps in this chapter set the compatibility criteria by which those reviews are to be conducted. These criteria pertain specifically to Jacumba Airport.

The following portion of this chapter summarizes the physical and operational data about Jacumba Airport 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 the Jacumba Airport policies.

COMPATIBILITY ZONE DELINEATION

Underlying Airport Data

> *Airport Master Plan Status*: State law (Public Utilities Code Section 21675(a)) and guidance in the *California Airport Land Use Planning Handbook* require an airport land use compatibility plan for a civilian airport to be based upon a long-range airport master plan or, where no such plan has been approved by the airport proprietor, an airport layout plan drawing approved for compatibility planning purposes by the California Division of Aeronautics. The County of San Diego, owner of the airport, has not adopted an airport master plan for this limited-use facility. The *Jacumba Airport Land Use Compatibility Plan* is based upon the a simplified airport layout diagram which was prepared for compatibility planning purposes and submitted to and approved by the California Division of Aeronautics in accordance with Public Utilities Code Section 21675(a). The diagram reflects existing facilities: airfield, runway protection zones and the airport property boundary.

> *Airfield Configuration*: Jacumba Airport is a visual facility with a single gravel runway approximately 2,500 feet in length. No changes in the existing configuration of the airport runway or approaches are anticipated over the extended forecast period. The compatibility policy maps for Jacumba Airport reflect the current configuration of the runway.

> *Airport Activity Forecast*: Activity levels at this low-activity airport have historically fluctuated. The *Compatibility Plan* for Jacumba Airport assumes that the airport activity level will remain low, reaching no more than 4,100 annual operations. This forecast represents approximately a doubling of the historical peak activity, a reasonably foreseeable projection for the 20+ year time horizon that the *Compatibility Plan* is required to take and is therefore utilized for compatibility planning purposes. As noted in Chapter 1 and further discussed in the *California Airport Land Use Planning Handbook*, forecasts at the high end of a reasonably foreseeable activity range are normally used for compatibility planning purposes as they provide the greatest assurance that future activity increases will not result in preventable compatibility conflicts.

Compatibility 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 "layer" for the purposes of assessing the compatibility of proposed land use development. The policies and maps applicable to each layer are found in this chapter. In accordance with state law, the combination of the four layers determines the boundary of the airport influence area.

Airport Influence Area

In accordance with guidance from the state Handbook and as defined in the Business and Professions Code (Section 11010), the Jacumba Airport influence area is established 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." 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 contains both the 50 dB CNEL noise contours and 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.

> 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 1.6.2(a)(2) of Chapter 2).

The boundaries of Review Area 1 and Review Area 2 are shown on each of the four compatibility policy maps in this chapter. The Jacumba Airport influence area boundary to the north, east, and west encompasses unincorporated lands of San Diego County and the community of Jacumba located west

of the airport. The Mexican border located about 100 yards south of the airport delineates the southern edge of the airport influence area.

Noise Impact Zones

The noise contours established for the purpose of evaluating the noise compatibility of land use development in the influence area of Jacumba Airport are depicted on Map JAC-1. As required by state law (Public Utilities Code Section 21675(a)), the noise contours reflect the anticipated growth of the airport during at least the next 20 years. The activity forecast described above was used in the contour calculations. Aircraft operational data used in the noise contour calculations are summarized in Exhibit JAC-3 in Chapter 4.

Safety Zones

The safety zones established for the purpose of evaluating the safety compatibility of land use development in the influence area of Jacumba Airport are depicted on Map JAC-2. The zone boundaries are based upon general aviation aircraft accident location data contained in the *California Airport Land Use Planning Handbook* along with data regarding the runway configuration and aircraft operational procedures at Jacumba Airport. This data is mapped in Exhibit JAC-11 in Chapter 4 of this *Compatibility Plan*.

To depict the relative risks of aircraft accidents near runway ends, the *Handbook* provides both a series of risk contours and a set of generic safety zones. The contours are derived directly from the accident location database described in the *Handbook* and show the relative concentrations of arrival and departure accidents near the ends of runways of different lengths. The generic safety zones are based upon the same data and are depicted for different runway lengths and operational characteristics, but additionally consider aeronautical factors that affect where aircraft accidents are likely to occur. Unlike the contours, these zones have regular geometric shapes. Also, the generic safety zones assume an equal distribution of takeoffs and landings at each runway end. The risk contours and generic safety zones most relevant to Jacumba Airport, as depicted in Exhibit JAC-11, are the ones for a runway length of less than 4,000 feet. More information regarding the risk contours and generic safety zones is presented in Appendix C of this *Compatibility Plan* and in the *Handbook* itself.

As stated in the *Handbook*, the generic safety zones must be adjusted to reflect the runway configuration and operational characteristics of a particular airport runway. Factors specifically considered in adjusting the generic zones to apply to Jacumba Airport include:

> The airport's very short runway—approximately 2,500 feet—means few turns are made close to the runway ends, especially on departure; also, the areas of significant departure accident risk when considered relative to the start of takeoff roll at the north end of the runway is extended southward.

> No arrivals from or departures to the south occur because of the proximity of the Mexican border.

> Arrival and departure routes are nonstandard because of the proximity of the Mexican border to the south and high terrain to the east.

> Closed circuit (flight training) traffic pattern use by fixed-wing aircraft is minimal, a factor which also enables combining Zone 3 into Zone 4.

> High terrain approximately 700 feet above the airport elevation is located east of the facility and restricts the flight routes flown by airplanes.

> The direction of traffic is predominantly (95%) from east to west—mostly arrivals from the east and departures to the west.

> Low volume of future aircraft operations over the extended forecast period.

Airspace Protection Zones

The airspace protection zones established for the purpose of evaluating the airspace compatibility of land use development in the influence area of Jacumba Airport are depicted on Map JAC-3. The zones represent the imaginary surfaces defined for the airport in accordance with Federal Aviation Regulations Part 77. Map JAC-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 overflight notification for land uses in the influence area of Jacumba Airport are depicted on Map JAC-4. The zones reflect that the airport traffic pattern is limited to the north side of the airport because of the proximity of the Mexican border. The depiction of the overflight zones is derived from information supplied by the County of San Diego, Department of Public Works.

COMPATIBILITY POLICIES FOR JACUMBA AIRPORT

JAC.1. Noise Compatibility Policies

JAC.1.1 *Evaluating Acceptable Noise Levels for New Development:* The noise compatibility of proposed land uses within the influence area of Jacumba Airport shall be evaluated in accordance with the policies set forth in this section, including the criteria listed in Table JAC-1 and the noise contours depicted on Map JAC-1.

JAC.1.2 *Measures of Noise Compatibility:* The criteria in Table JAC-1 indicate the maximum acceptable airport-related noise levels, measured in terms of Community Noise Equivalent Level (CNEL), for residential and a range of nonresidential land uses. Factors considered in setting the criteria include the following:

(a) Established federal and state regulations and guidelines.

(b) 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 Jacumba Airport vicinity is considered a suburban community.

(c) The extent to which noise would intrude upon and interrupt the activity associated with a particular use.

(d) The extent to which the activity itself generates noise.

(e) The extent of outdoor activity associated with a particular land use.

(f) 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 JAC.JAC.1.5.

JAC.1.3 *Acceptable Noise Levels for Specific Types of Land Use Development:*

(a) The threshold for evaluation is the projected 50 dB CNEL contour. This contour defines the noise impact area of the airport. All land uses located outside this noise contour are consistent with the noise compatibility policies.

(b) The maximum airport-related noise level considered compatible for new residential development in the environs of Jacumba Airport is 55 dB CNEL.

(c) The compatibility of new nonresidential development with noise levels generated by the airport is indicated in Table JAC-1.

(1) Buildings associated with land uses listed as "conditional" must have added sound attenuation as necessary to meet the interior noise level standards indicated in the table and in Policy JAC.JAC.1.5.

(2) Land uses not specifically listed shall be evaluated using the criteria for similar listed uses.

(d) Dedication of an avigation easement in accordance with Policy 3.1.5 of Chapter 2 is a requirement for acceptability of any type of development within the 55 dB CNEL contour.

JAC.1.4 *Application of Noise Contours to Individual Project Sites:* Projected noise contours are inherently imprecise because, especially at general aviation airports, flight paths and other factors that influence noise emissions are variable and activity projections are always uncertain. Given this imprecision, noise contours shall be utilized as follows in assessing the proposed use of a specific development site.

(a) In general, the highest CNEL to which a project site is projected to be exposed shall be used in evaluating the compatibility of development over the entire site and in determining sound attenuation requirements, if any.

(b) Exceptions to this policy are as follows:

(1) On project sites large enough to have a CNEL variation of 3 dB or more, compatibility criteria applicable within each 5 dB range (55 to 60, 60 to 65, etc.) shall be applied to each portion of the site exposed to that range of noise.

(2) Where no part of the buildings proposed on the site fall within the higher CNEL range, the criteria for the CNEL range where the buildings are located shall apply.

JAC.1.5 *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 JAC-1.

(a) The noise contours depicted in Map JAC-1 shall be used in calculating compliance with these criteria. The calculations should assume that windows are closed.

(b) When a proposed building lies within multiple CNEL ranges, the 5 dB range within which 75% or more of the building is located shall apply for the purposes of determining sound attenuation requirements.

(c) When structures are part of a proposed land use action submitted to the ALUC for review, evidence that proposed structures will be designed to comply with the criteria in Paragraph (a) of this policy shall be submitted to the ALUC under the following circumstances:

(1) Any mobile home situated where the projected exposure to airport noise is 55-dB CNEL or greater. [A typical mobile home has an average exterior-to-interior noise level reduction (NLR) of approximately 15 dB with windows closed.]

(2) Any single- or multi-family residence situated where the projected exposure to airport noise is 60-dB CNEL or greater (note that these uses are allowed only as infill or on existing residential lots). [Wood frame buildings constructed to meet 1990s standards for energy efficiency typically have an average NLR of approximately 20 dB with windows closed.]

(3) Any hotel or motel, hospital or nursing home, church, meeting hall, office building, mortuary, school, library, or museum situated where the projected exposure to airport noise is 60 dB CNEL or greater.

(d) Exceptions to the interior noise level criteria in Paragraph (a)(2) of this policy may be allowed where evidence is provided that the indoor noise generated by the use itself exceeds the listed criteria.

JAC.1.6 *Engine Run-Up and Testing Noise:* ALUC consideration of noise from aircraft engine run-ups and testing activities shall be limited as follows:

(a) Aircraft noise associated with pre-flight engine run-ups, taxiing of aircraft to and from runways, and other operation of aircraft on the ground is considered part of airport operations and therefore is not subject to ALUC authority.

(1) Noise from these sources can be, but normally is not, represented in airport noise contours. It is not included in the noise contours prepared for this *Compatibility Plan*. Nevertheless, when reviewing the compatibility of proposed land uses in locations near the airport where such noise may be significant, the ALUC may seek additional data and may take into account noise from these ground-based sources.

(2) Noise from aircraft ground operations also should be considered by the ALUC when reviewing airport master plans or development plans in accordance with Section 4.3 of Chapter 2 of this *Compatibility Plan*.

(b) Noise from the testing of aircraft engines on airport property is not deemed an activity inherent in the operation of an airport and thus it is not an airport-related impact addressed by this *Compatibility Plan*. Noise from these sources should be addressed by the noise policies of local jurisdictions in the same manner as noise from other industrial sources. (Engine testing noise is not included in the noise contours prepared for the airport.)

JAC.1.7 *Airport Expansion:* Any proposed expansion of facilities at the airport which would result in a significant increase in cumulative noise exposure (measured in terms of CNEL) shall include measures to reduce the exposure to a less-than-significant level or findings that are appropriate to support a statement of overriding considerations as required by the California Environmental Quality Act. For the purposes of this plan, a noise increase shall be considered significant if:

(a) In locations having an existing ambient noise level of less than 60 dB CNEL, the project would increase the noise level by 5.0 dB or more.

(b) In locations having an existing ambient noise level of between 60 and 65 dB CNEL, the project would increase the noise level by 3.0 dB or more.

(c) In locations having an existing ambient noise level of more than 65 dB CNEL, the project would increase the noise level by 1.5 dB or more.

[The preceding thresholds are derived from recommendations of the Federal Interagency Committee on Noise (FICON) as documented in its 1992 report, Federal Agency Review of Selected Airport Noise Analysis Issues.]

JAC.2. Safety Compatibility Policies

JAC.2.1 *Evaluating Safety Compatibility for New Development:* The safety compatibility of proposed land uses within the airport influence area of Jacumba Airport shall be evaluated in accordance with the policies set forth in this section, including Table JAC-2 and the safety zones depicted on Map JAC-2. Table JAC-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 should not be permitted under any circumstances.

(b) Conditional: The use is acceptable if the conditions listed in the column on the right side of the table and as 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.

JAC.2.2 *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, fundamentally measured in terms of dwelling units per acre. The residential density limitations cannot be equated to the usage intensity limitations for nonresidential uses. Consistent with pervasive societal views and as suggested by the *Handbook* guidelines, a greater degree of protection is warranted for residential uses.

(b) The intensity of nonresidential development measured in terms of the number of people concentrated in areas most susceptible to aircraft accidents.

(c) Development or expansion of certain uses that represent special safety concerns regardless of the number of people present.

(d) The extent to which development covers the ground and thus limits the options of where an aircraft in distress can attempt an emergency landing.

JAC.2.3 *Factors Considered in Setting Safety Compatibility Criteria:* The principal factors considered in setting criteria applicable within each safety zone are:

(a) The airport proximity within which aircraft accidents near general aviation airports typically occur. The most stringent land use controls shall be applied to the areas with the greatest potential risks.

The risk information utilized is the general aviation accident data and analyses contained in the *California Airport Land Use Planning Handbook* supplemented by available data for accidents at airports in San Diego County.

(b) The volume of aircraft operations is primarily a factor used in adjusting the sizes of the safety zones rather than the criteria applicable within each zone.

JAC.2.4 *Residential Development Criteria*: The following criteria apply to proposed residential development.

(a) In Safety Zone 1, no new dwellings shall be constructed under any circumstances.

(b) In Safety Zones 2 and 5, dwelling sites are not allowed to be located within the zone boundaries. Small parcels are presumed to be unable to meet this criterion; therefore new residential development at a density greater than 4.0 dwelling units per acre is incompatible. Where proposed densities are less than or equal to 4.0 dwelling units per acre, new development is acceptable provided that the dwelling sites are outside of these restricted zones. Portions of the parcels and accessory buildings may extend into these zones.

(c) In Safety Zones 3 and 4, new residential development at a density greater than 8.0 dwelling units per acre in incompatible. A density of 4.0 dwelling units per acre or less is compatible. In the range of more than 4.0 but less than 8.0 dwelling units per acre, new development is conditioned upon the building sites being clustered in a manner that maximizes the open land on which an aircraft could execute an emergency landing.

(1) The minimum contiguous open land area is approximately 0.5 acres (see Policy JAC.2.9).

(2) Clustering to meet these criteria is mandatory for projects of 10.0 acres or more with one open land area to be provided per each 10 acres of the site.

(3) For projects of less than 10.0 acres, compliance with the clustering condition is desirable, but not required as a condition for development approval.

(4) The clustering of residential development must not result in the density within any single 1.0-acre area exceeding 20.0 dwelling units per acre.

(d) In Safety Zone 6, residential development is not restricted.

(e) The acreage evaluated equals the project site size which may include multiple parcels.

(f) A density bonus of 20% above the residential densities indicated in Table JAC-1 and Paragraph (a) above shall be allowed for affordable housing developed in accordance with the provisions of state law.

(g) Secondary units, as defined by state law, shall be excluded from density calculations.

(h) As indicated in Policy 3.1.4(a)(1) of Chapter 2, construction of a single-family home, including a second unit as defined by state law, on a legal lot of record is allowed in all safety zones except Safety Zone 1 if such use is permitted by local land use regulations.

JAC.2.5 *Nonresidential Development Criteria:* The following criteria apply to most proposed nonresidential development. Additional or different criteria for uses of special concern are

described in Policy JAC.2.6. (Concepts associated with these criteria are discussed in Appendix C.)

(a) For the purposes of this *Compatibility Plan*, the fundamental measure of risk exposure for people on the ground in the event of an aircraft accident is the number of people concentrated in areas most susceptible to aircraft accidents. This measure is the chief determinant of whether particular types of nonresidential development are designated as incompatible, conditional, or compatible in Table JAC-2.

(1) The maximum acceptable intensity of proposed development within the environs of Jacumba Airport is:

- Within Safety Zone 1: 10 people per acre.
- Within Safety Zone 2: 60 people per acre.
- Within Safety Zone 3: 120 people per acre.
- Within Safety Zone 4: 150 people per acre.
- Within Safety Zone 5: 150 people per acre.
- Within Safety Zone 6: no limit.

(2) Usage intensity calculations shall include all people (e.g., employees, customers/visitors) who may be on the property at any single point in time, whether indoors or outdoors.

(3) Local jurisdictions may make exceptions for rare special events (e.g., 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.

(b) Evaluation of the compatibility of a proposed nonresidential land use development shall be made using the land use types listed in Table JAC-2.

(1) The nonresidential uses are categorized primarily with respect to the typical occupancy load factor of the use measured in terms of square footage per occupant. 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 JAC-2 shall be evaluated with respect to a similar use included on the list. The occupancy load factor of the unlisted use and that of the similar listed use shall be the primary basis for comparison except where the unlisted use is most similar to a land use of special concern. Unlisted uses also may be compared to listed uses having the same construction type as noted in the CBC column in the table.

(c) For land use types that are deemed "conditional" in a particular zone, the condition to be met in many instances is a limitation on the floor area ratio (FAR) of the proposed development.

(1) The FAR criteria differ among different land uses in recognition of the fact that the usage intensities vary substantially from one land use type to another—a low-intensity warehouse versus a high-intensity restaurant, for example. (Appendix D describes the relationship between usage intensity and FAR.)

(2) FAR calculations shall be based upon the gross floor area of the buildings proposed for the project site, excluding parking garages if any.

(d) Additional restrictions apply to assembly facilities—uses in which 50 or more people are concentrated in a confined space.

(1) Outdoor assembly uses pose particular risks because no roof protects the occupants from accidents involving small aircraft. New facilities or expansion of existing facilities of this type are incompatible in Safety Zones 1, 2, and 5 for all assembly uses plus Safety Zones 3 and 4 for major assembly uses (ones with 1,000 or more occupants).

(2) Outdoor assembly uses having 1,000 or fewer people are conditionally acceptable in Safety Zones 3 and 4 only if the local jurisdiction documents that an alternative site outside these zones would not adequately meet the needs the facility is intended to serve and that this consideration outweighs the airport-related safety concerns associated with a site in the impacted area.

(3) Major indoor assembly uses having more than 1,000 people are incompatible in all zones except Safety Zones 4 and 6. In Safety Zones 4 and 6, major assembly uses are acceptable only if the local jurisdiction documents that an alternative site outside these zones would not adequately meet the needs the facility is intended to serve and that this consideration outweighs the airport-related safety concerns associated with a site in the impacted area.

(4) Eating and drinking establishments in their own free-standing buildings are conditional in Safety Zones 2 through 5. For those that are part of a retail shopping center, see Policy JAC.2.5(e).

- Establishments having capacities of 50 or more people are regarded as assembly facilities and acceptable in the indicated zones provided that the FAR criteria in Table JAC-2 are met.
- Establishments having capacities of fewer than 50 people are compatible in all zones except Zones 1 and 2. The use is incompatible in Zone 1. In Zone 2, the gross building size shall be limited to no more than 2,500 square feet.

(5) Nonaviation transportation terminals (rail, bus, marine) are conditional uses in Zones 2 and 5. In these zones, the use is acceptable only if the local jurisdiction documents that an alternative site outside these zones would not adequately meet the needs the facility is intended to serve and that this consideration outweighs the airport-related safety concerns associated with a site in the impacted area.

(e) Retail shopping centers containing a mixture of uses which may or may not include eating/drinking establishments are "compatible" only in Safety Zone 6. In Zones 2 through 5, this use is "conditional" and the conditions below must be met. The objective of these conditions is to place the most intensive uses in the least risk-exposed locations. The large site size—potentially covering multiple safety zones—and extensive parking requirements of most retail shopping centers, especially regional centers, generally affords this opportunity.

(1) Safety Zones 2 through 5: The portion of the building or buildings within each safety zone must not exceed the maximum FAR criterion indicated in Table JAC-2 for that zone. That is, the FAR for the portion of the development with-

in each zone is to be calculated with respect to the building floor area and portion of the site within that zone. However, as indicated in Policy JAC.JAC.2.11, the development allowed within the more restricted portion of the site can (and is encouraged to) be reallocated to the less restricted portion even if the allowable FAR in the less restricted portion would then be exceeded.

(2) Safety Zone 2: To the extent practical, any portion of a shopping center development located in this zone should be devoted to automobile parking. Any buildings to be situated within Zone 2 shall be freestanding structures separate from the primary building(s) of the center, shall each be limited to 2,500 square feet in size, and shall have a capacity of less than 50 people.

(3) Safety Zone 3: No portion of a shopping center lying within Zones 3 or 5 shall contain spaces that allow assembly of 300 or more people (CBC Groups A-1, A-2, or A-4).

JAC.2.6 *Land Uses of Special Concern:* Certain types of land uses represent special safety concerns irrespective of the number of people associated with those uses. Land uses of particular concern, the nature of the concern, and the conditions which the development must meet to be acceptable within a particular safety zone are as listed below.

(a) Uses Having Vulnerable Occupants: These uses are ones in which the majority of occupants are children, elderly, and/or disabled—people who have reduced effective mobility or may be unable to respond to emergency situations. The primary uses in this category and the conditions applicable to new facilities or expansion of existing facilities are:

(1) Children's Schools (grades K–12): In Safety Zones 3 and 4, buildings may be replaced and/or expanded at existing schools if required by state law; however no new assembly facilities (spaces with capacities of 50 or more people) shall be created. No new school sites or acquisition of land for existing schools are acceptable.

(2) Day Care Centers (facilities with 15 or more children, as defined in the California Health and Safety Code): In Safety Zones 3 and 4, new facilities or expansion of existing facilities is acceptable only if the local jurisdiction documents that an alternative site outside these zones would not adequately meet the needs the facility is intended to serve and that this consideration outweighs the airport-related safety concerns associated with a site in the impacted area. No new assembly facilities (spaces with capacities of 50 or more people) shall be created.

(3) Family Day Care Homes (14 or fewer children): In Safety Zone 3, this use is allowed only if it is situated in an existing residential area.

(4) Hospitals and Health Care Centers: In Safety Zones 3 and 4, buildings may be replaced and/or expanded at existing facilities if required by state law. No new sites or acquisition of land to expand existing sites are acceptable.

(5) Inmate Facilities: In Safety Zones 3 and 4, new facilities or expansion of existing facilities are acceptable only if the local jurisdiction documents that an alternative site outside these zones would not adequately meet the needs the facility is intended to serve and that this consideration outweighs the airport-related safety concerns associated with a site in the impacted area.

(b) Hazardous Materials Storage: Materials that are flammable, explosive, corrosive, or toxic constitute special safety compatibility concerns to the extent that an aircraft accident could cause release of the materials and thereby pose dangers to people and property in the vicinity. Two categories of hazardous materials storage facilities are defined in Table JAC-2.

(1) Facilities such as oil refineries and chemical plants that process and store bulk quantities (tank capacities greater than 10,000 gallons) of highly hazardous materials are incompatible in all Safety Zones except Zone 6 and acceptable in the latter only if the siting requirements of the facility are such that alternative locations are not feasible. Both new facilities and expansion or replacement of existing facilities are to be evaluated against this criterion.

(2) Facilities where hazardous materials are stored primarily for use at an otherwise compatible land use are conditionally compatible in Safety Zones 2, 3, 4, and 5. Assessment of whether storage and use of a particular substance is acceptable near the airport is delegated to the permitting agencies that are responsible for ensuring safe storage and use of the substances irrespective of the facility's location near the airport. However, these agencies are requested to evaluate whether extra precautions would be warranted to protect against release of the hazardous substances in the event that the facility where the substances are stored and used should be involved in an aircraft accident. Both new facilities and expansion or replacement of existing facilities are to be evaluated against this criterion. The occupied portion of any facility containing hazardous materials must also be consistent with the compatibility evaluation for that use indicated in Table JAC-2 and comply with any conditions (such as maximum FAR) that may be listed for that use.

(c) Critical Community Infrastructure: This category pertains to facilities the damage or destruction of which would cause significant adverse effects to public health and welfare well beyond the immediate vicinity of the facility.

(1) Emergency Services Facilities: Facilities such as police and fire stations should be constructed or expanded in Zones 3, 4, or 5 only if the local jurisdiction documents that an alternative site outside these zones would not adequately meet the needs the facility is intended to serve and that this consideration outweighs the airport-related safety concerns associated with a site in the impacted area. Any facilities built under this condition must be designed in a manner that protects against the facility being rendered unusable if it were to be struck by a light aircraft.

(2) Emergency Communications Facilities; Power Plants, and Other Utilities: Facilities such as these are conditionally compatible in the zones indicated for that use in Table JAC-2 only if the local jurisdiction documents that an alternative site outside these zones would not adequately meet the needs the facility is intended to serve and that this consideration outweighs the airport-related safety concerns associated with a site in the impacted area. Susceptibility of the facility to damage by an aircraft accident, the availability of redundant or replacement facilities, the rapidity with which the facility could be repaired, and other such factors should all be considered in the determination of whether a facility of this type should be placed in a risky location.

JAC.2.7 *Mixed-Use Development:* Where a combination of land use types listed separately in Table JAC-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 density limits indicated in Table JAC-2. Each nonresidential component use shall be considered as occupying a proportionate share of the total project's area. For example, if 70 percent of a project's total area is residential and 30 percent is retail sales, the maximum allowable FAR for the retail component would be 30 percent of the retail FAR in Table JAC-2. Each nonresidential component use may not exceed the proportionate FAR limit applicable to each use in order for the use to be allowed as part of the project.

(1) Except as limited by Paragraph (2) below, this mixed-use development policy is intended for dense, urban-type developments where the overall usage intensity and ambient noise levels are relatively high. The 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 limits set in Policy JAC.1.3 of Chapter 3.

(b) Where proposed development will contain a mixture of nonresidential uses listed separately in Table JAC-2, the FAR for each component use shall be calculated as a proportion of the FAR specified for that use. For example, if 70 percent of a project's total area is office and 30 percent is retail sales, the allowable FAR for the office component would be 70 percent of the office FAR in Table JAC-2 and the allowable FAR for the retail component would be 30 percent of the retail FAR in Table JAC-2.

(c) Land use types for which a FAR limit is listed in Table JAC-2 as a condition for acceptability in a particular safety zone may have up to 10% of the floor space devoted to another type of use, even one with a higher occupancy load factor, provided that the secondary use would not be an assembly room having more than 750 feet of floor area (this criterion is intended to parallel CBC standards).

JAC.2.8 *Maximum Lot Coverage:* All proposed development in Safety Zones 2, 3, 4, and 5 regardless of whether the land use is listed as "compatible" or "conditional" shall adhere to the maximum lot coverage limitations indicated in Table JAC-2. No structures are permitted in Safety Zone 1 and no limits on lot coverage are set in Safety Zone 6. All structures, including parking structures and support buildings, shall be counted when determining maximum lot coverage.

(a) On project sites of 10.0 acres or more, structures and other large objects shall be arranged so as to meet the open land criteria in Policy JAC.2.9 below at the rate of one open land area per each 10 acres of the site.

(b) On project sites of less than 10.0 acres, provision of open land areas is desirable, but not required.

JAC.2.9 *Open Land:* In the event that a light aircraft is forced to land away from an airport, the risks to the people on board can best be minimized by providing as much open land

area as possible within the airport vicinity. This concept is based upon the fact that the majority of light aircraft accidents and incidents occurring away from an airport runway are controlled emergency landings in which the pilot has reasonable opportunity to select the landing site. For business jets and other large or fast aircraft, including most military aircraft, provision of open land for emergency landing purposes has minimal benefit unless the areas are very large and flat.

(a) Open land criteria are applicable to all general aviation airport runways in that even the runways frequently used by business jets are mostly used by light aircraft.

(b) To qualify as open land, an area should:

(1) Be free of most structures and other major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires.

(2) Have minimum dimensions of approximately 75 feet by 300 feet (0.5 acres).

(c) Open land areas should be oriented with the typical direction of aircraft flight over the location involved.

(d) Roads and automobile parking lots are acceptable as open land areas if they meet the above criteria.

(e) Open land criteria for each safety zone are most appropriately applied with respect to the entire zone. Individual parcels may be too small to accommodate the minimum-size open area requirement. Consequently, the identification of open land areas must initially be accomplished at the general plan or specific plan level or as part of large (10 acres or more) development projects.

(f) Clustering of development, subject to the limitations noted in Policy JAC.2.10 below, and providing contiguous landscaped and parking areas is encouraged as a means of increasing the size of open land areas.

(g) Building envelopes and the airport compatibility zones should be indicated on all development plans and tentative maps for projects located within the influence area of airports covered by this *Compatibility Plan*. Portraying this information is intended to ensure that individual development projects provide the open land areas identified in the applicable general plan, specific plan, or other large-scale plan.

JAC.2.10 *Limits on Clustering of Nonresidential Development:* As used in this *Compatibility Plan*, "clustering" refers to the concentration of development (measured in terms of dwellings or people per acre) into a portion of the site, leaving other portions of the site relatively less developed or as open land. To a degree, clustering of development is desirable from an airport land use safety compatibility perspective in that more places where an aircraft can attempt an emergency landing would then potentially remain. However, clustering poses the risk that an out-of-control aircraft could strike the location where the development is clustered. To guard against this risk, limitations on the maximum concentrations of dwellings or people in a small area of a large project site are appropriate. No explicit limits on the maximum clustering of nonresidential uses is established. However, no development shall be clustered in a manner that would then place it in an assembly facility or other land use category listed as incompatible in Table JAC-2.

JAC.2.11 *Parcels Lying within Two or More Safety Zones:* For the purposes of evaluating consistency with the compatibility criteria set forth in Table JAC-2, any parcel that is split by compa-

tibility zone boundaries shall be considered as if it were multiple parcels divided at the compatibility zone boundary line. However, the density or intensity of development allowed within the more restricted portion of the parcel can (and is encouraged to) be reallocated to the less restricted portion. This reallocation of density or intensity is permitted even if the resulting density or intensity in the less restricted area would then exceed the limits which would otherwise apply within that safety zone.

JAC.2.12 *Special Provisions for Safety Zone 1:* In accordance with Federal Aviation Administration guidance, the basic compatibility criteria for Safety Zone 1 (the runway protection zones and within the runway primary surface), as listed in Table JAC-2, preclude most uses, including any new structures and uses having an assemblage of people.

(a) The presumption is that the airport owner owns or intends to acquire property interests—fee title or easements—sufficient to effect this policy. The ALUC policy is to encourage airport owner acquisition of these property interests in all of Safety Zone 1 with funding assistance from the FAA.

(b) In instances where the affected property is privately owned and the airport owner does not intend to acquire property interests, the following uses shall be considered acceptable (See *Glossary*, Appendix H, for definition of *Object Free Area*):

(1) Within the runway object free area (OFA): No uses except FAA-approved uses related to aeronautical functions.

(2) Within the extended runway object free area:
- Roads
- Farm crops that do not attract wildlife

(3) Outside the runway object free area and extended runway object free area.
- Uses listed in Paragraph (2)
- Surface automobile parking
- Other uses not in structures and not exceeding a usage intensity of 10 people per any single acre

(4) The acceptability of uses not listed shall be consistent with FAA guidance and the ALUC determination shall be made in consultation with the FAA and the airport owner.

JAC.3. Airspace Protection Compatibility Policies

JAC.3.1 *Evaluating Airspace Protection Compatibility for New Development:* The airspace protection compatibility of proposed land uses within the influence area of Jacumba Airport shall be evaluated in accordance with the policies in this section, including the airspace protection surfaces depicted on Map JAC-3, Compatibility Policy Map: Airspace Protection. The policies apply to all of the airport influence area (Review Area 1 and Review Area 2).

JAC.3.2 *Measures of Airspace Protection Compatibility:* In establishing airspace protection policies, the ALUC primarily 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) 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 governments.

(b) State airspace protection standards for the most part mirror those of the FAA. A key difference, though, is that state law gives the California Department of Transportation and local governments the authority to enforce the standards.

JAC.3.3 *Requirements for FAA Notification of Proposed Construction:* Proponents of a project containing structures or other objects that may exceed the height standards defined in Federal Aviation Regulations (FAR) Part 77, Subpart C, as applied to the Jacumba Airport 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 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 jurisdictions shall inform project proponents of the requirements for notification to the FAA.

(b) Any proposed project that includes construction of a structure or other object (general plans, specific plans, and other such plans are thus excluded) and that is required to be submitted to the ALUC for a consistency review in accordance with Section 1.6 of Chapter 2 shall include a copy of the FAR Part 77 notification to the FAA if applicable and of the resulting FAA findings from its aeronautical study.

(c) The requirement for notification to the Federal Aviation Administration shall not trigger an airport compatibility review of an individual project by the ALUC unless the general plan of the jurisdiction in which the project is to be located has not been deemed consistent with this *Compatibility Plan*. However, the ALUC requests that a copy of all FAA aeronautical studies of objects within any portion of the Jacumba Airport influence area (Review Area 1 or Review Area 2) be provided to the ALUC Staff for informational purposes.

JAC.3.4 *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 Jacumba Airport in Map JAC-3, Compatibility Policy Map: Airspace Protection. Any object that penetrates one of these surfaces is, by FAA definition, deemed an *obstruction*.

(b) Other than within the Primary Surface and beneath the Approach or Transitional Surface, no object shall be limited to a height of less than 35 feet above the ground even if the object would constitute an obstruction.

(c) A proposed object having a height that exceeds the airport's airspace protection surface shall be allowed 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.

(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 or that is consistent with the FAA-approved airport layout plan);
- 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.

(3) Marking and lighting of the object will be installed as directed by the FAA aeronautical study or the California 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).

(4) An avigation easement as described in Policy 3.1.5 of Chapter 2 is dedicated to the agency owning the airport.

(5) The use complies with all policies of this *Compatibility Plan* related to noise and safety compatibility.

JAC.3.5 *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) Sources of dust, steam, or smoke that may impair pilot visibility;

(4) Sources of electrical interference with aircraft communications or navigation; and

(5) 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 jurisdictions should consult with FAA officials.

JAC.4. Overflight Compatibility Policies

JAC.4.1 *Overflight Compatibility Criteria for New Development:* The overflight compatibility of proposed land uses within the influence area of Jacumba Airport shall be evaluated in accordance with the policies set forth in this section together with the overflight zones depicted on Map JAC-4 of this chapter. The policies apply to all of the airport influence area (Review Area 1 and Review Area 2).

JAC.4.2 *State Law Requirements Regarding Real Estate Transfer Disclosure:* Effective January 1, 2004, California state statutes (Business and Professional Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353) require that, as part of many residential real estate transactions, information be disclosed regarding whether the property is situated within an airport influence area.

(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 Jacumba Airport is identified on Map JAC-4, Compatibility Policy Map: Overflight.

(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 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 San Diego County Airport Land Use Commission is that the above airport proximity disclosure should be provided as part of *all* real estate transactions involving private property within the airport influence area (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.

JAC.4.3 *Overflight Agreement:* In addition to the preceding real estate transfer disclosure requirements, an *overflight agreement* shall be recorded as a condition for any discretionary local jurisdiction approval of residential land use development within the area indicated on Map JAC-3, Compatibility Policy Map: Overflight.

(a) The overflight agreement shall convey that the property may be subject to impacts associated with aircraft overflight.

(b) A separate overflight agreement is not necessary where an avigation easement is required.

(c) Recordation of an overflight agreement is not required for nonresidential development.

(d) An example of an overflight agreement is provided in Appendix F.

Land Use Category	Exterior Noise Exposure (dB CNEL)					
	50–55	55–60	60–65	65–70	70–75	75-80
Agricultural, Recreational, and Animal-Related						
outdoor amphitheaters						
zoos; animal shelters; children-oriented neighborhood parks; playgrounds; interactive nature exhibits						
regional parks; athletic fields; golf courses; outdoor spectator sports; water recreation facilities; horse stables						
nature preserves; wildlife preserves; livestock breeding or farming						
agriculture (except residences and livestock); fishing						
Residential, Lodging, and Care						
residential (including single-family, multi-family, and mobile homes)*						
residential hotels; retirement homes hospitals; nursing homes; intermediate care facilities			45			
hotels; motels; other transient lodging			45	45		
Public						
schools; libraries			45			
auditoriums; concert halls; indoor arenas places of worship; cemeteries			45	45		
Commercial and Industrial						
office buildings; office areas of industrial facilities; medical clinics; clinical laboratories commercial – retail; shopping centers restaurants; movie theaters				50	50	
commercial – wholesale; research & development					50	
extractive industry; industrial; manufacturing; utilities; public rights-of-way						

Land Use	Acceptability	Interpretation/Comments
	Compatible	*Indoor Uses:* Standard construction methods will sufficiently attenuate exterior noise to an acceptable indoor community noise equivalent level (CNEL) *Outdoor Uses:* Activities associated with the land use may be carried out with essentially no interference from aircraft noise * The maximum acceptable noise exposure for new residential development in the vicinity of Jacumba Airport is set at the rural community standard of 55 dB CNEL. See Policy JAC.1.3.
45	*Conditional*	*Indoor Uses:* Building structure must be capable of attenuating exterior noise to the indoor CNEL indicated by the number; standard construction methods will normally suffice *Outdoor Uses:* CNEL is acceptable for outdoor activities, although some noise interference may occur; caution should be exercised with regard to noise-sensitive uses
	Incompatible	*Indoor Uses:* Unacceptable noise interference if window are open; at exposures above 65 dB CNEL, extensive mitigation techniques required to make the indoor environment acceptable for performance of activities *Outdoor Uses:* Severe noise interference makes outdoor activities unacceptable

Table JAC-1

Noise Compatibility Criteria

Land Use Types / Typical Uses *Note: Multiple categories may apply to a project*	***CBC Group****	***Safety Zone***						***Criteria for Conditional (yellow) Uses*** *(in addition to Lot Coverage limits)*
		1	***2***	***3***	***4***	***5***	***6***	
Maximum Nonresidential Intensity (People/Acre)		10	60	120	150	150	no limit	
Maximum Floor Area Ratio		*see numbers below and Policy JAC.2.5(c)*						
Maximum Lot Coverage		0%	50%	60%	70%	70%	100%	
Residential Uses								
Residential, ≤0.2 d.u./acre (5+ acre lots)	R-3							2, 5: Portions of parcel including accessory bldgs can be in Zone 2 or 5, but dwelling must be outside these zones *See Policy JAC.2.4(a)(2)*
Residential, >0.2, ≤4.0 d.u./acre	R-3							2, 5: Portions of parcel including accessory bldgs can be in Zone 2 or 5, but dwelling must be outside these zones *See Policy JAC.2.4(a)(2)*
Residential, >4.0, ≤8.0 d.u./ acre	R-3							3, 4: If project site size ≥10 acres, buildings to be clustered to provide maximum open land *See Policy JAC.2.4(a)(3)*
Residential, >8.0, ≤20.0 d.u./acre	R-1							
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	A-1							4, 6: Allowed only if site outside zone would not serve intended function *See Policy JAC.2.5(d)(3)*
Outdoor Major Assembly Place (capacity ≥1,000 people): amphitheaters, stadiums, race tracks, fair-grounds, zoos	A-4							6: Allowed only if site outside zone would not serve intended function *See Policy JAC.2.5(d)(1)*
Indoor Large Assembly Room (capacity 300 to 999 people): sports arenas, theaters, auditoriums, assembly halls [approx. 15 s.f./person]	A-2			0.04	0.05			3, 4: FAR limits as indicated
Outdoor Large Assembly Space (capacity 300 to 999 people)	A-4							3, 4: Allowed only if site outside zone would not serve intended function *See Policy JAC.2.5(d)(2)*
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			0.17	0.21			3, 4: FAR limits as indicated
Outdoor Small Assembly Space (capacity 50 to 299 people): community swimming pools, group camps	A-4							3, 4: Allowed only if site outside zone would not serve intended function *See Policy JAC.2.5(d)(2)*
Office, Commercial, Service, and Lodging Uses								
Large Eating/Drinking Establishments in free-standing building (cap'y >300 people) [approx. 60 s.f./person]	A2, A-2.1			0.17	0.21			3 - 5: FAR limits as indicated *See Policy JAC.2.5(d)(4)*
Mid-Size Eating/Drinking Establishments in free-standing bldg (cap'y 50 to 299 people) [approx. 60 s.f./person]	A-3		0.08	0.17	0.21	0.21		2 - 5: FAR limits as indicated *See Policy JAC.2.5(d)(4)*
Small Eating/Drinking Establishments in free-standing building (capacity <50 people)	B							2: Maximum bldg size ≤2,500 s.f. *See Policy JAC.2.5(d)(4)*
Retail Shopping Centers with mixture of uses which may include eating/drinking establishments [approx. 110 s.f./person]	M		0.15	0.30	0.38	0.38		2 - 5: FAR limits as indicated 2: Auto parking preferred; only freestanding bldgs ≤2,500 s.f. and capacity <50 people 3, 5: No space with cap'y ≥300 people *See Policy JAC. 2.5(e)*

Table JAC-2

Safety Compatibility Criteria

Land Use Types / Typical Uses *Note: Multiple categories may apply to a project*	***CBC Group****	***Safety Zone***						***Criteria for Conditional (yellow) Uses*** *(in addition to Lot Coverage limits)*
		1	***2***	***3***	***4***	***5***	***6***	
Maximum Nonresidential Intensity (People/Acre)		10	60	120	150	150	no limit	
Maximum Floor Area Ratio		*see numbers below and Policy JAC.2.5(c)*						
Maximum Lot Coverage		0%	50%	60%	70%	70%	100%	
Retail Stores, no Restaurants [approx. 170 s.f./person]	M		0.23			0.59		2, 5: FAR limits as indicated
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		0.34					2: FAR limits as indicated
Low-Hazard Storage: mini-storage, greenhouses	S-2							
Office Buildings: professional services, financial, civic [approx. 215 s.f./ person]	B		0.30	0.59	0.74	0.74		2 - 4: FAR limits as indicated
Misc. Service Uses: car washes, barbers, animal kennels, print shops [approx. 200 s.f./person]	B		0.28					2: FAR limits as indicated
Hotels, Motels (except conference/ assembly facilities) [approx. 200 s.f./person]	R-1		0.28			0.69		2, 5: FAR limits as indicated
Bed & Breakfast Establishments	R-3							
Industrial, Manufacturing, and Warehouse Uses								
Processing and Storage of Bulk Quantities of Highly Hazardous Materials (tank capacity >10,000 gallons): oil refineries, chemical plants	—							6: Allowed only if site outside zone would not serve intended function *See Policy JAC.2.6(b)(1)*
Storage or Use of Hazardous (flammable, explosive, corrosive, or toxic) Materials	—							2 - 5: Permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft *See Policy JAC.2.6(b)(2)*
Auto, Aircraft, Marine Repair Services	H-4							
Manufacturing, Research & Development [300 s.f./person]	F-1, 2, H-1, 2, 3, 6, 7		0.41	0.83	1.03	1.03		2 - 5: FAR limits as indicated
Industrial Outdoor Storage, except hazardous uses: public works yards, auto wrecking yards	—							1: No structures; not in Object Free Area **
Warehouses, Distribution Facilities	S-1, 2							
Gas Stations, Repair Garages	S-3							
Educational and Institutional Uses								
Colleges and Universities	B							3, 4: Evaluate individual component uses *See Policy JAC.2.7(a) and (b)*
Children Schools, K – 12	E-1, E-2							3, 4: No new school sites or land acquisition; bldg replacement/expansion allowed for existing schools; no spaces with capacity ≥50 people *See Policy JAC.2.6(a)(1)*
Day Care Centers (>14 children)	I-1.1, E-3							3, 4: No new sites or land acquisition; building replacement/expansion allowed for existing centers; no spaces with capacity ≥50 people *See Policy JAC.2.6(a)(2)*
Family Day Care Homes (≤14 children)	I-1.1, E-3							3: Allowed only in existing residential areas *See Policy JAC.2.6(a)(3)*
Hospitals, Health Care Centers [approx. 240 s.f./ person]	I-1.1, I-1.2			0.66	0.83			3, 4: No new sites or land acquisition; FAR limits as indicated for existing facilities *See Policy JAC.2.6(a)(4)*
Congregate Care Facilities (>5 clients): nursing homes, assisted living facilities [approx. 100 s.f./ person]	I-1.1, I-2			0.28				3: FAR limits as indicated

Table JAC-2, continued

Land Use Types / Typical Uses *Note: Multiple categories may apply to a project*	***CBC Group****	***Safety Zone***						***Criteria for Conditional (yellow) Uses*** *(in addition to Lot Coverage limits)*
		1	***2***	***3***	***4***	***5***	***6***	
Maximum Nonresidential Intensity (People/Acre)		10	60	120	150	150	no limit	
Maximum Floor Area Ratio		*see numbers below and Policy JAC.2.5(c)*						
Maximum Lot Coverage		0%	50%	60%	70%	70%	100%	
Emergency Services Facilities: police stations (except jails), fire stations	B							3 - 5: Allowed only if risks can be adequately mitigated *See Policy JAC.2.6(c)(1) and (2)*
Inmate Facilities: prisons, reformatories, mental hospitals	I-3							3, 4: Allowed only if site outside zone would not serve intended function *See Policy JAC.2.6(a)(5)*
Transportation, Communication, and Utilities								
Airport Terminals	A-2.1							
Transportation Terminals: rail, bus, marine	A-2.1							2, 5: Allowed only if site outside zone would not serve intended function *See Policy JAC.2.5(d)(5)*
Truck Terminals	A-3							
Small Transportation Hubs: bus stops	—							
Aircraft Storage	S-5							1: Not allowed in Object Free Area **
Automobile Parking Structures	U-1							
Automobile Parking Surface Lots	—							1: Not allowed in Object Free Area **
Street, Highway Rights-of-Way	—							1: Not allowed in Object Free Area **
Railroads, Public Transit Lines	—							1: Not allowed in Object Free Area **
Power Plants	—							3, 6: Allowed only if site outside zone would not serve intended function *See Policy JAC.2.5(c)(2)*
Electrical Substations	—							2, 5: Allowed only if site outside zone would not serve intended function *See Policy JAC.2.5(c)(2)*
Emergency Communications Facilities	—							2 - 6: Allowed only if site outside zone would not serve intended function *See Policy JAC.2.5(c)(2)*
Cell Phone Towers, Wind Turbines	U-2							
Agricultural Uses and Uses without Buildings								
Agricultural Buildings: barns, feed lots, stockyards, riding stables	U-1							
Wooded Areas: forests, tree farms, orchards	—							
Lands with Low or Vegetation: brush lands, deserts, beaches, flood hazard areas, pasture, rangelands, field crops, grain crops, dry farming, vineyards	—							1: Not allowed in Object Free Area **
Water: rivers, creeks, canals, wetlands, bays, lakes, reservoirs	—							1: Not allowed in Runway Safety Area **
Marinas (no group activities)	—							
Large Group Recreation: team athletic fields, picnic areas	—							3: Allowed only in existing residential areas
Non-Group Recreation: golf courses, tennis courts, parks, camp grounds	—							1: Not allowed in Object Free Area **
Shooting Ranges	—							
Memorial Parks, Cemeteries (no places of assembly)	—							
Wastewater Treatment and Disposal Facilities	—							
Sanitary Landfills	—							

Table JAC-2, continued

Land Use Types / Typical Uses *Note: Multiple categories may apply to a project*	***CBC Group****	***Safety Zone***						***Criteria for Conditional (yellow) Uses*** *(in addition to Lot Coverage limits)*
		1	***2***	***3***	***4***	***5***	***6***	
Maximum Nonresidential Intensity (People/Acre)		10	60	120	150	150	no limit	
Maximum Floor Area Ratio		*see numbers below and Policy JAC.2.5(c)*						
Maximum Lot Coverage		0%	50%	60%	70%	70%	100%	

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)
	** **Runway Safety Area (RSA), Object Free Area (OFA)**:	Dimensions are as established by FAA airport design standards for the runway

Table JAC-2, continued

Legend

Boundary Lines

- Airport Property Line
- Parcel Line

Noise Impace Zones*

Future Average Annual Day (9 Operations)

- 50 - 55 dB CNEL
- 55 - 60 dB CNEL
- 60 - 65 dB CNEL
- 65 + dB CNEL

Airport Influence Area

- Review Area 1
- Review Area 2

Notes

* Source: Harris Miller Miller & Hanson, Inc. (November 2004).

See Table JAC-1 for criteria applicable within each zone.

N

2,000'

0 FEET 4,000'

1" = 2,000'

Base Map Sources:

- *Parcel Base Map - San Diego Association of Governments (SANDAG), 2004.*
- *Portions of this DERIVED PRODUCT contain geographic information copyrighted by SanGIS. All Rights Reserved.*

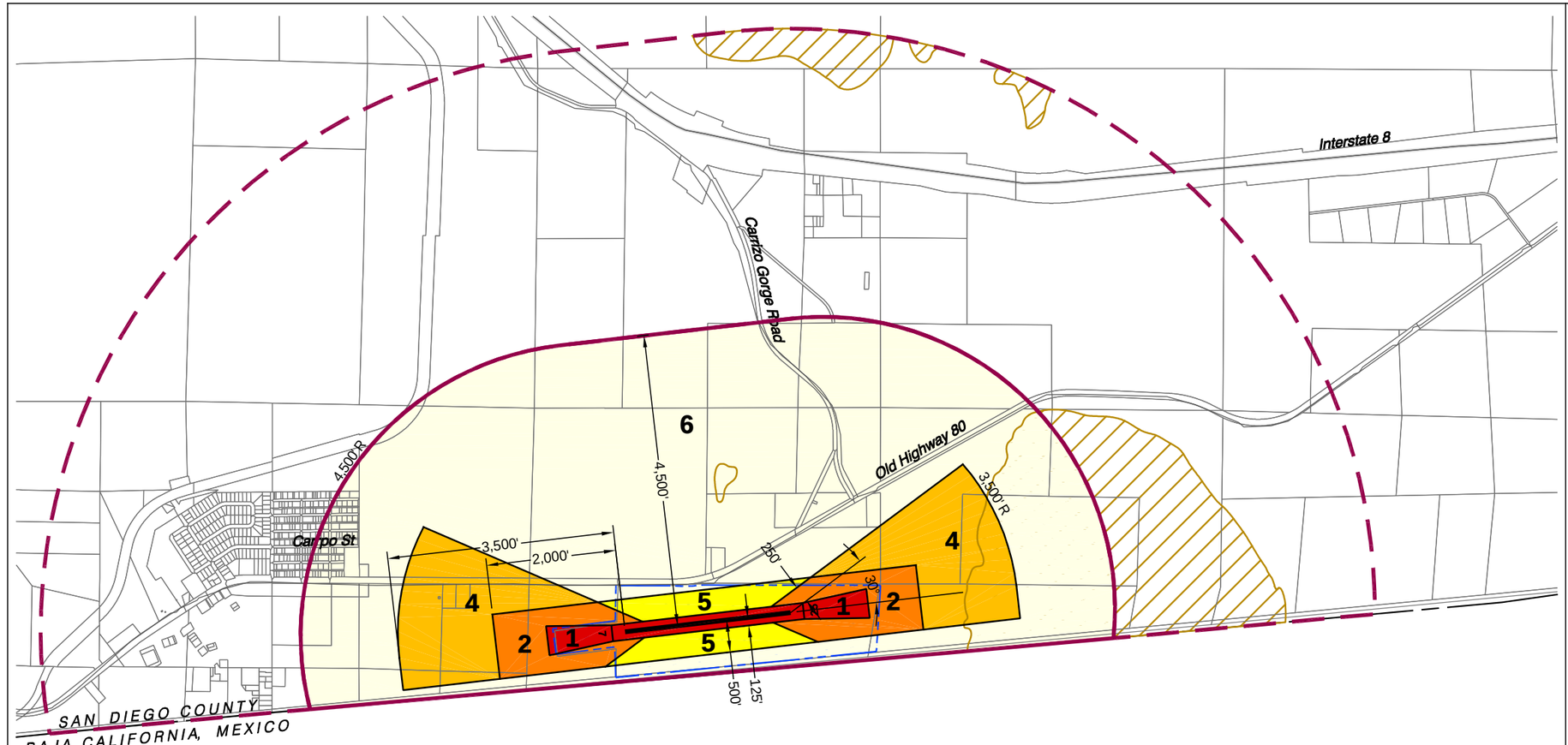
AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

Jacumba Airport
Land Use Compatibility Plan
(Adopted December 2006)

Map JAC-1

Compatibility Policy Map: Noise

X:\19469.001\04001\TECH\Cad\dwg\Layered Approach\JAC-compatibility-Dec.06-Adopted.dwg Jan 02, 2007 - 4:12pm



Legend

Boundary Lines
- Airport Property Line
- Parcel Line

Safety Zones
- Zone 1
- Zone 2
- Zone 4
- Zone 5
- Zone 6

Airport Influence Area
- Review Area 1
- Review Area 2

Notes

See Table JAC-2 for criteria applicable within each zone.

N

2,000'

0 FEET 4,000'

1" = 2,000'

Base Map Sources:
- *Parcel Base Map - San Diego Association of Governments (SANDAG), 2004.*
- *Portions of this DERIVED PRODUCT contain geographic information copyrighted by SanGIS. All Rights Reserved.*

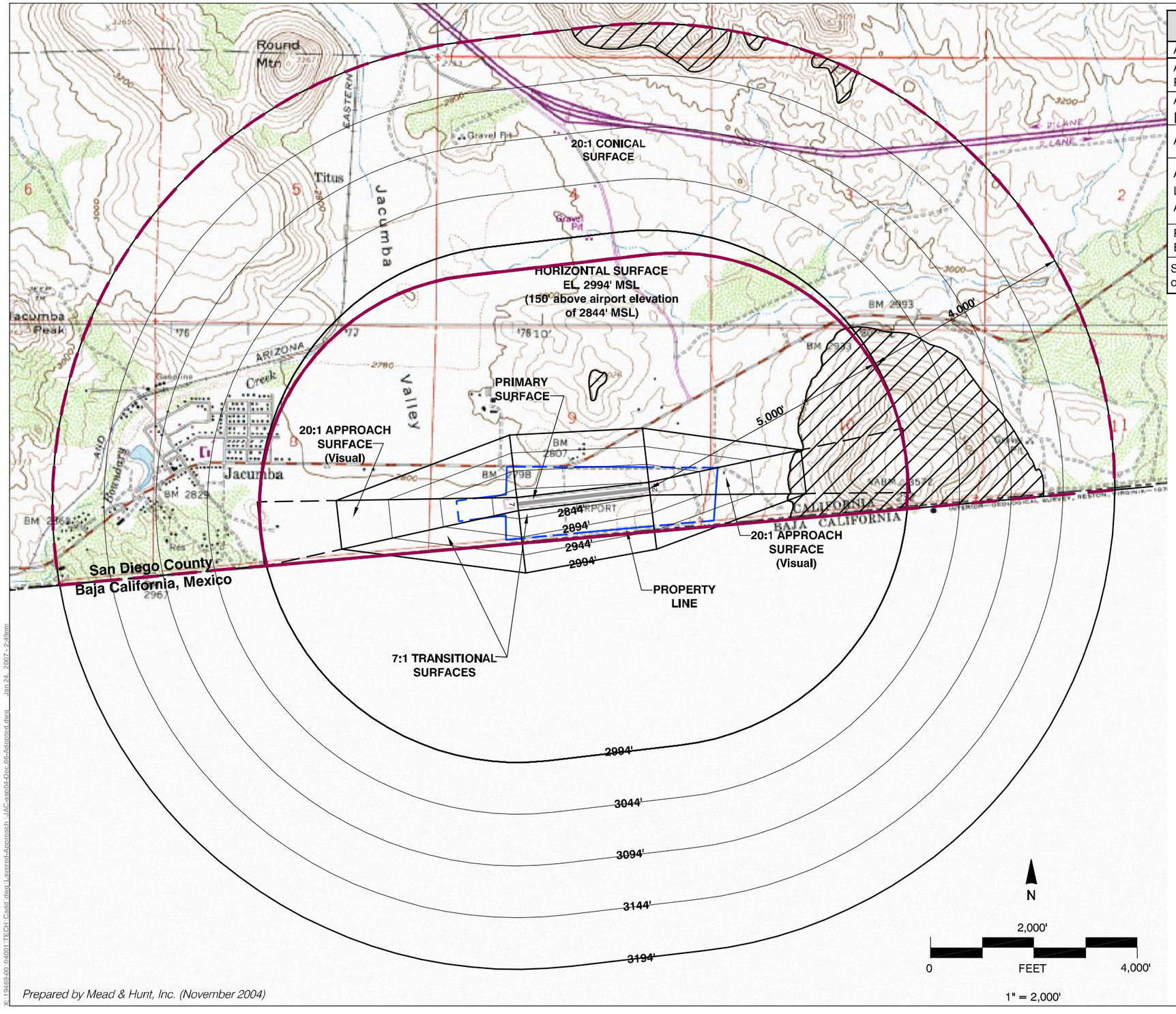
AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

Jacumba Airport
Land Use Compatibility Plan
(Adopted December 2006)

Map JAC-2

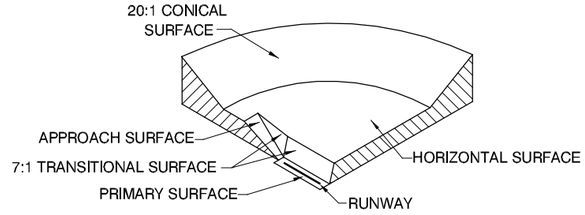
Compatibility Policy Map: Safety

X:\19469-00\040031\TECH\Caddit\dwg\Layered-Approach\JAC-compatibility-Dec.06-Adopted.dwg Jan 02, 2007 - 4:12pm



RUNWAY END DATA				
APPROACH END OF RUNWAY:			7	25
AIRPORT REFERENCE CODE		Existing	B-1 (Small)	
		Future	No Change	
APPROACH TYPE [FAR Part 77 Category]		Existing	Visual [A]	Visual [A]
		Future	No Change	No Change
APPROACH VISIBILITY		Existing	1 Mile	1 Mile
		Future	No Change	No Change
APPROACH and LANDING AIDS	Visual	Existing	None	None
		Future	No Change	No Change
	Electronic	Existing	None	None
		Future	No Change	No Change
RUNWAY ELEVATIONS		Existing	2,820'	2,844'
		Future	No Change	No Change

SOURCE: Mead & Hunt, Inc. (November 2004); approved by California Department of Transportation, Division of Aeronautics on July 8, 2005 for land use purposes.



TYPICAL FAR PART 77 SURFACES

Legend

Airspace Protection Surfaces
- FAR Part 77 Surfaces
- Airport Property Line
- Terrain Penetration of FAR Part 77 Surfaces

Airport Influence Area
- Review Area 1
- Review Area 2

Notes

1. Airport elevations in feet above mean sea level (MSL). Vertical datum in NGVD29 (add 2.651' for NAVD88).

2. Base Map: Jacumba USGS Topographic Map. Vertical datum in NGVD29 (add 2.651' for NAVD88).

3. Gravel Runway.

AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

Jacumba Airport
Land Use Compatibility Plan
(Adopted December 2006)

Map JAC-3

Compatibility Policy Map: Airspace Protection

Legend

Boundary Lines
- Airport Property Line
- Parcel Line

ALUC Policy Boundaries
- Avigation Easement Dedication
- Overflight Agreement Area
- Disclosure in Real Estate Transaction

Airport Influence Area
- Review Area 1
- Review Area 2

N

2,000'

0 FEET 4,000'

1" = 2,000'

Base Map Sources:
- *Parcel Base Map - San Diego Association of Governments (SANDAG), 2004.*
- *Portions of this DERIVED PRODUCT contain geographic information copyrighted by SanGIS. All Rights Reserved.*

AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

Jacumba Airport
Land Use Compatibility Plan
(Adopted December 2006)

Map JAC-4

Compatibility Policy Map: Overflight

X:\19469-00\040031\TECH\Caddit\dwg\Layered-Approach\JAC-compatibility-Dec.06-Adopted.dwg Jan 02, 2007 - 4:12pm

Chapter 4

Background Data: Jacumba Airport and Environs

4

Background Data: Jacumba Airport and Environs

INTRODUCTION

Jacumba Airport is situated in a high desert area of southeastern San Diego County about seventy-five miles east of downtown San Diego. The airstrip is located on Old Highway 80, about 100 yards north of the Mexican border and one mile east of the small town of Jacumba. The unincorporated community of Jacumba has a population of about 700 residents as of 2005 and is anticipated to increase to over 3,400 residents by 2020. The airport was acquired from the federal government in 1953 and is owned and operated by the County of San Diego. It consists of a single gravel runway (Runway 7-25) 2,508 feet in length and 100 feet wide. The runway is unlighted and has no instrument approach procedures. High terrain exists about 5,000 feet east of the approach end of Runway 25. No airport improvements are planned. Exhibit JAC-1 describes major features of the airport and a simplified airport diagram is presented in Exhibit JAC-2.

Jacumba Airport is a low-activity facility with an estimated 2,500 total annual aircraft operations as of 2003-04. The airport is mainly used as a glider facility by single-engine aircraft and sailplanes. Aircraft activity is most predominant on the weekends between Labor Day and Memorial Day. Single-engine aircraft and sailplanes are estimated to account for about 66% and 34% of total annual operations, respectively. In 2005, glider activity at Jacumba dropped to only 325 annual operations as a result of the glider clubs stopping operations. For compatibility planning purposes, it is reasonable to assume that glider activity will resume to pre-2005 activity levels in the future. As such, Jacumba Airport could see some 4,100 total annual operations over the extended 20 year forecast period. Given the airport's proximity to the Mexican border, the only traffic pattern is north of the airfield. Exhibit JAC-3 summarizes data regarding present and ultimate airport activity. Existing and ultimate noise contour graphics are presented in Exhibits JAC-4 and JAC-5. Both sets of noise contours are very similar in shape and size. The future 55 dB CNEL contour extends only slightly beyond the airport property to the north and west.

The airport is surrounded by compatible land uses on all sides. Existing uses include undeveloped desert lands and agriculture to the west and east. Scattered rural residential uses exist to the north. Federal property, part of a national wildlife reserve and used for border patrol purposes, exist to the east and south. The airport is located within the Jacumba sub-region of the Mountain Empire community planning area of the County of San Diego. Planned land uses are similar to what currently exists. The area west of the airport between the town of Jacumba and the airport is part of a specific planning area.

Local land use and compatibility policy information is depicted in Exhibits JAC-6 through JAC-8. An aerial photo (Exhibit JAC-9) of the airport is also provided.

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

- *JAC-10, Compatibility Data: Noise*— The mapped noise contours represent the extended 20-year forecast of 4,100 annual aircraft operations. The forecast operations are derived by doubling the general aviation aircraft operations for 2003-04. The flight tracks used to generate the noise contours are also shown on the map to indicate the approximate areas commonly overflown by aircraft arriving and departing the airport. The outer limit of the Part 77 conical surface is shown to reflect the entire area that may be exposed to occasional single-event noise generated by aircraft flying overhead.

- *JAC-11, Compatibility Data: Safety*—The aircraft accident risk intensity contours and the generic safety zones illustrated on the map are obtained from the *California Airport Land Use Planning Handbook* (January 2002). The accident risk contours reflect the distribution pattern of general aviation aircraft accidents for a particular type of aircraft operation (i.e., approach or departure) on runways shorter than 4,000 feet in length. That is, the accident risk contours depict where an aircraft accident is most likely to happen when one occurs. As nearly all aircraft operations are from the east to the west, the accident risk contours for approaches are shown only for Runway 25 and departures are shown only for Runway 7.

  The generic safety zones, the source of which is also the state *Handbook*, translate the aircraft accident distribution pattern data into a set of distinct zones with regular geometric shapes and sizes. The generic safety zones shown are for a short general aviation runway with a length of less than 4,000 feet and approach visibility minimums of 1 mile or greater. For compatibility planning purposes, these safety zones are adjusted to reflect the nuances of aircraft operations at Jacumba Airport. For example, the zones are adjusted to reflect the airport's very short runway, low volume of aircraft operations, and no aircraft traffic pattern south of the airfield (dictated by controlled airspace over Mexico).

- *JAC-12, 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. The map also shows where high terrain penetrates the airspace surfaces. Even relatively short objects may be hazards to the airport airspace and should be carefully reviewed.

- *JAC-13, Compatibility Data: Overflight*— The flight tracks used to generate the noise contours in Exhibit JAC-10 are shown here to indicate the areas which are subject to single-event noise impacts, as well as risk, particularly off the ends of the runway. The flight tracks consist of a central track with dispersion left and right of the centerline to account for variations in aircraft flight paths due to other airplanes in the pattern, pilot technique, weather, etc. The flight track envelope which is based upon the flight track data shows where approximately 80% of all fixed-wing aircraft are flying at an altitude of about 1,000 feet or less above the airport elevation. The FAR Part 77 Conical surface reflects where aircraft are flying within the airport environs, although less frequently.

This page intentionally blank

GENERAL INFORMATION

- *Airport Ownership:* County of San Diego
- *Year Opened*
  - Acquired from the federal government in 1953
- *Property Size:* 124 acres (fee simple)
- *Airport Classification:* General Aviation Airport
- *Airport Elevation*: 2,844 ft. MSL (estimated)

AIRPORT PLANNING DOCUMENTS

- *Airport Master Plan:* None
- *Airport Layout Plan Drawing:* None
- *Airport Diagram (JAC-2)*
  - Approved by California Department of Transportation, Division of Aeronautics on July 8, 2005 for land use purposes

RUNWAY/TAXIWAY DESIGN

Runway 7-25

- *Airport Reference Code*: B-I (Small)
- *Critical Aircraft*: Single-Engine, Piston
- *Dimensions:* 2,508 ft. long, 100 ft. wide (gravel)
- *Runway Surface: Gravel*
- *Strength (main landing gear configuration)*
  - 12,000 lbs. (single wheel)
- *Average Gradient:* 1% (rising to the east)
- *Runway Lighting:* None
- *Primary Taxiways:* None

TRAFFIC PATTERNS AND APPROACH PROCEDURES

- *Airplane Traffic Patterns*
  - Runway 7: Left traffic
  - Runway 25: Right traffic
  - Pattern Altitude: 3,644 ft. MSL (800 ft. AGL)
- *Visual Approach Aids*
  - Wind indicator and segmented circle
- *Operational Restrictions / Noise Abatement Procedures*
  - Mexican border to south
  - Recommend landing on Runway 7 and departing from Runway 25 due to 480 foot hill 1 mile east of airport, wind permitting
  - Glider activity on weekends

APPROACH PROTECTION

- *Runway Protection Zones (RPZ)*
  - Runway 7: 15% off property
  - Runway 25: All on airport property
- *Approach Obstacles*
  - High terrain east of the approach end of Runway 25

BUILDING AREA

- *Aircraft Parking Location*
  - Small gravel tiedown apron located midfield on north side of airfield
- *Aircraft Parking Capacity*
  - Hangar spaces: None
  - Tie-downs: Undefined
- *Other Services*: Glider Towing

PLANNED FACILITY IMPROVEMENTS

- No changes are proposed

Exhibit JAC–1

Airport Features Summary

Jacumba Airport

RURAL RESIDENTIAL

Old Highway 80

EXISTING RPZ
250' X 450' X 1,000'
20:1 Approach Slope
(Visual)

EXISTING RPZ
250' X 450' X 1,000'
20:1 Approach Slope
(Visual)

3

BRL

OFA

240'

RPZ

OFA

295'

125'

2,508' X 100'

200'

OFA

RPZ

OFA

BRL

Existing Runway 25 End
Lat. 32° 36' 58.572" N
Long. 116° 09' 41.148" W
EL. 2,844'

Existing Runway 7 End
Lat. 32° 36' 58.572" N
Long. 116° 09' 41.148" W
EL. 2,820'

SAN DIEGO COUNTY
BAJA CALIFORNIA, MEXICO

N

0 400 800
FEET

LEGEND

ACTIVE AIRFIELD (GRAVEL)
AIRPORT PROPERTY LINE
GRAVEL ROAD
BUILDING
WIND CONE AND SEGMENTED CIRCLE

CRITICAL AIRFIELD AREAS: XYZ
BRL - Building Restriction Line
OFA - Object Free Area
RPZ - Runway Protection Zone

NOTES:

1. Gravel runway; no markings.
2. BRL established to provide 7:1 clearance over a 20-foot building.
3. Aircraft tiedown apron (gravel).
4. Approved by California Department of Transportation, Division of Aeronautics on July 8, 2005 for land use purposes.

Prepared by Mead & Hunt, Inc. (November 2004)
Sources:
- *Runway Coordinates and Elevations - Surveyed by Harris Miller Miller & Hanson, Inc. (October 2004).*
- *Parcel Base Map - San Diego Association of Governments (SANDAG), 2004.*
- *Portions of this DERIVED PRODUCT contain geographic information copyrighted by SanGIS. All Rights Reserved.*

AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

Jacumba Airport
Land Use Compatibility Plan
(Adopted December 2006)

Exhibit JAC-2

Airport Diagram
Jacumba Airport

X:\19469-00\04001\TECH\Cadd\dwg\Layered-Approach\JAC-airport-layout-simplified-Dec-06-Adopted.dwg Jan 16, 2007 - 12:07pm

BASED AIRCRAFT

	Current [a] *2005*	*Future (20+ Years)*
Aircraft Type		
Single-Engine, Piston	0	
Twin-Engine, Piston	0	data
Twin-Engine, Turboprop	0	not
Business Jets	0	available
Helicopters / Others	0	
Total	*0*	

AIRCRAFT OPERATIONS

	Current [b] *2004*	*Future* [c] *(20+ Years)*
Total		
Annual	2,500 [b]	4,100 [c]
Average Day	7	9
Average Seasonal Day [d]	9	12
Distribution by Aircraft Type [b]		
Single-Engine	66%	80%
Glider	34%	20%
Distribution by Type of Operation [c]		
All Aircraft		
Local (incl. touch-and-goes)	10%	no
Itinerant	90%	change

TIME OF DAY DISTRIBUTION [c]

	Current 2005	*Future (20+ Years)*
All Aircraft		
Day	100%	no
Evening	0%	change
Night	0%	

RUNWAY USE DISTRIBUTION [c]

	Current 2005	*Future (20+ Years)*
All Aircraft		
Day/Evening/Night		
Takeoffs / Landings		
Runway 7	10%	no
Runway 25	90%	change

FLIGHT TRACK USAGE [c]

Current (2005) and Future (20+ Years)

All Aircraft

- Runway 7 Departures:
  - 50% left turn to downwind
  - 50% left turn to northwest
- Runway 25 Departures:
  - 50% right turn to northwest
  - 50% right turn to downwind
- Runway 7 Arrivals:
  - 100% from left downwind
- Runway 25 Arrivals:
  - 100% from right downwind

Notes

[a] Source: County of San Diego, Department of Public Works, Annual Based Aircraft Count, Airports 2005 Summary

[b] Source: County of San Diego, Department of Public Works, Air Traffic Count Year End Report 2003 plus estimated glider operations; 2005 date uncharacteristically low due to glider clubs stopping operations. Glider operations are anticipated to reach pre-2005 levels.

[c] Source: Estimated for compatibility planning purposes by HMMH, Inc. and Mead & Hunt, Inc. (November 2004)

[d] Seasonal operations implies essentially all operations occur between Labor Day and Memorial Day (265 days)

Exhibit JAC–3

Airport Activity Data Summary

Jacumba Airport

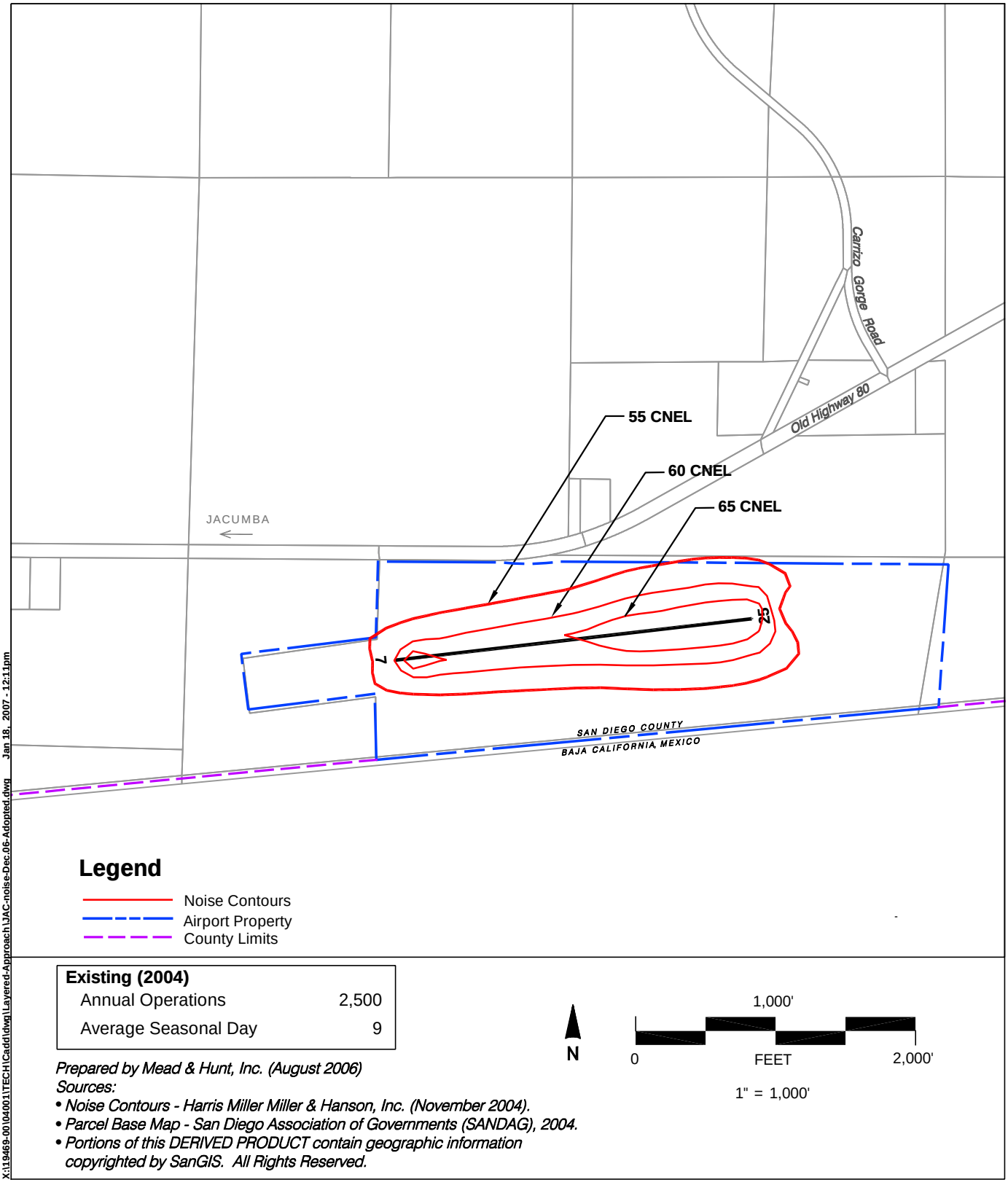
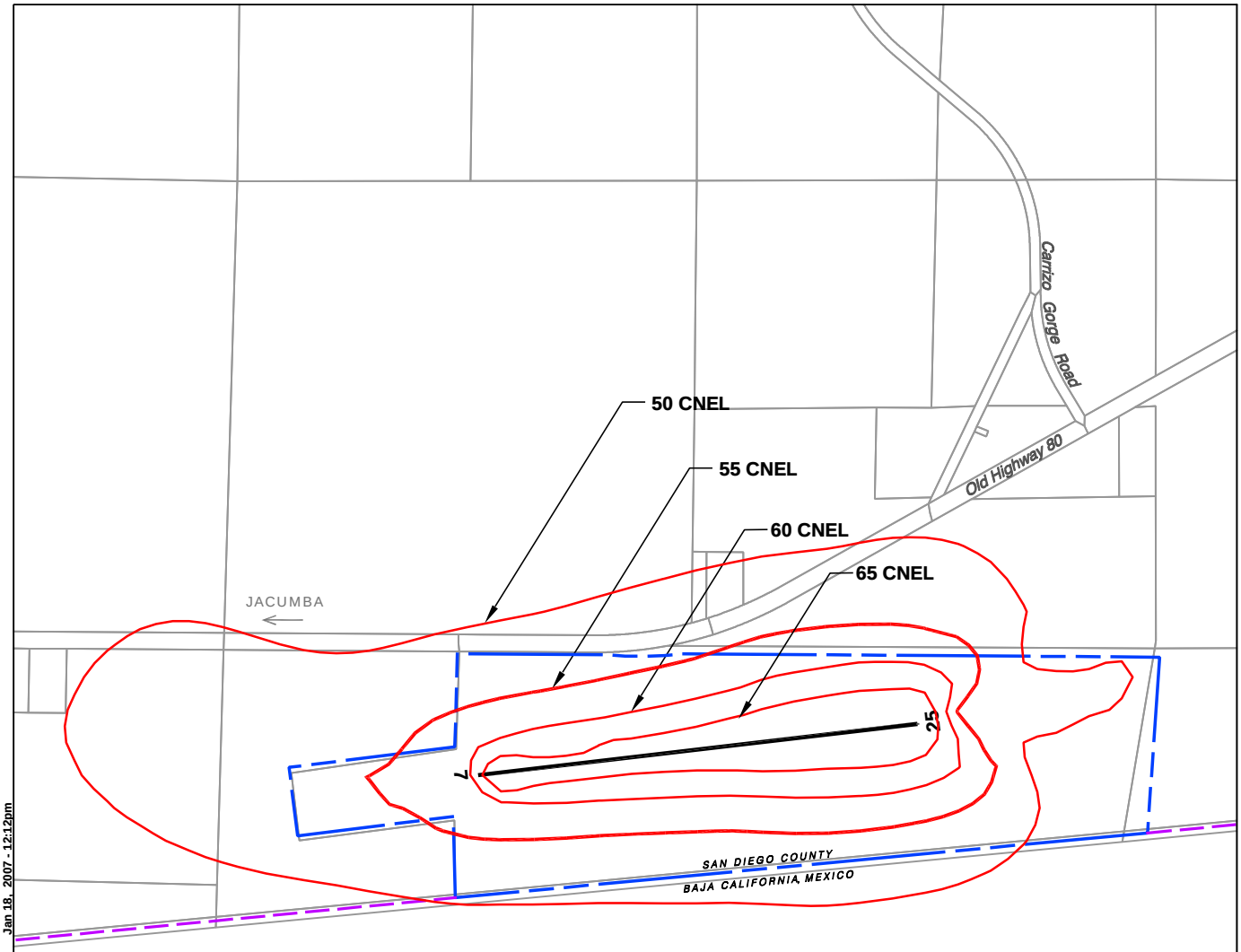


Exhibit JAC-4

Noise Impacts — Existing

Jacumba Airport



Legend

- Noise Contours
- Airport Property
- County Limits

Future (20+ Years)	
Annual Operations	3,300
Average Seasonal Day	12

N

0 1,000' 2,000' FEET

1" = 1.000'

Prepared by Mead & Hunt, Inc. (August 2006)
Sources:
- *Noise Contours - Harris Miller Miller & Hanson, Inc. (November 2004).*
- *Parcel Base Map - San Diego Association of Governments (SANDAG), 2004.*
- *Portions of this DERIVED PRODUCT contain geographic information copyrighted by SanGIS. All Rights Reserved.*

X:\19469-00\04001\TECH\Cadd\dwg\Layered-Approach\JAC-noise-Dec.06-Adopted.dwg Jan 18, 2007 - 12:12pm

Exhibit JAC-5

Noise Impacts — Future

Jacumba Airport

AIRPORT SITE

- *Location*
  - Southeast San Diego County
  - On Old U.S. Highway 80
  - 1 mile east of Jacumba
- *Nearby Terrain*
  - Terrain 500 ft. to 600 ft. above airport elevation to north and east

AIRPORT ENVIRONS LAND USE JURISDICTIONS

- *County of San Diego*
  - Airport and environs within unincorporated San Diego County limits
- *Mexico*
  - 100 yards south of airport

STATUS OF COMMUNITY PLANS

- *San Diego County*
  - General Plan adopted Jan. 3, 1979; update expected Fall 2005
- *Mountain Empire and Jacumba Subregional Plans*
  - Community Plan adopted January 3, 1979; amended January 11, 1995
  - Mountain Empire Existing General Plan map (April 2004)
  - Jacumba Existing General Plan map (May 2004)
  - Draft Land Use Map and Board Alternative Map prepared June 2005; adoption of updated land use map expected Fall 2006

EXISTING AIRPORT AREA LAND USES

- *General Character*
  - Undeveloped desert land to west and east
  - Mexican border to south
  - Scattered rural residential to north
- *Runway Approaches*
  - West (Runway 7): Agriculture; town of Jacumba 0.8 mi.
  - East (Runway 25): Open Space; Bureau of Land Management land

PLANNED AIRPORT AREA LAND USES

- *San Diego County*
  - North: Rural Lands and Specific Plan Area
  - South: Mexico/International Border
  - East: Rural and Public Lands (Anza-Borrego Desert State Park)
  - West: Specific Plan Area, Residential, and Commercial

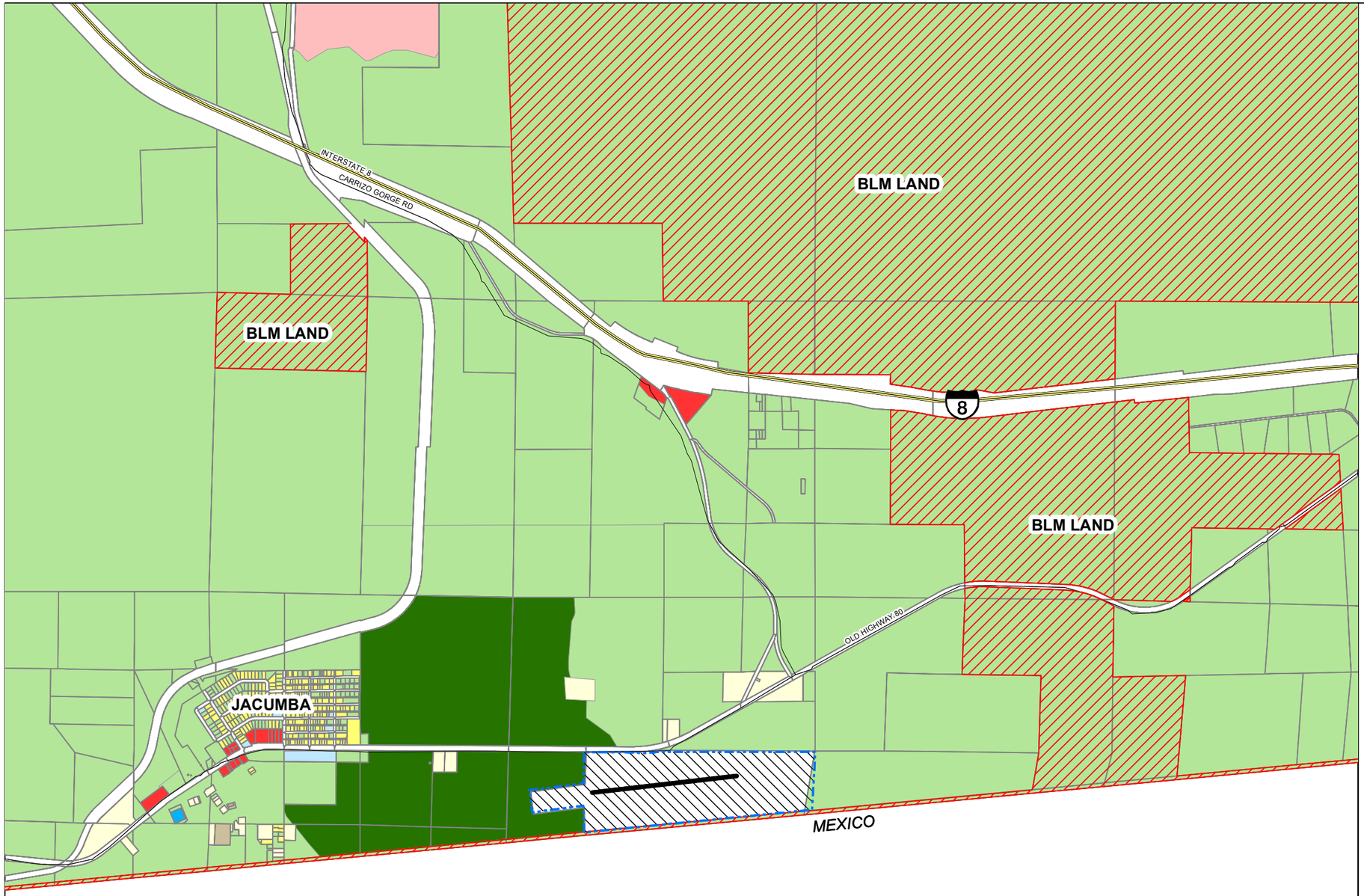
ESTABLISHED AIRPORT COMPATIBILITY MEASURES

- *San Diego County General Plan (1979)*
  - Review, amend community plans and General Plan Elements based on noise conflicts identified in Airport Influence Area Plans prepared by ALUC (NE – AP 1.8)
  - Noise Element sets sound alteration requirements for high-noise areas
- *San Diego County Zoning Codes*
  - No specific reference to airport compatibility or ALUC
- *Mountain Empire Plan (1979)*
  - No specific reference to airport compatibility or ALUC

Exhibit JAC–6

Airport Environs Information

Jacumba Airport



Airport Property
Federal Property

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

San Diego County
Airport Land Use Commission

Jacumba Airport
Land Use Compatibility Plan
(Adopted December 2006)

Exhibit JAC-7

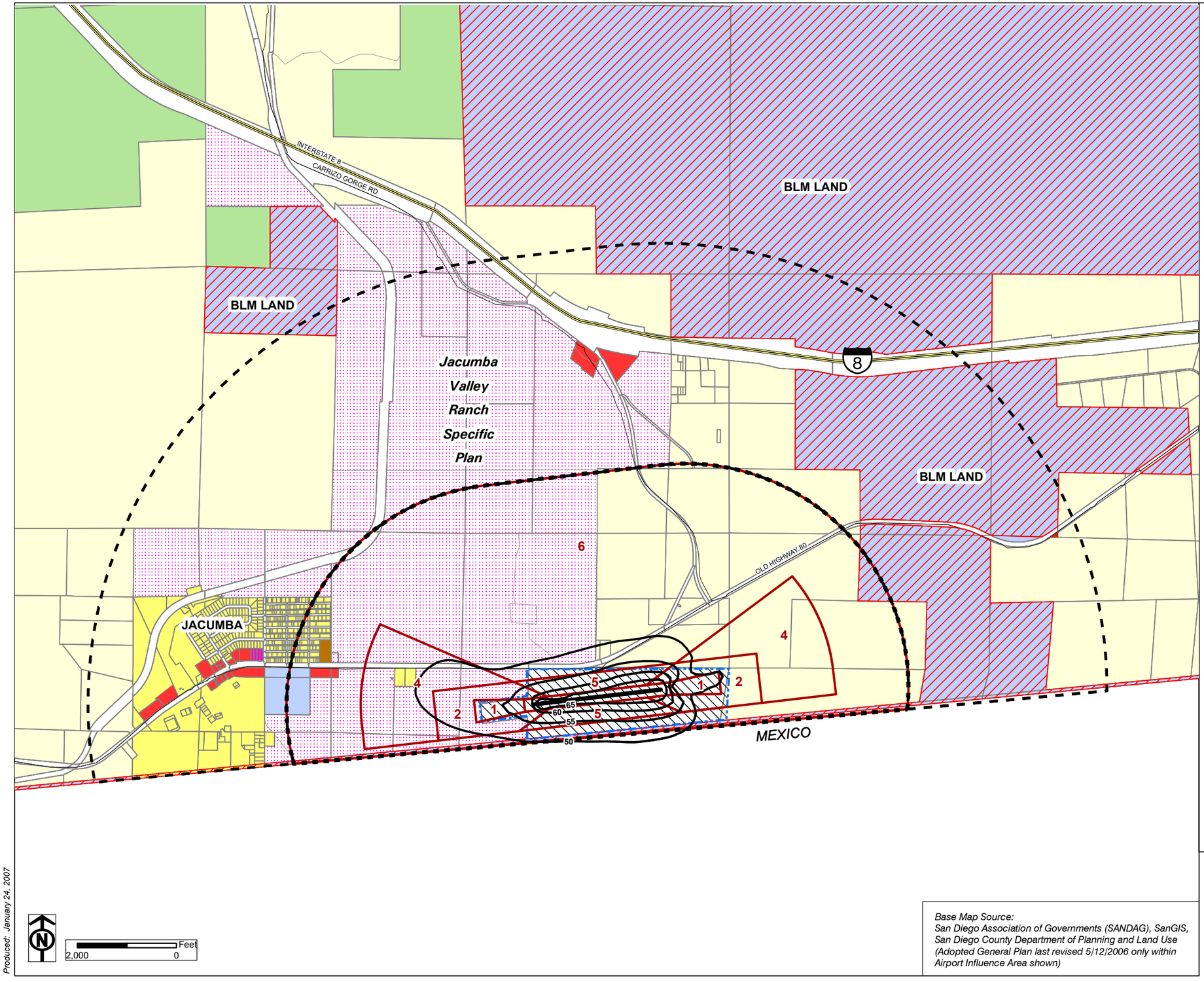
Existing Land Uses
Jacumba Airport

Produced: August 26, 2006

N

Feet
2,000 0

Base Map Source:
San Diego Association of Governments (SANDAG) 2004, SanGIS.



Review Area 1
Review Area 2
Noise CNEL (with dB #)
Safety Zone
Airport Property
Federal Property

General Plan Land Use Designations:

Estate - SF (0.1 - 0.4 d.u./ac.)
Very Low Density Residential - SF (0.41 - 1.0 d.u./ac.)
Low Density Residential - SF (1.1 - 3.0 d.u./ac.)
Low-Medium Density Residential - SF (3.1 - 8.0 d.u./ac.)
Medium Density Residential - MF/MHP (8.1 - 12.0 d.u./ac.)
Medium-High Density Residential - MF (12.1 - 20.0 d.u./ac.)
High Density Residential - MF (20.1 - 40.0 d.u./ac.)
Very High Density Residential - MF (>40.0 d.u./ac.)
Mixed Use - Low Intensity (1.0 - 20 d.u./ac.)
Mixed Use - High Intensity (>20 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
Specific Plan Area
Water

San Diego County
Airport Land Use Commission
Jacumba Airport
Land Use Compatibility Plan
(Adopted December 2006)

Exhibit JAC-8

General Plan Land Use Designations

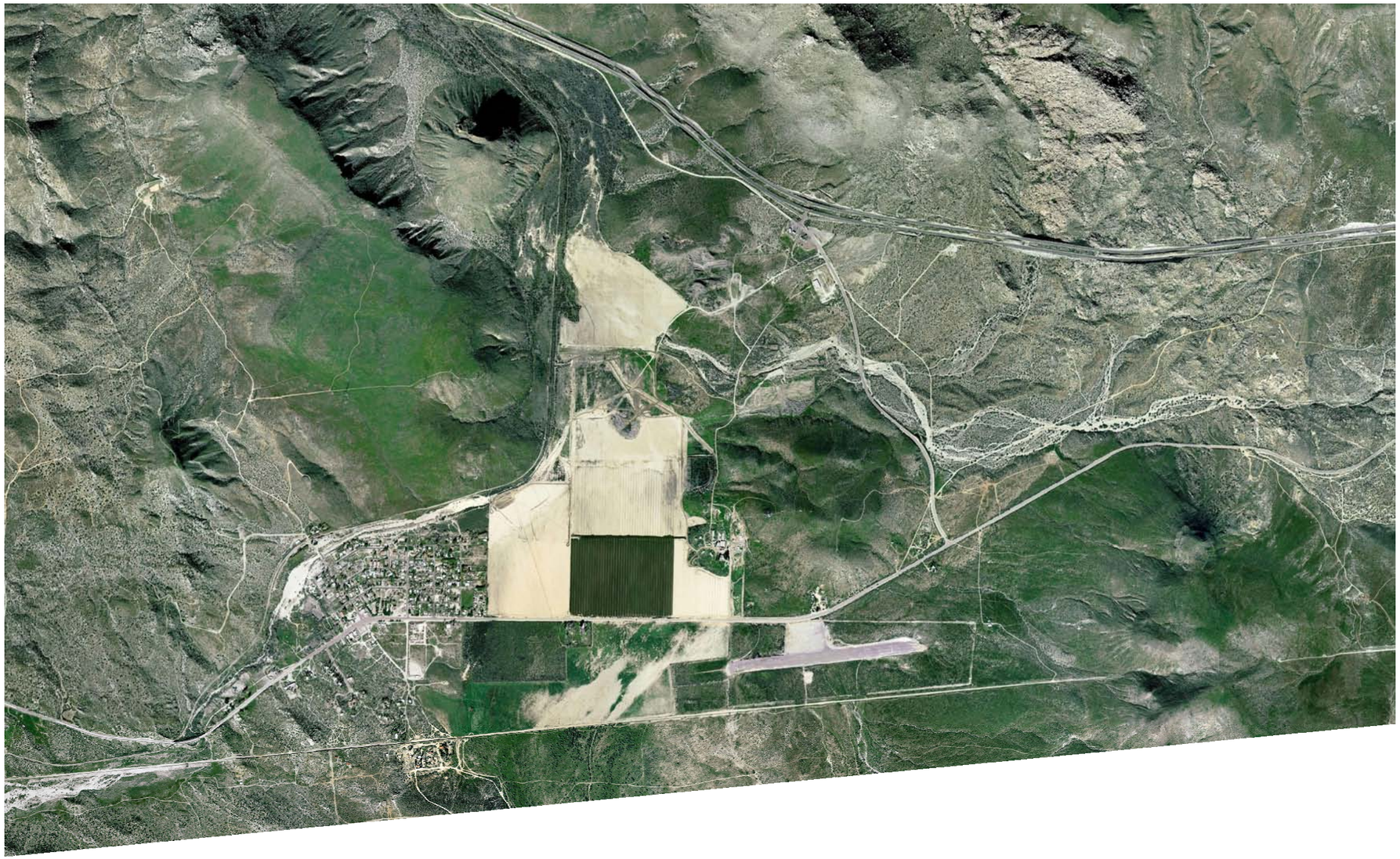
Jacumba Airport

Produced: January 24, 2007

N

Feet
2,000 0

Base Map Source:
San Diego Association of Governments (SANDAG), SanGIS, San Diego County Department of Planning and Land Use (Adopted General Plan last revised 5/12/2006 only within Airport Influence Area shown)



N

2,000'

0 FEET 4,000'

1"=2000'

AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

Jacumba Airport
Land Use Compatibility Plan
(Adopted December 2006)

Source: Air Photo USA, February 2005

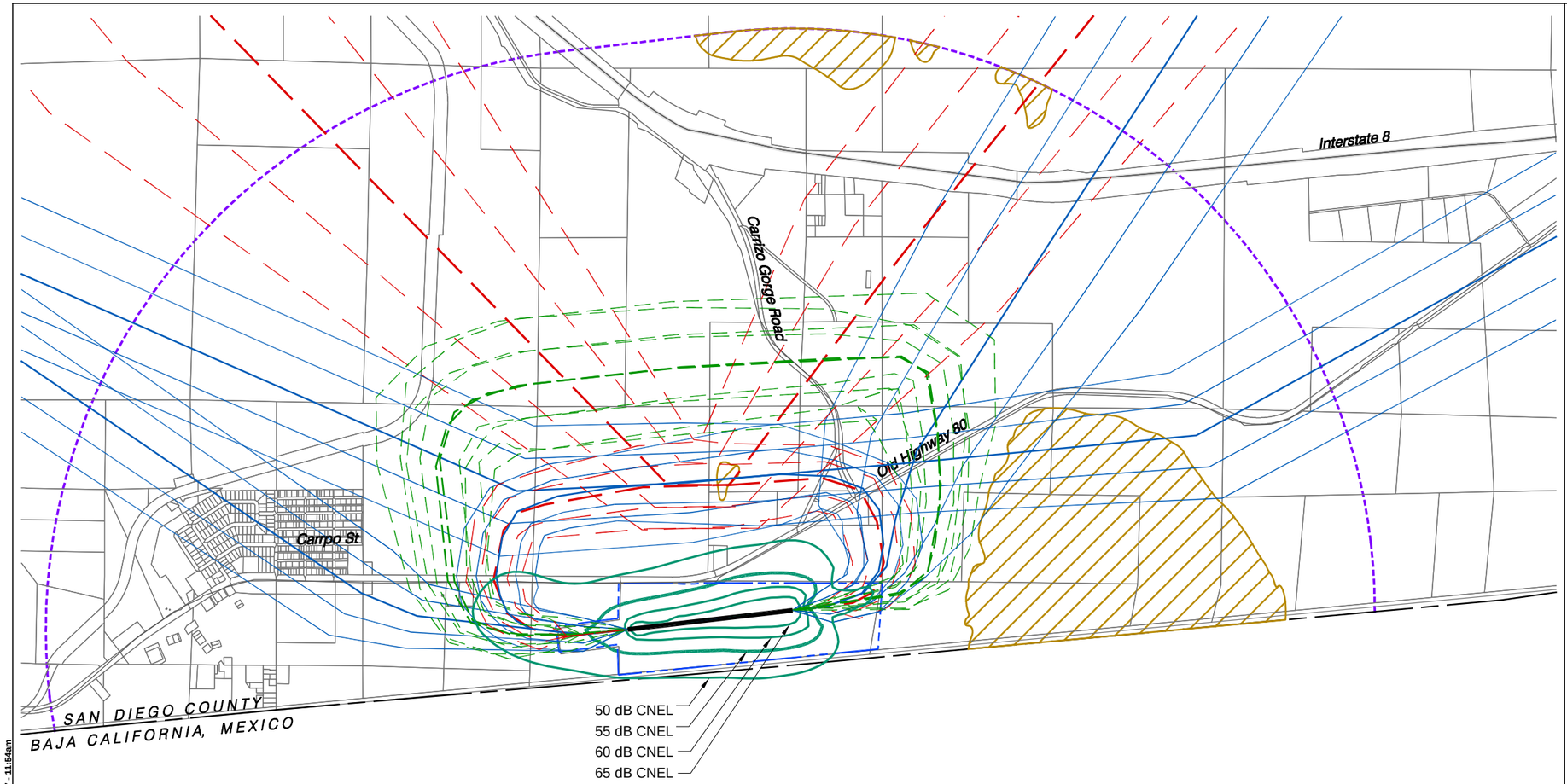
Exhibit JAC-9

Airport Aerial

Jacumba Airport

Prepared by Mead & Hunt, Inc. (August 2006)

X:\19469-00\040011TECH\Cadd\dwg\Layered-Approach\JAC-aerial-Dec-06-Adopted.dwg Jan 18, 2007 - 12:15pm



Legend

Boundary Lines
- Airport Property Line
- Parcel Line

Modeled Flight Tracks*
Primary Tracks
- Arrivals
- Departures
- Touch and Go

Sub-Tracks
- Arrivals
- Departures
- Touch and Go

Other Noise Compatibility Factors
- FAR Part 77 Conical Surface Limits
- No Terrain Penetration of FAR Part 77 Surfaces

Calculated Noise Contours*
- 55 dB CNEL
- 60 dB CNEL
- 65 dB CNEL

Future Average Annual Day (9 Operations)

Notes
* Source: Harris Miller Miller & Hanson, Inc. (November 2004).

N

2,000'

0 FEET 4,000'

1" = 2,000'

Base Map Sources:
- *Parcel Base Map - San Diego Association of Governments (SANDAG), 2004.*
- *Portions of this DERIVED PRODUCT contain geographic information copyrighted by SanGIS. All Rights Reserved.*

AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

Jacumba Airport
Land Use Compatibility Plan
(Adopted December 2006)

Exhibit JAC-10

Compatibility Data: Noise

X:\19469.001\04001\TECH\Cad\dwg\Layered Approach\JAC-compatibility-Dec.06-Adopted.dwg Jan.17, 2007 - 11:54am

N

2,000'

0 FEET 4,000'

1" = 2,000'

X:\19469.00\04001\TECH\Cad\dwg\Layered-Approach\JAC-compatibility-Dec.06-Adopted.dwg Jan.17, 2007 - 11:55am

Legend

Boundary Lines

- Airport Property Line
- Parcel Line

Safety Compatibility Factors

- Runways
  Runway 7-25 = 2,508'
- General Fixed Wing Aircraft Traffic Pattern Envelope (80% of aircraft overflights at approximately 1,000 feet or less above runway elevation estimated to occur within these limits).
- FAR Part 77 Conical Surface Boundary
- Terrain Penetration of FAR Part 77 Surfaces

California Airport Land Use Planning Handbook Guidelines (2002)

- Aircraft Approach Accident Risk Intensity Contours * (Shown only for Landings from the East)
- Aircraft Departure Accident Risk Intensity Contours * (Shown only for Takeoffs to the West)
- Generic Safety Zones - <4,000' General Aviation Runway

ALUC Policy Boundaries

- Adjusted Safety Zones **

Notes

* Fixed-wing general aviation aircraft accidents - runway length < 4,000 feet.

** Adjusted for:
-Very short runway
-No arrivals from or departures to south
-Nonstandard arrival / departure routes
-Infrequent use of closed traffic pattern
-High terrain on east
-Low volume of operations

AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

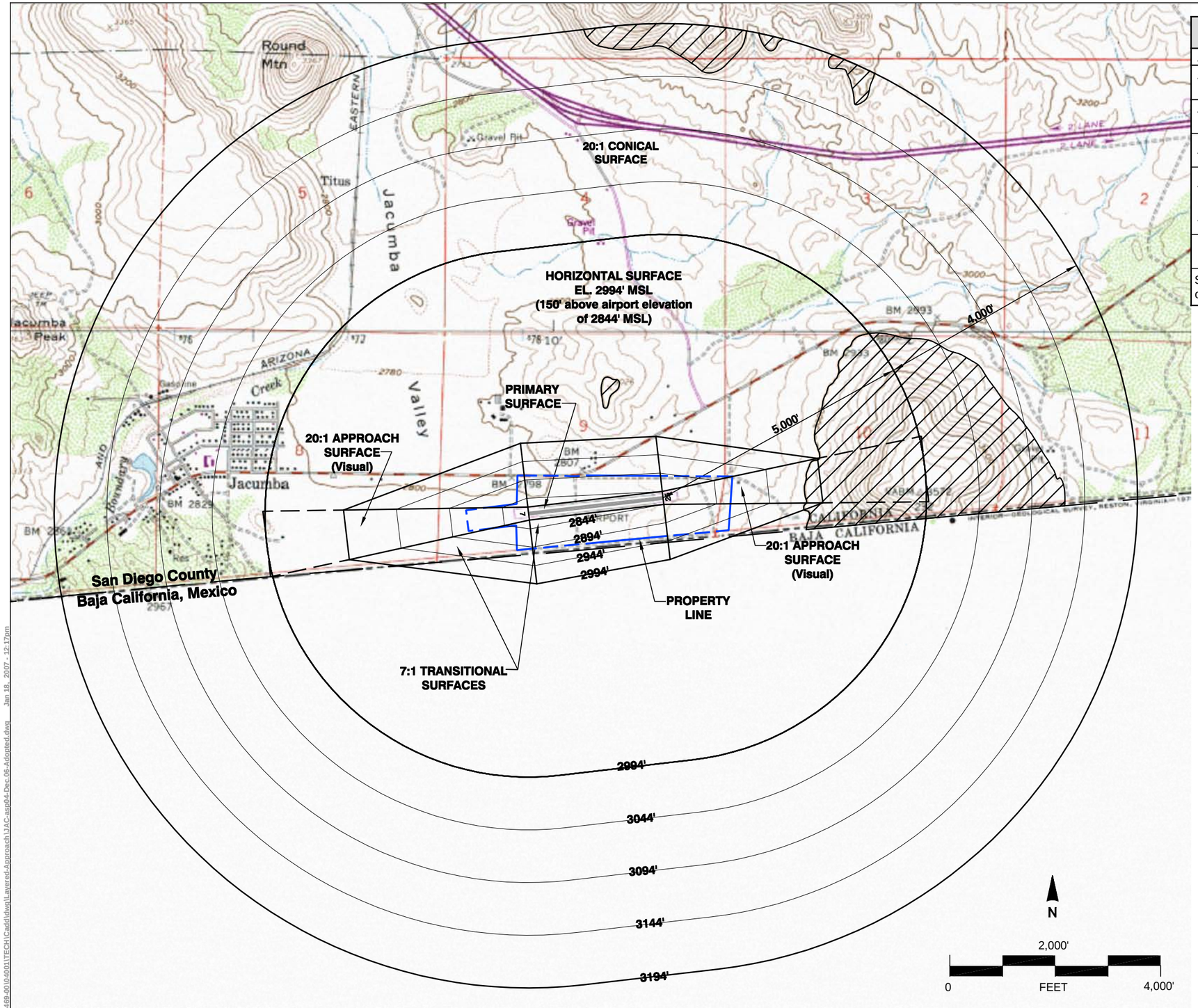
Jacumba Airport
Land Use Compatibility Plan

(Adopted December 2006)

Base Map Sources:
- *Parcel Base Map - San Diego Association of Governments (SANDAG), 2004.*
- *Portions of this DERIVED PRODUCT contain geographic information copyrighted by SanGIS. All Rights Reserved.*

Exhibit JAC-11

Compatibility Data: Safety

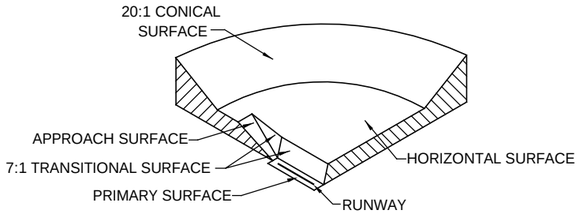


Prepared by Mead & Hunt, Inc. (November 2004)

X:\19469-00\04001\TECH\Cadd\dwg\Layered-Approach\JAC-asp04-Dec-06-Adopted.dwg Jan 18, 2007 - 12:17pm

RUNWAY END DATA			
APPROACH END OF RUNWAY:		7	25
AIRPORT REFERENCE CODE	Existing	B-1 (Small)	
	Future	No Change	
APPROACH TYPE [FAR Part 77 Category]	Existing	Visual [A]	Visual [A]
	Future	No Change	No Change
APPROACH VISIBILITY	Existing	1 Mile	1 Mile
	Future	No Change	No Change
APPROACH and LANDING AIDS – Visual	Existing	None	None
	Future	No Change	No Change
APPROACH and LANDING AIDS – Electronic	Existing	None	None
	Future	No Change	No Change
RUNWAY ELEVATIONS	Existing	2,820'	2,844'
	Future	No Change	No Change

SOURCE: Mead & Hunt, Inc. (November 2004); approved by California Department of Transportation, Division of Aeronautics on July 8, 2005 for land use purposes.



TYPICAL FAR PART 77 SURFACES

Legend

Airspace Protection Surfaces

- FAR Part 77 Surfaces
- Airport Property Line
- Terrain Penetration of FAR Part 77 Surfaces

Notes

1. Airport elevations in feet above mean sea level (MSL). Vertical datum in NGVD29 (add 2.651' for NAVD88).

2. Base Map: Jacumba USGS Topographic Map. Vertical datum in NGVD29 (add 2.651' for NAVD88).

3. Gravel Runway.

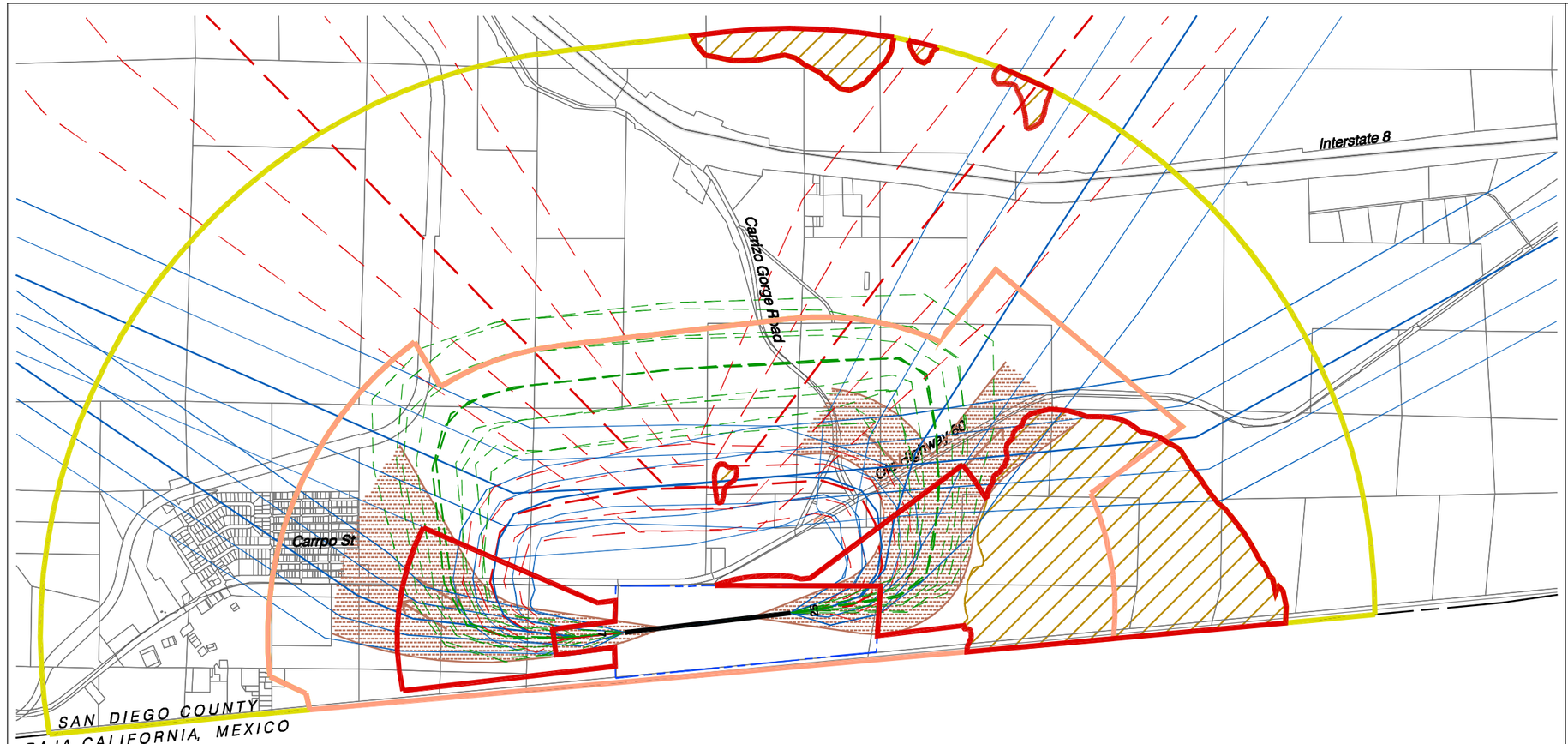
AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

Jacumba Airport
Land Use Compatibility Plan

(Adopted December 2006)

Exhibit JAC-12

Compatibility Data: Airspace Protection



Legend

Boundary Lines
- Airport Property Line
- Parcel Line

Modeled Flight Tracks*
Primary Tracks
- Arrivals
- Departures
- Touch and Go

Sub-Tracks
- Arrivals
- Departures
- Touch and Go

Overflight Factors
- General Fixed Wing Aircraft Traffic Pattern Envelope (80% of aircraft overflights at approximately 1,000 feet or less above runway elevation estimated to occur within these limits).
- FAR Part 77 Conical Surface Limits
- Terrain Penetration of FAR Part 77 Surfaces

ALUC Policy Boundaries
- Avigation Easement Dedication
- Overflight Easement Dedication
- Disclosure in Real Estate Transaction

Airport Influence Area
- Review Area 1
- Review Area 2

Notes
* Source: Harris Miller Miller & Hanson, Inc. (November 2004).

N

2,000'

0 FEET 4,000'

1" = 2,000'

Base Map Sources:
- *Parcel Base Map - San Diego Association of Governments (SANDAG), 2004.*
- *Portions of this DERIVED PRODUCT contain geographic information copyrighted by SanGIS. All Rights Reserved.*

AIRPORT LAND USE COMMISSION
SAN DIEGO COUNTY

Jacumba Airport
Land Use Compatibility Plan
(Adopted December 2006)

Exhibit JAC-13

Compatibility Data: Overflight

X:\19468-00\104001 ITECH1\Cadd\dwg\Layered Approach \JAC-compatibility-Dec.-06-Adopted.dwg Jan 25, 2007 - 2:39pm

Appendices

APPENDIX A

State Laws Related to Airport Land Use Planning

Table of Contents

(as of August 2006)

Public Resources Code

Sections

Business and Professions Code

Sections

Civil Code

Sections

Legislative History Summary

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 provisions of this article, if the board of supervisors and the city selection committee of mayors in any county each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated shall assume the planning responsibilities of an airport land use commission as provided for in this article, and a commission need not be formed in that county.

(b) A body designated pursuant to subdivision (a) 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) of this subdivision, that county and the appropriate affected cities having jurisdiction over an airport, subject to the review and approval by the Division of Aeronautics of the department, shall do all of the following:

(A) Adopt processes for the preparation, adoption, and amendment of the airport land use compatibility plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.

(B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the airport land use compatibility plans.

(C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the airport land use compatibility plans.

(D) Adopt processes for the amendment of general and specific plans to be consistent with the airport land use compatibility plans.

(E) Designate the agency that shall be responsible for the preparation, adoption, and amendment of each airport land use compatibility plan.

(3) The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following:

(A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time.

(B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations.

(C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies.

(4) If the county does not comply with the requirements of paragraph (2) within 120 days, then the airport land use compatibility plan and amendments shall not be considered adopted pursuant to this article and a commission shall be established within 90 days of the determination of noncompliance by the division and a plan shall be adopted pursuant to this article within 90 days of the establishment of the commission.

(d) A commission need not be formed in a county that has contracted for the preparation of airport land use compatibility plans with the Division of Aeronautics under the California Aid to Airport Program (Chapter 4 (commencing with Section 4050) of Title 21 of the the California Code of Regulations), Project Ker-VAR 90-1, and that submits all of the following information to the Division of Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the plans:

(1) Agree to adopt and implement the airport land use compatibility plans that have been developed under contract.

(2) Incorporated the height, use, noise, safety, and density criteria that are compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations as part of the general and specific plans for the county and for each affected city.

(3) If the county does not comply with this subdivision on or before May 1, 1995, then a commission shall be established in accordance with this article.

(e) (1) A commission need not be formed in a county if all of the following conditions are met:

(A) The county has only one public use airport that is owned by a city.

(B) (i) The county and the affected city adopt the elements in paragraph (2) of subdivision (d), as part of their general and specific plans for the county and the affected city.

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

21670.2. Application to Counties Having over 4 Million in Population

(a) Sections 21670 and 21670.1 do not apply to the County of Los Angeles. In that county, the county regional planning commission has the responsibility for coordinating the airport planning of public agencies within the county. In instances where impasses result relative to this planning, an appeal may be made to the county regional planning commission by any public agency involved. The action taken by the county regional planning commission on such an appeal may be overruled by a four-fifths vote of the governing body of a public agency whose planning led to the appeal.

(b) By January 1, 1992, the county regional planning commission shall adopt the airport land use compatibility plans required pursuant to Section 21675.

(c) Sections 21675.1, 21675.2, and 21679.5 do not apply to the County of Los Angeles until January 1, 1992. If the airport land use plans required pursuant to Section 21675 are not adopted by the county regional planning commission by January 1, 1992, Sections 21675.1 and 21675.2 shall apply to the County of Los Angeles until the plans are adopted.

21670.3 San Diego County

(a) Sections 21670 and 21670.1 do not apply to the county of San Diego. In that county, the San Diego County Regional Airport Authority, as established pursuant to Section 170002, is responsible for coordinating the airport planning of public agencies within the county and shall, on or before June 30, 2005, after reviewing the existing airport land use compatibility plan adopted pursuant to Section 21675, adopt an airport land use compatibility plan.

(b) Any airport land use compatibility plan developed pursuant to Section 21675 and adopted pursuant to Section 21675.1 by the San Diego Association of Governments shall remain in effect until June 30, 2005, unless the San Diego County Regional Airport Authority adopts a plan prior to that date pursuant to subdivision (a).

21670.4. Intercounty Airports

(a) As used in this section, "intercounty airport" means any airport bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones, as defined by the department's Airport Land Use Planning Handbook and referenced in the airport land use compatibility plan formulated under Section 21675.

(b) It is the purpose of this section to provide the opportunity to establish a separate airport land use commission so that an intercounty airport may be served by a single airport land use planning agency, rather than having to look separately to the airport land use commissions of the affected counties.

(c) In addition to the airport land use commissions created under Section 21670 or the alternatives established under Section 21670.1, for their respective counties, the boards of supervisors and city selection committees for the affected counties, by independent majority vote of each county's two delegations, for any intercounty airport, may do either of the following:

(1) Establish a single separate airport land use commission for that airport. That commission shall consist of seven members to be selected as follows:

(A) One representing the cities in each of the counties, appointed by that county's city selection committee.

(B) One representing each of the counties, appointed by the board of supervisors of each county.

(C) One from each county having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.

(D) One representing the general public, appointed by the other six members of the commission.

(2) In accordance with subdivision (a) or (b) of Section 21670.1, designate an existing appropriate entity as that airport's land use commission.

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

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

21671.5. Term of Office

(a) Except for the terms of office of the members of the first commission, the term of office for each member shall be four years and until the appointment and qualification of his or her successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members if four years. The body that originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing that member. The expiration date of the term of office of each member shall be the first Monday in May in the year in which that member's term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The chairperson of the commission shall be selected by the members thereof.

(b) Compensation, if any, shall be determined by the board of supervisors.

(c) Staff assistance, including the mailing of notices and the keeping of minutes, and necessary quarters, equipment, and supplies shall be provided by the county. The usual and necessary expenses of the commission shall be a county charge.

(d) Notwithstanding any other provisions of this article, the commission shall not employ any personnel either as employees or independent contractors without the prior approval of the board of supervisors.

(e) The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership.

(f) The commission may establish a schedule of fees necessary to comply with this article. Those fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the estimated reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of

the Government Code. Except as provided in subdivision (g), after June 30, 1991, a commission which has not adopted the airport land use compatibility plan required by Section 21675 shall not charge fees pursuant to this subdivision until the commission adopts the plan.

(g) In any county which has undertaken by contract or otherwise completed land use plans for at least one-half of all public use airports in the county, the commission may continue to charge fees necessary to comply with this article until June 30, 1992, and, if the land use plans are complete by that date, may continue charging fees after June 30, 1992. If the airport land use compatibility plans are not complete by June 30, 1992, the commission shall not charge fees pursuant to subdivision (f) until the commission adopts the land use plans.

21672. Rules and Regulations

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

21673. Initiation of Proceedings for Creation by Owner of Airport

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

21674. Powers and Duties

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

(a) To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses.

(b) To coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare.

(c) To prepare and adopt an airport land use compatibility plan pursuant to Section 21675.

(d) To review the plans, regulations, and other actions of local agencies and airport operators pursuant to Section 21676.

(e) The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.

(f) In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article.

21674.5. Training of Airport Land Use Commission's Staff

(a) The Department of Transportation shall develop and implement a program or programs to assist in the training and development of the staff of airport land use commissions, after consulting with airport land use commissions, cities, counties, and other appropriate public entities.

(b) The training and development program or programs are intended to assist the staff of airport land use commissions in addressing high priority needs, and may include, but need not be limited to, the following:

(1) The establishment of a process for the development and adoption of airport land use compatibility plans.

(2) The development of criteria for determining 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.

Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

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 such effective date of each governmental agency which by law required such approval.

PLANNING AND ZONING LAW

GOVERNMENT CODE
Title 7—Planning and Land Use
Division 1—Planning and Zoning
Chapter 3—Local Planning
Article 5—Authority for and Scope of General Plans
(excerpts)

65302.3. General and Applicable Specific Plans; Consistency with Airport Land Use Plans; Amendment; Nonconcurrence Findings

(a) The general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.

(b) The general plan, and any applicable specific plan, shall be amended, as necessary, within 180 days of any amendment to the plan required under Section 21675 of the Public Utilities Code.

(c) If the legislative body does not concur with any of the provisions of the plan required under Section 21675 of the Public Utilities Code, it may satisfy the provisions of this section by adopting findings pursuant to Section 21676 of the Public Utilities Code.

(d) In each county where an airport land use commission does not exist, but where there is a military airport, the general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport.

PLANNING AND ZONING LAW

GOVERNMENT CODE
Title 7, Division 1
Chapter 4.5—Review and Approval of Development Projects
Article 3—Application for Development Projects
(excerpts)

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

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

(a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.

(b) Not later than 30 calendar days after receipt of the submitted materials, the public agency shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for the purposes of this chapter.

(c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

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

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

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

65943.5.

(a) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving a permit application to a board, office, or department within the California Environmental Protection Agency shall be made to the Secretary for Environmental Protection.

(b) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving an application for the issuance of an environmental permit from an environmental agency shall be made to the Secretary for Environmental Protection under either of the following circumstances:

(1) The environmental agency has not adopted an appeals process pursuant to subdivision (c) of Section 65943.

(2) The environmental agency declines to accept an appeal for a decision pursuant to subdivision (c) of Section 65943.

(c) For purposes of subdivision (b), "environmental permit" has the same meaning as defined in Section 72012 of the Public Resources Code, and "environmental agency" has the same meaning as defined in Section 71011 of the Public Resources Code, except that "environmental agency" does not include the agencies described in subdivisions (c) and (h) of Section 71011 of the Public Resources Code.

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

(a) After a public agency accepts an application as complete, the agency shall not subsequently request of an applicant any new or additional information which was not specified in the list prepared pursuant to Section 65940. The agency may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

(b) The provisions of subdivision (a) shall not be construed as requiring an applicant to submit with his or her initial application the entirety of the information which a public agency may require in order to take final action on the application. Prior to accepting an application, each public agency shall inform the applicant of any information included in the list prepared pursuant to Section 65940 which will subsequently be required from the applicant in order to complete final action on the application.

(c) This section shall not be construed as limiting the ability of a public agency to request and obtain information which may be needed in order to comply with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

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

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

(1) A general plan.

(2) A specific plan.

(3) A zoning ordinance.

(4) An ordinance affecting building permits or grading permits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

65946. [Replaced by AB2351 Statutes of 1993]

PLANNING AND ZONING LAW

GOVERNMENT CODE
Title 7, Division 1
Chapter 9.3—Mediation and Resolution of Land Use Disputes
(excerpts)

66030.

(a) The Legislature finds and declares all of the following:

(1) Current law provides that aggrieved agencies, project proponents, and affected residents may bring suit against the land use decisions of state and local governmental agencies. In practical terms, nearly anyone can sue once a project has been approved.

(2) Contention often arises over projects involving local general plans and zoning, redevelopment plans, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), development impact fees, annexations and incorporations, and the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

(3) When a public agency approves a development project that is not in accordance with the law, or when the prerogative to bring suit is abused, lawsuits can delay development, add uncertainty and cost to the development process, make housing more expensive, and damage California's competitiveness. This litigation begins in the superior court, and often progresses on appeal to the Court of Appeal and the Supreme Court, adding to the workload of the state's already overburdened judicial system.

(b) It is, therefore, the intent of the Legislature to help litigants resolve their differences by establishing formal mediation processes for land use disputes. In establishing these mediation processes, it is not the intent of the Legislature to interfere with the ability of litigants to pursue remedies through the courts.

66031.

(a) Notwithstanding any other provision of law, any action brought in the superior court relating to any of the following subjects may be subject to a mediation proceeding conducted pursuant to this chapter:

(1) The approval or denial by a public agency of any development project.

(2) Any act or decision of a public agency made pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(3) The failure of a public agency to meet the time limits specified in Chapter 4.5 (commencing with Section 65920), commonly known as the Permit Streamlining Act, or in the Subdivision Map Act (Division 2 (commencing with Section 66410)).

(4) Fees determined pursuant to Sections 53080 to 53082, inclusive, or Chapter 4.9 (commencing with Section 65995).

(5) Fees determined pursuant to Chapter 5 (commencing with Section 66000).

(6) The adequacy of a general plan or specific plan adopted pursuant to Chapter 3 (commencing with Section 65100).

(7) The validity of any sphere of influence, urban service area, change of organization or reorganization, or any other decision made pursuant to the Cortese-Knox Local Government Reorganization Act (Division 3 (commencing with Section 56000) of Title 5).

(8) The adoption or amendment of a redevelopment plan pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).

(9) The validity of any zoning decision made pursuant to Chapter 4 (commencing with Section 65800).

(10) The validity of any decision made pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code.

(b) Within five days after the deadline for the respondent or defendant to file its reply to an action, the court may invite the parties to consider resolving their dispute by selecting a mutually acceptable person to serve as a mediator, or an organization or agency to provide a mediator.

(c) In selecting a person to serve as a mediator, or an organization or agency to provide a mediator, the parties shall consider the following:

(1) The council of governments having jurisdiction in the county where the dispute arose.

(2) Any subregional or countywide council of governments in the county where the dispute arose.

(3) The Office of Permit Assistance within the Trade and Commerce Agency, pursuant to its authority in Article 1 (commencing with Section 15399.50) of Chapter 11 of Part 6.7 of Division 3 of Title 2.

(4) Any other person with experience or training in mediation including those with experience in land use issues, or any other organization or agency which can provide a person with experience or training in mediation, including those with experience in land use issues.

(d) If the court invites the parties to consider mediation, the parties shall notify the court within 30 days if they have selected a mutually acceptable person to serve as a mediator. If the parties have not selected a mediator within 30 days, the action shall proceed. The court shall not draw any implication, favorable or otherwise, from the refusal by a party to accept the invitation by the court to consider mediation. Nothing in this section shall preclude the parties from using mediation at any other time while the action is pending.

PLANNING AND ZONING LAW

GOVERNMENT CODE
Title 7—Planning and Land Use
Division 2—Subdivisions
Chapter 3—Procedure
Article 3—Review of Tentative Map by Other Agencies
(excerpts)

66455.9.

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

EDUCATION CODE
Title 1—General Education Code Provisions
Division 1—General Education Code Provisions
Part 10.5—School Facilities
Chapter 1—School Sites
Article 1—General Provisions
(excerpts)

17215.

(a) In order to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of school sites, before acquiring title to 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 expan-

sion 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: …

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

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

[Section 1103.3 omitted]

1103.4.

(a) Neither the transferor nor any listing or selling agent shall be liable for any error, inaccuracy, or omission of any information delivered pursuant to this article if the error, inaccuracy, or omission was not within the personal knowledge of the transferor or the listing or selling agent, and was based on information timely provided by public agencies or by other persons providing information as specified in subdivision (c) that is required to be disclosed pursuant to this article, and ordinary care was exercised in obtaining and transmitting the information.

(b) The delivery of any information required to be disclosed by this article to a prospective transferee by a public agency or other person providing information required to be disclosed pursuant to this article shall be deemed to comply with the requirements of this article and shall relieve the transferor or any listing or selling agent of any further duty under this article with respect to that item of information.

(c) The delivery of a report or opinion prepared by a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional's license or expertise, shall be sufficient compliance for application of the exemption provided by subdivision (a) if the information is provided to the prospective transferee pursuant to a request therefor, whether written or oral. In responding to that request, an expert may indicate, in writing, an understanding that the information provided will be used in fulfilling the requirements of Section 1103.2 and, if so, shall indicate the required disclosures, or parts thereof, to which the information being furnished is applicable. Where that statement is furnished, the expert shall not be responsible for any items of information, or parts thereof, other than those expressly set forth in the statement. In responding to the request, the expert shall determine whether the property is within

an airport influence area as defined in subdivision (b) of Section 11010 of the Business and Professions Code. If the property is within an airport influence area, the report shall contain the following statement:

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

[Remainder of Article 1.7 omitted]

CIVIL CODE
Division 2, Part 4
Title 6—Common Interest Developments
(excerpts)

1353.

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

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

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

(3) The statement in a declaration acknowledging that a property is located in an airport influence area does not constitute a title defect, lien, or encumbrance.

(b) The declaration may contain any other matters the original signator of the declaration or the owners consider appropriate.

LEGISLATIVE HISTORY SUMMARY

PUBLIC UTILITIES CODE
Sections 21670 et seq.
Airport Land Use Commission Statutes
And Related Statutes

1967 Original ALUC statute enacted.

- Establishment of ALUCs required in each county containing a public airport served by a certificated air carrier.
- The purpose of ALUCs is indicated as being to make recommendations regarding height restrictions on buildings and the use of land surrounding airports.

1970 Assembly Bill 1856 (Badham) Chapter 1182, Statutes of 1970—Adds provisions which:

- Require ALUCs to prepare comprehensive land use plans.
- Require such plans to include a long-range plan and to reflect the airport's forecast growth during the next 20 years.
- Require ALUC review of airport construction plans (Section 21661.5).
- Exempt Los Angeles County from the requirement of establishing an ALUC.

1971 The function of ALUCs is restated as being to require new construction to conform to Department of Aeronautics standards.

1973 ALUCs are permitted to establish compatibility plans for military airports.

1982 Assembly Bill 2920 (Rogers) Chapter 1041, Statutes of 1982—Adds major changes which:

- More clearly articulate the purpose of ALUCs.
- Eliminate reference to "achieve by zoning."
- Require consistency between local general and specific plans and airport land use commission plans; the requirements define the process for attaining consistency, they do not establish standards for consistency.
- Eliminate the requirement for proposed individual development projects to be referred to an ALUC for review once local general/specific plans are consistent with the ALUC's plan.
- Require that local agencies make findings of fact before overriding an ALUC decision.
- Change the vote required for an override from 4/5 to 2/3.

1984 Assembly Bill 3551 (Mountjoy) Chapter 1117, Statutes of 1984—Amends the law to:

- Require ALUCs in all counties having an airport which serves the general public unless a county and its cities determine an ALUC is not needed.
- Limit amendments to compatibility plans to once per year.
- Allow individual projects to continue to be referred to the ALUC by agreement.
- Extend immunity to airports if an ALUC action is overridden by a local agency not owning the airport.

- Provide state funding eligibility for preparation of compatibility plans through the Regional Transportation Improvement Program process.

1987 Senate Bill 633 (Rogers) Chapter 1018, Statutes of 1987—Makes revisions which:

- Require that a designated body serving as an ALUC include two members having "expertise in aviation."
- Allows an interested party to initiate court proceedings to postpone the effective date of a local land use action if a compatibility plan has not been adopted.
- Delete *sunset* provisions contained in certain clauses of the law. Allows reimbursement for ALUC costs in accordance with the Commission on State Mandates.

1989 Senate Bill 255 (Bergeson) Chapter 54, Statutes of 1989—

- Sets a requirement that comprehensive land use plans be completed by June 1991.
- Establishes a method for compelling ALUCs to act on matters submitted for review.
- Allows ALUCs to charge fees for review of projects.
- Suspends any lawsuits that would stop development until the ALUC adopts its plan or until June 1, 1991.

1989 Senate Bill 235 (Alquist) Chapter 788, Statutes of 1989—Appropriates $3,672,000 for the payment of claims to counties seeking reimbursement of costs incurred during fiscal years 1985-86 through 1989-90 pursuant to state-mandated requirement (Chapter 1117, Statutes of 1984) for creation of ALUCs in most counties. This statute was repealed in 1993.

1990 Assembly Bill 4164 (Mountjoy) Chapter 1008, Statutes of 1990—Adds section 21674.5 requiring the Division of Aeronautics to develop and implement a training program for ALUC staffs.

1990 Assembly Bill 4265 (Clute) Chapter 563, Statutes of 1990—With the concurrence of the Division of Aeronautics, allows ALUCs to use an airport layout plan, rather than a long-range airport master plan, as the basis for preparation of a compatibility plan.

1990 Senate Bill 1288 (Beverly) Chapter 54, Statutes of 1990—Amends Section 21670.2 to give Los Angeles County additional time to prepare compatibility plans and meet other provisions of the ALUC statutes.

1991 Senate Bill 532 (Bergeson) Chapter 140, Statutes of 1991—

- Allows counties having half of their compatibility plans completed or under preparation by June 30, 1991, an additional year to complete the remainder.
- Allows ALUCs to continue to charge fees under these circumstances.
- Fees may be charged only until June 30, 1992, if plans are not completed by then.

1993 Senate Bill 443 (Committee on Budget and Fiscal Review) Chapter 59, Statutes of 1993—Amends Section 21670(b) to make the formation of ALUCs permissive rather than mandatory as of June 30, 1993. (Note: Section 21670.2 which assigns responsibility for coordinating the airport planning of public agencies in Los Angeles County is not affected by this amendment.)

1994 Assembly Bill 2831 (Mountjoy) Chapter 644, Statutes of 1994 —Reinstates the language in Section 21670(b) mandating establishment of ALUCs, but also provides for an alternative airport land use planning process. Lists specific actions which a county and affected cities must take in order for such alternative process to receive Caltrans approval. Requires that ALUCs

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

1994 Senate Bill 1453 (Rogers) Chapter 438, Statutes of 1994—Amends California Environmental Quality Act (CEQA) statutes as applied to preparation of environmental documents affecting projects in the vicinity of airports. Requires lead agencies to use the *Airport Land Use Planning Handbook* as a technical resource when assessing the airport-related noise and safety impacts of such projects.

1997 Assembly Bill 1130 (Oller) Chapter 81, Statutes of 1997—Added Section 21670.4 concerning airports whose planning boundary straddles a county line.

2000 Senate Bill 1350 (Rainey) Chapter 506, Statutes of 2000—Added Section 21670(f) clarifying that special districts are among the local agencies to which airport land use planning laws are intended to apply.

2001 Assembly Bill 93 (Wayne) Chapter 946, Statutes of 2001—Added Section 21670.3 regarding San Diego County Regional Airport Authority's responsibility for airport planning within San Diego County.

2002 Assembly Bill 3026 (Committee on Transportation) Chapter 438, Statutes of 2002—Changes the term "comprehensive land use plan" to "airport land use compatibility plan."

2002 Assembly Bill 2776 (Simitian) Chapter 496, Statutes of 2002—Requires information regarding the location of a property within an airport influence area be disclosed as part of certain real estate transactions effective January 1, 2004.

2002 Senate Bill 1468 (Knight) Chapter 971, Statutes of 2002—Changes ALUC preparation of airport land use compatibility plans for military airports from optional to required. Requires that the plans be consistent with the safety and noise standards in the Air Installation Compatible Use Zone for that airport. Requires that the general plan and any specific plans be consistent with these standards where there is military airport, but an airport land use commission does not exist.

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.

APPENDIX B

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

interested party, and other relevant facts, with the Administrator affirming, revising, or reversing the determination issued under §77.19, §77.35 or §77.39 (c); or

(2) A review on the basis of a public hearing, conducted in accordance with the procedures prescribed in Subpart E of this part.

77.39 Effective Period of Determination of No Hazard.

(a) Unless it is otherwise extended, revised, or terminated, each final determination of no hazard made under this subpart or Subpart B or E of this part expires 18 months after its effective date, regardless of whether the proposed construction or alteration has been started, or on the date the proposed construction or alteration is abandoned, whichever is earlier.

(b) In any case, including a determination to which paragraph (d) of this section applies, where the proposed construction or alteration has not been started during the applicable period by actual structural work, such as the laying of a foundation, but not including excavation, any interested person may, at least 15 days before the date the final determination expires, petition the FAA official who issued the determination to:

(1) Revise the determination based on new facts that change the basis on which it was made; or

(2) Extend its effective period.

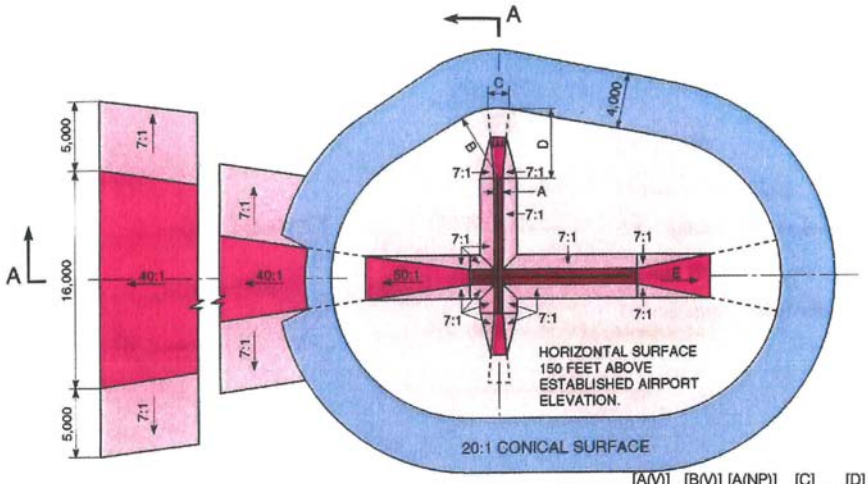
(c) The FAA official who issued the determination reviews each petition presented under paragraph (b) of this section, and revises, extends, or affirms the determination as indicated by his findings.

(d) In any case in which a final determination made under this subpart or Subpart B or E of this part relates to proposed construction or alteration that may not be started unless the Federal Communications Commission issues an appropriate construction permit, the effective period of each final determination includes -

(1) The time required to apply to the Commission for a construction permit, but not more than 6 months after the effective date of the determination; and

(2) The time necessary for the Commission to process the application except in a case where the Administrator determines a shorter effective period is required by the circumstances.

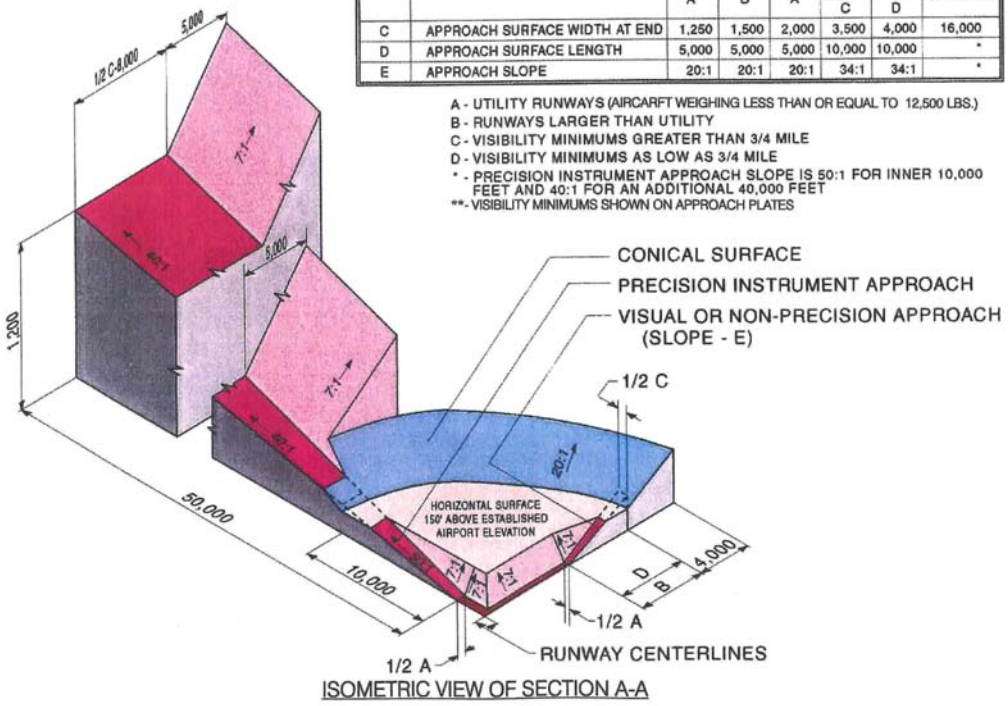
(e) If the Commission issues a construction permit, the final determination is effective until the date prescribed for completion of the construction. If the Commission refuses to issue a construction permit, the final determination expires on the date of its refusal.



[A(V)] [B(V)] [A(NP)] [C] [D] [PIR]

DIM	ITEM	DIMENSIONAL STANDARDS (FEET)					
		VISUAL RUNWAY		NON-PRECISION INSTRUMENT RUNWAY			PRECISION INSTRUMENT RUNWAY
		A	B	A	B C	B D	
A	WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END	250	500	500	500	1,000	1,000
B	RADIUS OF HORIZONTAL SURFACE	5,000	5,000	5,000	10,000	10,000	10,000
		VISUAL APPROACH		NON-PRECISION INSTRUMENT APPROACH			PRECISION INSTRUMENT APPROACH
		A	B	A	B C	B D	
C	APPROACH SURFACE WIDTH AT END	1,250	1,500	2,000	3,500	4,000	16,000
D	APPROACH SURFACE LENGTH	5,000	5,000	5,000	10,000	10,000	*
E	APPROACH SLOPE	20:1	20:1	20:1	34:1	34:1	*

A - UTILITY RUNWAYS (AIRCARFT WEIGHING LESS THAN OR EQUAL TO 12,500 LBS.)
B - RUNWAYS LARGER THAN UTILITY
C - VISIBILITY MINIMUMS GREATER THAN 3/4 MILE
D - VISIBILITY MINIMUMS AS LOW AS 3/4 MILE
* - PRECISION INSTRUMENT APPROACH SLOPE IS 50:1 FOR INNER 10,000 FEET AND 40:1 FOR AN ADDITIONAL 40,000 FEET
** - VISIBILITY MINIMUMS SHOWN ON APPROACH PLATES



Source: Federal Aviation Regulations Part 77

Figure B1

FAR Part 77 Imaginary Surfaces

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 B2

FAR Part 77 Filing Process

FAA Form 7460

Please Type or Print on This Form

Form Approved OMB No. 2120-0001

U.S. Department of Transportation
Federal Aviation Administration

Failure To Provide All Requested Information May Delay Processing of Your Notice

Notice of Proposed Construction or Alteration

FOR FAA USE ONLY
Aeronautical Study Number
- - -

1. Sponsor *(person, company, etc. proposing this action) :*
Attn. of: _____
Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____

2. Sponsor's Representative *(if other than #1) :*
Attn. of: _____
Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____

3. Notice of: ☐ New Construction ☐ Alteration ☐ Existing

4. Duration: ☐ Permanent ☐ Temporary (months, days)

5. Work Schedule: Beginning _____ End _____

6. Type: ☐ Antenna Tower ☐ Crane ☐ Building ☐ Power Line
☐ Landfill ☐ Water Tank ☐ Other _____

7. Marking/Painting and/or Lighting Preferred:
☐ Red Lights and Paint ☐ Dual - Red and Medium Intensity White
☐ White - Medium Intensity ☐ Dual - Red and High Intensity White
☐ White - High Intensity ☐ Other _____

8. FCC Antenna Structure Registration Number *(if applicable):*
_____

9. Latitude: ____° ____' ____. ____"

10. Longitude: ____° ____' ____. ____"

11. Datum: ☐ NAD 83 ☐ NAD 27 ☐ Other _____

12. Nearest: City: _____ State: _____

13. Nearest Public-use (not private-use) or Military Airport or Heliport:
_____

14. Distance from #13. to Structure: _____

15. Direction from #13. to Structure: _____

16. Site Elevation *(AMSL):* _____ **ft.**

17. Total Structure Height *(AGL):* _____ **ft.**

18. Overall height (#16. + #17.) *(AMSL):* _____ **ft.**

19. Previous FAA Aeronautical Study Number (if applicable):
_____ -

20. Description of Location: (Attach a USGS 7.5 minute Quadrangle Map with the precise site marked and any certified survey.)

21. Complete Description of Proposal:

Frequency/Power (kW)	

Notice is required by 14 Code of Federal Regulations, part 77 pursuant to 49 U.S.C., Section 44718. Persons who knowingly and willingly violate the notice requirements of part 77 are subject to a civil penalty of $1,000 per day until the notice is received, pursuant to 49 U.S.C., section 46301 (a).

I hereby certify that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to mark and/or light the structure in accordance with established marking and lighting standards as necessary.

Date	Typed or Printed name and Title of Person Filing Notice	Signature

Figure B3

FAR Part 77 Notification

FAA Form 7460

APPENDIX C

Airport Land Use Compatibility Concepts

INTRODUCTION

This appendix provides basic information regarding the concepts and rationale used to develop the compatibility policies and maps set forth in Chapters 2 and 3 of this *Fallbrook Community Airpark Land Use Compatibility Plan*. Some of the material is excerpted directly from the *California Airport Land Use Planning Handbook* published by the California Division of Aeronautics in January 2002. Other portions are based upon concepts that evolved from technical input obtained during review and discussion of preliminary drafts of key policies.

State law requires that airport land use commissions "be guided by" the information presented in the *Handbook*. Despite the statutory reference to it, though, the *Handbook* does not constitute formal state policy or regulation. Indeed, adjustment of the guidelines to fit the circumstances of individual airports is suggested by the *Handbook*. 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.

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 "layers:"

- *Noise:* As defined by cumulative noise exposure contours describing noise from aircraft operations near an airport.
- *Overflight:* The impacts of routine aircraft flight over a community.
- *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.

The documentation in the remainder of this appendix is organized under these four categories. Under each of the four compatibility category headings, 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; and
- *Basis for Setting Criteria:* The factors which should be considered in setting the respective compatibility criteria.

NOISE

Noise is perhaps the most basic airport land use compatibility concern. Certainly, it is the most noticeable form of airport impact.

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). Cumulative 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 civilian airports, noise contours are typically calculated using the Federal Aviation Administration's Integrated Noise Model (INM) computer program. For military airports, the similar Department of Defense NOISEMAP model is used. Inputs to these models are of two basic types: 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 can also 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.

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).

California state law regards any residential land uses as normally incompatible where the noise exposure exceeds 65 dB CNEL (although the state airport noise regulations 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, the *Handbook* and other state guidelines extend this criterion to all airports as discussed below). This standard, however, 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 also 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 for such locations 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, 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. The *Compatibility Plan* further requires dedication of an avigation easement (see later discussion in this appendix) as a condition for development approval in locations where these standards come into play.

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 results in incompatible uses being located within the 65 dB CNEL 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 neces-

sary to reduce the interior noise level to 45 dB CNEL has been installed or the airport proprietor has acquired an avigation easement for aircraft noise.

As noted in the regulations, the 65 dB CNEL standard is set with respect to urban areas. For many airports and many communities, 65 dB CNEL 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 60 dB CNEL may be a more suitable criterion for suburban communities not exposed to significant industrial noise and 55 dB CNEL 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, 70 dB CNEL 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:

$$DNL_{EPA} = 22 + 10 * \log(p)$$

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*. The ALUC considers 65 dB CNEL 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.

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. Indeed, 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 of importance 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. Even with regard 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 the impacts occur, this objective is unrealistic except 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" as shown in Figure C1 for a variety of airline and general aviation 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.

Another useful form of overflight information is a mapping 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. This type of data is available for San Diego International Airport and other airports in the metropolitan area. Unfortunately, at the more outlying general aviation airports, radar flight track data is either unavailable for the low altitudes of interest or not recorded in a manner that is very useful. For these airports, it is necessary to rely upon standard traffic pattern locations defined by the FAA, supplemented by anecdotal information obtained from air traffic controllers, airport staff, flight instructors, and others familiar with the operation of the airport.

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—to 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. In new residential developments, posting of signs in the real estate sales office and/or at key locations in the subdivision itself can be further means of alerting the initial purchasers about the impacts (signs, however, generally do not remain in place beyond the initial sales period and therefore are of little long-term value).

A second strategy is to minimize annoyance in 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 (Business and Profession Code Section 11010 and Civil Code Sections 1103 and 1353) now 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 both the primary and secondary airport influence areas 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.

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.

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. Much can be found on that topic in the *Handbook*. 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.

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?

Spatial Distribution of Aircraft Accidents

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. As described below, the *Handbook* uses this data to define a set of safety zones. 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.

In contrast, the time element 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. Lastly, even if the accident frequency over a period of time is calculated, there are no clear baselines with which to compare the results—is once per 100 or 1,000 years significant or not?

The *Handbook* presents a set of diagrams indicating where accidents are most likely to occur around airline and general aviation airports. Figures C2 and C3 show the spatial distribution of general aviation aircraft accidents in the vicinity of airports. (Note that these charts show data for all general aviation accidents in the *Handbook* database. Data on accidents associated with different lengths of runway is also provided, though, and is considered in delineation of the safety zones depicted in Chapter 3 of this *Compatibility Plan*.)

The charts reveal several facts:

- About half of arrival accidents and a third of departure accidents take place within the FAA-defined runway protection zone for a runway with a low-visibility instrument approach procedure (a 2,500-foot long trapezoid, varying from 1,000 feet wide at the inner edge to 1,750 feet in width at the outer end). This fact lends validity to the importance of the runway protection zones as an area within which land use activities should be minimal.
- Although the runway protection zones represent the locations within which risk levels are highest, a significant degree of risk exists well beyond the runway protection zone boundaries. Among all near-airport (within 5 miles) accidents, over 80% are concentrated within 1.5 to 2.0 miles of a runway end.
- Arrival accidents tend to be concentrated relatively close to the extended runway centerline. Some 80% occur within a strip extending 10,000 feet from the runway landing threshold and 2,000 feet to each side of the runway centerline.

- Departure accidents are comparatively more dispersed laterally from the runway centerline, but are concentrated closer to the runway end. Many departure accidents also occur lateral to the runway itself, particularly when the runway is long. Approximately 80% of the departure accident sites lie within an area 2,500 from the runway centerline and 6,000 feet beyond the runway end or adjacent to the runway.

To provide some sense of order to the scatter of individual accident points, an analysis presented in the *Handbook* involves aggregating the accident location points (the scatter diagrams of where accidents have occurred relative to the runway) in a manner that better identifies where the accident sites are most concentrated. The results are presented as risk intensity contours—Figures C2 shows arrival accident risks and Figure C3 portrays departure accident risks. The two drawings divide the near-airport accident location points into five groups of 20% each (note that only accident sites that were not on a runway, but were within 5 miles of an airport are included in the database). The 20% contour represents the highest or most concentrated risk intensity, the 40% contour represents the next highest risk intensity, and so on up to 80%. The final 20% of the accident sites are beyond the 80% contour. Each contour is drawn so as to encompass 20% of the points within the most compact area. The contours are irregular in shape. No attempt has been made to create geometric shapes. However, the risk contours can serve as the basis for creating geometric shapes that can then be used as safety zones. The *Handbook* contains several examples. The Department of Defense, through its *Air Installation Compatible Use Zones (AICUZ)* program, has followed a similar process to establish safety zone guidelines for military airports.

The *Handbook* takes the additional step of translating the risk contours into several sets of generic safety zones having regular geometric shapes. Generic safety zones are illustrated for different types and lengths of runways. The shapes of these zones reflect not just the accident distribution data, but also the ways in which different phases of aircraft operations create different accident risk characteristics near an airport. For most runways, the *Handbook* suggests creation of six zones. The locations, typical dimensions, and characteristics of the accident risks within each zone are outlined in Table C1. In more general terms, the relative degree of the risk exposure in each zone can be described as listed below.

- *Zone 1* clearly is exposed to the greatest risk of aircraft accidents. The dimensions of this zone are established by FAA standards. The FAA encourages airport ownership of this zone and provides specific land use standards to the extent that land is airport owned. Where the land is not airport owned, the FAA says these standards serve as recommendations.
- *Zone 2* lies beyond Zone 1 and also has a significant degree of risk as reflected in both national and local accident location data.
- *Zone 3* has less risk than Zone 2, but more than Zones 4, 5, or 6. Zone 3 encompasses locations where aircraft often turn at low altitude while approaching or departing the runway.
- *Zone 4* lies along the extended runway centerline beyond Zone 2 and is especially significant at airports that have straight-in instrument approach procedures or a high volume of operations that results in an extended traffic pattern.
- *Zone 5* is a unique area lying adjacent to the runway and, for most airports, lies on airport property. The risk is comparable to Zone 4.
- *Zone 6* contains the aircraft traffic pattern. Although a high percentage of accidents occur within Zone 6, for any given runway Zone 6 is larger than all the other zones combined. Relative to the

other zones, the risks in Zone 6 are much less, but are still greater than in locations more distant from the airport.

Although accident location data, together with information on how aircraft flight parameters affect where accidents occur, are the bases for delineation of the generic safety zones, the *Handbook* indicates that adjustments to the zone sizes and shapes must be made in recognition of airport-specific characteristics. Among these characteristics are:

- The particular mix of aircraft types operating at the airport. Larger aircraft generally are faster than smaller planes and thus fly longer and wider traffic patterns or make straight-in approaches.
- The overall volume of aircraft operations. At busy airports, a larger traffic pattern is common because aircraft have to get in sequence for landing.
- Nearby terrain or other airports. These physical features may, for example, limit a traffic pattern to a single side of the airport or dictate "nonstandard" approach and departure routes.
- Instrument approach procedures. Aircraft following these procedures typically fly long, straight-in, gradual descents to the runway. In some cases, though, an approach route may be aligned at an angle to the runway rather than straight in.
- Existence of an air traffic control tower. When a tower is present, controllers may direct or allow pilots to fly unusual routes in order to expedite traffic flow. By comparison, at relatively busy but non-towered airports, aircraft mostly follow the "standard" pattern dictated by federal aviation regulations.
- A dominant direction of traffic flow. As reflected in the *Handbook* analysis of accident locations, landing aircraft tend to follow routes directly in line with the runway during final descent and thus accident sites also are concentrated along this alignment. Departing aircraft are more likely to turn to head to their intended destination and the accident pattern is thus more dispersed. On runways where the flow of aircraft operations is almost always in one direction, this distinction in accident patterns is considered.

Radar data is particularly helpful in showing exactly where aircraft fly when approaching or departing an airport. This data can be used to further support adjustments to the safety zones based upon the above characteristics. Radar data, though, is not available for many of the outlying airports in the county. In these instances, information on normal traffic pattern locations has been obtained through contact with local flight instructors and others highly familiar with a particular airport.

As an added note with regard to this discussion of the spatial distribution of aircraft accidents, mention should be made of a question that arose during the preparation of this *Compatibility Plan*. The issue was whether the distribution of accidents around airports in San Diego County is comparable to the nationwide data included in the *Handbook*. With the assistance of local airport operators, aviation businesses, and other individuals having long-term familiarity with the airports, data was assembled on aircraft accident locations near three of the major general aviation airports in the county: Brown Field, McClellan-Palomar, and Montgomery Field. To the extent that a difference in the accident location patterns for these three airports could be discerned from the assembled data, the differences appear to me more airport specific than representative of a distinct pattern of accident locations for all general aviation airports in the county. Given this outcome, reliance has continued to be placed upon the larger and more statistically valid nationwide accident location database.

Accident Consequences

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. Available data documented in the *Handbook* and confirmed during analysis of data regarding aircraft accidents in San Diego County indicates that a substantial percentage, if not the majority, of general aviation aircraft accidents fall into the former category. Moreover, these data do not include the incidents in which the pilot made a successful emergency landing—the latter generally are categorized as "incidents" rather than as accidents and do not appear in the National Transportation Safety Board data from which the database in the *Handbook* is drawn.

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, the 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.

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 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 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, 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.

Little established guidance is available to ALUCs regarding how restrictive to make safety criteria for various parts of an airport's environs. Unlike the case with noise, there are no formal federal or state laws or regulations which set safety criteria for airport area land uses for civilian airports except within *runway protection zones* (and with regard to airspace obstructions as described separately in the next section). Federal Aviation Administration safety criteria primarily are focused on the runway and its im-

mediate environment. Runway protection zones—then called *clear zones*—were originally established mostly for the purpose of protecting the occupants of aircraft which overrun or land short of a runway. Now, they are defined by the FAA as intended to enhance the protection of people and property on the ground.

The most useful place from which ALUCs can begin to determine appropriate safety compatibility criteria for airport environs is the *Handbook* itself. Although not regulatory in nature, state law obligates ALUCs to "be guided by" the information presented in the *Handbook*. Suggested usage intensity limitations, measured in terms of people per acre, are set forth along with other safety criteria. Reference should be made to that document for detailed description of the suggested criteria. Three risk-related variables discussed in the *Handbook* are worth noting here, however.

- *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. As indicated in Figures C2 and C3, these factors affect the risk distribution.
- *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.
- *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 *Handbook* notes that cost is an important factor in this regard. 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* has been greatly guided by the *Handbook* information. The *Handbook*, though, also recognizes the importance of tailoring compatibility plans to local circumstances. Such has been the case with the safety compatibility criteria included in this *Compatibility Plan*. In many respects, San Diego County is unique in California with regard to having not only highly intensive existing development, but also strong continuing demands for further development. The airport environs are not exempt from these pressures. 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.

AIRSPACE PROTECTION

Relatively few aircraft accidents are caused by land use conditions that are hazards to flight. The potential exists, however, and protecting against it 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 by the airport proprietor in an adopted airport master plan and airport layout plan.

Compatibility Objective

Because airspace protection is in effect a safety factor, its objective can likewise be thought of in terms of risk. Specifically, the objective is to avoid development of land use conditions that, by posing hazards to flight, can increase the risk of an accident occurring. The particular hazards of concern are:

- 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.

The purpose of the airspace protection policies is to ensure that structures and other uses do not cause hazards to aircraft in flight in the airport vicinity. Hazards to flight include physical obstructions to the navigable airspace, wildlife hazards, particularly bird strikes and land use characteristics that create visual or electronic interference with aircraft navigation or communication. This purpose is accomplished by policies that place limits on the height of structures and other objects in the airport vicinity and restrictions on 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, indirectly, the performance capabilities of aircraft operated at the airport.

- *Airspace Obstructions:* Whether a particular object constitutes an airspace obstruction depends upon two factors: the height of the object relative to the runway elevation; and its proximity to the airport. The acceptable height of objects near an airport is most commonly determined by application of standards set forth in Federal Aviation Regulations (FAR) Part 77, *Objects Affecting Navigable Airspace*. These regulations establish a three-dimensional space in the air above an airport. Any object which penetrates this volume of airspace is considered to be an "obstruction" and may affect the aeronautical use of the airspace. Additionally, as described below, another set of airspace protection surfaces is defined by the *U.S. Standard for Terminal Instrument Procedures*, known as TERPS. Although the intended function of these standards is in design of instrument approach and departure procedures, they can be important in land use compatibility planning in situations where ground elevations near an airport exceed the FAR Part 77 criteria.
- *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.

Compatibility Strategies

Compatibility strategies for the protection of airport airspace are relatively simple and are directly associated with the 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. Also, state of California regulation of obstructions under the State Aeronautics Act (Public Utilities Code, Section 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. The surfaces can be less restrictive than essential 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. Oppositely, FAR Part 77 provides no useful guidance as to acceptable heights of objects located where the ground level already penetrates the airspace surfaces.

To define airspace protection surfaces better suited to these situations, reference must be made the TERPS standards mentioned above. 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 surface 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.

In the Compatibility Policy Map: Airspace Protection presented in Chapter 3 of this *Compatibility Plan*, primary reliance is placed upon FAR Part 77 criteria. Where an instrument approach procedure is established, the associated TERPS surfaces are depicted as well. In most locations, the TERPS surfaces are well above the underlying terrain and present no significant constraint on land use development. As a precaution to help ensure that tall towers or antennas located on high terrain do not penetrate a TERPS surface, places where the ground elevation comes within 100 feet of a TERPS surface are shown on the map.

Among other hazards to flight, bird strikes no doubt represent the most widespread concern. The FAA recommends that uses known to attract birds—sanitary landfills being a primary example—be kept at least 10,000 feet away from any runway used by turbine-powered aircraft. More information re-

garding 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.

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.

Zone	*Description*	***Nominal Dimensions*** (California Airport Land Use Planning Handbook)	***Relative Risk Level***	***Nature of Accident Risk***	***% of Accidents in Zone*** (Handbook database)
1	Runway Protection Zone and within Runway Primary Surface primarily on airport property; airport ownership encouraged	Depending upon approach visibility minimums: 1,200 feet minimum, 2,700 feet maximum beyond runway ends; 125 to 500 feet from centerline adjacent to runway (zone dimensions established by FAA standards) Acreage (one runway end): 8 to 79 (RPZ only)	Very High	Landing undershoots and overshoots; overruns on aborted takeoffs; loss of control on takeoff	Arrivals: 28%–56% Departures: 23%–29% Total: 33%–39%
2	Inner Safety Zone	Along extended runway centerline, to a distance of 2,000 feet minimum, 6,000 feet maximum beyond runway ends Acreage (one runway end): 44 to 114	High	Aircraft at low altitude with limited directional options in emergencies: typically under 400 feet on landing; on takeoff, engine at maximum stress	Arrivals: 9%–15% Departures: 3%–28% Total: 8%–22%
3	Inner Turning Zone	Fan-shaped area adjacent to Zone 2 extending 2,000 feet minimum, 4,000 feet maximum from runway ends Acreage (one runway end): 50 to 151	Moderate	Turns at low altitude on arrival for aircraft flying tight base leg present stall-spin potential; likely touchdown area if emergency at low altitude on takeoff, especially to left of centerline	Arrivals: 2%–6% Departures: 5%–9% Total: 4%–7%
4	Outer Safety Zone	Along extended runway centerline extending 3,500 feet minimum, 10,000 feet maximum beyond runway ends Acreage (one runway end): 35 to 92	Low to Moderate	Low altitude overflight for aircraft on straight-in approaches, especially instrument approaches; on departure, aircraft normally complete transition from takeoff power and flap settings to climb mode and begin turns to en route heading	Arrivals: 3%–8% Departures: 2%–4% Total: 2%–6%
5	Sideline Zone primarily on airport property	Adjacent to runway, 500 feet minimum, 1,000 feet maximum from centerline Acreage: varies with runway length	Low to Moderate	Low risk on landing; moderate risk from loss of directional control on takeoff, especially with twin-engine aircraft	Arrivals: 1%–3% Departures: 5%–8% Total: 3%–5%
6	Traffic Pattern Zone	Oval area around other zones: 5,000 feet minimum, 10,000 feet maximum beyond runway ends; 4,500 feet minimum, 6,000 feet maximum from runway centerline Acreage: varies with runway length	Low	Significant percentage of accidents, but spread over wide area; widely varied causes	Arrivals: 10%–21% Departures: 24%–39% Total: 18%–29%

Table C1

Safety Zone Aircraft Accident Risk Characteristics

APPENDIX D

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 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:

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

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 by 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.

	Use	*Minimum Square Feet per Occupant*
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 12th 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 12th 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 *[for SFM]* 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 *[for SFM]* 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		*Residential care facilities for the elderly (each accommodating more than six nonambulatory clients).*
R-2.2		*Residential care facilities for the elderly (each accommodating more than six ambulatory clients).*
R-2.1.1		*Residential care facilities for the elderly (each accommodating six or less nonambulatory clients).*
R-2.2.1		*Residential care facilities for the elderly (each accommodating six or less ambulatory clients).*
R-2.3		*Residential-based licensed facilities providing hospice care throughout, accommodating more than six bedridden clients.*
R-2.3.1		*Residential-based facilities providing hospice care throughout, accommodating six or less bedridden clients.*
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 helistops.
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

APPENDIX E
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 swellings 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 with 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 avigation 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.

REVIEW PROCEDURES

In addition to incorporation of ALUC compatibility criteria, local jurisdiction implementing documents must specify the manner in whish 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.

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

APPENDIX F

Sample Implementation Documents

The responsibility for implementation of the compatibility criteria set forth in the *Jacumba Airport Land Use 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 1 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 *Jacumba Airport Land Use Compatibility Plan* policies include each of these measures.

- **Avigation Easement**—Avigation easements transfer certain property rights from the owner of the underlying property to the owner of an airport or, in the case of military airports, to a local government agency on behalf of the federal government (the U.S. Department of Defense is not authorized to accept avigation easements). This *Compatibility Plan* requires avigation easement dedication as a condition for approval of development on property subject to high noise levels or a need to restrict heights of structures and trees to less than might ordinarily occur on the property. Specific easement dedication requirements are set forth in Chapter 2. Also, airports may require avigation easements in conjunction with programs for noise insulation of existing structures in the airport vicinity. A sample of a standard avigation easement is included in Table F2.

- **Overflight Easement**—Overflight easements are essentially a subset of avigation easements. They include only the rights pertaining 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. In other respects, overflight easements are the same as avigation easements in that they represent a conveyance of real property from the property owner to the easement holder (i.e., the airport or other government body). Because they lack restrictions on the use of the land, overflight easements serve only as buyer acceptance of overflight conditions.

Overflight easements are generally appropriate in areas outside the 60 dB CNEL noise contour, outside Safety Zones 1 through 5, 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 and 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 information 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

Typical Avigation Easement

This indenture made this _____ day of _____, 20__, between _____ hereinafter referred to as Grantor, and the [Insert County or City name], a political subdivision in the State of California, hereinafter referred to as Grantee.

The Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement over the following described parcel of land in which the Grantor holds a fee simple estate. [*For military airports:* Grantee shall hold said easement on behalf of the United States Government.] The property which is subject to this easement is depicted as _____ on "Exhibit A" attached and is more particularly described as follows:

[Insert legal description of real property]

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

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

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

(1) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in, through, across, or about any portion of the Airspace hereinabove described; and

(2) The easement and right to cause or create, or permit or allow to be caused and created within all space above the existing surface of the hereinabove described real property and any and all Airspace laterally adjacent to said real property, such noise, vibration, currents and other effects of air illumination and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air; and

(3) A continuing right to clear and keep clear from the Airspace any portions of buildings, structures or improvements of any kinds, and of trees or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees, or other things which extend into or above said Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace; also the right to modify or remove any structures or uses of the land that generate visual, electronic, or physical interference with aircraft flight including, but not limited to 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, sources of electrical interference with aircraft communications, and uses that create an increased attraction for wildlife in a manner that is inconsistent with FAA rules and regulations; and

(4) The right to mark and light, or cause or require to be marked and lighted, as obstructions to air navigation, any and all buildings, structures or other improvements, and trees or other objects, which extend into or above the Airspace; and

(5) The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.

Table F2

Typical Avigation Easement

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

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

Grantor, together with its successors in interest and assigns, hereby waives its right to legal action against Grantee, its successors or assigns for monetary damages or other redress due to impacts, as described in paragraph (2) of the granted rights of easement, associated with aircraft operations in the air or on the ground at the airport, including future increases in the volume or changes in location of said operations. Furthermore, Grantee, its successors, and assigns shall have no duty to avoid or mitigate such damages through physical modification of airport facilities or establishment or modification of aircraft operational procedures or restrictions. However, this waiver shall not apply if the airport role or character of its usage (as identified in an adopted airport master plan, for example) changes in a fundamental manner which could not reasonably have been anticipated at the time of the granting of this easement and which results in a substantial increase in the in the impacts associated with aircraft operations. Also, this grant of easement shall not operate to deprive the Grantor, its successors or assigns of any rights which may from time to time have against any air carrier or private operator for negligent or unlawful operation of aircraft.

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

DATED:

_____ _____

_____

STATE OF }

ss

COUNTY OF }

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

WITNESS my hand and official seal.

_____

Notary Public

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

Table F2, continued

Sample Overflight Easement

This indenture made this _____ day of _____, 20__, between _____ hereinafter referred to as Grantor, and the [Insert County or City name], a political subdivision in the State of California, hereinafter referred to as Grantee.

The Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement over the following described parcel of land in which the Grantor holds a fee simple estate. [*For military airports:* Grantee shall hold said easement on behalf of the United States Government.] The property which is subject to this easement is depicted as _____ on "Exhibit A" attached and is more particularly described as follows:

[Insert legal description of real property]

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

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

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

(1) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in, through, across, or about any portion of the Airspace hereinabove described; and

(2) The easement and right to cause or create, or permit or allow to be caused and created within all space above the existing surface of the hereinabove described real property and any and all Airspace laterally adjacent to said real property, such noise, vibration, currents and other effects of air illumination and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air.

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

Table F3

Sample Overflight Easement

Grantor, together with its successors in interest and assigns, hereby waives its right to legal action against Grantee, its successors or assigns for monetary damages or other redress due to impacts, as described in paragraph (2) of the granted rights of easement, associated with aircraft operations in the air or on the ground at the airport, including future increases in the volume or changes in location of said operations. Furthermore, Grantee, its successors, and assigns shall have no duty to avoid or mitigate such damages through physical modification of airport facilities or establishment or modification of aircraft operational procedures or restrictions. However, this waiver shall not apply if the airport role or character of its usage (as identified in an adopted airport master plan, for example) changes in a fundamental manner which could not reasonably have been anticipated at the time of the granting of this easement and which results in a substantial increase in the in the impacts associated with aircraft operations. Also, this grant of easement shall not operate to deprive the Grantor, its successors or assigns of any rights which may from time to time have against any air carrier or private operator for negligent or unlawful operation of aircraft.

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

DATED:

_____ _____

_____

STATE OF }

ss

COUNTY OF }

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

WITNESS my hand and official seal.

_____

Notary Public

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

Table F3, continued

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.

APPENDIX H

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 is greatest with the clear zone and diminishes 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 occur.

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 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.

Airport Reference Code (ARC): A coding system used to relate airport design criteria to the operation and physical characteristics of the airplanes intended to operate at an airport. (Airport Design AC)

Airports, Classes of: For the purposes of issuing a Site Approval Permit, The California Department of Transportation, Division of Aeronautics classifies airports into the following categories: (CCR)

- *Agricultural Airport or Heliport:* An airport restricted to use only be agricultural aerial applicator aircraft (FAR Part 137 operators).
- *Emergency Medical Services (EMS) Landing Site:* A site used for the landing and taking off of EMS helicopters that is located at or as near as practical to a medical emergency or at or near an medical facility and
  (1) has been designated an EMS landing site by an officer authorized by a public safety agency, as defined in PUC Section 21662.1, using criteria that the public safety agency has determined is reasonable and prudent for the safe operation of EMS helicopters and
  (2) is used, over any twelve month period, for no more than an average of six landings per month with a patient or patients on the helicopter, except to allow for adequate medical response to a mass casualty event even if that response causes the site to be used beyond these limits, and
  (3) is not marked as a permitted heliport as described in Section 3554 of these regulations and
  (4) is used only for emergency medical purposes.
- *Heliport on Offshore Oil Platform:* A heliport located on a structure in the ocean, not connected to the shore by pier, bridge, wharf, dock or breakwater, used in the support of petroleum exploration or production.
- *Personal-Use Airport:* An airport limited to the non-commercial use of an individual owner or family and occasional invited guests.
- *Public-Use Airport:* An airport that is open for aircraft operations to the general public and is listed in the current edition of the *Airport/Facility Directory* that is published by the National Ocean Service of the U.S. Department of Commerce.
- *Seaplane Landing Site:* An area of water used, or intended for use, for landing and takeoff of seaplanes.
- *Special-Use Airport or Heliport:* An airport not open to the general public, access to which is controlled by the owner in support of commercial activities, public service operations, and/or personal use.

- *Temporary Helicopter Landing Site:* A site, other than an emergency medical service landing site at or near a medical facility, which is used for landing and taking off of helicopters and
  (1) is used or intended to be used for less than one year, except for recurrent annual events and
  (2) is not marked or lighted to be distinguishable as a heliport and
  (3) is not used exclusively for helicopter operations.

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 avigation 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.

Avigation 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 Activities: Airport-related activities that may offer a facility, service or commodity for sale, hire or profit. Examples of commodities for sale are: food, lodging, entertainment, real estate, petroleum products, parts and equipment. Examples of services are: flight training, charter flights, maintenance, aircraft storage, and tiedown. (CCR)

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.

Deed Notice: A formal statement added to the legal description of a deed to a property and on any subdivision map. As used in airport land use planning, a deed notice would state that the property is subject to aircraft overflights. Deed notices are used as a form of buyer notification as a means of ensuring that those who are particularly sensitive to aircraft overflights can avoid moving to the affected areas.

Designated Body: A local government entity, such as a regional planning agency or a county planning commission, chosen by the county board of supervisors and the selection committee of city mayors to act in the capacity of an airport land use commission.

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.

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.

Fixed Base Operator (FBO): A business that operates at an airport and provides aircraft services to the general public including, but not limited to, sale of fuel and oil; aircraft sales, rental, maintenance, and repair; parking and tiedown or storage of aircraft; flight training; air taxi/charter operations; and specialty services, such as instrument and avionics maintenance, painting, overhaul, aerial application, aerial photography, aerial hoists, or pipeline patrol.

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. Unless otherwise noted, policies in this compatibility plan refer to *gross* rather than *net* acreage.

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. Unless otherwise noted, policies in this compatibility plan refer to *gross* rather than *net* acreage.

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)

Object Free Area (OFA): An area on the ground centered on a runway centerline, provided to enhance the safety of aircraft operations by having the area free of objects, except for objects that need to be located in the OFA for air navigation or aircraft ground maneuvering purposes. The dimensions vary with the classification of the airport. The maximum length of an OFA is 1,000 feet beyond the runway end. An extended OFA extends to the end of the runway protection zone (RPZ) (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 exceeds 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 Easement: A type of easement that typically includes the following rights, but not rights pertaining to limitations on the height of structures or access to the property (compare with *avigation easement*):

- 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.

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.*

Planning Area Boundary: 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.

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)

Referral Area: The area around an airport defined by the planning area boundary adopted by an airport land use commission within which certain land use proposals are to be referred to the commission for review.

Runway Protection Zone (RPZ): An area (formerly called a *clear zone*) off the end of a runway used to enhance the protection of people and property on the ground. (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.

Single Event Noise Exposure Level (SENEL): A measure, in decibels, of the noise exposure level of a single event, such as an aircraft flyby, measured over the time interval between the initial and final times for which the noise level of the event exceeds a threshold noise level and normalized to a reference duration of one second. SENEL is a noise metric established for use in California by the state Airport Noise Standards and is essentially identical to *Sound Exposure Level (SEL).*

Site Approval Permit: A written approval issued by the California Department of Transportation authorizing construction of an airport in accordance with approved plans, specifications, and conditions. Both public-use and special-use airports require a site approval permit. (CCR)

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 and Safety Board