



Imperial County Planning & Development Services Planning / Building

Jim Minnick
DIRECTOR

TO:

Commissioner Mike Goodsell
Commissioner Tairu Zong
Commissioner Jerry Arguelles
Commissioner Sylvia Chavez

FROM:

Jim Minnick, Secretary
Planning & Development Services Director

SUBJECT:

Public Hearing for the consideration of the proposed Seeley Development Project for a (14) two story garden apartment buildings, proposing 112 total units for the project, located in unincorporated Imperial County, northwest of the town of Seeley CA, Assessor's Parcel Number(s) 051-150-008-000, Longitude 115° 41' 52.71" W, Latitude 32° 47' 42.036" N." to determine Consistency with the Airport Land Use Compatibility Plan (ALUCP). [Rocio Yee, Planner II] (**ALUC 05-25**)

DATE OF REPORT:

June 18, 2025

AGENDA ITEM NO:

2

HEARING DATE:

June 18, 2025

HEARING TIME:

6:00 p.m.

HEARING LOCATION:

County Administration Center
Board of Supervisors Chambers
940 Main Street
El Centro, CA 92243

STAFF RECOMMENDATION

It is Staff's recommendation that the Airport Land Use Commission find the proposed Seeley Development Project be inconsistent with the 1996 Airport Land Use Compatibility Plan.

SECRETARY'S REPORT

Project Location:

The proposed Seeley Development project is located in unincorporated Imperial County, northwest of the town of Seeley, California. The project site is situated west of Laguna Avenue and north of Rio Vista Street, encompassing approximately 4.27 acres of privately owned land. The property is identified by Assessor's Parcel Number (APN) 051-150-008-000 and is further described as the West 490 feet of Blocks 5, Crabtree Addition, Townsite of Seeley. The geographic coordinates of the site are approximately Latitude 32° 47' 42.036" N and Longitude 115° 41' 52.71" W.

Project Description:

The proposed project consists of fourteen (14) two-story apartment buildings. Of these, seven (7) buildings will each contain eight (8) one-bedroom flats, and the remaining seven (7) buildings will each contain eight (8) two-bedroom flats. In total, the project proposes 112 residential units and 210 parking spaces and since the property falls within Zone C of the Airport Land Use Compatibility Plan, the applicant seeks their determination of compatibility.

General Plan/ALUCP Analysis:

The proposed project is located within an unincorporated area of the County. The existing General Plan land use designation is "Urban", specifically the Seeley Urban Area Plan. The project site is currently zoned as R-3 (Medium-High Density Residential Zone), which under the Seeley Urban Area Plan allows "...apartment dwelling units up to 29 dwelling units per acre with public facilities/services available or to be concurrently provided and which is compatible with the existing character of the community"; however, based on the Plan's Residential Development Standards under the high density residential uses, "...New residential development within the Seeley urban area must be consistent with the Airport Land Use Compatibility Plan..." The ALUCP Zone "C" has a maximum density allowance of up to six (6) dwelling units per acre, up to 200 people per acre and a requirement of 15% open land. See Table 2 A for reference.

In Table 2A Continued, note 1. States that "Residential developments should not contain more than the indicated number of dwellings units per gross acre. Clustering of units is encouraged as a means of meeting the Required Open Land requirements."

Table 2A
Compatibility Criteria

Imperial County Airport Land Use Compatibility Plan

Zone	Location	Impact Elements	Maximum Densities		Required Open Land ⁷
			Residential (dw/ac) ¹	Other Uses (people/ac) ²	
A	Runway Protection Zone or within Building Restriction Line	<ul style="list-style-type: none"> High risk High noise levels 	0	10	All Remaining
B1	Approach/Departure Zone and Adjacent to Runway	<ul style="list-style-type: none"> Substantial risk - aircraft commonly below 400 ft. AGL or within 1,000 ft. of runway Substantial noise 	0.1	100	30%
B2	Extended Approach/Departure Zone	<ul style="list-style-type: none"> Significant risk - aircraft commonly below 800 ft. AGL Significant noise 	1	100	30%
C	Common Traffic Pattern	<ul style="list-style-type: none"> Limited risk - aircraft at or below 1,000 ft. AGL Frequent noise intrusion 	6	200	15%
D	Other Airport Environs	<ul style="list-style-type: none"> Negligible risk Potential for annoyance from overflights 	No Limit	No Limit	No Requirement

Policies / Chapter 2

Table 2A Continued
Compatibility Criteria

Imperial County Airport Land Use Compatibility Plan

NOTES

- Residential development should not contain more than the indicated number of dwelling units per gross acre. Clustering of units is encouraged as a means of meeting the Required Open Land requirements.
- The land use should not attract more than the indicated number of people per acre at any time. This figure should include all individuals who may be on the property (e.g., employees, customers/visitors, etc.). These densities are intended as general planning guidelines to aid in determining the acceptability of proposed land uses.
- See Policy 2.5.
- These uses typically can be designed to meet the density requirements and other development conditions listed.
- These uses typically do not meet the density and other development conditions listed. They should be allowed only if a major community objective is served by their location in this zone and no feasible alternative location exists.
- See Policy 3.4
- NLR = Noise Level Reduction; i.e., the attenuation of sound level from outside to inside provided by the structure.

The Seeley Development Project is proposing a total of 112 units in 4.27 acres, being approximately 26 units per acre, exceeding the maximum amount allowed per Zone C, which is up to 6 units per acre. In addition, based on the comments at pre-application meeting held on April 10, 2025, the number of units may need to be lowered in order to accommodate the following items which include but are not limited to a trash enclosure, one guest parking space for every five (5) units and verification of compliance with EV capable and ready parking spaces, confirmation of water availability and sewer capacity, fire flow needs, need for a secondary emergency access and verification of compliance with landscape and design standards.

In addition, the Commission is to review additional types of land use "actions, regulations, and permits" involving a question of airport/land use compatibility. The proposed project meets these specific types or "actions, regulations, and permits", which are listed below:

b) "...Any proposed residential planned unit development consisting of five or more dwelling units within an airport's planning area..."

g) "...Building permit applications for projects having a valuation greater than \$500,000"

h) "...Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities."

Conclusion:

It is Staff's recommendation that the Airport Land Use Commission find the proposed Seeley Development Project to be incompatible with the 1996 Airport Land Use Compatibility Plan.

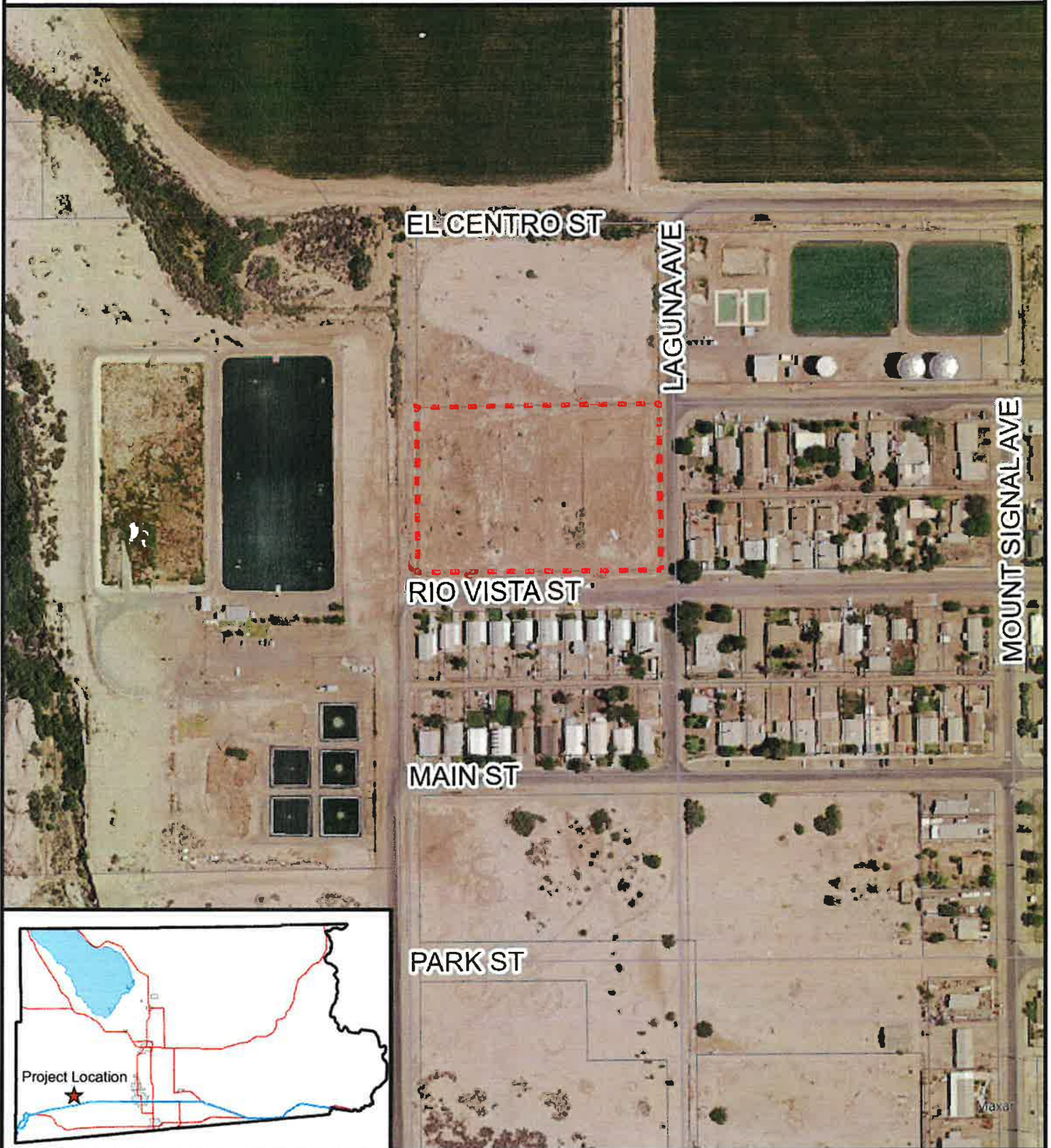
ATTACHMENTS:

- A. Vicinity Map
- B. ALUC Map
- C. Site Plan(s)
- D. Application Package
- E. ALUCP Policies – Chapter 2

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ATTACHMENT "A"
VICINITY MAP

PROJECT LOCATION MAP

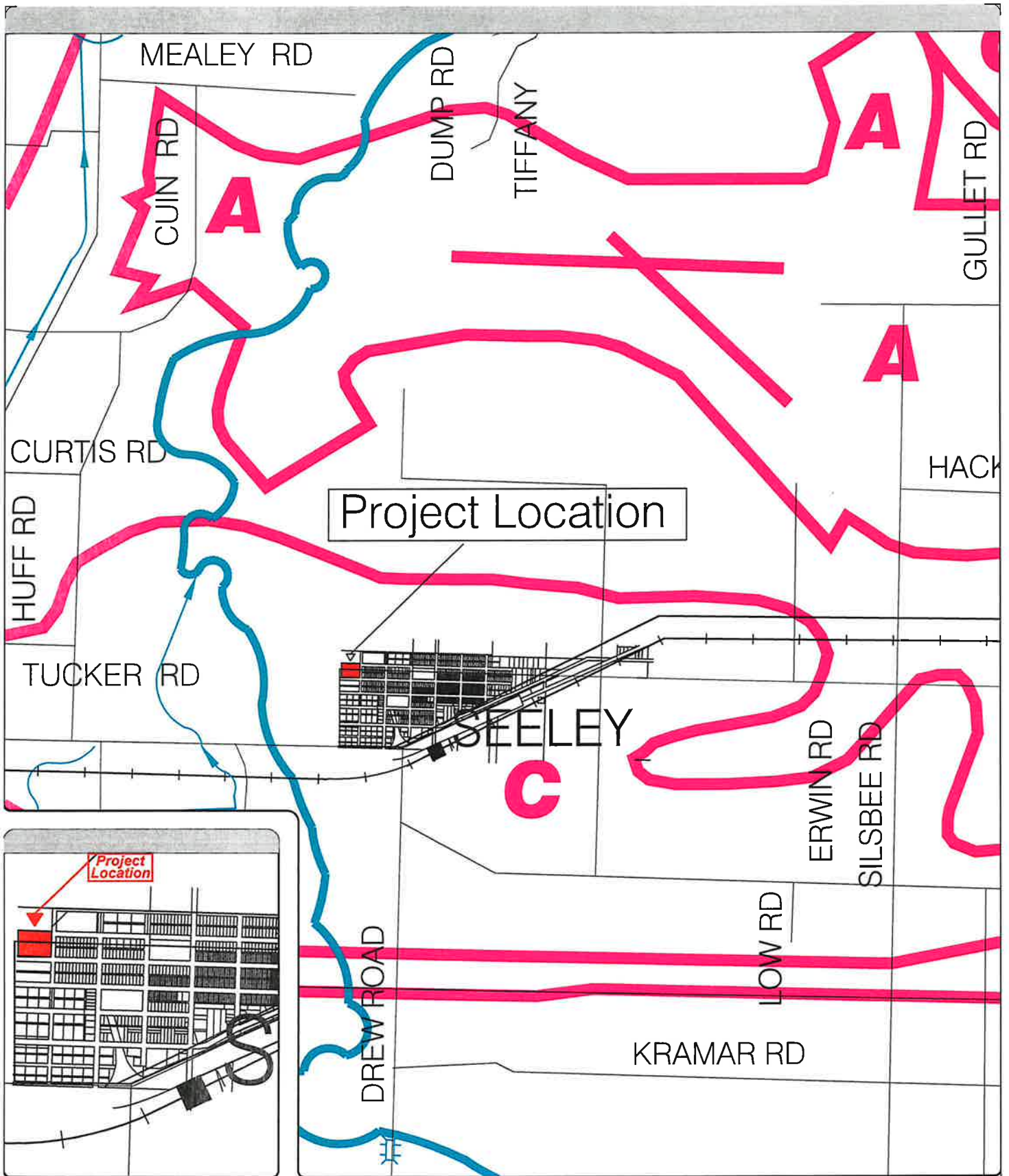


SEELEY DEVELOPMENT PROJECT
HIRJ HOLDINGS LLC
ALUC05-25
APN# 051-150-008

- Project Location
- Centerline
- Parcels



ATTACHMENT “B”
ALUC MAP



ALUC 05-25

SEELEY DEVELOPMENT PROJECT
HIRJ HOLDINGS LLC
APN# 051-150-008



ATTACHMENT “C”
SITE PLAN(S)

PROJECT NAME: NEW RIVER GARDEN APARTMENTS

PROJECT LOCATION: 2022 NEW RIVER, SEELY, CA

ASSESSORS PARCEL #: 051-150-008

LOT SIZE: 4.27 ACRES

ZONING: R-3

CONSTRUCTION TYPE: V-A

BUILDING HEIGHT: 80 FT MAX

FRONT SETBACK: 20'-0"

STREET SIDE: 20'-0"

INTERIOR SIDE SETBACKS: 5'-0"

REAR SET BACKS: 15'-0"

DENSITY: 20 DU/ACRE (124 UNITS MAX)

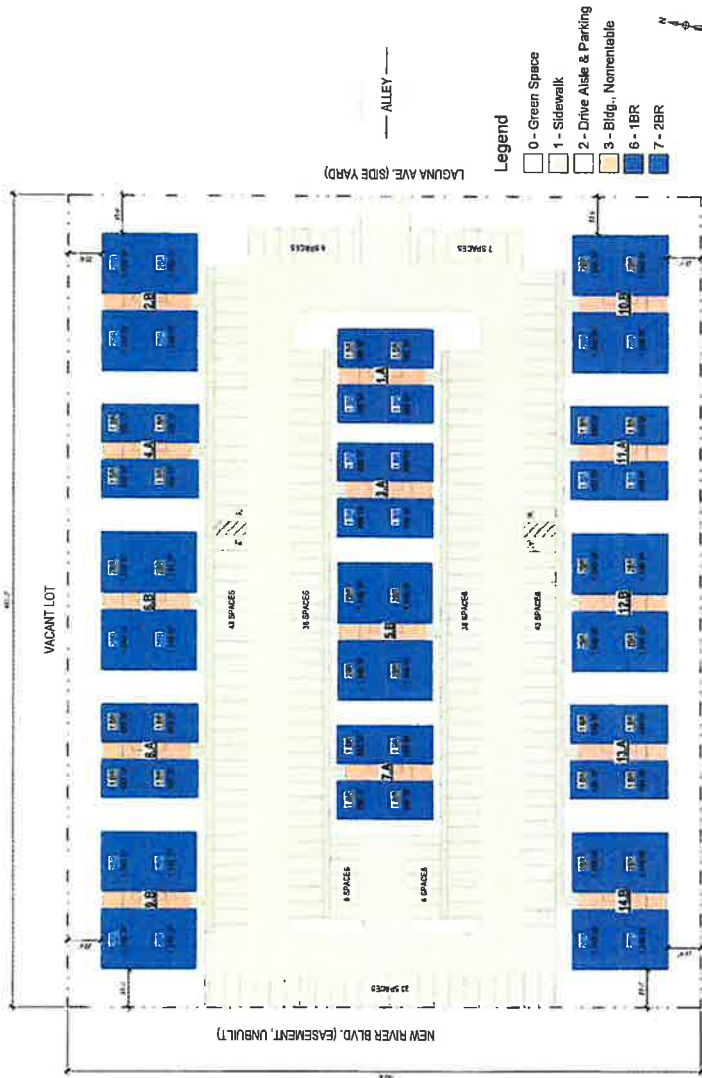
PARKING REQUIREMENT: 2 PARKING SPACES PER UNIT

PARKING DIMENSIONS: 90 DEGREE STANDARD

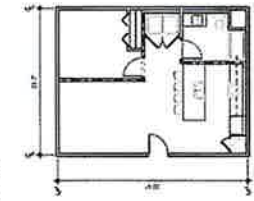
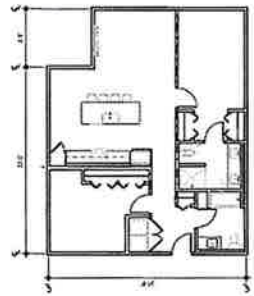
Space Width: 9 FT

Space Depth: 20 FT

DRIVE AISLE: Two-Way Maneuvering Width: 25 FT



1 SITE PLAN - SCHEME OPTION 1



2 BASIS OF DESIGN - 1BR (1,100sf +/-)

3 BASIS OF DESIGN - 2BR (1,100sf +/-)

Table with 2 columns: Item, Description. Rows include: 1. 1BR Unit Count: 56, 2. 2BR Unit Count: 56, 3. Total Unit Count (as shown): 112, 4. Total Unit Count: 111, 5. Parking: 206 standard, 4 HC, 0 compact, 6. **16 Spaces shy of the requirement, however HALF of the Units are 1BR. This could be discussed with local agency.**

PRE-DESIGN - TEST FIT - OPTION 1

X-01

ATTACHMENT “D”
APPLICATION PACKAGE



County of Imperial
Planning & Development Services
801 Main Street
El Centro, CA 92243
Office (442) 265-1736
Fax (442) 265-1735
www.icpds.com

Project Review and Pre-Application

Date Submitted: 3-5-2025

Applicant (who is financially responsible): Green Dragon Developers Inc.

Project Name: New River Garden Apartments

Assessor's Parcel Number: 051-150-008

Project Location & Brief Description:

This project proposes (14) two-story garden apartment buildings. (7) Buildings will each provide (8) 1-Bedroom flats, and (7) Buildings will each provide (8) 2-Bedroom flats. This project proposes 112 total Units, and 210 total Parking Spaces.

Name, Address and Phone Number to contact for revisions and/or approval:

Nick Loeper, Project Manager, Architects LOCAL (1214 F St. Sacramento, CA 95814)(916.545.2514)
(NickL@architectslocal.com)

Office Use Only

Planner: _____

Date Routed: _____ Date: _____

IDIS\FORMS_LISTS\General Office Forms\Pre Application Form.docx

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PLANNING & DEVELOPMENT SERVICES

Seeley Development Project

Regional Housing Needs Assessment (RHNA)

The Southern California Association of Governments (SCAG) has allocated specific housing production targets to Imperial County to meet regional housing demands across various income levels. The Imperial County Housing Element identifies the need for residential development at various densities and different affordability levels. Housing development within the townsite of Seeley has remained stagnant and severely underdeveloped. In furtherance of the Housing Element goals, objectives and policies the development of the subject parcel would contribute positively to our community.

The Unincorporated Imperial County jurisdiction has an allocation as follows:

VIII. REGIONAL HOUSING NEEDS ALLOCATION

6th Cycle Regional Housing Needs Allocation for Unincorporated Imperial Co.:

	Units
Very-Low Income (<50% of AMI)	1,200
Low Income (50-80% of AMI)	595
Moderate Income (80-120% of AMI)	579
Above Moderate Income (>120% of AMI)	1,919
TOTAL	4,293

SCAG, 2020. Estimate based on final adopted RHNA methodology (3/5/20). Final RHNA allocation will be issued following the conclusion of the RHNA appeals process in early 2021. Please note that for the housing element update, local jurisdictions will have to consider extremely low income (ELI) households as well. ELI housing needs may be calculated either by using Census data or simply assuming that 50 percent of the very low income households qualify as extremely low income households.

Imperial County 2021-2029 Housing Element

Imperial County's Housing Element outlines strategies to address housing needs and this RHNA allocation. Higher density multi-family projects such as the one being proposed, help to play an integral role in developing additional housing that the County needs.

The Housing Element breaks down different Housing Unit Types in the table below. In the Unincorporated County areas, the 5+ unit type makes up only 3.1% of the total number of housing units. However, in looking countywide, the 5+ unit type represents a much larger share of 13.6% of total housing units. We feel that the county could benefit from additional 5+ unit projects to better address the housing needs in the Unincorporate County areas.

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Seeley Development Project

TABLE A-17
HOUSING UNIT TYPE

Housing Unit Type	Unincorporated County		Total County*	
	Number	Percentage	Number	Percentage
Single-Family, Detached	4,742	70.0%	37,202	64.5%
Single-Family, Attached	40	0.6%	1,087	1.9%
2 units	28	0.4%	1,709	3.0%
3-4 units	196	2.9%	3,755	6.5%
5+ units	207	3.1%	7,823	13.6%
Mobile homes	1,533	22.6%	5,908	10.2%
Other (Boat, RV, etc.)	31	0.5%	206	0.4%
Total Housing Units	6,777	100.0%	57,690	100.0%

Source: 2015-2019 ACS

*Total County includes both incorporated and unincorporated communities.

Additionally, page A-31 indicates that Seeley falls within a high-resource area according to 2021 TCAC/HCD Opportunity Areas, which serves as a guide in assessing access to opportunities within the community. This classification illustrates Seeley's suitability for multi-family housing given the townsite's access to local services and educational opportunities.

Market Demand

The demand for multi-family apartment housing in Imperial County is very strong. We know this generally from speaking with property managers, real estate owners, and other people within the community. However, we sought to further illustrate this with some data.

We researched all multi-family apartment properties in Imperial County in Costar. Costar shows a total of 11,133 apartment units in 241 properties. We then searched online for availability. Apartments.com (also owned by Costar) reported a total of 85 apartment units available-- which represents only 0.76% of the total number of units. (We also cross-referenced availability on Zillow and Redfin, but these came in even lower.)

While this is not an exact metric for capturing every single available unit, it does illustrate the robust leasing demand for apartment units. However, more importantly, this illustrates the limited amount of supply of apartment units and the need for more multi-family housing in the county.

In looking more specifically in Seeley, there are a few other 2-story apartment projects in the townsite. In calling each for leasing availability, all 3 properties were 100% leased with a waiting list.

- 1713 El Centro St: 38 units
- 1703 El Centro St: 48 units
- 1770 W Evan Hewes Hwy: 12 units

Seeley Development Project

Seeley Urban Plan Area

We have reviewed the Seeley Urban Plan Area document. Here are the notes on our findings:

- Page 20, at the bottom under 3) High Density Residential, references 29 du/ac as the allowed density. It also states that if a property is outside of the Townsite of Seeley (which the subject property is not), then new residential developments outside the existing Townsite of Seeley (e.g. south of railroad right-of-way within Zone C) must be found consistent by the Airport Land Use Commission.
- Page 22 also states that High Density Residential will allow apartment units up to 29 du/ac. Within the Townsite and “New residential development within the Seeley urban area must be consistent with the Airport Land Use Compatibility Plan.” South of the rail road, south of Even Hewes Highway.
- The airport plan (1982) was around before the Seeley plan (1994).

Airport Land Use Compatibility Plan

We also reviewed the Airport Land Use Compatibility Plan on the County’s website. Here are the notes on our findings:

- In Chapter 2 (2-7, 2-8), Par. #2 indicates that compatibility of land uses shall be evaluated in terms of the Compatibility Criteria, Table 2A. Table 2A references 6 du/ac as the maximum density for residential in Zone C, Common Traffic Pattern (all of Seeley is Zone C).
 - Again, we feel that the subject zoning of R3 in the subsequent Seeley Urban Area Plan document illustrates that the subject property is vested for a density of 29 du/ac.
- Par. #7 on page 2-7 references an “Infill” location and states: “Where substantial incompatible development already exists, additional infill development of similar land uses may be allowed to occur even if such land uses are to be prohibited elsewhere in the zone.” And then there are 5 criteria that must be met-- all of which we meet.
 - As noted earlier, there are a few other 2-story apartment projects in Seeley that we can point to as having been developed.
 - 1713 El Centro St: 38 units on 1.90 AC (20 du/ac)
 - 1703 El Centro St: 48 units on 2.33 AC built in 2000 (20 du/ac)
 - 1770 W Evan Hewes Hwy: 12 units on 0.63 AC built in 2008 (19 du/ac)
 - These are all zoned R4, which presumably might have a lower density than R3. The zoning document we found for R4 did not reference the density for the zone.

Seeley Development Project

Zoning Summary

Consequently, first and foremost-- the Seeley Urban Plan Area, which came subsequent to the Airport Land Use Compatibility Plan, specifically allows for a density of 29 du/ac.

Secondarily, if the Commission does agree with the validity/suitability of the Seeley Urban Area Plan, then the subject project nonetheless also constitutes an “Infill” exception given the other multi-family developments in Seeley.

With the proposed 112 units, we are currently proposing a density of 26 du/ac-- lower than what is permitted in the Seeley Urban Plan Area.

ATTACHMENT “E”
ALUC POLICIES—CHAPTER 2

Policies

1.SCOPE OF REVIEW

1. Geographic Area of Concern

The Imperial County Airport Land Use Commission's planning area encompasses:

1. *Airport Vicinity* - All lands on which the uses could be negatively affected by present or future aircraft operations at the following airports in the County and lands on which the uses could negatively affect said airports. The specific limits of the planning area for each airport are depicted on the respective *Compatibility Map* for that airport as presented in Chapter 3.
 - (a) Brawley Municipal Airport.
 - (b) Calexico International Airport.
 - (c) Calipatria Municipal Airport.
 - (d) Holtville Airport.
 - (e) Imperial County Airport.
 - (f) Salton Sea Airport.
 - (g) Naval Air Facility El Centro.

2. *Countywide Impacts on Flight Safety* - Those lands, regardless of their location in the County, on which the uses could adversely affect the safety of flight in the County. The specific uses of concern are identified in Paragraph 2.
3. *New Airports and Heliports* - The site and environs of any proposed new airport or heliport anywhere in the County. The Brawley Pioneers Memorial Hospital has a heliport area on-site.

2. Types of Airport Impacts

The Commission is concerned only with the potential impacts related to aircraft noise, land use safety (with respect both to people on the ground and the occupants of aircraft), airspace protection, and aircraft over-flights. Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are beyond the scope of this plan. These impacts are within the authority of other local, state, and federal agencies and are addressed within the environmental review procedures for airport development.

3. Types of Actions Reviewed

1. *General Plan Consistency Review* - Within 180 days of adoption of the *Airport Land Use Compatibility Plan*, the Commission shall review the general plans and specific plans of affected local jurisdictions to determine their consistency with the Commission's policies. Until such time as (1) the Commission finds that the local general plan or specific plan is consistent with the *Airport Land Use Compatibility Plan*, or (2) the local agency has overruled the Commission's determination of inconsistency, the local jurisdiction shall refer all actions, regulations, and permits (as specified in Paragraph 3) involving the airport area of influence to the Commission for review (Section 21676.5 (a)).
2. *Statutory Requirements* -As required by state law, the following types of actions shall be referred to the Airport Land Use Commission for determination of consistency with the Commission's plan *prior to their approval* by the local jurisdiction:

- (a) The adoption or approval of any amendment to a general or specific plan affecting the Commission's geographic area of concern as indicated in Paragraph 1 (Section 21676 (b)).
- (b) The adoption or approval of a zoning ordinance or building regulation which (1) affects the Commission's geographic area of concern as indicated in Paragraph 1 and (2) involves the types of airport impact concerns listed in Paragraph 2 (Section 21676 (b)).
- (c) Adoption or modification of the master plan for an existing public-use airport (Section 21676 (c)).
- (d) Any proposal for a new airport or heliport whether for public use or private use (Section 21661.5).

3. *Other Project Review* - State law empowers the Commission to review additional types of land use "actions, regulations, and permits" involving a question of airport/land use compatibility if either: (1) the Commission and the local agency agree that these types of individual projects shall be reviewed by the Commission (Section 21676.5 (b)); or (2) the Commission finds that a local agency has not revised its general plan or specific plan or overruled the Commission and the Commission requires that the individual projects be submitted for review (Section 21676.5 (a)). For the purposes of this plan, the specific types of "actions, regulations, and permits" which the Commission shall review include:

- a) Any proposed expansion of a city's sphere of influence within an airport's planning area.
- b) Any proposed residential planned unit development consisting of five or more dwelling units within an airport's planning area.
- c) Any request for variance from a local agency's height limitation ordinance.
- d) Any proposal for construction or alteration of a structure (including antennas) taller than 150 feet above the ground anywhere within the County.

- e) Any major capital improvements (e.g., water, sewer, or roads) that would promote urban development.
- f) Proposed land acquisition by a government entity (especially, acquisition of a school site).
- g) Building permit applications for projects having a valuation greater than \$500,000.
- h) Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.

4. Review Process

1. *Timing of Project Submittal* - Proposed actions listed in Paragraph 3.1 must be submitted to the Commission for review prior to approval by the local government entity. All projects shall be referred to the Commission at the earliest reasonable point in time so that the Commission's review can be duly considered by the local jurisdiction prior to formalizing its actions. At the local government's discretion, submittal of a project for Airport Land Use Commission review can be done before, after, or concurrently with review by the local planning commission or other local advisory bodies.
2. *Commission Action Choices* - When reviewing a land use project proposal, the Airport Land Use Commission has a choice of either of two actions: (1) find the project *consistent* with the *Airport Land Use Compatibility Plan*; or, (2) find the project *inconsistent* with the Plan. In making a finding of inconsistency, the Commission may note the conditions under which the project would be consistent with the Plan. The Commission cannot, however, find a project consistent with the Plan subject to the inclusion of certain conditions in the project.

3. *Subsequent Review*- Once a project has been found consistent with the *Airport Land Use Compatibility Plan*, it need not be referred for review at subsequent stages of the planning process (e.g., for a general plan amendment and again for a zoning change) unless: (1) major changes to the project are made during subsequent review and consideration by the local jurisdiction; or (2) the local jurisdiction agrees that further review is warranted.

4. *Response Time* - The Airport Land Use Commission must respond to a local agency's request for a consistency determination on a project within 60 days from date of acceptance/referral (Section 21676 (d)). If the Commission fails to make the determination within that period, the proposed action shall be deemed consistent with the *Airport Land Use Compatibility Plan*. Regardless of Commission action or failure to act, the proposed action must also comply with other applicable local, state, and federal regulations and laws.

(a) Matters referred to the Commission for review shall be deemed complete upon the date when all materials and information necessary for processing a project have been confirmed as received by Commission staff. Staff will inform the applicant, or local jurisdiction, in writing within ten working days after receipt of an item for consideration, whether more information is necessary or if the item will then be deemed complete and scheduled for formal review by the Commission.

(b) Necessary information may include final plans, acoustical reports, FAA Aeronautical Studies when deemed necessary for Commission review by staff. This procedure does not apply to screen check or draft environmental impact report responses which staff will respond to within the specified review period. Such official written confirmation of acceptance of a referral by staff within ten working days shall initiate the sixty-day review period pursuant to Public Utilities Code, Section 21676(d). If the applicant, or local jurisdiction, is not contacted by Commission staff by the sixth business day, they should contact the Planning/Building Department to verify receipt of the original referral package. Upon receipt of a complete referral for Commission review and consideration, the Commission Secretary shall schedule and agendize said referral for the appropriate Airport Land Use Commission meeting.

5. *Airport Master Plans* - When reviewing airport master plans for existing airports, the Commission has three action choices:
 - (a) Find the airport master plan consistent with the *Airport Land Use Compatibility Plan*.
 - (b) Disapprove the airport master plan on the basis that it is inconsistent with the Commission's Plan.
 - (c) Modify the *Airport Land Use Compatibility Plan* (after duly noticed public hearing) to reflect the assumptions and proposals in the airport master plan.
6. *New Airports and Heliports* - When reviewing proposals for new airports or heliports, the Commission's choices of action are:
 - (a) Approve the proposal as being consistent with the specific review policies listed in Section 2.3 below.
 - (b) Approve the proposal and adopt a Compatibility Plan for that facility. Adoption of such a plan is required if the airport or heliport will be a public-use facility.
 - (c) Disapprove the proposal on the basis that the noise, safety impacts it would have on surrounding land uses are not adequately mitigated.

2. PRIMARY REVIEW POLICIES

1. Land Use Actions

1. *Project Submittal Information* - A proposed land use action submitted to the Commission for review shall include the following information:
 - (a) An accurately scaled map showing the relationship of the project site to the airport boundary and runways.
 - (b) If applicable, a detailed site plan showing ground elevations, the location of structures, open spaces, and water bodies, and the heights of structures and trees.

- (c) A description of permitted or proposed land uses and restrictions on the uses.
 - (d) For residential uses, an indication of the potential or proposed number of dwelling units per acre; or, for non-residential uses, the number of people potentially occupying the total site or portions thereof at any one time.
- 2. *Primary Criteria* - The compatibility of land uses in the vicinity of the airports covered by this plan shall primarily be evaluated in terms of: (1) the Compatibility Criteria table (Table 2A) and accompanying notes; (2) the Compatibility Plan for each airport; and (3) specific policies established for individual airports.
 - 3. *Supporting Policies* - Additional evaluation criteria are provided in the Supporting Policies which follow. The Commission may refer to these additional policies to clarify or supplement its review.
 - 4. *Reconstruction* - Where an existing incompatible development has been partially or fully destroyed, it may be allowed to be rebuilt to a density not exceeding that of the original construction. This exception does not apply within compatibility Zones A and B, unless the reconstruction qualifies as infill under paragraph 2.1.5 or special provisions are established in Chapter 3 (Imperial County Airport policies page 3-10).
 - 5. *Infill* - Where substantial incompatible development already exists, additional infill development of similar land uses may be allowed to occur even if such land uses are to be prohibited elsewhere in the zone. This exception does not apply within the Compatibility Zone A. Projects can be considered "infill" if they meet all of the following criteria, other than as noted in Chapter 3 (see Imperial County Airport policies page 3-10):
 - (a) The Airport Land Use Commission has determined that "substantial development" already exists.
 - (b) The project site is bounded by uses similar to those proposed.

- (c) The proposed project would not extend the perimeter of the area developed with incompatible uses.
- (d) The proposal does not otherwise increase the intensity and/or incompatibility of use through use permits, density transfers or other strategy.
- (e) The infill area has been identified by the local jurisdiction in its general plan or related document and approved by the Commission.

2. Master Plans for Existing Airports

1. *Project Submittal Information* - An airport master plan submitted to the Commission for review shall contain sufficient information to enable the Commission to adequately assess the noise, safety, overflight, and height restriction impacts of airport activity upon surrounding land uses. A master plan report should be submitted, if available. At a minimum, information to be submitted shall include:
 - (a) A layout plan drawing of the proposed facility showing the location of: (1) property boundaries; (2) runways or helicopter takeoff and landing areas; and (3) runway protection zones or helicopter approach/departure zones.
 - (b) Airspace surfaces in accordance with Federal Aviation Regulations, Part 77.
 - (c) Activity forecasts, including the number of operations by each type of aircraft proposed to use the facility.
 - (d) Proposed flight track locations and projected noise contours or other relevant noise impact data.
 - (e) A map showing existing and planned land uses in the vicinity of the proposed airport or heliport.
 - (f) Identification and proposed mitigation of impacts on surrounding land uses.

2. *Substance of Review* - When reviewing airport master plans, the Commission shall determine whether activity forecasts or proposed facility development identified in the plan differ from the forecasts and development assumed for that airport in this *Airport Land Use Compatibility Plan*. Attention should specifically focus on:

- (a) Activity forecasts that are: (1) significantly higher than those in the *Airport Land Use Compatibility Plan*; or which (2) include a higher proportion of larger or noisier aircraft.
- (b) Proposals to: (1) construct a new runway or helicopter takeoff and landing area; (2) change the length, width, or landing threshold location on an existing runway; or (3) establish an instrument approach procedure.

3. *Consistency Determination* - The Commission shall determine whether the proposed airport master plan is consistent with the *Airport Land Use Compatibility Plan*. The Commission shall base its determination of consistency on findings that the forecasts and development identified in the airport master plan would not result in greater noise, overflight, and safety impacts or height restrictions on surrounding land uses than are presently assumed in the *Airport Land Use Compatibility Plan*.

3. Plans for New Airports or Heliports

1. *Project Submittal Information* - When submitted to the Commission for review, a proposal for a new airport or heliport shall include the same types of information required by Paragraph 2.1.
2. *Substance of Review* - In reviewing proposals for new airports and heliports, the Commission shall focus on the noise, safety, overflight, and height limit impacts upon surrounding land uses.
 - (a) Other types of environmental impacts (e.g., air quality, water quality, natural habitats, vehicle traffic, etc.) are not within the scope of Commission review.

- (b) The Commission shall evaluate the adequacy of the facility design (in terms of federal and state standards) only to the extent that it affects surrounding land use.
 - (c) The Commission must base its review on the proposed airfield design. The Commission does not have the authority to require alterations to the airfield design.
- 3. *Airport/Land Use Relationships* - The review shall examine the relationships between existing and planned land uses in the vicinity of the proposed airport or heliport and the impacts that the proposed facility would have upon these land uses. Questions to be considered should include:
 - (a) Would the existing or planned land uses be considered incompatible with the airport or heliport if the latter were already in existence?
 - (b) What measures are included in the airport or heliport proposal to mitigate the noise, safety, and height restriction impacts on surrounding land uses? Such measures might include: (1) location of flight tracks so as to minimize the impacts; (2) other operational procedures to minimize impacts; (3) acquisition of property interests (fee title or easements) on the impacted land.

3. SUPPORTING COMPATIBILITY CRITERIA

1. Noise

- 1. *Projected Noise Levels* - The evaluation of airport/land use noise compatibility shall consider the *future* Community Noise Equivalent Level (CNEL) contours of each airport. These contours are calculated based upon aircraft activity forecasts which are set forth in adopted airport master plans or which are considered by the Commission to be plausible (refer to Chapter 4 for noise exposure maps). The Commission should periodically review the projected noise level contours and update them if appropriate.
- 2. *Application of Noise Contours* - The locations of CNEL contours are one of the factors used to define compatibility zone boundaries and criteria. It is intended that noise compatibility criteria be applied

at the general plan, specific plan, or other broad-scale level. Because of the inherent variability of flight paths and other factors that influence noise emissions, the depicted contour boundaries are not absolute determinants of the compatibility or incompatibility of a given land use. Noise contours can only quantify noise impacts in a general manner; except on large parcels or blocks of land, they should *not* be used as site design criteria.

3. *Noise Exposure in Residential Areas* - The maximum CNEL considered normally acceptable for residential uses in the vicinity of the airports covered by this plan is 60 dBA.
4. *Noise Exposure for Other Land Uses* - Noise level standards for compatibility with other types of land uses shall be applied in the same manner as the above residential noise level criteria. Examples of acceptable noise levels for other land uses in an airport's vicinity are presented in Table 2B.
5. *Other Noise Factors* - The extent of outdoor activity associated with a particular land use is an important factor to be considered in evaluating its compatibility with airport noise. In most locations, noise level reduction measures are only effective in reducing interior noise levels.
6. *Single-Event Noise Levels* - Single-event noise levels should be considered when evaluating the compatibility of highly noise-sensitive land uses such as schools, libraries, and outdoor theaters. Single-event noise levels are particularly important in areas which are regularly overflown by aircraft, but which do not produce significant CNEL contours. Flight patterns for each airport (illustrated in Chapter 4) should be considered in the review process. Acoustical studies or on-site noise measurements may be required to assist in determining the compatibility of sensitive uses.

2. Safety

1. *Objective* - The intent of land use safety compatibility criteria is to minimize the risks associated with an off-airport aircraft accident or emergency landing.
 - (a) Risks both to people and property in the vicinity of an airport and to people on board the aircraft shall be considered.

- (b) More stringent land use controls shall be applied to the areas with greater potential risk.

2. *Risks to People on the Ground* - The principal means of reducing risks to people on the ground is to restrict land uses so as to limit the number of people who might gather in areas most susceptible to aircraft accidents.

- (a) A method for determining the concentration of people for various land uses is provided in Appendix C.

3. *Land Uses of Particular Concern* - Land uses of particular concern are ones in which the occupants have reduced effective mobility or are unable to respond to emergency situations. Schools, hospitals, nursing homes, and other uses in which the majority of occupants are children, the elderly, and the handicapped shall be prohibited within Compatibility Zones A, B, and C.

4. *Other Risks* - Any use involving the potential for aboveground explosion or the release of toxic or corrosive materials shall be prohibited in Compatibility Zones A and B.

5. *Open Land* - In the event that an aircraft is forced to land away from an airport, the risks to the people on board can best be minimized by providing as much open land area as possible within the airport vicinity. This concept is based upon the fact that the large majority of aircraft accidents occurring away from an airport runway are controlled emergency landings in which the pilot has reasonable opportunity to select the landing site.

- (a) To qualify as open land, an area must be: (1) free of structures and other major obstacles such as walls, large trees, and overhead wires; and (2) have minimum dimensions of at least 75 feet by 300 feet. Roads and automobile parking lots are acceptable as open land areas if they meet the preceding criteria.

- (b) Open land requirements for each compatibility zone are to be applied with respect to the entire zone. Individual parcels may be too small to accommodate the minimum-size open area requirement. Consequently, the identification of open land areas must initially be accomplished at the general plan or specific plan level or as part of large-acreage projects.

- (c) Clustering of development and providing contiguous landscaped and parking areas is encouraged as a means of increasing the size of open land areas.
- (d) Building envelopes and the approach zones should be indicated on all development plans and tentative maps within an airport's planning area in order to assure that individual development projects provide the open land areas identified in a general plan, specific plan, or other large-scale plan.

3. **Airspace Protection**

1. *Height Limits* - The criteria for limiting the height of structures, trees and other objects in the vicinity of an airport shall be set in accordance with Part 77, Subpart C, of the Federal Aviation Regulations and with the United States Standard for Terminal Instrument Procedures (TERPS). Airspace plans for each airport which depict the critical areas for airspace protection are provided in Chapter 4.
2. *Avigation Easement Dedication* - The owner of any property proposed for development within Compatibility Zones A and B shall be required to dedicate an avigation easement to the jurisdiction owning the airport.
 - (a) The avigation easement shall: (1) provide the right of flight in the airspace above the property; (2) allow the generation of noise and other impacts associated with aircraft overflight; (3) restrict the height of structures, trees and other objects; (4) permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit; and (5) prohibit electrical interference, glare, and other potential hazards to flight from being created on the property. An example of an avigation easement is provided in Appendix E.
 - (b) Within Compatibility Zones A and B, height restrictions of less than 35 feet may be required.
 - (c) The ALUC adopted an Avigation Easement and Release which is in Exhibit E-4 in the appendices.

3. *Minimum Restriction* - Other than within Compatibility Zones A and B, no restrictions shall be set which limit the height of structures, trees, or other objects to less than 35 feet above the level of the ground on which they are located even if the terrain or objects on the ground may penetrate Federal Aviation Regulations Part 77 surfaces.

In locations within Compatibility Zones C and D where the ground level exceeds or comes within 35 feet of a Part 77 surface, dedication of an avigation easement limiting heights to 35 feet shall be required in accordance with Paragraph 3. (This policy may be applicable to future airports; there are no such locations near the existing airports in Imperial County.)

3. *FAA Notification* - Proponents of a project which may exceed a Part 77 surface must notify the Federal Aviation Administration as required by FAR Part 77, Subpart B, and by the California State Public Utilities Code Sections 21658 and 21659. (Notification to the Federal Aviation Administration under FAR Part 77, Subpart B, is required even for certain proposed construction that does not exceed the height limits allowed by Subpart C of the regulations. Refer to Appendix B for the specific Federal Aviation Administration notification requirements.)

(a) Local jurisdictions shall inform project proponents of the requirements for notification to the Federal Aviation Administration.

(b) The requirement for notification to the Federal Aviation Administration shall not necessarily trigger review of an individual project by the Airport Land Use Commission if the project is otherwise in conformance with the compatibility criteria established in the *Airport Land Use Compatibility Plan*.

(c) Any project coming before the Airport Land Use Commission for reason of height-limit issues shall include a copy of FAR Part 77 notification to the Federal Aviation Administration.

4. *Other Flight Hazards* - Land uses which may produce hazards to aircraft in flight shall not be permitted within any airport's planning area. Specific characteristics to be avoided include: (1) glare or distracting lights which could be mistaken for airport lights; (2) sources of dust, steam, or smoke which may impair pilot visibility; (3)

sources of electrical interference with aircraft communications or navigation; and (4) any use which may attract large flocks of birds, especially landfills and certain agricultural uses.

4. Overflight

1. *Nature of Impact* - All locations within an airport's planning area are regarded as potentially subject to routine aircraft overflight. Although sensitivity to aircraft overflights varies from individual to individual, overflight sensitivity is particularly important within residential land uses.

- (a) Local jurisdictions shall establish some method of providing notification to prospective buyers of new residential property within an airport's planning area (all compatibility zones). Appropriate measures may include requiring the dedication of avigation or overflight easements, deed noticing, or real estate disclosure statements. Regardless of the methods chosen, the notification shall: (1) indicate the general characteristics of current and projected future airport activity; (2) note that the property is subject to routine overflight by aircraft at low altitudes (at or below traffic pattern altitude); and (3) provide positive assurance that a prospective buyer has received this information. (Refer to Chapter 9 for examples of buyer awareness measures that can be implemented by local land use jurisdictions.)

- (b) Local jurisdictions are encouraged to extend the above or similar buyer awareness program to existing residential property within the airport planning areas.

Land Use Conversion - The compatibility of uses in the airport planning areas shall be preserved to the maximum feasible extent. In large part because of the existing agricultural character of Imperial County, there is presently a high degree of land use compatibility among the existing and planned land uses in the vicinity of the airports in the County. The conversion of land from existing or planned agricultural, industrial or commercial use to residential uses within any airport's traffic area (Compatibility Zones A, B, and C) is strongly discouraged.

Table 2A
Compatibility Criteria

Imperial County Airport Land Use Compatibility Plan

Zone	Location	Impact Elements	Maximum Densities		Required Open Land ³
			Residential (dw/ac) ¹	Other Uses (people/ac) ²	
A	Runway Protection Zone or within Building Restriction Line	<ul style="list-style-type: none"> High risk High noise levels 	0	10	All Remaining
B1	Approach/Departure Zone and Adjacent to Runway	<ul style="list-style-type: none"> Substantial risk - aircraft commonly below 400 ft. AGL or within 1,000 ft. of runway Substantial noise 	0.1	100	30%
B2	Extended Approach/Departure Zone	<ul style="list-style-type: none"> Significant risk - aircraft commonly below 800 ft. AGL Significant noise 	1	100	30%
C	Common Traffic Pattern	<ul style="list-style-type: none"> Limited risk - aircraft at or below 1,000 ft. AGL Frequent noise intrusion 	6	200	15%
D	Other Airport Environs	<ul style="list-style-type: none"> Negligible risk Potential for annoyance from overflights 	No Limit	No Limit	No Requirement

Zone	Additional Criteria		Examples	
	Prohibited Uses	Other Development Conditions	Normally Acceptable Uses ⁴	Uses Not Normally Acceptable ⁵
A	<ul style="list-style-type: none"> All structures except ones with location set by aeronautical function Assemblages of people Objects exceeding FAR Part 77 height limits Hazards to flight⁶ 	<ul style="list-style-type: none"> Dedication of aviation easement 	<ul style="list-style-type: none"> Aircraft tiedown apron Pastures, field crops, vineyards Automobile parking 	<ul style="list-style-type: none"> Heavy poles, signs, large trees, etc.
B1 and B2	<ul style="list-style-type: none"> Schools, day care centers, libraries Hospitals, nursing homes Highly noise-sensitive uses Above ground storage Storage of highly flammable materials Hazards to flight⁶ 	<ul style="list-style-type: none"> Locate structures maximum distance from extended runway centerline Minimum NLR⁷ of 25 dBA in residential and office buildings Dedication of aviation easement 	<ul style="list-style-type: none"> Uses in Zone A Any agricultural use except ones attracting bird flocks Warehousing, truck terminals Single-story offices 	<ul style="list-style-type: none"> Residential subdivisions Intensive retail uses Intensive manufacturing or food processing uses Multiple story offices Hotels and motels
C	<ul style="list-style-type: none"> Schools Hospitals, nursing homes Hazards to flight⁶ 	<ul style="list-style-type: none"> Dedication of overflight easement for residential uses 	<ul style="list-style-type: none"> Uses in Zone B Parks, playgrounds Low-intensity retail, offices, etc. Low-intensity manufacturing, food processing Two-story motels 	<ul style="list-style-type: none"> Large shopping malls Theaters, auditoriums Large sports stadiums Hi-rise office buildings
D	<ul style="list-style-type: none"> Hazards to flight⁶ 	<ul style="list-style-type: none"> Deed notice required for residential development 	<ul style="list-style-type: none"> All except ones hazardous to flight 	

Table 2A Continued Compatibility Criteria

Imperial County Airport Land Use Compatibility Plan

NOTES

- 1 Residential development should not contain more than the indicated number of dwelling units per gross acre. Clustering of units is encouraged as a means of meeting the Required Open Land requirements.
- 2 The land use should not attract more than the indicated number of people per acre at any time. This figure should include all individuals who may be on the property (e.g., employees, customers/visitors, etc.). These densities are intended as general planning guidelines to aid in determining the acceptability of proposed land uses.
- 3 See Policy 2.5.
- 4 These uses typically can be designed to meet the density requirements and other development conditions listed.
- 5 These uses typically do not meet the density and other development conditions listed. They should be allowed only if a major community objective is served by their location in this zone and no feasible alternative location exists.
- 6 See Policy 3.4
- 7 NLR = Noise Level Reduction; i.e., the attenuation of sound level from outside to inside provided by the structure.

BASIS FOR COMPATIBILITY ZONE BOUNDARIES

The following general guidelines are used in establishing the Compatibility Zone boundaries for each civilian airport depicted in Chapter 3. Modifications to the boundaries may be made to reflect specific local conditions such as existing roads, property lines, and land uses. Boundaries for NAF El Centro are modified in recognition of the differences between civilian and military aircraft characteristics and flight tracks.

- A The boundary of this zone for each airport is defined by the runway protection zones (formerly called runway clear zones) and the airfield building restriction lines.

Runway protection zone dimensions and locations are set in accordance with Federal Aviation Administration standards for the proposed future runway location, length, width, and approach type as indicated on an approved Airport Layout Plan. If no such plan exists, the existing runway location, length, width, and approach type are used.

The building restriction line location indicated on an approved Airport Layout Plan is used where such plans exist. For airports not having an approved Airport Layout Plan, the zone boundary is set at the following distance laterally from the runway centerline:

Visual runway for small airplanes	370 feet
Visual runway for large airplanes	500 feet
Nonprecision instrument runway for large airplanes	500 feet
Precision instrument runway	750 feet

These distances allow structures up to approximately 35 feet height to remain below the airspace surfaces defined by Federal Aviation Regulations Part 77.

- B1 The outer boundary of the Approach/Departure Zone is defined as the area where aircraft are commonly below 400 feet above ground level (AGL). For visual runways, this location encompasses the base leg of the traffic pattern as commonly flown. For instrument runways, the

altitudes established by approach procedures are used. Zone B1 also includes areas within 1,000 feet laterally from the runway centerline.

- B2 The Extended Approach/Departure Zone includes areas where aircraft are commonly below 800 feet AGL on straight-in approach or straight-out departure. It applies to runways with more than 500 operations per year by large aircraft (over 12,500 pounds maximum gross takeoff weight) and/or runway ends with more than 10,000 total annual takeoffs.

- C The outer boundary of the Common Traffic Pattern Zone is defined as the area where aircraft are commonly below 1,000 feet AGL (i.e., the traffic pattern and pattern entry points). This area is considered to extend 5,000 feet laterally from the runway centerline and from 5,000 to 10,000 feet longitudinally from the end of the runway primary surface. The length depends upon the runway classification (visual versus instrument) and the type and volume of aircraft accommodated. For runways having an established traffic solely on one side, the shape of the zone is modified accordingly.

- D The outer boundary of the Other Airport Environs Zone conforms with the adopted Planning Area for each airport.

sm/Impcrit.