

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S. #40

1120 N STREET

P. O. BOX 942874

SACRAMENTO, CA 94274-0001

PHONE (916) 654-4959

FAX (916) 653-9531

TTY 711

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*Making Conservation
a California Way of Life.*

December 16, 2019

Governor's Office of Planning & Research

DEC 23 2019**STATE CLEARINGHOUSE**

Jennifer Davis
City of Claremont
207 Harvard Avenue
Claremont, CA 91711

Dear Ms. Davis:

Re: Notice of Preparation for The Commons, SCH# 2019110341

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise, and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports. The following comments are offered for your consideration.

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The project site is within safety zones 2 and 4 for CCB as defined in the Handbook. The Runway Protection Zone (RPZ) is the most critical of the airport safety zones, considered to be at "very high risk" due to its proximity to the end of the runway. The Handbook generally recommends prohibiting all new structures within the RPZ. Part of The Commons project site is in safety zone 2, which is just beyond the outer edge of the RPZ. Safety zone 2 which is also known as the Inner Approach/Departure Zone is considered to be at "substantial risk." The RPZ together with the inner safety zones encompass 30 to 50 percent of the near-airport aircraft accident sites. The Handbook generally recommends avoiding all residential, multi-story and high density and intensity land uses within safety zone 2 and limiting residential uses to low density in safety zone 4. Cable Airport's extended runway centerline runs directly through the project site. Airport land use compatibility must be thoroughly addressed through the environmental process.

Protecting people and property on the ground from the potential consequences of near-airport aircraft accidents is a fundamental land use compatibility-planning objective. While the chance of an aircraft injuring someone on the ground is historically quite low, an aircraft accident is a high consequence event. To protect people and property on the ground from the risks of near-airport aircraft accidents, some form of restrictions on land use is essential. The two principal methods for reducing the risk of injury and property damage on the ground are to limit the number of persons in an area and to limit the area covered by occupied structures. The potential severity of an off-airport aircraft accident is highly dependent upon the nature of the land use at the accident site.

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PHILIP CRIMMINS
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c: State Clearinghouse, Los Angeles County ALUC, City of Upland, Cable Airport

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The project site is within safety zones 2 and 4 for CCB as defined in the Handbook. The Runway Protection Zone (RPZ) is the most critical of the airport safety zones, considered to be at "very high risk" due to its proximity to the end of the runway. The Handbook generally recommends prohibiting all new structures within the RPZ. Part of The Commons project site is in safety zone 2, which is just beyond the outer edge of the RPZ. Safety zone 2 which is also known as the Inner Approach/Departure Zone is considered to be at "substantial risk." The RPZ together with the inner safety zones encompass 30 to 50 percent of the near-airport aircraft accident sites. The Handbook generally recommends avoiding all residential, multi-story and high density and intensity land uses within safety zone 2 and limiting residential uses to low density in safety zone 4. Cable Airport's extended runway centerline runs directly through the project site. Airport land use compatibility must be thoroughly addressed through the environmental process.

Protecting people and property on the ground from the potential consequences of near-airport aircraft accidents is a fundamental land use compatibility-planning objective. While the chance of an aircraft injuring someone on the ground is historically quite low, an aircraft accident is a high consequence event. To protect people and property on the ground from the risks of near-airport aircraft accidents, some form of restrictions on land use is essential. The two principal methods for reducing the risk of injury and property damage on the ground are to limit the number of persons in an area and to limit the area covered by occupied structures. The potential severity of an off-airport aircraft accident is highly dependent upon the nature of the land use at the accident site.

According to the Cable Airport ALUCP aircraft noise map, The Commons project will place new residential units within the 60-65 decibel (dB) Community Noise Equivalent Level (CNEL) contour. Aircraft noise impacts do not start or end at the boundaries of a city or county. Allowing new residential development within the 65 dB CNEL contour would be inconsistent with Public Utilities Code (PUC) 21670 (a)(1) and the airport Noise Standards (California Code of Regulations, Title 21, Chapter 6, Section 5000 *et seq.*). PUC 21670 (a)(1) states that it is in the public interest "to promote the overall goals and objectives of the California airport noise standards...and to prevent the creation of new noise and safety problems." The Noise Standards, in part, state that the "standard for the acceptable level of aircraft noise for persons living in the vicinity of airports is

hereby established to be a community noise equivalent level of 65 dB [decibels]" for the purposes of those regulations. However, for most airports in California, 65 dB CNEL is considered too high a noise level to be appropriate as a standard for land use compatibility planning. This is particularly the case for evaluating new development in the vicinity of the airport. The 60 dB CNEL, or even 55 dB CNEL, may be more suitable for new development around most airports.

A thorough airport-related noise analysis including cumulative noise impacts associated with roadway and railway lines must be included in the draft environmental impact report. If allowed within the airport's 65 dB CNEL contour, all residential units should be constructed to ensure an interior CNEL due to aircraft noise of 45 dB or less in all habitable rooms. Additionally, each residential unit should grant to the airport proprietor an avigation easement for aircraft noise as shown in Appendix H of the Handbook. The construction methods and the easement, however, will not change exterior aircraft noise levels. It is likely that some future homeowners and tenants will be annoyed by aircraft noise in this area. Noise mitigation measures are not a substitute for good land use compatibility planning for new development. Aircraft noise levels represent a significant adverse impact on the project.

California PUC Section 21659 prohibits structural hazards near airports. In accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace" a Notice of Proposed Construction or Alteration (Form 7460-1) may be required by the FAA. Form 7460-1 is available on-line at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> and should be submitted electronically to the FAA.

Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353 address buyer notification requirements for lands around airports and are available on-line at <http://www.leginfo.ca.gov/calaw.html>. Any person who intends to offer subdivided lands, common interest developments and residential properties for sale or lease within an airport influence area is required to disclose that fact to the person buying the property.

In accordance with PUC Section 21676 *et seq.*, prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission (ALUC), the local agency shall first refer the proposed action to the ALUC.

If the ALUC determines that the proposed action is inconsistent with the airport land use compatibility plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the ALUC by a two-thirds vote of its governing body after it makes specific findings. At least 45 days prior to the decision to overrule the ALUC, the local agency's governing body shall provide to the ALUC and the Division a copy of the proposed decision and

findings. The Division reviews and comments on the specific findings a local government intends to use when proposing to overrule an ALUC. The Division specifically looks at the proposed findings to gauge their relationship to the overrule. Also, pursuant to PUC 21670 *et seq.*, findings should show evidence that the local agency is minimizing "...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."

In addition to submitting the proposal to the ALUC, it should also be coordinated with Cable Airport and City of Upland staff to ensure that the proposal will be compatible with future as well as existing airport operations. The Cable Airport ALUCP adopted by the City of Upland is an essential land use planning resource for this project. It was created from guidance in the Handbook that took into consideration Cable Airport operations and the area surrounding the airport.

The protection of airports from incompatible land use encroachment is vital to California's economic future. Cable Airport is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports is both a local and State issue, airport staff, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

These comments reflect the areas of concern to the Division with respect to airport-related noise, safety, and regional land use planning issues. Thank you for the opportunity to review and comment on this proposal. If you have any questions, please contact me at (916) 654-6223, or by email at philip.crimmins@dot.ca.gov.

Sincerely,

Original Signed by

PHILIP CRIMMINS
Aviation Environmental Specialist

c: State Clearinghouse, Los Angeles County ALUC, City of Upland, Cable Airport