

**Summary Minutes**  
**ALAMEDA COUNTY AIRPORT LAND USE COMMISSION**  
**Wednesday, March 16, 2005**

**1. Roll Call**

Meeting was called to order at 3:10 p.m

Commissioners present:

Steve Grossman, Chair  
Janet Lockhart  
Max Morris  
L.B. "Woody" Pereira  
Jose Chan  
Ross Dubarry

Commissioners absent:

Beverly Johnson  
Brent Shiner

Staff Present:

Cindy Horvath  
Maria Elena Marquez

Members of the public present:

Howard Beckman  
Francois Gallo

**2. Approval of Minutes**

Commissioner Lockhart moved to approve the minutes of November 17, 2004 seconded by Commissioner Grossman. Minutes were approved as read. Motion passed.

**3. OPEN FORUM**

Mr. Beckman voiced concerns regarding the scope of what ALUC's are mandated by law to do, and referred to the prior ALUC meeting where a heliport project was discussed. He reminded the commission that an ALUC can only determine a project's compatibility with the adopted ALUC Policy Plan, and cannot "approve" projects.

Francois Gallo referred to the ALUC Policy Plan and its appendices, particularly Appendix B. He mentioned a recent study done by the Mineta Transportation Institute called "Planning Smart Growth Principles and Strategies to Resolving Land Use Conflicts Around Airports", completed by Jeffrey Gosselin, Aviation System Consultant at Berkeley. The survey shows that noise complaint data shows that CNEL, or community noise equivalent level, is a poor predictor of community annoyance. Specifically, that 65 CNEL is unacceptable criteria for many communities. He hopes that this Commission will look into that and perhaps incorporate that into the Policy Plan update.

**2. REVIEW OF PORTIONS OF THE DRAFT AIRPORT LAND USE POLICY PLAN UPDATE.**

Staff briefly reviewed the Draft ALUC Policy Plan Update, and noted some changes to format. The portion for review today provides a clear set of guidelines for staff from other jurisdictions, developers, consultants and others about which projects are referred to the ALUC. The consultant, David Full of Environmental Science Associates, is here today to answer any questions the Commission might have. This portion of the document was taken from the Caltrans handbook that we are required by law to pattern our policy plan after. Staff talked about the need to discuss how to proceed, given that we have the individual airport Master Plan updates being completed at different times, for example Hayward is just about obtain final approval of their EIR from the FAA. Commissioner Dubarry said that is correct.

Staff reported that Oakland is on line to complete their Master Plan update by the end of the year, and will come to the ALUC for review early next year. Staff commented on the situation with Livermore Airport. That project is delayed pending further review, and possibly, a more in-depth environmental review. Staff expects it will be at least 18 months, possibly longer before the Livermore Master Plan will come before the Commission for review. The working group for the Policy Plan Update is Commissioner Chan and Commissioner Shiner. The Working Group met on Friday to discuss the issues outlined in the staff report. There is a recommendation from the working group.

Commissioner Chan said that the Working Group applauds the contractor for the work completed so far. He said they realize that this is just one quarter of the finished product, as we have to wait on the other airports to finish their Master Plans to submit to them for final approval. There will be a series of public meetings as part of the project approval process. He further stated that to go forward with public hearings on the Policy Plan portion of the document would at this point too be confusing, and incomplete. At a minimum, we have to wait until the Hayward and the Oakland Master Plans are complete. The Livermore plan, once complete, can come forward as an addendum. The Working Group recommends waiting until the Hayward and the Oakland Master Plans are complete, then taking those CLUPs plus the Policy Plan forward to the public at the same time.

Commissioner Grossman asked staff for details of the public hearing process.

Staff reported that a sub-consultant is on board to conduct the public hearing process. There will be a series of meetings, probably a north county and a south county meeting, in addition to the Planning Commission and possibly other Board sub-committees.

Commissioner Pereira said that his first reaction was that this document should be able to stand on its own and the airports could fill in as the information is developed. He thinks that Oakland and Hayward soon will have their work completed, and stated if we were to wait for Livermore we would be waiting almost indefinitely and we would not be doing our task in addressing and completing this document.

Commissioner Lockhart said that her suggestion is that if you are going to take it to the north and south part of the County, it might be a really good learning tool for the east part of the County that seems to be struggling right now with just understanding the big picture airport issues. She stated it might be very helpful to have a meeting in the east part of the county, and put some things in perspective for residents, a perspective they just don't have right now. She suggested that when we are ready to conduct meetings with Oakland and Hayward, include a meeting in east county so residents there can come and maybe get a different perspective of the big picture. Staff said that that is the intention.

Commissioner Grossman said that is a good point because most of the developable land around the county airports is probably around Livermore, most of Oakland and Hayward is already built-out.

Commissioner Grossman agrees with the subcommittee recommendation, and his suggestion is that we establish a meeting where we would go through this first document in some detail. We may want to have a workshop meeting, in X number of months to give us time to read it and then at that meeting discuss the implications, hear from the public that might be interested in just the policy implications of it and give us time to make any adjustments to it before we go to the larger public meeting process. If my colleagues agree, we can work with staff to establish when we will do that, depending on what else comes on the calendar, and devote an hour to whatever it takes. He will work with staff to establish a date to work on that and give everybody plenty notice

Commissioner Pereira (?) said he would like to make a suggestion at this point, to revise one word referring to page 1-3, the first paragraph under Limitations, the last line says "the affected area, and policies should be developed to handle this problem". He would prefer to see the term "address or resolve as opposed to handle. Commissioner Chan said that he thinks all the commissioners, once they read the whole document, will have suggestions to make, and to give staff the corrections. That way all will have a brushed up copy to look at when we have the next meeting on the Policy Plan.

Commissioner Grossman asked the other Commissioners to try to get comments to staff over the next 30 to 45 days. We are looking at 9 months or so before the two master plans are done. We should probably schedule that meeting to review this document maybe at the beginning of the fall, or sooner if people are unavailable. He will coordinate that with staff. Because of the importance of this,

Commissioner Grossman suggested the Commissioners provide staff with their non-vacation schedule for the next few months, so it will help us decide which is the best month to do this.

Public testimony was called for. Mr. Beckman said that due to the fact that there is ample time to provide written comments, he will submit some written comments, but he wanted to make a couple of general comments. One is on the issue of the airport influence areas and the new disclosure statute. The second point is the requirement in the policy plan for the Commission's review of projects.

He feels the very opening of the policy plan rather misstates the purpose of the plan and the Commission, in that it says our purpose is to promote compatibility between airports and land uses that surround them. In fact the mandate for the ALUC is really quite specific. It is certainly to protect the airports from hazards of new construction, a safety issue, but the noise issue really was the primary motive behind the legislation that created the ALUCs. The noise standard here is the noise standard set by the Department of Transportation, and does not include the noise impacts as might occur by over flight. This is a new section in the Policy Plan.

He is concerned by the definition of the airport influence areas here that are defined in part as lands affected by future aircraft operations. He feels that aviation easements will be imposed, there is no rational basis for this, and that these easements can only be imposed by the airport owner, not by cities and counties, or even developers. Easements are intended to limit the liability of the airport for nuisance. He is uncomfortable about the way in which the new disclosure statute is being used by Commissions throughout the state. Mr. Beckman wanted to call attention to those concerns, and he thinks there are choices of words in the concepts on the draft plan that are cause for concern. He will include them in his written comments. Mr. Beckman ended by requesting that perhaps at the next meeting, staff could talk about procedures that are in place now for reviewing projects. He noted that most projects that come to the Commission never get to the Commission because they are clearly compatible with the Policy Plan. He would like to request the commission that we have some brief description of what the present procedures are and what the documentation is.

Commissioner Grossman told staff that as we get comments like Mr. Beckman's, to make sure that staff reviews them and provides an opinion on them.

## **5. ALUC COMMISSIONER FORUM -**

Commissioner Dubarry clarified staff comments regarding the Hayward Master Plan, and reiterated that they are awaiting final approval of the Master Plan EIR from the FAA. Until that is received, technically Hayward's plan is not complete.

Commissioner Grossman said that on a similar note, Oakland had their first public information meeting on their Master Plan, and that 50 to 60 people attended. They have another public information meeting scheduled for the fall, where they will present most of the conclusions, and then around the end of the year probably take it to the Port Commission for approval. The balance that they have achieved in Oakland with passenger, cargo, and general aviation activities will most likely remain, although the focus is going to be primarily in passenger activity versus cargo and GA as they go into the future.

Commissioner Chan said he attended the Technical Advisory Committee on Aeronautics meeting (a committee of the California Transportation Commission [CTC]). They advise the CTC on anything related to aviation activities. He reported on the practice of the last few years of the State taking monies raised from taxes on aviation fuel and reallocating that money into the general fund as opposed to funding aviation projects throughout the State. The CTC has promised that it will back legislative action to correct that and allow the monies that are raised by aviation sources to be spent on aviation in the State to include some small set aside for ALUC's, for all different counties throughout the state to upgrade their plans.. He also wanted to remind staff that his commission expires the first Monday of May. Staff reported that she is looking into what the process is for a reappointment.

Commissioner Pereira asked staff who the Deputy County Counsel is that is supposed to be assigned to this Commission. He asked why he does not attend meetings especially when you have public hearings like the one last time that was controversial. He requested that County Counsel be present at all meetings in the future. In addition, Commissioner Pereira remarked that he had asked some time ago about inventory of the heliports in the County. Staff reported that we do not have one. He suggested that we contact the Sheriff's Departments, the Fire Departments in the County, and the local Police Departments, to obtain a list of heliport in their jurisdictions so that we can include that information in our Plan. He thinks it will be important that we have some idea where they are.

Commissioner Grossman asked if heliports are legal and permitted by the State, or are they permitted by the County? Staff said they do need to go through the County process, as discussed in the last two meetings. The hospitals that have heliports also have to go through the County and through the State as well.

Commissioner Grossman asked if it was the will of the Commissioners that given the limit of staff resources that Staff undertake putting together an inventory of the heliports. The Commission agreed it would be a useful list to have, and asked staff to assemble such a list.

Commissioner Grossman asked Staff if we can start the process to try to get Woody Pereira and Joe Chan with the Board of Supervisors, as it sometimes takes a while to get this on the agenda.

**6. ADJOURNMENT**

The meeting was adjourned at 3:43 p.m.