

County of Los Angeles



Regional Planning Commission Airport Land Use Commission

Commissioners

Curt Pedersen, *Chair*
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Esther L. Valadez
Harold V. Helsley
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February 29, 2012

Kimberly Christensen, AICP, Planning Manager
City of El Segundo
Planning and Building Safety Department
350 Main Street
El Segundo, CA 90245-3813

Dear Ms. Christensen,

**SUBJECT: AIRPORT LAND USE COMMISSION ACTION OF FEBRUARY 22, 2012
AVIATION CASE NO. 201100002-(4)
540 EAST IMPERIAL AVENUE SPECIFIC PLAN PROJECT**

At their February 22, 2012 public hearing, the County of Los Angeles Airport Land Use Commission reviewed the 540 East Imperial Avenue Specific Plan for consistency with the policies of the Los Angeles County Airport Land Use Plan (ALUP). After considering testimony and discussion, the commission voted to find the project consistent with the ALUP subject to the attached conditions.

If you have any questions, please contact David McDonald at (213) 974-6425, or email at dmcDonald@planning.lacounty.gov, Monday through Thursday from 7:00 a.m. to 6:00 p.m. Our offices are closed on Fridays.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carmen Sainz', written over a light blue horizontal line.

Carmen Sainz
Supervising Regional Planner

CS:dm

Attachment: Findings, Conditions and Order of the Airport Land Use Commission, County of Los Angeles

c: California Department of Transportation, Division of Aeronautics
El Segundo Unified School District (Geoff Yantz)
Mar Ventures (Bill Misori)

Richard J. Bruckner
Director
Dept. of Regional Planning

Rosie Ruiz
Secretary to the Commission

**FINDINGS, CONDITIONS AND ORDER OF THE AIRPORT LAND USE COMMISSION
COUNTY OF LOS ANGELES****AVIATION CASE NO. 201100002-(4)****COMMISSION HEARING DATE: February 22, 2012****SYNOPSIS:**

The proposed project consists of a general plan amendment, a specific plan, zone change, zone text amendment, two vesting tentative tract maps, and a development agreement which allow for the redevelopment of a 5.65-acre former school site located at 540 East Imperial Highway in the City of El Segundo. The project known as 540 East Imperial Specific Plan would result in the demolition of the former Imperial Avenue Elementary School and the development of one of two conceptual options. Option 1 would include a maximum of 150 assisted/independent living units along Imperial Avenue, 150 senior apartments/townhomes in the center of the site and a separate four-unit townhome development at the southern end of the project site. This option would create seven legal lots on the site.

Option 2 would include a residential development with a mix of 24 single-family dwelling units and 34 multiple-family units on private streets. The multiple-family units would front East Imperial Avenue on the northern portion of the project site. The single-family residences would be located on the southern portion of the project site. This option would create 31 lots. Both the single-family and multiple-family residential developments would have common areas and landscaped open space area.

Airport Land Use Commission (ALUC) review of this project is necessary because the project site is located within the planning boundary established for Los Angeles International Airport (LAX). The project site is entirely within the 65dB CNEL noise contour portion of the planning boundary. ALUC review is also necessary because a specific plan, general plan amendment, zone change, and other discretionary actions are needed for project approval. The project therefore must be reviewed for consistency with the policies of the adopted Los Angeles County Airport Land Use Plan (ALUP).

PROCEEDINGS BEFORE THE AIRPORT LAND USE COMMISSIONFebruary 22, 2012 Public Hearing

Staff made a presentation on the key elements of the project and the relevant Los Angeles County Airport Land Use Plan (ALUP) consistency issues. Kimberly Christensen, City of El Segundo Planning Manager, then made a presentation on the project to the Commission. No public testifiers attended the hearing. After discussion regarding the aviation easement, the noise implications of Option 1 versus Option 2 and the limited scope of the ALUC to noise and safety issues, the ALUC determined that the project is consistent with the Airport Land Use Plan and directed staff to add on additional finding and two conditions of approval. The finding is to enter into the record a preference for Option 1 due to it being more likely to achieve sound reduction in a more

controlled environment with windows likely to be closed and fewer children present. The conditions requested are regarding the aviation easements and include inserting requirements that before any new parcels are created on the site, new aviation easements for each parcel be established, that there is a process established to notify and give the ALUC approval of the language in the aviation easements, and that the notification language include references to the possibility that over time noise contours can change and airport noise can increase. The Commission then closed the public hearing and instructed staff to finalize the documents for a finding of consistency.

FINDINGS:

1. The State Aeronautics Act Section 21670, et seq. of the California Public Utilities Code (PUC) requires every county in which there is an airport served by a scheduled airline to establish an airport land use commission.
2. Pursuant to Section 21670.2 of the PUC, the Los Angeles County Regional Planning Commission has the responsibility for acting as the Airport Land Use Commission for Los Angeles County.
3. In 1991 the Los Angeles County ALUC adopted the Los Angeles County Airport Land Use Plan (ALUP) that sets forth policies, maps with planning boundaries, and criteria for promoting compatibility between airports and the land uses that surround them.
4. The ALUP contains policies and criteria to minimize the public's exposure to excessive noise and safety hazards.
5. Los Angeles International Airport (LAX) is one of fourteen public use airports in the County whose land use compatibility policies and programs are contained within the adopted ALUP.
6. Pursuant to Section 21674(d), 21676(b), 21672(c), 21661.5, 21664.5(a), and 21664.5(b) of the PUC, the County ALUC has the responsibility to review specific plans, general plan amendments, zoning ordinances, and related development proposals within the established airport influence area for consistency with the adopted ALUP, before final action is taken by the local agency.
7. The site for the proposed project, known as 540 East Imperial Avenue Specific Plan, is located within the Airport Influence Area established for LAX. The project site is located within the 65dB CNEL noise contour portion of the Airport Influence Area.
8. The project site is located within the City of El Segundo on East Imperial Avenue and is approximately 792 feet south of the airport property boundary of LAX. The project site is bounded by the rear of the parcels on the east side of Sheldon Avenue to the west, Walnut Street and the rear of the parcels on the

north side of Walnut Street to the south, the rear of the parcels on the west side of McCarthy Court to the east, and Imperial Avenue to the north.

9. The proposed project would result in the demolition of eight (8) existing school buildings, a surface parking lot, a playfield including a baseball diamond and the development of one of two conceptual options. Option 1 consists of a 150 unit assisted/independent living facility, a 150 unit senior apartment development and four townhomes for a total of 304 units and a maximum of 175,000 square feet of developed space. Option 2 consists of 34 townhome units and 24 single-family homes for a total of 58 residential units.
10. To approve this project, the City of El Segundo must certify the Final Environmental Impact Report and approve Specific Plan No. 10-03, General Plan Amendment No. 10-3, Zone Change No. 10-01, Zone Text Amendment No. 10-06, Vesting Tentative Tract Map No. 71410 for Option 1 and Vesting Tentative Tract Map No. 71582 for Option 2, and Development Agreement No. 10-02.
11. Specific Plan No. 10-03 will add the 540 East Imperial Avenue Specific Plan designation to the zoning code which will establish permitted uses and development standards for the project site.
12. General Plan Amendment No. 10-03 will change the Land Use Category from Planned Residential Development (maximum of 65 residential units on the project site) to 540 East Imperial Avenue Specific Plan (maximum of 304 residential units on the project site).
13. Zone Change No. 10-01 will change the zoning designation of the project site from Planned Residential Development to 540 East Imperial Avenue Specific Plan.
14. Zone Text Amendment No. 10-06 will delete the Planned Residential Development Zone from the El Segundo Municipal Code (ESMC) and add 540 East Imperial Avenue Specific Plan to the ESMC and delete ESMC Chapter 15-4D (Planned Residential Development) in its entirety.
15. Vesting Tentative Tract Map No. 71410 for Option 1 will create seven lots. Lot 1 will accommodate a four unit townhome building. Lot 2 will accommodate a 150 unit senior apartment development consisting of nine (9) buildings, pool and open space areas, the parking area for the apartments, a fountain and guest parking for the assisted/independent living portion of the site. Lots 3 through 7 accommodate the 150 unit assisted/independent living development consisting of ten (10) buildings, a small area of parking and pool area.
16. Vesting Tract Map No. 71582 for Option 2 will create 31 lots. Lots 1 through 24 will range from 5,032 to 7,225 square feet and accommodate 24 single family homes. A private street will have an entrance on Walnut Avenue and serve all 24 homes. Lots 25 through 31 will accommodate 34 townhomes consisting 6 buildings and driveways and parking areas with a driveway entrance on Imperial

Avenue.

17. Development Agreement No. 10-02 is an agreement between the El Segundo Unified School District, the owner of the project site, and the City of El Segundo. The provisions therein outline all of the definitions, liabilities and all conditions of development that apply to the project site. Approval of the Development Agreement is necessary to define the legal parameters, party responsibilities, required infrastructure improvements and development standards for the project site to be developed with one of the approved options.
18. Pursuant to the Airport Noise Standards (California Code of Regulations, Title 21, Chapter 6, Section 5000 et seq.), the County of Los Angeles declared LAX to be a noise problem airport. The Airport Noise Standards require noise problem airports to reduce the size of its Noise Impact Area (NIA), which is the area within the airport's 65 dB CNEL contour that is composed of incompatible land uses.
19. The project site is located within the 65 dB CNEL noise contour as depicted in the 2009 LAX 4th Noise Standards Quarterly Report.
20. New residential units within LAX's 65 dB CNEL aircraft noise contour will increase the NIA unless an aviation easement for aircraft noise has been acquired by the airport proprietor.
21. The El Segundo Unified School District (ESUSD) granted the City of Los Angeles as owner and operator of the Los Angeles International Airport an aviation easement for noise, vibrations and fumes over the proposed project site. Mitigation Measure 4.3-6 in the Draft EIR requires that the ESUSD make as a condition of sale of the project site, that the future owner express acknowledgement and confirmation of the continuing applicability of the existing aviation easement for noise, vibrations, and fumes over the project site property.
22. Section 5.1 of the Development Agreement requires that the future developer of the project site comply with the Development Agreement and the Project Approvals including, without limitation, all mitigation measures and all Future Approvals for the project site.
23. The land use proposed for the site (a combination of single-family and multi-family residential uses) by both Option 1 and Option 2 are consistent with ALUP Policy G-1, which requires new uses to adhere to the Land Use Compatibility Table. The Land Use Compatibility Table provides that new residential uses in the 65 dB CNEL use caution and review sound insulation needs. Mitigation Measure 4.3-5 in the Draft EIR requires that all residential units on the project site be designed and constructed to ensure that interior noise levels not exceed 45 dB CNEL.
24. The project is consistent with ALUP Policy G-2, which requires recycling of

- incompatible land uses to uses which are compatible with the ALUP, pursuant to the Land Use Compatibility Table. The Land Use Compatibility Table lists new residential uses in the 65 dB CNEL as compatible provided sound insulation needs are reviewed, and lists educational facilities as not compatible. The project proposes replacing the vacant school buildings with residential structures that are designed and constructed to achieve an interior noise level of 45 dB or less.
25. The project is consistent with ALUP Policy G-3, which requires that aviation easements be considered as a condition of approval on any project within the designated planning boundaries. The El Segundo Unified School District as land owner of the project site granted the City of Los Angeles as owner and operator of Los Angeles International Airport an aviation easement for noise, vibrations and fumes over the project site.
 26. Policy G-4 of the ALUP prohibits projects that would affect safe air navigation into the airport. The project does not include devices or structures that would negatively affect safe air navigation and is therefore consistent with ALUP Policy G-4.
 27. The project is consistent with Policy N-1, which requires that the CNEL method for measuring noise impacts near airports be used in determining suitability for various types of land uses. The project used the CNEL method to determine that the proposed uses are compatible.
 28. The project is consistent with Policy N-2, which requires that sound insulation insure a maximum interior 45 dB in new residential, educational, and health-related uses in areas subject to exterior noise levels of 65 dB CNEL or greater. Mitigation Measure 4.3-5 in the Draft EIR requires that all residential units on the project site be designed and constructed to ensure that interior noise levels do not exceed 45 dB CNEL.
 29. The project is consistent with ALUP Policy N-3 which requires that new development within the ALUC's planning boundary adhere to the Table Listing Land Use Compatibility for Airport Noise Environments. The Table provides that new residential uses in the 65 dB CNEL use caution and review sound insulation needs. Mitigation Measure 4.3-5 in the Draft EIR requires that all residential units on the project site be designed and constructed to ensure that interior noise levels not exceed 45 dB CNEL.
 30. The project is consistent with ALUP Policy N-4, which encourages local agencies to adopt procedures to ensure that prospective property owners in aircraft noise exposure areas above a current or anticipated 60 dB CNEL are informed of these noise levels and of any land use restrictions associated with high noise exposure. Mitigation Measure 4.3-7 in the Draft EIR requires that each prospective buyer and renter of residential property within the project be notified of the development's vicinity to LAX and the potential impacts. Mitigation Measure 4.3-

7 further states that the aviation easement granted to the City of Los Angeles as operators of LAX by the property owner, the El Segundo Unified School District, be kept in force by subsequent owners who must inform all buyers and tenants of the project site's location within an airport noise area.

31. The project site is located outside the runway protection zones (RPZ) established for LAX and is consequently not subject to ALUP Safety Polices S-1 through S-4, which relate to the RPZ.
32. The project is consistent with ALUP Policy S-5, which prohibits uses which would attract large concentrations of birds, emit smoke, or which may otherwise affect safe air navigation. The project does not propose uses which would attract large concentrations of birds.
33. The project is consistent with Policy S-6, which prohibits uses which would generate interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation. The project does not propose uses which would generate electrical interference.
34. The project is consistent with ALUP Policy S-7 which requires that projects comply with the height restriction standards of the FAA through FAR Part 77. The Specific Plan establishes a maximum height of 45 feet for the project site, including mechanical equipment, which is less than the 200-foot threshold established by the FAA; however, the project site is located approximately 792 feet from the southern runway at LAX and would therefore be required to submit Form 7460-1 if implementation of the proposed project results in the construction of buildings that exceed 7.9 feet in height. The proposed project would result in the construction of buildings approximately 35 and 45 feet in height respectively for Option 1 and Option 2, thereby exceeding the 7.9-foot height threshold. Mitigation Measure HAZ-3 would ensure that the developer submits Form 7460-1 (Notice of Proposed Construction or Alternation) to the FAA.
35. A Draft Environmental Impact Report (EIR) was prepared for the project by the City of El Segundo. The Los Angeles County Airport Land Use Commission has considered the environmental effects of the project as shown in the Draft EIR.
36. After hearing the testimony in this case, for the record, the ALUC prefers to have development Option 1 implemented due to the fact that the sound insulation measures incorporated into the project design to mitigate airport noise to 45dB will be more effective incorporated in the multi-family structures whose residents are more apt to keep windows and doors shut than in a development with single family homes whose residents are more likely to open windows and have children who will use the private yards of the single family homes in Option 2.

CONDITIONS:

1. Avigation easements must be established for each new parcel created by the

540 East Imperial Avenue Specific Plan and no vesting tract map or building permit will be issued until the aviation easements are in place. The aviation easements must run with the deed and title of the land and be transferred to every successive property owner.

2. The Los Angeles County Regional Planning Department acting as the Airport Land Use Commission be informed of and have approval over the nature and scope of the aviation easements for the new parcels created by the Specific Plan.
3. The notice of airport in vicinity that is referenced in EIR Mitigation Measure 4.3-7 shall also specify in plain and explicit language the property is located in the airport influence area of Los Angeles International Airport and by residing in this location, residents will be subject to exterior noise levels of 65dB and above as well as vibrations and fumes due to the sites proximity to the airport.

BASED ON THE FOREGOING, THE AIRPORT LAND USE COMMISSION DETERMINES: In view of the findings of fact and conclusions presented above, that the project presented in Aviation Case No. 201100002-(4) is CONSISTENT with the Los Angeles County Airport Land Use Plan.

VOTE: 4-0

Dissenting:

Abstaining:

Absent: 1

Action Date: 02/22/12