



COUNTY OF LOS ANGELES
AIRPORT LAND USE COMMISSION

February 8, 2015

Ms. Barbara Lichman
Buchalter Nemer
18400 Karman Avenue, Suite 800
Irvine, CA 92612-0514

Dear Ms. Barbara Lichman:

**SOUTH BAY LEXUS TORRANCE
PROJECT NO. R2015-03166 / AVIATION PERMIT NO. 201500005**

On February 3, 2016, the Airport Land Use Commission (ALUC) conducted a public hearing to review the South Bay Lexus project for consistency with the adopted Los Angeles County Airport Land Use Plan (ALUP). After considering staff's presentation and discussion, the ALUC found the project inconsistent with the ALUP. Enclosed for your reference is a copy of the ALUC's final Findings and Order. The project materials are also available at the following website: <http://planning.lacounty.gov/case/view/r2015-03166/>. Documents from the public meeting are available online in the Department of Regional Planning Media Archive at the following link: http://planning.lacounty.gov/video/regional_planning_commission_meeting_2016-02-03/.

If you have any questions regarding this matter, please contact Amanda L. Reeck at (213) 974-6425 or by email at AREeck@planning.lacounty.gov, between 7:30 a.m. and 5:30 p.m., Monday through Thursday.

Sincerely,

Carmen Sainz, Supervising Regional Planner
Community Studies East Section
Advance Planning Division

c: Each Commissioner, DPW (Aviation), California State Department of Transportation (Aeronautics), City of Torrance (Patrick Sullivan)

CS:ALR

Enclosure: Findings and Order of the Airport Land Use Commission

**FINDINGS AND ORDER OF THE AIRPORT LAND USE COMMISSION
COUNTY OF LOS ANGELES
ALUC REVIEW OF THE SOUTH BAY LEXUS TORRANCE PROJECT
PROJECT NO. R2015-03166-(4)
AVIATION CASE NO. 201500005**

HEARING DATE: February 3, 2016 at 9:00 a. m.

SYNOPSIS:

The project before the Airport Land Use Commission (ALUC) proposes alterations, renovations and expansions to an automobile dealership site, which is partially within the Runway Protection Zone (RPZ) for one of the runways at Zamperini Field – Torrance Municipal Airport. The land use actions proposed under this project require discretionary approval by the City of Torrance (City) for modifications to a previous Conditional Use Permit. The Project is located on airport property owned by the City and leased to the South Bay Lexus Dealership.

ALUC review of this project is necessary because (a) the City of Torrance General Plan or Specific Plan for this location and applicable zoning ordinances have not been previously reviewed by ALUC and found consistent with the policies of the adopted Los Angeles County Airport Land Use Plan (ALUP), (b) the project site is located within the Airport Influence Area (AIA) planning boundary established for Zamperini Field – Torrance Municipal Airport, and (c) the proposed project has characteristics that qualify it as a major land use action, as described in the Los Angeles County Airport Land Use Commission Review Procedures (Review Procedures) Section 1.5.3.

PROCEEDINGS:

February 3, 2016 Public Hearing

A duly noticed public hearing before the ALUC was held on February 3, 2016. Staff presented a summary of the role of ALUC and project information, followed by staff's recommendation to the ALUC. Commissioner Pedersen requested clarification about whether the current service center is within the Runway Protection Zone (RPZ) and why the existing service center did not previously come before ALUC for review. Staff confirmed that uses related to the existing service center are partially within the RPZ and explained the reasons why only the new proposed uses were before ALUC for review.

Ms. Barbara Lichman of Buchalter Nemer and Mr. Larry Tidball of Stantec testified on behalf of the City of Torrance as the applicant. Commissioner Pedersen requested clarification regarding the corrected versions of the exhibits that were presented by the applicant showing the location of the RPZ. Staff and the representatives of the applicant clarified that they were in agreement that Exhibit 0, as included in the staff report, and Exhibits 1 through 5, as presented at the hearing by the applicant, indicated the corrected location of the RPZ to match the Federal Aviation Administration (FAA) RPZ definition. Chair Pincetl asked for clarification regarding the difference in the cumulative number of people on the entire site between the existing use and proposed use. The applicant answered additional questions from the Commission.

Two speakers from the Torrance Airport Association, Mr. James Gates and Ms. Anne O'Brien, testified in opposition of the project. Then, the applicant presented additional testimony in response to the opponents of the project and answered questions from the Commissioners. Commissioner Smith asked about the current concentration of people specifically in the area that is being proposed for the new display lot. Consultants of the City of Torrance indicated that the new display lot is largely within the fenced area of the airport, so it would not have occupants there today.

Following the discussion, the ALUC determined that the project is inconsistent with the adopted Los Angeles County Airport Land Use Plan (ALUP), closed the public hearing, and instructed staff to finalize the documents for the finding.

FINDINGS:

1. The State Aeronautics Act, Section 21670 et seq. of the California Public Utilities Code (PUC), requires every county in which there is a public use airport or an airport served by a scheduled airline to establish an ALUC.
2. Pursuant to Section 21670.2 of the PUC, the Los Angeles County Regional Planning Commission has the responsibility for acting as the ALUC for Los Angeles County and thereby coordinating the airport planning of public agencies within the County.
3. Pursuant to Section 21674 of the PUC, the powers and duties of an ALUC 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, regulations, and other actions of local agencies to determine whether such actions are consistent with the applicable airport land use compatibility plan.
4. Public Utilities Code 21676 requires that each local agency, whose general plan includes areas covered by an airport land use compatibility plan, submit a copy of its general plan or specific plan to the ALUC for determination on whether the plan is consistent with the airport land use compatibility plan.
5. In 1991 (amended in 2004), the Los Angeles County ALUC adopted the Los Angeles County ALUP, which is the airport land use compatibility plan for 13 of the 15 airports in the County, including Zamperini Field – Torrance Municipal Airport. The ALUP sets forth policies, maps with planning boundaries, and criteria for promoting compatibility between airports and the land uses that surround them. It contains policies and criteria to minimize the public's exposure to excessive noise and safety hazards.
6. Pursuant to Section 21676.5 of the PUC, the ALUC may require the local agency refer all actions, regulations, and permits involving land within an airport influence area to ALUC for review when a local agency has not yet had its general plan, or a specific plan for the affected area, reviewed and found consistent with ALUP or made specific findings to overrule an ALUC determination that such plan(s) are inconsistent.
7. In 2004, the Los Angeles County ALUC adopted the Los Angeles County Airport Land Use Commission Review Procedures (Review Procedures) to be used in conjunction with the compatibility plan for each of the individual airport influence areas in Los Angeles County.
8. Review Procedures Section 1.5.2 (a) clarifies Los Angeles County ALUC policy as requiring submittal of only major land use actions within the airport influence area for ALUC review pursuant to Section 21676.5 of the PUC.
9. The ALUP establishes an Airport Influence Area (AIA) for Zamperini Field – Torrance Municipal Airport, which is defined by the airport property, the area within the four designated Runway Protection Zones (RPZ), and the 70 CNEL noise contour. The AIA delineates the planning boundaries adopted by ALUC for each of the public use airports in Los Angeles County. The project site is located within the AIA for Zamperini Field – Torrance Municipal Airport.
10. The site of the proposed development project is located within the City of Torrance.
11. Prior to the subject project referral, the City of Torrance had not requested an ALUC determination of consistency of its General Plan amendments with the ALUP, including related creation of a specific plan.

12. Pursuant to Review Procedures Sections 1.5.3 (a) (9), 1.5.3 (a) (10), and 1.5.3 (b), this proposed project contains characteristics that qualify it as a major land use action. The Project proposes construction and alterations that require review by the Federal Aviation Administration in accordance with Part 77 of the Federal Aviation Regulations. The Project proposes new lighting and placement of a number of other objects within the RPZ. The Project is a nonaviation development of airport property.
13. The local aviation community has publicly stated that potential safety concerns exist, related to electrical or visual hazards to aircraft in flight, if the expansion to the subject automobile dealership is developed as proposed because of its proximity to the Zamperini Field – Torrance Municipal Airport.
14. Pursuant to Review Procedures Section 1.2.6, which defines aviation-related uses as facilities or activities directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport, the Project proposes only nonaviation development on the affected portion of the airport property, with the exception of one new fire access road.
15. Pursuant to Review Procedures Sections 1.2.11, which defines existing land use for the purposes of ALUC, the Project is not considered an existing use because the Project requires discretionary approvals from the local municipal government authority. The proposed modifications to the previous Conditional Use Permit require discretionary review by the City of Torrance. The project proponent requested changes to the original entitlement because it did not include auto sales.
16. Pursuant to Review Procedures Section 3.1, the ALUP sets forth the compatibility criteria applicable to the review of proposed land use actions in the vicinity of Zamperini Field – Torrance Municipal Airport. In order for ALUC to make a determination that a project is consistent with ALUP, the application materials must demonstrate that the project is consistent with all of the policies in ALUP Section IV, including General Policies G-1 to G-5, Noise Policies N-1 to N-4, and Safety Policies S-1 to S-7, unless one of the special conditions in Review Procedures Section 3.3 applies.
17. ALUC determination of project consistency with the compatibility criteria set forth in all of the General, Noise, and Safety Policies of ALUP is necessary because none of the special conditions in Review Procedures Section 3.3 apply.
18. Pursuant to Review Procedures Section 3.3.1, the Project does not qualify for an exception to the compatibility criteria as infill development because the Project does not meet all of the necessary criteria listed in Review Procedures Section 3.3.1 (b).
19. Pursuant to Review Procedures Sections 3.3.2 (b) and (c), the Project does not qualify for an exception to the compatibility criteria as an existing nonconforming nonresidential development because the portion of the site devoted to a nonconforming use is being expanded and the usage intensity (the number of people per acre) is being increased above existing levels. The proposed auto sales use has a higher usage intensity (people per acre) than the existing use for both the site as a whole, in comparison to the existing auto service center development, and the specific portion of the site that is within the RPZ, in comparison to its existing use as vacant/open land.
20. ALUP, General Policy G-1, requires new uses adhere to the Land Use Compatibility Table. The Project does not propose residential uses, educational facilities or new industrial uses, but does introduce a new commercial use. The entire Project site is within the 65 CNEL contour areas. The ALUP cautions that, in such areas, noise attenuation be considered for commercial uses.

21. ALUP, General Policy G-2, encourages the recycling of incompatible land uses to uses that are compatible with the ALUP, pursuant to the Land Use Compatibility Table. The project does not convert incompatible land uses to more compatible uses. To promote uses which are compatible with ALUP according to the Land Use Compatibility Table, the project proponent will need to use caution and review noise insulation needs in regards to new commercial uses at the project site because the entire site is within a 65 CNEL contour. The project proponent should give special consideration to the impact of noise on proposed new outdoor commercial and industrial uses.
22. ALUP, General Policy G-3, encourages local agencies to require dedication of an aviation easement to the jurisdiction owning the airport as a condition of approval on any project within the designated planning boundaries. The Project site is owned by the City of Torrance, and the City of Torrance is the owner of Zamperini Field – Torrance Municipal Airport. Therefore, an aviation easement is not required for the Project.
23. ALUP, General Policy G-4, prohibits projects that would affect safe air navigation. Some of the proposed construction and alterations have received Federal Aviation Administration (FAA) approval for height and will not affect safe air navigation. The project proponent will need to obtain additional FAA review and approval for details of the Project that have not yet been included in the required FAA notification. The project proponent will need to comply with all applicable requirements related to maximum Backlight, Uplight, and Glare (BUG) ratings for lighting pursuant to the California State Green Building Standards.
24. ALUP, General Policy G-5, requires airport proprietors to achieve airport/community land use compatibility by adhering to the guidelines of the California Noise Standards. The Project adheres to the state Noise Standards found in California Code of Regulations, Title 21, Subchapter 6. The project does not propose residential, educational, healthcare, or place of worship uses. Zamperini Field – Torrance Municipal Airport is not a designated noise problem airport. Additionally, the airport operator and its community members have existing measures in place related to Noise Abatement.
25. ALUP, Noise Policy N-1, requires that the CNEL method for measuring noise impacts near airports be used in determining suitability for various types of land uses. The project referenced contours that were developed with the CNEL method to illustrate noise impacts in the City of Torrance near Zamperini Field – Torrance Municipal Airport. The Project is entirely within the 65 CNEL contour as shown on the Torrance Airport Overall Area Map. To reflect the suitability of locations with a 65 CNEL rating for particular land uses, the project proponent is advised to use caution and review noise insulation needs in regards to new commercial uses at the project site. The project proponent should give special consideration to the impact of noise on proposed new outdoor commercial and industrial uses.
26. ALUP, Noise Policy N-2, requires a maximum allowable interior noise level of 45 dB CNEL in new residential, educational, and health-related uses in areas subject to exterior noise levels of 65 dB CNEL or greater. The project does not propose any new residential, educational, or health-related uses.
27. ALUP, Noise Policy N-3, requires that the Land Use Compatibility Table for Airport Noise Environments be used to evaluate projects within the AIA. Pursuant to the Land Use Compatibility Table, the project proponent is advised to use caution and review noise insulation needs in regards to new commercial uses at the project site because the entire site is within a 65 CNEL contour.

28. ALUP, Noise Policy N-4, encourages 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. The Project site is owned by the City of Torrance, which is the operator of Zamperini Field – Torrance Municipal Airport.
29. ALUP, Safety Policy S-1, requires airports to establish runway protection zones (“RPZ”) contiguous to the ends of each runway. These RPZs shall be identical to the Federal Aviation Administration’s RPZ (formerly called clear zone). There is an existing RPZ for Zamperini Field – Torrance Municipal Airport shown on the Airport Layout Plan (ALP) dated June 2007. The Project would introduce new uses into the existing RPZ and the proposed site layout includes commercial development within the established RPZ for Runway 11L/29R. The California Airport Land Use Handbook, which is referenced in the Review Procedures and Section 21674.7 of the PUC as guidance for ALUC compatibility review criteria, recommends that, ideally, each RPZ be kept entirely free of objects and that automobile parking is acceptable only in certain situations.
30. Surface parking lots have previously been determined to be an acceptable land use within RPZs through ALUC review of aviation cases at Hawthorne Airport and LAX (AV 00-191-[2] and AV 04-162-[2, 4]). However, the Project would have a greater intensity of use (persons per acre) in the RPZ, than a surface parking lot would have, by having display vehicles kept in the RPZ. Display vehicles would attract customers of the dealership to spend extended periods in the RPZ while they examine the vehicle. It would also attract sales persons to patrol the area and engage with customers. This activity is unlike a parking lot because persons using a parking lot would usually quickly move away from the vehicle to a retail building.
31. ALUP, Safety Policy S-2, prohibits above ground storage of more than 100 gallons of flammable liquids or toxic materials on any one net acre in a designated RPZ. The only flammable liquids or toxic materials that will be stored within the RPZ are those contained within parked or displayed vehicles associated with the automobile dealership. Safety Policy S-2 is intended to apply only to bulk storage of such materials. The Project does not include any use that would include bulk storage of flammable or toxic materials within the RPZs for Zamperini Field – Torrance Municipal Airport.
32. ALUP, Safety Policy S-3, prohibits, within a runway protection zone, any use that would direct a steady 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. If the Project meets all California State Green Building Standards requirements for maximum allowable BUG ratings, then the Project would not include any uses that would direct steady light of red, white, green or amber colors toward any runway protection zone at Zamperini Field – Torrance Municipal Airport.
33. ALUP, Safety Policy S-4, prohibits, within a 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. The Project proposes planting of trees and potential relocation of a utility pole, which may rise above the approach surface of an RPZ of Zamperini Field – Torrance Municipal Airport. To be in compliance with applicable regulations, the project proponent will need to obtain additional FAA review for details of the Project within an RPZ that have not yet been included in the required FAA notification, and the project proponent will need to obtain FAA approval for height and a determination that the proposed objects will not affect safe air navigation.

34. ALUP, Safety Policy S-5, prohibits uses that attract large concentrations of birds, emit smoke, or which may otherwise affect safe air navigation. Pursuant to City of Torrance Planning Commission Resolution No. 15-013, the proposed Project will not produce damage or nuisance from noise, smoke, odor, dust or vibration. The landscape palette will need to adhere to FAA requirements. The lighting will need to adhere to the California State Green Building Standards requirements for maximum allowable BUG ratings. If the Project meets all of those requirements, then the Project does not include development that would attract large concentrations of birds or otherwise affect safe air navigation.
35. ALUP, Safety Policy S-6, prohibits uses which would generate interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation. The Project does not propose uses that generate electrical interference, and all construction and new objects related to the proposed land use would be located outside the NAVAID critical area, also known as the navigational aid critical area, as shown on the ALP.
36. ALUP, Safety Policy S-7, requires that projects comply with the height restriction standards and procedures set forth in FAR 77. The project proponent will need to adhere to procedures set forth in FAR Part 77. Some of the proposed construction and alterations have received Federal Aviation Administration (FAA) approval for height and will not affect safe air navigation. The project proponent will need to provide notice to the FAA as necessary for any construction and alterations on airport property related to the Project and not previously included in a Form 7460, such as for alterations to the building itself, potential utility pole relocation, installation of fencing, planting of trees, construction of new driveways, or other Project elements.

CONCLUSION

Based on the foregoing, the Airport Land Use Commission concludes that the South Bay Lexus Torrance project is **INCONSISTENT** with the Los Angeles County Airport Land Use Plan (ALUP) because the proposed project will increase the intensity of use (persons per acre) in the RPZ by having display vehicles kept in that area. Display vehicles would attract customers of the dealership to spend extended periods in the RPZ while they examine the vehicle. It would also attract sales persons to patrol the area and engage with customers. This activity is unlike a parking lot because persons using a parking lot would usually quickly move away from the vehicle to a retail building.

ACTION

In view of the findings of fact presented above, the Airport Land Use Commission concludes that the South Bay Lexus Torrance project, as presented in Project No. R2015-03166-(4) / Aviation Case No. 201500005, is **INCONSISTENT** with the Los Angeles County Airport Land Use Plan (ALUP).

Vote: 4:0

Concurring: Pincetl, Smith, Louie, and Pedersen

Dissenting: 0

Abstaining: 0

Absent: Modugno

ACTION DATE: February 3, 2016

CS:ALR
February 8, 2016

c: Each Commissioner