

## 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 sub-regional 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**

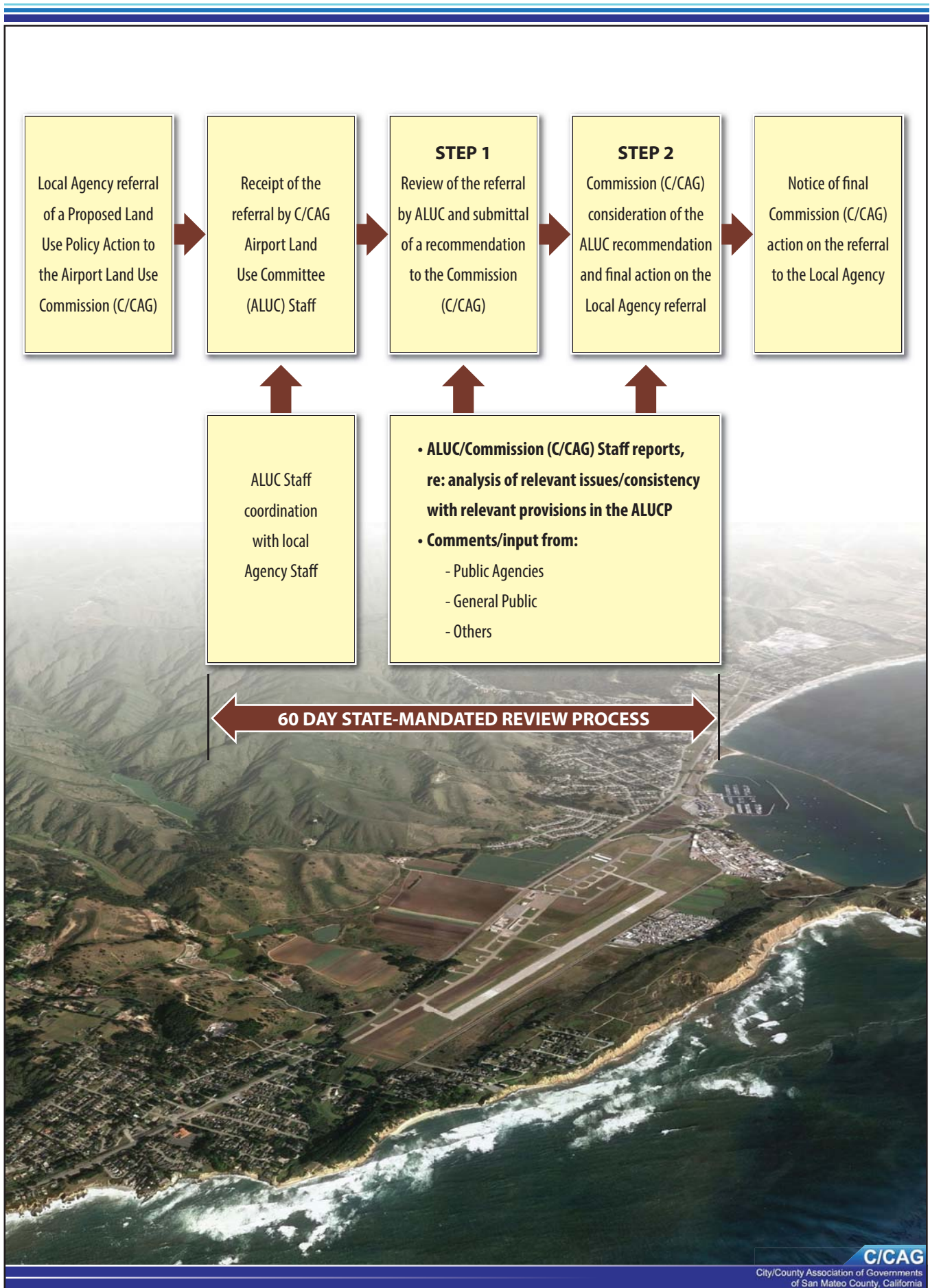
In accordance with PUC Sections 21676(a) and 21676.5(a), the Airport Land Use Commission (C/CAG Board) may make the following findings when reviewing proposed development, land use policy actions and airport and heliport plans:

- 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.



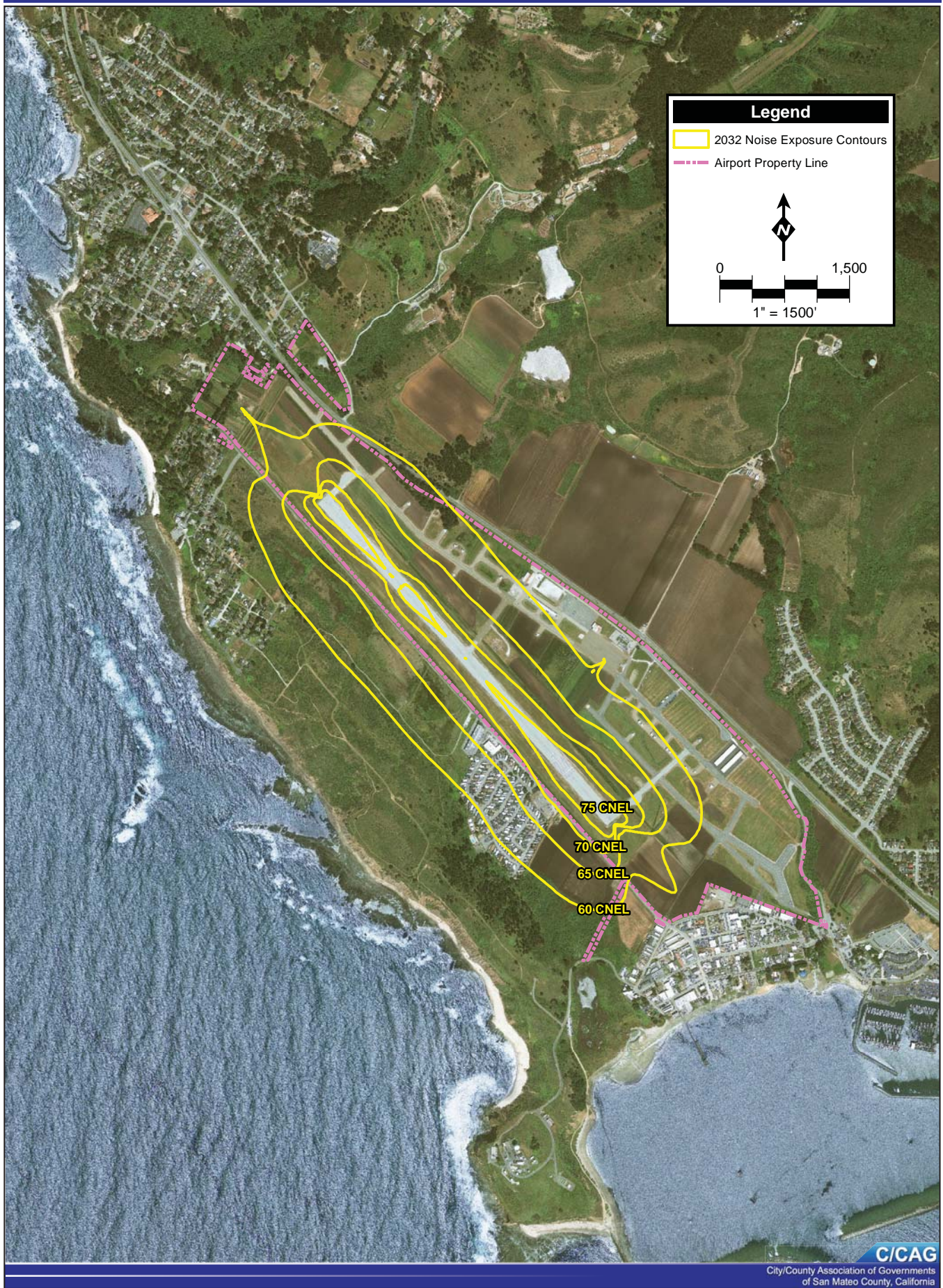


Exhibit 4B  
2032 NOISE EXPOSURE CONTOURS



- “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 aviation 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**

	CNEL		
	60-64	65-70	71-75
<b>RESIDENTIAL</b>			
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
<b>PUBLIC/INSTITUTIONAL FACILITIES</b>			
Education facilities	C	N	N
Religious facilities, libraries, museums, galleries, clubs, lodges	C	N	N
Hospitals, nursing homes, and other health care services	C	N	N
Governmental services	C	N	N
Outdoor music shells, amphitheaters	N	N	N
Cemeteries	Y	Y	N
<b>RECREATIONAL</b>			
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.	C	N	N
<b>COMMERCIAL</b>			
Wholesale Trade	Y	C	N
Retail trade	Y	C	N
Finance, insurance, and real estate services	Y	C	N
Business services	Y	C	N
Repair services	Y	C	N
Professional services	Y	C	N
Hotels, Motels, Transient Lodgings	C	N	N
<b>INDUSTRIAL</b>			
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**

<b>AGRICULTURE</b>			
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 include<sup>1</sup>:

**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).

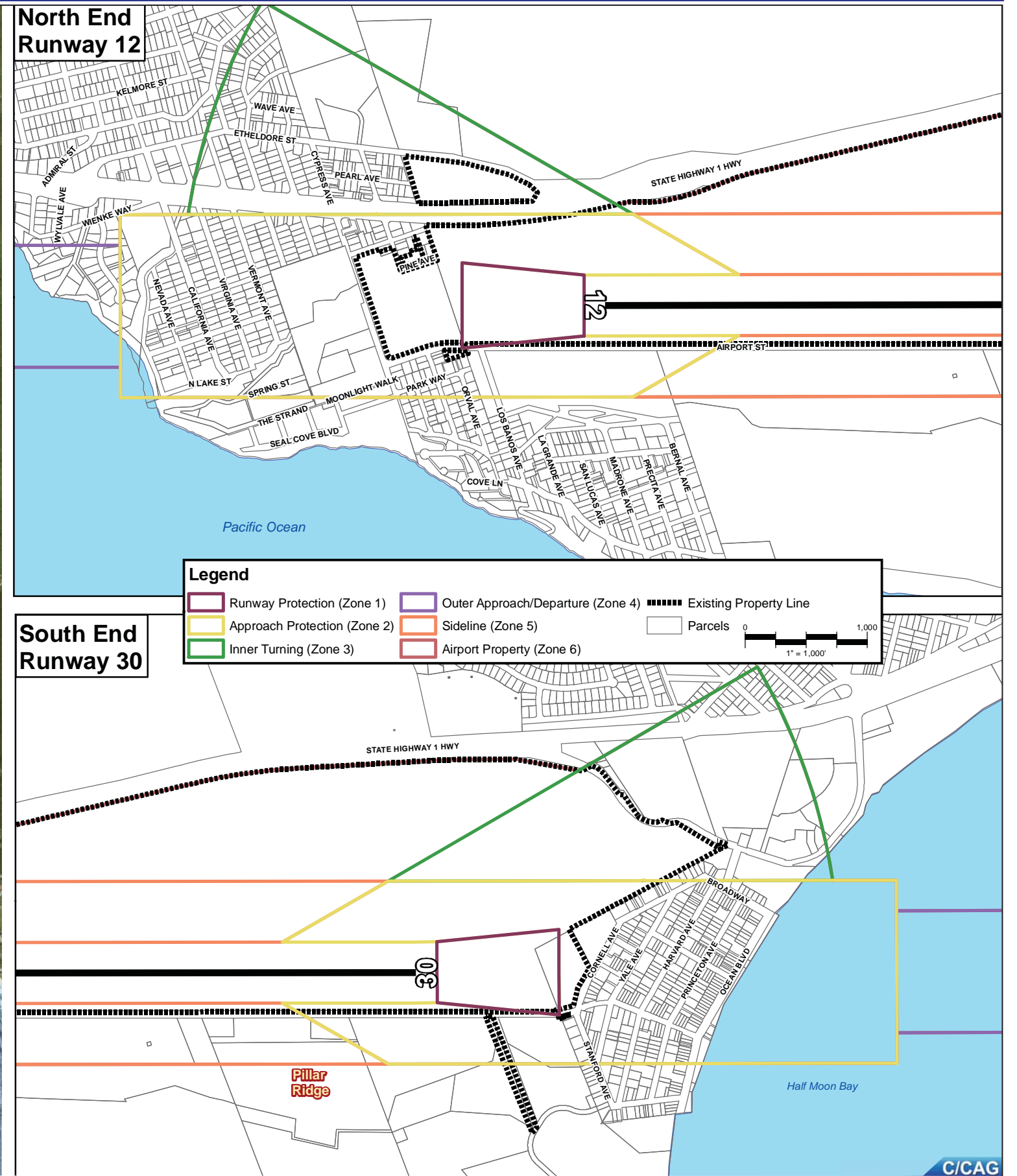
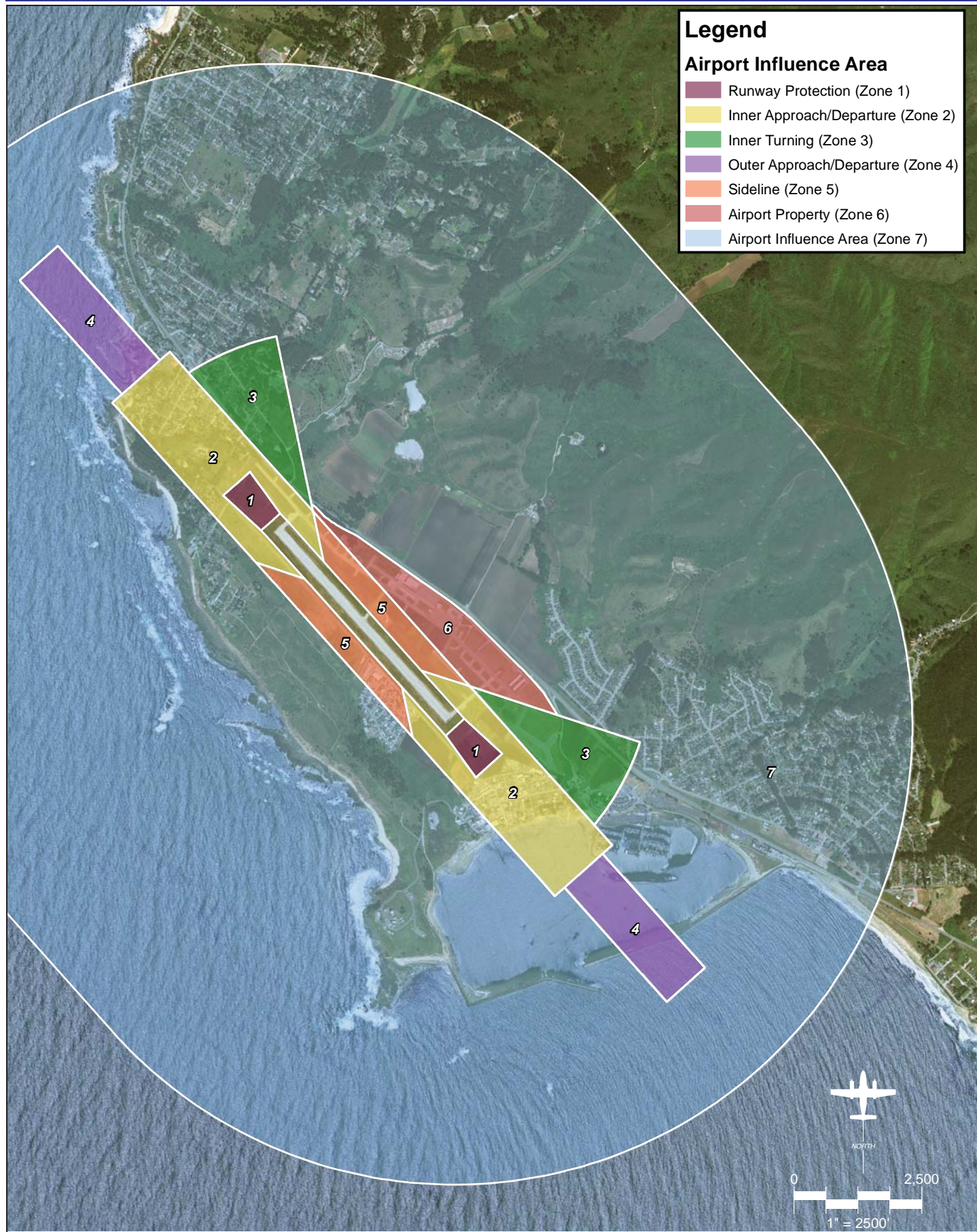
**Zone 2- Inner Approach/Departure Zone (IADZ).** This zone encompasses area that is overflown at low altitudes, typically only 200 to 400 feet above runway elevation. The IADZ zone extends 4,000 feet from the end of the runway and is 1,500 feet wide. The accident risk level is considered to be high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

<sup>1</sup> For additional information regarding the safety zones, see Appendix B.







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 all 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**

Zone	Maximum Densities/Intensities/Required Open Land			Additional Criteria	
	Dwelling Units per Acre <sup>1</sup>	Maximum Non- residential Intensity <sup>2</sup>	Required Open Land <sup>3</sup>	Prohibited Uses <sup>4</sup>	Other Development Conditions <sup>5</sup>
RPZ	None	None	All unused	<ul style="list-style-type: none"> <li>• All structures except ones with location set by aeronautical function</li> <li>• Assemblages of people</li> <li>• Objects exceeding FAR Part 77 height limits</li> <li>• Natural gas &amp; petroleum pipelines<sup>10</sup></li> <li>• Dumps or landfills, other than those consisting entirely of earth &amp; rock.</li> <li>• Hazards to flight<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Airport disclosure notice required</li> </ul>
IADZ	1 d.u. per 10 acres	60 persons per acre	30%	<ul style="list-style-type: none"> <li>• Residential, except for very low residential and infill in developed areas<sup>11</sup></li> <li>• Hazardous uses (e.g., aboveground bulk fuel storage)</li> <li>• Natural gas &amp; petroleum pipelines<sup>10</sup></li> <li>• Office buildings greater than 3 stories</li> <li>• Labor-intensive industrial uses</li> <li>• Children's schools, day care centers, libraries</li> <li>• Hospitals, nursing homes</li> <li>• Places of worship</li> <li>• Schools</li> <li>• Recreational uses, athletic fields, playgrounds, &amp; riding stables</li> <li>• Theaters, auditoriums, &amp; stadiums</li> <li>• Dumps or landfills, other than those consisting entirely of earth &amp; rock.</li> <li>• Waterways that create a bird hazard</li> <li>• Hazards to flight<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Airport disclosure notice required</li> <li>• Locate structures maximum distance from extended runway centerline</li> <li>• Airspace review required for objects &gt; 35 feet tall<sup>8</sup></li> </ul>
ITZ	1 d.u. per 2 acres	100 persons per acre	20%	<ul style="list-style-type: none"> <li>• Residential, except for low residential and infill in developed areas<sup>11</sup></li> <li>• Hazardous uses (e.g., aboveground bulk fuel storage)</li> <li>• Natural gas &amp; petroleum pipelines<sup>10</sup></li> <li>• Buildings with more than 3 aboveground habitable floors</li> <li>• Children's schools, day care centers, libraries</li> <li>• Hospitals, nursing homes</li> <li>• Places of worship</li> <li>• Schools</li> <li>• Recreational uses, athletic fields, playgrounds, &amp; riding stables</li> <li>• Theaters, auditoriums, &amp; stadiums</li> <li>• Dumps or landfills, other than those consisting entirely of earth &amp; rock.</li> <li>• Waterways that create a bird hazard</li> <li>• Hazards to flight<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Same as IADZ zone</li> </ul>

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

Zone	Maximum Densities/Intensities/Required Open Land			Additional Criteria	
	Dwelling Units per Acre <sup>1</sup>	Maximum Non- residential Intensity <sup>2</sup>	Required Open Land <sup>3</sup>	Prohibited Uses <sup>4</sup>	Other Development Conditions <sup>5</sup>
OADZ	1 d.u. per 2 acres	150 persons per acre	20%	<ul style="list-style-type: none"> <li>Children's schools, day care centers, libraries</li> <li>Hospitals, nursing homes</li> <li>Bldgs. with &gt;3 aboveground habitable floors</li> <li>Highly noise-sensitive outdoor nonresidential uses<sup>7</sup></li> <li>Hazards to flight<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>Airport disclosure notice required</li> <li>Airspace review required for objects &gt;70 feet tall<sup>9</sup></li> </ul>
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	<ul style="list-style-type: none"> <li>Hazards to flight<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>Airport disclosure notice required</li> <li>Airspace review required for objects &gt;70 feet tall<sup>9</sup></li> </ul>
AIA	No Limit	300 persons per acre	10%	<ul style="list-style-type: none"> <li>Hazards to flight<sup>6</sup></li> <li>Outdoor stadiums and similar uses with very high intensity uses</li> </ul>	<ul style="list-style-type: none"> <li>Airport disclosure notice required</li> <li>Airspace review required for objects &gt;100 feet tall<sup>9</sup></li> <li>New structures are prohibited on existing terrain that penetrates 14 CFR Part 77 surfaces<sup>9</sup></li> <li>New structures require additional airspace analysis required within the 50-foot terrain penetration buffer<sup>9</sup></li> </ul>

**Notes:**

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- Objects up to 35 feet in height are permitted. However, the FAA may require Form 7460-1, marking, and lighting of certain objects.
- 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.
- Natural gas & petroleum pipelines less than 36 inches below the surface.
- The definition of infill can be found in Section 4.2.2.3.

RPZ - Runway Protection Zone  
APZ - Airport Property

OADZ Outer Approach/Departure Zone  
ITZ -Inner Turning Zone

IADZ - Inner Approach/Departure 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.

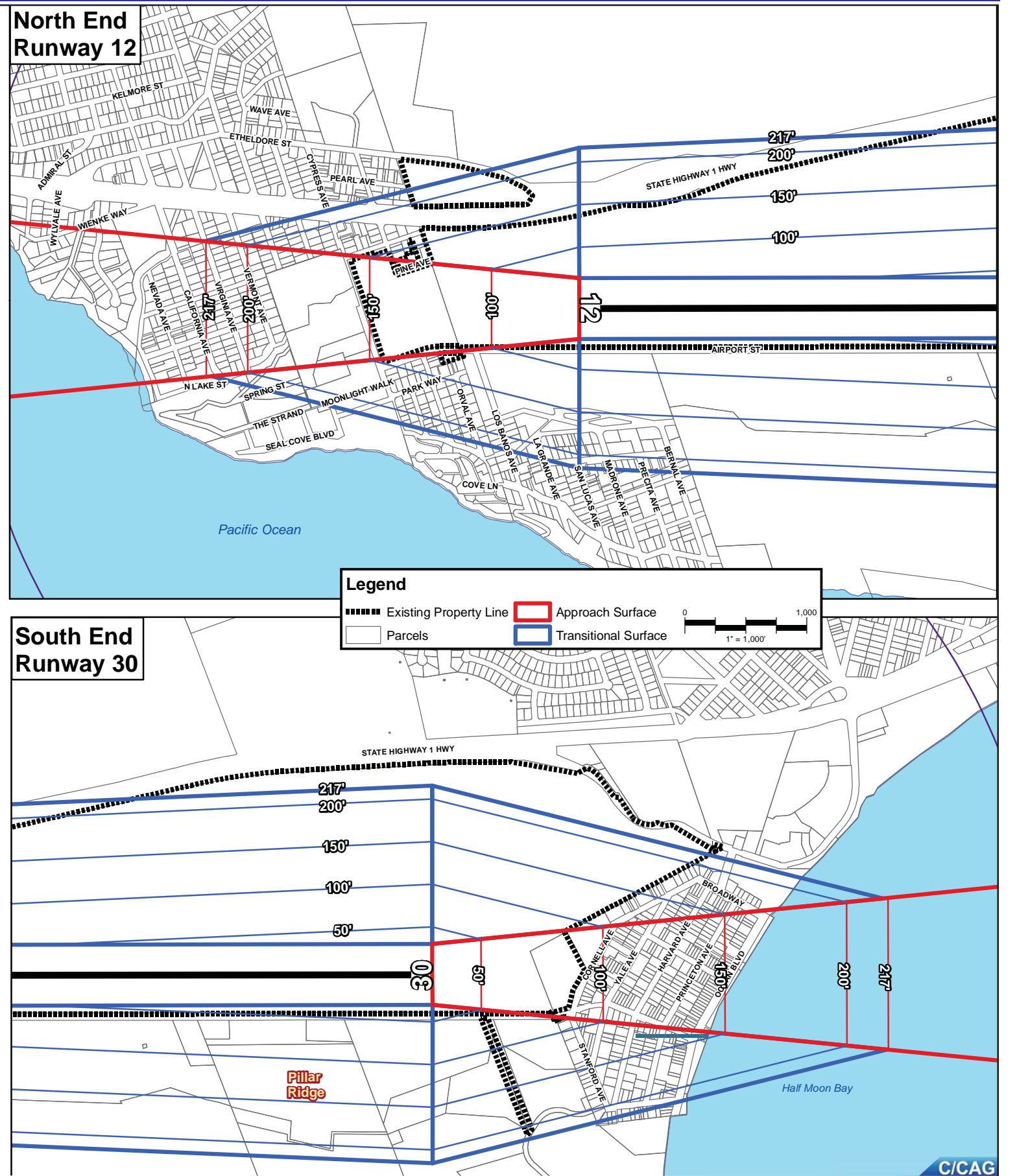
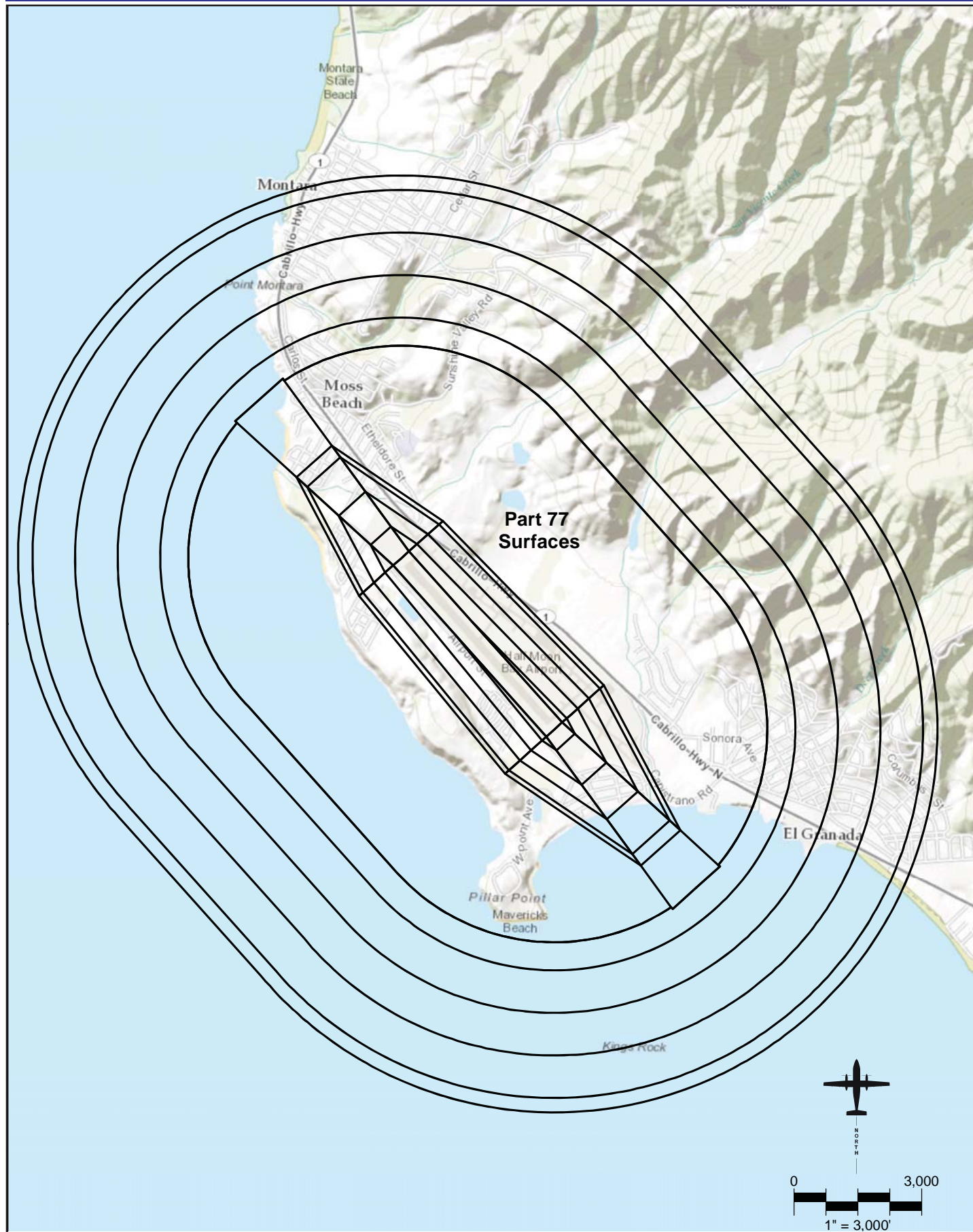
#### **4.2.3        *Airspace Protection***

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**.





SOURCE: San Mateo County Department of Public Works, Airports Division

#### 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.

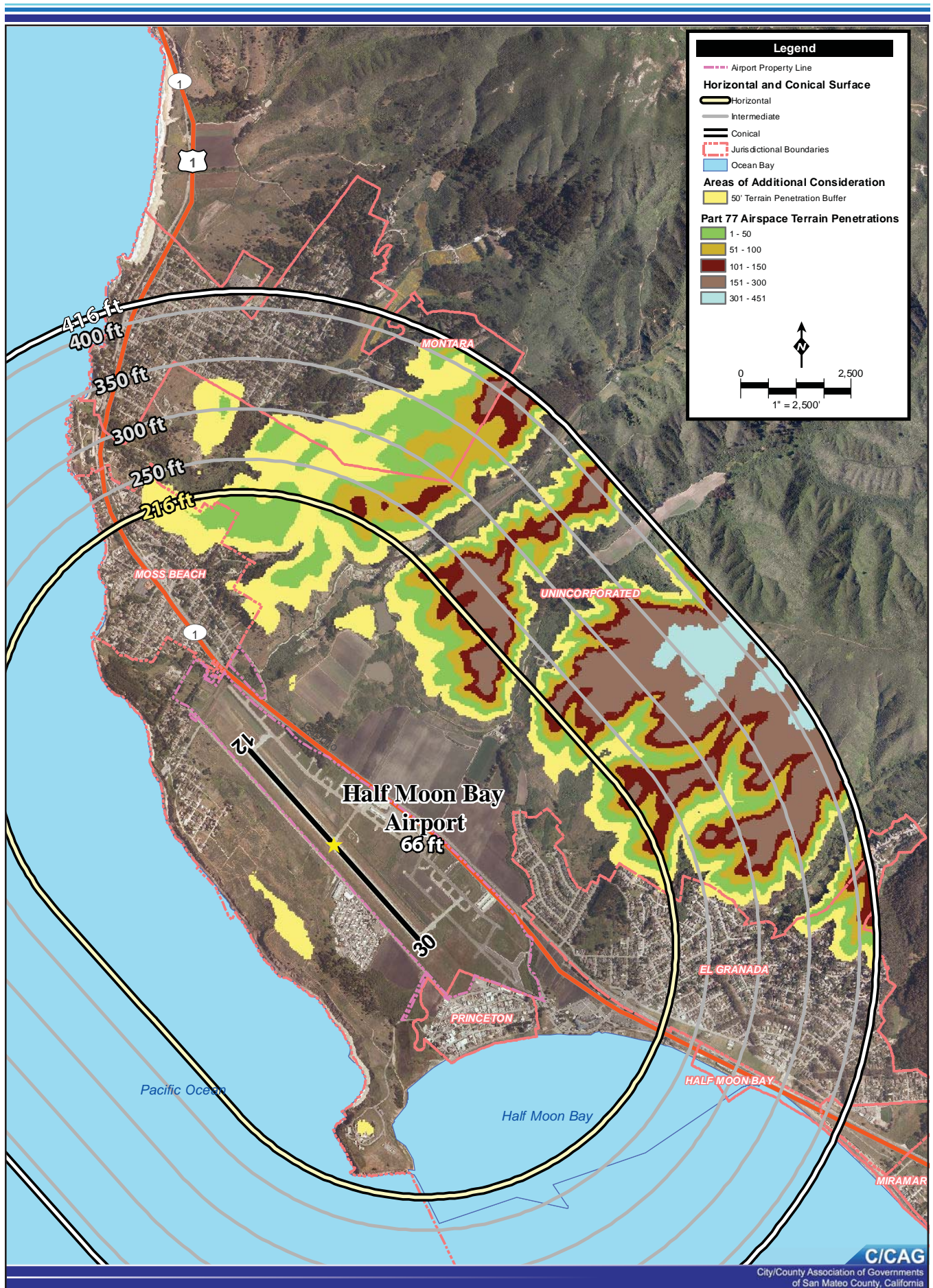
(d) Within APZ and SSZ Zones, Airport Land Use Commission review is required for any proposed structure taller than 35 feet AGL.

(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:

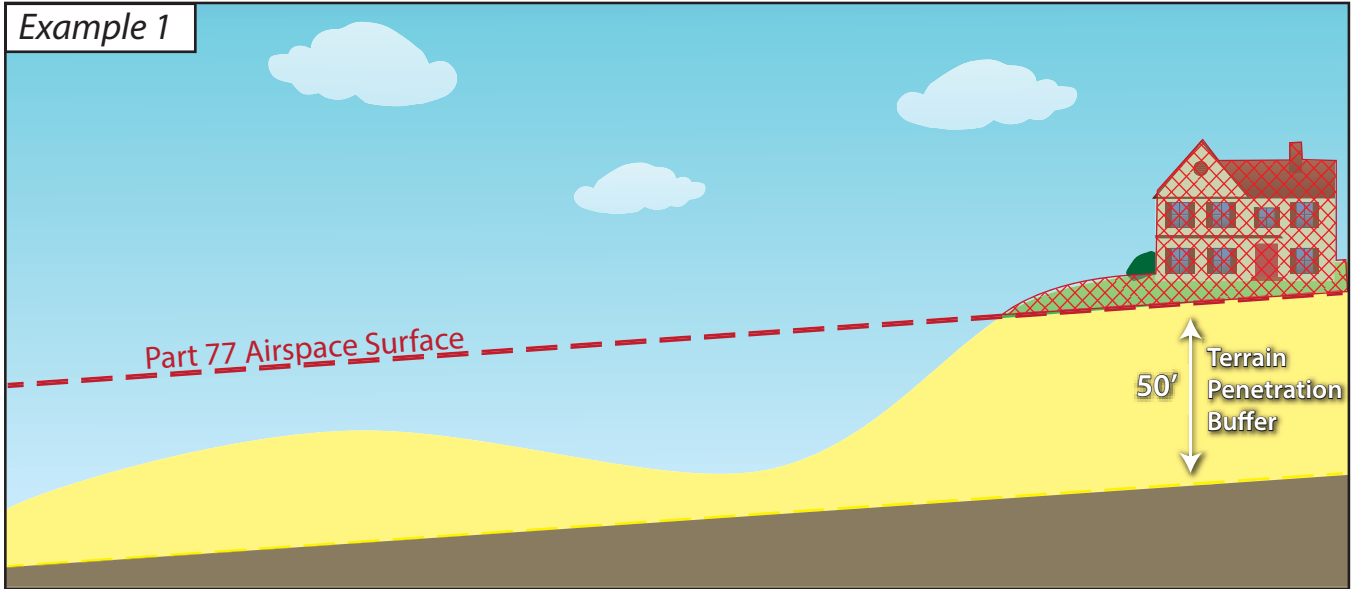
- Proposed structures are prohibited on terrain that already penetrates 14 CFR Part 77 surfaces (See Example 1 on **Exhibit 4E**).
- If existing mature trees within 25 feet of the proposed structure exceed the final height of the proposed structure, the proposed structure can be permitted if all other 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.

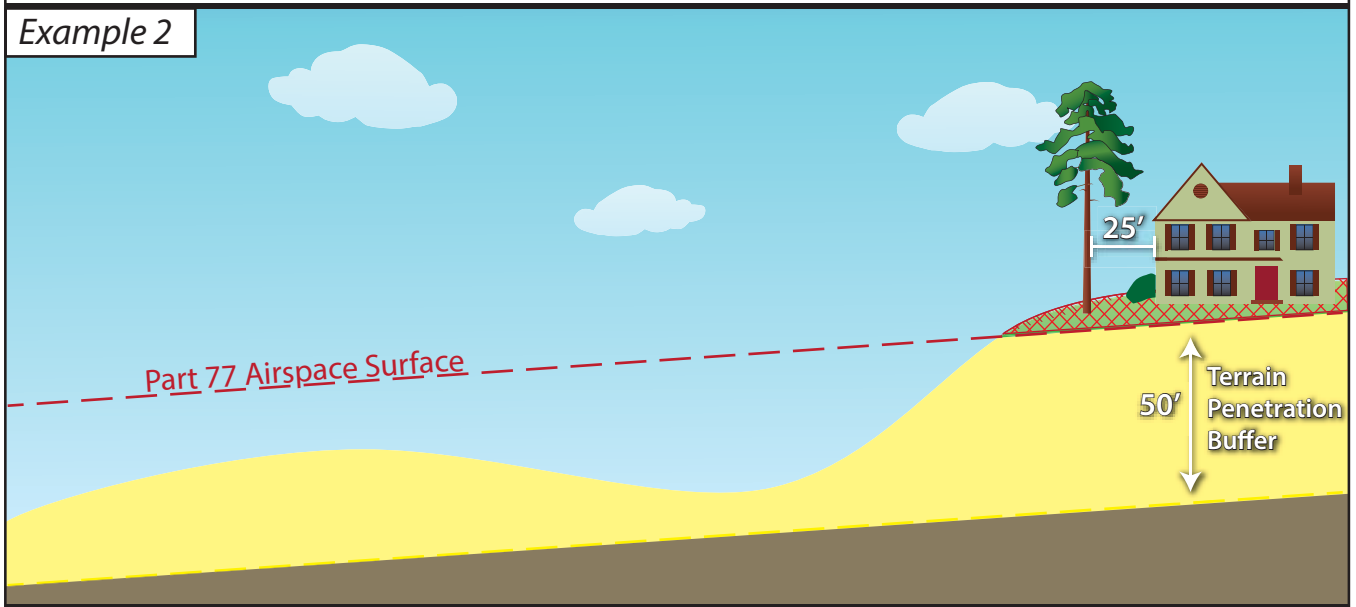




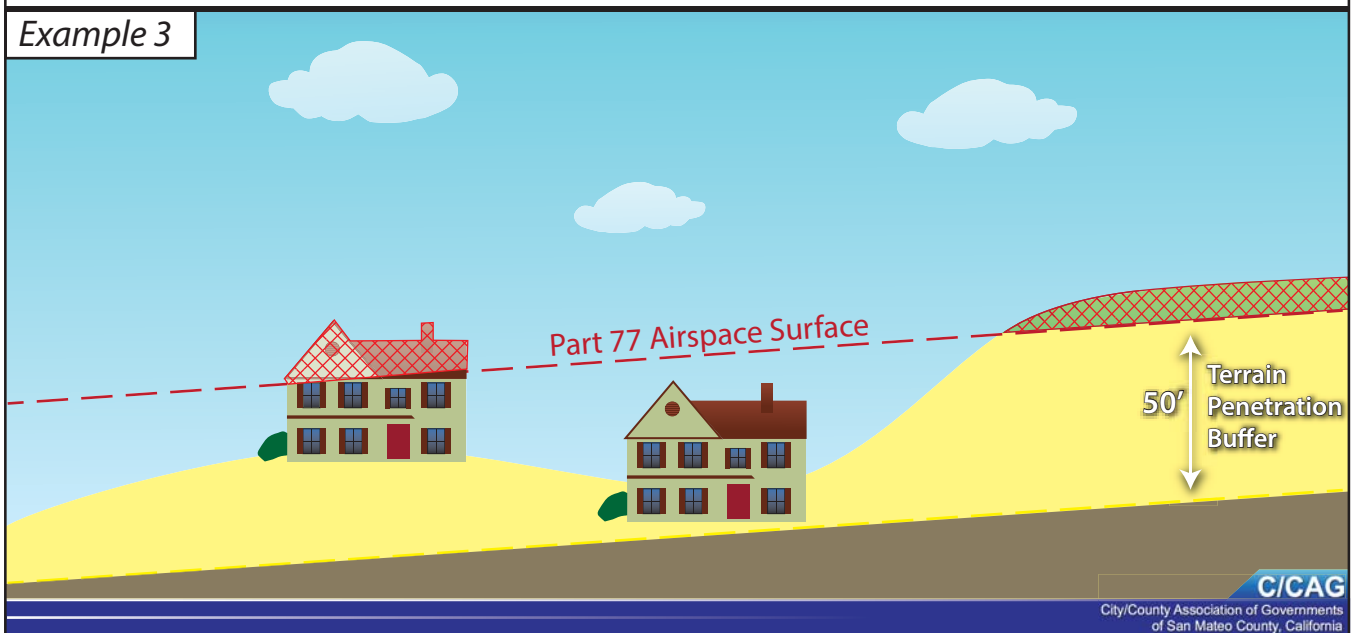
Example 1



Example 2



Example 3





#### **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.