

Chapter One

PURPOSE AND SCOPE

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.



Exhibit 1A
LOCATION/VICINITY MAP

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; or
- 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 required 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.