



COUNTY OF LOS ANGELES
AIRPORT LAND USE COMMISSION

January 28, 2016

TO: Stephanie Pincetl, Chair
Doug Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Carmen Sainz, Supervising Regional Planner
Community Studies East Section

PROJECT NO. R2015-03166-(4) / AVIATION CASE NO. 201500005; AIRPORT LAND USE COMMISSION REVIEW OF SOUTH BAY LEXUS TORRANCE; FEBRUARY 3, 2016 - ITEM NO. 4

At your public hearing meeting on **February 3, 2016**, your Commission, as the Airport Land Use Commission (ALUC), will hold a public hearing to review the proposed South Bay Lexus development project, referred by the City of Torrance, for a consistency determination with the adopted Los Angeles County Airport Land Use Plan (ALUP).

Since the last submittal of the hearing materials, on January 21, 2016, staff received two comments, which are added to the staff report as Attachment L. The documents have been attached for your review.

The project materials are also available online at the following website:
<http://planning.lacounty.gov/case/view/r2015-03166/>.

If you have any questions regarding this project, please do not hesitate to contact **Amanda L. Reeck** at AReeck@planning.lacounty.gov or (213) 974-6425, Monday through Thursday from 7:30 a.m. to 5:30 p.m.

CS: ALR

Attachments

ATTACHMENT L
PUBLIC COMMENTS

COMMENT #1

From: GatesJH@aol.com
To: [Amanda Reeck](mailto:AReeck@planning.lacounty.gov)
Subject: Re: South Bay Lexus Torrance ALUC Review
Date: Thursday, January 21, 2016 10:50:45 PM

Ms Reeck:

Your Airport Influence Area map appears to be incorrect and does not depict the proper RPZs for a precision approach runway under current FAA definition. The Airport Layout Plan shows the correct size and alignment of the RPZs.

Jim Gates
424-634-2863

In a message dated 1/21/2016 6:22:22 P.M. Pacific Standard Time, AReeck@planning.lacounty.gov writes:

The South Bay Lexus Torrance Project (PROJECT NO. R2015-03166-(4) / AVIATION CASE NO. 201500005) is scheduled for a Los Angeles County Airport Land Use Commission (ALUC) public hearing on February 3, 2016.

The agenda for the upcoming hearing is posted here:

http://planning.lacounty.gov/view/regional_planning_commission_meeting_2016-02-03/

Project materials are available here:

<http://planning.lacounty.gov/case/view/r2015-03166/>

If you have any questions about this ALUC review, please contact me at (213) 974-6425 or via email at AReeck@planning.lacounty.gov.

Sincerely,

Amanda L. Reeck, Regional Planning Assistant II

AReeck@planning.lacounty.gov

Los Angeles County Department of Regional Planning

Community Studies East + Airport Land Use Section

320 West Temple Street, 13th floor

Los Angeles, CA 90012

(213) 974-6425

COMMENT #2

From: GatesJH@aol.com
To: [Amanda Reeck](#)
Subject: South BAY Lexus Torrance
Date: Wednesday, January 27, 2016 5:46:43 PM
Attachments: [2015-08-22 Safety first at Torrance.pdf](#)

Torrance Airport Association opposes South Bay Lexus' plan to build an automobile sales lot in the Runway Protection Zone (RPZ) located at the end of the runway 29R at Zamperini Field because:

- It is contrary to the City of Torrance Master Plan, adopted April 6, 2010;
- it is a land use within an airport RPZ not approved by FAA standards for public-use airports;
- it is opposed by CalTrans Aeronautical Division (which licenses public use airports);
- it is opposed by members of the Torrance Airport aviation community;
- it was unanimously rejected by the Airport Commission;
- it was approved by the Planning Commission only because of false representations made by the City Attorney and the Lexus dealer;
- it would expose Lexus employees and the public (their customers) to increased risk;
- it would interfere with pilots' ability to safely land at night under minimum instrument conditions;
- it is directly under the flight path of helicopters using the north pad and aircraft making short approaches;
- it would be subject to dust, dirt, and exhaust fumes from aircraft taking off from 29R;
- it would, if approved, saddle the City of Torrance (and its taxpayers) with potentially huge liability issues.

Surely the City of Torrance has the responsibility to maintain a safe airport AND a safe city!

These objections have been voiced by our Association at the Airport Commission Meeting, the Planning Commission meeting, and separately to the Mayor and City Council. They have, unfortunately, been left out of the application documents you have just provided. Many of these objections are reflected in the ALUC staff's report, but some are not (i. e., the location of the property under the flight paths of the north helicopter pad and landing pattern traffic on 29R (where aircraft will be only 1-200 feet above the ground) and the dust, dirt, and exhaust fumes that will blow over the proposed sales lot.

Attached is the document that was provided to the Airport Commission, the Planning Commission, the Mayor, and all City Council members.

Jim Gates
424-634-2863

IS SAFETY FIRST IN TORRANCE?

South Bay Lexus is proposing to build an automobile sales lot in the Runway Protection Zone (RPZ) located at the end of the runway at Zamperini Field. If approved, this plan would put Lexus employees and the public (Lexus customers) in a dangerous area and expose the City of Torrance to liability issues. It would also interfere with airport operations during periods of bad weather. It is inconsistent with the City's General Plan.

Surely, the City of Torrance has a primary duty to maintain a safe airport and a safe city.

What is a Runway Protection Zone?

A Runway Protection Zone (RPZ) is a runway design standard defined in FAA Advisory Circular (AC) 150/5300-13A, dated 2/26/2014, "Airport Design." It is described as a physical trapezoidal

shaped area on the ground, located near the end of a runway, and it exists at a public-use airport whether there are FAA grant assurances in place or not.



The figure to the left shows the RPZ defined for Runway 29R at our airport, the only runway served by an Instrument Landing System (ILS). There is a similar RPZ located at each end of each of our two runways. The RPZ dimensions for a particular runway end is a function of the type of aircraft and minimum

approach visibility associated with that runway end.

Why is the RPZ important?

The RPZ's function is to enhance the safety and protection of people (the Lexus dealer's employees and customers) and property on the ground. A properly maintained RPZ is a key safety element in airport operations.

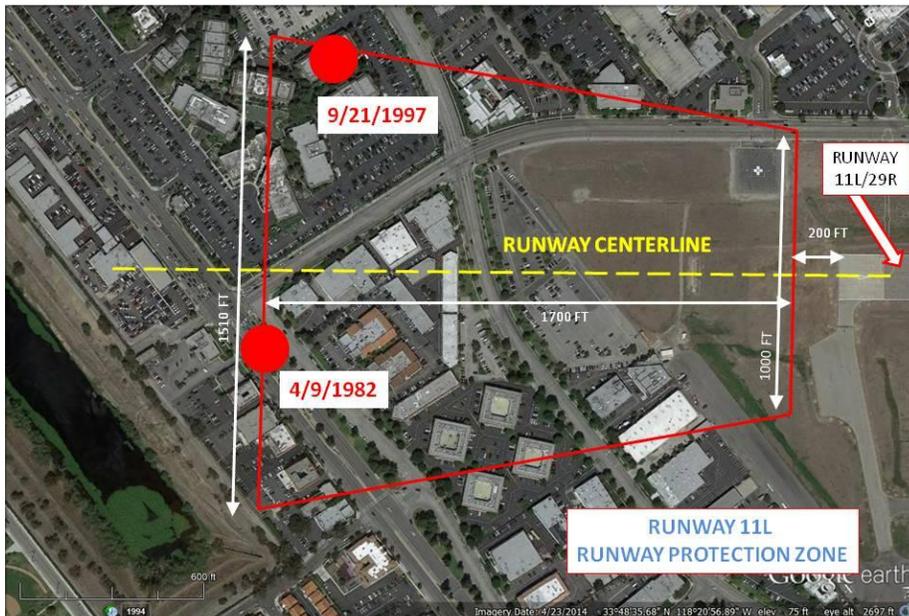
The United States Air Force conducted a five year study of accidents within a 10 nautical mile radius of airfields and found that 75% of all accidents that occur near a runway occur in the RPZ.

The California Department of Transportation's Airport Land Use Planning Handbook, Appendices E and F (October 2011) looked at the issue of aircraft crashes near airports using risk assessment methodology and concluded: *"Not surprisingly, the data shows the highest level*

of risk occurs immediately beyond the runway ends. These risks . . . are typically contained within the limits of the airport's runway protection zones (RPZs)."

The City of Torrance is the owner of Zamperini Field. The FAA, in its Advisory Circular 150/5300-13A states: ". . . It is desirable to clear the entire RPZ of all above-ground objects. Where this is impractical, airport owners, as a minimum, should maintain the RPZ clear of all facilities supporting incompatible activities."

The California Airport Land Use Planning Handbook and the Los Angeles County Airport Land



Use Plan also provide similar definitions and guidance. The City is responsible for maintaining RPZ areas clear of incompatible above-ground objects and activities.

In recent history, there have been at least three aircraft crashes within the RPZs at Zamperini Field. No one on the ground has been injured or killed--- **so far**. Two of those accidents occurred on streets, but the third one (9/21/1997)

involved a crash through the upper floors of a medical building west of the airport, followed by an intense structural fire. Again, there were no injuries or fatalities on the ground **only** because it happened on a Sunday and the building was empty. Had it occurred on a weekday, the results would have been tragic.

Gary Cathey, Chief of the CalTrans Division of Aeronautics (MS-40), via e-mail to TAA on 5/29/2015, stated: "*Knowingly approving the construction of objects (fences, light poles, structures, etc.), placement of mobile objects (vehicles), and activities (people in the RPZ viewing the vehicles for sale) runs counter to the intended function of the RPZ and the presumed responsibility of the City to maintain a safe airport and community, and is a potential liability issue for the City.*"

The plan is inconsistent with the City of Torrance General Plan

The City of Torrance General Plan (adopted April 6, 2010), states: "*State law requires that General Plans be consistent with land use compatibility plans established by an Airport Land Use Commission (ALUC). The Los Angeles County ALUC Land Use Plan, which covers Torrance Municipal Airport, was adopted in 1991. The land use plan is intended to protect the*

public health, safety, and welfare of the public by minimizing the public's exposure to excessive noise and safety hazards within and around public use airports. "

"To maintain land use compatibility in and around the airport, the City will require that land use decisions within the airport-influence area be consistent with the General Plan Safety Element and the Torrance Airport CLUP. To ensure the City's vision for the future of the airport is consistent with regional airport planning efforts, close coordination with the Los Angeles County ALUC will be maintained, particularly when the Commission commences revisions to the Airport Land Use Plan."

"Consistent with State aviation regulations, a Runway Protection Zone (RPZ) has been established at each end of each active runway. The size of the RPZ is determined by the type of landing approach used for that runway. The Federal Aviation Administration (FAA) mandates the airport operator to restrict uses of RPZ land under its control to those compatible with airport operations. "

". . . the City will continue to minimize risks by following the FAA's land use restrictions to areas surrounding airports and flight paths. Per FAA standards, the airport will maintain RPZ for each end of the airport's active runways. The City will ensure that all land use decisions close to the airport are consistent with standards contained within the Airport Comprehensive Land Use Plan."

The City's stated policy in that document is to: *"Ensure that land use decisions within the airport influence area are consistent with the Safety Element and the Torrance Airport Comprehensive Land Use Plan."*

The FAA DID NOT approve the Lexus dealer's plan

Any proposed development on or near an airport is required to be evaluated for its effect on navigable airspace, known as an FAA Part 77 Aeronautical Study. That study only looks at the height of an object relative to the Federal Aviation Regulation (FAR) Part 77 and determines whether the object penetrates into navigable airspace around the airport. If so, it is "determined" to be a hazard to air navigation. The aeronautical study does not consider land use and does not constitute FAA approval of any type of land use.

The Aeronautical Study requested by the Lexus dealer determined "No Hazard to Aerial Navigation," which only means the proposed light poles are not tall enough to require red hazard lights on top of them. That finding also states: *"This determination concerns the effect of this structure [described as a parking lot] on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor [the City of Torrance] of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body."*

[emphasis added]

Representatives from TAA and CPA met with FAA's top regional officials on May 29, 2015. At airports with Federal obligations, the FAA recommends against accumulations of people or property on the ground within an RPZ, as per applicable design standards. The bright lighting associated with a sales lot would be of concern to the FAA's landing aid certification branch because such distracting lighting is not desired in the RPZ close to the ILS. Distracting lighting

interferes with pilots' ability to make safe instrument landings at night under minimum visibility with low ceiling conditions.

In a letter dated June 2, 2015, Mr Terry Berrie (Chief, Office of Aviation Planning for CalTrans Division of Aeronautics) warned the City Council that the City's recommendation to approve the Lexus plan ". . . **failed to include a discussion of some very important FAA airport design/safety standards** applicable to all public-use airports. *The fundamental purpose of the FAA's obstruction analysis program **was not accurately represented**. Approval of the expansion of an auto dealership into the RPZ of a public-use, reliever-class airport poses a potential hazard to people and property on the ground and **exposes the City to greater liability** in the event of an airport accident at this location.*" [emphasis added]

In summary, the Part 77 determination of "No Hazard" does not give blanket approval by the FAA, which does not approve or disapprove of land uses at our airport. Nor does it supersede review or approval by any other state or local body tasked with review of proposed land uses on or near an airport.

What other reviews are required?

Gary Cathey, Chief of the CalTrans Division of Aeronautics (MS-40) via e-mail to TAA on 5/29/2015, stated: *"The FAA determination did not approve the proposed land use, but only looked at the height of the submitted objects relative to the FAR Part 77 imaginary surfaces. The City should consider, i.e., study, whether the proposed land uses in the RPZ are appropriate given FAA, State, and County guidance that restricts objects and activities within RPZs."*

Jennifer Lee Jung, of the Los Angeles County, Department of Regional Planning, advised the City of Torrance via e-mail on 6/3/2015: *"The proposed project may be subject to Airport Land Use Commission (ALUC) review, pursuant to PUC section 21676.5(a) which states that, if the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made."*

On 6/3/2015, Carmen Sainz, Supervising Regional Planner, Los Angeles County, Department of Regional Planning, e-mailed TAA: *"ALUC review is required because the proposed project is within the Airport Influence Area. We have not received an application as of today."*

On June 18, 2015, The ALUC sent a formal request for review to Mr Soc Yumul in the Community Development Department. The City of Torrance has not submitted either its recent General Plan nor the Lexus dealer's plan to the ALUC.

The proposed development within the RPZ should be rejected as unsafe and unapproved under Federal and State law.

We join with over 80 members of the Torrance aviation community to protest any part of the planned development within the RPZ because:

- It is contrary to the City of Torrance Master Plan, adopted April 6, 2010;
- it is a land use not approved within an airport RPZ;
- it was rejected unanimously by the Airport Commission;
- the approval by the Planning Commission was based on erroneous representations;
- it would expose Lexus employees and the public to increased risk;
- it would interfere with pilots' ability to safely land at night under minimum instrument conditions;
- it has not received the due process reviews required at the state and county levels of government; and
- approving this development in the RPZ would expose the City of Torrance (and its taxpayers) to potential liability issues.

Other government agencies should not need to FORCE the City of Torrance to protect its citizens--the City has a responsibility to maintain a safe airport and a safe community.

Torrance Airport Association

California Pilots Association

RESOURCE MATERIAL

CITY OF TORRANCE GENERAL PLAN

Adopted April 6, 2010

CHAPTER 1: LAND USE

While general law cities are required by Section 65860 of the California Government Code to have zoning ordinances that are consistent with the General Plan, zoning ordinances in charter cities like Torrance are not required to be consistent with the General Plan. Nonetheless, the City of Torrance strives to have a zoning ordinance that is consistent with the objectives, policies, general land uses, and programs in the General Plan. (p LU-18)

The City will work to ensure General Plan and zoning consistency by prohibiting zoning of an isolated parcel in a manner which is inconsistent or incompatible with surrounding zoning or land uses, and reviewing development proposals for consistency with all applicable land use regulations. (p LU-20)

7.2.1 AIRPORT LAND USE COMPATIBILITY AND SAFETY ZONES

The variety of air services and separate flight paths at an airport require regional coordination to prevent confusion in flight patterns and to maintain safety. Potential damage to aircraft may also result in loss of life and property along flight paths. Noise-related issues also negatively affect residents and businesses located in close proximity to the airport's flight path. To avoid such outcomes, the FAA has established land use restrictions to areas surrounding airports and flight paths.

To comply with FAA regulations, a Runway Protection Zone (RPZ) has been established at each end of each active runway at Torrance Municipal Airport. A RPZ is an area at ground level that provides for the unobstructed passage of landing aircraft through the above airspace. The geographic scope of the RPZ is determined by the type of landing approach used for that runway. The City of Torrance has control over 57 percent of the RPZ for the 5,000-foot runway. The remaining 43 percent is under the jurisdiction of the city of Lomita. The FAA mandates the airport operator to restrict uses of RPZ land under its control to those compatible with airport operations. In particular, the FAA recommends restricting uses that include congregation of people and limiting building heights with the airport influence area, shown in Figure LU-20. (p LU-62)

State law requires that General Plans be consistent with land use compatibility plans established by an Airport Land Use Commission (ALUC). The Los Angeles County ALUC Land Use Plan, which covers Torrance Municipal Airport, was adopted in 1991. The land use plan is intended to protect the public health, safety, and welfare of the public by minimizing the public's exposure to excessive noise and safety hazards within and around public use airports. When a city whose territory falls within the influence area of a particular airport amends its General Plan, referral must be made to the appropriate ALUC for determination on consistency with the

ALUC's Comprehensive Land Use Plan (CLUP).[ref: *Comprehensive Land Use Plan*, Los Angeles County Airport Land Use Commission, Page 14,1991] (p LU-63)

To maintain land use compatibility in and around the airport, the City will require that land use decisions within the airport-influence area be consistent with the General Plan Safety Element and the Torrance Airport CLUP. To ensure the City's vision for the future of the airport is consistent with regional airport planning efforts, close coordination with the Los Angeles County ALUC will be maintained, particularly when the Commission commences revisions to the Airport Land Use Plan. Airport-related safety and noise issues are addressed in more detail in the Safety and Noise Elements, respectively.

7.3 PUBLIC AND QUASI-PUBLIC USES AND AIRPORT OBJECTIVES AND POLICIES

OBJECTIVE LU.10: A general aviation airport that meets the needs of residents and the business community, while maintaining compatibility with the surrounding land uses

Policy LU.10.1: Maintain an updated Long Range Master Plan which defines the future uses and development standards applicable to the airport.

Policy LU.10.2: Maintain local authority over airport operations.

Policy LU.10.3: Consider the cumulative impact of private, non-emergency heliports and helistops in the City when reviewing applications for their approval, especially with regard to impact on residential areas.

Policy LU.10.4: Work closely with airport personnel and patrons to ensure the viability of the airport in the long run. Maintain efficient management of the airport and encourage harmony among the diverse stakeholders in the airport.

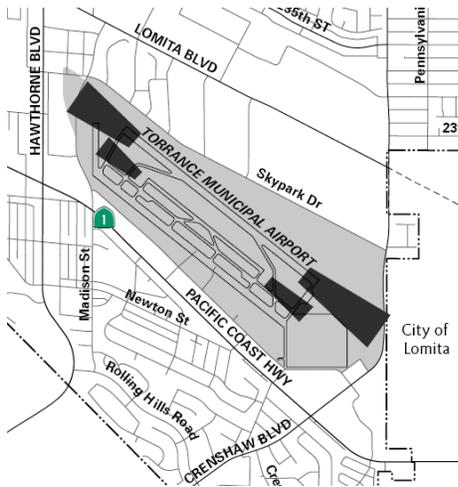
Policy LU.10.5: Ensure that land use decisions within the airport influence area are consistent with the Safety Element and the Torrance Airport Comprehensive Land Use Plan.

CHAPTER 4: SAFETY ELEMENT

2.5 TORRANCE MUNICIPAL AIRPORT (ZAMPERINI FIELD)

Torrance Municipal Airport is a general aviation facility that encompasses 500 acres, 140 acres of which are leased for non-aeronautical purposes. Torrance Airport can handle planes with a maximum per wheel weight of 20,000 pounds. However, the majority of airplanes are light, single-, sometimes twin-engine models, used mainly for recreational purposes, limited in size and seating capacity (usually two to eight), carrying less than 200 gallons of fuel on average, and with a typical gross weight not exceeding 12,500 pounds.

Between 1988 and 2004, 26 general aviation accidents occurred at or near the airport. Of these, two were fatal accidents. The potential impact of an airplane crash at Torrance Municipal Airport is limited due to the speed, weight, and fuel load restrictions of small airplanes and helicopters. The Torrance Fire Department maintains vehicles that are equipped with automatic gate openers that allow them direct access to the airfield.



Consistent with State aviation regulations, a Runway Protection Zone (RPZ) has been established at each end of each active runway. The size of the RPZ is determined by the type of landing approach used for that runway. The Federal Aviation Administration (FAA) mandates the airport operator to restrict uses of RPZ land under its control to those compatible with airport operations. The Runway Protection Zone for Torrance Municipal Airport is shown on Figure S-5.

Although air crash incidents at the airport have been infrequent, the City will continue to minimize risks by following the FAA's land use restrictions to areas surrounding airports and flight paths. Per FAA standards, the airport will maintain RPZ for each end of the airport's active runways. The City will ensure that all land use decisions close to the airport are consistent with standards contained within the Airport Comprehensive Land Use Plan. Further details about operations at the airport are included in the Circulation and Infrastructure Element.

OBJECTIVE S.5: To minimize the risk of potential hazards related to operations at Torrance Municipal Airport

Policy S.5.1:

Ensure that land use decisions within the airport influence area are consistent with the standards contained within the Torrance Airport Comprehensive Land Use Plan.

Policy S.5.2:

Require that airport personnel and emergency responders are trained in all applicable operational and safety procedures related to aviation hazards.

Policy S.5.3: Ensure that the airport has the appropriate equipment and technology to address any emergency situations that may arise.

Policy S.5.4: Prioritize airport preparation and response to potential security and terrorism threats.

Plot of aircraft accident locations relative to runway showing dense clustering in the area of the RPZ

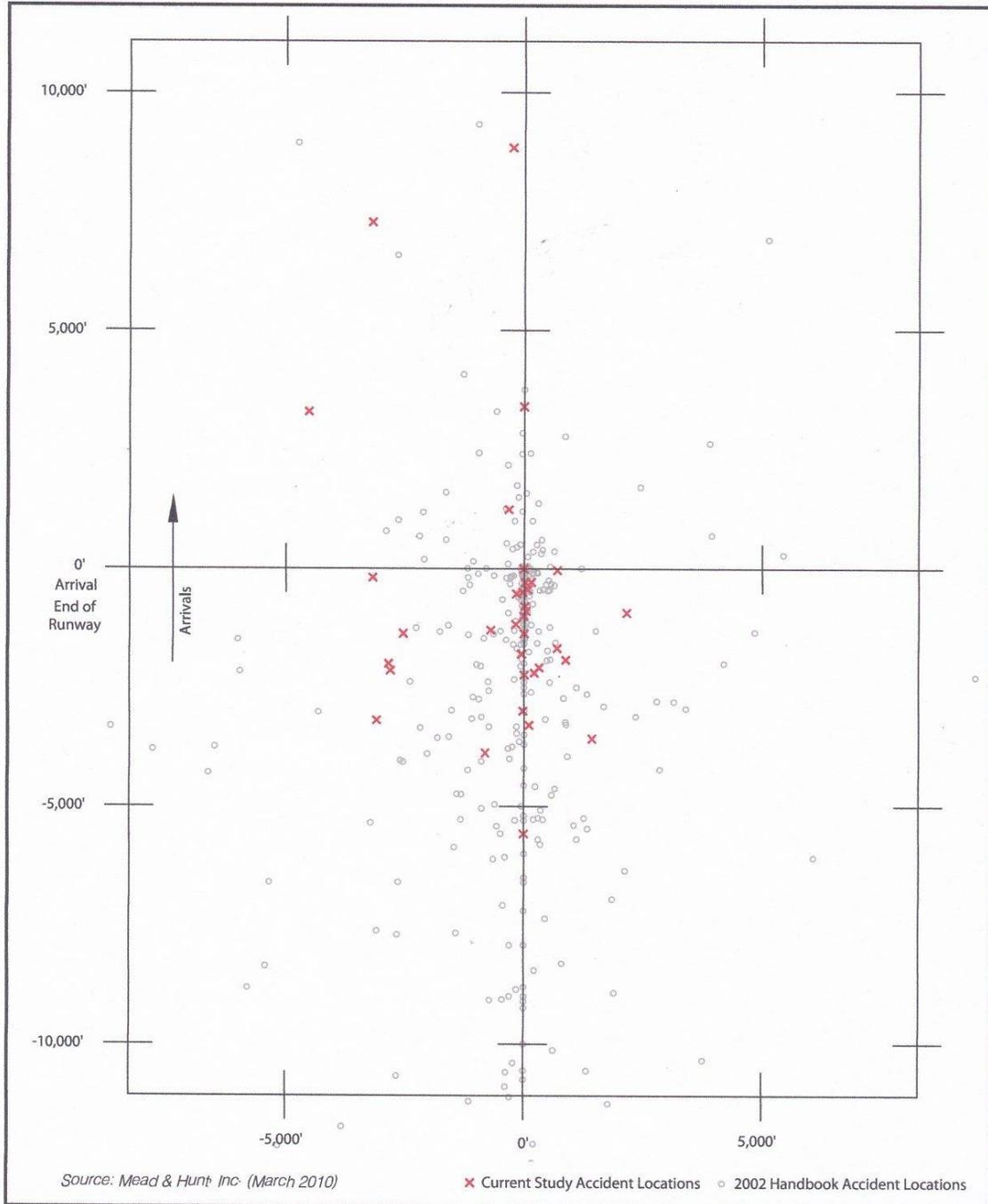


EXHIBIT E1

All Categories – Arrival Accidents

All Categories--Arrival Accidents from California Airport Land Use Planning Handbook overlaid on 29R RPZ



Note 1: Some of the data from California Land Use planning Handbook has been omitted from this figure to improve clarity.

Note 2: Between 1988 and 2004, 26 general aviation accidents occurred at or near the airport. Of these, two were fatal accidents

Letter from CalTrans Division of Aeronautics warning City against approval of Lexus' plan

STATE OF CALIFORNIA — CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN JR., C

DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS — M.S. #40
1120 N STREET
P. O. BOX 942874
SACRAMENTO, CA 94274-0001
PHONE (916) 654-4959
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Zamperini Field/Torrance Municipal Airport
Los Angeles County

5 ✓

Serious dr
Help Save v

June 2, 2015

SENT VIA CERTIFIED MAIL #70123460000310857854

Mr. Gregg Lodan, Planning Manager
City of Torrance Planning Commission
Torrance City Hall
3031 Torrance Boulevard
Torrance, CA 90503-5015

Dear Mr. Lodan:

The California Department of Transportation (Caltrans), Division of Aeronautics is responsible for ensuring that airports and heliports meet all applicable minimum design/safety standards as published in Federal Aviation Administration (FAA) Advisory Circulars (ACs), the California Public Utilities Code (PUC), section 21001 et seq. State Aeronautics Act, California Code of Regulations, Title 21, sections 3525-3560, and all required conditions depicted in Caltrans-issued airport and heliport permits. Airport and heliport permit criteria, including links to many FAA ACs, may be found on our website at www.dot.ca.gov/aeronautics. The PUC, section 21002, states in part:

The purpose of this part is to further and protect the public interest in aeronautics and aeronautical progress by the following means . . . fostering and promoting safety in aeronautics, effecting uniformity of the laws and regulations relating to aeronautics consistent with federal aeronautics laws and regulations, . . .

In keeping with this statutory mandate, we have reviewed the City of Torrance (City) Planning Commission staff language submitted for Agenda Item 10A, Case No. MOD 14-00013, dated May 20, 2015, which recommended authorizing the expansion of an automobile dealership into the Runway Protection Zone (RPZ) of Zamperini Field/Torrance Municipal Airport (TOA). We found the wording in this recommendation failed to include a discussion of some very important FAA airport design/safety standards applicable to all public-use airports. The fundamental purpose of the FAA's obstruction analysis program was not accurately represented. Approval of the expansion of an auto dealership into the RPZ of a public-use, reliever-class airport poses a potential hazard to people and property on the ground and exposes the City to greater liability in the event of an airport accident at this location.

The FAA guidelines found in AC 150/5300-13A, *Airport Design* state in part:

The RPZ's function is to enhance the protection of people and property on the ground. This is best achieved through airport owner control over

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Mr. Gregg Lodan
June 2, 2015
Page 2

RPZs. Control is preferably exercised through the acquisition of sufficient property interest in the RPZ and includes clearing RPZ areas (and maintaining them clear) of incompatible objects and activities. . .

The FAA's most recent guidance on this subject (FAA Memorandum dated September 27, 2012) is enclosed. Table 1 (on page 2) of the memo states that vehicular parking in an RPZ is a land use that warrants review. The California Airport Land Use Planning Handbook and the Los Angeles County Airport Land Use Plan provide similar guidance on objects and activities in an RPZ. These guidelines should be applied in terms of their potential to expose people to aviation-related hazards.

City staff recommendation states on page 3: "The applicant has already secured a preliminary clearance from the FAA for the proposed layout of the expanded parking lot area." In a telephone conversation with a senior FAA official in the Los Angeles Airports District Office on May 27, 2015, we were told that the FAA has issued an airspace determination on this project, but they have not issued any kind of "preliminary clearance." The Final Determination Letter for Aeronautical Study Number 2013-AWP-3413-OE, issued on July 16, 2013, stated only that the structure(s) associated with the proposed project does not constitute a hazard to air navigation.

In other words, the FAA determined that there will be no obstruction to navigable airspace or FAR Part 77-defined Approach or Transitional Surfaces at the TOA. The suitability of placing vehicles on display for sales purposes in the RPZ at the approach end of TOA's Runway 29R was not addressed, nor is this type of analysis performed during the FAA's obstruction evaluation process. The FAA's airspace determination letter "does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body," nor does it constitute approval of either the project or the type of land use proposed.

We have been informed by Los Angeles County Airport Land Use Commission (ALUC) staff that the proposed project has not been reviewed by the ALUC. Since this may violate PUC Article 3.5, section 21676.5(a), we believe that a final decision should be delayed until the issues listed above have been addressed and the review process completed by stakeholders external to the local Planning Commission.

Approval of this project presents a potential hazard to people and property on the ground and exposes the City to greater liability from aircraft accidents. Therefore, we hereby recommend that the proposed modification of a Conditional Use Permit to allow expansion of a car dealership into the Torrance Airport Runway 29R Runway Protection Zone be brought before the Torrance City Council for their consideration. Public safety concerns and increased liability warrant that this decision be made at the highest local level.

*"Provide a safe, sustainable, integrated, and efficient transportation system
to enhance California's economy and livability"*

Mr. Gregg Lodan
June 2, 2015
Page 3

If you have questions or require further assistance, please contact me at (916) 654-4151 or via email at terry.barrie@dot.ca.gov.

Sincerely,

Original signed by

TERRY BARRIE
Chief, Office of Aviation Planning

Enclosure

- c: The Honorable Mayor Patrick J. Furey, Mayor of Torrance, Torrance City Hall,
3031 Torrance Boulevard, Torrance, CA 90503-5015
Honorable Council Member Heidi Ann Ashcraft, Torrance City Hall, 3031 Torrance
Boulevard, Torrance, CA 90503-5015
Honorable Council Member Gene Barnett, Torrance City Hall, 3031 Torrance
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Honorable Council Member Tim Goodrich, Torrance City Hall, 3031 Torrance
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Honorable Council Member Mike Griffiths, Torrance City Hall, 3031 Torrance
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Honorable Council Member Geoff Rizzo, Torrance City Hall, 3031 Torrance
Boulevard, Torrance, CA 90503-5015
Honorable Council Member Kurt Weideman, Torrance City Hall, 3031 Torrance
Boulevard, Torrance, CA 90503-5015
Federal Aviation Administration, Los Angeles, Airports District Office

bc: David Sosa, District 7

Pat Miles: s:\\General Correspondence\\tb-TOA RPZ penetration_Auto Dealership Expansion

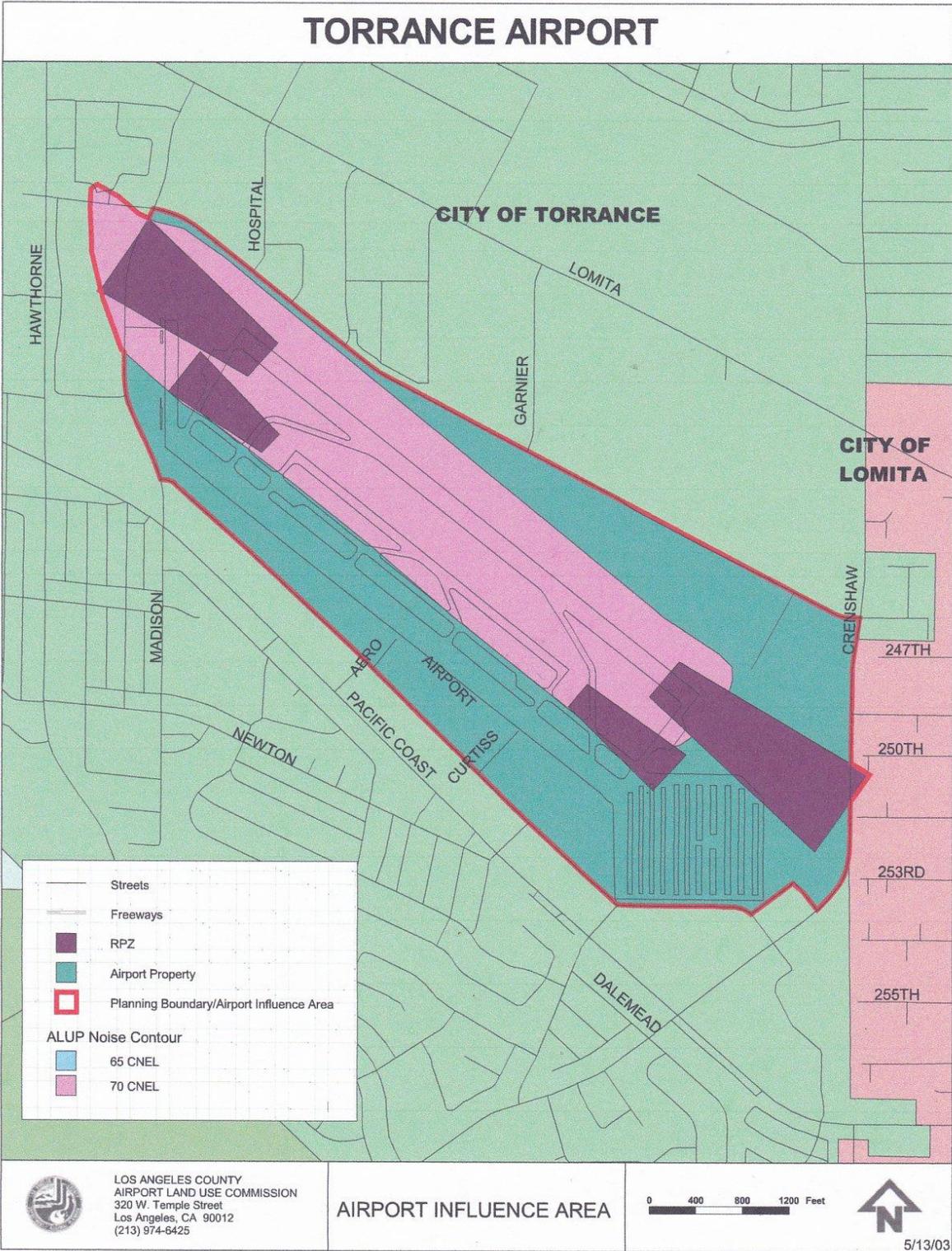
*"Provide a safe, sustainable, integrated, and efficient transportation system
to enhance California's economy and livability"*

Explanation of the Los Angeles County Airport Land Use Commission's Role

- The State Aeronautics Act Section 21670, et seq. of the California Public Utilities Code (“PUC”) requires every county in which there is an airport served by a scheduled airline to establish an Airport Land Use Commission.
- Pursuant to Section 21670.2 of the PUC, the Los Angeles County Regional Planning Commission has the responsibility for acting as the Airport Land Use Commission for Los Angeles County and thereby **coordinating the airport planning of public agencies within the County.**
- Pursuant to Section 21670(a)(1) of the PUC the purpose of the State Aeronautics Act that establishes Airport Land Use Commissions is to provide for the orderly development of each public use airport and the area surrounding these airports and to prevent the creation of new noise and **safety problems.**
- Pursuant to Section 21674 of the PUC, the powers and duties of an Airport Land Use Commission include: **assisting local agencies in ensuring compatible land uses in the vicinity of new and existing airports**; coordinating planning at the state, regional and local levels so as to provide for the orderly development of air transportation; preparing and adopting Airport Land Use Compatibility Plans; and **reviewing plans of local agencies to determine whether such plans are consistent with the applicable Airport Land use Compatibility Plan**
- In 1991 the County ALUC adopted the Los Angeles County Airport Land Use Plan, which is known as the Airport Land Use Compatibility Plan (“ALUCP”) that sets forth policies, purposes, maps with planning boundaries, and criteria for promoting compatibility between airports and the land uses that surround them.
- **The ALUCP provides for the orderly development of Los Angeles County’s public use airports and the area surrounding them.** The ALUCP contains policies and criteria, including a 65dB Community Noise Equivalent Level (“CNEL”) contour, that minimize the public’s exposure to excessive noise and **safety hazards.**
- Pursuant to Sections 21674(d), 21676(b), 21672(c), 21661.5, 21664.5(a), and 21664.5(b) of the PUC, the County **ALUC has the responsibility to review for consistency with the ALUCP, airport master plans, specific plans, general plan amendments and zoning ordinances for consistency with the adopted ALUCP, before final action is taken by the local agency.**
- Pursuant to Sections 21670(a)(2) and 21674(a), the ALUC has no authority over existing land uses regardless of whether such uses are incompatible with airport activities.

NOTE: Emphasis added

Map of ALUC planning area for Zamperini Field



NOTE: The RPZs shown on this map are incorrect and not consistent with current FAA definition

E-mail from CalTrans Aeronautics Division explaining RPZs, Part 77 study scope, and role of ALUC

From: gary.cathey@dot.ca.gov

To: GatesJH@aol.com

CC: jeff.brown@dot.ca.gov, terry.barrie@dot.ca.gov, patrick.miles@dot.ca.gov, ron.bolyard@dot.ca.gov, philip.crimmins@dot.ca.gov, corl.leach@calpilots.org

Sent: 5/29/2015 12:48:28 P.M. Pacific Daylight Time

Subj: FW: Torrance Airport land use issues

Based on the content of the three statements you provided to us, our comments on each are provided below:

1. “The expiration of the grant assurances extinguished the RPZs and their safety requirements”

a. The Runway Protection Zone (RPZ) is a runway design standard defined in FAA Advisory Circular (AC) 150/5300-13A, Airport Design. It is described as a physical trapezoidal shaped area on the ground located near the end of a runway and exists at a public-use airport whether there are FAA grant assurances in place or not.

b. As stated in the Airport Design AC, the function of the RPZ is “to enhance the protection of people and property on the ground. This is best achieved ... through clearing RPZ areas (and maintaining them clear) of incompatible objects and activities.” The California Airport Land Use Planning Handbook and the Los Angeles County Airport Land Use Plan also provide similar definitions and guidance.

c. Knowingly approving the construction of objects (fences, light poles, structures, etc.), placement of mobile objects (vehicles), and activities (people in the RPZ viewing the vehicles for sale) runs counter to the intended function of the RPZ and the presumed responsibility of the City to maintain a safe airport and community, and is a potential liability issue for the City.

2. “The determination of No Hazard to Air Navigation in a Part 77 study gives the city blanket approval by the FAA to convert airport land to any purpose it desires.”

a. An FAA Airspace Study only looks at the height of an object relative to the Federal Aviation Regulation (FAR) Part 77 defined imaginary surfaces. The results are based on whether the height of a submitted structure penetrates one of the imaginary surfaces and is “determined” to be hazardous to air navigation.

b. The airspace study does not consider land use and does not constitute FAA approval of any type of land use.

c. Our records indicate that the Airspace Determination for Aeronautical Study No. 2013-AWP-3413-OE issued July 16, 2013 states in part: “This determination concerns the effect of this structure [described as a “parking lot”] on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.”

3. “No further study of the issues is needed if this determination is made.”

a. The FAA determination did not approve the proposed land use, but only looked at the height of the submitted objects relative to the FAR Part 77 imaginary surfaces. The City should consider, i.e., study, whether the proposed land uses in the RPZ are appropriate given FAA, State, and County guidance that restricts objects and activities within RPZs.

Respectfully,

Gary

GARY CATHEY, Chief
Division of Aeronautics (MS-40)
California Department of Transportation
1120 N Street, Room 3300
PO Box 942874
Sacramento, CA 94274-0001
Office - (916) 654-5183
Fax- (916) 653-9531

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Caltrans Mission: *Provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability.*

Caltrans Vision: *A performance-driven, transparent, and accountable organization that values its people, resources and partners, and meets new challenges through leadership, innovation, and teamwork.*

E-mail from L A County ALUC explaining required reviews

From: csainz@planning.lacounty.gov

To: GatesJH@aol.com

CC: Gary.Cathey@dot.ca.gov, corl.leach@calpilots.org, jjung@planning.lacounty.gov

Sent: 6/3/2015 4:10:26 P.M. Pacific Daylight Time

Subj: RE: Torrance Airport public safety issue

Good Afternoon, Mr. Gates,

Thank you for your inquiry regarding the Lexus Dealership proposal within the RPZ for Torrance Airport. Jennifer Jung of my section is the lead planner working on this issue. By way of background, on May 19, 2015, we were contacted by Caltrans Aeronautics Division regarding the General Plan (GP) for the City of Torrance (City) and the Airport Land Use Commission's review. The City's recently updated General Plan (2010) was not reviewed by the Airport Land Use Commission (ALUC) and therefore submit to ALUC review pursuant to Public Utilities Code section 21676.5(a) which states that, if the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission **may** require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. *(Attached is an email to the City of Torrance.)*

In addition, ALUC review is required because the proposed project is within the Airport Influence Area. We have not received an application as of today. However, we will keep you informed on any updates on this issue. Let me know if you have any questions.

Thank you,

CARMEN SAINZ | Supervising Regional Planner

Community Studies East /Airport Land Use Section

Los Angeles County Department of Regional Planning

320 W. Temple Street, 13th Floor | Los Angeles, CA 90012

Phone 213.974.6425 | Fax 213.626.0434 | TDD 213.617.2292

<http://planning.lacounty.gov> | <http://planning.lacounty.gov/aluc>

E-mail from ALUC to City of Torrance explaining the ALUC review process

Dear Soc Yumul,

It was great speaking with you earlier today. We received information from the State of California Department of Transportation (Caltrans) that the South Bay Lexus dealership has proposed to construct an additional parking lot/sales area that straddles the existing Runway Protection Zone at the approach end of Runway 29R. If this is the case, then your project may be subject to Airport Land Use Commission (ALUC) review, pursuant to PUC section 21676.5(a) which states that, if the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made.

Usually there is a statutory review period of 60 days, once your planning staff submits for ALUC review. However, given that this is new information to you and you may have a tight timeline, we are willing to be flexible and work out a shorter review period timeline should you require one. Please see the attached documents that detail the ALUC submittal process and requirements. We like to work closely with the applicant/planning staff so that everything is done correctly, and in a timely manner. Please feel free to contact me should you have any questions or concerns. Thank you for taking the time to work with us in this process.

Sincerely,
Jennifer Jung

JENNIFER LEE JUNG, LEED AP BD+C | REGIONAL PLANNER
Communities Studies East + Airport Land Use Section
Los Angeles County|Department of Regional Planning
320 W. Temple Street, 13th Floor|Los Angeles, CA 90012
p. 213-974-6425 | f. 213-626-0434 | tdd. 213-617-2292
jjung@planning.lacounty.gov<mailto:jjung@planning.lacounty.gov> | planning.lacounty.gov

Letter from ALUC to City of Torrance stating that an ALUC review is required



**COUNTY OF LOS ANGELES
AIRPORT LAND USE COMMISSION**

June 18, 2015

TO: Mr. Soc Yumul, Planner
City of Torrance
Community Development Department
3031 Torrance Boulevard
Torrance, CA 90503

Dear Mr. Yumul:

**SUBJECT: SOUTH BAY LEXUS DEALERSHIP EXPANSION IN
AIRPORT INFLUENCE AREA OF ZAMPERINI FIELD
(TORRANCE MUNICIPAL AIRPORT)
24777 CRENSHAW BOULEVARD, TORRANCE, CA 90505**

In December 1991, the Los Angeles County Airport Land Use Commission ("ALUC") adopted the the Los Angeles County Airport Land Use Plan for the county's fifteen (15) public use airports. For each airport, the ALUC adopted planning boundaries also referred to as the Airport Influence Areas ("AIA"). The planning boundary delineated areas subject to noise impacts and safety hazards such as height restriction areas, approach surface, and runway protection zones. Within AIAs, certain proposed local land use actions must be submitted to the ALUC for review.

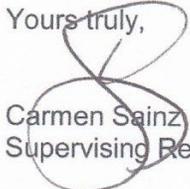
It was recently brought to our attention that the South Bay Lexus Dealership (project), which is located within the AIA of Zamperini Field (Torrance Municipal Airport), is expanding its facilities through a lease with the City of Torrance (Airport Owner). We received information from the State of California Department of Transportation (Caltrans) that the proposed project includes the construction of an additional parking lot/sales area that is located adjacent to the existing approach end of Runway 29R and is within the AIA. The project was approved by the City of Torrance Planning Commission on Wednesday, May 20, 2015, and was appealed by the Torrance Airport Association on Tuesday, June 2, 2015.

Please be informed that the South Bay Lexus Dealership Expansion may be subject to ALUC review, pursuant to Public Utilities Code Section 21676.5(a). The PUC states that, if the ALUC finds that a local agency has not revised its general plan or specific plan or overruled the ALUC's action, the local agency may be required to submit all subsequent actions, regulations, and permits to the ALUC for review until its general plan or specific plan is revised. Alternatively, if the local agency makes specific findings that the proposed action is consistent with the purposes of PUC Section 21670, the ALUC's determination may be overruled with a two-thirds vote of the local agency's governing body, Los Angeles County has

adopted ALUC Review Procedures that explain its operations and specifically how it responds to the type of the situation described above. Sections 1.5.2(a), 1.5.3 (a) (8)(10), (b), and (d) of the Procedures explains that projects such as the South Bay Lexus Dealership Expansion would require its review because, the ALUC has not reviewed the General Plan for the City of Torrance for consistency with the Los Angeles County Airport Land Use Plan. For copies of the applicable government codes go to the following website: <http://planning.lacounty.gov/aluc/resources>.

If you have any questions, please contact myself or my staff, Jennifer Jung, at (213) 974-6425 or email at jjung@planning.lacounty.gov, Monday through Thursday between 7:30 a.m. and 5:30 p.m.

Yours truly,


Carmen Sainz
Supervising Regional Planner, Community Studies East Section

CS:jtj

C: California Department of Transportation (Caltrans) Aeronautics Division

**The following members of the Zamperini Field aviation community
are strongly opposed to the planned Lexus encroachment in the
RPZ**

Richard Smith.
Oded Yossifor
Paul Hill
Mark Leiva
Robert Slusser
Gerald R Stephens
Marry Falstrom
Linda Howard
Bruce Ellison
Roxanne Ellison
Jimmy Green
Billie Green
Earl R. Waggoner
Richard Inman
Jon Rodgers
Sharon Crawford
Richard A. Bohner
Colette Miller
Ed Wheeler
Dave Bristol
Ernst M. Schubert
Joe Motis
Paul Robak
Craig Narr
Jody Narr
M. N. Gustavson
Iris C. Critchell
Marilyn Jensen
Thomas W.
LaGrelus, MD

Dodie Filler
Thomas Pawlak
Lenna Harnett
James Helsper
Eileen Bardolph,
MD
William G. Allison
Alan Black
Chris Adams
Ryder Adams
Vickie Ruch
Anvid von
Nordenflycht
Barbara Gates
Arthur W. Brock
Laurice Churchill
Jack Massie
John Winkler
Ariel Hazi
Paul Hill
Walter Tondur
Mary Stephens
Mike Petersitzke
Matt Liknaitzky
Craig Louis
Mary L Stephens
John Bucher
Gary Pascual

Michael Kosidlak
Lori Delane
Max Delane
Linda Howard
Philip J. Wyels
Gary Palmer
Leslie Huttunen
Merrill Eastcott
Michael Fox
Maurice O'Brien
William McKenna
Eric McKenna
Kent McKenna
Stacie Ehrlich
Tracy McKenna
Larry Chapman
Jodie Chapman
Ken Lehmer
Peter Broen
Gordon Hughes
Rory Pendley
David Bentley
Vanessa Vander
Putten
Anne O'Brien
Liz Broen

SUMMARY OF ISSUES

- **Any land use that causes aggregation of people or placement of structures in the RPZ is prohibited**
 - **Federal, state and county policies warn against it**
 - **Would increase risk for employees and public**
 - **Has adverse effects on safe airport operation**
 - **Exposes City (and taxpayers) to liability**
- **Planning Commission review & approval was flawed**
 - **The City Attorney made erroneous statements:**
 - **that RPZs and their safety elements disappear with expiration of FAA grant assurances (false)**
 - **that safety concerns voiced by TAA and CPA expired with RPZs (false)**
 - **that FAA Part 77 study is the only review required (false)**
 - **that a finding of "No Hazard" gives blanket FAA approval (false)**
 - **The South Bay Lexus' attorney made erroneous statements:**
 - **that, since the FAA did not object in the Part 77 study, there is no legal opposition to its plan (false)**
 - **that , if there is no legal opposition, the plan MUST be approved (false)**
 - **Planning Commissioners failed to acknowledge or understand the special review requirements of airport projects**
 - **Planning Commissioners failed to acknowledge or understand safety and liability issues of RPZ encroachment**
 - **City staff failed to acknowledge or understand special review requirements of airport projects and the safety and liability issues of RPZ encroachment**
- **Required review of airport projects by ALUC has been ignored by City staff**
 - **State Public Utilities Code requires ALUC review**
 - **ALUC has notified City of Torrance staff of review requirement**
 - **No application for review has been filed with ALUC by the City of Torrance staff**
- **Encroachment into RPZ is opposed by the Zamperini Field aviation community**
 - **Adverse effects on safe airport operation (ILS 29R)**
 - **Distracting lighting during night operations**
 - **Collision hazard in landing short or overrunning on takeoff**