

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S. #40

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6/15/2020

June 10, 2020

Governor's Office of Planning & Research

Jennifer Davis
City of Claremont
207 Harvard Avenue
Claremont, CA 91711**Jun 15 2020****STATE CLEARINGHOUSE**

Dear Ms. Davis:

Re: Draft Environmental Impact Report for The Commons, SCH# 2019110341

The California Department of Transportation, 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.

The proposal is for a project known as The Commons. It would result in a planned residential and mixed-use development with 27 single-family homes, 20 townhomes, 15 residential flats, 5,000 square feet of ground level retail space and over an acre of park and open space on approximately 6.5 acres of vacant land in the City of Claremont (City). The project also includes a tentative tract map, as well as the processing of a specific plan and a general plan amendment. There is also a General Plan Text Amendment being proposed to the City's Public Safety and Noise Element and a zoning district change.

The project site is approximately 2,000 feet southwest of Cable Airport's Runway 6/24 along its extended centerline. Aircraft fly at altitudes below 1,000 feet over the project site as they approach or depart the runway at Cable Airport. The Commons project will be subjected to low-altitude aircraft overflight and subsequent airport-related noise and safety impacts.

Cable Airport is an active, public-use airport with approximately 220 based aircraft and 90,000 annual aircraft operations. It is listed in the current Federal

Aviation Administration National Plan of Integrated Airport Systems as a Regional/Reliever airport.

In accordance with CEQA, Public Resources Code Section 21096, the California Airport Land Use Planning Handbook (Handbook) must be utilized as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries or if such a plan has not been adopted, within two miles of an airport. The Handbook is available on-line at:

<http://dot.ca.gov/hq/planning/aeronaut/documents/alucp/AirportLandUsePlanningHandbook.pdf>

The purpose of the Handbook is to provide guidance for conducting airport land use compatibility planning as required by Article 3.5 - Airport Land Use Commissions, in the Public Utilities Code (PUC) Sections 21670 to 21679.5 (Article 3.5). Article 3.5 outlines the statutory requirements for Airport Land Use Commissions (ALUCs) including the preparation of an Airport Land Use Compatibility Plan (ALUCP). Article 3.5 mandates that the Division prepare, update and publish the Handbook.

It is the intent of the State Legislature to discourage incompatible land uses near existing airports. When the Legislature established Article 3.5 in the PUC it found and declared that:

“It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.” And, “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 Draft Environmental Impact Report (DEIR) identified and evaluated the potential environmental effects associated with the construction and operation of The Commons (project) and, as required, the Handbook was utilized as a technical resource where the DEIR relates to airport-related safety hazards and noise problems.

DEIR, section 4.6 (Hazards)

The potential impact analysis concluded that the project’s land use

compatibility with Cable Airport is not consistent with the purposes of Article 3.5 and the Handbook, and would therefore have a significant and unavoidable environmental impact. The proposed density of dwelling units per acre was calculated to be greater than the maximum densities published in the Handbook. The project's new residential development on the site's vacant land, in the identified Handbook safety zones, would create new safety hazards.

DEIR, section 4.8.5.2 a (Land Use Planning)

The general plan consistency analysis in this section concluded that impacts would be less than significant and consistent with the City of Claremont General Plan, but only after approval of a text amendment is made to the general plan's public safety and noise element. The text amendment is part of the proposed project. The text amendment would increase the acceptable level of aircraft noise exposure on new noise-sensitive land uses, such as residences, schools and places of worship, from 60 dB Community Noise Equivalent Level (CNEL) to 70 dB CNEL. The general plan's current level of acceptable aircraft noise exposure is 60 dB CNEL, which if not amended to the higher level, would make this project inconsistent with the General Plan.

The proposed text amendment itself is not consistent with the purposes of Article 3.5, or the Handbook guidance and would create a significant impact as it would create new noise problems. Allowing new residential development within the 65 dB CNEL contour is inconsistent with PUC 21670 (a)(1) and the California Code of Regulations, Title 21, Chapter 6, Section 5000 et seq. (Noise Standards). 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" 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.

DEIR, section 4.8.5.2 b (Land Use Planning)

Analysis of the project in this section for consistency with the Handbook in lieu of a Los Angeles County ALUCP for Cable Airport, concluded that impacts would be less than significant and consistent with the Handbook.

Since the Los Angeles County ALUC has not adopted an airport land use

compatibility plan for their jurisdiction within the airport influence area of Cable Airport, PUC section 21675.1 (b) requires that the project be submitted to the ALUC for review and approval. Before the ALUC approves or disapproves the project it must give public notice in the same manner as the referring city. PUC section 21675.1 (c) places conditions on the ALUC's ability to approve the project. PUC sections 21675.1 (d) and 21675.1 (e) specify the requirements for an overrule process should the ALUC disapprove the project. PUC section 21675.2 lays out the statutory requirements should the ALUC fail to act to approve or disapprove the project.

The proposed project must fully adhere to all of the requirements of PUC sections 21675.1 and 21675.2 or it will not be consistent with the purposes of Article 3.5 and the Handbook. Since the analysis for this section does not address compliance with all of the requirements in PUC sections 21675.1 and 21675.2 there is still potential for a significant environmental impact.

DEIR, section 4.9.7.3 (Noise and Vibration, Public/Private Airport Noise)

The project proposes a change to the City's general plan text in this section. The current text in the general plan sets a threshold for allowable aircraft noise that would make the project an incompatible land use near Cable airport. The proposed change to the general plan's text would increase the noise threshold for residential development thereby turning it into a compatible land use which would also change its environmental impact to less than significant.

As stated in the comments above pertaining to, DEIR section 4.8.5.2 a (Land Use Planning), allowing new residential development within the 65 dB CNEL noise contour is inconsistent with PUC 21670 (a)(1) and the airport Noise Standards. 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." This is particularly the case for evaluating new development in the vicinity of an airport.

Amending the City's general plan text does not change the standard by which noise sensitive land uses are designated compatible or incompatible within an airport's influence area. The basis for the text change does not cite that there have been changes to state noise statutes, regulations or guidance.

It must be noted here that the proposed general plan change is based on reasons unrelated to noise and airport land use compatibility. Instead, the DEIR states the general plan change is supported by state affordable housing needs policy and recently signed housing crisis legislation. The text change, therefore, has the effect of enabling the very type of land use state law and the current general plan language is designed to prevent. That is, the DEIR states that the

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text amendment is needed to promote new noise-sensitive residential housing development in areas of higher than allowable aircraft noise exposure.

The proposed general plan text amendment is not consistent with the purposes of Article 3.5, the Noise Standards, and is not supported by the Handbook. It would have a significant environmental impact regarding aircraft noise for this project.

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