

## California Department of Transportation

AERONAUTICS PROGRAM  
DIVISION OF TRANSPORTATION PLANNING  
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March 27, 2024

Ms. Kristy Doud

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Deputy Director of Planning  
Stanislaus County Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

Governor's Office of Planning & Research

**Mar 27 2024**

**Re: SCH #2024030521 - PLN2023-0166 - Gallo Glass Company**

**STATE CLEARINGHOUSE**

Dear Ms. Doud

The California Department of Transportation, Caltrans Aeronautics has reviewed the Early Construction for PLN2023-0166 - Gallo Glass Company. 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 California Environmental Quality Act (CEQA) document.

The proposal is for a request to amend the General Plan designation of 17 parcels from Industrial Reserve to Industrial and the zoning designation from Low-Density Residential (R-1) to Planned Development to allow to, expanded outdoor storage associated with the existing adjacent Gallo Glass facility. The project also proposes construction of a 150,000 square-foot warehouse building, up to **75 feet in height**, in the future if and when additional indoor storage is required to accommodate the growth of the Gallo Glass Company. The project site is located approximately **0.48 miles** of the **Modesto City-County 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 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](https://www.stanislauscountyplanning.com/media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-ally.pdf)

### **Safety Compatibility Policies**

The proposed Project site is in Safety Zone #3, Inner Turning Zone, of the Modesto City-County Airport 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 Stanislaus County Planning & Community Development should consider Safety Zone 3 Compatibility policies stipulated in the ALUCP or Handbook.

### **Noise Compatibility Policies**

The project site is located within the 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour for the Modesto City-County Airport as shown in the Stanislaus County Airport Land Use Compatibility Plan (ALUCP). The proposal appears to be conditional with mitigation with compatibility criteria in the ALUCP. The ALUCP recommends an indoor 50 dB noise attenuation for offices and office areas of industrial facilities and research and development facilities.

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.

### **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.

### **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

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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](mailto:vincent.ray@dot.ca.gov).

Sincerely,

Vincent Ray  
Aviation Planner

c: Matt Friedman, Senior Planner, Caltrans Aviation Program  
California State Clearing House