

DEPARTMENT OF TRANSPORTATION

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Governor's Office of Planning & Research

August 12 2021

STATE CLEARINGHOUSE

August 6, 2021

Maciel Medina
City of Burbank
105 North Third Street
Burbank, CA 91502

Dear Ms. Medina:

Re: SCA for the Burbank Aero Crossings Project, SCH# 2021070154

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 Burbank Aero Crossings. It would result in a mixed-use development with 862 residential units and approximately 161,500 square feet of office/restaurant space in multiple buildings, two of which will be seven-stories tall. The project site is approximately 10.4 acres.

The project site is approximately 0.40 miles (2,105 feet) southeast of the departure end of Runway 15/33 at Hollywood Burbank Airport. Regularly scheduled commercial airline and cargo aircraft frequently depart at low altitudes with full take-off power nearly overhead of the project site. The Aero Crossings project will be subjected to low-altitude aircraft overflight and subsequent airport-related noise and safety impacts.

Hollywood Burbank Airport is a busy public-use airport with daily commercial airlines, cargo and general aviation operations. It handles over 2.5 million annual enplaned passengers and 91 based aircraft, and it is listed in the current Federal Aviation Administration (FAA) National Plan of Integrated Airport Systems as a Medium Primary Commercial Service 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:

<https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-a11y.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 Sustainable Communities Environmental Assessment (SCA) for the Aero Crossings project did not list the Handbook as a reference or cite it in its environmental analysis. The Handbook does not appear to have been utilized as a technical resource where the SCA evaluates airport-related safety hazards and noise problems. Airport land use compatibility planning factors such as safety, noise and the protection of navigable airspace must be evaluated for potential environmental impacts associated with the construction and operation of the Aero Crossings project.

Portions of the project site appear to be within the Inner Turning Safety Zone 3 for Burbank Airport as defined in the Caltrans Handbook. The Handbook generally recommends limiting residential uses to very low densities and office and other commercial uses to low intensities within Safety Zone 3. The Handbook also states

that buildings with more than three above ground habitable floors should be avoided. This must be thoroughly addressed through the environmental process.

Pursuant to the Airport Noise Standards (California Code of Regulations, Title 21, Section 5000 *et seq.*), the County of Los Angeles declared the Burbank Airport to have a "noise problem." The regulations require a noise problem airport to reduce the size of its "noise impact area" (NIA), which is the area within the airport's 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour that is composed of incompatible land uses. Allowing new residential uses within the airport's 65 dB CNEL contour could result in an increase, rather than the required decrease, in the size of the airport's NIA. Consistent with the Airport Noise Standards, new residential development is not an appropriate land use within the airport's 65 dB CNEL contour. 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, to prevent this project from increasing the airport's NIA, all new residential units should grant to the airport proprietor an aviation easement for aircraft noise.

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

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 the 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."

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In addition to submitting the proposal to the ALUC, it should also be coordinated with Hollywood Burbank Airport staff to ensure that the proposal will be compatible with future as well as existing airport operations.

Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353 address buyer notification requirements for lands around airports. 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.

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, Hollywood Burbank Airport