



U.S Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Los Angeles Airports District Office

Federal Aviation Administration
P O. Box 92007
Los Angeles, CA 90009-2007

December 24, 2008

Mr. Richard Ayala
The City of Ontario
Planning Department
303 East "B" Street
Ontario, CA 91764



Guasti Plaza Specific Plan Amendment (PSPA 08-006)

Dear Mr. Ayala:

I am in receipt of your Notice of Preparation for an amendment to the Guasti Plaza project to allow residential development within the Specific Plan area. A maximum of 500 dwelling units would be allowed in Planning Areas 2 and 3, which consists of approximately 13 acres at the eastern and southeastern section of the Specific Plan area. The density will range from 45-60 units per acre. The majority of the housing units will include studio, one-bedroom and two-bedroom units ranging in size from 700 to 1000 square feet. The residential structures will vary in height, from three to five stories. Based on the map provided, the project area appears to be in the vicinity of the LA/Ontario International Airport.

It is necessary under Part 77 of the Federal Aviation Regulations to notify the Federal Aviation Administration (FAA) of any proposal which would exceed certain elevations with respect to the ground and neighboring airports.

CFR Title 14 Part 77.13 states that any person/organization who intends to sponsor any of the following construction or alterations must notify the Administrator of the FAA:

- any construction or alteration exceeding 200 ft above ground level
- any construction or alteration:
 - within 20,000 ft of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with at least one runway more than 3,200 ft
 - within 10,000 ft of a public use or military airport which exceeds a 50:1 surface from any point on the runway of each airport with its longest runway no more than 3,200 ft
 - within 5,000 ft of a public use heliport which exceeds a 25:1 surface

- any highway, railroad or other traverse way whose prescribed adjusted height would exceed that above noted standards when requested by the FAA
- any construction or alteration located on a public use airport or heliport regardless of height or location.

To fulfill this requirement, it is necessary to complete and return a copy of the Form 7460-1, Notice of Proposed Construction or Alteration. This form is found on the web at: <http://forms.faa.gov/forms/7460-1.pdf>. Once completed please forward the 7460-1, and any related plans for obstruction evaluation to:

Federal Aviation Administration
Southwest Regional Office
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-4298

Or coordinate with FAA's Western-Pacific Region System Obstruction Specialist Karen McDonald to address any potential air space obstruction issues. Ms. McDonald may be contacted at 310-725-6557 or karen.mcdonald@faa.gov.

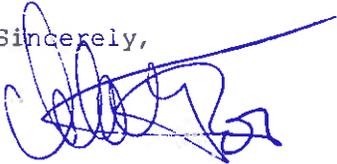
Additionally, the FAA has the following comments:

- The FAA must object to a residential development project that would place homes so close to the airport.
- The drawings provided in the NOC do not portray the airport or airport runway layout in proximity to the proposed development other than a reference in the General Aviation section.
- The residential development is located approximately three-quarter of a mile north of ONT with the proposed development lying adjacent to the approach and departure pattern of Runways 8L/26R.
- The presence of residential units in proximity to and from the airport will in all likelihood generate complaints from homeowners as well as engender hostility towards the airport
- The FAA recommends that the City choose zoning criteria for the property other than residential use will be compatible with the airport
- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project
- The presence of residential units in close proximity to and adjacent to the approach and departure of the airport will in all likelihood generate noise complaints from homeowners for which the City must contend with. Additionally, with airport growth there is potential for noise levels to exceed the 65 dB CNEL level at the project site.
- The City should be aware that residential neighborhoods affected by airport noise might create additional cost for the City associated with noise abatement measures that are adopted to mitigate noise created by close proximity to the airport.

- Real estate disclosures should be developed advising homebuyers there's an airport that operates on a 24-hour basis next to the home that will have aircraft causing noise on the airport, during approach and departure and in the airspace above the home.
- The homeowner should be made to sign a covenant pledging not to litigate because the home is in an airport noise impact area.
- The building code should require that the homes be built with noise insulation, acoustically treated windows, doors, and central heating and air conditioning.
- The deed conveying the property should contain an aviation easement granting a right to make noise and exhaust in the airspace of the homes.
- Be aware that mitigation measures will not eliminate noise. Homeowners will still be exposed to noise because aircraft will continue to cause noise in the airspace above the homes. Furthermore, sensitivity to noise is an individual matter. Some people are more sensitive to noise than others. Therefore, all the sound attenuation in the world will not eliminate the potential annoyance that individuals experience from noise.

If you have any questions regarding this matter, please feel free to give me a call at (310) 725-3637.

Sincerely,



Victor Globa
Environmental Protection Specialist