

Summary Minutes
ALAMEDA COUNTY AIRPORT LAND USE COMMISSION
Wednesday, October 19, 2005

1. Roll Call

Meeting was called to order at 3:12 p.m.

Commissioners present:

Leander Hauri
Steve Grossman
Bret Shiner
Max Morris
Woody Pereira
Joe Chan

Commissioners Absent:

Beverly Johnson
Janet Lockhart

Members of the public present:

Howard Beckman
Francoise Gallo
J.V. McCarthy
Wafua Aborashed

Staff Present:

Cindy Horvath
Alex Amoroso
Maria Elena Marquez

Consultant:

Dave Full

2. Approval of Minutes of March 16, 2005

Minutes approved unanimously.

3. Open Forum – No speakers.

4. Workshop on portions of the Administrative Draft Airport Land Use Policy Plan Update:

Staff provided a brief introduction to today's meeting topics. Essentially, three major sections of the Draft will be reviewed: Section 2.5.4 which covers the type of information that is required to complete a project review; Section 2.5.5.3 which discusses and defines policies for infill development in detail; and Table 2-2 which is the Safety Zone Compatibility Summary.

Project consultant David J. Full started the presentation. Mr. Full reviewed the first topic which is the process associated with review of major land use actions. Table 2-1, page 2-10 provides a summary type for the type of information that will be required in order to review proposed projects. This will be the template to use by developers and cities within Alameda County when submitting projects.

Commissioner Grossman noted for the record that Commissioner Chan arrived at 3:20 p.m.

Commissioner Grossman said that in looking at the table of information that is required, commissioners are asking the project proponent to identify whether a project is located within the 55dB CNEL or 60dB CNEL. He thinks it is the noise criteria that they are looking at. Mr. Full said he can provide that. Commissioner Grossman asked why it was not included. Mr. Full said there was no specific reason

Commissioner Grossman asked if there was any reason why we should not have identified the 65 dBCNEL. Commissioner Shiner asked Mr. Full if it was proper to use dB when he is discussing CNEL. Mr. Full said that according to the noise experts in his firm, that is the way they have always referred to CNEL is by decibel level.

Commissioner Grossman said he assumed that all the project proponents would use this as a checklist. Mr. Full said yes.

Mr. Full proceeded to a discussion of the next topic: infill development. Mr. Full explained that infill development is clearly defined so land owners and planners understand the requirements for projects located in these areas. Specific criteria is listed for infill development. There are a variety of parameters that need to be considered (i.e., parcel size, density, other development that exist around the parcel, etc.) in order for infill development to be considered an infill development around a particular airport. He also noted that different standards are associated with residential and non-residential development.

Commissioner Hauri questioned where the 20 acres specification is derived from. Mr. Full said no there is no hard and fast rule on the 20 acres, that figure came from their review of other airport land use policy throughout the State of California. One of the things associated with infill development is that it is not a large parcel of land, it is not going to be 200 acres because it is no longer infill, it is intended to be something that is infill within existing development and 20 acres is about as large as you would go in an urban area for infill development.

Commissioner Grossman asked if it is mentioned anywhere in these special conditions that this applies to both residential and non-residential. Mr. Full said that if you look on the bottom of page 2-14, that provides information under No.2 that deals with residential development and specific development densities associated with it. No. 3 is for non-residential development.

Commissioner Grossman asked Mr. Full to explain what the thinking was with 1-E, regarding the reference to 'open land'.

Mr. Full said that the open land being that concept with respect to areas that are not developed, that are a kind of safety area around an airport where an aircraft could "touch down" in an emergency situation. There are opinions as to how much open land needs to exist around a particular airport and we have listed a percentage with respect to that. What this is saying is that infill development can not go into that open land, it has been

designated open land for our purposes of determining safety around airports unless you have some sort of replacement open land within the confines of the airport so that you maintain the same percentage of open land around the airport.

Commissioner Grossman asked if that was even practical and if we were attempting to maintain a certain swath of open space around an airport, a housing development would not be placed in the middle of that and expanded it out. Mr. Full said that was correct, and reiterated that this is a tool for the Commission to use to be able to determine whether something is consistent with Plan policies. Commissioner Grossman asked if this only applies to areas around airports, and not to any other open space designation. Mr. Full confirmed that was correct.

Commissioner Pereira asked if it was the County or the City who would be called upon to designate open land for purposes of aircraft use. Mr. Full stated that when we get into actually preparing the specific plans around each airport, that will be included as part of our planning efforts for each of the three airports. Commissioner Pereira asked if it will be transmitted to the public agency to be included as part of their general plan. Mr. Full said yes, because a jurisdiction's general plan has to be consistent with the airport land use plans.

Commissioner Grossman referred to page 2-15, Item 4. His question was just to make sure they all understand what the intent is-- it sounds as if they are going to be asking communities upfront to identify those parcels that would be eligible for infill as they adopt this plan or shortly thereafter. Mr. Full said yes, that it is the intent behind it, so that you have some certainty as you are making decisions with respect to where infill development would occur around each of the airports.

Commissioner Grossman asked staff if she has touched bases with other jurisdiction's Planning Departments to understand their comfort level with this concept. Staff said no, because this is an Administrative draft, and has not been widely circulated to other agencies yet for comment.

Public testimony was called for.

Howard Beckman asked commissioners if they had a chance to review the memo he submitted, as he has extensive comments on the issue of infill development. He noted two problems. One is the notion of the airport influence area, and the limitations on development around the airport. Distinctions are made as to the kinds of protection, whether it is a safety or noise hazard, and those protections are going to differ depending upon on the type of hazard.

The second issue is quite distinct and is of equal concern and that is that the ALUC is an independent body that is not answerable to the Board of Supervisors, is not answerable to the cities. Its job is to protect orderly development around airports. He stated this has nothing to do with orderly development, this is a land use policy. He suspects where the Airport Influence Area is coming from. He referred to his memo in which he asked who

recommended this and where it was coming from. There is tremendous pressure in the East Bay, certainly not in Livermore, not in the valley, for infill development. This is a land use policy independent of airport protection. He thinks it should be rejected for that reason alone. It puts the ALUC in the business of setting land use policy in general.

J.V. McCarthy, said what he has experienced as a consistent disregard for providing the ALUC authority for taking initiative on issues related to the abuse of zoning on the part of cities where airports are concerned. He cited a project in the City of Hayward as an example. He would like a written reply as to why this Commission is so lethargic in addressing Howard specifically and why this County is so lethargic in general in addressing these concerns.

Commissioner Shiner said that based on what Mr. Beckman said, he would ask about the language under special conditions listed under Item 1 (d), which states in part “further increases in the density intensity and other incompatible design or usage characteristics...are prohibited”. He can think of an instance where this Commission approved a project that it felt it was borderline, and noted there was a mitigation that could have been met to make it comparable. He suggests using another word rather than “prohibited”, one that would allow the Commission to review and/or approve a project rather than absolutely prohibiting any projects that increase density.

Wafaa Aborashed, representing a Neighborhood Group in San Leandro said she would like to echo what Howard Beckman said. This Commission should be aware of the influence that the airport is making. She noted that Commissioner Grossman is leader of the Commission and has a great deal of influence on what happens here. She requested clarification on Item E and on No. 4. Commissioner Grossman told her to talk to staff after the meeting to get that clarification.

Mr. Full said that the third issue has to do with table 2-2, page 2-16, the Zone Compatibility Summary. These are examples of how safety compatibility zones are drawn around various types of airports and they are guidelines associated with how those compatibility zones are drawn. One of the important aspects of it is understanding what each of those zones is intended to do. If you look on page 9-39 of the examples, that gives you in the legend the titles of each of those zones. For instance, zone No. 1 is the runway protection zone for that particular airport. Zone 2 is the inner approach departure zone, Zone 3 is the inner turning zone, etc. Those zones would be consistent at each one of the county’s airports. However, how those zones are drawn at each airport would be different and would be based on the unique circumstances of that particular airport itself. These are just examples, but they do provide fairly good examples for what you can anticipate.

Commissioner Pereira suggested that when this is finalized that the legend on Chapter 9 be repeated at the beginning or the end of table 2-2.

Mr. Full said that in looking at Table 2-2, they have identified several different types of land uses that exists within the cities and unincorporated Alameda County to identify

which land uses are considered to be compatible in each zone, which are conditionally compatible, and which ones are prohibited. Mr. Full encouraged the commissioners to spend some time in becoming familiar with this particular table, because it will provide guidelines not only to the Commission but to other jurisdictions in Alameda County. It will serve as a guide for future decisions that the Commission will make when projects are brought forward.

Commissioner Pereira stated that in terms of population density, casinos should be included and evaluated.. Mr. Full agreed and urged the Commission to include other land uses not identified that are missing from this table.

Commissioner Shiner asked for clarification regarding if the Table was describing was safety, or noise zone compatibility. Mr. Full said it is for safety only. Commissioner Shiner requested that the word 'safety' be included in the title of the Table.

Commissioner Grossman suggested the consultant consider child care facilities as well as schools in that category of land uses.

Commissioner Hauri suggested specifying corn or stalk crops be prohibited in Zones 1 and 2 in the 'Field Crops' category. Mr. Full suggested that the category be expanded to include all crops that would be attractants for wildlife. Commissioner Hauri said it is a safety issue because you can not make a successful emergency landing in a corn field. Mr. Full asked Commissioner Hauri to consider if he wanted a separate category for corn itself.

Commissioner Grossman asked if tree farms are allowed in all the zones. Mr. Full asked the Commission if it made sense to make tree farms and greenhouses incompatible land uses in Zones 1 and 2. The Commission said yes.

Commissioner Chan pointed out an incongruity regarding the conditionally compatible status of hospitals in Zones 1 and 2. Why would it be conditional under Zones 1 and 2 where it seems to be closer to the end of the runway, but yet it would be prohibited in Zone 3. Mr. Full noted that the taxi, and bus terminals are compatible in Zones 1 & 2 but prohibited in zone 3. Commissioner Chan stated that it could be that some airports are built that way. Commissioner Grossman said that even if they are, that is an existing use. Mr. Full said they would not encourage those sorts of uses in those two zones.

Howard Beckman stated that his written memo addressed questions about this as well. His questions about what a zone represent has been answered and as he suspected is all about safety hazards. The language on page 12 is therefore misleading because it says that this table represents a compilation of compatibility criteria associated with noise or safety and air space protection. Then it goes to say that the primary criteria for assessing whether a land use plan ordinance is to be judged compatible with a nearby airport the compatibility strictly protection against safety hazards. So, that language needs to be clarified. Commissioner Pereira is correct that density is the key here to what is compatible in a hazard safety zone. Mr. Beckman noted that roads were omitted from the

table, and that roads are one of the most contentious issues in expansion of commercial airports. The FAA does not like roads running through the safety zones or runways. This is going to be a major issue in the City of Hayward which proposes a road at the tip of the runway at the airport. He suggested including streets, roads, and highways to this table as well..

Commissioner Pereira suggested that there could be some flexibility in terms of playgrounds or small playing fields with small populations/lower density of people being a compatible use, and agreed that stadiums and athletic facilities be prohibited in the first three zones due to high concentrations of people. He suggested that if there is open space, it be left open for soccer fields or baseball.

Commissioner Grossman suggested the consultant go back on this one and look at it as an issue. Mr. Full requested clarification and asked if there was a distinction with respect to the number of people that would be in this particular location in an athletic field, citing an organized activity versus neighborhood kids playing in a soccer field. Commissioner Pereira said in the case of high school athletic program junior college or professional, there is going to be a fairly large population density, but that even in some organized youth sports, there are going to be perhaps 22 to 40 children playing and parents. Mr. Full said he will take a look at it from the density standpoint.

Commissioner Grossman said that the most quantifiable for them to look at makes it easier when a proposal comes in to evaluate if there is a quantifiable number. Commissioner Grossman said this was very useful, and asked commissioners if they wanted to have a follow up on Chapters 1 and 2, as well as other sections of the plan.

Commissioner Pereira said it would be worthwhile to review some of the other areas that staff identifies and review it again after comments are included. Commissioner Shiner said it would facilitate them in the end to have looked at each step in the process along the way, rather than look at the whole document at once.

Commissioner Grossman asked staff about next steps. Staff said it might be useful to come back and have another workshop when we can prepare beforehand some more specific areas from the Draft Plan that we think would benefit from more discussion.

Commissioner Grossman He requested this item be put on the agenda for next month's meeting or at the latest early December. He said this was very well done, and that it will make it much easier for commissioners to adopt a plan when they get to that point.

Howard Beckman said that his memo deals largely with this expansive notion of the airport influence area. He addressed the Commission some time ago about AB2776 that was carried on behalf of San Carlos Pilots Association and other California Pilots Associations. The bill requires a radical change in real estate disclosure law because it requires people to disclose potential noise, and existing law requires sellers to disclose actual problems. He noted several airports have drawn special airport influence area boundaries to deal with AB2776 disclosure. He stated that is contrary to the law and he

wanted to get some idea where this is headed with this Commission in Alameda County. He asked for clarification as to whether the ALUC is drawing a special boundary for AB2776 or whether they are sticking with the legal concept of the general referral area boundary.

Commissioner Grossman suggested to staff that this issue along with Mr. Beckman's letter be referred to County Counsel and that he would like to see a response.

Francois Gallo stated that he had a chance to review the comments that were submitted by Mr. Beckman, he also would like an answer and said that there is a lot of confusion regarding the boundaries under AB 2776. He has spoken with real estate agents, and some of them are shocked to hear this. He would like to see a response that would help clarify the issue for people.

Mr. Gallo raised the issue of how does the airport influence area fits with the mission statement of the Commission, specifically how the airport influence area can minimize the number of people exposed to frequent and a high level of airport noise or frequent cumulative airport noise levels. He thinks it would be helpful to have further discussions on this and eliminate some of the confusion.

Mr. McCarthy stated that he found it somewhat encouraging when he saw of the make up of this Commission, and feels it indicates how serious they may take airport land use related issues, as compared to what he consistently sees within city councils. A problem area is the specific issue of airport access when commercial zoning is allowed to proceed unimpeded. Questions related to the volume of traffic and the kind of traffic emerge which may effect for example emergency vehicle access with airports. He stated he does not think that the City of Hayward sees that kind of thing as a serious issue.

Commissioner Shiner asked the consultant to clarify how many persons per acre when he is discussing density. He noted the Target project for the City of Hayward as an example of a potential density issue. The new Target is on the airport, it is a building that may have a 1,000 people in it but is on one acre whereas the rest of the parcel is a parking lot. To have 1,000 people as the density of that parcel, is not necessarily accurate because they are all concentrated in one area and he does not know whether it is a better way to define it rather than persons per acre. He cited the example of when there are homes in a residential area they are spread over the whole 10 acres, but when you have a specific use, then everybody is in one spot. He said he is not sure how to define density in this case of the Target project.

Mr. Full said you need to take a look at that particular land use differently because density means different things for different types of land uses, and the intent behind what we are doing here is to provide those sort of details for specific land uses so you have some certainty with respect to how you are going to be reviewing those particular land uses. As he understood it, Commissioner Shiner wanted more specifics on those types of land uses, where we are dealing with density. Commissioner Shiner said we need to have something quantifiable to make a finding of compatibility.

Commissioner Pereira said it is not only for the commission's use, but it will be used as a reference for those who want to develop something. It would be wise for cities to make it available or incorporate some of these things, while you want to maintain some flexibility because no matter how you try to describe something today there are always exceptions coming tomorrow. There should be some reasonable guidance in here for others that might use it as a reference.

5. **ALUC COMMISSIONERS FORUM** - Opportunity for members of the Commission to share information or items of interest to the Commission and the public.
6. **Adjournment - Meeting was adjourned at 4:09 p.m.**