

MINUTES
ALAMEDA COUNTY AIRPORT LAND USE COMMISSION
Wednesday, January 19, 2011
Minutes Approved as amended March 2, 2011

The meeting was called to order at 3:20 p.m.

1. Roll Call

Commissioners Present:

Leander Hauri
Max Morris
John Marchand
L.B. "Woody" Pereira
Olden Henson
Red Wetherill (Alternate for Dave Needle)

Commissioners Absent:

David Needle
Deborah Ale Flint
Kristi McKenney

Guests Present:

Douglas Roth
Jeff Goodwin, Bar Architects
Levon Nishkian
Bill Batchelor, Tri-Valley Learning Corporation
Kate Culley-Repata, BAR Architects
John Hone, Colliers

Staff Present:

Cindy Horvath
William Fleishacker, County Counsel
Nilma Singh

2. Approval of Minutes of December 15, 2010 ALUC Meeting

Commissioner Hauri and Commissioner Marchand both abstained from the approval of September 23, 2010 Minutes. Commissioner Hauri moved to approve September 23th Minutes and Commissioner Morris seconded. Motion passed.

Approval of December 15th Minutes was continued.

3. Open Forum – *Open Forum is provided for any member of the public wishing to speak on any item not listed on the agenda. Each speaker is limited to three minutes.*

Andy Wilson, 31438 Greenbrier Lane, Hayward, Director, CalPilots Association, expressed his following concerns: Russell City Energy Center – appears to be under construction although litigation continues with pending lawsuits; and, Mariposa Energy Power Plant which is in the approach area for the Byron Airport (located in Contra Costa County) -- an unusual situation because part of the approach is in both Contra Costa and Alameda Counties. Since the power plant exceeds 15 mega watts, the lead agency is the California Energy Commission and Cal Pilots is an intervener. As such, there should be some incorporation and addressing of that airport in the Plan. Mr. Wilson recommended that an inclusion be considered in the future.

4. Livermore Valley Charter Schools/Tri-Valley Learning Corporation Preschool – 12 School Site Referral – *This Project is continued from the December 15, 2010 ALUC*

meeting. The applicant will provide information on compliance with the conditions stated in Resolution 01-2010. Action Item.

Ms. Horvath presented the staff report and introduced William Fleishacker, County Counsel.

Commissioner Hauri stated that he had visited the site last week, thanked the applicant for providing background information requested at the last meeting and identifying improvements; County Counsel's review; and indicated that the building improvements would be City staff's responsibility.

Commissioner Henson apologized for his absence at the last meeting. However, he has read all the information and asked if this matter should not have come to the Commission and/or if the Commission should be making a decision. County Counsel replied that although a referral to this Commission is legally not required, a recommendation can be submitted. Noting that the school is a sensitive receptor within the boundaries of an airport study area, with emissions and other related issues/impacts, Commissioner Henson noted the lack of any such discussions in the staff report. Staff pointed out page 3 adding that although limited to the 1986 Plan, the applicant could implement improvements recommended in the updated plan; and, if appropriate, the Commission can make a recommendation based on the updated information. Commissioner Henson further discussed the issue of compatibility and buffers for any type of impacts on the school. He suggested submitting a statement of over-riding considerations to the City. Commissioner Hauri agreed. Staff explained that the draft resolution language can be modified to reflect this.

Doug Roth, Development Management Associates, introduced Bill Batchelor representing the charter school; Levon Nishkian, Nishkian Menninger, who completed the evaluation of the buildings; Jeff Goodwin, BAR Architects; and, John Hone, Colliers International, who provided the real estate data. He briefly discussed the Commission's comments regarding the December Resolution and provided an update on the concrete walls and upgraded roof designs; number and size of windows; redesigned smaller skylights (sonic solar tubes); higher level than required fire sprinklers; building heights for the vacant site (proposed gym and theater); addition classroom emergency exits and escape routes; location of large open areas in the flight path (for emergency landing if necessary); installation of photovoltaics if allowed. Commissioner Hauri indicated that they are allowed.

Mr. Wetherill requested the criteria for the masonry walls. Staff replied that the 1986 plan does not discuss the degree of building design or wall standards nor is specified in the updated Caltrans standards.

Commissioner Pereira noted the lack of comments regarding wind turbines in the report. Jeff Goodwin, BAR Architects, replied that six wind turbines have been included, similar to the photovoltaic panels, to the new buildings -- approximately 20 feet above finish grade, cylindrical, below the scenic corridor height, and will generate some power as well

as serve as demonstration to students about sustainable design and energy sustainability. In response to Commissioner Pereira regarding the concerns of the Sierra Club, he added that colors have been determined based on color studies. Commissioner Henson commended Mr. Goodwin for his efforts and asked for the LEAD level. Mr. Roth said that the level has not been determined but, at the minimum, it would be silver but would attempt for the gold, especially for the new buildings (gym/theater). Commissioner Henson reiterated his recommendation of providing a buffer zone, vegetation or wall, which will address a number of issues/concerns.

Commissioner Marchand stated his concerns regarding the leaking of fuel through the skylights and recommended that the skylights be removed and roof strength upgraded appropriately. Mr. Roth said that perhaps there is a way to provide flashing – elevating slightly. In response to Commissioner Marchand, Mr. Hone indicated that the purchase price for the three sites was \$45m and provided comparisons of the Sonoma site to other Livermore schools.

Public testimony was called for. Andy Wilson, Director, CalPilots, said FAA has recently released a paper on wind generators and pointed out that wind generators and blades cause radar shadows. He urged the Commission to recommend that form FAA7460-I be filed if not done yet and recommended that all visit the CalPilots website, www.CalPilots.org . CalPilots will be monitoring this application (location, types of buildings...etc).

Commission Hauri noted the importance of adopting the 2010-11 Land Use Compatibility Plan. *He made the motion, as Item 4 on the second page of the resolution, that the Applicant present these building improvements to City of Livermore Planning Commission; and per Commissioner Henson's suggestion, make a strong recommendation to indicate that in this Commission's purview, this site is in the Safety Zone 6 and an alternate location is still desirable. Commissioner Henson seconded.*

Commissioner Pereira made an amendment to the motion that the approving authority be the City Council or the Planning Commission and be aware of the potential long term hazards of locating a school site in a Safety Zone and the proximity to the airport. Commissioner Marchand seconded the amendment. Commissioner Henson noted that the major consideration is the schools. Commissioner Pereira made a motion to approve the amendment to the main motion and Commissioner Marchand seconded, which carried unanimously. Motion for the amended original motion carried with Commissioner Morris dissenting.

5. ALUC Commissioner and Staff Forum - Opportunity for members of the Commission and staff to share information or items of interest to the Commission and the public.

Commissioner Pereira thanked County Counsel for his presence. He recommended that the Draft ALUC Compatibility Plan include provisions to review and vote on Caltrans and FAA revisions before incorporation vs. automatic inclusion to keep Plans current. He suggested perhaps a letter to the Director of Caltrans requesting a definition of their

statement as the Commission feels more detail is appropriate. Staff said she will draft a letter for review by the Commission, to be signed by the Chair. Commissioner Wetherill asked if it would be appropriate to add a clause that the criteria for conditions they impose be clarified or defined.

Commissioner Henson pointed out the State and Bay Area Air Quality Management Board's proposed new standards regarding aviation air quality impacts within 1,000 feet of airports which will have definitive and significant effects on developments in and around airports and on different Plans. Staff explained that Plans can be updated annually by law and new regulations can be presented to the Commission for review and vote for incorporation. The issue is receiving up-dates from Caltrans Division of Aeronautics. A statewide Airport Land Use Commission staff conference call, initiated by San Joaquin County staff, occurred last month, which was very productive. The next conference call will be extended to include Caltrans Division of Aeronautics staff, Commissioners and interested parties. Discussions with County Counsel and Caltrans could have some impact on Hayward and Livermore draft plans. Since Caltrans has quoted the state aeronautics law in reference to the upgraded roof strength (language which indicates that ALUC can set necessary and appropriate standards), this is an opportunity to consider revisions to Table 3-2 (matrix) which incorporates a lot of the specificity for Safety Zones 1-6; and California Building Code building types and is a great tool. She will explore more and bring the matter back next month, perhaps a workshop. Commissioner Hauri agreed adding that California Education Commission/Department of Education has building guidelines for students which could be beneficial. Commissioner Pereira asked County Counsel if individual paragraphs could be revised vs. the entire Plan. County Counsel replied that Plans can be reviewed as often as necessary but amended annually.

In response to Andy Wilson, Commissioner Pereira suggested that perhaps a letter be written to Contra Costa County ALUC asking if they would like any input from this Commission. Staff explained that when originally this matter had come to her attention, about 1½ years ago, County Counsel had indicated that this Commission did not have purview to make a formal recommendation; however, all the information generated in 2007 regarding the East Shore Power Plant and Russell City had been forwarded.

Andy Wilson pointed out that since the power plant and part of the approach are in both Alameda and Contra Costa counties, both counties are encouraged to work together as indicated in the handbook. He urged the Commission to pursue the matter since the evidentiary hearing is coming up. The Alameda County Planning Department did submit a letter but this Commission had not been consulted. Commissioner Hauri said that the Commission will look into it.

6. Adjournment

Commissioner Henson moved to adjourn the meeting and Commissioner Marchand seconded. Motion carried. The meeting was adjourned at 5:45 p.m.

