February 9, 2012

TO: Curt Pederson, Chair
David W. Louie, Vice Chair
Esther L. Valadez, Commissioner
Harold Helsley, Commissioner
Pat Modugno, Commissioner

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

SUBJECT: FEBRUARY 22, 2012 MEETING – AGENDA ITEM # 1
PROJECT NO. RAV201100002-(4)
ALUC REVIEW OF THE 540 EAST IMPERIAL AVENUE SPECIFIC PLAN
PROJECT

In Los Angeles County, the Regional Planning Commission has the responsibility for acting as the Airport Land Use Commission (ALUC) pursuant to provisions of the State Aeronautics Act (California Public Utilities Code Section 21670, et seq.).

At your meeting on February 22, 2012, your Commission as the ALUC will hold a public hearing to review the project known as 540 East Imperial Avenue Specific Plan Project for consistency with the adopted Los Angeles County Airport Land Use Plan. Attached please find the staff report for the ALUC public hearing.

If you have any questions please do not hesitate to contact me at (213) 974-6425 or at csainz@planning.lacounty.gov.

CS:DM

Attachment
This page intentionally left blank.
ALUC REVIEW OF THE 540 EAST IMPERIAL AVENUE SPECIFIC PLAN PROJECT

OVERVIEW
The proposed 540 East Imperial Specific Plan (Specific Plan) presents two options for the redevelopment of a 5.65-acre former school site, located south of the Los Angeles International Airport in the City of El Segundo. Option 1 includes a maximum of 150 assisted/independent living units and 150 senior apartments (age 55 and older) on a 5.32 acre portion of the site. Four (4) townhomes would be built on the remaining 0.33-acre parcel at the southern end of the project site. Option 2 includes a mix of 24 single-family dwelling units and 34 multi-family, attached townhome dwelling units. The attached townhome units would be situated along Imperial Avenue with the single family homes on the more southerly portion of the site and located on private streets.

The 540 East Imperial Specific Plan project site is located entirely within the Airport Influence Area established for the Los Angeles International Airport (LAX) (see Attachment 1: Airport Influence Area). The airport planning boundary consists of a combination of the 65 dB Community Noise Equivalent Level (CNEL) noise contour, the airport property boundary and all runway protection zones. The project site is located within the 65 dB CNEL noise contour portion of the planning boundary.

To approve this project, the City must certify the Environmental Impact Report (EIR), grant a general plan amendment, a zone change, zone text amendment, vesting tentative tract maps, a Development Agreement, and adopt a new specific plan establishing the permitted uses and development standards for the project site.

Section 21676(b) of the Public Utilities Code (PUC) requires that certain local agency actions, such as specific plans, general plan amendments and zone changes for areas within an established airport planning boundary be reviewed by the Airport Land Use Commission (ALUC) for consistency with the appropriate airport land use compatibility plan. The proposed specific plan and associated general plan amendment, zone changes, and other discretionary actions require an ALUC consistency determination pursuant to Section 21676(b) of the PUC.

On February 22, 2012, the ALUC will review the proposed 540 East Imperial Avenue Specific Plan for consistency with the adopted Los Angeles County Airport Land Use Plan (ALUP).

LOCATION AND DESCRIPTION OF PROJECT SITE

The Project Site
The project site is comprised of approximately 5.65 gross acres located within the City of El Segundo. The project site is bounded by the rear property boundaries on the east side of Sheldon Street to the west, Walnut Avenue and the rear property boundaries of Walnut Avenue to the south, parcels on Imperial and McCarthy Court to the east and Imperial Avenue to the north. The project site is located approximately 400 feet south of the LAX southern boundary line and 900 feet from departure Runway 07R (see Attachment 2: Aerial View of Project Site).

Airport Influence Area
The project site is entirely within the 65 dB CNEL noise contour portion of the Airport Influence Area established for the Los Angeles International Airport (see Attachment 3: Aerial View of Project Site with Airport Influence Area).

Existing Land Uses
The 5.65-acre project site currently comprised of six lots and is developed with the Imperial Avenue Elementary School. The elementary school was built in 1956. Because of declining enrollment in the El Segundo Unified School District (ESUSD), the school campus was closed in 1975 and in 1979 was declared Surplus Property by ESUSD. In 1984, it was used as an employee training facility for the Hughes Aircraft Company. In 1997, the school campus was re-opened under a lease to the Los Angeles Unified School District (LAUSD) as a special needs school, but was closed again a few years later. The buildings currently remain vacant.

In anticipation of future redevelopment to residential uses, the property was rezoned and the land category changed to Planned Residential Development in the 1982 El Segundo General Plan.

Surrounding Land Uses
The project site is located within a developed area comprised of a mix of single-family residential and multi-family residential uses. For the 102 properties that lie wholly or partially within 300 feet of the project site, all but 3 have residential structures and uses. One property is zoned C-2 and is occupied by a mortuary and there are 2 vacant parcels. There are 23 parcels with multi-family residential uses and the remaining 76 are single-family residences. The densities on the remaining 99 residential parcels range from 5.46 to 44.76 dwelling units per acre and have an overall average density of 12.2 dwelling units per acre (see Attachment 4: Map of Surrounding Land Uses).

PROJECT DESCRIPTION
General Plan Amendment No. 10-03
General Plan Amendment No. 10-03 will re-designate the project site from Planned Residential Development to 540 East Imperial Avenue Specific Plan (EIASP). The Planned Residential Development category allows residential uses and has a maximum limit of 29 single-family detached dwelling units and 36 multi-family dwelling units for a maximum of 65 units on the 5.65-acre property. The requested General Plan Amendment will allow for one of two conceptual residential options: Option 1, a Senior Housing Community with a
Multi-family Residential component (maximum 304 units), or Option 2, a Mixed Residential Development with a maximum of 58 units.

Specific Plan (SP) No. 10-03
Specific Plan (SP) No. 10-03 is the addition of the 540 East Imperial Avenue Specific Plan (EIASP) for the project site that establishes the permitted uses and development standards within the Specific Plan. The 540 East Imperial Avenue Specific Plan proposes two development options for the 5.65-acre former school site.

Option 1
Option 1 proposes an assisted/independent living facility with 150 units, a separate development of 150 units of senior apartments and four townhomes. The Site Plan for Option 1 depicts the 150-unit assisted living facility on a 2.36-acre lot along Imperial Avenue. The assisted living facility has five buildings that are 2 and 3 stories in height, a swimming pool, 56 underground parking spaces and 34 surface parking spaces. Of those surface spaces, 14 are designated for guest parking. The Site Plan depicts the senior apartment complex on the southerly portion of the project site. The senior apartment complex includes 150 residential units in 9 buildings that are 3 stories in height and offer 1 and 2 bedroom units for senior residents age 55 and older. Vehicular access is shared with the assisted living complex with a two-way driveway off of Imperial Avenue (see Attachment 5: Option 1 Site Plan).

Option 2
Option 2 proposes 24 single family homes and 34 attached townhome condominiums. The townhomes would be constructed facing Imperial Avenue and the single family homes on the remaining portion of the site. The single family homes are one story and the townhomes are two story. Access to the townhomes is from Imperial Avenue. Access to the single family homes is from Walnut Avenue via a private street. Two spaces of structured parking are provided for each townhome unit and a total of 24 guest spaces. Two private garage spaces are provided for each single family home. (see Attachment 6: Option 2 Site Plan).

Zone Change No. 10-01
Zone Change No. 10-01 will accompany General Plan Amendment No.10-03 and proposes a change in zone from Planned Residential Development (PRD) to 540 East Imperial Avenue Specific Plan (EIASP) to be consistent with the Land Use designation.

Zone Text Amendment No. 10-06
Zone Text Amendment No. 10-06 will delete the Planned Residential Development (PRD) Zone from the El Segundo Municipal Code (ESMC), add 540 East Imperial Avenue Specific Plan (EIASP) to the ESMC, and delete Chapter 15-4D Planned Residential Development (PRD) in its entirety.
SUB 10-01 for Vesting Tract Map (VTM) No. 71401 (Option 1: 7 lots) or VTM 71582 (Option 2: 31 lots)
SUB 10-01 is a subdivision to allow the division of one lot to seven lots under Option 1, or from one lot to 31 lots under Option 2.

Development Agreement No. 10-02
Development Agreement No. 10-02 is an agreement between the El Segundo Unified School District and the City of El Segundo outlining all of the definitions, liabilities and all conditions of development that will apply to the project site. Approval of the Development Agreement is necessary to define party responsibilities, infrastructure improvements required and development standards for the project site to be developed with one of the approved Specific Plan options (See Attachment 13: Development Agreement).

LOS ANGELES COUNTY AIRPORT LAND USE POLICY
In 1991 the ALUC adopted the Los Angeles County Airport Land Use Plan (ALUP), which sets forth policies, maps with planning boundaries, and criteria for promoting compatibility between airports and the land uses that surround them. The adopted ALUP contains policies to help minimize the public's exposure to excessive noise and safety hazards associated with airport operations.

ALUP Noise Policy
ALUP noise policy establishes a system for measuring noise, sets sound insulation standards for qualified projects, establishes the Land Use Compatibility Table (see Attachment 7: Land Use Compatibility Table) and encourages a statement of noise disclosure for properties in affected areas.

The ALUP Land Use Compatibility Table lists recreation, agriculture, industrial and commercial land uses within the 65 dB CNEL noise contour as compatible from an airport land use perspective. The Table lists residential and recreational uses as compatible provided sound insulation needs are reviewed, and lists educational facilities as not compatible.

ALUP Safety Policy
ALUP safety policy requires the establishment of safety zones, and sets criteria for limiting uses that may create a safety hazard for aircraft in the air and people on the ground. The 540 East Imperial East Imperial Avenue Specific Plan project site is not located in an area that the ALUP considers a safety concern. The project site is located approximately 900 feet from Runway 25L and away from any designated safety zones.

STAFF EVALUATION
The proposed project is a Specific Plan with two distinct development options for the redevelopment of the 5.65-acre former school site. Option 1 is a combination of a 150-unit assisted/independent living development, a 150-unit senior apartment development and four townhomes for a total of 304 units. Option 2 is a combination of 24 single family
homes and 34 townhomes for a total of 58 units. The following evaluates the proposed specific plan and project features for consistency with the relevant ALUP policies:

- **General Policy G-1. Require new uses to adhere to the Land Use Compatibility Table.**

The project is consistent with General Policy G-1. The project site is entirely within the 65 dB CNEL noise contour as depicted in the 2009 LAX 4th Quarter Noise Standards Quarterly Report (see Attachment 8: 2009 4th Quarter Noise Standards Quarterly Report). According to the Land Use Compatibility Table, commercial and industrial within the 65 dB CNEL are considered compatible, while residential and recreational uses must use caution and review noise insulation needs; educational uses are considered incompatible (see Attachment 7: Land Use Compatibility Table). The Specific Plan proposes two development options; both would allow residential uses in a combination of multi-family and single-family development. To effectively mitigate the interior noise levels of future residential development on the project site, Mitigation Measure 4.3-5 requires that all residential units be designed and constructed to ensure that interior noise levels do not exceed 45 dB, and requires that the following features be included in building design and construction for the project site:

1. Upgraded dual-glazed windows
2. Mechanical ventilation/air conditions
3. Exterior wall/roof assemblies free of cut-outs or openings
4. Ceiling insulation in the top floor of each building to reduce aircraft noise by at least 20 dB.

Mitigation Measure 4.3-5 also requires that the developer submit architectural plans and a detailed acoustical analysis to demonstrate that interior noise levels in all residential units would be 45 dB or less to the City of El Segundo’s Planning and Building Safety Department for review and approval prior to issuance of a building permit.

In addition, the California Airport Land Use Compatibility Planning Handbook recommends that ALUCs require dedication of an avigation easement to the airport proprietor in any situation where sound insulation is required to make a residential use compatible with an airport. Mitigation Measures 4.3-6 and 4.3-7 in the Draft Environmental Impact Report for the project require that all prospective buyers and renters of residential property within the project be notified of the property’s vicinity to the airport and that there may be noise and other related impacts. With sound insulation as required by Mitigation Measure 4.3-5 to ensure that all habitable interior rooms achieve a sound level of 45dB or less and dedication of an avigation
easement, as well as a buyer and renter awareness program, residential uses within the 65 dB CNEL noise contour would be considered consistent with the ALUP's Land Use Compatibility Table.

The EIR determined that there would be a significant unavoidable impact due to exterior noise because outdoor areas associated with the project's residential units would remain exposed to exterior noise levels of 65 dB and above. With consideration given that the outdoor areas are accessory to the residential component of both Options 1 and 2., and the outdoor areas are fairly limited, both Options 1 and 2 would be considered consistent with the ALUP's Land Use Compatibility Table because the Table provides that residential uses could be considered compatible within the 65dB CNEL if sound insulation needs are addressed.

- **General Policy G-2.** Encourage the recycling of incompatible land uses to uses which are compatible with the airport, pursuant to the Land Use Compatibility Table.

The project is consistent with General Policy G-2. Currently the project site is occupied by a vacant school. A residential development is preferable to the site's former use since educational facilities are considered incompatible in the 65 dB CNEL noise level. In terms of airport compatibility, the residential uses are compatible with mitigation to ensure interior noise levels are 45 dB or below. See discussion for Policy G-1 above.

- **General Policy G-3.** Consider requiring dedication of an aviation easement to the jurisdiction owning the airport as a condition of approval on any project within the designated planning boundaries.

The project is consistent with General Policy G-3. The El Segundo Unified School District (ESUSD) granted the City of Los Angeles as owner and operator of the Los Angeles International Airport an aviation easement for noise, vibrations and fumes over the proposed project site (see Attachment 9: Aviation Easement). In addition, Mitigation Measure 4.3-6 requires that the ESUSD make as a condition of sale of the project site, that the future owner expresses acknowledgement and confirmation of the continuing applicability of the existing aviation easement for noise, vibrations, and fumes over the project site property. Mitigation Measure 4.3-7 requires notification of all residents, owners as well as tenants, that the property is within an airport influence area and of all the associated noise, fumes and vibrations that are likely to occur.

- **General Policy G-4.** Prohibit any uses which will negatively affect safe air navigation.

The project is consistent with General Policy G-4. The project does not propose any uses which may negatively affect safe air navigation as is consistent with this policy.
• General Policy G-5. Airport proprietors should achieve airport/community land use compatibility by adhering to the guidelines of the California Noise Standards.

Not applicable. The project site is not owned or operated by an airport proprietor and therefore this policy is not applicable to this project.

• Noise Policy N-1. Use the Community Noise Equivalent Level (CNEL) method for measuring noise impacts near airports in determining suitability for various types of land uses.

The project is consistent with Noise Policy N-1. The Draft EIR for this project used the CNEL method for measuring noise impacts and determining appropriate land uses near the airport. The project proposes residential uses for the project site. The Draft EIR includes mitigation measures to ensure an interior noise level of 45 dB or less. In addition, the property owner has already dedicated of an aviation easement to the City of Los Angeles, and the EIR proposes implementation of a buyer and renter awareness program. With sound insulation, dedication of an aviation easement and a buyer and renter awareness program, residential uses within the 65 dB CNEL noise contour would be considered consistent with the ALUP's Land Use Compatibility Table.

• Noise Policy N-2. Require sound insulation to insure a maximum interior 45 dB CNEL in new residential, educational, and health-related uses in areas subject to exterior noise levels of 65 dB CNEL or greater.

The project is consistent with Noise Policy N-2. The project proposes residential uses for the project site. Mitigation Measure 4.3-5 requires that all residential units be designed and constructed to ensure that interior noise levels do not exceed 45 dB. In addition, under Section 5.1 of the Development Agreement, the developer must comply with the Agreement and the Project Approvals including, without limitation, all mitigation measures identified in the EIR; and all Future Approvals.

• Noise Policy N-3. Utilize the Table Listing Land Use Compatibility for Airport Noise Environments in evaluating projects within the planning boundaries

The project is consistent with Noise Policy N-3. The project site is located entirely within the 65dB CNEL. Commercial, industrial and agriculture land uses are satisfactory according to the Land Use Compatibility Table; residential uses must use caution and review noise insulation needs. The project proposes residential uses for the project site. Mitigation Measure 4.3-5 requires that all residential units be designed and constructed to ensure that interior noise levels do not exceed 45 dB. In addition, under Section 5.1 of the Development Agreement, future developers of the project site must comply with the Development Agreement and the Project Approvals including, without limitation, all mitigation measures identified.
in the EIR. Therefore, with sound insulation, residential uses within the 65 dB CNEL noise contour would be considered consistent with the ALUP’s Land Use Compatibility Table and Noise Policy N-3.

- **Noise Policy N-4.** Encourage local agencies to adopt procedures to ensure that prospective property owners in aircraft noise exposure areas above a current or anticipated 60 dB CNEL are informed of these noise levels and of any land use restrictions associated with high noise exposure.

The project is consistent with Noise Policy N-4. Mitigation Measure 4.3-7 requires that each prospective buyer and tenant of residential property within the project shall be notified as follows:

"NOTICE OF AIRPORT 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 (e.g. 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."

- **Safety Policy S-1.** Establish "runway protection zones" contiguous to the ends of each runway. These runway protection zones shall be identical to the FAA’s runway protection zone (formally called clear zone).

Not applicable. The project site is not within a runway protection zone.

- **Safety Policy S-2.** Prohibit above ground storage of more than 100 gallons of flammable liquids or toxic materials on any one net acre in a designated runway protection zone. It is recommended that these materials be stored underground.

Not applicable. The project site is not within a runway protection zone.

- **Safety Policy S-3.** Prohibit, within a runway protection zone, any use which would direct a steady light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following take-off or toward an aircraft engaged in a final approach toward landing at an airport.

Not applicable. The project site is not within a runway protection zone.

- **Safety Policy S-4.** Prohibit, within a runway protection zone, the erection or growth of objects which rise above an approach surface unless supported by evidence that it does not create a safety hazard and is approved by the FAA.
Not applicable. The project site is not within a runway protection zone.

- **Safety Policy S-5.** Prohibit uses which would attract large concentrations of birds, emit smoke, or which may otherwise affect safe air navigation.

  The project is consistent with Safety Policy S-5. The Specific Plan does not propose uses or features which would attract large concentrations of birds.

- **Safety Policy S-6.** Prohibit uses which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

  The project is consistent with Safety Policy S-6. The Specific Plan does not propose uses which would generate electrical interference with aircraft instrumentation.

- **Safety Policy S-7.** Comply with the height restriction standards and procedures set forth in FAR Part 77.

  The project is consistent with Safety Policy S-7. The Code of Federal Regulations (CFR) Title 14 Part 77.13 requires that any developer who intends to perform any construction or alterations to structures that exceed 200 feet in height above ground level must obtain project approval from the FAA. Height restrictions set forth by the FAA Federal Aviation Regulation (FAR) Part 77 requires all development exceeding 200 feet in height to submit Form 7460-1 (Notice of Proposed Construction or Alteration) to the FAA. In addition, all projects that exceed the FAR Part 77, Objects Affecting Navigable Airspace, 100:1 slope (100 feet in distance to 1 foot in height from a runway) are also required to submit a Notice of Proposed Construction or Alteration to the FAA. The proposed project would not exceed 200 feet in height; however, the proposed project is located approximately 792 feet from the southern runway at LAX and would therefore be required to submit Form 7460-1 if implementation of the proposed project results in the construction of buildings that exceed 7.9 feet in height. The proposed project would result in the construction of buildings approximately 35 and 45 feet in height respectively for Option 1 and Option 2, thereby exceeding the 7.9-foot height threshold. Mitigation Measure HAZ-3 would ensure that the developer submits Form 7460-1 (Notice of Proposed Construction or Alteration) to the FAA in accordance with procedures set forth in FAR Part 77.

**Conclusion on Project Consistency**

The project as proposed includes two different development options, both of which could be built under the new land use and zoning designations with the approval of the 540 East Imperial Avenue Specific Plan.

The project is located within the 65dB CNEL noise contour. The adopted Airport Land Use Plan (ALUP) for Los Angeles International Airport (LAX) has policies that require interior
noise for all inhabitable space be reduced to 45dB or less for projects located within the 65dB CNEL noise contour; encourages the dedication of an avigation easement to the airport operator; and recommends that all owners and tenants be notified that the project is within an airport noise area and is subject to aircraft noise and other impacts.

Both development options in the Specific Plan were assessed in the Draft Environmental Impact Report (Draft EIR) which includes mitigation measures to attenuate interior noise levels to 45dB or less in all inhabitable indoor spaces and requires implementation of a buyer and renter awareness program to notify all prospective owners and tenants that the project site is within an airport noise area and is subject to aircraft noise and other impacts. In addition, an aviation easement has already been dedicated to the City of Los Angeles, the airport operator. Therefore, with sound insulation, dedication of an aviation easement and a buyer and renter awareness program, residential uses would be considered compatible within the 65 dB CNEL noise contour. The exterior spaces associated with the residential component of the project are quite small in relation to the area occupied by buildings and therefore provide the opportunity for only limited outdoor activity. In terms of airport compatibility, this is a positive as it reduces the resident's exposure to aircraft noise.

Staff therefore finds that the project is consistent with the policies and requirements of the adopted Los Angeles County Airport Land Use Plan for Los Angeles International Airport.

STATUS OF PROJECT
The City of El Segundo Planning Commission on January 26, 2012 held a public hearing and voted to recommend certification of the Environmental Impact Report (EIR), adoption of the Statement of Overriding Considerations (SOC) and approval of the planning entitlements for the 540 East Imperial Avenue Specific Plan project. (Draft Specific Plan is included as Attachment 12).

ENVIRONMENTAL DOCUMENTATION
A Draft Environmental Impact Report (DEIR) was prepared and its appropriate Noise Chapter is attached as part of this report. See Attachment 10.

PUBLIC COMMENTS
As of the date of this staff report, staff has received no comments, written or by telephone regarding this project.

RECOMMENDED ACTION
Staff recommends that the Airport Land Use Commission find the 540 East Imperial Highway Specific Plan CONSISTENT with the policies of the Los Angeles County Airport Land Use Commission. Draft Findings are included as Attachment 11.

SUGGESTED MOTION
"I move that the Airport Land Use Commission close the public hearing and, based on the evidence presented, find the 540 East Imperial Avenue Specific Plan project CONSISTENT with the adopted Los Angeles County Airport Land Use Plan."

Attachments:
1. Airport Influence Area
2. Aerial View of Project Site
3. Aerial View of Project Site with Airport Influence Area
4. Map of Surrounding Land Uses
5. Option 1 – Site Plan
6. Option 2 – Site Plan
7. Land Use Compatibility Table
8. 2009 LAX 4th Quarter Noise Report
9. Aviation Easement
11. Draft Findings
12. 540 East Imperial Avenue Specific Plan
13. Development Agreement

CS: SFR: DM
INTENTIONALLY LEFT BLANK
This page intentionally left blank
This page intentionally left blank
This page intentionally left blank
This page intentionally left blank
Aerial View with Airport Influence Area

Legend

- Project Site
- Airport Influence Area Boundary

Note: This map represents a quick representation of aerial imagery or vector layers using E-NET. The map should be interpreted in accordance with the disclaimer statement of E-NET.
This page Intentionally left blank
Proposed Change to:
540 E Imperial Ave Specific Plan

City of El Segundo

540 East Imperial Avenue
Proposed General Plan Amendment
Land Use Map
This page intentionally left blank
This page intentionally left blank
V. STATEMENT OF LAND USE COMPATIBILITY

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Community Noise Exposure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>55</td>
</tr>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Educational Facilities</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td></td>
</tr>
<tr>
<td>Recreation</td>
<td></td>
</tr>
</tbody>
</table>

Consider FAR Part 150 for commercial and recreational uses above the 75 CNEL.
This page intentionally left blank
This page intentionally left blank
This page intentionally left blank
Los Angeles Unified School District, Plaintiff

vs.

CITY-OF LOS ANGELES, and DOES 1 through 100, inclusive, Defendants
WHEREAS, the plaintiffs Los Angeles Unified School District, Inglewood Unified School District, Centinela Valley Union High School District, El Segundo Unified School District and Lennox School District have brought these consolidated actions under the theories of inverse condemnation, trespass, nuisance, dangerous condition of public property and negligence against the defendant City of Los Angeles seeking damages for the alleged injuries to plaintiffs' real property and interference with plaintiffs' educational programs caused by noise, vibrations and fumes emanating from the jet aircraft using defendant's Los Angeles International Airport facility; and

WHEREAS, the plaintiffs allege that the landing and take-off operations of the jet aircraft using the Los Angeles International Airport facility have caused substantial levels of noise, vibrations and fumes to enter and interfere with the quiet enjoyment of
and filed herein by and between the plaintiffs, LOS ANGELES UNIFIED
SCHOOL DISTRICT, INGLEWOOD UNIFIED SCHOOL DISTRICT, CENTINELA VALLEY
UNION HIGH SCHOOL DISTRICT, EL SEGUNDO UNIFIED SCHOOL DISTRICT and
LENNOX SCHOOL DISTRICT, by and through John H. Larson, County Counsel
and Charles Vinson Tackett, Deputy County Counsel, attorneys of
record for said plaintiffs, and the defendant CITY OF LOS ANGELES, by
and through Burt Pines, City Attorney, Milton N. Sherman, Chief
Assistant City Attorney - Airports Division, and James H. Pearson,
Assistant City Attorney, attorneys of record for said defendant, and
the court being fully advised in the premises;

NOW, THEREFORE, in accordance with said stipulation,
records and files herein, IT IS HEREBY ORDERED, ADJUDGED AND DECREE:

1. The plaintiff Los Angeles Unified School District is
the owner of certain parcels of real property operated for school
purposes and commonly described as:

Airport Junior High School
Century Park School
Emerson Manor School
Figueroa Street School
John C. Fremont High School
Samuel Gompers Junior High School

✓ 9000 Airport Boulevard
Los Angeles, California
10935 South Spinning Avenue
Los Angeles, California
8810 Emerson Avenue
Los Angeles, California
510 West 111th Street
Los Angeles, California
7676 South San Pedro Street
Los Angeles, California
231 East 112th Street
Los Angeles, California

80- 55139
Parmalee Avenue School
Paseo Del Rey School
Raymond Avenue School
Seventy-Fifth Street School
Seventy-Fourth Street School
South Park School
George Washington High School
Westchester High School
Woodcrest School

1330 East 76th Place
7751 Paseo Del Rey
7511 Raymond Avenue
142 West 75th Street
2132 West 74th Street
430 East 85th Street
10860 Dénker Avenue
7400 West Manchester Avenue
1151 West 109th Street
Los Angeles, California
Playa Del Rey, California
Los Angeles, California
Los Angeles, California
Los Angeles, California
Los Angeles, California
Los Angeles, California
Los Angeles, California
Los Angeles, California
Los Angeles, California

and legally described as set forth in Exhibit "A" attached hereto and incorporated by reference herein.

The plaintiff Inglewood Unified School District is the owner of certain parcels of real property operated for school purposes and commonly described as:

Hudnall Elementary School
Inglewood High School
William E. Kelso Elementary School
Kelso Children Center

331 West Olive Street
231 South Grevellen Avenue
809 East Kelso Street
817 East Kelso Street
Inglewood, California
Inglewood, California
Inglewood, California
Inglewood, California
The plaintiff El Segundo Unified School District is the owner of certain parcels of real property operated for school purposes and commonly described as:

Administrative Office 203 Richmond Street
El Segundo, California

Center Street School 700 Center Street
El Segundo, California

Imperial School 540 Imperial Avenue
El Segundo, California

Richmond Street School 615 Richmond Street
El Segundo, California

Junior High School 332 Center Street
El Segundo, California

High School 640 Main Street
El Segundo, California

Ada L. Jones Work Training Center 901 Hillcrest Street
El Segundo, California

Development Center for Handicapped Minors \sqrt[5]{759} Acacia Street
El Segundo, California

Curriculum Materials Laboratory 219 Franklin Avenue
El Segundo, California

and legally described as set forth in Exhibit "D" attached hereto and incorporated by reference herein.

The plaintiff Lennox School District is the owner of certain parcels of real property operated for school purposes and commonly described as:

Buford Avenue School 4919 West 109th Street
Inglewood, California

Pelton Avenue Intermediate School 10417 Pelton Avenue
Inglewood, California

80- 55139 -3-
2. The defendant City of Los Angeles is the owner of certain parcels of real property operated by it for airport purposes under the name Los Angeles International Airport, and bearing the commonly known address for administrative purposes of 1 World Way, Los Angeles, California.

3. In determining the nature and extent of the air easements to be granted to defendant pursuant to this Judgment and Final Order, it is necessary that the description of such air easements be made in quantitative engineering terms setting forth specific levels of noise exposure that will be permitted within the scope of the air easements. The criterion or quantitative measure of noise exposure used for the purpose of describing and establishing the air easements granted herein shall be the Community Noise Equivalent Level (CNEL) methodology as authorized by Article 3, Chapter 4, Part 1; Division 9; Public Utilities Code of the State of California and as contained in the California Administrative Code, Title 4, Subchapter 6, Noise Standards. Said noise standards are those in effect on June 24, 1975. The CNEL values for the air easements shall be measured, calculated and established by the procedures contained in the "Statement of Procedures for Determining CNEL and any Surcharge Thereon" which is attached hereto as Exhibit "F" and made a part hereof. Further, the procedures and information that are to be used to determine actual CNEL values at each of the individual parcels of real property are set forth in said Exhibit "F." In the event there is a claimed surcharge on one or more of the easements granted herein, the parties shall use only the procedures set forth in Exhibit "F" to determine the
(South Complex Runways 25L/7R and 25R/7L and North Complex Runways 24L/6R and 24R/6L) by attempting more evenly to balance the number of such operations conducted to and from each runway complex. The defendant shall have the option to so modify its operations in the future and shall be awarded the easements necessary to accommodate such more balanced operations. In the event the defendant exercises this option, the air easements at each of the several parcels of property of the plaintiffs shall not exceed the respective values set forth in the fourth column, entitled Maximum CNEL, db, of Table II attached to and made a part of Exhibit "P." Defendant shall give plaintiffs sixty (60) days' notice in writing of its intention to exercise this option. If the defendant exercises the option as set forth above, that exercise shall represent an irrevocable determination of the easements granted herein and defendant shall not be allowed to return to the easements as set forth in Table I attached to and made a part of Exhibit "P."

b. The easements granted herein specifically exclude the operation at Los Angeles International Airport of (1) supersonic transport category aircraft; and (2) any new type or class of aircraft manufactured after January 1, 1974 that exceed the noise standards in effect on June 24, 1975 for the issuance of type certificates for subsonic transport category aircraft in Title 14, Code of Federal Regulations, Chapter 1, Part 36, or in the International Standards and Recommended Practices - Aircraft Noise pursuant to Annex 16,
requirements. It is anticipated that the defendant will in the future perform extensive construction modifications to the south runways (Runways 25L/7R and 25R/7L) and the Sepulveda tunnel. Such construction will require the closure of both runways, however not at the same time. While each of the south runways is closed, additional traffic by necessity will be placed upon the north runways (Runways 24L/6R and 24R/6L). The overall construction period is scheduled to encompass several months and shall be recognized as a deviation within the provisions of this Judgment and Final Order.

8. The air easements awarded herein to the City of Los Angeles shall extend to any new schools constructed or additions to existing schools by the various school districts represented in the suit and the respective plaintiff school districts have the responsibility to so construct such new facilities in such a manner as to exclude in the classroom any objectionable levels of noise created by the operation of the defendant's Los Angeles International Airport to the extent of the easements granted herein. The extent of any such air easements applicable to such new schools shall be mutually determined by the parties hereto using the procedures set forth in Exhibit "P."

9. Upon payment of the total sum of $20,942,298.00 to the Clerk of this Court for the benefit of the plaintiffs, the defendant City of Los Angeles shall be awarded the air easements described herein. Said total sum shall be distributed by the Clerk of the Court in warrants as follows:
11. Upon payment of said sum into Court for the benefit of the plaintiffs, all of the claims made by said plaintiffs for property damage and/or the taking of an interest in their respective properties in this action are fully satisfied.

12. The school districts herein are barred forever from bringing additional suits against the City of Los Angeles arising from the use of the air easements respecting operations of jet aircraft to and from and at Los Angeles International Airport under any theory of recovery so long as the City of Los Angeles does not exceed the air easements granted herein.

13. The purpose for which said air easements are condemned is for an airport, a public use authorized by law, and a taking of said property is necessary for such use.

14. The amount to be deposited into Court for the benefit of the plaintiffs as described herein and through the procedures as set forth herein includes all of plaintiffs' attorney fees, litigation costs and interest granted for the plaintiffs and totally satisfies plaintiffs' claim as to property damage or the taking of an interest therein.
This page intentionally left blank
4.3 NOISE

This section evaluates the impacts of the proposed project associated with noise and vibration within the City of El Segundo. It describes the existing noise environment within and around the project vicinity and the potential for significant increases in noise and groundborne vibration levels due to implementation of the proposed project. Data for this section were developed based on field investigations to measure existing noise levels, a review of current noise standards, and noise assessment methodologies, including the Federal Highway Administration (FHWA) Highway Noise Prediction Model (FHWA RD-77-108; FHWA Model), and others contained in the Federal Transit Administration's Transit Noise and Impact Assessment document. Potential direct and indirect impacts resulting from construction and operational activities associated with implementation of the proposed project are identified, and potential mitigation measures that could avoid or reduce impacts are recommended, where feasible. Full reference-list entries for all cited materials are provided in Section 4.3.5 (References).

Two comment letters were received in response to the Initial Study/Notice of Preparation (IS/NOP) circulated for the proposed project, one from the California Department of Transportation (Caltrans) Division of Aeronautics, and from Los Angeles World Airports (LAWA). These comment letters expressed concern regarding the exposure of noise sensitive uses to excessive airport-related noise levels. The IS/NOP and comment letters are included in Appendix A1 of this EIR.

4.3.1 Environmental Setting

Fundamentals of Sound and Environmental Noise

Sound is created when vibrating objects produce pressure variations that move rapidly outward into the surrounding air, and it is technically described in terms of amplitude (loudness) and frequency (pitch). The standard unit of sound amplitude measurement is the decibel (dB). The decibel scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is related to the frequency of the pressure vibration. Because the human ear is not equally sensitive to a given sound level at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) provides this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Noise, on the other hand, is typically defined as unwanted sound. A typical noise environment consists of a base of steady "background" noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These can vary from an occasional aircraft or train passing by to virtually continuous noise from, for example, traffic on a major highway. Table 4.3-1 (Representative Environmental Noise Levels) lists representative noise levels for the environment.
CNEI, the Community Noise Equivalent Level, is a 24-hour average $L_{eq}$ with a 5 dBA "weighting" during the hours of 7:00 PM to 10:00 PM and a 10 dBA "weighting" added to noise during the hours of 10:00 PM to 7:00 AM to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24-hour $L_{eq}$ would result in a measurement of 66.7 dBA CNEI.

- $L_{min}$ the minimum instantaneous noise level experienced during a given period of time.
- $L_{max}$ the maximum instantaneous noise level experienced during a given period of time.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day or night, or over a 24-hour period. Environmental noise levels are generally considered low when the CNEI is below 60 dBA, moderate in the 60 to 70 dBA range, and high above 70 dBA. Examples of low daytime levels are isolated, natural settings that can provide noise levels as low as 20 dBA and quiet, suburban, residential streets that can provide noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate level noise environments are urban residential or semi-commercial areas (typically 55 to 60 dBA) and commercial locations (typically above 60 dBA). People may consider louder environments adverse, but most would accept the higher levels associated with more noisy urban residential or residential-commercial areas (60 to 75 dBA) or dense urban or industrial areas (65 to 80 dBA).

Noise levels from a particular source decline as distance to the receptor increases. Other factors, such as the weather and reflecting or shielding, also intensify or reduce the noise level at a location. A common method for estimating roadway noise is that for every doubling of distance from the source, the noise level is reduced by about 3 dBA at acoustically "hard" locations (i.e., the area between the noise source and the receptor is nearly complete asphalt, concrete, hard-packed soil, or other solid materials) and 4.5 dBA at acoustically "soft" locations (i.e., the area between the source and receptor is normal earth or has vegetation, such as grass).

Noise from stationary or point sources (including construction noise) is reduced by about 6 to 7.5 dBA for every doubling of distance at acoustically hard and soft locations, respectively. Noise levels may also be reduced by intervening structures; generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or beam reduces noise levels by 5 to 10 dBA. The manner in which older homes in California were constructed generally provides a reduction of exterior-to-interior noise levels of about 20 to 25 dBA with closed windows. The exterior-to-interior reduction of newer residential units is generally 30 dBA or more.22,23

### Fundamentals of Environmental Groundborne Vibration

Vibration is sound radiated through the ground. Groundborne noise is the rumbling sound caused by the vibration of room surfaces. The ground motion caused by vibration is measured as particle velocity in inches per second; in the U.S., this is referenced as vibration decibels (VdB).

---

residential uses are located adjacent to the proposed project site to the south, east, and west. The residential properties to the south and west are elevated above the project site by varying heights, with a maximum difference of approximately 20 feet created by an earthen berm on the west side of the project site. These residential uses would be considered sensitive receptors with respect to the proposed project.

<table>
<thead>
<tr>
<th>Table 4.3-4 Existing Off-Site Roadway Noise Levels</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street</strong></td>
</tr>
<tr>
<td>Imperial Avenue East of Main Street</td>
</tr>
<tr>
<td>Imperial Avenue East of Sheldon Street</td>
</tr>
<tr>
<td>Imperial Avenue East of McCarthy Court</td>
</tr>
<tr>
<td>Imperial Avenue East of Center Street</td>
</tr>
<tr>
<td>Imperial Avenue East of California Street</td>
</tr>
<tr>
<td>Imperial Highway east of Sepulveda Boulevard</td>
</tr>
<tr>
<td>Walnut Avenue East of Skelton Street</td>
</tr>
<tr>
<td>Walnut Avenue East of McCarthy Court</td>
</tr>
<tr>
<td>Maple Avenue East of Sheldon Street</td>
</tr>
<tr>
<td>Maple Avenue East of Center Street</td>
</tr>
</tbody>
</table>

SOURCE: Adbin (2011) [calculation data and results are provided in Appendix D].

As shown in Figure 4.3.2 (LAX Noise Contours), the proposed project site is bifurcated by the 65 dB and 70 dB CNEL contours. As such, exterior noise levels at the project site currently exceed noise levels considered normally or conditionally acceptable for residential uses (ranging from 50 to 70 dB for single-family and multiple-family residential uses). While neither project Option would result in a substantial, permanent increase in exterior noise levels during operation, thereby exacerbating the existing condition, both project Options would increase the permanent, noise-sensitive residential population on the project site.

4.3.2 Regulatory Framework

Various standards have been developed to address the compatibility of land uses and noise levels. The applicable standards are presented in the following discussion. Special emphasis is placed on land uses that are considered to be sensitive to high noise levels. Typical sensitive receptors include residences, schools, childcare centers, hospitals, long-term health care facilities, convalescent centers, and retirement homes. Each of these land use types currently occur within the City.

Federal

There are no federal noise requirements or regulations applicable to local actions of the City of El Segundo.
### Land Use Compatibility with Community Noise Environments

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Community Noise Exposure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential - Low Density Single Family, Duplex, Mobile Homes</td>
<td>Ln^(-0.2)</td>
</tr>
<tr>
<td>Residential - Multi Family</td>
<td>Ln^(-0.2)</td>
</tr>
<tr>
<td>Transient Lodging - Motels, Hotels</td>
<td>Ln^(-0.2)</td>
</tr>
<tr>
<td>Schools, Libraries, Churches, Hospitals, Nursing Homes</td>
<td>Ln^(-0.2)</td>
</tr>
<tr>
<td>Auditoriums, Concert Halls, Amphitheatres</td>
<td>Ln^(-0.2)</td>
</tr>
<tr>
<td>Sports Arena, Outdoor Spectator Sports</td>
<td>Ln^(-0.2)</td>
</tr>
<tr>
<td>Playgrounds, Neighborhood Parks</td>
<td>Ln^(-0.2)</td>
</tr>
<tr>
<td>Golf Courses, Riding Stables, Water Recreation, Cemeteries</td>
<td>Ln^(-0.2)</td>
</tr>
<tr>
<td>Office Buildings, Business Commercial and Professional</td>
<td>Ln^(-0.2)</td>
</tr>
<tr>
<td>Industrial, Manufacturing Utilities, Agriculture</td>
<td>Ln^(-0.2)</td>
</tr>
</tbody>
</table>

### Interpretation

- **Normally Acceptable**
  - Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction without any special noise isolation requirements.

- **Normally Unacceptable**
  - New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise isolation features included in the design.

- **Conditionally Acceptable**
  - New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise isolation features included in the design. Conventional construction, with closed windows and fresh air supply systems or air conditioning will normally suffice.

- **Clearly Unacceptable**
  - New construction or development should generally not be undertaken.

*Source: Office of Noise Control, California Department of Health.*

**Figure 4.3-3**

Land Use Compatibility with Community Noise Environments
Policy N1-1.3  Continue to work with the City of Los Angeles Department of Airports to reduce the noise-impacted area around Los Angeles International Airport to zero.

Objective N 1-2  It is the objective of the City of El Segundo to ensure that City residents are not exposed to stationary noise levels in excess of El Segundo's Noise Ordinance standards.

Policy N1-2.1  Require all new projects to meet the City's Noise Standards as a condition of building permit approval.

Objective N 1-3  It is the objective of the City of El Segundo that the City maintain intergovernmental coordination and public information programs which are highly efficient in their noise abatement efforts.

Policy N1-3.1  Encourage site planning to be consistent with the existing and future noise environment and promote development standards in which noise-sensitive projects and residences are mitigated from major noise sources. Short-term and long-term noise control measures should be formulated in a manner compatible with community needs and expectations.

Policy N1-3.2  Work to remove non-conforming land uses (mixed usage such as residential uses in commercial or industrial land use designations) which result in noise incompatibility.

Policy N1-3.3  Employ effective noise mitigation techniques through appropriate provisions in the building code, subdivision procedures, and zoning and noise ordinances.

Policy N1-3.5  Support a continuous effort to evaluate noise levels in the City of El Segundo and to reduce unacceptable noise levels through the planning process.

Consistency Analysis
This EIR provides the acoustical analysis necessary to define noise levels on the proposed project site. The analysis includes City requirements and mitigation measures to ensure that noise levels in the exterior activity environments of the project site meet City standards, including limiting the hours of construction in accordance with the El Segundo Municipal Code. The proposed project would generate increased local traffic volumes, and includes pedestrian walkways that connect to nearby transit, to assist
Section 7-2-7 Standards Criteria. The standards which shall be considered in determining whether a violation of the provisions of Section 7-2-6 of this Chapter exists shall include, but shall not be limited to, the following criteria:
A. The frequency of the noise;
B. The intensity of the noise;
C. Whether the nature of the noise is usual or unusual;
D. The ambient noise level;
E. The proximity of the noise to residential sleeping facilities;
F. The nature and zoning of the area within which the noise emanates;
G. The density of the habitation of the area within which the noise emanates;
H. The time of the day or night the noise occurs;
I. The duration of the noise;
J. Whether the noise is recurrent, intermittent or constant; and
K. Whether the noise is produced by a commercial or noncommercial activity.

Section 7-2-8 Specific Prohibitions. The following acts, and the causing thereof, are declared to be in violation of this Chapter if they occur in such a manner as to disturb the peace, quiet and comfort of any reasonable person of normal sensibility residing in the area; and occur:
A. Between the Hours of 10:00 PM and 7:00 AM:
   1. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces or amplifies sound.
   2. Using or operating any loudspeaker, public address system or similar device.
   3. Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects.
   4. Repairing, building, rebuilding, adjusting, or testing any motor vehicle.
B. Between the Hours of 8:00 PM and 7:00 AM:
   1. Refuse Collection Vehicles:
      a. Collection of refuse with a collection vehicle in a residential area or within five hundred feet (500') thereof;
      b. Operation or permitting the operation of the compacting mechanism of any motor vehicle which compacts refuse in a residential area or within five hundred feet (500') thereof.
   2. Loudspeakers/Public Address Systems: Using or operating for any commercial purpose any loudspeaker, public address system, or similar device on a public right of way or public space.
   3. Powered Model: Operating or permitting the operation of powered models.

Section 7-2-9 Vibration. Notwithstanding other sections of this Chapter, a person shall not create, maintain, or cause any ground vibration which is perceptible, without the
Section 1255.06 Acoustical Analysis. A building permit application for a new residence or addition of one or more habitable rooms to an existing residence must comply with the minimum noise insulation performance standards established in this section if it includes an acoustical analysis demonstrating that the proposed design will ensure that internal noise levels due to LAX aircraft noise will not exceed 45 dB CNEL standard. The acoustical analysis is subject to verification by the building official, who has the discretion to require post-construction/pre-occupancy acoustic measurement to verify compliance with the 45 dB CNEL standard.

A. The acoustical analysis must be prepared by or under the supervision of a person experienced in the field of acoustical engineering. The analysis must consider and include: the topographical relationship between LAX aircraft noise sources and the dwelling site, the characteristics of those noise sources, predicted noise spectra and levels at the exterior of the dwelling site, the basis for this prediction (measured or obtained from published data), the noise insulation measures to be employed, and the effectiveness of the proposed noise insulation measures.

B. If the interior allowable noise levels are to be met by requiring that windows be unopenable or closed, the design for the structure must also specify a ventilation or air-conditioning system to provide a habitable interior environment. The ventilation system must not compromise the interior room noise reduction.

Section 1255.07 Prescribed Construction Methods. A building permit application for a new residence or addition of one or more habitable rooms to an existing residence must comply with the minimum noise insulation performance standards established in this section if the design incorporates the following construction methods.

Construction Methods in the 70 dB CNEL and Greater Noise Zone

Section 1255.08 Exterior Walls. New walls that form the exterior portion of habitable rooms must be constructed as follows:

A. Studs must be at least 4 inches in nominal depth.

B. Exterior finish must be stucco, minimum 1/8-inch thickness, brick veneer, masonry, or any siding material allowed by this code. Wood or metal siding must be installed over 1/4-inch minimum solid sheathing.

C. Masonry walls with a surface weight of less than 40 pounds per square foot must require an interior supporting stud wall that is finished with at least 1/2-inch thick gypsum wall board or plaster.

D. Wall insulation must be at least R-11 glass fiber or mineral wool and must be installed continuously throughout the stud space.

E. Exterior solid sheathing must be covered with overlapping asphalt felt.

F. Interior wall finish must be at least 1/2-inch thick gypsum wall board or plaster.
5. Skylights must penetrate the ceiling by means of a completely enclosed light well that extends from the roof opening to the ceiling opening. A secondary openable glazing panel must be mounted at the ceiling line or at any point that provides at least a 4-inch space between the skylight glazing and the secondary glazing and must be glazed with at least \( \frac{1}{16} \) inch plastic or laminated glass. The weather-side skylight must be any type that is permitted by the building code. The size of skylights must be no more than 20 percent of the roof area of the room.

Section 1255.12 Ventilation.

A. A ventilation system must be provided that will provide at least the minimum air circulation and fresh air supply requirements of this code in each habitable room without opening any window, door or other opening to the exterior. All concealed ductwork must be insulated flexible glass fiber ducting that is at least 10 feet long between any two points of connection.

B. Kitchen cooktop vent hoods must be the non-ducted recirculating type with no ducted connection to the exterior.

Section 1255.13 Fireplaces. Each fireplace must be fitted with a damper at the top of the chimney that is operated from the firebox and must have glass doors across the front of the firebox.

Section 1255.14 Wall and Ceiling Openings. Openings in the wall of the residence that degrade its ability to achieve an interior CNEL rating of 45 dB or less when all doors and windows are closed are prohibited unless access panels, pet doors, mail delivery drops, air-conditioning, or other openings are designed to maintain the 45 dB CNEL (or less) standard in the room to which they provide access.

Construction Methods in the 65 dB CNEL to 70 dB CNEL Noise Zone

Section 1255.15 Exterior Walls. New walls that form the exterior portion of habitable rooms must be constructed as follows:

A. Studs must be at least 4 inches in nominal depth.

B. Exterior finish must be stucco, minimum \( \frac{1}{8} \) -inch thickness, brick veneer, masonry, or any siding material allowed by this code. Wood or metal siding must be installed over \( \frac{1}{2} \) -inch solid sheathing.

C. Masonry walls with a surface weight of less than 40 pounds per square foot will require an interior stud wall that is finished with at least \( \frac{1}{8} \) -inch thick gypsum wallboard or plaster.

D. Wall insulation must be at least R-11 glass fiber or mineral wool and must be installed continuously throughout the stud space.

E. Exterior solid sheathing must be covered with overlapping asphalt felt.

F. Interior wall finish must be at least \( \frac{1}{2} \) -inch thick gypsum wallboard or plaster.

Section 1255.16 Exterior Windows.

A. Openable Windows: All openable windows in the exterior walls of habitable rooms must have a laboratory sound transmission class rating of at least STC 35 dB and must have an air infiltration rate of no more than 0.5 cubic feet per minute when tested according to ASTM E-283.
concealed ductwork must be insulated flexible glass fiber ducting that is at least 10 feet long between any two points of connection.

B. Kitchen cooktop vent hoods must be the non-ducted recirculating type with no ducted connection to the exterior.

Section 1255.21 Fireplace. Each fireplace must be fitted with a damper at the top of the chimney that is operated from the firebox and must have glass doors across the front of the firebox.

Section 1255.22 Wall and Ceiling Openings. Openings in the shell of the residence that degrade its ability to achieve an interior CNEL rating of 45 dB or less when all doors and windows are closed are prohibited. Any access panels, pet doors, mail delivery drops, air-conditioning, or other openings must be designed to maintain the 45 dB CNEL or less standard in the room to which they provide access.

4.3.3 Impacts and Mitigation Measures

Analytic Method

This analysis of the existing and future noise environments is based on noise level monitoring, noise prediction modeling, and empirical observations. Noise sensitive land uses include public schools, hospitals, and institutional uses such as churches, museums, and private schools. Typically, residential uses are also considered noise sensitive receptors. Therefore, for the purposes of this analysis, the nearest sensitive receptors to the project site would be the residential uses located adjacent to the proposed project site to the south, east, and west. Additionally, for the purposes of this analysis, these residential uses are assumed to be located within 50 feet of construction and operational activities associated with the proposed project. As previously stated, the residential uses to the south and west are separated from the proposed project site by varying heights, with a maximum difference of approximately 20 feet created by an earthen berm on the west side of the project site.

As previously stated, existing noise levels were monitored at selected locations within the project site using a Larson-Davis Model 814 precision sound level meter, which is consistent with the standards of the ANSI for general environmental noise measurement instrumentation. Noise modeling procedures involved the calculation of existing and future vehicular noise levels along individual roadway segments in the site vicinity. This task was accomplished using the FHWA noise model. The model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. Traffic volumes utilized as data inputs in the noise prediction model were provided by the 540 East Imperial Avenue Specific Plan Traffic Impact Analysis prepared by Kimley-Horn and Associates, Inc. for the proposed project (Appendix D). The analysis considers future cumulative traffic noise levels, in recognition of expected higher traffic volumes and resultant noise levels in the future, which provide an appropriate benchmark against which project noise can be assessed.

Thresholds of Significance

The following thresholds of significance are based on Appendix G of the 2011 CEQA Guidelines. For purposes of this EIR, implementation of the proposed project may have a significant adverse impact on noise if it would do any of the following:
units, deliveries, and refuse collection are also regulated by the El Segundo Municipal Code, and noise generated by these activities that exceeds the City’s established standards would be potentially significant. However, as these activities are regulated by the provisions of the El Segundo Municipal Code, a significant impact would only occur if the provisions of the City's noise regulations are violated.

The CBQA Guidelines do not define the levels at which groundborne vibration or groundborne noise is considered “excessive.” For the purposes of this analysis, groundborne vibration impacts associated with human annoyance would be significant if the proposed project exceeds 85 VdB, which is the vibration level that is considered by the FTA to be acceptable only if there are an infrequent number of events per day (as described in Table 4.3-2). In terms of groundborne vibration impacts on structures, this analysis would use the FTA’s vibration damage threshold of approximately 100 VdB for fragile buildings and approximately 95 VdB for extremely fragile historic buildings.  

**Effects Not Found to Be Significant**

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Would the project, if located within the vicinity of a private airstrip, result in the exposure of people residing or working in the project area to excessive noise levels?</th>
</tr>
</thead>
</table>

The closest private airstrip is the Joint Forces Training Center (JFTC), an airfield located approximately 22.14 miles southwest of the proposed project site at 11200 Lexington Drive in the City of Los Alamitos. The project site is not located within the vicinity of a private airstrip and would not result in the exposure of people residing or working in the project area to excessive noise levels. **No Impact** would occur. No mitigation is required.

**Project Impacts and Mitigation**

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Would the project result in the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</th>
</tr>
</thead>
</table>

Impact 4.3-1

Construction of Option 1 or Option 2 of the proposed project could result in the exposure of persons to or generation of noise levels temporarily exceeding standards established in the local general plan or noise regulations, or applicable standards of other agencies. This is considered a potentially significant impact. Implementation of mitigation measures MM4.3-1 through MM4.3-5 would reduce temporary impacts during construction. Some temporary impacts during construction would remain significant and unavoidable, but would be generally reduced to **less than significant** with mitigation measures. Impacts during operation of the proposed project would be **less than significant**.

---

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Noise Level (dB)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Loader</td>
<td>73-86</td>
</tr>
<tr>
<td>Trucks</td>
<td>82-96</td>
</tr>
<tr>
<td>Cranes (movable)</td>
<td>75-88</td>
</tr>
<tr>
<td>Cranes (derrick)</td>
<td>86-89</td>
</tr>
<tr>
<td>Vibrator</td>
<td>68-82</td>
</tr>
<tr>
<td>Saws</td>
<td>72-92</td>
</tr>
<tr>
<td>Pneumatic Impact Equipment</td>
<td>83-86</td>
</tr>
<tr>
<td>Jackhammers</td>
<td>81-88</td>
</tr>
<tr>
<td>Pumps</td>
<td>86-72</td>
</tr>
<tr>
<td>Generators</td>
<td>71-83</td>
</tr>
<tr>
<td>Compressors</td>
<td>75-87</td>
</tr>
<tr>
<td>Concrete Mixers</td>
<td>75-88</td>
</tr>
<tr>
<td>Concrete Pumps</td>
<td>81-85</td>
</tr>
<tr>
<td>Back Hoe</td>
<td>73-85</td>
</tr>
<tr>
<td>Tractor</td>
<td>77-98</td>
</tr>
<tr>
<td>Scraper/Grader</td>
<td>80-93</td>
</tr>
<tr>
<td>Paver</td>
<td>85-90</td>
</tr>
</tbody>
</table>

**Source:** U.S. Environmental Protection Agency, *Noise from Construction Equipment and Operations: Building Equipment and Home Appliances (1991).*

Machinery equipped with noise control devices or other noise-reducing design features does not generate the same level of noise emissions as that shown in this table.

### Table 4.3.7 Typical Outdoor Construction Noise Levels

<table>
<thead>
<tr>
<th>Activity</th>
<th>Noise Level (dB)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Clearing</td>
<td>82</td>
</tr>
<tr>
<td>Excavation/Grading</td>
<td>86</td>
</tr>
<tr>
<td>Foundations</td>
<td>77</td>
</tr>
<tr>
<td>Structural</td>
<td>63</td>
</tr>
<tr>
<td>External Finishing</td>
<td>88</td>
</tr>
</tbody>
</table>

**Source:** U.S. Environmental Protection Agency, *Noise from Construction Equipment and Operations: Building Equipment and Home Appliances (1991).*

The noise levels at the off-site sensitive uses were determined with the following equation from the HMVF-Frontal Noise and Vibration Impact Assessment, Final Report: 

\[ L_{A50} = L_{A} - 20 \log(D/60) \]

where \( L_{A} \) = noise level of noise source, \( D \) = distance from the noise source to the receiver, \( L_{A50} \) = noise level of source at 50 feet. Noise levels have been rounded up to the nearest whole number.

**MM4.3-1** The developer's contractor must refrain from engaging in all construction-related activities, including the delivery of construction materials, the loading and unloading of construction equipment, starting the engine ignition, and the repair and servicing of construction equipment and vehicles between the hours of 6:00 PM and 7:00 AM Monday through Saturday, or at any time on Sunday or a federal holiday.
construction noise limits generally permitted by the El Segundo Municipal Code. The combination of these conditions is a circumstance unique to the proposed project site, and is not a direct-impact of all construction activities considered independently or on a subject site with different physical conditions.

Mitigation measure MM4.3-1 requires that the project developer demonstrate that noise levels do not exceed the standards established in Section 7-2-10(D) and Section 7-2-4(C) of the El Segundo Municipal Code. If construction activities exceed the standards, the developer will be required to apply for and obtain a noise permit from the City.

Under mitigation measure MM4.3-2, the implementation of noise attenuation measures may include the use of noise barriers (e.g., sound walls) or noise blankets. As a general rule, a sound wall is able to reduce noise by 5 dBA. Mitigation measure MM4.3-3 would require that construction staging areas and earthmoving equipment be located as far away from noise and vibration-sensitive land uses as possible. However, due to the close proximity of sensitive receptors and the size of the proposed construction project, this mitigation measure may not reduce construction-related noise levels below generally acceptable thresholds set forth in the ESNC. Mitigation measure MM4.3-4 would ensure that haul trucks associated with construction activities are routed away from residential streets such as Walnut Avenue and Sheldon Street to reduce impacts to the residential neighborhoods that surround the project site. Implementation of MM4.3-1 through MM4.3-4 would reduce the impacts associated with construction activities resulting from implementation of the proposed project. While some temporary impacts during construction would remain significant and unavoidable, the mitigation measures would generally reduce such temporary noise to less than significant.

Operation

Ambient noise levels that would occur as part of operation of the proposed project would be largely attributable to increases in local traffic volumes and general human activity at the site. In addition, operation of the proposed project could include special events or temporary activities (e.g., small outdoor gatherings and activities, luncheons) that would cause a temporary increase in ambient noise levels. The land uses immediately adjacent to the proposed project site to the east, south, and west are residential uses that are considered noise sensitive land uses (i.e., land uses whose daily activities are more affected by higher ambient noise levels). There is no existing development immediately to the north of the project site, and therefore, no known sensitive population.

Development of Option 1 or Option 2 would lead to increased noise levels due to increased activities at the proposed project site. Indirect noise such as alarms from cars parked in the proposed surface parking lot (74 dBA L_w at 50 feet) may create increased noise in the area. However, these noise levels would be similar to, and consistent with, the existing noise levels in the project area. The largest potential increase in roadway noise levels attributable to the proposed project would occur along East Imperial Avenue and Walnut Avenue. Aside from increased human and vehicle activity on-site, operational noise would typically be generated from HVAC units. Large HVAC units typically generate noise levels that average between 50 and 65 dBA L_w at 50 feet from the equipment. These HVAC units would be mounted on the rooftops of structures developed under Option 1 or Option 2, out of the direct line of sight of sensitive receptors. As stationary or point-source noise attenuates by 6 dBA for every doubling of distance, a measured level of 65 dBA at 50 feet would be reduced to approximately 59 dBA at 100 feet. As such,
The acoustical analysis would require verification by the building official, who has the discretion to require post-construction/pre-occupancy acoustic measurements to verify compliance with the 45 dBA CNEL standard. In addition, California Noise Insulation Standards (Title 24, Part 2, of the CCR), as well as Title 21 (Section 5014[a,2]) contain requirements for the construction of new hotels, motels, apartment houses, and dwellings other than detached single-family dwellings intended to limit the extent of noise transmitted into habitable spaces. The state interior noise standards (Title 21 and Title 24 of the CCR) set forth an interior standard of 45 dBA CNEL in any habitable room with all doors and windows closed, and require an acoustical analysis demonstrating how dwelling units have been designed to meet this interior standard (where such units are proposed in areas subject to transportation noise levels greater than 60 dBA CNEL). In order to ensure that such standards are met, the following mitigation measure must be implemented as part of the proposed project:

**MM4.3-5** Residential units must be designed and constructed to ensure that interior noise levels from exterior transportation sources—including aircraft and vehicles on adjacent roadways—cannot exceed 45 dBA CNEL. In order to ensure that all dwelling units achieve an adequate noise reduction to achieve an interior noise level of 45 dBA CNEL, the following features must be included in the building design and construction of all dwelling units: (1) upgraded dual-glazed windows; (2) mechanical ventilation/air conditioning; (3) exterior wall/roof assemblies free of cut-outs or openings; and (4) ceiling insulation in the top floor of each building to reduce aircraft noise by at least 20 dBA. Before a building permit is issued, the developer must submit architectural plans and a detailed acoustical analysis study prepared by a qualified acoustical consultant demonstrating that interior noise levels in all residential units would be 45 dBA CNEL or less to the Planning and Building Safety Department for review and approval.

With implementation of mitigation measure MM4.3-5, development of either Option 1 or Option 2 would be required to demonstrate the residential dwelling units would comply with state interior noise standards (Title 21 and Title 24 of the CCR) and the El Segundo Municipal Code to ensure that internal noise levels do not exceed 45 dBA CNEL. Therefore, either project Option would result in a less-than-significant interior noise impact during operation.

**Impact 4.3-2** Operation of Option 1 or Option 2 of the proposed project could result in the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. This is considered a potentially significant impact. Implementation of mitigation measures MM4.3-6 and MM4.3-7 would reduce this impact, but not to a less-than-significant level. Therefore, this would be a significant and unavoidable impact during operation.

With respect to the state Airport Noise Standards (21 California Code of Regulations §§ 5000, et seq.), the residential uses would be incompatible with the aircraft noise environment unless the residence is a high-rise apartment or condominium having an interior CNEL of 45 dBA or less in all habitable rooms. Also, with respect to the Los Angeles County ALUC noise and land use compatibility guidelines for residential land uses, a noise exposure from 60 to 70 dBA CNEL falls under the “caution” category. Under this category, a review of the noise insulation needs is required. Figure 4.3-3 identifies the typically acceptable

Impact 4.3-3

Implementation of Option 1 or Option 2 of the proposed project would not result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels. This is considered a potentially significant impact. However, implementation of mitigation measures MM4.3-1 through MM4.3-4 would reduce this impact to a less-than-significant level.

Implementation of Option 1 or Option 2 could result in increased groundborne vibration and noise levels during construction. During construction, temporary, intermittent, elevated groundborne vibration and noise levels would occur on and near the proposed project site due, in large part, to the operation of construction equipment. Any increases in groundborne vibration and noise levels that would occur as part of operation of the proposed project would be largely attributable to increases in local traffic volumes.

Construction

Temporary construction activities at the proposed project site could expose nearby off-site sensitive receptors (surrounding residential uses) to elevated levels of noise and groundborne vibration due to the use of heavy pieces of construction equipment. Generally speaking, bulldozers and loaded trucks are the source of largest vibration during construction. As with noise, vibration dissipates at a rate of approximately 6 VdB for every doubling of distance. As shown in Table 4.3-8 (Vibration Source Levels for Construction Equipment), anticipated vibration levels at the closest off-site sensitive receptor are estimated to be approximately 81 VdB, which is below the threshold of significance (85 VdB) established for purposes of this analysis (regarding infrequent occurrences) in both the Thresholds of Significance, Human Exposure to Noise section of this section and Table 4.3-2.

As with construction noise, construction-related groundborne vibration levels would vary depending on the equipment used, and the distance of the vibration-inducing equipment. Additionally, construction-related vibration is exempt pursuant to El Segundo Municipal Code Section 7.2-10(D) as long as construction-related activities are limited to the hours of 7:00 AM to 6:00 PM Monday through Saturday and do not endanger the public health, welfare or safety. Implementation of mitigation measures MM4.3-1 through MM4.3-4 would also reduce the potential for significant levels of groundborne vibration. Therefore, impacts to ambient noise and vibration levels would be less than significant during construction activities for Option 1 or Option 2.
increase between existing roadway-generated noise levels and roadway noise levels with the proposed project would occur along Imperial Avenue, east of McCarthy Court and east of Center Street. Noise in these areas is projected to increase by 0.9 dBA as a result of the proposed project. This increase would be inaudible/imperceptible to most people and would not exceed the identified threshold of significance. Therefore, this impact would be considered less than significant.

<table>
<thead>
<tr>
<th>Table 4.3-9</th>
<th>Existing Plus Project Roadway Noise Levels, Option 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facility</td>
<td></td>
</tr>
<tr>
<td>Imperial Avenue east of Main Street</td>
<td>Residential</td>
</tr>
<tr>
<td>Imperial Avenue east of Sheldon Street</td>
<td>Residential</td>
</tr>
<tr>
<td>Imperial Avenue east of McCarthy Ct</td>
<td>Residential</td>
</tr>
<tr>
<td>Imperial Avenue east of Center Street</td>
<td>Residential</td>
</tr>
<tr>
<td>Imperial Avenue east of California Street</td>
<td>Residential</td>
</tr>
<tr>
<td>Imperial Highway east of Sepulveda Boulevard</td>
<td>Residential</td>
</tr>
<tr>
<td>Walnut Avenue east of Sheldon Street</td>
<td>Residential</td>
</tr>
<tr>
<td>Walnut Avenue west of McCarthy Ct</td>
<td>Residential</td>
</tr>
<tr>
<td>Maple Avenue east of Sheldon Street</td>
<td>Residential</td>
</tr>
<tr>
<td>Maple Avenue east of Center Street</td>
<td>Residential</td>
</tr>
</tbody>
</table>

SOURCE: Atkins (2011) [calculation data and results are provided in Appendix D].

As shown in Table 4.3-10 (Existing Plus Project Roadway Noise Levels, Option 2), under Option 2, project-related traffic would not result in substantial increases in noise along any roadway segments compared to 2011 without Project Conditions. Option 2 of the proposed project would not increase roadway noise levels above the 3.0 dBA significance threshold. As identified in Table 4.3-10, under Option 2, the greatest increase between existing roadway-generated noise levels and roadway noise levels with the proposed project would occur along Walnut Avenue, west of McCarthy Court. Noise in this area is projected to increase by 0.9 dBA as a result of the proposed project. This increase would be inaudible/imperceptible to most people and would not exceed the identified threshold of significance. Therefore, this impact would be considered less than significant.

Impact 4.3-5

Implementation of Option 1 or Option 2 of the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. However, both project options would increase the permanent, noise-sensitive residential population on the project site. This is considered a potentially significant impact. Implementation of mitigation measure MM4.3-5 through MM4.3-7 would reduce this impact, but not to a less-than-significant level. Therefore, this would be a significant and unavoidable impact.
Implementation of Option 1 or Option 2 of the proposed project could not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. This is considered a less-than-significant impact. Implementation of mitigation would further reduce this less-than-significant impact.

Construction and operation of Option 1 or Option 2 may involve the use of equipment, or conducting certain activities, which could result in a temporary increase in ambient noise levels at, and adjacent to, the project site that did not exist previously.

Construction

The land uses immediately adjacent to the proposed project site to the east, south, and west are residential uses that are considered to be noise-sensitive land uses. There is no existing development immediately north of the project site, and therefore, no known sensitive population. Construction activities are anticipated to continue at the project site for a period of approximately 18 to 24 months (under either project Option). During each stage of construction, there would be a different mix of equipment operating. Noise levels would vary based on the type of equipment in operation and the location of activity and would be intermittent. However, as noted earlier under Impact 4.3-1, although temporary in nature, construction-related vibration is exempt pursuant to El Segundo Municipal Code Section 7-2-10(D) as long as construction-related activities are limited to the hours of 7:00 AM to 6:00 PM Monday through Saturday. In addition, implementation of mitigation measures MM4.3-1 through MM4.3-4 would reduce the potential for significant temporary increases in noise levels. Therefore, either Option of the proposed project would result in a less-than-significant impact (with mitigation incorporated) during construction.

Operation

Development of Option 1 or Option 2 would result in the development of residential units which would increase the permanent, noise-sensitive population at the project site. Temporary increases in ambient noise levels during operation would be primarily related to project traffic on the roadways. Although the traffic study prepared for the proposed project did not identify a project-related traffic impact, due to the current primarily unoccupied nature of the site (with the exception of intermittent use of the baseball field) and the low use of the site currently, trips generated by either Option 1 or Option 2 could increase vehicle travel in the area, which could result in an increase in ambient noise. However, the proposed project site is located in a developed, urban area with substantial existing roadway infrastructure that could accommodate the proposed project trips. Additionally, the anticipated number of trips generated by either project Option would not result in a substantial increase in ambient noise or roadway noise levels. Therefore, both Option 1 and Option 2 would result in a less-than-significant impact due to temporary increases in ambient noise levels.
However, the proposed project site is bifurcated by the 65dB and 70dB CNEL contours. As such, exterior noise levels at the project site currently exceed noise levels considered normally or conditionally acceptable for residential uses (ranging from 50–70dB for single-family and multiple-family residential uses). Further, existing noise levels within the 70dB contour are within the normally unacceptable range for both single-family and multiple-family residential uses (70–75dB). Mitigation measure MM1.3-6 would ensure that the existing aviation easement granted to the City of Los Angeles as proprietor of LAX would remain in place with implementation of the proposed project, and MM1.3-7 would ensure that prospective owners and occupants of the project site were adequately informed of the potential annoyances associated with proximity to LAX. However, while neither project Option would result in a substantial, permanent increase in exterior noise levels during operation thereby exacerbating the existing condition, both project Options would increase the permanent, noise-sensitive residential population on the project site. The exterior noise level could not be reduced or mitigated to a level that would be considered normally acceptable for residential land uses. As such, the proposed project could result in a significant and unavoidable impact due to exterior noise levels.

4.3.4 Cumulative Impacts

A cumulative impact analysis is only provided for those thresholds that result in a less-than-significant or significant and unavoidable impact. A cumulative impact analysis is not provided for Effects Found Not to Be Significant, which result in no project-related impacts.

The geographic context for the analysis of cumulative noise impacts depends on the impact being analyzed. For construction impacts, only the immediate area around the proposed project site would be included in the cumulative context. For operational/roadway related impacts, the context is built-out of the City of El Segundo General Plan, including existing and future development of cumulative projects within the City of El Segundo, as well as adjacent communities that would be potentially impacted. This cumulative impact analysis considers development of the proposed project, in conjunction with ambient growth as discussed in Section 4.5 (Transportation/Traffic), and other development within the vicinity of the proposed project in the City. Noise is by definition a localized phenomenon, and significantly reduces in magnitude as distance from the source increases. Consequently, only projects and growth due to occur in the immediate project area would be likely to contribute to cumulative noise impacts.

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Would the project result in the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</th>
</tr>
</thead>
</table>

Increases in noise at sensitive uses would occur as a result of construction of the proposed project, along with other construction in the vicinity. As discussed under Impact 4.3-1, construction of the proposed project would expose nearby sensitive receptors to exterior noise levels above the 65 dBA noise standard identified in the El Segundo Municipal Code. This construction noise would be temporary, and mitigation measures would be implemented to reduce the impact of the noise to the extent possible; however, exterior noise levels would still be above 65 dBA.

Other construction that may occur in the vicinity of the proposed project site would contribute noise levels similar to those generated for the proposed project. Where this development adjoins the proposed
Construction of the proposed project would produce temporary vibration impacts that would be less than significant. Cumulative development in the City of El Segundo is not considered likely to result in the exposure of on-site or off-site receptors to excessive groundborne vibration, due to the localized nature of vibration impacts, the fact that all construction would not occur at the same time and at the same location, and the largely built out nature of the City, which would usually preclude the use of heavy equipment such as bulldozers. Only receptors located in close proximity to each construction site would be potentially affected by both activities. Currently, there is construction occurring across Imperial Avenue and Imperial Highway from the proposed project as part of the LAX Bradley Terminal project. However, as discussed previously, while this project can be seen from the proposed project site (because of a difference in topography), it is located far enough away that construction activities, including vibration, cannot be heard or felt at the proposed project site. Therefore, vibration from future development would not be anticipated to combine with construction vibration of the proposed project to result in a significant cumulative impact. Further, vibration resulting from construction is exempt, as identified in Section 7.2-10(D) of the El Segundo Municipal Code, provided that it does not endanger the public health, welfare or safety. The contribution of the proposed project to such an impact would, therefore, not be cumulatively considerable, and the cumulative impact of the project would be less than significant.

Cumulative noise impacts would occur primarily as a result of increased traffic on local roadways due to the proposed project and other projects within the project site. Therefore, cumulative traffic-generated noise impacts have been assessed based on the contribution of the proposed project to the future cumulative base traffic volumes in the project vicinity. The noise levels associated with cumulative base traffic volumes without the project, and cumulative base traffic volumes with Option 1 of the project are identified in Table 4.3-11 (Future Year Plus Project Roadway Noise Levels, Option 1). Noise level increases would reach a maximum of 0.8 dBA CNEL along Walnut Avenue, west of McCarthy Court in the project vicinity, which is inaudible/imperceptible to most people. The contribution of the proposed project would range from 0.0 to 0.8 dBA across all roadway segments studied. No study roadway segments would increase by 3.0 dBA CNEL. The 0.0 to 0.8 dBA contribution of the proposed project to future roadway noise levels would not exceed the identified thresholds of significance and, therefore, would not be cumulatively considerable. Therefore, development under Option 1 of the proposed project would have a less-than-significant cumulative impact as a result of traffic increases.

The noise levels associated with cumulative base traffic volumes without the project, and cumulative base traffic volumes with Option 2 of the proposed project are identified in Table 4.3-12 (Future Year Plus Project Roadway Noise Levels, Option 2). Noise level increases would reach a maximum of 0.8 dBA CNEL along Walnut Avenue, west of McCarthy Court in the project vicinity, which is inaudible/imperceptible to most people. The contribution of the proposed project would range from 0.0 to 0.8 dBA across all roadway segments studied. No study roadway segments would increase by 3.0 dBA
Threshold | Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Periodic and temporary noise levels would be generated by construction of the proposed project along with other construction in the vicinity, and sensitive uses on or in the immediate vicinity of the proposed project site may be exposed to two or more sources of construction related noise simultaneously. As discussed under Impact 4.4-1, the proposed project by itself would expose some sensitive receptors to noise levels in excess of acceptable City standards. Thus, the possibility exists that a substantial cumulative increase in construction noise levels could result from construction associated with the proposed project combined with other nearby projects. The cumulative impact of the proposed project and related projects, concurrently emitting high levels of construction noise, would likely be significant and unavoidable. As discussed previously, the City exempts construction noise from the provisions of the El Segundo Municipal Code as long as construction occurs within permitted hours of the day. Any project analyzed in the cumulative context would be required to comply with the same provisions of the El Segundo Municipal Code described above. Additionally, construction noise impacts are localized in nature and decrease substantially with distance. Consequently, all projects analyzed in the cumulative context would fall under the El Segundo Municipal Code exemption, and the proposed project would comply with the noise-reducing requirements of mitigation measures MM4.3-1 through MM4.3-4. Therefore, the cumulative impact of the proposed project would be less than significant.

Operation of the proposed project could include special events or temporary activities (e.g., small outdoor gatherings and activities, luncheons) that would cause temporary increases in ambient noise levels. Noise creating events such as outdoor gatherings utilizing amplified equipment. Such activity would be required to obtain permits to inform the public and comply with the requirements of Section 7-2-11 of the Noise Ordinance regarding public events. In addition, operation of the proposed project would not require periodic use of special stationary equipment that would expose off-site sensitive receptors to an increase in ambient noise levels above those existing without the proposed project. Therefore, there would be no temporary or periodic noise impacts to on- or off-site receptors due to operation of the proposed project, and the cumulative impact of the proposed project would be less than significant.

Threshold | Would the project, if located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in the exposure of people residing or working in the project area to excessive noise levels?

As discussed above under Impact 4.3-6, the proposed project site is bifurcated by the 65 and 70 dB CNEL contours of LAX. As such, the communal and private exterior areas of the proposed project, such as courtyards, pedestrian pathways, and balconies may be exposed to noise levels above 70 dBA, which exceeds the noise levels for which residential development would be considered normally acceptable. Future residential projects may be developed by the City of El Segundo that are also located within the 70 dBA CNEL contour of LAX, and these residential uses would also be exposed to noise levels that exceed the normally acceptable development standard. As development of the proposed project would result in the exposure of on-site noise sensitive uses to an increase in noise levels, the contribution would be considered cumulatively significant during operation of the project.

City of El Segundo 540 East Imperial Avenue Specific Plan Project EIR

4.3-41

316
This page intentionally left blank
FINDINGS AND ORDER OF THE AIRPORT LAND USE COMMISSION
COUNTY OF LOS ANGELES

AVIATION CASE NO. 201100002-(4)
COMMISSION HEARING DATE: February 22, 2012

SYNOPSIS:
The proposed project consists of a general plan amendment, a specific plan, zone change, zone text amendment, two vesting tentative tract maps, and a development agreement which allow for the redevelopment of a 5.65-acre former school site located at 540 East Imperial Highway in the City of El Segundo. The project known as 540 East Imperial Specific Plan would result in the demolition of the former Imperial Avenue Elementary School and the development of one of two conceptual options. Option 1 would include a maximum of 150 assisted/independent living units along Imperial Avenue, 150 senior apartments/townhomes in the center of the site and a separate four-unit townhome development at the southern end of the project site. This option would create seven legal lots on the site.

Option 2 would include a residential development with a mix of 24 single-family dwelling units and 34 multiple-family units on private streets. The multiple-family units would front East Imperial Avenue on the northern portion of the project site. The single-family residences would be located on the southern portion of the project site. This option would create 31 lots. Both the single-family and multiple-family residential developments would have common areas and landscaped open space area.

Airport Land Use Commission (ALUC) review of this project is necessary because the project site is located within the planning boundary established for Los Angeles International Airport (LAX). The project site is entirely within the 65dB CNEL noise contour portion of the planning boundary. ALUC review is also necessary because a specific plan, general plan amendment, zone change, and other discretionary actions are needed for project approval. The project therefore must be reviewed for consistency with the policies of the adopted Los Angeles County Airport Land Use Plan (ALUP).

PROCEEDINGS BEFORE THE AIRPORT LAND USE COMMISSION
February 22, 2012 Public Hearing
[Reserved for summary of proceedings on the February 22, 2012 public hearing]

FINDINGS:

1. The State Aeronautics Act Section 21670, et seq. of the California Public Utilities Code (PUC) requires every county in which there is an airport served by a scheduled airline to establish an airport land use commission.

2. Pursuant to Section 21670.2 of the PUC, the Los Angeles County Regional Planning Commission has the responsibility for acting as the Airport Land Use Commission for Los Angeles County.
3. In 1991 the Los Angeles County ALUC adopted the Los Angeles County Airport Land Use Plan (ALUP) that sets forth policies, maps with planning boundaries, and criteria for promoting compatibility between airports and the land uses that surround them.

4. The ALUP contains policies and criteria to minimize the public's exposure to excessive noise and safety hazards.

5. Los Angeles International Airport (LAX) is one of fourteen public use airports in the County whose land use compatibility policies and programs are contained within the adopted ALUP.

6. Pursuant to Section 21674(d), 21676(b), 21672(c), 21661.5, 21664.5(a), and 21664.5(b) of the PUC, the County ALUC has the responsibility to review specific plans, general plan amendments, zoning ordinances, and related development proposals within the established airport influence area for consistency with the adopted ALUP, before final action is taken by the local agency.

7. The site for the proposed project, known as 540 East Imperial Avenue Specific Plan, is located within the Airport Influence Area established for LAX. The project site is located within the 65dB CNEL noise contour portion of the Airport Influence Area.

8. The project site is located within the City of El Segundo on East Imperial Avenue and is approximately 792 feet south of the airport property boundary of LAX. The project site is bounded by the rear of the parcels on the east side of Sheldon Avenue to the west, Walnut Street and the rear of the parcels on the north side of Walnut Street to the south, the rear of the parcels on the west side of McCarthy Court to the east, and Imperial Avenue to the north.

9. The proposed project would result in the demolition of eight (8) existing school buildings, a surface parking lot, a playfield including a baseball diamond, and the development of one of two conceptual options. Option 1 consists of a 150 unit assisted/independent living facility, a 150 unit senior apartment development, and four townhomes for a total of 304 units and a maximum of 175,000 square feet of developed space. Option 2 consists of 34 townhome units and 24 single-family homes for a total of 58 residential units.

10. To approve this project, the City of El Segundo must certify the Final Environmental Impact Report and approve Specific Plan No. 10-03, General Plan Amendment No. 10-3, Zone Change No. 10-01, Zone Text Amendment No. 10-06, Vesting Tentative Tract Map No. 71410 for Option 1 and Vesting Tentative Tract Map No. 71582 for Option 2, and Development Agreement No. 10-02.

11. Specific Plan No. 10-03 will add the 540 East Imperial Avenue Specific Plan designation to the zoning code which will establish permitted uses and development standards for the project site.
12. General Plan Amendment No. 10-03 will change the Land Use Category from Planned Residential Development (maximum of 65 residential units on the project site) to 540 East Imperial Avenue Specific Plan (maximum of 304 residential units on the project site).

13. Zone Change No. 10-01 will change the zoning designation of the project site from Planned Residential Development to 540 East Imperial Avenue Specific Plan.

14. Zone Text Amendment No. 10-06 will delete the Planned Residential Development Zone from the El Segundo Municipal Code (ESMC) and add 540 East Imperial Avenue Specific Plan to the ESMC and delete ESMC Chapter 15-4D (Planned Residential Development) in its entirety.

15. Vesting Tentative Tract Map No. 71410 will create seven lots. Lot 1 will accommodate a four unit townhome building. Lot 2 will accommodate a 150 unit senior apartment development consisting of nine (9) buildings, pool and open space areas, the parking area for the apartments, a fountain and guest parking for the assisted/independent living portion of the site. Lots 3 through 7 accommodate the 150 unit assisted/independent living development consisting of ten (10) buildings, a small area of parking and pool area.

16. Vesting Tract Map No. 71582 will create 31 lots. Lots 1 through 24 will range from 5,032 to 7,225 square feet and accommodate 24 single family homes. A private street will have an entrance on Walnut Avenue and serve all 24 homes. Lots 25 through 31 will accommodate 34 townhomes consisting 6 buildings and driveways and parking areas with a driveway entrance on Imperial Avenue.

17. Development Agreement No. 10-02 is an agreement between the El Segundo Unified School District, the owner of the project site, and the City of El Segundo. The provisions therein outline all of the definitions, liabilities and all conditions of development that apply to the project site. Approval of the Development Agreement is necessary to define the legal parameters, party responsibilities, required infrastructure improvements and development standards for the project site to be developed with one of the approved options.

18. Pursuant to the Airport Noise Standards (California Code of Regulations, Title 21, Chapter 6, Section 5000 et seq.), the County of Los Angeles declared LAX to be a noise problem airport. The Airport Noise Standards require noise problem airports to reduce the size of its Noise Impact Area (NIA), which is the area within the airport's 65 dB CNEHL contour that is composed of incompatible land uses.

19. The project site is located within the 65 dB CNEHL noise contour as depicted in the 2009 LAX 4th Noise Standards Quarterly Report.

20. New residential units within LAX's 65 dB CNEHL aircraft noise contour will increase the NIA unless an avigation easement for aircraft noise has been
acquired by the airport proprietor.

21. The El Segundo Unified School District (ESUSD) granted the City of Los Angeles as owner and operator of the Los Angeles International Airport an aviation easement for noise, vibrations and fumes over the proposed project site. Mitigation Measure 4.3-6 in the Draft EIR requires that the ESUSD make as a condition of sale of the project site, that the future owner express acknowledgement and confirmation of the continuing applicability of the existing aviation easement for noise, vibrations, and fumes over the project site property.

22. Section 5.1 of the Development Agreement requires that the future developer of the project site comply with the Development Agreement and the Project Approvals including, without limitation, all mitigation measures and all Future Approvals for the project site.

23. The land use proposed for the site (a combination of single-family and multi-family residential uses) by both Option 1 and Option 2 are consistent with ALUP Policy G-1, which requires new uses to adhere to the Land Use Compatibility Table. The Land Use Compatibility Table provides that new residential uses in the 65 dB CNEL use caution and review sound insulation needs. Mitigation Measure 4.3-5 in the Draft EIR requires that all residential units on the project site be designed and constructed to ensure that interior noise levels not exceed 45 dB CNEL.

24. The project is consistent with ALUP Policy G-2, which requires recycling of incompatible land uses to uses which are compatible with the ALUP, pursuant to the Land Use Compatibility Table. The Land Use Compatibility Table lists new residential uses in the 65 dB CNEL as compatible provided sound insulation needs are reviewed, and lists educational facilities as not compatible. The project proposes replacing the vacant school buildings with residential structures that are designed and constructed to achieve and interior noise level of 45 dB or less.

25. The project is consistent with ALUP Policy G-3, which requires that aviation easements be considered as a condition of approval on any project within the designated planning boundaries. The El Segundo Unified School District as land owner of the project site granted the City of Los Angeles as owner and operator of Los Angeles International Airport an aviation easement for noise, vibrations and fumes over the project site.

26. Policy G-4 of the ALUP prohibits projects that would affect safe air navigation into the airport. The project does not include devices or structures that would negatively affect safe air navigation and is therefore consistent with ALUP Policy G-4.

27. The project is consistent with Policy N-1, which requires that the CNEL method for measuring noise impacts near airports be used in determining suitability for
various types of land uses. The project used the CNEL method to determine that the proposed uses are compatible.

28. The project is consistent with Policy N-2, which requires that sound insulation insure a maximum interior 45 dB in new residential, educational, and health-related uses in areas subject to exterior noise levels of 65 dB CNEL or greater. Mitigation Measure 4.3-5 in the Draft EIR requires that all residential units on the project site be designed and constructed to ensure that interior noise levels do not exceed 45 dB CNEL.

29. The project is consistent with ALUP Policy N-3 which requires that new development within the ALUC’s planning boundary adhere to the Table Listing Land Use Compatibility for Airport Noise Environments. The Table provides that new residential uses in the 65 dB CNEL use caution and review sound insulation needs. Mitigation Measure 4.3-5 in the Draft EIR requires that all residential units on the project site be designed and constructed to ensure that interior noise levels not exceed 45 dB CNEL.

30. The project is consistent with ALUP Policy N-4, which encourages local agencies to adopt procedures to ensure that prospective property owners in aircraft noise exposure areas above a current or anticipated 60 dB CNEL are informed of these noise levels and of any land use restrictions associated with high noise exposure. Mitigation Measure 4.3-7 in the Draft EIR requires that each prospective buyer and renter of residential property within the project be notified of the development’s vicinity to LAX and the potential impacts. Mitigation Measure 4.3-7 further states that the aviation easement granted to the City of Los Angeles as operators of LAX by the property owner, the El Segundo Unified School District, be kept in force by subsequent owners who must inform all buyers and tenants of the project site’s location within an airport noise area.

31. The project site is located outside the runway protection zones (RPZ) established for LAX and is consequently not subject to ALUP Safety Policies S-1 through S-4, which relate to the RPZ.

32. The project is consistent with ALUP Policy S-5, which prohibits uses which would attract large concentrations of birds, emit smoke, or which may otherwise affect safe air navigation. The project does not propose uses which would attract large concentrations of birds.

33. The project is consistent with Policy S-6, which prohibits uses which would generate interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation. The project does not propose uses which would generate electrical interference.

34. The project is consistent with ALUP Policy S-7 which requires that projects comply with the height restriction standards of the FAA through FAR Part 77. The Specific Plan establishes a maximum height of 45 feet for the project site,
including mechanical equipment, which is less than the 200-foot threshold established by the FAA; however, the project site is located approximately 792 feet from the southern runway at LAX and would therefore be required to submit Form 7460-1 if implementation of the proposed project results in the construction of buildings that exceed 7.9 feet in height. The proposed project would result in the construction of buildings approximately 35 and 45 feet in height respectively for Option 1 and Option 2, thereby exceeding the 7.9-foot height threshold. Mitigation Measure HAZ-3 would ensure that the developer submits Form 7460-1 (Notice of Proposed Construction or Alternation) to the FAA.

35. A Draft Environmental Impact Report (EIR) was prepared for the project by the City of El Segundo. The Los Angeles County Airport Land Use Commission has considered the environmental effects of the project as shown in the Draft EIR.

BASED ON THE FOREGOING, THE AIRPORT LAND USE COMMISSION DETERMINES: In view of the findings of fact and conclusions presented above, that the project presented in Aviation Case No. 201100002-(4) is CONSISTENT with the Los Angeles County Airport Land Use Plan.

VOTE

Dissenting:

Abstaining:

Absent:

Action Date:
This page intentionally left blank
640 EAST IMPERIAL AVENUE SPECIFIC PLAN

1.0 SUMMARY

This Specific Plan was prepared to provide guidance and to allow flexibility when developing a 5.65 acre parcel located on a former El Segundo School District Site at 540 East Imperial Avenue (the "Project Site") consistent with the adjoining uses.

Under this Specific Plan, the Project Site could be developed with one of two conceptual project options: either a Senior Housing Community with a Multi-Family Residential (R-3) component, or a Mixed Residential Development as defined in Section 1.6 "PROJECT DESCRIPTION."

Detailed text and exhibits which more fully describe the options and improvements envisioned for construction are included in this Specific Plan. The Specific Plan will guide the build-out of the Project Site in a manner that is consistent with City and State policies and standards and ensures that the Project is developed in a coordinated manner.

1.1 PURPOSE AND AUTHORITY OF SPECIFIC PLAN

The purpose of this Specific Plan is to provide a foundation for the proposed land uses on the subject property through the application of regulations, standards and design guidelines. The 540 East Imperial Avenue Specific Plan provides text and exhibits which describe the proposed land uses and associated guidelines.

This Specific Plan has been adopted in accordance with the provisions of Government Code §§ 65450 through 65457 which grant local governments authority to prepare Specific Plans of development for any area regulated by a General Plan. These sections also identify the required contents of a Specific Plan and mandate consistency with the General Plan.

According to Government Code § 65450, a Specific Plan must include text and a diagram or diagrams which specify all of the following in detail:

- The distribution, location, and extent of the uses of land, including open space within the area covered by the plan.
- The proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy and other essential facilities proposed to be located within the land area covered by the plan and needed to support the land uses described in the plan.
- Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out the above items.
- A discussion of the relationship of the Specific Plan to the General Plan.
See Exhibit 2 for School Site Aerial Photo. (To be added by Mar Ventures)

In September 2010 the District applied for various land use entitlements that would allow the site to be developed with a Senior Housing Community. In November 2010 the District revised its applications to provide for the option of building either a Senior Housing Community or a Mixed Residential development.

Before approving this Specific Plan and other related applications, the General Plan designation and the zoning of the site was Planned Residential Development (PRD) which allowed a maximum of 29 single-family units and 36 multi-family units to be built on the entire 5.66 acre site. The change of both the General Plan and zoning to 540 East Imperial Avenue Specific Plan allows for either option (discussed above) to be developed.

1.5 Existing Site

The proposed Project Site is currently developed with eight (8) single-story structures (totaling 22,488 square feet) that served as administrative offices and classrooms. Existing structures at the Project Site extend from the northern to the southern portion of the site, along the eastern property line. Development on the Project Site also includes open space and recreational facilities in the form of playground equipment and an approximately 0.50-acre baseball field on the west-northwest portion of the property. While the school has remained unoccupied, the baseball field is currently utilized for little league baseball on weekends between January and June. Several scattered trees line the western portion of the project site with ground cover near the baseball field. Generally, the project site slopes from a high point at the northwest corner of the site, along East Imperial Avenue, to a low point at the southeast corner of the site along Walnut Avenue. The site is graded into two pads with a 2:1 slope separating them. The overall slope of the site from northwest to southeast is roughly 5 percent. Impervious surfaces on the site consist of asphalt parking areas and building roofs. Pervious surfaces on the proposed project site consist of open space and a ball field.

The Specific Plan area will encompass the entire 5.65 acre site.

1.6 Project Description

The 540 East Imperial Avenue site will be developed in substantial conformance with one of the Options described below.

Senior Housing Community Option (Specific Plan Option 1)

The Senior Housing Community Option (Specific Plan Option 1) could consist of one or both of the following types of development, both restricted to individuals fifty-five (55) years or older:

- Assisted Living development consisting of assisted and/or independent living units which will provide common facilities such as a common kitchen and dining room, game playing area, library, exercise room, pool and rooms, as well as individual kitchenettes. The development would include a maximum of 150 assisted/independent living units and 150 senior apartments/townhomes (age 55 and older) on a 5.32-acre portion of the site.

- Senior Residential development consisting of apartments and/or condominiums.
the General Plan. As documented by the EIR, the Specific Plan is consistent with the General Plan. The two elements that are most related to the Project are the Land Use Element and the Housing Element; the consistency with these two elements is discussed below.

2.1 LAND USE ELEMENT

The City amended the General Plan designation and zoning of the Project Site to 540 East Imperial Avenue Specific Plan to allow the development options set forth in this Specific Plan of either a Senior Housing Community with a multi-family component or a Mixed Residential development.

The Senior Housing Community Option (Option 1) may consist of an Assisted Living development and/or a Senior Residential development. Although the Senior Housing Community would allow the opportunity for more development than the previous zoning, senior housing does not generate significant noise, traffic or other impacts that would be detrimental to neighboring residential uses. Due to the size and slope of the property, the Senior Housing Community would be designed in such a way so as to minimize the visual impacts on the surrounding residential uses.

The Specific Plan also provides that the Mixed Development Option (Option 2) will be limited to not more than twenty-four (24) single-family units and not more than thirty-four (34) multi-family units. This is very similar to what was previously allowed and therefore this use remains consistent with the General Plan Land Use Element.

Like the previous Planned Residential Development (PRD) zoning on the property, the Specific Plan will allow design flexibility and will continue to provide transitional uses that are consistent with the surrounding residential uses which will help protect one of the City’s greatest attributes, its residential area.

More specifically, the Specific Plan promotes the following from the Land Use Element of the City’s General Plan:

- **Goal LU3: Proper Distribution of Residential Land Uses** – Promote the health, safety and well-being of the people of Gardena by adopting standards for the proper balance, relationship, and distribution of the residential land uses.

- **Objective LU3-2** – Preserve and maintain the City’s low-medium density residential nature, with low building height profile and character, and minimum development standards.

  - **Policy LU3-2.1** - Promote construction of high quality Multi-Family Residential developments with ample open space, leisure and recreational facilities.

  - **Policy LU3-2.2** - Multi-family developments will be located only in appropriate places and evaluated carefully to insure that these developments are not detrimental to the existing single-family character.

  - **Policy LU3-2.3** - Appropriate buffers such as walls, landscaping, or open space, shall be provided between residential and non-residential uses.
In order to reduce traffic impacts along Walnut Avenue, a 0.33 acre lot on the southerly side of the Project Site will be created for multi-family housing which will be physically separated from the rest of the Project Site. Access to the remaining 5.32 acres, which will house the Senior Housing Community, will be via two driveways on East Imperial Avenue which will provide circulation and emergency access throughout that portion of the Project Site.

**Mixed Residential Development Option (Option 2)**

The Mixed Residential Development will provide for the multi-family units to front and take access from East Imperial Avenue and the single-family units to take access from Walnut Avenue which will minimize traffic impacts on the surrounding streets. The circulation system for the single-family homes will be developed so as to be adequate for emergency vehicles.

### 3.2 Utilities and Infrastructure

A. **Water Service**

Water service is provided by the City of El Segundo and is currently available within the Specific Plan Area. The site is currently served by connections to an existing 6" diameter main in Walnut Avenue and 10" main in Imperial Avenue. The Project would maintain these connections, add connections as necessary and provide for on-site domestic and fire water services.

B. **Sewer Service**

Sewer service within the project area, which is west of Sepulveda Boulevard, is provided by underground sewers maintained by the City of El Segundo. The site is currently served by an 8" sewer running along the easterly property line, which drains to an existing 8" main in Walnut Avenue. The Project would continue to drain to Walnut Avenue.

C. **Solid Waste Disposal**

Solid waste disposal is provided to commercial users by a variety of private haulers and to residential users by Consolidated Waste Disposal. The Assisted Living development within the Specific Plan area would contract with a provider. Landfill capacity is adequate for the assumed population and commercial growth within Los Angeles County. The 540 East Imperial Avenue Specific Plan would not exceed any assumptions for either population or commercial growth in the region.

D. **Gas Service**

Gas service is provided by Southern California Gas Company. A 2" service line is available in Walnut Avenue.

E. **Electric/Telephone and Cable Service**

Electric service is provided by Southern California Edison. Telephone service is provided by AT&T, Verizon and Sprint via existing lines in adjacent streets and cable service is provided by Time Warner Cable, Direct TV and Dish Network.

[331]
MIXED RESIDENTIAL DEVELOPMENT OPTION (OPTION 2)

Under this development option, multi-family lots would be created fronting East Imperial Avenue. The remainder of the property to the south would be developed with single-family lots that would be accessed from Walnut Avenue.

The following provides a concept of the Mixed Residential Unit Development.
AFFORDABILITY

The City of El Segundo 2006 Housing Element identified a need for affordable housing to provide for a growing senior population. As envisioned in the element, based on that need Option 1 would set-aside fifteen (15) percent of the total units as affordable units for extremely low, very low and low income senior households and Option 2 would set aside ten (10) percent of the total units as affordable units. The set aside is characteristic of the 55 and older senior population in the City of El Segundo which (based on the 2000 Census) represents 15.7 percent (2,519) of the total 16,033 population. Based on the Regional Housing Needs Assessment (RHNA), El Segundo is required to provide 168 additional housing units during the current housing cycle (2006-2014). The allocation of the 168 units is broken down into five categories as follows: 22 extremely low income households, 22 very low income households, 27 low income households, 28 moderate income households, and 69 above moderate income households. The City has a total of 43 units that can be credited toward the above moderate income requirements for the current 2006-2014 planning period. The units in this project will be used to meet a portion of the need in the extremely low, very low, and low income household category which represent a proportional total of 31 percent, 31 percent, and 38 percent respectively, of the total RHNA allocation for the lower income categories. These same percentages were applied to the unit totals for this project. Thus, a total of 46 units would be required for Option 1 as follows: 14 units for the extremely low income senior household category; 14 units for the very low income senior household category; and 18 units for the low income senior household category to be split equally between the assisted living and townhome/apartment units. Option 2 would be required a total of 6 units comprised of 2 units in each income category.

The developer must submit an income and verification monitoring plan to the Director of Planning and Building Safety before building permits are issued.

SENIOR HOUSING COMMUNITY OPTION (OPTION 1)

The southern .33 acre "tail" of the Project Site will be developed in accordance with the existing provisions of the Multi-Family Residential (R-3) Zone. The remaining 5.32 acres will be developed in accordance with the following:

A. Permitted Uses

1. Senior Dwellings consisting of apartments or condominiums.
2. Senior Housing consisting of assisted and/or independent living units.
3. Other similar uses approved by the Director of Planning and Building Safety, as provided by ESMC Chapter 15-22.

B. Permitted Accessory Uses

1. Wireless communication facilities subject to ESMC Chapter 15-19.
2. Any use customarily incidental to a permitted use.
3. Other similar uses approved by the Director of Planning and Building Safety, as provided by ESMC Chapter 15-22.
Senior Dwellings (Market Rate):
- 1 space per studio/1 bedroom units
- 2 spaces per 2 bedroom units

Senior Dwellings (Affordable):
- 0.5 space per studio/1 bedroom units
- 1 space per 2 bedroom units

Senior Housing Assisted Living Units (Market Rate):
- 1 space per 2 units/2 beds

Senior Housing Assisted Living Units (Affordable):
- 1 space per 3 units/3 beds

E. Design Features

Assisted Living facilities will contain the following design features:

- Kitchen
- Dining Room
- Bath
- Exercise Area

Senior Residences consisting of:
- Living Area
- Common area
- Individual kitchens with refrigerator, sink and microwave

Senior Residential facilities will contain the following design features:

- Community Room
- Common Area

MIXED RESIDENTIAL DEVELOPMENT OPTION (OPTION 2)

A. Permitted Uses

1. Single-Family units and/or multi-family housing units consisting of apartments, townhomes, or condominiums.

2. Other similar uses approved by the Director of Planning and Building Safety, as provided by ESMC Chapter 15-22.

B. Permitted Accessory Uses
Off-street parking and loading spaces must be provided in accordance with ESMC Chapter 15-15.

**GENERAL DEVELOPMENT STANDARDS FOR EITHER DEVELOPMENT OPTION**

A. **Landscaping**

Landscaping must be provided as required by the existing provisions of ESMC Chapters 10-2 and 15-2.

B. **Walls and Fences**

All walls and fences must comply with ESMC § 15-2-4. Decorative masonry, open work wrought iron and similar materials are permitted. The use of chain link and razor wire is prohibited.

C. **Access**

All development projects must provide adequate access for emergency vehicles. In addition, all development projects must provide pedestrian access between buildings and transit facilities located on site and/or off site, if within adjoining public rights-of-way in compliance with subsection J of this Section.

D. **Signs**

Signs located in the Specific Plan area must comply with the requirements of ESMC Chapter 15-18.

E. **Energy Standards**

The development must be built to a minimum of LEED Certified standard. LEED stands for the Leadership in Energy and Environmental Design (LEED) Green Building Rating System developed by the United States Green Building Council (USGBC) and provides a suite of standards for environmentally sustainable construction.

F. **Design Standards**

The following minimum design standards must be incorporated in all projects within the Plan area:

1. All colors, textures, and materials on exterior elevation(s) must be coordinated to achieve a continuity of design throughout the 5.32 acre portion of the Project Site, regardless of whether the units are developed at the same time.

2. The buildings must have contrasting accent features that use at least two primary exterior building materials (including, without limitation, stucco, stone, rock, and brick) and/or two exterior colors.
the Council to approve of alternative uses or square footage requirements.

(h) Any material modification to Developer's obligation to provide LEED certification for the Project.

(i) Any material modification that requires modifications to the EIR.

(j) Other than the Major Modifications listed above, all other modifications to the Project are considered "Minor Modifications."

J. Transportation Demand Management (TDM)

Option 1, the Senior Housing project, must provide a bulletin board, display case or kiosk displaying transportation information located where it is visible to the greatest number of residents and employees. Information in the area must include, without limitation, the following:

1. Current maps, routes and schedules for public transit routes serving the site;

2. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and locate transit operators;

3. Ridesharing promotional material supplied by commuter-oriented organizations;

4. Bicycle route and facility information including regional/local bicycle maps and bicycle safety information; and

5. A list of facilities available for carpools, vanpools, bicyclists, transit riders, residents and pedestrians at the site.

5.0 IMPLEMENTATION AND ADMINISTRATION

5.1 OVERVIEW

In order to develop a project that is in conformance with the uses, density and FAR approved in this Specific Plan, a Site Plan Review ("SPR") application must be filed with the Department of Planning and Building Safety. The plans must be in substantial conformance with the approved conceptual plans.

5.2 APPLICATION FOR SITE PLAN REVIEW - CONTENTS

The Site Plan Review Application must be submitted in conformance with applicable City application requirements and must include all information deemed necessary by the Director of Planning and Building Safety to address site plan review criteria. The plans must be in substantial conformance with the approved conceptual plans.
E. The distance between buildings or structures;
F. The location, number and layout of off-street parking and loading spaces;
G. The internal traffic patterns and pedestrian safety features;
H. The location, amount and type of landscaping materials and the sustainability of the landscaping material with the El Segundo climate in compliance with the applicable climate zone;
I. The placement, height and direction of illumination of light standards;
J. The location, number, size and height of signs;
K. The location, height and materials of walls, fences or hedges; and
L. The location and method of screening refuse and storage areas, roof equipment, pipes, vents, utility equipment and all equipment not contained in the main buildings of the development.

5.5 APPROVAL CRITERIA

The Planning Commission, or City Council on appeal, may approve the Site Plan Review if it finds that the site plan, architecture and landscape design, with conditions if necessary:

A. Are consistent with the 540 East Imperial Avenue Specific Plan; and
B. That none of the factors in Section 5.3 would be detrimental to public health, safety or welfare.

5.6 GENERAL ADMINISTRATION

Unless regulated by this Specific Plan, development will be administered and enforced by the City in accordance with the ESMC. This Specific Plan supersedes any conflicts with ESMC zoning regulations.

A. Administrative Determinations must comply with ESMC Chapter 15-22.
B. The Director of Planning and Building Safety may grant administrative determinations related to uses in accordance with ESMC Chapter 15-22.

5.7 AMENDMENT

In accordance with the Government Code §§ 65450-65457, Specific Plans must be prepared, adopted and amended in the same manner as General Plans except that Specific Plans may be adopted by resolution or by ordinance.

This plan may be amended as necessary by ordinance. Said amendment or amendments do not require a concurrent General Plan amendment unless the Director of Planning and Building
This page intentionally left blank
This page intentionally left blank
DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF EL SEGUNDO
AND EL SEGUNDO UNIFIED SCHOOL DISTRICT
(540 E. IMPERIAL AVENUE SITE)

THIS AGREEMENT SHALL BE RECORDED WITHIN TEN DAYS OF EXECUTION BY ALL PARTIES HERETO PURSUANT TO THE REQUIREMENTS OF GOVERNMENT CODE §65868.5
4.17 Performance of Director Duties ................................................................. 9

5. Developer Agreements ..................................................................................... 9
   5.1 General ....................................................................................................... 9
   5.2 Development Fees .................................................................................... 9
   5.3 Processing Fees ....................................................................................... 10
   5.4 Maintenance Obligations ........................................................................ 10
   5.5 Term of Map(s) and Other Project Approvals ......................................... 10
   5.6 Sales and Use Tax ................................................................................... 10

6. City Agreements ............................................................................................ 11
   6.1 Expedited Processing .............................................................................. 11
   6.2 Processing Cooperation and Assistance ................................................. 11
   6.3 Processing During Third Party Litigation .............................................. 11

7. Modification/Suspension .............................................................................. 11

8. Demonstration of Good Faith Compliance .................................................. 11
   8.1 Review of Compliance ........................................................................... 11
   8.2 Good Faith Compliance ........................................................................ 11
   8.3 Information to be Provided to Developer .............................................. 12
   8.4 Notice Of Non-Compliance; Cure Rights .............................................. 12
   8.5 Determination of Developer's Compliance .......................................... 12
   8.6 Failure of Periodic Review ..................................................................... 12

9. Excusable Delays ......................................................................................... 12

10. Default Provisions ....................................................................................... 13
    10.1 Default .................................................................................................. 13
    10.2 Content of Notice of Violation ........................................................... 13
    10.3 Remedies for Breach ........................................................................... 13
24. Cooperation Between City and Developer ......................................................... 20
25. Rules of Construction .................................................................................... 20
26. Joint Preparation .......................................................................................... 21
27. Governing Law and Venue .......................................................................... 21
28. Attorneys’ Fees ............................................................................................ Error! Bookmark not defined.
29. Counterparts ................................................................................................. 21
30. Weekend/Holiday Dates .............................................................................. 21
31. Not a Public Dedication ................................................................................ 21
"Development Standards" means the design and development standards that are applicable to the Project.

"Director" means the Director of Planning and Building Safety of the City of El Segundo.

"Discretionary Actions; Discretionary Approvals" are actions which require the exercise of judgment or a decision, and which contemplate and authorize the imposition of revisions or conditions, by the City, including any board, commission, or department of the City and any officer or employee of the City, in the process of approving or disapproving a particular activity, as distinguished from an activity which merely requires the City, including any board, commission, or department of the City and any officer or employee of the City, to determine whether there has been compliance with applicable statutes, ordinances, regulations, or conditions of approval. The Project Approvals are included with these terms.

"District" means the El Segundo Unified School District.

"Effective Date" means the date the applications for Discretionary Approvals were approved by City Council.

"Enabling Ordinance" means Ordinance No. ___, approving this Development Agreement.

"Future Approvals" means such other discretionary and ministerial entitlements, including permits, which are required to develop the Project in addition to the Initial Project Approvals, and which are applied for by Developer and approved by City.

"Minor Modification" means a minor change to the Project or Project Approvals that is consistent with the Development Standards, Applicable Rules and Project Approvals.

"Major Modification" means a major change to the Project or Project Approvals as defined in Section 4.6.3 of this Agreement.

"Project" means either the Senior Housing Community consisting of an Assisted Living Development and/or a Senior Residential Development, or the Mixed Residential Development whichever the Developer decides to construct.

"Project Approvals" means:

- Final Environmental Impact Report No. EA-890 (or Mitigated Negative Declaration No. ___), as approved by Resolution No. ___;
- Mitigation Monitoring Program for Final Environmental Impact Report No. EA-890, as approved by Resolution No. ___;
- General Plan Amendment No. 10-03, as approved by Resolution No. ___;
- 540 East Imperial Avenue Specific Plan (SP No. 10-03, as approved by Ordinance No. ___);
- Zone Change No. (10-01), as approved by Ordinance No. ___;
- Zone Text Amendment No. (10-06), as approved by Ordinance No. ___;
2.7 This Agreement is intended to provide flexible entitlements, within the parameters set forth herein and subject to the terms and conditions hereof, to meet the changing market demands that are likely to occur throughout the life of this Agreement.

2.8 The Project uses are consistent with the City's General Plan, as amended through General Plan Amendment No. 10-03.

2.9 Development of the Project will further the comprehensive planning objectives contained within the General Plan, and will result in public benefits, including, among others, the provision of needed senior housing within the corporate limits of the City at a location that is designated in the City's Housing Element for residential development, and a provision for a 15% set aside for low, very low and extremely low income qualified, senior households for Option 1, and a 10% set aside for Option 2, distributed between income categories established in Exhibit G.

2.10 All of the Property is subject to this Agreement.

3. Binding Effect The burdens of this Agreement are binding upon, and the benefits of the Agreement inure to, each Party and each successive successor in interest thereto and constitute covenants that run with the Property.

3.1 Constructive Notice and Acceptance. Every Person who acquires any right, title or interest in or to any portion of the Property in which Developer has a legal interest is conclusively deemed to have consented and agreed to be bound by this Agreement, whether or not any reference to this Agreement is contained in the instrument by which such person acquired such right, title or interest.

3.2 Rights to Transfer. Developer may assign or transfer its rights and obligations under this Agreement with respect to the Property, or any portion thereof, to any Transferee at any time during the term of this Agreement without approval of City, including through provision of a long-term ground lease. For purposes of this Agreement, the Transferee is considered the "owner" of that portion of the Property which is covered by such transfer.

3.3 Liabilities Upon Transfer. Upon the delegation of the duties and obligations under this Agreement and the sale, transfer or assignment of all or any portion of the Property, District will be released from its obligations under this Agreement with respect to the Property, or portion thereof, so transferred arising subsequent to the effective date of such transfer, if (i) District has provided to City prior or subsequent written notice of such transfer and (ii) Transferee has agreed in writing to be subject to all of the provisions hereof applicable to the portion of the Property so transferred by executing an Assignment and Assumption Agreement in the form of attached Exhibit "B." Upon any transfer of any portion of the Property and the express assumption of District's obligations under this Agreement by such Transferee, City agrees to look solely to Transferee for compliance by such Transferee with the provisions of this Agreement as such provisions relate to the portion of the Property acquired by such Transferee. Any such Transferee is entitled to the benefits of this Agreement as "Developer" and is subject to the obligations of this Agreement applicable to the parcel(s) transferred. A default by any Transferee only affects that portion of the Property owned by such Transferee and does not cancel or diminish in any
or restrictive measures or requirements upon development of the Project or the Property or any portion thereof; or (iii) impose additional dedications, infrastructure or public improvement obligations, fees, costs or exactions exceeding those identified in the Applicable Rules, the Project Approvals, or this Agreement.

4.6.2 Modification of Project Approvals. The Parties contemplate that Developer may, from time to time, pursuant to Section 4.6.1 seek Minor Modifications to the Project or one or more of the Project Approvals. Any such Minor Modifications are contemplated by the Parties as being within the scope of this Agreement as long as they are authorized pursuant to this Section 4.6.2 and must, upon approval by City, continue to constitute the Project Approvals as referenced herein. The Parties agree that any such amendments do not constitute an amendment to this Agreement nor require an amendment to this Agreement.

4.6.3 Modifications Requiring Amendment to this Agreement. Any proposed modification to the Project which results in any of the following do not constitute a Minor Modification but constitute a Major Modification and require an amendment to this Agreement pursuant to Section 14 below.

(a) Any decrease in the required building setbacks as set forth in the 540 East Imperial Avenue Specific Plan,

(b) Any increase in the total developable square footage or FAR of the entire Property for either project option,

(c) Any increase in height of buildings or structures on the Property above thirty-five (35) feet with the exception of parapets and other auxiliary structures that cannot exceed forty-five (45) feet in height,

(d) Any decrease in the minimum required lot area as set forth in the 540 East Imperial Avenue Specific Plan,

(e) Any decrease in the minimum required lot frontage as set forth in the 540 East Imperial Avenue Specific Plan,

(f) Any change in use to a use which is not permitted under this Agreement,

(g) Any deviation from the uses and development standards or limitations set forth in Section 4.1 and Section 4.2 of this Agreement, except to the extent these Sections specifically provide for the Council to approve of alternative uses or square footage requirements, and,

(h) Any material modification to Developer’s obligation to provide LEED certification for the Project,

(i) Any material modification that requires modifications to the EIR.
In furtherance of the Parties' intent, as set forth in this Section, no future amendment of any existing City ordinance or resolution, or future adoption of any ordinance, resolution or other action, that purports to limit the rate or timing of development over time or alter the sequencing of development phases, whether adopted or imposed by the City Council or through the initiative or referendum process, applies to the Property. However, nothing in this Section may be construed to limit City's right to enforce Developer's obligation pursuant to this Agreement to provide all infrastructure required by the Project Approvals and this Agreement.

4.11 Moratorium. No City-imposed moratorium or other limitation (whether relating to the rate, timing or sequencing of the development or construction of all or any part of the Property, whether imposed by ordinance, initiative, resolution, policy, order or otherwise, and whether enacted by the City Council, an agency of City, the electorate, or otherwise) affecting parcel or subdivision maps (whether tentative, vesting tentative or final), building permits, occupancy certificates or other entitlements to use or service (including, without limitation, water and sewer) approved, issued or granted within City, or portions of City, applies to the Property to the extent such moratorium or other limitation is in conflict with this Agreement. However, the provisions of this Section do not affect City's compliance with moratoria or other limitations mandated by other governmental agencies or court-imposed moratoria or other limitations.

4.12 Infrastructure. 4.12.1 Infrastructure Capacity. Subject to Developer's installation of infrastructure in accordance with the requirements of the Project Approvals and any Future Approvals, City acknowledges that it will have sufficient capacity in its infrastructure, services and utility systems, including, without limitation, traffic circulation, storm drainage, flood control, electric service, sewer collection, sewer treatment, sanitation service and, except for reasons beyond City's control, water supply, treatment, distribution and service, to accommodate the Project. To the extent that City renders such services or provides such utilities, City agrees that it will serve the Project and that there is no restriction on hookups or service for the Project except for reasons beyond City's control.

4.12.2 Infrastructure Phasing Flexibility. Notwithstanding the provisions of any phasing requirements in the Project Approvals or any Future Approvals, Developer and City recognize that economic and market conditions may necessitate changing the order in which the infrastructure is constructed. Therefore, City and Developer agree that should it become necessary or desirable to develop any portion of the Project's infrastructure in an order that differs from the order set forth in this Agreement, Developer and City will collaborate and City will permit any modification requested by Developer so long as the modification continues to ensure adequate infrastructure is available to serve that portion of the Project being developed and is in compliance with Section 4.14 of this Agreement.

4.12.3 Infrastructure Completion. No building permit, final inspection or Certificate of Occupancy will be unreasonably withheld, conditioned, or delayed by City if all infrastructure required to serve the portion of the Property covered by the building permit, final inspection or Certificate of Occupancy is in place or is suitably guaranteed to be completed (by covenant, bond, letter of credit or otherwise) to the reasonable satisfaction of the City before completion of construction and all of the other relevant provisions of the Project Approvals and any Future Approvals are satisfied.
5.3 Affordable Housing. Developer must provide a 15% housing set aside for Option 1 and a 10% housing set aside for Option 2 for extremely low, very low and low income qualified senior households, distributed between income categories established in Exhibit G.

5.4 Processing Fees. Subject to the provisions of Section 4.8 above, on the Effective Date of this Agreement, Developer must pay all reasonable and outstanding City processing, legal and environmental processing costs related to the Project and the preparation of this Agreement, if any.

5.5 Maintenance Obligations. Developer must maintain all portions of the Property in its possession or control, and any improvements thereon, in a clean, neat and orderly manner. The Parties' respective maintenance obligations survive any termination or expiration of this Agreement.

5.6 Term of Map(s) and Other Project Approvals. Pursuant to Government Code §§ 66452.6(a) and 65863.9, the term of any subdivision or parcel map that has been or in the future may be processed on all or any portion of the Property and the term of each of the Project Approvals will be extended for a period of time through the scheduled termination date of this Agreement as set forth in Section 4.13 above.

5.7 Sales and Use Tax

5.7.1 In the event the contract price for any work on the Project is valued at five million dollars ($5,000,000) or more, Developer agrees to report, on a State Board of Equalization Tax Return, any purchases of tangible personal property made in connection with the finishing of and/or installation of materials, or fixtures for the Project, when such purchases were made without sales or use tax due. Developer must indicate the City as a registered job site location on the State Board of Equalization Tax Return. In such event, Developer must also obtain a permit or a sub-permit from the State Board of Equalization indicating the City as the registered job site location, in accordance with State Board of Equalization Operations Memorandum No. 1023.

5.7.2 Developer further agrees that if Developer retains contractors or subcontractors to perform a portion of work in the Project, and said contracts or subcontracts are valued at five million dollars ($5,000,000) or more, said contracts or subcontracts must contain the provisions set forth in Subsection (a) above.

5.7.3 The Director of Finance of the City is authorized to relieve Developer, and Developer's contractors and subcontractors, from the requirements set forth in this Section 5.6 upon proof to the reasonable satisfaction of the Director of Finance that Developer and/or its contractors or subcontractors have made good faith efforts to obtain said permit or sub-permits, but were denied the same by the State Board of Equalization.

5.8 LEED Certification.

Developer's Project must be, at a minimum, LEED Certified in compliance with the U.S. Green Building Council standards in effect as of the Effective Date.
8.3 Information to be Provided to Developer. Fourteen (14) days before the annual Effective Date the City must deliver to Developer a copy of all staff reports prepared in connection with a Periodic Review, any prior staff reports generated during the review period, written comments from the public and, to the extent practical, all related exhibits concerning such Periodic Review, but in no event later than six (6) business days before the Director’s submittal of a report setting forth his or her determination as to the results of the Periodic Review. Subject to the provisions of Section 13.1 below, upon Developer’s request, Developer must be given a full and adequate opportunity to be heard orally and in writing regarding its performance and, at its option, City’s performance under the Agreement before the completion of the Director’s Periodic Review.

8.4 Notice of Non-Compliance: Cure Rights. Subject to the provisions of Section 13.1 below, if at the completion of any Periodic Review, the Director reasonably concludes on the basis of substantial evidence that as to any parcel or parcels comprising the Property (i) Developer has not demonstrated that it is in good faith compliance with this Agreement, and (ii) that Developer is out of compliance with a specific substantive term or provision of this Agreement, then the Director may issue and deliver to Developer a written Notice of Violation as set forth in Section 10.1 below.

8.5 Determination of Developer’s Compliance. If the Director finds Developer has not complied in good faith with the terms or conditions of this Agreement, the City Manager will issue a “Finding of Noncompliance” and deliver to Developer notice of that determination. A Finding of Noncompliance is deemed a notice of default with respect to Developer and commences cure period set forth in this Agreement.

8.6 Public Notice of Finding. Any appeal of the Director’s determination (including any appeal by Developer) must be filed within twenty (20) days following such decision. Filing such an appeal tolls the cure period specified by this Agreement. After completion of a duly-noticed public hearing, the City Council must issue a final decision. A finding of noncompliance is deemed a notice of default and commences a new cure period. Not in limitation of the foregoing, Developer retains the right to challenge City’s issuance of any final decision pursuant to Code of Civil Procedure § 1094.5.

8.7 Failure of Periodic Review. The City’s failure to review, at least annually, compliance by Developer with the terms and conditions of this Agreement does not constitute nor can it be asserted by any Party as a breach by any other Party of this Agreement. If the City fails to provide a Review Letter within sixty (60) days, Developer will be deemed to be in conformity with this Agreement as of Developer’s request date.

9. Excusable Delays. Performance by any Party of its obligations in this Agreement is excused during any period of “Excusable Delay,” as defined, provided that the Party claiming the delay gives notice of the delay to the other Party as soon as reasonably possible after the same has been ascertained. For purposes hereof, Excusable Delay means delay that directly affects, and is beyond the reasonable control of, the Party claiming the delay, including without
Agreement will be resolved. The dispute resolution process established herein will apply to disputes between the parties related to the interpretation or enforcement of, or compliance with, the terms and provisions of this Agreement. Disputes that are not alleged to relate to the interpretation or enforcement of, or compliance with, this Agreement are not subject to this dispute resolution process.

10.4.2 Informal Discussions. With regard to any dispute between or among the parties contemplated by Section 10.5.1 above, within seven (7) days written notice from either party, the City Manager and Developer's senior executives must meet and attempt in good faith to resolve any such disputes through informal discussions, which discussions will not exceed ten (10) business days.

10.4.3 Mediation.

(a) If the parties are unable to resolve their dispute through informal discussion, as contemplated by Section 10.5.2, then either party may commence mediation by providing to JAMS (or other mediator mutually agreed to by the parties) and the other parties a written request for mediation, setting forth the subject of the dispute and the relief requested. The parties will cooperate with JAMS and with one another in selecting a mediator from JAMS' panel of neutrals, and in scheduling the mediation proceedings. The parties covenant that they will participate in all phases of the mediation in good faith.

(b) The mediation process will occur in two phases, if necessary, as described below. During the first phase of the mediation, which in no event will exceed thirty (30) days unless otherwise agreed to by the parties, the parties will attempt to resolve their dispute in accordance with JAMS standard mediation procedures. If the parties are unable to resolve their dispute during this first phase of the mediation process, then the second phase of the mediation process will be conducted in a manner consistent with subsection (c) of this Section 10.5.3.

(c) If the parties are unable to resolve their dispute through the first phase of mediation, as described in Section 10.5.3(b) above, the party that commenced mediation in accordance with Section 10.5.3(a) above (the "Complaining Party"), will have ten (10) business days from the expiration of the thirty (30) business day period described in Section 10.5.3(b) to file a brief with the other party (the "Responding Party") and with the mediator presiding over the first phase of the mediation process (the "Mediator"), which brief must set forth the merits of the Complaining Party's position regarding the issues raised during the first phase of mediation (the "Initial Brief"). The Responding Party will have ten (10) business days from its receipt of the Initial Brief to file a brief with the Mediator and the Complaining Party responding to the issues raised in the Initial Brief and setting forth the merits of the Responding Party's position regarding the issues raised during the first phase of mediation (the "Responding Brief"). The Complaining Party will have five (5) business days from its receipt of the Responding Brief to file a reply brief with the Mediator and the Responding Party replying to the issues raised in the Responding Brief (the "Reply Brief"). In no event will the Initial Brief and the Responding Brief be longer than fifteen (15) pages and in no event will the Reply Brief be longer than ten (10) pages. Except as otherwise set forth in this Section 10.5.3(c), the Initial Brief, the Responding Brief and the Reply Brief will be formatted in accordance with requirements of Rule 201 of the California Rules of Court, unless otherwise agreed to by the parties. The Mediator will have two weeks following its receipt of the Reply Brief to consider.
(b) Should any judicial remedy be sought by any party because of any default under this Agreement or to enforce any provision hereof, or to obtain a declaration of rights hereunder (each individually a "Judicial Action"), the prevailing party in such Judicial Action is entitled to reasonable attorney's fees, court costs and such other costs as may be fixed by the court (collectively, "Attorneys Fees"), provided the prevailing party in the Judicial Action was also determined to be the prevailing party in the JAMS Opinion. For purposes of this Agreement, Attorneys Fees will be calculated from the start of the first phase of mediation, as described in 10.5.3(b), and will include all reasonable costs related to the first and second phases of mediation. If the prevailing party in a Judicial Action was determined to be the losing party in the JAMS Opinion, then each party will assume the cost of their own Attorneys Fees. Not in limitation of the foregoing, the parties will assume their own costs related to the informal dispute resolution process described in Section 10.5.2 above.

11. **Mortgagee Protection.** This Agreement does not prevent or limit the Developer, in any manner, at Developer’s sole discretion, from encumbering the Property or any portion thereof or any improvements thereon by any mortgage, deed of trust or other security device. City acknowledges that the lender(s) providing such financing ("Mortgagee") may require certain Agreement interpretations and agrees, upon request, from time to time, to meet with Developer and representatives of such lender(s) to provide within a reasonable time period City’s response to such requested interpretations. City will not unreasonably withhold its consent to any such requested interpretation, provided that such interpretation is consistent with the intent and purposes of this Agreement. Any Mortgagee of a mortgage or a beneficiary of a deed of trust or any successor or assign thereof including, without limitation, the purchaser at a judicial or non-judicial foreclosure sale or a person or entity who obtains title by deed-in-lieu of foreclosure on the Property shall be entitled to the following rights and privileges:

11.1 **Mortgagee Not Rendered Invalid.** Neither entering into this Agreement nor a breach of this Agreement will defeat, render invalid, diminish, or impair the priority of the lien of any mortgage or deed of trust on the Property made in good faith and for value. No Mortgagee has an obligation or duty under this Agreement to perform Developer’s obligations, or to guarantee such performance, before taking title to all or a portion of the Property.

11.2 **Request for Notice to Mortgagee.** The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, who has submitted a request in writing to the City in the manner specified herein for giving notices, is entitled to receive a copy of any Notice of Violation delivered to the Developer.

11.3 **Mortgagee’s Time to Cure.** City must provide a copy of any Notice of Violation to the Mortgagee within ten (10) days of sending the Notice of Violation to Developer. The Mortgagee has the right, but not the obligation, to cure the default for a period of thirty (30) days after receipt of such Notice of Violation. Notwithstanding the foregoing, if such default is a default which can only be remedied by such Mortgagee obtaining possession of a Property, or any portion thereof, and such Mortgagee seeks to obtain possession, such Mortgagee has until thirty (30) days after the date of obtaining such possession to cure or, if such default cannot reasonably
13.1 Appeal of Determinations. Except as specified in Section 8.5 above, any decision by City staff concerning the interpretation or administration of this Agreement or development of the Property in accordance herewith may be appealed by Developer to the Planning Commission, and thereafter, if necessary, to the City Council pursuant to the El Segundo Municipal Code. Developer cannot seek judicial review of any staff decision without first having exhausted its remedies pursuant to this Agreement. Final determinations by the City Council are subject to judicial review subject to the restrictions and limitations of California law.

13.2 Operating Memoranda. The provisions of this Agreement require a close degree of cooperation between City and Developer. During the Term of this Agreement, clarifications to this Agreement and the Applicable Rules may be appropriate with respect to the details of performance of City and Developer. If and when, from time to time, during the terms of this Agreement, City and Developer agree that such clarifications are necessary or appropriate, they will effectuate such clarification through Operating Memoranda approved in writing by City and Developer, which, after execution, will be attached hereto and become part of this Agreement and the same may be further clarified from time to time as necessary with future written approval by City and Developer. Operating Memoranda are not intended to and do not constitute an amendment to this Agreement but are mere ministerial clarifications, therefore public notices and hearings are not required. The City Attorney is authorized, upon consultation with, and approval of, the Developer, to determine whether a requested clarification may be effectuated pursuant to this Section or whether the requested clarification is of such character to constitute an amendment hereof which requires compliance with the provisions of Section 14 below. The authority to enter into such Operating Memoranda is hereby delegated to the Director, and the Director is hereby authorized to execute any Operating Memoranda hereunder without further City Council action.

13.3 Certificate of Performance. Upon the completion of the Project, or the completion of development of any parcel within the Project, or upon completion of performance of this Agreement or its earlier revocation and termination, City must provide Developer, upon Developer’s request, with a statement (“Certificate of Performance”) evidencing said completion or revocation and the release of Developer from further obligations hereunder, except for any ongoing obligations hereunder. The Certificate of Performance must be signed by the appropriate agents of Developer and City and be recorded in the official records of Los Angeles County, California. Such Certificate of Performance is not a notice of completion as referred to in Civil Code § 3093.

14. Amendment or Termination by Mutual Consent. Except as otherwise set forth herein, this Agreement may only be amended or terminated, in whole or in part, by mutual consent of City and Developer, and upon compliance with the provisions of Government Code §§ 65867 and 65867.5.

15. Indemnification/Defense.

15.1 Indemnification. Developer agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney’s fees), injuries, or liability, arising from the City’s approval of Project, this Agreement, Developer’s performance of this Agreement, and all procedures with approving this Agreement (collectively,
received the following business day. A party’s address may be changed by written notice to the other party effective upon actual receipt of such notice.

19. ** Entire Agreement.** This Agreement contains the entire agreement between the Parties regarding the subject matter hereof, and supersedes in its entirety all prior agreements or understandings, oral or written. This Agreement cannot be amended, except as expressly provided herein.

20. **Waiver.** No waiver of any provision of this Agreement constitutes a waiver of any other provision, whether or not similar; nor shall any such waiver constitute a continuing or subsequent waiver of the same provision. No waiver is binding, unless it is executed in writing by a duly authorized representative of the Party against whom enforcement of the waiver is sought.

21. **Severability.** If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement is effective to the extent the remaining provisions are not rendered impractical to perform, taking into consideration the purposes of this Agreement.

22. **Relationship of the Parties.** Each Party acknowledges that, in entering into and performing under this Agreement, it is acting as an independent entity and not as an agent of any other Party in any respect. Nothing contained herein or in any document executed in connection herewith shall be construed as creating the relationship of partners, joint ventures or any other association of any kind or nature between City and Developer, jointly or severally.

23. **No Third Party Beneficiaries.** This Agreement is made and entered into for the sole benefit of the Parties and their successors in interest. No other person or party shall have any right of action based upon any provision of this Agreement.

24. **Recordation of Agreement and Amendments.** This Agreement and any amendment thereof shall be recorded with the County Recorder of the County of Los Angeles by the City Clerk of City.

25. **Cooperation Between City and Developer.** City and Developer will execute and deliver to the other all such other and further instruments and documents as may be reasonably necessary to carry out the purposes of this Agreement. Upon satisfactory performance by Developer, and subject to the continuing cooperation of the Developer, City will commence and in a timely manner proceed to complete all steps necessary for the implementation of this Agreement and development of the Project or Property in accordance with the terms of this Agreement.

26. **Rules of Construction.** The captions and headings of the various sections and subsections of this Agreement are for convenience of reference only, and they do not constitute a part of this Agreement for any other purpose or affect interpretation of the Agreement. Should any provision of this Agreement be found to be in conflict with any provision of the Applicable Rules or the Project Approvals or any Future Approvals, the provisions of this Agreement control.
IN WITNESS WHEREOF, Developer and City of El Segundo have executed this Development Agreement on the date first above written.

CITY:

CITY OF EL SEGUNDO, a municipal corporation

By: __________________________

____________, Mayor

ATTEST:

______________________________
Cindy Mortesen
City Clerk

APPROVED AS TO FORM:

By: __________________________

Mark D. Hensley, City Attorney

DEVELOPER:

EL SEGUNDO UNIFIED SCHOOL DISTRICT

By: __________________________

Its: __________________________
EXHIBIT B

Recording Requested By and
When Recorded Mail To:
El Segundo Unified School District
641 Sheldon Street
El Segundo, California 90245
Attention: Superintendent

ASSIGNMENT AND ASSUMPTION AGREEMENT

This ASSIGNMENT AND ASSUMPTION AGREEMENT ("Agreement") is made and
entered into by and between the El Segundo School District, ("Assignor"), and
______________________________ ("Assignee").

RECITALS

A. The City of El Segundo ("City") and Assignor entered into that certain
Development Agreement dated __________, 2011 (the "Development Agreement"), with
respect to the real property located in the City of El Segundo, State of California more
particularly described in Exhibit "A" attached hereto (the "Project Site"), and

B. Assignor has obtained from the City certain development approvals and permits
with respect to the development of the Project Site, including without limitation, approval of
______________________________ for the Project Site (collectively, the "Project Approvals").

C. Assignor intends to sell, and Assignee intends to purchase that portion, of the
Project Site more particularly described in Exhibit "B" attached hereto (the "Transferred
Property").

D. In connection with such purchase and sale, Assignor desires to transfer all of the
Assignor's right, title, and interest in and to the Development Agreement and the Project
Approvals with respect to the Transferred Property. Assignee desires to accept such assignment
from Assignor and assume the obligations of Assignor under the Development Agreement and
the Project Approvals with respect to the Transferred Property.

THEREFORE, the parties agree as follows:

1. Assignment. Assignor hereby assigns and transfers to Assignee all of Assignor's
right, title, and interest in and to the Development Agreement and the Project Approvals with
respect to the Transferred Property. Assignee hereby accepts such assignment from Assignor.

2. Assumption. Assignee expressly assumes and agrees to keep, perform, and fulfill
all the terms, conditions, covenants, and obligations required to be kept, performed, and fulfilled
by Assignor under the Development Agreement and the Project Approvals with respect to the
Transferred Property, including without limitation those obligations specifically allocated to the
Transferred Parcel as set forth on Exhibit "C" attached hereto.
RECEIPT BY CITY

The attached ASSIGNMENT AND ASSUMPTION AGREEMENT is received by the City of El Segundo on this ___ day of ____________, ________.

CITY OF EL SEGUNDO

By: ____________________________
   Director of Planning and Building Safety

STATE OF CALIFORNIA )
                     ) SS:
COUNTY OF __________ )

On _________________, 20__, before me, _______________________, a Notary Public, personally appeared _______________________, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature ______________________
   (Seal)

STATE OF CALIFORNIA )
                     ) SS:
COUNTY OF __________ )

On _________________, 20__, before me, _______________________, a Notary Public, personally appeared _______________________, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.
ATTACHMENT E-1 TO EXHIBIT E

IN-LIEU CREDITS

[Blank spaces for text]
## 540 East Imperial Avenue Specific Plan
### Housing Set Aside

<table>
<thead>
<tr>
<th>Option 1 (304 Total Units)</th>
<th>Option 2 (58 Total Units)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Units Required</strong></td>
<td><strong>Units Required</strong></td>
</tr>
<tr>
<td><strong>Mixed Residential</strong></td>
<td></td>
</tr>
<tr>
<td>1. Extremely Low</td>
<td>1. Extremely Low</td>
</tr>
<tr>
<td>2. Very Low</td>
<td>2. Very Low</td>
</tr>
<tr>
<td>3. Low</td>
<td>3. Low</td>
</tr>
<tr>
<td><strong>Total 15% Set Aside</strong></td>
<td><strong>Total 10% Set Aside</strong></td>
</tr>
<tr>
<td>23 Units</td>
<td>6 Units</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sr Townhome/Apartments</th>
<th>Units Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Extremely Low</td>
<td>7</td>
</tr>
<tr>
<td>2. Very Low</td>
<td>7</td>
</tr>
<tr>
<td>3. Low</td>
<td>9</td>
</tr>
<tr>
<td><strong>Total 15% Set Aside</strong></td>
<td>23 Units</td>
</tr>
</tbody>
</table>

The unit totals shown by income category in this table represent the proportional percentage of the City's total Regional Housing Needs Assessment (RHNA) allocation for the lower income categories shown. In this case, the RHNA allocation for the combined lower income categories is 71 total units. The Extremely Low income category represents 31 percent of the total allocation; the Very Low income category represents 31 percent of the total allocation and the Low income category represents 38 percent of the total RHNA allocation. These same percentages were applied to the unit totals for this project.
LOS ANGELES COUNTY
AIRPORT LAND USE PLAN

Los Angeles County
AIRPORT LAND USE COMMISSION

Prepared by the Department of Regional Planning
Los Angeles County

AIRPORT LAND USE COMMISSION

COMPREHENSIVE LAND USE PLAN

COMMISSIONERS

Sadie B. Clark, Chairman
J. Paul Robinson, AIA, Vice Chairman
Patricia J. Russell
Rene G. Santiago
Richard C. Wulliger

Staff

James E. Hartl, AICP, Director of Planning
Jon Sanabria, Deputy Director of Planning
John Huttinger, Acting Administrator, Advance Planning Branch
Sorin Alexanian, Section Head Community Studies III
Ellen Fitzgerald, AICP, Senior Planning Assistant
Gar Yee, Planning Assistant II

Commission Secretary
Christine P. Abele

Adopted December 19, 1991
# Table of Contents

I. **INTRODUCTION** .................................. Limits on ALUC Power

II. **AIRPORTS IN LOS ANGELES COUNTY** ........................................... 3

III. **PLAN BOUNDARIES** ................................................................. 9
    Safety
    Noise
    Planning Boundary Maps

IV. **POLICIES AND PROGRAMS** ..................................................... 12
    General Policies
    Policies related to noise
    Policies related to safety

V. **STATEMENT OF LAND USE COMPATIBILITY** .................................. 13

VI. **PLAN CONSISTENCY AND IMPLEMENTATION** ................................ 14
    General and Specific Plans
    Amendments to General or Specific Plans
    AIRPORT MASTER PLANS
    Amending the CLUP
    Procedures for Submitting Projects to the ALUC for Review

GLOSSARY ......................................................................................... 15

BIBLIOGRAPHY ................................................................................. 18

APPENDIX ......................................................................................... 19
I. INTRODUCTION

State Law requires the creation of Airport Land Use Commissions (ALUCs) to coordinate planning for the areas surrounding public use airports. In Los Angeles County the Regional Planning Commission has the responsibility for acting as the Airport Land Use Commission and for coordinating the airport planning of public agencies within the county. (The complete text of the Airport Land Use Commission Law is contained in the Appendix)

The purpose of the law is to protect the 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 use airports. The ALUC is also concerned with airport activities which may adversely affect adjacent areas and nearby land use which may interfere with airport operations. Specifically, the ALUC is required to prepare and adopt a Comprehensive Land Use Plan (CLUP), review and make recommendations concerning certain projects within the ALUC planning boundaries (see page 14 for description of actions requiring referral to the ALUC), and review and make recommendations on regulations of local agencies. Though given the authority to review and make recommendations, the ALUC does not have jurisdiction over airport operations.

Several agencies have either direct control over or some impact on airport activities in Los Angeles County. The Federal Aviation Administration (FAA) exerts the greatest control over the nation's airport operations. The FAA is responsible for the control of airspace and for certifying both pilots and the airworthiness of aircraft. Most airport regulations and policies relate to FAA regulations and guidelines.

The responsibility for California's airports lies with the California Department of Transportation, Division of Aeronautics. This division is responsible for funding, licensing, and permitting programs for airports and heliports. Assistance for the development and maintenance of aviation facilities through engineering and aviation experience is provided, as well as systems planning and environmental and community service programs.

The Los Angeles County Department of Public Works Aviation Division is responsible for administering the operation of the county owned airports. It functions as a liaison between the County and the aeronautical industry and aeronautical organizations. It oversees airport leases and is responsible for reviewing and commenting on legislation affecting airports and aviation. The Aviation Division also must review plans for proposed new airports and heliports within Los Angeles County. The 8 member Aviation Commission serves to advise the Board of Supervisors regarding the operation and development of airports within the County.

The City of Los Angeles Department of Airports Board of Airport Commissioners is responsible for keeping pace with the growth of air travel and planning for the future of the four airports it operates. (Three of these airports are within Los Angeles County). This board maintains close coordination with community groups to establish compatible solutions related to safe and efficient airport operations. Commissioners are appointed by the mayor and are approved by the City Council.

The municipalities which surround and are affected by the County's fifteen airports also have an impact on the operation of the facilities. These jurisdictions incorporate into their general or specific plans and their zoning ordinances regulations for addressing airport issues such as noise and safety. In establishing their regulations, each jurisdiction must consider the effect the airport will have on new uses as well as the impact
the use will have on the airport. Also, the jurisdictions which have airports within their boundaries, but which are not operated by the County Aviation Division (or by a company under contract to the County), or the City Department of Airports, have established airport authorities for the operation of the airports.

Limits on ALUC Power

While the goals of the Airport Land Use Commission concern planning for compatible uses around airports, it is important to understand the limits of ALUC jurisdiction. As stated earlier, ALUCs do not have jurisdiction over airport operations. The ALUC does not have the authority to zone property or apply other land use controls normally exercised by local public agencies. ALUC review does not apply to existing incompatible uses. It applies only to new development. Also, recommendations made by the ALUC are advisory to local jurisdictions, not mandatory.

Another check on ALUC power comes from the ability of the local agency to overrule the Commission. If a local agency disagrees with an ALUC recommendation, a hearing can be held where the local agency can vote to overrule the Commission decision by a two thirds vote of its governing body, if specific findings are made that the proposed action is consistent with the purposes of the Airport Land Use Law.

The CLUP complements the planning responsibilities of the cities, county, and other affected agencies. The ALUC has the responsibility to set uniform policies and standards to prohibit development of incompatible uses but it is the responsibility of the cities and the County, through planning and zoning powers, to specify which compatible uses are appropriate within their jurisdictions. These land use designations will naturally be based on consideration of a wider range of factors than just compatibility with airport operations.

This Comprehensive Land Use Plan provides for the orderly expansion of Los Angeles County’s public use airports, and the area surrounding them. It is also intended to provide for the adoption of land use measures that will minimize the public’s exposure to excessive noise and safety hazards. In formulating this plan, the Los Angeles County Airport Land Use Commission has established provisions for safety, noise insulation, and the regulation of building height within areas adjacent to each of the public airports in the County.

Section 21675 of the Public Utilities Code states that the Commission plan (CLUP) shall include a long range master plan that reflects the growth of the airport during at least the next 20 years. An Airport Master Plan provides a long range plan for airport development. Generally, this plan would include: an inventory of existing airport facilities, forecasts of anticipated growth in activity, demand/capacity analysis of airfield, ground access, terminal, and aircraft parking facilities, facility requirements, staging of proposed development, capital costs, and economic feasibility. Ideally, the airport master plan is the starting point for the preparation of the CLUP. However, many airports have not completed these plans and therefore the Public Utilities Code has been amended to allow the CLUP to be based on an Airport Layout Plan. This plan provides detailed information on existing and planned runways, runway length and strength, navigational aids, imaginary approach surfaces and runway protection zones, and existing easements. In the preparation of the CLUP, a master plan was used for the following airports: Brackett Field, Compton Airport, General William J. Fox Airfield, Hawthorne Municipal Airport, Torrance Municipal Airport, Santa Monica Municipal Airport and Whiteman Airport. For all other airports a layout plan was utilized.
II. AIRPORTS IN LOS ANGELES COUNTY

The FAA defines three broad categories of aviation activity: general aviation, certified air carrier, and military. The CLUP applies only to the first two categories; military airports are exempt.

Los Angeles County has eleven general aviation airports, defined by FAA as an airport that enplanes less than 2500 annual passengers, is used exclusively by private and business aircraft and does not provide commercial air carrier passenger service, and four scheduled air carrier airports. U.S. Force Plant 42 is an existing military airport which is presently allowing limited commercial air carrier service through agreement with the Los Angeles Department of Airports and is included only as Palmdale Regional Airport, not a military airport.

The following list presents an overview of Los Angeles County’s airports:

**AGUA DULCE SKYPARK**
33638 Agua Dulce Canyon Road
Saugus, California 91350

Agua Dulce Skypark is a privately owned and operated general aviation airport that was established in 1960. The facility is 200 acres in total size and has 100 based aircraft. The average daily traffic count is 35 operations. The runway is 5,000 feet long, unlighted, and can only accept aircraft under 12,500 pounds. Hours of operation are limited to 8:00 am to 6:00 pm, no night landings.

The airport is located on a site with limited expansion potential. Also, recent development pressures in the Agua Dulce area have resulted in many questions concerning the continued operation of this airport. ALUC jurisdiction ceases when the State Airport permit for a facility is revoked (Section 21668 of State Aeronautics Act).

Surrounding land use is predominately undeveloped.

No Master Plan has been completed for this airport.

---

**BRACKETT FIELD**
1615 Mc Kinley Avenue
La Verne, California 91750

Brackett Field began its existence as a dirt strip graded out of a wheat field in the mid 1930’s. The field was opened as an approved airport on October 15, 1940. In the late 1940’s, the facility was recommended as a primary site for development of a major private airport. In 1955, 170 acres were acquired by Los Angeles County and in 1958 Brackett Field was dedicated as a Los Angeles County airport.

Brackett Field is a general aviation airport with 276 acres of aviation property and 492 based aircraft. The facility has a traffic count of 641 operations per day which involve private and business flights. Aircraft utilizing the field range from single engine trainers to Learjets. The runway is 4,800 feet long and unlighted.

It is stated in the 1990 Airport Master Plan that the present state of development has reached a point where the capacity to accommodate existing and additional demand is impaired. The forecasts included in the plan show an estimated 620 based aircraft and 282,950 annual operations by 2010.

The surrounding land uses are industrial and recreational.
BURBANK-GLENDALE-PASADENA Airport
2627 Hollywood Way
Burbank, California 91505

Burbank Airport was established in 1930 as a private field and is now owned and operated by the Burbank-Glendale-Pasadena Airport Authority which was organized in 1977. This is a scheduled air carrier airport with a total size of 435 acres. It contains 310 based aircraft and has an average daily traffic count of 600 operations. The two lighted runways are 6,902 and 6,074 feet long and can support aircraft under 150,000 pounds.

The surrounding land uses are residential, commercial and industrial.

No Master Plan has been completed for this airport.

COMPTON AIRPORT
901 West Alondra Boulevard
Compton, California 90220

Compton Airport, which lies entirely within the boundaries of the City of Compton, is owned by the County of Los Angeles and operated by the Public Works Department, Aviation Division. The airport, established in 1924, is the oldest, continuously operating airport in the Los Angeles basin. It is a general aviation airport with a total size of 77 acres, of which are used for the runway/ taxiway system and 30 for the existing building area. It is considered to be a relatively low cost alternative airport to the larger more complex ones in the area for low performance and less well equipped aircraft. Compton is the only public use airport in the Los Angeles basin not equipped with a traffic control tower.

The facility contains 352 based aircraft and has annual operations of 90,000. Four fixed base operators offer a range of general aviation services including flight instruction, aircraft sales and repair and air charter. The lighted runway is 60 feet wide and 3,670 feet long for take-off, 2,800 feet long for landing. It can sustain an aircraft load of up to 12,500 pounds.

According to the August, 1991 Airort Master Plan there is potential for modest continued growth at the airport for based aircraft. However, the limited availability of land will probably keep the maximum to 500 based aircraft and 156,000 annual operations by 2010.

The surrounding land uses are residential, commercial and industrial.

CATALINA AIRPORT-IN-THE-SKY
P.O. Box 2739
Avalon, California 90704

Catalina Airport, which is owned and operated by the Catalina Conservancy, opened in 1946. It is located at an elevation of 1,600 feet, approximately 10 miles from Avalon, the island's only city. It is one of Southern California's most popular recreational airports. It is a general aviation airport of 45 acres in total size with 20 based aircraft. The average daily traffic count is 110 operations, with heavier traffic in the summer months.

The majority of aircraft using the field are single engine and light twin engine planes. The asphalt paved runway is 3,250 feet long, lighted and can handle aircraft up to and including DC-3's. Hours of operation are 8:00 am to 7:00 pm during summer and 8:00 am to 5:00 pm in the winter.

The land surrounding the airport is undeveloped. The area nearest the airport with any substantial development is at Avalon.

No Airport Master Plan has been completed for this airport.

EL MONTE AIRPORT
4233 North Santa Anita Avenue
El Monte, California 91731

El Monte Airport, which is owned and operated by Los Angeles County, was established in 1947. It is a general aviation airport of 103 acres in total size and home to 507 based aircraft. Daily operations
reach an average traffic count of 518. The lighted runway is 3,994 feet long and limited to craft weighing less than 12,500 pounds. Private and business light single and multi engine aircraft and helicopters account for the majority of activity. The surrounding land use is dominated by residential, with a few pockets of light commercial and industrial. Of the Los Angeles County owned airports, El Monte has the most developed infrastructure and is the least flexible.

No Master Plan has been completed for this airport.

GENERAL WILLIAM J. FOX AIRFIELD
4555 West Avenue G
Lancaster, California

Refer to the separate document GENERAL WILLIAM J. FOX LAND USE COMPATIBILITY PLAN adopted by the ALUC on December 1, 2004

HAUThorne MUNICIPAL AIRPORT
4455 W. 126th Street
Hawthorne, California 90250

Hawthorne Airport was established in 1939 through a co-partnership between the City, Northrup Corporation, and the U.S. Government to construct a municipal airport adjacent to Northrup's newly acquired aircraft manufacturing facilities. The airport was maintained and operated exclusively by Northrup until February 1948 when the City assumed control and the facility became a public use airport.

This is a general aviation airport of 80 acres. Fifty three acres are used as aircraft operating area and 27 acres are for terminal use, aircraft storage or are leased areas. The average daily traffic count is 330 operations. As of December 1990, there were 232 based aircraft and 120,387 annual operations. The lighted runway is 4,956 feet long and 100 feet wide and can accommodate aircraft weighing up to 90,000 pounds. There are 2 fixed base operators at the airport offering a wide range of aeronautical services such as aircraft rentals, flight instruction, and engine and airframe repair.

According to the July, 1991 update of the Hawthorne Municipal Airport Master Plan, the storage capacity for based aircraft was reached in the 1960's and has remained relatively stable since then. The projections for 2006 are for a maximum of 526 based aircraft and 224,000 annual operations.

Surrounding land uses are residential, commercial and industrial.

Los Angeles INTERNATIONAL Airport (LAX)
#1 World Way
P.O. Box 92216
Los Angeles, California 90009-2216

LAX is owned by the City of Los Angeles and operated by the City of Los Angeles Department of Airports. The airport was established in 1928 as a 640 acre general aviation field. Commercial airline
service began in 1946 from temporary passenger facilities and in 1961 service from the first permanent passenger facilities designed to accommodate “jet-age” travel began.

Today LAX is ranked as the fourth busiest air travel center in the world. More than 45 million passengers use the airport each year. The overall size has increased to 3,500 acres, with the terminal area currently occupying 265 acres. Sixteen private planes are based at this facility and the average traffic count is 1,840 operations per day. There are four high intensity lighted runways ranging from 8,925 feet to 12,090 feet in length with the ability to accept the weight of fully-loaded widebody passenger aircraft.

The surrounding land uses are industrial, commercial and residential.

There is currently no long range Master Plan for this airport.

**LONG BEACH MUNICIPAL AIRPORT**
4100 Donald Douglas Drive
Long Beach, California 90808

Long Beach Airport is a scheduled air carrier airport owned and operated by the City of Long Beach. It began flight operations in 1925 as a 150 acre facility. Presently, the airport occupies 1,166 acres, 685 of which are devoted to aircraft operations, 12 to the terminal complex and 152 to aviation related leases.

There are approximately 590 based aircraft and an average daily traffic count of approximately 1100 operations. (The number of air carrier flights is restricted by City noise control policy and State Noise law). The lighted runways range in length from 5,420 feet to 10,000 feet, with the ability to host aircraft up to 300,000 pounds.

The surrounding land uses are recreational, commercial, residential and industrial.

No Master Plan has been completed for this airport.

**PALMDALE REGIONAL AIRPORT**
2503 East Avenue P
Palmdale, California 93550-2196

Palmdale Regional Airport is temporarily operating at United States Air Force Plant 42, a military airport. This interim arrangement has permitted the provision of limited air carrier service into the Antelope Valley prior to the completion of a permanent facility. An agreement of cooperation signed between the U.S. Air Force and the Los Angeles Department of Airports allows the commercial use of Plant 42. The agreement will permit up to 400 commercial operations per day. The Department of Airports intends to utilize this military facility until user demand begins to exceed the normal capacity, at which time the development of Palmdale Regional will begin.

The unimproved future airport site of approximately 17,750 acres is located immediately east of Plant 42. The first purchases for this land began in 1970 after a $1,500,000 grant was allocated from HUD under the advanced acquisition of land program. This future airport is expected to be a desirable alternate regional airport to the already overcrowded LAX and Burbank Terminals.

Based on projections made for the City of Palmdale’s Airport Corridor Specific Plan using 1990’s 20 flights per day activity level and a 10% compounded annual rate of increase in flight activity, the 400 flights per day allowed by agreement with Air Force Plant 42 will not be reached until at least the year 2020.

Currently, this land is being used to grow rubber trees and pistachios for agricultural experimentation.

Land surrounding Plant 42 is predominately undeveloped with some industrial uses nearby.

**SANTA MONICA MUNICIPAL AIRPORT**
3223 Donald Douglas Loop-South
Santa Monica, California 90405
Santa Monica Airport began in 1926 when the City of Santa Monica purchased 158 acres of land adjacent to Ocean Park Boulevard for use as an airport. The airport is a general aviation airport and the oldest operating airfield in Los Angeles County. The airport is approximately 225 acres in size and has approximately 550 based aircraft. The average daily traffic count is 520 operations. The lighted runway is 5,000 feet long and 150 feet wide and can tolerate aircraft up to 105,000 pounds.

This airport has been at the center of legal and political disputes for many years which had brought into question the continued operation of the facility. The airport worked out an agreement in 1983 which resulted in the Santa Monica Municipal Airport Master Plan Study. The plan states that by 2003 there could be up to 213,950 annual operations. Though the airport could accommodate as many as 750 based aircraft the city has determined that a total of 590 aircraft will meet the needs of aircraft owners, and also serve to limit future growth so that aircraft activity in the future will not increase and become a greater annoyance to neighbors.

Surrounding land uses are recreational, commercial and residential.

TORRANCE MUNICIPAL AIRPORT
3115 Airport Drive
Torrance, California 90505-6197

Torrance Municipal Airport is owned and operated by the City of Torrance. Originally called Lomita Flight Strip, the airport was established in 1931 and deeded to the City in 1948. In 1956 the City adopted a Master Plan that proposed air carrier service at this airport. However, in 1962 this was amended to general aviation. This facility is 500 acres in total size. 140 acres of the 500 total acres is commercial development and 360 acres is used for aeronautical purposes. Of the acres used for aeronautical purposes, 140 are partially used for agriculture. 825 aircraft are based at this facility and the average daily traffic count is 591 operations. Total annual operations are 243,324.

The field is used by general aviation aircraft, turbo prop and occasionally executive business jets. The two lighted runways are 5,000 feet and 3,000 feet long and equipped for a maximum load of 20,000 pounds.

Torrance Municipal Airport has adopted stringent noise control guidelines. Aircraft which cannot meet these guidelines are banned. The Airport Master Plan proposes airport development that will result in decreased aircraft noise impact.

The surrounding land use is commercial, industrial, recreational, and residential.

VAN NUYS AIRPORT
16461 Sherman Way
Van Nuys, California 91406

Van Nuys Airport, located in the heart of the San Fernando Valley, is owned by the City of Los Angeles and operated by the City of Los Angeles Department of Airports. The airport, originally called Metropolitan Airport, began in 1928. It was acquired by the City of Los Angeles in 1949 and became Van Nuys Airport in 1957.

The total size of the airport is 725 acres. 1000 aircraft are based at this site, including 90 jets and 60 helicopters. Van Nuys Airport is only a general aviation airport (no scheduled air carrier services), but has an average daily traffic count of 1,450 operations or a total of 528,000 annual operations. (1990) This is an extremely high number of operations and therefore, Van Nuys Airport is ranked as the busiest general aviation airport in the nation. There are two lighted runways. One, 8,000 feet long handles aircraft up to 210,000 pounds. The other, which is 4,000 feet long handles aircraft up to 10,000 pounds.

The surrounding land uses are industrial, commercial and residential.

No Airport Master Plan has been completed.
WHITEMAN AIRPORT
12653 Osborne Street
Pacoima, California 91331

Whiteman Airport, located in the Pacoima area of the City of Los Angeles, is owned and operated by Los Angeles County. It began service in 1946 as a privately owned public use airport. In 1970, the airport was acquired by the County. It is a general aviation airport of 183 acres in size and contains 655 based aircraft. An average of 422 private and business operations arrive and depart the field each day. Annual operations number 141,000. The lighted runway is 3,700 feet long and 40 feet wide and can only accommodate craft under 12,000 pounds gross.

Projected growth figures for Whiteman Airport are for a total of 285,000 annual operations and 930 based aircraft by 2010. Due to physical constraints, the maximum number of based aircraft that can be accommodated at this site is 960.

The surrounding land uses are industrial, commercial and residential.
III. PLAN BOUNDARIES

For each of the public use airports in Los Angeles County, the Airport Land Use Commission has adopted planning boundaries. Within these boundaries certain proposed local actions must be submitted to the ALUC for review (See page 14). The planning boundaries delineate areas subject to noise impacts and safety hazards (height restriction areas and approach surface and runway protection zones).

Safety

Establishing and enforcing safety restrictions around the airports is a cooperative undertaking by the FAA, the ALUC and the affected jurisdictions. The safety zones established for this Comprehensive Land Use Plan have been patterned after the Approach Surface and Runway Protection Zone (formerly called clear zone) instituted by the Federal Aviation Administration by Federal Aviation Regulations Part 77. The Approach Surface and Runway Protection Zone dimensions are dependent on the type of approach being made to a runway.

The Approach Surface is an imaginary inclined plane beginning at the end of the primary surface and extending outward to distances up to 10 miles depending on runway use. The width and slope are also dependent on runway use. The Approach Surface governs the height of objects on or near the airport. Objects should not penetrate or extend above the approach surface. If they do, they are classified as obstructions and must either be marked or removed.

The Runway Protection Zone is an area at ground level that provides for the unobstructed passage of landing aircraft through the above airspace. The Runway Protection Zone begins at the end of the primary surface and has a size which varies with the designated use of the runway. This zone is the most critical safety area under the approach path and should be kept free of all obstructions. No structure will be permitted nor the congregation of people allowed within this zone. Control of the runway protection zone by the airport owner is essential. The FAA recommends that the airport operator have sufficient control over property rights within a Runway Protection Zone to assure the safety of aircraft approaches and to keep the area clear of congregations of people. Since control is essential, it is desirable that the airport owner acquire adequate property interests whether by means of outright ownership or aviation easements to ensure compliance.

Height Restriction boundaries are based on FAR Part 77 guidelines. (These guidelines are contained in the Appendix) FAR Part 77 establishes standards for determining obstructions that cause substantial adverse effect on air navigation. Proposed projects that exceed the height limit set by Part 77 must submit approval from FAA to the local jurisdiction.

Noise

Insuring compatibility between aircraft noise and various types of land uses is one of the primary functions of the ALUC. The impact of aircraft noise is potentially the most critical of all environmental effects associated with airport development and aircraft operations. This section describes types of noise, how noise is measured and the effects noise can have.

Sound refers to anything that is or may be heard. Noise has been defined as unpleasant sound. The sound from an individual source decreases with increasing distance. The amount of sound reaching the receiver is affected by barriers between the source and receiver, such as walls, landscaping, and buildings, atmospheric conditions, such as wind, temperature and humidity and the number of sources emitting sound.

The typical community noise environment is comprised of a background noise level and higher noise levels, frequently transportation oriented. As
industrialization became more prevalent in the American economy, excessive noise became recognized as a serious problem. Also, as transportation became an increasing force, noise problems increased. The problems posed by high noise levels from individual sources are more pronounced during nighttime hours, since background noise levels are lower and because this is the time of day when most people demand greater quiet.

Noise Measurement Methods

Approximately 60 methods of noise measurement have been developed to relate the various characteristics of sound to human perception and reaction. The loudness of sound is usually expressed in decibel (dB), a logarithmic scale measuring sound pressure.

The Community Noise Equivalent Level (CNEL) is an average made up of numerous single noise events. CNEL readings are used to establish noise impact contours around airports. The contours take into account such things as aircraft fleet mix, number of flights, and time of day. Noise readings taken in a 24-hour period are weighted depending on when during the day the noise occurs. Evening and nighttime events are given greater weight than those occurring during the day. (Noise occurrences between 7:00 pm and 10:00 pm are given a weight of 3 additional decibels while those occurrences between 10:00 pm and 7:00 am are given an additional 10 decibels.)

According to the FAA’s Office of Environmental Quality “Impact of Noise on People” study (May 1977), generally at a 65 CNEL level 33% of those exposed will be highly annoyed and 5% will actually complain. As the noise level drops to 60 CNEL 24% are projected to be highly annoyed and 2% will complain. For general aviation airports (Agua Dulce, Brackett Field, Catalina, Compton, El Monte, Fox, Hawthorne, Santa Monica, Torrance, Van Nuys, and Whiteman) the 60-65 CNEL contour more accurately represents the annoyance factor associated with smaller but lower flying aircraft. (These contours will be used where available. The CLUP will be amended when new CNEL contours are obtained.) For the commercial airports, LAX, Burbank, Long Beach and Palmdale (Plant 42) the 65-70 CNEL contour boundaries will be used.

Sources of Transportation Noise

Some of the most common sources of noise are highways (auto and truck traffic), railroads, mass transit (buses) and airports. Several types of noise are common in the vicinity of airports. Noise generated during take-off and landing is most commonly the focus of neighborhood concern and complaint, but other types of aircraft generated noise, such as planes diverting from the regular flight track, engine “run-up” or jet aircraft low frequency “rumble” can also be intrusive.

Effects of Noise

Noise can have varied effects on the human lifestyle. The magnitude of the problem depends on the volume, frequency and time of day of aircraft operations, the types of aircraft and the character of land use in the area exposed. These effects can be physiological, psychological, sociological, or economic.

Exposure to sufficient levels of noise for long periods of time can produce temporary or permanent loss of hearing. Generally, noise levels of 80 dB or greater are necessary before hearing loss occurs. The vast majority of people exposed to aircraft noise are not in danger of direct physical harm. Noise levels in neighborhoods, even those subject to a great deal of airport noise, are generally not sufficient to cause hearing loss. Physiological effects other than hearing loss can include: rapid heart beat, dilation of pupils, paleness of the skin, headaches, nausea, insomnia and fatigue.

Excessive noise can have psychological effects on individuals who are consistently exposed due mostly to interference with the ability to sleep. Sleep disturbance does not refer only to awakening from sleep but can also refer to the altering of the
pattern and stages of sleep. Effects can include: anxiety, anger, vertigo, hallucinations, and in extreme cases, homicidal or suicidal tendencies. While these symptoms occur in persons exposed to excessive noise, it has not been scientifically proven that their cause is primarily due to that exposure.

Sociological effects are related to the ability to handle the problem of noise exposure. There are two ways to handle noise intrusions. One way is to eliminate the problem by shielding or escaping from the noise. A second way is to adapt to the new environment. Actions required to adapt may adversely affect group interrelationships. Individual reactions may be compounded in a group situation. Speech interference is one of the primary concerns in environmental noise problems. As background noise gets louder the distance between speakers needs to decrease or the conversation level needs to increase or be discontinued until the noise subsides. Also, children who live or attend school near sources of excessive noise can be handicapped not only in their ability to learn but in the socialization process as well.

The economic costs of noise are appreciable and include: medical care, loss of efficiency and production, reduction of property values, aviation easements, litigation, abatement measures and increased vacancies.
IV. POLICIES AND PROGRAMS

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

General Policies:

G-1 Require new uses to adhere to the Land Use Compatibility Chart.

G-2 Encourage the recycling of incompatible land uses to uses which are compatible with the airport, pursuant to the Land Use Compatibility Table.

G-3 Consider requiring dedication of an aviation easement to the jurisdiction owning the airport as a condition of approval on any project within the designated planning boundaries.

G-4 Prohibit any uses which will negatively affect safe air navigation.

G-5 Airport proprietors should achieve airport/community land use compatibility by adhering to the guidelines of the California Noise Standards.

Policies related to safety:

S-1 Establish "runway protection zones" contiguous to the ends of each runway. These runway protection zones shall be identical to the FAA's runway protection zone (formally called clear zone). (See Appendix)

S-2 Prohibit above ground storage of more than 100 gallons of flammable liquids or toxic materials on any one net acre in a designated runway protection zone. It is recommended that these materials be stored underground.

S-3 Prohibit, within a runway protection zone, any use which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following take-off or toward an aircraft engaged in a final approach toward landing at an airport.

S-4 Prohibit, within a designated runway protection zone, the erection or growth of objects which rise above an approach surface unless supported by evidence that it does not create a safety hazard and is approved by the FAA.

S-5 Prohibit uses which would attract large concentrations of birds, emit smoke, or which may otherwise affect safe air navigation.

S-6 Prohibit uses which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

S-7 Comply with the height restriction standards and procedures set forth in FAR Part 77.

Policies related to noise:

N-1 Use the Community Noise Equivalent Level (CNEL) method for measuring noise impacts near airports in determining suitability for various types of land uses.

N-2 Require sound insulation to insure a maximum interior 45 db CNEL in new residential, educational, and health-related uses in areas subject to exterior noise levels of 65 CNEL or greater.

N-3 Utilize the Table Listing Land Use Compatibility for Airport Noise Environments in evaluating projects within the planning boundaries.

N-4 Encourage local agencies to adopt procedures to ensure that prospective property owners in aircraft noise exposure areas above a current or anticipated 60 db CNEL are informed of these noise levels and of any land use restrictions associated with high noise exposure.
V. STATEMENT OF LAND USE COMPATIBILITY

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Community Noise Exposure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>55</td>
</tr>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Educational Facilities</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td></td>
</tr>
<tr>
<td>Recreation</td>
<td></td>
</tr>
</tbody>
</table>

Satisfactory
Caution. Review Noise Insulation Needs
Avoid Land Use Unless Related to Airport Services

Consider FAR Part 150 for commercial and recreational uses above the 75 CNEL.
VI. PLAN CONSISTENCY AND IMPLEMENTATION

General and Specific Plans
State law requires that general plans and specific plans be consistent with the ALUC land use policy. Once a CLUP is adopted, local agencies must submit these plans to the ALUC for a consistency determination.

Amendments to General or Specific Plans
When a city whose territory falls within the planning boundary for a particular airport amends its general plan or specific plans, or makes significant amendments to its zoning ordinances or its building regulations which may affect the CLUP, referrals must be made to the ALUC for determination that the change is consistent with the CLUP.

AIRPORT MASTER PLANS
Before the adoption or modification of an airport master plan, (See discussion of airport master plans on page 2) the airport operator must submit the appropriate documents to the ALUC for a determination of consistency.

Amending the CLUP
Amendments to the CLUP may be necessitated by changes in airport size, changes in the number or type of aircraft using a particular airport, lengthening of runways, changes in State law, need to clarify existing policies or add new ones, or for other reasons.

State law limits amendments of the CLUP to one per year. Final decision on the proposed amendment will be made by the ALUC at a noticed public hearing. After adoption of an amendment, copies are sent to the affected jurisdictions and the State Division of Aeronautics.

Amendments to the CLUP must be reflected in the general plans and any specific plans of the affected jurisdictions. Local jurisdictions are given 180 days upon receipt of a CLUP amendment to amend their plans as necessary in order to maintain consistency.

If the jurisdiction disagrees with changes in the CLUP, they have the option of overriding with a 2/3 vote upon making specific findings as required by State law.

Procedures for Submitting Projects to the ALUC for Review
Within the planning boundaries established by the Airport Land Use Commission, proposed general plan or specific plan amendments and substantial changes to a zoning or building ordinance made by a local agency which affects the CLUP shall be submitted to the ALUC for determination of consistency with the CLUP.

ALUC staff will review all amendments as described above referred by local agencies. In certain cases, the ALUC Administrative Officer may make the determination of plan consistency. In more complicated cases, ALUC staff will submit the proposed project to the Commission for the determination. Under State law, the ALUC must make a determination of plan consistency within 60 days of project referral. If the ALUC fails to make the determination within that period, the proposed action shall be deemed consistent with the CLUP.

At the public hearing, the ALUC will consider public testimony and make a finding of project consistency or inconsistency with the policies in the CLUP. Such a finding may be conditional. After a decision is made by the Airport Land Use Commission, a written statement of that determination shall be submitted by the Commission Chairman to the public agency that filed the application. Such notification shall take place within 30 days of the Commission's decision.

If the application submitted by the public agency is found to be inconsistent with the CLUP, the public agency may either amend the proposal to be consistent or hold a public hearing to reconsider the action of the Airport Land Use Commission. The public agency, by a 2/3 vote of its governing board, may overrule the ALUC action if specific findings are made. The most important consequence of an override is to grant immunity to the airport operator for liability insofar as damages to property or personal injury under the specific circumstances listed in the Public Utilities Code. This immunity recognizes that the airport operators have no control over the development around airports and should not be held liable for land use decisions that neither they nor the ALUC deem to be appropriate. It is important to note that an override does not transfer liability to the overriding jurisdiction, but simply grants limited immunity to the airport operator.
To supplement this section, the ALUC adopted a separate Review Procedures document on December 1, 2004. The document provides additional guidance to the ALUC and applicants and may be appropriate in certain situations. A copy of the Review Procedures document is available at the ALUC website.

http://planning.co.la.ca.us/ALUC.htm
GLOSSARY

Accident Potential Zones (APZs): Designated areas of higher likelihood of accidents; accident potential zones for military airports are developed by reviewing the accident history of the airport, usually as part of an AICUZ study.

Acoustical Study: A study performed by a person qualified in acoustical analyses, identifying construction materials and techniques required to achieve noise level reduction in residences and offices as specified by the ALUC plan.

Air Carrier: Commercial aircraft operating pursuant to a federal certificate of public convenience and necessity, issued by the Civil Aeronautics Board.

Airport: An area of land or water used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

Airport Control Tower: A facility that through the use of air/ground communications, visual signalling, and other devices, provides air traffic control services to airborne aircraft in the vicinity of the airport and to aircraft operating on the airport/airfield movement area.

Airport Hazard: Any structure or object of natural growth located on or in the vicinity of a public-use airport, or any use of land near such airport, that obstructs the airspace required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to such landing or taking off of aircraft.

Airport Land Use Commission (ALUC): A State-authorized body existing in each county having the responsibility to develop plans for achieving land use compatibility between airports and their environs.

Airport Layout Plan: Depicts existing and proposed airport facilities and land uses, their locations, and the pertinent clearance and dimensional information required to show conformance with the applicable standards. It shows the airport location, clear zones, approach areas, and other environmental features that may influence airport usage and expansion capabilities, and includes the following elements:

- airport layout
- location map
- vicinity map
- basic data table
- wind information

Airport Master Plan: A plan to provide guidelines for future development of an airport which will satisfy aviation demand and be compatible with the environment, community development, other modes of transportation, and other airports.

Airport Noise Control and Land Use Compatibility (ANCLUC) Study: A study tailored to the needs of the community and the airport, and designed to produce a variety of recommendations with regard to airport operations, land use planning, and public involvement, which if implemented would limit the impacts of airport and aircraft noise on the airport environs.

Air Traffic: Aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.

Altitude: The height of a point, measured in feet Above Ground Level (AGL) or from Mean Sea Level (MSL).

ALUC Project: Any action under consideration by a local public agency or airport operator which is subject to ALUC review. Under existing State ALUC law, such actions include amendment of a general plan or specific plan or approval of a zoning ordinance or building regulation affecting land use within an ALUC plan boundary. It also includes plans for any proposed new airport or heliport and modification of an airport master plan by the airport owner.

Ambient Noise Level: Background noise level, the normal or existing level of environmental noise at a given location.

Avigation Easement: Avigation easements are used to grant to the airport rights of the subject land. The most commonly granted rights are: right of flight at any altitude above the acquired easement surfaces, right to cause noise, vibrations, dust and fuel particle emissions, and the right to prevent construction or growth of all structures, objects or natural growth above the acquired easement surfaces. Avigation easements also contain provisions releasing the aircraft operator from liability under specified conditions, waiving the property owner's right to sue, and continuing the easement on the transfer of ownership.

Business Jet: Generally, twin engine turbojet/turbofan aircraft, a high percentage of which are owned by private companies who use the aircraft for business purposes.

Clear Zone: (Runway Protection Zone) Defined in Federal Aviation Regulations, Part 152.9(b): an area at ground level, extending beyond the runway primary surface and underlying the approach.

Surface; these zones, which include all of the area out to a point where the approach surface reaches 50 feet above ground level, are presented in detail on the
Airport Layout Plan for each airport. The federal government requires that the airport owner have an "adequate property interest" in the clear-zone area in order that the requirements of FAR Part 77 can be met and the area protected from future encroachments. Adequate property interest may be in the form of ownership in fee simple (the most preferred) or lease (provided it is long term) or any other demonstration of legal ability to prevent future obstructions in the runway clear zone.

Community Noise Equivalent Level (CNEL): Average daily noise level, averaged for each of the 24 hours, and weighted more heavily during evening and nighttime hours to account for the lower tolerance of persons to noise during those hours.

Commuter Air Carrier: An air carrier which performs at least five round trips per week between two or more points and publishes flight schedules of its operating times and destinations. These airlines are exempt from some of the regulations covering large carriers. Commuter airlines must be certified by the FAA and must comply with the flight and safety regulations appropriate to the size and aircraft operated. Commuters may operate aircraft seating up to 60 passengers. If the carrier elects to apply for a certificate of public convenience and necessity from the Civil Aeronautics Board, larger aircraft may be operated.

Consistency: An action, program, or project is consistent with the general plan if it considers all its aspects, will further the objectives and policies of the general plan and not obstruct their attainment.

dBA: A-weighted sound level, in decibels, as measured on a sound level meter equipped with weighing networks that represent the way the human ear hears certain sounds. Overall readings can be taken with weighing networks which are called A-scale or C-scale settings on the meter. These scales do not represent the true sound pressure level because some of the sound has been filtered out. The A-scale setting filters out as much as 20 to 40 dB of the sound below 100 Hz, while the B-scale setting filters out as much as 5 to 20 dB of the sound below 100 Hz. The C-scale setting retains almost all the sound signal over the full frequency range. However, the B-scale and C-scale settings are rarely used.

Decibel, dB: A unit for describing the intensity or level of sound, equal to 20 times the logarithm to the base 10 of the pressure of the sound measured to a standard reference pressure.

Federal Aviation Administration (FAA): A federal agency charged with regulating air commerce to promote its safety and development, encouraging and developing civil aviation, air traffic control, and air navigation and promoting the development of a national system of airports.

Federal Aviation Regulations (FAR): Regulations issued by the FAA to regulate air commerce; issued as separate "Parts", e.g., part 77.

FAR Part 77: Establishes standards for determining obstructions in navigable airspace, sets forth requirements for notice of proposed construction or alteration and provides for aeronautical studies of obstructions to air navigation.

Frequency: The number of cycles per second (CPS) of a sound.

General Aviation: All types of aviation other than that performed by air carriers and the military.

Heliport: An area of land or water used or intended to be used for the landing and takeoff of helicopters, and includes its buildings and facilities, if any.

Intensity: The intensity of a particular sound, determined by measuring its pressure relative to a base or reference sound pressure, and expressed in decibels, dB.

Intermittent Noise: Noise that is not constantly present, but occurs periodically throughout the day.

Knots: Nautical miles per hour, the most common way to measure aircraft speed.

Ldn: Average day-night sound level.

Military: Refers to U.S. Army, Navy, Air Force, Marines, Coast Guard, Air National Guard.

Noise: Defined subjectively as unwanted sound. The measurement of noise involves understanding three characteristics of sound: intensity, frequency, and duration.

Noise Abatement Procedures: Changes in runway usage, flight approach and departure routes and procedures, and vehicle movement, such as ground maneuvers or other air traffic procedures, which shift aviation impacts away from noise sensitive areas (e.g., runway use programs and preferred arrivals and departures).

Noise Complaint: A recorded complaint concerning airport noise made by an individual and kept on file at the airport.
Noise Contours: Lines drawn about a noise source indicating constant energy levels of noise exposure. CNEL and Ldn are the measures used to describe community exposure to noise.

Noise Impact Area: The area in square statute miles enclosed by the noise impact boundary less that area of land usage within the boundary that is considered to be compatible with the actual noise environment.

Noise Insulation: Also called sound insulation, the materials and construction techniques applied to a structure to achieve outside to inside noise reduction.

Nonconforming Use: A pre-existing structure, tree, or use of land, which is inconsistent with the provisions of the CLUP, local general or specific plans, or airport master plans.

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 obstruction standards of subpart C of FAR Part 77 "Objects Affecting Navigable Airspace."

Operation: An aircraft takeoff or landing.

Planning Boundary: The area designated by the ALUC surrounding each airport pursuant to section 21675(c) of the Public Utilities Code in which the CLUP applies.

Public Use Airport: Publicly or privately owned airport that offers the use of its facilities to the public without prior notice or special invitation or clearance, and that has been issued a California Airport Permit by the Division of Aeronautics of the California Department of Transportation.

Runway: A defined area on a land airport, prepared for the landing and takeoff of aircraft. Runways are normally numbered in relation to their magnetic direction.

Runway Protection Zone: A trapezoidal area at ground level, beyond the runway and under the control of the airport authorities, for the purpose of protecting the safety of approaches and keeping the area clear of the congregation of people. The runway protection zone begins at the end of each primary surface and is centered upon the extended runway centerpiece. The term runway protection zone has replaced the term clear zone.

Runway Safety Area: A cleared, drained, graded and preferably turfed area symmetrically located about the runway which under normal conditions is capable of supporting fire fighting and rescue equipment and of accommodating the occasional passage of aircraft without causing major damage to the aircraft. This area must be free of objects.

Safety Zone(s): The areas(s) in the vicinity of an airport in which land use restrictions are established to protect the safety of the public.

Single Event Noise Exposure Level (SENEL) or Sound Exposure Level (SEL): The A-weighted sound level of a single noise event, such as an aircraft overflight, measured over the time interval between the initial and final times for which the noise level exceeds a threshold level and normalized to a reference duration of 1 second. SENEL and SEL values are identical: SENEL is used in California, SEL is adopted by the EPA and the FAA.

The SENEL (SEL) expresses the level of a continuous 1-second signal that contains the same amount of energy as the entire noise event. This value is not equal to the maximum A-level occurring during the noise event. Aircraft noise events last more than 1 second. SENEL/SEL values will be higher than the maximum A-level for the same events.

Structures: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers cranes, smokestacks, earth formation, and overhead transmission lines.

Traffic Pattern: Projection on the ground of the aerial path associated with an aircraft on the crosswind, downwind, base, and final approach legs of the approach/departure process:

Crosswind Leg. A flight path at right angles to the landing runway off its upwind end.

Downwind Leg. A flight path parallel to the landing runway in the direction opposite to landing. The downwind leg normally extends between the crosswind leg and the base leg.

Base Leg. A flight path at right angles to the landing runway off its approach end. The base leg normally extends from the downwind leg to the intersection of the extended runway centerline.

Final Approach. A flight path in the direction of landing along the extended runway centerline. The final approach normally extends from the base leg to the runway. An aircraft making a straight-in approach VFR is considered to be on final approach.
BIBLIOGRAPHY

Airport Master Plans
  Brackett Field (prepared by P&D Technologies)
  Compton Airport (prepared by Hodges & Shutt)
  Hawthorne Municipal Airport (prepared by Foreshe West)
  Torrance Airport
  Whiteman Airport (prepared by Hodges & Shutt)

Alameda County Airport Land Use Commission
  Airport Land Use Policy Plan 1973

Federal Aviation Administration
  Advisory Circular 150
  Regulations Part 77

City of Inglewood
  Noise Element of the General Plan 1987 (prepared by Motea Grove Associates)

Kern County
  Airport Land Use Planning Handbook 1990 (prepared by Hodges & Shutt)

Long Beach Airport
  History 1949

City of Los Angeles
  Department of Airports 1990 Annual Report

Los Angeles County
  Department of Regional Planning Airport Survey 1989
  General Plan Background Report 1980
  Noise Element of the General Plan
  Safety Element of the General Plan

Orange County
  ALUC proposed amendments to Airport Environ Land Use Plan 1990
  John Wayne Airport Draft ANCLUC Plan 1980
  (prepared by VTN Consolidated Inc.)

City of Palmdale
  Draft Airport Corridor Specific Plan 1991
  Joint Land Use Committee Policy Recommendations 1991

Santa Clara County Airport Land Use Commission
  Land Use Plan for Areas Surrounding Airports

San Diego Association of Governments
  Implementation of SB 233

City of Santa Monica
  Santa Monica Airport Agreement 1984

State of California Department of Transportation
  Division of Aeronautics Airport Land Use Planning Handbook 1983

Torrance Municipal Airport
  Your Neighbor Torrance Municipal Airport. An Overview
Appendix Contents

Public Utilities Code

Federal Air Regulations: Part 77

FAA Advisory Circular 70/7460-2K
CALIFORNIA CODES
PUBLIC UTILITIES CODE

SECTION 21670-21679.5

21670. (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 of 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 of 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. (a) Notwithstanding any other provision of this article,
if the board of supervisors and the city selection committee of
mayors in the 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) which does not
include among its membership at least two members having an 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 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), 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 of 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 an airport land use compatibility 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 Airports Program (Title 21 (commencing with Section 4050) of 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 airport land use compatibility 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 the 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. (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 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 compatibility 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 airport land use compatibility plans are adopted.

21670.3. (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 comprehensive land use plan adopted pursuant to Section 21675, adopt a comprehensive land use plan.

(b) Any comprehensive land use 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. (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, outer 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. 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) of 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. (a) Except for the terms of office of the members of the first commission, the term of office of 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 operating 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
CALIFORNIA CODES
PUBLIC UTILITIES CODE

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 that
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 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, the commission may continue
to charge fees necessary to comply with this article until June 30,
1992, and, if the airport land use compatibility 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. 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. 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 therefor to the
satisfaction of the board of supervisors.

21674. 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.
CALIFORNIA CODES
PUBLIC UTILITIES CODE

(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. (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 airport land use planning boundaries.
   (3) The identification of essential elements that 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 to commission staff and for which it determines there is a need for staff training or development.
(c) The department may provide training and development programs for airport land use 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. (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 as 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. (a) Each commission shall formulate a comprehensive land use 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 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, that reflects the anticipated growth of the airport during at least the next 20 years.

In formulating a land use 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 comprehensive land use 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 plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any military airport for all of the purposes specified in subdivision (a). The 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 planning 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 comprehensive land use 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. (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 that 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 a study area for the airport land use compatibility plan, 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 resulting 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. (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 of 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 location of any proposed development, the application number, 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. (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 public 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 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 agency governing body. The public agency governing body shall include comments from the commission and the division in the 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. (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 that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. 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 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. 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 agency 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. With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676, 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.

21679. (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 that postpones the effective date of the zoning change, zoning variance, permit, or regulation until the governing body of the local agency that 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), whichever is applicable.

(c) The court shall not issue an injunction pursuant to subdivision (b) if the local agency that 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. (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 of a public airport, shall be commenced in any 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.

(b) If a commission has been prevented from adopting the airport land use compatibility plan by June 30, 1991, or if the adopted airport land use compatibility plan could not become effective, because of a lawsuit involving the adoption of the airport land use compatibility 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 compatibility 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.
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) Determination 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 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

OBSSTRUCTION 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 takeoff 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 is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 ft 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 oralteration 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 pre-
scribed 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, regard-
less of whether the proposed construction or alteration has been started, or on the date the pro-
posed 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 Commu-
nications 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.
FAR Part 77 Imaginary Surfaces
Notice of Proposed Construction or Alteration

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: _______ ft.
15. Direction from #13. to Structure: _______
17. Total Structure Height (AGL): _______ 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:

FCC Form 7460-1 (2-99) Supercedes Previous Edition

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 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: __________________

Part 77 Notification
FAA Form 7460

424
Proposed Construction or Alteration of Objects that May Affect the Navigable Airspace
1. PURPOSE.

This Advisory Circular (AC) provides information to persons proposing to erect or alter an object that may affect the navigable airspace. The AC also explains the requirement to notify the Federal Aviation Administration (FAA) before construction begins and FAA's responsibility to respond to these notices in accordance with Title 14 Code of Federal Regulations (14 CFR) part 77, Objects Affecting Navigable Airspace. Additionally, the AC explains the process by which to petition the FAA’s Administrator for discretionary review of the determinations issued by the FAA.

2. CANCELLATION.

AC 70/7460–2J, Proposed Construction or Alteration of Objects That May Affect the Navigable Airspace, dated 11/29/95, is cancelled.

3. BACKGROUND/AUTHORITY.

a. 49 U.S.C. Section 44718 mandates, in pertinent part, that “The Secretary of Transportation shall require a person to give adequate public notice...of the construction or alteration, establishment or extension, or the proposed construction, alteration, establishment, or expansion, of any structure...when the notice will promote:

(1) safety in air commerce, and
(2) the efficient use and preservation of the navigable airspace and of airport traffic capacity at public-use airports.”

b. To this end, 14 CFR Part 77 was issued prescribing that notice shall be given to the Administrator of certain proposed construction or alteration.

4. EFFECTIVE DATE.

This advisory circular becomes effective March 1, 2000.

5. NOTICES.

a. WHY IS NOTIFICATION REQUIRED?

In administering 14 CFR Part 77, the FAA's prime objectives are to ensure the safe and efficient use of the navigable airspace. The FAA recognizes that there are varied demands for the use of airspace, both by aviation and nonaviation interests. When conflicts arise out of construction proposals, the FAA emphasizes the need for conserving the navigable airspace. Therefore, early notice of proposed construction or alteration provides the FAA the opportunity to:

(1) Recognize potential aeronautical hazards to minimize the adverse effects to aviation.
(2) Revise published data or issue a Notice to Airmen (NOTAM) to alert pilots to airspace or procedural changes made as a result of the structure.
(3) Recommend appropriate marking and lighting to make objects visible to pilots. Before filing FAA Form 7460–1, Notice of Proposed Construction or Alteration, construction sponsors should become knowledgeable in the different types of obstruction marking and lighting systems that meet FAA standards. Information about these systems can be obtained from the manufacturers. Proponents can then determine which system best meets their needs based on purchase, installation, and maintenance costs. The FAA will make every effort to accommodate the request.
(4) Depict obstacles on aeronautical charts for pilotage and safety.

b. WHO MUST FILE NOTICE?

Any person or an agent who intends to sponsor construction is required to submit notice to the Administrator if the proposed construction or alteration falls within any of the following categories:

(1) Greater than 200 feet in height. The proposed object would be more than 200 feet above ground level (AGL) at its location.

NOTE:
See FIG 1 and FIG 2.
(2) *Near a Public-Use or Military Airport, Heliport, or Seaplane Base.* A public use airport, heliport or a seaplane base with visually marked seaplanes that is listed in the current Airport Facility Directory, the Alaska Supplement or the Pacific Chart Supplement, or near an airport operated by an armed force of the United States.

(a) *Airport or Seaplane Base.* The proposed object or alteration would be within:

(1) 20,000 feet of an airport or seaplane base with at least one runway more than 3,200 feet in length and the object would exceed a slope of 100:1 horizontally (100 feet horizontally for each 1 foot vertically) from the nearest point of the nearest runway.

(2) 10,000 feet of an airport or seaplane base that does not have a runway more than 3,200 feet in length and the object would exceed a 50:1 horizontal slope (50 feet horizontally for each 1 foot vertically) from the nearest point of the nearest runway.

*NOTE:*
See FIG 3.
(b) **Heliport.** The proposed object would be within 5,000 feet of a heliport and would exceed a 25:1 horizontal slope (25 feet horizontally for each 1 foot vertically) from the nearest landing and takeoff area of that heliport.

**NOTE:** See FIG 4.

(3) Highways and Railroads. The proposed object is a traverse way which would exceed one or more of the standards listed in paragraphs a and b above, after the height of the object is adjusted upward as follows:

(a) Private road: 10 feet or the height of the highest mobile object that would traverse the roadway, whichever is greater.

(b) Other public roadways: 15 feet.

(c) Interstate Highways: 17 feet.

(d) Railroad: 23 feet.

(e) Waterway or any other thoroughfare not previously mentioned: an amount equal to the highest mobile object that would traverse the waterway or thoroughfare.

**NOTE:** See FIG 5.
(4) **Objects on a Public-Use or Military Airport or Heliport.** The proposed construction or alteration would be on an airport or heliport, or any airport operated by an armed force of the United States, regardless of height or location.

(5) **When Requested by the FAA.** The FAA may request notice if available information indicates the proposal may exceed an obstruction standard or the proposal may cause electromagnetic interference to aircraft, particularly construction associated with an AM, FM, or TV station including a change in authorized frequency or transmitting power, may cause transmitted signals to be reflected upon ground-based or airborne air navigation communications equipment, or affect instrument procedures. In addition, notice may be requested when the proposal may affect an air traffic control procedure, may obstruct air traffic controllers’ line of sight capability, or may affect air traffic control radar.

c. **WHAT KIND OF STRUCTURES REQUIRE FAA NOTIFICATION?**

The following are examples of structures requiring notice to the FAA.

(1) Proposed construction or alteration of structures such as:

(a) Buildings.

(b) Antenna Towers.

(c) Roadways.

(d) Overhead communications and transmission lines as well as the height of the supporting structures.

(e) Water towers and the supporting structure.

(2) Construction equipment or other temporary structures such as:

(a) Cranes.

(b) Derricks.

(c) Stockpiles of equipment.

(d) Earth moving equipment.

d. **WHEN MUST NOTICES BE FILED?**

Notice must be submitted:

(1) At least 30 days before the earlier of the following:

(a) The date the proposed construction or alteration is to begin, or

(b) The date the application for a construction permit will be filed.

(2) On or before the date the application for construction is filed with the Federal Communications Commission (FCC), if the proposed structure is subject to FCC licensing requirements.

(3) Immediately by telephone or other expeditious means to the nearest FSS, with written notification submitted within 5 days thereafter, if immediate construction or alteration is required as in cases involving public services, health or safety.

(4) As early as possible in the planning stage but not less than 30 days before construction will begin.

e. **HOW AND WHERE TO FILE NOTICE.**

Notification of the proposal should be made on FAA Form 7460-1, Notice of Proposed Construction or Alteration. Additional information such as charts and/or drawings that accurately depict the proposed construction or alteration should be included to
facilitate the FAA's analysis of the project. The completed form should be mailed to the Manager, Air Traffic Division, of the regional office having jurisdiction over the area within which the construction or alteration will occur.

NOTE:
Information on regional addresses may be found on the FAA's website at www.faa.gov/ata/ata/ata-400/oeaa.htm or contact the FAA listed in local telephone books under United States Government.

7. PENALTY FOR FAILING TO PROVIDE NOTICE.

Persons who knowingly and willfully violate the notice requirements of 14 CFR part 77 are subject to a civil penalty.

8. COMPLIANCE RESPONSIBILITY.

A notice filed with the FAA does not relieve the proponent of compliance with laws, ordinances or regulations of any other Federal, state or local governmental entity.

9. ASSOCIATED PUBLICATIONS.

The following publications contain obstruction criteria, marking and lighting standards and specifications for lighting and paint.

(1) Federal Aviation Regulations 14 CFR, part 77, Objects Affecting Navigable Airspace. This part sets forth the requirements for notice to the FAA of proposed construction or alteration and provides standards for determining obstructions to navigable airspace. 14 CFR, part 77 (Stock No. 050-007-00276-9) may be ordered from:

Superintendent of Documents
U. S. Government Printing Office
Washington, DC 20402

(2) Advisory Circulars. FAA advisory circulars are available free of charge from:

Department of Transportation
TASC
Subsequent Distribution Office,
SVC-121.23
Ardmore East Business Center
3341 Q 75th Avenue
Landover, MD 20785

(a) AC 70/7460-1, Obstruction Marking and Lighting, describes the standards for marking and lighting structures such as buildings, chimneys, antenna towers, cooling towers, storage tanks, supporting structures of overhead wires, etc.

(b) AC 150/5390-4, A Model Zoning Ordinance to Limit Height or Objects Around Airports, provides a model-zoning ordinance to be used as a guide to control the height of objects around airports.

(c) AC 150/5300-13, Airport Design, includes planning information on electronic and visual navigational aids and air traffic control facility siting and clearance requirements that influence the physical layout of airports.

(d) AC 150/5345-53, Airport Lighting Equipment Certification Program, addendum lists equipment model numbers and manufacturer's part numbers in compliance with item (e) below. The addendum is located on the Internet at the Office of Airports homepage: http://www.faa.gov/arp/arphome.htm under Advisory Circulars.

(e) AC 150/5345-43, Specification for Obstruction Lighting Equipment, contains specifications for equipment used in obstruction lighting systems.

(3) Marking Specifications and Standards. Aviation colors and paint standards and specifications are available from:

General Services Administration
Specifications Section
470 L'Enfant Plaza, Suite 8214
Washington, DC 20407

(4) FAA Forms. FAA forms are available free of charge from all FAA regional offices.

(a) FAA Form 7460-1, Notice of Proposed Construction or Alteration, is used to notify the FAA of proposed construction or alteration of an object that may affect the navigable airspace.

(b) FAA Form 7460-2, Notice of Actual Construction or Alteration, is used to notify the FAA of progress or abandonment, as requested on the form. The FAA regional office routinely includes this form with a determination when such information will be required. The information is used for charting purposes, to change aeronautical procedures and to notify pilots of the location of the structure.

1. ADMINISTRATIVE ASSISTANCE TO CONSTRUCTION PROPOSANTS.

(1) Airspace specialists are available in each regional office to assist proponents in filing their notice. Proponents are encouraged to call in advance for appointments. Limited resources often prevent the specialist from responding spontaneously without advanced planning or preparation.

(2) To insure timely determinations, construction proponents must submit complete and accurate data. Lack of complete and accurate data could result in the return of the form. United States Geological Survey quadrangle maps are available at nominal costs to aid in determining
the geographical coordinates (latitude/longitude) and site elevation above mean sea level. The latitude/longitude information should be submitted in North American Datum of 1983. The quadrangle maps can be obtained from:

U.S. Geological Survey
Reston, Virginia 22092
Telephone No. (703) 860-6045
U.S. Geological Survey
District Branch
P.O. Box 25286, Bldg. #41
Denver, Colorado 80225
Telephone No. (303) 844-4169

(3) Airport planners are available for assistance with construction proposals on Federally obligated airports.

(4) Proposals for electronic transmitting devices should include frequency, effective radiated power (ERP), radiation center height (RCAMSL), and antenna characteristics such as number of bays, beam tilt, and null fill.

6. FAA’s RESPONSIBILITY.

a. The FAA will acknowledge receipt of the notice.

b. After initial screening, the outcome of the screening will be sent to the filer and may state one of the following:

(1) The proposal is not identified as an obstruction and would not be a hazard to air navigation, or

(2) The proposal would be an obstruction unless reduced to a specified height and is presumed to be a hazard to air navigation pending further study. When this is indicated, the acknowledgement will either specify that the FAA has initiated further study, or the proponent may elect to reduce the height or request further study within (sixty) 60 days, in which event, the FAA will begin the study when the proponent so advises.

c. If further aeronautical study is initiated, public notice may be prepared and distributed for comments to those agencies, organizations, or individuals with known aeronautical interests to determine if the proposal would be a hazard to air navigation. State and local aviation authorities, as well as various military organizations of the Department of Defense, are also offered the opportunity to comment on the aeronautical effects of the proposal.

d. All responses received by the end of the specified comment period are analyzed by the FAA regional specialists for valid aeronautical comments and objections.

e. The office conducting the study may decide to conduct an informal airspace meeting with interested parties to discuss the effects of the proposal and to gather additional facts or information relevant to the study.

f. The FAA specialists may negotiate with the proponent during the study process to resolve any adverse effect(s) on aeronautical operations. Many times, a minor reduction in height and/or relocation of a proposed structure will eliminate or sufficiently minimize adverse aeronautical effects that would permit the issuance of a Determination of No Hazard to Air Navigation.

g. After the aeronautical study is completed, the regional office will normally issue a:

(1) Determination of Hazard to Air Navigation; or

(2) Determination of No Hazard to Air Navigation.

h. An FAA determination is a conclusion based on the study of a structure’s projected impact on the safe and efficient use of the navigable airspace by aircraft. It should not be construed as an approval or disapproval of the project.

i. The FAA usually recommends marking and/or lighting of a structure when its height exceeds 200 feet above ground level (AGL) or exceeds Part 77 obstruction criteria. However, the FAA may recommend marking and/or lighting of a structure that does not exceed 200 feet AGL or Part 77 obstruction standards because of its particular location.

7. HOW TO PETITION THE ADMINISTRATOR FOR DISCRETIONARY REVIEW.

a. When a determination is issued under 14 CFR Section 77.19(except Section 77.19 c.)(1)), or Section 77.35 or when a revision or extension is issued under Section 77.39 (c), you may petition the FAA Administrator for a review of the determination, revision, or extension if you:

(1) Are the sponsor of the proposed construction or alteration,

(2) Stated a substantial aeronautical objection to the proposal during an aeronautical study, or

(3) Have a substantial aeronautical objection but were not given an opportunity to state it.

b. The petition must be submitted within 30 days after the issue date of the determination, revision, or extension and must contain a full statement of the basis upon which it is made. Submit an original and two copies to:

Manager, Airspace and Rules
Division, ATA-400
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

[Signature]

Nancy Kalinowski

Program Director, Air Traffic
Airspace Management Program