

# Appendix F

## Consistency Checklist





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### Introduction

One of the fundamental responsibilities assigned to ALUCs by the Aeronautics Act is to review particular types of local actions for compliance with the criteria and policies set forth in the commissions' adopted compatibility plans. The law specifies that local jurisdictions must refer certain actions to the ALUC for review. Actions included in this category are proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations affecting land within an AIA. Also required to be submitted for ALUC review are several types of airport and heliport development plans. Referral of other local actions – primarily individual development projects – is required in some instances, but voluntary in others.

The following checklist is intended to assist local jurisdictions with modifications necessary to make their general plans and other local policies consistent with the ALUC's compatibility plan. It is also designed to facilitate ALUC reviews of these local plans and policies. For more information on the review process of local land use actions, please refer to chapters 4 and 5 of the *California Airport Land Use Planning Handbook* (Caltrans, 2002).

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### **General and Specific Plan Documents**

The following items typically appear directly in a general or specific plan. Amendment of these types of documents will be required if there are any conflicts with the ALUCP.

**Land Use Map** – No direct conflicts should exist between proposed new land uses indicated on a general plan land use map and the ALUC land use compatibility criteria.

- Residential densities (dwelling units per acre) should not exceed the set limits. Differences between gross and net densities and the potential for secondary dwellings on single parcels may need to be taken into account.
- Proposed nonresidential development needs to be assessed with respect to applicable intensity limits.
- No new land uses of a type listed as specifically prohibited should be shown within affected areas.

**Noise Element** – General plan noise elements typically include criteria indicating the maximum noise exposure for which residential development is normally acceptable. Note, however, that a general plan may establish a different limit with respect to aviation-related noise than for noise from other sources (this may be appropriate in that aviation-related noise is often judged to be more objectionable than other types of equally loud noises).

- This limit must be made consistent with the equivalent compatibility plan criteria.

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### **Zoning or Other Policy Documents**

The following items need to be reflected either in the general plan or in a separate policy document such as a combining zone ordinance. If a separate policy document is adopted, modification of the general plan to achieve consistency with the compatibility plan may not be required. Modifications would normally be needed only to eliminate any conflicting language which may be present and to make reference to the separate policy document.

- Secondary Dwellings** – detached secondary dwellings on the same parcel should be counted as additional dwellings for the purposes of density calculations. This factor needs to be reflected in local policies either by adjusting the maximum allowable densities or by prohibiting secondary dwellings where their presence would conflict with the compatibility criteria.
- Intensity Limitations on Nonresidential Uses** – Local policies must be established to limit the usage intensities of commercial, industrial, and other nonresidential land uses. This can be done by duplication of the performance-oriented criteria – specifically, the number of people per acre – indicated in the compatibility plan. Alternatively, local jurisdictions may create a detailed list of land uses which are allowable and/or not allowable within each compatibility zone. For certain land uses, such a list may need to

- include limits on building sizes, floor area ratios, habitable floors, and/or other design parameters which are equivalent to the usage intensity criteria.
- **Identification of Prohibited Uses** – Compatibility plans may prohibit day care centers, hospitals, and certain other uses within much of an airport’s influence area. The facilities often are permitted or conditionally permitted uses within many commercial or industrial land use designations. Policies need to be established which preclude these uses in accordance with the compatibility criteria.
  - **Open Land Requirements** – Compatibility plan requirements, if any, for assuring that a minimum amount of open land is preserved in the airport vicinity must be reflected in local policies. Normally, the locations which are intended to be maintained as open land would be identified on a map with the total acreage within each compatibility zone indicated. If some of the area included as open land is private property, then policies must be established which assure that the open land will continue to exist as the property develops. Policies specifying the required characteristics of eligible open land also must be established.
  - **Infill development** – If a compatibility plan contains infill policies and a jurisdiction wishes to take advantage of them, the lands which meet the qualifications must be shown on a map.
  - **Height Limitations and Other Hazards to Flight** – To protect the airport airspace, limitations must be set on the height of structures and other objects near airports. These limitations are to be based upon Part 77 of the Federal Aviation Regulations, but may include exceptions for objects on high terrain if provided for in the ALUCP. Restrictions also must be established on other land use characteristics which can cause hazards to flight (specifically, visual or electronic interference with navigation and uses which attracted hazardous wildlife). Note that many jurisdictions have already adopted an airport-related hazard and height limit zoning ordinance which, if up to date, will satisfy this consistency requirement.
  - **Noise Insulation Requirements** – Some compatibility plans call for certain buildings proposed for construction within high noise-impact areas to demonstrate that they will contain sufficient sound insulation to reduce aircraft-related noise to an acceptable level. These criteria apply to new residences, schools, and certain other buildings containing noise-sensitive uses. Local policies must include parallel criteria.
  - **Buyer Awareness Measures** – As a condition for approval of development within certain compatibility zones, some compatibility plans require either dedication of an avigation easement to the airport proprietor or place on deeds of a notice regarding airport impacts. If so, local jurisdiction policies must contain similar requirements. Compatibility plans also may encourage, but should not require, local jurisdictions to adopt a policy stating that airport proximity and the potential for aircraft overflights be disclosed as part of real estate transactions regarding property in the airport influence area.

- **Nonconforming Uses and Reconstruction** – Local jurisdiction policies regarding nonconforming uses and reconstruction must be equivalent to or more restrictive than those in the ALUCP, if any.

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### **Review Procedures**

In addition to incorporation of ALUC compatibility criteria, local jurisdiction implementing documents must specify the manner in which development proposals will be reviewed for consistency with the compatibility criteria.

- **Actions Always Required to be Submitted for ALUC Review** – State law specifies which types of development actions must be submitted for ALUC review. Local policies should either list these actions or, at a minimum, not the jurisdiction's intent to comply with the state statute.
- **Other Land Use Actions Potentially Subject to ALUC Review** – In addition to the above actions, the compatibility plan may identify certain major land use actions for which referral to the ALUC is dependent upon agreement between the jurisdiction and the ALUC. If the jurisdiction fully complies with all of the items in this general plan consistency checklist or has taken the necessary steps to overrule the ALUC, then referral of the additional actions is voluntary. On the other hand, a jurisdiction may elect not to incorporate all of the necessary compatibility criteria and review procedures into its own policies. In this case, referral of major land use actions to the ALUC is mandatory. Local policies should indicate the jurisdiction's intentions in this regard.
- **Process for Compatibility Reviews by Local Jurisdictions** – If a jurisdiction choose to submit only the mandatory actions for ALUC review, then it must establish a policy indicating the procedures which will be used to assure that airport compatibility criteria are addressed during review of other projects. Possibilities include: a standard review procedure checklist which includes reference to compatibility criteria; use of a geographic information system to identify all parcels within the airport influence area; etc.
- **Variance Procedures** – Local procedures for granting of variances to the zoning ordinance must make certain that any such variances do not result in a conflict with the compatibility criteria. Any variance which involves issues of noise, safety, airspace protection, or overflight compatibility as addressed in the compatibility plan must be referred to the ALUC for review.
- **Enforcement** – Policies must be established to assure compliance with compatibility criteria during the lifetime of the development. Enforcement procedures are especially necessary with regard to limitations on usage intensities and the heights of objects. An airport combining district zoning ordinance is one means of implementing enforcement requirements.