

Los Angeles County Airport Land Use Commission Review Procedures



Adopted by
Los Angeles County Airport Land Use Commission

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Introduction

OVERVIEW OF THE PLAN

The basic function of airport land use compatibility plans is to promote compatibility between airports and the land uses that surround them. Compatibility plans serve as a tool for use by airport land use commissions in fulfilling their duty to review proposed development plans for airports and surrounding land uses. Additionally, compatibility plans set compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to land owners in their design of new development.

General Applicability

In December 1991, the Los Angeles County Airport Land Use Commission (ALUC) adopted abbreviated compatibility plans for all 15 of the public-use and joint-use airports located in Los Angeles County. No plans were adopted for the airports in adjacent counties whose influence areas extend into Los Angeles County. Realizing the need for a more comprehensive set of airport land use compatibility policies for the county, the ALUC began a process in 2002 to update its plans over a period of years subject to funding availability. In order to maintain as much commonality as practical among the various plans as they are updated, the update process calls for formatting the compatibility plan for each airport in two documents. This document, the *Los Angeles County Airport Land Use Commission Review Procedures*, represents the first of these two documents. It sets forth the review procedures and other policies that are generally applicable to all of the airports in the county. The second document will be unique to each individual airport. Each of the second documents will contain the specific compatibility criteria, maps, and other policies for a single airport.

Table 1A lists the airports in the county or affecting lands in the county for which the ALUC expects to update or prepare compatibility plans. The land use jurisdictions that potentially will lie within the influence area of each airport are also listed in the table.

Additional details regarding the purpose, scope, and applicability of the *Review Procedures* are set forth in the policy chapter that follows.

Statutory Requirements

Powers and Duties

Requirements for creation of airport land use commissions (ALUCs) were first established under the California State Aeronautics Act (Public Utility Code Sections 21670 et seq.) in 1967. (See Appendix A of this volume for a copy of the statutes). Although the law has been amended numerous times since then, the fundamental purpose of ALUCs to promote land use compatibility around airports has remained unchanged. As expressed in the present statutes, this purpose is:

“...to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.”

The statutes give ALUCs two principal powers by which to accomplish this objective. First, ALUCs must prepare and adopt an airport land use compatibility plan. Secondly, they must review the plans, regulations, and other actions of local agencies and airport operators for consistency with that plan.

Limitations

Also explicit in the statutes are two limitations on the powers of ALUCs. Specifically, ALUCs have no authority over existing land uses (Section 21674(a)) or over the operation of airports (Section 21674(e)). Neither of these terms is defined within the statutes, although the interpretation of their meaning is fairly standard throughout the state.

- ▶ **Existing Land Uses**—The precise wording of the Aeronautics Act is that the authority of ALUCs extends only to land in the vicinity of airports that is “not already devoted to incompatible uses.” The working interpretation of this language is that ALUCs have no state-empowered authority over existing land uses. The question then becomes one of determining what conditions qualify a land use as existing.

For airport land use planning purposes, a land use can generally be considered existing once the local agency has completed all discretionary actions on the project and only ministerial approvals remain. A vacant property thus can be considered “devoted to” a particular use, even if the activity has not begun, once local government commitments along with substantial construction investments by the property owner make it infeasible for the property to be used for anything other than its proposed use. Local government commitment to a proposal can usually be considered firm once a vesting tentative map, development agreement, or other land use entitlement has been approved. (See Chapter 2 for the definition of *existing land use* as adopted by the Los Angeles County Airport Land Use Commission).

- ▶ **Operation of Airports**—Any actions pertaining to how and where aircraft operate on the ground or in the air around an airport are clearly not within the jurisdiction of ALUCs to regulate. ALUC involvement with aircraft operations is limited to taking the operational characteristics into account in the development of land use compatibility plans. This limitation on the jurisdiction of ALUCs cannot, however, be taken to mean that they have no authority with respect to new development on airport property. For example, the law specifically requires ALUCs to review proposed airport master plans for consistency with the commission’s plans. ALUCs also have authority to review proposals for nonaviation development on airport property.

AIRPORT / OWNERSHIP	JURISDICTIONS AFFECTED*	
<i>Public-Use Airports in Los Angeles County</i>		
Agua Dulce Private	County of Los Angeles	
Bob Hope Burbank-Glendale-Pasadena Airport Authority	City of Burbank	City of Los Angeles
Brackett Field County of Los Angeles	City of Claremont City of Glendora City of La Verne	City of Pomona City of San Dimas
Catalina Private	County of Los Angeles	
Compton / Woodley Field County of Los Angeles	City of Carson City of Compton City of Long Beach	City of Los Angeles City of Lynwood County of Los Angeles
El Monte Field County of Los Angeles	City of Arcadia City of El Monte City of Irwindale City of Rosemead	City of South El Monte City of Temple City County of Los Angeles
General William J. Fox Airfield County of Los Angeles	City of Lancaster	County of Los Angeles
Jack Northrup Field / Hawthorne Municipal City of Hawthorne	City of El Segundo City of Gardena City of Hawthorne City of Inglewood	City of Lawndale City of Los Angeles County of Los Angeles
Long Beach Municipal / Daugherty Field City of Long Beach	City of Bellflower City of Carson City of Cerritos City of Lakewood	City of Long Beach City of Signal Hill County of Los Angeles
Los Angeles International City of Los Angeles	City of Culver City City of El Segundo City of Hawthorne	City of Inglewood City of Los Angeles County of Los Angeles
Santa Monica Municipal City of Santa Monica	City of Los Angeles	City of Santa Monica
Van Nuys City of Los Angeles	City of Los Angeles	
Whiteman Field County of Los Angeles	City of San Fernando City of Los Angeles	County of Los Angeles
Zamperini Field City of Torrance	City of Carson City of Lomita City of Los Angeles City of Palos Verdes Estates City of Rancho Palos Verdes	City of Redondo Beach City of Rolling Hills City of Rolling Hills Estates City of Torrance County of Los Angeles

Table 1A

Airports and Affected Jurisdictions

Los Angeles County

AIRPORT / OWNERSHIP	JURISDICTIONS AFFECTED*	
<i>Military Airports in Los Angeles County</i>		
Palmdale Production Flight/Test Installation Air Force Plant 42 U.S. Air Force	City of Lancaster City of Palmdale	County of Los Angeles
NALF San Clemente Island U.S. Navy	County of Los Angeles	
<i>Public-Use Airports in Nearby Areas of Adjacent Counties</i>		
Cable (San Bernardino County) Private	City of Claremont	
Fullerton Municipal (Orange County) City of Fullerton	City of La Mirada	
Rosamond Skypark (Kern County) Private	County of Los Angeles	
<i>Military Airports in Nearby Areas of Adjacent Counties</i>		
Edwards Air Force Base (Kern County) U.S. Air Force	County of Los Angeles	
Los Alamitos Army Air Field (Orange County) U.S. Army	City of Hawaiian Gardens City of Lakewood	City of Long Beach
* Jurisdictions within approximately 2 miles of small general aviation airports or 3 miles of major general aviation, airline, and military airports.		

Table 1A, continued

airport property. For example, the law specifically requires ALUCs to review proposed airport master plans for consistency with the commission's plans. ALUCs also have authority to review proposals for nonaviation development on airport property.

A third, less absolute, limitation concerns the types of land use actions that are subject to ALUC review. The law emphasizes local general plans as the primary mechanism for implementing the compatibility policies set forth in an ALUC's plan. Thus, Los Angeles County and each city affected by an airport land use compatibility plan is required to make its general plan consistent with the ALUC plan (or to overrule the commission). Once a local agency has taken this action to the satisfaction of the Airport Land Use Commission, the ALUC's authority to review projects within that jurisdiction is narrowly limited. The only actions for which review remains mandatory are proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations affecting land within an airport influence area. For an ALUC to review individual projects, the local agency must agree to submit them.

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

Los Angeles County Airport Land Use Commission

In most respects, the Los Angeles County Airport Land Use Commission operates similarly to other ALUCs in the state. However, provisions spelled out in Section 21670.2 of the Public Utilities Code modify certain aspects of how airport land use compatibility planning is conducted in the county. This section of the law applies exclusively to Los Angeles County.

Section 21670.2(a) indicates that the sections of the law requiring establishment of an airport land use commission, either in the standard membership format or through use of a designated body, do not apply to Los Angeles County. Instead, the County Regional Planning Commission is assigned "the responsibility for coordinating the airport planning of public agencies within the county." In practice, the Regional Planning Commission refers to itself as the Airport Land Use Commission when dealing with airport land use compatibility matters.

As further stated in the same section of the law, the Commission is called upon to help resolve "impasses" that may arise among public agencies with regard to airport planning. Any public agency involved in such a situation may appeal to the Commission to resolve the matter. Once the Commission has acted, a four-fifths vote of the governing body of the public agency whose planning led to the appeal is necessary if that agency wishes to overrule the Commission's decision. These provisions go beyond the basic powers and duties of ALUCs as specified in Section 21674 and the two-thirds vote requirements for overruling an ALUC action provided for in Sections 21676(a), 21676(c), and 21676.5(a). Although not explicitly indicated by the law, referring agencies that bring land use and airport development actions to the Commission under the regular provisions of Sections 21676 and 21676.5 presumably would only need the normal two-thirds vote in order to overrule a decision of the Commission.

The Regional Planning Commission consists of five members. Each County Supervisor appoints one member. The members serve four-year terms. The Los Angeles County Department of Regional Planning provides staff for the Commission and the Director of Regional Planning serves as the Commission's Administrative Officer.

In its role as the Regional Planning Commission, the Commission serves as an advisory body to the County Board of Supervisors regarding planning policies and land development proposals. As the Airport Land Use Commission, however, the Commission's relationship to the Board of Supervisors is set by the State Aeronautics Act. The ALUC is not merely an advisory body—its decision-making authority is independent of the Board of Supervisors. Specifically, the ALUC does not need approval from the Board of Supervisors or any of the affected cities in order to adopt or amend these *Review Procedures* or any of the individual airport compatibility plans.

The same status applies with respect to ALUC reviews of proposed county or city land use plans and development projects as required by state law. The ALUC's decisions are final unless the governing body of the affected land use jurisdiction—whether it be the Board of Supervisors or the city council of an affected city—takes the steps established in state law to overrule the Commission. Any such overruling requires a two-thirds vote of the agency's governing body after first holding a public hearing and making findings that the agency's plans are consistent with the intent of state law. At least 45 days prior to a decision to overrule the ALUC, the agency must provide the Commission and the California Division of Aeronautics a copy of the proposed decision and findings. The findings should identify the substantial factual information that supports the appropriateness of the overruling action.

POLICY FRAMEWORK

The policies in Chapter 2 of this *Review Procedures* document and in the individual compatibility plans are based upon two primary sources: state laws and guidelines; and master plans for the respective airports.

State Laws and Guidelines

Many of the procedures that govern how ALUCs operate are defined by state law. Statutory provisions in the Public Utilities Code establish the requirements for ALUC adoption of compatibility plans, including which airports should or can be included and some of the steps involved in the plan adoption. The law also dictates the requirements for airport land use compatibility reviews by the ALUC. The types of actions that local jurisdictions must submit for review are specified, for example.

With respect to airport land use compatibility criteria, the statutes say little, however. Instead, a section of the law enacted in 1994 refers to another document, the *Airport Land Use Planning Handbook* published by the California Division of Aeronautics. Specifically, the statutes say that, when preparing compatibility plans for individual airports, ALUCs shall “be guided by” the information contained in the *Handbook*. The *Handbook* is not regulatory in nature, however, and it does not constitute formal state policy except to the extent that it explicitly refers to state laws. Rather, its guidance is intended to serve as the starting point for compatibility planning around individual airports. Both this *Review Procedures* document and the individual compatibility plans prepared since 1994 utilize the guidance provided by the *Airport Land Use Planning Handbook*.

An additional function of the *Airport Land Use Planning Handbook* is established elsewhere in California state law. The Public Resources Code creates a tie between the *Handbook* and California Environmental Quality Act (CEQA) documents. Specifically, Section 21096 requires that lead agencies must use the *Handbook* as “a technical resource” when assessing airport-related noise and safety impacts of projects located in the vicinity of airports.

The most recent edition of the *Handbook* was completed in January 2002 and is available for downloading from the Division of Aeronautics web site.

Relationship to Airport Master Plans

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

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

The compatibility plan for each of the airports within the jurisdiction of the Los Angeles County Airport Land Use Commission is based upon the respective airport master plan or, as allowed by the statutes, a state-approved airport layout plan. The status of the master plan and layout plan for each airport is indicated in the respective compatibility plan.

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.

ALUC Procedural Policies

1. GENERAL APPLICABILITY

1.1. Overview

1.1.1. *Purpose:* The policies set forth in this Los Angeles County Airport Land Use Commission Review Procedures document serve two functions:

- (a) To articulate the procedures to be used by the Los Angeles County Airport Land Use Commission (ALUC) and affected local agencies for the purpose of fulfilling the airport land use compatibility review requirements set forth in the California State Aeronautics Act (Public Utilities Code Section 21670 et seq.). Specifically, these procedures define:
 - (1) The steps to be taken by the County of Los Angeles and affected cities, special districts, and schools districts in submitting certain land use development plans and other proposed actions to the Los Angeles County Airport Land Use Commission for review.
 - (2) The steps to be taken by airport operators in submitting airport master plans and certain other development plans to the ALUC for review.
 - (3) The process to be used by the ALUC in reviewing the above actions.
- (b) To identify certain compatibility factors to be considered in ALUC review of various actions involving land use development within any airport influence area in the county. Among these are:
 - (1) The requirements that the county or an affected city must meet for its general plan to be deemed consistent with a compatibility plan adopted by the Commission.
 - (2) Certain special conditions (infill development, reconstruction, etc.) that may apply to the review of individual development proposals.

- 1.1.2. *Relationship to Compatibility Plans for Individual Airports:* This *Review Procedures* document is intended to be used in conjunction with the compatibility plan for each of the individual airport influence areas in Los Angeles County. Land use compatibility policies, in the form of compatibility criteria and maps for each individual airport, are included in the respective compatibility plan for that airport.
- (a) The applicability of these policies to each airport and its environs is subject to separate adoption actions by the Airport Land Use Commission. These airports and the date when the *Review Procedures* were adopted for that airport influence area are as listed in Table 1A in Chapter 1.
 - (b) Prior to the adoption of these *Review Procedures* for a particular airport, the procedures and policies set forth in earlier compatibility plans remain in effect.

1.2. Definitions

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

- 1.2.1. *Aeronautics Act:* Except as indicated otherwise, the article of the California Public Utilities Code (Sections 21670 et seq.) pertaining to airport land use commissions.
- 1.2.2. *Airport:* The airports listed in Table 1A, or any new public-use airport or qualifying heliport (see *heliport* definition) that may be created within the boundaries of Los Angeles County or affect lands within the county.
- 1.2.3. *Airport Influence Area:* An area, as delineated in the individual compatibility plans adopted by the Los Angeles County Airport Land Use Commission, that is routinely affected by aircraft operations at an airport. The *airport influence area* constitutes the area within which certain land use actions are subject to ALUC review. The term *airport influence area* is synonymous with the term *airport referral area* as well as to the terms *planning area* and *planning boundary* as referred to in Public Utilities Code Section 21675. The previous compatibility plans adopted by the Los Angeles County ALUC used the term *planning boundary*.
- 1.2.4. *Airport Land Use Commission (ALUC):* The Los Angeles County Airport Land Use Commission.
- 1.2.5. *Airport Land Use Commission Administrative Officer:* The Director of Planning for the Los Angeles County Department of Regional Planning or a person designated by the director.
- 1.2.6. *Aviation-Related Use:* Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protection areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations facilities, terminal buildings, etc.
- 1.2.7. *Avigation Easement:* An easement that conveys rights associated with aircraft overflight of a property, including creation of noise, limits on the height of structures and trees, etc. (see *Glossary*)

- 1.2.8. *Community Noise Equivalent Level (CNEL)*: The noise metric adopted by the state of California for describing airport noise impacts. The noise impacts are typically depicted by a set of contours, each of which represents points having the same CNEL value.
- 1.2.9. *Compatibility Plan (or Airport Land Use Compatibility Plan)*: Any of the series of plans adopted by the Los Angeles County Airport Land Use Commission for the purpose of promoting compatibility between a particular airport and the land uses around it. This *Review Procedures* document is a component of each of the individual plans. The compatibility plans previously adopted by the Commission were referred to as *Airport Land Use Plans*.
- 1.2.10. *Compatibility Zone*: Any of the zones set forth in a compatibility plan for the purpose of assessing land use compatibility within the airport influence area.
- 1.2.11. *Existing Land Use*: A land use that either physically exists or for which local government commitments to the proposal have been obtained; that is, no further discretionary approvals are necessary. Local government commitment to a proposal can usually be considered firm once one or more of the following have occurred:
- (a) A tentative parcel or subdivision map has been approved and not expired;
 - (b) A vesting tentative parcel or subdivision map has been approved;
 - (c) A development agreement has been approved and remains in effect;
 - (d) A final subdivision map has been recorded;
 - (e) A use permit or other discretionary entitlement has been approved and not yet expired; or
 - (f) A valid building permit has been issued.
- 1.2.12. *Federal Aviation Regulations (FAR) Part 77*: The part of Federal Aviation Regulations which deals with objects affecting navigable airspace in the vicinity of airports. Objects which exceed the Part 77 height limits constitute airspace obstructions.
- 1.2.13. *Gross Acreage*: Gross acreage includes the property at issue plus a share of adjacent roads and any adjacent, permanently dedicated, open lands.
- 1.2.14. *Height Review Overlay Zone*: Areas of land in the vicinity of an airport where the ground lies above an FAR 77 surface or less than 35 feet beneath such surface.
- 1.2.15. *Heliport*: A helicopter landing facility for which a Heliport Permit is required from the California Department of Transportation. Public-use and special-use heliports (including those at hospitals) are included within this definition, but helipads located on an airport are excluded. Personal-use heliports may or may not require a state permit depending upon their location and other factors.
- 1.2.16. *Impasse*: Any significant unresolved issue between the appellant public agency and the public agency proposing the project regarding proper airport planning as it relates to the project at issue.

- 1.2.17. *Infill*: Development of vacant or underutilized land within areas that are already largely developed or used more intensively. See Policy 3.3.1(b) for criteria used to identify infill areas for compatibility planning purposes.
- 1.2.18. *Local Jurisdiction*: The county of Los Angeles, any city within the county, or any other government agency (except state or federal government agencies or Native American tribes) having jurisdiction over land uses within their respective boundaries.
- 1.2.19. *Major Land Use Action*: Actions related to proposed land uses for which compatibility with airport activity is a particular concern, but for which ALUC review is not always mandatory under state law. These types of actions are listed in Policy 1.5.3.
- 1.2.20. *Nonconforming Use*: In general, a land use, parcel, or building that does not comply with a current land use plan or zoning ordinance, but which was legally permitted at the time the plan or ordinance was adopted. For the purposes of the individual compatibility plans for airports in Los Angeles County, a nonconforming land use is one that exists (see definition of *existing land use* in Policy 1.2.11) as of the adoption date of the plan for a particular airport, but which does not conform with the compatibility criteria set forth therein.
- 1.2.21. *Project; Land Use Action; Development Proposal*: Terms similar in meaning and all referring to the types of land use matters, either publicly or privately sponsored, which are subject to the provisions of this *Compatibility Plan*.
- 1.2.22. *Public Agency*: A county, city, school district, or other governmental body.

1.3. Geographic Scope

These *Los Angeles County Airport Land Use Commission Review Procedures* apply to:

- 1.3.1. *Airport Influence Area*
 - (a) All lands on which the uses could be negatively affected by present or future aircraft operations at any of the airports listed in Table 1A for which the ALUC has specifically adopted these procedures; also, those lands on which the uses could negatively affect any of the same airports.
 - (b) The specific limits of the influence area for each airport are depicted on the maps contained within the respective compatibility plans.
 - (c) An airport influence area can cross a county line. However, neither this *Review Procedures* document nor the individual airport compatibility plans are binding outside Los Angeles County.
- 1.3.2. *Countywide Impacts on Flight Safety*: Other lands, regardless of their location in the county, on which certain land use characteristics could adversely affect the safety of flight in the county. The specific uses of concern are identified in Policy 1.5.3(c).
- 1.3.3. *New Airports*: The site and environs of any new airport that may be proposed anywhere in the county, including incorporated cities, and that requires an Airport Permit from the California Department of Transportation (agricultural airports, personal-use airports, and seaplane landing sites are generally exempt from state permit requirements).

- 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.

- 1.5.2. *Other Land Use Actions Subject to ALUC Review:* In addition to the above types of land use actions for which ALUC review is mandatory, other types of land use actions are subject to review under the following circumstances:
- (a) Until such time as (1) the Commission finds that a local agency's general plan or specific plan is consistent with the applicable compatibility plan, or (2) the local agency has overruled the Commission's determination of inconsistency, state law provides that the ALUC may require the local agency to refer all actions, regulations, and permits involving land within an airport influence area to the Commission for review (Public Utilities Code Section 21676.5(a)). Only those actions that the ALUC elects not to review are exempt from this requirement. Commission policy is that only the *major land use actions* listed in Policy 1.5.3 shall be submitted for review.
 - (b) After a local agency has revised its general plan or specific plan (see Section 3.2) or has overruled the Commission, the Commission no longer has authority under state law to require that all actions, regulations, and permits be referred for review. However, the Commission and the local agency can agree that the Commission should continue to review individual projects in an advisory capacity.
 - (1) The Commission requests local agencies to continue to submit *major land use actions* as listed in Policy 1.5.3. ALUC review of these types of projects can serve to enhance their compatibility with airport activity.
 - (2) Review of these actions is requested only if a review has not previously been conducted as part of a general plan, specific plan, or zoning ordinance action or if sufficient project-level detail to enable a full assessment of compatibility was not available at the time of a previous review.
 - (3) Because the ALUC acts in an advisory capacity when reviewing projects under these circumstances, local jurisdictions are not required to adhere to the overruling process if they elect to approve a project without incorporating design changes or conditions suggested by the Commission.
 - (c) Proposed redevelopment of a property for which the existing use is consistent with the general plan and/or specific plan, but nonconforming with the compatibility criteria set forth in this plan, shall be subject to ALUC review. This policy is intended to address circumstances that arise when a general or specific plan land use designation does not conform to ALUC compatibility criteria, but is deemed consistent with the compatibility plan because the designation reflects an existing land use. Proposed redevelopment of such lands voids the consistency status and is to be treated as new development subject to ALUC review even if the proposed use is consistent with the local general plan or specific plan. (Also see Section 3.2 and Policies 3.3.2 and 3.3.3.)
 - (d) Proposed land use actions covered by Paragraphs (a), (b), and (c) above shall initially be reviewed by the ALUC Administrative Officer. If the Administrative Officer determines that significant compatibility issues are evident, the proposal shall be forwarded to the Commission for review and decision. The Commission authorizes the Administrative Officer to approve proposed actions having no apparent compatibility issues of significance.

1.5.3. *Major Land Use Actions:* The scope or character of certain *major land use actions*, as listed below, is such that their compatibility with airport activity is a potential concern. Even though these actions may be basically consistent with the local general plan or specific plan, sufficient detail may not be known to enable a full airport compatibility evaluation at the time that the general plan or specific plan is reviewed. To enable better assessment of compliance with the compatibility criteria set forth in the individual airport compatibility plans, ALUC review of these actions may be warranted. The circumstances under which ALUC review of these actions is to be conducted are indicated in Policy 1.5.2 above.

- (a) Actions affecting land uses within the influence area of an airport covered by these *Review Procedures*.
 - (1) Any proposed expansion of the sphere of influence of a city or special district.
 - (2) Proposed pre-zoning associated with future annexation of land to a city.
 - (3) Proposed development agreements or amendments to such agreements.
 - (4) Proposed residential development, including land divisions, consisting of five or more dwelling units or lots.
 - ▶ This requirement shall apply only within runway approach and transitional zones as defined for an individual airport in accordance with Part 77 of the Federal Aviation Regulations together with areas inside the airport's long-range 60 dB CNEL noise contour (or current contour if it is larger). Modifications to these boundaries may be established by the compatibility plans for individual airports.
 - ▶ Elsewhere within an airport's influence area, proposed residential development shall not be considered a major land use action unless it consists of 40 or more dwelling units or lots.
 - (5) Any development proposal for nonresidential projects having a building floor area of 20,000 square feet or greater unless only ministerial approval (e.g., a building permit) is required.
 - ▶ This requirement shall apply only within runway approach and transitional zones as defined for an individual airport in accordance with Part 77 of the Federal Aviation Regulations together with areas inside the airport's long-range 60 dB CNEL noise contour (or current contour if it is larger). Modifications to these boundaries may be established by the compatibility plans for individual airports.
 - ▶ Elsewhere within an airport's influence area, proposed nonresidential development shall not be considered a major land use action unless it consists of 40,000 square feet or greater.
 - (6) Major capital improvements (e.g., water, sewer, or roads) that would promote urban uses in undeveloped or agricultural areas to the extent that such uses are not reflected in a previously reviewed general plan or specific plan.
 - (7) Proposed land acquisition by a government entity for any facility accommodating a congregation of people (for example, a school or hospital).
 - (8) Any off-airport, nonaviation use of land within a civilian airport's runway protection zone or military airport's clear zone.

- (9) Any obstruction having a height that requires review by the Federal Aviation Administration in accordance with Part 77 of the Federal Aviation Regulations.
 - (10) Any project having the potential to create electrical or visual hazards to aircraft in flight, including:
 - Electrical interference with radio communications or navigational signals;
 - Lighting which could be mistaken for airport lighting;
 - Glare in the eyes of pilots of aircraft using the airport; and
 - Impaired visibility near the airport.
 - (11) Any project having the potential to cause an increase in the attraction of birds or other wildlife that can be hazardous to aircraft operations in the vicinity of an airport.
 - (12) Other specific actions or types of projects as may be indicated in the compatibility plan for individual airports.
- (b) Proposed nonaviation development of airport property if such development has not previously been included in an airport master plan or community general plan reviewed by the Commission. (See Policy 1.2.6 for definition of *aviation-related use*.)
 - (c) Regardless of location within Los Angeles County, any proposal for construction or alteration of a structure (including antennas) taller than 200 feet above the ground level at the site. (Such structures also require notification to the Federal Aviation Administration in accordance with Federal Aviation Regulations, Part 77, Paragraph 77.13(a)(1).)
 - (d) Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.

1.5.4. *Intercounty Coordination:* Where an airport influence area crosses the Los Angeles County line, affected jurisdictions outside of the county are asked to coordinate with the Los Angeles County ALUC on airport land use compatibility issues.

- (a) The ALUC requests the opportunity to comment upon any major land use actions, as defined above, proposed to be situated within the influence area of an airport in Los Angeles County where such area extends into an adjacent county.
- (b) Any county adjacent to Los Angeles County or any city or other agency within such counties that may be considering proposed establishment or expansion of an airport within three miles, or a heliport within one mile, of the Los Angeles County boundary should inform the Los Angeles County ALUC of such proposal.
- (c) Los Angeles County ALUC review of such actions is advisory only. The ALUC has no jurisdiction over development outside Los Angeles County boundaries.

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.

2.3. Review Process for Major Land Use Actions

- 2.3.1. *Project Submittal Information:* A proposed major land use action submitted to the Commission (or to the ALUC Administrative Officer) for review shall include:
- (a) The following information:
 - (1) Property location data (assessor's parcel number, street address, subdivision lot number).
 - (2) An accurately scaled map showing the relationship of the project site to the airport boundary and runways.
 - (3) A description of the existing and proposed uses of the land in question.

- (4) The type of land use action being sought from the local jurisdiction (e.g., zoning change, building permit, etc.).
 - (5) For residential uses, an indication of the potential or proposed number of dwelling units per acre (including any secondary units on a parcel); or, for nonresidential uses, the number of people potentially occupying the total site or portions thereof at any one time.
 - (6) If applicable, a detailed site plan showing ground elevations, the location of structures, open spaces, and water bodies, and the heights of structures and trees.
 - (7) Identification of any characteristics that could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight.
 - (8) Any environmental document (initial study, draft environmental impact report, etc.) that may have been prepared for the project.
 - (9) Any staff reports regarding the project that may have been presented to local agency decision makers.
 - (10) Documentation that confirms to the ALUC that the local jurisdiction's planning commission or other body making recommendations to the decision making body has taken action on the project. This should not be the final action (i.e. city council action), but the preliminary action, a stage at which the project has already been subject to public review and is considered near its final form.
 - (11) Other relevant information that the Commission or its staff determine to be necessary to enable a comprehensive review of the proposal.
- (b) Any applicable review fees as established by the Los Angeles County Airport Land Use Commission.

2.3.2. *ALUC Administrative Officer's Choices:* When reviewing major land use actions in accordance with Policy 1.5.2(d), the ALUC Administrative Officer has two choices of action:

- (a) Find that the proposed project does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in this plan. Upon said finding, the Administrative Officer is authorized to approve such projects on behalf of the Commission.
- (b) Find that the proposed project may be inconsistent with the compatibility plan. The Administrative Officer shall forward any such project to the Commission for a consistency determination.

2.3.3. *Commission Action Choices:* When reviewing a major land use project proposal, the Airport Land Use Commission has three choices of action:

- (a) Find the project consistent with the compatibility plan.
- (b) Find the project consistent with the compatibility plan, subject to compliance with such conditions as the Commission may specify. Any such conditions should be limited in scope and described in a manner that allows compliance to be clearly assessed (e.g., the height of a structure).

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

2.3.4. *Response Time:* In responding to major land use actions submitted for review, the policy of the Los Angeles County Airport Land Use Commission is that:

- (a) When a major land use action is submitted for review on a mandatory basis as required by Policy 1.5.2.(a):
 - (1) 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 all applicable project submittal information as listed in Policy 2.3.1 is received by the Administrative Officer.
 - (2) Reviews by the ALUC Administrative Officer shall be completed within 60 days of when a complete application is submitted.
 - (3) Reviews of projects forwarded to the Commission for a consistency determination shall be completed within 60 days of the date of when the Administrative Officer's review is complete.
 - (4) If the ALUC Administrative Officer or the Commission fail to make a determination within the above time periods, the proposed action shall be deemed consistent with the compatibility plan.
- (b) When a major land use action is submitted on an optional basis in accordance with Policy 1.5.2(b), review by the ALUC Administrative Officer and/or the Commission should be completed in a timely manner enabling the comments to be considered by decision-making bodies of the submitting agency.
- (c) Regardless of action or failure to act on the part of the ALUC Administrative Officer or the Commission, the proposed action still must comply with other applicable local, state, and federal laws and regulations.
- (d) The referring agency shall be notified of the ALUC Administrative Officer's and/or the Commission's action in writing.

2.3.5. *Subsequent Review:* Once a project has been found consistent with the relevant compatibility plan or plans, it need not be referred for review at subsequent stages of the planning process (e.g., for a use permit after a zoning change has been reviewed) unless:

- (a) Insufficient information was available at the time of the ALUC's original review of the project to assess whether the proposal would be fully in compliance with compatibility criteria (e.g., the site layout and structure height might not be known at the time a general plan change or zoning amendment is requested).
- (b) The design of the project subsequently changes in a manner that reopens previously considered compatibility issues and could raise questions as to the validity of the earlier finding of compatibility. Proposed changes warranting a new review include, but are not limited to, the following:
 - (1) An increase in the number of dwelling units, intensity of use (more people on the site), or other usage characteristics to levels exceeding the criteria set forth in the applicable compatibility plan or plans;

- (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.

4. REVIEW OF AIRPORT MASTER PLANS AND DEVELOPMENT PLANS

4.1. General

4.1.1. *Timing of Project Submittal:* Airport Land Use Commission staff may provide informal comments on a proposed master plan or amendment early in the planning process if

requested by the public agency owning the airport. The most appropriate time to submit a proposed master plan to the ALUC for formal review is after the proposal has been made public and action has been taken by the planning commission or other body making recommendations to the decision-making body. The precise timing may vary depending upon the nature of the specific project. All master plans or amendments, however, must be submitted to the ALUC for review prior to final approval by the public agency.

4.2. Review Process

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

- (a) At a minimum, information to be submitted shall include:
 - (1) A layout plan drawing of the proposed facility or improvements showing the location of:
 - ▶ Property boundaries;
 - ▶ Runways or helicopter takeoff and landing areas;
 - ▶ Runway or helipad protection zones;
 - ▶ Aircraft or helicopter approach/departure flight routes.
 - (2) A map of the proposed airspace surfaces as defined by Federal Aviation Regulations, Part 77, if the proposal would result in changes to these surfaces.
 - (3) Activity forecasts, including the number of operations by each type of aircraft proposed to use the facility, the percentage of day versus night operations, and the distribution of takeoffs and landings for each runway direction.
 - (4) Existing and proposed flight track locations, current and projected noise contours, and other supplementary noise impact data that may be relevant.
 - (5) A map showing existing and planned land uses in the areas affected by aircraft activity associated with implementation of the proposed master plan or development plan.
 - (6) Any environmental document (initial study, draft environmental impact report, etc.) that may have been prepared for the project.
 - (7) Identification and proposed mitigation of impacts on surrounding land uses.
 - (8) Documentation that confirms to the ALUC that the local jurisdiction's planning commission or other body making recommendations to the decision making body has taken action on the project. This should not be the final action (i.e. city council action), but the preliminary action, a stage at which the project has already been subject to public review and is considered near its final form.
- (b) Any applicable review fees as established by the Los Angeles County Airport Land Use Commission shall accompany the application.

- 4.2.2. *Commission Action Choices for Plans of Existing Airports:* When reviewing a proposed new or revised airport master plan or new development plans for existing public-use airports, the Commission has three action choices:
- (a) Find the airport plan consistent with the compatibility plan for that airport.
 - (b) Find the airport plan inconsistent with the compatibility plan for that airport.
 - (c) Modify the compatibility plan for the subject airport (after duly noticed public hearing) to reflect the assumptions and proposals in the airport master plan.
- 4.2.3. *Commission Action Choices for Reviews of New Public-Use Airports or Heliports:* When reviewing proposals for new public-use airports or heliports, the Commission's choices of action are:
- (a) Approve the proposal as being consistent with the specific review policies listed in Section 4.3 below.
 - (b) Approve the proposal and adopt a compatibility plan for the facility. State law requires adoption of such a plan if the airport or heliport will be a public-use facility (Public Utilities Code Section 21675(a)).
 - (c) Disapprove the proposal on the basis that the noise, safety, airspace protection, and overflight impacts it would have on surrounding land uses are not adequately mitigated.
- 4.2.4. *Review of Special-Use Airports and Heliports:* The ALUC has delegated to its Administrative Officer the review of proposed special-use airports and heliports (as defined in state regulations). The Administrative Officer's choices of action with regard to these proposals are:
- (a) Find the proposed facility does contain characteristics likely to result in conflicts with the review criteria listed in Section 4.3 below. Upon said finding, the Administrative Officer is authorized to approve such projects on behalf of the Commission.
 - (b) Find that the proposed facility may conflict with the review criteria listed in Section 4.3. The Administrative Officer shall forward any such proposal to the Commission for a consistency determination.
- 4.2.5. *Response Time:* The Airport Land Use Commission must respond to the submittal of an airport master plan or development plan 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 all applicable project submittal information is received by the Administrative Officer.
 - (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 applicable 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.

4.3. Compatibility Criteria for Master or Development Plans of Existing Airports

- 4.3.1. *Substance of Review:* When reviewing airport master plans or development plans for existing public-use airports, the Commission shall determine whether activity forecasts or proposed facility development identified in the plan differ from the forecasts and development assumed for that airport as indicated in the airport's compatibility plan. Attention should specifically focus on:
 - (a) Aircraft activity forecasts that are: (1) significantly higher than those in the applicable compatibility plan; or that (2) include a higher proportion of larger or noisier aircraft.
 - (b) Proposals to: (1) construct a new runway or helicopter takeoff and landing area; (2) change the length, width, or landing threshold location of an existing runway; or (3) establish an instrument approach procedure.
- 4.3.2. *Noise Impacts of Airport or Heliport Expansion:* Any proposed expansion of facilities at an existing airport or heliport that would result in a significant increase in cumulative noise exposure (measured in terms of CNEL) shall include measures to reduce the exposure to a less-than-significant level. Except as modified by policies in the compatibility plans of individual airports, a noise increase shall be considered significant if:
 - (a) In locations having an existing ambient noise level of less than 55 dB CNEL, the project would increase the noise level by 5.0 dB or more.
 - (b) In locations having an existing ambient noise level of between 55 and 60 dB CNEL, the project would increase the noise level by 3.0 dB or more.
 - (c) In locations having an existing ambient noise level of more than 60 dB CNEL, the project would increase the noise level by 1.5 dB or more.
- 4.3.3. *Consistency Determination:* The Commission shall determine whether the proposed airport plan or development plan is consistent with the applicable compatibility plan. The Commission shall base its determination of consistency on;
 - (a) Findings that the forecasts and development identified in the airport plan would not result in greater noise, overflight, and safety impacts or height restrictions on surrounding land uses than are assumed in the compatibility plan.
 - (b) A determination that any nonaviation development proposed for locations within the airport boundary (excluding federal- or state-owned property) will be consistent with the compatibility criteria and policies indicated in the compatibility plan for that airport (see Policy 1.2.6 for definition of aviation-related use).

4.4. Compatibility Criteria for Proposed New Airports or Heliports

- 4.4.1. *Substance of Review:* In reviewing proposals for new airports and heliports, the Commission shall focus on the noise, safety, airspace protection, and overflight annoyance impacts upon surrounding land uses.
- (a) Other types of environmental impacts (e.g., air quality, water quality, natural habitats, vehicle traffic, etc.) are not within the scope of Commission review.
 - (b) The Commission shall evaluate the adequacy of the proposed facility design (in terms of federal and state standards) only to the extent that the design affects surrounding land use.
 - (c) The Commission must base its review on the proposed airfield design. The Commission does not have the authority to require alterations to the airfield design.
- 4.4.2. *Airport/Land Use Relationships:* The review shall examine the relationships between existing and planned land uses in the vicinity of the proposed airport or heliport and the impacts that the proposed facility would have upon these land uses.
- (a) Questions to be considered should include:
 - (1) Would the existing or planned land uses be considered incompatible with the airport or heliport if the latter were already in existence?
 - (2) What measures are included in the airport or heliport proposal to mitigate the noise, safety, airspace protection, and overflight impacts on surrounding land uses? Such measures might include:
 - ▶ Location of flight tracks so as to minimize the impacts;
 - ▶ Other operational procedures to minimize impacts;
 - ▶ Installation of noise barriers or structural noise insulation;
 - ▶ Acquisition of property interests (fee title or easements) on the impacted land.
 - (b) The noise impact assessment criteria listed in Policy 4.3.2 with respect to airport expansion projects shall also be considered with regard to the review of new airport development.

5. APPEALS TO THE ALUC

5.1. General

- 5.1.1. Public Utilities Code Section 21670.2(a) provides that in Los Angeles County, the County Regional Planning Commission shall act as the County's ALUC and perform all of the functions and duties set forth in the ALUC statutes. As part of this responsibility, the ALUC shall coordinate the airport planning of public agencies within the County. In instances where impasses result relative to this planning, an appeal may be made to the ALUC by any public agency involved. The action taken by the ALUC on

such an appeal may be overruled by a four-fifths vote of the governing body of a public agency whose planning led to the appeal.

5.2. Rights of Appeal

- 5.2.1. *Who May Appeal:* Any public agency involved in an impasse over the airport planning of another public agency, where the airport or the airport's planning area boundary extends into the County of Los Angeles. A public agency shall meet the definition of "public agency" described in Section 1.2. An impasse shall meet the definition of "impasse" described in Section 1.2. The public agency appealing the local decision shall demonstrate that it has, at a minimum, participated in the airport planning process and has expressed its concerns to the public agency governing body regarding the airport planning project.
- 5.2.2. *Timing of Appeal Submittal:* Appeals of a public agency's governing body's airport planning actions regarding a public use airport shall be initiated within 30 days of the date of the final decision by the governing body on the airport planning project.
- 5.2.3. *Multiple Appeals:* When an appeal from more than one public agency is received by the ALUC on the same airport planning project, each appeal shall be accompanied by a separate fee.

5.3. Appeal Submittal Information

An appeal shall be filed with the ALUC in written form and shall state specifically the nature and details of the impasse and the identification and description of the parties and public agencies involved in the airport planning impasse. An appeal submitted to the ALUC shall include:

- 5.3.1. Copy of a resolution or formal action approved or adopted by a majority of the governing body of the appellant public agency indicating its intent to file the appeal;
- 5.3.2. Documentation of the appellant public agency's participation in the airport planning process;
- 5.3.3. An explanation of the concerns, impacts, issues, etc. related to the impasse that is the subject of the appeal;
- 5.3.4. Any applicable review fees as established by the ALUC.

5.4. ALUC Hearing

- 5.4.1. *Public Hearing Required:* Once a complete appeal submittal has been filed, pursuant to Section 5.3 and including any appropriate fee, the ALUC Administrative Officer shall set the matter for a public hearing before the ALUC. Not less than 10 days prior to the date of any hearing, the ALUC Administrative Officer shall:
 - (a) Cause a copy of a notice of the time and place of the hearing to be published once in a newspaper of general circulation in the County of Los Angeles.

- (b) Cause a notice to be mailed by first class mail, postage prepaid to the appellant public agency, the public agency whose airport planning led to the appeal, any city and any county located within the planning boundary for the affected airport, the Division of Aeronautics, such other persons who, in the opinion of the ALUC Administrative Officer, may be affected by the impasse, and any person who has filed a written request therefore with the ALUC.
- 5.4.2. *Conduct of Hearings:* The appellant public agency, the public agency whose airport planning led to the appeal, and any other person may testify at the appeal hearing. Testimony at the ALUC hearing should be limited to the issues appealed as identified by the appellant pursuant to Section 5.3, and the ALUC may consider additional information and/or the results of studies in order to resolve the impasse. If for any reason the testimony cannot be completed on the appointed day, the chairman of such hearing may, before adjournment or recess, publicly announce the time and place at which said hearing will be continued, and no further notice shall be required.

5.5. ALUC's Possible Actions:

When considering an appeal, the ALUC may take the following possible actions:

- 5.5.1. The ALUC may uphold an appeal if it finds that the information submitted by the appellant and/or presented at the public hearing substantiates that the airport planning proposed by the public agency whose planning led to the appeal is not consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, as set forth in Sections 21670, et seq. of the Public Utilities Code.
- 5.5.2. The ALUC shall deny an appeal where it finds that the information submitted by the appellant and/or presented at public hearing substantiates that the airport planning proposed by the public agency whose airport planning led to the appeal is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, as set forth in Sections 21670, et seq. of the Public Utilities Code.

5.6. Time Period

The following time periods shall apply to the ALUC review process for an appeal:

- 5.6.1. Within 30 days following the submittal of an appeal, the ALUC Administrative Officer shall determine if an appeal submittal is complete. The date an appeal submittal is considered complete shall be the date on which the ALUC Administrative Officer provides written acknowledgement to the appellant and the public agency whose airport planning led to the appeal that all applicable submittal information required pursuant to Section 5.3 has been received by the ALUC.
- 5.6.2. The ALUC must complete its review of an appeal within 90 days from the date an appeal submittal has been deemed complete by the ALUC Administrative Officer. Nothing in this section restricts the ALUC from completing its review before the end of the 90-day period.
- 5.6.3. If the ALUC fails to act upon an appeal within the time limit prescribed in Section 5.6(b), the appeal shall be deemed denied.

5.7. Notification of Action Taken:

Within five working days after the date of the ALUC's decision, the ALUC Administrative Officer shall provide notice of the ALUC's decision to the appellant, the public agency whose airport planning led to the appeal, the Division of Aeronautics, persons who provided testimony or spoke at the public hearing, and any person who has filed a written request therefore with the ALUC.

6. FEES

6.1. Filing Fees and Deposits:

For the purpose of defraying costs for providing the service for which the fee or deposit is collected, the fees and deposits contained in this section shall accompany the respective submittal.

6.1.1. *Minor Aviation Cases:* \$857. Minor aviation cases involve projects within established airport planning boundaries that require review of one or more of the following: zone changes, zoning ordinance amendments, individual development projects, extensions or re-alignments of existing airport runways, or heliports or helistops regardless of their location.

6.1.2. *Major Aviation Cases:* \$3,000 as a deposit, subject to adjustment to defray the actual cost of the review. Major aviation cases involve projects within established airport planning boundaries that require review of one or more of the following: (a) general plans or amendments thereto; (b) community plans or amendments thereto; (c) specific plans; (d) airport master plans; or (e) construction plans for new airports regardless of their location.

(a) The applicant shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted, when actual costs exceed the amount of the initial deposit. If, while processing an aviation case, actual costs incurred reach 80 percent of the amount on deposit, the applicant shall be notified and required to submit a minimum supplemental deposit up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion or withdrawal of the aviation case. At the sole discretion of the applicant, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein, except that at no time shall such initial or supplemental deposit be less than the minimum requirement.

(b) The final fee shall be based on actual costs incurred to review and process the aviation case. Costs shall be computed on a monthly basis and deducted from the amount on deposit. The fee shall be considered final upon completion of the review process. If final costs do not exceed the amount on deposit, the unused portion shall be refunded to the applicant. Should the application be withdrawn, costs to date shall be computed and the unused portion of the amount on deposit shall be refunded to the applicant. Costs shall be computed using actual hours expended by staff multiplied by the most current applicable hourly rates, ap-

proved by the county auditor-controller, that are available at the time that costs are assessed. If the County hires a consultant to assist in the review of material associated with the processing of an aviation case, those costs shall be considered actual costs, which shall be added to the staff costs. Cost data used to determine fees shall be maintained by the Department of Regional Planning business office and made available for public review while work is in progress and for three years following final action or withdrawal of the application.

- (c) There shall be no refund of any portion of the fees collected pursuant to this section, after said fee has been processed for payment.

6.1.3. *Appeals on Impasses*: \$857

6.2. Annual Fee Adjustment

The fee for minor aviation cases and appeals on impasses shall be reviewed annually by the County Auditor-Controller. Beginning on January 1, 2005, and thereafter on each succeeding January 1st, the amount of the fee in this section shall be adjusted as follows: Calculate the percentage movement in the Consumer Price Index for Los Angeles during the preceding January through December period, adjust the fee by said percentage amount and round off to the nearest dollar. However, no adjustment shall decrease the fee and no fee shall exceed the reasonable cost of providing services.

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AERONAUTICS LAW
PUBLIC UTILITIES CODE
Division 9—Aviation
Part 1—State Aeronautics Act
Chapter 4—Airports and Air Navigation Facilities
Article 3.5—Airport Land Use Commission

21670. Creation; Membership; Selection

- (a) The Legislature hereby finds and declares that:
- (1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.
 - (2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.
- (b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission, except that the board of supervisors for the county may, after consultation with the appropriate airport operators and affected local entities and after a public hearing, adopt a resolution finding that there are no noise, public safety, or land use issues affecting any airport in the county which require the creation of a commission and declaring the county exempt from that requirement. The board shall, in this event, transmit a copy of the resolution to the Director of Transportation. For purposes of this section, "commission" means an airport land use commission. Each commission shall consist of seven members to be selected as follows:
- (1) Two representing the cities in the county, appointed by a city selection committee comprised of the mayors of all the cities within that county, except that if there are any cities contiguous or adjacent to the qualifying airport, at least one representative shall be appointed therefrom. If there are no cities within a county, the number of representatives provided for by paragraphs (2) and (3) shall each be increased by one.
 - (2) Two representing the county, appointed by the board of supervisors.
 - (3) Two having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.
 - (4) One representing the general public, appointed by the other six members of the commission.
- (c) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.

- (d) Each member shall promptly appoint a single proxy to represent him or her in commission affairs and to vote on all matters when the member is not in attendance. The proxy shall be designated in a signed written instrument which shall be kept on file at the commission offices, and the proxy shall serve at the pleasure of the appointing member. A vacancy in the office of proxy shall be filled promptly by appointment of a new proxy.
- (e) A person having an “expertise in aviation” means a person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports, or is an elected official of a local agency which owns or operates an airport.
- (f) It is the intent of the Legislature to clarify that, for the purposes of this article, that special districts, school districts and community college districts are included among the local agencies that are subject to airport land use laws and other requirements of this article.

21670.1. Action by Designated Body Instead of Commission

- (a) Notwithstanding any provisions of this article, if the board of supervisors and the city selection committee of mayors in any county each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated shall assume the planning responsibilities of an airport land use commission as provided for in this article, and a commission need not be formed in that county.
- (b) A body designated pursuant to subdivision (a) that does not include among its membership at least two members having expertise in aviation, as defined in subdivision (e) of Section 21670, shall, when acting in the capacity of an airport land use commission, be augmented so that the body, as augmented, will have at least two members having that expertise. The commission shall be constituted pursuant to this section on and after March 1, 1988.
- (c) (1) Notwithstanding subdivisions (a) and (b), and subdivision (b) of Section 21670, if the board of supervisors of a county and each affected city in that county each makes a determination that proper land use planning pursuant to this article can be accomplished pursuant to this subdivision, then a commission need not be formed in that county.
 - (2) If the board of supervisors of a county and each affected city makes a determination that proper land use planning may be accomplished and a commission is not formed pursuant to paragraph (1) of this subdivision, that county and the appropriate affected cities having jurisdiction over an airport, subject to the review and approval by the Division of Aeronautics of the department, shall do all of the following:
 - (A) Adopt processes for the preparation, adoption, and amendment of the airport land use compatibility plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.
 - (B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the airport land use compatibility plans.
 - (C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the airport land use compatibility plans.
 - (D) Adopt processes for the amendment of general and specific plans to be consistent with the airport land use compatibility plans.

- (E) Designate the agency that shall be responsible for the preparation, adoption, and amendment of each airport land use compatibility plan.
- (3) The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following:
 - (A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time.
 - (B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations.
 - (C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies.
- (4) If the county does not comply with the requirements of paragraph (2) within 120 days, then the airport land use compatibility plan and amendments shall not be considered adopted pursuant to this article and a commission shall be established within 90 days of the determination of noncompliance by the division and a plan shall be adopted pursuant to this article within 90 days of the establishment of the commission.
- (d) A commission need not be formed in a county that has contracted for the preparation of airport land use compatibility plans with the Division of Aeronautics under the California Aid to Airport Program (Chapter 4 (commencing with Section 4050) of Title 21 of the the California Code of Regulations), Project Ker-VAR 90-1, and that submits all of the following information to the Division of Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the plans:
 - (1) Agree to adopt and implement the airport land use compatibility plans that have been developed under contract.
 - (2) Incorporated the height, use, noise, safety, and density criteria that are compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations as part of the general and specific plans for the county and for each affected city.
 - (3) If the county does not comply with this subdivision on or before May 1, 1995, then a commission shall be established in accordance with this article.
- (e) (1) A commission need not be formed in a county if all of the following conditions are met:
 - (A) The county has only one public use airport that is owned by a city.
 - (B) (i) The county and the affected city adopt the elements in paragraph (2) of subdivision (d), as part of their general and specific plans for the county and the affected city.
 - (ii) The general and specific plans shall be submitted, upon adoption, to the Division of Aeronautics. If the county and the affected city do not submit elements specified in paragraph (2) of subdivision (d), on or before May 1, 1996, then a commission shall be established in accordance with this article.

21670.2. Application to Counties Having over 4 Million in Population

- (a) Sections 21670 and 21670.1 do not apply to the County of Los Angeles. In that county, the county regional planning commission has the responsibility for coordinating the airport planning of public agencies within the county. In instances where impasses result relative to this planning, an appeal may be made to the county regional planning commission by any public agency involved. The action taken by the county regional planning commission on such an appeal may be overruled by a four-fifths vote of the governing body of a public agency whose planning led to the appeal.
- (b) By January 1, 1992, the county regional planning commission shall adopt the airport land use compatibility plans required pursuant to Section 21675.
- (c) Sections 21675.1, 21675.2, and 21679.5 do not apply to the County of Los Angeles until January 1, 1992. If the airport land use plans required pursuant to Section 21675 are not adopted by the county regional planning commission by January 1, 1992, Sections 21675.1 and 21675.2 shall apply to the County of Los Angeles until the plans are adopted.

21670.3 San Diego County

- (a) Sections 21670 and 21670.1 do not apply to the county of San Diego. In that county, the San Diego County Regional Airport Authority, as established pursuant to Section 170002, is responsible for coordinating the airport planning of public agencies within the county and shall, on or before June 30, 2005, after reviewing the existing airport land use compatibility plan adopted pursuant to Section 21675, adopt an airport land use compatibility plan.
- (b) Any airport land use compatibility plan developed pursuant to Section 21675 and adopted pursuant to Section 21675.1 by the San Diego Association of Governments shall remain in effect until June 30, 2005, unless the San Diego County Regional Airport Authority adopts a plan prior to that date pursuant to subdivision (a).

21670.4. Intercounty Airports

- (a) As used in this section, “intercounty airport” means any airport bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones, as defined by the department’s Airport Land Use Planning Handbook and referenced in the airport land use compatibility plan formulated under Section 21675.
- (b) It is the purpose of this section to provide the opportunity to establish a separate airport land use commission so that an intercounty airport may be served by a single airport land use planning agency, rather than having to look separately to the airport land use commissions of the affected counties.
- (c) In addition to the airport land use commissions created under Section 21670 or the alternatives established under Section 21670.1, for their respective counties, the boards of supervisors and city selection committees for the affected counties, by independent majority vote of each county’s two delegations, for any intercounty airport, may do either of the following:
 - (1) Establish a single separate airport land use commission for that airport. That commission shall consist of seven members to be selected as follows:
 - (A) One representing the cities in each of the counties, appointed by that county’s city selection committee.

- (B) One representing each of the counties, appointed by the board of supervisors of each county.
 - (C) One from each county having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.
 - (D) One representing the general public, appointed by the other six members of the commission.
- (2) In accordance with subdivision (a) or (b) of Section 21670.1, designate an existing appropriate entity as that airport's land use commission.

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

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

21671.5. Term of Office

- (a) Except for the terms of office of the members of the first commission, the term of office for each member shall be four years and until the appointment and qualification of his or her successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members is four years. The body that originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing that member. The expiration date of the term of office of each member shall be the first Monday in May in the year in which that member's term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The chairperson of the commission shall be selected by the members thereof.
- (b) Compensation, if any, shall be determined by the board of supervisors.
- (c) Staff assistance, including the mailing of notices and the keeping of minutes, and necessary quarters, equipment, and supplies shall be provided by the county. The usual and necessary expenses of the commission shall be a county charge.
- (d) Notwithstanding any other provisions of this article, the commission shall not employ any personnel either as employees or independent contractors without the prior approval of the board of supervisors.
- (e) The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership.
- (f) The commission may establish a schedule of fees necessary to comply with this article. Those fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the estimated reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of

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

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

21672. Rules and Regulations

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

21673. Initiation of Proceedings for Creation by Owner of Airport

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

21674. Powers and Duties

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

- (a) To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses.
- (b) To coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare.
- (c) To prepare and adopt an airport land use compatibility plan pursuant to Section 21675.
- (d) To review the plans, regulations, and other actions of local agencies and airport operators pursuant to Section 21676.
- (e) The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.
- (f) In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article.

21674.5. Training of Airport Land Use Commission's Staff

- (a) The Department of Transportation shall develop and implement a program or programs to assist in the training and development of the staff of airport land use commissions, after consulting with airport land use commissions, cities, counties, and other appropriate public entities.
- (b) The training and development program or programs are intended to assist the staff of airport land use commissions in addressing high priority needs, and may include, but need not be limited to, the following:
 - (1) The establishment of a process for the development and adoption of airport land use compatibility plans.
 - (2) The development of criteria for determining the airport influence area.
 - (3) The identification of essential elements which should be included in the airport land use compatibility plans.
 - (4) Appropriate criteria and procedures for reviewing proposed developments and determining whether proposed developments are compatible with the airport use.
 - (5) Any other organizational, operational, procedural, or technical responsibilities and functions that the department determines to be appropriate to provide the commission staff and for which it determines there is a need for staff training and development.
- (c) The department may provide training and development programs for airport land commission staff pursuant to this section by any means it deems appropriate. Those programs may be presented in any of the following ways:
 - (1) By offering formal courses or training programs.
 - (2) By sponsoring or assisting in the organization and sponsorship of conferences, seminars, or other similar events.
 - (3) By producing and making available written information.
 - (4) Any other feasible method of providing information and assisting in the training and development of airport land use commission staff.

21674.7. Airport Land Use Planning Handbook

- (a) An airport land use commission that formulates, adopts or amends an airport land use compatibility plan shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation.
- (b) It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations, to the extent that the criteria has been incorporated into the plan

prepared by a commission pursuant to Section 21675. This subdivision does not limit the jurisdiction of a commission established by this article. This subdivision does not limit the authority of local agencies to overrule commission actions or recommendations pursuant to Sections 21676, 21676.5, or 21677.

21675. Land Use Plan

- (a) Each commission shall formulate an airport land use compatibility plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission airport land use compatibility plan shall include and shall be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation, which reflects the anticipated growth of the airport during at least the next 20 years. In formulating an airport land use compatibility plan, the commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the planning area. The airport land use compatibility plan shall be reviewed as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year.
- (b) The commission shall include, within its airport land use compatibility plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any military airport for all the purpose specified in subdivision (a). The airport land use compatibility plan shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport. This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport.
- (c) The airport influence area boundaries shall be established by the commission after hearing and consultation with the involved agencies.
- (d) The commission shall submit to the Division of Aeronautics of the department one copy of the plan and each amendment to the plan.
- (e) If a airport land use compatibility plan does not include the matters required to be included pursuant to this article, the Division of Aeronautics of the department shall notify the commission responsible for the plan.

21675.1. Adoption of Land Use Plan

- (a) By June 30, 1991, each commission shall adopt the airport land use compatibility plan required pursuant to Section 21675, except that any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county shall, adopt the airport land use compatibility plan on or before June 30, 1992.
- (b) Until a commission adopts an airport land use compatibility plan, a city or county shall first submit all actions, regulations, and permits within the vicinity of a public airport to the commission for review and approval. Before the commission approves or disapproves any actions, regulations, or permits, the commission shall give public notice in the same manner as the city or county is required to give for those actions, regulations, or permits. As used in this section, “vicinity” means land that will be included or reasonably could be included within the airport land use compatibility plan. If the commission has not designated an airport influence area, then “vicinity” means land within two miles of the boundary of a public airport.

- (c) The commission may approve an action, regulation, or permit if it finds, based on substantial evidence in the record, all of the following:
 - (1) The commission is making substantial progress toward the completion of the airport land use compatibility plan.
 - (2) There is a reasonable probability that the action, regulation, or permit will be consistent with the airport land use compatibility plan being prepared by the commission.
 - (3) There is little or no probability of substantial detriment to or interference with the future adopted airport land use compatibility plan if the action, regulation, or permit is ultimately inconsistent with the airport land use compatibility plan.
- (d) If the commission disapproves an action, regulation, or permit, the commission shall notify the city or county. The city or county may overrule the commission, by a two-thirds vote of its governing body, if it makes specific findings that the proposed action, regulation, or permit is consistent with the purposes of this article, as stated in Section 21670.
- (e) If a city or county overrules the commission pursuant to subdivision (d), that action shall not relieve the city or county from further compliance with this article after the commission adopts the airport land use compatibility plan.
- (f) If a city or county overrules the commission pursuant to subdivision (d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport is not liable for damages to property or personal injury from the city's or county's decision to proceed with the action, regulation, or permit.
- (g) A commission may adopt rules and regulations that exempt any ministerial permit for single-family dwellings from the requirements of subdivision (b) if it makes the findings required pursuant to subdivision (c) for the proposed rules and regulations, except that the rules and regulations may not exempt either of the following:
 - (1) More than two single-family dwellings by the same applicant within a subdivision prior to June 30, 1991.
 - (2) Single-family dwellings in a subdivision where 25 percent or more of the parcels are undeveloped.

21675.2. Approval or Disapproval of Actions, Regulations, or Permits

- (a) If a commission fails to act to approve or disapprove any actions, regulations, or permits within 60 days of receiving the request pursuant to Section 21675.1, the applicant or his or her representative may file an action pursuant to Section 1094.5 of the Code of Civil Procedure to compel the commission to act, and the court shall give the proceedings preference over all other actions or proceedings, except previously filed pending matters of the same character.
- (b) The action, regulation, or permit shall be deemed approved only if the public notice required by this subdivision has occurred. If the applicant has provided seven days advance notice to the commission of the intent to provide public notice pursuant to this subdivision, then, not earlier than the date of the expiration the time limit established by Section 21675.1, an applicant may provide the required public notice. If the applicant chooses to provide public notice, that notice shall include a description of the proposed action, regulation, or permit substantially similar to the descriptions which are commonly used in public notices by the commission, the name and address of the commission, and a statement that the action, regulation, or permit shall be deemed approved if

the commission has not acted within 60 days. If the applicant has provided the public notice specified in this subdivision, the time limit for action by the commission shall be extended to 60 days after the public notice is provided. If the applicant provides notice pursuant to this section, the commission shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose.

- (c) Failure of an applicant to submit complete or adequate information pursuant to Sections 65943 to 65946, inclusive, of the Government Code, may constitute grounds for disapproval of actions, regulations, or permits.
- (d) Nothing in this section diminishes the commission's legal responsibility to provide, where applicable, public notice and hearing before acting on an action, regulation, or permit.

21676. Review of Local General Plans

- (a) Each local agency whose general plan includes areas covered by an airport land use compatibility plan shall, by July 1, 1983, submit a copy of its plan or specific plans to the airport land use commission. The commission shall determine by August 31, 1983, whether the plan or plans are consistent or inconsistent with the airport land use compatibility plan. If the plan or plans are inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall have another hearing to reconsider its airport land use compatibility plans. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.
- (b) Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

- (c) Each public agency owning any airport within the boundaries of an airport land use compatibility plan shall, prior to modification of its airport master plan, refer any proposed change to the airport land use commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The public agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.
- (d) Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the airport land use compatibility plan.

21676.5. Review of Local Plans

- (a) If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. If, in the determination of the commission, an action, regulation, or permit of the local agency is inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall hold a hearing to reconsider its plan. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.
- (b) Whenever the local agency has revised its general plan or specific plan or has overruled the commission pursuant to subdivision (a), the proposed action of the local agency shall not be subject to further commission review, unless the commission and the local agency agree that individual projects shall be reviewed by the commission.

21677. Marin County Override Provisions

Notwithstanding the two-thirds vote required by Section 21676, any public agency in the County of Marin may overrule the Marin County Airport Land Use Commission by a majority vote of its governing body. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public governing body. The public agency governing body shall include comments from the commission and the division in the public record of the final decision to overrule the commission, which may be adopted by a majority vote of the governing body.

21678. Airport Owner's Immunity

With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676 or 21676.5, or 21677 overrules a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to overrule the commission's action or recommendation.

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

21679. Court Review

- (a) In any county in which there is no airport land use commission or other body designated to assume the responsibilities of an airport land use commission, or in which the commission or other designated body has not adopted an airport land use compatibility plan, an interested party may initiate proceedings in a court of competent jurisdiction to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, that directly affects the use of land within one mile of the boundary of a public airport within the county.
- (b) The court may issue an injunction which postpones the effective date of the zoning change, zoning variance, permit, or regulation until the governing body of the local agency which took the action does one of the following:
 - (1) In the case of an action that is a legislative act, adopts a resolution declaring that the proposed action is consistent with the purposes of this article stated in Section 21670.
 - (2) In the case of an action that is not a legislative act, adopts a resolution making findings based on substantial evidence in the record that the proposed action is consistent with the purposes of this article stated in Section 21670.
 - (3) Rescinds the action.

- (4) Amends its action to make it consistent with the purposes of this article stated in Section 21670, and complies with either paragraph (1) or (2) of this subdivision, whichever is applicable.
- (c) The court shall not issue an injunction pursuant to subdivision (b) if the local agency which took the action demonstrates that the general plan and any applicable specific plan of the agency accomplishes the purposes of an airport land use compatibility plan as provided in Section 21675.
- (d) An action brought pursuant to subdivision (a) shall be commenced within 30 days of the decision or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever is longer.
- (e) If the governing body of the local agency adopts a resolution pursuant to subdivision (b) with respect to a publicly owned airport that the local agency does not operate, the operator of the airport shall be immune from liability for damages to property or personal injury from the local agency's decision to proceed with the zoning change, zoning variance, permit, or regulation.
- (f) As used in this section, "interested party" means any owner of land within two miles of the boundary of the airport or any organization with a demonstrated interest in airport safety and efficiency.

21679.5. Deferral of Court Review

- (a) Until June 30, 1991, no action pursuant to Section 21679 to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary or a public airport, shall be commenced in any county in which the commission or other designated body has not adopted an airport land use plan, but is making substantial progress toward the completion of the airport land use compatibility plan.
- (b) If a commission has been prevented from adopting the comprehensive land use plan by June 30, 1991, or if the adopted plan could not become effective, because of a lawsuit involving the adoption of the plan, the June 30, 1991 date in subdivision (a) shall be extended by the period of time during which the lawsuit was pending in a court of competent jurisdiction.
- (c) Any action pursuant to Section 21679 commenced prior to January 1, 1990, in a county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan, which has not proceeded to final judgment, shall be held in abeyance until June 30, 1991. If the commission or other designated body adopts an airport land use compatibility plan on or before June 30, 1991, the action shall be dismissed. If the commission or other designated body does not adopt an airport land use plan on or before June 30, 1991, the plaintiff or plaintiffs may proceed with the action.
- (d) An action to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport for which an airport land use compatibility plan has not been adopted by June 30, 1991, shall be commenced within 30 days of June 30, 1991, or within 30 days of the decision by the local agency, or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever date is later.

AERONAUTICS LAW
PUBLIC UTILITIES CODE
Division 9, Part 1
Chapter 3—Regulation of Aeronautics
(excerpts)

21402. Ownership; Prohibited Use of Airspace

The ownership of the space above the land and waters of this State is vested in the several owners of the surface beneath, subject to the right of flight; provided, that any use of property in conformity with an original zone of approach of an airport shall not be rendered unlawful by reason of a change in such zone of approach.

21403. Lawful Flight; Flight Within Airport Approach Zone

- (a) Flight in aircraft over the land and waters of this state is lawful, unless at altitudes below those prescribed by federal authority, or unless conducted so as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his or her consent, is unlawful except in the case of a forced landing or pursuant to Section 21662.1. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.
- (b) The landing, takeoff, or taxiing of an aircraft on a public freeway, highway, road, or street is unlawful except in the following cases:
 - (1) A forced landing.
 - (2) A landing during a natural disaster or other public emergency if the landing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road, or street.
 - (3) When the landing, takeoff, or taxiing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road or street.

The prosecution bears the burden of proving that none of the exceptions apply to the act which is alleged to be unlawful.

- (c) The right of flight in aircraft includes the right of safe access to public airports, which includes the right of flight within the zone of approach of any public airport without restriction or hazard. The zone of approach of an airport shall conform to the specifications of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation.

AERONAUTICS LAW
PUBLIC UTILITIES CODE
Division 9, Part 1
Chapter 4—Airports and Air Navigation Facilities
Article 2.7—Regulation of Obstructions
(excerpts)

21655. Proposed Site for Construction of State Building Within Two Miles of Airport Boundary

Notwithstanding any other provision of law, if the proposed site of any state building or other enclosure is within two miles, measured by air line, of that point on an airport runway, or runway proposed by an airport master plan, which is nearest the site, the state agency or office which proposes to construct the building or other enclosure shall, before acquiring title to property for the new state building or other enclosure site or for an addition to a present site, notify the Department of Transportation, in writing, of the proposed acquisition. The department shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the state agency or office which proposes to construct the building or other enclosure a written report of the investigation and its recommendations concerning acquisition of the site.

If the report of the department does not favor acquisition of the site, no state funds shall be expended for the acquisition of the new state building or other enclosure site, or the expansion of the present site, or for the construction of the state building or other enclosure, provided that the provisions of this section shall not affect title to real property once it is acquired.

21658. Construction of Utility Pole or Line in Vicinity of Aircraft Landing Area

No public utility shall construct any pole, pole line, distribution or transmission tower, or tower line, or substation structure in the vicinity of the exterior boundary of an aircraft landing area of any airport open to public use, in a location with respect to the airport and at a height so as to constitute an obstruction to air navigation, as an obstruction is defined in accordance with Part 77 of the Federal Aviation Regulations, Federal Aviation Administration, or any corresponding rules or regulations of the Federal Aviation Administration, unless the Federal Aviation Administration has determined that the pole, line, tower, or structure does not constitute a hazard to air navigation. This section shall not apply to existing poles, lines, towers, or structures or to the repair, replacement, or reconstruction thereof if the original height is not materially exceeded and this section shall not apply unless just compensation shall have first been paid to the public utility by the owner of any airport for any property or property rights which would be taken or damaged hereby.

21659. Hazards Near Airports Prohibited

- (a) No person shall construct or alter any structure or permit any natural growth to grow at a height which exceeds the obstruction standards set forth in the regulations of the Federal Aviation Administration relating to objects affecting navigable airspace contained in Title 14 of the Code of

Federal Regulations, Part 77, Subpart C, unless a permit allowing the construction, alteration, or growth is issued by the department.

- (b) The permit is not required if the Federal Aviation Administration has determined that the construction, alteration, or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation. Subdivision (a) does not apply to a pole, pole line, distribution or transmission tower, or tower line or substation of a public utility.
- (c) Section 21658 is applicable to subdivision (b).

AERONAUTICS LAW
PUBLIC UTILITIES CODE
Division 9, Part 1, Chapter 4
Article 3—Regulation of Airports
(excerpts)

21661.5. City Council or Board of Supervisors and ALUC Approvals

- (a) No political subdivision, any of its officers or employees, or any person may submit any application for the construction of a new airport to any local, regional, state, or federal agency unless the plan for such construction is first approved by the board of supervisors of the county, or the city council of the city, in which the airport is to be located and unless the plan is submitted to the appropriate commission exercising powers pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9, and acted upon by such commission in accordance with the provisions of such article.
- (b) A county board of supervisors or a city council may, pursuant to Section 65100 of the Government Code, delegate its responsibility under this section for the approval of plan for construction of new helicopter landing and takeoff areas, to the county or city planning agency.

21664.5. Amended Airport Permits; Airport Expansion Defined

- (a) An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of the section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.
- (b) As used in this section, “airport expansion” includes any of the following:
 - (1) The acquisition of runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/5300-13, clear zones or of any interest in land for the purpose of any other expansion as set forth in this section.
 - (2) The construction of a new runway.
 - (3) The extension or realignment of an existing runway.
 - (4) Any other expansion of the airport’s physical facilities for the purpose of accomplishing or which are related to the purpose of paragraph (1), (2), or (3).
- (c) This section does not apply to any expansion of an existing airport if the expansion commenced on or prior to the effective date of this section and the expansion met the approval on or prior to such effective date of each governmental agency which by law required such approval.

PLANNING AND ZONING LAW

GOVERNMENT CODE

Title 7—Planning and Land Use

Division 1—Planning and Zoning

Chapter 3—Local Planning

Article 5—Authority for and Scope of General Plans

(excerpts)

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

- (a) The general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.
- (b) The general plan, and any applicable specific plan, shall be amended, as necessary, within 180 days of any amendment to the plan required under Section 21675 of the Public Utilities Code.
- (c) If the legislative body does not concur with any of the provisions of the plan required under Section 21675 of the Public Utilities Code, it may satisfy the provisions of this section by adopting findings pursuant to Section 21676 of the Public Utilities Code.
- (d) In each county where an airport land use commission does not exist, but where there is a military airport, the general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport.

PLANNING AND ZONING LAW

GOVERNMENT CODE

Title 7, Division 1

Chapter 4.5—Review and Approval of Development Projects

Article 3—Application for Development Projects

(excerpts)

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

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

- (a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.
- (b) Not later than 30 calendar days after receipt of the submitted materials, the public agency shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for the purposes of this chapter.
- (c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

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

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

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

65943.5.

- (a) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving a permit application to a board, office, or department within the California Environmental Protection Agency shall be made to the Secretary for Environmental Protection.
- (b) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving an application for the issuance of an environmental permit from an environmental agency shall be made to the Secretary for Environmental Protection under either of the following circumstances:
 - (1) The environmental agency has not adopted an appeals process pursuant to subdivision (c) of Section 65943.
 - (2) The environmental agency declines to accept an appeal for a decision pursuant to subdivision (c) of Section 65943.
- (c) For purposes of subdivision (b), “environmental permit” has the same meaning as defined in Section 72012 of the Public Resources Code, and “environmental agency” has the same meaning as defined in Section 71011 of the Public Resources Code, except that “environmental agency” does not include the agencies described in subdivisions (c) and (h) of Section 71011 of the Public Resources Code.

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

- (a) After a public agency accepts an application as complete, the agency shall not subsequently request of an applicant any new or additional information which was not specified in the list prepared pursuant to Section 65940. The agency may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.
- (b) The provisions of subdivision (a) shall not be construed as requiring an applicant to submit with his or her initial application the entirety of the information which a public agency may require in order to take final action on the application. Prior to accepting an application, each public agency shall inform the applicant of any information included in the list prepared pursuant to Section 65940 which will subsequently be required from the applicant in order to complete final action on the application.
- (c) This section shall not be construed as limiting the ability of a public agency to request and obtain information which may be needed in order to comply with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

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

- (a) At the time of filing an application for a development permit with a city or county, the city or county shall inform the applicant that he or she may make a written request to retrieve notice from the city or county of a proposal to adopt or amend any of the following plans or ordinances:
- (1) A general plan.
 - (2) A specific plan.
 - (3) A zoning ordinance.
 - (4) An ordinance affecting building permits or grading permits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

65946. [Replaced by AB2351 Statutes of 1993]

PLANNING AND ZONING LAW

GOVERNMENT CODE

Title 7, Division 1

Chapter 9.3—Mediation and Resolution of Land Use Disputes

(excerpts)

66030.

- (a) The Legislature finds and declares all of the following:
- (1) Current law provides that aggrieved agencies, project proponents, and affected residents may bring suit against the land use decisions of state and local governmental agencies. In practical terms, nearly anyone can sue once a project has been approved.
 - (2) Contention often arises over projects involving local general plans and zoning, redevelopment plans, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), development impact fees, annexations and incorporations, and the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).
 - (3) When a public agency approves a development project that is not in accordance with the law, or when the prerogative to bring suit is abused, lawsuits can delay development, add uncertainty and cost to the development process, make housing more expensive, and damage California's competitiveness. This litigation begins in the superior court, and often progresses on appeal to the Court of Appeal and the Supreme Court, adding to the workload of the state's already overburdened judicial system.
- (b) It is, therefore, the intent of the Legislature to help litigants resolve their differences by establishing formal mediation processes for land use disputes. In establishing these mediation processes, it is not the intent of the Legislature to interfere with the ability of litigants to pursue remedies through the courts.

66031.

- (a) Notwithstanding any other provision of law, any action brought in the superior court relating to any of the following subjects may be subject to a mediation proceeding conducted pursuant to this chapter:
- (1) The approval or denial by a public agency of any development project.
 - (2) Any act or decision of a public agency made pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).
 - (3) The failure of a public agency to meet the time limits specified in Chapter 4.5 (commencing with Section 65920), commonly known as the Permit Streamlining Act, or in the Subdivision Map Act (Division 2 (commencing with Section 66410)).
 - (4) Fees determined pursuant to Sections 53080 to 53082, inclusive, or Chapter 4.9 (commencing with Section 65995).

- (5) Fees determined pursuant to Chapter 5 (commencing with Section 66000).
 - (6) The adequacy of a general plan or specific plan adopted pursuant to Chapter 3 (commencing with Section 65100).
 - (7) The validity of any sphere of influence, urban service area, change of organization or reorganization, or any other decision made pursuant to the Cortese-Knox Local Government Reorganization Act (Division 3 (commencing with Section 56000) of Title 5).
 - (8) The adoption or amendment of a redevelopment plan pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).
 - (9) The validity of any zoning decision made pursuant to Chapter 4 (commencing with Section 65800).
 - (10) The validity of any decision made pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code.
- (b) Within five days after the deadline for the respondent or defendant to file its reply to an action, the court may invite the parties to consider resolving their dispute by selecting a mutually acceptable person to serve as a mediator, or an organization or agency to provide a mediator.
 - (c) In selecting a person to serve as a mediator, or an organization or agency to provide a mediator, the parties shall consider the following:
 - (1) The council of governments having jurisdiction in the county where the dispute arose.
 - (2) Any subregional or countywide council of governments in the county where the dispute arose.
 - (3) The Office of Permit Assistance within the Trade and Commerce Agency, pursuant to its authority in Article 1 (commencing with Section 15399.50) of Chapter 11 of Part 6.7 of Division 3 of Title 2.
 - (4) Any other person with experience or training in mediation including those with experience in land use issues, or any other organization or agency which can provide a person with experience or training in mediation, including those with experience in land use issues.
 - (d) If the court invites the parties to consider mediation, the parties shall notify the court within 30 days if they have selected a mutually acceptable person to serve as a mediator. If the parties have not selected a mediator within 30 days, the action shall proceed. The court shall not draw any implication, favorable or otherwise, from the refusal by a party to accept the invitation by the court to consider mediation. Nothing in this section shall preclude the parties from using mediation at any other time while the action is pending.

PLANNING AND ZONING LAW**GOVERNMENT CODE****Title 7—Planning and Land Use****Division 2—Subdivisions****Chapter 3—Procedure****Article 3—Review of Tentative Map by Other Agencies
(excerpts)****66455.9.**

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

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

17215.

- (a) In order to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of school sites before acquiring title to property for a new school site, the governing board of each school district, including any district governed by a city board of education, shall give the State Department of Education written notice of the proposed acquisition and shall submit any information required by the State Department of Education if the proposed site is within two miles, measured by air line, of that point on an airport runway or a potential runway included in an airport master plan that is nearest to the site.
- (b) Upon receipt of the notice required pursuant to subdivision (a), the State Department of Education shall notify the Department of Transportation in writing of the proposed acquisition. If the Department of Transportation is no longer in operation, the State Department of Education shall, in lieu of notifying the Department of Transportation, notify the United States Department of Transportation or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the department or other agency any information or assistance that it may desire to give.
- (c) The Department of Transportation shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the State Department of Education a written report of its findings including recommendations concerning acquisition of the site. As part of the investigation, the Department of Transportation shall give notice thereof to the owner and operator of the airport who shall be granted the opportunity to comment upon the proposed school site. The Department of Transportation shall adopt regulations setting forth the criteria by which a proposed site will be evaluated pursuant to this section.
- (d) The State Department of Education shall, within 10 days of receiving the Department of Transportation's report, forward the report to the governing board of the school district. The governing board may not acquire title to the property until the report of the Department of Transportation has been received. If the report does not favor the acquisition of the property for a school site or an addition to a present school site, the governing board may not acquire title to the property. If the report does favor the acquisition of the property for a school site or an addition to a present school site, the governing board shall hold a public hearing on the matter prior to acquiring the site.
- (e) If the Department of Transportation's recommendation does not favor acquisition of a proposed site, state funds or local funds may not be apportioned or expended for the acquisition of that site, construction of any school building on that site, or for the expansion of any existing site to include that site.

- (f) This section does not apply to sites acquired prior to January 1, 1966, nor to any additions or extensions to those sites.

EDUCATION CODE
Title 3—Postsecondary Education
Division 7—Community Colleges
Part 49—Community Colleges, Education Facilities
Chapter 1—School Sites
Article 2—School Sites
(excerpts)

81033. Investigation: Geologic and Soil Engineering Studies; Airport in Proximity

- (c) To promote the safety of students, comprehensive community planning, and greater educational usefulness of community college sites, the governing board of each community college district, if the proposed site is within two miles, measured by air line, of that point on an airport runway, or a runway proposed by an airport master plan, which is nearest the site and excluding them if the property is not so located, before acquiring title to property for a new community college site or for an addition to a present site, shall give the board of governors notice in writing of the proposed acquisition and shall submit any information required by the board of governors.

Immediately after receiving notice of the proposed acquisition of property which is within two miles, measured by air line, of that point on an airport runway, or a runway proposed by an airport master plan, which is nearest the site, the board of governors shall notify the Division of Aeronautics of the Department of Transportation, in writing, of the proposed acquisition. The Division of Aeronautics shall make an investigation and report to the board of governors within 30 working days after receipt of the notice. If the Division of Aeronautics is no longer in operation, the board of governors shall, in lieu of notifying the Division of Aeronautics, notify the Federal Aviation Administration or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the authority or other agency such information or assistance as it may desire to give.

The board of governors shall investigate the proposed site and within 35 working days after receipt of the notice shall submit to the governing board a written report and its recommendations concerning acquisition of the site. The governing board shall not acquire title to the property until the report of the board of governors has been received. If the report does not favor the acquisition of the property for a community college site or an addition to a present community college site, the governing board shall not acquire title to the property until 30 days after the department's report is received and until the board of governors' report has been read at a public hearing duly called after 10 days' notice published once in a newspaper of general circulation within the community college district, or if there is no such newspaper, then in a newspaper of general circulation within the county in which the property is located.

- (d) If, with respect to a proposed site located within two miles of an operative airport runway, the report of the board of governors submitted to a community college district governing board under subdivision (c) does not favor the acquisition of the site on the sole or partial basis of the unfavorable recommendation of the Division of Aeronautics of the Department of Transportation, no state agency or officer shall grant, apportion, or allow to such community college district for expenditure in connection with that site, any state funds otherwise made available under any state law whatever for a community college site acquisition or college building construction, or for expan-

sion of existing sites and buildings, and no funds of the community college district or of the county in which the district lies shall be expended for such purposes; provided that provisions of this section shall not be applicable to sites acquired prior to January 1, 1966, nor any additions or extensions to such sites.

If the recommendations of the Division of Aeronautics are unfavorable, such recommendations shall not be overruled without the express approval of the board of governors and the State Allocation Board.

CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTES

PUBLIC RESOURCES CODE

Division 13—Environmental Quality

Chapter 2.6—General

(excerpts)

21096. Airport Planning

- (a) If a lead agency prepares an environmental impact report for a project situated within airport comprehensive land use plan boundaries, or, if a comprehensive land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation, in compliance with Section 21674.5 of the Public Utilities Code and other documents, shall be utilized as technical resources to assist in the preparation of the environmental impact report as the report relates to airport-related safety hazards and noise problems.
- (b) A lead agency shall not adopt a negative declaration for a project described in subdivision (a) unless the lead agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

BUSINESS AND PROFESSIONS CODE
Division 4—Real Estate
Part 2—Regulation of Transactions
Chapter 1—Subdivided Lands
Article 2—Investigation, Regulation and Report
(excerpts)

11010.

- (a) Except as otherwise provided pursuant to subdivision (c) or elsewhere in this chapter, any person who intends to offer subdivided lands within this state for sale or lease shall file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire on a form prepared by the department.
- (b) The notice of intention shall contain the following information about the subdivided lands and the proposed offering:

[Sub-Sections (1) through (11) omitted]

- (12) (A) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the property is located within an airport influence area, the following statement shall be included in the notice of intention:

NOTICE OF AIRPORT IN VICINITY

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

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

CIVIL CODE
Division 2—Property
Part 4—Acquisition of Property
Title 4—Transfer
Chapter 2—Transfer of Real Property
Article 1.7—Disclosure of Natural Hazards Upon Transfer of Residential Property
(*excerpts*)

1103.

- (a) Except as provided in Section 1103.1, this article applies to any transfer by sale, exchange, installment land sale contract, as defined in Section 2985, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any real property described in subdivision (c), or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units.
- (b) Except as provided in Section 1103.1, this article shall apply to a resale transaction entered into on or after January 1, 2000, for a manufactured home, as defined in Section 18007 of the Health and Safety Code, that is classified as personal property intended for use as a residence, or a mobilehome, as defined in Section 18008 of the Health and Safety Code, that is classified as personal property intended for use as a residence, if the real property on which the manufactured home or mobilehome is located is real property described in subdivision (c).
- (c) This article shall apply to the transactions described in subdivisions (a) and (b) only if the transferor or his or her agent are required by one or more of the following to disclose the property's location within a hazard zone:
 - (1) A person who is acting as an agent for a transferor of real property that is located within a special flood hazard area (any type Zone "A" or "V") designated by the Federal Emergency Management Agency, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a special flood hazard area if either:
 - (A) The transferor, or the transferor's agent, has actual knowledge that the property is within a special flood hazard area.
 - (B) The local jurisdiction has compiled a list, by parcel, of properties that are within the special flood hazard area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.
 - (2) ... is located within an area of potential flooding ... shall disclose to any prospective transferee the fact that the property is located within an area of potential flooding ...
 - (3) ... is located within a very high fire hazard severity zone, designated pursuant to Section 51178 of the Public Resources Code ... shall disclose to any prospective transferee the fact that the property is located within a very high fire hazard severity zone and is subject to the requirements of Section 51182 ...

- (4) ... is located within an earthquake fault zone, designated pursuant to Section 2622 of the Public Resources Code ... shall disclose to any prospective transferee the fact that the property is located within a delineated earthquake fault zone
 - (5) ... is located within a seismic hazard zone, designated pursuant to Section 2696 of the Public Resources Code ... shall disclose to any prospective transferee the fact that the property is located within a seismic hazard zone
 - (6) ... is located within a state responsibility area determined by the board, pursuant to Section 4125 of the Public Resources Code, shall disclose to any prospective transferee the fact that the property is located within a wildland area that may contain substantial forest fire risks and hazards and is subject to the requirements of Section 4291 ...
- (d) Any waiver of the requirements of this article is void as against public policy.

1103.1.

- (a) This article does not apply to the following transfers:
- (1) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers pursuant to a writ of execution, transfers by any foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.
 - (2) Transfers to a mortgagee by a mortgagor or successor in interest who is in default, transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default, transfers by any foreclosure sale after default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, transfers by a sale under a power of sale or any foreclosure sale under a decree of foreclosure after default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale, or transfers by a mortgagee or a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a power of sale under a mortgage or deed of trust or a sale pursuant to a decree of foreclosure or has acquired the real property by a deed in lieu of foreclosure.
 - (3) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.
 - (4) Transfers from one coowner to one or more other coowners.
 - (5) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the transferors.
 - (6) Transfers between spouses resulting from a judgment of dissolution of marriage or of legal separation of the parties or from a property settlement agreement incidental to that judgment.
 - (7) Transfers by the Controller in the course of administering Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure.
 - (8) Transfers under Chapter 7 (commencing with Section 3691) or Chapter 8 (commencing with Section 3771) of Part 6 of Division 1 of the Revenue and Taxation Code.
 - (9) Transfers or exchanges to or from any governmental entity.

- (b) Transfers not subject to this article may be subject to other disclosure requirements, including those under Sections 8589.3, 8589.4, and 51183.5 of the Government Code and Sections 2621.9, 2694, and 4136 of the Public Resources Code. In transfers not subject to this article, agents may make required disclosures in a separate writing.

1103.2.

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

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

[Section 1103.3 omitted]

1103.4.

- (a) Neither the transferor nor any listing or selling agent shall be liable for any error, inaccuracy, or omission of any information delivered pursuant to this article if the error, inaccuracy, or omission was not within the personal knowledge of the transferor or the listing or selling agent, and was based on information timely provided by public agencies or by other persons providing information as specified in subdivision (c) that is required to be disclosed pursuant to this article, and ordinary care was exercised in obtaining and transmitting the information.
- (b) The delivery of any information required to be disclosed by this article to a prospective transferee by a public agency or other person providing information required to be disclosed pursuant to this article shall be deemed to comply with the requirements of this article and shall relieve the transferor or any listing or selling agent of any further duty under this article with respect to that item of information.
- (c) The delivery of a report or opinion prepared by a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional’s license or expertise, shall be sufficient compliance for application of the exemption provided by subdivision (a) if the information is provided to the prospective transferee pursuant to a request therefor, whether written or oral. In responding to that request, an expert may indicate, in writing, an understanding that the information provided will be used in fulfilling the requirements of Section 1103.2 and, if so, shall indicate the required disclosures, or parts thereof, to which the information being furnished is applicable. Where that statement is furnished, the expert shall not be responsible for any items of information, or parts thereof, other than those expressly set forth in the statement. In responding to the request, the expert shall determine whether the property is within

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

NOTICE OF AIRPORT IN VICINITY

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

[Remainder of Article 1.7 omitted]

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

1353.

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

NOTICE OF AIRPORT IN VICINITY

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

- (2) For purposes of this section, an “airport influence area,” also known as an “airport referral area,” is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.
- (3) The statement in a declaration acknowledging that a property is located in an airport influence area does not constitute a title defect, lien, or encumbrance.
- (b) The declaration may contain any other matters the original signator of the declaration or the owners consider appropriate.

LEGISLATIVE HISTORY SUMMARY

PUBLIC UTILITIES CODE

Sections 21670 et seq.

Airport Land Use Commission Statutes

And Related Statutes

- 1967* Original ALUC statute enacted.
- Establishment of ALUCs required in each county containing a public airport served by a certificated air carrier.
 - The purpose of ALUCs is indicated as being to make recommendations regarding height restrictions on buildings and the use of land surrounding airports.
- 1970* Assembly Bill 1856 (Badham) Chapter 1182, Statutes of 1970—Adds provisions which:
- Require ALUCs to prepare comprehensive land use plans.
 - Require such plans to include a long-range plan and to reflect the airport’s forecast growth during the next 20 years.
 - Require ALUC review of airport construction plans (Section 21661.5).
 - Exempt Los Angeles County from the requirement of establishing an ALUC.
- 1971* The function of ALUCs is restated as being to require new construction to conform to Department of Aeronautics standards.
- 1973* ALUCs are permitted to establish compatibility plans for military airports.
- 1982* Assembly Bill 2920 (Rogers) Chapter 1041, Statutes of 1982—Adds major changes which:
- More clearly articulate the purpose of ALUCs.
 - Eliminate reference to “achieve by zoning.”
 - Require consistency between local general and specific plans and airport land use commission plans; the requirements define the process for attaining consistency, they do not establish standards for consistency.
 - Eliminate the requirement for proposed individual development projects to be referred to an ALUC for review once local general/specific plans are consistent with the ALUC’s plan.
 - Require that local agencies make findings of fact before overriding an ALUC decision.
 - Change the vote required for an override from 4/5 to 2/3.
- 1984* Assembly Bill 3551 (Mountjoy) Chapter 1117, Statutes of 1984—Amends the law to:
- Require ALUCs in all counties having an airport which serves the general public unless a county and its cities determine an ALUC is not needed.
 - Limit amendments to compatibility plans to once per year.
 - Allow individual projects to continue to be referred to the ALUC by agreement.
 - Extend immunity to airports if an ALUC action is overridden by a local agency not owning the airport.

- › Provide state funding eligibility for preparation of compatibility plans through the Regional Transportation Improvement Program process.
- 1987 Senate Bill 633 (Rogers) Chapter 1018, Statutes of 1987—Makes revisions which:
 - › Require that a designated body serving as an ALUC include two members having “expertise in aviation.”
 - › Allows an interested party to initiate court proceedings to postpone the effective date of a local land use action if a compatibility plan has not been adopted.
 - › Delete *sunset* provisions contained in certain clauses of the law. Allows reimbursement for ALUC costs in accordance with the Commission on State Mandates.
- 1989 Senate Bill 255 (Bergeson) Chapter 54, Statutes of 1989—
 - › Sets a requirement that comprehensive land use plans be completed by June 1991.
 - › Establishes a method for compelling ALUCs to act on matters submitted for review.
 - › Allows ALUCs to charge fees for review of projects.
 - › Suspends any lawsuits that would stop development until the ALUC adopts its plan or until June 1, 1991.
- 1989 Senate Bill 235 (Alquist) Chapter 788, Statutes of 1989—Appropriates \$3,672,000 for the payment of claims to counties seeking reimbursement of costs incurred during fiscal years 1985-86 through 1989-90 pursuant to state-mandated requirement (Chapter 1117, Statutes of 1984) for creation of ALUCs in most counties. This statute was repealed in 1993.
- 1990 Assembly Bill 4164 (Mountjoy) Chapter 1008, Statutes of 1990—Adds section 21674.5 requiring the Division of Aeronautics to develop and implement a training program for ALUC staffs.
- 1990 Assembly Bill 4265 (Clute) Chapter 563, Statutes of 1990—With the concurrence of the Division of Aeronautics, allows ALUCs to use an airport layout plan, rather than a long-range airport master plan, as the basis for preparation of a compatibility plan.
- 1990 Senate Bill 1288 (Beverly) Chapter 54, Statutes of 1990—Amends Section 21670.2 to give Los Angeles County additional time to prepare compatibility plans and meet other provisions of the ALUC statutes.
- 1991 Senate Bill 532 (Bergeson) Chapter 140, Statutes of 1991—
 - › Allows counties having half of their compatibility plans completed or under preparation by June 30, 1991, an additional year to complete the remainder.
 - › Allows ALUCs to continue to charge fees under these circumstances.
 - › Fees may be charged only until June 30, 1992, if plans are not completed by then.
- 1993 Senate Bill 443 (Committee on Budget and Fiscal Review) Chapter 59, Statutes of 1993—Amends Section 21670(b) to make the formation of ALUCs permissive rather than mandatory as of June 30, 1993. (Note: Section 21670.2 which assigns responsibility for coordinating the airport planning of public agencies in Los Angeles County is not affected by this amendment.)
- 1994 Assembly Bill 2831 (Mountjoy) Chapter 644, Statutes of 1994 —Reinstates the language in Section 21670(b) mandating establishment of ALUCs, but also provides for an alternative airport land use planning process. Lists specific actions which a county and affected cities must take in order for such alternative process to receive Caltrans approval. Requires that ALUCs

- be guided by information in the Caltrans *Airport Land Use Planning Handbook* when formulating airport land use plans.
- 1994 Senate Bill 1453 (Rogers) Chapter 438, Statutes of 1994—Amends California Environmental Quality Act (CEQA) statutes as applied to preparation of environmental documents affecting projects in the vicinity of airports. Requires lead agencies to use the *Airport Land Use Planning Handbook* as a technical resource when assessing the airport-related noise and safety impacts of such projects.
- 1997 Assembly Bill 1130 (Oller) Chapter 81, Statutes of 1997—Added Section 21670.4 concerning airports whose planning boundary straddles a county line.
- 2000 Senate Bill 1350 (Rainey) Chapter 506, Statutes of 2000—Added Section 21670(f) clarifying that special districts are among the local agencies to which airport land use planning laws are intended to apply.
- 2001 Assembly Bill 93 (Wayne) Chapter 946, Statutes of 2001—Added Section 21670.3 regarding San Diego County Regional Airport Authority’s responsibility for airport planning within San Diego County.
- 2002 Assembly Bill 3026 (Committee on Transportation) Chapter 438, Statutes of 2002—Changes the term “comprehensive land use plan” to “airport land use compatibility plan.”
- 2002 Assembly Bill 2776 (Simitian) Chapter 496, Statutes of 2002—Requires information regarding the location of a property within an airport influence area be disclosed as part of certain real estate transactions effective January 1, 2004.
- 2002 Senate Bill 1468 (Knight) Chapter 971, Statutes of 2002—Changes ALUC preparation of airport land use compatibility plans for military airports from optional to required. Requires that the plans be consistent with the safety and noise standards in the Air Installation Compatible Use Zone for that airport. Requires that the general plan and any specific plans be consistent with these standards where there is military airport, but an airport land use commission does not exist.
- 2003 Assembly Bill 332 (Mullin) Chapter 351, Statutes of 2003—Clarifies that school districts and community college districts are subject to compatibility plans. Requires local public agencies to notify ALUC and Division of Aeronautics at least 45 days prior to deciding to overrule the ALUC.
- 2004 Senate Bill 1223 (Committee on Transportation), Chapter 615, Statutes of 2004—Technical revisions eliminating most remaining references to the term “comprehensive land use plan” and replacing it with “airport land use compatibility plan.” Also replaces the terms “planning area” and “study area” with “airport influence area.”

Federal Aviation Regulations Part 77

Objects Affecting Navigable Airspace

Subpart A

GENERAL

Amdt. 77-11, Sept. 25, 1989.

77.1 Scope.

This part:

- (a) Establishes standards for determining obstructions in navigable airspace;
- (b) Sets forth the requirements for notice to the Administrator of certain proposed construction or alteration;
- (c) Provides for aeronautical studies of obstructions to air navigation, to determine their effect on the safe and efficient use of airspace;
- (d) Provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and
- (e) Provides for establishing antenna farm areas.

77.2 Definition of Terms.

For the purpose of this part:

“Airport available for public use” means an airport that is open to the general public with or without a prior request to use the airport.

“A seaplane base” is considered to be an airport only if its sea lanes are outlined by visual markers.

“Nonprecision instrument runway” means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service military airport planning document.

“Precision instrument runway” means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA approved airport layout plan; a military service approved military airport layout plan; any other FAA planning document, or military service military airport planning document.

“Utility runway” means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

“Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

77.3 Standards.

- (a) The standards established in this part for determining obstructions to air navigation are used by the Administrator in:
 - (1) Administering the Federal-aid Airport Program and the Surplus Airport Program;
 - (2) Transferring property of the United States under section 16 of the Federal Airport Act;
 - (3) Developing technical standards and guidance in the design and construction of airports; and
 - (4) Imposing requirements for public notice of the construction or alteration of any structure where notice will promote air safety.
- (b) The standards used by the Administrator in the establishment of flight procedures and aircraft operational limitations are not set forth in this part but are contained in other publications of the Administrator.

77.5 Kinds of Objects Affected.

This part applies to:

- (a) Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, and apparatus of a permanent or temporary character; and
- (b) Alteration of any permanent or temporary existing structure by a change in its height (including appurtenances), or lateral dimensions, including equipment or materials used therein.

**Subpart B
NOTICE OF CONSTRUCTION OR ALTERATION**

77.11 Scope.

- (a) This subpart requires each person proposing any kind of construction or alteration described in §77.13(a) to give adequate notice to the Administrator. It specifies the locations and dimensions of the construction or alteration for which notice is required and prescribes the form and manner of the notice. It also requires supplemental notices 48 hours before the start and upon the completion of certain construction or alteration that was the subject of a notice under §77.13(a).
- (b) Notices received under this subpart provide a basis for:

- (1) Evaluating the effect of the construction or alteration on operational procedures and proposed operational procedures;
- (2) Determinations of the possible hazardous effect of the proposed construction or alteration on air navigation;
- (3) Recommendations for identifying the construction or alteration in accordance with the current Federal Aviation Administration Advisory Circular AC 70/7460-1 entitled "Obstruction Marking and Lighting," which is available without charge from the Department of Transportation, Distribution Unit, TAD 484.3, Washington, D.C. 20590.
- (4) Determining other appropriate measures to be applied for continued safety of air navigation; and
- (5) Charting and other notification to airmen of the construction or alteration.

77.13 Construction or Alteration Requiring Notice.

- (a) Except as provided in §77.15, each sponsor who proposes any of the following construction or alteration shall notify the Administrator in the form and manner prescribed in §77.17:
 - (1) Any construction or alteration of more than 200 feet in height above the ground level at its site.
 - (2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
 - (i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section with at least one runway more than 3,200 feet in actual length, excluding heliports.
 - (ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section with its longest runway no more than 3,200 feet in actual length, excluding heliports.
 - (iii) 5 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport specified in paragraph (a)(5) of this section.
 - (3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) (1) or (2) of this section.
 - (4) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed a standard of Subpart C of this part.
 - (5) Any construction or alteration on any of the following airports (including heliports):

- (i) An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.
 - (ii) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that airport will be available for public use.
 - (iii) An airport that is operated by an armed force of the United States.
- (b) Each sponsor who proposes construction or alteration that is the subject of a notice under paragraph (a) of this section and is advised by an FAA regional office that a supplemental notice is required shall submit that notice on a prescribed form to be received by the FAA regional office at least 48 hours before the start of the construction or alteration.
- (c) Each sponsor who undertakes construction or alteration that is the subject of a notice under paragraph (a) of this section shall, within 5 days after that construction or alteration reaches its greatest height, submit a supplemental notice on a prescribed form to the FAA regional office having jurisdiction over the region involved, if -
- (1) The construction or alteration is more than 200 feet above the surface level of its site; or
 - (2) An FAA regional office advises him that submission of the form is required.

77.15 Construction or Alteration Not Requiring Notice.

No person is required to notify the Administrator for any of the following construction or alteration:

- (a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
- (b) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
- (c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.
- (d) Any construction or alteration for which notice is required by any other FAA regulation.

77.17 Form and Time of Notice.

- (a) Each person who is required to notify the Administrator under §77.13 (a) shall send one executed form set (four copies) of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 7460-1 may be obtained from the headquarters of the Federal Aviation Administration and the regional offices.
- (b) The notice required under §77.13(a) (1) through (4) must be submitted at least 30 days before the earlier of the following dates:

- (1) The date the proposed construction or alteration is to begin.
- (2) The date an application for a construction permit is to be filed.

However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

- (c) A proposed structure or an alteration to an existing structure that exceeds 2,000 feet in height above the ground will be presumed to be a hazard to air navigation and to result in an inefficient utilization of airspace and the applicant has the burden of overcoming that presumption. Each notice submitted under the pertinent provisions of this Part 77 proposing a structure in excess of 2,000 feet above ground, or an alteration that will make an existing structure exceed that height, must contain a detailed showing, directed to meeting this burden. Only in exceptional cases, where the FAA concludes that a clear and compelling showing has been made that it would not result in an inefficient utilization of the airspace and would not result in a hazard to air navigation, will a determination of no hazard be issued.
- (d) In the case of an emergency involving essential public services, public health, or public safety that requires immediate construction or alteration, the 30 day requirement in paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed FAA Form 7460-1 submitted within 5 days thereafter. Outside normal business hours, emergency notices by telephone or telegraph may be submitted to the nearest FAA Flight Service Station.
- (e) Each person who is required to notify the Administrator by paragraph (b) or (c) of §77.13, or both, shall send an executed copy of FAA Form 117-1, Notice of Progress of Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area involved.

77.19 Acknowledgment of Notice.

- (a) The FAA acknowledges in writing the receipt of each notice submitted under §77.13(a).
- (b) If the construction or alteration proposed in a notice is one for which lighting or marking standards are prescribed in the FAA Advisory Circular AC 70/7460-1, entitled "Obstruction Marking and Lighting," the acknowledgment contains a statement to that effect and information on how the structure should be marked and lighted in accordance with the manual.
- (c) The acknowledgment states that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - (1) Would not exceed any standard of Subpart C and would not be a hazard to air navigation;
 - (2) Would exceed a standard of Subpart C but would not be a hazard to air navigation; or
 - (3) Would exceed a standard of Subpart C and further aeronautical study is necessary to determine whether it would be a hazard to air navigation, that the sponsor may request within 30 days that further study, and that, pending completion of any further study, it is presumed the construction or alteration would be a hazard to air navigation.

Subpart C

OBSTRUCTION STANDARDS

77.21 Scope.

- (a) This subpart establishes standards for determining obstructions to air navigation. It applies to existing and proposed manmade objects, objects of natural growth, and terrain. The standards apply to the use of navigable airspace by aircraft and to existing air navigation facilities, such as an air navigation aid, airport, Federal airway, instrument approach or departure procedure, or approved off airway route. Additionally, they apply to a planned facility or use, or a change in an existing facility or use, if a proposal therefore is on file with the Federal Aviation Administration or an appropriate military service on the date the notice required by §77.13(a) is filed.
- (b) At those airports having defined runways with specially prepared hard surfaces, the primary surface for each such runway extends 200 feet beyond each end of the runway. At those airports having defined strips or pathways that are used regularly for the taking off and landing of aircraft and have been designated by appropriate authority as runways, but do not have specially prepared hard surfaces, each end of the primary surface for each such runway shall coincide with the corresponding end of the runway. At those airports, excluding seaplane bases, having a defined landing and take-off area with no defined pathways for the landing and taking off of aircraft, a determination shall be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those pathways so determined shall be considered runways and an appropriate primary surface as defined in §77.25(c) will be considered as being longitudinally centered on each runway so determined, and each end of that primary surface shall coincide with the corresponding end of that runway.
- (c) The standards in this subpart apply to the effect of construction or alteration proposals upon an airport if, at the time of filing of the notice required by §77.13(a), that airport is -
 - (1) Available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement; or
 - (2) A planned or proposed airport or an airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that that airport will be available for public use; or,
 - (3) An airport that is operated by an armed force of the United States.

77.23 Standards for Determining Obstructions.

- (a) An existing object, including a mobile object, is, and a future object would be, an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:
 - (1) A height of 500 feet above ground level at the site of the object.
 - (2) A height that is 200 feet above ground level or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 500 feet.

- (3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.
 - (4) A height within an en route obstacle clearance area, including turn and termination areas, of a Federal airway or approved off airway route, that would increase the minimum obstacle clearance altitude.
 - (5) The surface of a takeoff and landing area of an airport or any imaginary surface established under §77.25, §77.28, or §77.29. However, no part of the takeoff or landing area itself will be considered an obstruction.
- (b) Except for traverse ways on or near an airport with an operative ground traffic control service, furnished by an air traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:
- (1) Seventeen feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.
 - (2) Fifteen feet for any other public roadway.
 - (3) Ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.
 - (4) Twenty-three feet for a railroad, and,
 - (5) For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

77.25 Civil Airport Imaginary Surfaces.

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

- (a) Horizontal surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - (1) 5,000 feet for all runways designated as utility or visual;
 - (2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent

10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

- (b) Conical surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- (c) Primary surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
 - (1) 250 feet for utility runways having only visual approaches.
 - (2) 500 feet for utility runways having nonprecision instrument approaches.
 - (3) For other than utility runways the width is:
 - (i) 500 feet for visual runways having only visual approaches.
 - (ii) 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.
 - (iii) 1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

- (d) Approach surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
 - (1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - (i) 1,250 feet for that end of a utility runway with only visual approaches;
 - (ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
 - (iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach;
 - (iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
 - (v) 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and
 - (vi) 16,000 feet for precision instrument runways.

- (2) The approach surface extends for a horizontal distance of:
 - (i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;
 - (ii) 10,000 feet at a slope of 34 to 1 for all nonprecision instrument runways other than utility; and,
 - (iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.
- (3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- (e) Transitional surface. These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

77.27 [Reserved]

77.28 Military Airport Imaginary Surfaces.

- (a) Related to airport reference points. These surfaces apply to all military airports. For the purposes of this section a military airport is any airport operated by an armed force of the United States.
 - (1) Inner horizontal surface. A plane is oval in shape at a height of 150 feet above the established airfield elevation. The plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.
 - (2) Conical surface. A surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.
 - (3) Outer horizontal surface. A plane, located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.
- (b) Related to runways. These surfaces apply to all military airports.
 - (1) Primary surface. A surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000 foot width may be reduced to the former criteria.
 - (2) Clear zone surface. A surface located on the ground or water at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.
 - (3) Approach clearance surface. An inclined plane, symmetrical about the runway centerline extended, beginning 200 feet beyond each end of the primary surface at the centerline elevation

of the runway end and extending for 50,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 is 16,000 feet.

- (4) Transitional surfaces. These surfaces connect the primary surfaces, the first 200 feet of the clear zone surfaces, and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway centerline.

77.29 Airport Imaginary Surfaces for Heliports.

- (a) Heliport primary surface. The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
- (b) Heliport approach surface. The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.
- (c) Heliport transitional surfaces. These surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

Subpart D

AERONAUTICAL STUDIES OF EFFECT OF PROPOSED CONSTRUCTION ON NAVIGABLE AIRSPACE

77.31 Scope.

- (a) This subpart applies to the conduct of aeronautical studies of the effect of proposed construction or alteration on the use of air navigation facilities or navigable airspace by aircraft. In the aeronautical studies, present and future IFR and VFR aeronautical operations and procedures are reviewed and any possible changes in those operations and procedures and in the construction proposal that would eliminate or alleviate the conflicting demands are ascertained.
- (b) The conclusion of a study made under this subpart is normally a determination as to whether the specific proposal studied would be a hazard to air navigation.

77.33 Initiation of Studies.

- (a) An aeronautical study is conducted by the FAA:
- (1) Upon the request of the sponsor of any construction or alteration for which a notice is submitted under Subpart B of this part, unless that construction or alteration would be located within an antenna farm area established under Subpart F of this part; or

- (2) Whenever the FAA determines it appropriate.

77.35 Aeronautical Studies.

- (a) The Regional Manager, Air Traffic Division of the region in which the proposed construction or alteration would be located, or his designee, conducts the aeronautical study of the effect of the proposal upon the operation of air navigation facilities and the safe and efficient utilization of the navigable airspace. This study may include the physical and electromagnetic radiation effect the proposal may have on the operation of an air navigation facility.
- (b) To the extent considered necessary, the Regional Manager, Air Traffic Division or his designee:
 - (1) Solicits comments from all interested persons;
 - (2) Explores objections to the proposal and attempts to develop recommendations for adjustment of aviation requirements that would accommodate the proposed construction or alteration;
 - (3) Examines possible revisions of the proposal that would eliminate the exceeding of the standards in Subpart C of this part; and
 - (4) Convenes a meeting with all interested persons for the purpose of gathering all facts relevant to the effect of the proposed construction or alteration on the safe and efficient utilization of the navigable airspace.
- (c) The Regional Manager, Air Traffic Division or his designee issues a determination as to whether the proposed construction or alteration would be a hazard to air navigation and sends copies to all known interested persons. This determination is final unless a petition for review is granted under §77.37.
- (d) If the sponsor revises his proposal to eliminate exceeding of the standards of Subpart C of this part, or withdraws it, the Regional Manager, Air Traffic Division, or his designee, terminates the study and notifies all known interested persons.

77.37 Discretionary Review.

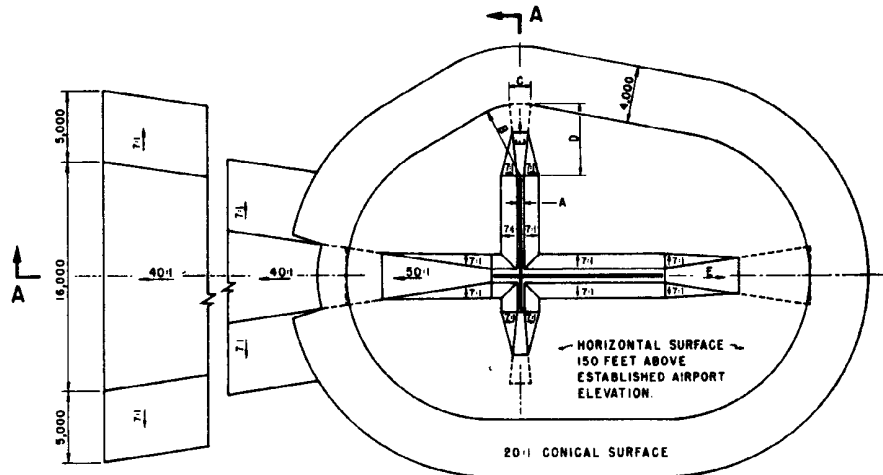
- (a) The sponsor of any proposed construction or alteration or any person who stated a substantial aeronautical objection to it in an aeronautical study, or any person who has a substantial aeronautical objection to it but was not given an opportunity to state it, may petition the Administrator, within 30 days after issuance of the determination under §77.19 or §77.35 or revision or extension of the determination under §77.39 (c), for a review of the determination, revision, or extension. This paragraph does not apply to any acknowledgment issued under §77.19 (c) (1).
- (b) The petition must be in triplicate and contain a full statement of the basis upon which it is made.
- (c) The Administrator examines each petition and decides whether a review will be made and, if so, whether it will be:
 - (1) A review on the basis of written materials, including study of a report by the Regional Manager, Air Traffic Division of the aeronautical study, briefs, and related submissions by any in-

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

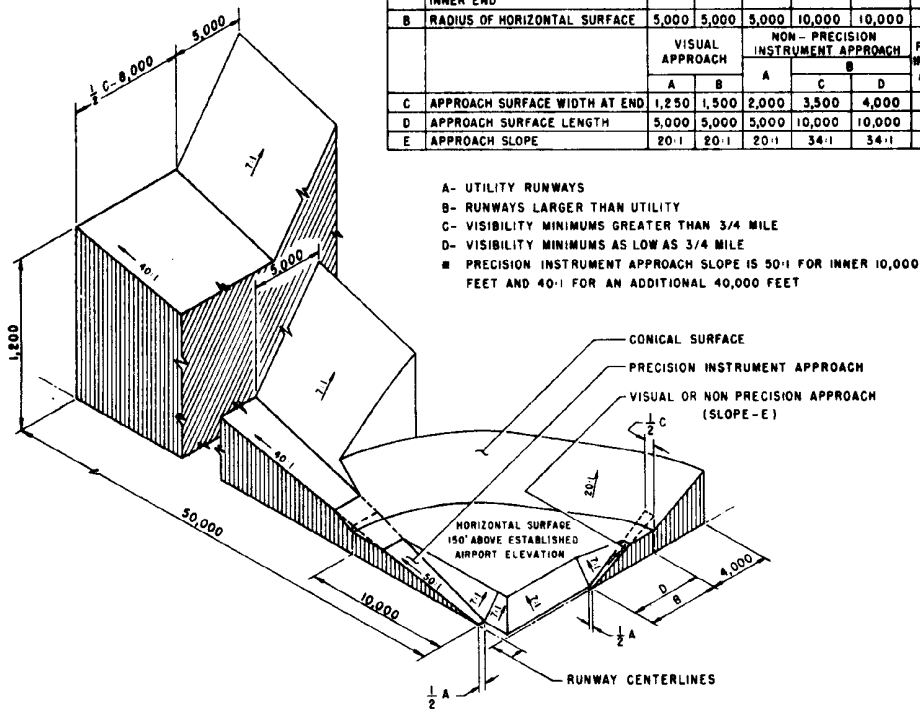
- (2) A review on the basis of a public hearing, conducted in accordance with the procedures prescribed in Subpart E of this part.

77.39 Effective Period of Determination of No Hazard.

- (a) Unless it is otherwise extended, revised, or terminated, each final determination of no hazard made under this subpart or Subpart B or E of this part expires 18 months after its effective date, regardless of whether the proposed construction or alteration has been started, or on the date the proposed construction or alteration is abandoned, whichever is earlier.
- (b) In any case, including a determination to which paragraph (d) of this section applies, where the proposed construction or alteration has not been started during the applicable period by actual structural work, such as the laying of a foundation, but not including excavation, any interested person may, at least 15 days before the date the final determination expires, petition the FAA official who issued the determination to:
 - (1) Revise the determination based on new facts that change the basis on which it was made; or
 - (2) Extend its effective period.
- (c) The FAA official who issued the determination reviews each petition presented under paragraph (b) of this section, and revises, extends, or affirms the determination as indicated by his findings.
- (d) In any case in which a final determination made under this subpart or Subpart B or E of this part relates to proposed construction or alteration that may not be started unless the Federal Communications Commission issues an appropriate construction permit, the effective period of each final determination includes -
 - (1) The time required to apply to the Commission for a construction permit, but not more than 6 months after the effective date of the determination; and
 - (2) The time necessary for the Commission to process the application except in a case where the Administrator determines a shorter effective period is required by the circumstances.
- (e) If the Commission issues a construction permit, the final determination is effective until the date prescribed for completion of the construction. If the Commission refuses to issue a construction permit, the final determination expires on the date of its refusal.



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



- A- UTILITY RUNWAYS
- B- RUNWAYS LARGER THAN UTILITY
- C- VISIBILITY MINIMUMS GREATER THAN 3/4 MILE
- D- VISIBILITY MINIMUMS AS LOW AS 3/4 MILE
- PRECISION INSTRUMENT APPROACH SLOPE IS 50:1 FOR INNER 10,000 FEET AND 40:1 FOR AN ADDITIONAL 40,000 FEET

ISOMETRIC VIEW OF SECTION A-A

§ 77.25 CIVIL AIRPORT IMAGINARY SURFACES

Source: Federal Aviation Regulations Part 77

Appendix B1

FAR Part 77 Imaginary Surfaces

Please Type or Print on This Form



U.S. Department of Transportation
Federal Aviation Administration

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

For FAA Use Only

Notice of Proposed Construction or Alteration

Aeronautical Study Number

1. Sponsor (person, company, etc. proposing this action)

Attn. of _____
 Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____

2. Sponsor's Representative (if other than #1)

Attn. of _____
 Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____

3. Notice of: New Construction Alteration Existing

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

5. Work Schedule: Beginning: _____ End: _____

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

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

8. FCC Antenna Structure Registration Number (if applicable)

9. Latitude: _____ ° _____ ' _____ " "

10. Longitude: _____ ° _____ ' _____ " "

11. Datum: NAD 83 NAD 27 Other _____

12. Nearest: City: _____ State: _____

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

14. Distance from #13. to Structure: _____

15. Direction from #13. to Structure: _____

16. Site Elevation (AMSL): _____ ft.

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

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

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

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

21. Complete Description of Proposal:

Frequency/Power (kW)

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

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

Date	Typed or Printed Name and Title of Person Filing Notice	Signature
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Appendix B-2

Part 77 Notification

FAA Form 7460

Methods for Determining Concentrations of People

One criterion used in compatibility plans adopted by the *Los Angeles County Airport Land Use Commission* is the maximum number of people per acre that can be present in a given area at any one time. If a proposed use exceeds the maximum density, it is considered inconsistent with compatibility planning policies. This appendix provides some guidance on how the people-per-acre determination can be made.

The most difficult part about making a people-per-acre determination is estimating the number of people likely to use a particular facility. There are several methods which can be utilized, depending upon the nature of the proposed use:

- ▶ **Parking Ordinance**—The number of people present in a given area can be calculated based upon the number of parking spaces provided. Some assumption regarding the number of people per vehicle needs to be developed to calculate the number of people on-site. The number of people per acre can then be calculated by dividing the number of people on-site by the size of the parcel in acres. This approach is appropriate where the use is expected to be dependent upon access by vehicles. Depending upon the specific assumptions utilized, this methodology typically results in a number in the low end of the likely intensity for a given land use.
- ▶ **Maximum Occupancy**—The Uniform or California Building Code can be used as a standard for determining the maximum occupancy of certain uses. The chart provided as Table C-1 indicates the required number of square feet per occupant. The number of people on the site can be calculated by dividing the total floor area of a proposed use by the minimum square feet per occupant requirement listed in the table. The maximum occupancy can then be divided by the size of the parcel in acres to determine the people per acre. Surveys of actual occupancy levels conducted by various agencies have indicated that many retail and office uses are generally occupied at no more than 50% of their maximum occupancy levels, even at the busiest times of day. Therefore, the number of people calculated for office and retail uses should usually be adjusted (50%) to reflect the actual occupancy levels before making the final people per acre determination. Even with this adjustment, the UBC-based methodology typically produces intensities at the high end of the likely range.
- ▶ **Survey of Similar Uses**—Certain uses may require an estimate based upon a survey of similar uses. This approach is more difficult, but is appropriate for uses which because of the nature of the use, cannot be reasonably estimated based upon parking or square footage.

Table C-2 shows sample calculations.

<u>Use</u>	<u>Minimum Square Feet per Occupant</u>
1. Aircraft Hangars (no repair)	500
2. Auction Rooms	7
3. Assembly Areas, Concentrated Use (without fixed seats)	7
Auditoriums	
Churches and Chapels	
Dance Floors	
Lobby Accessory to Assembly Occupancy	
Lodge Rooms	
Reviewing Stands	
Stadiums	
Waiting Areas	3
4. Assembly Areas, Less Concentrated Use	15
Conference Rooms	
Dining Rooms	
Drinking Establishments	
Exhibit Rooms	
Gymnasiums	
Lounges	
Stages	
Gaming	11
5. Bowling Alley (assume no occupant load for bowling lanes)	4
6. Children's Homes and Homes for the Aged	80
7. Classrooms	20
8. Congregate Residences	200
9. Courtrooms	40
10. Dormitories	50
11. Dwellings	300
12. Exercising Rooms	50
13. Garage, Parking	200
14. Health-Care Facilities	80
Sleeping Rooms	120
Treatment Rooms	240
15. Hotels and Apartments	200
16. Kitchen – Commercial	200
17. Library Reading Room	50
Stack Areas	100
18. Locker Rooms	50
19. Malls	Varies
20. Manufacturing Areas	200
21. Mechanical Equipment Room	300
22. Nurseries for Children (Daycare)	35
23. Offices	100
24. School Shops and Vocational Rooms	50
25. Skating Rinks	50 on the skating area; 15 on the deck
26. Storage and Stock Rooms	300
27. Stores — Retail Sales Rooms	
Basements and Ground Floors	30
Upper Floors	60
28. Swimming Pools	50 for the pool area; 15 on the deck
29. Warehouses	500
30. All Others	100

Source: California Building Code (1998), Table 10-A

Table C-1

Occupancy Levels—California Building Code

Example 1

Proposed Development: Two office buildings, each two stories and containing 20,000 square feet of floor area per building. Site size is 3.0 net acres. Counting a portion of the adjacent road, the gross area of the site is 3.5± acres.

A. Calculation Based on Parking Space Requirements

For office uses, assume that a county or city parking ordinance requires 1 parking space for every 300 square feet of floor area. Data for the traffic studies or other sources can be used to estimate the average vehicle occupancy. For the purposes of this example, the number of people on the property is assumed to equal 1.5 times the number of parking spaces.

The average usage intensity would therefore be calculated as follows:

- 1) $40,000 \text{ sq. ft. floor area} \times 1.0 \text{ parking space per } 300 \text{ sq. ft.} = 134 \text{ required parking spaces}$
- 2) $134 \text{ parking spaces} \times 1.5 \text{ people per space} = 200 \text{ people maximum on site}$
- 3) $200 \text{ people} \div 3.5 \text{ acres gross site size} = 57 \text{ people per acre average for the site}$

Assuming that occupancy of each building is relatively equal throughout, but that there is some separation between the buildings and outdoor uses are minimal, the usage intensity for a single acre would be estimated to be:

- 1) $20,000 \text{ sq. ft. bldg.} \div 2 \text{ stories} = 10,000 \text{ sq. ft. bldg. footprint}$
- 2) $10,000 \text{ sq. ft. building footprint} \div 43,560 \text{ sq. ft. per acre} = 0.23 \text{ acre bldg. footprint}$
- 3) Building footprint < 1.0 acre; therefore maximum people in 1 acre = bldg. occupancy = 100 people per single acre

B. Calculation Based on Uniform Building Code

Using the UBC (Appendix C1) as the basis for estimating building occupancy yields the following results for the above example:

- 1) $40,000 \text{ sq. ft. bldg.} \div 100 \text{ sq. ft./occupant} = 400 \text{ people max. building occupancy (under UBC)}$
- 2) $400 \text{ people max. building occupancy} \times 50\% \text{ adjustment} = 200 \text{ people maximum on site}$
- 3) $200 \text{ people} \div 3.5 \text{ acres gross site size} = 57 \text{ people per acre average for the site}$

Conclusions: In this instance, both methodologies give the same results. For different uses and/or different assumptions, the two methodologies are likely to produce different numbers. In most such cases, the UBC methodology will indicate a higher intensity.

Table C-2

Sample People-Per-Acre Calculations

Example 2

Proposed Development: Single-floor furniture store containing 24,000 square feet of floor area on a site of 1.7 net acres. Counting a portion of the adjacent road, the gross area of the site is 2.0 acres).

A. Calculation Based on Parking Space Requirements

Note: This method is specifically to be used in the unincorporated areas of Placer County.

For furniture stores, the county requires 1 parking space per 1,500 square feet of use area. Assuming 1.5 people per automobile as indicated in the Primary Compatibility Criteria table results in the following intensity estimates:

The average usage intensity would be:

- 1) 24,000 sq. ft. bldg. x 1.0 parking space per 1,500 sq. ft. = 16 required parking spaces
- 2) 16 parking spaces x 1.5 people per space = 24 people maximum on site
- 3) 24 people) 1.26 acres gross site size = 19 people per acre average for the site

Again assuming a relatively balanced occupancy throughout the building and that outdoor uses are minimal, the usage intensity for a single acre would be estimated to be:

- 1) 24,000 sq. ft. bldg. footprint) 43,560 sq. ft. per acre = 0.55 acre bldg. footprint
- 2) Building footprint < 1.0 acre; therefore maximum people in 1 acre = bldg. occupancy = 24 people per single acre

B. Calculation Based on Uniform Building Code

For the purposes of the UBC-based methodology, the furniture store is assumed to be consist of 50% retail sales floor (at 30 square feet per occupant) and 50% warehouse (at 500 square feet per occupant). Usage intensities would therefore be estimated as follows:

- 1) 12,000 sq. ft. retail floor area) 30 sq. ft./occupant = 400 people max. occupancy in retail area
- 2) 12,000 sq. ft. warehouse floor area) 500 sq. ft./occupant = 24 people max. occupancy in warehouse area
- 3) Maximum occupancy under UBC assumptions = 400 + 24 = 424 people
- 4) Assuming typical peak occupancy is 50% of UBC numbers = 212 people maximum expected at any one time
- 5) 212 people) 1.26 acres = 168 people per acre average for the site

With respect to the single-acre intensity criteria, the entire building occupancy would again be within less than 1.0 acre, thus yielding the same intensity of 168 people per single acre.

Conclusions: In this instance, the two methods produce very different results. The occupancy estimate of 30 square feet per person is undoubtedly low for a furniture store even after the 50% adjustment. On the other hand, the 19 people-per-acre estimate using the parking requirement methodology appears low, but is probably closer to being realistic. Unless better data is available from surveys of similar uses, this proposal should reasonably be considered compatible within *Zone B2* (50 people per average acre and 100 people per single acre) and potentially also compatible within *Zone B1* (25 people per average acre and 50 people per single acre).

Table C-2, continued

General Plan Consistency Checklist

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

COMPATIBILITY CRITERIA

General Plan Document

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

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

Zoning or Other Policy Documents

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

- ▶ **Secondary Dwellings**—Detached secondary dwellings on the same parcel should be counted as additional dwellings for the purposes of density calculations. This factor needs to be reflected in local policies either by adjusting the maximum allowable densities or by prohibiting secondary dwellings where their presence would conflict with the compatibility criteria.
- ▶ **Intensity Limitations on Nonresidential Uses**—Local policies must be established to limit the usage intensities of commercial, industrial, and other nonresidential land uses. This can be done by duplication of the performance-oriented criteria—specifically, the number of people per acre—indicated in the compatibility plan. Alternatively, local jurisdictions may create a detailed list of land uses which are allowable and/or not allowable within each compatibility zone. For certain land uses, such a list may need to include limits on building sizes, floor area ratios, habitable floors, and/or other design parameters 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 avigation easement to the airport proprietor or placement on deeds of a notice regarding airport impacts. If so, local jurisdiction policies must contain similar requirements. Compatibility plans also may encourage, but should not require, local jurisdictions to adopt a policy stating that airport proximity and the potential for aircraft overflights be disclosed as part of real estate transactions regarding property in the airport influence area.
- ▶ **Nonconforming Uses and Reconstruction**—Local jurisdiction policies regarding nonconforming uses and reconstruction must be equivalent to or more restrictive than those in the compatibility plan, if any.

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.

Sample Implementation Documents

The responsibility for implementation of the compatibility criteria set forth in the compatibility plans adopted by the (Los Angeles County Airport Land Use Commission) rests largely with the County of Los Angeles and affected cities. As described in Appendix D, modification of general plans and specific plans for consistency with applicable compatibility plans is the major step in this process. However, not all of the measures necessary for achievement of airport land use compatibility are necessarily included in general plans and specific plans. Other types of documents also serve to implement compatibility plan policies. Samples of such implementation documents are included in this appendix.

Airport Combining Zone Ordinance

As noted in Chapter 1 of this document, one option that the affected local jurisdictions can utilize to implement airport land use compatibility criteria and associated policies is adoption of an airport combining zone ordinance. An airport combining zone ordinance is a way of collecting various airport-related development conditions into one local policy document. Adoption of a combining zone is not required, but is suggested as an option. Table E-1 describes some of the potential components of an airport combining zone ordinance.

Buyer Awareness Measures

Buyer awareness is an umbrella category for several types of implementation documents all of which have the objective of ensuring that prospective buyers of airport area property, particularly residential property, are informed about the airport's impact on the property. Los Angeles County Airport Land Use Commission policies include each of these measures.

- ▶ **Avigation Easement**—Avigation easements transfer certain property rights from the owner of the underlying property to the owner of an airport or, in the case of military airports, to a local government agency on behalf of the federal government (the U.S. Department of Defense is not authorized to accept avigation easements). Avigation easement dedication is suitable as a condition for approval of development on property subject to high noise levels or a need to restrict heights of structures and trees to less than might ordinarily occur on the property. A sample of a standard avigation easement is included in Table E-2.
- ▶ **Recorded Deed Notice**—Deed notices are a form of buyer awareness measure whose objective is to ensure that prospective buyers of airport area property, particularly residential property, are informed about the airport's impact on the property. Unlike easements, deed notices do not convey property rights from the property owner to the airport and do not restrict the height of objects. They only document the existence of certain conditions that affect the property—such as the proximity of the airport and common occurrence of aircraft overflights at or below the airport traffic pattern altitude. Recording of deed notices is appropriate for project approval within the major portion of the airport influence areas where avigation easements are not essential. Table E-3 contains a sample of a deed notice.

- **Real Estate Disclosure**—A less definitive, but more all-encompassing, form of buyer awareness measure is for the ALUC and local jurisdictions to establish a policy indicating that information about an airport's influence area should be disclosed to prospective buyers of all airport-vicinity properties prior to transfer of title. The advantage of this type of program is that it applies to previously existing land uses as well as to new development. The requirement for disclosure of information about the proximity of an airport has been present in state law for some time, but legislation adopted in 2002 and effective in January 2004 explicitly ties the requirement to the airport influence areas established by airport land use commissions (see Appendix A for excerpts from sections of the Business and Professions Code and Civil Code that define these requirements). With certain exceptions, these statutes require disclosure of a property's location within an airport influence area under any of the following three circumstances: (1) sale or lease of subdivided lands; (2) sale of common interest developments; and (3) sale of residential real property. In each case, the disclosure statement to be used is defined by state law as follows:

NOTICE OF AIRPORT IN VICINITY

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

An airport compatibility combining zoning ordinance might include some or all of the following components:

- ▶ **Airspace Protection**—A combining district can establish restrictions on the height of buildings, antennas, trees, and other objects as necessary to protect the airspace needed for operation of the airport. These restrictions should be based upon the current version of the Federal Aviation Regulations (FAR) Part 77, *Objects Affecting Navigable Airspace*, Subpart C. Additions or adjustment to take into account instrument approach (TERPS) surfaces should be made as necessary. Provisions prohibiting smoke, glare, bird attractions, and other hazards to flight should also be included.
- ▶ **FAA Notification Requirements**—Combining districts also can be used to ensure that project developers are informed about the need for compliance with the notification requirements of FAR Part 77. Subpart B of the regulations requires that the proponent of any project which exceeds a specified set of height criteria submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration prior to commencement of construction. The height criteria associated with this notification requirement are lower than those spelled out in Part 77, Subpart C, which define airspace obstructions. The purpose of the notification is to determine if the proposed construction would constitute a potential hazard or obstruction to flight. Notification is not required for proposed structures that would be shielded by existing structures or by natural terrain of equal or greater height, where it is obvious that the proposal would not adversely affect air safety.
- ▶ **State Regulation of Obstructions**—State law prohibits anyone from constructing or altering a structure or altering a structure or permitting an object of natural growth to exceed the heights established by FAR Part 77, Subpart C, unless the FAA has determined the object would or does not constitute a hazard to air navigation (Public Utilities Code, Section 21659). Additionally, a permit from the Department of Transportation is required for any structure taller than 500 feet above the ground unless the height is reviewed and approved by the Federal Communications Commission or the FAA (Section 21656).
- ▶ **Designation of High Noise-Impact Areas**—California state statutes require that multi-family residential structures in high-noise exposure areas be constructed so as to limit the interior noise to a Community Noise Equivalent Level of no more than 45 dB. A combining district could be used to indicate the locations where special construction techniques may be necessary in order to ensure compliance with this requirement. The combining district also could extend this criterion to single-family dwellings.
- ▶ **Maximum Densities/Intensities**—Airport noise and safety compatibility criteria are frequently expressed in terms of dwelling units per acre for residential uses and people per acre for other land uses. These standards can either be directly included in a combining zone or used to modify the underlying land use designations. For residential land uses, the correlation between the compatibility criteria and land use designations is direct. For other land uses, the method of calculating the intensity limitations needs to be defined. Alternatively, a matrix can be established indicating whether each specific type of land use is compatible with each compatibility zone. To be useful, the land use categories need to be more detailed than typically provided by general plan or zoning ordinance land use designations.
- ▶ **Open Areas for Emergency Landing of Aircraft**—In most circumstances in which an accident involving a small aircraft occurs near an airport, the aircraft is under control as it descends. When forced to make an off-airport emergency landing, pilots will usually attempt to do so in the most open areas readily available. To enhance safety both for people on the ground and the occupants of the aircraft, airport compatibility plans often contain criteria requiring a certain amount of open land near airports. These criteria are most effectively carried out by planning at the general or specific plan level, but may also need to be included in a combining district so that they will be applied to development of large parcels. Adequate open areas can often be provided by clustering of development on adjacent land.
- ▶ **Areas of Special Compatibility Concern**—A significant drawback of standard general plan and zoning ordinance land use designations is that they can be changed. Uses that are currently compatible are not assured of staying that way in the future. Designation of areas of special compatibility concern would serve as a reminder that airport impacts should be carefully considered in any decision to change the existing land use designation. [A legal consideration which supports the value of this concept is that down-zoning of a property to a less intensive use is becoming more difficult. It is much better not to have inappropriately up-zoned the property in the first place.]
- ▶ **Real Estate Disclosure Policies**—The geographic extent and specific language of recommended real estate disclosure statements can be described in an airport combining zone ordinance.

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

Table E-1

Sample Airport Combining Zone Components

This indenture made this _____ day of _____, 20___, between _____ hereinafter referred to as Grantor, and the [Insert County or City name], a political subdivision in the State of California, hereinafter referred to as Grantee.

The Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement over the following described parcel of land in which the Grantor holds a fee simple estate. *[For military airports: Grantee shall hold said easement on behalf of the United States Government.]* The property which is subject to this easement is depicted as _____ on “Exhibit A” attached and is more particularly described as follows:

[Insert legal description of real property]

The easement applies to the Airspace above an imaginary plane over the real property. The plane is described as follows:

The imaginary plane above the hereinbefore described real property, as such plane is defined by Part 77 of the Federal Aviation Regulations, and consists of a plane [describe approach, transition, or horizontal surface]; the elevation of said plane being based upon the _____ Airport official runway end elevation of _____ feet Above Mean Sea Level (AMSL), as determined by [Insert Name and Date of Survey or Airport Layout Plan that determines the elevation] the approximate dimensions of which said plane are described and shown on Exhibit A attached hereto and incorporated herein by reference.

The aforesaid easement and right-of-way includes, but is not limited to:

- (1) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in, through, across, or about any portion of the Airspace hereinabove described; and
- (2) The easement and right to cause or create, or permit or allow to be caused and created within all space above the existing surface of the hereinabove described real property and any and all Airspace laterally adjacent to said real property, such noise, vibration, currents and other effects of air illumination and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air; and
- (3) A continuing right to clear and keep clear from the Airspace any portions of buildings, structures or improvements of any kinds, and of trees or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees, or other things which extend into or above said Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace; and
- (4) The right to mark and light, or cause or require to be marked and lighted, as obstructions to air navigation, any and all buildings, structures or other improvements, and trees or other objects, which extend into or above the Airspace; and
- (5) The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.

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

Table E-2

Typical Avigation Easement

For and on behalf of itself, its successors and assigns, the Grantor hereby covenants with the [Insert County or City name], for the direct benefit of the real property constituting the _____ Airport hereinafter described, that neither the Grantor, nor its successors in interest or assigns will construct, install, erect, place or grow, in or upon the hereinabove described real property, nor will they permit or allow any building structure, improvement, tree, or other object to extend into or above the Airspace so as to constitute an obstruction to air navigation or to obstruct or interfere with the use of the easement and rights-of-way herein granted.

The easements and rights-of-way herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the _____ Airport, in the [Insert County or City name], State of California; and shall further be deemed in gross, being conveyed to the Grantee for the benefit of [*for public-use airports:* the Grantee and any and all members of the general public] [*for military airports:* the United States Government] who may use said easement or right-of-way, in landing at, taking off from or operating such aircraft in or about the _____ Airport, or in otherwise flying through said Airspace.

Grantor, together with its successors in interest and assigns, hereby waives its right to legal action against Grantee, its successors or assigns for monetary damages or other redress due to impacts, as described in paragraph (2) of the granted rights of easement, associated with aircraft operations in the air or on the ground at the airport, including future increases in the volume or changes in location of said operations. Furthermore, Grantee, its successors, and assigns shall have no duty to avoid or mitigate such damages through physical modification of airport facilities or establishment or modification of aircraft operational procedures or restrictions. However, this waiver shall not apply if the airport role or character of its usage (as identified in an adopted airport master plan, for example) changes in a fundamental manner which could not reasonably have been anticipated at the time of the granting of this easement and which results in a substantial increase in the in the impacts associated with aircraft operations. Also, this grant of easement shall not operate to deprive the Grantor, its successors or assigns of any rights which may from time to time have against any air carrier or private operator for negligent or unlawful operation of aircraft.

These covenants and agreements run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and, for the purpose of this instrument, the real property firstly hereinabove described is the servient tenement and said _____ Airport is the dominant tenement.

DATED:

STATE OF }

ss

COUNTY OF }

On _____, before me, the undersigned, a Notary Public in and for said County and State personally appeared _____, and _____ known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

Notary Public

Table E-2, continued

A statement similar to the following should be included on the deed for any real property subject to the deed notice requirements set forth in the [Insert ALUC name] Airport Land Use Compatibility Plan. Such notice should be recorded by the county of [Insert County name]. Also, this deed notice should be included on any parcel map, tentative map, or final map for subdivision approval.

For public-use airports:

The [Insert ALUC name] Airport Land Use Compatibility Plan and [Insert County / City Name] Ordinance (Ordinance No. _____) identify a [Insert Airport name] Airport Influence Area. Properties within this area are routinely subject to overflights by aircraft using this public-use airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq.) establishes the importance of public-use airports to protection of the public interest of the people of the state of California. Residents of property near such airports should therefore be prepared to accept the inconvenience, annoyance, or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future in response to [Insert County name] County population and economic growth. Any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement in substantially this form.

For military airports:

The [Insert ALUC name] Airport Land Use Compatibility Plan and [Insert County / City Name] Ordinance (Ordinance No. _____) identify a [Insert Airport name] Airport Influence Area. Properties within this area are routinely subject to overflights by aircraft using this military airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq.) supports the importance of military airports in protection of the public interest of the people of the United States and the state of California. Residents of property near such airports should therefore be prepared to accept the inconvenience, annoyance, or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future in response to federal military needs. Any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement in substantially this form.

Table E-3

Sample Deed Notice

Glossary of Terms

Air Carriers: The commercial system of air transportation, consisting of the certificated air carriers, air taxis (including commuters), supplemental air carriers, commercial operators of large aircraft, and air travel clubs.

Air Installation Compatible Use Zone (AICUZ): A land use compatible plan prepared by the U.S. Department of Defense for military airfields. AICUZ plans serve as recommendations to local government bodies having jurisdiction over land uses surrounding these facilities.

Aircraft Accident: An occurrence incident to flight in which, as a result of the operation of an aircraft, a person (occupant or nonoccupant) receives fatal or serious injury or an aircraft receives substantial damage.

- ▶ Except as provided below, *substantial damage* means damage or structural failure that adversely affects the structural strength, performance, or flight characteristics of the aircraft, and that would normally require major repair or replacement of the affected component.
- ▶ Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small puncture holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered substantial damage.

Aircraft Incident: A mishap associated with the operation of an aircraft in which neither fatal or serious injuries nor substantial damage to the aircraft occur.

Aircraft Mishap: The collective term for an aircraft accident or an incident.

Aircraft Operation: The airborne movement of aircraft at an airport or about an en route fix or at other point where counts can be made. There are two types of operations: local and itinerant. An operation is counted for each landing and each departure, such that a touch-and-go flight is counted as two operations. (FAA Stats)

Airport: An area of land or water that is used or intended to be used for the landing and taking off of aircraft, and includes its buildings and facilities if any. (FAR 1)

Airport Elevation: The highest point of an airport's useable runways, measured in feet above mean sea level. (AIM)

Airport Land Use Commission (ALUC): A commission authorized under the provisions of California Public Utilities Code, Section 21670 et seq. and established (in any county within which a public-use airport is located) for the purpose of promoting compatibility between airports and the land uses surrounding them.

Airport Layout Plan (ALP): A scale drawing of existing and proposed airport facilities, their location on an airport, and the pertinent clearance and dimensional information required to demonstrate conformance with applicable standards.

Airport Master Plan (AMP): A long-range plan for development of an airport, including descriptions of the data and analyses on which the plan is based.

Airport Reference Code (ARC): A coding system used to relate airport design criteria to the operation and physical characteristics of the airplanes intended to operate at an airport. (Airport Design AC)

Airports, Classes of: For the purposes of issuing a Site Approval Permit, The California Department of Transportation, Division of Aeronautics classifies airports into the following categories: (CCR)

- ▶ *Agricultural Airport or Heliport:* An airport restricted to use only by agricultural aerial applicator aircraft (FAR Part 137 operators).
- ▶ *Emergency Medical Services (EMS) Landing Site:* A site used for the landing and taking off of EMS helicopters that is located at or as near as practical to a medical emergency or at or near a medical facility and
 - (1) has been designated an EMS landing site by an officer authorized by a public safety agency, as defined in PUC Section 21662.1, using criteria that the public safety agency has determined is reasonable and prudent for the safe operation of EMS helicopters and
 - (2) is used, over any twelve month period, for no more than an average of six landings per month with a patient or patients on the helicopter, except to allow for adequate medical response to a mass casualty event even if that response causes the site to be used beyond these limits, and
 - (3) is not marked as a permitted heliport as described in Section 3554 of these regulations and
 - (4) is used only for emergency medical purposes.
- ▶ *Heliport on Offshore Oil Platform:* A heliport located on a structure in the ocean, not connected to the shore by pier, bridge, wharf, dock or breakwater, used in the support of petroleum exploration or production.
- ▶ *Personal-Use Airport:* An airport limited to the non-commercial use of an individual owner or family and occasional invited guests.
- ▶ *Public-Use Airport:* An airport that is open for aircraft operations to the general public and is listed in the current edition of the *Airport/Facility Directory* that is published by the National Ocean Service of the U.S. Department of Commerce.
- ▶ *Seaplane Landing Site:* An area of water used, or intended for use, for landing and takeoff of seaplanes.
- ▶ *Special-Use Airport or Heliport:* An airport not open to the general public, access to which is controlled by the owner in support of commercial activities, public service operations, and/or personal use.
- ▶ *Temporary Helicopter Landing Site:* A site, other than an emergency medical service landing site at or near a medical facility, which is used for landing and taking off of helicopters and
 - (1) is used or intended to be used for less than one year, except for recurrent annual events and
 - (2) is not marked or lighted to be distinguishable as a heliport and
 - (3) is not used exclusively for helicopter operations.

Ambient Noise Level: The level of noise that is all-encompassing within a given environment for which a single source cannot be determined. It is usually a composite of sounds from many and varied sources near to and far from the receiver.

Approach Protection Easement: A form of easement that both conveys all of the rights of an aviation easement and sets specified limitations on the type of land uses allowed to be developed on the property.

Approach Speed: The recommended speed contained in aircraft manuals used by pilots when making an approach to landing. This speed will vary for different segments of an approach as well as for aircraft weight and configuration. (AIM)

Aviation-Related Use: Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protected areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations, terminal buildings, etc.

Avigation Easement: A type of easement that typically conveys the following rights:

- ▶ A right-of-way for free and unobstructed passage of aircraft through the airspace over the property at any altitude above a surface specified in the easement (usually set in accordance with FAR Part 77 criteria).
- ▶ A right to subject the property to noise, vibrations, fumes, dust, and fuel particle emissions associated with normal airport activity.
- ▶ A right to prohibit the erection or growth of any structure, tree, or other object that would enter the acquired airspace.
- ▶ A right-of-entry onto the property, with proper advance notice, for the purpose of removing, marking, or lighting any structure or other object that enters the acquired airspace.
- ▶ A right to prohibit electrical interference, glare, misleading lights, visual impairments, and other hazards to aircraft flight from being created on the property.

Based Aircraft: Aircraft stationed at an airport on a long-term basis.

California Environmental Quality Act (CEQA): Statutes adopted by the state legislature for the purpose of maintaining a quality environment for the people of the state now and in the future. The Act establishes a process for state and local agency review of projects, as defined in the implementing guidelines, that may adversely affect the environment.

Ceiling: Height above the earth's surface to the lowest layer of clouds or obscuring phenomena. (AIM)

Circling Approach/Circle-to-Land Maneuver: A maneuver initiated by the pilot to align the aircraft with a runway for landing when a straight-in landing from an instrument approach is not possible or not desirable. (AIM)

Combining District: A zoning district that establishes development standards in areas of special concern over and above the standards applicable to basic underlying zoning districts.

Commercial Activities: Airport-related activities that may offer a facility, service or commodity for sale, hire or profit. Examples of commodities for sale are: food, lodging, entertainment, real estate, petroleum products, parts and equipment. Examples of services are: flight training, charter flights, maintenance, aircraft storage, and tiedown. (CCR)

Commercial Operator: A person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier. (FAR 1)

Community Noise Equivalent Level (CNEL): The noise metric adopted by the State of California for evaluating airport noise. It represents the average daytime noise level during a 24-hour day, adjusted to an equivalent level to account for the lower tolerance of people to noise during evening and nighttime periods relative to the daytime period. (State Airport Noise Standards)

Compatibility Plan: As used herein, a plan, usually adopted by an Airport Land Use Commission, that sets forth policies for promoting compatibility between airports and the land uses that surround them. Often referred to as a *Comprehensive Land Use Plan (CLUP)*.

Controlled Airspace: Any of several types of airspace within which some or all aircraft may be subject to air traffic control. (FAR 1)

Day-Night Average Sound Level (DNL): The noise metric adopted by the U.S. Environmental Protection Agency for measurement of environmental noise. It represents the average daytime noise level during a 24-hour day, measured in decibels and adjusted to account for the lower tolerance of people to noise during nighttime periods. The mathematical symbol is L_{dn} .

Decibel (dB): A unit measuring the magnitude of a sound, equal to the logarithm of the ratio of the intensity of the sound to the intensity of an arbitrarily chosen standard sound, specifically a sound just barely audible to an unimpaired human ear. For environmental noise from aircraft and other transportation sources, an *A-weighted sound level* (abbreviated dBA) is normally used. The A-weighting scale adjusts the values of different sound frequencies to approximate the auditory sensitivity of the human ear.

Deed Notice: A formal statement added to the legal description of a deed to a property and on any subdivision map. As used in airport land use planning, a deed notice would state that the property is subject to aircraft overflights. Deed notices are used as a form of buyer notification as a means of ensuring that those who are particularly sensitive to aircraft overflights can avoid moving to the affected areas.

Designated Body: A local government entity, such as a regional planning agency or a county planning commission, chosen by the county board of supervisors and the selection committee of city mayors to act in the capacity of an airport land use commission.

Displaced Threshold: A landing threshold that is located at a point on the runway other than the designated beginning of the runway (see *Threshold*). (AIM)

Easement: A less-than-fee-title transfer of real property rights from the property owner to the holder of the easement.

Equivalent Sound Level (L_{eq}): The level of constant sound that, in the given situation and time period, has the same average sound energy as does a time-varying sound.

FAR Part 77: The part of the Federal Aviation Regulations that deals with objects affecting navigable airspace.

FAR Part 77 Surfaces: Imaginary airspace surfaces established with relation to each runway of an airport. There are five types of surfaces: (1) primary; (2) approach; (3) transitional; (4) horizontal; and (5) conical.

Federal Aviation Administration (FAA): The U.S. government agency that is responsible for ensuring the safe and efficient use of the nation's airports and airspace.

Federal Aviation Regulations (FAR): Regulations formally issued by the FAA to regulate air commerce.

Findings: Legally relevant subconclusions that expose a government agency's mode of analysis of facts, regulations, and policies, and that bridge the analytical gap between raw data and ultimate decision.

Fixed Base Operator (FBO): A business that operates at an airport and provides aircraft services to the general public including, but not limited to, sale of fuel and oil; aircraft sales, rental, maintenance, and repair; parking and tiedown or storage of aircraft; flight training; air taxi/charter operations; and specialty services, such as instrument and avionics maintenance, painting, overhaul, aerial application, aerial photography, aerial hoists, or pipeline patrol.

General Aviation: That portion of civil aviation that encompasses all facets of aviation except air carriers. (FAA Stats)

Glide Slope: An electronic signal radiated by a component of an ILS to provide vertical guidance for aircraft during approach and landing.

Global Positioning System (GPS): A navigational system that utilizes a network of satellites to determine a positional fix almost anywhere on or above the earth. Developed and operated by the U.S. Department of Defense, GPS has been made available to the civilian sector for surface, marine, and aerial navigational use. For aviation purposes, the current form of GPS guidance provides en route aerial navigation and selected types of nonprecision instrument approaches. Eventual application of GPS as the principal system of navigational guidance throughout the world is anticipated.

Helipad: A small, designated area, usually with a prepared surface, on a heliport, airport, landing/takeoff area, apron/ramp, or movement area used for takeoff, landing, or parking of helicopters. (AIM)

Heliport: A facility used for operating, basing, housing, and maintaining helicopters. (HAI)

Infill: Development that takes place on vacant property largely surrounded by existing development, especially development that is similar in character.

Instrument Approach Procedure: A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority (refer to *Nonprecision Approach Procedure* and *Precision Approach Procedure*). (AIM)

Instrument Flight Rules (IFR): Rules governing the procedures for conducting instrument flight. Generally, IFR applies when meteorological conditions with a ceiling below 1,000 feet and visibility less than 3 miles prevail. (AIM)

Instrument Landing System (ILS): A precision instrument approach system that normally consists of the following electronic components and visual aids: (1) Localizer; (2) Glide Slope; (3) Outer Marker; (4) Middle Marker; (5) Approach Lights. (AIM)

Instrument Operation: An aircraft operation in accordance with an IFR flight plan or an operation where IFR separation between aircraft is provided by a terminal control facility. (FAA ATA)

Instrument Runway: A runway equipped with electronic and visual navigation aids for which a precision or nonprecision approach procedure having straight-in landing minimums has been approved. (AIM)

Inverse Condemnation: An action brought by a property owner seeking just compensation for land taken for a public use against a government or private entity having the power of eminent domain. It is a remedy peculiar to the property owner and is exercisable by that party where it appears that the taker of the property does not intend to bring eminent domain proceedings.

Land Use Density: A measure of the concentration of land use development in an area. Mostly the term is used with respect to residential development and refers to the number of dwelling units per acre. Unless otherwise noted, policies in this compatibility plan refer to *gross* rather than *net* acreage.

Land Use Intensity: A measure of the concentration of nonresidential land use development in an area. For the purposes of airport land use planning, the term indicates the number of people per acre attracted by the land use. Unless otherwise noted, policies in this compatibility plan refer to *gross* rather than *net* acreage.

Large Airplane: An airplane of more than 12,500 pounds maximum certificated takeoff weight. (Airport Design AC)

Localizer (LOC): The component of an ILS that provides course guidance to the runway. (AIM)

Minimum Descent Altitude (MDA): The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided. (FAR 1)

Missed Approach: A maneuver conducted by a pilot when an instrument approach cannot be completed to a landing. (AIM)

National Transportation Safety Board (NTSB): The U.S. government agency responsible for investigating transportation accidents and incidents.

Navigational Aid (Navaid): Any visual or electronic device airborne or on the surface that provides point-to-point guidance information or position data to aircraft in flight. (AIM)

Noise Contours: Continuous lines of equal noise level usually drawn around a noise source, such as an airport or highway. The lines are generally drawn in 5-decibel increments so that they resemble elevation contours in topographic maps.

Noise Level Reduction (NLR): A measure used to describe the reduction in sound level from environmental noise sources occurring between the outside and the inside of a structure.

Nonconforming Use: An existing land use that does not conform to subsequently adopted or amended zoning or other land use development standards.

Nonprecision Approach Procedure: A standard instrument approach procedure in which no electronic glide slope is provided. (FAR 1)

Nonprecision Instrument Runway: A runway with an approved or planned straight-in instrument approach procedure that has no existing or planned precision instrument approach procedure. (Airport Design AC)

Obstruction: Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, the height of which exceeds the standards established in Subpart C of Federal Aviation Regulations Part 77, *Objects Affecting Navigable Airspace*.

Overflight: Any distinctly visible and audible passage of an aircraft in flight, not necessarily directly overhead.

Overflight Easement: An easement that describes the right to overfly the property above a specified surface and includes the right to subject the property to noise, vibrations, fumes, and emissions. An overflight easement is used primarily as a form of buyer notification.

Overflight Zone: The area(s) where aircraft maneuver to enter or leave the traffic pattern, typically defined by the FAR Part 77 horizontal surface.

Overlay Zone: See *Combining District*.

Planning Area Boundary: An area surrounding an airport designated by an ALUC for the purpose of airport land use compatibility planning conducted in accordance with provisions of the State Aeronautics Act.

Precision Approach Procedure: A standard instrument approach procedure where an electronic glide slope is provided. (FAR 1)

Precision Instrument Runway: A runway with an existing or planned precision instrument approach procedure. (Airport Design AC)

Referral Area: The area around an airport defined by the planning area boundary adopted by an airport land use commission within which certain land use proposals are to be referred to the commission for review.

Runway Protection Zone (RPZ): An area (formerly called a *clear zone*) off the end of a runway used to enhance the protection of people and property on the ground. (Airport Design AC)

Safety Zone: For the purpose of airport land use planning, an area near an airport in which land use restrictions are established to protect the safety of the public from potential aircraft accidents.

Single-Event Noise: As used in herein, the noise from an individual aircraft operation or overflight.

Single Event Noise Exposure Level (SENEL): A measure, in decibels, of the noise exposure level of a single event, such as an aircraft flyby, measured over the time interval between the initial and final times for which the noise level of the event exceeds a threshold noise level and normalized to a reference duration of one second. SENEL is a noise metric established for use in California by the state Airport Noise Standards and is essentially identical to *Sound Exposure Level (SEL)*.

Site Approval Permit: A written approval issued by the California Department of Transportation authorizing construction of an airport in accordance with approved plans, specifications, and conditions. Both public-use and special-use airports require a site approval permit. (CCR)

Small Airplane: An airplane of 12,500 pounds or less maximum certificated takeoff weight. (Airport Design AC)

Sound Exposure Level (SEL): A time-integrated metric (i.e., continuously summed over a time period) that quantifies the total energy in the A-weighted sound level measured during a transient noise event. The time period for this measurement is generally taken to be that between the moments when the A-weighted sound level is 10 dB below the maximum.

Straight-In Instrument Approach: An instrument approach wherein a final approach is begun without first having executed a procedure turn; it is not necessarily completed with a straight-in landing or made to straight-in landing weather minimums. (AIM)

Taking: Government appropriation of private land for which compensation must be paid as required by the Fifth Amendment of the U.S. Constitution. It is not essential that there be physical seizure or appropriation for a *taking* to occur, only that the government action directly interferes with or substantially disturbs the owner's right to use and enjoyment of the property.

Terminal Instrument Procedures (TERPS): Procedures for instrument approach and departure of aircraft to and from civil and military airports. There are four types of terminal instrument procedures: precision approach, nonprecision approach, circling, and departure.

Threshold: The beginning of that portion of the runway usable for landing (also see *Displaced Threshold*). (AIM)

Touch-and-Go: An operation by an aircraft that lands and departs on a runway without stopping or exiting the runway. (AIM)

Traffic Pattern: The traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from an airport. The components of a typical traffic pattern are upwind leg, crosswind leg, downwind leg, base leg, and final approach. (AIM)

Visual Approach: An approach where the pilot must use visual reference to the runway for landing under VFR conditions.

Visual Flight Rules (VFR): Rules that govern the procedures for conducting flight under visual conditions. VFR applies when meteorological conditions are equal to or greater than the specified minimum—generally, a 1,000-foot ceiling and 3-mile visibility.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan. (Airport Design AC)

Zoning: A police power measure, enacted primarily by units of local government, in which the community is divided into districts or zones within which permitted and special uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. A zoning ordinance consists of two parts: the text and a map.

Glossary Sources

FAR 1: Federal Aviation Regulations Part 1, Definitions and Abbreviations

AIM: Aeronautical Information Manual

Airport Design AC: Federal Aviation Administration, *Airport Design* Advisory Circular 150/5300-13

CCR: California Code of Regulations, Title 21, Section 3525 et seq., *Division of Aeronautics*

FAA ATA: Federal Aviation Administration, *Air Traffic Activity*

FAA Stats: Federal Aviation Administration, *Statistical Handbook of Aviation*

HAI: Helicopter Association International

NTSB: National Transportation and Safety Board

