

California Department of Transportation

AERONAUTICS PROGRAM
DIVISION OF TRANSPORTATION PLANNING
P.O. BOX 942873, MS-40 | SACRAMENTO, CA 94273-0001
(916) 654-4959
www.dot.ca.gov



April 15, 2024

Ms. Danielle Harper-Scott

Electronically Sent danielleh@moval.org

Senior Planner
City of Moreno Valley
14177 Fredrick St.
Moreno Valley, CA 92553

Governor's Office of Planning & Research

April 15 2024

STATE CLEARINGHOUSE

Re: SCH #2024030523 - Penske Sales, Leasing, and Maintenance Facility Project

Dear Ms. Harper-Scott,

The California Department of Transportation, Caltrans Aeronautics has reviewed the Notice of Competition of a Mitigated Negative Declaration for the Penske Sales, Leasing, and Maintenance Facility Project. One of the goals of the California Department of Transportation, Aeronautics Program, is to assist cities, counties, and Airport Land Use Commissions (ALUC) or their equivalent, to understand and comply with the State Aeronautics Act pursuant to the California Public Utilities Code (PUC), Section 21001 et seq. Caltrans encourages collaboration with our partners in the planning process and thanks you for including the Aeronautics Program in the review of the Mitigated Negative Declaration.

The proposal is for consists of a Plot Plan review for a proposed truck sale, rental, service, fueling facility, and a surface parking lot on a 9.63-acre site located at 21839 Alessandro Blvd, Moreno Valley, CA 9255. The project site is located approximately 1.6 miles of March Airforce Base.

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 a resource for all public use airports and is available online at: <https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-ally.pdf>

Safety Compatibility Policies

The proposed Project site is in Safety Zone B1 (Inner Approach/Departure Zone), of the March Airforce Base and therefore must adhere to the safety criteria and restrictions defined in the Airport Land Use Compatibility Plan (ALUCP) adopted by the ALUC pursuant to the PUC, Section 21674. The City of Moreno Valley should consider Safety Zone B1 Compatibility polices stipulated in the ALUCP.

Noise Compatibility Policies

The project site is located within the 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour for the March Airforce Base as shown in the Riverside County Airport Land Use Compatibility Plan (ALUCP). The proposal appears to be consistent with compatibility criteria in the ALUCP.

Due to its proximity to the airport, the project site may be subject to aircraft overflights and subsequent aircraft-related noise impacts. Since communities vary greatly in size and character from urban to rural, the level of noise deemed acceptable in one community is not necessarily the same for another community.

Federal and State regulations regarding aircraft noise do not establish mandatory criteria for evaluating the compatibility of proposed land use development around airports (with the exception of the 65 dB CNEL "worst case" threshold established in the California Code of Regulations (CCR: Title 21 CCR, §5006, §5012) for the designated "noise problem" airports). 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.

While airports do not have mitigation requirements for single event noise occurrences under FAA regulations, aircraft operations may cause noticeable noise annoyance from single events that result in impacts such as sleep disturbance. Consideration should also be given to cumulative noise impacts associated with the project site's proximity to roadways and railway lines.

Sound insulation, buyer notification and avigation easements are typical noise mitigation measures. These measures, however, do 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 land use compatibility planning for new development.

While construction practices can reduce interior noise levels to 45 dB, residents would not be expected to remain indoors continuously. When outside or when opening windows or doors, they would remain subjected to 65 dB from regular aircraft overflights. These considerations are consistent with Caltrans Aeronautics California Land Use Planning Handbook (Handbook). The Handbook's guidance with the California Building Code (Title 24 CCR, Handbook PG 3-4) seeks to minimize the number of people exposed to frequent and/or high levels of aircraft noise capable of disrupting noise sensitive activities. Title 24 CCR discusses interior noise levels further for "dwellings other than detached single-family residences." For purposes of airport land use compatibility planning, Caltrans advises that 65 dB CNEL is not an appropriate criterion for new noise-sensitive development around most airports. At a minimum, communities should assess the suitability and feasibility of setting a lower standard for new residential and other noise-sensitive development. (Handbook, PG 4-7).

Airspace Protection Policies

The proposed Project must also address requirements from the Federal Aviation Administration (FAA), specified in Title 14 of the Code of Federal Regulations, Part 77. (14 CFR Part 77). Title 14 CFR Part 77.9 provides vertical and horizontal criteria for construction near an airport. The California Public Utilities Code Section 21659 prohibits structural hazards near airports. Should any of the proposed structures exceed 200 feet AGL (above ground level) in height, a Notice of Proposed Construction or Alteration (Form 7460-1) will be required by the Federal Aviation Administration (FAA) in accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace." To ensure compliance notices should be submitted to the FAA's Obstacle Evaluation Group (OEG) online at the following site: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>. OEG Determinations are not building permits, but the Determinations may specify obstruction mitigation.

Amending a General Plan / General Plans

Per the California Public Utilities Code Section 21001 et seq. relating to the State Aeronautics Act, Section 21676(b) prior to the amendment of a general plan...within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. Any proposed development in the defined safety zones, therefore, must adhere to the safety criteria and restrictions defined in the Airport Land Use Compatibility Plan(s) adopted by the ALUC pursuant to the PUC, Section 21674.

Ms. Danielle Harper-Scott, Senior Planner
April 15, 2024
Page 4

Closing Statements

An ALUCP is crucial in minimizing noise nuisance and safety hazards around airports while promoting the orderly development in the vicinity of airports, as declared by the California Legislature. A responsibility of the ALUC is to assess potential risk to aircraft and persons in airspace and people occupying areas within the vicinity of the airport. These comments reflect the areas of review by Caltrans Aeronautics with respect to airport-related noise, safety, and 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) 907-2219, or by email at vincent.ray@dot.ca.gov.

Sincerely,

Vincent Ray
Aviation Planner

c: CA State Clearing House, state.clearinghouse@opr.ca.gov