

MINUTES OF THE

ALUC MEETING

January 18, 2023

The Airport Land Use Commission convened a Meeting on Wednesday, January 18, 2023 at 6:00 p.m. in the Board Room at 940 Main St., El Centro, California.

Staff present: Assistant Director Michael Abraham, Planning Division Manager, Diana Robinson via zoom, Planner II, Evelia Jimenez. Clerk Valerie Grijalva and Clerk Aimee Trujillo.

Chairman Mike Goodsell called the meeting into order.

- I. **Roll Call:** Commissioners present: Goodsell, Logue, Chavez, Guerrero
- II. **Pledge of Allegiance**
- III. **Consideration of Brown Act Resolution** –“Adopt resolution authorizing remote teleconference meetings in accordance with Assembly Bill 361.”

Commissioner Logue, I Motion to approve the Brown Act Resolution for today meeting January 18, 2023.

Commissioner Chavez, I will second.

Chairman Goodsell, We have a motion and a second, Roll call vote.

Roll Call: Goodsell (yes) Guerrero (yes) Chavez (yes) Logue (yes)

IV. Approval of Minutes – May 18, 2022 Minutes

Commissioner Chavez: I Motion to approve the minutes for the May 18, 2022 meeting.

Chairman Goodsell: I will second.

Chairman Goodsell: We have a motion and a second, Roll call vote.

Roll Call: Goodsell (yes) Guerrero (yes) Chavez (yes) Logue (yes)

V. Public Hearings

Chairman Goodsell: Reads item 1 below.

Evelia Jimenez, Planner II: read the project into the record.

1. Public hearing to consider compatibility of YK America Group's (Town Center Village Phase II) proposed development of 104 single-family dwellings within the Imperial County Airport Compatibility Plan B2 zone (extended approach/ departure zone). The proposed project site is located at the northwest corner of Cruickshank Drive and Clark Road, in El Centro, CA 92243. Assessor's Parcel Numbers 044-620-037, 038, 039, 040, 041, 053, 064 and 065 (Supervisory District #3) (ALUC 05-22) [Evelia Jimenez Planner II, 442-265-1736, extension 1747 or by email at ejimenez@co.imperial.ca.us].

Chairman Goodsell: Ok, sounds like we have some folks online that would like to speak in favor of this project. Who would like to go first, Mr. Thompson, Mr. Wang or Mr. Stark?

Bob Stark: David, would you like to say a few words first or do you want us to jump in with Michael's presentation?

David Wang: We can start with Michael's presentation.

Bob Stark: Thanks, so we will hand it over to Mr. Thompson who is an aeronautical engineer from Michael Baker International and was the lead author in evaluating the compatibility issues that we are discussing tonight.

Michael Thompson: Presents PowerPoint presentation.

Michael Thompson: Good afternoon to all, I have a short presentation within which I am going to speak on some of the actions that Michael Baker has undertaken and preparation on what it is called a filing. A filing which is a formal filing with the (FAA) to evaluate the proposed construction of man-made objects; in this case permanent buildings and permanent residential dwellings. Also to evaluate those surfaces and over those land parcels with perspective safe and efficient operation of the airport. As we all know Caltrans introduced sometime back in two thousand eleven (2011) what their recommendations would be for the development of surrounding lands in respect to safe and efficient operation of the airport. It is obvious that the airport as you get closer into the runways, has various restrictions, not only from a vertical standpoint but also a ground level standpoint, again to protect the highest and best use for the land, and protect people, and surfaces on the ground. Using this example, the County has adopted their own land use codes that are very similar. I want to explain this as recommended by Caltrans, it is generic in sorts that in fact they recognize different types of airport's would have different extents, sizes, and shapes of these overlying or at level ground protections of land use. In this case, what we are looking at is from Caltrans airport land use compatibility handbook and it represents a general aviation airport of medium size. Recognizing that you have the smallest airport perhaps only one runway or runway that is in a rural area and that has very limited use, all the way up to the largest general aviation airports that support business, jets and much more operations. Further to that, they recommend similar type of outlines for commercial type airports. The main difference between commercial airports and general aviation airports is the fact that smaller aircraft's obviously work in smaller general aviation airports. They are not excluded from the larger ones but they typically also include for the consideration of the flight by training activities within what is called airport's traffic pattern. In this case, in this generic example partial depiction of how it applies to the Imperial airport are zones three (3). Which are turning movements of aircraft as they depart the runway to make their various turns and to make an approach to the other end of the runway; which is a repeated pattern in some cases and these patterns are typically flown by pilots that have been trained to operate consistently following the same ground track and the same climb steady state level flight and then turning to descent to return to the other end of the runway. So I bring this up to say this is a great example of how you would have the basis to understand what type of land use is most likely to be compatible near an airport. Next, slide please.

This slide represents the fact that the land use ordinances from the County developed for airport zoning adopted a similar type approach, it is not exact and it depends on several things number one (1) types of runways. In this case we have two (2) runways were primarily going to focus on runway fourteen thirty two (1432) but equal protection from both runways where you have a close and turning movement straight out or straight in or reciprocal airport traffic pattern. The nomenclature is very similar but it is different from what was in the handbook but never the less it was codified locally and it is certainly appropriate as well as suited for this airport. Next, slide please.

The airport although it's a general aviation airport is afforded the ability for pilots during certain weather conditions, low visibility or low clouds to fly to a certain point of space and then execute what's called a circling approach. Now because of this public procedure that pilots utilize it enhances the utility of the airport but it also first must protect the vertical extent of the climb out or the arrival to the airport such that as pilots come to a point of space that are on this procedure. It informs the pilot that if he flies a certain course and maintains a certain altitude to a certain point then he can descend to a certain point; if he can see the runway environment, than he is allowed to make what is called a visual approach. I want to emphasize, because of this procedure being the only procedure available we are protected or the (FAA) is protected and the airport has protected airspace that is limited to what is called visual approaches. Next, slide please.

Michael Thompson: This is something that most zoning expert's address it's going to be in your zoning ordinance. It reflects what the (FAA) has set aside to recommend to all airport owners to say to protect the highs and best use their prescribed surfaces, which they call imaginary surfaces. I think they do that just for the lay public to say if you can't see these things but they are prescribed and as drawn you can see each end of the runway has a trapezoidal surface and that is the visual approach surface. It is to each runway and then above the runway we have flat surface which is called a horizontal and then from the periphery of that horizontal surface you have another imaginary surface that comes up like a salad bowl and that's called a 20-1 conical surface. Now this slide is labeled as what they call code of Federal Aviation Regulations part seventy seven (77) and it is very important that I explain that early on Michael Baker assisted in the filing with the (FAA) construction branch the proposed development of the twelve (12) industrial buildings had a hundred and four (104) identical single family dwellings. As shown in this little inset below, and what the (FAA) does is part of that filing it issues a determination and that determination can be favorable towards the proposed construction project or it can be unfavorable. In this case a hundred and four (104) plus twelve (12) a hundred and sixteen (116) different points were offered to the (FAA) for their evaluation and they are looking to make sure that the purposed development does not have an upward height above the ground that would penetrate any one of these surfaces. Now if you do penetrate one of these surfaces it requires that (FAA) take further action in doing more detail analysis. As filed all hundred and sixteen (116) points were found to have a favorable determination or officially a determination of no hazard air navigation. Those are on file with (FAA) and they are good for eighteen (18) to thirty six (36) months or until the proposed project is constructed or abandoned. The good news is that the construction of those permanent facilities and I call them permanent because we're also going to add cranes and other temporary vertical objects in the area that these permanent objects that they issued a favorable determination of no hazard air navigation. Next, slide please.

We have the (12) twelve industrial buildings and then a hundred and four (104) smaller dwellings that underlie these surfaces and what I can tell you is that when you factor in where these surfaces originate from when they emanate from the end of the runway coming outward to the southeast for a departure and they emanate inward to the northwest to runway three two (3) (2). I can tell you that our analysis has indicated as (FAA) has also validated that none of the surfaces will penetrate any of these surfaces. In fact, we have over one hundred (100) feet in many cases vertical clearance higher than any of the objects shown here, now I will illustrate that in two values one being MSL which really doesn't mean much to many people so I put in terms above ground level. So from an airspace compatibility and the safe and efficient operation of the airport from a navigation and protection of air space propose project would not adversely affect those surfaces. Next, slide please.

This is an example of the determination of no hazard, there are I believe twelve of these and what they speculate is that the proponent has fully submitted a form that is the geodetic latitude / longitude and the above ground height with any of these objects. That is the official form as I mentioned has the life of eighteen (18) to thirty six (36) months. Without that the local zoning board would really not be able to approve in good faith any object that would penetrate or adversely effect of the airport. So I know we did not have this information before and were very lucky to have it definitely time delivering this so we present this to you today this is just for you information to say the (FAA) did agree with us on this. Next, slide please.

There are questions that people are going to have in this room as to how the airport typically operates and what I wanted to focus on is the fact that each runway has what's called an airport traffic pattern. I mentioned earlier to non-pilots in the room that is these air craft takeoff or land there is a prescribed methodology that number one (1) is the rules of the road for pilots; any pilot from the audience will recognize what this is. It's either a straight end landing to runway three (3) two (2) or it's a takeoff to the northwest on runway three (3) two (2). Then a right turn that makes a loop and then again lands on the approach end of three (3) two (2) and if the winds dictate that you operate on runway fourteen (14) it's just the opposite. Now this little graphic goes to show that we have airplanes that fly a predictable path on the ground, based on this you can see the direct overflight to the approach end of runway three (3) two (2) or the departure from runway fourteen (14) to the southeast will typically overfly the industrial area and primarily miss the residential dwellings. We can't swear that all pilots are going to follow this path because we have a radar tracks with plug system with complete nature of how section goes off we are very careful with how they fly this. I also list here different altitudes above ground as they vary. They take off from ground level of course and they climb about five hundred (500) feet just to pick any one of the red or green aircrafts and as they make a climbing turn they reach an altitude about a thousand (1,000) feet above the ground. And then as they loop around to land on the other end of the runway they descend from a thousand (1,000) about five hundred (500) to approach the end of the runway of course zero (0) feet above the ground. We offer this to primarily show that the upper flight should be consistent and the heights above these permanent structures whether they

will be residential or the industrial will be consistent time over time and should not have much deviation. I believe that this is my last slide to present but recognize that I may have some questions, technical questions from our flying public I'll be more than glad to answer all that you may have.

Chairman Goodsell: Ok thank you, is there anyone online, or in the audience that is against this project that would like to speak. Hearing none, are there any questions from the panel for our guests?

Commissioner Logue: I have a question and a comment. My first question is did the people who made this assessment, did they actually come out and do a noise assessment of the inbound and outbound routes; are they aware of the noise that made these Osprey make when they take off and when they depart and land at this airport? Because it could possibly break windows in the region where these houses are. It is a thumping, horrible noise and I believe that one of the panel members is at the airport and I'm sure they would confirm that they've had numerous complaints about noise. The penetration of the air space this is all very neat stuff, unfortunately were bound to our airport land use document, but one of my major concerns is the protection of the airport from belligerent not necessarily belligerent, just unhappy citizens that would be even more unhappy if we put high density housing in this particular area and that's part of why these zones exist. We have a lot of complaints from the other end of the airport because of these Osprey and there not in any of the B-zones so that's my main concern. Was a noise evaluation made? Or was it just oh well pilots, and by the way I am a pilot, but pilots can always follow procedure but in this particular environment in the summertime, our density altitude is such that, I think you'll find that the race track pattern goes out a little further than you wishfully have depicted here even in training. I mean we don't do lot of training in the summer, but like I said, my main concern is I think protect the public from the noise, protect the airport from the complaints about the noise, and that's part of why we have these zones established. If you want to address those issues, I'd like to hear what your suggestions are.

Bob Stark: This is Bob Stark for Michael Baker; I can address the noise issue and certainty based on the presentation was not part of this aeronautics compatibility evaluation. This was focused on aircraft operations and assurance safety of those both flying and on the ground. However, this project is subject to the California Environmental Quality Act which means that a mitigated negative declaration is going to be issued by the City of El Centro for public review as part of those noise readings and evaluations; it will be conducted and will be available to the public for review and comment. What I can say from that CEQA perspective, is obviously the types of noise we are talking about, are existing in the environment today, so this project does not create noise. The only issue would be the complaints that you referenced. And that is a concern I may refer to Mr. Wong, the project applicant because I know there existing high density residences in the vicinity. The proposal before you today, is not a high density; it is a minor issue there this is a single family residences, were not talking about apartment buildings here; but there are apartment buildings nearby and I don't know to what extend you have already had complaints or whether you have seen an uptick in that. Maybe Mr. Wong could add some detail there as to how they are working with their residence of existing apartments in the area if there's been any issues there and how they make those residents aware that they are in airport flight path and to make them aware of the existing noise issues.

David Wong: Thank You Bob, Hello this is David Wong from YK America. We do not have any complaints about noise. First Bob mentioned this project will follow guidance all the information will be public information for residents and future residents to check as far as right now, for the apartments we don't have any complaint about airport noise.

Chairman Goodsell: Thank you for that, we'll bring it before the panel for any more discussion but just to say upfront our staff's recommendation, is that this is not consistent with our airport land use compatible plan; and that really is our governing document here. I do not dispute your information that you're sharing and that you got from (FAA) and what's presented in your report, but we're hard up against what is in our plan for this type of land adjacent to this airport. It's really a hard choice we have to make there. But I understand you are trying to work that land for something beneficial for your use, but as the plan's currently written we're up against it really. So what is the pleasure of the panel here.

Commissioner Logue: I move that we find this project incompatible with the nineteen ninety six (1996) airport land use compatibility plan.

Commissioner Guerrero: I will second.

Chairman Goodsell: We have a first and second; roll call vote.

Roll Call: Goodsell (yes) Guerrero (yes) Chavez (yes) Logue (yes)

Chairman Goodsell: Thank you, for your time.

Bob Stark: Thank You, Commissioners.

Chairman Goodsell: Non-action items. I mean it is almost the right time to bring this up, we have had this discussion before about updating our plan. Has that moved in any direction?

Michael Abraham, Assistant Director: Good evening Commissioners, I was working with the manager for the City of El Centro for a while, she was the sole cheerleader for that movement to try to get our plan updated. We have requested funding in our budget again this year, we just have to see if it gets approved, and if it gets approved we can move forward with updating the plan.

Chairman Goodsell: So we shall talk to our supervisors, who I voted for you know.

Commissioner Logue: This document is from two thousand eleven (2011) and I think I have seen things similar to this before. If Caltrans already worked up some recommendations and hopefully we take them into consideration. The real issue here, is the Navy is a big partner with us, this noise complaint issue; people buy property like this because it's inexpensive; because of the airplane noise and then they put a whole bunch of people there and the first thing they do is form property owner committee's to try to get the airport thrown out so their property value goes up, and that was the case in El Toro up in Orange County, they make a lot noise. And you can put all the conditions you want in a deed, but you tell them the airport is there, that there is a lot of noise, but as soon as they get in, they complain about it. So we really need a plan that will work for our specific situation. Like you said we got a lot of testing and we got to check the noise levels and all sorts of stuff; so that we can form an airport plan that will keep the airport safe, and of course keep the public safe. And long before this report was written, now we have un-man vehicles that could possibly deliver to this location and what are the constraints on those? Not only is it Caltrans but we need the (FAA)'s help here and certainly some engineering from them to help us decide all those things.

Chairman Goodsell: All those new realities speak to the need for a new plan.

Commissioner Logue: Right. And with an antiquated plan. My thought is that, the plan might not get any better as far as developers are concerned. It might get worse. How many complaints do you receive from Imperial from the Osprey?

Commissioner Guerrero: We get many, especially when we have the Blue Angels also practicing, when they're doing their trainings and stuff, when all our helipads are full, we get constant complaints.

Commissioner Logue: Yeah, and that is nothing that airport personnel or the County could really do; that is all legal operation. However, that is what this plan is for. The plan is to protect the airport from environmental issues and or the public; and we do that by making sure they are just not in the wrong places. So, I really hope that we can get the city or someone to engage on this.

Chairman Goodsell: These kind of things put a little bit of heat on us to have something that is up to date.

Michael Abraham, Assistant Director: Yes it does. I suspect that the applicant is going to take this determination back to the City of El Centro, and it is going to force them to override this commission and assume all responsibility and liability.

Chairman Goodsell: That is very unfortunate, but that is where we are at.

Michael Abraham, Assistant Director: Right, and that's what they did with the last project that came.

Commissioner Logue: That is what Imperial did and that is where we get the complaints from. No matter what we do, even if we get a new and better plan the cities can still override us. I do not know what we need to do to push it, besides from speaking with elected officials, I'll talk to mine and everybody talk to theirs

Michael Abraham, Assistant Director: Thank You,

Chairman Goodsell: If there nothing else we will be adjourned.

Meeting Adjourned.

A handwritten signature in blue ink, appearing to read "For Jim Minnick".

Jim Minnick, Secretary
Airport Land Use Commission

EJVATIS:\AllUsers\ALUC\MINUTES\2023\ALUC Minutes 01 18 2023.docx