
General Policies



General Policies

1. GENERAL APPLICABILITY

1.1. Purpose and Use

1.1.1. *Compatibility Plans for Individual Airports:* With limited exceptions, California law requires a compatibility plan for each public-use and military airport in the state. This document, the *Merced County Airport Land Use Compatibility Plan (Compatibility Plan)* contains the individual *Compatibility Plan* for each of the five public-use airport in the county. There are no active military airports in the county.

(a) The five airports covered by this *Compatibility Plan* are:

- (1) Castle Airport, a public-use airport owned by the County of Merced.
- (2) Gustine Municipal Airport, a public-use airport owned by the City of Gustine.
- (3) Los Banos Municipal Airport, a public-use airport owned by the City of Los Banos.
- (4) Merced Regional Airport, a public-use airport owned by the City of Merced.
- (5) Turlock Municipal Airport, a public-use airport owned by the City of Turlock, a Stanislaus County municipality.

(b) The policies in this document are divided into two chapters. The policies in Chapter 2 together with the respective airport-specific policies in Chapter 3 together comprise the *Compatibility Plan* for each airport.

- (1) This chapter, Chapter 2, contains policies applicable separately but uniformly to the *Compatibility Plan* for each of the five airports.
- (2) Chapter 3 provides airport-specific land use compatibility policies. These policies consist of maps for each respective airport plus any compatibility criteria unique to an individual airport.

1.1.2. *Basic Purpose:* The basic purpose of the *Merced County Airport Land Use Compatibility Plan* is to articulate procedures and criteria, established in accordance with the California State Aeronautics Act (Public Utilities Code Section 21670 *et seq.*), applicable to airport land use compatibility planning in the vicinity of the above-referenced public-use airports in Merced County. Also a purpose of this *Compatibility Plan* is to establish policies applicable to ALUC review of airport master plans and plans for construction of a new airport or heliport in accordance with Public Utilities Code Sections 21676(c) and 21661.5, respectively.

- 1.1.3. *Effective Date:* The policies herein are effective as of the date that the Merced County Airport Land Use Commission (ALUC) adopts the *Compatibility Plan* for each airport.
- (a) The effective date of the respective *Compatibility Plan* for each airport is:
 - (1) Castle Airport: [date to be inserted]
 - (2) Gustine Municipal Airport: [date to be inserted]
 - (3) Los Banos Municipal Airport [date to be inserted]
 - (4) Merced Regional Airport: [date to be inserted]
 - (5) Turlock Municipal Airport: [date to be inserted]
 - (b) The previous *Compatibility Plan* for Merced County was adopted by the ALUC in 1999 and contains policies for each of the above airports. The earlier plan is in effect for each airport until ALUC adoption of the respective *Compatibility Plan* for each airport covered by this document. If the present *Compatibility Plan* for one or more individual airports should be invalidated by court action, the 1999 plan for the affected airport or airports shall again become effective. The *Compatibility Plan* for each of the unaffected airports, as contained within this document, shall remain in effect.
 - (c) Any project or phase of a project that has received local agency approvals sufficient to qualify it as an existing land use (see definition in Policy 1.2.12) prior to the date of the ALUC's adoption of the respective *Compatibility Plans* shall not be required to comply with the policies herein. Rather, the policies of the 1999 *Compatibility Plan* shall apply.
- 1.1.4. *Use by Particular Governmental Agencies:* The ALUC and local agencies (see Policy 1.2.16) shall use the policies in this *Compatibility Plan* in the manner indicated below.
- (a) Merced County Airport Land Use Commission. The ALUC shall:
 - (1) Formally adopt the *Compatibility Plan* for each airport listed in Policy 1.1.1 in accordance with Public Utilities Code Section 21674(c).
 - (2) Review a proposed land use or airport-related action, in accordance with state law and as provided for by Section 2 of this *Compatibility Plan*, to determine whether such action is consistent with the criteria set forth herein.
 - (b) The County of Merced and Affected Cities in the County. The County and affected cities—the cities of Atwater, Gustine, Los Banos, and Merced, as well as any future city having jurisdiction over land uses within an airport influence area (see Policy 1.2.16)—shall:
 - (1) As required by state law (Public Utilities Code Section 21676(a)), modify its general plan and zoning ordinance to be consistent with the policies in the *Compatibility Plan*.
 - (2) Utilize the *Compatibility Plan*, either directly or as reflected in the appropriately modified general plan and zoning ordinance, when making other planning decisions regarding proposed development of lands within an airport influence area.
 - (3) Submit proposed land use actions for review by the ALUC as specified by Policy 1.4 herein.
 - (c) Special Districts, School Districts, and Community College Districts in Merced County. These entities shall:

- (1) Apply the policies of this *Compatibility Plan* when creating plans and making other planning decisions regarding the proposed development of lands under their control with an airport influence area.
 - (2) Submit proposed land use actions for review by the ALUC as specified by Policy 1.4.2 herein.
- (d) Stanislaus County. For the portion of the airport influence area for Turlock Municipal Airport extending into Stanislaus County, this *Compatibility Plan* is not binding on the government entities of Stanislaus County. The County of Stanislaus should coordinate with the Merced County ALUC regarding any land use development proposals affecting the portion of the Turlock Municipal Airport influence area that extends into unincorporated Stanislaus County.
- (e) Airport Owners. As required by state law (Public Utilities Code Sections 21661.5, 21664.5, and 21676(c)), the entities owning each of the public-use airports in the county, including the City of Turlock as owner of Turlock Municipal Airport, shall submit to the ALUC information regarding the planned improvements. Also, any public or private entity proposing construction of a new airport or heliport for which a State Airport Permit is required must submit the proposed plans to the ALUC for land use compatibility review (see Policy 1.4.4).

1.2. Definitions

The following definitions apply for the purposes of the policies set forth in this *Compatibility Plan*. Additional terms are defined in the *Glossary* (Appendix G).

- 1.2.1. *Aeronautics Act*: Except as indicated otherwise, the article of the California Public Utilities Code (Sections 21670 *et seq.*) pertaining to airport land use commissions and airport land use compatibility planning.
- 1.2.2. *Airport*: The Castle Airport, Gustine Municipal Airport, Los Banos Municipal Airport, Merced Regional Airport, Turlock Municipal Airport, or any other new public-use or military airport which might be created within the boundaries of Merced County.
- 1.2.3. *Airport Influence Area*: An area, as delineated herein, 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 herein. The influence areas for each airport covered by this *Compatibility Plan* are presented in Chapter 3. For the portion of the airport influence area for Turlock Municipal Airport extending into Stanislaus County, this *Compatibility Plan* is not binding on the government entities of Stanislaus County.
- 1.2.4. *Airport Land Use Commission (ALUC)*: The Merced County Airport Land Use Commission.
- 1.2.5. *Airport Land Use Commission Secretary*: The Merced County Community Development Director or a person designated by the Director with the concurrence of the ALUC Chairperson.
- 1.2.6. *Airspace Protection Surfaces*: Imaginary surfaces in the airspace surrounding the Airport defined in accordance with criteria set forth in Federal Aviation Regulations Part 77. These surfaces establish the maximum height that objects on the ground can reach without potentially creating constraints or hazards to the use of the airspace by aircraft approaching,

departing, or maneuvering in the vicinity of the airport. The Airspace Protection Surfaces for each airport are presented in Chapter 4.

- 1.2.7. *Aviation-Related Use*: Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protection areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations facilities, terminal buildings, etc.
- 1.2.8. *Aviation 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, etc. (see Appendix F).
- 1.2.9. *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.
- 1.2.10. *Compatibility Plan*: This document, the *Merced County Airport Land Use Compatibility Plan* containing the individual *Compatibility Plan* for each of the five airports listed in Policy 1.1.1.
- 1.2.11. *Compatibility Zone*: Any of the zones set forth herein for the purposes of assessing land use compatibility within an airport influence area.
- 1.2.12. *Existing Land Use*: A land use that either physically exists or for which local agency (see Policy 1.2.16) commitments to the proposal have been obtained prior to the effective date of this *Compatibility Plan*.
 - (a) Local agency commitment to a proposal can usually be considered firm once one or more of the following have occurred:
 - (1) A tentative parcel or subdivision map has been approved and not yet expired;
 - (2) A vesting tentative parcel or subdivision map has been approved;
 - (3) A development agreement has been approved and remains in effect;
 - (4) A final subdivision map has been recorded;
 - (5) A use permit or other discretionary entitlement has been approved and not yet expired; or
 - (6) A valid building permit has been issued.
 - (b) Filing of a new version of any of the approval documents listed in Paragraph (a) of this policy means that the use no longer qualifies as existing and therefore is subject to ALUC review in accordance with the policies of Chapter 3.
 - (c) If a local agency's commitment to a development proposal expires, the proposal will no longer qualify as an "existing" land use. As such, the proposal will be subject to the criteria of this *Compatibility Plan*.
 - (d) For a planned development to qualify as an existing land use in accordance with the provisions of this policy, the local agency must provide evidence to that effect to the ALUC for the ALUC's concurrence.
- 1.2.13. *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 (also see *Glossary*).

- 1.2.14. *Heliport*: A helicopter landing facility for which a Heliport Permit is required from the California Department of Transportation. Public-use and special-use heliports (including those at hospitals) are included within this definition, but helipads located on an airport are excluded.
- 1.2.15. *Infill*: Development of vacant or underutilized land within areas that are already largely developed or are used more intensively. See Policy 5.5.1 for criteria used to identify infill areas for the purposes of this *Compatibility Plan*.
- 1.2.16. *Local Agency/Jurisdiction*: For the purposes of this *Compatibility Plan*, Merced County, affected cities in the county, or other local governmental entity in the county such as a special district, school district, or community college district—including any future city or district—having jurisdictional territory lying within an airport influence area as defined herein. These entities are subject to the provisions of this *Compatibility Plan*. For the portion of the airport influence area for Turlock Municipal Airport extending into Stanislaus County, this *Compatibility Plan* is not binding on the government entities of Stanislaus County.
- 1.2.17. *Major Land Use Action*: Actions related to proposed land uses for which compatibility with airport activity is a particular concern, but for which ALUC review is not always mandatory under state law. These types of actions are listed in Policy 1.4.3.
- 1.2.18. *Noise Impact Area*: The area within which the noise impacts, measured in terms of CNEL, generated by the airport may represent a land use compatibility concern. The noise impact area for each airport is presented in Chapter 4.
- 1.2.19. *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.
- 1.2.20. *Nonconforming Use*: An existing land use that does not comply with the compatibility criteria set forth in this *Compatibility Plan*. See Policy 5.5.2 for criteria applicable to land use actions involving nonconforming uses.
- 1.2.21. *Overrule*: An action that a local agency can take in accordance with provisions of state law if it wishes to proceed with a proposed project affecting lands within an airport influence area in spite of an ALUC finding that the action is inconsistent with this *Compatibility Plan*. See Section 2.5 for required steps that a local agency must take when overruling the ALUC.
- 1.2.22. *Project; Land Use or Airport Action; Development Proposal*: Terms similar in meaning and all referring to the types of airport or land use matters, either publicly or privately sponsored, that are subject to the provisions of this *Compatibility Plan*.
- 1.2.23. *Real Estate Transaction Disclosure*: A form of buyer awareness documentation required by California state law and applicable to many transactions involving residential real estate including previously occupied dwellings. The disclosure notifies a prospective purchaser that the property is located in proximity to an airport and may be subject to annoyances and inconveniences associated with the flight of aircraft to, from, and around the airport. See Policy 5.4.6 for applicability. Also see Policy 1.2.25 for a related buyer awareness tool, *recorded overflight notification*.

- 1.2.24. *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). See Policy 5.5.3.
- 1.2.25. *Recorded Overflight Notification*: A form of buyer awareness documentation recorded in the chain of title of a property stating that the property may be subject to annoyances and inconveniences associated with the flight of aircraft to, from, and around a nearby airport. Unlike an *avigation easement* (see Policy 1.2.8), a *recorded overflight notification* does not convey property rights from the property owner to the airport and does not restrict the height of objects. See Policy 5.4.4 for applicability. Also see Policy 1.2.23 for a related buyer awareness tool, *real estate transaction disclosure*.
- 1.2.26. *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.

1.3. Geographic Scope

- 1.3.1. *Airport Influence Area*: As established by the ALUC in accordance with state law, the geographic scope of this *Compatibility Plan* encompasses:
- (a) Existing Airports. All lands on which the uses could be negatively affected by present or future aircraft operations at existing airports in Merced County as well as lands on which the uses could negatively affect airport usage. See Policy 1.1.1 for a list of existing airports covered by this *Compatibility Plan*. The specific limits of the airport influence area for each airport are depicted on the respective compatibility map for that airport as presented in Chapter 3.
 - (b) New Airports and Heliports. The site and environs of any new public-use, special-use (as defined by the California Division of Aeronautics) or military airport or heliport that may be proposed anywhere in the county, as well as the site and environs of any personal-use airport or heliport for which a permit is required from the California Division of Aeronautics.
- 1.3.2. *Types of Airport Impacts*: In delineating the airport influence area for each airport, the geographic extent of four types of compatibility concerns are taken into account:
- (1) Noise. Locations exposed to potentially disruptive levels of aircraft noise.
 - (2) Safety. Areas where the risk of an aircraft accident poses heightened safety concerns for people and property on the ground.
 - (3) Airspace Protection. Places where height and certain other land use characteristics, particularly uses that attract birds, need to be restricted in order to protect the airspace required for operation of aircraft to and from the airport.
 - (4) Overflight. Locations where aircraft overflights can be intrusive and annoying to many people.
- (b) Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are not addressed herein and are not factors that the ALUC shall consider in reviewing land use actions or airport projects.
- 1.3.3. *Stanislaus County*: An airport influence area can cross a county line. However, this *Compatibility Plan* is binding only within Merced County. Of the five airports listed in Policy 1.1.1,

Turlock Municipal is the only one whose influence area extends into another county—a small portion affects an unincorporated area of Stanislaus County.

1.4. Types of Actions Subject to ALUC Review

- 1.4.1. *Land Use Actions that Always Require ALUC Review:* As required by state law, prior to approving any of the following types of land use actions, the local agency (see Policy 1.2.16) must refer the action to the ALUC for determination of consistency with this *Compatibility Plan*:
- (a) The adoption or approval of any new general or specific plan or any amendment thereto that affects lands within an airport influence area (Public Utilities Code Section 21676(b)).
 - (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 land within an airport influence area (Public Utilities Code Section 21676(b)).
- 1.4.2. *Other Land Use Actions Potentially Subject to ALUC Review:* Other types of land use actions are subject to ALUC review under the following circumstances:
- (a) Until such time as (1) the ALUC finds that a local agency's general plan or specific plan is consistent with the *Compatibility Plan* or (2) the local agency has overruled the ALUC determination of inconsistency, state law allows the ALUC to require the local agency to refer all actions, regulations, and permits involving land within an airport influence area to the ALUC for review (Public Utilities Code Section 21676.5(a)). Only those actions that the ALUC elects not to review are exempt from this requirement. With regard to land uses within an airport influence area, ALUC policy is that only the major land use actions listed in Policy 1.4.3 shall be submitted for review.
 - (b) After a local agency has revised its general plan or specific plan to be consistent with this *Compatibility Plan* (see Section 3.1) or has overruled the ALUC, the ALUC no longer has authority under state law to require that all actions, regulations, and permits be referred for review. However, the ALUC and the local agency can agree that the ALUC should continue to receive, review, and comment upon individual projects.
 - (1) The ALUC requests local agencies to continue to submit major land use actions as listed in Policy 1.4.3. ALUC review of these types of projects can serve to enhance their compatibility with airport activity.
 - (2) Because the ALUC reviews of land use actions under these circumstances do not represent formal consistency determinations as is the case with actions submitted under Policies 1.4.1 or 1.4.2(a), local agencies are not required to adhere to the overruling process if they elect to approve a project without incorporating design changes or conditions recommended by the ALUC.
 - (c) Proposed redevelopment of a property for which the existing use is consistent with the general plan and/or specific plan, but nonconforming with the compatibility criteria set forth in this *Compatibility Plan*, shall be subject to ALUC review.
 - (1) This review requirement applies even if the general plan or specific plan has previously been reviewed by the ALUC and found to be consistent with this or a prior compatibility plan.

- (2) 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 5.5.2 and 5.5.3.)
 - (d) The California Environmental Quality Act (CEQA) requires environmental documents for projects situated within an airport influence area to evaluate whether the project would expose people residing or working in the project area to excessive levels of airport-related noise or to airport-related safety hazards (Public Resources Code Section 21096).
 - (1) In the preparation of such environmental documents, the law specifically requires that the *Airport Land Use Planning Handbook* published by the California Division of Aeronautic be utilized as a technical resource. For any project within an airport influence area, the compatibility criteria contained in this *Compatibility Plan* should also be addressed in the environmental document.
 - (2) Submittal of environmental documents for ALUC review is not mandatory. However, if an environmental document has been prepared for a land use action submitted to the ALUC for review, a copy should be provided as part of the submittal.
- 1.4.3. *Major Land Use Actions:* The scope or character of certain major land use actions, as listed below, is such that their compatibility with airport activity is a potential concern. Even though these actions may be basically consistent with the local general plan or specific plan, sufficient detail may not be known to enable a full airport compatibility evaluation at the time that the general plan or specific plan is reviewed. To enable better assessment of compliance with the compatibility criteria set forth herein, ALUC review of these actions may be warranted. The circumstances under which ALUC review of these actions is to be conducted are indicated in Policy 1.4.2 above. Actions not listed do not require review.
- (a) Any nonaviation use of land within Compatibility Zone A.
 - (b) Any proposed expansion of the sphere of influence of a city or special district.
 - (c) Proposed pre-zoning associated with future annexation of land to a city.
 - (d) Proposed development agreements or amendments to such agreements.
 - (e) Proposed residential development, including land divisions, consisting of 5 or more dwelling units or parcels.
 - (f) Any discretionary development proposal for projects having a building floor area of 20,000 square feet or greater unless only ministerial approval (e.g., a building permit) is required.
 - (g) Major capital improvements (e.g., water, sewer, or roads) which would promote urban uses in undeveloped or agricultural areas to the extent that such uses are not reflected in a previously reviewed general plan or specific plan.
 - (h) Proposed land acquisition by a government entity for any facility accommodating a congregation of people (for example, a school or hospital).

- (i) Proposed nonresidential development attracting concentrations of people which could potentially exceed the intensity limits established in Table 2A.
 - (j) Proposed redevelopment of a property that would increase the density or intensity from the existing use.
 - (k) Any proposed object (including buildings, antennas, and other structures) having a height that requires review by the Federal Aviation Administration in accordance with Part 77 of the Federal Aviation.
 - (l) Any project having the potential to create electrical or visual hazards to aircraft in flight, including:
 - (m) Electrical interference with radio communications or navigational signals;
 - (n) Lighting which could be mistaken for airport lighting;
 - (o) Glare in the eyes of pilots of aircraft using the airport; and
 - (p) Impaired visibility near the airport.
 - (q) Any project (e.g., water treatment facilities, waste transfer or disposal facilities, parks with open water areas) or plan (e.g., Habitat Conservation Plan) having the potential to cause an increase in the attraction of birds or other wildlife that can be hazardous to aircraft operations on or in the vicinity of an airport.
 - (r) Proposed nonaviation development of airport property if such development has not previously been included in an airport master plan or community general plan reviewed by the ALUC. (See Policy 1.2.7 for definition of *aviation-related use*.)
 - (s) Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.
 - (t) Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.
- 1.4.4. *Airport Planning and Development Actions Subject to ALUC Review*: Under state law, planning and development actions involving airport property are subject to ALUC review as follows:
- (a) Prior to approving either of the following types of airport planning and development actions, the airport owner must refer the action to the ALUC for determination of consistency with the *Compatibility Plan*.
 - (1) Adoption or modification of an airport master plan (Public Utilities Code Section 21676(c)).
 - (2) Any proposal for “expansion” of an existing airport or heliport if such expansion will require an amended Airport Permit from the state of California (Public Utilities Code Section 21664.5). As used in the statutes, “expansion” means construction of a new runway, extension or realignment of an existing runway, or related acquisition of land.
 - (3) Any proposal for a new airport or heliport whether for public use or private use (Public Utilities Code Section 21661.5) if the facility requires a state airport permit.
 - (b) Nonaviation development of airport property is not deemed to be a form of airport operations. Consequently, such development is subject to ALUC review just as is re-

quired for ALUC review of nonaviation development actions off airport property. The review may take place as part of an airport master plan or on an individual development project basis.

- 1.4.5. *Intercountry Coordination:* Where an airport influence area crosses the Merced County line, affected jurisdictions outside Merced County are asked to maintain coordination with the Merced County ALUC on airport land use compatibility issues. In particular:
- (a) The County of Stanislaus should inform the Merced County ALUC regarding proposed land use actions affecting the portion of the Turlock Municipal Airport influence area which lies within Stanislaus County jurisdiction (see Chapter 3, Section 5).
 - (b) The City of Turlock should inform the Merced County ALUC regarding any proposed development at the Turlock Municipal Airport that may have implications for off-airport land use compatibility.
 - (c) Any other county adjacent to Merced County or any city or other agency within such counties which may be considering proposed establishment or expansion of an airport within three miles (or heliport within one mile) of the Merced County boundary should inform the Merced County ALUC of such proposal.

1.5. Limitation of the ALUC and Compatibility Plan

- 1.5.1. *Government Agencies and Native American Tribes:* Lands within an airport influence area controlled by federal or state agencies or by Native American tribes are not subject to the provision of this *Compatibility Plan*.
- 1.5.2. *Airport Operations:* In accordance with state law, neither the ALUC nor this *Compatibility Plan* have authority over airport operations including where and when aircraft fly, the types of aircraft flown, and other such matters (Public Utilities Code Section 21674(e)). Furthermore, the ALUC and this *Compatibility Plan* have no authority over the planning or design of aviation-related uses except as described below (see Policy 1.2.7 for definition of an aviation-related use). ALUC authority applies only as indicated in Policy 1.4.4.
- 1.5.3. *Existing Land Uses:* In accordance with Public Utilities Code Section 21674(a), the policies of this *Compatibility Plan* do not apply to existing land uses, whether or not they are consistent with the *Compatibility Plan*. See Policy 1.2.12 for a list of qualifying criteria for determining what constitutes an existing land use.

2. REVIEW PROCESS

2.1. General

- 2.1.1. *Timing of Project Submittal:* The precise timing of the ALUC's or ALUC Secretary's review of a proposed land use action may vary depending upon the nature of the specific project.
- (a) In general, plans and projects should be referred to the ALUC at the earliest reasonable point in time so that the ALUC's review can be duly considered by the local agency prior to when the agency formalizes its actions. Depending upon the type of plan or project and the normal scheduling of meetings, ALUC review can be completed be-

fore, after, or concurrently with review by the local planning commission and other advisory bodies, but must be accomplished before final action by the local agency.

- (b) Although the most appropriate timing for a proposed land use action to be referred to the ALUC for review is soon after a formal application has been submitted to the local agency, the completion of a formal application with the local agency is not required prior to a local agency's referral of a proposed land use action to the ALUC. Rather, a project applicant may request, and the local agency may refer, a proposed land use action to the ALUC for review, so long as the local agency is able to provide the ALUC with the project submittal information for the proposal, as specified in Section 2.3.1 of this *Compatibility Plan*.
- 2.1.2. *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.
 - 2.1.3. *Fees:* Any applicable review fees as established by the ALUC shall accompany the submittal of actions for formal ALUC or ALUC Secretary review.

2.2. Review Process for Community Plans and Ordinances

- 2.2.1. *Initial ALUC Review of General Plan Consistency:* In conjunction with adoption or amendment of this *Compatibility Plan*, the ALUC shall review the general plans and specific plans of affected local jurisdictions to determine their consistency with the ALUC's policies.
 - (a) State law (Government Code Section 65302.3) requires that, within 180 days of the ALUC's adoption or amendment of this *Compatibility Plan*, each local agency affected by the plan must amend its general plan and any applicable specific plan to be consistent with the ALUC's *Compatibility Plan* or, alternatively, provide required notice, adopt findings, and overrule the ALUC in accordance with Public Utilities Code Section 21676(b).
 - (b) Prior to taking action on a proposed amendment of a general plan or specific plan as necessitated by Paragraph (a) of this policy, the local agency must submit a draft of the proposal to the ALUC for review and determination of consistency.
 - (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 agency must identify areas that it requests the ALUC to consider as infill in accordance with Policy 5.5.1 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/or applicable specific plans.
- 2.2.2. *Subsequent Reviews of Related Land Use Development Proposals:* Once a local agency's general plan and applicable specific plans have been made consistent with this *Compatibility Plan*, or the local agency has overruled an ALUC finding of inconsistency regarding those plans, subsequent land use development actions that are consistent both with those local plans and with any related ordinances and regulations also previously reviewed by the ALUC are subject to ALUC review only under the conditions indicated in Policies 1.4.2 and 2.3.6.
- 2.2.3. *Required Submittal Information:* Copies of the complete text and maps of the plan, ordinance, or regulation proposed for adoption or amendment must be submitted. Any supporting material documenting that the proposal is consistent with the *Compatibility Plan* should be

included. If the amendment is required as part of a proposed development project, then the information listed in Policy 2.3.1 shall also be included to the extent applicable.

- 2.2.4. *ALUC Action Choices:* When reviewing a general plan, specific plan, zoning ordinance, or building regulation for consistency with the *Compatibility Plan*, the ALUC 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 ALUC 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 ALUC shall note the specific conflicts or shortcomings upon which its determination is based.
- 2.2.5. *Response Time:* The ALUC must respond to a local agency's request for a consistency determination on a general plan, specific plan, zoning ordinance, or building regulation within 60 days from the date of submittal (Public Utilities Code Section 21676(d)).
- (a) The date of submittal is deemed to be the date on which all applicable project information as specified in Policy 2.2.3 is received by the ALUC Secretary and the ALUC Secretary determines that the application for a consistency determination is complete.
 - (b) If the ALUC fails to make a determination within the 60-day period, the proposed action shall be deemed consistent with the *Compatibility Plan*.
 - (c) The 60-day review period may be extended if the submitting agency or project applicant agrees in writing or so states at an ALUC public hearing on the action.
 - (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 referring agency shall be notified of the ALUC's action in writing.

2.3. Review Process for Major Land Use Actions

- 2.3.1. *Required Submittal Information:* A proposed major land use action submitted for ALUC (or ALUC Secretary) review shall include the following information:
- (a) Property location data (assessor's parcel number, street address, subdivision lot number).
 - (b) An accurately scaled map depicting the project site location in relationship to the airport boundary and runways.
 - (c) A description of the proposed use(s), current general plan and zoning designations, and the type of land use action being sought from the local agency (e.g., zoning variance, special use permit, building permit).
 - (d) If applicable, a detailed site plan and supporting data showing: site boundaries and size; existing uses that will remain; location of existing and proposed structures, open

spaces, and water bodies; ground elevations (above mean sea level) and elevations of tops of structures and trees. Additionally:

- (1) For residential uses, an indication of the potential or proposed number of dwelling units per acre (excluding any secondary units).
 - (2) For nonresidential uses, the total floor area for each type of proposed use, the number of auto parking spaces, and, if known, the number of people potentially occupying the total site or portions thereof at any one time.
- (e) Identification of any features, during or following construction, that would increase the attraction of birds or cause other wildlife hazards to aircraft operations on the airport or in its environs (see Policy 5.3.5(a)(6)). Such features include, but are not limited to the following:
- (1) Open water areas.
 - (2) Sediment ponds, retention basins.
 - (3) Detention basins that hold water for more than 48 hours.
 - (4) Artificial wetlands.
- (f) Identification of any characteristics that could create electrical interference, confusing or bright lights, glare, smoke, or other electrical or visual hazards to aircraft flight.
- (g) Any environmental document (initial study, draft environmental impact report, etc.) that may have been prepared for the project.
- (h) Any staff reports regarding the project that may have been presented to local agency decision makers.
- (i) Other relevant information that the ALUC or ALUC Secretary determine to be necessary to enable a comprehensive review of the proposed action.

2.3.2. *Review by ALUC Secretary:* The ALUC delegates the review and consistency determination of major land use actions under Policy 1.4.2(a) to the ALUC Secretary.

- (a) In reviewing these actions, the ALUC Secretary shall consult with the manager of the affected airport.
- (b) The ALUC Secretary has two choices of action with regard to the consistency determination of actions reviewed:
 - (1) Find that the proposed project does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in this plan. Upon said finding, the Secretary is authorized to approve such projects on behalf of the ALUC. The Secretary shall provide to the ALUC at its next regular meeting a list of all projects reviewed and the determination made.
 - (2) Find that the proposed project may be inconsistent with the *Compatibility Plan*. The Secretary shall forward any such project to the ALUC for a consistency determination.

2.3.3. *Appeal of ALUC Secretary's Action:* The affected local agency, project applicant, the airport owner, or other directly interested party may appeal to the ALUC a consistency determination made by the ALUC Secretary on a major land use action reviewed in accordance with Policy 1.4.2. The ALUC shall then review the proposed action, the Secretary's determination, and information supporting the appeal and make a final determination regarding the proposed action's consistency with the *Compatibility Plan*. Any appeal of the ALUC

Secretary's determination must be submitted within 30 days of the date the determination was issued.

2.3.4. *ALUC Action Choices:* When reviewing a major land use project proposal, the ALUC 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 ALUC 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 ALUC shall note the specific conflicts upon which the determination is based.

2.3.5. *Response Time:* In responding to major land use actions submitted for review, the policy of the ALUC is that:

- (a) When a major land use action is submitted for review on a mandatory basis as required by Policy 1.4.2(a):
 - (1) Reviews by the ALUC Secretary shall be completed within 30 days of the date of submittal.
 - (2) Reviews of projects forwarded to the ALUC for a consistency determination shall be completed within 60 days of the date of submittal.
 - (3) Reviews of projects appealed to the ALUC for a consistency determination shall be completed within 60 days of the date of the appeal.
 - (4) The date of submittal is deemed to be the date on which all applicable project information as specified in Policy 2.3.1 is received by ALUC Secretary and the ALUC Secretary determines that the application for a consistency determination is complete.
 - (5) If the ALUC Secretary or the ALUC fail to make a determination within the above time periods, the proposed action shall be deemed consistent with the *Compatibility Plan*.
- (b) When a major land use action is submitted on an optional basis in accordance with Policy 1.4.2(b), review by the ALUC Secretary and/or the ALUC should be completed in a timely manner enabling the comments to be considered by decision-making bodies of the submitting agency.
- (c) Regardless of action or failure to act on the part of the ALUC Secretary or the ALUC, the proposed action must comply with other applicable local, state, and federal laws and regulations.
- (d) The referring agency shall be notified of the ALUC Secretary's and/or the ALUC's action in writing.

2.3.6. *Subsequent Reviews of Related Land Use Development Proposals:* Once a project has been found consistent with the *Compatibility Plan*, it generally need not be referred for review at subsequent stages of the planning process (e.g., for a use permit after a zoning change has been reviewed). However, additional ALUC review is required 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 affects previously considered compatibility issues and could raise questions as to the validity of the earlier finding of consistency. Proposed changes warranting a new review include, but are not limited to, the following:
 - (1) For residential uses, an increase in the number of dwelling units;
 - (2) For nonresidential uses, a change in the types of proposed uses, an increase in the total floor area, and/or a change in the allocation of floor area among different types of uses in a manner that could result in an increase in the usage intensity (more people on the site) to a level exceeding the criteria set forth in this *Compatibility Plan*;
 - (3) An increase in the height of structures or other design features such that the height limits established herein would be exceeded or exceeded by a greater amount;
 - (4) Major site design changes (such as incorporation of clustering) to the extent that site design was an issue in the initial project review; and/or
 - (5) Any significant change to a proposed project for which a special exception was granted in accordance with Policy 5.5.7.
- (c) At the time of original *ALUC* review, conditions were placed on the project that require subsequent *ALUC* review.
- (d) The local agency concludes that further review is warranted.

2.4. Review Process for Airport Master Plans and Development Plans

2.4.1. *Required Submittal Information:* An airport master plan or development plan submitted to the *ALUC* for review shall contain sufficient information to enable the *ALUC* to adequately assess the noise, safety, airspace protection, and overflight impacts of airport activity upon surrounding land uses.

- (a) When a new or amended master plan is the subject of the *ALUC* review, the noise, safety, airspace protection, and overflight impacts should be addressed in the plan report and/or in an accompanying environmental document. Proposed changes in airport facilities and usage that could have land use compatibility implications should be noted. Although the *ALUC* does not have a formal responsibility to review the environmental document, a copy should be included with the submittal.
- (b) For airport development plans, the relationship to a previously adopted master plan or other approved plan for the airport should be indicated—specifically, whether the proposed development implements an adopted/approved plan or represents an addition or change to any such previous plan. Any environmental document prepared for the project should be included in the submittal.

- (c) For either airport master plans or development plans, the following specific information shall be included to the extent applicable:
 - (1) A layout plan drawing of the proposed facility or improvements showing the location of:
 - › Property boundaries;
 - › Runways or helicopter takeoff and landing areas;
 - › Runway or helipad protection zones; and
 - › Aircraft or helicopter approach/departure flight routes.
 - (2) A revised map of the airspace surfaces as defined by Federal Aviation Regulations Part 77 if the proposal would result in changes to these surfaces. The current configuration of the airport airspace surfaces for each airport is provided in Chapter 3.
 - (3) Updated 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. The effects of the proposed development on the forecast airport usage indicated in Chapter 4 of this *Compatibility Plan* should be described.
 - (4) Proposed flight track locations and projected noise contours. Differences from the flight track data and noise contours presented in Chapter 4 of this *Compatibility Plan* should be described.
 - (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) Identification and proposed mitigation of impacts on surrounding land uses to the extent that those impacts would be greater than indicated by the compatibility factors summarized in Chapter 4.

2.4.2. *ALUC Action Choices for Plans of Existing Airports:* When reviewing a proposed new or revised airport master plan or new development plans, the ALUC has three action choices (see Section 4 for policies pertaining to the substance of the ALUC review of airport plans):

- (a) Find the airport plan consistent with the *Compatibility Plan*.
- (b) Find the airport plan inconsistent with the *Compatibility Plan*.
- (c) Find the airport plan consistent with the *Compatibility Plan* with the condition that the *Compatibility Plan* is modified to reflect the assumptions and proposals of the airport plan or establish the intent to do so at a later date,

2.4.3. *ALUC Action Choices for Plans of New Airports or Heliports:* When reviewing proposals for new airports or heliports, the ALUC has three action choices:

- (a) Approve the proposal as being consistent with the specific review criteria listed in Section 4.2 and, if required, either adopt a *Compatibility Plan* for that facility or establish the intent to do so at a later date. State law requires adoption of such a plan if the airport or heliport will be a public-use facility (State Aeronautics Act Section 21675(a)).
- (b) Approve the proposal on the condition that a *Compatibility Plan* is adopted for that facility.

- (c) Disapprove the proposal on the basis that the noise, safety, airspace protection, and overflight impacts it would have on surrounding land uses are not adequately mitigated.
- 2.4.4. *Response Time*: The ALUC must respond to the submittal of an airport master plan or development plan within 60 days from the date of submittal (Public Utilities Code Section 21676(d)).
- (a) If the ALUC fails to make a determination within the specified period, the proposed action shall be deemed consistent with the *Compatibility Plan*.
 - (b) Regardless of ALUC action or failure to act, the proposed action must comply with other applicable local, state, and federal regulations and laws.
 - (c) The airport owner shall be notified of the ALUC's action in writing.

2.5. Overruling the ALUC

- 2.5.1. *ALUC Determination of "Incompatible"*: In accordance with (Public Utilities Code Sections 21676(a), (b), and (c)), if the ALUC determines that a proposed project is inconsistent with the *Compatibility Plan*, the local agency shall be notified and the governing body of that agency has the option under state law to overrule the ALUC decision.
- 2.5.2. *Specific Findings by Local Agency*: A local agency can proceed with adoption or amendment of a general plan or specific plan, adoption or approval of a zoning ordinance or building regulation, or modification of an airport master plan (Public Utilities Code Sections 21676(a), (b), and (c)) or, under conditions specified in Section 1.4.2(a), a major land use action (Public Utilities Code Section 21676.5(a)) affecting the airport influence area in spite of an ALUC finding that the action is inconsistent with this *Compatibility Plan*. However, the local agency must make specific findings that the proposed local action is consistent with the purposes of Article 3.5 of the California Public Utilities Code, as stated in Section 21670. Such findings may not be adopted as a matter of opinion, but must be supported by substantial evidence. Specifically, the governing body of the local agency must make specific findings that the proposed project will not:
- (a) Impair the orderly, planned expansion of the airport;
 - (b) Adversely affect the utility or capacity of the airport (such as by reducing instrument approach procedure minimums); or
 - (c) Expose the public to excessive noise and safety hazards.
- 2.5.3. *Notification and Voting Requirements*: In accordance with California law, the local agency must do all of the following:
- (a) Provide to the ALUC and the California Division of Aeronautics a copy of the proposed decision and findings to overrule the ALUC at least 45 days prior to the hearing date.
 - (b) Hold a public hearing on the matter. The public hearing shall be publicly noticed consistent with the agency's established procedures.
 - (c) Include in the public record of any final decision to overrule the ALUC comments received from the ALUC, California Division of Aeronautics, Federal Aviation Administration (FAA) and/or the public.

- (d) Make a decision to overrule the ALUC by a two-thirds vote of its governing body.
- 2.5.4. *Liability*: If a local agency other than the airport owner overrules the ALUC, the local agency owning and operating 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” (Public Utilities Code Sections 21678 and, with slightly different wording, 21675.1(f))

3. COMPATIBILITY CRITERIA FOR LAND USE ACTIONS

3.1. Basic Criteria

- 3.1.1. *Evaluating Compatibility of New Development*: The compatibility of a land use proposal within an airport influence area shall be evaluated in accordance with:
- (a) The criteria listed in Table 2A, Compatibility Criteria;
 - (b) The specific noise, safety, airspace protection, overflight policies, and special compatibility policies set forth in Section 5; and
 - (c) The Compatibility Policy and Airspace Protection maps presented in Chapter 3 for each airport.
- 3.1.2. *Compatibility Criteria Table*: Table 2A, Compatibility Criteria, lists general land use categories and indicates each use as being “normally compatible,” “conditional,” or “incompatible” depending upon the compatibility zone in which it is located.
- (a) The meaning of these terms is as follows:
 - (1) “Normally Compatible” means that normal examples of the use are compatible with the airport; atypical examples of the use may require review to ensure compliance with compatibility criteria.
 - (2) “Conditional” means that the use is compatible if the listed conditions are met.
 - (3) “Incompatible” means that the use should not be permitted under any circumstances. Exceptions to an “incompatible” designation may only be made if site-specific special conditions exist. See Policy 5.5.7.
 - (b) The indicated compatibility status of each land use category considers noise, safety, and airspace protection compatibility concerns. Certain land uses are more sensitive to one of these concerns than to others. Each use’s degree of sensitivity to the individual compatibility concerns is shown in Appendix D.
 - (c) In addition to satisfying the general compatibility criteria defined in Table 2A, land use actions also must comply with the specific noise, safety, airspace protection, and overflight policies set forth in Sections 5.1 through 5.5.
 - (d) Land uses not specifically listed shall be evaluated using the criteria for similar listed uses.
 - (1) Multiple land use categories and the compatibility criteria associated with them may apply to a project. When evaluating a proposed development, each component land use (e.g., warehouse, industrial, office) of a project shall be evaluated as

a separate development and shall individually satisfy the criteria for the respective land use category in Table 2A.

- (2) An ancillary use making up 10% of the total floor area may be excluded from the intensity calculation.

3.1.3. *Compatibility Maps:* The Compatibility Policy and Airspace Protection maps in Chapter 3 delineate the geographic areas around each airport within which the compatibility criteria in Table 2A are to be applied. Each map divides that airport's influence area into up to six compatibility zones. Where an airport influence area overlaps another's, the land use controls for the most stringent compatibility zone shall be applied. Delineation of the compatibility zone boundaries takes into account all four compatibility concerns—noise, safety, airspace protection, and overflight. Table 2B, Compatibility Factors describes the magnitude of the airport impacts occurring within each compatibility zone.

3.2. General Plan Consistency with Compatibility Plan

3.2.1. *General Plan Consistency:* In order for a general plan to be considered consistent with this *Compatibility Plan*, the following must be accomplished (see Chapter 1 and Appendix E for additional guidance):

3.2.2. *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 Table 2A 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 1.4.2(c). To ensure that nonconforming uses do not become more nonconforming, either general plans or implementing documents must include policies setting limitations on expansion and reconstruction of nonconforming uses located within an airport influence area consistent with Policies 5.5.2 and 5.5.3.
- (c) To be consistent with the *Compatibility Plan*, a general plan and/or implementing ordinance also must include provisions ensuring long-term compliance with the compatibility criteria. 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.

3.2.3. *Establishment of Review Process:* Local agencies 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 this *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 agency's general plan, specific plan, zoning ordinance, and/or other development regulations that

the ALUC has previously found consistent with this *Compatibility Plan* and that the development's subsequent use or reuse will remain consistent with the policies herein over time. Additionally, consistency with other applicable compatibility criteria—e.g., usage intensity, height limitations, aviation 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 ALUC for review in accordance with the policies of Section 2.3.

4. COMPATIBILITY CRITERIA FOR AIRPORT PLANS

4.1. Review Criteria for Airport Plans of Existing Airports

4.1.1. *Substance of Review:* In accordance with state law, any new or amended airport master plan or development plan is subject to ALUC review for consistency with this *Compatibility Plan* (see Policy 1.4.4(a)). In conducting any such review, the ALUC shall evaluate whether the airport plan would result in greater noise, safety, airspace protection, or overflight impacts than indicated in this *Compatibility Plan*. Attention should specifically focus on:

- (a) Proposals for facilities or procedures not assumed herein, specifically:
 - (1) Construction of a new runway or helicopter takeoff and landing area.
 - (2) Change in the length, width, or landing threshold location of an existing runway.
 - (3) Establishment of an instrument approach procedure that changes the approach capabilities at a particular runway end.
 - (4) Modification of the flight tracks associated with existing visual or instrument operations procedures.
- (b) Proposed changes in the role or character of use of the airport.
- (c) New activity forecasts that are: (1) significantly higher than those used in developing the noise contour maps in Chapter 4; or (2) assume a higher proportion of larger or noisier aircraft.

4.1.2. *Noise Impacts of Airport Expansion:* Any proposed expansion of airport facilities 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. For the purposes of this plan, a noise increase shall be considered significant if:

- (a) In locations having an existing ambient noise level of CNEL 55 dB or less, the project would increase the noise level by 3.0 dB or more.
 - (b) In locations having an existing ambient noise level of more than CNEL 55 dB, the project would increase the noise level by 1.5 dB or more.
- 4.1.3. *Consistency Determination:* The ALUC shall determine whether the proposed airport plan or development plan is consistent with this *Compatibility Plan*. The ALUC shall base its determination of consistency on:
- (a) Findings that the development and forecasts identified in the airport plan would not result in greater noise, safety, airspace protection, or overflight impacts on surrounding land uses than are assumed in this *Compatibility Plan*.
 - (b) Consideration of:
 - (1) Mitigation measures incorporated into the plan or project to reduce any increases in the noise, safety, airspace protection, and overflight impacts to a less-than-significant level in accordance with provisions of CEQA; or
 - (2) In instances where the impacts cannot be reduced to a less-than-significant level, a statement of overriding considerations approved by the project proponent in accordance with provisions of CEQA.
 - (c) 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 1.2.7 for definition of aviation-related use).

4.2. Review Criteria for Proposed New Airports and Heliports

- 4.2.1. *Substance of Review:* In reviewing proposals for new airports and heliports, the ALUC shall focus on the noise, safety, airspace protection, and overflight impacts upon surrounding land uses.
- (a) Other types of environmental impacts (e.g., air quality, water quality, natural habitats, vehicle traffic, etc.) are not within the scope of ALUC review.
 - (b) The ALUC shall evaluate the adequacy of the proposed facility design (in terms of federal and state standards) only to the extent that the design affects surrounding land use.
 - (c) The ALUC must base its review on the proposed airfield design. The ALUC does not have the authority to require alterations to the airfield design.
- 4.2.2. *Airport/Land Use Relationship:* The review shall examine the relationships between existing and planned land uses in the vicinity of the proposed airport or heliport and the impacts that the proposed facility would have upon these land uses. Questions to be considered should include:
- (a) Would the existing or planned land uses be considered incompatible with the airport or heliport if the later were already in existence?
 - (b) What measures are included in the airport or heliport proposal to mitigate the noise, safety, airspace protection, and overflight impacts on surrounding land uses? Such measures might include: (1) location of flight tracks so as to minimize the impacts; (2)

other operational procedures to minimize impacts; (3) installation of noise barriers or structural noise insulation; (4) acquisition of property interests (fee title or easements) on the impacted land.

5. SPECIFIC COMPATIBILITY CRITERIA

The compatibility of proposed land uses within an airport influence area of shall be evaluated in accordance with the noise, safety, airspace protection, and overflight policies set forth in this section. Additional policies in Section 5.5 may also apply.

5.1. Noise Criteria

- 5.1.1. *Policy Objective:* The purpose of noise compatibility policies is to avoid establishment of noise-sensitive land uses in the portions of the airport environs that are exposed to significant levels of aircraft noise.
- 5.1.2. *Measures of Noise Exposure:* The magnitude of the exposure of lands around an airport to airport-related noise shall primarily be described in terms of Community Noise Equivalent Level (CNEL). In accordance with Policy 5.1.6, single-event noise levels may also be considered in assessing the compatibility of highly noise-sensitive land uses (see Policy 1.2.19 for definition).
- (a) The noise contours shall depict the greatest annualized noise impact, measured in terms of CNEL, anticipated to be generated by the airport over the planning time frame. In accordance with state law, the planning time frame utilized in this *Compatibility Plan* extends at least 20 years into the future.
 - (b) The noise contours depicted in Chapter 4 for each airport and considered in this *Compatibility Plan* are based upon data supplied by each airport operator. The data is summarized in Chapter 4. The ALUC should periodically review the projected CNEL contours and update them if appropriate.
- 5.1.3. *Factors Considered in Setting Noise Compatibility Criteria:* 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.
 - (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 5.1.5.
- 5.1.4. *Maximum Acceptable Exterior Noise Exposure:* To minimize noise-sensitive development in noisy areas around an airport, new land use development shall be restricted in accordance with the following.

- (a) The maximum CNEL considered normally acceptable for residential uses in the vicinity of an airport is 60 dB.
 - (1) For the purposes of implementing this policy, no new dwelling shall be permitted within Compatibility Zone A. The maximum density of residential uses in the other Compatibility Zones is as indicated in Table 2A.
 - (2) On parcels within Compatibility Zones B1 or B2 where residential uses are permitted by county or city zoning, the site of any new dwelling should be outside of these zones when feasible.
 - (b) New nonresidential development shall be deemed incompatible in locations where the airport-related noise exposure would be highly disruptive to the specific land use. The specific limitations are listed in Table 2A.
- 5.1.5. *Maximum Acceptable Interior Noise Levels:* To the extent that the criteria in Table 2A or other policies herein permit any of the following land uses within the Compatibility Zones B1 or B2, land uses for which interior activities may be easily disrupted by noise shall be required to comply with the following interior noise level criteria.
- (a) The maximum, aircraft-related, interior noise level that shall be considered acceptable for land uses near airports is:
 - (1) CNEL 45 dB in:
 - › Any habitable room of single- or multi-family residences;
 - › Hotels, motels, short-term or long-term lodging dormitories;
 - › Family day care homes; and
 - › Nursing homes or other congregate care facilities.
 - (2) CNEL 50 dB in:
 - › Places of worship, meeting halls, theaters, and mortuaries;
 - › Schools, libraries, and museums;
 - › Offices and office areas of retail or industrial facilities;
 - › Miscellaneous other uses as listed in Table 2A.
 - (b) When structures are part of a proposed land use action, evidence that proposed structures will be designed to comply with the criteria in Paragraph (a) of this policy shall be submitted to the responsible jurisdiction.
 - (c) Exceptions to the interior noise level criteria in Paragraph (a) of this policy may be allowed where evidence is provided that the indoor noise generated by the use itself exceeds the listed criteria.
- 5.1.6. *Single-Event Noise Levels:* Single-event noise levels should be considered when evaluating the compatibility of highly noise-sensitive land uses such as residences, schools, libraries, and outdoor theaters. Susceptibility to speech interference and sleep disturbance are among the factors that make certain land uses noise sensitive. Acoustical studies or on-site noise measurements may be required to assist in determining the compatibility of sensitive uses. Single-event noise levels are especially important in areas that are regularly overflowed by aircraft, but that do not produce significant CNEL contours (helicopter overflight areas are a particular example). Flight patterns for an airport should be considered in the review process including in locations beyond the mapped noise contours. The compatibility evaluations in Table 2A reflect single-event noise concerns.

5.2. Safety Criteria

- 5.2.1. *Policy Objective:* The intent of land use safety compatibility criteria is to minimize the risks associated with an off-airport aircraft accident or emergency landing. The policies focus on reducing the potential consequences of such events when they occur. Risks both to people and property in the vicinity of an airport and to people on board the aircraft shall be considered. (Note that land use features that can be the *cause* of an aircraft accident are addressed under Airspace Protection, Section 5.2.11.)
- 5.2.2. *Measures of Risk Exposure:* For the purposes of this *Compatibility Plan*, the risk that potential aircraft accidents pose to lands around each airport shall be defined in terms of the geographic distribution of where accidents are most likely to occur. Because aircraft accidents are infrequent occurrences, the pattern of accidents at any one airport cannot be used to predict where future accidents are most likely to happen around that airport. Reliance must be placed on data about aircraft accident locations at similar airports nationally, refined with respect to information about the types and patterns of aircraft usage at the individual airport. This methodology, as further described in Appendix C, is a factor in delineation of the compatibility zones for each airport.
- 5.2.3. *Factors Considered in Setting Safety Compatibility Criteria:* The principal factors considered in setting criteria applicable within each compatibility zone are:
- (a) The safety component of the compatibility zones for the airport is based upon general aviation accident data and analyses provided in the *California Airport Land Use Planning Handbook*.
 - (b) The locations, delineated with respect to the airport runway, where aircraft accidents near general aviation airports typically occur and the relative concentration of accidents within these locations. The most stringent land use controls shall be applied to the areas with the greatest potential risks.
 - (c) The runway length, approach categories, normal flight patterns, and aircraft fleet mix at the airport. These factors are reflected in the compatibility zone shapes and sizes.
- 5.2.4. *Residential Development Criteria:* In determining compliance with the residential density limits in Table 2A, the following factors shall be considered.
- (a) For projects that are solely residential, the acreage evaluated equals the project site size which may include multiple parcels. See Policy 5.2.7 with regard to mixed-use development.
 - (b) The maximum allowable residential densities indicated in Table 2A are intended to include density bonuses and any other bonuses or allowances that local agencies may provide for affordable housing developed in accordance with the provisions of state and/or local law or regulation. The overall density of a development project, including any bonuses or allowances, must comply with the allowable density criteria in Table 2A.
 - (c) Secondary units, as defined by state law, shall be excluded from density calculations.
- 5.2.5. *Nonresidential Development Criteria:* The usage intensity (people per acre) limits indicated in Table 2A for each compatibility zone are the fundamental criteria against which the safety compatibility of all nonresidential land uses shall be measured. Additional criteria may be applicable to certain uses, particularly uses of special concern (see Policy 5.2.6).

- (a) Table 2A sets usage intensity (people/acre) limits measured with respect to both a project site as a whole and any single acre within the site. Proposed development must comply with both limits.
- (b) The usage intensity criteria indicated at the top of Table 2A are applicable to all non-residential development including uses indicated as “Normally Compatible” (green cells). These uses are ones which normally can be expected to be capable of meeting the intensity criteria. However, atypical examples may require review to ensure compliance.
- (c) Guidance on calculating nonresidential usage intensities is provided in Policies 5.2.9 and 5.2.10.

5.2.6. *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 and the nature of the concern are listed below. Table 2A indicates the criteria applicable to these uses. In some cases, these uses are not allowed in portions of the airport environs regardless of the number of occupants associated with the use. In other instances these uses should be avoided, i.e., allowed only if an alternative site outside the zone would not serve the intended function. When the use is allowed, special measures should be taken to minimize hazards to the facility and occupants if the facility were to be struck by an aircraft.

- (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 are:
 - (1) Children’s schools (grades K–12).
 - (2) Day care centers (facilities with 15 or more children, as defined in the California Health and Safety Code).
 - (3) Hospitals, health care centers, and similar facilities, especially where patients remain overnight.
 - (4) Nursing homes.
 - (5) Inmate facilities.
- (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. Facilities in this category include:
 - (1) Facilities such as oil refineries and chemical plants that manufacture, process, and/or store bulk quantities of hazardous materials generally for shipment elsewhere.
 - (2) Facilities associated with otherwise compatible land uses where hazardous materials are stored in smaller quantities primarily for on-site 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. Among these facilities are:
 - (1) Emergency services facilities such as police and fire stations.
 - (2) Emergency communications facilities; power plants, and other utilities.

- 5.2.7. *Mixed-Use Development*: Projects involving a mixture of residential and nonresidential uses shall be evaluated as follows:
- (a) Where the residential and nonresidential uses are proposed to be situated on separate parts of the project site, the project shall be evaluated as separate developments. Each component of the project must meet the criteria for the respective land use category in Table 2A. Specifically, the residential density shall be calculated with respect to the area(s) to be devoted to residential development and the nonresidential intensity calculated with respect to the area(s) proposed for nonresidential uses. This provision means that the residential density cannot be averaged over the entire project site when nonresidential uses will occupy some of the area. The same limitation applies in reverse—that is, the nonresidential intensity cannot be averaged over an area that includes residential uses.
 - (b) 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 also must meet the criteria for each land use category to be included in the development. Additionally, for the purposes of compliance with usage intensity criteria in Table 2A, the normal occupancy of the residential component shall be added to that of the nonresidential portion and the total occupancy shall be evaluated with respect to the nonresidential usage intensity criteria cited in Table 2A. The ALUC may make exceptions to this provision if the residential and nonresidential components of the development would clearly not be simultaneously occupied to their maximum intensities.
- 5.2.8. *Limits on Clustering*: 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 can be desirable from an airport land use safety compatibility perspective if more places where an aircraft can attempt an emergency landing potentially remain. However, clustering can pose greater risks that an 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 established in Table 2A in the form of single-acre intensity limits. See Policy 5.2.10 for guidance on calculating single-acre intensity limits.
- 5.2.9. *Calculating Nonresidential Sitewide Average Usage Intensity*: Various methods are available by which usage intensities may be calculated (see Appendix E). The ALUC shall normally use the floor area ratio (FAR) methodology described in Paragraph (a) unless the character of the use dictates a different methodology as noted in Paragraph (b) or an alternative method has been agreed upon with the affected local agency in accordance with Paragraph (c). Regardless of the method used, 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. The usage intensity criteria of this *Compatibility Plan* are based upon a normal peak-period occupancy, not on the highest attainable occupancy.
- (a) *Calculation Using FAR*. For many of the land use categories listed in Table 2A, the normal occupancy load factor (number of square feet per person) and a floor area ratio (FAR) limit are indicated. These numbers are interrelated with the intensity limits (number of people per acre) based upon the presumed occupancy load factor (number of square feet per occupant) for the particular use and are intended as an aid in calculating the usage intensity of nonresident uses. The indicated FARs do not take prece-

dence over the requirement for all projects to comply with the intensity limit stated for the respective compatibility zones.

- (1) For single-use projects, the FAR limits indicated in Table 2A may be directly applied to determine compliance with the average-acre usage intensity limits.
 - (2) The sitewide average usage intensity of a project having multiple uses can be calculated by:
 - › Dividing the number of square feet of each component use by the FAR-associated number of square feet per person (occupancy load) assumed for that use as indicated in Table 2A;
 - › Adding together the number of people for each component use; and
 - › Dividing the total number of people by the total number of acres of the project site to get the sitewide average intensity.
- (b) Calculation Where FAR Is Not Indicated. Where occupancy load factors are not indicated in the table or if the assumed occupancy load factor for a particular proposal or component thereof is not applicable to the project, then the number of occupants must be estimated in another manner—for example, the number of seats and employees at a restaurant or the number of parking spaces times the vehicle occupancy for an industrial plant.
- (c) Local Agency Use of Alternative Calculation Methods. In conjunction with modifying its general plan for consistency with this *Compatibility Plan* or as part of a separate ordinance or other adopted policy, a local agency may propose an alternative method for measuring compliance with the usage intensity limits. For example, a method based upon the agency's parking space requirements may be used together with an assumed number of people per vehicle as a means of determining the number of occupants for uses that are vehicle oriented (this method would not be suitable for land uses where many users arrive by transit, bicycle, or other means of transportation). The ALUC shall evaluate the proposed method to determine whether it would provide an equivalent intensity outcome to that of the floor area ratio method. If no alternative method has been agreed upon, the ALUC shall use the floor area ratio method in evaluating individual development proposals.

5.2.10. *Calculation of Single-Acre Intensity:* The single-acre intensity limits indicated in Table 2A apply to the most intensively used portions of a development site. Calculation of the single-acre intensity depends upon the building footprint and site sizes and the distribution of activities on the site.

- (a) For sites less than 1.0 acre, the single-acre intensity equals the total number of people on the site divided by the site size.
- (b) For sites more than 1.0 acre and a building footprint less than 1.0 acre, the single-acre intensity equals the total number of building occupants divided by the site size unless the project includes substantial outdoor occupancy in which case such usage should be taken into account.
- (c) For sites having both site size and building footprint of more than 1.0 acre, the single-acre intensity shall normally be calculated as 1.0 divided by the building footprint in acres times the total number of building occupants. However, if the occupancy of the building is concentrated in one area—the office area of a large warehouse, for example—then the occupants of that area shall be included in the single-acre calculation.

- (d) The 1.0-acre areas to be evaluated shall normally match the building footprints provided that the buildings are generally rectangular and not elongated in shape and, for buildings larger than 1.0 acre, may represent a portion of the building.
- 5.2.11. *Parcels Lying within Two or More Compatibility Zones:* For the purposes of evaluating consistency with the compatibility criteria in Table 2A, any parcel that is split by compatibility 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 transferred to the less restricted portion. This transfer of development is permitted even if the resulting density or intensity in the less restricted area would then exceed the average-acre limits which would otherwise apply within that compatibility zone. The single-acre limits still apply and must not be exceeded.
- 5.2.12. *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.
- (a) To qualify as open land, an area should be:
- (1) 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.
- (b) Roads and automobile parking lots are acceptable as open land areas if they meet the above criteria.
- (c) Open land requirements for each compatibility zone are to be applied with respect to the entire zone. Individual parcels may be too small to accommodate the minimum-size open area requirement. Consequently, the identification of open land areas should initially be accomplished at the general plan or specific plan level or as part of large (10 acres or more) development projects.
- (d) Clustering of development, subject to the limitations noted in Policy 5.2.8, and providing contiguous landscaped and parking areas is encouraged as a means of increasing the size of open land areas.
- (e) Building envelopes and the airport compatibility zones should be indicated on all development plans and tentative maps for projects of 10-acres or more located within the influence area. Of airports covered by this *Compatibility Plan*. Portraying this information is intended to assure that individual development projects satisfy the open land requirements of each compatibility zone.

5.3. Airspace Protection Criteria

- 5.3.1. *Policy Objective:* Airspace protection compatibility policies seek to prevent creation of land use features that can be hazards to the airspace required by aircraft in flight and have the potential for causing an aircraft accident to occur.

- 5.3.2. *Measures of Hazards to Airspace:* In evaluating the airspace protection compatibility of proposed development near an airport, three categories of hazards to airspace shall be taken into account: physical, visual, and electronic.
- (a) Three types of physical hazards are a concern to aviation.
 - (1) The height of structures and other objects situated near the airport are a primary determinant of physical hazards to the airport airspace.
 - (2) Land use features that have the potential to attract birds and certain other wildlife to the airport area are also to be evaluated as a form of physical hazards.
 - (3) Thermal plumes, such as from power plants, can constitute invisible hazards to flight.
 - (b) Visual hazards of concern include certain types of lights, sources of glare, and sources of dust, steam, or smoke.
 - (c) Electronic hazards are ones that may cause interference with aircraft communications or navigation.
- 5.3.3. *Factors Considered in Setting Airspace Protection Compatibility Criteria:* In establishing airspace protection policies, the ALUC relies upon regulations enacted by the Federal Aviation Administration (FAA) 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, especially airspace obstructions, can be assessed. However, the agency has no authority to prevent creation of such hazards. That authority rests with state and local government.
 - (b) State airspace protection standards mostly mirror those of the FAA. A key difference is that state law gives the California Department of Transportation, Division of Aeronautics and local agencies the authority to enforce the standards.
- 5.3.4. *Airspace Obstruction Criteria:* The criteria for determining the acceptability of a project with respect to height shall be based upon the standards set forth in Federal Aviation Regulations (FAR) Part 77, Subpart C, *Objects Affecting Navigable Airspace*, and applicable airport design standards published by the FAA. Additionally, where an FAA aeronautical study of a proposed object has been required as described in Policy 5.3.6, the results of that study shall be taken into account by the ALUC and the local agency.
- (a) Except as provided in Paragraphs (b) and (c) of this policy, no object, including a 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 each airport in Chapter 3. Any object that penetrates one of these surfaces is, by FAA definition, deemed an *obstruction*.
 - (b) Within the primary surface and beneath the approach or transitional surfaces, objects shall be limited in height consistent with the airspace protection surfaces defined by FAR Part 77 criteria. Elsewhere within the airspace protection area, no object shall be limited to a height of less than 35 feet above the ground even if the object would penetrate an FAR Part 77 surface and thus constitute an obstruction.

- (c) Except as allowed under Paragraph (b), no proposed object having a height greater than 35 feet above the ground and that exceeds the airport's airspace protection surface shall be allowed unless *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);
 - › 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 aviation easement is dedicated to the jurisdiction owning the airport in accordance with Policy 5.5.6.
 - (5) The proposed project/plan complies with all other policies of this *Compatibility Plan*.

5.3.5. *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 an airport shall not be allowed within the airport influence area unless 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 structures 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 pilots' vision;
 - (4) Sources of steam or other emissions that cause thermal plumes or other forms of unstable air;
 - (5) Sources of electrical interference with aircraft communications or navigation; and
 - (6) Any proposed use that creates an increased attraction for wildlife and that is inconsistent with FAA rules and regulations including, but not limited to, FAA Order 5200.5A, *Waste Disposal Sites on or Near Airports*, and Advisory Circular 150/5200-33, *Hazardous Wildlife Attractants On or Near Airports*. Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight.
- (b) To resolve any uncertainties with regard to the significance of the above types of flight hazards, local agencies should consult with FAA officials, California Division of Aeronautics and airport management.

- 5.3.6. *Requirements for FAA Notification of Proposed Construction or Alteration:* If a project contains proposed structures or other objects that may exceed the height standards defined in FAR Part 77, Subpart C, as applied to each Airport, the project proponent must submit notification of the proposal to the FAA where required by the provisions of FAR Part 77, Subpart B, and by the California Public Utilities Code, Sections 21658 and 21659. 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. The FAA notification requirements apply to all objects including structures, antennas, trees, mobile objects, and temporary objects such as construction cranes.

(Note: 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. Furthermore, in addition to the notification requirements pertaining to the Airport, FAR Part 77, Subpart B, requires notification be submitted regarding any proposal for construction or alteration of a structure, including antennas, taller than 200 feet above the ground level at the site regardless of proximity to any airport.)

- (a) The boundary of the FAA notification area for each airport addressed by this *Compatibility Plan* is depicted on the respective Airspace Protection map in Chapter 3. Portions of the FAA notification area for an airport may extend beyond the airport influence area as depicted on the Compatibility Map for that airport in Chapter 3.
 - (b) The local agency having jurisdiction over the project site shall inform the project proponent of the requirements for notification to the FAA.
 - (c) Any proposed development project that includes construction of a structure or other object and that is required to be submitted to the ALUC for a consistency review in accordance with Policies 1.4.1 or 1.4.2 shall include a copy of the completed FAR Part 77 notification form submitted to the FAA, if applicable, and of the resulting FAA findings from its aeronautical study (i.e., notice of determination letter).
- 5.3.7. *ALUC Review:* The requirement for notification to the FAA shall not by itself trigger an airport compatibility review of an individual project by the ALUC. If the general plan of the local agency in which the project is to be located has been determined by the ALUC to be consistent with this *Compatibility Plan*, then no ALUC review is required. If the general plan has not been made consistent, then the proposed project must be submitted to the ALUC for review (see Policies 1.4.2(a) and 1.4.3).

5.4. Overflight Criteria

- 5.4.1. *Policy Objective:* Noise from individual aircraft operations, especially by comparatively loud aircraft, can be intrusive and annoying in locations beyond the limits of the noise impacts addressed by the policies in Section 5.1. Sensitivity to aircraft overflights varies from one person to another.
- (a) 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.
 - (b) Unlike the function of the noise, safety, and airspace protection compatibility policies in this *Compatibility Plan*, overflight compatibility policies do not restrict the manner in

which land can be developed or used. The policies serve only to establish the form and requirements for notification about airport proximity and aircraft overflights to be given in conjunction with local agency approval of new development and with certain real estate transactions involving existing development.

- 5.4.2. *Measures of Overflight Exposure:* The loudness of individual aircraft noise events is a key determinant of where airport proximity and aircraft overflight notification is warranted. The FAA has determined that overflight exposure is not significant where aircraft are flying at an altitude of 3,000 feet or more above ground level. The outer boundary of the influence area for each airport represents the overflight exposure boundary. The overflight boundary is drawn to encompass locations where aircraft approaching and departing the airport typically fly at altitudes ranging from the runway elevation up to slightly above the traffic pattern altitude.
- 5.4.3. *Factors Considered in Setting Overflight Compatibility Criteria:* These factors include:
- (a) Limitations of ALUC authority over existing land uses. To be most effective, overflight policies should apply to transactions involving existing land uses, not just future development. However, the ALUC only has authority to set requirements for new development and to define the boundaries within which real estate transfer disclosure under state law is appropriate.
 - (b) Limitations of state real estate transfer disclosure law. State law applies to existing development, but not to all transactions (see Policy 5.4.4).
 - (c) Need for continuity of notification to future property owners and tenants. To the extent that the ALUC sets notification requirements for new development, the policy should ensure that the notification runs with the land and is provided to prospective future owners and tenants.
 - (d) Inappropriateness of avigation easement dedication solely for buyer awareness purposes. Avigation easements involve conveyance of property rights from the property owner to the party owning the easement and are thus best suited to locations where land use restrictions for noise, safety, or airspace protection purposes are necessary. Property rights conveyance is not needed for buyer awareness purposes.
- 5.4.4. *Recorded Overflight Notification:* As a condition for local agency approval of residential land use development anywhere within an airport influence area, an overflight notification shall be recorded.
- (a) A separate recorded overflight notification is not required where an avigation easement (see Policy 5.5.6) is provided.
 - (b) The notification shall contain the language dictated by state law with regard to real estate transfer disclosure (see Policy 5.4.5(c)) and shall adhere to a format similar to that indicated in Appendix F.
 - (c) The notification shall be evident to prospective purchasers of the property and shall appear on the property deed.
 - (d) Recording of an overflight notification is not required for nonresidential development.
- 5.4.5. *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. In general, airport proximity disclosure is required with existing residential property transfer only when certain natural conditions (earthquake, fire, or flood hazards) warrant disclosure.
- (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.” The area within which the ALUC deems airport proximity disclosure to be appropriate for each airport is identified on the respective Compatibility Map provided in Chapter 3.
- (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.

5.4.6. *ALUC Policy Regarding Real Estate Transfer Disclosure:* For the purposes of this *Compatibility Plan*:

- (a) The disclosure provisions of state law as described in Policy 5.4.5 are deemed mandatory for *new* residential development and shall continue in effect as a policy of this *Compatibility Plan* even if the state law is made less stringent or rescinded.
- (b) The disclosure language to be used shall be as indicated in state law.
- (c) Although not required by state law, the policy of this *Compatibility Plan* is that airport proximity disclosure *should* be provided as part of *all* real estate transactions (sale, lease, or rental) involving residential property anywhere within an airport influence area.
- (d) Signs providing airport proximity notice should be prominently posted in the real estate sales office and/or other key locations at any new development within an airport influence area and airport proximity information should be available in the appropriate county/city offices.
- (e) It is not the responsibility of either the ALUC or local agencies to enforce real estate transfer disclosure with regard to the transfer of existing residences. Disclosure is a matter to be handled between private parties. The responsibility of the ALUC and local agencies is merely to provide information as to the locations within which airport proximity disclosure is appropriate and the suitable disclosure language to be used.

5.5. Special Conditions for Land Use Actions

5.5.1. *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 land use is otherwise incompatible with respect to the compatibility criteria for that location.

- (a) Infill development under the provisions of this policy is not permitted in Compatibility Zones A and B1.
- (b) To qualify for infill development, a project site must either:
 - (1) Be part of a cohesive area, defined by the local land use jurisdiction and accepted by the ALUC, within which at least 65% of the uses were developed prior to the *Compatibility Plan* adoption with uses not in conformance with the plan; or
 - (2) Must meet *all* of the following conditions:
 - › Already served with streets, water, sewer, and other infrastructure
 - › Comprised of existing uses inconsistent with the compatibility criteria set forth in this *Compatibility Plan*.
 - › At least 65% of the site's perimeter is bounded (disregarding roads) by existing uses similar to, or more intensive than, those proposed;
 - › A project site within an identified infill area must be no larger than 20 acres;
 - › The proposed project would not extend the perimeter of the infill area defined by the surrounding, already developed, incompatible uses; and
 - › Land uses proposed for the infill area are consistent with the local agency's zoning regulations governing the existing, already developed, surrounding area.
- (c) For infill residential development in Compatibility Zones B1 and B2, the average development density (dwelling units per acre) of the site shall not exceed the median density represented by all existing residential lots that lie fully or partially within a distance of 300 feet from the boundary of the defined infill area.
- (d) For infill nonresidential development, the average usage intensity (the number of people per acre) of the site's proposed use shall not exceed the lesser of:
 - (1) The median intensity of all existing nonresidential uses that lie fully or partially within a distance of 300 feet from the boundary of the defined infill area; or
 - (2) Double the intensity permitted in accordance with the criteria for that location as indicated in Table 2A.

(For example, if the zone allows 100 people per acre and the median of nearby existing uses is 150 people per acre, the infill development would be limited to 150 people per acre rather than 200.)
- (e) The single-acre intensity limits for nonresidential development described listed in Table 2A are applicable to infill development. Also, the sound attenuation and avigation easement dedication requirements set by Policies 5.1.5 and 5.5.6 shall apply to infill development.
- (f) The ALUC's intent is that all parcels eligible for infill be identified at one time by the local agency.
 - (1) The local agency is responsible for identifying, in its general plan or other adopted planning document reviewed by the ALUC, the qualifying locations that lie within

that agency'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) If a map identifying locations suitable for infill has not been submitted by the local agency and reviewed by the ALUC or the site of an individual project proposal does not fall within the identified infill area, the ALUC may evaluate the project to determine whether it would meet the qualifying conditions listed in Paragraphs (a) through (e) of this policy.
- (3) In either case, the burden for demonstrating that an area or an individual site qualifies as infill rests with the affected land use agency and/or project proponent and is not the responsibility of the ALUC.

5.5.2. *Nonconforming Uses:* The ALUC has no authority over existing land uses even if those uses are not in conformance with the compatibility criteria set forth in this *Compatibility Plan*. That is, the ALUC has no ability to cause reduction or removal of land use incompatibilities from the airport environs. However, proposed changes to existing uses *are* subject to ALUC purview if the changes would result in increased nonconformity with the compatibility criteria (see Policy 1.4.2(c)). Specifically, proposed changes to existing nonconforming uses (including a parcel or building) are limited as follows:

(a) Residential uses.

- (1) A nonconforming residential land use may be continued, sold, leased, or rented without ALUC restriction or review.
- (2) A nonconforming single-family dwelling may be maintained, remodeled, reconstructed, or expanded in size. The lot line of an existing single-family residential parcel may be adjusted. Also, a new single-family residence may be constructed on an existing lot in accordance with Policy 5.5.5. However:
 - Any remodeling, reconstruction, or expansion must 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 on the parcel unless that unit is a secondary dwelling unit as defined by state and local laws.
 - A single-family residential parcel may not be divided for the purpose of allowing additional dwellings to be constructed.
- (3) Nonconforming multi-family residential dwellings may be maintained, remodeled, or reconstructed (see Policy 5.5.3). The size of individual dwelling units may be increased, but additional dwelling units may not be added.
- (4) The sound attenuation and avigation easement dedication requirements set by Policies 5.1.5 and 5.5.6 shall apply.

(b) Nonresidential uses.

- (1) A nonconforming nonresidential use may be continued, sold, leased, or rented without ALUC restriction or review.
- (2) Nonconforming nonresidential facilities may be maintained, altered, or, if required by state law, reconstructed (see Policy 5.5.3). However, any such work:
 - Must not result in expansion of either the portion of the site devoted to the nonconforming use or the floor area of the buildings; and

the affected property would not exceed the applicable intensity criteria indicated in Table 2A. The sound attenuation and aviation easement dedication requirements set by Policies 5.1.5 and 5.5.6 shall apply to development permitted under this policy.

5.5.6. *Aviation Easement Dedication Requirements:*

- (a) Dedication of an aviation easement to the entity owning the airport is required as a condition for approval of any proposed development, except ministerial actions associated with modification of existing single-family residences, situated on a site that lies completely or partially within any of the following portions of an airport influence area:
 - (1) Within the Compatibility Zones A or B1 as depicted on the airport's Compatibility Policy Map in Chapter 3.
 - (2) As defined by FAR Part 77 and shown on the airport's Airspace Protection Map in Chapter 3, an area:
 - › Within the primary surface;
 - › Beneath the approach or transitional surfaces to where the latter surfaces intersect with the horizontal surface; or
 - › Situated at an elevation that penetrates or is less than 35 feet below any other airspace protection surface.
- (b) The aviation easement shall:
 - (1) Provide the right of flight in the airspace above the property;
 - (2) Allow the generation of noise and other impacts associated with aircraft overflight;
 - (3) Restrict the height of structures, trees and other objects in accordance with the airspace protection policies in this Section and airspace protection maps provided in Chapter 3 for each airport;
 - (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 aviation easement is provided in Appendix F.

5.5.7. *Special Conditions Exception:* The compatibility criteria set forth in this plan are intended to be applicable to all locations within an airport influence area. However, there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site.

- (a) After due consideration of all the factors involved in such situations, the ALUC may find a normally incompatible use to be acceptable.
- (b) In considering any such exceptions, the ALUC shall also take into account the potential for the use of a building to change over time. A building could have planned low-intensity use initially, but later be converted to a higher-intensity use. Local agency permit language or other mechanisms to ensure continued compliance with the usage intensity criteria must be put in place.

- (c) In reaching such a decision, the ALUC shall make specific findings as to why the exception is being made and that the land use will neither create a safety hazard to people on the ground or aircraft in flight nor result in excessive noise exposure for the proposed use. Findings also shall be made as to the nature of the extraordinary circumstances that warrant the policy exception.
- (d) Approval of a special conditions exception for a proposed project shall require a two-thirds approval of the ALUC members voting on the matter.
- (e) The burden for demonstrating that special conditions apply to a particular development proposal rests with the project proponent and/or the referring agency, not with the ALUC.
- (f) The granting of a special conditions exception shall be considered site specific and shall not be generalized to include other sites.

Land Use Category ¹	Compatibility Zones					Criteria for Conditional Uses ²
<ul style="list-style-type: none"> Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table 	A	B1	B2	C	D	<ul style="list-style-type: none"> Intensity criteria apply to all nonresidential uses including ones shown as “Normally Compatible” (green) Nonresidential development must satisfy both sitewide and single-acre intensity limits (see <i>Policy 5.2.5</i>) Conditions listed below apply to uses listed as “Conditional” (yellow) for a particular zone Numbers in Conditional cells are Floor Area Ratio (FAR) limits (see <i>Policy 5.2.9</i> for applicability) Up to 10% of total floor area may be devoted to an ancillary use (see <i>Policy 3.1.2(d)</i>)
Max. Sitewide Average Intensity (people/acre)³ Max. Single-Acre Intensity (people/acre) <i>applicable to all nonresidential development</i>	10	50	100	200	no limit	
Open Land Requirement <i>(see Policy 5.2.12)</i>	all remaining	30%	30%	15%	no requirement	
<i>General Characteristics</i>						
Any use having more than 3 habitable floors						
Any use having structures or trees up to 100 feet in height						B1: Ensure airspace obstruction does not occur (see Airspace Protection Plans)
Any use having structures or trees more than 100 feet in height						B1, B2, C, D: Ensure airspace obstruction does not occur (see Airspace Protection Plans)
Any use having the potential to cause an increase in the attraction of birds or other wildlife						B1, B2, C, D: Mitigation must be provided consistent with FAA rules and regulations ⁴
Any use creating visual or electronic hazards to flight ⁵						
Natural Land Areas: woods, brush lands, desert						A: Objects above runway elevation not allowed in OFA ⁶ B: Vegetation must be clear of airspace surfaces
Water: flood plains, wetlands, lakes, reservoirs						A: Objects above runway elevation not allowed in OFA ⁶ All: Avoid new features that attract more birds
Agriculture (except residences and livestock): crops, orchards, vineyards, pasture, range land						A: Not allowed in OFA ⁶ A, B1, B2, C: ensure airspace obstruction does not occur (see Airspace Protection Plans) All: Avoid crops that attract birds
Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse stables						B1, B2, C: Avoid uses that attract birds B1, B2, C: Exercise caution with uses involving noise-sensitive animals ⁷
Outdoor Major Assembly Facilities (capacity ≥ 1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, zoos						D: Allowed only if alternative site outside zone would not serve intended function
Group Recreation (limited spectator stands): athletic fields, water recreation facilities, picnic areas						B2, C: Avoid if intended for noise-sensitive uses; ensure intensity criteria met
Small/Non-Group Recreation: golf courses, tennis courts, shooting ranges						B1, B2, C: Avoid if intended for noise-sensitive uses; ensure intensity criteria met
Local Parks: children-oriented neighborhood parks, playgrounds						B2, C: Allowed only if alternative site outside zone would not serve intended function, ensure intensity criteria met
Camping: campgrounds, recreational vehicle/motor home parks						B2, C: Ensure intensity criteria met
Cemeteries (except chapels)						

Table 2A

Basic Compatibility Criteria

Land Use Category ¹	Compatibility Zones					Criteria for Conditional Uses ²
† Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table Max. Sitewide Average Intensity (people/acre)³ Max. Single-Acre Intensity (people/acre) <i>applicable to all nonresidential development</i> Open Land Requirement <i>(see Policy 5.2.12)</i>	A	B1	B2	C	D	† Intensity criteria apply to all nonresidential uses including ones shown as “Normally Compatible” (green) † Nonresidential development must satisfy both sitewide and single-acre intensity limits (see <i>Policy 5.2.5</i>) † Conditions listed below apply to uses listed as “Conditional” (yellow) for a particular zone † Numbers in Conditional cells are Floor Area Ratio (FAR) limits (see <i>Policy 5.2.9</i> for applicability) † Up to 10% of total floor area may be devoted to an ancillary use (see <i>Policy 3.1.2(d)</i>)
	10	50	100	200	no limit	
	10	100	300	800	no limit	
	all remaining	30%	30%	15%	no requirement	
Residential and Lodging Uses						
Single-Family Residential: individual dwellings, townhouses, mobile homes, bed & breakfast inns						B1: B2: Portions of parcel including accessory buildings can be in zone; dwelling must be outside of zone B1: Max. 1 d.u./5 acres B2: Max. 1 d.u./acre C: Max. 8 d.u./acre B1, B2: CNEL 45 dB max. interior noise level
Multi-Family Residential						C: Max. 8 d.u./acre
Long-Term Lodging (>30 nights): extended-stay hotels, dormitories						C: Ensure intensity criteria met
Short-Term Lodging (≤30 nights): hotels, motels, other transient lodging (except conference/assembly facilities) [approx. 200 s.f./person]			0.46	0.92		B2, C: Ensure intensity criteria met B2: CNEL 45 dB max. interior noise level
Congregate Care: retirement homes, assisted living, nursing homes, intermediate care facilities						C: Ensure intensity criteria met
Educational and Institutional Uses						
Family day care homes (≤14 children)						B2, C: Only small family care homes (≤8 children) as permitted by state law ⁸ B2: CNEL 45 dB max. interior noise level
Children’s Schools: K-12, day care centers (> 14 children); school libraries						B2, C: Limited expansion on existing sites; no new sites (see <i>Policy 5.5.2(c)(2)</i>) B2: CNEL 50 dB max. interior noise level
Adult Education classroom space: adult schools, colleges, universities [approx. 40 s.f./person]			0.09	0.18		B2, C: Ensure intensity criteria met B2: CNEL 50 dB max. interior noise level
Community Libraries [approx. 100 s.f./person]						C: Ensure intensity criteria met
Indoor Major Assembly Facilities (capacity ≥ 1,000 people): auditoriums, conference centers, concert halls, indoor arenas						
Indoor Large Assembly Facilities (capacity 300 to 999 people): movie theaters, places of worship, cemetery chapels, mortuaries [approx. 15 s.f./person]				0.07		C: Ensure intensity criteria met
Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios [approx. 60 s.f./person]			0.14	0.28		B2, C: Ensure intensity criteria met
In-Patient Medical: hospitals, mental hospitals						C: No new sites or land acquisition; replacement/expansion of existing facilities limited to existing size

Table 2A, continued

Land Use Category ¹	Compatibility Zones					Criteria for Conditional Uses ²
<p>› Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table</p> <p>Max. Sitewide Average Intensity (people/acre)³ Max. Single-Acre Intensity (people/acre) <i>applicable to all nonresidential development</i></p> <p>Open Land Requirement <i>(see Policy 5.2.12)</i></p>	A	B1	B2	C	D	<p>› Intensity criteria apply to all nonresidential uses including ones shown as “Normally Compatible” (green)</p> <p>› Nonresidential development must satisfy both sitewide and single-acre intensity limits (see <i>Policy 5.2.5</i>)</p> <p>› Conditions listed below apply to uses listed as “Conditional” (yellow) for a particular zone</p> <p>› Numbers in Conditional cells are Floor Area Ratio (FAR) limits (see <i>Policy 5.2.9</i> for applicability)</p> <p>› Up to 10% of total floor area may be devoted to an ancillary use (see <i>Policy 3.1.2(d)</i>)</p>
	10	50	100	200	no limit	
	10	100	300	800	no limit	
	all remaining	30%	30%	15%	no requirement	
Out-Patient Medical: health care centers, clinics [approx. 240 s.f./person]			0.55	1.10		B2, C: Ensure intensity criteria met B2: CNEL 50 dB max. interior noise level
Penal Institutions: prisons, reformatories						C: Ensure intensity criteria met
Public Safety Facilities: police, fire stations						B1: Allowed only if airport serving B2: Allowed only if alternative site outside zone would not serve intended public function B2: CNEL 50 dB max. interior noise level for office areas
<i>Commercial, Office, and Service Uses</i>						
Major Retail: regional shopping centers, ‘big box’ retail [approx. 110 s.f./person]				0.51		C: Ensure intensity criteria met; capacity <1,000 people per bldg; evaluate eating/drinking areas separately if >10% of total floor area
Local Retail: community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]			0.39	0.78		B2, C: Ensure intensity criteria met; capacity <150 people per bldg; evaluate eating/drinking areas separately if >10% of total floor area B2: CNEL 50 dB max. interior noise level for office areas
Eating/Drinking Establishments: restaurants, fast-food dining, bars [approx. 60 s.f./person]			0.14	0.28		B2, C: Ensure intensity criteria met; capacity <500 people per bldg B2: CNEL 50 dB max. interior noise level for office areas
Limited Retail/Wholesale: furniture, automobiles, heavy equipment, lumber yards, nurseries [approx. 250 s.f./person]		0.29	0.57	1.15		B1: Design site to place parking inside and bldgs outside of zone if possible B1, B2, C: Ensure intensity criteria met B1, B2: CNEL 50 dB max. interior noise level for office areas
Offices: professional services, doctors, finance, civic; radio, television & recording studios, office space related to other listed uses [approx. 215 s.f./person]		0.25	0.49	0.99		B1, B2, C: Ensure intensity criteria met B1, B2: CNEL 50 dB max. interior noise level
Personal & Miscellaneous Services: barbers, car washes, print shops [approx. 200 s.f./person]			0.46	0.92		B2, C: Ensure intensity criteria met B2: CNEL 50 dB max. interior noise level for office areas
Fueling Facilities: gas stations, trucking & transportation terminals						B1: All fuel storage placed underground B1, B2: Ensure intensity criteria met B1, B2: CNEL 50 dB max. interior noise level for office areas

Table 2A, continued

Land Use Category ¹	Compatibility Zones					Criteria for Conditional Uses ²
<ul style="list-style-type: none"> Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table 	A	B1	B2	C	D	<ul style="list-style-type: none"> Intensity criteria apply to all nonresidential uses including ones shown as “Normally Compatible” (green) Nonresidential development must satisfy both sitewide and single-acre intensity limits (see <i>Policy 5.2.5</i>) Conditions listed below apply to uses listed as “Conditional” (yellow) for a particular zone Numbers in Conditional cells are Floor Area Ratio (FAR) limits (see <i>Policy 5.2.9</i> for applicability) Up to 10% of total floor area may be devoted to an ancillary use (see <i>Policy 3.1.2(d)</i>)
Max. Sitewide Average Intensity (people/acre)³ Max. Single-Acre Intensity (people/acre) <i>applicable to all nonresidential development</i>	10	50	100	200	no limit	
Open Land Requirement <i>(see Policy 5.2.12)</i>	<i>all remaining</i>	30%	30%	15%	<i>no requirement</i>	
Industrial, Manufacturing, and Storage Uses						
Hazardous Materials Production: oil refineries, chemical plants						
Heavy Industrial						C, D: Avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Light Industrial, High Intensity: food products preparation, electronic equipment [approx. 200 s.f./person]			0.46	0.92		B2, C: Ensure intensity criteria met; avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft B2: CNEL 50 dB max. interior noise level for office areas
Light Industrial, Low Intensity: machine shops, wood products, auto repair [approx. 350 s.f./person]		0.40	0.80			B1, B2: Ensure intensity criteria are met; avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft B1, B2: CNEL 50 dB max. interior noise level for office areas
Research & Development [approx. 300 s.f./person]		0.34	0.69	1.38		B1, B2, C: Ensure intensity criteria are met; avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft B1, B2: CNEL 50 dB max. interior noise level for office areas
Indoor Storage: wholesale sales, warehouses, mini/other indoor storage, barns, greenhouses [approx. 1,000 s.f./person]		1.14				B1: Ensure intensity criteria are met B1, B2 (green): CNEL 50 dB max. interior noise level for office areas
Outdoor Storage: public works yards, automobile dismantling						
Mining & Extraction						
Transportation, Communication, and Utilities						
Airport Terminals: airline, general aviation						
Rail & Bus Stations						B1, B2: Allowed only if site outside zone would not serve intended public function; ensure intensity criteria met B1, B2: CNEL 50 dB max. interior noise level for office areas

Table 2A, continued

Land Use Category ¹	Compatibility Zones					Criteria for Conditional Uses ²
<ul style="list-style-type: none"> Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table 	A	B1	B2	C	D	<ul style="list-style-type: none"> Intensity criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green) Nonresidential development must satisfy both sitewide and single-acre intensity limits (see <i>Policy 5.2.5</i>) Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone Numbers in Conditional cells are Floor Area Ratio (FAR) limits (see <i>Policy 5.2.9</i> for applicability) Up to 10% of total floor area may be devoted to an ancillary use (see <i>Policy 3.1.2(d)</i>)
Max. Sitewide Average Intensity (people/acre)³ Max. Single-Acre Intensity (people/acre) <i>applicable to all nonresidential development</i>	10	50	100	200	no limit	
Open Land Requirement <i>(see Policy 5.2.12)</i>	all remaining	30%	30%	15%	no requirement	
Transportation Routes: road & rail rights-of-way, bus stops						A: Not allowed in OFA ⁶ ; avoid road intersections if traffic congestion occurs
Auto Parking: surface lots, structures						A: Not allowed in OFA ² ; allowed only if site outside zone would not serve intended function
Communications Facilities: emergency communications, broadcast & cell towers						B2, C: Allowed only if site outside zone would not serve intended public function B2: CNEL 50 dB max. interior noise level for office areas
Power Plants						D: Allowed only if site outside zone would not serve intended public function
Electrical Substations						B2, C: Allowed only if site outside zone would not serve intended public function
Wastewater Facilities: treatment, disposal						B1, B2: Avoid new features that may attract birds
Solid Waste Disposal Facilities: landfill, incineration						
Solid Waste Transfer Facilities, Recycle Centers						D: Avoid new features that may attract birds

Table 2A, continued

Land Use Acceptability		Interpretation/Comments
	<i>Normally Compatible</i>	Normal examples of the use are compatible with noise, safety, and airspace protection criteria. Atypical examples may require review to ensure compliance with usage intensity, lot coverage, and height limit criteria.
	<i>Conditional</i>	Use is compatible if indicated usage intensity, lot coverage, and other listed conditions are met. For the purposes of these criteria, "avoid" is intended as cautionary guidance, not a prohibition of the use.
	<i>Incompatible</i>	Use should not be permitted under any circumstances.
Notes		
<ol style="list-style-type: none"> ¹ Land uses not specifically listed shall be evaluated using the criteria for similar uses. Assumed occupancy levels (square feet / person) cited for many listed uses can be used as a factor in determining the appropriate land use category for unlisted uses or atypical examples of a use. Multiple land use categories and compatibility criteria may apply to a project. ² Dedication of an aviation easement is required as a condition for approval of any proposed development, except ministerial actions associated with modification of existing single-family residences, situated on a site that lies completely or partially within any of the following: within Compatibility Zones A or B1; or, as defined by FAR Part 77 and shown on the airport's Airspace Protection Map in Chapter 3, an area (1) within the primary surface, (2) beneath the approach or transitional surfaces to where the latter surfaces intersect with the horizontal surface or (3) situated at an elevation that penetrates or is less than 35 feet below any other airspace protection surface. Recorded overflight notification is required for all residential development in the remainder of the airport influence area. See <i>Policies 5.4.4 and 5.5.6</i>. ³ 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. Local agencies may make exceptions for rare special events (e.g., an air show at the airport) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate. See <i>Policy 5.2.9 and 5.5.4</i>. ⁴ No proposed use shall be allowed that would create 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. ⁵ Specific characteristics to be avoided include: sources of glare (such as from mirrored or other highly reflective structures or building features) or bright lights (including search lights and laser light displays); distracting lights that could be mistaken for airport lights; sources of dust, steam, or smoke that may impair pilots' vision; sources of steam or other emissions that cause thermal plumes or other forms of unstable air; and sources of electrical interference with aircraft communications or navigation. See <i>Policy 5.3.5</i>. ⁶ Object Free Area (OFA): Shown on the Airport Layout Plan (see Chapter 3) and the Compatibility Plan in this chapter; dimensions are established by FAA airport design standards for the runway. ⁷ This caution is directed at the project proponent and is not intended to preclude approval of the project. ⁸ Small family day care homes provide family day care for eight or fewer children (Health and Safety Code Section 1596.78). 		

Table 2A, continued