



Cable Airport Land Use Compatibility Plan

City of Upland, California



September 2014 Draft





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Prepared for
City of Upland, California



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Chapter **1**

Introduction



Introduction

OVERVIEW OF THE PLAN

The basic function of this *Cable Airport Land Use Compatibility Plan (Compatibility Plan)* is to promote compatibility between Cable Airport and the land uses that surround it. As required by state law, the plan provides overarching guidance to affected local land use jurisdictions with regard to airport land use compatibility matters involving Cable Airport. The *Compatibility Plan* is separate and distinct from the jurisdictions' other land use policy documents—their general plans and zoning ordinances—yet all of the documents are expected to be made consistent with each other through incorporation of the compatibility policies into the general plans and zoning ordinances. The latter will then become the mechanisms by which the compatibility policies are implemented.

The *Compatibility Plan* is prospective in that it seeks to avoid future compatibility conflicts rather than to remedy existing incompatibilities. Also, the plan is land use oriented in that the compatibility measures defined in it are aimed at future land use development, not at airport activity. The *Compatibility Plan* does not place any restrictions on the present role, configuration, or use of the airport. Rather, the *Compatibility Plan* takes into account the proposed runway alignment change and projected activity growth indicated in the April 2011 *Cable Airport Master Plan*.

The central components of the *Compatibility Plan* are procedural policies listed in Chapter 2 and the set of compatibility criteria outlined in Chapter 3. The criteria set limits on future land use development near the airport in response to noise, safety, airspace protection, and overflight impacts of current and future airport activity. The geographic extent of these four types of impacts together constitute the Cable Airport influence area. The procedural policies establish the process by which proposed land use development is to be evaluated for consistency with the compatibility criteria.

The Cable Airport influence area encompasses lands within parts of both San Bernardino and Los Angeles Counties. However, this *Compatibility Plan* applies only to jurisdictions within San Bernardino County; specifically, the cities of Upland and Montclair, together with any special district, community college district, or school district that exists or may be established or expanded into the airport influence area. The *Compatibility Plan* does not apply to federal, state, or tribal lands.

The *Cable Airport Land Use Compatibility Plan* has been prepared in conjunction with the 2008-13 update of the Upland General Plan and, after public review, is intended to be adopted by the City of Upland. The City of Montclair is similarly expected to adopt the components of the plan applicable within its jurisdiction. (Note that the compatibility policies set forth herein, specifically in Chapter 3, are relevant to Los Angeles County jurisdictions and the Los Angeles County Airport Land Use Commission is encouraged to adopt these policies for its portion of the Cable Airport influence area.)

COMPATIBILITY PLANNING REQUIREMENTS OF STATE LAW

Requirements for land use compatibility planning around airports in California are defined in the California State Aeronautics Act (Public Utilities Code Sections 21670 *et seq.*). Although the law has been amended numerous times since its original enactment in 1967, the statute's fundamental purpose of promoting land use compatibility around airports has remained unchanged. As expressed in the present statutes, this purpose is:

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

The primary tool by which compatibility planning is accomplished is an airport land use compatibility plan. With limited exceptions, a compatibility plan is required for every public-use and military airport in the state.

The “Alternative Process”

In most counties, the responsibility for preparation and adoption of compatibility plans falls to the airport land use commission (ALUC) in that county. State law, though, also provides for what is generally referred to as an “alternative process” wherein counties do not have to form an ALUC, but compatibility planning is nevertheless required. San Bernardino County and its cities elected to follow the alternative process when this option became available as a result of 1994 legislation.

Specific requirements for implementation of the alternative process are set forth in Public Utilities Code Section 21670.1(c)(2) as follows:

“...[the] county and the appropriate affected cities having jurisdiction over an airport, subject to the review and approval by the Division of Aeronautics of the department, shall do all of the following:

- (A) Adopt processes for the preparation, adoption, and amendment of the airport land use compatibility plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.
- (B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the airport land use compatibility plans.
- (C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the airport land use compatibility plans.
- (D) Adopt processes for the amendment of general and specific plans to be consistent with the airport land use compatibility plans.
- (E) Designate the agency that shall be responsible for the preparation, adoption, and amendment of each airport land use compatibility plan.”

Paragraph (3) of Section 21670(c) goes on to say that:

“The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following:

- (A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time.
- (B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations.
- (C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies.”

The alternative process for Cable Airport, as established in 1996 and approved by the Division of Aeronautics, places the City of Upland in the lead role for compatibility planning around the airport (see Appendix F). The policies in Chapter 2 of this *Cable Airport Land Use Compatibility Plan* clarify and amend the process previously established. Additionally, Chapter 3 updates the compatibility criteria to be applied to the review of new land use development around the airport.

For a complete copy of Public Utilities Code Sections 21670 *et seq.* as well as other state laws pertaining to airport land use compatibility planning, see Appendix A of this *Compatibility Plan*.

Compatibility Planning Guidelines

State law defines many of the procedures that govern how ALUCs operate. Although there is no countywide ALUC in San Bernardino County, some of the processes that ALUCs must follow in preparation and adoption of compatibility plans and in review of individual development proposals are still applicable under the alternative process. The development review procedure policies in Chapter 2 parallel the ALUC review process in that the policies distinguish between review of proposed adoption of or amendments to general plans, specific plans, and zoning ordinances—actions for which an ALUC review would be mandatory—and the review of other individual development proposals. Review of airport development actions is also treated in a distinct manner.

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

As noted above, the statutes require that local jurisdictions utilizing the alternative process rely upon the compatibility guidance provided by the *Handbook*. The policies and maps in this *Compatibility Plan* take into account the guidance provided by the current edition of the *Handbook*, dated October 2011.

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

The October 2011 edition of the *Handbook* is available for downloading from the Division of Aeronautics web site (www.dot.ca.gov/hq/planning/aeronaut).

COMPATIBILITY PLAN RELATIONSHIP TO AIRPORT AND LOCAL PLANS

Relationship to Cable Airport Plans

Airport layout plans, airport master plans, and airport land use compatibility plans are all distinct in function and content, but closely interrelated. An airport layout plan is a drawing showing existing facilities and planned improvements. A typical airport master plan includes an airport layout plan, but also provides textual background data, a discussion of forecasts, and an examination of alternatives along with detailed description of the proposed development. Airport layout plans and airport master plans are prepared for and adopted by the entity that owns and/or operates the airport. Most large, publicly owned airports have an airport master plan, but many smaller or private airports do not.

In contrast to airport layout plans and airport master plans, the focus of which is normally on on-airport concerns, airport land use compatibility plans mostly address off-airport issues. The major purpose of a compatibility plan is to ensure that incompatible development does not occur on lands surrounding the airport. Compatibility plans are required to reflect the planned airport development and anticipated activity at least 20 years into the future. The responsibility for preparation and adoption of compatibility plans lies with each county's airport land use commission or, when an alternative process is in place as in San Bernardino County, with each jurisdiction assigned the compatibility planning functions.

State law (Public Utilities Code Section 21675(a)) dictates that airport land use compatibility plans be based upon an airport master plan or airport layout plan. If the airport has an adopted master plan, it is used. Where an airport master plan is not available or is outdated, an airport layout plan drawing can serve as the basis for compatibility planning, subject to acceptance by the California Division of Aeronautics. In either case, the key features of the airport plans relevant to a compatibility plan are the current and future configuration of the runways, the types and configuration of visual and instrument approach procedures, the types of aircraft that operate at the airport, and the projected volume of aircraft operations.

Cable Airport recently completed a *Master Plan* that has served as the basis for this *Compatibility Plan*. Dated April 2011, the *Master Plan* remains in a draft final status pending approval by the City of Upland in conjunction with modifications to the airport's Conditional Use Permit. The Conditional Use Permit establishes limitations on runway length, noise impacts, and other aspects of the airport's development and use (see Appendix F). Among the *Master Plan* recommendations, one that is particularly significant to off-airport land use compatibility is the proposal to slightly shift the runway alignment northward and westward to enable compliance with current Federal Aviation Administration design standards. The runway length would remain unchanged at 3,864 feet. A simplified diagram of the airport layout showing this change is included in the Supporting Data section of this *Compatibility Plan*.

Airport Activity Forecasts

In addition to the requirement that a compatibility plan be based upon the adopted airport master plan or state-accepted airport layout plan, the Public Utilities Code says that a compatibility plan must reflect "the anticipated growth of the airport during at least the next 20 years." Frequently, unless the master plan is very recent, its forecasts cannot be directly used because they do not cover the requisite 20-year time period. A final forecasting factor therefore is one pointed out in the *Handbook*:

“...most airports presumably will remain in operation for more than 20 years. This factor combined with the characteristic uncertainty of forecasting suggests that, for the purpose of airport land use compatibility planning, using a high estimate of long-range activity levels is generally preferable to underestimating the future potential. This strategy especially applies with respect to assessment of noise impacts. Too low of a forecast may allow compatibility conflicts that cannot later be undone.”

The caveat to this methodology, as also stated in the *Handbook*, is that “activity projections must also be reasonable.”

The 2010 *Master Plan* indicates that the airport experienced 41,000 operations in 2009, the forecast base year. Although newer data is not available, activity for the 2012-2103 time period is likely about the same. Three long-range forecast scenarios are presented in the *Master Plan* ranging from no growth to a very high growth rate. The *Master Plan* selected the middle or “baseline” forecast for master planning purposes. This forecast anticipates as many as 103,300 annual aircraft operations in 2030. Given that recent airport activity has presumably remained relatively constant, this *Master Plan* forecast is judged to have the requisite 20-year time horizon needed for the purposes of this *Cable Airport Land Use Compatibility Plan* and is therefore used here as well. Additional data regarding current and future airport activity is included in the Supporting Data section of this document.

Relationship to General Plans

As noted at the beginning of this chapter, preparation of the *Cable Airport Land Use Compatibility Plan* is being done in conjunction with efforts by the City of Upland to update its citywide general plan. Guidance contained in the *Compatibility Plan* will be utilized in the general plan to help ensure that future land use development around the airport is compatible with airport activity.

Several sections of state law further establish the relationship between airport land use compatibility plans and county and city general plans. In particular, Government Code Section 65302.3 requires that general plans and any applicable specific plans “shall be consistent with” the compatibility plan. This requirement is echoed in local agencies’ obligations under the alternative process as quoted above (Public Utilities Code Section 21670.1(c)(2)(D)). It is important to recognize the directionality of this consistency requirement: general plans and specific plans must be made consistent with the compatibility plan, not the opposite. In the case of the Upland General Plan and the *Cable Airport Land Use Compatibility Plan*, the overlapping work has enabled close coordination between the two documents and no inconsistencies are expected to result.

A second point to emphasize is that the consistency requirement pertains only to future land use development. Nothing in state law or the *Cable Airport Land Use Compatibility Plan* requires that already existing development be removed or modified to eliminate incompatibilities that may already exist. Furthermore, general plans and specific plans can show such land uses as continuing even though they would be nonconforming with the *Compatibility Plan* criteria. Conflicts of this type do not constitute inconsistencies between a general plan or specific plan and the *Compatibility Plan*.

Finally, another aspect of the relationship between general plans and compatibility plans that is important to understand is that a general plan does not need to be identical with the compatibility plan in order to be consistent with it. To meet the consistency test, a general plan must do two things:

- It must specifically address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and

- It must avoid direct conflicts with compatibility planning criteria (for example, by allowing new development in locations where the *Compatibility Plan* would deem the particular use to be incompatible).

Compatibility planning issues can be reflected in a general plan in any, or a combination, of several ways:

- **Incorporate Policies into Existing General Plan Elements**—One method of achieving the necessary planning consistency is to modify existing general plan elements. For example, airport land use noise policies could be inserted into the noise element, safety policies could be placed into a safety element, and the primary compatibility criteria and associated maps plus the procedural policies might fit into the land use element. With this approach, direct conflicts would be eliminated and the majority of the mechanisms and procedures necessary to ensure compliance with compatibility criteria could be fully incorporated into the local jurisdiction's general plan.
- **Adopt a General Plan Airport Element**—Another approach is to prepare a separate airport element of the general plan. Such a format may be advantageous when the community's general plan also needs to address on-airport development and operational issues. Modification of other plan elements to provide cross-referencing and eliminate conflicts would still be necessary.
- **Adopt Compatibility Plan as Stand-Alone Document**—A jurisdiction selecting this option would simply adopt as a local policy document the relevant portions of the compatibility plan—specifically, the policies and maps. Applicable background information could be included as well if desired. Changes to the community's existing general plan would be minimal. Policy reference to the compatibility plan would need to be added and any direct land use or other conflicts with compatibility planning criteria would have to be removed. Limited discussion of compatibility planning issues could be included in the general plan, but the substance of most compatibility policies would appear only in the stand-alone document.
- **Adopt Airport Combining District or Overlay Zoning Ordinance**—This approach is similar to the stand-alone document except that the local jurisdiction would not explicitly adopt the compatibility plan as policy. Instead, the compatibility policies would be restructured as an airport combining or overlay zoning ordinance. A combining zone serves as an overlay of standard community-wide land use zones and modifies or limits the uses permitted by the underlying zone. Flood hazard combining zoning is a common example. An airport combining zone ordinance can serve as a convenient means of bringing various airport compatibility criteria into one place. The airport-related height-limit zoning that many jurisdictions have adopted as a means of protecting airport airspace is a form of combining district zoning. Noise and safety compatibility criteria, together with procedural policies, would need to be added to create a complete airport compatibility zoning ordinance. Other than where direct conflicts need to be eliminated from the local plans, implementation of compatibility policies would be accomplished solely through the zoning ordinance. Policy reference to airport compatibility in the general plan could be as simple as mentioning support for the compatibility planning process indicated in the compatibility plan and stating that policy implementation is by means of the combining zone. (An outline of topics which could be addressed in an airport combining zone is included in Appendix E.)

Multiple formats are expected to be utilized by the City of Upland. First, as a requirement of the alternative process, the city will adopt the *Cable Airport Land Use Compatibility Plan* as a stand-alone policy document. Additionally, key components of the *Compatibility Plan*, particularly the basic compatibility criteria, will be reflected in the General Plan. Lastly, to facilitate implementation, the city will adopt an

airport overlay zone. These same options are available to the City of Montclair with respect to the portion of the Cable Airport influence area that extends into its jurisdiction.

PLAN CONTENTS

This *Cable Airport Land Use Compatibility Plan* is organized into three chapters, a Supporting Data section, and a set of appendices. The intent of this introductory chapter is to set the overall context of airport land use compatibility planning in general and for Cable Airport and the alternative process in particular.

The most important components of the plan are found in Chapters 2 and 3. Chapter 2 outlines the processes to be used by the City of Upland, City of Montclair, and other affected local agencies in the review of future general plan or specific plan amendments and individual development actions within the airport influence area. Policies addressing the review of certain types of potential airport development are also indicated. The policies and procedures in this chapter are specifically written with the alternative process in mind. If state law changes to eliminate the alternative process option and mandate establishment of a countywide airport land use commission in San Bernardino County, then much of Chapter 2 would need to be revised.

Chapter 3 contains the compatibility criteria applicable to the Cable Airport influence area, excluding the portion that extends into Los Angeles County jurisdictions. The general plans of Upland and Montclair must be consistent with these criteria in terms of future land use development.

Background information regarding Cable Airport and the land uses around the airport is summarized in the Supporting Data section. Also in this section is a discussion of airport land use compatibility planning concepts and strategies and a description of the impacts created by Cable Airport activity.

Finally, the document appendices contain a copy of state statutes concerning airport land use commissions and other general information pertaining to airport land use compatibility planning. This material is taken from other sources and does not represent ALUC policy or criteria except where cited as such in Chapters 2 and 3—specifically the state ALUC statutes and certain other laws (Appendix A) and Federal Aviation Regulations Part 77 (Appendix B).

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Compatibility Review Procedures



Compatibility Review Procedures

Basic Purpose:

The basic purpose of this *Cable Airport Land Use Compatibility Plan* is to articulate procedural policies and compatibility criteria, established in accordance with the California State Aeronautics Act (Public Utilities Code Section 21670 et seq.), applicable to airport land use compatibility planning in the vicinity of Cable Airport. Specifically, Section 21670(a)(2) states that:

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

The “Alternative Process:”

Land use compatibility planning for airports in San Bernardino County, including Cable Airport, is conducted under the “alternative process” as enabled by Public Utilities Code Section 21670.1(c). A county-wide airport land use commission (ALUC) is not established in the county, but preparation of airport land use compatibility plans and processes to implement the plans is required. The process approved by the California Division of Aeronautics in 1996 assigns the City of Upland with the lead responsibility for compatibility planning around Cable Airport.

Review Procedure Under the “Alternative Process:”

In counties where an ALUC is established, state law requires that certain types of land use and airport-related actions proposed by local agencies be submitted to the commission for determination of whether the proposed action is consistent with the policies adopted for that airport by the commission. With the alternative process, an ALUC is not established, but airport land use compatibility planning—including preparation and adoption of an airport land use compatibility plan and the requirement that general plans and specific plans be consistent with the compatibility plan—remains mandatory. The intent of the policies in this chapter of the *Cable Airport Land Use Compatibility Plan* is to define a comparable review process to be followed directly by the affected local agencies.

2.1. Purpose and Use

2.1.1. *Government Entities Affected:* The policies of this *Compatibility Plan* apply to the following governmental entities in San Bernardino County having control over lands within the Cable Airport influence area depicted on **Map 3A, Compatibility Map**.

- (a) The affected local agencies (see definition in Policy 2.2.16) are:
 - (1) The City of Upland.
 - (2) The City of Montclair.

- (3) Special districts, school districts, and community college districts, either existing or future, to the extent that the district boundaries extend into the airport influence area.
 - (b) The Cable Airport influence area extends into the County of Los Angeles and affects lands within the jurisdiction of the City of Claremont; however the policies of this *Compatibility Plan* do not apply to the Los Angeles County jurisdictions. The Los Angeles County Airport Land Use Commission (ALUC) is responsible for compatibility planning within the Los Angeles County boundaries.
 - (c) Lands controlled by federal agencies, state agencies, or Native American tribes are not subject to the provisions of this plan.
- 2.1.2. *Use by Particular Local Agencies:* The City of Upland and other affected local agencies shall use the policies in this *Compatibility Plan* in the following manner:
- (a) The City of Upland shall:
 - (1) Adopt this *Compatibility Plan* as the basis for determining the compatibility of new development in the Cable Airport influence area.
 - (2) As required by state law,¹ modify its general plan and zoning ordinance to be consistent with the policies in the *Compatibility Plan*.
 - (3) Utilize the *Compatibility Plan*, either directly or as reflected in the appropriately modified general plan and zoning ordinance, when making other planning decisions regarding proposed development of lands within the Cable Airport influence area.
 - (4) Utilize the *Compatibility Plan* as the basis for reviewing proposed plans for development of Cable Airport that could have implications on land use compatibility around the airport.
 - (5) Coordinate with and assist (such as by providing information and guidance regarding compatibility issues) other entities having jurisdiction over lands within the Cable Airport influence area to help them ensure compliance with the policies of this *Compatibility Plan*.
 - (6) Encourage the Los Angeles County ALUC to adopt a compatibility plan for the portion of the Cable Airport influence area lying within its jurisdiction. Provide information to the City of Claremont regarding Cable Airport land use compatibility matters.
 - (b) The City of Montclair shall:
 - (1) Incorporate the relevant compatibility policies and criteria (see Policy 2.3.2(b)) of this *Compatibility Plan* into city plans, zoning, and other policy documents.
 - (2) Inform the City of Upland and Cable Airport management about any proposed development within the city's portion of the airport influence area that could affect or be affected by airport operations.
 - (c) Special districts, school districts, and community college districts shall:
 - (1) Incorporate the relevant compatibility policies of this *Compatibility Plan* when creating plans and making other planning decisions regarding the proposed development of lands under their control with the Cable Airport influence area.

¹ Public Utilities Code Section 21676(a).

- (2) Submit proposed land use actions to the City of Upland for review in accordance with Policies 2.5.1 and 2.5.2 herein.
- (d) The Los Angeles County ALUC is encouraged to adopt an airport influence area and a compatibility plan for the portion of the Cable Airport influence area lying within its jurisdiction.
- (e) The City of Claremont is encouraged to:
 - (1) Adopt a compatibility plan for the portion of the Cable Airport influence area lying within its jurisdiction or otherwise incorporate the relevant compatibility policies into its plans, zoning, and other policy documents.
 - (2) Inform the City of Upland and Cable Airport management about any proposed development within the city limits that could affect or be affected by airport operations.
- (f) Cable Airport management shall:
 - (1) Provide information to the City of Upland regarding any proposed changes in the configuration or use of the airport that could affect the airport's impacts on nearby land uses and seek city approval in accordance with established conditional use permit procedures.
 - (2) Assist the City of Upland in the review of proposed land use development near the airport by providing comments on those proposals, if requested.

2.2. Definitions

The following definitions apply for the purposes of the policies set forth in this *Compatibility Plan*. In addition, general terms pertaining to airport and land use planning are defined in the *Glossary* (Appendix G).

- 2.2.1. *Aeronautics Act*: Except as indicated otherwise, the article of the California Public Utilities Code (Sections 21670 *et seq.*) pertaining to airport land use commissions and airport land use compatibility planning.
- 2.2.2. *Airport*: Cable Airport, an airport in the City of Upland that is privately owned, but open to public use.
- 2.2.3. *Airport Influence Area*: An area, as delineated on **Map 3A**, *Compatibility Map*, 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. The airport influence area constitutes the area within which certain land use actions are subject to review to determine consistency with the policies herein.
- 2.2.4. *Airport Land Use Committee*: A committee comprised of the full City of Upland Planning Commission and two additional community members that have aviation-related experience.
- 2.2.5. *Airport Proximity Disclosure*: A form of buyer awareness documentation required by California state law and applicable to many transactions involving residential real estate including previously occupied dwellings. The disclosure notifies a prospective purchaser that the property is located in proximity to an airport and may be subject to annoyances and inconveniences associated with the flight of aircraft to, from, and around the airport. See

- Criterion 3.5.2 in Chapter 3 for applicability. Also see Policy 2.2.24 for a related buyer awareness tool, *Recorded Overflight Notification*.
- 2.2.6. *Airspace Protection Area*: The area beneath the airspace protection surfaces for Cable Airport as depicted on **Map 3B**, *Existing Airspace Protection Surfaces*, and **Map 3C**, *Future Airspace Protection Surfaces*.
- 2.2.7. *Airspace Protection Surfaces*: Imaginary surfaces in the airspace surrounding the Cable Airport defined in accordance with criteria set forth in Federal Aviation Regulations Part 77. These surfaces, depicted on **Map 3B**, *Existing Airspace Protection Surfaces*, and **Map 3C**, *Future Airspace Protection Surfaces*, establish the maximum height that objects on the ground can reach without potentially creating constraints or hazards to the use of the airspace by aircraft approaching, departing, or maneuvering in the vicinity of the airport.
- 2.2.8. *Aviation-Related Use*: Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protection areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations facilities, terminal buildings, etc.
- 2.2.9. *Avigation Easement*: An easement that conveys rights associated with aircraft overflight of a property, including but not limited to creation of noise and limits on the height of structures and trees, etc. (see Appendix E).
- 2.2.10. *Community Noise Equivalent Level (CNEL)*: The noise metric adopted by the State of California for land use planning purposes, including describing airport noise impacts. The noise impacts are typically depicted by a set of contours, each of which represents points having the same CNEL value.
- 2.2.11. *Compatibility Plan*: This document, the *Cable Airport Land Use Compatibility Plan*.
- 2.2.12. *Compatibility Zone*: Any of the zones established herein that indicate where noise, safety, airspace protection, or overflight factors associated with Cable Airport may represent a compatibility concern.
- 2.2.13. *Density*: The number of dwelling units per acre. Density is used in this *Compatibility Plan* as the measure by which proposed residential development is evaluated for compliance with noise and safety compatibility criteria (compare *intensity*). Density is calculated on the basis of the overall site size (i.e., gross acreage of the site).
- 2.2.14. *Existing Land Use*: A land use that either physically exists or for which local agency (see Policy 2.2.16) commitments to the proposal have been obtained and entitle the project to move forward (see Policy 2.4.2).
- 2.2.15. *Federal Aviation Regulations (FAR) Part 77*: The part of Federal Aviation Regulations that deals with objects affecting navigable airspace in the vicinity of airports. Objects that exceed the Part 77 height limits constitute airspace obstructions (also see *Glossary*).
- 2.2.16. *Intensity*: The number of people per acre. Intensity is used in this *Compatibility Plan* as the measure by which most proposed nonresidential development is evaluated for compliance with safety compatibility criteria (compare *density*). Sitewide average intensity is calculated on the basis of the overall site size (i.e., gross acreage of the site).
- 2.2.17. *Local Agency*: For the purposes of this *Compatibility Plan*, the cities of Upland and Montclair or other local governmental entity such as a special district, school district, or community college district—including any future new district—having jurisdictional territory lying

- within the Cable Airport influence area as defined herein. These entities are subject to the provisions of this *Compatibility Plan*.
- 2.2.18. *Major Land Use Action*: Actions related to proposed land uses for which compatibility with airport activity is a particular concern. These types of actions are listed in Policy 2.5.6 and require Airport Land Use Committee review.
- 2.2.19. *Noise Impact Area*: The area within which the noise impacts, measured in terms of CNEL, generated by the airport may represent a land use compatibility concern. The noise impact area for Cable Airport is depicted on **Map 3E**, *Future Noise Impact Area*.
- 2.2.20. *Noise-Sensitive Land Uses*: Land uses for which the associated primary activities, whether indoor or outdoor, are susceptible to disruption by loud noise events. The most common types of noise sensitive land uses include, but are not limited to, the following: residential, hospitals, nursing facilities, intermediate care facilities, educational facilities, libraries, museums, places of worship, child-care facilities, and certain types of passive recreational parks and open space where quiet is expected.
- 2.2.21. *Nonconforming Use*: An existing land use that does not comply with the compatibility criteria set forth in this *Compatibility Plan*. See Criterion 3.6.2 in Chapter 3 for criteria applicable to land use actions involving nonconforming uses.
- 2.2.22. *Project; Land Use Action; Development Proposal*: Terms similar in meaning and all referring to the types of land use matters, either publicly or privately sponsored, that are subject to the provisions of this *Compatibility Plan*.
- 2.2.23. *Reconstruction*: The rebuilding of an existing nonconforming structure that has been fully or partially destroyed as a result of a calamity (as opposed to redevelopment which may involve intentional destruction of structures). See Criterion 3.6.4 in Chapter 3.
- 2.2.24. *Recorded Overflight Notification*: A form of buyer awareness documentation recorded in the chain of title of a property stating that the property may be subject to annoyances and inconveniences associated with the flight of aircraft to, from, and around a nearby airport. Unlike an *avigation easement* (see Policy 2.2.9), a *recorded overflight notification* does not convey property rights from the property owner to the airport and does not restrict the height of objects. See Criterion 3.5.1 for applicability. Also see Criterion 3.5.2 for a related buyer awareness tool, *airport proximity disclosure*.
- 2.2.25. *Redevelopment*: Any new construction that replaces the existing use of a site, particularly at a density or intensity greater than that of the existing use. Redevelopment projects are subject to the provisions of this *Compatibility Plan* to the same extent as other forms of proposed development.

2.3. Geographic Scope

- 2.3.1. *Nature of Compatibility Concerns*:
- (a) Four types of airport land use compatibility concerns are addressed by the policies in this *Compatibility Plan*:
 - (1) Noise: Locations exposed to potentially disruptive levels of aircraft noise.
 - (2) Safety: Areas where the risk of an aircraft accident poses heightened safety concerns for people and property on the ground.

- (3) **Airspace Protection:** Places where height and various other land use characteristics need to be restricted in order to prevent creation of physical, visual, or electronic hazards to flight within the airspace required for operation of aircraft to and from the airport.
 - (4) **Overflight:** Locations where aircraft overflights can be intrusive and annoying to many people.
- (b) Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are not addressed herein and are not factors to be considered in the review of land use actions or airport projects for consistency with the policies of this *Compatibility Plan*.
- 2.3.2. *Cable Airport Influence Area:* As defined in accordance with state law, the influence area of Cable Airport (see **Map 3A**, *Compatibility Map*, in Chapter 3) encompasses all lands on which the uses could be negatively affected by present or future aircraft operations at the airport as well as lands on which the uses could negatively affect airport usage.
- (a) In delineating the airport influence area, the geographic extent of four types of compatibility concerns are taken into account:
 - (b) All four of the above factors affect lands within the City of Upland. Only the airspace protection and overflight factors affect lands within the City of Montclair.
- 2.3.3. *Los Angeles County Jurisdictions:* The policies of this *Compatibility Plan* do not apply to the portion of the Cable Airport influence area that extends into Los Angeles County or to the jurisdictions within that county.

2.4. Limitations of this Compatibility Plan

- 2.4.1. *Airport Operations:* In general, neither the City of Upland nor this *Compatibility Plan* have authority over the operation of Cable Airport including where and when aircraft fly, the types of aircraft flown, and other aspects of aviation.² However, through its conditional use permit process, the city does have authority over new development of airport property, as well as over the airport master plan. The policies included in this *Compatibility Plan* are intended to supplement that process.³
- 2.4.2. *Existing Land Uses:* The policies of this *Compatibility Plan* do not apply to existing land uses. A land use is considered to be “existing” when one or more of the qualifying conditions below has been met prior to the adoption date of the *Compatibility Plan* by the City of Upland. In effect, a project that qualifies as an existing land use in accordance with this policy is “grandfathered” even if it has not yet been constructed and will be inconsistent with the compatibility criteria.
- (a) **Qualifying Criteria:** An existing land use is one that either physically exists or for which local agency commitments to the proposal have been obtained in one or more of the following manners:
 - (1) A parcel or tentative subdivision map has been approved and not expired;

² This is an explicit limitation of state law under Public Utilities Code Section 21674(e) and also of federal law and aviation regulations.

³ Note that in counties where an ALUC exists, the ALUC has much more limited authority over on-airport development. ALUC review is primarily limited to airport master plans, certain development plans that have off-airport land use compatibility implications, and nonaviation development of airport property.

- (2) A vesting parcel or tentative subdivision map has been approved and not yet expired;
 - (3) A development agreement has been approved and remains in effect;
 - (4) A final subdivision map has been recorded;
 - (5) A use permit or other discretionary entitlement has been approved and not yet expired; or
 - (6) A valid building permit has been issued and not yet expired.
- (b) Revisions to Approved Development: Filing of a new version of any of the approval documents listed in Paragraph (a) of this policy means that the use no longer qualifies as existing land use and, therefore, is subject to review under the policies of this *Compatibility Plan* in accordance with the policies of Section 2.5.
- (c) Expiration of Local Agency Commitment: If a local agency's commitment to a development proposal, as set forth in Paragraph (a) of this policy, expires, the proposal will no longer qualify as an existing land use. As such, the proposal shall be subject to the policies and criteria of this *Compatibility Plan*.
- (d) Existing Nonconforming Uses: This *Compatibility Plan* is not intended to serve as justification for local agency action to reduce or remove nonconforming or otherwise incompatible existing land uses from the airport environs. However, proposed changes to existing uses (i.e., reconstruction, redevelopment) are subject to review under the policies of this *Compatibility Plan* if the changes would result in increased nonconformity with the compatibility criteria (see Criterion 3.6.2).

2.4.3. *Development by Right:*

- (a) Nothing in this *Compatibility Plan* prohibits:
- (1) Construction of a single-family home on a legal lot of record as of the effective date of this *Compatibility Plan* provided that the home is not within Compatibility Zone A and the use is permitted by local land use regulations.
 - (2) Construction of a secondary unit as defined by state law and local regulations.
 - (3) Lot line adjustments provided that new developable parcels would not be created and the resulting density or intensity of the affected property would not exceed the applicable criteria indicated in **Table 3A**, *Basic Compatibility Criteria*.
 - (4) Construction or establishment of a family day care home serving 14 or fewer children either in an existing dwelling or in a new dwelling permitted by the policies of this *Compatibility Plan*.
- (b) The sound attenuation and avigation easement dedication requirements set by Criteria 3.2.2 and 3.6.1 shall apply to development permitted under this policy.

2.5. Review of Land Use Actions in City of Upland

- 2.5.1. *Major Land Use Actions:* For each proposed land use action located within the City of Upland portion of the Cable Airport influence area that is a type listed below in Policy 2.5.6 (Types of Major Land Use Actions), the Airport Land Use Committee shall make a determination as to whether the action is consistent with the Cable Airport compatibility criteria in Chapter 3.

- (a) The City of Upland may request data and analysis prepared by the applicant or developer documenting that the proposed land use action is consistent with the applicable noise, safety, airspace protection, and overflight compatibility criteria listed in Sections 3.2 through 3.5, respectively, and the criteria for special conditions in Section 3.6. Such data and analysis is applicable both to projects that are “conditional” (see Criterion 3.1.2(a)(2)) and to ones for which a site-specific limited exception is sought for an “incompatible” project (see Criterion 3.1.2(a)(3)). City staff shall consider this analysis in making its recommendations to the Airport Land Use Committee.
 - (b) The Airport Land Use Committee determination shall be based on findings regarding the action’s consistency with the general criteria in Section 3.1, supported where applicable by findings relative to the noise, safety, airspace protection, and overflight compatibility criteria listed in Sections 3.1.7 through 3.5, respectively, and the criteria for special conditions in Section 3.6.
 - (c) The determination shall be made in writing and included in a resolution of the Airport Land Use Committee.
 - (d) If the development application(s) for the proposed land use action require a public hearing, the Airport Land Use Committee shall conduct a public hearing in accordance with California Government Code Sections 65090 through 65096. If the project application(s) for the proposed land use action do not require a public hearing, the Airport Land Use Committee may consider their determination during regular business.
 - (e) The Airport Land Use Committee shall render its determination prior to action on the project by the City of Upland decision-making body.
- 2.5.2. *Minor Land Use Actions:* Proposed land use actions located within the City of Upland portion of the airport influence area, but not of a type listed in Policy 2.5.6 (Types of Major Land Use Actions), are presumed to be compatible with Cable Airport operations or to have limited compatibility implications.
- (a) The city’s normal review process for such actions shall be followed and referral to the Airport Land Use Committee for a consistency determination shall not be required. In approving minor land use actions within the airport influence area, the decision-making authority for the land use action shall make a finding that the action is consistent with the general criteria in Section 3.1, supported where applicable by findings relative to the noise, safety, airspace protection, and overflight compatibility criteria listed in Sections 3.1.7 through 3.5, respectively, and the criteria for special conditions in Section 3.6.
 - (b) Paragraph (a) of this policy notwithstanding, the Director of Development Services may determine that the characteristics of a minor land use action is more similar to one of the types of listed major land use actions or otherwise presents compatibility concerns. In this case, a consistency determination by the Airport Land Use Committee shall be required as provided for in Policy 2.5.1.
 - (c) Furthermore, the Director of Development Services may determine that the approval of a minor land use action that occurs in sequence after the approval of other minor land use actions in the same development has the potential to present compatibility concerns and therefore requires a consistency determination by the Airport Land Use Committee as outlined in Section 2.5.1.

- 2.5.3. *Consultation with Cable Airport Management:* Staff of any affected local agency may consult with Cable Airport management regarding any proposed land use action that is not clearly consistent with the compatibility criteria.
- 2.5.4. *Relationship to Upland General Plan:* In conjunction with the adoption of this *Compatibility Plan*, the City of Upland has amended its General Plan to eliminate any direct conflicts with the compatibility criteria in Chapter 3 of this *Compatibility Plan* as those policies pertain to future land use development. Additionally, the General Plan includes policies ensuring that future land use development actions will comply with the Chapter 3 compatibility criteria. Implementation of the compatibility criteria is accomplished through use of this *Compatibility Plan*.
- 2.5.5. *Relationship to CEQA Documents:* The California Environmental Quality Act (CEQA) requires environmental documents for projects situated within an airport influence area to evaluate whether the project would expose people residing or working in the project area to excessive levels of airport-related noise or to airport-related safety hazards.⁴ In the preparation of such environmental documents, the law specifically requires that the *Airport Land Use Planning Handbook* published by the California Division of Aeronautics be utilized as a technical resource. If a project within the Cable Airport influence area is determined to be consistent with the compatibility criteria contained in this *Compatibility Plan*, it shall be presumed that no significant impacts related to airport hazards or noise compatibility will occur.
- 2.5.6. *Types of Major Land Use Actions:* The following types of proposed land use actions represent airport compatibility concerns that warrant special analysis. Actions of these types affecting land within the City of Upland portion of the airport influence area shall be reviewed by the Airport Land Use Committee in accordance with Policy 2.5.1.
- (a) General Plan amendments;
 - (b) Specific Plan adoption or amendments;
 - (c) Zoning Code amendments;
 - (d) Proposed development agreements or amendments to such agreements that would have potential airport land use compatibility implications (for example, agreements that would allow more intense or concentrated uses, taller structures, or hazardous materials).
 - (e) Proposed residential development, including land divisions, consisting of 5 or more dwelling units or parcels.
 - (f) Any discretionary development proposal for a project having a new or enlarged building floor area of 20,000 square feet or greater;
 - (g) Any discretionary development proposal for a project expected to attract more than 100 people (including employees and customers/visitors) to the project site, both indoors and outdoors, during a typical busy period.
 - (h) Proposed land acquisition by a local agency for any facility (for example, a school or hospital) designed to accommodate more than 100 people during a typical busy period.

⁴ Public Resources Code Section 21096.

- (i) Proposed redevelopment of a property where the existing use is consistent with the General Plan and zoning or Specific Plan, but nonconforming with the compatibility criteria set forth in this *Compatibility Plan*.
- (j) Proposed use or modification of the interior space of an existing building so as to enable a higher usage intensity that would potentially conflict with the criteria set forth in **Table 3A**, *Basic Compatibility Criteria*, of this *Compatibility Plan*.
- (k) Proposed land acquisition by a government entity for any facility accommodating a congregation of people (for example, a school or hospital).
- (l) Any nonaviation use of land within Compatibility Zone A.
- (m) Any proposed object (including buildings, antennas, poles, and other structures) having a height that requires review by the Federal Aviation Administration in accordance with Part 77 of the Federal Aviation Regulations.
- (n) Any project having the potential to create electrical or visual hazards to aircraft in flight, including:
 - (1) Electrical interference with radio communications or navigational signals;
 - (2) Lighting which could be mistaken for airport lighting;
 - (3) Glare in the eyes of pilots of aircraft using the airport; and
 - (4) Impaired visibility (such as from steam, smoke, or dust) near the airport.
- (o) Any project having the potential to create a thermal plume extending to an altitude where aircraft fly.
- (p) Any project (e.g., water treatment facilities, waste transfer or disposal facilities, parks with open water areas) or plan (e.g., Habitat Conservation Plan) having the potential to cause an increase in the attraction of birds or other wildlife that can be hazardous to aircraft operations on or in the vicinity of the airport.
- (q) Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.

2.6. Review of Land Use Actions in City of Montclair

- 2.6.1. *Types of Compatibility Factors Affecting City of Montclair*: Because of the distance from Cable Airport to the city limits, only the airspace protection and overflight compatibility criteria of Sections 3.4 and 3.5 of Chapter 3 are applicable within the City of Montclair. Noise and safety compatibility factors do not affect land within the city limits.
- 2.6.2. *Land Use Actions Requiring Compatibility Review*: Given the limited compatibility concerns, only the following types land use actions (a subset of those listed in Policy 2.5.6) within the City of Montclair warrant special airport compatibility analysis:
 - (a) Any proposed object (including buildings, antennas, poles, and other structures) having a height that requires review by the Federal Aviation Administration in accordance with Part 77 of the Federal Aviation Regulations.
 - (b) Any project having the potential to create electrical or visual hazards to aircraft in flight, including:
 - (1) Electrical interference with radio communications or navigational signals;
 - (2) Lighting which could be mistaken for airport lighting;

- (3) Glare in the eyes of pilots of aircraft using the airport; and
 - (4) Impaired visibility (such as from steam, smoke, or dust) near the airport.
- (c) Any project having the potential to create a thermal plume extending to an altitude where aircraft fly.
- (d) Any project (e.g., water treatment facilities, waste transfer or disposal facilities, parks with open water areas) or plan (e.g., Habitat Conservation Plan) having the potential to cause an increase in the attraction of birds or other wildlife that can be hazardous to aircraft operations on or in the vicinity of the airport.
- (e) Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.
- 2.6.3. *Review Process:* When reviewing land use actions of the types indicated in Policy 2.6.2, the City of Montclair may use the normal review process it follows with respect to other land use actions, provided that specific attention is paid to the airspace protection compatibility criteria set forth in Section 3.4 and the overflight compatibility criteria set forth in Section 3.5, as applicable.
- (a) Proposed land use actions located within the City of Montclair portion of the airport influence area, but not of a type listed in Policy 2.6.2 are presumed to be compatible with Cable Airport operations or to have limited compatibility implications and do not require special review.
 - (b) Any land use action found by the City of Montclair staff to be inconsistent with the compatibility criteria in Chapter 3 of this *Compatibility Plan* is expected to be modified to become consistent with the criteria. However, if significant issues remain unresolved during the planning process, any of the affected parties (City of Upland, City of Montclair, other local agencies, Cable Airport management, or owners of property in the airport influence area) may request that a Mediation Board be convened in accordance with the policies in Section 2.8. The mediation process is intended to be limited in application and only utilized when less formal resolution of disputes is unsuccessful.
- 2.6.4. *Airport Proximity Disclosure:* State law requires that notice disclosing information about the presence of a nearby airport be given to prospective buyers of certain residential real estate within an airport influence area. 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.”⁵
- (a) Airport proximity disclosure provisions are applicable to the portion of the City of Montclair that is within the Cable Airport influence area.
 - (b) The City of Montclair should implement the provisions as detailed in Criterion 3.5.2.

2.7. Review of Airport Projects

- 2.7.1. *Airport Planning and Development Actions Subject to Compatibility Review:* The Cable Airport compatibility zones delineated on **Map 3A, Compatibility Map** are based upon the airport configuration described in Criterion 3.1.3 and projected aircraft activity summarized in Chapter 4. If, at a future time, changes in the configuration or use of the airport are pro-

⁵ See California Business and Professions Code Section 11010(b) and Civil Code Section 1353(a).

posed and those changes could result in expansion of the airport's impacts beyond the impacts identified in this *Compatibility Plan*, the Airport Land Use Committee shall review the proposed changes for consistency with the criteria in Section 3.7 of Chapter 3.

- (a) The following airport planning and development actions shall always be subject to review by the Airport Land Use Committee:
 - (1) Adoption or modification of the Cable Airport master plan.
 - (2) Any proposal for "expansion" of Cable Airport if such expansion will require an amended Airport Permit from the State of California. As used in the statutes, "expansion" primarily includes construction of a new runway, extension or realignment of an existing runway, or related acquisition of land.
 - (3) Improvements that would increase the capacity of the airport for storage of aircraft unless the improvements, or ones with a similar capacity, are identified in a previously reviewed Cable Airport master plan.
- (b) Except as identified in Paragraph (a) above, airport projects that do not have potential off-airport compatibility implications (e.g. construction buildings, installation of signs, pavement maintenance, etc.) do not require compatibility review under the provisions of this *Compatibility Plan*.⁶
- (c) The City of Upland has limited or no authority over aeronautical matters such as where and when aircraft fly and the types of aircraft flown at the airport. This authority rests with the Federal Aviation Administration. Actions taken by Cable Airport management or the FAA associated with operation of the airport are not subject to compatibility review under the provisions of this *Compatibility Plan*.

2.7.2. *City of Upland Action Choices for Airport Projects:* When reviewing a proposed planning and development actions pertaining to Cable Airport, the City of Upland has four action choices:

- (a) Find the airport plan consistent with this *Compatibility Plan*.
- (b) Find the airport plan consistent with this *Compatibility Plan* subject to specified conditions or limitations on the airport plans or use.
- (c) Find the airport plan inconsistent with this *Compatibility Plan*.
- (d) Modify this *Compatibility Plan* (after duly noticed public hearing) to reflect the assumptions and proposals in the airport plan—thereby making the airport plan consistent—or establish an intent to modify the *Compatibility Plan* at a later date.

2.7.3. *Disputes:* If the Cable Airport management should conclude that the conditions or limitations reached under Section 2.7.2 would unduly or inappropriately restrict development and use of the airport or that a finding of inconsistency was incorrectly reached, then the airport management can request that the matter be forwarded for mediation in accordance with Section 2.8.

2.8. Mediation of Disputes

2.8.1. *Mediation of Disputes Regarding Compatibility Plan Adoption and Implementation:* State law pertaining to the alternative process requires that a process be established for "the mediation of

⁶ City of Upland approval of an amended conditional use permit may nevertheless be required.

disputes arising from the preparation, adoption, and amendment” of an airport land use compatibility plan.⁷ The Mediation Board created in accordance with Policy 2.8.4 of this section may be utilized to provide input to the Upland City Council prior to the adoption or amendment of this *Compatibility Plan*. However, the primary purpose of the mediation process is to enable resolution of issues that may arise with regard to implementation of the *Compatibility Plan*.

- 2.8.2. *Actions Open to Mediation:* The mediation process of this section may be used with regard to any of the types of land use actions listed in Policy 2.5.6. The mediation process may also be used with regard to airport plans and projects listed in Policy 2.7.1.
- 2.8.3. *Mediation Process for Land Use Actions:* Any land use action found by City of Upland or City of Montclair staffs or by the Airport Land Use Committee to be inconsistent with the compatibility criteria in Chapter 3 of this *Compatibility Plan* is expected to be modified to become consistent with the criteria. However, if significant issues remain unresolved during the planning process, any of the affected parties (City of Upland, City of Montclair, other local agencies, Cable Airport management, or owners of property in the airport influence area) may request that a Mediation Board be convened in accordance with the policies in this section. The mediation process is intended to be limited in application and only utilized when less formal resolution of disputes is unsuccessful.
- 2.8.4. *Mediation Board:* If a dispute arises for which an affected party requests mediation, a Mediation Board shall be formed on an ad hoc basis for that specific dispute.
- (a) The Mediation Board shall consist of five members: two representatives from the City of Upland and one each from the City of Montclair, Cable Airport management, and the County of San Bernardino Department of Airports.
 - (b) The City of Upland shall be responsible for notifying the other three appointing agencies to request that they each appoint a representative to the Mediation Board and for arranging a meeting time and place.
 - (c) The Mediation Board shall convene within 45 days of a request for mediation.
 - (d) Decisions of the Mediation Board shall be made by majority vote.
- 2.8.5. *Overruling of Mediation Board:* An affected local agency may overrule a Mediation Board decision. The overruling shall follow a process similar to that required for overruling of an airport land use commission in counties where such a commission is established.
- (a) A public hearing shall be held on the matter.
 - (b) Formal findings shall be made to support a conclusion that the proposed action will not impair the orderly expansion of Cable Airport or expose the public to excessive noise and safety hazards.
 - (c) The overruling action shall require a 4/5 vote of the governing body of the local agency.

⁷ Public Utilities Code Section 21670.1(c)(2)(C).

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Chapter **3**

Compatibility Criteria



Compatibility Criteria

3.1. Basic Criteria for Review of Land Use Actions

3.1.1. *Evaluating Compatibility of New Land Use Development:* The compatibility of proposed land uses within the Cable Airport influence area shall be evaluated in accordance with the criteria and maps included in this chapter.

- (a) The criteria listed in **Table 3A**, *Basic Compatibility Criteria*, together with the compatibility zones depicted on **Map 3A**, *Compatibility Zones* shall be the primary basis for determining whether a proposed land use project will be compatible with Cable Airport activity. For most land use projects, **Table 3A** and **Map 3A** will be sufficient to determine the project's compatibility. The table and map both take into account all four compatibility concerns—noise, safety, airspace protection, and overflight.
- (b) Complex projects or ones for which the compatibility is indicated in **Table 3A** as “conditional” may require more detailed evaluation using the specific noise, safety, airspace protection, and overflight compatibility criteria set forth in Sections 3.1.7 through 3.5 and criteria for special circumstances outlined in Section 3.6 of this chapter. A similar analysis may be required if a site-specific limited exception is to be sought for an “incompatible” project in accordance with Criterion 3.1.2(a)(3).
- (c) **Table 3B**, *Compatibility Zone Factors*, identifies the relative contributions of noise, safety, airspace protection, and overflight factors to the delineation of each of the compatibility zones in **Map 3A**. This information can be used to help assess how heavily each compatibility factor should be weighed when evaluating proposed projects in a particular zone. It also can serve to suggest what types of modifications to the project might make the proposal acceptable given the project's degree of sensitivity to a particular compatibility factor (for example, knowing that a noise-sensitive type of land use is in a high-noise zone may indicate a need for sound attenuation in the structure, whereas a safety-sensitive land use in a high-risk zone may need to be altered to reduce the number of people present).

3.1.2. *Basic Compatibility Criteria Table:* Each of the land use categories listed in **Table 3A** is indicated as being either “normally compatible,” “conditional,” or “incompatible” depending upon the compatibility zone in which it is located.

- (a) These terms are defined to mean the following:
 - (1) “Normally Compatible” means that normal examples of the use are presumed to comply with the noise, safety, airspace protection, and overflight criteria set forth in this chapter. Atypical examples of a use may require review to ensure compliance with usage intensity, lot coverage, and height limit criteria.

- (2) “Conditional” means that the proposed land use is compatible if the indicated usage intensity, lot coverage, and other listed conditions are met. For the purposes of these criteria, “avoid” is intended as cautionary guidance, not a prohibition of the use.
 - (3) “Incompatible” means that the use should not be permitted under any normal circumstances. Limited exceptions are possible for site-specific special circumstances. See Criterion 3.1.6.
- (b) Multiple land use categories and the compatibility criteria associated with them may apply to a project. See Criterion 3.1.4 regarding mixed-use development.
 - (c) Land uses not specifically listed in **Table 3A** shall be evaluated using the criteria for similar listed uses.
 - (d) For details regarding usage intensity and lot coverage criteria indicated in **Table 3A** see the safety compatibility criteria in Section 3.3.
- 3.1.3. *Airport Runway Configuration:* The April 2011 *Cable Airport Master Plan* proposes shifting the position of the airport runway 50 feet northward and approximately 164 feet westward of its existing position. The runway length would remain unchanged at 3,864 feet.
- (a) Until such time as either the proposed runway realignment is constructed or the proposal is officially abandoned, land use compatibility protection shall be provided for both scenarios. **Maps 3A** and **3D** reflects a composite of both runway positions.
 - (b) At such time as either the proposed runway realignment is constructed or the proposal is officially abandoned, **Maps 3A** and **3D** should be modified to eliminate protection for the scenario no longer applicable.
- 3.1.4. *Mixed Residential and Nonresidential Development:* For projects involving a mixture of residential and nonresidential uses, the following policies apply:
- (a) Where the residential development and nonresidential development are proposed to be situated on separate parts of the project site, the project shall be evaluated as separate developments.
 - (1) The residential density shall be calculated with respect to the area(s) to be devoted to residential development and the nonresidential intensity calculated with respect to the area(s) proposed for nonresidential uses.
 - (2) This provision means that the residential density cannot be averaged over the entire project site when nonresidential uses will occupy some of the area. The same limitation applies in reverse—that is, the nonresidential intensity cannot be averaged over an area that includes residential uses.
 - (b) Development in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or nearby buildings on the same site must meet both residential density and nonresidential intensity criteria.
 - (1) The number of dwelling units shall not exceed the density limits indicated in **Table 2A Basic Compatibility Criteria**.
 - (2) Additionally, the normal occupancy of the residential portion shall be added to that of the nonresidential portion and the total occupancy shall be evaluated with respect to the nonresidential usage intensity criteria cited in **Table 2A**. The City of Upland may make exceptions to this provision if the residential and nonresi-

dential components of the development would clearly not be simultaneously occupied to their maximum intensities.

- (c) Mixed-use development shall not be allowed where the residential component would be situated in a compatibility zone where residential development is indicated as “Incompatible” in **Table 2A**.

3.1.5. *Parcels Lying within Two or More Compatibility Zones:* For the purposes of evaluating consistency with the compatibility criteria in **Table 3A**, 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.

- (a) The preceding notwithstanding, where no part of the building(s) or areas of outdoor congregation of people proposed on the project site fall within the more restrictive compatibility zone, the criteria for the compatibility zone where the proposed building(s) or outdoor uses are located shall apply.

- (b) Modification of the project site plan so as to transfer the allowed density of residential development or intensity of nonresidential development from the more restricted portion to the less restricted portion is encouraged. The purpose of this policy is to move people outside of the higher-risk zones.

- (1) This full or partial reallocation of density or intensity is permitted even if the resulting intensity in the less restricted area would then exceed the sitewide average density or intensity limits that apply within that compatibility zone (see **Exhibit 1**). However, transferring of density or intensity to a zone in which the proposed use is listed as incompatible is not allowed.
- (2) The single-acre intensity criterion for the zone to which the use is transferred must still be satisfied.

3.1.6. *Special Conditions Exception:* The policies and criteria set forth in this *Compatibility Plan* are intended to be applicable to all locations within the Cable Airport influence area. However, 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) The burden for demonstrating that special conditions apply to a particular development proposal rests with the project proponent.
- (b) After due consideration of all the factors involved in such situations and consultation with Cable Airport management, the local agency may find a normally incompatible use to be acceptable.
- (c) In considering any such exceptions, the decision-making body for the project shall also take into account the potential for the use of a building to change over time. A building could have planned low-intensity use initially, but later be converted to a

Exhibit 1: Transferring Usage Intensity

An example of transferring usage intensity to the less restrictive safety zone is provided below.

Project Site

Zone B1: 1.0 acres

Zone B2: 2.0 acres

Allowable Total Occupancy

Zone B1: 40 people/acre = 40 people

Zone B2: 80 people/acre = 160 people

Total Allowed on Site: 200 people

Transfer People from Zone B1 to Zone B2

Zone B1: 0 people

Zone B2: 200 people

* 200 people in 2.0 acres exceeds 80 people/acre limit for Zone B2, but is allowable under usage intensity transfer policy

higher-intensity use. Local agency permit language or other mechanisms to ensure continued compliance with the usage intensity criteria must be put in place.

- (d) In reaching such a decision, the decision-making body for the project shall make specific findings as to why the exception is being made and that the land use will neither 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.
- (e) Approval of a special conditions exception for a proposed project shall require a two-thirds vote of the local agency's decision-making body voting on the matter.
- (f) The granting of a special conditions exception shall be considered site specific and shall not be generalized to include other sites.

3.1.7. *Rare Special Events Exception:* Local agencies may make exceptions for “Conditional” or “Incompatible” land uses associated with rare special events (e.g., an air show at the airport, a street fair, or a golf tournament) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.

3.2. Noise Compatibility Criteria

NOISE COMPATIBILITY CRITERIA BACKGROUND INFORMATION

The Noise Compatibility Criteria Background Information in this box has been considered in formulating the noise compatibility criteria in this section, but is provided for informational purposes only and does not itself constitute *Compatibility Plan* criteria or policy. For additional discussion of noise compatibility concepts, see **Appendix D**.

Criteria Objective

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

Measures of Noise Exposure

As is standard practice in California, this *Compatibility Plan* uses the Community Noise Equivalent Level (CNEL) metric as the primary basis for evaluating the degree to which lands around the airport are exposed to airport-related noise. CNEL is a cumulative noise metric in that it takes into account not just the loudness of individual noise events, but also the number of events over time. Cumulative exposure to aircraft noise is depicted by a set of contours, each of which represents points having the same CNEL value.

The noise contours shown in **Map 3E, Future Noise Impact**, were produced for the April 2011 *Cable Airport Master Plan Update Draft Final Report* and reflect the airport activity levels documented in the Supporting Data included in this *Compatibility Plan*. The noise contours represent the greatest annualized noise impact, measured in terms of CNEL, that is anticipated to be generated by the aircraft operating at the airport over the planning time frame.

Factors Considered in Setting Noise Compatibility Criteria

Factors considered in setting the criteria in this section include the following:

- Established state regulations and guidelines, including noise compatibility recommendations in the *California Airport Land Use Planning Handbook* (2011).
- Ambient noise levels in the community, as well as noise from other transportation noise sources. Ambient noise levels influence the potential intrusiveness of aircraft noise upon a particular land use and

vary greatly between rural, suburban, and urban communities.

- The extent to which noise would intrude upon and interrupt the activity associated with a particular use. Susceptibility to speech interference or sleep disturbance as a result of single-event noise levels is a factor in this regard. Noise levels above approximately 65 dBA are sufficient to cause speech interference. Highly noise-sensitive land uses include residences, schools, libraries, and outdoor theaters.
- The extent to which the land use activity itself generates noise.
- The extent of outdoor activity, particularly noise-sensitive activities, associated with a particular land use.
- The extent to which indoor uses associated with a particular land use may be made compatible with application of sound attenuation. (Typical new building construction provides sufficient insulation to attenuate outdoor-to-indoor noise by at least 20 dB.)

3.2.1. *Maximum Acceptable Exterior Noise Exposure:* To minimize noise-sensitive development in noisy areas around Cable Airport, new land use development shall be restricted in accordance with the following.

(a) New residential development shall be deemed incompatible within the projected CNEL 60 dB contour of Cable Airport depicted on **Map 3E**, *Future Noise Impact* and is one of the factors considered in establishing the *Compatibility Zone* boundaries in **Map 3A**. For the purposes of implementing this policy:

- (1) No new dwelling shall be permitted within Compatibility Zones A, B1, B2, C1, or C2 except as allowed by right in accordance with Policy 2.4.3 in Chapter 2.
- (2) New residential development either single-family or multi-family should be avoided in Compatibility Zones B3 and C3. To be acceptable, the development must meet these criteria:
 - Comply with the infill criteria set forth in Criterion 3.6.2.
 - Incorporate sound attenuation as necessary to comply with the interior noise level conditions in Criterion 3.2.2.
 - Have a density no greater than allowed in accordance with Criterion 3.3.1.
 - Dedicate an avigation easement to the City of Upland in accordance with Criterion 3.6.1.

(b) New nonresidential development shall be deemed incompatible in locations where the airport-related noise exposure would be highly disruptive to the specific land use. Highly noise-sensitive land uses are flagged with a symbol (→) in **Table 3A**.

- (1) The City of Upland and project proponents should exercise caution with regard to creation of new outdoor uses—the potential for aircraft noise to disrupt the activity should be evaluated.
- (2) Uses that are primarily indoor are acceptable if sound attenuation is provided in accordance with Criterion 3.2.2 and as noted in **Table 3A**.

3.2.2. *Maximum Acceptable Interior Noise Levels:* To minimize disruption of indoor activities by aircraft noise, new structures within any Compatibility Zone except D or E shall incorporate sound attenuation design features sufficient to meet the interior noise level criteria specified by this criterion.

- (a) For the following land uses, the aircraft-related interior noise level shall be no greater than CNEL 40 dB.

- (1) Any habitable room of single- or multi-family residences (including family day care homes with 14 or fewer children);
 - (2) Hotels, motels, and other lodging;
 - (3) Hospitals, nursing homes, and other congregate care facilities;
 - (4) Places of worship, meeting halls, theaters, and mortuaries; and
 - (5) Schools, libraries, and museums.
- (b) When structures are part of a proposed land use action, evidence that proposed structures will be designed to comply with the criteria in Paragraph (a) of this criterion shall be submitted to the City of Upland as part of the building permit process. The calculations should assume that windows are closed.
- (c) Exceptions to the interior noise level criteria in Paragraph (a) of this criterion may be allowed where evidence is provided that the indoor noise generated by the use itself exceeds the listed criteria.
- 3.2.3. *Noise-Sensitive Land Uses*:: Single-event noise levels should be considered when evaluating the compatibility of highly noise-sensitive land uses such as residences, schools, libraries, and outdoor theaters. Susceptibility to speech interference and sleep disturbance are among the factors that make certain land uses noise sensitive. The compatibility evaluations in **Table 3A** take into account single-event noise concerns.
- (a) The City of Upland may require acoustical studies or on-site noise measurements to assist in determining the compatibility of sensitive uses.
 - (b) Single-event noise levels are especially important in areas that are regularly overflowed by aircraft, but that do not produce significant CNEL contours (helicopter overflight areas are a particular example). Flight patterns for Cable Airport should be considered in the review process including in locations beyond the mapped noise contours.

3.3. Safety Compatibility Criteria

SAFETY COMPATIBILITY CRITERIA BACKGROUND INFORMATION

The Safety Compatibility Criteria Background Information in this box has been considered in formulating the safety compatibility criteria in this section, but is provided for informational purposes only does not itself constitute *Compatibility Plan* criteria or policy. For additional discussion of safety compatibility concepts, see **Appendix D**.

Criteria Objective

The intent of land use safety compatibility criteria is to minimize the risks associated with an off-airport aircraft accident or emergency landing. The criteria focus on reducing the potential consequences of such events should they occur. Risks both to people and property in the vicinity of an airport and to people on board the aircraft are considered (land use features that can be the *cause* of an aircraft accident are addressed under Airspace Protection, Section 3.4.

Measures of Risk Exposure

This *Compatibility Plan* evaluates the risk that potential aircraft accidents pose to lands and people around the airport in terms of two parameters: where aircraft accidents are most likely to occur near the airport; and the potential consequences if an accident occurs in one of those locations.

- The accident likelihood is measured in terms of the geographic distribution of where accidents have historically occurred around other airports having similar types of activity. Because aircraft accidents

are infrequent occurrences, the pattern of accidents at any one airport cannot be used to predict where future accidents are most likely to happen around that airport. Reliance must be placed on data about aircraft accident locations at comparable airports nationally, refined with respect to information about the characteristics of aircraft use at the individual airport.

- The consequences component of the risk considers the number of people in harm's way and their ability to escape harm. For most nonresidential development, potential consequences are measured in terms of the usage intensity—the number of people per acre on the site. For residential development, density—the number of dwelling units per acre—is substituted for intensity. Additional criteria are applicable to specific types of uses.

Factors Considered in Setting Safety Compatibility Criteria

Factors considered in setting the criteria in this section include the following:

- The runway length, approach categories, normal flight patterns, and aircraft fleet mix at Cable Airport. These factors are reflected in the compatibility zone shapes and sizes.
- The locations, delineated with respect to the airport runway, where aircraft accidents typically occur near airports and the relative concentration of accidents within these locations. The most stringent land use controls are applied to the areas with the greatest potential accident exposure. The risk information utilized is the general aviation accident data and analyses contained in the *California Airport Land Use Planning Handbook*. The *Handbook* guidance regarding safety compatibility forms the basis for the safety component of the composite compatibility zones established for Cable Airport in **Map 3A** and the maximum usage intensities (people per acre) criteria indicated in Criterion 3.3.2 and in **Table 3A**.
- *Handbook* guidance regarding residential densities in urban areas. Residential density limitations cannot be equated to the usage intensity limitations for nonresidential uses. Consistent with pervasive societal views and as suggested by the *Handbook* guidelines, a greater degree of protection is warranted for residential uses.
- The presence of certain land use characteristics that represent safety concerns regardless of the number of people present; specifically: vulnerable occupants (children, elderly, disabled), hazardous materials, and critical community infrastructure.
- The extent to which development covers the ground and thus limits the options of where an aircraft in distress can attempt an emergency landing.
- The extent to which the occupied parts of a project site are concentrated in a small area. Concentrated high intensities heightens the risk to occupants if an aircraft should strike the location where the development is concentrated. To guard against this risk, limitations on the maximum concentrations of dwellings or people in a small area of a large project site is appropriate within the highest risk parts of the airport influence area.

3.3.1. *Residential Development Density Criteria:* Proposed residential development shall be evaluated in accordance with the following criteria:

- (a) For projects that are solely residential, the acreage evaluated equals the project site size (gross acreage) which may include multiple parcels. See Criterion 3.1.4 with regard to mixed-use development.
- (b) Except as allowed by right in accordance with Policy 2.4.3 in Chapter 2, the maximum allowable residential density within each compatibility zone is as indicated below and shown in Table 3A:

Compatibility Zone	A	B1	B2	B3	C1	C2	C3	D	E
	Dwelling Units per Acre								
Maximum Sitewide Average Density	0	0*	0*	4.0	0*	0*	15.0	25.0	No Limit
Maximum Single-Acre Density	0	0	0	8.0	0	0	30.0	50.0	No Limit
* Portions of a project site may extend into these zones provided that no dwelling is located there.									

- (c) Density bonuses and other bonuses or allowances that local agencies may provide for affordable housing developed in accordance with the provisions of state and/or local law or regulation shall be included when calculating residential densities. The overall density of a development project, including any bonuses or allowances, must comply with the allowable density criteria.
- (d) Secondary units, as defined by state law and local regulations, shall be excluded from density calculations.
- (e) In accordance with state law, a family day care home serving 14 or fewer children may be established in any existing dwelling or in any new dwelling permitted by the policies of this *Compatibility Plan*.

3.3.2. *Nonresidential Development Intensity Criteria:* Nonresidential development shall be evaluated in accordance with the following criteria:

- (a) The usage intensity (people per acre) limit indicated in **Table 3A** for each compatibility zone is the fundamental criterion against which the safety compatibility of most nonresidential land uses shall be measured. Other criteria may be applicable to uses of special concern (see Criterion 3.3.7).
- (b) All nonresidential uses, including uses listed in **Table 3A**, *Basic Compatibility Criteria*, as “Normally Compatible,” must comply with both the “sitewide average” and “single-acre” usage intensity limits indicated below and shown in **Table 3A** for each compatibility zone.

Compatibility Zone	A	B1	B2	B3	C1	C2	C3	D	E
	People per Acre								
Maximum Sitewide Average Intensity	10	40	80	120	120	240	No Limit	No Limit	No Limit
Maximum Single-Acre Intensity	20	80	160	300	300	600	No Limit	No Limit	No Limit

- (1) The “sitewide average” intensity equals the total number of people expected to be on the entire site divided by the site size in acres (i.e., the gross acreage of the project site) which may include multiple parcels.
- (2) The “single-acre” intensity equals the number of people expected to occupy the most intensively used 1.0-acre area(s) of the site.
- (c) No new structures intended to be occupied regularly are allowed in Compatibility Zone A.
- (d) The need to calculate the usage intensity of a particular project proposal for compliance with the intensity criteria in the Paragraph (b) table is to be governed by the following:

- (1) Land use categories indicated in **Table 3A** as “Normally Compatible” for a particular compatibility zone are presumed to meet the intensity criteria indicated in the Paragraph (b) table. Calculation of the usage intensity is not required unless the particular project proposal represents an atypical example of the usage type.
 - (2) Calculation of the usage intensity must be done for all proposed projects where the land use category for the particular compatibility zone is indicated in **Table 3A** as “Conditional” and the additional criteria column says “Ensure intensity criteria met.”
 - (3) Where **Table 3A** indicates that land use category is “Conditional” for the particular safety zone, but the criteria are other than “Ensure intensity criteria met,” calculation of the usage intensity is not necessary for typical examples of the use. However, the project proposal must comply with the other criteria listed for the applicable land use category and compatibility zone.
- (e) Usage intensity calculations shall include all people (e.g., employees, customers/visitors) who may be on the property at any single point in time, whether indoors or outdoors. For the purposes of these calculations, the total number of occupants during normal busiest periods shall be used.⁸
- (f) Each component use within a nonresidential development that has multiple types of uses shall comply with the usage intensity criteria in Paragraph (b) above and in **Table 3A**, *Basic Compatibility Criteria*, unless the use is ancillary to the primary use. Ancillary uses must be considered in the sitewide average intensity limits, but may be excluded from the single-acre intensity calculations.
- (1) To qualify as an ancillary use, the use must be associated with the primary use (e.g. a cafeteria in an office building) and occupy no more than 10% of total building floor area.
 - (2) An ancillary use may be more intensively occupied (more people in a given area) than the primary use, provided that the ancillary use is neither:
 - An assembly room having more than 750 square feet of floor area (this criterion is intended to parallel building code standards) and a capacity of 50 people; nor
 - A K-12 school, day care center (greater than 14 children), or other risk-sensitive use that is “incompatible” within the safety zone where the primary use is to be located.
- 3.3.3. *Maximum Lot Coverage:* In addition to the single-acre density and intensity limits set by Criterion 3.3.2(b), new residential and nonresidential development shall also be limited with respect to lot coverage—the percentage of the project site covered by buildings. The specific limits for each compatibility zone are as shown at the top of **Table 3A**.
- 3.3.4. *Methodology for Calculation of Sitewide Average Intensity:* Determination of compliance with the sitewide average intensity criteria indicated in Criterion 3.3.2(b) requires calculating the total occupancy of the site at any given time under normal busy use (see Criterion 3.3.2(e)), then dividing by the total (gross) acreage of the project site (see **Exhibit 2**).

⁸ This number will typically be lower than the absolute maximum number of occupants the facility can accommodate (such as would be used in determining compliance with building and fire codes).

Exhibit 2: Intensity Calculation Example

In this example, both the sitewide and single-acre Intensity of a proposed warehouse facility is calculated using the common Occupancy Load Factors [number of square feet per person] information in Table 3A, *Basic Compatibility Criteria* together with project specifications. The results are then compared with the maximum sitewide and single-acre Intensity limits in Table 3A to determine consistency of the project with the safety criteria.



Safety Criteria Data

Compatibility Zone B3 Intensity Limits

Max. Sitewide Average: 120 people per acre
 Max. Single-Acre: 300 people per acre

Common Occupancy Load Factors

Office: approx. 215 s.f. per person
 Light Industrial, Low Intensity: approx. 350 s.f. per person
 Warehouse: approx. 1,000 s.f. per person

Project Data

Site Acreage: 3 acres
 Office: 19,560 s.f.
 Light Industrial: 24,000 s.f.
 Warehouse: 65,000 s.f.

Occupancy Load Calculation

Office: $\frac{19,560 \text{ s.f.}}{215 \text{ s.f. per person}} = 91 \text{ people}$
 L-industrial: $\frac{24,000 \text{ s.f.}}{350 \text{ s.f. per person}} = 69 \text{ people}$
 Warehouse: $\frac{65,000 \text{ s.f.}}{1,000 \text{ s.f. per person}} = 65 \text{ people}$
 Total: = 225 people

Intensity Results

The results of the intensity calculations indicate that the proposed development satisfies the sitewide and single-acre intensity criteria.

Sitewide Average Intensity

Total people = $\frac{225 \text{ people}}{3 \text{ acres}} = 75 \text{ people per acre}$

Single-Acre Intensity

Total people = $\frac{91 + 69 \text{ people}}{1 \text{ acre}} = 160 \text{ people per acre}$

- (a) If a project site lies within multiple compatibility zones, the site shall be considered as if it is multiple parcels divided at the zone boundary line (see **Exhibit 3**).
- (b) Determination of total occupancy shall consider the following factors (additional guidance is found in **Appendix E**):
 - (1) Fixed Seating: For uses having fixed seating for customers (for example, restaurants and theaters), occupancy shall equal the total number of seats plus the number of employees on site.

Exhibit 3: Site Split by Compatibility Zones

In this example, the restaurant and office uses are split between Compatibility Zones B2 and B3. When determining compliance with the Zone B2 intensity limits, only the portions of the uses in Zone B2, together with the retail use that is fully in Zone B2 are considered and the site size is the 3.5 acres in Zone B2.

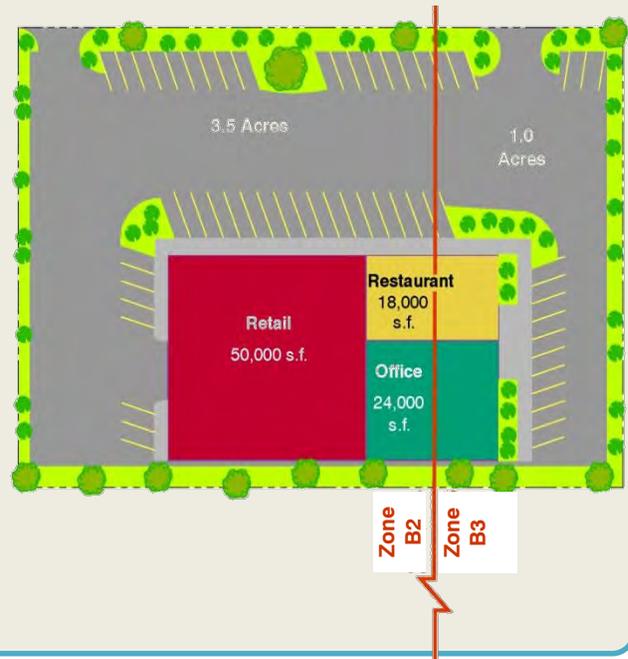
Compatibility Zone B2

Retail:	$\frac{50,000 \text{ s.f.}}{170 \text{ s.f. per person}}$	= 294 people
Restaurant:	$\frac{50\% \text{ of } 18,000 \text{ s.f.}}{60 \text{ s.f. per person}}$	= 150 people
Office:	$\frac{50\% \text{ of } 24,000 \text{ s.f.}}{215 \text{ s.f. per person}}$	= 56 people
Total Occupancy		= 500 people
Intensity:	$\frac{500 \text{ people}}{3.5 \text{ acres}}$	= 143 people/acre*

* Would not meet Zone B2 sitewide average limit of 80 people/acre

Compatibility Zone B3

A similar analysis is required for the uses in Zone B3.



- (2) **Occupancy Load Factors:** For most other uses, the Occupancy Load Factor indicated in **Table 3A** for the use shall be applied.⁹ The Occupancy Load Factor is the assumed approximate number of square feet occupied by each person in that use. Dividing the square footage of the building or component use by the Occupancy Load Factor for the use yields the number of occupants.
 - For projects involving a mixture of uses in a building, the Occupancy Load Factor for each component use shall be applied to give the occupancy for that use, then the component occupancies added to determine total occupancy. Ancillary uses (see Criterion 3.3.2(f)) shall be disregarded in the calculation.
 - If the project applicant can document a higher or lower Occupancy Load Factor for a particular use, then the local agency may use that number in lieu of the number in **Table 3A**. In considering any such exceptions, the local agency shall also take into account the potential for the use of a building to change over time (see Criterion 3.3.6).
- (3) **Vehicle Parking Requirements:** For many commercial and industrial uses, the occupancy can be estimated by considering the number of parking spaces required by the local agency and multiplying by the average occupancy per vehicle. This method is not suitable for land uses where many users arrive on foot or by transit, bicycle, or other means of transportation (see **Appendix E**).
- (4) **Building and Fire Codes:** This method is essentially the same as the Occupancy Load Factor method in that the codes provide a square footage per person for various types of building uses. Building and Fire Codes, though, are based on a maximum, never to be exceeded, number of occupants rather than the average

⁹ Occupancy Load Factors are based on information from various sources and are intended to represent busy-period usage for typical examples of the land use category. They can be used as a factor in determining the appropriate land use category for unlisted uses or atypical examples of a use.

busy period that is the basis for airport land use compatibility planning. As such, the total occupancy calculated using these codes must be reduced by a set factor—one half for most uses—to provide a number consistent with the intensity limits listed in Criterion 3.3.2(b).

3.3.5. *Methodology for Calculation of Single-Acre Intensity:* The single-acre intensity of a proposed development shall be calculated by determining the total number of people expected to be within any 1.0-acre portion of the site, typically the most intensively used building or part of a building. Calculation of the single-acre intensity depends upon the building footprint and site sizes and the distribution of activities on the site.

- (a) For sites less than 1.0 acre, the single-acre intensity equals the total number of people on the site divided by the site size.
- (b) For sites more than 1.0 acre and a building footprint less than 1.0 acre, the single-acre intensity equals the total number of building occupants divided by the site size unless the project includes substantial outdoor occupancy in which case such usage should be taken into account.
- (c) For sites having both site size and building footprint of more than 1.0 acre, the single-acre intensity shall normally be calculated as the total number of building occupants divided by the building footprint in acres. This calculation assumes that the occupancy of the building is evenly distributed. However, if the occupancy of the building is concentrated in one area—the office area of a large warehouse, for example—then the all occupants of that area shall be included in the single-acre calculation.
- (d) The 1.0-acre areas to be evaluated shall normally match the building footprints provided that the buildings are generally rectangular (reasonably close to square) and not elongated in shape and, for buildings larger than 1.0 acre, may represent a portion of the building.
- (e) If a building has multiple floors, then the total number of occupants on all floors falling within the 1.0-acre footprint shall be counted.

3.3.6. *Long-Term Changes in Occupancy:* In evaluating compliance of a proposed nonresidential development with the usage intensity criteria in Criterion 3.3.2(b), the local agency shall take into account the potential for the use of a building to change over time. A building could have planned low-intensity use initially, but later be converted to a higher-intensity use. Local agencies must provide permit language or other mechanisms to ensure continued compliance with the usage intensity criteria. (Note that this provision applies only to new development and redevelopment—projects for which discretionary local agency action is required—not to tenant improvements or other changes to existing buildings for which local approval is ministerial.)

3.3.7. *Land Uses of Special Concern:* Certain types of land uses represent special safety concerns irrespective of the number of people associated with those uses. Land uses of particular concern and the nature of the concern are listed below along with the criteria applicable to these uses. In some cases, these uses are not allowed in portions of the airport environs regardless of the number of occupants associated with the use. In other instances these uses should be avoided—that is, allowed only if an alternative site outside the zone would not serve the intended function. When the use is allowed, special measures should be taken to minimize hazards to the facility and occupants if the facility were to be struck by an aircraft.

- (a) Uses Having Vulnerable Occupants: These uses are ones in which the majority of occupants are children, elderly, and/or disabled—people who have reduced effective mobility or may be unable to respond to emergency situations.
- (1) The primary uses in this category are:
 - Children’s schools (grades K–12).
 - Day care centers (facilities with more than 14 children, as defined in the California Health and Safety Code).
 - In-patient hospitals, mental hospitals, nursing homes, and similar facilities where patients remain overnight.
 - Congregate care facilities including retirement homes, assisted living, and intermediate care facilities.
 - Penal institutions.
 - (2) Criteria for new or expanded facilities of these types are as follows:
 - All of the above uses are incompatible within Compatibility Zones A, B1, B2, B3, C1, and C2. Additionally, children’s schools are incompatible in Compatibility Zone C3. No new sites or facilities or expansion of existing sites or facilities shall be allowed.
 - Nonconforming existing facilities on existing sites may be expanded or reconstructed only as allowed under Criteria 3.6.2 and 3.6.4.
 - All facilities must comply with the intensity limits set forth in Criterion 3.3.2(b).
- (b) Hazardous Materials Storage: Materials that are flammable, explosive, corrosive, or toxic constitute special safety compatibility concerns to the extent that an aircraft accident could cause release of the materials and thereby pose dangers to people and property in the vicinity.
- (1) Facilities in this category include:
 - Facilities such as oil refineries and chemical plants that manufacture, process, and/or store bulk quantities of hazardous materials generally for shipment elsewhere.
 - Facilities associated with otherwise compatible land uses where hazardous materials are stored in smaller quantities primarily for on-site use.
 - (2) Criteria for new or expanded facilities of these types are as follows:
 - Facilities in the first group are incompatible in Compatibility Zones A, B1, B2, B3, C1, and C2. No new sites or facilities or expansion of existing sites or facilities shall be allowed. New sites or construction of new expanded facilities shall be allowed in Compatibility Zones C3, D, and E only if an alternative site outside of the airport influence area would not serve the intended function of the facility.
 - Facilities in the second group are incompatible in Compatibility Zone A. No new sites or facilities or expansion of existing sites or facilities shall be allowed. Bulk storage of hazardous materials shall not be allowed in Compatibility Zones B1, B2, and C1. In Compatibility Zones B3, C2, C3, and D, bulk storage of hazardous materials should be avoided, but storage of smaller amounts for near-term on-site use is acceptable. Permitting agencies should evaluate the need for special measures to minimize hazards if the facility should be struck by an aircraft.

- All facilities must comply with the intensity limits set forth in Criterion 3.3.2(b).
- (c) Critical Community Infrastructure: This category pertains to facilities the damage or destruction of which would cause significant adverse effects to public health and welfare well beyond the immediate vicinity of the facility.
- (1) Among these facilities are:
 - Public safety facilities such as police and fire stations.
 - Communications facilities including emergency communications, broadcast, and cell phone towers.
 - Primary, peaker, and renewable energy power plants, electrical substations, and other utilities.
 - (2) Criteria for new or expanded facilities of these types are as follows:
 - Public safety facilities are incompatible in Compatibility Zones A and B1. No new sites or facilities or expansion of existing sites or facilities shall be allowed. In Compatibility Zones B2 and B3, creation or expansion of these types of facilities shall be allowed only if an alternative site outside of these zones would not serve the intended function of the facility. In Compatibility Zone C1, public safety facilities shall be allowed only if the facility serves or has an airport-related function.
 - Communications facilities are incompatible in Compatibility Zones A, B1, and C1. No new sites or facilities or expansion of existing sites or facilities shall be allowed. In Compatibility Zones B2, B3, C2, C3, and D, creation or expansion of these types of facilities shall be allowed only if an alternative site outside of these zones would not serve the intended function of the facility and the height of the facility complies with airspace protection criteria set forth in Section 3.4 of this *Compatibility Plan*.
 - Primary power plants are incompatible in the entire airport influence area except that they may be allowed in Compatibility Zone E if an alternative site outside of these zones would not serve the intended function of the facility. Peaker and renewable energy power plants are incompatible in Compatibility Zones A, B1, B2, B3, C1, and C2. No new sites or facilities or expansion of existing sites or facilities shall be allowed. Any facility to be located elsewhere in the airport influence area must comply with the height limit, electrical interference, glare, visible and thermal plume, and other criteria contained in the airspace protection section, Section 3.4, of this *Compatibility Plan*.

3.4. Airspace Protection Compatibility Criteria

AIRSPACE PROTECTION COMPATIBILITY CRITERIA BACKGROUND INFORMATION

The Airspace Protection Compatibility Criteria Background Information in this box has been considered in formulating the Airspace Protection Compatibility criteria in this section, but is provided for informational purposes only and does not itself constitute *Compatibility Plan* criteria or policy. For additional discussion of airspace protection concepts, see **Appendix D**.

Criteria Objective

Airspace protection compatibility policies seek to prevent creation of land use features that can pose hazards to the airspace required by aircraft in flight and have the potential for causing an aircraft

accident.

Measures of Hazards to Airspace

Three categories of hazards to airspace are a concern: physical, visual, and electronic.

- *Physical hazards* include tall structures that have the potential to intrude upon protected airspace as well as land use features that have the potential to attract birds or other potentially hazardous wildlife to the airport area.
- *Visual hazards* include certain types of lights, sources of glare, and sources of dust, steam, or smoke.
- *Electronic hazards* are ones that may cause interference with aircraft communications or navigation.

Factors Considered in Setting Airspace Protection / Object Height Compatibility Criteria

The *Compatibility Plan* airspace protection policies rely upon the regulations and standards enacted by the Federal Aviation Administration (FAA) and the State of California. The FAA has well defined standards by which potential hazards to flight, especially airspace obstructions, can be assessed. The following FAA regulations and documents, and any later versions of these documents, are specifically relevant.

- Federal Aviation Regulations (FAR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace* (provides standards regarding FAA notification of proposed objects and height limits of objects near airports).
- FAA Advisory Circular 150/5300-13, *Airport Design* (provides standards regarding safety-related areas in the immediate vicinity of runways).
- Advisory Circular 70/7460-1K, *Obstruction Marking and Lighting* (sets standards for how essential marking and lighting should be designed).

These regulations and standards do not give the FAA authority to prevent the creation of hazards to flight. That authority rests with state and local government. The State of California has enacted regulations enabling state and *Local Agencies* to enforce the FAA standards. The *Compatibility Plan* criteria are intended to help implement the federal and state regulations.

Factors Considered in Setting Airspace Protection / Wildlife Hazard Compatibility Criteria

Natural features and agricultural practices may include open water and food sources that are attractive to wildlife, especially waterfowl and other bird species. The *Compatibility Plan* relies upon the wildlife hazard guidelines established by the FAA in the following Advisory Circulars:

- FAA Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports* (provides guidance on types of attractants to be avoided).
- FAA Advisory Circular 150/5200-34A, *Construction or Establishment of Landfills near Public Airports* (sets guidelines on proximity of these facilities to airports).

3.4.1. *Evaluating Airspace Protection / Object Height Compatibility for New Development:* The object height compatibility of proposed land uses within the influence area of Cable Airport shall be evaluated in accordance with the policies in this section, including the existing and future airspace protection surfaces depicted on **Map 3B**, *Existing Airspace Protection Surfaces*, and **Map 3C**, *Future Airspace Protection Surfaces*.

- (a) The airspace protection / height limit surfaces are drawn in accordance with FAR Part 77, Subpart C, and reflect the runway length, runway end locations, and approach type for each end of the runway. As indicated in Criterion 3.1.3, airspace protection must be provided for both the existing and planned future runway configurations.
- (b) The Critical Airspace Protection Zone consists of the FAR Part 77 primary surface and the area beneath portions of the approach and transitional surfaces to where these surfaces intersect with the horizontal surface.

- (c) The High Terrain Area encompasses locations where the ground elevation exceeds or is within 35 feet beneath an Airspace Protection Surface as defined by FAR Part 77 for the airport.

3.4.2. *Object Height Criteria:* The criteria for determining the acceptability of a project with respect to height shall be based upon the standards set forth in FAR Part 77, Subpart C, *Safe, Efficient Use and Preservation of the Navigable Airspace*, and applicable airport design standards published by the FAA. Additionally, where an FAA aeronautical study of a proposed object has been required as described in Policy 3.4.4, the results of that study shall be taken into account by the local agency.

- (a) Except as provided in Paragraphs (c) and (d) of this criterion, no object, including a mobile object such as a vehicle or temporary object such as construction crane, shall have a height that would result in penetration of an airspace protection surface depicted for Cable Airport on either **Map 3B** or **Map 3C**. Any object that penetrates one of these surfaces is, by FAA definition, deemed an obstruction.¹⁰
- (b) The allowable height at any particular point in the airport environs depends not only on the elevation of the airspace protection surface above that point, but also upon the ground elevation. **Map 3D** indicates the allowable height range for all areas in the airport influence area. This map takes into account both the current (Map 3B) and airport-proposed (Map 3C) airspace protection surfaces and reflects whichever of the two sets of surfaces results in the most restrictive height limitation at any particular point.
- (c) Objects within the High Terrain Area but not situated within the Critical Airspace Protection Zone (see Criterion 3.4.1(b)) may be allowed to have heights that penetrate the Airspace Protection Surfaces defined by FAR Part 77 criteria.
 - (1) The maximum allowable height for these objects is 35 feet above ground level.
 - (2) The height of all objects is subject to local agency zoning limits.
- (d) Unless exempted under Paragraph (c) of this policy, a proposed object having a height that exceeds any of the airport's Airspace Protection Surfaces shall be allowed only if *all* of the following apply:
 - (1) As the result of an aeronautical study, the FAA determines that the object would not be a hazard to air navigation.
 - (2) FAA or other expert analysis conducted under the auspices of the City of Upland or the airport operator concludes that, despite being an airspace obstruction (not necessarily a hazard), the object that would not cause any of the following:
 - An increase in the ceiling or visibility minimums of the airport for an existing or planned instrument procedure (a planned procedure is one that is formally on file with the FAA);
 - A reduction of the established operational efficiency and capacity of the airport, such as by causing the usable length of the runway to be reduced; or
 - Conflict with the visual flight rules (VFR) airspace used for the airport traffic pattern or en route navigation to and from the airport.

¹⁰ An obstruction may or may not be a hazard. The purpose of FAA aeronautical studies is to determine whether an obstruction is a hazard and, if so, what remedy is recommended. The FAA's remedies are limited to making changes to the airspace and an airport's approach procedures, but it also can indicate an objection to proposed structures that it deems to be a hazard.

- (3) Marking and lighting of the object will be installed as directed by the FAA aeronautical study or the California Division of Aeronautics and in a manner consistent with FAA standards in effect at the time the construction is proposed.¹¹
- (4) An aviation easement is dedicated to Cable Airport in accordance with Criterion 3.6.1.
- (5) The proposed project/plan complies with all other policies of this *Compatibility Plan*.

3.4.3. *Criteria Addressing Other Flight Hazards:* Land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft in flight or taking off or landing at the airport shall not be allowed within the airport influence area unless the uses are consistent with FAA rules and regulations.

(a) Specific characteristics to be avoided include:

- (1) Sources of glare (such as from mirrored or other highly reflective structures or building features) or bright lights (including search lights and laser light displays);
- (2) Distracting lights that could be mistaken for airport lights;
- (3) Sources of dust, steam, or smoke that may impair pilots' vision;
- (4) Sources of steam or other emissions that cause thermal plumes or other forms of unstable air;
- (5) Sources of electrical interference with aircraft communications or navigation; and
- (6) Any proposed use that creates an increased attraction for wildlife and that is inconsistent with FAA rules and regulations.¹² Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight.

(b) To resolve any uncertainties with regard to the significance of the above types of flight hazards, local agencies should consult with FAA officials, the California Division of Aeronautics, and Cable Airport management.

3.4.4. *Requirements for FAA Notification of Proposed Construction:* Project proponents are responsible for notifying the FAA about proposed construction that may affect navigable airspace.¹³ The following is *Compatibility Plan* policy on this topic.

¹¹ Advisory Circular 70/7460-1J, *Obstruction Marking and Lighting*, or any later FAA guidance.

¹² The FAA rules and regulations include, but are not limited to: Public Law 106-181 (Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, known as AIR 21), Section 503; 40 CFR 258, *Criteria for Municipal Solid Waste Landfills*, Section 258.10, Airport Safety; Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*; Advisory Circular 150/5200-34A, *Construction or Establishment of Landfills near Public Airports*; and any subsequent applicable FAA guidance.

¹³ FAR Part 77 requires that a project proponent submit notification of a proposal to the FAA where required by the provisions of FAR Part 77, Subpart B. California Public Utilities Code Sections 21658 and 21659 likewise include this requirement. FAA notification requirements apply to all objects including structures, antennas, trees, mobile objects, and temporary objects such as construction cranes. The FAA will conduct an "aeronautical study" of the object(s) and determine whether the object(s) would be of a height that would constitute a hazard to air navigation. (See **Appendix C** of this *Compatibility Plan* for a copy of FAR Part 77 and online procedures for filing Form 7460-1.) FAA notification is required under the following circumstances:

(a) The project contains proposed structures or other objects that exceed the height standards defined in FAR Part 77, Subpart B. Objects shielded by nearby taller objects are exempted in accordance with FAR Part 77, Paragraph 77.15. Note that notification to the FAA under FAR Part 77, Subpart B, is required even for certain proposed construction that does not exceed the height limits allowed by Subpart C of the regulations. Also, the FAA notification area extends beyond the Airport

- (a) Reference to FAA notification requirements is included here for informational purposes only, not as an *Compatibility Plan* policy.
- (b) The local agency having jurisdiction over the project site should inform the project proponent of the requirements for notification to the FAA.
- (c) Any proposed development project that includes construction of a structure or other object and that is required to be submitted to the local agency for a consistency review in accordance with Policy 2.5.1, 2.5.2, or 2.6.2 **Error! Reference source not found.** shall include a copy of the completed FAR Part 77 notification form (Form 7460-1) submitted to the FAA, if applicable, and of the resulting FAA findings from its aeronautical study (i.e., notice of determination letter). A proposed project may be referred to the local agency in advance of the completion of the FAA aeronautical study. However, the completed aeronautical study must be forwarded to the local agency when available and the local agency may reconsider its previous consistency determination if the FAA study provides new information and airspace protection was a factor in the local agency's determination.

3.5. Overflight Compatibility Criteria

OVERFLIGHT COMPATIBILITY CRITERIA BACKGROUND INFORMATION

The Overflight Compatibility Criteria Background Information in this box has been considered in formulating the Overflight Compatibility criteria in this section, but is provided for informational purposes only and does not itself constitute *Compatibility Plan* criteria or policy. For additional discussion of overflight compatibility concepts, see **Appendix D**.

Policy Objective

Noise from individual aircraft operations, especially by comparatively loud aircraft, can be intrusive and annoying in locations beyond the limits of the noise exposure areas addressed by the criteria in Section 3.1.7. Sensitivity to aircraft overflight varies from one person to another.

Measures of Overflight Exposure

The loudness and frequency of occurrence of individual aircraft noise events are key determinants of where airport proximity and aircraft overflight notification is warranted. Single-event noise levels are especially important in areas that are overflown regularly by aircraft, but that do not produce significant CNEL contours.

Locations where aircraft regularly fly at approximately the traffic pattern altitude—800 feet above ground level—or lower are considered to be within the overflight impact area of Cable Airport. Note that the flight altitude above ground level will be more or less than this amount depending upon the terrain below. Areas of high terrain beneath the traffic patterns are exposed to comparatively greater noise levels, a factor that is considered in the overflight policies.

Factors Considered in Setting Overflight Compatibility Criteria

Influence Area depicted on **Map 3A**, *Compatibility Map*. For Cable Airport, the Subpart B notification airspace surface extends outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point on any runway.

(b) Any proposal for construction or alteration of a structure, including antennas, taller than 200 feet above the ground level at the site regardless of proximity to any airport.

Factors considered in establishing overflight criteria include the following:

- Unlike the function of the noise, safety, and airspace protection compatibility policies in this *Compatibility Plan*, overflight compatibility policies do not restrict the manner in which land can be developed or used. The policies serve only to establish the form and requirements for notification about airport proximity and aircraft overflights to be given in conjunction with local agency approval of new development and with certain real estate transactions involving existing development.
- To be most effective, overflight policies should establish notification requirements for transactions involving existing residential land uses, not just future residential development. However, the only function of the *Compatibility Plan* with regard to existing land uses is to define the boundaries within which airport proximity disclosure in conjunction with real estate transactions should be provided as specified under state law. Other than setting the disclosure boundary, the criteria in this section apply only to new residential development.
- State airport proximity disclosure law applies to existing development, but not to all transactions. [California state statutes (*Business and Professional Code Section 11010* and *Civil Code Sections 1102.6, 1103.4, and 1353*) require that, as part of many residential real estate transactions, information be disclosed regarding whether the property is situated within an airport influence area. These state requirements apply to the sale or lease of newly subdivided lands and condominium conversions and to the sale of certain existing residential property. In general, airport proximity disclosure is required with existing residential property transfer only when certain natural conditions (earthquake, fire, or flood hazards) warrant disclosure.]
- Need for continuity of notification to future property owners and tenants. To the extent that this *Compatibility Plan* sets notification requirements for new development, notifications should be in a form that runs with the land and is provided to prospective future owners and tenants.
- To avoid inappropriateness of avigation easement dedication solely for buyer awareness purposes. Avigation easements involve conveyance of property rights from the property owner to the party owning the easement and are thus best suited to locations where land use restrictions for noise, safety, or airspace protection purposes are necessary. Property rights conveyance is not needed for buyer awareness purposes.

3.5.1. *Recorded Overflight Notification*: As a condition for local agency approval of residential land use development within Compatibility Zones C3 and D as defined by **Map 3A**, an overflight notification shall be recorded in the chain of title of the property. A recorded overflight notification is not required in Compatibility Zones A, B1, B2, B3, C1 or C2 as the avigation easement dedication requirement within those zones accomplishes the notification function.

- (a) The notification shall be of a format similar to that indicated in **Appendix H** and shall contain the following language dictated by state law with regard to *Airport Proximity Disclosure* in conjunction with real estate transfer:

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

- (b) The notification shall be evident to prospective purchaser(s) of the property and shall appear on the property deed.

- (c) A recorded overflight notification is not required where an avigation easement is provided (i.e., within portions of Compatibility Zone D that also fall within the Critical Airspace Zone).
 - (d) Recording of an overflight notification is not required for nonresidential development.
- 3.5.2. *Airport Proximity Disclosure*: State law requires that notice disclosing information about the presence of a nearby airport be given to prospective buyers of certain residential real estate within an airport influence area. 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.”¹⁴ *Compatibility Plan* criteria with regard to airport proximity disclosure is as follows:
- (a) For existing residences:
 - (1) Airport proximity disclosure as part of real estate transactions involving existing residences is a matter between private parties. Neither the ALUC nor local agencies have authority to mandate that airport proximity disclosure be provided and neither the ALUC nor local agencies have enforcement responsibilities with regard to this disclosure.
 - (2) The sole responsibility of the City of Upland and the City of Montclair with regard to airport proximity disclosure for existing residences is to recommend the boundary of the area within which the disclosure is deemed appropriate and to provide this information to local title companies and real estate agents.¹⁵ The recommended airport proximity disclosure for Cable Airport is identified on **Map 3A** in this chapter and includes the entire Airport Influence Area.
 - (3) Airport proximity disclosure should be provided as part of *all* real estate transactions (sale, lease, or rental) involving residential property anywhere within the Airport Influence Area.
 - (b) For proposed residential development:
 - (1) The disclosure provisions of state law are deemed mandatory for new residential development anywhere within the Airport Influence Area and shall continue in effect as *Compatibility Plan* criteria even if the state law is made less stringent or rescinded. The disclosure shall be of a format similar to that indicated in **Appendix H** and shall contain the language dictated by state law (see Policy 3.5.1(a)).
 - (2) Signs providing the notice included in Criterion 3.5.1(a) and a map of the Airport Influence Area shall be prominently posted in the real estate sales office and/or other key locations at any new residential development within the Airport Influence Area.

3.6. Criteria for Special Circumstances

- 3.6.1. *Avigation Easement Dedication*: As a condition for approval of projects that are subject to the review provisions of this *Compatibility Plan* and that meet the conditions in Paragraphs (a)

¹⁴ See California Business and Professions Code Section 11010(b) and Civil Code Section 1353(a).

¹⁵ In counties having ALUCs, this responsibility rests with the ALUC in accordance with Business and Professions Code Section 11010(b) and Civil Code Section 1353(a)..

and (b) of this criterion, the property owner shall be required to dedicate an avigation easement to Cable Airport.

- (a) Avigation easement dedication is required for all off-airport projects situated on a site that lies completely or partially within any of the following portions of the Cable Airport influence area as depicted on **Map 3A**, *Compatibility Map*:
 - (1) Within the Compatibility Zones A, B1, B2, B3, C1, or C2.
 - (2) Within the Critical Airspace Protection Zone as shown on **Map 3B**, *Existing Airspace Protection Surfaces*, or **Map 3C**, *Future Airspace Protection Surfaces*.
- (b) Avigation easement dedication shall be required for any proposed development, including infill development, for which discretionary local agency approval is required.
 - (1) Avigation easement dedication is not required for ministerial approvals such as building permits or actions associated with modification of existing single-family residences.
 - (2) Further, unless previously required prior to the adoption date of this *Compatibility Plan*, the requirement to dedicate an avigation easement shall not be applicable to existing land uses located within the area where dedication is required for new land use projects.
- (c) The avigation easement shall:
 - (1) Provide the right of flight in the airspace above the property;
 - (2) Allow the generation of noise and other impacts associated with aircraft overflight;
 - (3) Restrict the height of structures, trees and other objects in accordance with the policies in Section 3.4 and **Maps 3A** and **3B**;
 - (4) Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit; and
 - (5) Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.
- (d) An example of an avigation easement is provided in **Appendix F**.

3.6.2. *Infill*: Where land uses not in conformance with the criteria set forth in this *Compatibility Plan* exist at the time of the plan's adoption, infill development of similar land uses may be allowed to occur in that area even if the proposed land use is otherwise incompatible with respect to the compatibility criteria for that location.

- (a) Infill development under the provisions of this criterion is not permitted in Compatibility Zones A and B1.
- (b) To qualify for infill development, a project site must either:
 - (1) Be part of a cohesive area, defined by the local land use jurisdiction, within which at least 65% of the uses were developed prior to the *Compatibility Plan* adoption with uses not in conformance with the plan; or
 - (2) Meet *all* of the following conditions:
 - Already be served with streets, water, sewer, and other infrastructure;
 - Have at least 65% of the site's perimeter bounded (disregarding roads) by existing uses similar to, or more intensive than, those proposed;
 - Be no larger than 20 acres;

- Not extend the perimeter of the infill area defined by the surrounding, already developed, incompatible uses; and
 - Land uses proposed for the infill area must be consistent with the local agency's zoning regulations governing the existing, already developed, surrounding area.
- (c) For infill residential development in Compatibility Zones B2, C1, and C2, the average sitewide density (dwelling units per acre) of the proposed project shall not exceed the median density represented by all existing residential lots that lie fully or partially within a distance of 300 feet from the boundary of the defined infill area or site.
- (d) For infill nonresidential development, the average usage intensity (the number of people per acre) of the site's proposed use shall not exceed the lesser of:
- (1) The median intensity of all existing nonresidential uses that lie fully or partially within a distance of 300 feet from the boundary of the defined infill area; or
 - (2) Double the average sitewide intensity permitted in accordance with the criteria for that location as indicated in Criterion 3.3.2(b) and **Table 3A**.
- (For example, if the zone allows an average sitewide intensity of 120 people per acre and the median of nearby existing uses is 150 people per acre, the infill development would be limited to 150 people per acre rather than 240.)
- (e) The single-acre intensity limits for nonresidential development described listed in Criterion 3.3.2(b) and **Table 3A** are applicable to infill development. Also, the sound attenuation and avigation easement dedication requirements set by Criteria 3.2.2 and 3.6.1 shall apply to infill development.
- (f) The intent this criterion is that all parcels eligible for infill be identified at one time by the local agency.
- (1) The local agency is responsible for identifying, in its general plan or other adopted planning document; the qualifying locations that lie within that agency's boundaries..
 - (2) If a proposal is made to apply infill criteria to an infill area or site not initially identified, the local agency may evaluate the project to determine whether it would meet the qualifying conditions listed in Paragraphs (a) through (e) of this criterion.
 - (3) In either case, the burden for demonstrating that an area or an individual site qualifies as infill rests with the affected land use agency and/or project proponent.
- 3.6.3. *Existing Nonconforming Uses:* Proposed changes to existing land uses (including a parcel or building) that are not in conformance with the criteria in this chapter shall be limited as follows:
- (a) Residential uses.
 - (1) A nonconforming residential land use may be continued, sold, leased, or rented without restriction or airport land use compatibility review provided that no discretionary local agency approval (such as a conditional use permit) is required.
 - (2) A nonconforming single-family dwelling may be maintained, remodeled, reconstructed (see Criterion 3.6.4), or expanded in size. The lot line of an existing single-family residential parcel may be adjusted. Also, a new single-family residence may be constructed on an existing lot in accordance with Policy 2.4.3. However:

- Any remodeling, reconstruction, or expansion must not increase the number of dwelling units. For example, a bedroom could be added to an existing residence, but an additional dwelling unit could not be built on the parcel unless that unit is a secondary dwelling unit as defined by state law and local regulations.
 - Any increase in height must comply with the criteria of Section 3.4 (Airspace Protection Compatibility Criteria).
 - A single-family residential parcel may not be divided for the purpose of allowing additional dwellings to be constructed.
- (3) Nonconforming multi-family residential dwellings may be maintained, remodeled, or reconstructed (see Criterion 3.6.4(a)). The size of individual dwelling units may be increased, but additional dwelling units may not be added.
- (4) The sound attenuation and avigation easement dedication requirements set by Criteria 3.2.2 and 3.6.1 shall apply.
- (b) Nonresidential uses (other than children's schools):
- (1) A nonconforming nonresidential use may be continued, sold, leased, or rented without restriction or airport land use compatibility review.
- (2) Nonconforming nonresidential facilities may be maintained, altered, or, if required by state law, reconstructed (see Criterion 3.6.4). However, any such work:
- Must not result in expansion of either the portion of the site devoted to the nonconforming use or the floor area of the buildings; and
 - Must not result in an increase in the usage intensity (people per acre) above the levels existing at the time of adoption of this *Compatibility Plan*.
 - Must not increase the storage or use of hazardous materials.
- (3) The sound attenuation and avigation easement dedication requirements set by Criteria 3.2.2 and 3.6.1 shall apply.
- (c) Children's schools (including grades K-12, day care centers with more than 14 children, and school libraries):
- (1) Land acquisition for new schools or expansion of existing school sites is not permitted in Compatibility Zones A, B1/2/3, or C1/2/3.
- (2) Existing schools in Compatibility Zone D may continue in use. Expansion of existing school sites shall not be allowed and expansion of facilities on existing sites shall be limited to a one-time capacity increase of no more than 50 students.
- (3) The sound attenuation and avigation easement dedication requirements set by Criteria 3.2.2 and 3.6.1 shall apply.
- (4) The limitations of Paragraphs (1) and (2) do not preclude work required for normal maintenance or repair.
- 3.6.4. *Reconstruction*: An existing nonconforming development that has been fully or partially destroyed as the result of a calamity or natural catastrophe, and would not otherwise be reconstructed but for such event, may be rebuilt only under the following conditions:
- (a) Single-family or multi-family residential nonconforming uses may be rebuilt provided that the reconstruction does not result in more dwelling units than existed on the parcel at the time of the damage. Addition of a secondary dwelling unit to a single-family residence is permitted if in accordance with state law and local regulations.

- (b) A nonresidential nonconforming use may be rebuilt provided that the reconstruction does not increase the floor area of the previous structure or result in an increased usage intensity (people per acre).
- (c) Reconstruction under Paragraphs (a) or (b) above:
 - (1) Must have a permit deemed complete by the local agency within the time frame established by the local agency.
 - (2) Shall incorporate sound attenuation features to the extent required by Policy 3.2.2.
 - (3) Shall require dedication of an avigation easement to Cable Airport if required under Criterion 3.6.1.
 - (4) Shall comply with Federal Aviation Regulations Part 77 requirements (see Section 3.4).
- (d) Reconstruction in accordance with Paragraphs (a), (b), and (c) above shall not be permitted in Compatibility Zone A or where it would be in conflict (not in conformance) with the general plan or zoning ordinance of the local agency.
- (e) Nothing in the above policies is intended to preclude work required for normal maintenance and repair.

3.7. Criteria for Review of Airport Plans

- 3.7.1. *Substance of Review:* If a review of a Cable Airport master plan or development plan is required in accordance with Chapter 2, the review shall evaluate whether the airport plan would result in greater noise, safety, airspace protection, or overflight impacts than indicated in Chapter 3 of this *Compatibility Plan*. Attention should specifically focus on:
- (a) Proposals for facilities or procedures not assumed herein, specifically:
 - (1) Construction of a new runway or helicopter takeoff and landing area.
 - (2) Change in the length, width, or landing threshold location of an existing runway.
 - (3) Establishment of an instrument approach procedure that changes the approach capabilities at a particular runway end.
 - (4) Modification of the flight tracks associated with existing visual or instrument operations procedures.
 - (b) New activity forecasts that are:
 - (1) Significantly higher than those used in developing the **Map 3A**, *Compatibility Map*, and **Map 3D**, *Future Noise Impact Area*; or
 - (2) Assume a higher proportion of larger or noisier aircraft.
- 3.7.2. *Noise Impacts of Airport Expansion:* Any proposed expansion of airport facilities that would result in a significant increase in cumulative noise exposure (measured in terms of CNEL) shall include measures to reduce the exposure to a less-than-significant level. For the purposes of this plan, a noise increase shall be considered significant if:
- (a) In locations having an existing ambient noise level of CNEL 60 dB or less, the project would increase the noise level by 3.0 dB or more.
 - (b) In locations having an existing ambient noise level of more than CNEL 60 dB, the project would increase the noise level by 1.5 dB or more.

- 3.7.3. *Consistency Determination:* The City of Upland shall determine whether the proposed airport plan or development plan is consistent with this *Compatibility Plan*. The city's decision-making body shall base its determination of consistency on:
- (a) Findings that the development and forecasts identified in the airport plan would not result in greater noise, safety, airspace protection, or overflight impacts on surrounding land uses than are assumed in this *Compatibility Plan*.
 - (b) Consideration of:
 - (1) Mitigation measures incorporated into the plan or project to reduce any increases in the noise, safety, airspace protection, and overflight impacts to a less-than-significant level in accordance with provisions of CEQA; or
 - (2) In instances where the impacts cannot be reduced to a less-than-significant level, a statement of overriding considerations approved by the project proponent in accordance with provisions of CEQA.
 - (c) A determination that any nonaviation development proposed for locations within the airport boundary (excluding federal- or state-owned property) will be consistent with the compatibility criteria and policies indicated in this *Compatibility Plan* with respect to the airport (see Policy 2.2.8 for definition of aviation-related use).

Land Use Category ¹ <i>Multiple land use categories and compatibility criteria may apply to a project</i>	Compatibility Zone										Additional Criteria ² <i>Intensity and lot coverage criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green) Additional conditions listed below apply to uses listed as "Conditional" (yellow) in a particular zone</i>
	A	B1	B2	B3	C1	C2	C3	D	E		
Max. Sitewide Avg. Intensity (people/acre)	10	40	80	120	120	240	no	no	no		
Max. Single-Acre Intensity (people/acre) ³	20	80	160	300	300	600	limit	limit	limit		
Maximum Lot Coverage (bldg footprint)	0 %	35 %	45 %	60 %	45 %	100 %	100 %	100 %	100 %		
General Characteristics											
Any use having more than 3 habitable floors ⁴	Red	Red	Red	Red	Red	Green	Green	Green	Green		
Any use for which all structures (including poles or antennas) and trees are less than 35 feet in height	Yellow	Yellow	Green	Green	Yellow	Green	Green	Green	Green		A, B1, C1: Ensure airspace obstruction does not occur [see Maps 3B and 3C]
Any use having structures (including poles or antennas) or trees 35 to 100 feet in height	Red	Yellow	Yellow	Yellow	Red	Yellow	Yellow	Green	Green		B1/2/3, C2/3: Ensure airspace obstruction does not occur [see Maps 3B and 3C]
Any use having structures (including poles or antennas) or trees more than 100 feet in height	Red	Red	Red	Red	Red	Red	Yellow	Yellow	Yellow		C3, D, E: Ensure airspace obstruction does not occur [see Maps 3B and 3C]
Any use having the potential to cause an increase in the attraction of birds or other wildlife	Red	Red	Yellow	Yellow	Red	Yellow	Yellow	Yellow	Yellow		B2/3, C2/3, D, E: Avoid use or provide mitigation consistent with FAA regulations ⁵
Any use creating visual or electronic hazards to flight ⁶	Red	Red	Red	Red	Red	Red	Red	Red	Red		
Outdoor Uses (limited or no activities in buildings)											
Natural Land Areas: woods, brush lands, desert	Yellow	Yellow	Green	Green	Yellow	Green	Green	Green	Green		A: Objects above runway elevation not allowed in OFA ⁷ A, B1, C1: Ensure airspace obstruction does not occur [see Maps 3B and 3C]
Water: flood plains, wetlands, lakes, reservoirs *	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow		A: Objects above runway elevation not allowed in OFA ⁷ All: Avoid new features that attract more birds
Agriculture (except residences and livestock): field crops, orchards, vineyards, pasture, range land *	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow		A: Not allowed in OFA ⁷ All: Avoid crops that attract birds
Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse stables → *	Red	Yellow		B1 - E: Avoid uses that attract birds; exercise caution with uses involving noise-sensitive animals							
Outdoor Major Assembly Facilities (capacity ≥ 1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, zoos →	Red	Red	Red	Red	Red	Red	Red	Yellow	Green		D: Allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential
Group Recreation (limited spectator stands): athletic fields, water recreation facilities, picnic areas →	Red	Red	Yellow	Yellow	Red	Yellow	Green	Green	Green		B2/3, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Small/Non-Group Recreation: golf courses, tennis courts, shooting ranges → *	Red	Yellow	Yellow	Yellow	Red	Yellow	Green	Green	Green		B1/2/3, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential

Table 3A

Compatibility Criteria

Cable Airport

Land Use Category ¹ <i>Multiple land use categories and compatibility criteria may apply to a project</i>	Compatibility Zone										Additional Criteria ² <i>Intensity and lot coverage criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green) Additional conditions listed below apply to uses listed as "Conditional" (yellow) in a particular zone</i>
	A	B1	B2	B3	C1	C2	C3	D	E		
Max. Sitewide Avg. Intensity (people/acre)	10	40	80	120	120	240	no	no	no		
Max. Single-Acre Intensity (people/acre) ³	20	80	160	300	300	600	limit	limit	limit		
Maximum Lot Coverage (bldg footprint)	0 %	35 %	45 %	60 %	45 %	100 %	100 %	100 %	100 %		
Local Parks: neighborhood parks, playgrounds →										B2/3, C2: Must have little or no permanent recreational facilities (ball fields, etc.); exercise caution if clear audibility by users is essential	
Camping: campgrounds, recreational vehicle/motor home parks →										B3, C1: Ensure intensity criteria met	
Cemeteries (except chapels)										B1: Ensure airspace obstruction does not occur (see Maps 3B and 3C) B1/2/3, C2: Noise-compatible at levels indicated, but noise disruption of outdoor activities may occur	
Residential and Lodging Uses											
Single-Family Residential (<8 d.u./acre): detached dwellings, townhouses, mobile homes, bed & breakfast inns →										B3, C3: Avoid new subdivisions; sound attenuation design required [see Criteria 3.2.1(a)(2) and 3.2.2] B3: Maximum 4 d.u./acre sitewide average, 8 d.u./single acre	
Multi-Family Residential (≥8 d.u./acre): condominiums, apartments, mixed residential/nonresidential uses →										C3: Avoid new development; sound attenuation design required [see Criteria 3.2.1(a)(2) and 3.2.2] C3: Maximum 15 d.u./acre sitewide average, 30 d.u./single acre D: Maximum 25 d.u./acre sitewide average, 50 d.u./single acre	
Long-Term Lodging (>30 nights): extended-stay hotels, dormitories →										C3: Sound attenuation design required [see Criterion 3.2.2]	
Short-Term Lodging (≤ 30 nights): hotels, motels, other transient lodging (except conference/assembly facilities) [approx. 200 s.f./person]										B3, C2: Ensure intensity criteria met C2: Ensure sound attenuation criteria met [see Criterion 3.2.2]	
Congregate Care: retirement homes, assisted living, intermediate care facilities →										C3: Ensure sound attenuation criteria met [see Criterion 3.2.2]	
Educational and Institutional Uses											
Family day care homes (≤14 children) →										C3: Only small family care homes (≤8 children) as permitted by state law ⁸	
Children's Schools: K-12, day care centers (>14 children); school libraries →										D: No new sites or land acquisition; building replacement/expansion allowed for existing schools; expansion limited to ≤50 students [see Criterion 3.6.3(c)]	
Adult Education classroom space: adult schools, colleges, universities [approx. 40 s.f./person]										B2/3, C2: Ensure intensity criteria met; also see individual components of campus facilities (e.g., assembly facilities, gymnasiums, offices)	

Table 3A, continued

Land Use Category ¹ <i>Multiple land use categories and compatibility criteria may apply to a project</i>	Compatibility Zone										Additional Criteria ² <i>Intensity and lot coverage criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green) Additional conditions listed below apply to uses listed as "Conditional" (yellow) in a particular zone</i>
	A	B1	B2	B3	C1	C2	C3	D	E		
Max. Sitewide Avg. Intensity (people/acre)	10	40	80	120	120	240	no	no	no		
Max. Single-Acre Intensity (people/acre) ³	20	80	160	300	300	600	limit	limit	limit		
Maximum Lot Coverage (bldg footprint)	0 %	35 %	45 %	60 %	45 %	100 %	100 %	100 %	100 %		
Community Libraries [approx. 100 s.f./person]										C3: Avoid outdoor spaces intended for noise-sensitive activities	
Indoor Major Assembly Facilities (capacity ≥1,000 people): auditoriums, conference centers, concert halls, indoor arenas										D: Allowed only if alternative site outside zone would not serve intended function	
Indoor Large Assembly Facilities (capacity 300 to 999 people): movie theaters, places of worship, cemetery chapels, mortuaries [approx. 15 s.f./person]										C2: Ensure intensity criteria met	
Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios [approx. 60 s.f./person]										B3, C2: Ensure intensity criteria met	
In-Patient Medical: hospitals, mental hospitals, nursing homes →										C2: No new sites or land acquisition; replacement/expansion of existing facilities limited to existing size	
Out-Patient Medical: health care centers, clinics [approx. 240 s.f./person]										B3, C2: Ensure intensity criteria met	
Penal Institutions: prisons, reformatories											
Public Safety Facilities: police, fire stations										B2/3: Allowed only if alternative site outside zone would not serve intended public function C1: Allowed only if airport serving	
<i>Commercial, Office, and Service Uses</i>											
Major Retail: regional shopping centers, 'big box' retail [approx. 110 s.f./person]										B3, C2: Ensure intensity criteria met; capacity <1,000 people per bldg; evaluate eating/drinking areas separately if > 10% of total floor area	
Local Retail: community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]										B2/3; C2: Ensure intensity criteria met; evaluate eating/drinking areas separately if > 10% of total floor area B2: Capacity < 160 people per bldg B3: Capacity < 300 people per bldg C2: Capacity < 1,000 people per bldg	
Eating/Drinking Establishments: restaurants, fast-food dining, bars [approx. 60 s.f./person]										B2/3, C2: Ensure intensity criteria met B2: Capacity < 160 people per bldg B3: Capacity < 300 people per bldg C2: Capacity < 1,000 people per bldg	
Limited Retail/Wholesale: furniture, automobiles, heavy equipment, lumber yards, nurseries [approx. 250 s.f./person]										B1/2, C1: Ensure intensity criteria met B1, C1: Design site to place parking inside and bldgs outside of zone if possible	
Offices: professional services, doctors, finance, civic; radio, television & recording studios, office space associated with other listed uses [approx. 215 s.f./person]										B1/2/3, C1: Ensure intensity criteria met B1, C1: Design site to place parking inside and bldgs outside of zone if possible B1: Allowable only if <80 people per bldg	

Table 3A, continued

Land Use Category ¹ <i>Multiple land use categories and compatibility criteria may apply to a project</i>	Compatibility Zone									Additional Criteria ² <i>Intensity and lot coverage criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green) Additional conditions listed below apply to uses listed as "Conditional" (yellow) in a particular zone</i>
	A	B1	B2	B3	C1	C2	C3	D	E	
Max. Sitewide Avg. Intensity (people/acre)	10	40	80	120	120	240	no	no	no	
Max. Single-Acre Intensity (people/acre) ³	20	80	160	300	300	600	limit	limit	limit	
Maximum Lot Coverage (bldg footprint)	0 %	35 %	45 %	60 %	45 %	100 %	100 %	100 %	100 %	
Personal & Miscellaneous Services: barbers, car washes, print shops [approx. 200 s.f./person]										B1/2/3, C1: Ensure intensity criteria met B1, C1: Design site to place parking inside and bldgs outside of zone if possible B1: Allowable only if <80 people per bldg
Vehicle Fueling Facilities: gas stations, trucking & transportation terminals										C1: Allowable only for aircraft fueling
<i>Industrial, Manufacturing, and Storage Uses</i>										
Hazardous Materials Production: oil refineries, chemical plants *										C3, D, E: Allowed only if alternative site outside zone would not serve intended function C3, D: Generation of steam or thermal plumes not allowed
Heavy Industrial *										B3, C2: Bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials not allowed C3, D: Bulk storage of hazardous materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft; generation of steam or thermal plumes not allowed
Light Industrial, High Intensity: food products preparation, electronic equipment [approx. 200 s.f./person]										B1/2/3, C2/3, D: Bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft B1/2/3, C2: Ensure intensity criteria are met
Light Industrial, Low Intensity: machine shops, wood products, auto repair [approx. 350 s.f./person]										B1/2/3, C2/3, D: Bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft B1/2/3, C1/2: Ensure intensity criteria are met
Research & Development [approx. 300 s.f./person]										B1/2/3, C2/3, D: Bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft B2/3, C2: Ensure intensity criteria are met
Indoor Storage: wholesale sales, warehouses, mini/other indoor storage, barns, greenhouses [approx. 1,000 s.f./person]										B1, C1: Ensure intensity criteria are met; ensure airspace obstruction does not occur [see Map 3B]

Table 3A, continued

Land Use Category ¹ <i>Multiple land use categories and compatibility criteria may apply to a project</i>	Compatibility Zone									Additional Criteria ² <i>Intensity and lot coverage criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green) Additional conditions listed below apply to uses listed as "Conditional" (yellow) in a particular zone</i>
	A	B1	B2	B3	C1	C2	C3	D	E	
Max. Sitewide Avg. Intensity (people/acre)	10	40	80	120	120	240	no	no	no	
Max. Single-Acre Intensity (people/acre) ³	20	80	160	300	300	600	limit	limit	limit	
Maximum Lot Coverage (bldg footprint)	0 %	35 %	45 %	60 %	45 %	100 %	100 %	100 %	100 %	
Outdoor Storage: public works yards, automobile dismantling										C1: Ensure intensity criteria are met; ensure airspace obstruction does not occur [see Maps 3B and 3C]
Mining & Extraction *										B1/2/3, C1: Generation of dust clouds, smoke, steam plumes not allowed B1, C1; Ensure airspace obstruction does not occur [see Maps 3B and 3C]
<i>Transportation, Communication, and Utilities</i>										
Airport Terminals: airline, general aviation										C1: Ensure airspace obstruction does not occur (see Maps 3B and 3C)
Rail & Bus Stations										B1/2, C1: Allowed only if alternative site outside zone would not serve intended public function
Transportation Routes: road & rail rights-of-way, bus stops										A, C1: Avoid road intersections if traffic congestion occurs; ensure airspace obstruction does not occur [see Maps 3B and 3C] A: Not allowed in Object Free Area ⁷
Auto Parking: surface lots, structures										C1: Ensure airspace obstruction does not occur [see Maps 3B and 3C]
Communications Facilities: emergency communications, broadcast & cell towers *										B2/3, C2/3, D: Allowed only if alternative site outside zone would not serve intended public function; ensure airspace obstruction does not occur [see Maps 3B and 3C]
Power Plants: primary, peaker, alternative energy *										C3, D: Primary power plants not allowed C3, D, E: Ensure peaker and alternative energy plants and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.) [see Criteria 3.4.2 and 3.4.3 and Maps 3B and 3C] E: Primary power plants allowed only if alternative site outside zone would not serve intended public function
Electrical Substations *										B3, C2/3: Allowed only if alternative site outside zone would not serve intended public function; ensure airspace obstruction does not occur for facility or power lines
Wastewater Facilities: treatment, disposal										C1: Allowed only if alternative site outside zone would not serve intended public function
Solid Waste Disposal Facilities: landfill, incineration *										E: Allowed only if alternative site outside zone would not serve intended public function
Solid Waste Transfer Facilities, Recycle Centers *										B2/3, C2/3, D: Ensure that facility does not attract birds

Table 3A, continued

Land Use Acceptability		Interpretation/Comments
	<i>Normally Compatible</i>	Normal examples of the use are presumed to comply with the noise, safety, and airspace protection criteria. Atypical examples of a use may require review to ensure compliance with usage intensity, lot coverage, and height limit criteria.
	<i>Conditional</i>	Use is compatible if indicated usage intensity, lot coverage, and other listed conditions are met. For the purposes of these criteria, “avoid” is intended as cautionary guidance, not a prohibition of the use.
	<i>Incompatible</i>	Use should not be permitted under any normal circumstances. Limited exceptions are possible for site-specific special circumstances. See Criterion 3.1.6.

Notes
<p>➔ Indicates land use that is or may be highly noise sensitive. Exercise caution with regard to approval of outdoor uses—evaluate potential for aircraft noise to disrupt the activity. Indoor uses may require addition of sound attenuation to structure. See Section 3.2 for criteria.</p> <p>☀ Indicates land use that may attract birds, generate dust, produce smoke or steam plumes, create electronic interference, or otherwise pose hazards to flight. See Section 3.4 for criteria.</p> <p>¹ Land uses not specifically listed shall be evaluated using the criteria for similar uses. Occupancy Load Factors (square feet/person) cited for many listed uses are based on information from various sources and are intended to represent busy-period usage for typical examples of the land use category; they can be used as a factor in determining the appropriate land use category for unlisted uses or atypical examples of a use.</p> <p>² Dedication of an avigation easement to Cable Airport is required as a condition for approval of any proposed residential or nonresidential development, except ministerial actions associated with modification of existing single-family residences, situated on a site that lies completely or partially within any of the following: Compatibility Zones A, B1, B2, B3, C1, or C2; the High Terrain Zone; or, as defined by FAR Part 77 and shown on Map 3B – Existing Airspace Protection surfaces or Map 3C – Future Airspace Protection Surfaces, the area beneath the approach or transitional surfaces. A recorded overflight notification is required for any residential development in Compatibility Zones C3 or D, except where an avigation easement is provided.</p> <p>³ Usage intensity calculations shall include all people (e.g., employees, customers/visitors) who may be on the property at any single point in time, whether indoors or outdoors. Local agencies may make exceptions for rare special events (e.g., an air show at the airport) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate. The City of Upland shall calculate usage intensities in accordance with the methodologies cited in Criteria 3.3.3 and 3.3.4.</p> <p>⁴ The intent of this criterion is to facilitate evacuation of a building if it were to be hit by an aircraft. It is separate from the height limits set for airspace protection purposes.</p> <p>⁵ No proposed use shall be allowed that would create an increased attraction for wildlife and that is inconsistent with FAA rules and regulations including, but not limited to, FAA Advisory Circulars 150/5200-33B, <i>Hazardous Wildlife Attractants On or Near Airports</i>, and 150/5200-34A, <i>Construction or Establishment of Landfills Near Public Airports</i>. Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight.</p> <p>⁶ Specific characteristics to be avoided include: sources of glare (such as from mirrored or other highly reflective structures or building features) or bright lights (including search lights and laser light displays); distracting lights that could be mistaken for airport lights; sources of dust, steam, or smoke that may impair pilots’ vision; sources of steam or other emissions that cause thermal plumes or other forms of unstable air; and sources of electrical interference with aircraft communications or navigation.</p> <p>⁷ Object Free Area (OFA): Dimensions are established by FAA airport design standards for the runway.</p> <p>⁸ Small family day care homes provide family day care for eight or fewer children (Health and Safety Code Section 1596.78).</p>

Table 3A, continued

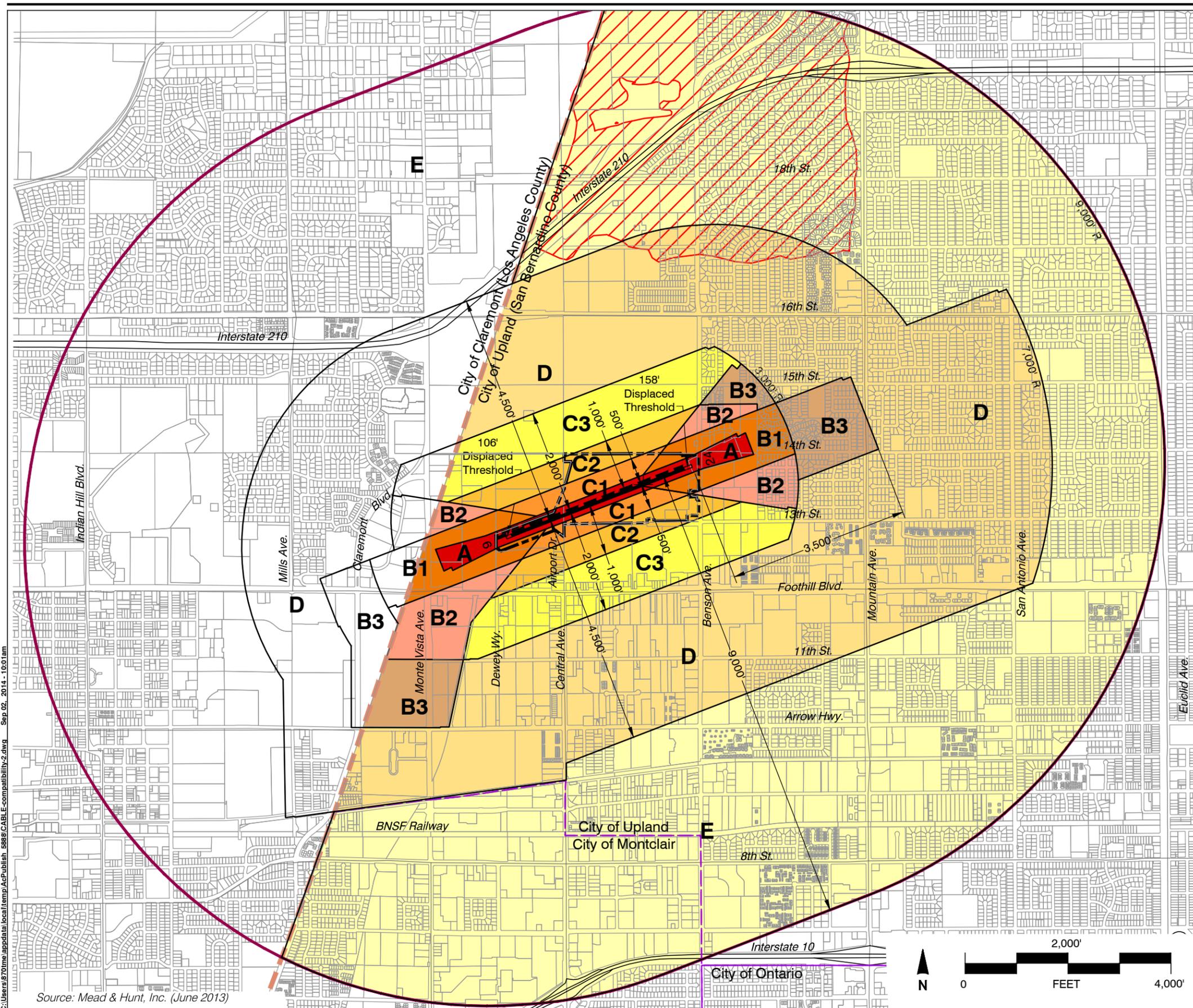
Zone	Noise and Overflight Factors	Safety and Airspace Protection Factors
A Runway Protection Zone and Primary Surface	<p><i>Noise Impact: Very High</i></p> <ul style="list-style-type: none"> Mostly above projected 65 dB CNEL High single-event noise levels FAA-defined safety and airspace factors are primary determinants of zone boundaries 	<p><i>Risk Level: Very High</i></p> <ul style="list-style-type: none"> Lateral to runway, zone boundary defined by Primary Surface as depicted on approved Airport Layout Plan drawing Length set to include Runway Protection Zones as indicated on Airport Layout Plan drawing Nationally, nearly 40% of off-runway general aviation accidents near airports occur in this zone
B1 Inner Approach/Departure Zone	<p><i>Noise Impact: High</i></p> <ul style="list-style-type: none"> Mostly above projected 60 dB CNEL; much above projected 65 dB CNEL High single-event noise levels 	<p><i>Risk Level: High</i></p> <ul style="list-style-type: none"> Encompasses areas overflowed by aircraft at low altitudes—typically only 200 to 400 feet above runway For runways similar in length to that at Cable Airport, about 20% of near-airport, off-runway general aviation accidents take place here Object heights restricted to as little as zero closest to runway end
B2 Inner Turning Zone	<p><i>Noise Impact: Moderate to High</i></p> <ul style="list-style-type: none"> Much of area above projected 60 dB CNEL Single-event noise sufficient to disrupt many land use activities including indoors if windows open Aircraft typically below 1,000 feet altitude 	<p><i>Risk Level: Moderate</i></p> <ul style="list-style-type: none"> On arrival, aircraft flying close-in base leg overfly this area, sometimes making sharp turns to final approach; overflight altitude usually below 300 feet On departure, aircraft normally complete transition from takeoff power and flap settings to climb mode and begin turns to en route heading; to west, aircraft regularly overfly this area for noise abatement purposes About 5% of off-runway general aviation accidents near airports occur in this zone Object heights restricted to as little as 50 feet
B3 Extended Approach/Departure Zone	<p><i>Noise Impact: Moderate</i></p> <ul style="list-style-type: none"> Mostly above projected 55 dB CNEL Single-event noise sufficient to disrupt some land use activities including indoors if windows open 	<p><i>Risk Level: Low to Moderate</i></p> <ul style="list-style-type: none"> On arrival, aircraft below traffic pattern altitude on or entering final approach On departure, aircraft nearing traffic pattern altitude Less than 5% of accidents occur in this area Object heights restricted to as little as 100 feet
C1 Adjacent to Runway	<p><i>Noise Impact: High</i></p> <ul style="list-style-type: none"> All above projected 65 dB CNEL; some areas above projected 70 dB CNEL Exposed to loud single-event noise from takeoffs and jet thrust-reverse on landing; also from pre-flight run-ups 	<p><i>Risk Level: Moderate</i></p> <ul style="list-style-type: none"> Area not normally overflowed; primary risk is with aircraft (especially twin-engine planes) losing directional control on takeoff About 5% of off-runway general aviation accidents near airports happen in this zone Object heights restricted to as little as zero
C2 Lateral to Runway	<p><i>Noise Impact: Moderate to High</i></p> <ul style="list-style-type: none"> Mostly above projected 65 dB CNEL 	<p><i>Risk Level: Low to Moderate</i></p> <ul style="list-style-type: none"> Area not normally overflowed except on overhead pattern; some risk from takeoff loss of directional control; less than 5% of accidents occur in this area Object heights restricted to as little as 50 feet
C3 Lateral to Runway	<p><i>Noise Impact: Moderate</i></p> <ul style="list-style-type: none"> Mostly above projected 60 dB CNEL 	<p><i>Risk Level: Low</i></p> <ul style="list-style-type: none"> Most of area not normally overflowed except on overhead pattern; few accidents Object heights limited to less than 150 feet
D Primary Traffic Patterns	<p><i>Noise Impact: Moderate</i></p> <ul style="list-style-type: none"> Contains remaining 55-CNEL contour More concern with respect to individual loud events than with cumulative noise contours 	<p><i>Risk Level: Low</i></p> <ul style="list-style-type: none"> On approach, aircraft at traffic pattern altitude or beginning descent On departure, or closed pattern, aircraft at or above pattern altitude; engine failure on takeoff could result in aircraft reaching this area About 20% of general aviation accidents take place in this zone, but large area encompassed means low likelihood of accident occurrence in any given location Object heights limited to less than 150 feet
E Other Airport Environs	<p><i>Noise Impact: Low</i></p> <ul style="list-style-type: none"> Beyond 55-CNEL contour Occasional overflights intrusive to some outdoor activities 	<p><i>Risk Level: Low</i></p> <ul style="list-style-type: none"> Wide area overflowed by aircraft entering or leaving traffic pattern Less than 10% of near-airport accidents take place at this distance from the runway
* High Terrain Zone	<p><i>Noise Impact: Low</i></p> <ul style="list-style-type: none"> Individual noise events slightly louder because high terrain reduces altitude of overflights 	<p><i>Risk Level: Moderate</i></p> <ul style="list-style-type: none"> Modest risk because high terrain constitutes airspace obstruction Concern is tall single objects (e.g., antennas)

Note: All zones reflect a composite of factors for both existing and proposed runway positions; see Criterion 3.1.3

Table 3B

Compatibility Zone Factors

Cable Airport



Legend

Boundary Lines

- Airport Property
- Existing Runway 6-24 Length: 3,864'
- Future Runway 6-24 Length: 3,864'
- Airport Influence Area
- High Terrain Zone

Compatibility Zones

- Zone A
- Zone B1
- Zone B2
- Zone B3
- Zone C1
- Zone C2
- Zone C3
- Zone D
- Zone E

Notes

1. See Table 3A for applicable criteria.
2. Policies apply only within San Bernardino County jurisdictions.

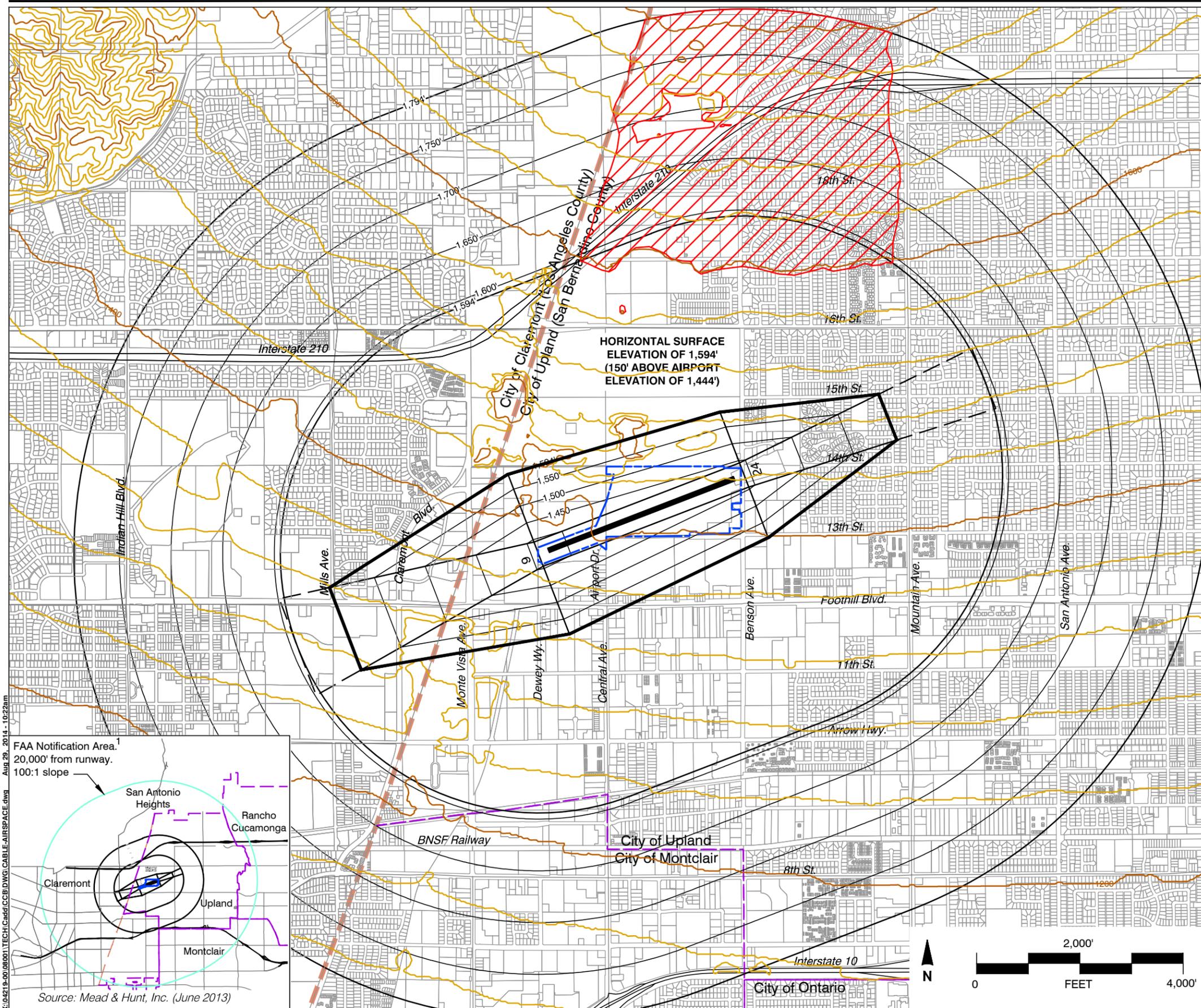
Cable Airport
Land Use Compatibility Plan
 (September 2014 Draft)

Map 3A

Compatibility Policy Map
 Cable Airport

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Source: Mead & Hunt, Inc. (June 2013)

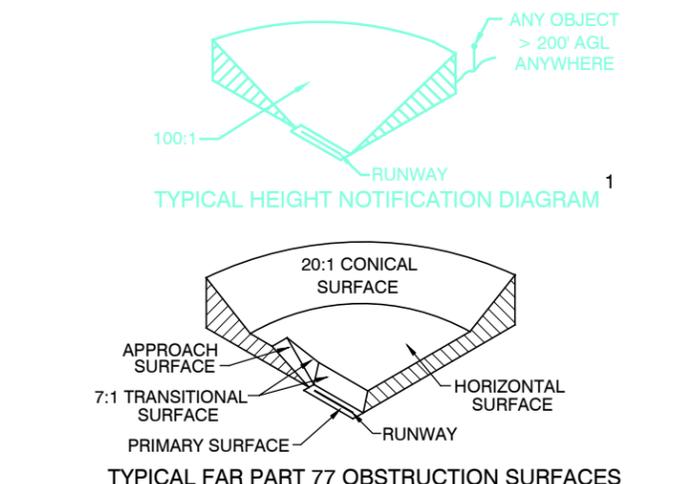


RUNWAY END DATA			
APPROACH END OF RUNWAY:		6	24
AIRPORT REFERENCE CODE	Existing	B-I	
	Future	No Change	
APPROACH TYPE [FAR Part 77 Category]	Existing	Nonprecision [A(NP)]	Visual [A(V)]
	Future	No Change	No Change
APPROACH VISIBILITY	Existing	1 Mile (Straight In)	Visual
	Future	No Change	No Change
APPROACH and LANDING AIDS	Visual	Existing VASI/MIRL	Visual VASI/MIRL
		Future No Change	No Change
ELEVATIONS	Electronic	Existing VOR/GPS	None
		Future No Change	No Change
RUNWAY ELEVATIONS	Existing	1393.1'	1443.7'
	Future	No Change	No Change

Legend

Boundary Lines

- Airport Property Line
- City Limits
- County Line
- Existing Runway
- Critical Airspace Protection Zone
- High Terrain Area (Terrain penetrates FAR Part 77 Surfaces or is within 35 feet).



Notes

1. FAA Height Notification Area: Based on FAR Part 77, Subpart B, which requires that the FAA be notified of any proposed construction or alteration having a height greater than an imaginary surface extending 100 feet outward and 1 foot upward (slope of 100 to 1) for a distance of 20,000 feet from the nearest point of any runway. Beyond this boundary, any object taller than 200 feet requires FAA notification.

**Cable Airport
Land Use Compatibility Plan
(September 2014 Draft)**

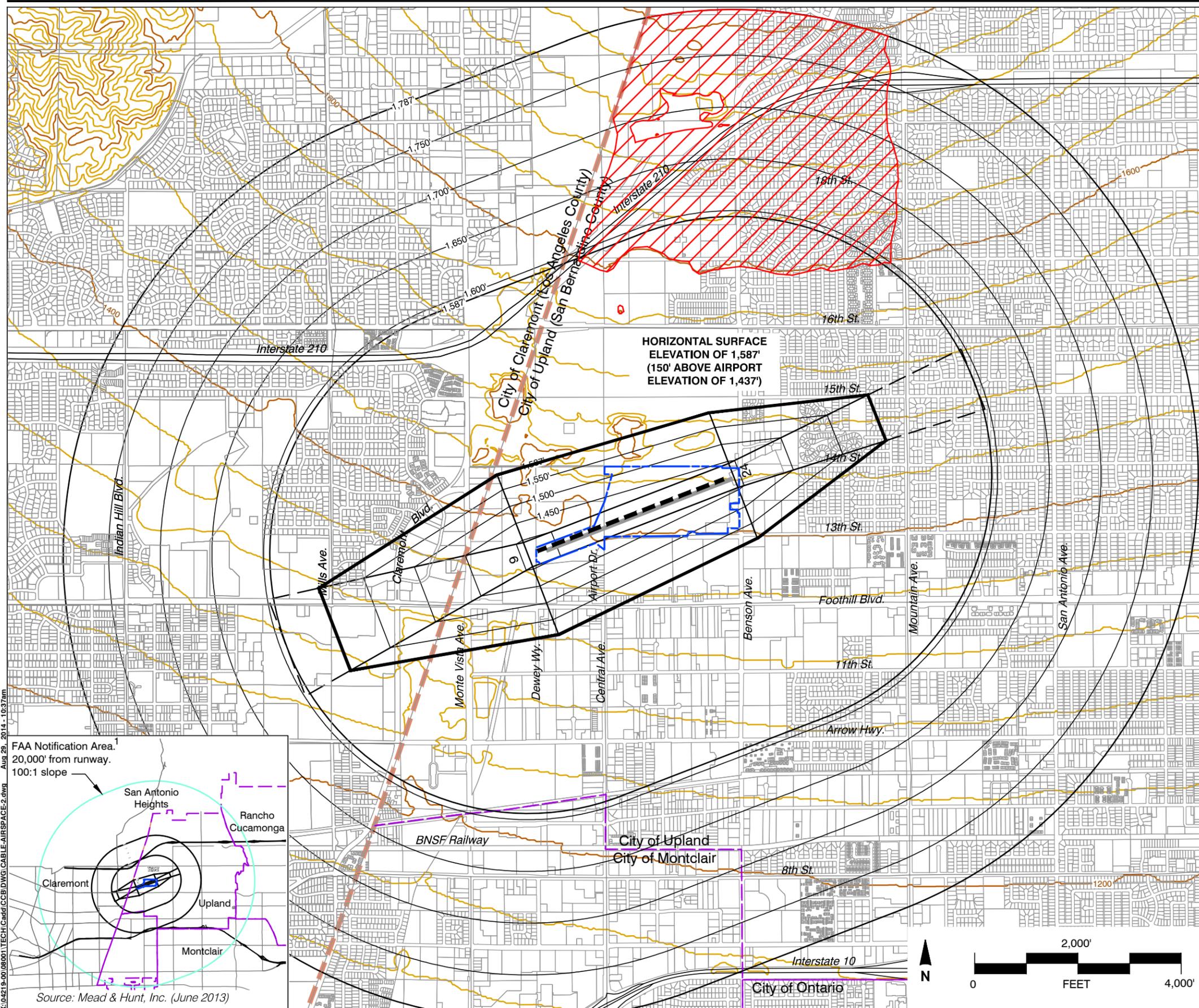
Map 3B

**Existing Airspace Protection Surfaces
Cable Airport**

Aug 29, 2014 - 10:22am
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FAA Notification Area.¹
20,000' from runway.
100:1 slope

Source: Mead & Hunt, Inc. (June 2013)

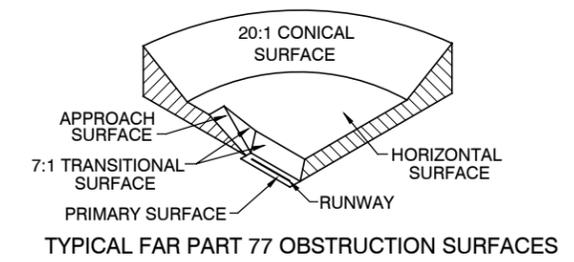


RUNWAY END DATA			
APPROACH END OF RUNWAY:	Existing	6	24
AIRPORT REFERENCE CODE	Existing	B-I	
	Future	No Change	
APPROACH TYPE [FAR Part 77 Category]	Existing	Nonprecision [A(NP)]	Visual [A(V)]
	Future	No Change	No Change
APPROACH VISIBILITY	Existing	1 Mile (Straight In)	Visual
	Future	No Change	No Change
APPROACH and LANDING AIDS	Visual	Existing VASI/MIRL	Visual VASI/MIRL
		Future No Change	No Change
ELEVATIONS	Electronic	Existing VOR/GPS	None
		Future No Change	No Change
RUNWAY ELEVATIONS	Existing	N/A	N/A
	Future	1389.4'	1437.4'

SOURCE: Cable Airport Master Plan (April 2011)

Legend

- Boundary Lines**
- Airport Property Line
 - City Limits
 - County Line
 - Existing Runway
 - Future Runway²
 - Critical Airspace Protection Zone
 - High Terrain Area (terrain penetrates FAR Part 77 Surfaces or is within 35 feet).



Notes

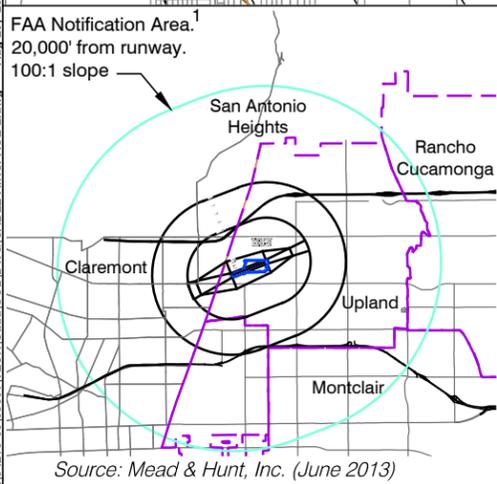
1. FAA Height Notification Area: Based on FAR Part 77, Subpart B, which requires that the FAA be notified of any proposed construction or alteration having a height greater than an imaginary surface extending 100 feet outward and 1 foot upward (slope of 100 to 1) for a distance of 20,000 feet from the nearest point of any runway. Beyond this boundary, any object taller than 200 feet requires FAA notification.
2. Future runway is proposed to shift 50 feet northward and approximately 164 feet westward of its existing position. The length remains unchanged.

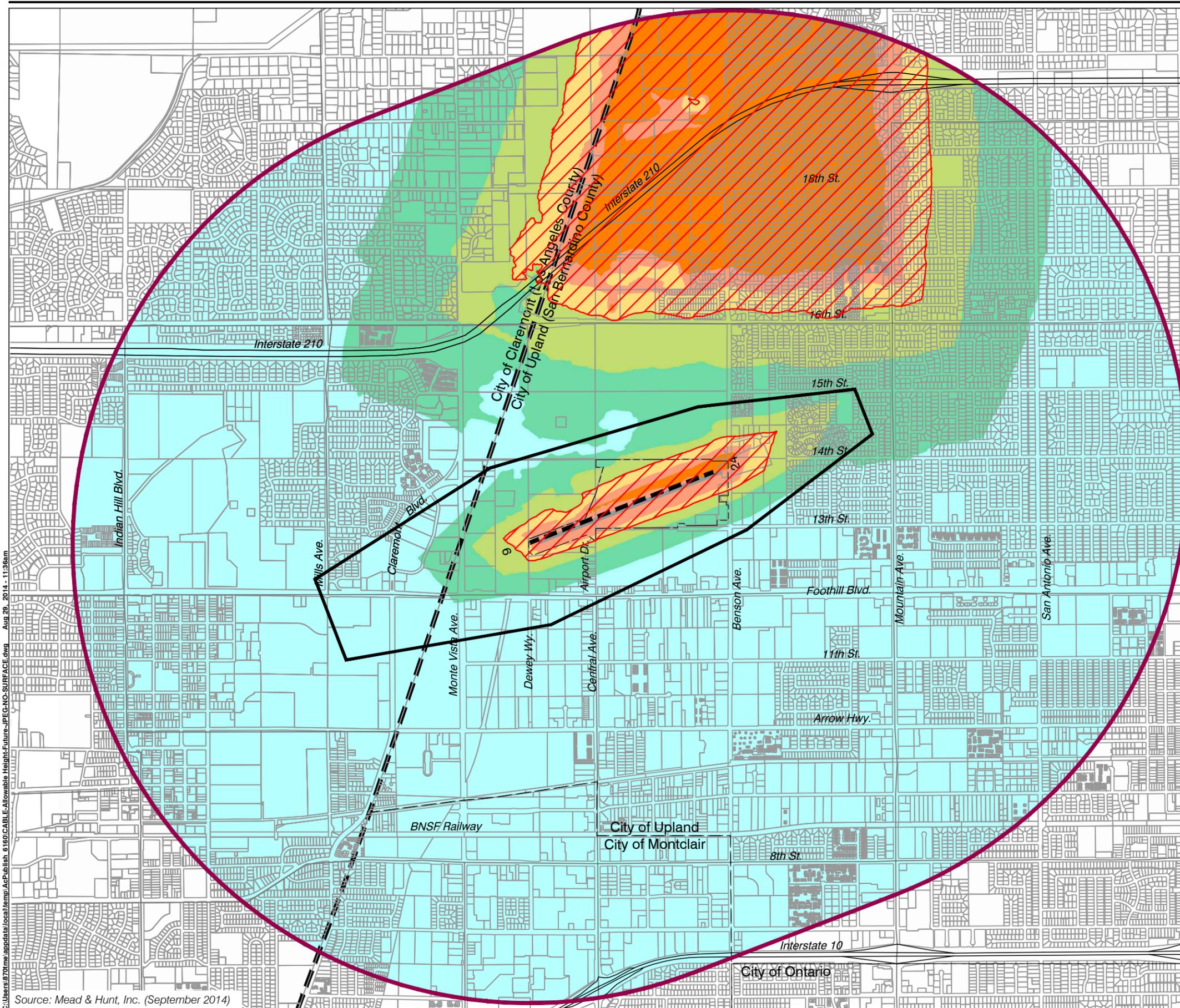
**Cable Airport
Land Use Compatibility Plan
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Map 3C

**Future Airspace Protection Surfaces
Cable Airport**

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Legend

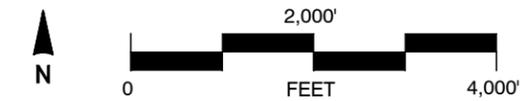
Boundary Lines

- Airport Property Line
- City Limits
- County Line
- Airport Influence Area
- Existing Runway
- Proposed Runway Configuration
- Critical Airspace Protection Zone
- High Terrain Area (terrain penetrates FAR Part 77 Surfaces or is within 35 feet).

- 55' - 0'
- 0' - 15'
- 15' - 35'
- 35' - 75'
- 75' - 150'
- > 150'

Notes

1. The indicated height limit ranges are calculated by subtracting the ground elevations from the elevations of the airspace protection surfaces shown in Map 3B (existing runway configuration) and Map 3C (proposed runway configuration). The allowable height in any particular location is determined by whichever runway configuration results in the more restrictive height.
2. Only ranges of allowable heights are indicated on this map. Calculation of the precise allowable height at any given point requires reference to Maps 3B and 3C for the exact ground and airspace protection surface elevations for that point.
3. Except within the Critical Airspace Protection Zone, no object shall be limited to a height of less than 35 feet above ground level even if such height would result in an airspace protection surface penetration. The High Terrain Area encompasses the locations where a 35-foot object would be an airspace penetration. See Criterion 3.4.2 in Chapter 3 for details.

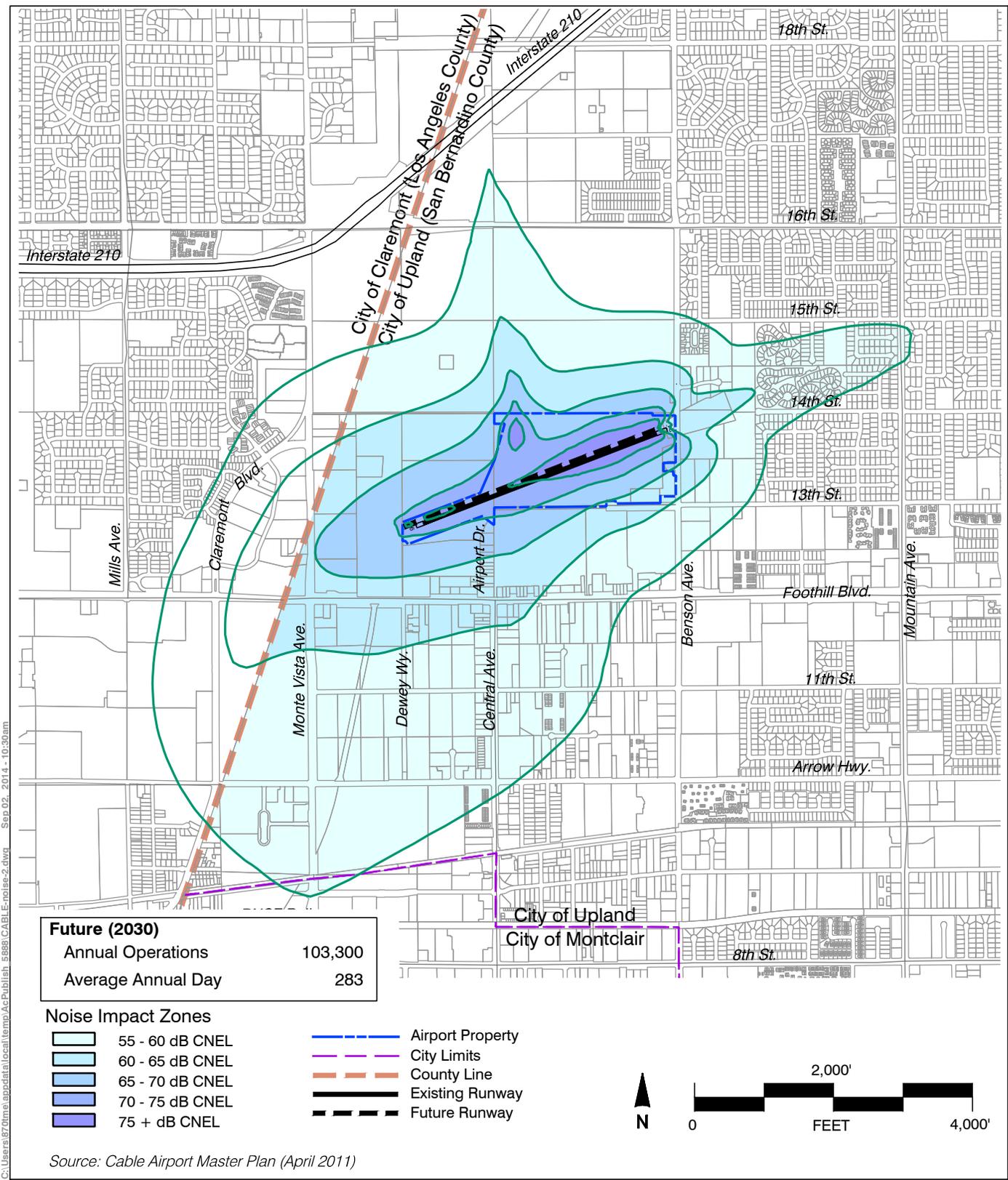


Cable Airport
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Map 3D

Allowable Object Heights
 Cable Airport

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Map 3E

Future Noise Impact Area
Cable Airport

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