CHAPTER 2

PROCEDURAL AND COMPATIBILITY POLICIES

CHAPTER OVERVIEW

Introduction

Chapter 2 focuses on procedural policies, compatibility policies and compatibility criteria. The procedural policies modify the Alternative Process previously established for Ontario International Airport (ONT) in 1995. The modified Alternative Process provides for participation by all jurisdictions in San Bernardino County impacted by existing and future airport activity and for the optional participation of Riverside County. Representation by these jurisdictions will be accomplished through inter-agency collaboration and the formation of a Mediation Board to mediate disputes.

Note: State law provides for what is generally known as the "Alternative Process" wherein counties do not have to form an Airport Land Use Commission (ALUC). Instead, the county and affected cities having jurisdiction over an airport take on the compatibility planning responsibilities.

The compatibility criteria in this chapter provides the foundation for compatibility policies. Affected agencies will use the compatibility policies and criteria to evaluate future airport and land use plans, as well as individual development proposals, for consistency with the ONT *Compatibility Plan*. The compatibility policies address four types of airport land use impacts: safety, noise, airspace protection and overflight.

Section Descriptions

The content of each section contained within this chapter is described below.

- **Section 1: Scope and Limitations of the Compatibility Plan**
  This section provides details regarding the geographic extent of the airport influence area, the jurisdictions affected by airport impacts, the applicability of the *Compatibility Plan* to the affected agencies and the limitations of the plan.
- **Section 2: ALUCP Implementation Responsibilities**
  This section identifies the responsibilities of each agency in implementing the *Compatibility Plan*. It also identifies the process by which projects are reviewed through the Alternative Process.
- **Section 3: City of Ontario Roles and Responsibilities**
  This section stipulates the roles and responsibilities of the City of Ontario in implementing the *Compatibility Plan*, facilitating the Alternative Process, and assisting affected jurisdictions with the *Compatibility Plan* implementation.
- **Section 4: Mediation Board Roles, Responsibilities and Dispute Resolution Process**
  This section stipulates the role and responsibilities of the Mediation Board, composition of the Board, and the procedures by which the Board will review disputed projects. Procedural policies for overruling decisions of the Mediation Board is also included in this section.

- **Section 5: Evaluating Land Use Consistency**
  This section describes the evaluation tools (tables, maps, policies in Section 6) to be used by affected agencies in evaluating the consistency of land use proposals with the *Compatibility Plan* .
- **Section 6: Compatibility Policies**
  This section is divided into five sub-sections: safety, noise, airspace protection, overflight and special compatibility policies. With the exception of special policies, each section contains general information regarding the factors considered in establishing the policies and delineating the compatibility zone boundaries.

Criteria Table Descriptions

The compatibility tables at the end of this chapter provide the following information:

- **Table 2-1: Major Land Use Actions**
  This table identifies types of development projects and land use actions that are subject to the ONT Inter-Agency Notification Process.
- **Table 2-2: Safety Criteria**
  The safety criteria table provides a list of land use categories and identifies the acceptability of specific land uses within each of the five safety zones. Intensity limits for nonresidential uses (i.e., maximum number of people per acre) and other safety considerations within each safety zone are also noted.
- **Table 2-3: Noise Criteria**
  The noise criteria table provides a list of land use categories and identifies the acceptability of specific land uses within each of the noise impact zones. The interior noise level requirements within each zone are also noted for residential and nonresidential uses.

Compatibility Policy Map Descriptions

The geographic extent of each compatibility factor is depicted in the compatibility policy maps within this chapter.

- **Map 2-1: Airport Influence Area (AIA)**
  The AIA boundary encompasses the geographic extents of all the compatibility factors: safety, noise, airspace protection, and overflight.
- **Map 2-2: Safety Zones**
  This policy map displays a single set of safety zones reflecting the existing and ultimate runway configurations (i.e., shows the most restrictive set of safety zones). The safety zones for ONT are based upon the generic safety zones provided in the *California Airport Land Use Planning Handbook* (January 2002).
- **Map 2-3: Noise Impact Zones**
  The noise impact zones represent the "No Project" scenario and assumes 343,000 annual operations on the existing runways system.
- **Map 2-4: Airspace Protection Zones**
  The airspace protection zones the airspace surfaces prepared in accordance with Federal Aviation Regulation Part 77, the United States Standard for Terminal Instrument Procedures (TERPS), and applicable obstruction clearance standards published by the Federal Aviation Administration. The airspace surfaces reflect the existing runway configuration.

- **Map 2-5: Overflight Notification Zones**
  The overflight notification zones were delineated by identifying the areas overflown by aircraft flying at altitudes of less than 3,000 feet above ground level. The overflight notification zones also encompass the areas underlying the airport's critical airspace surfaces.

Section 1: SCOPE AND LIMITATIONS OF THE COMPATIBILITY PLAN

1.1 Geographic Scope

1.1.1 **Airport Influence Area (AIA):** In accordance with state law, the ONT AIA encompasses all lands that could be negatively impacted by ONT's present or future aircraft operations or land uses that could negatively affect ONT's airport operations. The AIA depicted in **Map 2-1** encompasses the geographic extent of four types of compatibility impacts, referred to as compatibility factors. They are:

(a) **Safety:** Areas where the risk of an aircraft accident poses heightened safety concerns for people and property on the ground.

(b) **Noise:** Locations exposed to potentially disruptive levels of aircraft noise.

(c) **Airspace Protection:** Places where height and certain other land use characteristics, particularly uses that attract birds, need to be restricted in order to protect the airspace required for operation of aircraft to and from the airport.

(d) **Overflight:** Locations where aircraft overflights can be intrusive and annoying to many people.

1.1.2 **Other Airport Impacts:** Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are not addressed in this *Compatibility Plan* and are not factors to be considered when reviewing a project for consistency with the compatibility criteria of this *Compatibility Plan*.

1.2 Applicability of the Compatibility Plan

1.2.1 **Affected Local Jurisdictions:** The ONT AIA encompasses jurisdictions within San Bernardino, Los Angeles, and Riverside Counties. Each jurisdiction is impacted differently as the geographic extents of the four compatibility factors vary in size and shape. **Table 2A** lists each jurisdiction within the AIA and indicates the type of impact they are affected by.

1.2.2 **Affected Agencies in San Bernardino County:** The *Compatibility Plan* shall apply to the following agencies in San Bernardino County:

(a) Cities of Ontario, Chino, Fontana, Montclair, Rancho Cucamonga, and Upland are the local jurisdictions impacted by ONT.

(b) San Bernardino County has jurisdictional control over unincorporated San Bernardino County lands within the AIA.

(c) The Ontario International Airport Authority (OIAA) is the owner and operator of ONT.

(d) Special entities including school districts, community college districts, and special districts whose boundaries include lands within the San Bernardino County portion of the AIA.

1.2.3 Jurisdictions of Los Angeles and Riverside Counties: The ONT AIA extends beyond the San Bernardino County borders and into parts of adjacent Los Angeles and Riverside Counties. For the jurisdictions of Los Angeles and Riverside Counties, the *Compatibility Plan* is informational only. These jurisdictions are not subject to the requirements of this *Compatibility Plan*. The County of Riverside has jurisdictional control over unincorporated lands within the noise-impacted areas of ONT and has elected to participate in the Alternative Process on a discretionary basis.

Table 2A: Affected Jurisdictions

Agency	Safety	Noise	Airspace Protection	Overflight	Comments
City of Ontario	X	X	X	X	All policies apply
City of Chino		X	X	X	
City of Fontana		X	X	X	
City of Montclair		X	X	X	
City of Rancho Cucamonga			X	X	
City of Upland			X	X	
County of San Bernardino		X	X	X	
County of Riverside		X	X	X	Policies are informational; Participating in Alternative Process on discretionary basis (see Section 1.2.3)
City of Pomona, Los Angeles County				X	Policies are informational (see Section 1.2.3)
City of Claremont, Los Angeles County				X	Policies are informational (see Section 1.2.3)

1.3 Limitations of the Compatibility Plan

1.3.1 Airport Operations: State law explicitly precludes airport land use commissions from having jurisdiction over the operation of any airport (Public Utilities Code Section 21674(e)). The same limitation also applies under the Alternative Process.

(a) The City of Ontario, affected local jurisdictions, and the Mediation Board have no authority over the operation of ONT. This authority rests with OIAA and the Federal Aviation Administration (FAA).

(b) The only actions of OIAA subject to the Alternative Process and the policies of this *Compatibility Plan* are the adoption or amendment of the airport master plan or airport layout plan, or approval of certain facility development plans that would have off-airport compatibility implications (e.g., runway alterations, improved instrument approach procedures), and approval of on-airport

development that is not an aviation related use (e.g., commercial or industrial facilities).

1.3.2 Existing Land Uses: The *Compatibility Plan* applies only to new development or future land uses within the AIA. In accordance with Public Utilities Code Section 21674(a), the policies of this *Compatibility Plan* do not apply to existing land uses, whether or not they are consistent with the *Compatibility Plan*.

(a) **Qualifying Criteria:** A land use is considered to be "existing" when one or more of the below conditions has been met prior to the approval date of the *Compatibility Plan* by California Division of Aeronautics. The determination as to whether a specific project meets the criteria below is made by the responsible jurisdiction or special entity involved.

- The development and/or land use physically exists.
- A vesting tentative parcel or subdivision map has been approved and all discretionary approvals have been obtained.
- A development agreement has been approved and remains in effect.
- A final subdivision map has been recorded.
- A use permit or other discretionary entitlement has been approved and not yet expired.
- A valid building permit has been issued.
- Substantial investments in physical construction were made by the property owner prior to the approval date of this *Compatibility Plan* by the California Division of Aeronautics and such investments make it infeasible for the property to be utilized for anything other than its proposed use. Substantial investment is determined by the responsible agency.
- Prior to the approval date of this *Compatibility Plan* by the California Division of Aeronautics, substantial public funds were expended for land acquisition of a project site and the responsible agency had publicly indicated support for a proposed development or development concept, even though all discretionary approvals had not yet been obtained by that date.

(b) **Existing Nonconforming Uses:** Existing land uses that are inconsistent with the *Compatibility Plan* are considered to be "nonconforming" land uses. These uses are not subject to the *Compatibility Plan* unless changes to the use are proposed.

- Any type of construction, renovation, or other redevelopment activity that would demolish 80% or more of the existing structure's floor area would change the nonconforming status of the use and be subject to the *Compatibility Plan* and any other requirements set by the local jurisdiction.
- A structure that has been fully or partially destroyed as a result of a flood, fire and or natural disaster may be rebuilt and re-occupied by the same nonconforming use and is only subject to requirements set by the local jurisdiction not the *Compatibility Plan*.

Section 2: ALUCP Implementation Responsibilities Under The Alternative Process

2.1 Overview of ALUCP Implementation Responsibilities for Affected Agencies

2.1.1 **Adopt Compatibility Plan:** The City of Ontario is responsible for leading the preparation of the *Ontario International Airport Land Use Compatibility Plan* and any future amendments in coordination with affected jurisdictions (see Section 3.1). Affected Agencies are responsible for adopting the *Compatibility Plan* or specific policies that apply to their portions of the AIA. The compatibility policies in Section 6 of this *Compatibility Plan* are structured in a manner that recognizes that the City of Ontario's land use authority stops at its borders. As such, policies applicable only to the City of Ontario use the word "shall." Policies applicable to the other affected agencies, as well as the City of Ontario, use the word "should." In the both instances, the policies are considered "shall" for the City of Ontario. In accordance with the provisions of the Alternative Process, the other affected agencies are encouraged to adopt similar requirements for the portions of the AIA within their respective jurisdictions.

2.1.2 **Attain Consistency with the Compatibility Plan:** Consistent with state law, Affected Agencies are responsible for modifying their respective general plans, specific plans, zoning ordinances, and other policy documents to be consistent with the compatibility policies and criteria set forth in this *Compatibility Plan* or requesting a hearing before the ONT Mediation Board to resolve disputes.

2.1.3 **ALUCP Consistency Evaluations:** Affected Agencies are responsible for conducting their own consistency evaluations for new development and/or major land use actions within their portions of the ONT AIA. Major Land Use Actions (Table 2-1), are subject to the ONT Inter-Agency Notification Process.

2.1.4 **ONT Inter-Agency Notification Process**: Each Affected Agency is required to notify the City of Ontario of proposed Major Land Use Actions within its portion of the AIA. The City of Ontario is then responsible for forwarding information regarding these proposed Major Land Use Actions to other Affected Agencies for comment. Major Land Use Actions are listed in Table 2-1 of this Chapter. The Inter-Agency Notification Process is discussed further in Section 2.3.

2.1.5 **Referencing the Compatibility Plan in CEQA Documents:** The California Environmental Quality Act (CEQA) requires Affected Agencies to utilize the *California Airport Land Use Planning Handbook* and this *Compatibility Plan* as a technical resource for analyzing the environmental impacts of new projects located within the AIA. Projects situated within the AIA should be evaluated to determine if the project would expose people residing or working in the project area to excessive levels of airport-related noise or to airport-related safety hazards (Public Resources Code Section 21096).

2.1.6 **Establish a Process for Mediating Disputes:** State law pertaining to the Alternative Process requires that a process be established for "the mediation of disputes arising from the preparation, adoption, and amendment" of an airport land use compatibility plan (Public Utilities Code Section 21670.1(c)(2)(C)). This *Compatibility Plan* fulfills State Law requirements by establishing a Mediation Board. The roles, responsibilities, process and membership of the Mediation Board are described in detail in Section 4 of this chapter.

2.2 Specific Responsibilities of the Ontario International Airport Authority (OIAA)

2.2.1 **Submit Certain Airport Actions Through Alternative Process:** The Ontario International Airport compatibility zones delineated on **Maps 2-2** through **2-5** are based upon the existing and ultimate airport configuration and projected aircraft activity summarized in Chapter 1. If, at a future time, changes in the configuration or use of the airport are proposed and those changes could result in expansion of the airport's impacts beyond the impacts identified in this *Compatibility Plan*, the proposed changes shall be subject to the ONT Inter-Agency Notification Process described in Section 2.3. Specifically, the following types of projects are subject to the ONT Inter-Agency Notification Process:

(a) **Airport Plans:** Adoption or amendment of the Ontario International Airport Master Plan or Airport Layout Plan (Public Utilities Code Sections 21661.5 and 21664.5).

(b) **Aviation-Related Development Proposals:** Any proposal for modification or expansion of airport facilities requiring amendment to the Airport Permit issued by the California Division of Aeronautics. Airport development projects include:

- ✈ Proposal to acquire land for runway protection zones or airport development;
- ✈ Construction of a new runway;
- ✈ Extension or realignment of an existing runway; or
- ✈ Expansion of the airport's physical facilities.

(c) **Nonaviation-Related Development Proposals:** Any proposal for the construction of new nonaviation-related development (e.g., commercial or industrial) requiring action by the City of Ontario.

2.3 ONT Inter-Agency Notification Process

2.3.1 **ONT Inter-Agency Notification Process:** Each Affected Agency and the OIAA shall participate in the ONT Inter-Agency Notification Process for the purposes of providing technical assistance, information and oversight for the implementation of this *Compatibility Plan*.

(a) Affected Agencies required to participate in the Inter-Agency Notification Process include OIAA and the Cities of Ontario, Chino, Fontana, Montclair, Rancho Cucamonga, Upland and the County of San Bernardino. The City Manager of each Affected Agency shall designate a department responsible for participating in the ONT Inter-Agency Notification Process.

(b) Special entities as described in 1.2.2(d) are subject to the development criteria of this *Compatibility Plan* and shall participate in the Inter-Agency Notification Process by submitting Major Land Use Actions to the City of Ontario for consistency evaluations.

2.3.2 **Project Review Process:** The ONT Inter-Agency Notification Process includes the steps listed below.

(a) For each project or land use action subject to the Alternative Process, the Submitting Agency shall complete a Project Comment Worksheet and forward it to the City of Ontario for forwarding to Affected Agencies. The Worksheet shall contain sufficient

project details to enable Affected Agencies to comment upon the project's consistency with the *Compatibility Plan* for ONT. See Appendix E for the type of information that should be included in the Project Comment Worksheet. Items shall be submitted electronically to the City of Ontario (preferably in PDF format).

(b) Commenting Agencies will have 15 calendar days to review and comment on the Submitting Agency's Project Comment Worksheet. Agencies that do not respond within the 15-day period would be considered to have no comments and subsequently agree with the Submitting Agency's consistency evaluation. Commenting Agencies shall limit their comments to issues related to the project's consistency with the *Compatibility Plan* and forward their comments electronically to the City of Ontario.

(c) If the Submitting Agency disagrees with the comments received on the Worksheet, staff of the Submitting Agency is encouraged to collaborate with staff of the commenting agency and/or commenting agencies to seek solutions that will bring the project into voluntary compliance with the *Compatibility Plan*. If the proposed project is revised in response to comments received on the Project Comment Worksheet, the Submitting Agency shall submit a revised Project Comment Worksheet in the manner provided in subdivision (a). If disagreements regarding consistency remain, the Submitting Agency or any Commenting Agency may request a Mediation Board hearing to mediate the dispute.

(d) If no comments are submitted on the Project Comment Worksheet as provided in subdivision (b), or if comments are resolved as provided in subdivision (c), the Submitting Agency shall indicate in its own public notices that the project is within the ONT AIA and has undergone a consistency evaluation and found to be consistent with this *Compatibility Plan*.

Section 3: CITY OF ONTARIO ADDITIONAL RESPONSIBILITIES

3.1 Preparation, Adoption and Amendment of the Compatibility Plan

3.1.1 **Prepare and Adopt the Compatibility Plan:** The City of Ontario shall be the lead agency responsible for preparing the *Ontario International Airport Land Use Compatibility Plan* and any amendments that may subsequently be proposed. The City of Ontario shall also be responsible for coordinating these efforts with affected jurisdictions.

3.1.2 **Adoption Authority for the City of Ontario:** The Ontario City Council has the authority to adopt the *Compatibility Plan* or any amendments to the Plan as they apply to the City of Ontario.

3.1.3 **Adoption Authority for Affected Agencies:** Each Affected Agency has the authority to adopt the *Compatibility Plan* adopted by the City of Ontario or the specific policies that apply to their portions of the AIA.

3.2 ALUCP Implementation Administration

3.2.1 **Mediation Board General Administration:** The City of Ontario shall perform general administrative duties for the Mediation Board including, but not limited to:

(a) Arranging meeting places and schedules, preparing agendas, and recording meeting minutes.

(b) Issuing required public notices for meetings of the Mediation Board.

(c) Providing an annual report to the Mediation Board and California Division of Aeronautics on the compatibility planning actions reviewed over the course of the year.

3.2.2 **Administration of the ONT Inter-Agency Notification Process:** The City of Ontario shall coordinate with and assist Affected Agencies with implementing the relevant policies of the *Compatibility Plan* by:

(a) Developing, maintaining and distributing the Project Comment Worksheet, when necessary;

(b) Providing affected agencies with technical information and guidance regarding compatibility planning issues;

(c) Serving as a clearinghouse for major airport and land use actions within the AIA and proposed on-site airport development;

(d) Reviewing proposed major airport and land use actions for consistency with the policies set forth in this *Compatibility Plan* and preparing written consistency evaluations for transmittal to applicable Affected Agencies;

(e) Soliciting input and comments from the Federal Aviation Administration, California Division of Aeronautics, pilot groups, and others regarding compatibility planning matters, when necessary; and

(f) Encouraging Los Angeles and Riverside Counties to adopt compatibility planning policies and criteria for the portions of the ONT AIA located within their respective jurisdictions.

Section 4: MEDIATION BOARD ROLES, RESPONSIBILITIES, AND PROJECT DISPUTE PROCESS

4.1 Mediation Board Purpose and Composition

4.1.1 **Function of Mediation Board:** The Mediation Board for ONT is a voting body established to formally address disputes that are not resolved at a staff level. The Mediation Board will only review matters appealed to it by Affected Agencies.

4.1.2 **Membership of Mediation Board:** The Mediation Board shall be comprised of elected or appointed government officials of the participating agencies and two members representing the public. The members representing the Affected Agencies shall have land use, planning, and/or public hearing experience (e.g., county supervisor, city council member, planning/airport commissioner). Members of the Mediation Board shall be appointed as follows:

(a) **City of Ontario:** Two members representing the City of Ontario, appointed by the Ontario City Council.

(b) **OIAA:** One member representing the Ontario International Airport Authority (OIAA), the Chief Executive Officer.

(c) **Public:** Two public representatives (at least one having aviation expertise), appointed by the Ontario City Council with recommendations from the other Affected Agencies.

(d) **Other Affected Agency:** Two members representing the agency with the disputed project, appointed by the agency's governing body. If the agency with the dispute is either the City of Ontario or the OIAA, the two members shall not be appointed and the Mediation Board shall consist of a five-member board.

4.1.3 **Mediation Board Decisions:** When acting upon a disputed action (e.g., consistency evaluation or preparation, adoption or amendment of the *Compatibility Plan*) the Mediation Board shall:

(a) Hold a public hearing on the action under consideration.

(b) Provide the opportunity for public input.

(c) Issue formal findings on the disputed action.

(d) Make decisions by majority vote.

4.2 Mediation Board Project Dispute Process

4.2.1 **Actions Open to Mediation:** State law pertaining to the Alternative Process requires that a process be established for "the mediation of disputes arising from the preparation, adoption, and amendment" of an airport land use compatibility plan (Public Utilities Code Section 21670.1(c)(2)(C)). This *Compatibility Plan* allows mediation to occur over certain land use actions—specifically, general plan amendments, zoning ordinance modifications, airport development plans (Section 2.2), or major land use actions.

4.2.2 **Convening the Mediation Board:** The Mediation Board shall convene on an as needed basis, to resolve disputed matters brought to it by an Affected Agency. Meetings shall be convened within 30 calendar days from the date the Affected Agency requests in writing a Mediation Board Hearing date to resolve a dispute. Additionally, the Board shall convene once per calendar year to receive an annual report from the Ontario Planning Director. All meetings shall be publicly noticed consistent with Ontario's public hearing procedures.

4.2.3 **Mediation Board Actions for Non-Airport Projects:** When deciding whether a proposed project is consistent with the *Compatibility Plan*, the Mediation Board has three action choices:

(a) *Consistent*—Find that the proposed project is consistent with this *Compatibility Plan*.

(b) *Conditionally Consistent*—Find that the proposed project is consistent with this *Compatibility Plan* subject to specified conditions or modifications.

(c) *Inconsistent*—Find that the proposed project is inconsistent with this *Compatibility Plan*.

4.2.4 Mediation Board Action Choices for Airport Proposals: When making consistency determinations on a proposed planning and/or development action pertaining to Ontario International Airport (ONT), the Mediation Board has four action choices:

(a) *Consistent*—Find that the airport plan is consistent with this *Compatibility Plan*.

(b) *Conditionally Consistent*—Find that the airport plan is consistent with this *Compatibility Plan* subject to specified conditions or limitations on the airport plans or use.

(c) *Inconsistent*—Find that the airport plan is inconsistent with this *Compatibility Plan*.

(d) *Consistent Upon Compatibility Plan Revision*—Modify the *Compatibility Plan* (after duly noticed public hearing) to reflect the assumptions and proposals in the airport plan—thereby making the airport plan consistent—or establish an intent to modify the *Compatibility Plan* at a later date.

4.2.5 Overriding Considerations: The compatibility criteria set forth in this *Compatibility Plan* are intended to be applicable to all locations within the ONT AIA. However, there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site. After due consideration of all the factors involved in such situations, the Mediation Board may find a normally incompatible use to be acceptable. In reaching such a decision, the Mediation Board shall document the nature of the extraordinary circumstances that warrant the policy exception and make the following specific findings:

(a) That the proposed project will neither create a safety hazard to people on the ground or aircraft in flight nor result in excessive noise exposure for the future occupants of the proposed use.

(b) That the granting of a special condition exception is site specific and shall not be generalized to include other sites.

4.3 Overruling Mediation Board Decisions

4.3.1 General: If the Mediation Board determines that a proposed project is inconsistent with the *Compatibility Plan*, the Submitting Agency shall be notified and the governing body of that agency has the option under state law to overrule the Mediation Board decision. To do so, however, the Submitting Agency must make specific findings (see Section 4.3.2).

4.3.2 Findings: The agency must make specific findings that the proposed local action is consistent with the purposes of Article 3.5 of the California Public Utilities Code, as stated in Section 21670. Such findings may not be adopted as a matter of opinion, but must be supported by substantial evidence. Specifically, the governing body of the Submitting Agency must make specific findings that the proposed project will not:

(a) Impair the orderly, planned expansion of Ontario International Airport (ONT); adversely affect the utility or capacity of the airport (such as by reducing instrument approach procedure minimums).

(b) Expose the public to excessive noise and safety hazards.

4.3.3 Notification and Voting Requirements:

(a) The Submitting Agency must provide a copy of the proposed decision and findings to overrule the Mediation Board 45 days prior to the hearing date, to the City of Ontario and California Division of Aeronautics, as required by State law (Public Utilities Code Section 21676).

(b) The governing body of the Submitting Agency must hold a public hearing on the matter. The public hearing shall be noticed consistent with the Submitting Agency's established procedures.

(c) A decision by the governing body to overrule the Mediation Board must be made by a vote of at least two-thirds of the body's members.

(d) The Submitting Agency must include any comments received from any Affected Agency, Mediation Board, Division of Aeronautics, and the Federal Aviation Administration (FAA) in the public record of any final decision to overrule the Mediation Board.

Section 5: EVALUATING LAND USE CONSISTENCY

5.1 Evaluating Consistency of New Development

5.1.1 Evaluating Compatibility of Proposed Development: The compatibility of proposed projects within the ONT AIA shall be evaluated in accordance with the specific safety, noise, airspace protection, overflight policies, and special compatibility policies set forth in Section 6, including the criteria listed in **Table 2-2: Safety Criteria** and **Table 2-3: Noise Criteria**, and the compatibility zones depicted in **Maps 2-2** through **2-5**.

5.2 Evaluation Tools

5.2.1 Safety and Noise Criteria Tables: **Table 2-2: Safety Criteria** and **Table 2-3: Noise Criteria** list general land use categories and indicate each use as being either "normally compatible," "conditionally compatible," or "incompatible" depending upon the compatibility zone in which it is located. When evaluating a proposed development, each land use component of a project shall be evaluated as separate developments and must meet the criteria for the respective land use category in **Table: 2-2 Safety Criteria** and **Table 2-3: Noise Criteria**.

5.2.2 Evaluation Considerations:

(a) Land uses not specifically listed in **Table 2-2: Safety Criteria** and **Table 2-3: Noise Criteria** shall be evaluated using the criteria for similar listed uses.

(b) Multiple land use categories and the compatibility criteria associated with them may apply to a single project (e.g., mixed-use developments). Each land use component shall individually satisfy the criteria for the respective land use category in **Table: 2-2 Safety Criteria** and **Table 2-3: Noise Criteria** (see **Exhibit 2B**).

5.2.3 Land Use Compatibility Determinations:

(a) **Normally Compatible** means that common examples of the use are compatible with the airport; uncommon examples of the use may require review to ensure compliance with compatibility criteria.

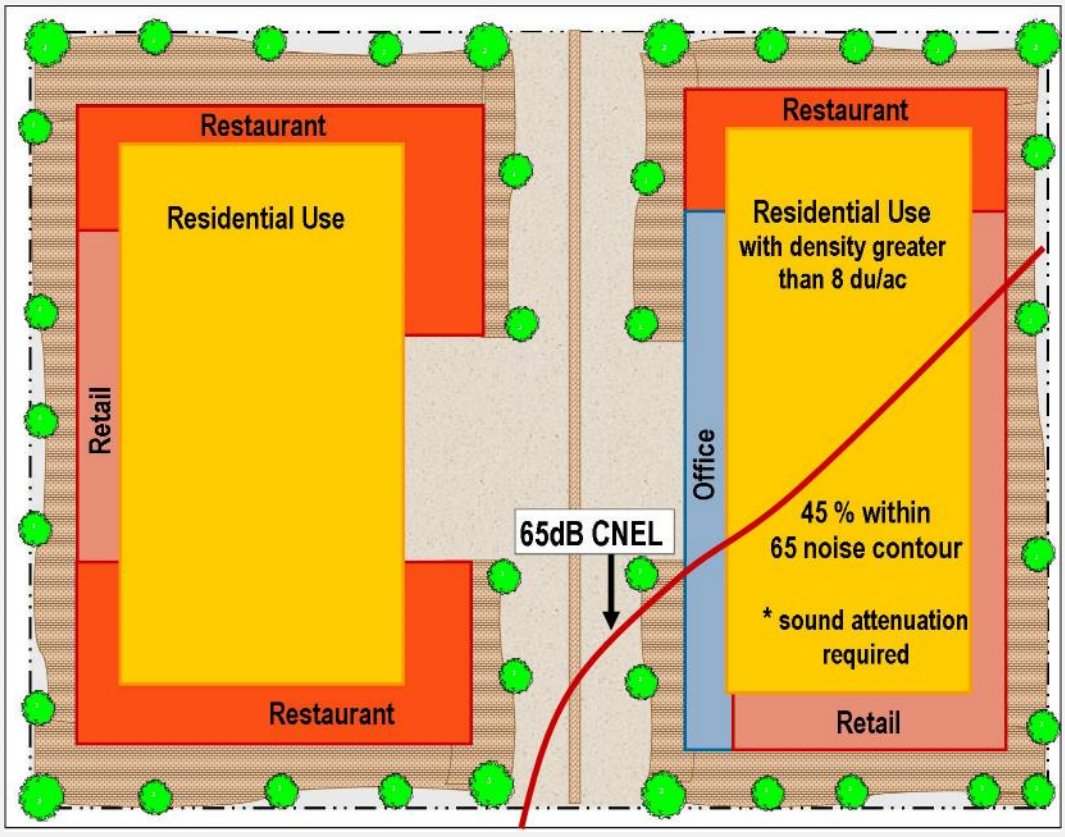
(b) **Conditionally Compatible** means that the use is compatible if the listed conditions are met.

(c) **Incompatible** means that the use should not be permitted under any circumstances.

5.2.4 **Policies Pertaining to Special Compatibility Concerns:** In addition to satisfying the compatibility criteria defined in **Table 2-2: Safety Criteria** and **Table 2-3: Noise Criteria**, land use actions must comply with the specific safety, noise, airspace protection, overflight and special compatibility policies set forth in Section 6.

Exhibit 2B: Mixed-Use Development Example

In this example, the proposed mixed-use development includes four distinct types of land uses. Each land use component must be evaluated against the criteria for the respective land use category in **Table 2-2: Safety Criteria** and **Table 2-3: Noise Criteria:**



Section 6: COMPATIBILITY POLICIES

6.1 Safety

6.1.1 **Policy Objective:** The intent of the safety compatibility policies is to minimize the risks associated with an off-airport aircraft accident or emergency landing. The policies focus on reducing the potential consequences of such events when they occur. The potential risks to people and property within the ONT AIA and to people on board the aircraft are considered.

Note: See *Section 6.3, Airspace Protection,* for land use features that can pose hazards to aircraft in flight

6.1.2 **Safety Affected Agency:** The safety compatibility policies and criteria of this section apply only to the City of Ontario since the safety zones are located solely within Ontario's city limits.

6.1.3 **Factors Considered in Establishing Safety Zones:** The principal factors considered in setting the policies applicable within each safety zone are:

(a) **California Airport Land Use Planning Handbook:** The *California Airport Land Use Planning Handbook* (January 2002) provides risk information, accident data, and analyses for air carrier airports. The *Handbook* identifies the locations, delineated with respect to the airport runways, where aircraft accidents near air carrier airports have historically occurred and the relative concentration of accidents within these locations. These concentrations represent likely future risk levels. Furthermore, the *Handbook* recommends applying the most stringent land use controls to the areas with the greatest potential risks. The safety zones utilized for ONT reflect the *Handbook's* suggested zones for Large Air Carrier Runways.

(b) **Specific Airport Features:** The existing runway configuration, approach categories, normal flight patterns, and aircraft fleet mix for ONT are factors reflected in the safety zone shapes and sizes.

(c) **Measures of Risk Exposure:** For the purposes of this *Compatibility Plan*, the risk that potential aircraft accidents pose to lands around ONT is defined in terms of the geographic distribution of where accidents are most likely to occur. Because aircraft accidents are infrequent occurrences, the pattern of accidents at any one airport cannot be used to predict where future accidents are most likely to happen around that airport. Reliance must be placed on data about aircraft accident locations at similar airports nationally, refined with respect to information about the types and patterns of aircraft usage at the individual airport. This methodology, as further described in Appendix C, is used to delineate the safety zones for ONT shown in **Map 2-2: Safety Zones**.

6.1.4 **Factors Considered in Setting Safety Policies:** To minimize risks to people and property on the ground, the safety compatibility criteria in **Table 2-2: Safety Criteria** set limits on:

(a) **Residential Uses:** The density of residential development is measured by the number of dwelling units per acre. Consistent with the *California Airport Land Use Planning Handbook* (2002) guidelines, a greater degree of protection is warranted for residential uses.

(b) **Nonresidential Uses:** The intensity of nonresidential development is measured by the number of people per acre concentrated in areas most susceptible to aircraft accidents.

6.1.5 **Safety Zones for Ontario International Airport:** The five safety zones depicted in **Map 2-2: Safety Zones** reflects the existing airfield configuration, the methodology for this approach is explained in Chapter 1 of this *Compatibility Plan*:

(a) **Safety Zones 1 - 5:** A composite set of safety zones were created for ONT to reflect the existing airfield configuration.

(b) **Safety Zone 1:** Safety Zone 1 reflects the airport's established Runway Protection Zones (RPZs) as shown in the Airport Layout Plan prepared by the Ontario International Airport Authority (OIAA) (see **Exhibit 1-6** in Chapter 1).

(c) **Overlay Safety Zone 1A:** Overlay Safety Zone 1A was created to reflect the FAA's standard RPZ (1,000 feet inner width by 2,500 feet length by 1,750 feet outer width) beginning 200 feet beyond the west end of Runway 8L. (See Chapter 1 for additional RPZ discussion and Policy S5).

6.1.6 **Safety Standards for New Development:** To minimize risk-sensitive development in high-risk areas around ONT, the safety compatibility of new development shall be evaluated in accordance with the safety policies set forth in this section, including the criteria listed in **Table 2-2: Safety Criteria** and the safety zones depicted on **Map 2-2: Safety Zones**. Other policies may be applicable to uses of special concern (see **Policy S4**).

SAFETY POLICIES

S1 **Residential Development:** New residential development is incompatible within all Safety Zones (1 through 5). **Policies S1a** and **S1b** are exceptions to this policy, if applicable.

S1a **Single-Family Home:** The construction of a single-family home on a legal lot of record is allowed in Safety Zones 2, 3, and 4 if the use is permitted by the City of Ontario's land use regulations. See **Policy SP2** with regard to development by right.

S1b **Second-Unit:** A second-unit as defined by state law is allowed within Safety Zones 2, 3 and 4 if the use is permitted by the City of Ontario's land use regulations.

S1c **Family Day Care:** In accordance with state law, a family day care home serving 14 or fewer children may be established in any dwelling by the policies of this *Compatibility Plan*.

S1d **Residential Mixed-Use Developments:** New mixed-use developments will locate the residential component outside of all safety zones.

S2 **Occupancy Limits For Nonresidential Development:** **Table 2-2: Safety Criteria** indicates the usage intensity (number of people per acre) limit for each safety zone. The usage intensity limits represent the safety criteria for new nonresidential development. The usage intensity limits measure intensity in two

forms: 1) Sitewide average intensity which sets intensity limits for the entire project site; and 2) Single-acre intensity which sets intensity limits on any single acre within the project site (see **Exhibit 2C** for a graphical example). As a condition of approval, all new nonresidential development within the Safety Zones shall comply with both forms of intensity limits as described further below.

S2a **Sitewide Average Intensity** is calculated by determining the total number of people expected to be on the site at any given time under normal operating conditions and dividing by the total number of acres of the project site.

S2b **Single-acre Intensity** of a proposed development is calculated by determining the total number of people expected to be within any one-acre portion of the site, typically the most intensively used building or part of a building. The 1.0-acre area calculations represent building footprints that are generally rectangular and not elongated in shape or, for buildings larger than 1.0 acre, represent a portion of the building.

S2c **Usage Intensity calculations** includes all people (e.g., employees, customers/visitors) who may be on the property at any single point in time during normal operating conditions, whether indoors or outdoors. **Table 2-2: Safety Criteria** indicates the normal occupancy load factor (number of square feet per person) and Floor Area Ratio (FAR) for many nonresidential uses. These numbers are interrelated with the intensity limits (number of people per acre) and can be used to calculate the usage intensity of a proposed project (see **Exhibit 2D**). Note that the safety criteria are the sitewide and single-acre intensity limits (number of people per acre). The occupancy load factors and FARs are provided as methods for calculating the intensity of a proposed project.

Exhibit 2D: Intensity Limits

The interrelationship between Intensity limit, normal occupancy load factor and Floor Area Ratio (FAR) is indicated in the two examples below. The examples reflect Zone 3 criteria: intensity limit of 100 people per acre, occupancy load factor of 200 square feet per person, and 0.46 FAR.

Example 1

200 square feet per person (occupancy load factor)
x 100 people per acre (intensity limit)
20,000 square foot building
÷ 43,560 square feet per acre
0.46 FAR

Example 2

43,560 square feet per acre
x 0.46 FAR
20,000 square foot building
÷ 200 square feet per person (occupancy load factor)
100 people per acre (intensity limit)

1. **Occupancy Load Factors:** The occupancy load factors (minimum number of square feet per person) provided in **Table 2-2: Safety Criteria** vary from one land use to another. As shown in **Exhibit 2C**, the sitewide

average usage intensity of a project having multiple uses can be calculated by:

- ✈ Dividing the number of square feet of each component use by the number of square feet per person (occupancy load) for that use as indicated in **Table 2-2**;
- ✈ Adding together the number of people for each component use; and
- ✈ Dividing the total number of people by the total number of acres of the project site to get the sitewide average intensity.
- ✈ Where occupancy load factors are not indicated in the table or if the assumed occupancy load factor for a particular proposal or component thereof is not applicable to the project, then the number of occupants is estimated in another manner – for example, the number of seats and employees at a restaurant or the number of parking places times the vehicle occupancy for an industrial plant.

2. **Floor Area Ratios (FARs):** The allowable FAR is indicated in **Table 2-2: Safety Criteria** for a particular safety zone and vary from one land use to another. Each component use is calculated as occupying a share of the total project site equal to its percentage of the total floor area in the project. Mathematically, this means that the FAR for each component use will be the same as the FAR for the entire building.

3. **Alternative Intensity Calculations:** An alternative method for measuring compliance with the usage intensity limits is acceptable. For example, a method based upon the City's parking space requirements may be used together with an assumed number of people per vehicle as a means of determining the number of occupants for uses that are vehicle oriented (this method would not be suitable for land uses where many users arrive by transit, bicycle, or other means of transportation).

4. **Mixed-Use Development**: Each component use within a nonresidential mixed-use development shall comply with Table 2-2: Safety Criteria unless the use is ancillary (less than 10% of total building floor area).

5. **Ancillary Uses:** Up to 10% of the total floor area of a building may be devoted to an ancillary use of another type, including a use with a higher occupancy load factor that is shown as incompatible in **Table 2-2: Safety Criteria.** Ancillary uses may be excluded from the single-acre intensity calculations (but not the sitewide average intensity limits) provided that the ancillary use is neither:
   - ✈ An assembly room having more than 750 square feet of floor area (this criterion is intended to parallel Building Code standards) and a capacity of more than 50 people; nor
   - ✈ A children's school (grades K–12), day care center or other risk-sensitive use that is "incompatible" within the safety zone where the primary use is to be located.

6. **Uncommon Land Use Considerations:** If a particular development proposal is uncommon—that is, there would be more floor area per person and lower usage intensity—the local agency may consider that information

in determining the safety compatibility of the proposal. In considering any such exceptions, the local agency shall also take into account the potential for the use of a building to change over time. A building could have planned low-intensity use initially, but later be converted to a higher-intensity use. Local agency permit language or other mechanisms to ensure continued compliance with the usage intensity criteria must be put in place.

7. **Parcels within Multiple Safety Zones:** For the purposes of evaluating consistency with the usage intensity criteria set forth in **Table 2-2: Safety Criteria**, any parcel that is split by safety zone boundaries shall be considered as if it were multiple parcels divided at the safety zone boundary line. However, the intensity of nonresidential development allowed within the more restricted portion of the parcel can (and is encouraged to) be transferred to the less restricted portion. This full or partial reallocation of intensity is permitted even if the resulting intensity in the less restricted area would then exceed the limits which would otherwise apply within that safety zone (see **Exhibit 2E**).

Exhibit 2E: Transferring Usage Intensity

An example of transferring usage intensity to the less restrictive safety zone is provided below.

Zone 3 intensity limit: 100 people per acre

Zone 4 intensity limit: 160 people per acre

Proposed intensity in Zone 3: 80 people per acre

Proposed intensity in Zone 4: 100 people per acre

* The proposed intensity for Zone 3 (80 people per acre) is encouraged to be transferred to Zone 4 for a total of 180 people per acre, even if it exceeds the Zone 4 intensity limit of 160 people per acre.

S3 **Land Use Event Exceptions:** The City of Ontario may make exceptions for "conditional" or "incompatible" land uses associated with rare special events (e.g., an air show at the airport) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.

S4 **Land Uses of Special Concern:** Certain types of land uses represent special safety concerns irrespective of the number of people associated with those uses. **Table 2-2: Safety Criteria** indicates the criteria applicable to these uses. In some cases, these uses are not allowed in portions of the safety zones regardless of the number of occupants associated with the use. In other instances, these uses should be avoided—i.e., allowed only if an alternate site outside of the safety zone would not work. When allowed, special measures should be taken to minimize hazards to the facility and occupants if the facility were to be struck by an aircraft. Land uses of particular concern and the nature of the concern are:

S4a **Land Uses Having Vulnerable Occupants:** These land uses are ones in which the majority of occupants are children, elderly, and/or disabled—people who have reduced effective mobility or may be unable to respond to emergency situations. These uses include:

- Children's schools (grades K–12).
- Day care centers (facilities with 15 or more children, as defined in the California Health and Safety Code).
- Hospitals, health care centers, and similar facilities, especially where patients remain overnight.
- Nursing homes.
- Inmate facilities.

S4b **Hazardous Materials Storage:** Materials that are flammable, explosive, corrosive, or toxic constitute special safety compatibility concerns to the extent that an aircraft accident could cause release of the materials and thereby pose dangers to people and property in the vicinity. Facilities in this category include:

- Facilities such as oil refineries and chemical plants that manufacture, process, and/or store bulk quantities (tank capacities greater than 6,000 gallons) of hazardous materials generally for shipment elsewhere.
- Facilities associated with otherwise compatible land uses where hazardous materials are stored in smaller quantities primarily for on-site use (tank capacities greater than 6,000 gallons).

S4c **Critical Community Infrastructure:** The damage or destruction of public infrastructure facilities which would cause significant adverse effects to public health and welfare well beyond the immediate vicinity of the facility. Among these facilities are:

- Emergency services facilities such as police and fire stations.
- Emergency communications facilities, power plants, and other utilities.

S5 **Overlay Safety Zone 1A:** New development proposed within Overlay Safety Zone 1A is encouraged to locate buildings outside the overlay zone, when feasible, otherwise utilize the intensity limits of the underlying Safety Zone.

S6 **Avigation Easements:** The City of Ontario shall require dedication of an avigation easement as a condition for approval of all proposed development situated off-airport within Safety Zones 1 through 5 in accordance with **Policy SP1** (see Section 6.5). The Safety Zones and this policy affect only the City of Ontario.

6.2 Noise

6.2.1 **Policy Objective:** The purpose of noise compatibility policies is to avoid the establishment of noise-sensitive land uses in the portions of the ONT AIA that are exposed to significant levels of aircraft noise.

6.2.2 **Noise Affected Agencies:** The noise impact zones for ONT affect lands within the Cities of Chino, Fontana, Montclair, and Ontario and unincorporated areas of the

Counties of San Bernardino and Riverside. The noise compatibility policies and criteria of this section apply only to the jurisdictions and special entities (e.g., school districts) in San Bernardino County.

6.2.3 Factors Considered in Establishing Noise Impact Zones: The factors considered in setting the policies within each noise impact zone are:

(a) **Measures of Noise Exposure:** The magnitude of the airport-related noise to which properties near ONT are exposed must be measured in terms of Community Noise Equivalent Level (CNEL).

(b) **Noise Contours:** In accordance with state law, the planning time frame utilized in this *Compatibility Plan* extends at least 20 years into the future. The noise contours depicted herein represent the greatest annualized noise impact, measured in terms of CNEL, anticipated to be generated by the airport over the planning time frame.

6.2.4 Factors Considered in Setting Noise Policies: The factors considered in setting the noise policies for this section and the criteria in **Table 2-3: Noise Criteria** are described below. These factors must also be considered when conducting compatibility assessments of individual development projects.

(a) **Noise Regulations:** State regulations and guidelines, including noise compatibility recommendations in the *California Airport Land Use Planning Handbook* (2002) provide the foundation for the noise policies.

(b) **Ambient Noise levels:** Ambient noise levels influence the potential intrusiveness of aircraft noise upon land uses within a community. Ontario is characterized as an urban community with higher ambient noise levels than that of a suburban community. Highway and rail noise contribute significantly to the ambient noise levels in the community.

(c) **Noise-Sensitive Uses:** The extent to which noise would intrude upon and interrupt the activity associated with a particular use affects whether the use is compatible with a particular noise exposure.

(d) **Noise-Generating Uses:** Land uses with operating conditions that generate noise are typically more compatible with high external noise exposure than uses that are internally quiet.

(e) **Outdoor Uses:** The extent of outdoor activities associated with a particular land use, especially activities for which quiet is important, is a key determinant of noise exposure compatibility because the sound attenuation that a structure would provide does not exist. Outdoor activities are particularly susceptible to aircraft overflight noise in that sound walls and other devices that can serve as shields from highway, railroad, and other ground-level noises are not practical.

(f) **Sound Attenuation:** Indoor uses associated with a particular land use that would otherwise be incompatible may be made consistent with this *Compatibility Plan* with the application of sound attenuation standards in accordance with **Policy N4**.

(g) **Single-event noise levels:** Single-event noise levels are taken into account in **Table 2-3: Noise Criteria** with respect to the acceptability of highly noise-

sensitive land uses. Single-event noise levels are considered when assessing the compatibility of highly noise-sensitive land uses such as residences, schools, libraries, and outdoor theaters. Susceptibility to speech interference and sleep disturbance are among the factors that make certain land uses noise sensitive. Single-event noise levels are especially important in areas that are regularly overflown by aircraft, but that do not produce significant CNEL contours (helicopter overflight areas are a particular example). Flight patterns for ONT must be considered in the review process. Acoustical studies or on-site noise measurements could also be required to assist in determining the compatibility of sensitive uses.

6.2.5 **Noise Impact Zones for ONT:** The noise impact zones depicted in **Map 2-3** were prepared for ONT in conjunction with the master planning efforts conducted by Los Angeles World Airports (LAWA) in the mid 2000s. The noise exposure contours represent the "No Project" scenario and reflects the existing runway configuration and a 2030 forecast of 343,000 annual operations. The City of Ontario, as the agency responsible for this *Compatibility Plan*, should periodically review the projected CNEL contours and, in conjunction with OIAA, update them as necessary to ensure that they continue to have a future time horizon of at least 20 years.

6.2.6 **Noise Standards for New Development:** To minimize noise-sensitive development in noisy areas around ONT, new development should be evaluated in accordance with the policies set forth in this section, including the criteria listed in **Table 2-3: Noise Criteria** and the noise impact zones depicted on **Map 2-3: Noise Impact Zones**.

NOISE POLICIES

N1 **Residential Development:** New residential development is incompatible within the projected CNEL 65 dB contour of ONT except as described in Policy N2 and SP3e.

N2 **Residential Development Exceptions:** The following types of residential developments are allowed within the CNEL 65 dB contour, if the structure is capable of attenuating exterior noise from all noise sources to an indoor CNEL of 45 dB or less.

N2a **Multi-Family Residential:** Multi-family residential is allowed within the CNEL 65 dB contour if the development can achieve a density that is greater than 8 dwelling units per acre and incorporate interior common space and recreational facilities.

N2b **Caretaker's Unit:** A caretakers unit that is ancillary to a primary use located within the projected CNEL 65 dB contour should be deemed compatible with this *Compatibility Plan* provided that there is no more than 1 dwelling unit.

N2c **Existing Residential Lots:** Exceptions are provided for existing residential lots (see **Policy SP2** with regard to development by right).

N2d **Composite Industrial/Residential Use:** A single-family residential use combined with an industrial land use should be deemed compatible within the projected CNEL 65 dB contour due to the high ambient noise levels

generated by the industrial use. However, new structures developed for residential purposes should achieve noise attenuating standards consistent with the California Building Code.

N3 **Non-residential Development:** New nonresidential development is incompatible in locations where the airport-related noise exposure would be highly disruptive to the specific land use. The applicable criteria are indicated in **Table 2-3: Noise Criteria**.

N4 **Maximum Interior Noise Level:** To the extent that the criteria in **Table 2-3: Noise Criteria** and other policies herein permit the development, land uses with interior activities that may be easily disrupted by aircraft noise should be required to incorporate exterior-to-interior noise level reduction (NLR) design features for all new structures. The land uses listed in **Policies N4a** and **N4b** are considered acceptable if proper sound attenuation standards are applied and the maximum interior noise level indicated in **Policies N4a** and **N4b** are not exceeded.

N4a CNEL 45 dB Interior Noise Level

- Any habitable room of single- or multi-family residences.
- Hotels, motels, and other lodging.
- Hospitals, nursing homes, and related uses where patients remain overnight.
- Places of worship, meeting halls, theaters, and mortuaries.
- Schools, libraries, and museums.

N4b CNEL 50 dB Interior Noise Level

- Offices and office areas of industrial facilities.
- Eating and drinking establishments.
- Retail centers and stores.
- Miscellaneous other uses as listed in **Table 2-3: Noise Criteria**.

N4c Noise Attenuation Criteria: Where **Table 2-3: Noise Criteria** indicates that buildings associated with a particular land use must be capable of attenuating exterior noise to the specified maximum interior noise level, acoustical data documenting that the structure will be designed to comply with the criteria should be provided. The noise impact zones depicted in **Map 2-3** should be used in calculating compliance with these criteria. The calculations should assume that windows are closed.

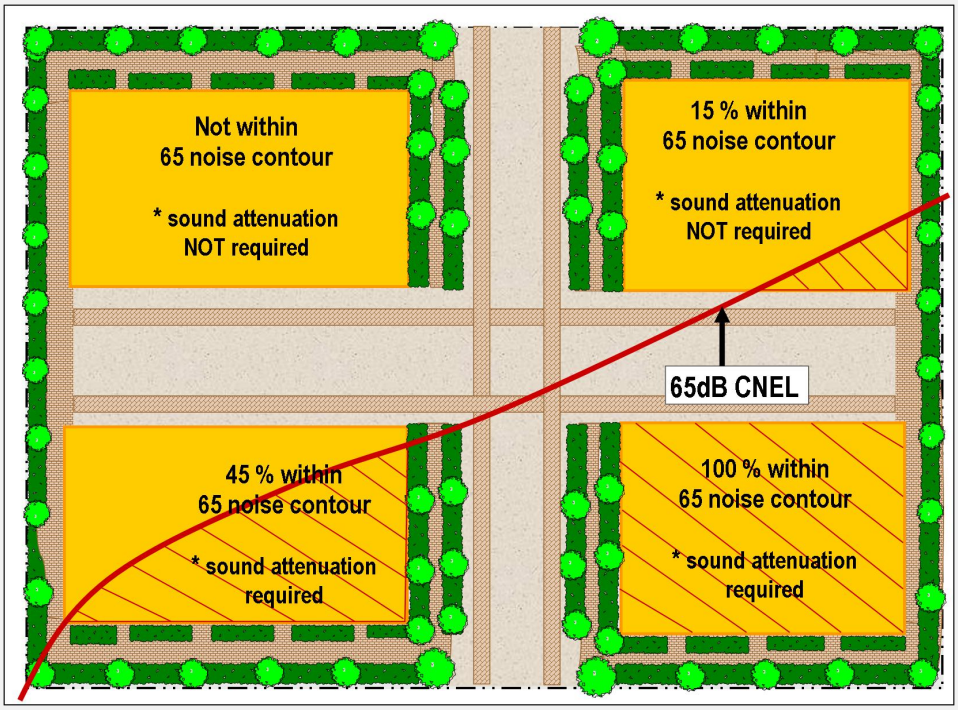
N4d Noise Attenuation Exceptions: Exceptions to the interior noise level criteria set in **Policy N4a** may be allowed if evidence is provided that the indoor noise generated by the use itself exceeds the listed criteria.

N4e Parcels with Multiple Noise Contour Ranges: When a proposed building lies within multiple CNEL range zones (e.g., partly in 60-65 dB and partly in 65-70 dB), the higher range zone should apply for the purposes of determining sound attenuation requirements unless less than 25% of the building floor area is within the least restrictive zone. In such case, the lower range zone may be used. See **Exhibit 2F** for graphical example.

N5 **Avigation Easements:** The City of Ontario shall require dedication of an avigation easement in accordance with **Policy SP1** as a condition of approval for proposed noise-sensitive developments situated within the City of Ontario portion of the CNEL 65 dB. Affected Agencies that have authority over lands elsewhere within CNEL 65 dB contour are encouraged to establish a similar requirement for development within their jurisdictions.

Exhibit 2F: Interior Noise Limit Requirement Example

In this example, the proposed buildings with less than 25% of the building floor area ratio in the 65 dB CNEL contour does not require noise insulation. Interior noise limit requirements are provided for each land use category in **Table 2-2: Safety Criteria**.



6.3 Airspace Protection

6.3.1 **Policy Objective:** Airspace protection compatibility policies seek to prevent creation of land use features that can be hazards to aircraft in flight and have the potential for causing an aircraft accident to occur. Such hazards may be physical, visual, or electronic.

6.3.2 **Affected Agencies:** Considering the topography within the AIA, the airspace protection zones for ONT primarily affect lands within the Cities of Ontario, Rancho Cucamonga, and Upland. The Cities of Chino, Fontana, and Montclair and unincorporated areas of San Bernardino County are affected to a lesser extent. Portions of the airspace protection zones also extend into the Counties of Riverside and Los Angeles however Airspace protection policies are only informational.

6.3.3 Factors Considered in Establishing Airspace Protection Zones: The principal factors considered in setting the airspace protection zones are:

(a) **Federal Regulations:** Federal Aviation Regulations (FAR) Part 77, *Objects Affecting Navigable Airspace,* set the requirements for notice to the Federal Aviation Administration (FAA) of certain proposed construction or alteration projects (Subpart B, *Notice of Construction or Alteration*) and establish standards for determining obstructions to navigable airspace (Subpart C, *Obstruction Standards).* The airspace protection zones for ONT also considered the *United States Standard for Terminal Instrument Procedures* (TERPS), the One-Engine Inoperative (OEI) obstacle identification surface and other applicable obstruction clearance standards published by the FAA in Advisory Circular 150/5300-13, Change 15. **Appendix B** provides a copy of FAR Part 77.

(b) **Specific Airport Features:** The current runway alignments with precision approaches to all runway ends, OEI obstacle identification surfaces associated with the existing departure procedures, and the TERPS surfaces for the existing approach procedures at ONT were also considered. The TERPS surfaces for the ultimate runway are not considered as the FAA establishes these surfaces for specific instrument approach procedures.

(c) **High Terrain Zone:** Objects in high terrain areas are closer to the airport's airspace surfaces and thus have a greater potential of creating airspace hazards. In accordance with FAR Part 77, Subpart B, a proposed structure which would penetrate the Part 77 airspace surfaces would be considered an airspace obstruction and thus requires an aeronautical review by the FAA. However, Section 77.15 of the regulations stipulate that FAA review is not required for new structures that would penetrate the airport's airspace surfaces if the proposed structure would be shielded by existing structures of a permanent and substantial character of equal or greater height. In 2010, the City of Ontario surveyed the heights of existing structures within the High Terrain Zone area to establish a height threshold for future objects (see Appendix J). The survey revealed that existing structures within the high terrain areas north of ONT have heights of up to 70 feet above ground. This information is considered when delineating the High Terrain Zone described in Section 6.3.5(d).

6.3.4 Factors Considered in Setting Airspace Protection Policies: The factors considered in setting the airspace protection policies in this section are described below. These factors should also be considered when conducting compatibility assessments of individual development projects. The factors are:

(a) **Federal and State Regulations:** The airspace protection policies outlined in this section are based upon and intended to help implement the regulations enacted by the FAA and the State of California. State airspace protection standards mostly mirror those of the FAA. A key difference is that state law gives the California Department of Transportation, Division of Aeronautics and local agencies the authority to enforce the standards.

(b) **Flight Hazards:** The FAA has well-defined standards by which potential hazards to flight, especially airspace obstructions, can be assessed. However, the FAA has no authority to prevent creation of such hazards. That authority rests

with state and local governments. There are three categories of flight hazards: physical, visual, and electronic.

- ✈ Height of structures and other objects situated near the airport are a primary determinant of physical hazards to the airport airspace.
- ✈ Land use features that have the potential to attract birds and certain other wildlife to the airport area also need to be evaluated as a form of physical hazard.
- ✈ Visual hazards of concern include certain types of lights, sources of glare, and sources of dust, steam, thermal plumes, or smoke.
- ✈ Electronic hazards are ones that may cause interference with aircraft communications or navigation.

(c) **Airspace Obstructions:** The criteria for determining the acceptability of a project with respect to height are based upon the standards set forth in: Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace, Subpart C, Obstruction Standards; the United States Standard for Terminal Instrument Procedures (TERPS); the One-Engine Inoperative (OEI) obstacle identification surface and other applicable airport design standards published by the FAA.

(d) **OEI and TERPS Surfaces:** The OEI and TERPS surfaces associated with the current instrument approach and departure procedures at ONT are a significant airspace protection factor. In some locations, these surfaces establish height limitations lower than the FAR Part 77 surfaces used by the FAA in evaluating airspace obstructions.

(e) **Local Topography:** The topography underlying the airport's airspace surfaces is a significant factor in determining the allowable height of a structure. The terrain north of ONT slopes upwards towards the San Gabriel Mountains, thereby reducing the allowable heights of objects in those areas. In the high terrain areas north of ONT, the heights of existing structures (natural or manmade) that are of a permanent and substantial character are considered in establishing the allowable heights of future objects. Appendix J documents the heights of existing structures within the High Terrain Zone.

6.3.5 **Airspace Protection Zones for ONT:** The airspace protection zones depicted in **Map 2-4** were prepared for ONT in accordance with Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace; the United States Standard for Terminal Instrument Procedures (TERPS), the One-Engine Inoperative (OEI) obstacle identification surface and other applicable obstruction clearance standards published by the Federal Aviation Administration (FAA) in Advisory Circular 150/5300-13, Change 15.

(a) **FAA Height Notification Surface:** Established in accordance with FAR Part 77, Subpart B, this airspace surface extends outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the airport runways.

(b) **Airspace Obstruction Surfaces:** Includes the controlling portions of the FAR Part 77, Subpart C, TERPS, and OEI surfaces extending out to a point where these surfaces terminate at the outer limits of the FAA Height Notification Surface. Objects which penetrate these surfaces are subject to airspace evaluation

by the FAA and the ONT Inter-Agency Notification Process. Objects which penetrate the Approach/Departure Surfaces which extend beyond the FAA Height Notification Surface require evaluation by the FAA but would not be subject to the ONT Inter-Agency Notification Process.

(c) **Allowable Heights:** To determine the allowable heights of future objects, the underlying ground elevation is compared with the elevation of the controlling portions of the FAR Part 77, TERPS, and OEI surfaces. These are depicted as color bands in Policy Map 2-4, each color band represents a range of distance, measured in vertical feet, between the ground and overlying surface.

(d) **High Terrain Zone:** Based on a height survey conducted by the City of Ontario in 2010, existing objects within the high terrain areas north of ONT have heights of up to 70 feet (see Appendix J). Therefore, the High Terrain Zone is delineated to include portions of the FAR Part 77, Subpart C, airspace surfaces where the ground either penetrates or lies within 70 feet of the airspace surface.

(e) **Airspace Avigation Easement Area:** Includes portions of the FAR Part 77, Subpart C, approach and transitional airspace surfaces and the TERPS and OEI surfaces extending out to a point where these surfaces intersect the horizontal surface, which is situated 150 feet above the airport elevation of 944 feet MSL.

6.3.6 **Airspace Protection Standards for New Development:** The airspace protection compatibility of proposed land uses within the AIA of ONT should be evaluated in accordance with the policies in this section, including the existing and future airspace protection surfaces depicted in **Map 2-4**.

AIRSPACE PROTECTION POLICIES

A1 **FAA Height Notification Surface:** Except as provided in **Policy A2b**, if a project contains proposed structures or other objects that would penetrate the FAA Height Notification Surface for ONT, the project proponent should submit notification of the proposal to the FAA, as required by the provisions of FAR Part 77, Subpart B, and by the California Public Utilities Code, Sections 21658 and 21659. The FAA will conduct an "aeronautical study" of the object(s) and determine whether the object(s) would be of a height that would constitute a hazard to air navigation. A copy of the completed FAR Part 77 notification form submitted to the FAA and the resulting FAA aeronautical study findings should be supplied to the local jurisdiction by the project proponent. The results of the FAA aeronautical study should be taken into account by the local agency when conducting compatibility reviews of the proposed project. A copy of the FAA notification form and online submittal procedures are provided in **Appendix B**. A requirement for submitting notice to the FAA does not necessarily result in a requirement that the proposed object also be reviewed under the ONT Inter-Agency Notification Process. Proposed objects are subject to the ONT process only as specified in Policy A2. The FAA notification requirements apply to the following:

A1a **Penetrations to the FAA Height Notification Surface*:*** With limited exceptions, the FAA requires notification for all objects which penetrate the

FAA Height Notification Surface, including structures, antennas, trees, mobile objects, and temporary objects such as construction cranes.

A1b **Structures in Excess of 200 feet:** The FAA requires that it be notified about any proposal to construct or alter a structure that would be taller than 200 feet above the ground level regardless of the structure's proximity to ONT or any other airport.

A1c **FAR Part 77 Notification:** FAA requires project proponents to submit notification of the proposal where required by the provisions of FAR Part 77, and by the California Public Utilities Code, Sections 21658 and 21659. See Appendix B for FAA notification requirements and online submittal process of Form 7460-1, *Notice of Proposed Construction or Alteration*.

A2 **Airspace Obstruction Surfaces:** Except as provided in **Policies A2a** and **A2b**, no object should have a height that would result in a penetration of the Airspace Obstruction Surface depicted for ONT in **Map 2-4**. Any object that penetrates the Airspace Obstruction Surface and is located outside of the High Terrain Zone should satisfy the conditions set forth in **Policy A2a**. These requirements apply to all objects including structures, antennas, trees, mobile objects, and temporary objects such as construction cranes.

A2a **Airspace Obstacle Criteria and Review Process:** Except as indicated in **Policy A2b**, a proposed object having a height that penetrates ONT's airspace obstruction surfaces is subject to the ONT Inter-Agency Notification Process and should be allowed only if all of the following apply:

- The FAA conducts an aeronautical study of the proposed object and determines that the object would not be a hazard to air navigation.
- FAA or other expert analysis conducted under the auspices of the Ontario International Airport Authority (OIAA), as the airport owner, concludes that, despite being an airspace obstruction, the object would not cause any of the following:
  - An increase in the ceiling or visibility minimums of the airport for an existing or planned instrument procedure (a planned procedure is one that is formally on file with the FAA);
  - A reduction of the established operational efficiency and capacity of the airport, such as by causing the usable length of the runway to be reduced; or
  - A conflict with the visual flight rules (VFR) airspace used for the airport traffic pattern or en route navigation to and from the airport.
- Marking and lighting of the object will be installed as directed by the FAA aeronautical study or the California Division of Aeronautics and in a manner consistent with FAA standards in effect at the time the construction is proposed (Advisory Circular 70/7460-1J, Obstruction Marking and Lighting, or any later guidance).
- An avigation easement is dedicated in accordance with **Policy SP1** to the OIAA as owner of the airport.

- ✈ The proposed project complies with all policies of this *Compatibility Plan* related to noise and safety compatibility.

A2b **High Terrain Zone Exception:** The High Terrain Zone is confined to portions of Upland, Ontario and Rancho Cucamonga (**Map 2-4**). A proposed structure of up to 70 feet in height (subject to local agency zoning limits) is exempt from the ONT Inter-Agency Notification Process, even if it penetrates the Part 77 airspace surfaces and thus constitute an airspace obstruction, as the object would be shielded by existing structures of a permanent and substantial character of equal or greater height. Submitting notice of the proposed project to the FAA for an airspace evaluation in accordance with FAR Part 77, Subpart B, is at the discretion of the project applicant. Dedication of an avigation easement is required in accordance with **Policy SP1**.

A3 **Flight Hazards:** Land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft in flight or taking off or landing at the airport should be prohibited within the AIA consistent with FAA rules and regulations. To resolve any uncertainties with regard to the significance of flight hazards, local agencies should consult with the FAA, California Division of Aeronautics, and/or ONT officials. Specific characteristics to be avoided include:

- ✈ Sources of glare (such as from mirrored or other highly reflective buildings or building features) or bright lights (including search lights and laser light displays).
- ✈ Distracting lights that could be mistaken for airport lights.
- ✈ Sources of dust, steam, or smoke that may impair pilots' vision.
- ✈ Sources of steam or other emissions that cause thermal plumes or other forms of unstable air.
- ✈ Sources of electrical interference with aircraft communications or navigation.
- ✈ Any proposed use that creates an increased attraction for wildlife and that is inconsistent with FAA rules and regulations including, but not limited to FAA Advisory Circulars 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports* and 150/5200-34A, *Construction or Establishment of Landfills near Public Airports*. Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight.

A4 **Avigation Easements:** In accordance with **Policy SP1**, the City of Ontario shall require dedication of an avigation easement as a condition of approval for proposed development that either penetrates the Airspace Obstruction Surfaces (see **Policy A2a**) or is situated within the High Terrain Zone (see **Policy A2b**) or Airspace Avigation Easement Area (see **Policy SP1**). Affected Agencies that have the authority over other lands elsewhere within these airspace protection areas are encouraged to establish a similar requirement for new development within their jurisdictions.

6.4 Overflight

Note: Overflight policies and criteria are informational for Riverside and Los Angeles Counties

6.4.1 Policy Objective: Noise from individual aircraft operations, especially by comparatively loud aircraft, can be intrusive and annoying in locations beyond the limits of the noise impacts addressed by the policies in Section 6.2. Sensitivity to aircraft overflights varies from one person to another. The purpose of overflight compatibility policies is to help notify people about the presence of overflights near airports so that they can make more informed decisions regarding acquisition or lease of property in the affected areas. Overflight compatibility is particularly important with regard to residential land uses.

6.4.2 Affected Local Agencies: The overflight zones for ONT affect the Cities of Chino, Fontana, Montclair, Ontario, Rancho Cucamonga, and Upland and unincorporated areas of San Bernardino County. Portions of the Cities of Claremont and Pomona in Los Angeles County and the unincorporated areas of Riverside County are also within the overflight zones. The overflight policies of this section apply only to the jurisdictions and other entities in San Bernardino County.

6.4.3 Factors Considered in Establishing Overflight Zones:

(a) **State Law:** State statutes (Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353) define an AIA as "the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission."

(b) **Measures of Overflight Exposure:** The loudness of individual aircraft noise events is a key determinant of where airport proximity and aircraft overflight notification is warranted. The FAA has determined that overflight exposure is not significant where aircraft are flying at an altitude of 3,000 feet or more above ground level. The boundary of the overflight area for ONT, as depicted on **Map 2-5**, is drawn to encompass locations where aircraft approaching and departing the airport typically fly at an altitude of 3,000 feet or less, together with locations underlying the airspace protection and height notification surfaces.

6.4.4 Factors Considered in Setting Overflight Compatibility Criteria: Factors include:

(a) **Limitations of Local Agency Authority over Existing Uses:** To be most effective, overflight policies should apply to transactions involving existing land uses, not just future development. However, local agencies have little authority to set requirements for existing development. The intent of this policy is to define, on an advisory basis, the boundaries within which required real estate transfer disclosure under state law is appropriate. Implementing the real estate transaction disclosure requirement is the responsibility of the property owner and real estate agent. The local agency is responsible only for providing a map to a property owner or real estate agent that defines the areas within which the real estate disclosure requirement should be applied.

(b) **Limitations of California Real Estate Transaction Disclosure Law:** State law applies to existing development, but not to all transactions. Specifically,

California state statutes (Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353) require that, as part of many residential real estate transactions, information be disclosed regarding whether the property is situated within an AIA. The Business and Professions Code applies the disclosure requirement to the sale or lease of newly subdivided lands and condominium conversions and to the sale of certain existing residential property. The Civil Code applies the disclosure requirement to existing residential property transfers only when certain natural conditions (earthquake, fire, or flood hazards) warrant disclosure.

(c) **Need for Continuity of Notification to Future Property Owners and Tenants:** To the extent that this *Compatibility Plan* sets notification requirements for new development, the policy should ensure that the notification runs with the land and is provided to prospective future owners and tenants. These types of notifications are described in **Policy SP1**, Avigation Easements and **Policy O1**, Recorded Overflight Notification.

(d) **Inappropriateness of Avigation Easement Dedication Solely for Buyer Awareness Purposes:** Avigation easements involve conveyance of property rights from the property owner to the party owning the easement and are thus best suited to locations where land use restrictions for noise, safety, or airspace protection purposes are necessary. While avigation easements also provide a form of buyer awareness, property rights conveyance is not needed solely for buyer awareness purposes.

6.4.5 **Overflight Notification Zones for ONT:** The boundaries of the overflight notification zones around ONT are shown on **Map 2-5** and include:

(a) **Avigation Easement Dedication:** The boundary identifies the high-risk, noise-impacted, and critical airspace protection areas of ONT. Although not strictly an overflight notification boundary, the Avigation Easement Dedication boundary is established in accordance with **Policy SP1** and reflected on the **Map 2-5**.

(b) **Recorded Overflight Notification:** The boundary identifies the primary overflight area for the airport. The policy boundary matches the CNEL 60 dB noise impact zone depicted on **Map 2-3**. The Recorded Overflight Notification boundary encompasses the traffic pattern areas where aircraft typically fly at altitudes of less than 2,500 feet above ground level.

(c) **Real Estate Transaction Disclosure:** The boundary, which reflects the ONT AIA, encompasses areas underlying the common aircraft traffic patterns where aircraft are typically flying at altitudes of 3,000 feet or less. The AIA also includes the areas underlying the Height Notification Surface and Airspace Obstruction Surfaces defined for ONT in **Map 2-5**. The policy boundary follows roads and government boundary lines where practical.

6.4.6 **Overflight Policies:** Unlike the function of the noise, safety, and airspace protection compatibility policies in this *Compatibility Plan*, the overflight compatibility policies set forth in this section do not restrict the manner in which land can be developed or used. The policies in this section serve only to establish the language and recommended geographic coverage for notification about airport proximity and

aircraft overflights to be given in conjunction with local agency approval of new development and with certain real estate transactions involving existing development.

OVERFLIGHT POLICIES

O1 **Recorded Overflight Notification:** The City of Ontario shall require the recording of an overflight notification running with the land as a condition for approval of new residential development that falls within CNEL 60 dB noise contour, as depicted in **Map 2-5.** Affected Agencies having authority over other lands elsewhere within this noise contour are encouraged to establish a similar requirement. Other conditions include:

O1a **Notification Language:** The overflight notification should contain language dictated by state law with regard to real estate transaction disclosure (see **Policy O2a**) and should be formatted similar to the example shown in Appendix E.

O1b **Property Deed Recording:** The overflight notification should be evident to future purchasers of the property by appearing on the property deed.

O1c **Avigation Easement Exception:** A separate recorded overflight notification is not required where an avigation easement is provided in accordance with **Policy SP1**.

O1d **Nonresidential Exception:** Recording of an overflight notification is not required for nonresidential development unless the project is a mixed-use development containing residential uses on the same property.

O2 **Real Estate Transaction Disclosure:** Airport proximity disclosure information should be provided in accordance with state law (Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353. See Section 6.4.4 (b) and Appendix A for information on these laws.

O2a **Disclosure Language:** State Law provides the following disclosure language:

> NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

O2b **Airport Influence Area:** Consistent with state law, as the entity authorized to prepare the *Compatibility Plan* for ONT, the City of Ontario in coordination with other affected jurisdictions deems airport proximity disclosure to be appropriate within the AIA identified on **Maps 2-1** through **2-5**. The AIA boundary is identical on each map.

O2c **Responsibility of Local Jurisdictions:** Local jurisdictions should make available to property owners and the public a copy of **Map 2-5: Overflight Zones** depicting the AIA boundary in which the airport proximity disclosure is required.

6.5 Special Compatibility

6.5.1 **Special Compatibility Policies:** These policies are intended to address unique land use concerns.

SPECIAL COMPATIBILITY POLICIES

SP1 **Avigation Easement Dedication:** An avigation easement should be dedicated to the owner/operator of ONT for new development as specified in **Policies SP1a** and **SP1b**. An example of an avigation easement is provided in Appendix E.

SP1a **Avigation Easement Dedication Requirements:** Within portions of the AIA inside the City of Ontario, avigation easement dedication shall be required for new development requiring discretionary as described below. Affected Agencies having authority over comparable affected portions of the AIA are encouraged to establish similar requirements. However, an avigation easement dedication is not considered necessary for ministerial actions as defined by each jurisdiction. **Map 2-5**, depicts the locations where an avigation easement dedication would be appropriate.

- ✈ *Safety Zones:* All new development within Safety Zones 1 through 5 as depicted on **Map 2-2**. (Safety zones contained solely within the City of Ontario)
- ✈ *Noise Impact Zones:* Development of new noise-sensitive land uses within the CNEL 65 dB noise contour depicted on **Map 2-3**. Noise sensitive land uses include residential, schools(public and private), places of worship, hospitals and convalescent homes. (The projected CNEL 65 dB noise contour extends into portions of the Ontario, Fontana and unincorporated portions of San Bernardino County.)
- ✈ *Airspace Protection Zones:* All new development in locations beneath the critical portions of the approach and transitional surfaces to where these surfaces intersect with the horizontal surface. (Located solely within the City of Ontario, see Airspace Avigation Easement Area on **Map 2-4**.)
- ✈ *High Terrain Zone:* All new development within the High Terrain Zone as depicted in **Map 2-5**. (Applies to portions of the City of Ontario, Upland and Rancho Cucamonga.

SP1b **Avigation Easement Purpose:** The avigation easement should do the following:

- ✈ *Right of Flight:* Provide the right of flight in the airspace above the property.

- ✈ *Noise Impacts:* Allow the generation of noise and other impacts associated with aircraft overflight.
- ✈ *Physical Hazards:* Restrict the height of structures, trees and other objects in accordance with the policies in Section 6.3 and the airspace protection surfaces depicted on **Map 2-4**.
- ✈ *Obstruction Marking:* Permit access to the property, with appropriate advance notice, for the removal or aeronautical marking of objects exceeding the established height limit.
- ✈ *Other Airspace Hazards:* Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.

SP2 **Development by Right:** Other than in Safety Zones 1 and 5 and within the projected CNEL 70 dB contour of the airport, nothing in these policies prohibits the types of development specified in **Policies SP2a, SP2b,** and **SP2c**.

SP2a **Residential Uses:** Construction of a single-family detached home, including a second unit as defined by state law, on a legal lot of record as of the date of adoption of this *Compatibility Plan* is acceptable if such use is permitted by local land use regulations.

SP2b **Existing Uses:** Construction of other types of uses is permitted if local agency approvals qualify the development as an existing land use (see Section 1.3.2 for definition of an existing land use). In accordance with **Policies N4**, sound attenuation should be required.

SP2c **Lot Line Adjustments:** Lot line adjustments are permitted provided that new developable parcels would not be created and the resulting density or intensity of the affected property would not exceed the applicable criteria indicated in the **Table 2-2: Safety Criteria** and **Table 2-3: Noise Criteria**.

SP3 **Infill:** Within the AIA, infill development of nonconforming land uses should be allowed to occur provided that the following conditions and restrictions are met:

SP3a **Safety Zone 1 Restriction:** No type of infill development should be permitted in Safety Zone 1 (the runway protection zones and within the runway primary surface).

SP3b **Safety Zones 1, 2 and 5 Residential Restriction:** Residential infill development should not be permitted within Safety Zones 1, 2, and 5. See **Policy S1** for exceptions.

SP3c **Safety Zone 3 and 4 Density Residential Restriction:** For infill residential development in Safety Zones 3 and 4, the average development density (dwelling units per acre) of the site should not exceed the median density represented by all existing residential lots that lie fully or partially within a distance of 1,000 feet from the boundary of the defined infill area.

SP3d **Nonresidential Development :** For nonresidential infill development, the average sitewide usage intensity (the number of people per acre) of the site's proposed use should not exceed the lesser of the two intensity results (See **Exhibit 2G** for example) :

- ✈ Option 1: The median intensity of all existing nonresidential uses that lie fully or partially within a distance of 1,000 feet from the boundary of the defined infill area; or
- ✈ Option 2: Double the intensity permitted in accordance with the criteria for that location as indicated in **Table 2-2: Safety Criteria**.

SP3e **Residential Noise Restriction:** Residential infill development should not be allowed in areas exposed to exterior noise levels equal to or greater than CNEL 70 dB.

SP3f **Other Applicable Policies for Infill Development:** The single-acre intensity limits described in **Policy S2** and listed in **Table 2-2: Safety Criteria** are applicable to infill development. Also, the sound attenuation and avigation easement dedication requirements set by **Policies N4** and **SP1**, respectively, should apply to infill development.

Exhibit 2G

Nonresidential Infill Calculation Examples

Example 1:

Option 1: Median intensity of existing nonresidential uses = 150 people per acre

Option 2: Double the intensity permitted in Zone 3 = 100 x 2 = 200 people per acre

* The intensity limit for the proposed development is 150 people per acre (the lesser of the two results)

Example 2:

Option 1: Median intensity of existing nonresidential uses = 225 people per acre

Option 2: Double the intensity permitted in Zone 3 = 100 x 2 = 200 people per acre

* The intensity limit for the proposed development is 200 people per acre (the lesser of the two results)

SP4 **Nonconforming Uses:** The policies within this *Compatibility Plan* do not apply to existing land uses even if those uses are not in conformance with the compatibility criteria set forth in this *Compatibility Plan*. Local jurisdictions have limited ability to cause reduction or removal of incompatible land uses from the AIA. However, proposed changes to existing uses that would change or result in increased nonconformity with the compatibility criteria are subject to the provisions of this chapter and the requirements of the Alternative Process set forth in Section 2 of this *Compatibility Plan*. Specifically, proposed changes to existing nonconforming uses (including a parcel or building) are limited as follows:

SP4a **Residential uses:** A nonconforming residential land use may be continued, sold, leased, or rented without restriction or review.

SP4b **Nonconforming Single-family:** A nonconforming single-family dwelling may be maintained, remodeled, reconstructed (see **Policy SP5a**) or expanded in size. The lot line of an existing single-family residential parcel may be adjusted. Also, a new single-family residence may be constructed on an existing lot in accordance with **Policy SP2**. The above noted property improvements may occur if improvements do not increase the number of units and lot line adjustments do not result in allowing for additional dwelling units. Examples include:

- ✈ Any remodeling, reconstruction, or expansion must not increase the number of dwelling units. For example, a bedroom could be added to an existing residence, but an additional dwelling unit could not be built on the parcel unless that unit is a secondary dwelling unit as defined by state and local laws.
- ✈ A single-family residential parcel may not be divided for the purpose of allowing additional dwellings to be constructed.

SP4c **Nonconforming Multi-family (> 8 du/ac):** Nonconforming multi-family residential dwelling units may be maintained, remodeled, or reconstructed (see **Policy SP5a**). The size of individual dwelling units may be increased, but additional dwelling units may not be added. The sound attenuation and avigation easement dedication requirements set by **Policies N4** and **SP1**, respectively, apply.

SP4d **Nonresidential uses:** A nonconforming, nonresidential use may be continued, sold, leased, or rented without restriction or review. Nonconforming, nonresidential facilities may be maintained, altered, or, if required by state law, reconstructed (see **Policy SP5**). However, any such work:

- ✈ Should not result in expansion of either the portion of the site devoted to the nonconforming use or the floor area of the buildings; and
- ✈ Should not result in an increase in the usage intensity (the number of people per acre) above the levels existing at the time of approval of this *Compatibility Plan* by California Division of Aeronautics.

SP4e **Schools:** Children's schools (including grades K-12, day care centers with more than 14 children, and school libraries) may be continued, reconstructed (see **Policy SP5**), expanded with the following restrictions per State Law:

- ✈ Land acquisition for new schools or expansion of existing schools is not permitted within the CNEL 65 dB contour as depicted in Map 2-3. Land acquisition for new schools or expansion of existing schools is not permitted in any safety zone (see Map 2-4).
- ✈ Replacement or expansion of buildings at existing schools is also not allowed in any safety zone, except that in Safety Zone 4 an expansion that accommodates no more than 50 students is allowed. This limitation does not preclude work required for normal maintenance or repair.

SP4f **Other Applicable Policies for Nonconforming Development:** As a condition of local agency approval, a proposed modification of an existing nonconforming development is subject to the sound attenuation and avigation easement dedication requirements set by **Policies N4** and **SP1**, respectively.

SP5 **Reconstruction of Nonconforming Uses:** An existing nonconforming building, structure, or use that has been partially or completely destroyed as the result of a fire, flood or natural disaster may be rebuilt under the conditions listed in **Policies SP5a** through **SP5c** so long as it does not violate local ordinances. The requirements listed in this policy do not restrict normal maintenance and repairs as defined by the local jurisdiction.

SP5a **Residential:** Nonconforming residential uses may be rebuilt provided that the reconstruction does not result in more dwelling units than existed on the parcel at the time of the damage. Addition of a secondary dwelling unit to a single-family residence is permitted if in accordance with state law and local zoning regulations.

SP5b **Nonresidential:** A nonconforming nonresidential development may be rebuilt provided that the reconstruction does not increase the floor area of the previous structure or result in an increased intensity of use (i.e., more people per acre).

SP5c **Reconstruction Requirements:** The reconstruction of nonconforming uses listed in **Policies SP5a** and **SP5b** should comply with the following requirements:

- A permit to rebuild the structure should be obtained by the local agency within twenty-four (24) months of the date the damage occurred.
- New structures should incorporate sound attenuation features consistent with **Policy N4** and California Noise Standards.
- The property should be required to dedicate an avigation easement to the Ontario International Airport Authority (OIAA) as the airport proprietor, if required under **Policy SP1**.
- The new structure should comply with FAR Part 77, TERPS, and applicable airport obstruction clearance standards published by the FAA.

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