

# **Attachment C**

## **Policies and Programs, CLUP (ALUCP) 1991**

Complete CLUP document may be found at:

[http://planning.lacounty.gov/assets/upl/data/pd\\_alup.pdf](http://planning.lacounty.gov/assets/upl/data/pd_alup.pdf)

## **Relevant Excerpts from ALUC Review Procedures**

Complete ALUC Review Procedures may be found at:

[http://planning.lacounty.gov/assets/upl/project/aluc\\_review-procedures.pdf](http://planning.lacounty.gov/assets/upl/project/aluc_review-procedures.pdf)

## IV. POLICIES AND PROGRAMS

The following policies and programs apply to all airports except Fox Airfield, which has a separate compatibility plan with its own policies and programs.

### General Policies:

- G-1 Require new uses to adhere to the Land Use Compatibility Chart.
- G-2 Encourage the recycling of incompatible land uses to uses which are compatible with the airport, pursuant to the Land Use Compatibility Table.
- G-3 Consider requiring dedication of an aviation easement to the jurisdiction owning the airport as a condition of approval on any project within the designated planning boundaries.
- G-4 Prohibit any uses which will negatively affect safe air navigation.
- G-5 Airport proprietors should achieve airport/community land use compatibility by adhering to the guidelines of the California Noise Standards

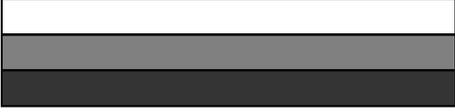
### Policies related to noise:

- N-1 Use the Community Noise Equivalent Level (CNEL) method for measuring noise impacts near airports in determining suitability for various types of land uses.
- N-2 Require sound insulation to insure a maximum interior 45 db CNEL in new residential, educational, and health-related uses in areas subject to exterior noise levels of 65 CNEL or greater.
- N-3 Utilize the Table Listing Land Use Compatibility for Airport Noise Environments in evaluating projects within the planning boundaries.
- N-4 Encourage local agencies to adopt procedures to ensure that prospective property owners in aircraft noise exposure areas above a current or anticipated 60 db CNEL are informed of these noise levels and of any land use restrictions associated with high noise exposure.

### Policies related to safety

- S-1 Establish "runway protection zones" contiguous to the ends of each runway. These runway protection zones shall be identical to the FAA's runway protection zone (formally called clear zone). (See Appendix)
- S-2 Prohibit above ground storage of more than 100 gallons of flammable liquids or toxic materials on any one net acre in a designated runway protection zone. It is recommended that these materials be stored underground.
- S-3 Prohibit, within a runway protection zone, any use which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following take-off or toward an aircraft engaged in a final approach toward landing at an airport.
- S-4 Prohibit, within a designated runway protection zone, the erection or growth of objects which rise above an approach surface unless supported by evidence that it does not create a safety hazard and is approved by the FAA.
- S-5 Prohibit uses which would attract large concentrations of birds, emit smoke, or which may otherwise affect safe air navigation.
- S-6 Prohibit uses which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- S-7 Comply with the height restriction standards and procedures set forth in FAR Part 77.

V. STATEMENT OF LAND USE COMPATIBILITY

<i>LAND USE COMPATIBILITY TABLE</i>						
	<i>Satisfactory</i> <i>Caution. Review Noise Insulation Needs</i> <i>Avoid Land Use Unless Related to Airport Services</i>					
	<i>Community Noise Exposure</i>					
<i>Land Use Category</i>	<i>55</i>	<i>60</i>	<i>65</i>	<i>70</i>	<i>75</i>	
<i>Residential</i>						
<i>Educational Facilities</i>						
<i>Commercial</i>						
<i>Industrial</i>						
<i>Agriculture</i>						
<i>Recreation</i>						

Consider FAR Part 150 for commercial and recreational uses above the 75 CNEL.



## PLAN IMPLEMENTATION

### General Plan Consistency

As noted above, state law (Government Code Section 65302.3) requires each local agency having jurisdiction over land uses within an ALUC's planning area to modify its general plan and any affected specific plans to be consistent with the compatibility plan. The law says that local agencies must take this action within 180 days of when the ALUC adopts or amends its plan. The only other course of action permitted for local agencies is to overrule the ALUC by a two-thirds vote after first holding a public hearing and making findings that the agency's plans are consistent with the intent of the state airport land use planning statutes.

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

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

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

- › **Incorporate Policies into Existing General Plan Elements**—One method of achieving the necessary planning consistency is to modify existing general plan elements. For example, airport land use noise policies could be inserted into the noise element, safety policies could be placed into a

safety element, and the primary compatibility criteria and associated maps plus the procedural policies might fit into the land use element. With this approach, direct conflicts would be eliminated and the majority of the mechanisms and procedures necessary to ensure compliance with compatibility criteria would be fully incorporated into a local jurisdiction's general plan.

- ▶ **Adopt a General Plan Airport Element**—Another approach is to prepare a separate airport element of the general plan. Such a format may be advantageous when a community's general plan also needs to address on-airport development and operational issues. Modification of other plan elements to provide cross-referencing and eliminate conflicts would still be necessary.
- ▶ **Adopt Compatibility Plan as Stand-Alone Document**—Jurisdictions selecting this option would simply adopt as a local policy document the relevant portions of this *Review Procedures* document and the airport policies and map from the applicable compatibility plan or plans. Changes to the community's existing general plan would be minimal. Policy reference to the ALUC plans would need to be added and any direct land use or other conflicts with compatibility planning criteria would have to be removed. Limited discussion of compatibility planning issues could be included in the general plan, but the substance of most compatibility policies would appear only in the ALUC plans.
- ▶ **Adopt Airport Combining District or Overlay Zoning Ordinance**—This approach is similar to the stand-alone document except that the local jurisdiction would not explicitly adopt the *Review Procedures* and appropriate compatibility plan as policy. Instead, the compatibility policies would be restructured as an airport combining or overlay zoning ordinance. A combining zone serves as an overlay of standard community-wide land use zones and modifies or limits the uses permitted by the underlying zone. Flood hazard combining zoning is a common example. An airport combining zone ordinance can serve as a convenient means of bringing various airport compatibility criteria into one place. The airport-related height-limit zoning that many jurisdictions have adopted as a means of protecting airport airspace is a form of combining district zoning. Noise and safety compatibility criteria, together with procedural policies, would need to be added to create a complete airport compatibility zoning ordinance. Other than where direct conflicts need to be eliminated from the local plans, implementation of the compatibility policies would be accomplished solely through the zoning ordinance. Policy reference to airport compatibility in the general plan could be as simple as mentioning support for the airport land use commission and stating that policy implementation is by means of the combining zone. (An outline of topics which could be addressed in an airport combining zone is included in Appendix E.)

A final option is for the local jurisdiction to make just the changes to its general plan necessary to eliminate any direct conflicts with the ALUC plan and then submit all applicable land use plans and development actions to the ALUC for review.

## Project Referrals

In addition to the types of land use actions for which referral to the ALUC is mandatory in accordance with state law, these procedures specify other land use projects that either must or should be submitted for review. These *major land use actions* are defined in Chapter 2. Beginning with when an updated or amended compatibility plan for each airport is adopted and until such time as local jurisdictions have made the necessary modifications to their general plans, all of these major land use actions are to be submitted to the commission for review. After local agencies have made their general plans consistent with the respective compatibility plan or plans, the ALUC requests that these major actions continue to be submitted on a voluntary basis.

- 1.3.4. *Heliports:* The site and environs of any public-use or special-use heliport (as defined by the California Department of Transportation) that may exist or be proposed anywhere within Los Angeles County, including incorporated cities.

## **1.4. Types of Airport Impacts**

- 1.4.1. *Principal Compatibility Concerns:* The Commission is concerned only with the potential impacts related to:
- (a) Exposure to aircraft noise;
  - (b) Land use safety—the risks, both to people on the ground and the occupants of aircraft, associated with aircraft accidents near airports;
  - (c) Protection of airport airspace from hazards to flight; and
  - (d) General concerns, especially annoyance, related to aircraft overflights.
- 1.4.2. *Airport Impacts Not Considered:* Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are not addressed by these compatibility policies and are not subject to review by the Airport Land Use Commission. Also, in accordance with state law (Public Utilities Code Section 21674(e)), neither this plan nor the ALUC have authority over the operation of any airport (including where and when aircraft fly, airport security, and other such matters).

## **1.5. Types of Actions Reviewed**

- 1.5.1. *Actions Which Always Require ALUC Review:* As required by state law, the following types of actions shall be referred to the Airport Land Use Commission for determination of consistency with the Commission's plan prior to their approval by the local jurisdiction:
- (a) The adoption or approval of any amendment to a general or specific plan affecting the property within an airport influence area (Public Utilities Code Section 21676(b)).
  - (b) The adoption or approval of a zoning ordinance or building regulation that (1) affects property within an airport influence area, and (2) involves the types of airport impact concerns listed in Section 1.4 (Public Utilities Code Section 21676(b)). Any proposed change or variance to any such ordinance or regulation also must be submitted for ALUC review if issues of noise, safety, airspace protection, or overflight as addressed herein are involved.
  - (c) Adoption or modification of the master plan for an existing public-use airport (Public Utilities Code Section 21676(c)).
  - (d) 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).
  - (e) 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 an Airport Permit or Heliport Permit issued by the California Department of Transportation.

## 2. REVIEW PROCESS FOR LAND USE ACTIONS

### 2.1. General

- 2.1.1. *Timing of Project Submittal:* Airport Land Use Commission staff may provide informal comments on a proposed action early in the planning process if requested by the governing land use jurisdiction. The most appropriate timing for proposed actions listed in Section 1.5 to be submitted to the ALUC for formal review is after the proposal has been made public and some local action has been taken (by the planning commission, for example). The precise timing may vary depending upon the nature of the specific project. However, all projects *must* be submitted to the Commission for review prior to final approval by the local government entity.
- 2.1.2. *Public Input:* Where applicable, the Commission shall provide public notice and obtain public input in accordance with Public Utilities Code Section 21675.2(d) before acting on any plan, regulation, or other land use proposal under consideration.

### 2.2. Review Process for Community Land Use Plans and Ordinances

- 2.2.1. *Initial ALUC Review of General Plan Consistency:* In conjunction with adoption or amendment of the compatibility plan for any of the airports covered by these *Review Procedures*, the Commission shall review the general plans and specific plans of affected local jurisdictions to determine their consistency with the Commission's policies.
- (a) Within 180 days of the Commission's adoption or amendment of a compatibility plan, each local agency affected by the plan must amend its general plan and any applicable specific plan to be consistent with the Commission's plan or, alternatively, adopt findings and overrule the Commission in accordance with Public Utilities Code Section 21676(b) (Government Code Section 65302.3).
  - (b) Prior to taking action on a proposed amendment, the local agency must submit a draft of the proposal to the Commission for review and approval.
  - (c) In conjunction with its submittal of a general plan or specific plan amendment to the ALUC, a local agency may request that the Commission modify the areas defined as "infill" in accordance with Policy 3.3.1. The Commission will include a determination on the infill as part of its action on the consistency of the general plan and specific plans.
- 2.2.2. *Subsequent Reviews of Related Land Use Development Proposals:* As indicated in Policies 1.5.1(a) and 1.5.1(b), prior to taking action on an amendment of a general plan or specific plan or the addition or approval of a zoning ordinance or building regulation affecting an airport influence area as defined in an adopted compatibility plan, local agencies must submit the proposed plan, ordinance, or regulation to the Commission for review. Subsequent land use development actions that are consistent with applicable, previously reviewed, local plans, ordinances, and regulations are subject to Commission review only under the conditions indicated in Policies 1.5.2 and 2.3.5.

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

- (a) Find the plan, ordinance, or regulation consistent with the compatibility plan. To make such a finding with regard to a general plan, the conditions identified in Section 3.2 must be met.
- (b) Find the plan, ordinance, or regulation consistent with the compatibility plan, subject to conditions and/or modifications that the Commission may require. Any such conditions should be limited in scope and described in a manner that allows compliance to be clearly assessed.
- (c) Find the plan, ordinance, or regulation inconsistent with the compatibility plan. In making a finding of inconsistency, the Commission shall note the specific conflicts or shortcomings upon which its determination is based.

2.2.4. *Response Time:* The Airport Land Use Commission 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 referral (Public Utilities Code Section 21676(d)).

- (a) The ALUC Administrative Officer may take up to 30 days to determine if an application is complete. The date of referral is deemed to be the date on which the Administrative Officer provides written acknowledgement that all applicable submittal information has been received by the ALUC. Included in submittal information shall be written notification that the local jurisdiction's planning commission or other similar body that makes recommendations to the final approval body has either indicated its intent to act, or has acted on the project.
- (b) The 60-day review period may be extended if agreed upon in writing by the submitting agency.
- (c) If the Commission fails to make a determination within the time period required or agreed upon, the proposed action shall be deemed consistent with the compatibility plan.
- (d) Regardless of Commission 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 Commission's action in writing.



- (2) An increase in the height of structures or other design features such that the height limits established by the applicable compatibility plan or plans would be exceeded or exceeded by a greater amount;
  - (3) Major site design changes (such as incorporation of clustering or modifications to the configuration of open land areas proposed for the site) if site design was an issue in the initial project review; and/or
  - (4) Any significant change to a proposed project for which a special exception was granted in accordance with Policy 3.3.6.
- (c) The local jurisdiction concludes that further review is warranted.

### **3. COMPATIBILITY CRITERIA FOR LAND USE ACTIONS**

#### **3.1. Basic Compatibility Criteria**

The compatibility criteria applicable to the review of proposed land use actions in the vicinity of airports in Los Angeles County are set forth in the compatibility plan for each airport. Additional factors pertaining to the review of general plans as described in Section 3.2, as well as the special conditions cited in Section 3.3, shall also be taken into account.

#### **3.2. General Plan Consistency with Compatibility Plan**

In order for a general plan to be considered consistent with the applicable compatibility plan, both of the following must be accomplished (additional guidance on this topic is included in Appendix D):

- 3.2.1. *Elimination of Conflicts*: No direct conflicts can exist between the two plans.
- (a) Direct conflicts primarily involve general plan land use designations that do not meet the density or intensity criteria specified in a compatibility plan although conflicts with regard to other policies also may exist.
  - (b) Note, however, that a general plan cannot be found inconsistent with a compatibility plan because of land use designations that reflect existing land uses even if those designations conflict with the ALUC's compatibility criteria. Because ALUCs have no authority over existing land uses, general plan land use designations that merely reflect the existing uses for such parcels are, in effect, excluded from requirements for general plan consistency with the ALUC plan. This exception is applicable only if the general plan includes policies setting limitations on expansion and reconstruction of nonconforming uses consistent with Policies 3.3.2 and 3.3.3.
  - (c) To be consistent with the applicable compatibility plan, a general plan and/or implementing ordinance also must include provisions ensuring the 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 approved limit.

- 3.2.2. *Establishment of Review Process:* Provisions must be made for evaluation of proposed land use development situated within an airport influence area relative to the compatibility criteria set forth in the respective compatibility plan.
- (a) Even if the land use designations in a general plan have been deemed consistent with the applicable compatibility plan, evaluation of the proposed development relative to the land use designations alone is usually insufficient. General plans typically do not contain the detailed airport land use compatibility criteria necessary for a complete compatibility evaluation of proposed development.
  - (b) Local jurisdictions have the following choices for satisfying this evaluation 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 requires 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 instrument presented to and approved by the ALUC); and/or
    - (3) The general plan can indicate that all major land use actions, as listed in Policy 1.5.3 or otherwise agreed to by the ALUC, shall be referred to the Commission for review in accordance with the policies of Section 2.3.

### 3.3. Special Conditions

- 3.3.1. *Infill:* Where development not in conformance with the criteria set forth in a compatibility plan already exists, additional infill development of similar land uses may be allowed to occur even if such land uses are to be prohibited elsewhere in the zone.
- (a) Individual compatibility plans may set restrictions on application of the infill exception in addition to the conditions listed below. For example, if infill development is to be allowed in areas of high noise exposure, then added sound insulation and/or dedication of an aviation easement to the airport owner may be required as a condition of development approval.
  - (b) A parcel can be considered for *infill* development if it meets *all* of the following criteria plus the applicable provisions of either Sub-policy (c) or (d) below:
    - (1) The parcel size is no larger than 20.0 acres.
    - (2) At least 65% of the site's perimeter is bounded (disregarding roads) by existing uses similar to, or more intensive than, those proposed.
    - (3) The proposed project would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses.
    - (4) Further increases in the residential density, nonresidential usage intensity, and/or other incompatible design or usage characteristics (e.g., through use permits, density transfers, addition of second units on the same parcel, height variances, or other strategy) are prohibited.

- (5) The area to be developed cannot previously have been set aside as open land in accordance with policies contained in the compatibility plan unless replacement open land is provided within the same compatibility zone.
- (c) For residential development, the average development density (dwelling units per gross acre) of the site shall not exceed the lesser of:
  - (1) The average density represented by all existing lots that lie fully or partially within a distance of 300 feet from the boundary of the parcel to be divided; or
  - (2) Double the density permitted in accordance with the criteria for that location as indicated in the applicable compatibility plan.
- (d) For nonresidential development, the average usage intensity (the number of people per gross acre) of the site's proposed use shall not exceed the lesser of:
  - (1) The average intensity of all existing uses that lie fully or partially within a distance of 300 feet from the boundary of the proposed development; or
  - (2) Double the intensity permitted in accordance with the criteria for that location as indicated in the applicable compatibility plan.
- (e) Infill development on some parcels should not enable additional parcels to then meet the qualifications for infill. The ALUC's intent is that parcels eligible for infill be determined just once. Thus, in order for the ALUC to consider proposed development under these infill criteria, the entity having land use authority (Los Angeles County or an affected city) must first identify the qualifying locations in its general plan or other adopted planning document approved by the ALUC. 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 the compatibility plan for the site in question. In either case, the burden for demonstrating that a proposed development qualifies as infill rests with the affected land use jurisdiction and/or project proponent.

3.3.2. *Nonconforming Uses:* Existing uses (including a parcel or building) not in conformance with the applicable compatibility plan may only be expanded as follows:

- (a) Nonconforming residential uses may be expanded in building size provided that the expansion does not result in more dwelling units than currently exist on the parcel (a bedroom could be added, for example, but a separate dwelling unit could not be built). No ALUC review of such improvements is required.
- (b) A nonconforming nonresidential development may be continued, leased, or sold and the facilities may be maintained or altered (including potentially enlarged), provided that the portion of the site devoted to the nonconforming use is not expanded and the usage intensity (the number of people per acre) is not increased above the levels existing at the time of adoption of the compatibility plan or plans applicable to that location. No ALUC review of such changes is required.
- (c) ALUC review is required for any proposed expansion of a nonconforming use (in terms of the site size or the number of dwelling units or, for non-residential developments, people on the site). Factors to be considered in such reviews include

whether the development qualifies as infill (Policy 3.3.1) or warrants approval because of other special conditions (Policy 3.3.6).

- 3.3.3. *Reconstruction:* An existing nonconforming development that has been fully or partially destroyed as the result of a calamity may be rebuilt only under the following conditions:
- (a) Nonconforming residential uses may be rebuilt provided that the expansion does not result in more dwelling units than existed on the parcel at the time of the damage.
  - (b) A nonconforming nonresidential development may be rebuilt provided that it has been only partially destroyed and that the reconstruction does not increase the floor area of the previous structure or result in an increased intensity of use (i.e., more people per acre). Partial destruction shall be considered to mean damage that can be repaired at a cost of no more than 75% of the assessor's full cash value of the structure at the time of the damage. Any nonresidential use that has been more than 75% destroyed must comply with all applicable standards herein when reconstructed.
  - (c) Reconstruction under Sub-Policies (a) or (b) above must begin within 24 months of the date the damage occurred.
  - (d) The above exceptions do not apply within a runway protection zone or clear zone or where such reconstruction would be in conflict with the general plan or zoning ordinance of Los Angeles County or affected city.
  - (e) Nothing in the above policies is intended to preclude work required for normal maintenance and repair.
- 3.3.4. *Development by Right:* Nothing in these policies prohibits:
- (a) Construction of a single-family home on a legal lot of record if such use is permitted by local land use regulations.
    - (1) Construction of other types of uses if local government approvals qualify the development as effectively existing (see Policy 1.2.11 for definition).
  - (b) Lot line adjustments provided that new developable parcels would not be created and the resulting gross density or intensity of the affected property would not exceed the applicable criteria indicated in the applicable compatibility plan or plans.
- 3.3.5. *Parcels Lying within Two or More Compatibility Zones:* For the purposes of evaluating consistency with the compatibility criteria set forth in the compatibility plan for each airport, 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 limits that would otherwise apply within that compatibility zone.
- 3.3.6. *FAA Notification:* Proponents of a project involving objects that may exceed a Part 77 surface must notify the Federal Aviation Administration as required by FAR Part 77,

Subpart B, and by the Public Utilities Code, Sections 21658 and 21659. (Notification to the Federal Aviation Administration under FAR Part 77, Subpart B, is required even for certain proposed construction that does not exceed the height limits allowed by Subpart C of the regulations. Refer to Appendix B for the specific Federal Aviation Administration notification requirements.)

- (a) Local jurisdictions shall inform project proponents of the requirements for notification to the Federal Aviation Administration.
- (b) The requirement for notification to the Federal Aviation Administration shall not necessarily trigger an airport compatibility review of an individual project by the Airport Land Use Commission if the project is otherwise in conformance with the compatibility criteria established herein.
- (c) FAA review is required for any proposed structure more than 200 feet above the surface level of its site. All such proposals also shall be submitted to the ALUC for review regardless of where within the jurisdiction of the Los Angeles County ALUC they would be located.
- (d) Any project submitted to the ALUC for airport land use compatibility review for reason of height-limit issues shall include a copy of FAR Part 77 notification to the Federal Aviation Administration and the FAA findings if available.

3.3.7. *Other Special Conditions:* The compatibility criteria set forth in this plan are intended to be applicable to all locations within the respective airport's influence area. However, it is recognized that 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 or its proposed use.

- (a) After due consideration of all the factors involved in such situations, the Commission may find a normally incompatible use to be acceptable.
- (b) In reaching such a decision, the Commission shall make specific findings as to why the exception is being made and that the land use will not 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.
- (c) 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.
- (d) The granting of a special conditions exception shall be considered site specific and shall not be generalized to include other sites.

[REDACTED]

[REDACTED]

[REDACTED]

## General Plan Consistency Checklist

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

### COMPATIBILITY CRITERIA

#### General Plan Document

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

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

#### Zoning or Other Policy Documents

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

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- ▶ **Intensity Limitations on Nonresidential Uses**—Local policies must be established to limit the usage intensities of commercial, industrial, and other nonresidential land uses. This can be done by duplication of the performance-oriented criteria—specifically, the number of people per acre—indicated in the compatibility plan. Alternatively, local jurisdictions may create a detailed list of land uses which are allowable and/or not allowable within each compatibility zone. For certain land uses, such a list may need to include limits on building sizes, floor area ratios, habitable floors, and/or other design parameters which are equivalent to the usage intensity criteria.
- ▶ **Identification of Prohibited Uses**—Compatibility plans may prohibit day care centers, hospitals, and certain other uses within much of each airport's influence area. The facilities often are permitted or conditionally permitted uses within many commercial or industrial land use designations. Policies need to be established which preclude these uses in accordance with the compatibility criteria.

**Zoning or Other Policy Documents, Continued**

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

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

**REVIEW PROCEDURES**

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

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