

Summary Minutes
ALAMEDA COUNTY AIRPORT LAND USE COMMISSION
Wednesday, December 15, 2010
Minutes Approved as submitted March 2, 2011

The meeting was called to order at 3:19 p.m.

1. Roll Call

<u>Commissioners Present:</u>	<u>Commissioners Absent:</u>	<u>Guests Present:</u>
Leander Hauri	Olden Henson	Doug Roth
L.B. "Woody" Pereira	Max Morris	John Hone
John Marchand	David Needle	Bill Batchelor
Deborah Ale Flint		J.V. McCarthy
Red Wetherill (Alternate for Dave Needle)		

Staff Present:
Cindy Horvath
Maria Elena Marquez

2. Approval of Minutes of September 23 and October 20, 2010.

The approval of the minutes of September 23, 2010 were continued to the next meeting because several Commissioners present at the December 15, 2010 meeting were not present at the September 23, 2010 meeting.

Commissioner Hauri moved to approve the minutes of October 20, 2010 as submitted. Commissioner Wetherill seconded. Motion carried. Commissioner Marchand abstained.

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.

J. V. McCarthy, member of the public, referred to an item discussed in the October 20, 2010 meeting. Commissioner Hauri directed him to talk to City of Hayward staff.

4. Livermore Valley Charter Schools/Tri-Valley Learning Corporation Preschool-12 School Site Referral – Applicants will provide presentation to the Commission on details of their proposal for a Commission Compatibility Determination. Staff will review recommendations from Caltrans, Livermore Airport, and ALUC staff on this project. Action Item.

Staff summarized the staff report. She stated that in conversations with the applicant, staff has been informed that a number of other sites within Livermore have been proposed for this project but were not feasible for various reasons. Letters have been submitted by Livermore Airport and Caltrans Division of Aeronautics staff reviewing this project and are included in the packet. Based on the information provided, staff finds this project to be conditionally consistent with the Compatibility Criteria for Livermore Airport provided that risk-reduction actions are integrated into the project. These actions are listed in the staff report.

Doug Roth, with Collins International, representing the Tri-Valley Learning Corporation, stated that they are proposing to construct their permanent campus on a 28.3 acre site located in north Livermore, north of Highway 580 near the Airport Blvd. exit. They expect to have 2,047 preschool through high school students enrolled. The project will be done in two phases. The construction of phase 1A and 1B will commence immediately upon issuance of the CUP and building permits. They expect to complete this phase and occupy the buildings for the start of the school year in 2011. The construction of Phase 2 buildings and site work is anticipated to begin in late 2011 and be completed for the August 2012 start of the school year.

Commissioners Pereira, Ale Flint and Marchand asked Mr. Roth about type of materials, type of windows, noise, scenic corridor, height of the buildings, flight path, etc.

John Hone, with Colliers International, stated that they did a long search for the school site, with sufficient land and good access for traffic. He did a power point presentation of the various sites that they considered, but many of these locations didn't comply with what they were looking for. He said that the reasons why the school wants to move is because it is located in an obsolete and dilapidated building and it has to move in order to attract students.

Commissioner Hauri said that the Commission is concerned about safety and asked the applicant if they can make efforts to find alternate sites.

Bill Batchelor, Chief Operation Officer for the Tri-Valley Learning Corporation, said that the California Department of Education reviewed this and previous sites, and were in favor of siting a school at this location.

Commissioner Marchand said that the Commission recommends alternative sites, and quoted the Caltrans Division of Aeronautics letter which stated that "a school in Safety Zone 6 is to be avoided unless other sites are not feasible." Mr. Batchelor responded that the cost of development and the ability to finance the project is not feasible at the previous sites they looked at, which is why they are proposing this site as ideal for their needs. Discussion ensued between Commissioner Marchand and Mr. Batchelor on the feasibility of the other sites.

Commissioner Pereira said that this location is not a good school site and he finds it completely unacceptable; it's not safe from an aviation standpoint. He stated that the applicant is limiting themselves by insisting on keeping the two schools (K-8 and High School) together. He suggested they could be split up as a way of finding more feasible sites. Commissioner Pereira questioned the applicant on the size of some of the buildings, and discussion ensued on this point.

Commissioner Marchand cited an event where a helicopter crashed close to the proposed school site and killed people. He reiterated that this is a school and the safety zones are to be avoided. Commissioner Hauri concurred with Commissioner Marchand.

Commissioner Hauri made a motion in favor of staff recommendations.

Commissioner Ale Flint asked staff what will happen in terms of future actions. Staff explained that the applicant would come back to the Commission when they can demonstrate they have met the conditions as stated. Commissioner Hauri said that the actual recommendation criteria that the Commission is applying here are consistent with conditions 1, 2 and 3 of the staff report.

Red Wetherill spoke about noise control issues and height limitations; also, he expressed his concern about the concentration of people of the two schools. He recommended checking on compliance of regulatory standards.

Commissioner Wetherill made a motion that the Commission moves to approve staff's findings based on conditions 1, 2 and 3 of the staff report. Commissioner Pereira seconded. Motion carried.

5. **Approval and Adoption of Oakland International Airport Land Use Compatibility Plan and Initial Study/Negative Declaration** – Staff will review changes made to document from comments received during comment period, and request approval of those changes and adoption of the Oakland International Airport ALUCP and Initial Study/Negative Declaration. Action Item.

Staff briefly summarized the staff report and stated that the first two items show the changes that were made to those sections based on comments received from the public and other jurisdictions during the comment period. She also said that staff will review the changes made to the Oakland ALUCP at the ALUC meeting and request approval of those changes and adoption of the Oakland ALUCP and Initial Study/Negative Declaration.

Questions followed by commissioners regarding the tables. Commissioner Pereira expressed several concerns related to Appendix G – Heliport Design. Staff explained decision was arrived at to include The Table of Contents to the FAA Advisory Circular *only*, and not the entire document. Numerous changes were suggested on this Appendix and the ALUCP Table of Contents before final documents are printed.

Commissioner Hauri made a motion to adopt Resolution 01-2010. Commissioner Ale Flint moved to adopt the Initial Study/Negative Declaration prepared for the Oakland International Airport Land Use Compatibility Plan and to adopt the 2010 Airport Land Use Compatibility Plan for the Oakland International Airport. Commissioner Marchand seconded. Commissioner Wetherill abstained. Motion carried.

Staff provided an update on progress being made on the Hayward ALUCP, incorporating changes due to the City adopting the revised ALP. Staff expects that Draft Plan and Initial Study to be ready for public review sometime during the spring.

6. **ALUC Commissioner and Staff Forum** – Opportunity for members of the Commission and staff to share information or items to the Commission and the Public. No comments noted from Commission or staff.

7. **Adjournment**

The meeting was adjourned at 5:02 p.m.