

CITY/COUNTY ASSOCIATION
OF GOVERNMENTS OF
SAN MATEO COUNTY

ACTING AS THE AIRPORT LAND USE COMMISSION

Final Airport Land Use Compatibility Plan for the Environs of Half Moon Bay Airport

PREPARED FOR:

The City/County Association of Governments of San Mateo County (C/CAG)
Board of Directors in its Designated Role as the Airport Land Use Commission
for San Mateo County, Redwood City, California

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City/County Association of Governments of San Mateo County, California

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AIRPORT LAND USE COMPATIBILITY PLAN

For The Environs Of HALF MOON BAY AIRPORT In San Mateo County, California

Final

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CHAPTER ONE

Purpose and Scope

Chapter One

PURPOSE AND SCOPE

Half Moon Bay Airport

Airport Land Use Compatibility Plan

1.1 INTRODUCTION

This document represents an update of the state-mandated airport land use compatibility plan (ALUCP) for the environs of Half Moon Bay (HAF or the Airport), located in unincorporated San Mateo County. **Exhibit 1A** depicts the location of Half Moon Bay Airport and surrounding communities. This ALUCP was prepared by the City/County Association of Governments of San Mateo County (C/CAG), in its designated role as the Airport Land Use Commission for San Mateo County, under the authority of the State of California Aeronautics Law, State Aeronautics Act, Chapter 4, Article 3.5, California Public Utilities Code.

This ALUCP replaces the Half Moon Bay Airport Land Use Plan in Chapter III of the 1996 San Mateo County Comprehensive Airport Land Use Plan (previously referred to as a CLUP). The HAF airport layout plan (ALP), aviation activity forecasts, and noise contour maps have been updated since that time and are reflected in this updated ALUCP. This ALUCP has also been prepared with reference to and is consistent with the guidance provided by the Department of Transportation, Division of Aeronautics in the 2011 version of the California Airport Land Use Planning Handbook pursuant to California Public Utility Code (PUC) Sections 21674.5 and 21674.7.



Similar to the 1996 CLUP, this ALUCP is intended to protect and promote the safety and welfare of residents, business, and airport users near the airport, while supporting the continued operation of HAF. Specifically, the plan seeks to protect the public from the adverse effects of airport noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities encroach upon or adversely affect the use of navigable airspace.

1.2 PURPOSE OF THE ALUCP

1.2.1 Purpose

Airports play a vital role in the transportation system and economy of cities and counties throughout the nation. HAF provides services such as business travel, tourism, emergency response, fire suppression, law enforcement, and agriculture support. In recognition of the importance of the role airports play and proper land use compatibility planning within the State of California, the California State Legislature enacted laws that mandate the creation of Airport Land Use Commissions (ALUCs). Adopted in 1967 to assist local agency land use compatibility efforts, the laws are intended to protect:

"... public health, safety, and welfare by encouraging orderly expansion of airports and the adoption of land use measures that minimizes 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."

To achieve this goal, the ALUC has two primary functions:

- To prepare and adopt an airport land use compatibility plan (ALUCP) with a 20-year planning horizon for each airport within its jurisdiction.
- Review local agency land use actions and airport plans for consistency with the land use compatibility policies and criteria in the ALUCP.

The HAF ALUCP update is the key to implementation of the land use compatibility policies and criteria related to proposed development in the vicinity of the Airport. It also establishes the planning boundaries around HAF that define height/airspace protection, noise, and safety areas for policy implementation, and areas within which notification of HAF proximity is required as part of real estate transactions.

1.3 RESPONSIBILITIES AND REQUIREMENTS

Airport land use compatibility involves two overarching concepts: a community's need for safe and efficient air transportation and orderly compatible land use development within the airport environs. These two concepts need to be balanced to achieve a favorable result for the airport, the residents, and business in the airport's vicinity.

Airport land use compatibility planning can be a complicated matter when considering the various levels of government and documentation involved. Prior to addressing the local issues within HAF airport environs, a brief discussion of the specific responsibilities of each governmental entity with respect to aviation and land use is necessary. It is important to note that some levels of government are limited in the actions they may take with respect to airport land use compatibility, and care is taken to describe these limitations where appropriate.

1.3.1 Federal Government

The Federal Government, primarily through the Federal Aviation Administration (FAA), has the authority and responsibility to control aircraft operations associated with airport noise impacts through the following methods:

- **Implement and Enforce Aircraft Operational Procedures**. These include pilot responsibilities, compliance with Air Traffic Control instructions, flight restrictions, and monitoring careless and reckless operation of aircraft. Where and how aircraft are operated is under the complete jurisdiction of the FAA.
- Manage the Air Traffic Control System. The FAA is responsible for the control of
 navigable airspace and reviews any proposed alterations in flight procedures for noise
 abatement on the basis of safety of flight operations, safe and efficient use of navigable
 airspace, management and control of the national airspace and air traffic control
 systems, effects on security and national defense, and compliance with applicable laws
 and regulations.
- **Certification of Aircraft**. The FAA has required the reduction of aircraft noise through certification, modification of engines, or aircraft replacement as defined in Code of Federal Regulations Title 14, Part 36.
- **Pilot Licensing**. Individuals licensed as pilots are trained under strict guidelines concentrating on safe and courteous aircraft operating procedures, many of which are designed to lessen the effects of aircraft noise.
- FAA Airport Compliance and Grant Assurances: FAA Order 5190.6B, FAA Airport Compliance Manual, defines the airport sponsor's role with regard to land use planning and implementation actions "to reduce the effect of noise on residents of the surrounding area. Such actions include optimal site location, improvements in airport design, noise abatement ground procedures, land acquisition, and restrictions on airport use that do not unjustly discriminate against any user, impede the federal interest in safety and management of the air navigation system, or unreasonably interfere with interstate or foreign commerce." Additionally, upon receipt of FAA grant funding, the airport sponsor agrees to take appropriate action, including the adoption of zoning laws, to the extent reasonable to restrict the use of land next to or near the

airport to uses that are compatible with normal airport operations in accordance with FAA Grant Assurance 21, Compatible Land Use.

 Noise Compatibility Studies. 14 CFR Part 150 establishes procedures and criteria for the evaluation of airport noise-related impacts. Although the FAA may provide guidance for airport land use compatibility, it has no jurisdiction over local planning decisions.

1.3.2 State of California

The California Department of Transportation, Division of Aeronautics is responsible for funding, 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 State of California grants the authority of land use regulation to local governments. This regulation is accomplished through the use of general plans and zoning ordinances. The state has also established airport noise standards, noise insulation standards, and requirements for the establishment of an ALUC. State staff may also coordinate with local agencies to encourage environmental mitigation measures intended to discourage the encroachment of incompatible land uses near airport facilities. As with the federal government, local planning decisions are at the discretion of the local jurisdiction and the state may not interfere with these decisions.

California State law also requires sellers of real property to disclose any fact materially affecting the value and desirability of the property. Such disclosure is required when the property is either within two miles of an airport or if it is within an Airport Influence Area (AIA). The law defines the AIA as the area where airport-related factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission. According to the State Division of Aeronautics, the AIA is usually the planning area designated by an airport land use commission for each airport. The AIA for HAF is defined in Section 1.4.2 of this chapter.

The California Noise Insulation Standards are found in California Administrative Code, Title 24, Part 6, Division T25, Chapter 1, Subchapter 1, Article 4. These standards establish uniform minimum noise insulation performance standards to protect persons within new multi-family residential structures and hotels from the effects of noise. Once these buildings are sound-insulated to the proper performance standards, they are not considered "noise impacted." These minimum noise insulation performance standards require that the Community Noise Equivalent Level (CNEL) shall not exceed 45 dB in any habitable room, with all doors and windows closed.

1.3.3 City and County Governments

Cities and counties may be engaged in the national aviation system by owning and operating an airport. As airport proprietors, cities and counties have limited power to control what types of civil aircraft use its airport or to impose curfews or other use restrictions if the airport has received federal funds. This power is limited by the rules of 14 CFR Part 161, which states that airport proprietors may not take actions that (1) impose an undue burden on interstate or foreign commerce, (2) unjustly discriminate between different categories of airport users, or (3) involve unilateral action in matters pre-empted by the federal government.

Within the limits of the law and financial feasibility, airport proprietors may mitigate noise or acquire land or partial interests in land, such as air rights, easements, and development rights, to assure the use of property for purposes which are compatible with airport operations.

Cities and counties bear responsibility for the orderly development of areas surrounding the airports within their respective jurisdiction. To achieve this goal, each jurisdiction is charged with making sure all applicable planning documents and building codes are consistent with the ALUCP or go through the overrule process as outlined in Government Code, Section 65302.3. Local jurisdictions that include territory within the AIA boundary are also obligated to bring local plans into consistency with the ALUCP and submit land use actions, such as general plan or specific plan amendments, revisions to ordinances or regulations, airport plans and individual development projects to the ALUC for a determination of consistency under Public Utility Code (PUC) Section 21676.

1.3.3.1 Airport Land Use Commission

At the county level of government exists a unique intersection of airport and land use compatibility planning with the administration of the Airport Land Use Commission. As previously discussed, the establishment of an Airport Land Use Commission is required for any county with an airport that is operated for the benefit of the public. The role of the commission is to "formulate a comprehensive plan that will provide for the orderly growth at each public use airport and the area surrounding the airport within the jurisdiction of the commission" (State of California, Public Utilities Code Section 21675).

As previously mentioned, the C/CAG Board of Directors serves as the airport land use commission for San Mateo County. The C/CAG was formed in November 1990 through a Joint Powers Agreement (JPA) between the County and the 20 incorporated cities in the County to prepare, adopt, and enforce state-mandated countywide plans, such as the HAF ALUCP. The membership of C/CAG and geographic location of C/CAG member jurisdictions is depicted on **Exhibit 1B**.

The C/CAG is an autonomous public agency and acts independently of the County of San Mateo Board of Supervisors. Therefore, C/CAG's review of local land use policy actions



and issues are not subject to approval by the County Board of Supervisors. The County of San Mateo is a member of the C/CAG Board of Directors and is subject to the same requirements and procedures that apply to any other affected local agency regarding the ALUCP referral and review process. In addition, the County of San Mateo is required to provide staff assistance for the operation and support of C/CAG in its role as the San Mateo County Airport Land Use Commission (Pub. Util. Code, Section 21671.5[c]).

The C/CAG established an Airport Land Use Committee (ALUC) to advise the C/CAG Board on airport/land use compatibility planning issues. The membership of the C/CAG ALUC, as of April 2013, is listed on **Exhibit 1B**. The membership includes C/CAG member jurisdictions that are affected by one or more of the airports in San Mateo County. It is important to note, the C/CAG Board makes all final decisions regarding airport/land use planning issues in San Mateo County, per the provisions in Public Utilities Code Section 21670, et seq.

The responsibilities of the C/CAG ALUC include: (1) reviewing proposed local agency land use policy actions for a determination of consistency with the applicable provisions contained in the ALUCP and making recommendations to the C/CAG Board (the Airport Land Use Commission), regarding such actions and (2) preparing periodic draft amendments to the ALUCP for adoption by the C/CAG Board.

1.4 SCOPE OF THE ALUCP

1.4.1 ALUCP Assumptions

The updated ALUCP is based on three sets of key planning assumptions: (1) the updated Airport Layout Plan (ALP); (2) the updated aviation activity forecasts; and (3) the updated noise exposure forecasts. These three key planning assumptions are provided by the San Mateo County Department of Public Works, Airports Division. State law requires that airport land use commissions base their ALUCPs on up-to-date airport master plans or ALPs (Pub. Util. Code §21675(a)). This ALUCP for HAF is based on the 2013 ALP and Narrative Report for the Airport. The 2013 ALP calls for the removal of the 762-foot displaced threshold from Runway 30. This differs from the previous ALP, which called for the removal of the 752-foot displacement from Runway 12 and the 762-foot displacement from Runway 30.

The updated ALUCP also relies on the latest aviation activity forecasts prepared for HAF. FAA approved forecasts were prepared as part of the 2013 ALP Narrative Report and are used for this ALUCP update.

As part of the environmental assessment for taxiway improvements at HAF, updated noise contour maps for the existing condition and 20-year forecasted conditions have been prepared. The 20-year forecast contours define the boundaries within which the noise compatibility policies of this ALUCP are based. The ALUCP must use a 20-year forecast conditions pursuant to PUC Section 21675.

1.4.2 Geographic Scope

The HAF ALUCP applies to geographic areas in a portion of the City of Half Moon Bay and unincorporated areas in San Mateo County that are located within the AIA boundary. The AIA boundary was established using the outer boundary of the Title 14 of the Code of Federal Regulation Part 77 (14 CFR Part 77) for HAF. 14 CFR Part 77 defines a series of airspace boundaries around an airport to determine if there are obstructions to air navigation. The conical surface is outer boundary of the 14 CFR Part 77 airspace boundaries and generally represents the traffic pattern for an airport like HAF. The AIA boundary is depicted on **Exhibit4C** in Chapter 4.

1.4.3 Limitations of the ALUCP

The Airport Land Use Commission (the C/CAG Board) has no authority over Airport operations (Pub. Util. Code, Section 21674[e]). Therefore, nothing in this ALUCP shall be interpreted as regulating or conveying any recommendations concerning aircraft operations to/from/at the Airport.

The HAF ALUCP update is not a specific development plan. This ALUCP does not designate specific land uses for any particular parcel or parcels of land. In addition, the land use compatibility policies and criteria contained within this document are intended to promote compatible land development in the vicinity of HAF. They are not intended to remove existing incompatible uses. *None of the compatibility criteria contained herein are retroactive to existing land uses*.

Incompatible development that currently exists is recognized as existing nonconforming land use by the Airport Land Use Commission (the C/CAG Board). Although this nonconforming land use is recognized, neither this ALUCP nor the Airport Land Use Commission (the C/CAG Board), finds these uses to be consistent with this ALUCP.

In addition to land uses that are currently developed and in use, "existing land uses" shall also include vested development projects that have not yet been built if one or more of the following conditions is satisfied:

- A vesting tentative map has been approved pursuant to California Government Code, Section 66498.1, and has not expired as of the effective date of this ALUCP;
- A development agreement has been executed pursuant to California Government Code, Section 65866, and remains in effect as of the effective date of this ALUCP; or
- As of the effective date of this ALUCP, a valid building permit has been issued, substantial work has been performed, and substantial liabilities have been incurred in good faith reliance on the permit, pursuant to the California Supreme Court decision in Avco Community Developers, Inc. v. South Coast Regional Com. (1976) 17 Cal.3d 785,791, and its progeny.

1.5 ALUCP ADOPTION, IMPLEMENTATION, AND AMENDMENTS

1.5.1 ALUCP Adoption

The adoption of this ALUCP is coordinated through the C/CAG. The C/CAG is obligated to involve the affected local agencies in the adoption process by holding a public hearing on the document prior to formal adoption. As discussed in the Handbook, adoption of the ALUCP begins a statutory 180-day period within which the county and affected cities must either modify its general plan and applicable specific plans or take the steps necessary to overrule the ALUC (Government Code, Section 65302.3). The overruling process involves four mandatory steps:

- 1. the local agency must provide the local Airport Land Use Commission and the California Department of Transportation, Division of Aeronautics a copy of the proposed decision and findings within 45 days prior to any decision to overrule the commission;
- 2. the holding of a public hearing;
- 3. the adoption of specific findings that the local government's plans are consistent with the purposes of the State airport compatibility statute and that they provide for the orderly development of the airport; and
- 4. approval of the overrule action by a two-thirds majority of the governing body of the local government

1.5.2 ALUCP Implementation

Upon adoption of the ALUCP and where local agencies have amended their general and specific plans to be consistent with the ALUCP, the following types of actions proposed within the airport influence area must be submitted to C/CAG for determination of consistency prior to approval by the local jurisdiction:

- Adoption of a general plan, specific plan, or any amendments.
- Airport and heliport plans, including master plans, expansion plans, and plans for the construction of a new facility.

1.5.3 ALUCP Amendments

The effectiveness of this document can be limited by its currency. As such, the C/CAG Board should review the document as necessary to ensure that the information and assumptions used are still appropriate for HAF.¹ It is especially important to review the

¹ As outlined the *Handbook*, a comprehensive review and update is recommended at least every five years.

plan whenever the HAF airport master plan or airport layout plan is amended. Changes in runway lengths in particular could require an amendment to the ALUCP.

The C/CAG Board should also review the ALUCP when new guidance documents are prepared by the California Department of Transportation. It is important for the ALUCP to reflect the latest information and research on aircraft noise and safety compatibility issues. It should be noted that California State law limits the amendment of the ALUCP to no more than once per calendar year (Pub. Util. Code, Section 21675 [a]).

Upon completion of a draft amendment document, the C/CAG Airport Land Use Committee refers the document to the C/CAG Board for review and adoption. The C/CAG Joint Powers Agreement requires a countywide plan, or an amendment of a countywide plan, to be introduced at a C/CAG Board meeting prior to final action on the plan or plan amendment at a subsequent C/CAG Board meeting. Therefore, it takes at least two C/CAG Board meetings to adopt an amendment to the ALUCP. The second meeting includes a public hearing to receive public input prior to final action on the amendment.

1.6 ENVIRONMENTAL REVIEW

The preparation of *California Environmental Quality Act* (CEQA) documentation when adopting or amending an ALUCP is require based upon legal precedent. A decision reached by the California Supreme Court in 2007 clarified the application of CEQA to airport land use compatibility plans (*Muzzy Ranch Co. v. Solano County Airport Land Use Commission*, 41 Cal. 4th 372, June 21, 2007, modified September 12, 2007). The court ruled that an ALUCP is a "project" subject to environmental review under CEQA. The court explained that even if subsequent action by a local land use regulatory agency is required before development projects can be authorized, an ALUCP "carries significant, binding regulatory consequences for local government..." The court noted that even if an ALUCP would not cause a direct physical change in the environment, it still might affect the environment indirectly. The court specifically discussed the possibility that adoption of land use restrictions in the vicinity of an airport could cause development that would have occurred in the airport area to shift elsewhere, potentially giving rise to an adverse effect on the environment.

According to the court, a "common sense" exemption from CEQA may be invoked by an airport land use commission "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment" The CEQA exemption may be used, however, only when the specific facts in question reveal that use of the exemption is justified.

In accordance with Public Resources Code, section 21096, the ALUCP and *Handbook* shall be utilized as technical resources to assist in the preparation of environmental documentation as the report relates to airport-related safety hazards and noise problems. Additionally, a lead agency shall not adopt a negative declaration for a development action unless the lead agency considers whether the project will result in a safety hazard or noise

problem for persons using the airport or for persons residing or working in the project area.

1.7 ABOUT THIS DOCUMENT

This document includes all components of the updated ALUCP for HAF. In addition to this chapter, which outlines the ALUCP purpose and scope, the remaining three chapters provide the following information:

Chapter Two includes all applicable land use policies and plans in the Half Moon Bay Airport environs.

Chapter Three includes baseline information for Half Moon Bay Airport, including an overview of the airport and its operations, and noise exposure contours.

Chapter Four includes the safety, noise, and height restriction guidelines to be used when considering land use developments within the vicinity of the airport influence area boundary for Half Moon Bay Airport.

Additionally, appendices are included to supplement the analysis presented in the ALUCP. These include Airport Noise Analysis, Safety Issues and Alternatives, and Height Restriction Issues and Alternatives.

Appendices are also provided that include implementation materials for use by C/CAG staff and local planning agencies to achieve the land use compatibility goals of this plan.

CHAPTERTWO

C/CAG

City/County Association of Governments of San Mateo County, California

Half Moon Bay Airport Environs

Chapter Two

HALF MOON BAY AIRPORT ENVIRONS

Half Moon Bay Airport

Airport Land Use Compatibility Plan

2.1 AIRPORT SETTING

This chapter provides an overview of the Half Moon Bay Airport (HAF or Airport) environs for this airport land use compatibility plan (ALUCP) update. This includes a description of the general study area, existing land uses, land use planning documents, and noise exposure contours for HAF. As shown on **Exhibit 2A**, Half Moon Bay Airport is located north of the City of Half Moon Bay, California, and is located approximately 15 miles south of San Francisco, California. Half Moon Bay Airport was constructed in the 1940s for the U.S. Army. The airport was later transferred to the U.S. Navy and then acquired by the County of San Mateo (County) in 1947. Half Moon Bay Airport is currently owned and operated by San Mateo County, which is the airport's designated sponsor.

2.2 AREA LAND USE

An evaluation of the land uses surrounding the airport is necessary to understand the impacts that may result from safety and noise zones defined in Chapter Four of this ALUCP. **Exhibit 2B** illustrates the land uses within the study area based on information collected from the San Mateo County Assessor's Office Local Tax Roll database dated November 2012.¹ For comparative purposes, the total area for each land use category is presented in **Table 2A**.

¹ **Exhibit 2B** depicts only land uses that are currently developed and in use and does not include other parcels that may meet the definition of "existing land use" as described in Section 1.4.3.





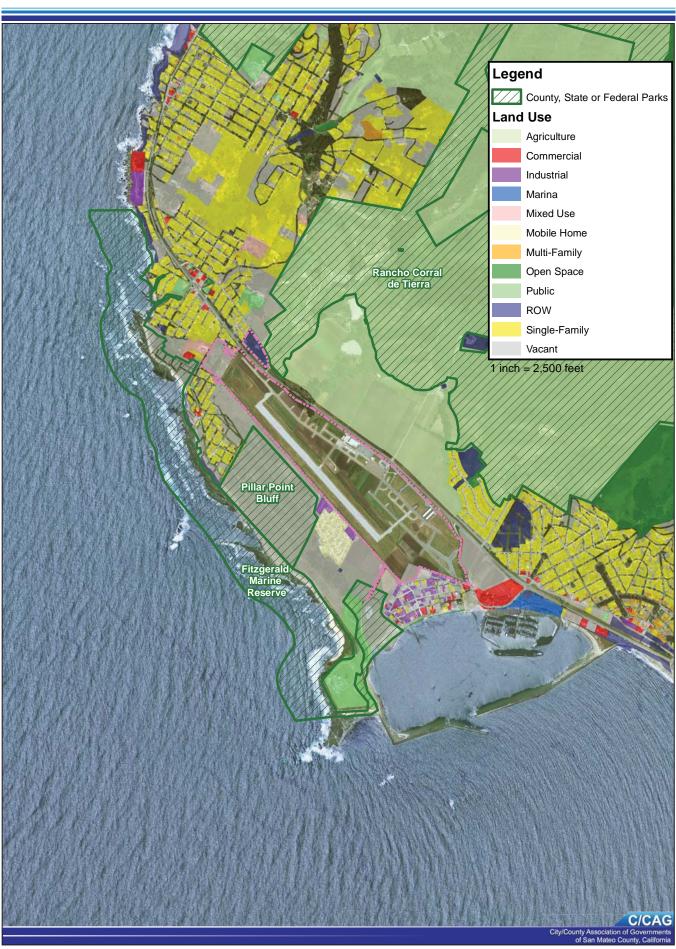


TABLE 2A Land Use Summary Half Moon Bay Airport

Land Use Classification	Area (Acres)	Percentage	
Agriculture	2014.3	42.3%	
Single Family Residential	773.1	16.2%	
Parks, Open Space, Undeveloped	737.4	15.5%	
Commercial, Industrial, Marine,	732.9	15.4%	
Transportation, and Right-of-Ways	732.9	13.4%	
Airport Property	323.1	6.8%	
Mixed Use with Residential	102.0	2.1%	
Public	33.7	0.7%	
Manufactured Homes	24.9	0.5%	
Multi-Family Residential	21.5	0.5%	
Total	4763	100.0%	

Source: San Mateo County Assessor's Office Local Tax Roll database dated November 2012, Coffman Associates analysis

The areas are based on the parcels depicted on **Exhibit 2B**. As indicated in the table, the study area covers 4,763 acres (7.4 square miles). The largest segment, agriculture, comprises more than 42 percent of the land within the study area. This is followed by single family residential land uses which total more than 16.2 percent of the area depicted on the map. The third largest category includes parks, open space and undeveloped land and includes 15.5 percent of the area. Commercial, industrial, marine, transportation, and right-of-way total 15.4 percent of the area. The airport accounts for slightly less than 7 percent of the planning area. The remaining areas are developed with land uses classified as mixed use residential, public, manufactured homes, or multi-family residential.

As indicated on **Exhibit 2B**, a majority of the land uses immediately adjacent to the airport are classified as commercial, industrial, transportation, and utilities, with the exception of those located northwest of the airport along Cabrillo Highway (Highway 1), which include single family residential and multi-family residential land uses. There are residential land uses northeast of the airport and west of the airport along Airport Street. Additionally, there are light industrial land uses west of the airport on Airport Street.

2.3 LAND USE PLANNING POLICIES AND REGULATIONS

2.3.1 General Plan

The State of California requires each local jurisdiction to develop a "long range General Plan for the development of the city or county" which "shall consist of a statement of development policies and shall include diagrams and text setting forth objectives, principles, standards, and plan proposals."

Exhibit 2C depicts the general plan land use designations for areas within the planning boundary based on information available from San Mateo County. The general plan land uses are summarized in **Table 2B**.

TABLE 2B General Plan and Local Coastal Plan Land Use Summary Half Moon Bay Airport

Land Use Classification	Area (Acres)	Percentage
Agriculture	2373.1	49.8%
Medium Density Residential	926.0	19.4%
Open Space	342.3	7.2%
Low Density Residential	380.5	8.0%
Airport Property	323.1	6.8%
Commercial	268.5	5.6%
Public	67.7	1.4%
High Density Residential	28.3	0.6%
Coastside Coastal Recreation	53.5	1.1%
Total	4,763	100.0%

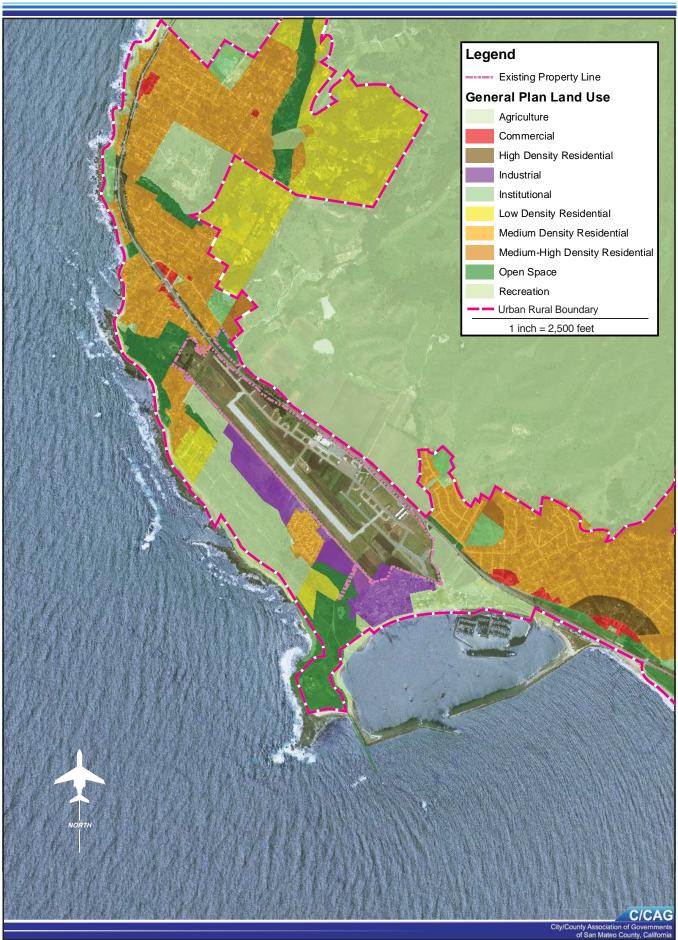
Source: San Mateo County General Plan database dated November 2012 and San Mateo County Local Coastal Plan dated June 2013, Coffman Associates analysis

As indicated in the table, nearly 50 percent of the land within the study area is planned for agricultural land uses in areas east of the airport. The next largest portion of the study area is planned for medium density residential land uses. General plan requirements for development of this type include a minimum 5,000 square foot parcel size and a maximum of one dwelling unit per parcel. The open space classification includes designated open space areas and other recreational areas. This accounts for 7.2 percent of the land area within the study boundary. Areas planned for low density residential, which accounts for 8 percent of the land area, can be developed with a minimum parcel size of 20,000 square feet and a maximum of one dwelling unit per acre. The airport accounts for slightly less than 7 percent of the planning area. The remaining areas are planned for Coastside Coastal Recreation, commercial, public, and high density residential land uses.

2.3.2 Zoning

The State of California gives local jurisdictions, such as cities or counties, the authority to regulate the use of buildings, structures, and land through the adoption and administration of a zoning ordinance or code.

Exhibit 2D depicts the zoning designations for parcels within the planning boundary based on information available from San Mateo County. The acreage for each zoning designation is summarized in **Table 2C**.



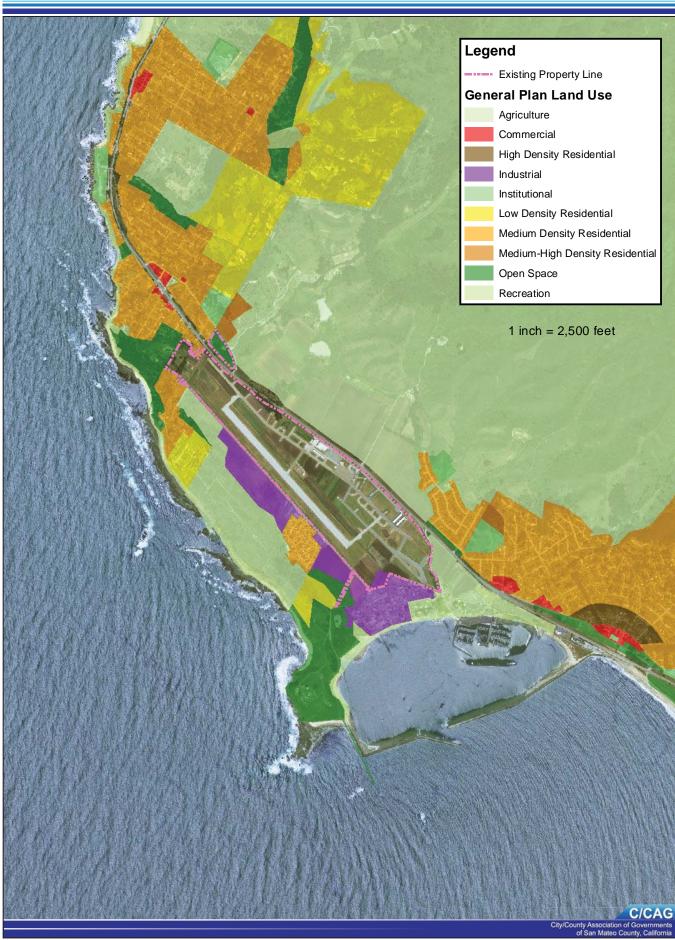


TABLE 2C Zoning Summary Half Moon Bay Airport

Land Use Classification	Area (Acres)	Percentage
Agriculture	2430.3	51.0%
One-family Residential	711.8	14.9%
Right-of-Way, Parking	608.3	12.8%
Open Space, Recreation, Resource	533	
Management	333	11.2%
Airport Property	323.1	6.8%
Commercial, Industrial, Waterfront	116.3	2.4%
Multiple Family Residential	28.4	0.6%
Planned Unit Development	11.9	0.2%
Total	4763	100%

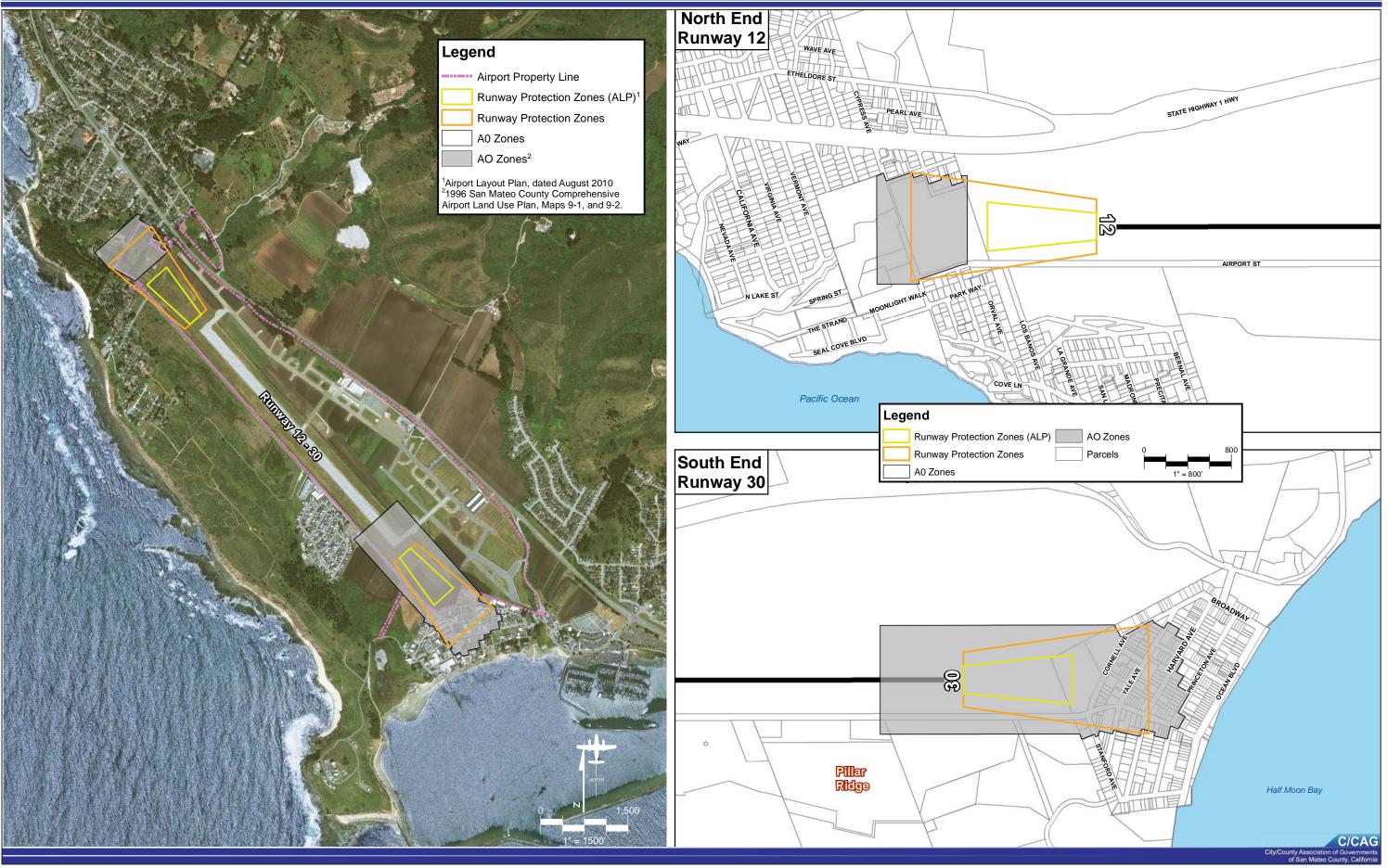
Source: San Mateo County General Plan database dated November 2012, Coffman Associates analysis

As shown in the table, 51 percent of the land area within the study boundary is zoned for agricultural land uses. One-family residential land uses account for the second highest acreage (14.9 percent), followed by right-of-way (12.8 percent) and the combined acreages for lands zoned for open space, recreation and resource management (11.2 percent). The airport accounts for slightly less than 7 percent of the planning area. The remaining parcels are zoned for commercial, industrial, waterfront, multiple family residential or planned unit development.

2.3.3 Airport Overlay Zone

As described in Chapter 18.6 of the San Mateo County Zoning Ordinance, the Airport Overlay (AO) zone provides a margin of safety at the ends of the runways by limiting the concentration of people where hazards from aircraft are considered to be greatest. **Exhibit 2E** illustrates the location of the AO zone at each end of the runway. The AO zone generally encompasses RPZs defined on Maps 9-1 and 9-2 of the 1996 San Mateo County Comprehensive Airport Land Use Plan as RPZ (see **Exhibit 2E**). As indicated on the exhibit, the AO zone has been aligned with parcel boundaries to ease implementation of its requirements. However, as illustrated on **Exhibit 2E**, the RPZs, based on the current ALP, are smaller than what was previously prepared for the airport. This is due to changes in the utility assumptions for the runway and changes in FAA design criteria.

The AO zone combines with the following zoning districts in the area surrounding the airport: Light Industrial (M-1), Resource Management-Coastal Zone (RMC), Waterfront (W), Single-Family Residential/5,000 s.f. lot minimum (R-1/S-17). As previously stated, the AO zone requirements are combined with the above-referenced zoning designations.



2.4 AIRPORT NOISE EXPOSURE

2.4.1 Airport Noise Exposure Contours

Airport noise exposure contours for Half Moon Bay Airport were developed using the FAA's Integrated Noise Model using the assumptions discussed in **Appendix A**. Noise contours were calculated using aircraft operations for the existing condition (2012) and 20-year (2032) forecast presented in **Table 2D**. Output data selected for calculation by the INM are annual average noise contours in CNEL. The 60, 65, 70, and 75 CNEL noise contours have been mapped for this analysis. The following paragraphs describe the noise exposure contours for the existing and 20-year forecast.

TABLE 2D
Operational Fleet Mix
Half Moon Bay Airport Aircraft Fleet Mix and Operations

Aircraft	INM Designator	2012	2032	
Itinerant GA and Air Taxi				
Cessna Citation 500 (Jet)	CNA500	25	75	
Cessna Citation 525 (Jet)	CNA525C	75	125	
Turboprop	CNA441	730	1,920	
ME Piston	BEC58P	2,342	2,980	
SE Piston (fixed pitch)	GASEPF	10,087	12,260	
SE Piston (variable pitch)	GASEPV	10,087	12,260	
Helicopter	B222	60	120	
Coast Guard C-130	C-130E	10	10	
Local GA				
ME Piston	BEC58P	2,342	2,980	
SE Piston (fixed pitch)	GASEPF	10,537	13,385	
SE Piston (variable pitch)	GASEPV	10,537	13,385	
Total Operations		46,8321	59,500 ²	

Source: Operational fleet mix derived from an inventory of existing operations at the airport and instrument flight rule (IFR) flight database information from the Airport IQ website.

Exhibit 2F depicts the existing condition noise exposure contours for Half Moon Bay Airport. The innermost contour depicted on **Exhibit 2F** is the 75 CNEL. For the most part, the 75 CNEL remains on the runway and is completely contained on airport property. The 70 CNEL contour encompasses Runway 12-30 and is mostly contained on airport property. One small portion of the 70 CNEL extends off airport property across Airport Street to the southwest and over an agricultural field. The 65 CNEL extends off airport property only on the west side of the airport. A small portion of a residential area to the southwest falls within the 65 CNEL contour. The 60 CNEL contour extends off airport property to the

¹ Generated utilizing FAA's *Model for Estimating General Aviation Operations at Non-Towered Airports Using Towered and Non-Towered Airport Data*, July 2001.

² Operational forecasts prepared by Coffman Associates project an average annual growth rate of 1.2 percent through 2032.

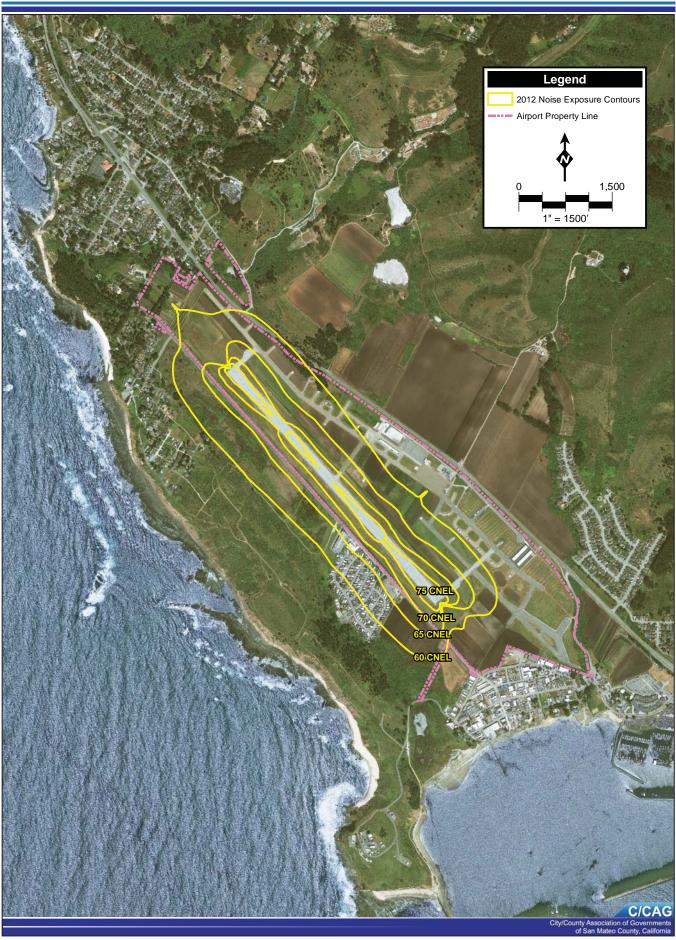


Exhibit 2F EXISTING NOISE CONTOURS

northeast and crosses the Pacific Coast Highway onto an undeveloped area. A larger portion of the residential area to the southwest also falls into the 60 CNEL contour.

The 20-year forecast noise exposure contours are depicted on **Exhibit 2G**. These contours are very similar in shape to the existing noise exposure contours. However, the twenty-year forecast contours are slightly larger due to the increase in operations forecasted for the airport (see Table 2). The 75 CNEL continues to remain on airport property. The 20-year forecast 60, 65, and 70 CNEL noise exposure contours are all very similar in shape to the existing condition noise exposure contours, just slightly larger in size.

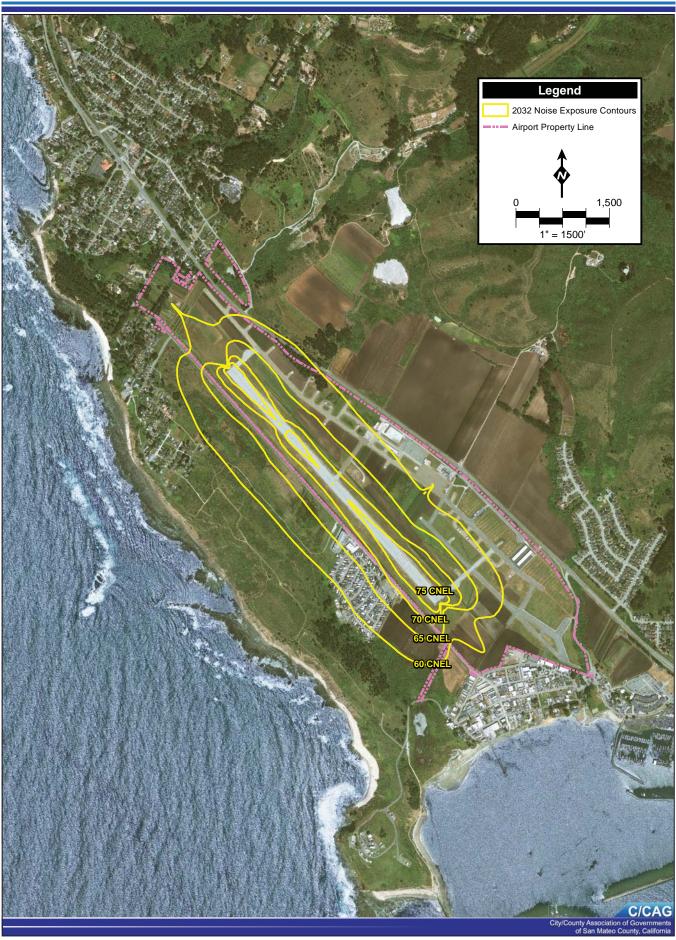
2.5 HALF MOON BAY AIRPORT AIRSPACE AND NOISE ABATEMENT

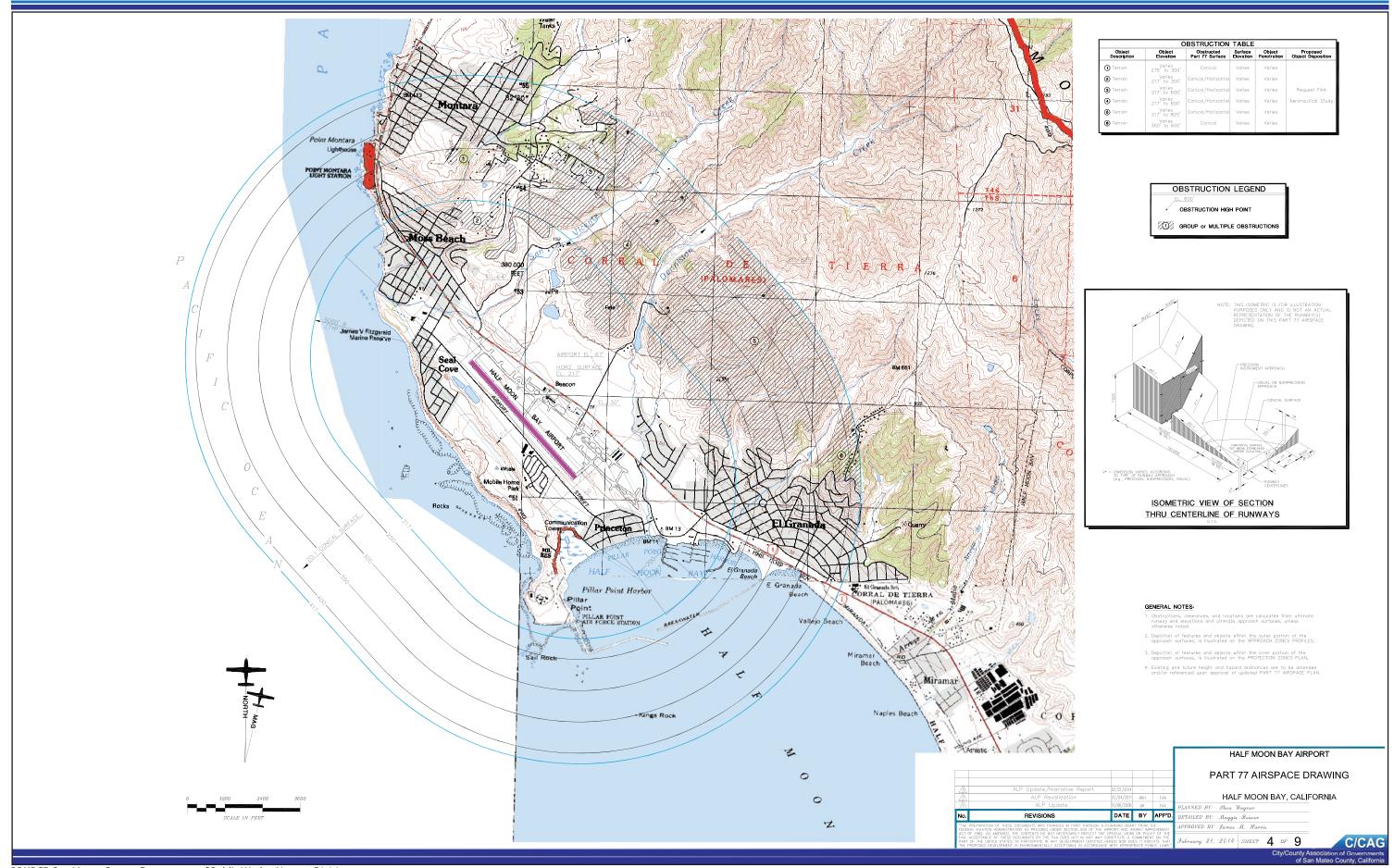
Exhibit 2H depicts the Title 14 of the Code of Federal Regulations, Part 77 airspace drawing for Half Moon Bay Airport. The airspace drawing consists of a series of circular bands around the Half Moon Bay Airport runway that specify airspace clearance elevation surfaces for safe flight. These surfaces are commonly referred to as imaginary surfaces. The imaginary surfaces rise from the primary surface, which is at ground level immediately around the runways. The surfaces rise gradually along the approach slopes associated with each runway end and somewhat more steeply off the sides of the runways. Structures and terrain that extend beyond the imaginary surface elevation are identified as obstructions to air navigation. Obstructions may occur without compromising safe air navigation, but they must be marked, lighted, and noted on aeronautical publications to ensure that pilots can see and avoid them. As seen in **Exhibit 2H**, high terrain to the northeast of Half Moon Bay Airport penetrates the airspace clearance surfaces identified with black hatching.

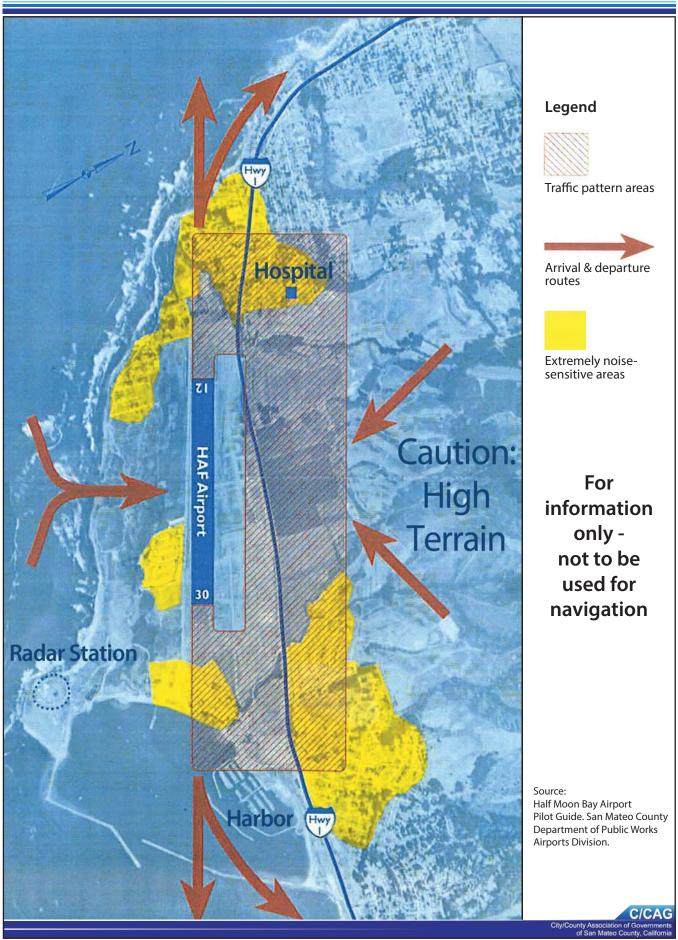
High terrain shapes the access routes to and from Half Moon Bay Airport as well as the traffic pattern. **Exhibit 2J** depicts the established approach/departure routes and traffic pattern. As seen on **Exhibit 2J**, the primary departure corridors follow the coastline and avoid terrain to the northeast. The traffic pattern (shown in red hatch) is limited to the northeast. The primary reason for this traffic pattern limitation is the potential conflicts with Pillar Point Air Force Station and surveillance area located to the south.

Noise-sensitive development also plays a role in where aircraft are requested to fly. Noise-sensitive areas (identified in yellow on **Exhibit 2J**) are depicted on noise abatement procedure pilot guides to reduce the impacts of aircraft overflights.

The Northern and Central California National Marine Sanctuaries have established a 1,000-foot above ground level flight restriction to reduce impacts to marine mammals and seabirds. Failure to comply with this minimum flight altitude is a violation of Federal regulations.







C/CAG

CHAPTER THREE

Chapter Three

AIRPORT FACILITIES AND IMPROVEMENTS

Half Moon Bay Airport

Airport Land Use Compatibility Plan

3.1 AIRPORT FACILITIES

Facilities at an airport can be divided into two distinct categories: airside facilities and landside facilities. Airside facilities include those directly associated with aircraft operations. Landside facilities include those necessary to provide an interface between surface and air transportation, and support aircraft servicing, storage, maintenance, and operational safety.

3.1.1 Airside Facilities

Airside facilities generally include, but are not limited to, runways, taxiways, connecting taxiways, airfield lighting, and navigational aids. As depicted on **Exhibit 3A**, Half Moon Bay Airport is served by one runway. Runway 12-30 is 5,000 feet long and 150 feet wide and is constructed of concrete with an asphalt overlay. Both runway ends have displaced landing thresholds. A displaced landing threshold shifts the aircraft approach touch down to a point other than the designated beginning of the runway. In addition to the runway, there is a taxiway system to provide access to the various facilities at the airport. **Table 3A** summarizes the basic runway data for Half Moon Bay Airport.

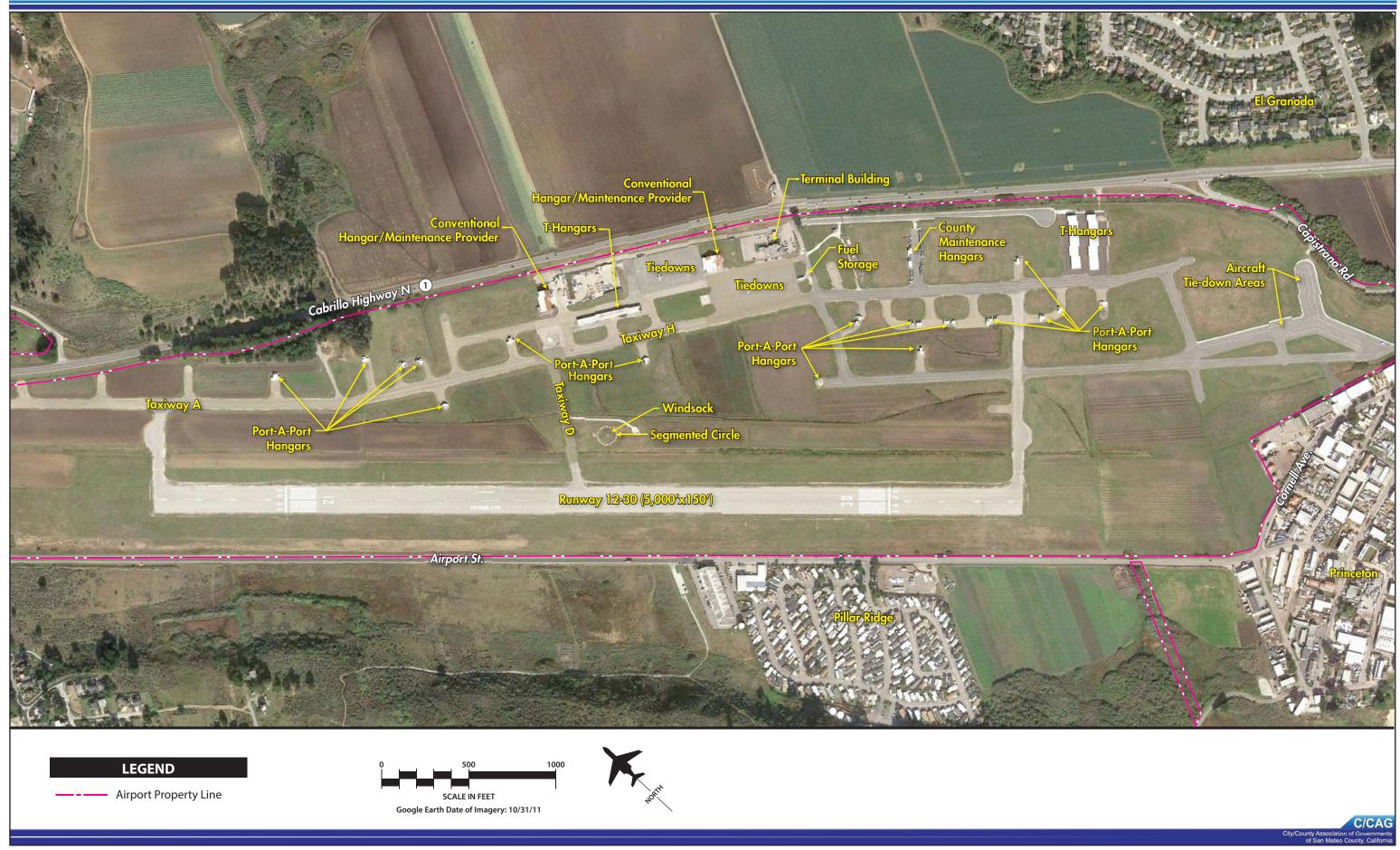


TABLE 3A Runway Data Half Moon Bay Airport

	RUNWAY		
	12	30	
Length (feet)	5,000		
Width (feet)	150		
Surface Material	Asphalt -Concrete		
Pavement Strength (lbs.)			
Single Wheel	12,500¹		
Approach Aids	PAPI-2 PAPI-2, REIL		
Instrument Approach Procedures	GPS	GPS	
Displaced Threshold (feet)	752	762	
Fixed Wing Aircraft			
Traffic Pattern	Left	Right	

PAPI Precision Approach Path Indicator
REIL Runway End Identifier Lights
RNAV Runway Area Navigation
GPS Global Positioning System

Source: FAA Digital Airport Facility Directory, March 7, 2013.

3.1.2 Landside Facilities

Landside facilities are essential to the daily operation of the airport and consist primarily of those facilities required to accommodate aircraft, pilots, and passengers while they are at the airport. Landside facilities at Half Moon Bay Airport are depicted on **Exhibit 3A**. As noted on the exhibit, landside facilities are all located on the east side of the airport. These include the terminal building, aircraft storage hangars, a fuel dispensing/storage facility, and two fixed base operators. The terminal building houses the Airport Operations Office and a privately operated restaurant. Fuel service is operated by the County; the aircraft maintenance providers are privately operated. The airport has 21 Port-a-Port hangars, Thangars, and conventional hangars scattered along the length of the existing airport taxiways (see **Exhibit 3A**). These hangars are used for aircraft storage.

3.2 AIRPORT ACTIVITY DATA

Airport activity is defined as the take-offs and landings by aircraft operating at the facility; this is also referred to as aircraft operations. Activity is further described as either *local*, indicating aircraft practicing take-offs and landings (i.e., performing touch-and-go's), or *itinerant*, referring to the initial departure from or final arrival at the airport.

Table 3B provides a summary of operations for the existing condition (2012) and long range 20-year (2032) forecast year. Since Half Moon Bay Airport does not have an airport traffic control tower, precise operations records are not available. Therefore, an FAA-approved statistical methodology for estimating general aviation operations using local

Load bearing capacity of the runway is set at 12,500 administratively.

variables was utilized. This method, the *Model for Estimating General Aviation Operations at Non-Towered Airports*, was prepared for the FAA Statistics and Forecast Branch in July 2001. This report develops and presents a regression model for estimating general aviation operations at non-towered airports. The model was derived using a combined data set for small towered and non-towered general aviation airports and incorporates a dummy variable to distinguish the two airport types. In addition, the report applies the model to estimate activity at 2,789 non-towered general aviation airports contained in the FAA *Terminal Area Forecast*. The estimate of annual operations at Half Moon Bay Airport was computed using the recommended equation (#15) for non-towered airports. Independent variables used in the equation include airport characteristics (i.e., number of based aircraft, number of flight schools), population totals, and geographic location. This equation yielded an annual general aviation operations estimate of 46,832. Operational 20-year forecasts were generated assuming slight growth at 1.2 percent annually on average.

TABLE 3B Operational Fleet Mix

Half Moon Bay Airport Aircraft Fleet Mix and Operations

Operations	2012	2032
Itinerant GA and Air Taxi	23,416	29,750
Local GA	23,416	29,750
Total Operations	46,8321	59,500 ²

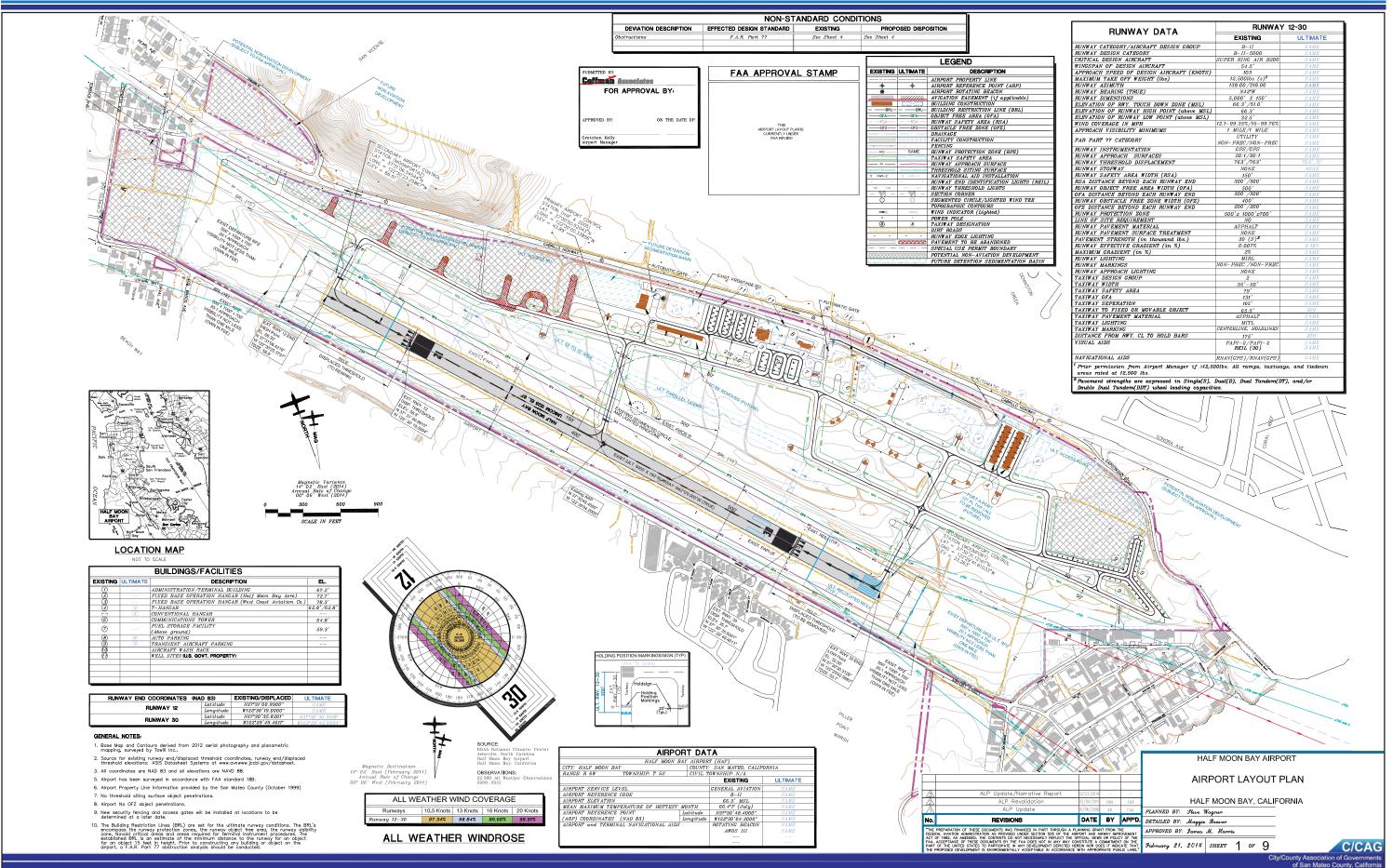
Source: Operational fleet mix derived from an inventory of existing operations at the airport and instrument flight rule (IFR) flight database information from the Airport IQ website.

3.3 AIRPORT FUTURE IMPROVEMENTS

Exhibit 3B depicts the Half Moon Bay Airport layout plan (ALP) drawing provided by the San Mateo County Department of Public Works, Airport Division. This drawing depicts both the current and planned facilities for the airport. Potential aircraft hangar locations, on-airport access roads, and parallel taxiway improvements are shown in blue dashed lines. The 2013 ALP calls for the removal of the 762-foot displaced threshold from Runway 30. This differs from the previous ALP, which called for the removal of the 752-foot displacement from Runway 12 and the 762-foot displacement from Runway 30. The 2013 ALP was submitted to the FAA in September 2013 for review.

¹ Generated utilizing FAA's *Model for Estimating General Aviation Operations at Non-Towered Airports Using Towered and Non-Towered Airport Data*, July 2001.

² Operational forecasts prepared by Coffman Associates as part of the ALP Update and Narrative Report project an average annual growth rate of 1.2 percent through 2032.



C/CAG

CHAPTER FOUR

Chapter Four

COMPATIBILITY POLICIES AND CRITERIA

Half Moon Bay Airport

Airport Land Use Compatibility Plan

4.0 **DEFINITIONS**

The following definitions apply to the policies in the Half Moon Bay Airport (HAF or Airport) Airport Land Use Compatibility Plan (ALUCP).

Airport: When capitalized, unless the context clearly indicates otherwise, Half Moon Bay Airport.

Airport Influence Area (AIA): A geographic area defined by the outer boundary of the 14 Code of Federal Regulations Part 77 conical surface, established by this ALUCP and within which the *C/CAG Board*, in its capacity as the *Airport Land Use Commission* for San Mateo County, exercises its jurisdiction with respect to airport land use compatibility planning.

Airport Land Use Commission: When capitalized, unless the context clearly indicates otherwise, the *C/CAG Board*, acting in its capacity as the *Airport Land Use Commission* for San Mateo County.

Airport Land Use Committee (ALUC): The committee duly appointed by the *C/CAG* **Board** to advise the Board on matters pertaining to airport land use compatibility in San Mateo County.

Airport Layout Plan: A scaled drawing, prepared in conformance with criteria promulgated by the *FAA*, depicting existing and proposed airport facilities, their location on an airport, and pertinent clearance and dimensional information.

Airspace Protection Area: The area beneath the *airspace protection surfaces* for the *Airport*.

Airspace Protection Surfaces: Imaginary surfaces in the airspace surrounding airports defined in accordance with criteria set forth in 14 Code of Federal Regulations Part 77, Subpart C.

ALUC: See *Airport Land Use Committee*.

Aviation-Related Use: Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. These uses specifically include runways, taxiways, and their associated protection areas defined in accordance with *FAA* criteria, together with aircraft parking aprons, hangars, fixed base operations facilities, terminal buildings, and related facilities.

Avigation Easement: A limited real property right that is granted by a property owner to an airport proprietor that provides for a right-of-way in, through, across, or about any portion of the airspace above and within the vicinity of the subject real property for the free, safe, and unobstructed passage of aircraft in flight. An **avigation easement** typically also allows for the creation of noise, vibration, and other effects that are attendant to the normal operation of aircraft in flight that may affect the subject real property. The avigation easement does not limit property owners' rights in the event of an abnormal activity. Depending on the specific language of the easement document, it may also limit the height of structures on the property to a certain height. As a legal instrument that is officially recorded with the County in which the subject real property is located, it provides the current property owner and subsequent property owners with formal notice that his or her property is located near an airport and may be subject to impacts from airport and aircraft operations.

City/County Association of Governments of San Mateo County (C/CAG): The subregional association of governments in San Mateo County, which includes elected representatives of the County of San Mateo and incorporated cities in the county. The **C/CAG** Board of Directors is responsible for a variety of sub-regional transportation and environmental planning activities. The **C/CAG Board** also serves as the state-mandated **Airport Land Use Commission** for San Mateo County.

C/CAG: See City/County Association of Governments of San Mateo County.

C/CAG Board: The Board of Directors of **C/CAG.**

CNEL: See *Community Noise Equivalent Level*.

Community Noise Equivalent Level (*CNEL***)**: A 24-hour cumulative noise metric used in the State of California for describing aircraft noise exposure. In computing *CNEL*, a 4.8 decibel (dB) weight is assigned to sounds during the evening hours from 7:00 p.m. to 10:00 p.m. A 10 dB weight is assigned to sounds during the nighttime hours after 10:00 p.m. and before 7:00 a.m.

Development: Any human-caused change to improved or unimproved real property that requires a permit or approval from any *local agency* or that is sponsored and proposed to be built by a *local agency*, developer, or the real property owner. *Development* includes, but is not limited to, buildings or other structures, mining, dredging, filling, grading, paving, an excavation or drilling operation, and/or storage of materials.

Development Actions: See the definition of **Development**.

Division of Aeronautics: California Department of Transportation, **Division of Aeronautics**, or any successor agency that may assume the responsibilities of the **Division of Aeronautics**.

Dwelling: A building or a portion thereof used or designed and intended to be used for human habitation.

Existing Land Use: The actual use of land or the proposed use of the land evidenced by a **vested right** in the land as of the effective date of this ALUCP.

FAA: The Federal Aviation Administration.

Habitable Space: Defined as living, sleeping, eating, or cooking areas within a dwelling unit as defined in the uniform building code

Handbook: The most recent version of the *California Airport Land Use Planning Handbook* published by the California Department of Transportation, Division of Aeronautics.

Infill: *Development* of vacant or underutilized land within established communities or neighborhoods that are already served with streets, water, sewer, and other infrastructure.

Land Use Jurisdiction: The County of San Mateo and the municipalities with land use regulatory jurisdiction within the *Airport Influence Area*.

Land Use Policy Action: Any city or county general plan, specific plan, or zoning ordinance (including zoning maps and/or text) or any amendment to a city or county general plan, specific plan, or zoning ordinance (zoning maps and/or text). A *land use policy action* also

refers to any school district, community college district, or special district facilities master plans or amendments to such master plans.

Local Agency: A *land use jurisdiction*, school district, community college district, or other special district.

Lot of Record: A parcel of land platted and recorded as of the effective date of this ALUCP.

Lot Coverage: The ratio between the ground floor area of a building (or buildings) and the area of the lot or parcel on which the building (or buildings) are placed.

Nonconforming Use: An *existing land use* or building that does not comply with this ALUCP.

Real Estate Disclosure: A written statement that notifies the prospective purchaser of real estate, prior to completion of the purchase, of the potential annoyances or inconveniences associated with airport operations. Typically, a *real estate disclosure* is provided at the real estate sales or leasing offices. *Real estate disclosure* is required by state law as a condition of the sale of most residential property if the property is located in the vicinity of an airport and is within its AIA (see Bus. & Prof. Code, §11010; Civ. Code, §§1102.6, 1103.4, 1353). State law does not require the *real estate disclosure* to be recorded in the chain of title for the affected property.

Vested Right: A right to the proposed use of land as demonstrated by any of the following:

- (a) A vesting tentative map that has been approved pursuant to California Government Code section 66498.1, and has not expired; or
- (b) A development agreement that has been executed pursuant to California Government Code section 65866, and remains in effect; or
- (c) A valid building permit that has been issued, substantial work that has been performed, and substantial liabilities that have been incurred in good faith reliance on the permit, pursuant to the California Supreme Court decision in *Avco Community Developers, Inc. v. South Coast Regional Com* (1976) 17 Cal.3d 785,791, and its progeny.

4.1 HAF ALUCP GENERAL POLICIES

This ALUCP contains general and specific policies that guide its overall implementation. The general policies that follow are to be used, in addition to the specific policies, standards, and criteria defined later in this chapter by the ALUC, the Airport Land Use Commission (C/CAG Board), affected local agencies, and others to implement the relevant provisions in this ALUCP.

4.1.1 Compliance with State Law

The C/CAG Board, acting in its capacity as the Airport Land Use Commission for San Mateo County, and the C/CAG Airport Land Use Committee (ALUC) shall comply with the provisions in the Public Utilities Code, Chapter 4, Article 3.5 Section 21670 et seq. (airport land use commission statutes), when administering this ALUCP and the airport land use compatibility planning process in San Mateo County.

The C/CAG Board and the C/CAG ALUC also shall implement Business and Professions Code, Section 11010 (b)(13), by establishing within this ALUCP an Airport Influence Area (AIA) within which real estate disclosure of the presence of an airport shall be required.

4.1.2 Amendments to the ALUCP

The ALUCP shall be amended not more than once per calendar year, as provided in the airport land use commission statutes. The ALUCP shall be updated and amended as needed to maintain a current, updated document. Updates should be undertaken as soon as practicable after any of the following occurrences:

- 1. Adoption of a new airport master plan or an updated airport layout plan
- 2. Update of long-range airport noise exposure forecasts

4.1.3 Effective Date

This ALUCP shall become effective immediately upon a formal adoption action by the C/CAG Board, acting in its capacity as the Airport Land Use Commission for San Mateo County.

4.1.4 Applicability of Policies to Existing Land Uses

Existing land uses shall be exempt from the policies and criteria of this ALUCP, except as specifically provided in this Section.

4.1.4.1 Modifications to Nonconforming Uses

Modification of existing nonconforming land uses shall be permissible, provided that the modification does not increase the magnitude of the nonconformity when compared to **Table 4B**. The magnitude of nonconformity shall be measured by:

- 1. For residential land uses, the number of dwelling units on the lot;
- 2. For nonresidential land uses, the size of the nonconforming use in terms of lot area and building floor area.

Where bedrooms or sleeping rooms are added to residential uses that are nonconforming with the noise compatibility policies of this ALUCP, those rooms must be sound-insulated to achieve an indoor noise level of CNEL 45 dB from exterior sources. In all cases, building modifications shall be subject to the airspace protection policies of this ALUCP.

4.1.4.2 Reconstruction of Nonconforming Use

Nonconforming uses may be rebuilt to a density (for residential uses, dwelling units per acre) or size (for nonresidential uses, building floor area) not exceeding that of the original construction. In all cases, however, reconstructed nonconforming uses shall comply with the noise compatibility and airspace protection policies of this ALUCP.

4.1.4.3 Exceptions for Nonconforming Schools and Hospitals

Modifications, enlargement, and reconstruction of schools and hospitals that are nonconforming with the safety compatibility policies outlined in **Table 4B** shall be allowed, subject to the following conditions:

- 1. Schools and Hospitals must demonstrate alternative sites outside the safety and noise compatibility zones are not financially feasible or will not adequately serve the established service area.
- 2. Building modifications, enlargements, new buildings, and reconstruction are allowed only on the lot or, if multiple lots comprise the building site, the contiguous lots on the site existing on the date of adoption of this ALUCP. If the school or hospital is within any noise compatibility zone, as established in this ALUCP, any added classrooms, patient rooms, and patient treatment and consultation rooms must be sound-insulated to achieve an indoor noise level of CNEL 45 dB from exterior sources.
- 3. Where a modification results in an increase in building floor area, the number of exits required for the enlarged portion of the building under applicable building and safety codes, shall be increased by 50 percent. Where the 50-percent factor results in a fraction, the number of additional exits shall be rounded to the next highest whole number.
- 4. For reconstructed schools and hospitals, the number of exits required under applicable building and safety codes shall be increased by 50 percent. Where the 50-percent factor results in a fraction, the number of additional exits shall be rounded to the next highest whole number. If the reconstructed school or hospital is within any noise compatibility zone, as established in this ALUCP, it must be sound-insulated to achieve an indoor noise level of CNEL 45 dB from exterior sources.
- 5. In all cases, the airspace protection policies of this ALUCP shall apply.

4.1.4.4 Discontinuance of Nonconforming Use

If a nonconforming use has been discontinued for 24 months or longer, any subsequent use of the property shall comply with the provisions of this ALUCP. Local government policies that specify shorter periods shall be deemed consistent with this ALUCP policy.

4.1.5 Governing ALUCP

Land use policy actions and development actions are subject to this ALUCP unless the circumstances defined below apply.

4.1.5.1 Development Actions With Previous Airport Land Use Commission (C/CAG Board) Consistency Determinations

Proposed development actions determined to be consistent or conditionally consistent with the ALUCP in effect at the time of Airport Land Use Commission (C/CAG Board) project review do not require further review under this ALUCP, unless the proposed development is within the AIA and one or more of the following changes are proposed:

- 1. An increase in the proposed residential density
- 2. The addition of a land use that is incompatible under this ALUCP
- 3. The height of a structure is to be increased and would create a hazard or obstruction as determined by the FAA
- 4. The addition of a characteristic that would create a hazard to air navigation

If any of these changes are proposed, the development action must be reviewed for consistency with this ALUCP.

4.1.5.2 Development Actions in the Review Process Before the Effective Date of this ALUCP

Any proposed development action that has an application deemed complete by the local agency per the California Government Code (§65943) prior to adoption of this ALUCP will be evaluated under the 1996 CLUP.

4.1.6 Findings as to Similar Uses

Cases may arise where a proposed development project involves a land use that is not explicitly provided for by the land use criteria later in this Chapter of this ALUCP. In such cases, conventional rules of reason shall be applied in determining whether the subject land use is substantially similar to any land use which is specified in the criteria in this Chapter. In making these determinations, the reviewing officials shall consult the latest

edition of the *Airport Land Use Planning Handbook*, prepared under the direction of the California Department of Transportation, and land use classification systems available through the American Planning Association and other authoritative sources.

4.1.7 Properties Divided By Compatibility Zone Boundary

For the purpose of evaluating consistency with the compatibility criteria set forth in this ALUCP, any parcel that is split by compatibility zone boundaries shall be considered as if it were multiple parcels divided at the compatibility zone boundary line. Only the portion of the parcel that lies within the compatibility zone boundary shall be subject to the airport/land use compatibility consistency evaluation.

4.1.8 Land Use Compatibility Planning Coordination

An important purpose and function of the ALUCP is to coordinate airport land use compatibility planning across jurisdictions. To further that purpose, the following policies shall apply:

4.1.8.1 Notification and Review of Proposed Land Use Policies

Any proposed land use policy action that affects property within the AIA must be referred to the Airport Land Use Commission (the C/CAG Board) for a determination of consistency with the relevant policies of this ALUCP. Local jurisdictions shall notify the Airport Land Use Commission of every such proposed land use policy action as required by State law. The Airport Land Use Commission shall notify the HAF Airport Manager, or the Airport Manager's designee, as soon as possible after it receives a request for a consistency review of a proposed land use policy action. The intent is to afford the appropriate Airport staff an opportunity to review and comment on the proposed land use policy action.

4.1.8.2 Notification to Airport of Proposed Land Use Policy Actions

C/CAG shall encourage local governments to inform the Airport of proposed land use policy actions within the AIA in a manner and at a time that enables ALUC and Airport staff to review and provide timely comments on the proposed land use policy actions.

4.1.8.3 Advisory Review of Development Proposals

Under state law, local governments may submit development proposals to the Airport Land Use Commission for non-binding advisory review. C/CAG shall encourage local governments to submit the following types of development proposals within the AIA to the Airport Land Use Commission for advisory review:

- Commercial or mixed use development of more than 100,000 square feet of gross building area;
- Residential or mixed use development that includes more than 50 dwelling units;
- Public or private schools;
- Hospitals or other inpatient medical care facilities;
- Libraries;
- Places of public assembly.

4.1.9 Local Agency Action Required After Adoption of ALUCP Revisions or Amendments

Upon adoption of an amendment to the ALUCP by the Airport Land Use Commission (C/CAG Board), the Airport Land Use Commission shall notify all affected local agencies of the adoption action. State law (Govt. Code, Section 65302.3) gives affected local agencies 180 calendar days to amend their general plans, specific plans, and zoning ordinances, as necessary, to be consistent with the amended ALUCP. In the case of special districts, school districts, and community college districts, this consistency requirement shall apply to their facilities master plans.

4.1.10 Proposed Local Agency Action Requiring Review by the Airport Land Use Commission (C/CAG Board)

The kinds of local agency actions subject to review by airport land use commissions differ depending on whether the local agency has made its general plan, specific plans, and zoning ordinance, or facilities master plan consistent with the ALUCP or has made a decision overriding the ALUCP. Proposed local agency actions that are subject to review by airport land use commissions include:

- 1. Proposed development actions;
- 2. Land use policy actions.

4.1.10.1 Scope of Airport Land Use Commission (C/CAG Board) Review Before Local Agency Makes Local Plans Consistent with ALUCP or Overrides ALUCP

Before an affected agency makes its general plan, specific plans, zoning ordinance, or facilities master plan either consistent with the ALUCP or overrides the ALUCP as provided by law, the local agency shall refer all *proposed development and land use policy actions* that affect property within the AIA to the Airport Land Use Commission (the C/CAG Board) for a determination of consistency with the ALUCP prior to issuing a permit for the proposed development (Pub. Util. Code, Section 21676.5(a)).

4.1.10.2 Scope of Airport Land Use Commission (C/CAG Board) Review After Local Agency Makes Local Plans Consistent with ALUCP or Overrides ALUCP

After local agencies have either made their local plans and zoning ordinances or facilities master plans consistent with the ALUCP or overridden the ALUCP as provided by law, Public Utilities Code, Section 21676 (b) requires local agencies to submit only proposed *land use policy actions* to the airport land use commission for a determination of the consistency of the proposed action with the ALUCP prior to local agency approval of such action. In addition to this statutory requirement, C/CAG will request review of the development proposal, if any, that triggered the proposed land use action. This requirement shall apply to any proposed land use policy action that affects property within the AIA.

4.1.10.3 Review of Airport and Heliport Plans

Airport Land Use Commission (C/CAG Board) review of two categories of airport plans is required by state law – (1) airport and heliport master plans and (2) plans for construction of new airports and heliports.

- Airport Master Plans. Public Utilities Code, Section 21676(c) mandates that "each public agency owning an airport within the boundaries of an airport land use commission plan shall, prior to modification of its master plan, refer such proposed change to the airport land use commission." The Airport Land Use Commission (C/CAG Board) must then determine if the proposed master plan is consistent with the adopted ALUCP. This requirement also applies to airport layout plans that would effectively modify any provisions of a previously adopted airport master plan.
- Construction Plans for a New Airport. State law also requires that no application for the consideration of plans for a new airport may be submitted to any local, regional, state, or federal agency unless the plans have been: (1) approved by the board of supervisors or the city council of the jurisdiction in which the airport is to be located and (2) submitted to and acted upon by the airport land use commission in the county in which the airport is to be located.

Under state law (Pub. Util. Code, Section 21676(c)), any public agency owning an airport must, prior to the adoption or modification of its airport master plan, refer the proposed action to the Airport Land Use Commission (C/CAG Board). According to the *Handbook*, "the question to be examined [by airport land use commissions] is whether any components of the airport plan would result in greater noise and safety impacts on surrounding land uses than are assumed in the adopted compatibility plan." Components of the airport plans that merit consideration in the consistency review include:

- 1. Aviation activity forecasts;
- 2. Changes to runway layout;
- 3. Changes to flight tracks resulting from the proposed action;

- 4. Changes to airspace parameters;
- 5. Plans for non-aviation development on airport property (such as hotels, office buildings, or industrial buildings), which should be evaluated the same as projects proposed elsewhere in the project referral area.

The Airport Land Use Commission (the C/CAG Board) should update the ALUCP to account for the new airport plans. (Under state law, Airport Land Use Commissions have no jurisdiction over the operation of airports [Pub. Util. Code, Section 21674(e)].)

4.1.11 Exemption of Special District From Airport Land Use Commission (C/CAG Board Review Process)

C/CAG may exempt special districts from the requirement to submit proposed development and land use policy actions for consistency determinations if the scope of project responsibilities of the special district does not involve any potential inconsistencies with the ALUCP. The process of granting an exemption to a special district may be initiated either by C/CAG or the special district.

4.1.11.1 Application for Exemption

An application for exemption of a special district from the ALUCP consistency review process must include the following information:

- 1. Name of the special district and address of the headquarters office.
- 2. Name and contact information for the executive director of the special district.
- 3. Name and contact information for the person preparing the application.
- 4. A map depicting the boundaries of the special district in relation to the AIA.
- 5. A description of the responsibilities and duties of the special district, including a description of all facilities built, operated, maintained, or planned by the special district and a map showing the location of existing and planned facilities with respect to the AIA.
- 6. An explanation of why the facilities built, operated, maintained, or planned by the special district and located within the AIA do not and would not conflict with any land use compatibility policies of the ALUCP. The explanation must address all noise compatibility, safety compatibility, and airspace protection policies of the ALUCP.

4.1.11.2 ALUC Review of Exemption Application

After receipt of a complete application for exemption, the C/CAG staff shall distribute copies of the application to all members of the C/CAG Airport Land Use Committee (ALUC) and place the consideration of the application on the agenda of the ALUC.

The ALUC shall review and discuss the application, granting a representative of the special district and members of the public an opportunity to offer comments and testimony. The ALUC shall make a recommendation to the Airport Land Use Commission (C/CAG Board) for approval or disapproval of the application for exemption.

4.1.11.3 Airport Land Use Commission (C/CAG Board) Action on Exemption Application

The C/CAG staff shall forward the application and the ALUC's recommendation to the Airport Land Use Commission (C/CAG Board) and schedule consideration of the application for the next available Board meeting. The Airport Land Use Commission shall review and discuss the application and the ALUC recommendation, granting a representative of the special district and members of the public an opportunity to offer comments and testimony. The Airport Land Use Commission shall make a decision on the application for exemption. Approval of the application shall be in the form of a resolution. A resolution of approval shall include findings documenting that the responsibilities and duties of the special district and all facilities operated, maintained, or planned by the special district would involve no potential conflicts with any land use compatibility policies of the ALUCP.

4.1.11.4 Documentation of Airport Land Use Commission (C/CAG Board) Approval of Exemption

All Airport Land Use Commission (C/CAG Board) resolutions approving the exemption of special districts from the ALUCP consistency review process shall be kept as part of the ALUCP document distributed and posted electronically or in hard copy.

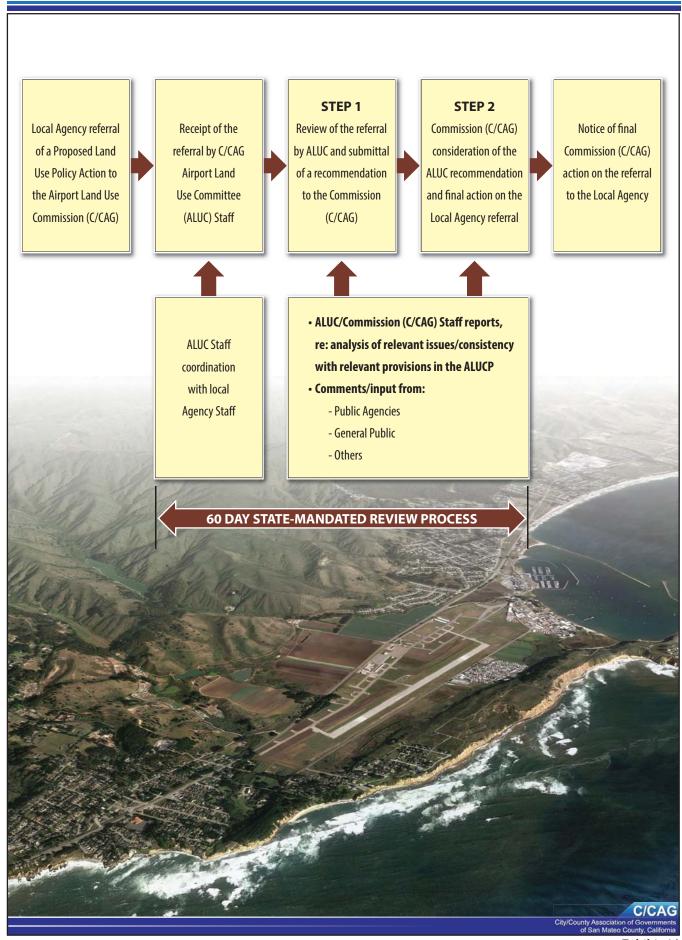
4.1.12 Airport Land Use Commission (C/CAG Board) Consistency Determination Process

In accordance with PUC Sections 21676(a) and 21676.5(a), the Airport Land Use Commission (C/CAG Board) may make the following findings when reviewing proposed development, land use policy actions and airport and heliport plans:

- a) Consistent with the ALUCP
- b) Inconsistent with the ALUCP
- c) Consistent with ALUCP subject to conditions

4.1.12.1 Two-Step Process

The airport/land use compatibility review process includes two steps. A diagram of the process is shown on **Exhibit 4A**. The review process is initiated by a local agency, as



specified in the airport land use commission statutes. The first step is review by the C/CAG Airport Land Use Committee (ALUC); the second step is review and final action by the Airport Land Use Commission (C/CAG Board). The process is described below.

Step 1: Review by the Airport Land Use Committee (ALUC)

- A. The affected agency refers the proposed development or land use policy action, including all relevant documentation, to C/CAG staff. C/CAG staff reviews the submitted materials, coordinates the review with the affected local agency staff, and schedules the item for the next available ALUC meeting. C/CAG staff also prepares a report for ALUC and public review. The staff report describes the proposed action and includes an analysis of the relevant airport land use compatibility issues related to the proposed action and a recommended ALUC action.
- B. The ALUC reviews the proposed development or land use policy action, considers relevant public input, and takes action by adopting a motion to advise the Airport Land Use Commission (the C/CAG Board) whether the proposed action is consistent or inconsistent with the ALUCP. The ALUC review includes a presentation of the staff report by C/CAG staff and opportunities for comments from representatives of the affected local agency, other agencies, and the public
- C. The ALUC recommendation is transmitted to the Airport Land Use Commission (the C/CAG Board) via a report prepared by C/CAG staff.

Step 2: Review/Final Action by the Airport Land Use Commission (C/CAG Board)

Consistent with applicable C/CAG Board public notification and voting bylaws:

- A. The proposed development or land use policy action is scheduled for consideration at the next available Airport Land Use Commission (C/CAG Board meeting). C/CAG staff prepares a report for review by the Airport Land Use Commission that describes the proposed action and includes a copy of the ALUC staff report and the ALUC recommendation.
- B. The Airport Land Use Commission (C/CAG Board) reviews the ALUC recommendation and adopts a motion declaring whether the proposed development or land use policy action is consistent or inconsistent with the relevant provisions in the ALUCP. The Airport Land Use Commission's review includes opportunities for comments from the affected local agency, other agencies, and the public.
- C. The Airport Land Use Commission (C/CAG Board) formally notifies the affected local agency, in writing, of its final action on the proposal.

4.1.12.2 Response Time Requirement

The Airport Land Use Commission (C/CAG Board) must respond to a local agency's request for a consistency determination on a proposed development or land use policy action within 60 days of the receipt of the referral by C/CAG staff. However, this review period does not begin until all necessary documentation has been received by C/CAG staff. The determination of the completeness of the information is made by C/CAG staff within 30 days under California Government Code 65943.

In San Mateo County, the 60-day review period includes a review by the ALUC. Coordination of the two-step review process by C/CAG staff is critical to completing the review within the mandated 60-day review period. If the Airport Land Use Commission (C/CAG Board) does not act on the referral within the 60-day limit, the proposed development or land use policy action is deemed consistent with the ALUCP by law.

4.1.12.3 Review Fees

There is currently no State funding provided to support the cost of operating the Airport Land Use Commission. Therefore, the Airport Land Use Commission (C/CAG Board) intends to work cooperatively with the Airport operator and the cities/county to provide equitable funding for the Airport Land Use Commission function of C/CAG.

4.1.13 Determination of Consistency of Proposed Land Use Policy Actions with the ALUCP

4.1.13.1 General Plan, Specific Plan, and Zoning Ordinance/Rezoning Review

General plan, specific plan, and zoning ordinance/rezoning reviews are based on the ability of the proposed land use policy action to prevent future development of land uses or land use characteristics that would conflict with the airport/land use compatibility policies, standards, and criteria of this ALUCP.

These consistency evaluations must consider the following factors, based on their relationship to the relevant policies and criteria of the ALUCP:

- 1. Residential densities:
- 2. Types of non-residential land uses;
- 3. Open space uses:
- 4. Height limits/architectural features/materials;
- 5. Sound insulation requirements:
- 6. Exposure to aircraft noise/overflight;
- 7. Potential impact on airspace protection.

4.1.13.2 School District, Community College District, and Special District Master Plan Review

Facilities master plan reviews must consider whether the master plans propose any land uses that would be incompatible or conditionally compatible in any noise or safety zone. The consistency review must also consider the potential for planned projects to encroach into protected airspace or introduce any potential hazards to aircraft in flight.

4.2 HALF MOON BAY AIRPORT COMPATIBILITY ZONES AND CRITERIA

4.2.1 Noise Compatibility Criteria

The purpose of noise compatibility policies is to avoid establishment of noise-sensitive land uses in the portions of airport environs that are exposed to significant levels of aircraft noise.

4.2.1.1 Aircraft Noise Contours

Existing (2012) and 20-year future (2032) Community Noise Equivalent Level (CNEL) aircraft noise exposure contours were prepared for HAF and are depicted in Chapter Two of this ALUCP. The 20-year noise exposure contour is slightly larger due to a projected increase in operations as indicated in the *2013 Airport Layout Plan Narrative Report*. Therefore, the 2032 noise exposure contours shall be used for evaluation of airport/land use noise compatibility for HAF. **Exhibit 4B** depicts the 2032 noise exposure contours for HAF.

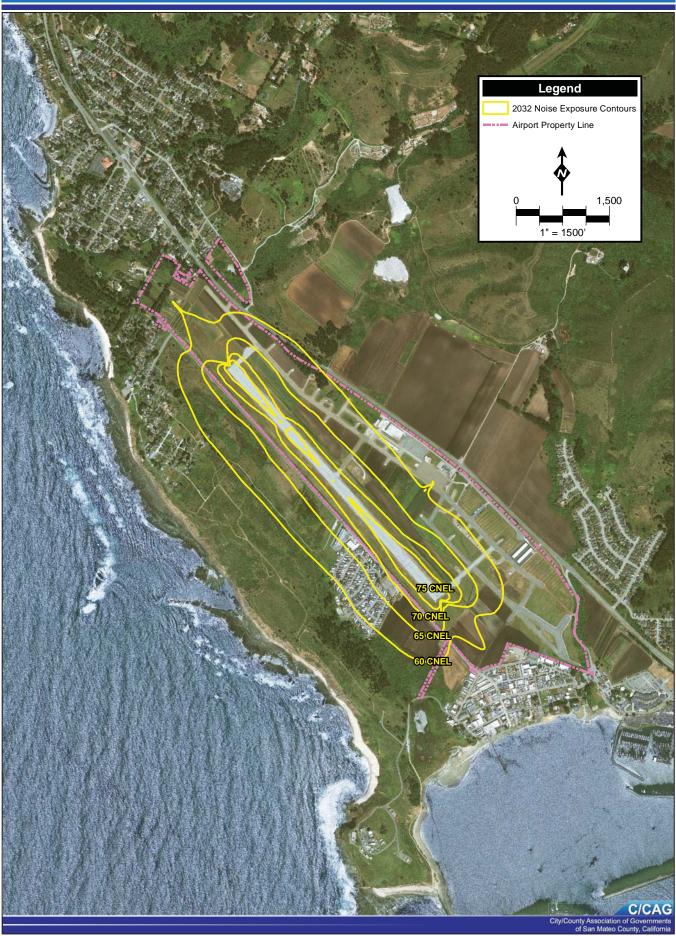
The 60 dB CNEL noise exposure contour is the threshold for noise compatibility for HAF. Rationale for use of the 60 dB CNEL noise exposure contour is found in **Appendix A**.

4.2.1.2 Noise Compatibility Criteria

The compatibility of proposed land uses located in the Airport noise compatibility contours shall be determined according to the noise/land use compatibility criteria shown in **Table 4A**. The criteria indicate the maximum acceptable airport noise levels, described in terms of CNEL, for the indicated land uses. The compatibility criteria indicate whether a proposed land use is "compatible," "conditionally compatible," or "not compatible" within each contour zone, designated by the identified CNEL ranges.

- "Compatible" means that the proposed land use is compatible with the CNEL level indicated in the table and may be permitted without any special requirements related to the attenuation of aircraft noise.
- "Conditionally compatible" means that the proposed land use is compatible if the conditions described in **Table 4A** are met.





• "Not compatible" means that the proposed land use is incompatible with aircraft noise at the indicated CNEL level.

4.2.1.3 Residential Uses

Residential uses are considered conditionally compatible in areas exposed to noise levels between 60-64 dB CNEL only if the proposed use is on a lot of record zoned exclusively for residential use as of the effective date of the ALUCP. In such a case, the detached single family dwellings must be sound-insulated to achieve an indoor noise level of CNEL 45 dB or less from exterior sources. The property owner also shall grant an avigation easement to the San Mateo County in accordance with Section 4.2.1.3 prior to issuance of a building permit for the proposed building or structure.

Residential uses are not considered compatible above 65 CNEL. This is consistent with the 1996 San Mateo County Comprehensive Airport Land Use Plan for Half Moon Bay Airport, 2011 California Airport Compatibility Plan Handbook, and California Code of Regulations. See **Appendix A** for more information.

4.2.1.4 Noise Exposure for Other Land Uses

Noise level compatibility standards for other types of land uses shall be applied in the same manner as the above residential noise level criteria. The extent of outdoor activity associated with a particular land use is an important factor to be considered in evaluating its compatibility with airport noise. Examples of acceptable noise levels for other land uses in an airport's vicinity are presented in **Table 4A**.

4.2.1.5 Interior Noise Levels

Land uses for which interior activities may be easily disrupted by noise shall be required to comply with the following interior noise level criteria.

- (a) The maximum, aircraft-related, interior noise level that shall be considered acceptable for land uses near airports is 45 dB CNEL in:
- Any habitable room of single- or multi-family residences;
- Hotels and motels:
- Hospitals and nursing homes;
- Religious, meeting halls, theaters, and mortuaries;
- Office buildings; and
- Schools, libraries, and museums.
- (b) The noise contours depicted on **Exhibit 4B** of this ALUCP shall be used in calculating compliance with these criteria. The calculations should assume that windows are closed.

TABLE 4A Noise Compatibility Criteria Half Moon Bay Airport

Half Moon Bay Airport	CNEL		
	60-64	65-70	71-75
RESIDENTIAL			
Single Units - detached	C(1)	N	N
Singe Units – semi-detached	C(1)	N	N
Single Units – attached row	C(1)	N	N
Two Units	C(1)	N	N
Multi-Family, Three or More Units (rental and ownership)	C(1)	N	N
Group Quarters	C(1)	N	N
Mobile Home Park or Courts	N	N	N
PUBLIC/INSTITUTIONAL FACILITIES			
Education facilities	С	N	N
Religious facilities, libraries, museums, galleries, clubs, lodges	С	N	N
Hospitals, nursing homes, and other health care services	С	N	N
Governmental services	С	N	N
Outdoor music shells, amphitheaters	N	N	N
Cemeteries	Y	Y	N
RECREATIONAL			
Outdoor sport events, stadiums	N	N	N
Nature Exhibits and zoos	N	N	N
Indoor recreation, amusements, athletic clubs, gyms and spectator events,			
parks, outdoor recreation: tennis, golf courses, riding trails, etc.	С	N	N
COMMERCIAL			
Wholesale Trade	Y	С	N
Retail trade	Y	С	N
Finance, insurance, and real estate services	Y	С	N
Business services	Y	С	N
Repair services	Y	С	N
Professional services	Y	С	N
Hotels, Motels, Transient Lodgings	С	N	N
INDUSTRIAL			
Manufacturing	Y	Y	Y
Printing, publishing, and allied industries	Y	Y	Y
Chemicals and allied products manufacturing	Y	Y	Y
Miscellaneous manufacturing	Y	Y	Y
Highway and street right-of-way and other transportation, communication, and utilities	Y	Y	Y
Automobile parking	Y	Y	Y
Processing of food, wood and paper products; printing and publishing; warehouses, wholesale and storage activities	Y	Y	Y
Refining, manufacturing and storage of chemicals, petroleum and related products, manufacturing and assembly of electronic components, etc.	Y	Y	Y
Salvage yards; natural resource extraction and processing, agricultural, mills and gins	Y	Y	Y

TABLE 4A (Continued) Noise Compatibility Criteria Half Moon Bay Airport					
AGRICULTURE					
Agriculture (except livestock)	Y	Y(2)	Y(3)		
Livestock farming and animal breeding	Y	Y(2)	Y(3)		
Agricultural-related activities	Y	Y(2)	Y(3)		
Forestry activities and related services	Y	Y(2)	Y(3)		
Fishing activities and related services	Y	Y(2)	Y(3)		

CNEL - Community Noise Equivalent Level, in A-weighted decibels.

Y (Yes) - Land use and related structures compatible without restrictions.

C (conditionally compatible) - Land use and related structures are permitted, provided that sound insulation is provided to reduce interior noise levels from exterior sources to CNEL 45 dB or lower.

N (No) = Land use and related structures are not compatible.

(1) Requires an avigation easement be granted to San Mateo County as operator of HAF.

(2)Residential buildings must be sound-insulated to achieve an indoor noise level of CNEL 45 dB or less from exterior sources.

(3) Accessory dwelling units are not compatible.

- (c) When reviewed as part of a general plan or zoning ordinance amendment or as a major land use action, evidence that proposed structures will be designed to comply with the above criteria shall be submitted to the ALUC under the following circumstances:
 - (1) Any single- or multi-family residence situated within an airport's 60 CNEL contour. [Wood frame buildings constructed to meet current standards for energy efficiency typically have an average noise level reduction (NLR) of approximately 20 dB with windows closed.]
 - (2) Any hotel or motel, hospital or nursing home, church, meeting hall, office building, religious facility, school, library, or museum situated within an airport's 60 CNEL contour.

4.2.1.6 Avigation Easement

Any action that would either permit or result in the development or construction of a land use considered to be conditionally compatible with aircraft noise of CNEL 60 dB or greater shall be subject to this easement requirement. The determination of conditional compatibility shall be based on the criteria presented in **Table 4A**, "Noise Compatibility Criteria." The San Mateo County Airport Land Use Commission (the C/CAG Board) deems it necessary to: (1) ensure the unimpeded use of airspace in the vicinity of HAF; (2) ensure that new noise-sensitive land uses within the CNEL 60 dB contour are made compatible with aircraft noise, in accordance with California Code of Regulations, Title 21, Section 5014; and (3) provide notice to owners of real property near the Airport of the proximity to HAF and of the potential impacts that could occur on the property from airport/aircraft operations. Thus, C/CAG shall condition its approval of the proposed development upon the owner of the subject property granting an avigation easement to San Mateo County, as the proprietor of HAF. The local government with the ultimate permitting and approval

authority over the proposed development shall ensure that this condition is implemented prior to final approval of the proposed development. If the approval action for the proposed development includes construction of a building(s) and/or other structures, the local permitting authority shall require the grant of an avigation easement to San Mateo County prior to issuance of a building permit(s) for the proposed building or structure. If the proposed development is not built, then, upon notice by the local permitting authority, San Mateo County shall record a notice of termination of the avigation easement. A sample avigation easement for fulfilling this condition is presented in **Appendix D**.

4.2.1.7 Construction of New or Expanded Airports or Heliports

Any proposed construction of a new airport or heliport or expansion of facilities at HAF, which would result in a significant increase in cumulative noise exposure (measured in terms of CNEL), shall include measures, consistent with FAA regulations and federal aviation laws, to reduce the exposure to a less-than-significant level. For the purposes of this plan, a noise increase shall be considered significant if:

- (a) In locations having an existing ambient noise level of less than 60 CNEL, the project would increase the noise level by 5.0 CNEL or more.
- (b) In locations having an existing ambient noise level of between 60 and 65 CNEL, the project would increase the noise level by 3.0 CNEL or more.
- (c) In locations having an existing ambient noise level of more than 65 CNEL, the project would increase the noise level by 1.5 CNEL or more.

4.2.2 Safety and Compatibility Zones and Criteria

The overall objective of safety compatibility guidelines is to minimize the risks associated with potential aircraft accidents. There are two components to this objective:

- **Safety of Persons on the Ground** The most fundamental safety compatibility component is to provide for the safety of people and property on the ground in the event of an aircraft accident near an airport.
- **Safety of Aircraft Occupants** The other safety compatibility component is to enhance the chances of survival of the occupants of an aircraft involved in an accident that occurs beyond the runway environment.

4.2.2.1 Safety Zones

The *California Airport Land Use Planning Handbook, 2011* (Handbook) provides guidance on the delineation of safety zones and the application of land use policies in those zones. The safety zones at HAF are based on the Handbook guidance, with adjustments to reflect the specific operating characteristics of the Airport (type of aircraft activity, runway length,

traffic pattern, etc. See Appendix B for more information.). **Exhibit 4C** depicts the safety zones for HAF. The safety compatibility policy framework is also based on Handbook guidance. The safety compatibility policies of this ALUCP work in tandem with the airspace protection policies, described in Section 4.2.3.

Based on guidance provided in the *California Airport Land Use Compatibility Planning Handbook*, there are seven safety zones defined for HAF which include¹:

Zone 1- Runway Protection Zone (RPZ). Runway protection zones are trapezoidal-shaped areas located at ground level beyond each end of a runway. Ideally, each runway protection zone should be entirely clear of all objects. The dimensions for the RPZ are taken from the 2013 Airport Layout Plan (See Exhibit 2C in Chapter Two) and are based upon FAA's *Airport Design* Advisory Circular 150/5300-13A. The accident risk level is considered to be very high within the RPZ zones encompassing approximately 20 to 21 percent of the accidents at general aviation airports similar to HAF (See **Appendix B**, for more information on accident locations).

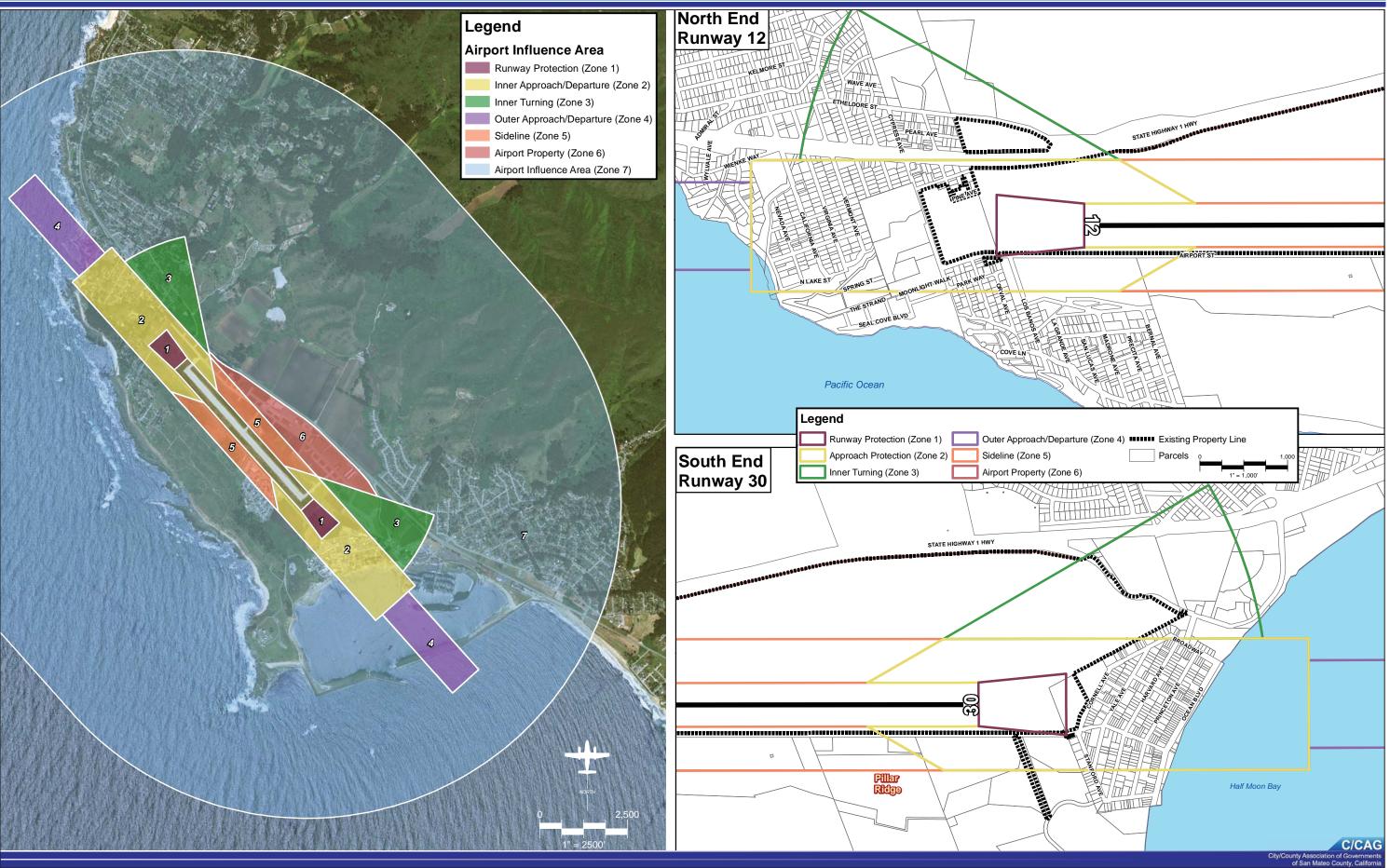
Zone 2- Inner Approach/Departure Zone (IADZ). This zone encompasses area that is overflown at low altitudes, typically only 200 to 400 feet above runway elevation. The IADZ zone extends 4,000 feet from the end of the runway and is 1,500 feet wide. The accident risk level is considered to be high within the IADZ zones encompassing approximately ten percent of general aviation aircraft accidents.

Zone 3- Inner Turning Zone (ITZ). Encompasses locations where aircraft are typically turning from the base to final approach legs of the standard traffic pattern and are descending from traffic pattern altitude. The ITZ also includes the area where departing aircraft normally complete the transition from takeoff power and flap settings to a climb mode and have begun to turn to their en route heading. The accident risk level is considered to be moderate to high within the ITZ zones encompassing approximately seven percent of general aviation aircraft accidents. The traffic pattern location, as published in the FAA's Airport/Facility Directory (A F/D) is left-hand for Runway 12 and right-hand for Runway 30, which results in traffic pattern activity only on the northeast (landward) side of the airport. The primary reason for the one-sided traffic pattern is avoidance of conflicts with Pillar Point Air Force Station radar surveillance area located to the south of the airport. Additionally, in accordance with the National Oceanic and Atmospheric Administration's Fly Seabird Safe program, National Marine Sanctuary areas should not be overflown at less than 2,000 above ground level. The ocean area located west of the airport is located within the Monterey Bay National Marine Sanctuary. Accordingly, ITZ zones have only been established on the northeast side of the airport.

Zone 4- Outer Approach/Departure Zone (OADZ). The OADZ is situated along the extended runway centerline beyond the IADZ zone measuring 1,000 feet wide

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¹ For additional information regarding the safety zones, see Appendix B. **C/CAG**



and 3,000 feet long. Approaching aircraft are usually at less than traffic pattern altitude in the OADZ zone. The accident risk level is considered to be moderate within the OADZ zones encompassing approximately five percent of general aviation aircraft accidents.

Zone 5- Sideline Safety Zone (SSZ). The SSZ encompasses the close-in area lateral to runways. The primary risk in SSZ is with aircraft losing directional control on takeoff. The accident risk level is considered low to moderate within the SSZ zone encompassing approximately five percent of general aviation aircraft accidents.

Zone 6- Airport Property Zone (APZ). The APZ is defined by the current airport property from the *2013 Half Moon Bay Airport Layout Plan Narrative Report*. There are two subzones within the APZ: (1) Airport Building Areas include terminal areas, fixed base operator buildings, hangars, tie-down areas, automobile parking areas, and areas planned for aviation uses; (2) Aircraft Activity Areas include runways, taxiways, and associated safety areas and setbacks per FAA regulations.

Zone 7- Airport Influence Area (AIA). The AIA zone includes all other portions of regular aircraft traffic patterns based upon the 14 CFR Part 77 conical surface from the 2013 HAF airport layout plan. The aircraft accident risk level is considered to be low within the AIA zone.

4.2.2.2 Safety Zone Criteria

The safety zone land use compatibility standards in **Table 4B** restrict the development of land uses that could pose particular hazards to the public or to vulnerable populations in case of an aircraft accident. **Table 4B** also provides a breakdown of the intensity criteria for HAF compatibility zones and **Appendix D** provides the methodology for calculating land use intensity, including the Princeton Area Safety Compatibility Density and Intensity Calculation Methodology.

4.2.2.3 Infill Development

Where development not in conformance with the criteria set forth in this ALUCP already exists, additional infill development of similar land uses may be allowed to occur even if such land uses are to be prohibited elsewhere in the zone.

This exception does not apply within RPZ zones.

- (a) A parcel can be considered for infill development if it meets <u>all</u> of the following criteria, plus the applicable provisions of either Sub-policy (b) or (c) below:
 - (1) The parcel size is no larger than 10.0 acres.

- (2) At least 65% of the site's perimeter is bounded (disregarding roads) by existing uses similar to, or more intensive than, those proposed. For projects adjacent to an undeveloped parcel, the closest developed lot may be used.
- (3) The proposed project would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses.
- (4) Further increases in the residential density, nonresidential usage intensity, and/or other incompatible design or usage characteristics (e.g., through use permits, density transfers, addition of second units on the same parcel, height variances, or other strategy) are prohibited.
- (5) The area to be developed cannot previously have been set aside as open land in accordance with policies contained in this ALUCP unless replacement open land is provided within the same compatibility zone.
- (b) For residential development, the average development density (dwelling units per gross acre) of the project site shall not exceed the average density represented by all existing lots that lie fully or partially within a distance of 300 feet from the boundary of the parcel to be divided.
- (c) For nonresidential development, the average usage intensity (the number of people per gross acre) of the site's proposed use shall not exceed the lesser of:
 - (1) The average intensity of all existing uses that lie fully or partially within a distance of 300 feet from the boundary of the proposed development; or
 - (2) Double the intensity permitted in accordance with the criteria for that location as indicated in the Compatibility Criteria matrix, **Table 4B**.
- (d) Infill development on some parcels should not enable additional parcels to then meet the qualifications for infill. The Airport Land Use Commission's intent is that parcels eligible for infill be determined just once. Thus, in order for the Commission to consider proposed development under these infill criteria, the entity having land use authority (San Mateo County or affected cities) must first identify the qualifying locations in its general plan or other adopted planning document approved by the Commission. This action may take place in conjunction with the process of amending a general plan for consistency with the ALUCP or may be submitted by the local agency for consideration by the ALUC at the time of initial adoption of this ALUCP. In either case, the burden for demonstrating that a proposed development qualifies as infill rests with the affected land use jurisdiction and/or project proponent.

TABLE 4B Safety Criteria Matrix Half Moon Bay Airport

Hall Mo	on Bay Airport	Maximum				
	Densities/Intensities/Required Open Land		ed Open Land	Additional Criteria		
	Maximum		eu open zunu	Additional Criteria		
Zone	Dwelling Units per Acre ¹	Non- residential Intensity ²	Required Open Land ³	Prohibited Uses ⁴	Other Development Conditions ⁵	
RPZ	None	None	All unused	 All structures except ones with location set by aeronautical function Assemblages of people Objects exceeding FAR Part 77 height limits Natural gas & petroleum pipelines¹⁰ Dumps or landfills, other than those consisting entirely of earth & rock. Hazards to flight⁶ 	Airport disclosure notice required	
IADZ	1 d.u. per 10 acres	60 persons per acre	30%	 Residential, except for very low residential and infill in developed areas¹¹ Hazardous uses (e.g., aboveground bulk fuel storage) Natural gas & petroleum pipelines¹⁰ Office buildings greater than 3 stories Labor-intensive industrial uses Children's schools, day care centers, libraries Hospitals, nursing homes Places of worship Schools Recreational uses, athletic fields, playgrounds, & riding stables Theaters, auditoriums, & stadiums Dumps or landfills, other than those consisting entirely of earth & rock. Waterways that create a bird hazard Hazards to flight⁶ 	Airport disclosure notice required Locate structures maximum distance from extended runway centerline Airspace review required for objects > 35 feet tall ⁸	
ITZ	1 d.u. per 2 acres	100 persons per acre	20%	 Residential, except for low residential and infill in developed areas¹¹ Hazardous uses (e.g., aboveground bulk fuel storage) Natural gas & petroleum pipelines¹⁰ Buildings with more than 3 aboveground habitable floors Children's schools, day care centers, libraries Hospitals, nursing homes Places of worship Schools Recreational uses, athletic fields, playgrounds, & riding stables Theaters, auditoriums, & stadiums Dumps or landfills, other than those consisting entirely of earth & rock. Waterways that create a bird hazard Hazards to flight⁶ 	Same as IADZ zone	

TABLE 4B (Continued) Safety Criteria Matrix Half Moon Bay Airport

	Maximum Densities/Intensities/Required Open Land			Additional Criteria	
Zone	Dwelling Units per Acre ¹	Maximum Non- residential Intensity ²	Required Open Land ³	Prohibited Uses ⁴	Other Development Conditions ⁵
OADZ	1 d.u. per 2 acres	150 persons per acre	20%	 Children's schools, day care centers, libraries Hospitals, nursing homes Bldgs. with >3 aboveground habitable floors Highly noise-sensitive outdoor nonresidential uses⁷ Hazards to flight⁶ 	 Airport disclosure notice required Airspace review required for objects >70 feet tall⁹
SSZ	1 d.u. per 2 acres	100 persons per acre	30%	Same as IADZ zone	Same as IADZ zone
APZ	None	No Limit	No Requirement	Hazards to flight ⁶	 Airport disclosure notice required Airspace review required for objects >70 feet tall⁹
AIA	No Limit	300 persons per acre	10%	 Hazards to flight⁶ Outdoor stadiums and similar uses with very high intensity uses 	Airport disclosure notice required Airspace review required for objects >100 feet tall ⁹ New structures are prohibited on existing terrain that penetrates 14 CFR Part 77 surfaces ⁹ New structures require additional airspace analysis required within the 50-foot terrain penetration buffer ⁹

Notes:

- 1 Residential development must not contain more than the indicated number of dwelling units (excluding secondary units) per gross acre (d.u./ac). Clustering of units is encouraged. Gross acreage includes the property at issue plus a share of adjacent roads and any adjacent, permanently dedicated, open lands associated with the property.
- 2 Usage intensity calculations shall include the maximum number of people (e.g., employees, customers/visitors, etc.) who may be on the parcels or site at a single point in time, whether indoors or outside.
- 3 Open land requirements are intended to be applied with respect to an entire zone. This is typically accomplished as part of a community general plan or a specific plan, but may also apply to large (10 acres or more) development projects.
- 4 The uses listed here are ones that are explicitly prohibited regardless of whether they meet the intensity criteria. In addition to these explicitly prohibited uses, other uses will normally not be permitted in the respective compatibility zones because they do not meet the usage intensity criteria. Also see Sections 4.1.6 and 4.2.2.5 for policies on similar uses and special conditions.
- 5 As part of certain real estate transactions involving residential property within any compatibility zone (that is, anywhere within an airport influence area), information regarding airport proximity and the existence of aircraft overflights must be disclosed. This requirement is set by state law.
- 6 Hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development such as golf courses and certain types of crops as outlined in FAA's Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants on or Near Airports* that may cause the attraction of birds to increase is also prohibited.
- 7 Examples of highly noise-sensitive outdoor nonresidential uses that should be prohibited include amphitheaters and drive-in theaters. Caution should be exercised with respect to uses such as poultry farms and nature preserves.
- 8 Objects up to 35 feet in height are permitted. However, the FAA may require Form 7460-1, marking, and lighting of certain objects.
- 9 This height criterion is for general guidance. Shorter objects normally will not be airspace obstructions unless situated at a ground elevation well above that of the airport (See examples 1, 2 & 3 on Exhibit 4C). Taller objects may be acceptable if determined not to be obstructions. Developers proposing structures that could penetrate 14 CFR Part 77 elevations must file Form 7460 with the FAA.
- 10 Natural gas & petroleum pipelines less than 36 inches below the surface.
- 11 The definition of infill can be found in Section 4.2.2.3.

RPZ - Runway Protection Zone OADZ Outer Approach/Departure Zone IADZ - Inner Approach/Departure Zone APZ - Airport Property ITZ -Inner Turning Zone SSZ - Sideline Safety Zone AIA - Airport Influence Area

4.2.2.4 Hazardous Uses

Hazardous uses, facilities involving the manufacture, processing, or storage of hazardous materials, can pose serious risks to the public in case of aircraft accidents. Hazardous materials of particular concern in this ALUCP, and which are covered by the safety compatibility criteria in **Table 4B**, are the following:

- **A. Aboveground fuel storage** This includes aboveground storage tanks with capacities greater than 10,000 gallons of any substance containing at least five percent petroleum per State of California, California Health and Safety Code, Section 25270. Project sponsors must provide evidence of compliance with all applicable regulations prior to the issuance of development permits.
- **B.** Facilities where toxic substances are manufactured, processed or stored Proposed land use projects involving the manufacture or storage of toxic substances may be allowed if the amounts of the substances do not exceed the threshold planning quantities for hazardous and extremely hazardous substances specified by the EPA in Title 40, Code of Federal Regulations Part 355, Subpart D, Appendices A & B.
- **C.** Explosives and fireworks manufacturing and storage Proposed land use projects involving the manufacture or storage of explosive materials may be allowed in safety zones only in compliance with the applicable regulations of the California Division of Occupational Safety and Health (Section 5252, Table EX-1). Project sponsors must provide evidence of compliance with applicable state regulations prior to the issuance of any development permits.
- **D.** Medical and biological research facilities handling highly toxic or infectious agents —These facilities are classified in biosafety levels. Biosafety Level 1 does not involve hazardous materials and is not subject to the restrictions on hazardous uses in **Table 4B**. Definitions of the other three biosafety levels are quoted from *Biosafety in Microbiological and Biomedical Laboratories*, 5th Edition, 2009, below.
 - **a.** Biosafety Level 2 practices, equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, and other laboratories in which work is done with the broad spectrum of indigenous moderate-risk agents that are present in the community and associated with human disease of varying severity.
 - **b.** Biosafety Level 3 practices, safety equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, research, or production facilities in which work is done with indigenous or exotic agents with a potential for respiratory transmission, and which may cause serious and potentially lethal infection.
 - **c.** Biosafety Level 4 practices, safety equipment, and facility design and construction are applicable for work with dangerous and exotic agents that pose a high individual risk of life-threatening disease, which may be transmitted via the aerosol route and for which there is no available vaccine or therapy.

4.2.2.5 Other Special Conditions

The compatibility criteria set forth in this ALUCP are intended to be applicable to all locations within the HAF airport influence area. However, it is recognized that there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site.

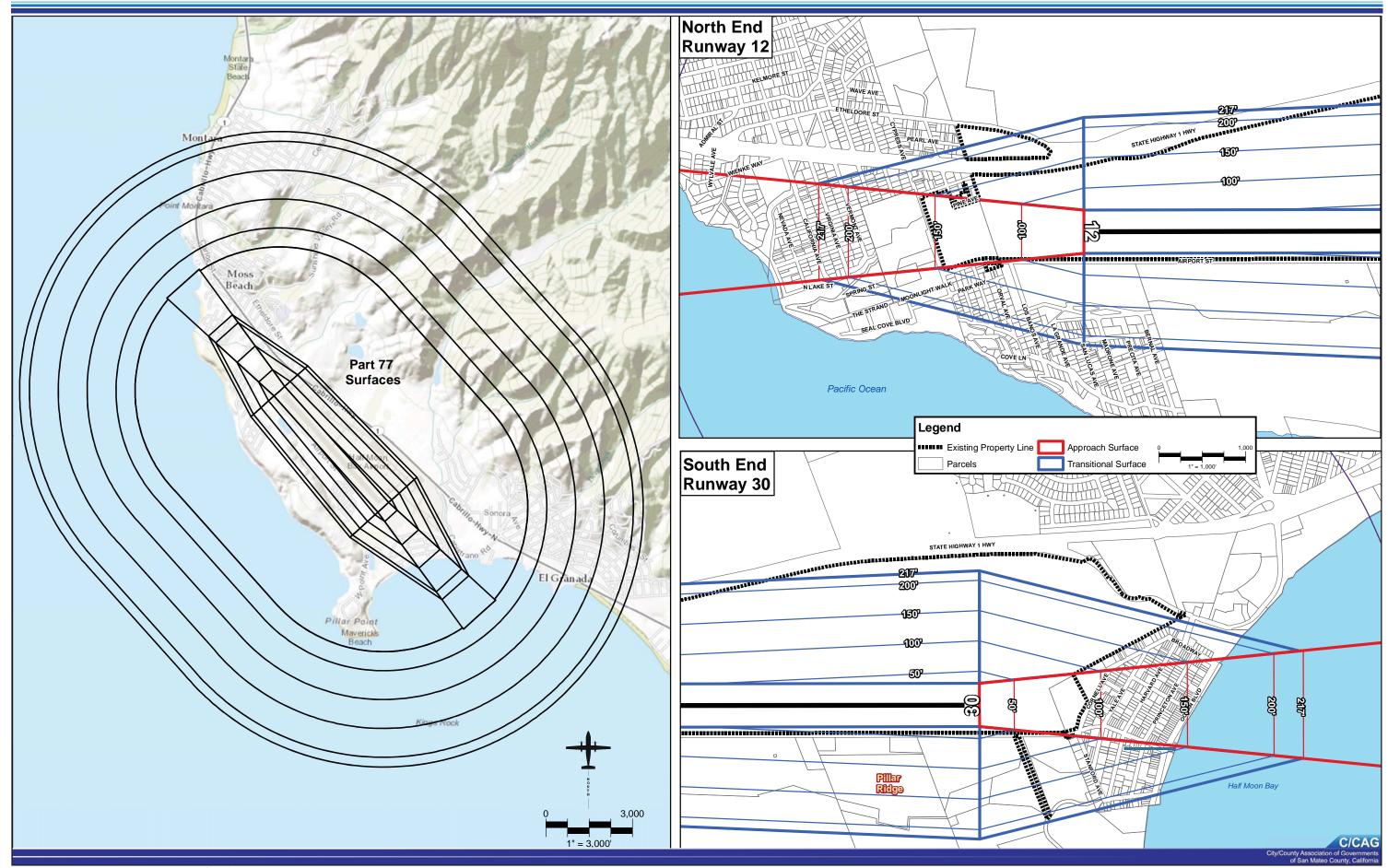
- (a) After due consideration of all the factors involved in such situations, the Airport Land Use Commission may find a normally incompatible use to be acceptable.
- (b) In reaching such a decision, the Airport Land Use Commission shall make specific findings as to why the exception is being made and that the land use will not create a safety hazard to people on the ground or aircraft in flight nor result in excessive noise exposure for the proposed use. Findings also shall be made as to the nature of the extraordinary circumstances that warrant the policy exception.
- (c) The burden for demonstrating that special conditions apply to a particular development proposal rests with the project proponent and/or the referring agency, not with the Airport Land Use Commission.
- (d) The granting of a special conditions exception shall be considered site-specific and shall not be generalized to include other sites.

4.2.3 Airspace Protection

Tall structures, trees, and other objects, particularly when located near airports or on high terrain, may constitute hazards to aircraft in flight. Federal regulations establish the criteria for evaluating potential obstructions. These regulations also require that the Federal Aviation Administration be notified of proposals for creation of certain such objects. The FAA conducts aeronautical studies of these objects and determines whether they would be hazards, but it does not have the authority to prevent their creation. The purpose of ALUCP airspace protection policies, together with regulations established by local land use jurisdictions and the state government, is to ensure that hazardous obstructions to the navigable airspace do not occur.

4.2.3.1 Basis for Height Limits

The criteria for limiting the height of structures, trees, and other objects in the vicinity of an airport shall be based upon: Part 77, Subpart C, of the CFR; and applicable airport design standards published by the Federal Aviation Administration. Airspace plans depicting the critical areas for airspace protection around HAF covered by this ALUCP are depicted on **Exhibit 4D**.

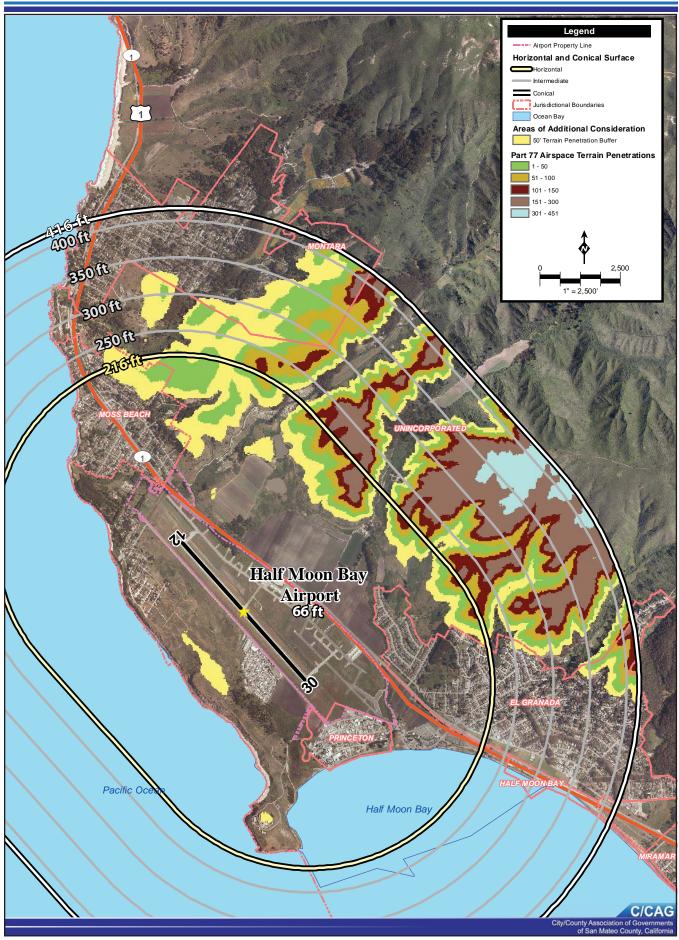


4.2.3.2 ALUC Review of Height of Proposed Objects and Criteria

Based upon FAA criteria, proposed objects that would exceed the heights indicated below for the respective compatibility zones potentially represent airspace obstructions issues. Development proposals that include any such objects shall be reviewed by the Airport Land Use Commission. Objects of lesser height normally would not have a potential for being airspace obstructions and, therefore, do not require Airport Land Use Commission review with respect to airspace protection criteria (noise, safety, and overflight concerns may still be present). Caution should be exercised, however, with regard to surrounding terrain that substantially higher than HAF.

For a project to be consistent with this ALUCP, no local agency development permits shall be issued for any proposed structure that would penetrate the aeronautical surfaces shown on **Exhibit 4D** or the construction of which has not received a Determination of No Hazard from the FAA, or which would cause the FAA to increase the minimum visibility requirements for any instrument approach or departure procedure at the Airport.

- (a) Within the RPZ Zone, the height of any proposed development, including vegetation, requires review.
- (b) Within the IADZ Zone, Airport Land Use Commission review is required for any proposed structure taller than 35 feet AGL.
- (c) Within ITZ and OADZ Zones, Airport Land Use Commission review is required for any proposed structure taller than 70 feet AGL.
- (d) Within APZ and SSZ Zones, Airport Land Use Commission review is required for any proposed structure taller than 35 feet AGL.
- (e) Within the AIA Zone, Airport Land Use Commission review is required for any proposed structure taller than 100 feet AGL. The following conditions also apply:
 - Proposed structures are prohibited on terrain that already penetrates 14 CFR Part 77 surfaces (See Example 1 on **Exhibit 4E**).
 - If existing mature trees within 25 feet of the proposed structure exceed the final height of the proposed structure, the proposed structure can be permitted if all other compatibility criteria are met (See Example 2 on **Exhibit 4E**).
 - Proposed structures require additional airspace analysis and FAA Form 7460 is required within the 50-foot terrain penetration buffer (See Example 3 on **Exhibit 4E**).
- (f) Developers proposing structures that could penetrate 14 CFR Part 77 elevations must file Form 7460 with the FAA.



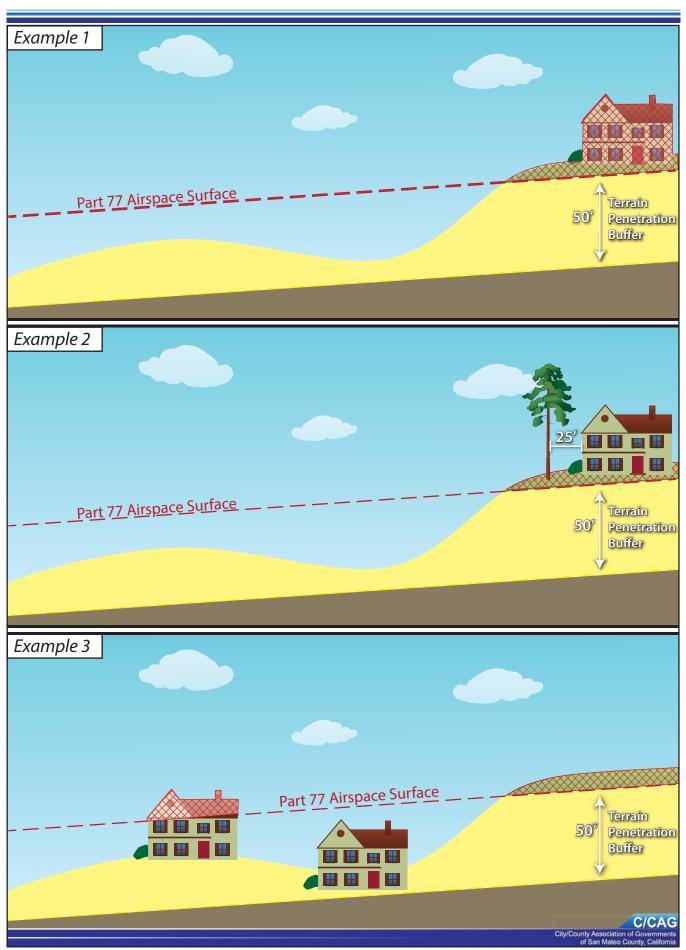


Exhibit 4E PART 77 TERRAIN PENETRATIONS

4.2.3.3 FAA Notification

Proponents of a project involving objects that may exceed a CFR Part 77 surface must notify the Federal Aviation Administration as required by CFR Part 77, Subpart B, and by the PUC, Sections 21658 and 21659. (Notification to the Federal Aviation Administration under CFR Part 77, Subpart B, is required even for certain proposed construction that does not exceed the height limits allowed by Subpart C of the regulations. Refer to **Appendix C** for the specific FAA notification requirements.)

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

4.2.3.4 Other Flight Hazards

Proposed land uses with characteristics that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft taking off or landing at HAF or in flight are incompatible in the Airport Influence Area. They may be permitted only if the uses are consistent with FAA rules and regulations. Proof of consistency with FAA rules and regulations and with any performance standards cited below must be provided to the Airport Land Use Commission (C/CAG Board) by the sponsor of the proposed land use action. A hazard to flight checklist can be found in **Appendix D**.

Specific characteristics that may create hazards to aircraft in flight and which are incompatible include:

- (a) Sources of glare, such as highly reflective buildings or building features, or bright lights, including search lights or laser displays, which would interfere with the vision of pilots making approaches to the Airport.
- (b) Distracting lights that could be mistaken by pilots on approach to the Airport for airport identification lighting, runway edge lighting, runway end identification lighting, or runway approach lighting.
- (c) Sources of dust, smoke, or water vapor that may impair the vision of pilots making approaches to the Airport.

- (d) Sources of electrical interference with aircraft or air traffic control communications or navigation equipment, including radar.
- (e) Land uses that, as a regular byproduct of their operations, produce thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in flight. Upward velocities of 4.3 meters (14.1 feet) per second at altitudes above 200 feet above the ground shall be considered as potentially interfering with the control of aircraft in flight.
- (f) Any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including, but not limited to, FAA Order 5200.5A, *Waste Disposal Sites On or Near Airports*, FAA Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*, and any successor or replacement orders or advisory circulars. Exceptions to this policy are acceptable for wetlands or other environmental mitigation projects required by ordinance, statute, court order, or Record of Decision issued by a federal agency under the *National Environmental Policy Act*.

4.2.3.5 Overflight

Noise from individual operations, especially by comparatively loud aircraft, can be intrusive and annoying in locations beyond the limits of the mapped noise contours. Sensitivity to aircraft overflights varies from one person to another. The purpose of overflight compatibility policies is to help notify people about the presence of overflights near airports so that they can make more informed decisions regarding acquisition or lease of property in the affected areas. Overflight compatibility is particularly important with regard to residential land uses.

California State statutes (Business and Professional Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353) require as part of residential real estate transactions that information be disclosed regarding whether the property is situated within an airport influence area.

- (a) With certain exceptions, these state requirements apply both to the sale or lease of newly subdivided lands and to the sale of existing residential property.
- (b) The statutes define an *airport influence area* as "the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission." The airport influence area for HAF subject to this ALUCP is indicated on **Exhibit 4C.**
- (c) Where disclosure is required, the following statement shall be provided:

NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated

with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

(d) For the purposes of this ALUCP, the above real estate disclosure provisions of state law shall continue in effect as Airport Land Use Commission policy with respect to new development even if the law is rescinded. Furthermore, each land use jurisdiction affected by this ALUCP should adopt a policy designating the airport influence area as the area wherein disclosure of airport influences is required in conjunction with the transfer of residential real estate. Such local jurisdiction policies should also be applied to lease or rental agreements for existing residential property.

Appendix A AIRPORT NOISE ANALYSIS

Noise Modeling Assumptions

The standard methodology for analyzing noise conditions at airports involves the use of a computer simulation model. The Integrated Noise Model (INM) Version 7.0c is accepted by the State of California and required by the Federal Aviation Administration (FAA) for developing noise exposure contours for general aviation airports like Half Moon Bay Airport. This is the model used to develop the noise exposure contours for this ALUCP update.

For the purposes of this study, cumulative noise exposure contours using the Community Noise Equivalent Level (CNEL) noise metric is required. CNEL accounts for the increased sensitivity during the evening hours (7:00 p.m. to 10:00 p.m.) and nighttime hours (10:00 p.m. to 7:00 a.m.). A 10-decibel weighting is applied to noise events occurring at night, and a 4.8-decibel weighting is applied to those occurring during the evening hours. CNEL is a summation metric which allows for objective analysis and can describe noise exposure comprehensively over a large area. In addition to being widely accepted, the primary benefit of using the CNEL metric is that it accounts for the average community response to noise as determined by the actual number and types of noise events and the time of day they occur.

The INM works by defining a network of grid points at ground level around the airport. It then selects the shortest distance from each grid point to each flight track and computes the noise exposure for each aircraft operation by aircraft type and engine thrust level along each flight track. Corrections are applied for air-to-ground acoustical attenuation, acoustical shielding of the aircraft engines by the aircraft itself, and aircraft speed variations. The noise exposure levels for each aircraft are summed at each grid location. The CNEL at all grid points is used to develop noise exposure contours for selected values (e.g., 55, 60, 65, 70, and 75 CNEL). Noise contours are then plotted on a base map of the airport environs using the CNEL metric.

In addition to the mathematical procedures defined in the model, the INM has another very important element. This is a database containing tables correlating noise, thrust settings, and flight profiles for most of the civilian aircraft and many common military aircraft operating in the United States. This database, often referred to as the noise curve data, has been developed under FAA guidance based on rigorous noise monitoring in controlled settings. In fact, the INM database was developed through more than a decade of research, including extensive field measurements of more than 10,000 aircraft operations. The database also includes performance data for each aircraft to allow for the computation of airport-specific flight profiles (rates of climb and descent).

INM Input

A variety of user-supplied input data is required to use the INM. This includes the airport elevation, average annual temperature, airport area terrain, a mathematical definition of the airport runway,

the mathematical description of ground tracks above which aircraft fly, and the assignment of specific take-off weights to individual flight tracks. In addition, aircraft not included in the model's database may be defined for modeling, subject to FAA approval.

Aircraft Fleet Mix

The selection of individual aircraft types is important to the modeling process because different aircraft types generate different noise levels. The aircraft fleet mix was derived from an inventory of existing operations at the airport and instrument flight rule (IFR) flight database information from the Airport IQ website. **Table A1** summarizes the generalized fleet mix data input into the noise analysis.

TABLE A1
Operational Fleet Mix
Half Moon Bay Airport Aircraft Fleet Mix and Operations

Aircraft	INM Designator	2012	2032			
Itinerant GA and Air Taxi						
Cessna Citation 500 (Jet)	CNA500	25	75			
Cessna Citation 525 (jet)	CNA525C	75	125			
Turboprop	CNA441	730	1,920			
ME Piston	BEC58P	2,342	2,980			
SE Piston (fixed pitch)	GASEPF	10,087	12,260			
SE Piston (variable pitch)	GASEPV	10,087	12,260			
Helicopter	B222	60	120			
Coast Guard C-130	C-130E	10	10			
Local GA						
ME Piston	BEC58P	2,342	2,980			
SE Piston (fixed pitch)	GASEPF	10,537	13,385			
SE Piston (variable pitch)	GASEPV	10,537	13,385			
Total Operations		46,8321	59,500 ²			

Source: Operational fleet mix derived from an inventory of existing operations at the airport and instrument flight rule (IFR) flight database information from the Airport IQ website.

Database Selection

In order to select the proper aircraft from the INM database, a review of the current fleet mix for Half Moon Bay Airport was conducted. Different aircraft types generate different noise levels; therefore, selection of individual aircraft plays an important role in the noise modeling process. The following paragraphs outline the database selections used for input into the INM.

Table A1 lists the annual operations by aircraft type. The included aircraft were selected to provide a realistic representation of airport operations. Flight plans, airfield observations, and based

¹ Generated utilizing FAA's *Model for Estimating General Aviation Operations at Non-Towered Airports Using Towered and Non-Towered Airport Data*, July 2001.

² Operational forecasts prepared by Coffman Associates project an average annual growth rate of 1.2 percent through 2032.

aircraft lists were used to determine the types of aircraft which frequently use the airport. To accurately represent the noise conditions at the airport, the INM provides aircraft noise data for many of the aircraft operating in the national fleet. For those aircraft not specifically identified in the INM, the FAA provides a list of appropriate substitute aircraft.

Designators for the following business aircraft are available within the INM: Cessna Citation 500 business jet, Cessna Citation 525 business jet, and the Cessna 441 turboprop aircraft. Each of these was modeled with the corresponding identifier. The CNA441 INM designator is also the FAA-approved substitute for the Beech King Air 200.

A variety of general aviation single engine fixed-propeller aircraft are modeled with the GASEPF aircraft. Included among these are the Cessna 150, Piper Archer, and Piper Tomahawk. The FAA's substitution list, included with the INM documentation, identifies the BEC58P, the Beech Baron, as a substitute for light twin-engine aircraft such as Beech 50, Beech 55, Piper PA-23, PA-30, PA-34, Cessna 304, Cessna 310, and Cessna 401, among others. Helicopters and United States Coast Guard C130 aircraft were represented in the model with the B222 and C-130E INM designators respectively.

Time-of-Day

The time-of-day which aircraft operations occur is important as input to the INM due to the 10-decibel nighttime (10:00 p.m. to 7:00 a.m.) and 4.8-decibel evening (7:00 p.m. to 10:00 p.m.) weighting of flights. In calculating airport noise exposure, one operation at night has the same noise emission value as 10 operations during the day by the same aircraft.

Since the airport is not equipped with an airport traffic control tower (ATCT), time-of-day information was estimated based upon airport staff interviews and time-of-day activity levels at similar airports. Currently, the majority of operations occur during the daytime hours, with an estimated approximate 3.0 percent occurring during evening hours, and approximately 2.0 percent occurring during nighttime hours. The noise model for the 20-year condition assumed the percentage of nighttime operations would remain static at the current level.

Runway Use

Runway usage data is also an essential component for developing noise exposure contours in the INM. Local wind data and observations by airport staff and local pilots can be used as a general guideline for determining runway use percentages. Based on this information, it was determined that Runway 30 is used for 70 percent of operations, and Runway 12 is used for 30 percent of operations. These runway use percentages were carried forward for the 2032 forecast.

Flight Tracks

A review of local flight procedures was used to develop consolidated flight tracks for use in the INM. At Half Moon Bay Airport, the local traffic pattern keeps aircraft northeast of the runway as Runway 12 has established a left-hand traffic pattern and Runway 30 has an established right-hand traffic pattern. Entry to the local traffic pattern was assumed to be by straight-in or 45-degree entry from the north, east, and south, or by a mid-field crossover from the west. Straight-out and 45-degree departures from the traffic pattern were also assumed. **Exhibit A1** illustrates the arrival, departure, and local pattern flight tracks assumed for this analysis.

Flight Profiles

The standard arrival profile used in the INM program is a three-degree approach. No indication was given by airport staff that there was any variation on this standard procedure for civilian aircraft. Therefore, the standard approach was included in the model as representative of local operating conditions.

It should be noted that INM Version 7.0c computes the take-off profiles based on the user-supplied airport elevation and average annual temperature entries in the input batch. At Half Moon Bay Airport, the elevation is 66 feet mean sea level (MSL) and the average annual temperature is 54.5 degrees Fahrenheit (F), based on information from the National Oceanic and Atmospheric Administration. If other than standard conditions (temperature of 59 degrees F and elevation of zero feet MSL) are specified by the user, the profile generator automatically computes the take-off profiles using the airplane performance coefficients in the database and equations in the Society of Aeronautical Engineers, *Aerospace Information Report 1845* (SAE/AIR 1845).

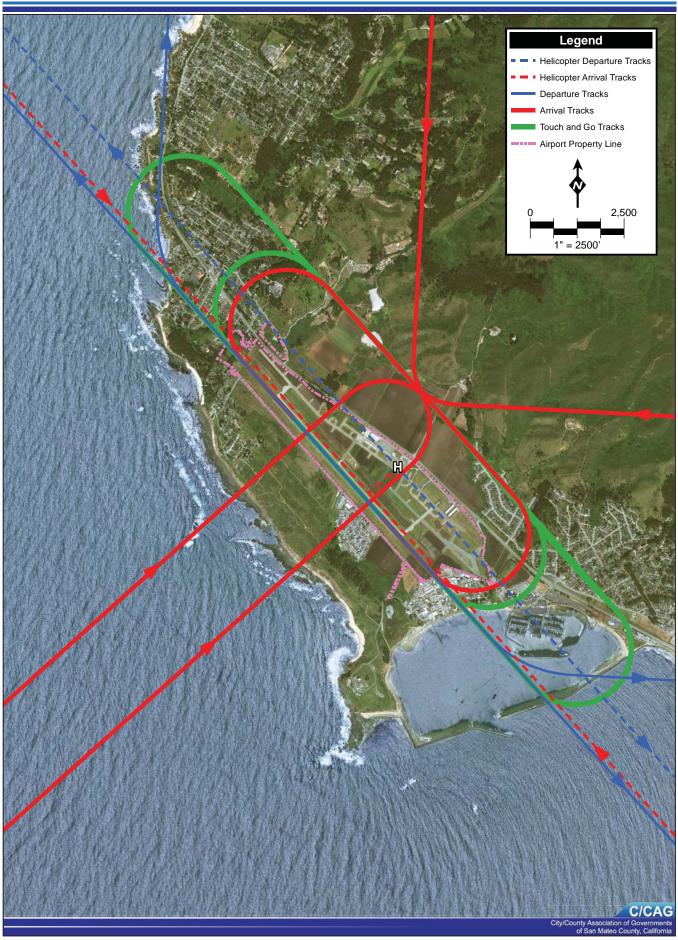
The INM computes separate departure profiles (altitude at a specified distance from the airport with associated velocity and thrust settings) for each of the various general aviation aircraft using the airport.

Land Use Compatibility Thresholds

Both the FAA and the State of California provide guidance for acceptable noise levels for a variety of land uses. Additionally, the State of California has adopted regulations to address noise sensitive land uses within the vicinity of airports. These sources and the 1996 San Mateo County *Comprehensive Airport Land Use Plan* were considered when developing noise criteria for this Airport Land Use Compatibility Plan. The guidance discussed below is the minimum standard for noise compatibility thresholds. Local entities, such as cities and counties may adopt more restrictive noise standards.

FAA Guidance

FAA land use compatibility guidance is provided in Title 14, Code of Federal Regulations, Part 150 – Airport Noise Compatibility Planning. The FAA guidelines summarized in **Exhibit A2** indicate that



Yearly Day-Night Average Sound Level (DNL) in Decibel						
LAND USE	Below 65	65-70	70-75	75-80	80-85	Over 85
RESIDENTIAL						
Residential, other than mobile homes and transient lodgings	Υ	N ¹	N ¹	N	N	N
Mobile home parks	Υ	N	N	N	N	N
Transient lodgings	Υ	N ¹	N ¹	N ¹	N	N
Public Use				St. X Sign		
Schools	Y	N ¹	N ¹	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Υ	25	30	N	N	N
Government services	Υ	Υ	25	30	N	N
Transportation	Υ	Υ	Y ²	Y ³	Y ⁴	Y ⁴
Parking	Υ	Υ	Y ²	Y ³	Y ⁴	N
Commercial Use	No.					
Offices, business and professional	Υ	Υ	25	30	N	N
Wholesale and retail-building materials, hardware and farm equipment	Υ	Υ	Y ²	Y ³	Y ⁴	N
Retail trade-general	Υ	Υ	25	30	N	N
Utilities	Υ	Υ	Y ²	Y ³	Y ⁴	N
Communication	Υ	Υ	25	30	N	N
Manufacturing and Producti						Arrest State
Manufacturing, general	Y	Υ	Y ²	Y ³	Y ⁴	N
Photographic and optical	Υ	Υ	25	30	N	N
Agriculture (except livestock) and forestry	Υ	Y ⁶	Y ⁷	Y ⁸	Υ ⁸	Υ ⁸
Livestock farming and breeding	Υ	Y ⁶	Y ⁷	N	N	N
Mining and fishing, resource production and extraction	Y	Υ	Υ	Υ	Y	Υ
RECREATIONAL		BOUR FORESTAL				entries and se
Outdoor sports arenas and spectator sports	Υ	Y ⁵	Y ⁵	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts, and camps	Υ	Υ	Υ	N	N	N
Golf courses, riding stables, and water recreation	Υ	Υ	25	30	N	N

The designations contained in this table do not constitute a federal determination that any use of land covered by the program is acceptable under federal, state, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under Part 150 are not intended to substitute federally-determined land uses for those determined to be appropriate by local authorities in response to locally-determined needs and values in achieving noise compatible land uses.

See other side for notes and key to table.

C/CAG
County Association of Governments
of San Mateo County California

KEY

Y (Yes)	Land Use and	related structures com	patible without restrictions.
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N (No) Land Use and related structures are not compatible and should be prohibited.

NLR Noise Level Reduction (outdoor-to-indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.

25, 30, 35 Land Use and related structures generally compatible; measures to achieve NLR of 25, 30, or 35 dB must be incorporated into design and construction of structure.

Notes

- Where the community determines that residential or school uses must be allowed, measures to achieve outdoor-to-indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB, respectively, should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide an NLR of 20 dB; thus, the reduction requirements are often stated as 5, 10, or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.
- 2 Measures to achieve NLR of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas, or where the normal noise level is low.
- 3 Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas, or where the normal noise level is low.
- 4 Measures to achieve NLR of 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas, or where the normal noise level is low.
- 5 Land use compatible provided special sound reinforcement systems are installed.
- 6 Residential buildings require an NLR of 25.
- 7 Residential buildings require an NLR of 30.
- 8 Residential buildings not permitted.

Source: 14 CFR Part 150, Appendix A, Table 1.

all land uses are acceptable in areas below 65 CNEL. At the 65 CNEL threshold, residential land uses without acoustic treatment and transient lodging, such as hotels, without acoustic treatment and mobile homes are all incompatible in areas of noise exposure above 65 CNEL. The exhibit notes that homes of standard construction and hotels may be considered compatible where local communities have determined these uses are permissible; however, acoustic treatment of these structures is recommended to meet noise level reduction thresholds when comparing the outdoor noise level to the indoor noise level. Schools and other public-use facilities are also generally considered to be incompatible with noise exposure above 65 CNEL. As with residential development, communities can make a policy decision that these uses are acceptable with appropriate sound attenuation measures. Hospitals and nursing homes, places of worship, auditoriums, and concert halls are structures generally considered compatible if measures to achieve noise level reduction are incorporated into the design and construction of structures. Outdoor music shells and amphitheaters are not compatible and should be prohibited within the 65 CNEL noise contour. Additionally, agricultural uses and livestock farming are generally considered compatible with the exception of related residential components of these uses, which should incorporate sound attenuation measures.

Within the 70–75 CNEL noise contour range, residences, transient lodging, and schools have the same sound attenuation recommendations as within the 65–70 CNEL range. Additionally, as the noise levels increase, the following land uses identified in the table are recommended to have sound attenuation: governmental services, transportation, parking, offices, wholesale and retail, utilities, communication, manufacturing, photographic and optical, golf courses, riding stables, and water recreation. In addition to those identified within the 65–70 CNEL contour range, the FAA discourages the following land uses within the 70–75 CNEL contour range: nature exhibits and zoos. Beyond the 75 CNEL contour, the land use recommendations are increasingly more stringent as the noise levels increase.

California Guidance

The State of California 2003 General Plan Guidelines also provide guidance regarding airport land use compatibility. As shown in **Exhibit A3**, the chart provides recommendations similar to the Part 150 guidance.

The 2011 California Airport Land Use Planning Handbook states that, "65 dB CNEL is not an appropriate criterion for new noise-sensitive development around most airports. At a minimum, communities should assess the suitability and feasibility of setting a lower standard for new residential and other noise-sensitive development." Additionally, it provides the guidance outlined in **Table A2**.

AND USE CATEGORY	СОММ	UNITY NOISE	EXPOSUR	RE - L _{dn} or C	NEL, dB	
	55	60	65	70	75	80
Residential - Low Density Single						
Family, Duplex, Mobile Homes						
Residential - Multi Family						
Transient Lodging - Motels, Hotels						
Transient Loaging Moters, Noters						
Schools, Libraries, Churches,						
Hospitals, Nursing Homes						
Auditoriums, Concert Halls,						
Amphitheaters						
Sports Arena, Outdoor Spectator Sports						
specialor sports						
Playgrounds, Neighborhood Parks						
Golf Courses, riding Stables, Water						
Recreation, Cemeteries					ı. I	
Office Buildings, Business						
Commercial and Professional						
Industrial, Manufacturing, Utilities,						
Agriculture						
	INTERP	RETATION				<u>'</u>

Normally Acceptable

Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction., without any special noise insulation.

Conditionally Acceptable

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

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 insulation features included in the design.

Clearly Unacceptable

New construction or development should generally not be undertaken.

Table A2
NOISE COMPATIBILITY CRITERIA ALTERNATIVES (NEW RESIDENTIAL LAND USES)

NOISE COMPATIBILITY CRITERIA ALTERNATIVES (NEW RESIDENTIAL LAND USES)					
CNEL	Criteria	Suggested Applicability			
65	Set by the FAA and other federal agencies as the level above which residential land uses may be incompatible if not acoustically treated. Established by California state regulations as the maximum normally acceptable noise level for residential and certain other land uses at county-designated noise-problem airports.	Generally not appropriate for most new development. May be acceptable in noisy urban locations and/or in hot climates where most buildings are air conditioned.			
60	The contour within which California Building Code (Section 1207.11) requires an acoustical analysis of proposed residential structures, other than detached single-family dwellings. Suggested by the California Governor's Office of Planning and Research General Plan Guidelines as the maximum "normally acceptable" noise exposure for residential areas. [Note: Individual noise events will occasionally cause significant interference with residential land use activities, particularly outdoor activities, in quiet suburban/rural communities.]	Suitable for new development around most airports. Particularly appropriate in mild climates where windows are often open.			
55	Identified by the EPA as the level below which "undue interference with activity and annoyance" will not occur. [Note: Individual noise events will seldom significantly interfere with residential land use activities (e.g., interference with speech). In urban areas, aircraft contribution to this noise level may be less than that of other noise sources.]	Suitable for airports in quiet, rural locations.			

Source: California Airport Land Use Planning Handbook, 2011, Table 4B.

California Regulations

The California Code of Regulations identifies 65 CNEL as the level of noise acceptable to a reasonable person residing in the vicinity of an airport. This criterion level has been chosen for reasonable persons residing in urban residential areas where houses are of typical California construction and may have windows partially open. It has been selected with reference to speech, sleep and community reaction.¹

The regulations also identify the following land uses as incompatible within the 65 CNEL noise contour at "noise problem airports": residences, public and private schools, hospitals and convalescent homes, and churches, synagogues, temples and other places of worship.²

Additionally, the California Building Code (California Code of Regulations, Title 24) establishes interior noise levels associated with exterior noise sources.³ The standards apply only to new hotels, motels, dormitories, apartment houses, and dwellings other than detached single family residences, and state:

"Interior noise levels attributable to exterior sources shall not exceed 45 dB in any habitable room. The noise metric shall be either the Day Night Average Sound Level (Ldn) or the Community Noise Equivalent Level (CNEL), consistent with the noise element of the local general plan. Worst-case noise levels, either existing or future, shall be used as the basis for determining compliance with [these standards]. Future noise levels shall be predicted for a period of at least 10 years from the time of a building permit application."

The Code also states that new residential land uses within the 60 CNEL noise contour as identified on the community adopted general plan require an acoustical analysis to determine if the interior to exterior sound reduction is achieved.

Half Moon Bay ALUCP Noise Threshold

As discussed in the California Airport Land Use Planning Handbook, noise compatibility threshold may vary depending on the type of development within the airport environs. As shown on Exhibit 2B, the environs of Half Moon Bay Airport include a mix of rural, suburban and urban development. Cabrillo Highway (Highway 1) also bisects the Half Moon Bay Airport environs. According to the *Devil's Slide Supplemental EIS/EIR*, traffic is forecast to increase 17 percent by the year 2020. The current existing land uses and road traffic all contribute to the ambient noise levels in the Half Moon Bay environs.

The 1996 Comprehensive Land Use Plan (CLUP) used 55 CNEL as the threshold of land use compatibility for Half Moon Bay Airport. However, using the updated guidance discussed above, a base

¹ California Code of Regulations, Title 21, Division 2.5, Chapter 6, Section 5006.

² Noise problem airports must be so designated by the County Board of Supervisors, which has not been done for Half Moon Bay Airport.

³ California Building Code, 2007 edition, Part 2, Volume 1, Chapter 12, Section 1207.11

compatibility threshold of 60 CNEL was selected given the types of development near the airport, and other non-airport noise generators, such as the light industrial uses south of the airport and roadway activity adjacent to the airport on Highway 1. Use of the 60 CNEL noise contour is consistent with California regulations which require acoustical analyses within the 60 CNEL for new residential development, other than single-family residential. Additionally, as noted above, the 60 CNEL noise contour is suitable for new development around most airports and is particularly appropriate in mild climates where windows are often open, such as the area near Half Moon Bay Airport.



U.S. Department af Transportation

Federal Aviation Administration Western-Pacific Region Airports Division

San Francisco Airports District Office 1000 Marina Boulevard, Suite 220 San Matea County Rirports Brisbane, CA 94005-1835

FEB 13 2013

RECEIVED

February 12, 2013

Ms. Gretchen Kelly Airport Manager San Mateo County Airports 620 Airport Drive, Suite 10 San Carlos, CA 94070-2714

Dear Ms. Kelly,

RE: Federal Aviation Administration Determination of Airport Forecast; Half Moon Bay Airport

The San Francisco Airports District Office (SFO-ADO) has completed the final review of the *Revised Half Moon Bay Airport Forecast* document, dated January 22, 2013, for the Half Moon Bay Airport (HAF).

The SFO-ADO review determination is as follows:

- Concur with the aviation activity forecast methodology. The forecast assumptions presented are
 considered reasonable. The variation in based aircraft reported in the FAA Terminal Area
 Forecasts (TAF) and the actual 2012 County of San Mateo Tax Assessor Tax Roll for aircraft at
 HAF are acknowledged. It is recommended that San Mateo County update the National Based
 Aircraft Inventory (www.basedaircraft.com) to validate based aircraft counts.
- The comparison of HAF aviation forecasts with the FAA Terminal Area Forecasts (TAF) differs by less than 10 percent (%) in the 5-year forecast period and less than 15 percent (%) in the 10year forecast period for total operations. The SFO-ADO finds the subject growth rates acceptable from a planning standpoint.
- Concur with the total forecasted aircraft operations and based aircraft presented in the table: Forecast Levels and Growth Rates.

Accordingly, FAA Approval is issued, dated February 12, 2013, for the *Revised Half Moon Bay Airport Forecast*. The aviation activity forecast provides adequate justification for near-term airport planning and development and may be used as basis for near-term National Environmental Protection Act (NEPA) environmental coordination.

If you have any questions, please contact me at (650) 827-7627.

Sincerely,

Neil Kumar

FAA Airport Planner/PFC Specialist

16/8/2

Cc Camille Garibaldi, FAA Environmental Protection Specialist

C/CAG APPENDIX B

City/County Association of Governments of San Mateo County, California

Safety Supporting Information

Appendix B SAFETY SUPPORTING INFORMATION

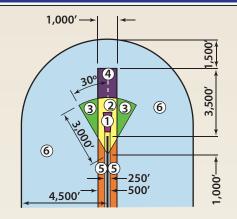
The *California Airport Land Use Planning Handbook* (Handbook) provides guidance for establishing safety zones for airports. The example zones, as described in the Handbook and shown on **Exhibit B1**, are based on mathematical analyses of NTSB aircraft accident data and aircraft flight characteristics. The purpose of the zones is to delineate areas with relatively uniform risk levels. **Table B1** provides the Handbook's analysis of the safety zones, including the distribution of accident data points within each zone.

TABLE B1
Analysis of Safety Zone Examples

Thatysis of surety Zone	% of Points	Acres	% / Acres
Primary Surface	15%	-	-
Zone 1: Runway	21%	49	0.40
Protection Zone			
Zone 2: Inner	10%	101	0.10
Approach/Departure			
Zone			
Zone 3: Inner Turning	7%	151	0.05
Zone			
Zone 4: Outer	5%	69	0.07
Approach/Departure			
Zone			
Zone 5: Sideline Zone	5%	-	-
Zone 6: Traffic Pattern	23%	-	-
Zone			
Total Zones 1-6 +	85%	-	-
Primary Surface			

Source: California Airport Land Use Planning Handbook (2011), Table 3A, Example 2

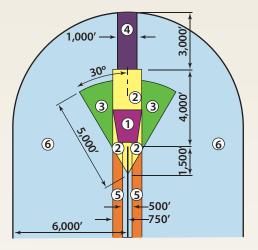
Figure 3A of the Handbook provides three example zones for general aviation airports, which are differentiated by runway length. Half Moon Bay Airport, with a runway length of 5,000 feet, fits within the Medium General Aviation Airport classification. The Handbook zone examples are provided as a starting point for developing safety zones specific to an airport. Using the compatibility factors shown on **Exhibit B2**, safety zones based on the Handbook guidance were developed. As noted on the exhibit, the traffic pattern at HAF only occurs on the east side of the airport; therefore, based on Handbook guidance, it is reasonable to include the Inner Turning Zone over the areas where these turns occur. Additionally, the *1996 Comprehensive Land Use Plan* (CLUP) established an Airport Influence Area (AIA) for Half Moon Bay Airport, which is based on the Airport's Part 77 Conical Surface. The AIA encompasses a larger area than the example provided in the Handbook.



SHORT GENERAL AVIATION RUNWAY

Assumptions:

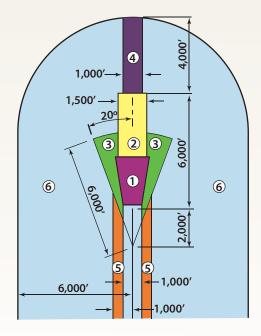
- Length less than 4,000 feet
- Approach visibility minimums ≥ 1 mile or visual approach only
- Zone 1 = 250' x 450' x 1,000'



MEDIUM GENERAL AVIATION RUNWAY

Assumptions:

- Length 4,000 to 5,999 feet
- Approach visibility minimums ≥ ¾ mile and < 1 mile
- Zone 1 = 1,000'x 1,510'x 1,700



LONG GENERAL AVIATION RUNWAY

Assumptions:

- Length 6,000 or more
- Approach visibility minimums < 3/4 mile
- Zone 1 = 1,000'x 1,750'x 2,500

LEGEND

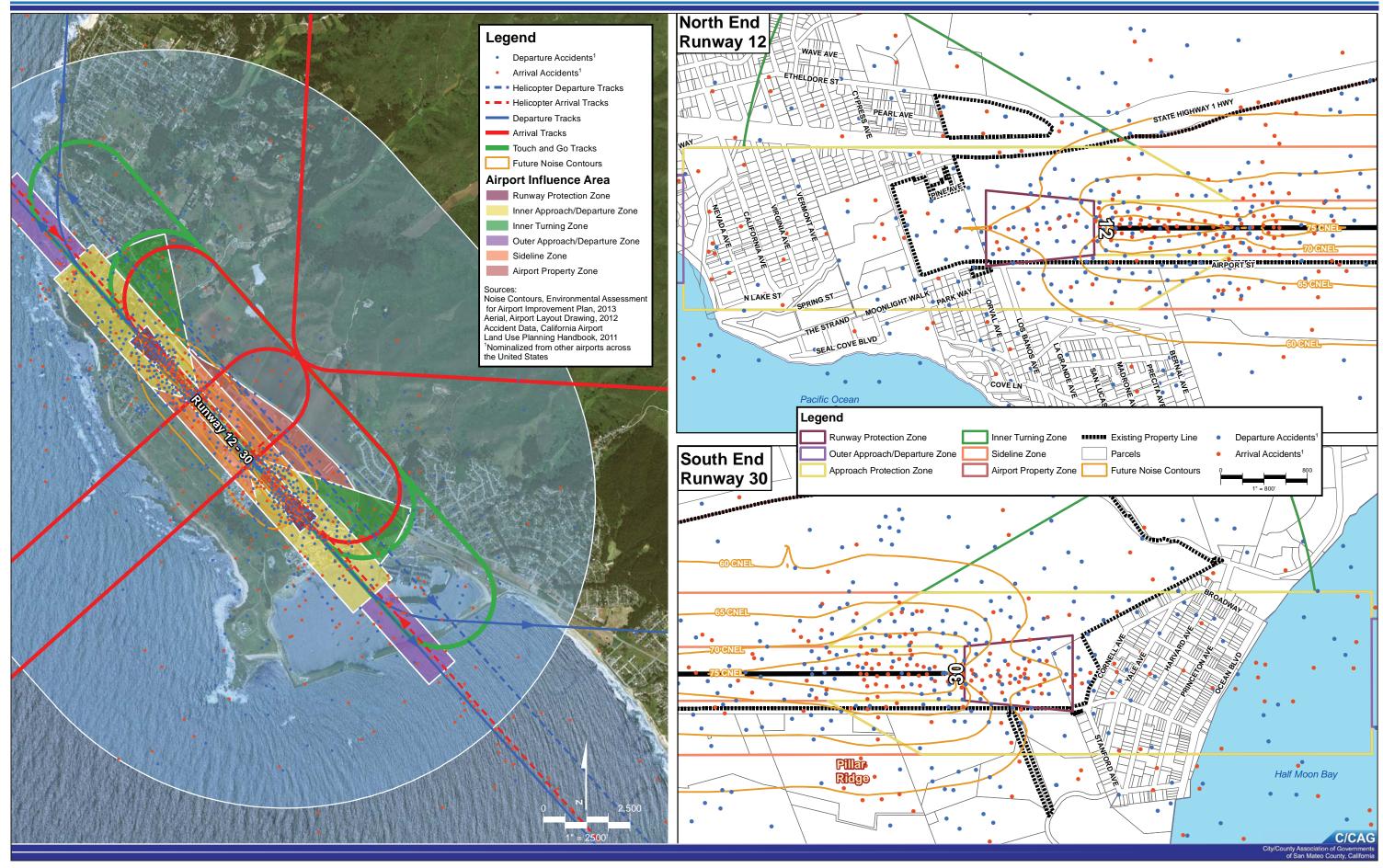
1 Runway Protection Zone

3 Inner Turning Zone

Sideline Safety Zone

Outer Approach/Departure Zone 6 Traffic Pattern Zone

Inner Approach/Departure Zone



City/County Association of Governments of San Mateo County, California

APPENDIX C

Supporting Materials

Appendix C SUPPORTING MATERIALS

This appendix includes the following supporting information related to airport land use compatibility planning:

- *California State Aeronautics Act* (PUC Sections 21670-21679.5) which was most recently amended in August 2012.
- Code of Federal Regulations Title 14, Part 77 Safe, Efficient Use, and Preservation of the Navigable Airspace
- Joint Powers Agreement establishing the City/County Association of Governments

Additional information regarding this topic can be found on the Caltrans Division of Aeronautics website: http://www.dot.ca.gov/hq/planning/aeronaut/index.html



California Public Utilities Code Section 21001 et seq. relating to the

State Aeronautics Act

Prepared by
California Department of Transportation
Division of Aeronautics
Sacramento, CA

February 2013



Gary Cathey Division Chief

About this booklet

The law contained herein was copied from www.leginfo.ca.gov, a website maintained by the Legislative Counsel of California. We periodically update this booklet as changes are made to the State Aeronautics Act and at the Counsel's website. You can view the text of the State Aeronautics Act online by opening the www.leginfo.ca.gov homepage, selecting "California Law" and searching within the Public Utilities Code.

This booklet contains one new section since its last update in February 2011:

• Section 21417 added by Stats.2012, c. 182 (A.B.511), § 1.

California Department of Transportation
Division of Aeronautics
1120 N Street, MS 40
Sacramento, CA 95814
http://www.dot.ca.gov/hq/planning/aeronaut/index.html

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CALIFORNIA PUBLIC UTILITIES CODE

Section 21001 et seq. relating to the State Aeronautics Act

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AERONAUTICS LAW STATE AERONAUTICS ACT PUBLIC UTILITIES CODE

Chapter 1. General Provisions and Definitions

Title of Part

21001. This part may be cited as the "State Aeronautics Act."

Purpose

21002. The purpose of this part is to further and protect the public interest in aeronautics and aeronautical progress by the following means:

- (a) Encouraging the development of private flying and the general use of air transportation.
- (b) Fostering and promoting safety in aeronautics.
- (c) Effecting uniformity of the laws and regulations relating to aeronautics consistent with federal aeronautics laws and regulations.
- (d) Granting to a state agency powers, and imposing upon it duties, so that the state may properly perform its functions relative to aeronautics and effectively exercise its jurisdiction over persons and property, assist in the development of a statewide system of airports, encourage the flow of private capital into aviation facilities, and cooperate with and assist political subdivisions and others engaged in aeronautics in the development and encouragement of aeronautics.
- (e) Establishing only those regulations which are essential and clearly within the scope of the authority granted by the Legislature, in order that persons may engage in every phase of aeronautics with the least possible restriction consistent with the safety and the rights of others.
- (f) Providing for cooperation with the federal authorities in the development of a national system of civil aviation and for coordination of the aeronautical activities of those authorities and the authorities of this state.
- (g) Assuring that persons residing in the vicinity of airports are protected to the greatest possible extent against intrusions by unreasonable levels of aircraft noise.
- (h) Fostering and promoting the development of a stable and efficient regional air carrier system to provide access for small and rural communities to the national air transportation system consistent with federal policies favoring deregulation.
- (i) Developing, in cooperation with the private sector, airport management, local jurisdictions, federal authorities, and the general public, informational programs to increase the understanding of current air transportation issues including, but not limited to, aviation safety, planning, airport noise, airport development and management, and the role of aviation in the economic development of the state, as an integral part of the state's transportation system.
- (j) Sponsoring or cosponsoring, with representatives of the aerospace and aviation industry, aviation educational and informational seminars which meet the needs of pilots and other members of the industry for current information on aviation safety, planning, and airport development and management.

Definitions; Effect

21003. Unless the context otherwise requires, the definitions and general provisions set forth in this chapter govern the construction of this part.

Public and Government Functions; Public Necessity

21004. The acquisition of any land or interest therein pursuant to this part, the planning, acquisition, establishment, construction, improvement, maintenance, equipment, and operation of airports and air navigation facilities, whether by the state separately or jointly with any political subdivision, and the exercise of any other powers granted to the department by this part are public and governmental functions, exercised for a public purpose, and are matters of public necessity. All land and other property and privileges acquired and used by or on behalf of the state pursuant to this part are acquired and used for public and governmental purposes as a matter of public necessity.

Effect of Part on Zoning Regulations

21005. This part shall not be construed as limiting any power of the state or a political subdivision to regulate airport hazards by zoning.

Effect of Chapter on Use of Helicopters

21006. This chapter or any other law shall not be construed as prohibiting, restricting, or permitting the prohibition of the operation or landing in populated areas of helicopters and similar aircraft capable of approximately vertical ascent and descent, subject to such reasonable rules affecting the public safety as the department may promulgate. The department shall adopt rules and regulations, effective January 1, 1989, for the conditions under which helicopters may make temporary use of a landing site.

Department

21006.5. "Department" means the Department of Transportation.

Aeronautics Commission; Division; Department

21007. Whenever the term "California Aeronautics Commission," "Division of Aeronautics," or "Department of Aeronautics" is used in any other law, it means the Department of Transportation.

Director

21008. "Director" means the Director of Transportation. Any reference in any law or regulation to the Director of Aeronautics shall be deemed to refer to the Director of Transportation.

Division

21008.3. "Division" means the Division of Aeronautics in the department.

Commission

21008.5. "Commission" means the California Transportation Commission.

Person

21009. "Person" means any individual, firm, partnership, corporation, limited liability company, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative.

Political Subdivision

21010. "Political subdivision" means any county, city, city and county, public corporation, district or other political entity or public corporation of this State.

Aeronautics

21011. "Aeronautics" means:

- (a) The science and art of flight, including transportation by aircraft.
- (b) The operation, construction, repair, or maintenance of aircraft and aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes.
- (c) The design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities.

Aircraft

21012. "Aircraft" means any manned contrivance used or designed for navigation of, or flight in, the air requiring certification and registration as prescribed by federal statute or regulation. Notwithstanding the foregoing provisions of this section, manned lighter-than-air balloons and ultralight vehicles as defined in the regulations of the Federal Aviation Administration (14 C.F.R. Part 103), whether or not certificated by the Federal Aviation Administration, shall not be considered to be aircraft for purposes of this part.

Airport

21013. "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights of way, and all airport buildings and facilities located thereon.

Air Navigation Facility

21014. "Air navigation facility" means any facility, other than facilities owned or operated by the United States, used, or available or designed for use, in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other facilities used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport.

Operation of Aircraft; Operate Aircraft

21015. "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the air space over this State or upon any airport within this State.

Airman

21016. "Airman" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances, and any individual who serves in the capacity of aircraft dispatcher, or air traffic control-tower operator. "Airman" does not include any individual employed outside the United States, or any individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, or any individual performing inspection or mechanical duties in connection with aircraft owned or operated by him.

Airport Hazard

21017. "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the air space required for flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to the landing or taking off.

Airway

21018. "Airway" means a route in the navigable air space over the land or waters of this State, designated by proper authority as a route suitable for air navigation.

Violations; Punishment

21019. Any person violating any of the provisions of this part, other than Section 21407.1, or any of the rules or orders issued under this part, is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment of not more than six months, or both.

Land

21020. "Land" includes tide and submerged lands or other lands subject to the public trust for commerce, navigation, or fisheries.

Chapter 2. Department of Transportation and State Aeronautics Board

Article 1. Department of Transportation

Rules and Regulations

21204. The department may adopt, administer, and enforce rules and regulations for the administration of this part.

Statement of Estimated Revenues; Budget

21206. The department shall prepare a statement of all estimated revenues of the Aeronautics Account in the State Transportation Fund and revenues available for local subventions from any other sources for the next succeeding fiscal year, together with a statement of proposed expenditures to be made to local agencies and the University of California during the next succeeding fiscal year, or obligations to be incurred in connection therewith.

The statement shall be included in the printed fiscal year budget submitted to the Legislature. Insofar as the matters to which it pertains, it shall constitute as submitted the budget submitted to the Department of Finance pursuant to Section 13320 of the Government Code, and, as to such matters, shall be administered by the Department of Finance as the fiscal year budget of the Department of Transportation under the provisions of this

section and of Article 2 (commencing with Section 13320) of Chapter 3 of Part 3 of Division 3 of Title 2 of the Government Code.

Any changes or modifications in the budget described in this section shall be approved by the Director of Finance. In the event, during an annual period, the budgetary amount approved and allocated for any purpose exceeds the amount actually necessary therefor, with a resultant available surplus, such surplus may be allocated to any other purpose or supplemental project upon the written approval of the Director of Finance.

In administering the budget, the Director of Finance shall not limit expenditures or incurrence of obligations thereunder to quarterly, semiannual, or other periods of the fiscal year.

Noise Mitigation Projects

21207. Whenever a political subdivision owning and operating an airport constructs or implements a noise mitigation project at the airport, including, but not limited to, the installation of noise monitoring equipment at any time after the project has been included within the aeronautics program in the state transportation improvement program and prior to funding of the project, the department shall, when funding for the project becomes available, reimburse the political subdivision for the eligible costs of the project, without interest, not to exceed the amount of the funds made available to the department or the political subdivision's actual eligible costs, whichever is lower. Reimbursement under this section shall be made only if the political subdivision completes the project to the standards approved by the department including, but not limited to, bidding and contracting procedures and the project is approved by the commission. This section does not apply to any project for which state funding is not specifically made available.

Article 1.5. State Aeronautics Board

State Aeronautics Board Abolished

- 21215. (a) The State Aeronautics Board is hereby abolished, and the California Transportation Commission succeeds to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction vested in the State Aeronautics Board.
- (b) Any reference in any law or regulation to the State Aeronautics Board shall be deemed to refer to the California Transportation Commission.
- (c) The California Transportation Commission shall have the possession and control of all licenses, permits, leases, agreements, contracts, orders, claims, judgments, records, papers, equipment, supplies, bonds, moneys, funds, appropriations, buildings, land and other property, real or personal, held for the benefit, use, or obligation of the State Aeronautics Board.

Appeals

21216. Any person or entity injured or aggrieved by any procedure or action of the department with respect to aeronautics may appeal to the California Transportation Commission for relief, and the decision of the commission as to such matter shall, after hearing thereon, be conclusive, subject to such review as may be otherwise provided by law. This section shall not apply to any procedure or action for which a hearing pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code is specified in this part as the means for reviewing or finalizing the procedure or action.

Article 2: Powers and Duties

Recognition of Federal Authority; Intrastate Rates

21240. This state recognizes the authority of the federal government to regulate the operation of aircraft and to control the use of the airways, and nothing in this act shall be construed to give the department the power to so regulate and control safety factors in the operation of aircraft or to control use of the airways. This section does not affect the state's power to regulate the intrastate rates of common carriers by air, and such power is hereby reserved to the state.

Encouragement of Aeronautics, Airports, and Air Navigation Facilities

21241. The department shall encourage, foster, and assist in the development of aeronautics in this state and encourage the establishment of airports and air navigation facilities. It shall cooperate with and assist the federal government, political subdivisions of this state, and others in the development of aeronautics, and shall seek to coordinate their aeronautical activities.

Political subdivisions may cooperate with the department in the development of aeronautics and aeronautics facilities in this state.

Legislation; Representation of State

21242. The department may:

- (a) Draft and recommend necessary legislation to advance the interest of the state in aeronautics.
- (b) Represent the state in aeronautical matters before federal and other agencies.
- (c) Participate as plaintiff or defendant or as intervenor on behalf of the state or any political subdivision or citizen in any controversy which involves the interest of the state in aeronautics.
- (d) Assist political subdivisions and their law enforcement agencies in becoming acquainted with and enforcing the civil air regulations.

Rules, Regulations, Procedures, and Standards; Classification of Airports

21243. The department may make and amend general or special rules, regulations, and procedures and establish minimum standards, consistent with and clearly within the scope of federal legislation governing aeronautics and the rules, regulations, and standards issued thereunder. The department may, by regulation, classify airports into several reasonable classes or groups according to their facilities and the types and number of aircraft which they are capable of handling and may make and amend rules, regulations, and procedures and establish minimum standards for each separate class or group.

Temporary Rules, Regulations, Procedures, and Standards

21244. For the purpose of protecting and insuring the general public interest and safety and the safety of persons operating, using, or traveling in aircraft and developing aeronautics in this state, and after appropriate public hearings, the department may make and amend temporary general or special rules and procedures and establish temporary minimum standards consistent with this part as it deems necessary to administer this part. The department shall draft these temporary rules, procedures, and standards in the form of proposed aviation law and shall submit them to the next general session of the Legislature. These temporary rules, procedures, and standards shall not remain in effect beyond 90 days after the final adjournment of that session of the Legislature.

Rules; Copies for Public Inspection

21245. The department shall keep on file with the Secretary of State, and at its principal office, a copy of all its rules for public inspection.

Publication and Distribution of Orders, Rules, and Procedures

21246. The department shall provide for the publication and general distribution of all its orders, rules, and procedures having general effect.

Contracts

21247. The department may enter into any contracts necessary to the execution of its powers under this part. All contracts made by the department, either as the agent of the state or as the agent of any political subdivision, shall be made pursuant to the laws of the state governing the making of like contracts. Where the planning, acquisition, construction, improvement, maintenance, or operation of any airport or air navigation facility is financed wholly or partially with federal money the department, as agent of the state or of any political subdivision, may let contracts in the manner prescribed by the federal authorities acting under the laws of the United States and any rules made thereunder.

Joint Exercise of Powers

21248. The department may exercise any of its powers under this part jointly with any political subdivision, state agency, other states or their political subdivisions, or the United States.

Conferences and Joint Hearings with Federal Agencies

21249. The department may confer or hold joint hearings with any federal agency in connection with any matter arising under this part or relating to the sound development of aeronautics.

Cooperation with Federal Agencies

21250. The department may avail itself of the cooperation, services, records, and facilities of the federal agencies in the administration and enforcement of this part. It shall cooperate with and make available to the federal agencies, its services, records, and facilities, insofar as practicable.

Administration

21251. In administering this part the department may use the facilities and services of other state agencies and political subdivisions to the utmost extent possible. These agencies and political subdivisions shall make available to the department their facilities and services.

Enforcement

21252. (a) The department, its members, the director, officers and employees of the department, and every state and peace officer charged with the enforcement of state and subordinate laws or ordinances, may enforce and assist in the enforcement of this part, the rules and orders issued under this part, and all other laws of this state relating to aeronautics. In the enforcement of such rules, orders, and laws, the director, and such officers and employees as the director may designate, shall have the authority, as public officers, to arrest without a warrant, any person who, in his presence, has violated or as to whom there is probable cause to believe has violated any of such rules, orders, or laws.

In any case in which an arrest authorized by this subdivision is made for an offense declared to be a misdemeanor, and the person arrested does not demand to be taken before a magistrate, the arresting officer may, instead of taking such person before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code. The provisions of such chapter shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.

- (b) There shall be no civil liability on the part of and no cause of action shall arise against any person, acting pursuant to subdivision (a) and within the scope of his authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the arresting officer, at the time of such arrest, had reasonable cause to believe was lawful. No such officer shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.
- (c) The director, and such officers and employees as the director may designate, may serve all processes and notices throughout the state.

Enforcement of Part; Injunction and Other Legal Process

21253. In the name of the state, the department may enforce this part and rules and orders issued under this part by injunction or other legal process in the courts of this state.

Reports of Violations to Federal and Other State Agencies

21254. The department may report to the appropriate federal agencies and agencies of other states all proceedings instituted charging violations of Section 21407, and Sections 21409 to 21412, inclusive, and all penalties of which it has knowledge imposed upon airmen or the owners or operators of aircraft for violations of the law of this state relating to aeronautics or for violations of the rules or orders of the department.

Reports from Federal and Other State Agencies

21255. The department may receive reports of penalties and other data from agencies of the federal government and other states, and may enter into agreements with these agencies governing the delivery, receipt, exchange, and use of reports and data. The department may make the reports and data of these agencies and of the courts of this state available to any court of this state and to any officer of the state or of any political subdivision authorized to enforce the aeronautics laws by Section 21252.

Receipt and Disbursement of Funds

21256. The department may accept, receive, receipt for, disburse, and expend federal and other money, public or private, made available to accomplish in whole or in part any of the purposes of this part. All federal money accepted under this part shall be accepted and expended by the department upon the terms and conditions prescribed by the United States. In accepting federal money under this part, the department shall have the same authority to enter into contracts on behalf of the state as is granted to the department under Section 21603. The department shall deposit all money received under this section in the Special Deposit Fund in the State Treasury, to be disbursed or expended in accordance with the terms and conditions upon which it was made available.

Ownership and Operation of Aircraft

21257. The department may own and operate aircraft for use in the furtherance of its duties, employ airmen and mechanics for proper operation and maintenance of the aircraft, and insure its employees against injury or death arising from aircraft accidents incurred in the performance of their assigned duties, within the limits of appropriations for these purposes.

Department Responsibility

21258. The department shall represent the state and local agencies before the Civil Aeronautics Board and other federal agencies in all matters related to the Airline Deregulation Act of 1978 (P.L. 95-504, as amended) and the essential air service program created by that act. The department shall assist and cooperate with federal, state, and local agencies and private entities in the development of a stable and efficient regional air carrier system.

Chapter 3. Regulation of Aeronautics

Sovereignty

21401. Sovereignty in the space above the land and waters of this state rests in the state, except where granted to and assumed by the United States pursuant to a constitutional grant from the people of the state.

The operation of aircraft in such space is a privilege subject to the laws of this state.

Ownership; Prohibited Use of Airspace

21402. The ownership of the space above the land and waters of this State is vested in the several owners of the surface beneath, subject to the right of flight described in Section 21403. No use shall be made of such airspace which would interfere with such right of flight; provided, that any use of property in conformity with an original zone of approach of an airport shall not be rendered unlawful by reason of a change in such zone of approach.

Lawful Flight; Flight Within Airport Approach Zone

21403. (a) Flight in aircraft over the land and waters of this state is lawful, unless at altitudes below those prescribed by federal authority, or unless conducted so as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his or her consent, is unlawful except in the case of a forced landing or pursuant to Section 21662.1. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.

- (b) The landing, takeoff, or taxiing of an aircraft on a public freeway, highway, road, or street is unlawful except in the following cases:
 - (1) A forced landing.
- (2) A landing during a natural disaster or other public emergency if the landing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road, or street.
- (3) When the landing, takeoff, or taxiing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road or street.

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

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

Tort Liability; Injury or Death of Passengers

21404. Liability of the owner or pilot of an aircraft carrying passengers for injury or death to the passengers is determined by the rules of law applicable to torts on the land or waters of this state, arising out of similar relationships. Every owner of an aircraft is liable and responsible for death or injury to person or property resulting from a negligent or wrongful act or omission in the operation of the aircraft, in the business of the owner or otherwise, by any person using or operating the same with the permission, express or implied, of the owner.

Limitation on Liability

21404.1. (a) The liability of an owner, bailee of an owner, or personal representative of a decedent imposed by Section 21404 and not arising through the relationship of principal and agent or master and servant is limited to the

amount of fifteen thousand dollars (\$15,000) for the death of or injury to one person in any one accident and, subject to the limit as to one person, is limited to the amount of thirty thousand dollars (\$30,000) for the death of or injury to more than one person in any one accident and is limited to the amount of five thousand dollars (\$5,000) for damage to property of others in any one accident.

(b) An owner, bailee of an owner, or personal representative of a decedent is not liable under this section for damages imposed for the sake of example and by way of punishing the operator of the aircraft. Nothing in this subdivision makes an owner, bailee of an owner, or personal representative immune from liability for damages imposed for the sake of example and by way of punishing him for his own wrongful conduct.

Tort Liability; Collision Damage

21405. The liability of the owner of one aircraft to the owner of another aircraft, or to operators or passengers on either aircraft, for damage caused by collision on land or in the air, is determined by the rules of law applicable to torts on land.

Careless or Reckless Operation

21407. It is unlawful for any person to operate an aircraft in the air, or on the ground or water in a careless or reckless manner so as to endanger the life or property of another. In any proceeding charging operation of aircraft in violation of this section, the court in determining whether the operation was careless or reckless shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics.

Operation While Under the Influence

- 21407.1. (a) It is unlawful for any person, who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, to operate an aircraft in the air, or on the ground or water, or to engage in parachuting for sport.
- (b) No person shall operate an aircraft in the air or on the ground or water who has 0.04 percent or more, by weight, of alcohol in his or her blood.

Consent to Chemical Testing

- 21407.2. (a) (1) (A) Any person who operates an aircraft in the air or on the ground or water is deemed to have given his or her consent to chemical testing of his or her blood or breath for the purpose of determining the alcoholic content of his or her blood, if lawfully arrested for any offense allegedly committed in violation of Section 21407.1 or if the officer requests chemical testing as part of any investigation of a suspected violation of state or local law. If a blood or breath test, or both, are unavailable, then paragraph (2) of subdivision (d) applies.
- (B) Any person who operates an aircraft in the air or on the ground or water is deemed to have given his or her consent to chemical testing of his or her blood or urine for the purpose of determining the drug content of his or her blood, if lawfully arrested for any offense allegedly committed in violation of Section 21407.1 or if the officer requests chemical testing as part of an investigation of a suspected violation of state or local law.
- (C) The testing shall be administered at the direction of a peace officer having reasonable cause to believe the person was operating an aircraft in violation of Section 21407.1 under either of the following conditions:
 - (i) The person is lawfully arrested.
- (ii) The officer requests the person to submit to chemical testing as part of an investigation of a suspected violation of state or local law.
- (D) The person shall be told that his or her failure to submit to, or the failure to complete, the required chemical testing may result in prohibition from operating an aircraft for not more than one year and, if the person is convicted of a violation of Section 21407.1, a fine, imprisonment, prohibition from operating an aircraft for not more than one year, or any combination thereof.
- (2) (A) If the person is lawfully arrested for operating an aircraft under the influence of an alcoholic beverage, the person has the choice of whether the test shall be of his or her blood or breath, and the officer shall advise the person that he or she has that choice. If the person arrested either is incapable, or states that he or she is incapable, of completing the chosen test, the person shall submit to the remaining test. If a blood or breath test, or both, are unavailable, then paragraph (2) of subdivision (d) applies.
- (B) If the person is lawfully arrested for operating an aircraft under the influence of any drug or the combined influence of an alcoholic beverage and any drug, the person has the choice of whether the test shall be of his or her blood, breath, or urine, and the officer shall advise the person that he or she has that choice.
- (C) A person who chooses to submit to a breath test may also be requested to submit to a blood or urine test if the officer has reasonable cause to believe that the person was operating an aircraft under the influence of any drug or the combined influence of an alcoholic beverage and any drug and if the officer has a clear indication that a blood or

urine test will reveal evidence of the person being under the influence. The officer shall state in his or her report the facts upon which that belief and that clear indication are based. If the person who is arrested is either incapable or states that he or she is incapable of completing a blood test, that person shall submit to and complete a urine test. If the person arrested either is incapable, or states that he or she is incapable, of completing either chosen test, the person shall submit to and complete the other remaining test.

- (3) If the person is lawfully arrested for an offense allegedly committed in violation of Section 21407.1 and, because of the need for medical treatment, the person is first transported to a medical facility where it is not feasible to administer a particular test of, or to obtain a particular sample of, the person's blood, breath, or urine, the person has the choice of those tests which are available at the facility to which that person has been transported. In that event, the officer shall advise the person of those tests which are available at the medical facility and that the person's choice is limited to those tests which are available.
- (4) The officer shall also advise the person that he or she does not have the right to have an attorney present before stating whether he or she will submit to a test or tests, before deciding which test or tests to take, or during administration of the test or tests chosen, and that, in the event of refusal to submit to a test or tests, the refusal may be used against him or her in a court of law.
- (5) Any person who is unconscious or otherwise in a condition rendering him or her incapable of refusal is deemed not to have withdrawn his or her consent and a test or tests may be administered whether or not the person is told that his or her failure to submit to, or the noncompletion of, the test or tests may result in a fine, imprisonment, and prohibition from operating an aircraft for not more than one year. Any person who is dead is deemed not to have withdrawn his or her consent and a test or tests may be administered at the direction of a peace officer.
 - (b) Any person who is afflicted with hemophilia is exempt from the blood test required by this section.
- (c) Any person who is afflicted with a heart condition and is using an anticoagulant under the direction of a licensed physician and surgeon is exempt from the blood test required by this section.
- (d) (1) A person lawfully arrested for any offense allegedly committed while the person was operating an aircraft in violation of Section 21407.1 may request the arresting officer to have a chemical test made of the arrested person's blood or breath for the purpose of determining the alcoholic content of that person's blood, and, if so requested, the arresting officer shall have the test performed.
- (2) If a blood or breath test is not available under subparagraph (A) of paragraph (1) of subdivision (a), or under subparagraph (A) of paragraph (2) of subdivision (a), or under paragraph (1) of this subdivision, the person shall submit to the remaining test in order to determine the percent, by weight, of alcohol in the person's blood. If both the blood and breath tests are unavailable, the person shall be deemed to have given his or her consent to chemical testing of his or her urine and shall submit to a urine test.

Punishment

21407.6. (a) Any person convicted under Section 21407.1 shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than six months or by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) or by both such fine and imprisonment.

Any person convicted under Section 21407.1 shall be punished upon a second or any subsequent conviction by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000), without being granted probation by the court and without having the court suspend the execution of the sentence.

(b) Any person convicted under Section 21407.1 and who, when so operating an aircraft, has done any act forbidden by law or neglects any duty imposed by law in the operation of the aircraft, which act or neglect proximately causes bodily injury to any person other than the operator shall be punished by imprisonment in the state prison, or in the county jail for not less than 90 days nor more than one year and by fine of not less than two hundred fifty dollars (\$250) nor more than ten thousand dollars (\$10,000).

Authority to Prohibit Violator from Operation Aircraft

21408. For any violation of Section 21407 or 21407.1, in addition to the penalties provided by Section 21019 or 21407.6, the court may prohibit the violator from operating an aircraft within the state for a period not exceeding one year. Violation of the prohibition of the court may be treated as a separate offense under this section or as a contempt of court. Upon a plea of guilty or conviction under Section 21407 or 21407.1, the department shall cause a record of the plea or conviction and of the sentence imposed to be maintained. This section does not authorize the court or any other agency or person to take away, impound, hold, or mark any federal certificate, permit, rating, or license. The peace officer requesting that a person submit to a chemical test of the blood, breath, or urine pursuant to Section 21407.2 shall report anyone refusing to submit to the chemical test to the Federal Aviation Administration for appropriate administrative action.

Unlicensed Operation

21409. It is unlawful for any person to engage in aeronautics as an airman in the State unless he has an appropriate effective airman certificate, permit, rating, or license issued by the United States authorizing him to engage in the particular class of aeronautics in which he is engaged, if the certificate, permit, rating, or license is required by the United States.

Possession and Inspection of Certificate, License, Etc.

21410. Every airman shall keep any certificate, permit, rating, or license required for him by the United States in his personal possession when he is operating within the state. He shall present it for inspection upon the demand of any peace officer, any other officer of the state or of a political subdivision, or member, official, or employee of the department, authorized by Section 21252 to enforce the aeronautics laws, or any official, manager, or person in charge of any airport upon which the airman lands, or upon the reasonable request of any other person.

Unlicensed Aircraft

21411. It is unlawful for any person to operate, or cause or authorize to be operated, any civil aircraft within this State unless the aircraft has an appropriate effective certificate, permit, or license issued by the United States if required by the United States.

Posting Aircraft License; Inspection

21412. Any certificate, permit, or license required by the United States for an aircraft shall be carried in the aircraft at all times while the aircraft is operating in the state, shall be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors, and shall be presented for inspection upon the demand of any peace officer, any other officer of the state or of a political subdivision, or member, official, or employee of the department, authorized by Section 21252 to enforce the aeronautics laws, or any official, manager, or person in charge of any airport upon which the aircraft lands, or upon the reasonable request of any person.

Accidents; Reports; Preservation of Parts Pending Investigation

21413. The department shall report to the appropriate federal agency all accidents in aeronautics in this state of which it is informed, and shall, insofar as is practicable, preserve, protect, and prevent the removal of the component parts of any aircraft involved in an accident being investigated by it until the federal agency institutes an investigation.

Intoxicated Persons In or About Aircraft

21415. No person shall be in, or perform any act in connection with the maintenance or operation of, any aircraft when under the influence of intoxicating liquor.

This section does not apply to a person who is in an aircraft merely as a passenger, but this section shall not be construed to relieve any such person of criminal liability imposed by any other law for being intoxicated while in an aircraft.

Locking Door Separating Pilot Compartment from Passenger Compartment

21416. On all commercial aircraft which transport passengers for compensation or hire the door which separates the pilot compartment from the passenger compartment shall be kept locked at all times the aircraft is in a flight over this state during which passengers are being transported except:

- (a) During takeoff and landing of the airplane when such door is the means of access to a required passenger emergency exit.
- (b) At such times as it may be necessary to provide access to the flight crew or passenger compartments for the crew members in the performance of their duties, or to provide access for other persons authorized admission to the flight crew compartment.

The pilot of the aircraft shall be guilty of a misdemeanor if the door is not so locked.

It shall be unlawful for any person, except a member of the crew, to have in his possession in the passenger compartment at any time the aircraft is in a flight over this state during which passengers are being transported a key or other device for opening such door from the passenger side of the door.

Meteorological Towers

21417. (a) As used in this section, the following terms have the following meanings:

- (1) "Meteorological instrument" means an instrument for measuring and recording the speed of the wind.
- (2) "Meteorological tower" means a structure, including all guy wires and accessory facilities, on which a meteorological instrument is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.
- (3) "Prime agricultural land" means land that satisfies the requirements of paragraph (1), (2), or (4) of subdivision (c) of Section 51201 of the Government Code.
- (b) A meteorological tower below 200 feet in height and above 50 feet in height that is located on prime agricultural land, or within one mile of prime agricultural land, and erected after January 1, 2013, shall be marked as follows:
- (1) The full length of the meteorological tower shall be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the marked portion of the tower. The bands shall be between 20 and 30 feet in width.
- (2) Two or more high visibility spherical marker balls, also called cable balls, that are aviation orange shall be attached to each outside guy wire that is connected to a meteorological tower.
- (3) One or more seven-foot high visibility safety sleeves shall be placed at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point.
- (c) A light may be affixed to the highest point on a meteorological tower as an additional option for the marking of the meteorological tower.
- (d) (1) A local agency may incorporate any requirements of this section into any applicable land use permit that the agency administers.
- (2) This section shall not be construed to authorize a local agency to require a new permit that applies to a meteorological tower.
- (3) To the extent that the requirements of this section conflict with local permitting requirements, the requirements of this section shall supersede those permitting requirements.
- (e) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

Chapter 3.7 Wire Strike Education and Prevention

Legislative Intent

- 21504. The Legislature finds and declares as follows:
- (a) Representatives from the aviation community, electric utility industry, and government agencies voluntarily convened a working group in July 1992 to develop a comprehensive program to improve low-level flight safety throughout California.
- (b) The working group found that the prevention of aircraft wire strikes and losses through (1) pilot education and awareness and (2) selective marking of those wires and supporting structures that present a hazard to low-level flight safety are equally important to improving low-level flight safety throughout the state.
- (c) The working group developed criteria for marking selected wires and supporting structures based upon visibility and likelihood of aircraft activity, which now must be evaluated in the field.
- (d) It is, therefore, the intent of the Legislature in enacting this chapter to implement recommendations of the working group to undertake a pilot education and awareness program and to evaluate the criteria for marking selected wires and supporting structures in the field.

Pilot Awareness Program

- 21505. (a) The Division of Aeronautics, in cooperation with the aviation industry and the electric utility industry and in consultation with the Federal Aviation Administration, shall coordinate and disseminate information provided by the working group to pilots to increase awareness of wire hazards and to communicate techniques for identifying and avoiding wires.
- (b) For purposes of coordinating and disseminating the information provided to the division by the working group pursuant to subdivision (a), every electrical corporation and publicly owned electrical utility in this state which serves 250,000 or more customers shall pay a one-time fee in a sufficient amount so that the total of all fees collected does not exceed one hundred thousand dollars (\$100,000). The fee shall be in the proportion that each utility's total miles of transmission line greater than 110 kilovolts bears to the total miles of transmission line greater than 110 kilovolts statewide.
- (c) All fees collected pursuant to subdivision (b) shall be deposited in the Aeronautics Account in the State Transportation Fund to be continuously appropriated to the Department of Transportation for the purposes set forth in subdivision (a).

Cost Recovery

21507. All costs incurred by an electrical corporation pursuant to this chapter shall be deemed reasonable by the commission and shall be fully recoverable through rates.

Chapter 4. Airports and Air Navigation Facilities

Article 1. Assistance to Political Subdivisions

Engineering and Technical Services

21601. The department may make available its engineering and other technical services, with or without charge, to any political subdivision or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance, or operation of airports or air navigation facilities, subject to rules promulgated by the department.

Financing

- 21602. (a) Subject to the terms and within the limits of special appropriations made by the Legislature, the department may render financial assistance by grant or loan, or both, to political subdivisions jointly, in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled, by a political subdivision or subdivisions, if the financial assistance has been shown by public hearing to be appropriate to the proper development or maintenance of a statewide system of airports. Financial assistance may be furnished in connection with federal or other financial aid for the same purpose.
- (b) Notwithstanding subdivision (a) of Section 21681, a city or county designated by the Airport Land Use Commission is eligible to compete for funds held in the Aeronautics Account in the State Transportation Fund on behalf of any privately owned, public use airport that is included in an airport land use compatibility plan. However, the city or county shall be eligible to compete for the funds only when zoning on the parcel is tantamount to a taking of all reasonable uses that might otherwise be permitted on the parcel. The eligible airport and aviation purposes are limited to those specified in paragraphs (4), (5), (6), (9), and (14) of subdivision (f) of Section 21681, and, further, any capital improvements or acquisitions shall become the property of the designated city or county. Matching funds pursuant to subdivision (a) of Section 21684 may include the in-kind contribution of real property, with the approval of the department.
- (c) Any grant of funds held in the Aeronautics Account in the State Transportation Fund on behalf of any privately owned airports shall contain a covenant that the airport remain open for public use for 20 years. Any grant made to a city or county on behalf of a privately owned airport shall contain a payback provision based upon existing market value at the time the private airport ceases to be open for public use.
- (d) Upon request, California Aid to Airports Program (CAAP) projects included within the adopted Aeronautics Program, may be funded in advance of the year programmed, with the concurrence of the department, in order to better utilize funds in the account.
- (e) There is, in the Aeronautics Account in the State Transportation Fund, a subaccount for the management of funds for loans to local entities pursuant to this chapter. All funds for airport loans in the Special Deposit Fund are hereby transferred to the subaccount. With the approval of the Department of Finance, the department shall deposit in the subaccount all money received by the department from repayments of and interest on existing and future airport loans, including, but not limited to, the sums of five hundred forty thousand dollars (\$540,000) in repayments from the General Fund due in July 1987, and July 1988, and may, upon appropriation, transfer additional funds from the Aeronautics Account in the State Transportation Fund to the subaccount as the department deems appropriate. Interest on money in the subaccount shall be credited to the subaccount as it accrues.
- (f) Notwithstanding Section 13340 of the Government Code, the money in the subaccount created by subdivision (e) is hereby continuously appropriated to the department without regard to fiscal years for purposes of loans to political subdivisions for airport purposes.

Agent for Political Subdivisions; Contracts; Handling of Funds

21603. Upon the request of any political subdivision or political subdivisions acting jointly, the department may act as agent in accepting, receiving, receiving for, and disbursing federal money, and other money public or private, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance, or operation of a public airport or air navigation facility. The department may act as agent in contracting for and

supervising the planning, acquisition, construction, improvement, maintenance, or operation. Any political subdivision may designate the department as its agent for these purposes.

The department as principal on behalf of the state, and any political subdivision on its own behalf, may enter into any contracts with each other, the United States, or any person, which may be required in connection with a grant or loan of federal money for public airport or air navigation facility purposes.

All federal money accepted under this section shall be accepted and transferred or expended by the department upon such terms and conditions as are prescribed by the United States. All money received by the department pursuant to this section shall be deposited in the Special Deposit Fund in the State Treasury, to be disbursed or expended in accordance with the terms and conditions upon which it was made available.

Airport Closing Procedures

21605. No proprietor of any permitted airport which is open to the public and has received public funds shall close or suspend operation of the airport, or close an existing runway or taxiway except on a temporary basis for inspection, maintenance, construction, or emergency purposes, without notifying the department in writing 60 days prior to the intended closure or suspension of operations. On its own motion or upon the request of an affected or interested person, the department may conduct a public hearing to determine the impact of the intended closure or suspension of operations, both economically and on the entire state air transportation system. The department may take appropriate action to assist the proprietor in keeping the airport operational and open for public use.

Article 2. State Airports and Air Navigation Facilities

Establishment; Planning; Construction

21631. From appropriations or other money made available for the purpose, the department, on behalf of and in the name of the state, may plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports and air navigation facilities, either within or without the state, including the construction, installation, equipment, maintenance, and operation at the airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers.

Acquisition of Existing Facilities

- 21632. (a) The department may also acquire existing airports and air navigation facilities, but it shall not acquire any airport or air navigation facility owned or controlled by a political subdivision of this or any other state without the consent of the political subdivision.
- (b) Whenever an airport owned or operated by the United States in this state ceases to be so owned or operated, the department, in consultation with local and regional transportation planning agencies, may evaluate the present and future need for the airport in the state's public-use airport system, including the need for both the transportation of people and goods. The purpose of the evaluation is to determine aviation needs and does not eliminate any requirement of the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code.
- (c) Prior to finalizing the evaluation, the department shall submit a copy of its report to the commission for review and comment.

The commission shall complete its review and forward any comments to the department not later than 45 days after receiving the evaluation.

- (d) Upon completion of its evaluation, the department may make a recommendation to the Legislature, the commission, the affected local agencies, and the appropriate federal agency for the airport's ownership and type of operation as a public-use airport, if the department determines that the airport would be of significant benefit to the state's airport system. It is the intent of the Legislature that the department, in making its recommendation, give priority for ownership and operation of these public-use airports to a local political subdivision or subdivisions acting jointly.
- (e) Notwithstanding Section 21606, if a political subdivision or subdivisions acting jointly notify the department of their intentions to prepare a reuse plan for the airport, and simultaneously apply to the Federal Aviation Administration for a federal grant to develop an airport master plan for the airport, the department shall not make its recommendation pursuant to subdivision (d). If the department's evaluation determines that the airport would be of significant benefit to the state's airport system, and the political subdivision or subdivisions acting jointly fail to convert the federal airport to a civil public-use airport in accordance with the department's evaluation within five years of notification to the department, or fail to evidence substantial progress toward that purpose as determined by the department, then the department may take action in accordance with subdivision (f).

- (f) If the department determines the airport is of present or future benefit to the state's public-use airport system, and no political subdivision applies to the appropriate federal agency to acquire or operate the airport, or has notified the department of its intention to prepare a reuse plan for the airport and thereafter fails to act upon its application pursuant to subdivision (e), the department may, subject to subdivision (g), assist in the formation of a public entity to own and operate the airport which shall be representative of political subdivisions in the area which surrounds and is served by the airport, as determined by the department. If established, the owning and operating entity may, subject to subdivision (g), prepare and submit an application to the appropriate federal agency to acquire or operate, or acquire and operate, the airport as a public airport.
- (g) Notwithstanding subdivision (f), if any political subdivision has previously applied to the appropriate federal agency to acquire and operate the airport as a public airport, has completed all required environmental and fiscal evaluations, and subsequently withdrew its application prior to December 31, 1988, the department shall not file any application to acquire or operate the airport or assist in the formation of a public entity to own and operate the airport.

Acquisition of Real or Personal Property

21633. For the purposes of this article, the department, by purchase, gift, devise, lease, condemnation, or otherwise, may acquire real or personal property, or any interest therein, including any property described in Section 21652.

Disposal of Property

21636. The department may dispose of any property, airport, air navigation facility, or portion or interest, acquired pursuant to this article, by sale, lease, or otherwise. The disposal shall be in accordance with the laws of this state governing the disposition of other state property, except that in the case of disposals to any political subdivision or government or the United States for aeronautical purposes, the disposal may be effected in the manner and upon the terms the department deems in the best interests of the state.

Contracts and Leases for Operation

21637. In operating an airport or air navigation facility owned or controlled by the state, the department may enter into contracts, leases, and other arrangements for a term not exceeding 20 years with any person, granting the privilege of using or improving the airport or air navigation facility or space therein for commercial purposes, conferring the privilege of supplying goods, commodities, things, services, or facilities at the airport or air navigation facility, or making available services to be furnished by the department or its agents at the airport or air navigation facility. In each case the department may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which shall be reasonable and uniform for the same class of privilege or service and shall be established with regard to the property and improvement used and the expenses of operation to the state. In no case shall the public be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or portion of either. The department shall grant no exclusive privilege for the sale or delivery of gasoline or other petroleum products.

Lease of Airports

21638. The department shall call for bids for the operation of any state-owned airport and shall lease the airport for a term not to exceed five years to the highest qualified bidder or bidders. No person shall be granted any authority to operate the airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the department might not have undertaken under Section 21637. The state may operate an airport only if no acceptable bid is received.

Exclusive Right for Use Prohibited

21639. The department shall grant no exclusive right for the use of any airport or air navigation facility under its jurisdiction. This section shall not be construed to prevent the making of contracts, leases, and other arrangements pursuant to this article.

Lien for Charges; Enforcement

21640. To enforce the payment of any charges for repairs, improvements, storage, or care of any personal property by the department or its agents in connection with the operation of an airport or air navigation facility owned or operated by the state, the state has a lien on the property, which is enforceable by the department as provided by law.

Flying or Releasing Balloon, Kite or Rocket Near Airport as Misdemeanor

21646. It shall be a misdemeanor for any person to release or fly or cause to be released or flown, within five miles of any airport, any moored balloon, kite, unmanned rocket, or unmanned free balloon which might be ingested by an aircraft engine or might cause a pilot's view of the airport and zone approach to be obstructed, or which could be used to suspend an object capable of endangering airborne aircraft or impairing a pilot's vision.

Article 2.5. Non-Public Use Airports

Airport Defined

21650. "Airport" for the purposes of this article means an airport not open to the general public.

Airport Marks; Federal Aviation Administration Standards

21650.1. An airport shall be marked as required by rule of the department with letters or symbol selected by the department to designate that the airport is not open to the general public. In selecting the letters or symbol, the department shall be guided by letters or symbols currently in use by the Federal Aviation Administration for similar or comparable purposes.

Permit; Application and Receipt Under Article 3

21650.2. Nothing shall prevent an airport from applying for and receiving a permit pursuant to Article 3 (commencing with Section 21661) of this chapter.

Article 2.6 Hazard Elimination; Flight Disturbance

Eminent Domain

- 21652. (a) Any person authorized to exercise the power of eminent domain for airport purposes may acquire by purchase, gift, devise, lease, condemnation, or otherwise:
- (1) Any property necessary to permit the safe and efficient operation of the airport, or to permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards, or to prevent the establishment of airport hazards.
- (2) Airspace or an easement in such airspace above the surface of property where necessary to permit imposition upon such property of excessive noise, vibration, discomfort, inconvenience, interference with use and enjoyment, and any consequent reduction in market value, due to the operation of aircraft to and from the airport.
- (3) Remainder property underlying property taken pursuant to paragraph (2), where permitted by Section 1240.410 of the Code of Civil Procedure.
- (b) As used in this section, "property" includes real and personal property and any right or interest therein, whether within, beyond, adjacent to, or in the vicinity of, the boundaries of an airport or airport site, and, by way of illustration and not by way of limitation, includes air rights, airspace, air easements, and easements in airport hazards.

Removal of Hazards

21653. Any person authorized to exercise the power of eminent domain for airport purposes may provide, by purchase, gift, devise, lease, condemnation, or otherwise, for the removal or relocation of any airport hazard or the removal or relocation of all facilities, structures, and equipment that may interfere with the location, expansion, development, or improvement of the airport and other air navigation facilities or with the safe approach thereto and takeoff therefrom by aircraft. Any person acting under authority of this section shall pay the cost of such removal or relocation.

Article 2.7 Regulation of Obstructions

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

21655. Notwithstanding any other provision of law, if the proposed site of any state building or other enclosure is within two miles, measured by air line, of that point on an airport runway, or runway proposed by an airport master plan, which is nearest the site, the state agency or office which proposes to construct the building or other enclosure shall, before acquiring title to property for the new state building or other enclosure site or for an addition to a present site, notify the Department of Transportation, in writing, of the proposed acquisition. The department shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the state agency

or office which proposes to construct the building or other enclosure a written report of the investigation and its recommendations concerning acquisition of the site.

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

Permit for Extension of Structure More Than 500 Feet Above Ground

21656. No person shall erect or add to the height of any structure within the boundaries of this state which will result in a structure that extends more than 500 feet above the ground on which such structure rests until a permit therefor has been issued for such purpose by the department. This section is not applicable to the construction of any structure if the Federal Communications Commission is required to approve the height of the structure or if the height of the structure is required to be approved under the Federal Aviation Act of 1958 (Public Law 85-726; 72 Stat. 731).

Refusal to Issue Permit; Request for Hearing

21657. The department may refuse issuance of a permit under Section 21656 if it determines that the erection of or addition to a structure would obstruct the airspace overlying the state so as to create an unsafe condition for the flight of aircraft.

Any person denied a permit shall, upon request, be granted a hearing by the department to determine whether a permit shall be issued. The hearing shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

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

21658. No public utility shall construct any pole, pole line, distribution or transmission tower, or tower line, or substation structure in the vicinity of the exterior boundary of an aircraft landing area of any airport open to public use, in a location with respect to the airport and at a height so as to constitute an obstruction to air navigation, as an obstruction is defined in accordance with Part 77 of the Federal Aviation Regulations, Federal Aviation Administration, or any corresponding rules or regulations of the Federal Aviation Administration, unless the Federal Aviation Administration has determined that the pole, line, tower, or structure does not constitute a hazard to air navigation. This section shall not apply to existing poles, lines, towers, or structures or to the repair, replacement, or reconstruction thereof if the original height is not materially exceeded and this section shall not apply unless just compensation shall have first been paid to the public utility by the owner of any airport for any property or property rights which would be taken or damaged hereby.

Hazards Near Airports Prohibited

21659. (a) No person shall construct or alter any structure or permit any natural growth to grow at a height which exceeds the obstruction standards set forth in the regulations of the Federal Aviation Administration relating to objects affecting navigable airspace contained in Title 14 of the Code of Federal Regulations, Part 77, Subpart C, unless a permit allowing the construction, alteration, or growth is issued by the department.

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

Refusal to Issue Permit; Request for Hearing

21660. The department may refuse issuance of a permit under Section 21659 if it determines that the construction or alteration of the structure or growth of the natural growth would constitute a hazard to air navigation or create an unsafe condition for air navigation.

Any person denied a permit shall, upon request, be granted a hearing by the department to determine whether a permit shall be issued. The hearing shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Article 3. Regulation of Airports

Exemptions

21661. This article does not apply to any temporary seaplane landing site, ultralight vehicle flightpark, or to airports owned or operated by the United States. To the extent necessary, the department may exempt any other class of airports, pursuant to a reasonable classification or grouping, from any rule or requirement thereof, adopted pursuant to this article, if it finds that its application would be an undue burden on the class and is not required in the interest of public safety.

This section shall become operative on January 1, 1989.

City Council or Board of Supervisors and ALUC Approvals

21661.5. (a) No political subdivision, any of its officers or employees, or any person may submit any application for the construction of a new airport to any local, regional, state, or federal agency unless the plan for construction is first approved by the board of supervisors of the county, or the city council of the city, in which the airport is to be located and unless the plan is submitted to the appropriate commission exercising powers pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9, and acted upon by that commission in accordance with the provisions of that article.

(b) A county board of supervisors or a city council may, pursuant to Section 65100 of the Government Code, delegate its responsibility under this section for the approval of a plan for construction of new helicopter landing and takeoff areas, to the county or city planning agency.

Submission of Plan for Expansion or Enlargement of Airport

21661.6. (a) Prior to the acquisition of land or any interest therein, including tide and submerged lands or other lands subject to the public trust for commerce, navigation, or fisheries, by any political subdivision for the purpose of expanding or enlarging any existing publicly owned airport, the acquiring entity shall submit a plan of that expansion or enlargement to the board of supervisors of the county, or the city council of the city, in which the property proposed to be acquired is located.

- (b) The plan shall show in detail the airport-related uses and other uses proposed for the property to be acquired.
- (c) The board of supervisors or the city council, as the case may be, shall, upon notice, conduct a public hearing on the plan, and shall thereafter approve or disapprove the plan.
 - (d) Upon approval of the plan, the proposed acquisition of property may begin.
- (e) The use of property so acquired shall thereafter conform to the approved plan, and any variance from that plan, or changes proposed therein, shall first be approved by the appropriate board of supervisors or city council after a public hearing on the subject of the variance or plan change.
- (f) The requirements of this section are in addition to any other requirements of law relating to construction or expansion of airports.

Approval of Sites: Issuance of Permits: Charges

21662. The department shall have the authority to issue airport site approval permits, amended airport site approval permits, airport permits, and amended airport permits. No charge shall be made for the issuance of any permit.

Emergency Service Helicopters

21662.1. (a) At or as near as practical to the site of a medical emergency and at a medical facility, an officer authorized by a public safety agency may designate an area for the landing and taking off of an emergency service helicopter, in accordance with regulations established not later than January 1, 1989, pursuant to Section 21243.

(b) "Public safety agency" means any city, county, state agency, or special purpose district authorized to arrange for emergency medical services.

Emergency Flights for Medical Purposes

21662.4. (a) Emergency aircraft flights for medical purposes by law enforcement, firefighting, military, or other persons who provide emergency flights for medical purposes are exempt from local ordinances adopted by a city, county, or city and county, whether general law or chartered, that restrict flight departures and arrivals to particular hours of the day or night, that restrict the departure or arrival of aircraft based upon the aircraft's noise level, or that restrict the operation of certain types of aircraft.

- (b) As used in this section, "emergency aircraft flights for medical purposes" are those flights in which undue delay would threaten a patient's life. "Emergency aircraft flights for medical purposes" include, but are not limited to, flights for the transportation of any of the following:
- (1) Patients accompanied by licensed or certificated medical attendants such as paramedics, nurses, physicians, and respiratory therapists.
 - (2) Surgical transplant teams for the purpose of procuring human organs for reimplantation in recipients.
 - (3) Organ procurement agency coordinators responding to a potential donor.
- (4) Temporarily viable human organs such as a heart, liver, lungs, kidneys, and pancreas, and human tissue, blood, or blood components.
- (5) Human tissue and blood samples for clinical testing to determine compatibility between a donor and a recipient.
 - (6) Mechanical adjuncts or biological replacements for human organs.
 - (7) Medical equipment and supplies.
- (8) Aircraft or equipment used during a medical emergency, or emergency personnel and first responders involved in treating the medical emergency, for the purpose of returning to its base of operation.

"Emergency aircraft flights for medical purposes" do not include the transportation of medical personnel to attend seminars, conferences, or speaking appearances in which undue delay would not jeopardize any patient's medical condition.

- (c) (1) Written information concerning the emergency shall be submitted to the airport proprietor for all emergency aircraft flights within 72 hours prior or subsequent to the departure or arrival of the aircraft. For all emergency aircraft flights for medical purposes, the information shall include the patient's name and address, the names of medical attendants or personnel and the discipline in which they are licensed or hold a certificate to practice, a signed statement by the attending physician specifying that a medical emergency was involved, the requesting medical facility or agency, the intended destination, the type and registration number of the aircraft, and the names of all flight crew members, provided that the disclosure is authorized by and made in a manner consistent with the standards with respect to the privacy of individually identifiable health information of Title II (commencing with Section 200) of the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), the regulations issued by the United States Department of Health and Human Services pursuant to that act (45 C.F.R. Pts. 160 and 164), and the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code).
- (2) This subdivision does not apply to emergency aircraft flights for medical purposes by law enforcement, firefighting, or military personnel.
- (d) Any airport that incurs additional expenses in order to accommodate the arrival or departure of emergency aircraft flights for medical purposes may charge the patient on whose behalf the flight is made, or any organization or entity which has volunteered to reimburse the airport, for those expenses.
- (e) For emergency aircraft flights for medical purposes, when two airports are located in the same geographical area, and one of the airports is a "closed" or restricted airport, the Legislature encourages the use of the "open" or unrestricted airport when feasible, rather than using the "closed" or restricted airport.
- (f) When leasing aircraft for flights for emergency medical purposes, the Legislature encourages the use, when feasible, of aircraft which comply with local noise ordinances.

Helicopters in Proximity to Certain Schools Prohibited

21662.5. Notwithstanding Section 21006 or Section 21661 or any other provision of law to the contrary, no helicopter may land or depart in any area within 1,000 feet, measured by air line, of the boundary of any public or private school maintaining kindergarten classes or any classes in grades 1 through 12, without approval of the department or by a public safety agency designated by the department, unless the landing or departure takes place at a permitted permanent heliport, or is a designated emergency medical service landing site.

Before approval of the landing or departure of a helicopter pursuant to this section, all schools within the specified area shall be notified by the department or public safety agency of the application and shall have 15 days after the notice in which to demand a public hearing. The public hearing shall be held at a location in the immediate vicinity of the landing or departure site. The department or public safety agency shall not grant approval pursuant to this section unless it has first found that helicopter operations at the proposed site can be conducted in a safe manner, and in accordance with criteria established by the department.

This section shall not prevent the governing body of any city or county from enacting ordinances or regulations imposing restrictions equal to or greater than those imposed by this section.

Operation Without Permit

21663. It is unlawful for any political subdivision, any of its officers or employees, or any person to operate an airport unless an appropriate airport permit required by rule of the department has been issued by the department and has not subsequently been revoked.

Approval of Sites; Application

21664. Any political subdivision or person planning to construct, establish, or expand an airport shall apply for the appropriate permit from the department prior to the construction, establishment or expansion. The application shall set forth the location of all highways, railways, wires, cables, poles, fences, schools, residential areas and places of public gathering, and any other information as may be required by the rules and regulations of the department. Whenever an airport owned or operated by the United States ceases to be so owned or operated, any political subdivision or person desiring or planning to own or operate the airport shall apply to the department in compliance with the provisions of this article. If the airport holds a permit issued by the department, the application shall be confined to consideration of the matters enumerated in subdivision (e) of Section 21666.

Amended Airport Permits; Airport Expansion Defined

21664.5. (a) An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of this section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.

- (b) As used in this section, "airport expansion" includes any of the following:
- (1) The acquisition of runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/1500-13, or of any interest in land for the purpose of any other expansion as set forth in this section.
 - (2) The construction of a new runway.
- (3) The extension or realignment of an existing runway.
- (4) Any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to the purpose of paragraph (1), (2), or (3).
- (c) This section does not apply to any expansion of an existing airport if the expansion commenced on or prior to the effective date of this section and the expansion met the approval, on or prior to that effective date, of each governmental agency that required the approval by law.

Issuance of Permits; Requirements; Conditions

- 21666. The department shall issue a permit if it is satisfied that all of the following requirements have been met:
- (a) The site meets or exceeds the minimum airport standards specified by the department in its rules and regulations, provided, however, that the department may modify its minimum airport standards when issuing a permit if it is satisfied that the airport will conform to minimum standards of safety.
- (b) Safe air traffic patterns have been established for the proposed airport and for all existing airports and approved airport sites in its vicinity.
- (c) The zone of approach of the airport has been engineered in conformity with the provisions of Section 21403, the documents relating thereto are available for public inspection.
- (d) The department when issuing a permit may impose reasonable conditions which it deems necessary to effectuate the purposes of this article.
- (e) The advantages to the public in selection of the site of a proposed new airport outweigh the disadvantages to the environment or, in the case of an amended permit, the advantages to the public of the proposed airport expansion outweigh the disadvantages to the environment. Environmental considerations include but are not limited to noise, air pollution, and the burden upon the surrounding area caused by the airport or airport expansion, including but not limited to, surface traffic and expense. The standards by which noise considerations are weighed shall be the level of noise acceptable to a reasonable person residing in the vicinity of the airport. The regulations adopted by the department pursuant to Section 21669 may be considered in determining such level of noise.

Each permit issued by the department shall set forth any conditions imposed thereon, and any modification of the general minimum airport standards prescribed by the department relative to such airport or airport site.

The department may refuse to issue a permit under this article if it determines that the requirements of this section have not been met. Any person denied a permit shall, upon request, be granted a hearing by the department to determine whether the permit should be issued.

Revocation of Permit: Grounds

21668. The department may revoke any airport permit if it determines that any of the following conditions are present:

- (a) There has been an abandonment of a site or an airport.
- (b) There has been a failure within the time prescribed to develop the site as an airport or to comply with the conditions of the approval as set forth in the permit.
- (c) The airport or site no longer conforms to the minimum airport standards prescribed by the department, or no longer complies with the conditions imposed in the airport permit or site approval.
 - (d) The owner or operator of a permitted airport has failed to comply with any rule or regulation of the department.
- (e) The site may no longer be safely used by the general public because of a change in physical or legal conditions either on or off the airport site.

The department shall not revoke a permit under this section without prior notice or opportunity for hearing, unless the department determines in writing that public safety considerations require a summary revocation. In this event, any person aggrieved by the action of the department shall, upon request, be granted a hearing by the department to determine whether the revocation shall remain in effect.

Suspension of Operation

21668.2. In lieu of revoking an airport permit pursuant to Section 21668, the department may suspend any airport permit, or may require suspension of operations of a portion of an airport, and such suspension shall remain in effect until the department determines that the conditions requiring the suspension no longer exist.

The department shall not order a suspension under this section without prior notice or opportunity for hearing, unless the department determines in writing that public safety considerations require a summary suspension. In this event, any person aggrieved by the action of the department shall, upon request, be granted a hearing by the department to determine whether the suspension shall remain in effect.

Adoption of Noise Standards

21669. The department shall adopt noise standards governing the operation of aircraft and aircraft engines for airports operating under a valid permit issued by the department to an extent not prohibited by federal law. The standards shall be based upon the level of noise acceptable to a reasonable person residing in the vicinity of the airport.

Existing Residential Conversion

21669.1. (a) Land use conversion involving existing residential communities shall generally be considered the least desirable action for achieving compliance with noise standards regulations adopted by the Department of Transportation pursuant to Section 21669.

- (b) Nothing in this section creates a private right of action in any civil litigation.
- (c) This section is declaratory of existing regulations of the department.

Guidelines

21669.2. In its deliberations, the department shall be governed by the following guidelines:

- (a) Statewide uniformity in standards of acceptable airport noise need not be required, and the maximum amount of local control and enforcement shall be permitted.
- (b) Due consideration shall be given to the economic and technological feasibility of complying with the standards promulgated by the department.

Effective Date of Regulations

21669.3. Any regulations designed to establish a noise monitoring program at an airport entering service after November 30, 1971, shall go into effect on the date the airport enters service.

Violation of Standards; Enforcement; Penalties

21669.4. (a) The violation of the noise standards by any aircraft shall be deemed a misdemeanor and the operator thereof shall be punished by a fine of one thousand dollars (\$1,000) for each infraction.

(b) It shall be the function of the county wherein an airport is situated to enforce the noise regulations established by the department. To this end, the operator of an airport shall furnish to the enforcement authority designated by the county the information required by the department's regulations to permit the efficient enforcement thereof. The operator of each airport shall reimburse the county for its costs of implementing the airport noise regulations

contained in Article 8 (commencing with Section 5050) of subchapter 6 of Title 4 of the California Administrative Code, which shall, for purposes of subdivision (c), credit the operator for any amounts received from penalties assessed for violations at such airport. Upon request of the operator, the department shall review and shall determine the reasonableness of such costs, and such costs may be considered in fixing any airport user fees.

(c) Penalties assessed for the violation of the noise regulations shall be used first to reimburse the General Fund for the amount of any money appropriated to carry out the purposes for which the noise regulations are established, and second be used in the enforcement of the noise regulations at participating airports.

Noise-sensitive projects; approval conditioned upon grant of avigation easement

21669.5. (a) For purposes of this section, the following terms have the following meanings:

- (1) (A) "Avigation easement" means a less-than-fee-title transfer of real property rights from the property owner that may convey to an owner or operator of an airport any or all of the following rights:
- (i) A right-of-way for the free and unobstructed passage of aircraft through the airspace over the property at any altitude above a specified surface.
- (ii) A right to subject the property to noise, vibration, fumes, dust, and fuel particle emissions associated with normal airport activity.
- (iii) A right to prohibit the erection or growth of any structure, tree, or other object that would enter the acquired airspace.
- (iv) A right-of-entry onto the property, with proper advance notice, for the purpose of removing, marking, or lighting any structure or other object that enters the acquired airspace.
- (v) A right to prohibit electrical interference, glare, misleading lights, visual impairments, and other hazards to aircraft flight from being created on the property.
- (B) "Avigation easement" includes an easement obtained pursuant to paragraph (2) of subdivision (a) of Section 21652.
- (2) "CNEL" means community noise equivalent level established pursuant to Chapter 6 (commencing with Section 5000) of Division 2.5 of Title 21 of the California Code of Regulations.
- (3) "Noise-sensitive land use" means residential uses, including detached single-family dwellings, multifamily dwellings, highrise apartments or condominiums, mobilehomes, public and private educational facilities, hospitals, convalescent homes, churches, synagogues, temples, and other places of worship.
- (4) "Noise-sensitive project" means a project involving new construction or reconstruction for a planned noise-sensitive land use within an airport's 65 decibels CNEL or higher noise contour.
- (b) If a political subdivision conditions approval of a noise-sensitive project upon the grant of an avigation easement to the owner or operator of an airport, the avigation easement shall be required to be granted to the owner or operator of the airport prior to the issuance of the building permit that allows construction or reconstruction of the noise-sensitive project. The owner or operator of an airport that is granted an avigation easement as a condition for approval of a noise-sensitive project pursuant to this subdivision shall be entitled to immediately record it upon receipt.
- (c) An avigation easement granted to the owner or operator of an airport as a condition for approval of a noise-sensitive project shall include a termination clause that operates to terminate the avigation easement if the noise-sensitive project is not built and the permit or any permit extension authorizing construction or reconstruction of the noise-sensitive project has expired or has been revoked.
- (d) Within 30 days after expiration or revocation of a permit or permit extension that authorized construction or reconstruction of a noise-sensitive project and was conditioned upon the property owner granting an avigation easement to the owner or operator of an airport, the political subdivision that had issued the permit shall notify the owner or operator of the airport of the expiration or revocation of the permit. Within 90 days after receipt of the notice from the political subdivision, the owner or operator of the airport shall record a notice of termination with the county recorder in which the property is located. Proof of filing of the notice of termination shall be provided to the political subdivision by the owner or operator of the airport within 30 days of recordation.
- (e) Notwithstanding Sections 6103 and 27383 of the Government Code, in filing any instrument, paper, or notice pursuant to this section, the owner or operator of an airport shall pay all applicable recording fees prescribed by law.

Hearing Procedures

21669.6. Hearings under this article required by the provisions of Sections 21666, 21668, 21668.2, and 21669, or regulations adopted pursuant to those provisions, shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Article 3.5. Airport Land Use Commission

Creation; Membership; Selection

- 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.

Action by Designated Body Instead of Commission

- 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) that does not include among its membership at least two members having expertise in aviation, as defined in subdivision (e) of Section 21670, shall, when acting in the capacity of an airport land use commission, be augmented so that 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 for the preparation, adoption, and amendment of each airport land use compatibility plan.
- (3) The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following:
 - (A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time.
- (B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations.
- (C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies.
- (4) If the county does not comply with the requirements of paragraph (2) within 120 days, then the airport land use compatibility plan and amendments shall not be considered adopted pursuant to this article and a commission shall be established within 90 days of the determination of noncompliance by the division and 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 (Chapter 4 (commencing with Section 4050) of Title 21 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.

Los Angeles County

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.

San Diego County

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, shall be responsible for the preparation, adoption, and amendment of an airport land use compatibility plan for each airport in San Diego County.

(b) The San Diego County Regional Airport Authority shall engage in a public collaborative planning process when preparing and updating an airport land use compatibility plan.

Intercounty Airports

- 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, inner turning zones, outer safety zones, or sideline safety zones, as defined by the department's Airport Land Use Planning Handbook and referenced in the airport land use compatibility plan formulated under Section 21675.
- (b) It is the purpose of this section to provide the opportunity to establish a separate airport land use commission so that an intercounty airport may be served by a single airport land use planning agency, rather than having to look separately to the airport land use commissions of the affected counties.
- (c) In addition to the airport land use commissions created under Section 21670 or the alternatives established under Section 21670.1, for their respective counties, the boards of supervisors and city selection committees for the affected counties, by independent majority vote of each county's two delegations, for any intercounty airport, may do either of the following:
- (1) Establish a single separate airport land use commission for that airport. That commission shall consist of seven members to be selected as follows:
 - (A) One representing the cities in each of the counties, appointed by that county's city selection committee.
 - (B) One representing each of the counties, appointed by the board of supervisors of each county.
- (C) One from each county having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.
 - (D) One representing the general public, appointed by the other six members of the commission.
- (2) In accordance with subdivision (a) or (b) of Section 21670.1, designate an existing appropriate entity as that airport's land use commission.

Actions subject to mediation

21670.6. Any action brought in the superior court relating to this article may be subject to a mediation proceeding conducted pursuant to Chapter 9.3 (commencing with Section 66030) of Division 1 of Title 7 of the Government Code.

Airport Owned by a City, District, or County

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.

Term of Office

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 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.

Rules and Regulations

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.

Initiation of Proceedings for Creation by Owner of Airport

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.

Powers and Duties

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.
- (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.

Training of Airport Land Use Commission's Staff

- 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 the airport influence area.
 - (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.

Airport Land Use Planning Handbook

- 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.

Land Use Plan

- 21675. (a) Each commission shall formulate an airport land use compatibility plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission's airport land use compatibility plan shall include and shall be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation, that reflects the anticipated growth of the airport during at least the next 20 years. In formulating an airport land use compatibility plan, the commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the airport influence area. The airport land use compatibility plan shall be reviewed as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year.
- (b) The commission shall include, within its airport land use compatibility plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any military airport for all of the purposes specified in subdivision (a). The airport land use compatibility plan shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport. This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport.
- (c) The airport influence area 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 airport land use compatibility plan and each amendment to the plan.
- (e) If an airport land use compatibility plan does not include the matters required to be included pursuant to this article, the Division of Aeronautics of the department shall notify the commission responsible for the plan.

Adoption of Land Use 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 an airport influence 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.

Approval or Disapproval of Actions, Regulations, or Permits

- 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.

Review of Local General Plans

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.

Review of Local Plans

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.

Marin County Overrule Provisions

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.

Airport Owner's Immunity

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.

Court Review

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.

Deferral of Court Review

- 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.

Article 4. Aeronautics Fund

Continuation; **Continuous Appropriation**

- 21680. (a) The Aeronautics Fund is hereby continued in existence as the Aeronautics Account in the State Transportation Fund. The moneys deposited to the credit of the account are continuously appropriated for expenditure by the board and the department as provided in this article.
- (b) Any reference in any law or regulation to the Airport Assistance Revolving Fund, the Airport Assistance Fund, or the Aeronautics Fund shall be deemed to refer to the Aeronautics Account in the State Transportation Fund. As used in this article, "fund" shall be deemed to refer to the Aeronautics Account in the State Transportation Fund.

Definitions

- 21681. As used in this article, the following terms have the following meanings:
- (a) "Own and operate" means that the public entity shall own the property in fee simple or by a long-term lease of a minimum of 20 years, unless otherwise approved by the department, and shall maintain dominion and control of the property, except that the public entity may provide by contract with a person for the operation and management of an airport otherwise meeting the requirements of this article. Operations of the airport shall be for, and on behalf of, the public entity. All leases to the public entity of property are required to be approved by the department. A lease of the property by the public entity to an agent or agency other than to a public entity does not meet the criteria for participation in airport assistance funds.
- (b) "Matching funds" means money that is provided by the public entity and does not consist of funds previously received from state or federal agencies or public entity funds previously used to match federal or state funds. This definition shall be retroactive to July 1, 1967.
 - (c) "General aviation" means all aviation except air carrier and military aviation.

- (d) "Public entity" means any city, county, airport district, airport authority, port district, port authority, public district, public authority, political subdivision, airport land use commission, community services district, or public corporation and the University of California.
 - (e) "Public agency" means the various agencies of the State of California and the federal government.
- (f) "Airport and aviation purposes" means expenditures of a capital improvement nature, including the repair or replacement of a capital improvement, and expenditures for compatible land use planning in the area surrounding an airport, for any of the following purposes:
 - (1) Land acquisition for development and improvement of general aviation aircraft landing facilities.
 - (2) Grading and drainage necessary for the construction or reconstruction of runways or taxiways.
 - (3) Construction or reconstruction of runways or taxiways.
- (4) Acquisition of "runway protection zones" as defined in Federal Aviation Administration Advisory Circular 150/1500-13.
- (5) Acquisition of easements through, or other interests in, airspace as may be reasonably required for safeguarding aircraft operations in the vicinity of an aircraft landing facility.
 - (6) Removal of natural obstructions from runway protection zones.
- (7) Installation of "segmented circle airport marker systems" as defined in current regulations of the Federal Aviation Administration.
- (8) Installation of runway, taxiway, boundary, or obstruction lights, together with directly related electrical equipment.
 - (9) Installation of minimum security fencing around the perimeter of an aircraft landing facility.
 - (10) Grading and drainage necessary to provide for parking of transient general aviation aircraft.
 - (11) Construction or reconstruction of transient general aviation aircraft parking areas.
- (12) Servicing of revenue or general obligation bonds issued to finance capital improvements for airport and aviation purposes.
 - (13) Air navigational facilities.
 - (14) Engineering and preliminary engineering related directly to a project funded under this article.
 - (15) Other capital improvements as may be designated in rules and regulations adopted by the department.
- (16) Activities of an airport land use commission in connection with the preparation of a new or updated airport land use compatibility plan pursuant to Section 21675. Expenditures that cannot be clearly identified as capital improvements shall be submitted to the department for consideration and approval.
 - (17) Airport master plans and airport layout plans.
- (g) "Operation and maintenance" means expenditures for wages or salaries, utilities, service vehicles, and all other noncapital expenditures that are included in insurance, professional services, supplies, construction equipment, upkeep and landscaping, and other items of expenditure designated as "operation and maintenance" in rules and regulations adopted by the department.
- (h) "Enplanement" means the boarding of an aircraft by a revenue passenger, including an original, stopover, or transfer boarding of the aircraft. For purposes of this subdivision, a stopover is a deliberate and intentional interruption of a journey by a passenger scheduled to exceed four hours in the case of an intrastate or interstate passenger or not to exceed 24 hours in the case of an international passenger at a point between the point of departure and the point of destination, and a transfer is an occurrence at an intermediate point in an itinerary whereby a passenger or shipment changes from a flight of one carrier to another flight either of the same or a different carrier with or without a stopover.

Payments from Fund

- 21682. (a) The department shall establish individual revolving fund subaccounts for eligible airports in the Aeronautics Account in the State Transportation Fund. Money payable under this section shall be credited to individual airport subaccounts annually, and may be accumulated for a maximum period of five years.
- (b) The department shall, subject to Section 21684, credit from the Aeronautics Account to each public entity owning and operating an airport or airports under a valid permit issued by the department for every airport which has not been designated by the Federal Aviation Administration as (1) a reliever airport, as defined in Section 503 (a) (19) of the federal Airport and Airway Improvement Act of 1982, as amended, or (2) a commercial service airport, as defined in Section 503 (a) (5) of the federal Airport and Airway Improvement Act of 1982, as amended, the sum of ten thousand dollars (\$10,000) annually for each qualifying airport. These funds shall be paid to public entities upon request for expenditure on preapproved eligible projects. Eligible public entities may submit applications for the withdrawal of credited funds for expenditure on proposed projects in letter form to the department for review and approval. Projects identified shall be for airport and aviation purposes and operation and maintenance purposes. No payment made under this section is transferable, but shall be expended only upon the airport for which the payment is made, unless the department authorizes a payment to be transferred for expenditure

on another airport owned or operated by the public entity. The department may establish any accounting systems it deems necessary to provide for the cumulation and expenditure of funds under this subdivision.

- (c) If, in any year, there is insufficient money in the Aeronautics Account to make the credits specified in subdivision (b), the department shall, subject to Section 21684, credit to each public entity subaccount an amount which is equal to the total amount of money in the Aeronautics Account multiplied by a percentage equivalent to the proportion which the airport or airports of the public entity for which credit is required to be made pursuant to subdivision (b) bear to the total number of airports for which credit is required to be made pursuant to subdivision (b).
- (d) No payment shall be made under this section to any public entity for any airport on which general or commercial aviation activities are substantially restricted if the airport is licensed to conduct these activities by the department. The department shall determine whether or not general or commercial aviation activities are restricted.
- (e) The department shall adopt rules and regulations and establish procedures to effect prompt payment to public entities for eligible airport projects from money credited pursuant to this section.

Payment of Aviation Share of Comprehensive Transportation Planning Costs

21682.5. The department shall pay, from the Aeronautics Account to the Transportation Planning and Development Account in the State Transportation Fund, a sum equal to the pro rata share of the comprehensive transportation duties attributable to aviation planning and research, as determined by the Director of Transportation.

Use of Balance

21683. Any public entity may apply to the department each year for the allocation of funds for the acquisition or development of airports. The commission may, pursuant to rules and regulations promulgated by the department, make an allocation to the public entity if it determines that the proposed acquisition or development is feasible and in accordance with the policies and standards established by the department. The department shall make recommendations to the commission on all applications. Such allocations shall be represented as subventions in the department budget in accordance with Section 21206.

No moneys paid under this section shall be expended for operation and maintenance. No payment shall be made under this section to any public entity for any airport on which general or commercial aviation activities are substantially restricted if the airport is licensed to conduct such activities by the department. The department shall determine whether or not general or commercial aviation activities are restricted.

Use of Funds for Local Match for Federal Airport Improvement Program Grants

- 21683.1. (a) At the discretion of the commission, any balance remaining in the Aeronautics Account, after the payments made under Section 21682, may be used to provide a portion of the local match for federal Airport Improvement Program grants. Matching shall be provided only for grants at general aviation airports, or at airports that have been designated by the Federal Aviation Administration as reliever airports, as defined in Section 503(a)(19) of the federal Airport and Airway Improvement Act of 1982, as amended.
- (b) Funds shall not be allocated by the commission until the federal grant offer is accepted by the public entity. Upon allocation by the commission, the department may pay a public entity an amount equal to 5 percent of the amount of a federal Airport Improvement Program grant. These funds are excluded from the requirements of Section 21684.
- (c) Funds shall not be allocated by the commission until the federal grant offer is accepted by the public entity. Upon allocation by the commission, the department may, until December 31, 2006, pay a public entity an amount equal to the 10 percent local match required for a federal Airport Improvement Program grant for security projects at small general aviation airports. For purposes of this section, a "security project" means a project to install or maintain fencing, gates, security lighting, access controls systems, and surveillance systems. For purposes of this section a "small general aviation airport" means an airport with fewer than 80,000 annual landings and take-offs of aircraft.

Use of Balance in Aeronautics Account

21683.2. Any balance remaining in the Aeronautics Account, after the payments made under Section 21682 and Section 21683.1, shall be used at the discretion of the commission for airport and aviation purposes subject to the provisions of Section 21684.

Special Aviation Fund

21684. (a) No payment shall be made to a public entity pursuant to this article unless the public entity has established a special aviation fund in which all payments received by a public entity under this article shall be

deposited for expenditure solely for airport and aviation purposes. No payment shall be made to a public entity for a project pursuant to Section 21683.2 unless the public entity deposits in its special aviation fund a sum from other than state or federal sources, established annually by the commission at not less than 10 percent nor more than 50 percent of the nonfederal portion of the project.

Notwithstanding the provisions of this subdivision requiring matching funds, the department shall pay to each public entity owning and operating an airport or airports the annual amount that is in accordance with Section 21682.

(b) No payment shall be made for any airport to the University of California pursuant to this article unless the university has established a special aviation fund in which all payments received by the university under this article shall be deposited for expenditure solely for airport and aviation purposes. No payment shall be made for any airport to the University of California pursuant to Section 21683.2 unless the university deposits in its special aviation fund each year, for expenditure solely for airport and aviation purposes, a sum from nonstate or nonfederal funds based on the rate established annually by the commission pursuant to subdivision (a), or unless a city located within 10 miles of the airport or the county within which the airport is located pays to the university a sum based on the rate established annually by the commission pursuant to subdivision (a). However, any sums so deposited by the university or paid by the city or county may be considered jointly as meeting the requirements of this section. The payments received from a city or county pursuant to these sections are to be expended solely for the airport and for aviation purposes related to such airport. All payments received by the university shall be deposited in its special aviation fund.

Use of Balance of Fund to Purchase Emergency Search and Rescue Equipment

21684.1. Notwithstanding the provisions of Section 21683, any balance remaining in the fund after the payments made under Section 21682 may be used by the department to purchase emergency search and rescue equipment and to make such equipment available for use by recognized search and rescue groups. The equipment shall remain the property of the department. No more than eight thousand dollars (\$8,000) shall be expended pursuant to this section for the purchase of emergency search and rescue equipment.

Allocation of Funds for Construction of Airports

21684.5. Notwithstanding the provisions of this article inasmuch as they require matching funds the department may allocate funds to public agencies for the construction of airports.

Allocation of Funds to Counties

21684.6. Notwithstanding the provisions of this article, inasmuch as they require matching funds, the department may allocate funds to a county or a city for the construction of recreational airports or reliever training airstrips in accordance with regulations of the department if the county or city supplies the land and maintains and operates all facilities of such airport or airstrip.

Special Aviation Fund; Payments to State College or University Branch

21685. Any public entity may pay any part of the money in its special aviation fund to a state college or branch of the University of California located within its boundaries to be expended for the same purposes as the public entity may expend such money. Any money paid to a state college or branch of the University of California shall be expended within the public entity paying the money.

Audit of Books and Records of Public Agencies

21686. It shall be the duty of any public entity receiving payments or allocations under this article to periodically audit its books and records as deemed necessary by the department for the purpose of determining that the money received has been expended for the purposes and under the conditions authorized by this article.

Airports No Longer Open to the General Public; Payments to State

21687. (a) (1) If an airport, for which payments have been made from the Aeronautics Account, ceases to be open to the general public for more than one year, the public entity to which those payments were made shall pay to the state funds equal to the amount computed by the department pursuant to paragraph (2), and those funds shall be deposited in the Aeronautics Account.

(2) (A) The department shall compute an amount equal to the total of all payments made for the airport from the Aeronautics Account during the preceding 20 years, less 5 percent of the amount of a particular payment multiplied by the number of years since the payment was made, or the unused balance, whichever is greater.

- (B) The computation described in subparagraph (A) shall not include any payment the department made pursuant to Section 21682, if, upon the request of the public entity that owns and operates the airport, the department determines that the airport is not necessary to the system of public airports in this state. When making this determination, the department shall consider all of the following factors:
 - (i) Whether the airport is approved for night operations.
 - (ii) Whether the airport has an approved instrument approach procedure.
 - (iii) How many aircraft are based at the airport.
 - (iv) Whether the airport is used for airborne fire attacks.
 - (v) Whether the airport is used for emergency medical transportation.
 - (vi) What services the airport provides for the community.
 - (vii) The size of the community that is served by the airport.
- (viii) Whether any aviation or transportation planning agency has designated the airport as having a significant role.
 - (ix) Whether a suitable, public-use airport is situated within a reasonable distance.
 - (x) Whether closure of the airport will have a negative effect on other airports.
 - (xi) Whether the airport is used for law enforcement purposes.
 - (b) This section does not apply to either of the following:
- (1) An airport that is replaced by a comparable facility, as determined by the department, within a period of one year.
- (2) An airport for which the department, on or after January 1, 1981, has suspended the airport permit and for which payments made pursuant to this article are being expended to correct the deficiency or condition that resulted in the suspension of the airport's permit.

Limitation on Expenditure of Funds

21688. (a) No payments shall be made from the Aeronautics Account for expenditure on any airport or for the acquisition or development of any airport, if the department determines that the height restrictions around the airport are inadequate to provide reasonable assurance that the landing and taking off of aircraft at the airport will be conducted without obstruction or will be otherwise free from hazards.

Height restrictions shall be considered adequate if as a minimum they meet the obstruction standards of subchapter C of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, as these standards apply to civil airport imaginary surfaces related to runways.

The airport-owning entity shall have sufficient control over obstructions in the airspace in the vicinity of the airport to assure that height restrictions can be maintained. This control may be in the form of ownership of any land from which obstructions may rise, air navigation easements to guarantee maintenance of restrictions, or height limitation or land use zoning which will prohibit obstructions which would violate the obstruction standards.

(b) This section shall not prevent or prohibit the department from assisting any public agency or public entity in planning airport development or in planning the zoning needs around an airport.

Article 4.5. Airport Facilities and Concessions

Legislative Findings

21690.5. The Legislature finds and declares as follows:

- (a) The proper operation of California's publicly owned or operated airports is essential to the welfare of the state and its people.
- (b) California's publicly owned or operated airports establish a vital transportation link between the state and the economic systems of the nation and the world, and enable the state to enjoy and provide the benefits of an international tourist and commercial center.
- (c) The economic validity and stability of California's publicly owned or operated airports is, consequently, a matter of statewide importance.
- (d) The policy of this state is to promote the development of commerce and tourism to the end of securing to the people of this state the benefits of these activities conducted in the state.
- (e) Therefore, since the proper operation of the state's publicly owned or operated airports is essential to the welfare of the state and its people, the Legislature recognizes and affirms such operation as a governmental function to be discharged in furtherance of the policy of securing the benefits of commerce and tourism for the state and its people.

Scope of Law

21690.6. The provisions of this article shall apply to any airport owned or operated by a political subdivision, including a charter city.

Promotion of Commerce and Tourism

21690.7. The governing bodies of publicly owned or operated airports shall manage airport facilities and grant airport concessions in furtherance of the development of commerce and tourism in or affecting the state. In managing facilities and granting concessions for services to the public, such airport governing bodies shall promote the development of commerce and tourism by (a) securing a diversity of airport services; (b) avoiding wasteful duplication of such services; (c) securing to the users of airports safe, courteous, and quality service; (d) limiting or prohibiting business competition which is destructive of the ends of promoting commerce and tourism in the state; (e) allocating limited airport resources to promote such ends; and (f) fostering California's image as a commercial and tourist center.

Exclusive Agreements

21690.8. The Legislature recognizes that to further the policies and fulfill the objectives stated in this article, it is often necessary that publicly owned or operated airports enter into exclusive or limited agreements with a single operator or a limited number of operators. The governing bodies of publicly owned or operated airports shall grant exclusive or limited agreements to displace business competition with regulation or monopoly service whenever the governing body determines, in consideration of the factors set forth in Section 21690.9, that such agreements are necessary to further the policies and to fulfill the objectives stated in this article. The Legislature contemplates that publicly owned or operated airports will grant exclusive or limited agreements in furtherance of the policy of this state to displace business competition by exclusive or limited agreements to fulfill these policies and objectives.

Determination of Necessity

21690.9. Before entering any exclusive or limited agreement in connection with the management of any airport facility or the operation of any airport concession, the governing body of a publicly owned or operated airport shall, under authority hereby expressly delegated by the state, determine the necessity for an exclusive or limited agreement. The governing body shall consider the following factors to determine the necessity for an exclusive or limited agreement to further the policies and objectives stated in this article:

- (a) Public safety.
- (b) Public convenience.
- (c) Quality of service.
- (d) The need to conserve airport space.
- (e) The need to avoid duplication of services.
- (f) The impact on the environment or facilities of the airport as an essential commercial and tourist service center.
- (g) The need to avoid destructive competition which may impair the quality of airport services to the public, lead to uncertainty, disruption, or instability in the rendering of such services, or detract from the state's attractiveness as a center of tourism and commerce.

In making its determination, the airport operator shall not be required to take evidence or to make findings of fact.

Compliance with Other States

21690.10. Nothing in this article shall excuse any local agency from complying with applicable state or local requirements for competitive bidding or public hearings which may be required prior to the awarding or entering into of any bid, agreement or lease.

Article 5. Los Angeles International Airport Relocation and Development

Legislative Findings

21690.20. The Legislature hereby finds that Los Angeles International Airport is one of the important air terminals of the world, making a significant contribution daily to the economy of California.

Since 1959, jet air traffic at the airport has increased from 80 flights daily to nearly 1,000 daily. This increasing air traffic and necessary expansion of airport facilities has had an adverse affect on the residents of the surrounding areas. Expansion and development has and is expected to require the acquisition of many homes in the vicinity of the airport and has rendered other homes in areas subjected to aircraft noise nearly uninhabitable. Property owners in the vicinity of the airport are either unable to sell their homes or able to sell only at depressed market prices.

Under present laws, the Department of Airports of the City of Los Angeles is required only to pay homeowners "fair market value" for their property. With increasing property costs and current high interest rates, it is impossible for a homeowner to purchase a comparable dwelling in a comparable residential area for amounts now being paid as "fair market value."

The City Council of the City of Los Angeles has initiated this legislation to enable the city to (1) assist displaced homeowners to relocate in comparable residential areas and housing, (2) provide, where available, replacement housing acceptable to affected homeowners, and (3) purchase affected homes to compensate homeowners for the depressed values of their property.

There is precedent for the provision of replacement housing, where available, in Chapter 953 of the Statutes of 1968, by which the Department of Public Works is authorized to provide relocation assistance and replacement housing to certain individuals and families displaced because of construction of certain state highway projects. Further, there is precedent for relocation payments to compensate certain homeowners in Public Law 90-495 and in Chapter 3 of the Statutes of 1968, First Extraordinary Session.

Definitions

21690.21. Unless the context otherwise requires, the following definitions shall govern the construction of this article:

- (a) "Airport" means Los Angeles International Airport.
- (b) "Department" means the Department of Airports, City of Los Angeles.
- (c) "Mayor" means the Mayor of the City of Los Angeles.
- (d) "Board" means the Los Angeles International Airport Property Acquisition Board.

Authority of Department

21690.22. Notwithstanding any other provision of law, the department is authorized to:

- (a) Assist homeowners displaced by the expansion of the airport to relocate in comparable residential areas and housing.
 - (b) Provide, where available, replacement housing acceptable to affected homeowners.
- (c) Purchase affected property to compensate homeowners for the depressed values of their property as a result of the proximity of the airport to enable such homeowners to purchase comparable housing under more normal market conditions.

Expenditure of Available Funds

21690.23. The department is authorized to expend any available funds, including state and federal funds, for the purpose of purchasing homes from homeowners displaced by the expansion of the airport and relocating or providing suitable replacement housing for such persons, notwithstanding any other provision of law.

Petition for Payment of Additional Compensation

21690.24. Upon establishment of a program for additional payments to homeowners by the department pursuant to this article, the affected property owners may petition as provided in Section 21690.26 for the payment of additional compensation for the depressed value of the affected property resulting from the presence and operation of the airport, provided that such owner has not previously recovered any sums in the nature of an inverse condemnation award by reason of the presence and operation of the airport.

Appointment of Board

21690.25. Upon establishment by the department of a program for such additional compensation, the mayor shall appoint, subject to the approval of the city council, five persons who shall constitute the board.

Tenure of Board; Quorum; Duties

21690.26. The members of the board shall serve at the pleasure of the mayor, and any action taken by a majority thereof shall constitute the action of the board. The board shall hear petitions from homeowners dislocated by reason of airport expansion and operations for amounts to be paid in excess of market value of affected property. The board shall establish procedures for the conduct of its business.

Payment of Awards

21690.27. The Board of Airport Commissioners of the City of Los Angeles is directed to pay any sum awarded by the board pursuant to Section 21690.26.

Persons Eligible; Time for Filing Petition; Time for Payment

21690.28. The provisions of this article are available only to persons who own residential property which has been or is being condemned or sold for airport purposes. Petitions for additional compensation may be filed with the board at the same time that condemnation proceedings or acquisition negotiations are initiated; and the board shall pay any sum awarded pursuant to Section 21690.26 within 60 days after condemnation or other acquisition proceedings are completed.

Partial Invalidity

21690.29. If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Chapter 5. Proceedings

Investigation, Inquiries, and Hearings

21692. The department, any member, the director, or any officer or employee of the department designated by it may hold investigations, inquiries, and hearings concerning matters covered by this part and the rules and orders of the department, and concerning accidents in aeronautics within this state. Hearings shall be open to the public and, except as provided in Section 21691, shall be held upon such call or notice as the department deems advisable. Each member of the department, the director, and every officer or employee of the department designated by it to hold any inquiry, investigation, or hearing may administer oaths and affirmations, certify to all official acts, issue subpoenas, and order the attendance and testimony of witnesses and the production of papers, books, and documents. If any person fails to comply with any subpoenas or order issued under the authority of this section, the department or its authorized representative may invoke the aid of any court of general jurisdiction. The court may order such person to comply with the requirements of the subpoena or order to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as contempt.

Reports of Investigations and Hearings

21693. In order to facilitate the making of investigations by the department in the interest of public safety and promotion of aeronautics, the reports of investigations or hearings or any part of the reports, shall not be admitted in evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in the investigation, hearing, or report, except in case of any suit, action, or proceeding, civil or criminal, instituted by or in behalf of the department or in the name of the state under the provisions of this part or other laws of the state relating to aeronautics. Any member of the department, the director, or any officer or employee of the department shall not be required to testify to any facts ascertained in, or information gained by reason of, his official capacity, nor be required to testify as an expert witness in any suit, action, or proceeding involving any aircraft. Subject to these limitations, the department may make available to appropriate federal, state, and political subdivision agencies information and material developed in the course of its investigations and hearings.

Orders of Department; Contents; Service; Review

21694. Every order of the department requiring performance of certain acts or compliance with certain requirements shall set forth the reasons, state the acts to be done or requirements to be met, and be served upon the person affected either by registered mail or in person. Any person aggrieved by an order of the department may have the action of the department reviewed by the courts in the manner provided by law.

Chapter 6. Airport Planning

California Aviation System Plan

21701. The division, in consultation with transportation planning agencies as designated by the director pursuant to Section 29532 of the Government Code, shall prepare a California Aviation System Plan, which shall include, but not be limited to, every California airport designated in the federal National Plan of Integrated Airport Systems and any other existing or proposed public use airports, as designated by the division.

Elements in Plan

- 21702. The California Aviation System Plan shall include, but not be limited to, all of the following elements:
- (a) A background and introduction element, which summarizes aviation activity in California and establishes goals and objectives for aviation improvement.
- (b) An air transportation issues element, which addresses issues such as aviation safety, airport noise, airport ground access, transportation systems management, airport financing, airport land use compatibility planning, and institutional relationships.
- (c) A regional plan alternative element, which consists of the aviation elements of the regional transportation plans prepared by each transportation planning agency. This element shall include consideration of regional air transportation matters relating to growth, capacity needs, county activity, airport activity, and systemwide activity in order to evaluate adequately the overall impacts of regional activity in relation to the statewide air transportation system. This element shall propose general aviation and air carrier public use airports for consideration by the commission for funding eligibility under this chapter.
- (d) A state plan alternative element, which includes consideration of statewide air transportation matters relating to growth, including, but not limited to, county activity, airport activity, and systemwide activity in order to evaluate adequately the state aviation system and to designate an adequate number of general aviation and air carrier public use airports for state funding in order to provide a level of air service and safety acceptable to the public.
- (e) A comparative element, which compares and contrasts the regional plan alternative with the state plan alternative, including, but not limited to, airport noise, air quality, toxic waste cleanup, energy, economics, and passengers served.
- (f) A 10-year capital improvement plan for each airport, based on each airport's adopted master plan if the airport has a master plan, approved by the applicable transportation planning agency, and submitted to the division for inclusion in the California Aviation System Plan.
 - (g) Any other element deemed appropriate by the division and the transportation planning agencies.
 - (h) A summary and conclusion element, which presents the findings and recommended course of action.

Submittal to Commission

21703. The division shall submit the California Aviation System Plan to the commission.

Periodic Revision of Plan

21704. The division, in consultation with the transportation planning agencies, shall biennially revise the capital improvement plan developed pursuant to subdivision (f) of Section 21702, and the division shall submit the revised capital improvement plan to the commission. The division, in consultation with the transportation planning agencies, shall revise all other elements of the California Aviation System Plan every five years, and shall submit the revised system plan to the commission.

Adoption of Revisions by Commission

21705. The commission shall review, hold public hearings on, and, based on these hearings, adopt or revise and adopt as revised, the California Aviation System Plan and its subsequent revisions.

Project Funding Applications

21706. The division shall require that every project submitted for funding from the Aeronautics Account in the State Transportation Fund shall be consistent with the California Aviation System Plan. Applications for funding shall be processed in accordance with the procedures adopted by the commission. In determining the priorities of projects, the division shall, and the transportation planning agencies may, utilize the methodology adopted by the commission for determining the priorities of projects that the commission selects for allocation pursuant to Sections 21683 and 21683.2 and the procedures adopted by the commission.

Federal Grant Funds

21707. Any funds necessary to carry out Sections 21701, 21702, and 21704 shall be obtained from federal grants, except for updates of the capital improvement plan and policy elements of the California Aviation System Plan, which may be funded from nonfederal sources.

Federal Aviation Administration, DOT

areas, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

Subpart C—Prohibited Areas

§73.81 Applicability.

This subpart designates prohibited areas and prescribes limitations on the operation of aircraft therein.

§ 73.83 Restrictions.

No person may operate an aircraft within a prohibited area unless authorization has been granted by the using agency.

§ 73.85 Using agency.

For the purpose of this subpart, the using agency is the agency, organization or military command that established the requirements for the prohibited area.

EDITORIAL NOTE: Sections 73.87 through 73.99 are reserved for descriptions of designated prohibited areas. For FEDERAL REGISTER citations affecting these prohibited areas, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

PART 75 [RESERVED]

PART 77—SAFE, EFFICIENT USE, AND PRESERVATION OF THE NAVIGABLE AIRSPACE

Subpart A—General

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Subpart A—General

§ 77.1 Purpose.

This part establishes:

(a) The requirements to provide notice to the FAA of certain proposed construction, or the alteration of existing structures;

(b) The standards used to determine obstructions to air navigation, and navigational and communication facilities:

(c) The process for aeronautical studies of obstructions to air navigation or navigational facilities to determine the effect on the safe and efficient use of navigable airspace, air navigation facilities or equipment; and

(d) The process to petition the FAA for discretionary review of determinations, revisions, and extensions of determinations.

§ 77.3 Definitions.

For the purpose of this part:

Non-precision 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 approach non-precision instrument 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.

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Planned or proposed airport is an airport that is the subject of at least one of the following documents received by the FAA:

- (1) Airport proposals submitted under 14 CFR part 157.
- (2) Airport Improvement Program requests for aid.
- (3) Notices of existing airports where prior notice of the airport construction or alteration was not provided as required by 14 CFR part 157.
 - (4) Airport layout plans.
- (5) DOD proposals for airports used only by the U.S. Armed Forces.
- (6) DOD proposals on joint-use (civilmilitary) airports.
- (7) Completed airport site selection feasibility study.

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.

Public use airport is an airport available for use by the general public without a requirement for prior approval of the airport owner or operator.

Seaplane base is considered to be an airport only if its sea lanes are outlined by visual markers.

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.

Subpart B—Notice Requirements

§ 77.5 Applicability.

- (a) If you propose any construction or alteration described in §77.9, you must provide adequate notice to the FAA of that construction or alteration.
- (b) If requested by the FAA, you must also file supplemental notice before the start date and upon completion of certain construction or alterations that are described in §77.9.
- (c) Notice received by the FAA under this subpart is used to:
- (1) Evaluate the effect of the proposed construction or alteration on safety in air commerce and the efficient use and preservation of the navigable airspace and of airport traffic capacity at public use airports;
- (2) Determine whether the effect of proposed construction or alteration is a hazard to air navigation;
- (3) Determine appropriate marking and lighting recommendations, using FAA Advisory Circular 70/7460-1, Obstruction Marking and Lighting;
- (4) Determine other appropriate measures to be applied for continued safety of air navigation; and
- (5) Notify the aviation community of the construction or alteration of objects that affect the navigable airspace, including the revision of charts, when necessary.

§ 77.7 Form and time of notice.

- (a) If you are required to file notice under §77.9, you must submit to the FAA a completed FAA Form 7460–1, Notice of Proposed Construction or Alteration. FAA Form 7460–1 is available at FAA regional offices and on the Internet.
- (b) You must submit this form at least 45 days before the start date of the proposed construction or alteration or the date an application for a construction permit is filed, whichever is earliest.
- (c) If you propose construction or alteration that is also subject to the licensing requirements of the Federal Communications Commission (FCC), you must submit notice to the FAA on or before the date that the application is filed with the FCC.
- (d) If you propose construction or alteration to an existing structure that

exceeds 2,000 ft. in height above ground level (AGL), the FAA presumes it to be a hazard to air navigation that results in an inefficient use of airspace. You must include details explaining both why the proposal would not constitute a hazard to air navigation and why it would not cause an inefficient use of airspace.

(e) The 45-day advance notice requirement is waived if immediate construction or alteration is required because of an emergency involving essential public services, public health, or public safety. You may provide notice to the FAA by any available, expeditious means. You must file a completed FAA Form 7460-1 within 5 days of the initial notice to the FAA. Outside normal business hours, the nearest flight service station will accept emergency notices.

§ 77.9 Construction or alteration requiring notice.

If requested by the FAA, or if you propose any of the following types of construction or alteration, you must file notice with the FAA of:

- (a) Any construction or alteration that is more than $200\ \mathrm{ft}$. AGL at its site.
- (b) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
- (1) 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway more than 3,200 ft. in actual length, excluding heliports.
- (2) 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway no more than 3,200 ft. in actual length, excluding heliports.
- (3) 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport described in paragraph (d) of this section.
- (c) 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 over-crossings 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) or (b) of this section.

- (d) Any construction or alteration on any of the following airports and heliports:
- (1) A public use airport listed in the Airport/Facility Directory, Alaska Supplement, or Pacific Chart Supplement of the U.S. Government Flight Information Publications;
- (2) A military airport under construction, or an airport under construction that will be available for public use:
- (3) An airport operated by a Federal agency or the DOD.
- (4) An airport or heliport with at least one FAA-approved instrument approach procedure.
- (e) You do not need to file notice for construction or alteration of:
- (1) Any object that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, and will be located in the congested area of a city, town, or settlement where the shielded structure will not adversely affect safety in air navigation:
- (2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device meeting FAA-approved siting criteria or an appropriate military service siting criteria on military airports, the location and height of which are fixed by its functional purpose.
- (3) Any construction or alteration for which notice is required by any other FAA regulation.
- (4) Any antenna structure of 20 feet or less in height, except one that would increase the height of another antenna structure.

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§ 77.11 Supplemental notice requirements.

- (a) You must file supplemental notice with the FAA when:
- (1) The construction or alteration is more than 200 feet in height AGL at its site; or
 - (2) Requested by the FAA.
- (b) You must file supplemental notice on a prescribed FAA form to be received within the time limits specified in the FAA determination. If no time limit has been specified, you must submit supplemental notice of construction to the FAA within 5 days after the structure reaches its greatest height.
- (c) If you abandon a construction or alteration proposal that requires supplemental notice, you must submit notice to the FAA within 5 days after the project is abandoned.
- (d) If the construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Subpart C—Standards for Determining Obstructions to Air Navigation or Navigational Aids or Facilities

§ 77.13 Applicability.

This subpart describes the standards used for determining obstructions to air navigation, navigational aids, or navigational facilities. These standards apply to the following:

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

§ 77.15 Scope.

(a) This subpart describes standards used to determine obstructions to air navigation that may affect the safe and efficient use of navigable airspace and the operation of planned or existing air navigation and communication facilities. Such facilities include air naviga-

- tion aids, communication equipment, airports, Federal airways, instrument approach or departure procedures, and approved off-airway routes.
- (b) Objects that are considered obstructions under the standards described in this subpart are presumed hazards to air navigation unless further aeronautical study concludes that the object is not a hazard. Once further aeronautical study has been initiated, the FAA will use the standards in this subpart, along with FAA policy and guidance material, to determine if the object is a hazard to air navigation.
- (c) The FAA will apply these standards with reference to an existing airport facility, and airport proposals received by the FAA, or the appropriate military service, before it issues a final determination.
- (d) For airports having defined runways with specially prepared hard surfaces, the primary surface for each runway extends 200 feet beyond each end of the runway. For airports having defined strips or pathways used regularly for aircraft takeoffs and landings, and designated runways, without specially prepared hard surfaces, each end of the primary surface for each such runway shall coincide with the corresponding end of the runway. At airports, excluding seaplane bases, having a defined landing and takeoff area with no defined pathways for aircraft takeoffs and landings, a determination must be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those determined pathways must be considered runways, and an appropriate primary surface as defined in §77.19 will be considered as longitudinally centered on each such runway. Each end of that primary surface must coincide with the corresponding end of that runwav.
- (e) The standards in this subpart apply to construction or alteration proposals on an airport (including heliports and seaplane bases with marked lanes) if that airport is one of the following before the issuance of the final determination:

- (1) Available for public use and is listed in the Airport/Facility Directory, Supplement Alaska, or Supplement Pacific of the U.S. Government Flight Information Publications: or
- (2) A planned or proposed airport or an airport under construction of which the FAA has received actual notice, except DOD airports, where there is a clear indication the airport will be available for public use; or,
- (3) An airport operated by a Federal agency or the DOD; or,
- (4) An airport that has at least one FAA-approved instrument approach.

§ 77.17 Obstruction standards.

- (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 499 feet AGL at the site of the object.
- (2) A height that is 200 feet AGL, 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 from the airport up to a maximum of 499 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 §77.19, 77.21, or 77.23. 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 airport 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) 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.
- (2) 15 feet for any other public roadway.
- (3) 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.
 - (4) 23 feet for a railroad.
- (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.

§ 77.19 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 procedure 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 SW.inging arcs of a 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

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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, 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 the primary surface is:
- (1) 250 feet for utility runways having only visual approaches.
- (2) 500 feet for utility runways having non-precision 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 non-precision instrument runways having visibility minimums greater than three-fourths statue mile.
- (iii) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.
- (iv) 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 non-precision instrument approach;
- (iv) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater that three-fourths of a statute mile:
- (v) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision 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 non-precision 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 and
- (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.

§ 77.21 Department of Defense (DOD) 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 the DOD.

- (1) Inner horizontal surface. A plane that is oval in shape at a height of 150 feet above the established airfield elevation. The plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.
- (2) Conical surface. A surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.
- (3) Outer horizontal surface. A plane, located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.
- (b) *Related to runways*. These surfaces apply to all military airports.
- (1) Primary surface. A surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000-foot width may be reduced to the former criteria.
- (2) Clear zone surface. A surface located on the ground or water at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.
- (3) Approach clearance surface. An inclined plane, symmetrical about the runway centerline extended, beginning 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for 50,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 is 16,000 feet.
- (4) Transitional surfaces. These surfaces connect the primary surfaces, the first 200 feet of the clear zone surfaces,

and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway centerline.

§ 77.23 Heliport imaginary surfaces.

- (a) Primary surface. The area of the primary surface coincides in size and shape with the designated take-off and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.
- (b) 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) Transitional surfaces. These surfaces extend outward and upward from the lateral boundaries of the 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 and Determinations

§ 77.25 Applicability.

- (a) This subpart applies to any aeronautical study of a proposed construction or alteration for which notice to the FAA is required under \$77.9.
- (b) The purpose of an aeronautical study is to determine whether the aeronautical effects of the specific proposal and, where appropriate, the cumulative impact resulting from the proposed construction or alteration when combined with the effects of other existing or proposed structures, would constitute a hazard to air navigation.
- (c) The obstruction standards in subpart C of this part are supplemented by other manuals and directives used in determining the effect on the navigable airspace of a proposed construction or alteration. When the FAA needs additional information, it may circulate a

§ 77.27

study to interested parties for com-

§ 77.27 Initiation of studies.

The FAA will conduct an aeronautical study when:

- (a) Requested by the sponsor of any proposed construction or alteration for which a notice is submitted; or
- (b) The FAA determines a study is necessary.

§ 77.29 Evaluating aeronautical effect.

- (a) The FAA conducts an aeronautical study to determine the impact of a proposed structure, an existing structure that has not yet been studied by the FAA, or an alteration of an existing structure on aeronautical operations, procedures, and the safety of flight. These studies include evaluating:
- (1) The impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules;
- (2) The impact on arrival, departure, and en route procedures for aircraft operating under instrument flight rules;
- (3) The impact on existing and planned public use airports;
- (4) Airport traffic capacity of existing public use airports and public use airport development plans received before the issuance of the final determination;
- (5) Minimum obstacle clearance altitudes, minimum instrument flight rules altitudes, approved or planned instrument approach procedures, and departure procedures;
- (6) The potential effect on ATC radar, direction finders, ATC tower line-of-sight visibility, and physical or electromagnetic effects on air navigation, communication facilities, and other surveillance systems;
- (7) The aeronautical effects resulting from the cumulative impact of a proposed construction or alteration of a structure when combined with the effects of other existing or proposed structures.
- (b) If you withdraw the proposed construction or alteration or revise it so that it is no longer identified as an obstruction, or if no further aeronautical study is necessary, the FAA may terminate the study.

§ 77.31 Determinations.

- (a) The FAA will issue a determination stating whether the proposed construction or alteration would be a hazard to air navigation, and will advise all known interested persons.
- (b) The FAA will make determinations based on the aeronautical study findings and will identify the following:
- (1) The effects on VFR/IFR aeronautical departure/arrival operations, air traffic procedures, minimum flight altitudes, and existing, planned, or proposed airports listed in §77.15(e) of which the FAA has received actual notice prior to issuance of a final determination.
- (2) The extent of the physical and/or electromagnetic effect on the operation of existing or proposed air navigation facilities, communication aids, or surveillance systems.
- (c) The FAA will issue a Determination of Hazard to Air Navigation when the aeronautical study concludes that the proposed construction or alteration will exceed an obstruction standard and would have a substantial aeronautical impact.
- (d) A Determination of No Hazard to Air Navigation will be issued when the aeronautical study concludes that the proposed construction or alteration will exceed an obstruction standard but would not have a substantial aeronautical impact to air navigation. A Determination of No Hazard to Air Navigation may include the following:
- (1) Conditional provisions of a determination.
- (2) Limitations necessary to minimize potential problems, such as the use of temporary construction equipment.
- (3) Supplemental notice requirements, when required.
- (4) Marking and lighting recommendations, as appropriate.
- (e) The FAA will issue a Determination of No Hazard to Air Navigation when a proposed structure does not exceed any of the obstruction standards and would not be a hazard to air navigation.

§ 77.33 Effective period of determinations.

- (a) The effective date of a determination not subject to discretionary review under 77.37(b) is the date of issuance. The effective date of all other determinations for a proposed or existing structure is 40 days from the date of issuance, provided a valid petition for review has not been received by the FAA. If a valid petition for review is filed, the determination will not become final, pending disposition of the petition.
- (b) Unless extended, revised, or terminated, each Determination of No Hazard to Air Navigation issued under this subpart expires 18 months after the effective date of the determination, or on the date the proposed construction or alteration is abandoned, whichever is earlier.
- (c) A Determination of Hazard to Air Navigation has no expiration date.

[Doc. No. FAA-2006-25002, 75 FR 42303, July 21, 2010, as amended by Amdt. 77-13-A, 76 FR 2802, Jan. 18, 2011]

§ 77.35 Extensions, terminations, revisions and corrections.

- (a) You may petition the FAA official that issued the Determination of No Hazard to Air Navigation to revise or reconsider the determination based on new facts or to extend the effective period of the determination, provided that:
- (1) Actual structural work of the proposed construction or alteration, such as the laying of a foundation, but not including excavation, has not been started; and
- (2) The petition is submitted at least 15 days before the expiration date of the Determination of No Hazard to Air Navigation.
- (b) A Determination of No Hazard to Air Navigation issued for those construction or alteration proposals not requiring an FCC construction permit may be extended by the FAA one time for a period not to exceed 18 months.
- (c) A Determination of No Hazard to Air Navigation issued for a proposal requiring an FCC construction permit may be granted extensions for up to 18 months, provided that:
- (1) You submit evidence that an application for a construction permit/li-

- cense was filed with the FCC for the associated site within 6 months of issuance of the determination; and
- (2) You submit evidence that additional time is warranted because of FCC requirements; and
- (3) Where the FCC issues a construction permit, a final Determination of No Hazard to Air Navigation is effective until the date prescribed by the FCC for completion of the construction. If an extension of the original FCC completion date is needed, an extension of the FAA determination must be requested from the Obstruction Evaluation Service (OES).
- (4) If the Commission refuses to issue a construction permit, the final determination expires on the date of its refusal.

Subpart E—Petitions for Discretionary Review

§ 77.37 General.

- (a) If you are the sponsor, provided a substantive aeronautical comment on a proposal in an aeronautical study, or have a substantive aeronautical comment on the proposal but were not given an opportunity to state it, you may petition the FAA for a discretionary review of a determination, revision, or extension of a determination issued by the FAA.
- (b) You may not file a petition for discretionary review for a Determination of No Hazard that is issued for a temporary structure, marking and lighting recommendation, or when a proposed structure or alteration does not exceed obstruction standards contained in subpart C of this part.

§77.39 Contents of a petition.

- (a) You must file a petition for discretionary review in writing and it must be received by the FAA within 30 days after the issuance of a determination under §77.31, or a revision or extension of the determination under §77.35.
- (b) The petition must contain a full statement of the aeronautical basis on which the petition is made, and must include new information or facts not previously considered or presented during the aeronautical study, including

§77.41

valid aeronautical reasons why the determination, revisions, or extension made by the FAA should be reviewed.

- (c) In the event that the last day of the 30-day filing period falls on a weekend or a day the Federal government is closed, the last day of the filing period is the next day that the government is open.
- (d) The FAA will inform the petitioner or sponsor (if other than the petitioner) and the FCC (whenever an FCC-related proposal is involved) of the filing of the petition and that the determination is not final pending disposition of the petition.

§ 77.41 Discretionary review results.

(a) If discretionary review is granted, the FAA will inform the petitioner and

the sponsor (if other than the petitioner) of the issues to be studied and reviewed. The review may include a request for comments and a review of all records from the initial aeronautical study.

- (b) If discretionary review is denied, the FAA will notify the petitioner and the sponsor (if other than the petitioner), and the FCC, whenever a FCC-related proposal is involved, of the basis for the denial along with a statement that the determination is final.
- (c) After concluding the discretionary review process, the FAA will revise, affirm, or reverse the determination.

JOINT POWERS AGREEMENT

Continuing Establishment of the City/County Association of Governments

THIS AGREEMENT, by and between the COUNTY OF SAN MATEO (hereinafter referred to as "County") and those cities within the County of San Mateo who become signatories to this agreement (hereinafter referred to as "Cities" or "City" as the context requires), is made in light of the following recitals:

A. The County and the Cities have authority to perform a variety of functions in their respective communities and desire to establish a City/County Association of Governments (C/CAG) within the County of San Mateo whereby the parties will prepare, review, adopt, monitor and facilitate implementation by the member agencies county-wide state mandated plans as specified in 3(c) below. Local land-use decisions, except as they are affected by state-mandated county-wide plans, will remain solely within the cognizant local jurisdiction.

B. The parties are authorized to contract with each other for the joint exercise of any common power pursuant to Government Code Sections 6500 through 6518.

NOW, THEREFORE, the County and the Cities, in consideration of the mutual promises and agreements contained herein, **AGREE AS FOLLOWS**:

1. <u>Establishment of City/County Association of Governments of San Mateo</u>

<u>County</u>. The parties hereby create an entity to be known as the City/County Association of Governments of San Mateo County (hereinafter referred to as "C/CAG") for the preparation, review, adoption, monitoring and facilitation of implementation by the member agencies of county-wide

state mandated plans. C/CAG shall be an entity which is separate from the parties to this agreement and shall be responsible for the administration of this agreement. Except as provided herein, the debts, liabilities, and obligations of C/CAG shall be the debts, liabilities, and obligations of the entity and not the debts, liabilities, and/or obligations of the parties to this agreement.

C/CAG shall have the power and is authorized to do any or all of the following:

- (a) To make and enter contracts;
- (b) To employ agents and employees;
- (c) To lease, maintain, manage, acquire, construct or operate any building, works or improvements;
- (d) To acquire, hold, or dispose of property;
- (e) To incur debts, liabilities, or obligations;
- (f) To sue and be sued in its own name;
- 2. **Board of Directors**. The Board of the City/County Association of Governments of San Mateo County (C/CAG) shall consist of a member of the City Council of each participating City to be selected by that City and one (1) member of the Board of Supervisors to be selected by the Board of Supervisors. Each City Council and the Board of Supervisors may select one (1) alternate member from its body who shall participate when the regular member is absent. In addition, there shall be two (2) non-voting ex-officio members: a representative of the San Mateo County Transit District Board of Directors selected by the Board of Directors and a representative of the San Mateo County Transportation Authority selected by the Authority. Additional Ex-Officio members may be established by Board action in accordance with the <u>special voting procedures</u> identified in 4 (c). Regular attendance by the designated representative or alternate at the C/CAG Board and

Subcommittee meetings shall be encouraged by the C/CAG Board and member agencies.

- 3. **Purposes and Activities**. C/CAG is established to fulfill the following purposes operating through the Board of Directors for control, direction, and administration:
 - (a) Plan, organize, and maintain the work of C/CAG and be responsible for its overall operation.
 - (b) Advise City Councils and the Board of Supervisors of all significant activities of C/CAG.
 - (c) Prepare, review, adopt, monitor and facilitate implementation by the member agencies the following state-mandated county-wide plans:
 - (1) Congestion Management Plan (as the designated Congestion

 Management Agency including enforcing compliance with the

 Congestion Management Plan);
 - (2) Integrated Solid Waste Management Plan (as the designated Local Task Force);
 - (3) Airport Land Use Plan (as the designated Airport Land Use Commission);
 - (4) Hazardous Waste Management Plan;
 - (5) NPDES Stormwater Management Plan.
 - (d) Perform such additional county-wide planning activities as approved by or directed by two-thirds (2/3) of the members representing two-thirds (2/3) of the population of the County. Final adoption of any such plans shall only be after the plan has been

introduced at a prior meeting held at least twenty-five (25) days earlier.

- (e) Perform any additional County-Wide activities as set forth in this agreement (Sections 20., 21., 22., and 23.).
- (f) Utilize and establish advisory subcommittees wherever necessary, including but not limited to:
 - (1) Airport Land Use Committee
 - (2) Congestion Management and Air Quality Committee
 - (3) Congestion Management Plan (CMP) Technical Advisory Committee
 - (4) Solid Waste Advisory Committee (Local Task Force)
 - (5) Hazardous Waste Management Plan Advisory Committee
 - (6) Bikeways and Pedestrian Advisory Committee
 - (7) Finance Committee
 - (8) NPDES Committee
 - (9) NPDES Technical Advisory Committee
 - (10) Legislative Committee

Subcommittees may be established by Board action in accordance with the special voting procedures identified in 4 (c). Subcommittee membership may include persons who are not members of the Board of Directors, including other elected officials or public members.

(g) Adopt By-laws and such other rules of procedure as may be deemed necessary.

The duties, responsibilities or obligations of C/CAG, as set forth in this Agreement, are not intended, and shall not be interpreted, to expand or diminish any legal duties,

responsibilities or obligations that any city or county member of C/CAG has, or may in the future have, under any provision of State or Federal law.

Notwithstanding anything to the contrary in any other provision of this Agreement, C/CAG shall have no authority and/ or obligation to implement or enforce the provisions of any County-wide plan except when C/CAG is functioning as an agency specifically designated by state or federal law as having the authority and/ or obligation to implement or enforce such County-wide plan.

- 4. <u>Voting Procedures</u>. The parties intend to strive for consensus following full discussion but in the event consensus cannot be reached the following voting procedures shall be utilized.
 - (a) A quorum shall consist of at least a majority of the voting members and shall be required for all meetings of C/CAG.
 - (b) All decisions and actions shall be by majority vote of those present unless the decision involves the adoption of a county-wide plan or any one (1) member requests the use of the special voting procedures hereinafter set forth.
 - (c) The special voting procedures shall be utilized upon the request of any one (1) member. Addition of Ex-Officio members to the Board, the establishment of Subcommittees, and the final adoption of county-wide plans shall require the special voting procedures. Special voting procedures shall be as follows: for a motion to be successful it must receive the votes of a majority of the members representing a majority of the population of the County. In determining the population of local governments, the population shall be utilized as set forth in a

resolution adopted by the Board of Directors pursuant to Section 19.

5. **Budget**. The Board annually shall adopt, by a date C/CAG designates by resolution, an operating budget for C/CAG setting forth anticipated expenses, financing sources and proposed service levels necessary to carry out the purposes of this agreement. C/CAG shall establish its fiscal year by resolution. Immediately after approving the annual budget, the Board shall recommend the budget to the governing bodies of the members for the purpose of securing from each of them contributions and/or appropriations in accordance with each party's obligations as set forth in Section 6 below. It is expressly agreed and understood that the Board has no authority to bind any governing board to make the recommended contribution and/or appropriation and that this decision rests solely with each governing body. Each party shall deposit its monetary contribution to the budget with the C/CAG Treasurer on or before the date C/CAG designates by resolution.

6. <u>Contribution of Parties</u>. In consideration of the mutual promises contained herein, the parties agree that they shall make the following annual contributions towards maintaining the program of C/CAG.

Each member's contribution shall be its pro-rata share of the revenue needed for the annual budget as adopted by the Board of Directors. The pro-rata share of each agency shall be based upon its population as set forth in a resolution adopted by the Board of Directors pursuant to Section 19. By use of the special voting procedures under special circumstances the Board of Directors may waive contributions. If a member fails to pay its annual contribution, it shall forfeit its voting rights as provided in Paragraph 10 and there shall be no further recourse against it for nonpayment.

- 7. <u>Treasurer</u>. The Board of Directors shall select a Treasurer from one of its member entities who shall be the depository and have custody of all the money and property of C/CAG from whatever source. The duties of the C/CAG Treasurer shall include those set forth in the Government Code Section 6500 et seq., Joint Exercise of Powers.
- 8. <u>Controller</u>. The Board of Directors shall select a Controller from one of its member entities who shall perform the functions of auditor and/or controller for C/CAG. The duties of the C/CAG Controller shall include those set forth in Government Code Section 6500 et seq., Joint Exercise of Powers.
- 9. **Staffing**. It is understood that C/CAG may require the support of its own administrative staff. When deemed necessary, the Board of Directors may employ an Executive Director. The Board shall have responsibility for all employment decisions regarding said Executive Director who shall serve at the pleasure of the Board of Directors.

The Executive Director shall be responsible for the day-to-day administration of C/CAG under the direction of the Board of Directors. The Executive Director shall seek advice and assistance from the Administrators' Advisory Committee. The Executive Director shall have the authority to employ administrative staff consistent with the approved budget of C/CAG.

There shall be an Administrators' Advisory Committee. The Committee will be advisory to the C/CAG Board of Directors and Executive Director to assist them to most effectively accomplish the objectives of C/CAG by giving advice on agenda matters, monitoring outcomes of activities, assisting with identifying and allocating resources, and communicating with all members.

The Committee members shall be: the City Managers from cities that contract staff to C/CAG, the County Manager, the General Manager of SamTrans, one (1) City Manager appointed by the City Managers' Association, and, the Chair and Vice-Chair(s) and Legal Counsel of C/CAG as ex-officio members. Committee Chairs and staff who have items for discussion at the Committee will be invited to participate. The definition and membership of this Committee may be revised by Board action in accordance with the special voting procedures identified in 4 (c).

It is understood that C/CAG may employ personnel, utilize existing County, SamTrans or City staff, or retain professional consultants to perform any necessary staff work in meeting its goals and objectives. It is further understood that no County, SamTrans or City staff will be utilized without the consent of the employing agency.

10. Withdrawal. Any party may withdraw from this agreement by filing written notice of intention to do so with the Chair of the governing board by September 30th of each year, or by another date C/CAG designates by resolution. The rights and obligations of such party shall terminate at the end of the first full fiscal year for which the withdrawing party has made its contribution following such notice having been given. The withdrawal of any party from this agreement shall in no way affect the rights and obligations of the remaining parties. If a party withdraws from this agreement, such party shall not be entitled to the return of any funds contributed to C/CAG nor to the return in cash or in kind of any materials or supplies until termination of this agreement. If a party fails to make its contribution in accordance with Section 6 of this agreement, that agency shall forfeit its voting rights during the period of such non-payment. However, if one of the Cities or the County wishes to rejoin after forfeiting its membership by non-payment of its contribution, it may do so by paying the designated amount.

- 11. Termination and Disposition of Property. This agreement shall be deemed terminated when the number of Cities participating in this agreement contain less than a majority of the population of the County, or are fewer than eleven (11) in number. Upon termination, equipment and all other assets shall be distributed to the parties hereto in proportion to the contributions of the parties during the life of C/CAG including distribution to parties which may have withdrawn at an earlier date. Upon termination, any surplus money on hand shall be returned to the parties in proportion to the contributions of the parties during the life of C/CAG including distribution to parties which may have withdrawn at an earlier date.
- 12. **Effective Date/Termination Date**. This agreement shall be effective on July 1, **2007**, or upon its execution by the County and by at least eleven (11) cities representing the majority of the population of the County, whichever is later. This agreement shall automatically terminate on December 1, **2011**, unless renewed in writing by the County and by at least eleven cities containing a majority of the population of the County. Upon such termination, the provisions of Sections 10 and 11 apply.
- 13. <u>Meetings</u>. Monthly meetings of the C/CAG Board of Directors shall be held in accordance with the Brown Act, Government Code Section 54950 <u>et seq</u>. The Board of Directors shall establish a regular time and place for the required meetings. In addition, the Board of Directors shall have such other meetings as are deemed necessary.
 - 14. **Notice of Agreement**. Pursuant to Government Code Section 6503.5, C/CAG

shall, within thirty (30) days after the effective date of this agreement, cause a notice of the agreement to be prepared and filed with the Office of the Secretary of State.

15. <u>Other Associations</u>. Participation in C/CAG is not intended to preclude member entities from entering into similar agreements with other jurisdictions.

16. <u>Legal Counsel</u>. Unless the Board of Directors determines otherwise, the County Counsel shall serve as legal counsel to C/CAG and provide all routine legal advice and service necessary including attendance at Board of Directors meetings.

17. **Insurance**. The County shall add C/CAG to its existing excess liability insurance coverage and shall maintain such coverage in full force and effect during the life of this agreement. Said excess liability insurance coverage *includes a* has a \$250,000 self-insured retention by the County. Unless the Board of Directors decides otherwise, County shall provide for the defense of any claims or litigation within the *amount of the* \$250,000 self-insured retention. Legal representation by the County will ordinarily be provided by the Office of the County Counsel.

Any out-of-pocket expenses or loss, by way of judgment or settlement, arising out of the operation of this agreement, within the limits of the County's \$250,000 self-insured retention shall be shared by the parties in accordance with the formula set forth in Section 6. Expenses shall not include salaries or office expenses of any county employees, including any attorneys from the Office of the County Counsel.

18. **Amendments**. This Joint Powers Agreement may be amended at any time with

REVISED: MARCH, 2007

the agreement of the majority of the members representing a majority of the population of the County, except as provided in 3(d).

- 19. Adjustment of Population Figures. The Board of Directors shall establish by resolution the population figures to be utilized in determining the population of local governments under this agreement based on the results of the decennial federal census or population figures provided by the State Department of Finance, and may revise the population figures at any time by resolution.
- 20. <u>Clean Air Vehicle Registration Fee Program</u>. C/CAG shall serve as the overall program manager for the San Mateo County under Health and Safety Code Section 44241 for funds made available by the increase in motor vehicle registration fees that the Bay Area Air Quality Management District is authorized to levy under A.B. 434, (1991 Statutes, Chapter 807.)
- 21. <u>Storm Water Discharge Plan and Permit</u>. The City/County Association of Governments shall assume responsibility for the following activities under the National Pollutant Discharge Elimination System (NPDES) Program (40 CFR 122):
 - (a) Ratify submission of a county-wide storm water discharge permit application and accept permit on behalf of the County and Cities in the County, as copermittees.
 - (b) Prepare preliminary draft and final draft storm water management plan describing existing activities the County and Cities are conducting to help minimize the discharge of pollutants to storm water, describing new pollution

measures that will be undertaken during the initial five year period of the NPDES permit, and containing other matters C/CAG determines are necessary or desirable.

- (c) Identify and recommend alternatives for implementation of a revenue program.
- (d) Enter into contracts with the County, the Cities, the County Flood Control

 District, and other entities to implement the revenue program and the storm

 water management plan.
- (e) Perform additional county-wide activities in connection with the NPDES program as set forth in the storm water management plan approved by, or as directed, by the Board of Directors.
- (f) Provide coordination and overall management of the NPDES program and advice to the County and the Cities on implementation.

The County and each City shall be solely responsible for complying with NPDES permit conditions and all federal, state, and local laws and regulations, relating to discharges from the storm sewers in its jurisdiction and under its control. The County and each City shall defend, indemnify, and hold harmless every other party to this agreement, and its officers and employees, from all claims, suits, actions, fines, penalties, damages, or liability of every name, kind, and description arising in any way out of the negligent or intentional acts of that County or City in complying or failing to comply with NPDES permit conditions, and all federal, state, and local regulations applicable to that County or City.

22. <u>Service Authority for Abatement of Abandoned Vehicles</u>. C/CAG shall be the service authority for the abatement of abandoned vehicles under Vehicle Code Section 22710.

C/CAG shall impose a service fee of one dollar (\$1) on vehicles registered to an owner with an address in San Mateo County as authorized by Vehicle Code Sections 9250.7 and 22710. As provided in Vehicle Code Section 22710(b), C/CAG may contract and undertake any act convenient or necessary to carry out any law relating to its duties as the service authority.

23. <u>Programming State and Federal Transportation Funds</u>. C/CAG acting as the Congestion Management Agency shall be responsible for programming State and Federal Transportation Funds allocated to San Mateo County. These funds include but are not limited to State Transportation Improvement Program, Transportation Equity Act for the 21rst Century, and Transportation Development Act Article 3.

24. <u>AB 1546 Transportation/Environmental Vehicle Registration Fee Program.</u>

C/CAG shall serve as the overall program manager for the San Mateo County Transportation/

Environmental Program which programs up to a \$4 motor vehicle fee in accordance with

Chapter 2.65 (commencing with Section 65089.11) to Division 1 of Title 7 of the Government

Code and Section 9250.5 of the Vehicle Code.

, 2007.
OUNTY OF SAN MATEO
President of the Board of Supervisors
Fresident of the Board of Supervisors

TOWN OF ATHERTON

ATTEST:		
Clerk of Town Council	by	Mayor
	CITY OF BELMONT	
ATTEST:	CITT OF BELMONT	
ATTEST.	by	
Clerk of City Council	- 5	Mayor
	CITY OF BRISBANE	
ATTEST:		
Clerk of City Council	by	Mayor
Cierk by City Council		Mayor
	CITY OF BURLINGAME	Ε
ATTEST:		
Clerk of City Council	by	Mayor
	TOWN OF COLMA	
ATTEST:		
C/CAG IOINT POWERS AGREEMENT (IPA)	 14 R	EVISED: MARCH 2007

	by	
Clerk of Town Council		Mayor
	CITY OF DALY CITY	
ATTEST:		
Clerk of City Council	by	 Mayor
Clerk of City Council	CITY OF EAST PALO ALTO	Mayor
ATTEST:		
Clerk of City Council	by	 Mayor
Clerk of City Council		Mayor
	CITY OF FOSTER CITY	
ATTEST:		
Clerk of City Council	by	Mayor
	CITY OF HALF MOON BAY	
ATTEST:		
Clerk of City Council	by	Mayor
	TOWN OF HILLSBOROUGH	
ATTEST:	TOWN OF HILLSBOROUGH	

	by	
Clerk of Town Council		Mayor
	CITY OF MENLO PARK	
ATTEST:		
Clerk of City Council	by	Mayor
	CITY OF MILLBRAE	
ATTEST:		
Clerk of City Council	by	Mayor
	CITY OF PACIFICA	
ATTEST:		
Clerk of City Council	by	Mayor
	TOWN OF PORTOLA VALLEY	
ATTEST:		
Clerk of Town Council	by	Mayor
	CITY OF REDWOOD CITY	
ATTEST:		
Clerk of City Council	by	Mayor

CITY OF SAN BRUNO

by	
	Mayor
CITY OF SAN CARLOS	
by	
	Mayor
CITY OF SAN MATEO	
by	
	Mayor
CITY OF SOUTH SAN FRANCISO	C O
by	
	Mayor
TOWN OF WOODSIDE	
by	
	Mayor
	CITY OF SAN MATEO CITY OF SAN MATEO by CITY OF SOUTH SAN FRANCISO by TOWN OF WOODSIDE

C/CAG _____APPENDIX D

City/County Association of Governments of San Mateo County, California

Implementation Materials

Appendix D IMPLEMENTATION MATERIALS

This appendix includes the following materials to aid implementation of the *Airport Land Use Compatibility Plan*:

- Sample avigation easement
- Guidance for Calculating Land Use Intensity
- Princeton Area Safety Compatibility Density and Intensity Calculation Methodology
- State of California Real Estate Disclosure Notice
- General Plan Consistency Checklist
- Flight Hazards Checklist

GRANT OF AVIGATION EASEMENT

(Civil Code Section 1468, Public Utilities Code Section 21652)
This Grant of Avigation Easement is executed and delivered as of this day of
, 2, by
(GRANTOR)
and the County of San Mateo, a political subdivision of the State of California (GRANTEE or COUNTY), with reference to the following facts:
Recitals
A. GRANTOR is the owner of that certain property ("Real Property"), legally described in Exhibit "A," attached hereto and incorporated herein by reference, the street address of which is, California.
B. COUNTY is the owner and operator of the Half Moon Bay Airport ("HAF").

C. Pursuant to the relevant content in the Airport Land Use Compatibility Plan (ALUCP) for the environs of HAF, as amended, as a condition of, and prior to, approval of a permit by the relevant land use authority (city or county) for the development or improvement of property within the 65 decibel (dB) Community Noise Equivalent Level (CNEL) boundary and higher as shown on the long range noise exposure contour map included in the ALUCP the grant by GRANTOR of a permanent non-exclusive easement, rights and servitudes (the "Avigation Easement") shall be required in favor of the COUNTY. A copy of the long range noise contour map referenced herein that illustrates the location of the GRANTOR's Real Property is attached hereto as Exhibit "B." The Avigation Easement shall be recorded in the chain of title in the County of San Mateo Assessor-Clerk-Recorder's Office prior to issuance of the permit.

D. All relevant CNEL noise contour maps and grid data needed to identify the aircraft noise levels for all properties located within the 65 dB CNEL aircraft noise contour and higher, to determine the application of this Avigation Easement as stated in Section 3 herein, are available from the C/CAG Airport Land Use Committee website (http://www.ccag.ca.gov/aluc.html).

Grant of Avigation Easement

- **1.** Grant. GRANTOR, individually and for the heirs, successors and assigns of GRANTOR, hereby grants, conveys and assigns to COUNTY and its successors, a perpetual and assignable Avigation Easement in and over the Real Property for the purposes described herein below.
- **1.1** Passage of Aircraft. The Avigation Easement shall include for the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, of any aircraft, of any and all kinds now or hereafter known, in, through, across or about any portion of the airspace

above and within the vicinity of the Real Property, with such rights of use and passage by aircraft without restriction as to frequency, type of aircraft and proximity to the surface of the Real Property, so long as the exercise of such rights is not in violation of then applicable federal laws governing flight operations.

- **1.2** Noise and Other Incidental Effects. The Avigation Easement shall include the right to cause within, and to enter or penetrate into or transmit through, any improved or unimproved portion of Real Property, and within all airspace above Real Property, such noise, sounds, vibrations, air currents, illumination, electronic interference and aircraft engine exhaust and emissions, dust, discomfort or other environmental effects incident to aircraft operations, and any and all resulting interference with use and enjoyment, and any consequent reduction in market value, all due to the operation of aircraft to and from HAF upon GRANTOR's Real Property.
- **1.3** Interference with Air Navigation/Communications. In furtherance of this Avigation Easement, GRANTOR covenants that it will not construct, install, permit or allow any building, structure, improvement, tree, or other object on the Real Property to constitute an obstruction to air navigation, or to use or permit the use of Real Property in such a manner as to create electrical or electronic interference with aircraft communications systems, aircraft navigation equipment, or with Federal Aviation Administration, airline, or airport personnel communication with any aircraft.
- **2.** Baseline. The 65 dB Community Noise Equivalent Level (CNEL) noise contour shown as shown on the long range noise exposure contour map included in the ALUCP shall be the basis for determining the baseline level for the GRANTOR's Real Property.
- **3.** Waiver of Legal Actions and Exceptions. GRANTOR, together with its successors in interest and assigns, hereby waives its right to legal action against COUNTY, its successors or assigns, for monetary damages or other redress due to impacts, as described in Section 1.2 of the granted rights of easement, associated with aircraft operations in the air or on the ground at HAF, including future increases in the volume or changes in location of said operations.
- **3.1.** Exceptions. Any change in the noise levels for HAF which results from the temporary increased use of certain runways, due to construction or repair of other runways, or due to any other cause or causes beyond the control of COUNTY (e.g., weather or wind conditions, but not flight pattern shifts authorized by the Federal Aviation Administration) shall not be used to compute the noise level imposed on GRANTOR's Real Property for the purposes of this Section 3.
- **4.** Negligent or Unlawful Acts Excepted. This grant of Avigation Easement shall not operate to deprive the GRANTOR, its successors or assigns, of any rights which it may from time to time have against any air carrier or private operator for negligent and/or unlawful operation of aircraft to, from, or in or about HAF, nor does this Avigation Easement include or authorize aircraft landing, explosion, crash, falling objects or other occurrences causing direct physical injury to persons or direct physical damage to property.

- **5.** Easement Benefit. The Avigation Easement shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the Half Moon Bay Airport, and shall be deemed in gross, being conveyed to COUNTY for the benefit of the COUNTY and any and all members of the general public who may use said easement, taking off from, landing upon, or operating such aircraft in or about the said HAF, or otherwise flying through the airspace above or in the vicinity of Real Property.
- **6.** Covenants Run with the Land. These covenants and agreements run with the land (Real Property) in perpetuity and any grantee, heir, agent, successor, assign of the GRANTOR who acquires any estate or interest in or right to use Real Property shall be bound by this Avigation Easement for the benefit of COUNTY, and its agents, successors and assigns.
- 7. Termination. This Avigation Easement shall terminate and have no further force and effect if the project for which the easement was granted is not built and the permit and any permit extensions authorizing the construction of the use have expired or been revoked. Upon notification by the city or county granting the permit, COUNTY shall record a Notice of Termination in the chain of title in the County of San Mateo Recorder's Office.

Exhibit "A": Legal Description of Grantors' Property

Exhibit "B": 2023 Noise Exposure Contours for the vicinity of Half Moon Bay Airport

Guidance for Calculating Land Use Intensity

Following is guidance on how to calculate the intensity of land uses (the number of people-per-acre). The most difficult part about determining the intensity of a land use is estimating the number of people likely to use a particular facility. There are several methods which can be utilized, depending upon the nature of the proposed use:

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

TABLE 1 Maximum Floor Area Allowances Per Occupant	
Function of Space	Floor Area In Sq. Ft. Per Occupant
Accessory storage areas, mechanical equipment room	300 gross
Agricultural building	300 gross
Aircraft hangars	500 gross
Airport terminal	
Baggage claim	20 gross
Baggage handling	300 gross
Concourse	100 gross
Waiting areas	15 gross
Assembly	
Gaming floors (keno, slots, etc.)	11 gross
Assembly with fixed seats	See Section 1004.7
Assembly without fixed seats	
Concentrated (chairs only – not fixed)	7 net
Standing space	5 net
Unconcentrated (tables and chairs)	15 net
Bowling centers, allow 5 persons for each lane including 15 feet	
of runway, and for additional areas	7 net
Business areas	100 gross
Courtrooms – other than fixed seating areas	40 net
Daycare	35 net
Dormitories	50 gross
Educational	20 gr 003
Classroom area	20 net
Shops and other vocational room areas	50 net
Exercise rooms	50 gross
H-5 Fabrication and manufacturing areas	200 gross
Industrial areas	100 gross
Institutional areas	100 gr 033
Inpatient treatment areas	240 gross
Outpatient areas	100 gross
Sleeping areas	120 gross
Kitchens, commercial	200 gross
Library	200 gross
, and the second se	50 net
Reading rooms Stack area	
	100 gross
Locker rooms Mercantile	50 gross
	(0,500,00
Areas on other floors	60 gross
Basement and grade floor areas	30 gross
Storage, stock, shipping areas	300 gross
	200 gross
	F-0
Warehouses	500 gross
Parking garages Residential Skating rinks, swimming pools Rink and pool Decks Stages and platforms Warehouses For SI: 1 square foot = 0.0929 m².	200 gross 200 gross 50 gross 15 gross 15 net 500 gross

Example:

Proposed Development: Single-floor furniture store containing 20,000 sq. ft.

A. Calculation Based on Parking Space Requirements

Assume that local codes require 1 parking space per 1,500 square feet of use area for a furniture store. Next, assume 1.5 people per automobile for this type of use.

The usage intensity would be:

- 1) 20,000 sq. ft. bldg. / 1,500 sq. ft. (1.0 parking space per 1,500 sq. ft.) = 13 required parking spaces.
- 2) 13 parking spaces x 1.5 people per space = 20 people maximum on-site.
- 3) 20,000 sq. ft. bldg. footprint /43,560 sq. ft. per acre = 0.46 acre bldg. footprint.
- Assuming a relatively balanced occupancy throughout the building and that outdoor uses are minimal, the usage intensity for a single acre would be estimated to be:

 Building footprint < 1.0 acre; therefore, maximum people in 1 acre = bldg. occupancy = 20 people per single acre.

B. Calculation Based on California Building Code

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

- 1) 10,000 sq. ft. retail floor area / 30 sq. ft. per occupant = 333 people maximum occupancy in retail area
- 2) 10,000 sq. ft. warehouse floor area / 500 sq. ft. per occupant = 20 people maximum occupancy in warehouse area
- 3) Maximum occupancy under CBC assumptions = 333 + 20 = 353 people
- 4) Assuming typical peak occupancy is 50 percent of CBC numbers = 177 people maximum expected at any one time

The two methods produce very different results. The occupancy area estimate of 30 square feet per person is undoubtedly high for a furniture store even after the 50 percent adjustment. On the other hand, the 20 people-per-acre estimate using the parking requirement methodology appears low, but it is probably closer to being realistic.

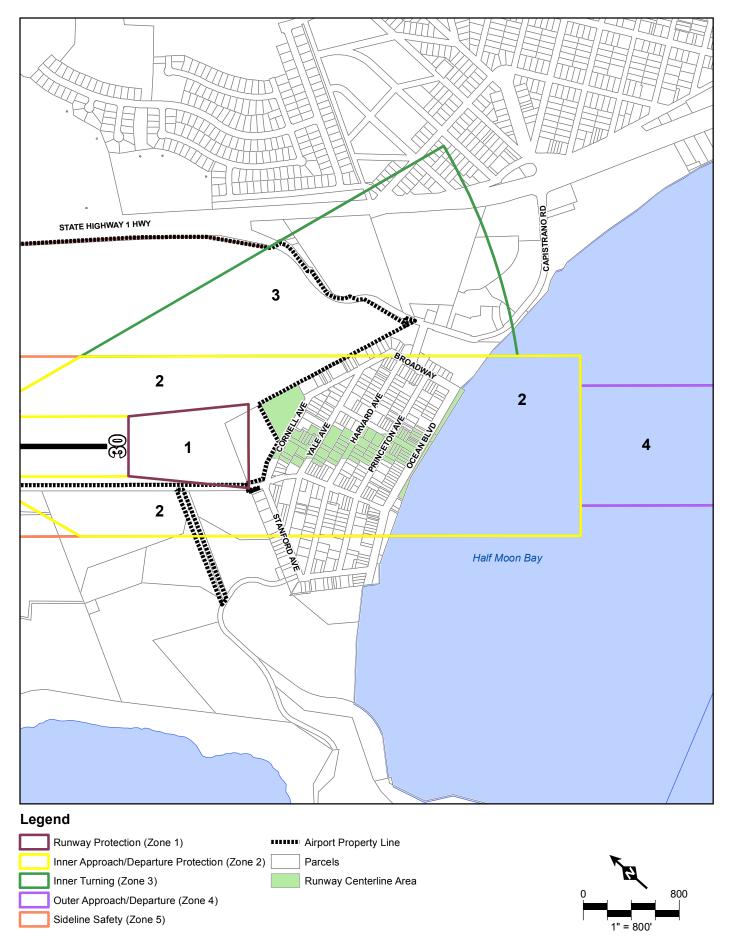
Princeton Area Safety Compatibility Density and Intensity Calculation Methodology

Within Runway Safety Zone 2:

- A The level of density and intensity of use within Runway Safety Zone 2 (Inner Approach/Departure Zone IADZ) in the Princeton area (excluding the runway centerline area as described in section B below) can be calculated safety zone wide, with the following limitations:
- The calculation cannot include the portions of Safety Zone 2 that cover the water surface area in Half Moon Bay nor Half Moon Bay Airport property.
- Existing development must be included in the calculations.
- B. To prevent clustering along the runway centerline, residential density and non-residential intensity in the Runway Centerline Area on Exhibit D1 must be calculated on a parcel basis or Runway Centerline Area-wide basis.
- C. The safety zone wide maximum levels of density and intensity of use in Runway Safety Zone 2 (IADZ) shall not exceed the maximum safety criteria levels shown in Table 4B Safety Criteria Matrix.
- D. The density and intensity calculation approach shown in paragraph A above does not apply to Runway Safety Zone 2 (IADZ) that affects the Moss Beach and Montara communities.

Within Runway Safety Zone 3:

- A. The level of density and intensity of use within Runway Safety Zone 3 (Inner Turning Zone ITZ) in the Princeton area can be calculated safety zone wide, with the following limitations:
- The calculation cannot include the portions of Safety Zone 3 that cover the water surface area in Half Moon Bay nor Half Moon Bay Airport property.
- Existing development must be included in the calculations.
- B. The safety zone wide maximum levels of density and intensity of use in Runway Safety Zone 3 (ITZ) shall not exceed the maximum safety criteria levels shown in Table 4B Safety Criteria Matrix.
- C. The density and intensity calculation approach shown in paragraph A above does not apply to Runway Safety Zone 3 (ITZ) that affects the Moss Beach and Montara communities.



CALIFORNIA REAL ESTATE DISCLOSURE NOTICE

California Business and Professions Code, Section 11010(b)(13), states that owners of subdivided property offering for sale property within an airport influence area as adopted by the airport land use committee, the location of the airport must be disclosed. By law, the following statement must be included in the notice of intention:

NOTICE OF AIRPORT IN VICINITY

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

GENERAL PLAN CONSISTENCY CHECKLIST

This checklist is intended to assist local agencies with modifications necessary to make their local plans and other local policies consistent with the ALUCP. It is also designed to facilitate ALUC reviews of these local plans and policies.

General Plan Document

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

General Plan Item	Reference
Land Use Map—No direct conflicts should exist	See Table 4B and Exhibit 4C.
between proposed new land uses indicated on a	
general plan land use map and the ALUC land	
use compatibility criteria.	
Residential densities (dwelling units per	See Table 4B and Exhibit 4C.
acre) should not exceed the set limits.	
Proposed nonresidential development needs	See Table 4B and Exhibit 4C.
to be assessed with respect to applicable	
intensity limits.	
No new land uses of a type listed as	See Table 4B and Exhibit 4C.
specifically prohibited should be shown	
within affected areas.	
Noise Element—General plan noise elements	See Table 4A and Exhibit 4B.
typically include criteria indicating the	
maximum noise exposure for which residential	
development is normally acceptable. This limit	
must be made consistent with the equivalent	
ALUCP criteria. Note, however, that a general	
plan may establish a different limit with respect	
to aviation-related noise than for noise from	
other sources (this may be appropriate in that	
aviation-related noise is sometimes judged to be	
more objectionable than other types of equally	
loud noises).	

Zoning or Other Policy Documents

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

Policy Item	Reference
Intensity Limitations on Nonresidential Uses—	See Table 4B.
ALUCPs may establish limits on the usage	
intensities of commercial, industrial, and other	
nonresidential land uses. This can be done by	
duplication of the performance-oriented	
criteria—specifically, the number of people per	
acre—indicated in the ALUCP. Alternatively,	
ALUCs may create a detailed list of land uses	
which are allowable and/or not allowable	
within each compatibility zone. For certain land	
uses, such a list may need to include limits on	
building sizes, floor area ratios, habitable floors,	
and/or other design parameters which are	
equivalent to the usage intensity criteria.	
Identification of Prohibited Uses—ALUCPs may	See Table 4B.
prohibit schools, day care centers, assisted living	
centers, hospitals, and other uses within a	
majority of an airport's influence area. The	
facilities often are permitted or conditionally	
permitted uses within many commercial or	
industrial land use designations.	
Open Land Requirements—ALUCP requirements,	See Table 4B.
if any, for assuring that a minimum amount of	
open land is preserved in the airport vicinity	
must be reflected in local policies. Normally, the	
locations which are intended to be maintained	
as open land would be identified on a map with	
the total acreage within each compatibility zone	
indicated. If some of the area included as open	
land is private property, then policies must be	
established which assure that the open land will	
continue to exist as the property develops.	
Policies specifying the required characteristics	
of eligible open land should also be established.	
Infill Development—If an ALUCP contains infill	See §4.2.2.3.
policies and a jurisdiction wishes to take	
advantage of them, the lands that meet the	
qualifications must be shown on a map.	

Policy Item (Continued)	Reference
Height Limitations and Other Hazards to Flight—	See §4.2.3 and §4.2.3.4.
To protect the airport airspace, limitations must	
be set on the height of structures and other	
objects near airports. These limitations are to be	
based upon FAR Part 77. Restrictions also must	
be established on other land use characteristics	
which can cause hazards to flight (specifically,	
visual or electronic interference with navigation	
and uses which attract birds). Note that many	
jurisdictions have already adopted an airport-	
related hazard and height limit zoning	
ordinance which, if up to date, will satisfy this	
consistency requirement.	
Buyer Awareness Measures—Besides disclosure	See §4.2.1.3.
rules already required by state law, as a	
condition for approval of development within	
certain compatibility zones, some ALUCPs	
require either dedication of an avigation	
easement to the airport proprietor or placement	
on deeds of a notice regarding airport impacts. If	
so, local agency policies must contain similar	
requirements.	
Nonconforming Uses and Reconstruction—Local	See §4.1.4.1 and §4.1.4.2.
agency policies regarding nonconforming uses	
and reconstruction must be equivalent to or	
more restrictive than those in the ALUCP, if any.	

REVIEW PROCEDURES

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

Actions Always Required to be Submitted for ALUC Review—PUC Section 21676 identifies the types of actions that must be submitted for airport land use commission review. Local policies should either list these actions or, at a minimum, note the local agency's intent to comply with the state statute.

Other Land Use Actions Potentially Subject to ALUC Review—In addition to the above actions, ALUCPs may identify certain major land use actions for which referral to the ALUC is dependent upon agreement between the local agency and ALUC. If the local agency fully complies with all of the items in this general plan consistency check list or has taken the necessary steps to overrule the ALUC, then referral of the additional actions is voluntary. On the other hand, a local agency may elect not to incorporate all of the necessary compatibility criteria and review procedures into its own policies. In this case, referral of major land use

actions to the ALUC is mandatory. Local policies should indicate the local agency's intentions in this regard.

Process for Compatibility Reviews by Local Agencies—If a local agency chooses to submit only the mandatory actions for ALUC review, then it must establish a policy indicating the procedures which will be used to assure that airport compatibility criteria are addressed during review of other projects. Possibilities include: a standard review procedure checklist which includes reference to compatibility criteria; use of a geographic information system to identify all parcels within the airport influence area; etc.

Variance Procedures—Local procedures for granting of variances to the zoning ordinance must make certain that any such variances do not result in a conflict with the compatibility criteria. Any variance that involves issues of noise, safety, airspace protection, or overflight compatibility as addressed in the ALUCP must be referred to the ALUC for review.

Enforcement—Policies must be established to assure compliance with compatibility criteria during the lifetime of the development. Enforcement procedures are especially necessary with regard to limitations on usage intensities and the heights of trees. An airport combining district zoning ordinance is one means of implementing enforcement requirements.

Source: Table 5A – General Plan Consistency Checklist, *California Airport Land Use Planning Handbook* (2011).

Flight Hazards Checklist

This checklist should be used to determine if proposed land uses cause visual or electronic interference, or attract wildlife (particularly bird strike hazards) to the Half Moon Bay Airport Influence Area. These land uses may be permitted only if the uses are consistent with FAA rules and regulations. Proof of consistency with FAA rules and regulations and with any performance standards cited below must be provided to the Airport Land Use Commission (C/CAG Board) by the sponsor of the proposed land use action per Policy 4.2.3.4, *Other Flight Hazards*, in the Airport Land Use Compatibility Plan for the Environs of Half Moon Bay Airport.

Specific characteristics that may create hazards to aircraft in flight and which may be incompatible include:

Potential Hazards To Flight	Yes	No	Comments
Does the proposal create sources of glare, such as highly reflective			
buildings or building features, or bright lights, including search			
lights or laser displays, which would interfere with the vision of			
pilots making approaches to the Airport?			
Does the proposal cause distracting lights that could be mistaken by			
pilots on approach to the Airport for airport identification lighting,			
runway edge lighting, runway end identification lighting, or runway			
approach lighting?			
Does the proposal generate dust, smoke, or water vapor that may			
impair the vision of pilots making approaches to the Airport?			
Does the proposal cause electrical interference with aircraft or air			
traffic control communications or navigation equipment, including			
radar?			
As a regular byproduct of proposal's operations, produce thermal			
plumes with the potential to rise high enough and at sufficient			
velocities to interfere with the control of aircraft in flight? (Upward			
velocities of 4.3 meters (14.1 feet) per second at altitudes above 200			
feet above the ground shall be considered as potentially interfering			
with the control of aircraft in flight.)			
Will the proposal create an increased attraction for wildlife,			
particularly large flocks of birds, that is inconsistent with FAA rules			
and regulations, including, but not limited to, FAA Order 5200.5A,			
Waste Disposal Sites On or Near Airports, FAA Advisory Circular			
150/5200-33B, Hazardous Wildlife Attractants On or Near Airports,			
and any successor or replacement orders or advisory circulars?			
(Exceptions to this policy are acceptable for wetlands or other			
environmental mitigation projects required by ordinance, statute,			
court order, or Record of Decision issued by a federal agency under			
the National Environmental Policy Act.)			

C/CAG_____APPENDIX E

City/County Association of Governments of San Mateo County, California

Checklist of ALUCP Contents

Appendix E CHECKLIST OF ALUCP CONTENTS

Checklist Item	Reference Location		
Scope of the Plan — In a preface or introductory chapter, provide a clear statement describing the			
scope and function of the plan. Specifically:			
Purpose and Authority: Refer to PUC statute that requires the	§1.1		
formation of ALUCs and requires preparation of an ALUCP.			
Include the resolution that formed the ALUC and the resolution	Appendix C		
that adopts this ALUCP.			
The plan's purpose should be defined as a vehicle for conducting	§1.2.1		
airport land use compatibility planning.			
Airport Identification: List the airport(s) addressed by the plan and	§1.1		
the city or unincorporated county in which they are located.			
Airport Influence Area: Provide a general description and map of	§1.4.2, Exhibit 1C		
the area that comprises the jurisdiction of the ALUC.			
Also include a map covering the planning boundary of the ALUCP if	Not Applicable		
it varies from the AIA boundary.			
Jurisdictions Affected: Identify all local jurisdictions and any	§1.4.2		
military facilities that are affected by the ALUCP. Listing the general			
and specific plans of local jurisdictions also may be valuable.			
Limitations of the Plan: Note the limitations on ALUC jurisdiction	§1.4.3		
over existing land uses; state, federal and tribal land; and airport			
operations as stated in the law and how they are applied by the			
individual ALUC.			
Airport Information — Include essential information about the airpo	rt(s) that shows the ALUCP		
has been based upon an FAA-adopted AMP or ALP.			
Planning Status: Indicate the FAA approval date of the current ALP	§3.3		
and activity forecasts (see below).			
Indicate local government or airport adoption date for the AMP.	§3.3		
ALP: Include a copy of the FAA-approved ALP.	Exhibit 3B		
Airport Activity: Document existing and projected airport	§3.2, Table 3B		
operational levels. Include data indicating the known or estimated			
distribution of operations by type of aircraft, time of day, and			
runway used. As necessary, extend the 20 year forecasts included			
in adopted AMPs to ensure that the ALUCP reflects the anticipated			
growth of airport activity over a 20-year period.			
Compatibility Policies and Criteria — State all policies and criteria as clearly, precisely, and			
completely as possible, in a separate chapter from the background information. As appropriate, use			
tables to present primary criteria. Address each of the following compatibility concerns:			
Noise: Indicate maximum normally acceptable exterior noise levels	§4.2.1, Table 4A		
for new residential and other noise-sensitive land uses. Note			
interior noise level standards.			
Overflight: Indicate how aircraft overflight noise concerns are	§4.2.3.5		
addressed.			

Checklist Item (Continued)	Reference Location		
Compatibility Policies and Criteria (Continued)			
Safety: Indicate maximum acceptable land use densities and intensities and the manner in which they are to be measured. List any uses explicitly prohibited from certain zones.	§4.2.2, Table 4B		
Airspace Protection: Note reliance upon FAR Part 77 and Terminal Instrument Procedures (TERPS) if relevant. If applicable, indicate policies addressing objects where ground level exceeds FAR Part 77 criteria. List criteria regarding hazards to flight such as bird strikes, solar panels, wind turbines, stationary smoke plumes, and electronic interferences with flight operations.	§4.2.3		
Compatibility Zone Maps — For each airport, provide either a composite compatibility zone map or individual compatibility zone maps. On base map, identify roads, water courses, section lines, and other major natural and man-made features.			
Showing the local government zoning as a background layer is also helpful.	Exhibit 4C		
Noise Contours: Show CNEL contours to be used for planning purposes.	Exhibit 4B		
Compatibility Policies: If compatibility policies are based on separate assessment of compatibility concerns, indicate boundaries and dimensions of safety zones. When basing zones on guidelines in Chapter 3 of this Handbook, make adjustments as appropriate to reflect traffic pattern locations and other factors particular to each individual airport.	Appendix B		
FAA Airspace Protection Surfaces: Include map derived from FAR Part 77 standards indicate allowable heights of objects relative to the airport elevation. Indicate locations where ground exceeds these limits. Base map should show topography.	Exhibit 4D		
Composite Compatibility Zones: When using compatibility criteria representing a composite of the above individual compatibility concerns (noise, overflight, safety, and airspace protection), provide a map showing the boundaries of each zone. Indicate distances of boundaries from the airport runways.	N/A		
Airport Influence Area: Clearly identify the AIA boundary on a map and with a written description.	Exhibit 4C		
Review Policies — Describe the process and list the steps that the ALUC will use in reviewing local government plans and projects.			
Types of Actions for ALUC Review: List the types of local government plans or projects that are to be submitted to the ALUC. Distinguish between mandatory and voluntary submittals.	§4.1.10		
Project Information: List the types of information to be included when a project or plan is submitted for an ALUC consistency decision.	Appendix D		
Timing: Define when ALUC reviews are to be conducted and the time limits within which the ALUC must respond.	§4.1.12.2		
ALUC Staff Responsibilities: Define staff duties in the ALUC compatibility review process.	Throughout		

Checklist Item (Continued)	Reference Location	
Preliminary Review of Plans and Projects for Consistency	N/A	
determinations —If applicable, describe the steps involved when an	,	
affected local jurisdiction requests the ALUC to provide a preliminary		
assessment of the general plans, specific plans, and relevant land use		
ordinances and regulations prior to their official submission for an		
ALUC determination.		
Land Use Information — Include maps such as the following:		
Existing Land Use Development: Show locations in the airport	Exhibit 2B	
vicinity where development exists by using current, high altitude		
aerial photographs and/or GIS data.		
Planned Land Uses: Show locations in the airport vicinity where	Exhibit 2C, Exhibit 2D	
development is planned by including current general plan and		
zoning maps.		
Discussion of Compatibility Issues — Discuss the basic concepts and rationale behind the		
compatibility policies and criteria.		
Local Government Implementation: Discuss the general plan and	§4.1.13, Appendix D	
specific plan ALUCP consistency requirement. Refer local		
jurisdictions to the Handbook appendices for sample		
implementation documents, such as Methods for Calculating Usage		
Intensities, Buyer Awareness Measures, and an Airport Overlay Zone Ordinance.		
Supporting Materials — For quick reference, include:		
	A 1: E	
State Aeronautics Act: Provide a copy of the current state laws	Appendix E	
pertaining to airport land use commissions (PUC Sections 21670-		
21679.5). Indicate the date of the most current legislative		
amendment. Federal Aviation Regulations Part 77: Provide a copy of regulations	Appendix E	
governing objects affecting navigable airspace.	Appendix E	
Glossary: Prepare a glossary of common aviation terms,	Appendix F	
particularly those associated with airport land use compatibility	Appendix i	
planning topics.		
A website link to the Caltrans Division of Aeronautics	Appendix E	
The state and to the date and british of the date of	PP	

APPENDIX F

City/County Association of Governments of San Mateo County, California

Glossary of Noise Compatibility Terms

Appendix F

GLOSSARY OF NOISE COMPATIBILITY TERMS

A-WEIGHTED SOUND LEVEL - A sound pressure level, often noted as dBA, which has been frequency filtered or weighted to quantitatively reduce the effect of the low frequency noise. It was designed to approximate the response of the human ear to sound.

AMBIENT NOISE - The totality of noise in a given place and time — usually a composite of sounds from varying sources at varying distance; no particular sound is dominant.

APPROACH LIGHT SYSTEM (ALS) - An airport lighting facility which provides visual guidance to landing aircraft by radiating light beams in a directional pattern by which the pilot aligns the aircraft with the extended centerline of the runway on the final approach for landing.

ATTENUATION - Acoustical phenomenon whereby a reduction in sound energy is experienced between the noise source and receiver. This energy loss can be attributed to atmospheric conditions, terrain, vegetation, and man-made and natural features.

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. See "traffic pattern."

CFR - Code of Federal Regulation (i.e.14 CFR Part 150)

CROSSWIND LEG - A flight path at right angles to the landing runway off its upwind end. See "traffic pattern."

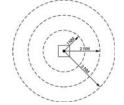
DAY-NIGHT AVERAGE SOUND LEVEL - See DNL.

DECIBEL (dB) - The physical unit commonly used to describe noise levels. The decibel represents a relative measure or ratio to a reference power. This reference value is a sound pressure of 20 micropascals which can be referred to as 1 decibel or the weakest sound that can be heard by a person with very good hearing in an extremely quiet room.

DISPLACED THRESHOLD - A threshold that is located

at a point on the runway other than the designated beginning of the runway.

DISTANCE MEASURING EQUIPMENT (DME) - Equipment (airborne and ground) used to



measure, in nautical miles, the slant range distance of an aircraft from the DME navigational aid.

DNL - The 24-hour average sound level, in A-weighted decibels, obtained after the addition of ten decibels to sound levels for the periods between 10 p.m. and 7 a.m. as averaged over a span of one year. It is the FAA standard metric for determining the cumulative exposure of individuals to noise. Also see " $L_{\rm eq}$."

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. Also see "traffic pattern."

DURATION - Length of time, in seconds, a noise event such as an aircraft flyover is experienced. (May refer to the length of time a noise event exceeds a specified dB threshold level.)

EQUIVALENT SOUND LEVEL - See L_{eq.}

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. See "traffic pattern."

FIXED BASE OPERATOR (FBO) - A provider of services to users of an airport. Such services include, but are not limited to, hangaring, fueling, flight training, repair and maintenance.

GLIDE SLOPE (GS) - Provides vertical guidance for aircraft during approach and landing. The glide slope consists of the following:

- 1. Electronic components emitting signals which provide vertical guidance by reference to airborne instruments during instrument approaches such as ILS, or
- 2. Visual ground aids, such as VASI, which provide vertical guidance for VFR approach or for the visual portion of an instrument approach and landing.

GLOBAL POSITIONING SYSTEM - See "GPS."

GPS - GLOBAL POSITIONING SYSTEM - A system of 24 satellites used as reference points to enable navigators equipped with GPS receivers to determine their latitude, longitude, and altitude. The accuracy of the system can be further refined by using a ground receiver at a known

location to calculate the error in the satellite range data. This is known as Differential GPS (DGPS).

GROUND EFFECT - The attenuation attributed to absorption or reflection of noise by man-made or natural features on the ground surface.

HOURLY NOISE LEVEL (HNL) - A noise summation metric which considers primarily those single events which exceed a specified threshold or duration during one hour.

INSTRUMENT APPROACH - A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing, or to a point from which a landing may be made visually.

INSTRUMENT FLIGHT RULES (IFR) -Rules governing the procedures for conducting instrument flight. Also a term used by pilots and controllers to indicate type of flight plan.

INSTRUMENT LANDING SYSTEM (ILS) - A precision instrument approach system which normally consists of the following electronic components and visual aids:

Localizer.
 Glide Slope.

4. Middle Marker.

5. Approach Lights.

3. Outer Marker.

LAAS - Local Area Augmentation System, ground-based antennas whose precisely known locations are used to correct the satellite signals and provide greater positional accuracy as well as integrity of service to aircraft in the air. Represents the next generation of airspace management and aircraft guidance through the National Airspace System using GPS technologies.

 L_{dn} - (See DNL). L_{dn} used in place of DNL in mathematical equations only.

 L_{eq} - Equivalent Sound Level. The steady A-weighted sound level over any specified period (not necessarily 24 hours) that has the same acoustic energy as the fluctuating noise during that period (with no consideration of a nighttime weighting.) It is a measure of cumulative acoustical energy. Because the time interval may vary, it should be specified by a subscript (such as L_{eq} 8) for an 8-hour exposure to workplace noise) or be clearly understood.

LOCALIZER - The component of an ILS which provides course guidance to the runway.

 L_{max} - Maximum Sound Level, the maximum sound level (dB) during a particular noise event.

LOUDNESS - The attribute of auditory sensation in terms of which sounds may be ordered on a scale extending form soft to loud.

MISSED APPROACH COURSE (MAC) - The flight route to be followed if, after an instrument approach, a landing is not effected, and occurring normally:

- 1. When the aircraft has descended to the decision height and has not established visual contact, or
- 2. When directed by air traffic control to pull up or to go around again.

NOISE CONTOUR - A continuous line on a map of the airport vicinity connecting all points of the same noise exposure level.

NONDIRECTIONAL BEACON (NDB) -A beacon transmitting nondirectional signals whereby the pilot of an aircraft equipped with direction finding equipment can determined his bearing to and from the radio beacon and home on or track to or from the station. When the radio beacon is installed in conjunction with the Instrument Landing System marker, it is normally called a Compass Locator.

NONPRECISION APPROACH - A standard instrument approach procedure providing runway alignment but no glide slope or descent information.

PRECISION APPROACH - A standard instrument approach procedure providing runway alignment and glide slope or descent information.

PRECISION APPROACH PATH INDICATOR (PAPI) - A lighting system providing visual approach slope guidance to aircraft during a landing approach. It is similar to a VASI but provides a sharper transition between the colored indicator lights.

PROFILE - The physical position of the aircraft during landings or takeoffs in terms of altitude in feet above the runway and distance from the runway end.

PROPAGATION - Sound propagation refers to the spreading or radiating of sound energy from the noise source. Propagation characteristics of sound normally involve a reduction in sound energy with an increased distance from source. Sound propagation is affected by atmospheric conditions, terrain, and man-made and natural objects.

RESIDUAL NOISE - is ambient noise without specific noise. The residual noise is the noise remaining at a point under certain conditions when the noise from the specific source is suppressed.

RUNWAY END IDENTIFIER LIGHTS (REIL) - Two synchronized flashing lights, one on each side of the runway threshold, which provide rapid and positive identification of the approach end of a particular runway.

SEL - Sound Exposure Level. SEL expressed in dB, is a measure of the effect of duration and magnitude for a single-event measured in A-weighted sound level above a specified threshold which is at least 10 dB below the maximum value. In typical aircraft noise model calculations, SEL is used in computing aircraft acoustical contribution to the Equivalent Sound Level ($L_{\rm eq}$), the Day-Night Sound Level (DNL), and the Community Noise Equivalent Level (CNEL).

SINGLE EVENT - An occurrence of audible noise usually above a specified minimum noise level caused by an intrusive source such as an aircraft overflight, passing train, or ship's horn.

SLANT-RANGE DISTANCE - The straight line distance between an aircraft and a point on the ground.

SOUND EXPOSURE LEVEL - See SEL.

SOUND LEVEL METER - An instrument, which is used for the measurement of sound level, with standard frequency weighting and standard exponentially weighted time averaging.

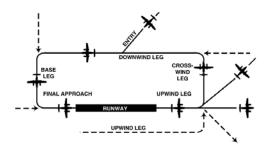
SPL - Sound Pressure Level, measure of the sound pressure of a given noise source relative to a standard reference value (typically the quietest sound that a young person with good hearing can detect).

THRESHOLD - Decibel level below which single event information is not printed out on the noise monitoring equipment tapes. The noise levels below the threshold are, however, considered in the accumulation of hourly and daily noise levels.

TIME ABOVE (TA) - The 24-hour TA noise metric provides the duration in minutes for which aircraft-related noise exceeds specified A-weighted sound levels. It is expressed in minutes per 24-hour period.

TOUCHDOWN ZONE LIGHTING (TDZ) -Two rows of transverse light bars located symmetrically about the runway centerline normally at 100 foot intervals. The basic system extends 3,000 feet along the runway.

TRAFFIC PATTERN - The traffic flow that is prescribed for aircraft landing at or taking off from an airport. The components of a typical traffic pattern are the upwind leg, crosswind leg, downwind leg, base leg, and final approach.



UNICOM - A nongovernment communication facility which may provide airport information at certain airports. Locations and frequencies of UNICOM's are shown on aeronautical charts and publications.

UPWIND LEG - A flight path parallel to the landing runway in the direction of landing. See "traffic pattern."

VECTOR - A heading issued to an aircraft to provide navigational guidance by radar.

VERY HIGH FREQUENCY OMNIDIRECTIONAL RANGE STATION (VOR) - A ground-based electric navigation aid transmitting very high frequency navigation signals, 360 degrees in azimuth, oriented from magnetic north. Used as the basis for navigation in the national airspace system. The VOR periodically identifies itself by Morse Code and may have an additional voice identification feature.

VERY HIGH FREQUENCY OMNIDIRECTIONAL RANGE STATION/TACTICAL AIR NAVIGATION (VORTAC) - A navigation aid providing VOR azimuth, TACAN azimuth, and TACAN distance-measuring equipment (DME) at one site.

VICTOR AIRWAY - A control area or portion thereof established in the form of a corridor, the centerline of which is defined by radio navigational aids.

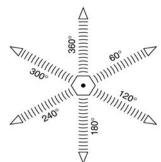
VISUAL APPROACH - An approach wherein an aircraft on an IFR flight plan, operating in VFR conditions under the control of an air traffic control facility and having an air traffic control authorization, may proceed to the airport of destination in VFR conditions.

VISUAL APPROACH SLOPE INDICATOR (VASI) - An airport lighting facility providing vertical visual approach slope guidance to aircraft during approach to landing by radiating an directional pattern of high intensity red and white focused light beams which indicate to the pilot that he is on path if he sees red/white, above path if white/white, and below path if red/red. Some airports serving large aircraft have three-bar VASI's which provide two visual guide paths to the same runway.

VISUAL FLIGHT RULES (VFR) - Rules that govern the procedures for conducting flight under visual conditions. The term VFR is also used in the United States to indicate weather conditions that are equal to or greater than minimum VFR requirements. In addition, it is used by pilots and controllers to indicate type of flight plan.

VOR - See "Very High Frequency Omnidirectional Range Station."

VORTAC - See "Very High Frequency Omnidirectional Range Station/Tactical Air Navigation."



WAAS - Wide Area Augmentation System,

ground-based antennas whose precisely known locations are used to correct the satellite signals and provide greater positional accuracy as well as integrity of service to aircraft in the air. Given the current difficulties with WAAS, LAAS now has higher priority for implementation at U.S. airports.

YEARLY DAY-NIGHT AVERAGE SOUND LEVEL - See DNL.

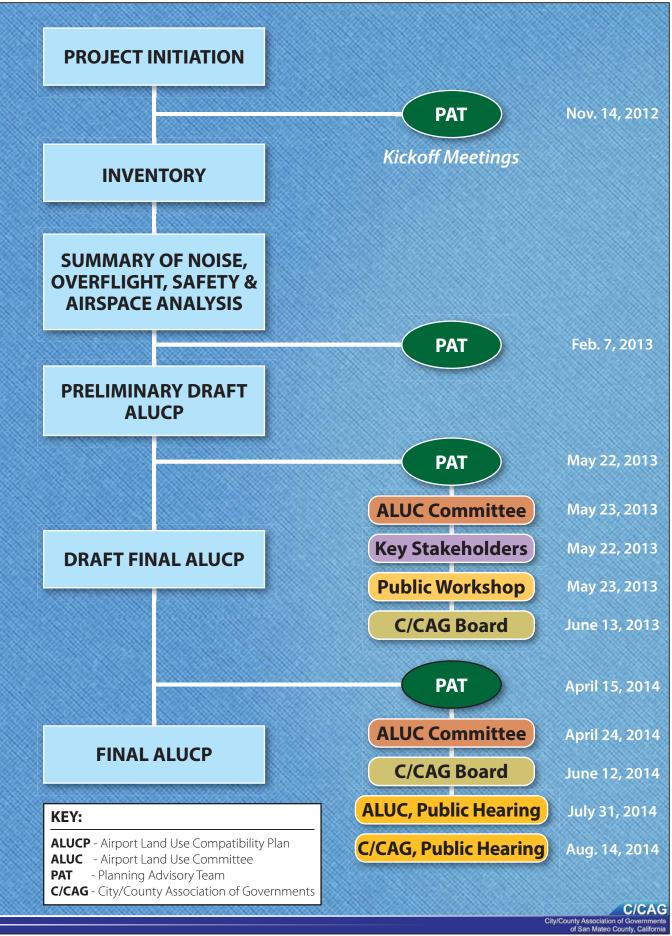
C/CAG

APPENDIX G

PUBLIC PARTICIPATION

Appendix G PUBLIC PARTICIPATION

This appendix documents the public participation for the preparation of the *Airport Land Use Compatibility Plan for the Environs of Half Moon Bay Airport.* **Exhibit G1** outlines the document milestones, meetings, and meeting dates. Corresponding meeting notices, agendas, handouts, and signup sheets are also provided in this appendix.



C/CAG

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Project Advisory Team (PAT) Member List

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) UPDATE FOR THE ENVIRONS OF HALF MOON BAY AIRPORT

Hon. Dave Pine, San Mateo County Supervisor, ALUC Representative

Hon. Allan Alifano, Mayor, City of Half Moon Bay, ALUC Representative

George Auld, ALUC Aviation Representative

Lisa Ketcham, MidCoast Community Council

James Wadleigh, Interim San Mateo County Airport Manager

Steve Monowitz, Deputy Director, County of San Mateo Planning & Building Department

TBD, City of Half Moon Bay Staff

Sandy Wong, Deputy Director of C/CAG

Dave Carbone, C/CAG Staff

November 14, 2012

C/CAG

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AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) UPDATE FOR THE ENVIRONS OF HALF MOON BAY AIRPORT

Project Advisory Team (PAT) Kickoff Meeting 3:30 p.m. November 14, 2012 Pillar Ridge Clubhouse – Moss Beach, California

MEETING AGENDA

- 1. Opening Remarks Richard Napier, C/CAG Executive Director
 - a. Welcome
 - b. Introductions
 - c. Overview of C/CAG and its activities
- 2. Why Are We Here
 - a. Overview of the project/project area/Half Moon Bay Airport Dave Fitz
 - b. What an ALUCP is and what it isn't Dave Carbone, C/CAG staff
- 3. ALUCP Content/Issues Dave Fitz
 - a. Height of structures/airspace protection
 - b. Airport/aircraft noise impacts
 - c. Safety issues
 - d. Airport Influence Area (AIA) boundary
- 4. Project Advisory Team (PAT) Role/Responsibilities Sandy Wong, C/CAG Deputy Director
 - a. Review/comment on work products
 - b. Represent constituent interests
 - c. Number of PAT meetings
- 5. Public Outreach Dave Fitz
 - a. Public information workshops
 - b. Project website
 - c. Public meetings
- 6. **Project Schedule** Dave Fitz/Sandy Wong
- 7. Questions/Comments Sandy Wong/Dave Fitz
- 8. Adjourn Sandy Wong

PLANNING ADVISORY TEAM MEETING ATTENDANCE RECORD

Meeting: PAT Meeting #1	Date: November 14, 2012 Time: 3:30 pm -5:00 pm		
s 	Place: Pillar Ridge Clubhouse		
Please Print Neatly			
NAME	REPRESENTING	PHONE # / E-MAIL	
1. JAMES WADLESON	HAZE MOON BAY ASSPORT	Phone #: 650-573-3700 E-mail: Juadleigh @s.~cgov.ong)
2. Sandy Wong	CICAGO	From #: 599- 1409 E-mail: SLWONG & SMC GOV. 0	
3. Rich Napier	CLCAL	Phone #:E-mail:	1
4. DOVE COLBONE	C/C184	Phone #: 65 599 - 1453 E-mail: dearboure & Smcg of ORG	
5. Steve Monowitz	San Mateo Co. Planning	Phone #(650) 363-1855 E-mail: smonowitz@smcqov.org	
6. Summer Burlison	San Mateo Co. Flanning	Phone #: 650 363 -1815 E-mail: Shw Ison@smcgov.org	
7. Lisa Ketcham	mcc	Phone #: 650 - 302-1098 E-mail: L, sA. KetchAm @comcAst.	net
8. ALLAN ALIFANO	CITY HMB	Phone #: 650.380, 4640 E-mail: AALI FANO @ HMBC 174.00	
9. JIM HARRIS	COFFMAN ASSOCIATES	Phone #: 602-993-6999 E-mail: jmharris@coffmanasscciate	
10. Bill Kehoce	Se 19	Phone #: 650 - 728 - 725 5 E-mail: MCBILL Keloe @gml-Co	
11. Kory Lewis	COFFMAN ASSOCIATES	Phone #: 816-524-3500 E-mail: Klewis & Coffman associates.	
12. Lava Snidera	City 2/1/20 Moonsay	Phone #: future Repix E-mail: a) ex Khajik	
13.		Phone #: E-mail: OKhojikan Ch	,
14.		Phone #: E-mail:	* (.
15.		Phone #:E-mail:	
16.		Phone #:	
17.		Phone #: E-mail:	
18.		Phone #:	
19.		Phone #:	
20.		Phone #:	

PLANNING ADVISORY TEAM ROLES AND RESPONSIBILITIES

Airport Land Use Compatibility Plan Update

Half Moon Bay Airport

The City/County Association of Governments of San Mateo County and its consultant, Coffman Associates Inc., are pleased to welcome you to the Planning Advisory Team (PAT) for the Half Moon Bay Airport Land Use Compatibility Plan (ALUCP) Update. We appreciate your interest in this study and your willingness to participate as part of the committee. Over the next several months, you will be able to make an important contribution to the project and we believe that you will find your committee participation to be an interesting and rewarding experience. We would like to take this time to thank you in advance for your participation.

PURPOSE OF AIRPORT LAND USE COMPATIBILITY PLAN

The Half Moon Bay Airport provides services such as business travel, tourism, emergency response, fire suppression, law enforcement, and agriculture support. In recognition of the important role public access airports like Half Moon Bay have to their communities, the California State Legislature enacted laws that mandate proper land use compatibility planning with the creation of Airport Land Use Commissions (ALUCs). Adopted in 1967 to assist local agency land use compatibility efforts, the laws are intended to protect "public health, safety, and welfare by encouraging orderly expansion of airports and the adoption of land use measures that minimizes 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."

To achieve this goal, the ALUC has two primary functions:

- To prepare and adopt an airport land use plan with a 20-year planning horizon for each airport within its jurisdiction.
- Review local agency land use actions and airport plans.

The current version of Half Moon Bay Airport ALUCP was adopted in 1994. This version of the plan will be updated based on guidance found in the *California Airport Land Use Planning Handbook* (Handbook) *2011* released by the State of California Department of Transportation Division of Aeronautics.

PAT ROLE AND RESPONSIBILITIES

The PAT will play an important role in the ALUCP Update. We want to benefit from your unique viewpoints, have access to the people and resources you represent, work with you in a creative atmosphere, and gain your support in achieving results.

Specifically, your role in the PAT is as follows:

- Sounding Board The consultants will be more successful in their activities by being able to access a forum in which to present information and findings during the course of the study. Everyone involved with the study will benefit from this forum because it allows an exchange of stakeholders' viewpoints, ideas, and concerns.
- Linkage to the Community Each of you represents one or more constituent interests. As a committee member, you bring together the consultant and the people you represent. You can inform your constituents about the study as it progresses, and you can bring into the committee the views of others.
- Resource An ALUCP Update is very complex, and it has an almost unlimited demand for information. Many of you have access to specialized information and can ensure that it is used in the study to its fullest potential.
- Critical Review The consultant team needs their work scrutinized closely for accuracy, completeness of detail, clarity of thought, and intellectual honesty. We want you to point out any shortcomings in our work and help us improve it.

HOW WILL THE PAT OPERATE?

The PAT will operate as informally as possible - no compulsory attendance and no voting. The PAT's four meetings will be conducted by the consultant and will be called at milestone points in the study when the committee's input is especially needed. Ordinarily, meetings will be scheduled with sufficient advance notice to permit you to arrange your schedule.

To keep you informed of the proceedings at the PAT meetings, we will prepare summary minutes and will distribute them after each meeting. These will be particularly helpful if you are unable to attend a meeting.

We will also hold two public information workshops during the preparation of the study so that we may report to the community at-large and elicit their views and input. We strongly urge you to represent the PAT at the evening workshops. The workshops will be organized to maximize the opportunity for two-way communication. At these important meetings, you will have the chance to hear from local residents and share your views and expertise with them.

Prior to each PAT meeting, the consultants will distribute study materials to you for review. This material will be the focus for discussion at the meetings. In addition, we will provide an outline of the subjects to be covered in the next phase of the project so that you may share your ideas and concerns and have them addressed in the next working paper.

WHERE CAN YOU GET MORE INFORMATION?

For specific policy questions about the study, please contact:

Sandy Wong
Deputy Director
City/County Association of Governments of San Mateo County
County Office Building
555 County Center, Fifth Floor
Redwood City, California 94063

Phone: 650 599-1409

E-mail: slwong@co.sanmateo.ca.us

Dave Carbone
Airport Land Use Committee
City/County Association of Governments of San Mateo County
County Office Building
555 County Center, Fifth Floor
Redwood City, California 94063

Phone: 650 363-4417

E-mail: dcarbone@co.sanmateo.ca.us

For specific technical questions about the study, please contact:

James Harris, P.E.
President
Coffman Associates, Inc.
4835 East Cactus Road, Suite 235
Scottsdale, Arizona 85254

Phone: (602) 993-6999

E-mail: <u>jmharris@coffmanassociates.com</u>

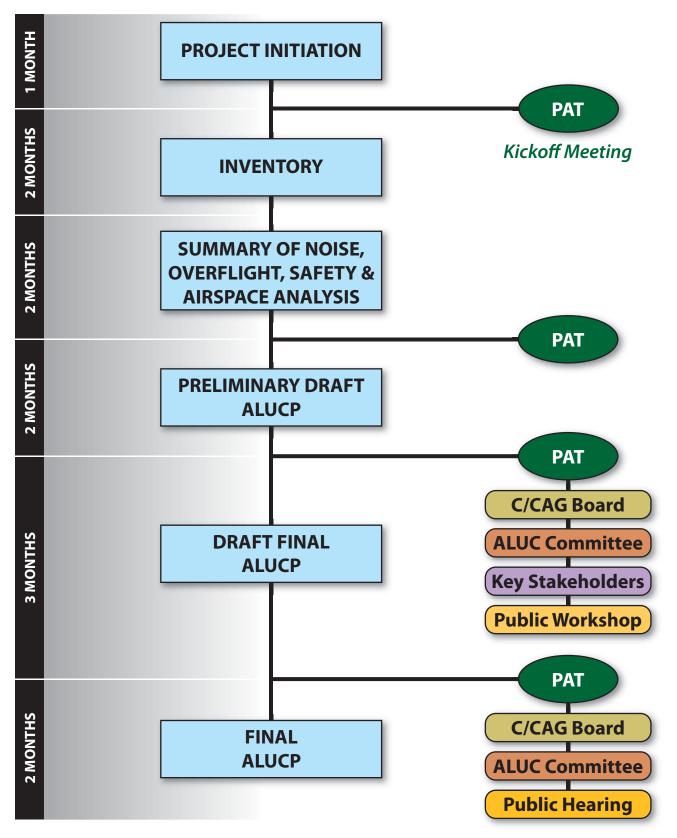
-or-

David Fitz, AICP Principal Coffman Associates, Inc. 237 N.W. Blue Parkway, Suite 100 Lee's Summit, MO 64063

Phone: (816) 524-3500

E-mail: dfitz@coffmanassociates.com

Airport Land Use Compatibility Plan Schedule for HALF MOON BAY AIRPORT ———



KEY:

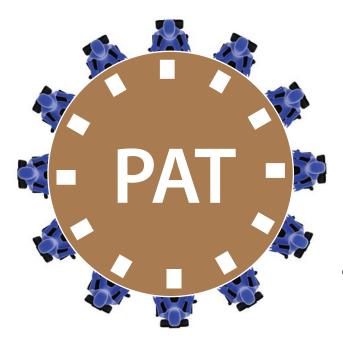
ALUCP - Airport Land Use Compatibility Plan

ALUC - Airport Land Use Committee

PAT - Planning Advisory Team

C/CAG - City/County Association of Governments

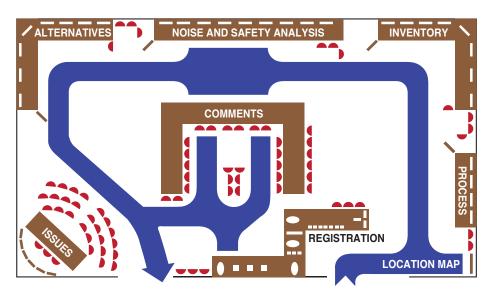
PLANNING ADVISORY TEAM -



Several organizations have been contacted and invited to designate representatives to serve on the Planning Advisory Team (PAT). These include local and county agencies, City of Half Moon Bay, airport staff, members of the airport land use commission, and the aircraft pilot association. Each of the committee members was selected based upon his or her area of expertise and ability to make a positive contribution to the study. It is anticipated that the committee will meet four times during the update process.

Public Information Workshop -

Two public information workshops will be held after milestones are reached during the Airport Land Use Compatibility Plan Update process. These meetings are designed as open houses with various "stations" with study information available for review. The meetings will allow interested participants to acquire information about the Airport Land Use Compatibility Plan Update process, the airport, and land use policy and



planning. Participants are encouraged to ask questions, express concerns and submit comments of study materials. Members of the study preparation team and C/CAG staff will be available for one-on-one discussion and to answer questions.

CUSTOM WEBSITE SPECIFIC TO THIS AIRPORT STUDY



This website allows interested parties an opportunity to follow the study's progress, receive information regarding upcoming public information workshops, download materials presented at the workshops as they occur, and comment on the Draft Plan once it becomes available.

This website will provide you with current and factual information regarding the Draft Plan as it becomes available. Material included on this website includes:

- Detailed descriptions of the projects to be reviewed
- Overview of the study process
- Public outreach information including workshop notices and display materials
- Draft Plan (as it becomes available)
- Related links



website address: halfmoonbayalucp.airportstudy.com

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) UPDATE FOR THE ENVIRONS OF HALF MOON BAY AIRPORT

Project Advisory Team (PAT) Meeting No. 2 3:00 – 5:00 p.m. February 7, 2013 Pillar Ridge Clubhouse, 164 Culebra Lane, Moss Beach, California

Meeting Agenda

- 1. Welcome/Introductions/Review PAT Purpose Sandy Wong, C/CAG Executive Director
- 2. Presentation/Review/Comment on Draft Material Prepared by Coffman Associates*

Present by: Dave Fitz, Coffman Associates/

Comment by: PAT Members

- A) Airport Background and Facilities
- B) Airport Land Use Compatibility Plan General Policies
- **C)** Airport Noise Compatibility
- **D)** Safety and Land Use Compatibility
- E) Airspace Compatibility
- 3. **Review of Project Website** Dave Fitz
- 4. Review of Project Schedule/Next PAT meeting date/content Sandy Wong/Dave Fitz
- **5. Questions/Comments** Sandy Wong/Dave Fitz
- **6.** Adjourn Sandy Wong

^{*} A handout of the Draft Material was sent to the PAT Members in advance.

PLANNING ADVISORY TEAM MEETING ATTENDANCE RECORD

Meeting: PAT Meeting #2	Date: February 7, 2013 Time: 3:00 pm -5:00 pm	
	Place: Pillar Ridge Clubhouse	
Please Print Neatly		
NAME	REPRESENTING	PHONE # / E-MAIL
1. Steve Monowitz	San Mateo County Planning	Phone #: (650) 363 -1855 E-mail: 5 Monowitz & SMcgov.org
2. Alex Khajikian	City of Half Moon Bay	Phone #: 650 726-8272 E-mail: OKhojikian@hmbaity.com
3. Bill KEhOE	Mioleonst Community Council	Phone #: 650 - 728 - 725 5 E-mail: MCCBILL KEHOE @ 9MII.COM
4. Lisa Ketcham	Midco Ast Community Come	Phone #: 650-302-1098 E-mail: L:5A. KetchAme. Com (ASP)
5. Sarah Rosendahe	Office of Supervisor Horsley	Phone #: 650.599. 1013 E-mail: 5105endahl@ 3mc90v. 219
6. Glenn Reynolds		Phone #: 650 20 4 9596 0 E-mail: ase y 4018 6 12050 1470
7. Gretchen Kelly	SM County Airports	Phone #: 650.573.3700 E-mail: 9Kelly@smcgov.or
8. Summer Burlison	San Mater Country Planning	Phone #: 150-313-1815 E-mail: Shurtison Wasnugov. Drg
9. DOUE CARBOLE	C/4x0.	Phone #: 650/599-1453 E-mail: dearbort @ smegod. org
10. Sandy Wong	CICAG	Phone #: 5 wong @ smc Gov. org E-mail: 599-1409
11. Brent Gammon	Experimental AincraftAssor	Phone #: 650 -726 -436 P E-mail: 9ammon 250 yahed.co
12. Don Horsley	SANMATES CO BOARD of SUP	Phone #: 650 -363-4569 E-mail: dhorsley@smc.gov
13.		Phone #:E-mail:
14.		Phone #:E-mail:
15.		Phone #:E-mail:
16.		Phone #:E-mail:
17.		Phone #:
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AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) UPDATE FOR THE ENVIRONS OF HALF MOON BAY AIRPORT

Project Advisory Team (PAT) Meeting No. 3 1:30 – 3:30 p.m. May 22, 2013 Pillar Ridge Clubhouse, 164 Culebra Lane, Moss Beach, California

Meeting Agenda

- 1. Welcome/Introductions—Sandy Wong, C/CAG Executive Director
- 2. Review of Preliminary Draft ALUCP Material

Present by: Dave Fitz, Coffman Associates/

Comment by: PAT Members

- A) Key Planning Assumptions
- **B)** Airport Influence Area (AIA)
- **C**) Limitations of the ALUCP
- **D**) General Policies
- **E**) Noise Compatibility
- F) Safety Compatibility
- **G**) Airspace Compatibility

Due to large size of files, please download materials at: http://halfmoonbayalucp.airportstudy.com/alucp/

- 3. Public Engagement Public Information Workshop on May 22, 2013
- 4. Review of Project Schedule/Next PAT meeting date/content Sandy Wong/Dave Fitz
- **5. Questions/Comments** Sandy Wong/Dave Fitz
- **6. Adjourn** Sandy Wong

PLANNING ADVISORY TEAM MEETING ATTENDANCE RECORD

Meeting: PAT Meeting #3	eeting: PAT Meeting #3 Date: May 22, 2013 Time:		
	Place: Pillar R	Place: Pillar Ridge Clubhouse	
Please Print Neatly			
NAME	REPRESENTING	PHONE # / E-MAIL	
1. Sandy Work	CICARG	Phone #: E-mail: SLWong & SMC BOV- Org	
2. Getchen Kell	AIRPORT	Phone #: 650.573.3700 E-mail: gkelly@smc.gov.org	
3. GEORGE AULD	HMB PILOTI	Phone #: 650-726-4825 E-mail: 98-ANNO SACGOBAL.	
4. Summer Burlison	San Meter Co. Planning	Phone #: 150-313-1815 E-mail: Shurlisona Smegar.org	
5. Lisa Ketcham	MidcoAst Community	Phone #: E-mail: LisA. KetchAm@ComCASt. net	
6. LAURA STEIN	Migcoss- Community Cousel	Phone #: 650-678-4054 E-mail: LAUCA - STONG CONCAST, NET	
7. David Vespreni	Moss Beach Resident	Phone #: MIS-715-7837 E-mail: dvespreni egmalis	
8. LASLO VESPLENI	MOSS BEACH	Phone #: 650-302-0894 E-mail: 1251016 hotmail. Com	
9. KORY LEWIS	COFFMAN ASSOC.	Phone #: 816-524-3500 E-mail: Klewis@coffmanassociator.com	
10. DAVID Fitz	n A	Phone #: 816 - 524 - 3600 E-mail: 4,6 - 6 Coffee N 4500 4	
11.		Phone #: E-mail:	
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NOTICE OF PUBLIC INFORMATION WORKSHOP

regarding the Preliminary Draft of the Airport Land Use Compatibility Plan (ALUCP) for the Environs of

HALF MOON BAY Airport

Thursday, May 23, 2013 7:30-9:00 P.M.

Pillar Ridge Clubhouse 164 Culebra Moss Beach, California (Off Airport Street on the west side of Half Moon Bay Airport)

EVERYONE WELCOME

OPEN HOUSE FORMAT....DROP IN ANYTIME For more information, please contact:

David Carbone: 650-363-4417, dcarbone@smcgov.org

Or visit: halfmoonbayalucp.airportstudy.com

NOTICE OF PUBLIC INFORMATION WORKSHOP

regarding the Preliminary Draft of the Airport Land Use Compatibility Plan (ALUCP) for the Environs of

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Or visit: halfmoonbayalucp.airportstudy.com

PUBLIC INFORMATION WORKSHOP MEETING ATTENDANCE RECORD

Meeting: PIW Meeting #1 Date: May 23, 2013 Time: 7:30 - 9:00 pm		
<u> </u>	Place: Pillar F	Ridge Clubhouse
Please Print Neatly		
NAME	ADDRESS	PHONE # / E-MAIL
1. Carl & Mauck	12510 SKYLINE BIND	Phone #: (650) 965-1009 E-mail: CAREM 366 AOL. COM
2. Lisa Ketcham	172 CulcbrA, Moss Beach	Phone #: E-mail:
3. LASLO VESPMENI	140 ARSIE, MB	Phone #: 650-302-0894 E-mail: 165104 6 hot mail way
4. VESPPEH		Phone #: 650 728-9260 E-mail: EVESPTEMIR SEGULOUSEL in et
5. DAVEWICKIAM S	370 NEVADA M.B	Phone #:
6. Victor Rabinovich	P. O Box 723 E.G.	Phone #: E-mail: V Cab. noviel a hotman l. Com
7. KRISTIN WILLIAMS	370 NEVADA M.B	Phone #: E-mail: DNK 370 & COM CAST, NET
85 Jabrina Brennan	117710	Phone #: E-mail: Sabrina@cFm-com
9. DAN HAGGERTY	MOSS BRUCH	Phone #: E-mail: MIDECAST DHN & GMMIL.COM
10. JB COCKRELL	BOX 1270, MONTARA, CA 94037	Phone #: E-mail: 10 cockroll@gmail. Cong
11.B. Branscomb	106 Sevila Boy 1837	Phone #: E-mail: bridge conscount Yal
12. Bill Kehor	891 Kelmore St Mass Reach CA 94030	Phone #: 650-7287255 E-mail: MCCBULKEHOF (PGMI): COM
13. Ty Wood	WB 34028	Phone #: E-mail: Poolspe @ SRglobal. Ne
14.		Phone #: E-mail:
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16.		Phone #: E-mail:
17.		Phone #: E-mail:
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20.		Phone #: E-mail:

Midcoast Community Council

An elected Advisory Council to the San Mateo County Board of Supervisors representing Montara, Moss Beach, El Granada, Princeton, and Miramar

PO Box 248, Moss Beach, CA 94038 www.MidcoastCommunityCouncil.org Laura Stein, Chair Lisa Ketcham, Vice Chair Bob Kline, Secretary Len Erickson, Treasurer Dan Haggerty Bill Kehoe

AGENDA for May 22, 2013, Regular Meeting, 7:00 pm

Granada Sanitary District Meeting Room, 504 Avenue Alhambra, 3rd Floor, El Granada

(7:00) Call to Order -- Councilmember self-introductions

- 1. Board of Supervisors' Report Supervisor Don Horsley
- **2. Public Comment** (Anyone may speak up to 3 minutes on any topic <u>not on the agenda.</u> Please fill out a speaker slip. The Council may not discuss or take action on items not on the agenda.)
- 3. Consent Agenda (Items generally approved as a group without discussion, unless requested to be moved to Regular Agenda for discussion)
 - a. Approval of Minutes for May 8, 2013
 - b. Approval of Treasurer's Report for May 22, 2013
- **4. Regular Agenda** The Council may take action on the following items:
 - a. (7:15) Preliminary Draft Airport Land Use Compatibility Plan (ALUCP) for the Environs of Half Moon Bay Airport. City/County Association of Governments (C/CAG) is updating this 15-yr-old plan which affects future land uses and development surrounding the airport. Policies address height of structures for airspace protection, aircraft noise impacts, and safety compatibility criteria near the ends of the runway. Project Consultant will give an overview presentation. The entire draft plan is available at: http://halfmoonbayalucp.airportstudy.com. Desired Outcome: Informational item to solicit comment from the public and councilmembers. The MCC will not take any action on this item at this meeting.
 - b. (8:00) Highway 1 Crossing in the Lighthouse Vicinity. A Transportation Authority (TA) funded project is about to get underway to complete design plans and permitting for Midcoast crossings, turns, and medians which were conceptualized in the Highway 1 Safety & Mobility Studies. The MCC has become aware that the crossing and median refuge in the lighthouse vicinity was not included with the other Midcoast crossings in this project. Desired Outcome: Approve a request that the crossing and refuge island in the vicinity of the lighthouse be included in the upcoming study/design of Midcoast Highway 1 crossings.
- 5. (8:45) Council Activity Correspondence received & Meetings attended
- 6. Committee Reports and Continuing Business
- **7. Future Agendas** 6/12, 6/26
- (9:15) Adjournment

NOTE: The Council reserves the right to re-order the agenda. All indicated start times are estimates. Agenda item supporting documents are available 72 hours in advance of meetings at www.MidcoastCommunityCouncil.org

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C/CAG

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C/CAG AIRPORT LAND USE COMMITTEE (ALUC) REGULAR MEETING NOTICE AND AGENDA

MEETING NOTICE

DATE:

Thursday, May 23, 2013

TIME:

4:00 p.m.

PLACE:

City Council Chamber

Burlingame City Hall

501 Primrose Road

Burlingame, California 94010 TEL: 650/558-7203 (City Clerk)

REGULAR MEETING AGENDA

- 1. Call to Order/Roll Call/Declaration of a Quorum Present Richard Newman, ALUC Chairperson/C/CAG Staff ACTION
- 2. Public Comment on relevant items <u>not</u> on the Agenda Richard Newman

INFORMATION

NOTE

Speakers on this item are limited to two minutes. The Committee cannot take action at this meeting on any topics/issues raised under this item.

Access for Persons with Disabilities. The C/CAG Airport Land Use Committee (ALUC) meetings are accessible to persons with disabilities. Individuals who need special assistance or a disability-related modification or accommodation to participate in this meeting, or who wish to request an alternative format for all meeting materials, should contact C/CAG Staff, at 650/599-1406, during regular business hours (M-F, 8:00 a.m. -5:00 p.m.), at least three working days before the meeting date.

Access to Public Records. Public records that relate to any item on the open session Agenda (Consent and Regular Agendas) for this meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all ALUC members, or the majority of the ALUC. C/CAG and the ALUC have designated the C/CAG offices at 555 County Center, Fourth Floor, Redwood City, CA 94063 for the purpose of making those public records available for inspection. Requests for such information should be made to C/CAG Staff by calling 650/599-1406, during normal business hours (M-F, 8:00 a.m. - 5:00 p.m.).

Notice and Meeting Agenda for the C/CAG Airport Land Use Committee (ALUC) Regular Meeting on May 23, 2013

Page 2 of 2

REGULAR MEETING AGENDA - continued

3. *Information Item*, re: Preliminary Draft Airport Land Use Compatibility Plan (ALUCP) for the environs of Half Moon Bay Airport (The entire draft document is available at : http://www.halfmoonbayalucp.airportstudy.com)

NOTE: The Committee will not take any action on this item at this meeting.

- a. Presentation of an overview of the Preliminary Draft Airport Land Use Compatibility Plan (ALUCP) for the environs of Half Moon Bay Airport INFORMATION
 - 1. Hear C/CAG Staff report
 - 2. Hear Project Consultant presentation
 - 3. Solicit public comments
 - 4. Committee discussion/comments'
- **b.** Review of the project schedule to prepare/adopt a final Airport Land Use Compatibility Plan (ALUCP) for the environs of Half Moon Bay Airport Project Consultant

INFORMATION

- 4. Consideration/Approval of draft Action Minutes for the February 28, 2013 C/CAG Airport Land Use Committee (ALUC) Regular Meeting Richard Newman ACTION
- 5. Review of correspondence/information items Richard Newman

INFORMATION

6. Member communications/announcements – Richard Newman

INFORMATION

7. C/CAG Staff comments/announcements

INFORMATION

8. Adjourn – Richard Newman

ACTION

NOTE: The next C/CAG Airport Land Use Committee (ALUC) Regular Meeting is scheduled for Thursday, August 22, 2013, at 4:00 p.m., in the Council Chamber at Burlingame City Hall.

ALUCAUGAgenda0513.docx



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BOARD MEETING NOTICE

Meeting No. 258

DATE: Thursday, June 13, 2013

TIME: 6:30 P.M.

PLACE: San Mateo County Transit District Office

1250 San Carlos Avenue, Second Floor Auditorium

San Carlos, CA

PARKING: Available adjacent to and behind building.

Please note the underground parking garage is no longer open.

PUBLIC TRANSIT: SamTrans

Caltrain: San Carlos Station.

Trip Planner: http://transit.511.org

- 1.0 CALL TO ORDER/ ROLL CALL
- 2.0 PLEDGE OF ALLEGIANCE
- 3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Note: Public comment is limited to two minutes per speaker.

- 4.0 PRESENTATIONS/ ANNOUNCEMENTS
- 4.1 The San Francisco Bay Restoration Authority Protecting and Restoring the Bay
- 5.0 CONSENT AGENDA

Consent Agenda items are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Board, staff or public request specific items to be removed for separate action.

5.1 Approval of the minutes of regular business meeting No. 257 dated May 9, 2013.

- Review and approval of Resolution 13-15, authorizing the C/CAG Chair to execute Amendment #8 with Eisenberg, Olivieri, and Associates, Inc., to continue providing technical support to the Countywide Water Pollution Prevention Program, extending the term through December 2014 for an additional cost not to exceed \$2,689,602.

 ACTION p. 7
- 5.3 Review and approval of Resolution 13-16 authorizing the C/CAG Chair to execute Amendment #1 to the agreement between C/CAG and the City of San Carlos to provide financial services to C/CAG for an amount not to exceed \$75,366 for FY 2013-14. ACTION p. 21
- 5.4 Review and accept Quarterly Invest Report as of March 31, 2013. ACTION p. 25
- 5.5 Receive copy of an Agreement approved by the C/CAG Chair in accordance with C/CAG Procurement Policy:
 - 5.5.1 Receive a copy of an executed agreement with Ricondo & Associates, Inc. for an amount not to exceed \$30,000 for development and delivery of a training workshop on the implementation of the Airport Land Use Compatibility Plan (ALUCP) for the environs of San Francisco International Airport (SFO), as approved by the C/CAG Chair in accordance with the C/CAG Procurement Policy. INFORMATION p. 31
- Review and approval of Resolution 13-20 authorizing the C/CAG Chair to execute the Program Manager Funding Agreement with the Bay Area Air Quality Management District (BAAQMD) for the 2013/2014 Transportation Fund for Clean Air (TFCA) (40%) Program for San Mateo County for an amount up to \$1,063,526.42.

 ACTION p. 53
- 5.7 Review and approval of Resolution 13-21 authorizing the C/CAG Chair to execute a Funding Agreement between C/CAG and the Peninsula Traffic Congestion Relief Alliance (Alliance) in the amount of \$445,000 under the 2013/2014 Transportation Fund for Clean Air (TFCA) Program to provide the Countywide Voluntary Trip Reduction Program. ACTION p. 57
- 5.8 Review and approval of Resolution 13-22 authorizing the C/CAG Chair to execute a Funding Agreement between C/CAG and the San Mateo County Transit District (SamTrans) in the amount of \$566,000 under the 2013/2014 Transportation Fund for Clean Air (TFCA) Program to provide shuttle services.

 ACTION p. 61
- 5.9 Review and approval of Resolution 13-23 authorizing the C/CAG Chair to execute an agreement between the City/County Association of Governments (C/CAG) of San Mateo County and the Peninsula Traffic Congestion Relief Alliance in the amount of \$510,000 from the Congestion Relief Plan to provide the Countywide Voluntary Trip Reduction Program for FY 2013/2014.

 ACTION p. 65
- 5.10 Review and approval of Resolution 13-24 authorizing the C/CAG Chair to execute an agreement with Joint Powers Board (JPB) in amount not to exceed \$398,010 for JPB to perform a portion of Smart Corridor Construction as part of the San Bruno Grade Separation project and authorize the C/CAG Executive Director to issue an "Authorization to Proceed" to JPB for said work in advance of execution of said agreement.

 ACTION p. 69
- 5.11 Review and approval of Resolution 13-25 authorizing the C/CAG Chair to execute an

- agreement between C/CAG and the County of San Mateo for an amount not to exceed \$50,000 for staff services for the Resource Management and Climate Protection Committee and as the Local Task Force for FY 2013-14.

 ACTION p. 73
- 5.12 Confirm approval of prior commitment of \$45,000 C/CAG contribution to the San Mateo County Green Business Program as approved by C/CAG Resolution 09-37. ACTION p. 77
- NOTE: All items on the Consent Agenda are approved/accepted by a majority vote. A request must be made at the beginning of the meeting to move any item from the Consent Agenda to the Regular Agenda.
- 6.0 REGULAR AGENDA
- Review and approval of C/CAG Legislative policies, priorities, positions, and legislative update.
 (A position may be taken on any legislation, including legislation not previously identified.)
 ACTION p. 79
- 6.2 Receive a presentation on the draft Airport Land Use Compatibility Plan (ALUCP) for the Environ of the Half Moon Bay Airport. INFORMATION p. 85
- 6.3 Review and approval of the Measure M Fiscal Year 2012-13 Annual Performance Report.

 ACTION p. 87
- 6.4 Review and approval of Resolution 13-18 authorizing the C/CAG Chair to execute a funding agreement between C/CAG and SamTrans for the Allocation of Measure M Funding in the amount of \$1,400,000 annually for Fiscal Year 2013-14 and Fiscal Year 2014-15.

 ACTION p. 95
- 6.5 Review and approval of Resolution 13-19 authorizing the C/CAG Chair to execute an agreement with the San Mateo County Superintendent of Schools to implement the San Mateo County Safe Routes to School Program in an amount not to exceed \$2,992,000 for FY 2013/14 through FY 2014/15.

 ACTION p. 105
- Receive information on proposal for Highway Relinquishment Study for SR 82 El Camino Real/Mission Street.

 INFORMATION p. 131
- 6.7 Review and approval of Resolution 13-17 adopting the C/CAG 2013/14 Program Budget and Fees. (Special Voting procedures apply.)

 ACTION p. 139
- 7.0 COMMITTEE REPORTS
- 7.1 Committee Reports (oral reports).
- 7.2 Chairperson's Report
- 7.3 Boardmembers Report

8.0 EXECUTIVE DIRECTOR'S REPORT

9.0 COMMUNICATIONS - Information Only

Copies of communications are included for C/CAG Board Members and Alternates only. To request a copy of the communications, contact Nancy Blair at 650 599-1406 or nblair@co.sanmateo.ca.us or download a copy from C/CAG's website – www.ccag.ca.gov.

- 9.1 Letter from Brandt Grotte, C/CAG Chair, to Councilpersons of San Mateo County Cities and Members of the Board of Supervisors, dated 5/20/13. RE: C/CAG Committee Vacancies for Elected Officials.
- 9.2 Letter from Sandy Wong, Executive Director C/CAG, to Steve Heminger, Executive Director, Metropolitan Transportation Commission, and Ezra Rapport, Executive Director, Association of Bay Area Governments, dated 5/16/13. RE: Thank you for the opportunity to participate in the development of Plan Bay Area, and to offer comments.

 p. 165
- 9.3 Letter from Brandt Grotte, C/CAG Chair, to Honorable Toni Atkins, California State Assembly, dated 5/9/13. RE: AB 1229 (Atkins) Inclusionary Housing SUPPORT. p. 167
- 9.4 Letter from Sandy Wong, Executive Director C/CAG, to Grant Officer, Department of Transportation 2013 TIGER Discretionary Grants, dated 6/3/13. RE: Bay Area Air Quality Management District's Application to the U.S. Department of Transportation 2013 TIGER Discretionary Grants Regional Bike Sharing.
 p. 169

10.0 ADJOURN

Next scheduled meeting: August 8, 2013 Regular Board Meeting.

PUBLIC NOTICING: All notices of C/CAG Board and Committee meetings will be posted at San Mateo County Transit District Office, 1250 San Carlos Ave., San Carlos, CA.

PUBLIC RECORDS: Public records that relate to any item on the open session agenda for a regular board meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members of the Board. The Board has designated the City/ County Association of Governments of San Mateo County (C/CAG), located at 555 County Center, 5th Floor, Redwood City, CA 94063, for the purpose of making those public records available for inspection. The documents are also available on the C/CAG Internet Website, at the link for agendas for upcoming meetings. The website is located at: http://www.ccag.ca.gov.

NOTE: Persons with disabilities who require auxiliary aids or services in attending and participating in this meeting should contact Nancy Blair at 650 599-1406, five working days prior to the meeting date.

If you have any questions about the C/CAG Board Agenda, please contact C/CAG Staff:

Executive Director: Sandy Wong 650 599-1409 Administrative Assistant: Nancy Blair 650 599-1406

FUTURE MEETINGS

June 13, 2013	Legislative Committee - SamTrans 2 nd Floor Auditorium - 5:30 p.m.
June 13, 2013	C/CAG Board - SamTrans 2 nd Floor Auditorium - 6:30 p.m.
June 19, 2013	Resource Management and Climate Protection Committee (RMCP)
June 24, 2013	CMEQ Committee - San Mateo City Hall - Conference Room C - 3:00 p.m.

AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) UPDATE FOR THE ENVIRONS OF HALF MOON BAY AIRPORT

Project Advisory Team (PAT) Meeting No. 4 3:00 – 5:00 p.m. April 15, 2014 Pillar Ridge Clubhouse, 164 Culebra Lane, Moss Beach, California

Meeting Agenda

- 1. Welcome/Introductions Sandy Wong, C/CAG Executive Director
- 2. **Draft Initial Study Review and Comments** Dave Fitz and Judi Krauss
- 3. Comments Received on the Draft ALUCP Dave Fitz
- **4. Project Schedule** Sandy Wong/Dave Fitz
- **5. Questions/Comments** Sandy Wong/Dave Fitz
- **6. Adjourn** Sandy Wong

^{*} Draft ALUCP and Initial Study can be downloaded at: http://halfmoonbayalucp.airportstudy.com/

PLANNING ADVISORY TEAM MEETING ATTENDANCE RECORD

Meeting: PAT Meeting #4	Date: April 1	5, 2014 Time:
-	Place: Pillar F	Ridge Clubhouse
Please Print Neatly	*	
NAME/	REPRESENTING	PHONE # / E-MAIL
1. Tom Madakna	CICAG	Phone #: 650 - 599 - 1460 E-mail: Frada lena@smcgov. org
2. Lisa Ketcham	mee	Phone #: 656 - 302 - 1098 E-mail: Lis A. Ketch Ame comcAst.
3. Sandy Wong	CLEAG	Phone #: E-mail: SLWong @ SMCQov, Dry
4. George Dury	Acue	Phone #: 650 71 6-19 825 E-mail: 60 - LULD & SEL GLUS
5. Summe Bury Son	County Planning & Bldg.	Phone #: USD-3103-1815 E-mail: Shudison & Smager ora
6. Sirah Rosendehl	Spekusin Distanta	Phone #: 650 599 1301 E-mail: 505 Endahl Bengov. or
7. Steve Monowitz	County Planning & Bldg	Phone #: (650)363-1855 E-mail: 5monowitz@smcgov.or
8. DONE GARBONE	CKOS STAFF	Phone #: 6395/597-1453 () E-mail: CANBAGE SINCQN - 3R9
9.		Phone #:E-mail:
10.		Phone #:
11.		Phone #:E-mail:
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C/CAG AIRPORT LAND USE COMMMITTEE (ALUC) SPECIAL MEETING NOTICE AND AGENDA

MEETING NOTICE

NOTE DATE: Thursday, APRIL 24, 2014

TIME: 4:00 p.m.

PLACE: City Council Chamber

Burlingame City Hall

501 Primrose Road, Burlingame, California

MEETING AGENDA

1. Call to Order/Roll Call/Declaration of a Quorum Present – Richard Newman, ALUC Chairperson/C/CAG Staff

ACTION

- **2.** Election of ALUC Officers for calendar year 2014
 - **a.** Election of ALUC Chairperson Richard Newman

Page 1

b. Election of ALUC Vice-Chairperson – ALUC Chairperson

ACTION

3. Public Comment on relevant items <u>not</u> on the Agenda – ALUC Chairperson

INFORMATION

NOTE: Speakers on this item are limited to two minutes. The Committee cannot take action at this meeting on any topics/issues raised under this item.

Access for Persons with Disabilities: The C/CAG Airport Land Use Committee (ALUC) meetings are accessible to persons with disabilities. Individuals who need special assistance or a disability-related modification or accommodation to participate in this meeting, or who wish to request an alternative format for all meeting materials, should contact C/CAG staff, at 650/599-1406, during regular business hours (M-F 8a.m.-5p.m.), at least three working days before the meeting date.

Access to Public Records: Public records that relate to any item on the open session Agenda (Consent and Regular Agendas) for this meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all ALUC members, or the majority of the ALUC. The ALUC has designated the C/CAG offices at 555 County Center, Fourth Floor, Redwood City, CA 94063 for the purpose of making those public records available for inspection. Requests for such information should be made to C/CAG staff at 650/599-1406 during regular business hours.

Notice and Meeting Agenda for the C/CAG Airport Land Use Committee (ALUC) Special Meeting on April 24, 2014

Page 2 of 2

MEETING AGENDA - continued

4.	Consideration/Approval of a C/CAG Airport Land Use Committed Meeting Schedule for Calendar Year 2014 a. Hear staff report b. Solicit public comment c. Committee comments/Action	ee (ALUC) Regular Page 2 ACTION
5.	Presentation: "2014 SFO Runway Safety Area Project", presented Manager, Aircraft Noise Abatement, San Francisco International Note: For more information go to: www.flysfo.com/runways a. Hear presentation b. Committee/public comments/questions	•
6.	Status Report, Re: preparation of an update of the Airport Land (ALUCP) and environmental documents for the environs of Half a. Hear staff report (verbal) b. Committee comments	
7.	Status Report, Re: preparation of an update of the Airport Land (ALUCP) and environmental documents for the environs of San a. Hear staff report (verbal) b. Committee comments (no action needed)	
8.	Review/Approval of the Draft Action Minutes for the May 23, 20	013 ALUC Meeting Pages 12-13 ACTION
9.	Review of correspondence/Information items	Pages 14-48 INFORMATION

ALUCA pril 24 Special Mtg Agenda 04 14. docx

Adjourn

Member communications/announcements

Staff comments/announcements

10.

11.

12.

INFORMATION

INFORMATION

ACTION



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BOARD MEETING NOTICE

Meeting No. 268 **DATE:** Thursday, June 12, 2014 TIME: 6:30 P.M. **PLACE:** San Mateo County Transit District Office 1250 San Carlos Avenue, Second Floor Auditorium San Carlos, CA **PARKING:** Available adjacent to and behind building. Please note the underground parking garage is no longer open. **PUBLIC TRANSIT:** SamTrans Caltrain: San Carlos Station. Trip Planner: http://transit.511.org ************************ CALL TO ORDER/ ROLL CALL PLEDGE OF ALLEGIANCE PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA *Note: Public comment is limited to two minutes per speaker.* PRESENTATIONS/ ANNOUNCEMENTS Update on the implementation of the San Mateo County Smart Corridor project p. 1

1.0

2.0

3.0

4.0

4.1

4.2

Presentation on the San Mateo County Safe Routes to School Program Update

p. 3

5.0 CONSENT AGENDA

Consent Agenda items are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Board, staff or public request specific items to be removed for separate action.

5.1 Approval of the minutes of regular business meeting No. 267 dated May 8, 2014.

- 5.2 Review and approval of Resolution 14-13 authorizing the C/CAG Chair to execute a grant agreement with the California Energy Commission to receive funding for the San Mateo County Alternative Fuel Readiness Plan in the amount of \$275,810. ACTION p. 13
- 5.3 Review and approval of Resolution 14-23 authorizing the C/CAG Chair to execute an agreement with Life Cycle Associates to provide services for the development of the San Mateo County Alternative Fuel Readiness Plan in an amount not to exceed \$275,810. ACTION p. 17
- 5.4 Review and approve the appointments of Brad Donohue from the Town of Colma, Billy Gross from the City of South San Francisco, and James Hinkamp from the County of San Mateo to fill seats on the Congestion Management Program Technical Advisory Committee (TAC).

 ACTION p. 33
- 5.5 Review and approval of Resolution 14-30 authorizing the C/CAG Chair to execute Amendment No. 2 to the agreement with Jacobs Engineering Group to perform an assessment of INRIX data for level of service and performance monitoring results in an amount not to exceed \$25,000.

 ACTION p. 39
- 5.6 Receive a status update on the Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Carlos Airport.

 ACTION p. 49
- 5.7 Receive copy of Amendment No.1 to the agreement with Andrea Pappajohn for consulting services for the San Mateo County Energy Watch Program in an amount not to exceed \$12,600 for a new total contract amount not to exceed \$24,850 executed by C/CAG Executive Director consistent with Procurement Policy.

 ACTION p. 51
- 5.8 Review and approval of Resolution 14-32 authorizing the C/CAG Chair to execute an agreement between City/County Association of Governments of San Mateo County and Sandy Wong for service as Executive Director.

 ACTION p. 59
- 5.9 Review and approval of Resolution 14-33 authorizing the C/CAG Chair to execute a Memorandum of Understanding (MOU) between City/County Association of Governments of San Mateo County and Administrative Assistant.

 ACTION p. 67
- 5.10 Review and approval of Resolution 14-28 authorizing the C/CAG Chair to execute an agreement between C/CAG and the County of San Mateo, Department of Public Works, for an amount not to exceed \$40,000 to provide staff services for the Resource Management and Climate Protection Committee and the Local Task Force for FY 2014-15. ACTION p. 73

6.0 REGULAR AGENDA

- 6.1 Review and approval of C/CAG Legislative policies, priorities, positions, and legislative update. (A position may be taken on any legislation, including legislation not previously identified.)

 ACTION p. 83
- 6.2 Receive updates on potential countywide stormwater funding initiative.
 - 6.2.1 Receive update on potential countywide stormwater funding initiative opinion research INFORMATION p. 91
 - 6.2.2 Receive update on potential countywide stormwater funding initiative schedule and tasks INFORMATION p. 93
- 6.3 Review and approval of Resolution 14-26 authorizing the C/CAG Chair to execute a Cooperative Agreement between C/CAG and County of San Mateo Department of Housing for Joint Workplan for Housing-Related Activities for FY 2014-15 in an amount not to exceed \$70,000.

 ACTION p. 95
- Review and approval of Resolution No. 14-24 authorizing the distribution and publication of a "Notice of Intent to Adopt a Negative Declaration" related to the Draft Final Airport Land Use Compatibility Plan (ALUCP) for the Environs of Half Moon Bay Airport.

- Review and approval of Resolution 14-27 adopting the C/CAG 2014/15 Program Budget and Fees (Special Voting procedures apply).

 ACTION p. 107
- 6.6 Review and approval of resolution 14-31 authorizing the C/CAG Chair to submit a letter of findings of the Countywide Integrated Waste Management Plan Five-Year review from the Ad Hoc Committee to the County of San Mateo and to the State oversight agency CalRecycle.

 ACTION p. 155
- 6.7 Review and approval for the Fiscal Years 2014/15 Transportation Fund for Clean Air (TFCA) agreements.
 - 6.7.1 Review and approval of Resolution 14-20 authorizing the C/CAG Chair to execute the Program Manager Funding Agreement with the Bay Area Air Quality Management District (BAAQMD) for the Fiscal Year 2014/15 Transportation Fund for Clean Air (TFCA) (40%) Program for San Mateo County for an amount up to \$1,092,837.33.

 ACTION p. 159
 - 6.7.2 Review and approval of Resolution 14-22 authorizing the C/CAG Chair to execute a Funding Agreement between C/CAG and the San Mateo County Transit District (SamTrans) in the amount of \$582,000 under the Fiscal Year 2014/15 Transportation Fund for Clean Air (TFCA) Program to provide shuttle services. ACTION p. 163

6.7.3	Review and approval of Resolution 14-21 authorizing the C/C.	AG Chair to execute a	
	Funding Agreement between C/CAG and the Peninsula Traffic	c Congestion Relief	
	Alliance (Alliance) in the amount of \$457,500 under the Fiscal Year 2014/15		
	Transportation Fund for Clean Air (TFCA) Program to provide	e the Countywide	
	Voluntary Trip Reduction Program.	ACTION p. 167	

- 7.0 COMMITTEE REPORTS
- 7.1 Committee Reports (oral reports).
- 7.2 Chairperson's Report
- 7.3 Boardmembers Report
- 8.0 EXECUTIVE DIRECTOR'S REPORT
- 9.0 COMMUNICATIONS Information Only

Copies of communications are included for C/CAG Board Members and Alternates only. To request a copy of the communications, contact Nancy Blair at 650 599-1406 or nblair@smcgov.org or download a copy from C/CAG's website – www.ccag.ca.gov.

- 9.1 Letter from Chair Nihart, C/CAG, to Honorable Gordon dated 5/19/14. RE: Assembly Bill 1970 Community Investment and Innovation Program. p. 171
- 9.2 Letter from Chair Nihart, C/CAG, to Honorable Mullin dated 5/9/14. RE: Assembly Bill 2194
 Mello Roos Districts for Stormwater Management Activities.
 p. 173
- 9.3 Letter from Chair Nihart, C/CAG, to Honorable Gordon dated 5/9/14. RE: Assembly Bill 1690 Low- and Very Low-Income Housing: Mixed Use. p. 175
- 9.4 Letter from Chair Nihart, C/CAG, to Honorable Mullin dated 5/9/14. RE: Assembly Bill 2170 Joint Powers Authorities. p. 177
- 9.5 Letter from Art Dao, Executive Director, ACTC, Randell Iwasaki, Executive Director, CCTA, Dianne Steinhauser, Executive Director, TAM, Kate Miller, Executive Director, NCTPA, Tilly Chang, Executive Director, SFCTA, Sandy Wong, Executive Director, C/CAG, John Ristow, Chief CMA Officer, VTA, Daryl Halls, Executive Director, STA, Suzanne Smith, Executive Director, SCTA, to Honorable Nancy Skinner, Budget Conference Committee Chair, dated 6/2/14. RE: Cap and Trade Funding Recommendations.

10.0 ADJOURN

Next scheduled meeting: August 14, 2014.

PUBLIC NOTICING: All notices of C/CAG Board and Committee meetings will be posted at San Mateo County Transit District Office, 1250 San Carlos Ave., San Carlos, CA.

PUBLIC RECORDS: Public records that relate to any item on the open session agenda for a regular board meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members of the Board. The Board has designated the City/ County Association of Governments of San Mateo County (C/CAG), located at 555 County Center, 5th Floor, Redwood City, CA 94063, for the purpose of making those public records available for inspection. The documents are also available on the C/CAG Internet Website, at the link for agendas for upcoming meetings. The website is located at: http://www.ccag.ca.gov.

NOTE: Persons with disabilities who require auxiliary aids or services in attending and participating in this meeting should contact Nancy Blair at 650 599-1406, five working days prior to the meeting date.

If you have any questions about the C/CAG Board Agenda, please contact C/CAG Staff:

Executive Director: Sandy Wong 650 599-1409 Administrative Assistant: Nancy Blair 650 599-1406

MEETINGS

June 12, 2014	Legislative Committee - SamTrans 2 nd Floor Auditorium - 5:30 p.m.
June 12, 2014	C/CAG Board - SamTrans 2 nd Floor Auditorium - 6:30 p.m.
June 19, 2014	CMP Technical Advisory Committee – SamTrans, 2 nd Floor Auditorium - 1:15 p.m.
June 19, 2014	Stormwater Committee – SamTrans, 2 nd Floor Auditorium – 2:30 p.m.
June 25, 2014	Resource Management and Climate Protection Committee (RMCP) – 155 Bovet Rd,
	Ground Floor 2 p.m.
June 30, 2014	CMEQ Committee - San Mateo City Hall - Conference Room C - 3:00 p.m.
July 15, 2014	NPDES Technical Advisory Committee – Oak Room, San Mateo Library - 10:00 a.m.
July 24, 2014	Airport Land Use Committee (ALUC), City Council Chambers, Burlingame - 4:00 p.m.
July 28, 2014	Administrators' Advisory Committee - 555 County Center, 5 th Fl, Redwood City – Noon

AFFIDAVIT OF PUBLICATION

HALF MOON BAY REVIEW

AND PESCADERO PEBBLE

STATE OF CALIFORNIA \(\begin{array}{c} \ss. \\ \end{array}

County of San Mateo

The undersigned declares: That at all times hereinafter mentioned, affiant was a citizen of the United States, over the age of eighteen years, and a resident of said County, and was at and during all said times the principal clerk of the printer and publisher of HALF MOON BAY REVIEW and Pescadero Pebble, a newspaper of general circulation printed and published weekly in the county of San Mateo, State of California, that the said HALF MOON BAY REVIEW and Pescadero Pebble is and was at all times herein mentioned, a newspaper of general circulation as the term is defined by Sections 6000 and following of the Government Code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and is not devoted to the interests, or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment or instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper had been established, printed and published in said County and State at regular intervals for more than one year preceding the first publication of the notice therein mentioned, that said notice was set in type no smaller than nonpareil and was preceded with words printed in black face type not smaller than nonpareil, describing and expressing in general terms, the purport and character of the notice intended to be given; that the

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION SAN MATEO COUNTY - C/CAG

File No.: Proposed Update of the Airport Land Use Compatibility Plan

of which the annexed is a printed copy, was published and printed in said news-paper at least 1 week commencing on the 20th day of August, 2014 and ending, on the 20th day of August, 2014.

I declare under penalty of perjury that the foregoing is true and correct.

Dated at Half Moon Bay, California, this 20th day of August, 2014.

PUBLIC NOTICE

CITY/CGUNTY ASSOCIATION OF GOVERNMENTS
OF SAN MATEO COUNTY
NOTICE OF INTENT TO
ADOPT A NEGATIVE DECLARATIONFOR AND PUBLIC
COMMENT NOTICE ON A
PROPOSED UPDATE OF THE
AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP)
FOR THE ENVIRONS OF
HALF MOON BAY AIRPORT

Lead Agency: The City/County Association of Governments of San Mateo County (C/CAG), acting in its capacity as the Airport Land Use Commission for the County of San Mateo, intends to adopt a Negative Declaration, prepared pursuant to the California Environmental Quality Act (CEQA), for the proposed Airport Land Use Compatibility Plan for the Environs of Half Moon Bay Airport (the ALUCP or proposed project).

Project Description and Location: The proposed ALUCP is a state mandated plan to promote compatibility between Half Moon Bay Airport (Airport) and future land uses and development in the Airport environs. The ALUCP includes land use compatibility policies and criteria to address aircraft noise impacts, runway end safety zones, and height of structures/airspace protection. The content of the ALUCP is guided by relevant provisions in the California Airport Land Use Planning Handbook and other state and federal regulations and criteria. The proposed ALUCP does not change airport operations or facilitate future airport expansion.

The geographic scope of the ALUCP update includes a proposed Airport Influence Area (AIA). The Airport Influence Area defines a boundary for airport land use compatibility policy implementation. The boundary includes a small portion of the City of Half Moon Bay and unincorporated San Mateo County including all or portions of Montara, Moss Beach, El Granada and Princeton by the Sea. Within the Airport Influence Area, local land use agencies would be required to submit proposed general plan amendments, specific plans, and zoning ordinances and amendments to C/CAG, in its role as the Airport Land Use Commission, for determinations of consistency with the ALUCP. The AIA boundary will be established by the C/CAG Board after hearing and consultation with the involved agencies, consistent with the requirements of Section 21675(c) of the California Public Utilities Code.

Public Review and Comment Pe-

riod Extended: The Initial Study and Negative Declaration is available for additional public review and the comment period begins on August 20, 2014 and ends on Wednesday, September 10, 2014. Written comments must be received by mail, facsimile, or email no later than 5:00 p.m. on Wednesday September 10, 2014. Please direct all comments to: Tom Madalena City/County Association of Governments of San Mateo County 555 County Center, 5th Floor Redwood City, CA 94063 Fax: 650-361-8227

Email: tmadalena@smcgov.org

Document Availability: Copies of the Initial Study, Negative Declaration, and the Draft Final Airport Land Use Compatibility Plan will be available during normal business hours (8:30 a.m. to 5:00 p.m., Monday -Friday) at C/CAG's offices located on the 4th Floor of the County office building at 555 County Center, Redwood City, CA 94063). These documents will also be available online at: www.ccag.ca.gov or http://halfmoonbayalucp.airportstudy.com/.

Public meetings:

The C/CAG Airport Land Use Committee (ALUC) will hold a public meeting on the proposed Initial Study, Negative Declaration, and Draft Final ALUCP on Thursday September 25, 2014, 4:00 p.m., at the following location:

Burlingame City Hall 501 Primrose Road, Council Chambers Burlingame, CA 94010

The C/CAG Board will hold a public meeting for the final adoption of the proposed Initial Study, Negative Declaration, and Final ALUCP on October 9, 2014, 6:30 p.m., at the following location: San Mateo County Transit District Office

1250 San Carlos Avenue, Second Floor Auditorium
San Carlos, CA 94070

No action or proceeding may be brought under CEQA to challenge C/CAG's adoption of the proposed Negative Declaration, or its approval of the proposed project, unless the alleged grounds for noncompliance were presented to C/CAG either orally or in writing by any person during the public comment period or prior to filing of the notice of determination.

Published in the Half Moon Bay Review August 20, 2014 No. 9313

AFFIDAVIT OF PUBLICATION

HALF MOON BAY REVIEW

AND PESCADERO PEBBLE

STATE OF CALIFORNIA SS

County of San Mateo

The undersigned declares: That at all times hereinafter mentioned, affiant was a citizen of the United States, over the age of eighteen years, and a resident of said County, and was at and during all said times the principal clerk of the printer and publisher of HALF MOON BAY REVIEW and Pescadero Pebble, a newspaper of general circulation printed and published weekly in the county of San Mateo, State of California, that the said HALF MOON BAY REVIEW and Pescadero Pebble is and was at all times herein mentioned, a newspaper of general circulation as the term is defined by Sections 6000 and following of the Government Code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bona fide subscription list of paying subscribers, and is not devoted to the interests, or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment or instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper had been established, printed and published in said County and State at regular intervals for more than one year preceding the first publication of the notice therein mentioned, that said notice was set in type no smaller than nonpareil and was preceded with words printed in black face type not smaller than nonpareil, describing and expressing in general terms, the purport and character of the notice intended to be given; that the

NOTICE TO ADOPT A NEGATIVE DECLARATION COUNTY OF SAN MATEO – City/County Assoc. of Governments File No.: Airport Land Use Compatibility Plan (ALUCP)

of which the annexed is a printed copy, was published and printed in said news-paper at least $\underline{1 \text{ week}}$ commencing on the $\underline{25th}$ day of $\underline{June, 2014}$ and ending, on the $\underline{25th}$ day of $\underline{June, 2014}$.

I declare under penalty of perjury that the foregoing is true and correct.

Dated at Half Moon Bay, California, this <u>25th</u> day of <u>June</u>, <u>2014</u>.

PUBLIC NOTICE

CITY/COUNTY ASSOCIATION OF GOVERNMENTS
OF SAN MATEO COUNTY
NOTICE OF INTENT TO
ADOPT A NEGATIVE DEC-LARATION FOR AND PUBLIC
COMMENT NOTICE ON A
PROPOSED UPDATE OF THE
AIRPORT LAND USE COM-PATIBILITY PLAN (ALUCP)
FOR THE ENVIRONS OF
HALF MOON BAY AIRPORT

Lead Agency: The City/County Association of Governments of San Mateo County (C/CAG), acting in its capacity as the Airport Land Use Commission for the County of San Mateo, intends to adopt a Negative Declaration, prepared pursuant to the California Environmental Quality Act (CEQA), for the proposed Airport Land Use Compatibility Plan for the Environs of Half Moon Bay Airport (the ALUCP or proposed project).

Project Description and Location: The proposed ALUCP is a state mandated plan to promote compatibility between Half Moon Bay Airport (Airport) and future land uses and development in the Airport environs. The ALUCP includes land use compatibility policies and criteria to address aircraft noise impacts, runway end safety zones, and height of structures/airspace protection. The content of the ALUCP is guided by relevant provisions in the California Airport Land Use Planning Handbook and other state and federal regulations and criteria.

The geographic scope of the ALUCP update includes a proposed Airport Influence Area (AIA). The Airport Influence Area defines a boundary for airport land use compatibility policy implementation. The boundary includes a small portion of the City of Half Moon Bay and unin-

corporated San Mateo County including all or portions of Montara, Moss Beach, El Granada and Princeton by the Sea. Within the Airport Influence Area, local land use agencies would be required to submit proposed general plan amendments, specific plans, and zoning ordinances and amendments to C/CAG, in its role as the Airport Land Use Commission, for determinations of consistency with the ALUCP. The AIA boundary will be established by the C/CAG Board after hearing and consultation with the involved agencies, consistent with the requirements of Section 21675(c) of the California Public Utilities Code.

Public Review and Comment Period: The Initial Study and Negative Declaration is available for public review and comment for a 30-day period, beginning on Monday, June 23, 2014, and ending on Wednesday, July 23, 2014. Written comments must be received by mail, facsimile, or email no later than 5:00 p.m. on Wednesday July 23, 2014. Please direct all comments to:

Tom Madalena

City/County Association of Governments of San Mateo County 555 County Center, 5th Floor Redwood City, CA 94063 Fax: 650-361-8227

Email: tmadalena@smcgov.org Document Availability: ies of the Initial Study, Negative Declaration, and the Draft Final Airport Land Use Compatibility Plan will be available during normal business hours (8:30 a.m. to 5:00 p.m., Monday -Friday) at C/ CAG's offices located on the 4th Floor of the County office building at 555 County Center, Redwood City, CA 94063). These documents will also be available online at: www.ccag.ca.gov or http://halfmoonbayalucp.airportstudy.com/. Hard copies are also

available for review at the following locations: Half Moon Bay Library Granada Sanitary District 620 Correas Street 504 Avenue Alhambra, 3rd Fl. Half Moon Bay, CA 94019 El Granada, CA 94018 Public Hearings: The C/CAG Airport Land Use Committee (ALUC) will hold a public hearing on the proposed Initial Study, Negative Declaration, and Draft Final ALUCP on Thursday July 31, 2014, 4:00 p.m., at the following location: Burlingame City Hall 501 Primrose Road, Council Chambers Burlingame, CA 94010

The C/CAG Board will hold a public hearing on the proposed Initial Study, Negative Declaration, and Draft Final ALUCP on August 14, 2014, 6:30 p.m., at the following location:

San Mateo County Transit District Office
1250 San Carlos Avenue, Second Floor Auditorium

San Carlos, CA 94070

The final adoption will be at the C/CAG Board meeting on September 11, 2014 at 6:30 p.m. at the same location.

No action or proceeding may be brought under CEQA to challenge C/CAG's adoption of the proposed Negative Declaration, or its approval of the proposed project, unless the alleged grounds for noncompliance were presented to C/CAG either orally or in writing by any person during the public comment period or prior to filing of the notice of determination.

Published in the Half Moon Bay Review June 25, 2014 No. 9251

San Mateo County Times

c/o Bay Area News Group 1730 S. El Camino Real, Suite 450 San Mateo, CA 94402 Legal Advertising (408) 920-5332

SAN MATEO COUNTY ASSOCIATION OF GOVERNMENTS SANDY WONG,555 COUNTY CTR., 5TH FLOOR REDWOOD CITY CA 94063

PROOF OF PUBLICATION FILE NO. T.Madalena

In the matter of

San Mateo County Times

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the SAN MATEO COUNTY TIMES, a newspaper of general circulation as defined by Government Code Section 6000, adjudicated as such by the Superior Court of the State of California, County of San Mateo (Order Nos. 55795 on September 21, 1951), which is published and circulated in said county and state daily (Sunday excepted).

The

PUBLIC NOTICE

was published in every issue of the SAN MATEO COUNTY TIMES on the following date(s):

8/20/2014

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated: August 20, 2014

Public Notice Advertising Clerk

Legal No.

0005272054

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATIONFOR AND PUBLIC COMMENT NOTICE ON A PROPOSED UPDATE OF THE AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) FOR THE ENVIRONS OF HALF MOON BAY AIRPORT

Lead Agency: The City/County Association of Governments of San Mateo County (C/CAG), acting in its capacity as the Airport Land Use Commission for the County of San Mateo, intends to adopt a Negative Declaration, prepared pursuant to the California Environmental Quality Act (CEQA), for the proposed Airport Land Use Compatibility Plan for the Environs of Half Moon Bay Airport (the ALUCP or proposed project).

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Public Review and Comment Period Extended: The Initial Study and Negative Declaration is available for additional public review and the comment period begins on August 20, 2014 and ends on Wednesday, September 10, 2014. Written comments must be received by mail, facsimile, or email no later than 5:00 p.m. on Wednesday September 10, 2014. Please direct all comments to:

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The C/CAG Airport Land Use Committee (ALUC) will hold a public meeting on the proposed Initial Study, Negative Declaration, and Draft Final ALUCP on Thursday September 25, 2014, 4:00 p.m., at the following location:

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The C/CAG Board will hold a public meeting for the final adoption of the proposed Initial Study, Negative Declaration, and Final ALUCP on October 9, 2014, 6:30 p.m., at the following location:

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SMCT#5272054

San Mateo County Times

c/o Bay Area News Group 1730 S. El Camino Real, Suite 450 San Mateo, CA 94402 Legal Advertising (408) 920-5332

SAN MATEO COUNTY ASSOCIATION OF GOVERNMENTS SANDY WONG,555 COUNTY CTR., 5TH FLOOR REDWOOD CITY CA 94063

PROOF OF PUBLICATION FILE NO. N.Blair

In the matter of

San Mateo County Times

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the SAN MATEO COUNTY TIMES, a newspaper of general circulation as defined by Government Code Section 6000, adjudicated as such by the Superior Court of the State of California, County of San Mateo (Order Nos. 55795 on September 21, 1951), which is published and circulated in said county and state daily (Sunday excepted).

The

PUBLIC NOTICE

was published in every issue of the SAN MATEO COUNTY TIMES on the following $\mathsf{date}(s)$:

6/23/2014, 6/24/2014, 6/25/2014

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated: June 25, 2014

Public Notice Advertising Clerk

Legal No.

0005217007

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATIONFOR AND PUBLIC COMMENT NOTICE ON A PROPOSED UPDATE OF THE AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP) FOR THE ENVIRONS OF HALF MOON BAY AIRPORT

Lead Agency: The City/County Association of Governments of San Mateo County (C/CAG), acting in its capacity as the Airport Land Use Commission for the County of San Mateo, intends to adopt a Negative Declaration, prepared pursuant to the California Environmental Quality Act (CEQA), for the proposed Airport Land Use Compatibility Plan for the Environs of Half Moon Bay Airport (the ALUCP or proposed project).

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and federal regulations and criteria.

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Tom Madalena City/County Association of Governments of San Mateo County 555 County Center, 5th Floor Redwood City, CA 94063 Fax: 650-851-8227 Email: tmadalena@smcgov.org

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Half Moon Bay Library 620 Correas Street Half Moon Bay, CA 94019 Granada Sanitary District 504 Avenue Alhambra 3rd Floor El Granada, CA 94018

Public Hearings:

The C/CAG Airport Land Use Committee (ALUC) will hold a public hearing on the proposed Initial Study, Negative Declaration, and Draft Final ALUCP on Thursday July 31, 2014, 4:00 p.m., at the following location:

Burlingame City Hall 501 Primrose Road, Council Chambers Burlingame, CA 94010

The C/CAG Board will hold a public hearing on the proposed Initial Study, Negative Declaration, and Draft Final ALUCP on August 14, 2014, 6:30 p.m., at the following location:

San Mateo County Transit District Office 1250 San Carlos Avenue, Second Floor Auditorium San Carlos, CA 94070

The final adoption will be at the C/CAG Board meeting on September 11, 2014 at 6:30 p.m. at the same location.

No action or proceeding may be brought under CEOA to challenge C/CAG's adoption of the proposed Negative Declaration, or its approval of the proposed project, unless the alleged grounds for noncompliance were presented to C/CAG either orally or in writing by any person during the public comment period or prior to filing of the notice of determination.

SMCT#5217007 June 23.24.25.2014

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside

AIRPORT LAND USE COMMITTEE (ALUC) SPECIAL MEETING NOTICE AND AGENDA

Date:

Thursday, July 31, 2014

4:00 p.m.

Place:

Burlingame City Hall 501 Primrose Road Burlingame, California Council Chamber

PLEASE CALL TOM MADALENA (599-1460) IF YOU ARE UNABLE TO ATTEND.

1.	Call To Order	Action (Newman)	
2.	Public Comment On Items Not On The Agenda	Limited to 3 minutes per speaker.	
3.	Minutes of the May 23, 2013 Meeting	Action (Newman)	Page 1
4.	Meeting Notes of the April 24, 2014 Meeting	Information (Newman)	Page 2
5.	Election of ALUC Officers for calendar year 2014	Action (Newman)	Page 3
6.	Presentation on the Big Wave Project	Information (County of San Mateo Staff)	Pages 4-12
7.	Public hearing on the Draft Final Airport Land Use Compatibility Plan (ALUCP) for the Environs of Half Moon Bay Airport and review and approval of a recommendation to the C/CAG Board (Airport Land Use Commission) for adoption of the ALUCP for the Environs of Half Moon Bay Airport	Action (Madalena)	Pages 13-34

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside

8.	Public hearing on the Initial Study and Proposed Negative Declaration for the Airport Land Use Compatibility Plan (ALUCP) for the Environs of the Half Moon Bay Airport and review and approval of a recommendation to the C/CAG Board (Airport Land Use Commission) for adoption of the Initial Study and Negative Declaration for the ALUCP	Action (Madalena)	Pages 35-41
9.	Receive a status update on the Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Carlos Airport	Information (Madalena)	Pages 42-43
10.	Review and approval of the ALUC regular meeting schedule for 2014	Action (Newman)	Page 44
11.	Member Communications	Information (Newman)	
12.	Adjournment	Action (Newman)	

NOTE: All items appearing on the agenda are subject to action by the Committee. Actions recommended by staff are subject to change by the Committee.

Other enclosures/Correspondence

• None.

If you have any questions regarding the C/CAG Airport Land Use Committee Meeting Agenda, please contact Tom Madalena at 650-599-1460 or Sandy Wong at 650-599-1409.

NOTE: Persons with disabilities who require auxiliary aids or services in attending and participating in this meeting should contact Nancy Blair at 650 599-1406, five working days prior to the meeting date.



CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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BOARD MEETING NOTICE

Meeting No. 268

DATE: Thursday, August 14, 2014

TIME: 6:30 P.M.

PLACE: San Mateo County Transit District Office

1250 San Carlos Avenue, Second Floor Auditorium

San Carlos, CA

PARKING: Available adjacent to and behind building.

Please note the underground parking garage is no longer open.

PUBLIC TRANSIT: SamTrans

Caltrain: San Carlos Station.

Trip Planner: http://transit.511.org

- 1.0 CALL TO ORDER/ ROLL CALL
- 2.0 PLEDGE OF ALLEGIANCE
- 3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Note: Public comment is limited to two minutes per speaker.

- 4.0 PRESENTATIONS/ ANNOUNCEMENTS
- 5.0 CONSENT AGENDA

Consent Agenda items are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Board, staff or public request specific items to be removed for separate action.

5.1 Approval of the minutes of regular business meeting No. 268 dated June 12, 2014.

- 5.2 Review and approval of Resolution 14-29 authorizing the C/CAG Chair to execute an agreement between C/CAG and the Peninsula Traffic Congestion Relief Alliance in the amount of \$510,000 from the Congestion Relief Plan to provide the Countywide Voluntary Trip Reduction Program for FY 2014/2015.

 ACTION p. 9
- 5.3 Biennial review of the C/CAG Conflict of Interest Code.

ACTION p. 13

- 5.4 Review and approve Resolution 14-34 accepting the stormwater funding initiative "Revenue Measure Feasibility Study Survey Report" documenting public opinion research for a potential countywide stormwater funding initiative.

 ACTION p. 23
- 5.5 Review and approval of the Letter of Findings regarding the Countywide Integrated Waste Management Plan (CIWMP) from C/CAG Chair to County of San Mateo and CalRecycle as recommended by the Countywide Integrated Waste Management Plan Study Ad Hoc Committee.

 ACTION p. 27
- 5.6 Review and approval of Resolution 14-35 authorizing the C/CAG Executive Director to execute Model Use Agreements between C/CAG and six consulting firms for use of the C/CAG-VTA San Mateo Countywide Transportation Model. ACTION p. 31
- 5.7 Review and approve the appointment of Jesse Quirion from the City of Menlo Park, Chip Taylor from the City of Millbrae, and Jessica Manzi from the City of Redwood City to the Congestion Management Program Technical Advisory Committee (CMP TAC).

- 5.8 Review and approve the appointments of Saber Sarwary, Chip Taylor, and Jesse Quirion to represent the Cities of Redwood City, Millbrae, and Menlo Park, respectively, on the Stormwater Committee.

 ACTION p. 41
- 5.9 Review and Approval of the Measure M Fiscal Year 2013-14 Annual Performance Report ACTION p. 45
- 5.10 Review the C/CAG Board and Committees attendance reports for the period of July 2013 through June 2014. ACTION p. 53
- 5.11 Review and approval of Amendment No. 1 to the agreement between C/CAG and County of San Mateo for funding of the Active Transportation Coordinator position. ACTION p. 67
- 5.12 Receive copy of agreement executed by the C/CAG Executive Director consistent with C/CAG Procurement Policy.
 - 5.12.1 Receive a copy of an executed Amendment No. 3 to the agreement between C/CAG and Iteris Corporation for time extension.

 ACTION p. 73
 - 5.12.2 Receive a copy of an executed Amendment No. 3 to the agreement between C/CAG and URS Corporation for time extension.

 ACTION p. 77

- 5.12.3 Receive a copy of an executed time extension (Amendment No. 3) between C/CAG and Mokhtari Engineering Inc. for project management services on the Smart Corridors Project, in accordance with C/CAG procurement policies. ACTION p. 81
- 5.12.4 Receive a copy of Amendment No. 1 to the agreements with Advance, Project Delivery Inc. and CSG Consultants Inc. for a one year time extension. ACTION p. 85
- 5.12.5 Receive a copy of executed amendment to the model use agreement between C/CAG and Kittelson Associates, Inc. (formerly Dowling Associates, Inc.) for time extension.

 ACTION p. 91
- 5.13 Review and approve Resolution 14-37 to suspend participation in the Geneva-Harney Bus Rapid Transit Feasibility Study.

 ACTION p 95
- 6.0 REGULAR AGENDA
- 6.1 Review and approval of C/CAG Legislative policies, priorities, positions, and legislative update. (A position may be taken on any legislation, including legislation not previously identified.)

 ACTION p. 103
- 6.2 Introduction and Public Hearing for the update of the Airport Land Use Compatibility Plan (ALUCP) for the environs of Half Moon Bay Airport.
 - 6.2.1 Introduction, presentation and public hearing on the Draft Final Airport Land Use Compatibility Plan (ALUCP) for the Environs of Half Moon Bay Airport.

- 6.2.2 Introduction, presentation and public hearing on the proposed Negative Declaration and Initial Study for the Airport Land Use Compatibility Plan (ALUCP) for the Environs of the Half Moon Bay Airport.
 ACTION p. 145
- Review and approval C/CAG investment recommendations from the Finance Committee and accept the Quarterly Investment Report as of June 30, 2014.

 ACTION p. 151
- 7.0 COMMITTEE REPORTS
- 7.1 Committee Reports (oral reports).
- 7.2 Chairperson's Report
- 7.3 Boardmembers Report
- 8.0 EXECUTIVE DIRECTOR'S REPORT

9.0 COMMUNICATIONS - Information Only

- Copies of communications are included for C/CAG Board Members and Alternates only. To request a copy of the communications, contact Nancy Blair at 650 599-1406 or nblair@smcgov.org or download a copy from C/CAG's website www.ccag.ca.gov.
- 9.1 Letter from Sandy Wong, C/CAG Executive Director, to Ms. Adrienne Etherton, Executive Director, Sustainable San Mateo County, dated 7/18/14. RE: Letter to support the Transportation Engagement and Behavior Change (TrEC) Pilot grant. p. 157
- 9.2 Letter from Mary Ann Nihart, C/CAG Chair, to James C. Porter, County of San Mateo,
 Department of Public Works, dated 7/14/14. RE: Review of existing Countywide Integrated
 Waste Management Plan (CIWMP) documents.

 p. 159
- 9.3 Letter from Mary Ann Nihart, C/CAG Chair, to Rhonda Andrade, CalRecycle, dated 7/14/14. RE: Review of existing Countywide Integrated Waste Management Plan (CIWMP) documents. p. 161
- 9.4 Letter from Matthew Fabry, P.E., Program Coordinator, San Mateo Countywide Water Pollution Prevention Program, to Mr. Steven Rietzke, Grants Officer, U.S. Department of Labor, dated 6/30/14. RE: WaterMatters: Workforce Solutions for Precious Resources.

 p. 163
- 9.5 Letter of intent, Matthew Fabry, P.E., Program Coordinator, Water Pollution Prevention
 Program, C/CAG, and Stephen G. Chao, Deputy Director-Engineering Support, Peninsula
 Corridor Joint Powers Board, dated June 2014. Re: To Collaborate on Stormwater Pollution
 Prevention Education and Outreach in San Mateo County.
 p. 165
- 9.6 Letter from Matthew Fabry, P.E., Program Coordinator, San Mateo Countywide Water Pollution Prevention Program to Mr. Bruce Wolfe, Executive Officer, San Francisco Bay Regional Water Quality Control Board, dated 6/23/14. Subject: Tentative Order for Discharges of Water from Drinking Water Supply Distribution, Transmission, and Groundwater Systems General NPDES Permit.
- 9.7 Notice of Intent, Tom Madalena, City/County Association of Governments of San Mateo County, dated 6/23/14. RE: Notice of Intent to Adopt a Negative Declaration for and Public Comment Notice on a Proposed Update of the Airport Land Use Compatibility Plan (ALUCP) for the Environs of Half Moon Bay Airport.

 p. 173
- 9.8 Letter from Mary Ann Nihart, C/CAG Chair, to Honorable Lois Wolk, Chair, Senate Governance and Finance Committee, dated 6/12/14. RE: Assembly Bill 2403 Amending Proposition 218 Omnibus Implementation Act. p. 175

10.0 ADJOURN

Next scheduled meeting: September 11, 2014.



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