

**Planning Commission
Staff Report**

January 9, 2013 ~~December 12, 2012~~
Item 6.a. ~~Item 6.d.~~

SUBJECT: P12-1778

APPLICANT: City of Pleasanton

**PURPOSE/
LOCATION:** Application for General Plan amendments related to Alameda County's Updated Livermore Municipal Airport Land Use Compatibility Plan.

**GENERAL PLAN/
ZONING:** Various

EXHIBITS:

- A. Draft General Plan amendments, dated December 2012 (redlined version)
- B. Draft General Plan amendments, dated December 2012 (clean version)
- C. Correspondence from the Airport Land Use Commission, dated received "October 4, 2012"
- D. Land Use Compatibility Plan, dated "August 2012"

BACKGROUND

The Livermore Municipal Airport is a city-owned general aviation airport that serves public, private, business, and corporate tenants and customers, including limited private jets. It is located immediately north of the East Pleasanton Specific Plan (EPSP) area. The facility occupies over 640 acres of land and contains two parallel runways: a 5,255-foot lighted main runway and a 2,700-foot unlighted training runway. It has approximately 650 based aircraft and can accommodate over 200,000 annual aircraft operations. The airfield is accessible 24 hours a day and the air traffic control tower is operated daily by Federal Aviation Administration staff from 7:00 A.M. to 9:00 P.M.

The State Aeronautics Act requires the preparation and implementation of Airport Land Use Compatibility Plans (ALUCP) for nearly all public airports in the State. ALUCPs are intended to ensure that incompatible development does not occur on land surrounding airports. To accomplish this, the Act established Airport Land Use Commissions in counties having public

use airports. The commissions are charged with developing, updating and implementing ALUCPs.

The Alameda County Airport Land Use Commission (ALUC) was created in 1971. This seven-member commission adopted an Alameda County ALUCP in 1977, and then further updated the ALUCP in 1986. The ALUC adopted an updated ALUCP on July 18, 2012. Alameda County edited the plan thereafter and publically released it to jurisdictions surrounding the Livermore Airport in late September/early October 2012.

Section 65302.3(b) and(c) of the Government Code and section 21676 of the Public Utilities Code provide that within 180 days of an amendment to (or adoption of) an ALUCP, a local government must:

- Update its General Plans and specific plans to be in compliance with the new/updated ALUCP; or
- It can override it: 1) if the City Council makes special findings in accordance with state law; and 2) if the City Council makes a two-thirds vote in support of the override.

Correspondence from the ALUC chair (Exhibit C) states the 180-day review period began October 1, 2012 and ends March 29, 2013.

Draft Pleasanton General Plan amendments are before the Planning Commission for recommendation to the City Council (Exhibit A). As drafted, the amendments would make the Pleasanton General Plan consistent with the ALUCP.

PROJECT DESCRIPTION

The Planning Commission is being asked to recommend that the City Council approve amendments to the Pleasanton General Plan Public Safety and Noise Elements related to the updated Alameda County Airport Land Use Compatibility Plan (ALUCP) for Livermore's Municipal Airport. The amendments, as drafted, would make the General Plan consistent with the ALUCP. The draft amendments are provided in Exhibit A for the Planning Commission's consideration.

DISCUSSION

Staff recommends General Plan amendments supporting the updated ALUCP, including draft clarifications to assist with interpretation of the plan. The draft General Plan changes include an updated map showing the primary ALUCP boundaries, and minor text changes as shown in Exhibit A.

Regulations of Primary Importance

The ALUCP contains provisions applicable to Pleasanton, in particular to areas with additional development, use, or intensity potentials which are located east of Santa Rita Road and north

of Stanley Boulevard, and city-wide for tall buildings (generally over 60' for structures/features closest to the airport, then increasing in height as distance from the airport increases).

Of primary importance are the: (1) Airport Influence Area; (2) Airport Protection Area; (3) Safety Compatibility Zones; and (4) Height Referral Area. These classifications and the corresponding mapping create zones pertaining to the future development of lands which the ALUC believes will ensure compatibility with regard to airport functions.

1. Airport Influence Area (AIA or General Referral Area)

This is the area in which current and future airport-related noise, over-flight, safety, and/or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses. The ALUC is authorized to review certain local land use actions affecting land within the Airport Influence Area, including general plan amendments, specific plans, zoning, and building regulations. The City of Pleasanton is required to comply with the recently adopted ALUC Plan unless: 1) the City Council makes special findings in accordance with state law; and 2) the City Council makes a two-thirds majority vote in support of overriding the ALUC's decision.

The current AIA boundary shown in the General Plan is below in Figure 5-10 of the General Plan. ~~The ALUC's newly adopted boundary is located farther west, making Santa Rita Road the new southwestern boundary by Valley. The new boundary is in Figure 3-3 of the ALUCP (see Exhibit D). All land in the EPSP area is included in the Airport Influence Area.~~

2. Airport Protection Area

The City of Livermore established the Airport Protection Area (APA) for the Livermore Airport in 1991. The APA and associated policies were included as an amendment to the ALUCP in 1993 and prohibits new residential land use designations and the intensification of existing residential land use designations within its boundaries. The ALUCP states the intent is to prevent the encroachment of incompatible land uses near the vicinity of Livermore Airport.

Section 3.3.2.6 of the updated ALUCP contains a flexible APA policy supporting modifications to accommodate high density residential development within the APA in Livermore. This suggests the ALUC would likewise be generally amenable to other similar amendments to the APA or ALUCP to support similar densities within the same safety and noise zones if the use is not one of particular concern to the ALUC as listed in section 3.3.2.9 of the ALUCP. Staff has added this to the list of draft clarifications provided in Exhibit A.

3. Safety Compatibility Zones

The ALUCP safety zone shown in the current General Plan, defines compatible and incompatible land uses, extends to the eastern side of El Charro Road and encompasses a portion of Lake H as shown below in Figure 5-10 of the General Plan. When this zone was created, its dimensions were based on the ALUC's review of background reports concerning accident potential near airports and the experience of other ALUCs, airport operators, and government agencies on this subject. In the updated ALUCP, this safety zone was eliminated and replaced with seven new safety zones as shown in Figure 3-3 of the ALUCP (Exhibit D).

The California Department of Transportation Division of Aeronautics publishes the California Airport Land Use Planning Handbook to provide compatibility planning guidance to ALUCs, their staffs and consultants, the counties and cities having jurisdiction over airport area land uses, and airport proprietors. The handbook includes a total of seven safety zones. In the updated ALUCP, the existing safety zone is replaced with seven similar safety zones. According to Alameda County, the draft zone boundaries relate directly to airport runway length and flight patterns. Three of these zones (Zones 4, 6, and 7) extend into Pleasanton and the EPSP area, while the remainder do not.

The choice of safety criteria for a particular zone is largely a function of risk acceptability as determined by the ALUC. Land uses such as schools and hospitals, depending on the proximity to the airport, are judged to represent intolerable risks and are thus prohibited. Where the risks of a particular land use are considered significant but tolerable, the implementation of certain restrictions may be considered to reduce the risk to a more acceptable level. Uses that are acceptable generally require no limitations.

Examples of provisions relating to the draft Safety Zones 4, 6, and 7 in Pleasanton are summarized below¹. The zones are more restrictive the closer they are to the airport, with Zone 7 being the least restrictive, and Zone 4 being the most restrictive.

- **Zone 4 (Outer Approach/Departure Zone)** – Allows lower density single- and multi-family residential uses. Retail and office uses may be compatible. Prohibits children's schools, large day care centers, hospitals and nursing homes, hotels, indoor and outdoor assembly with 1,000 or more people, golf courses, field crops, dry farms, and fish and game reserves.
- **Zone 6 (Traffic Pattern Zone)** – Allows residential, retail, and offices uses. Prohibits indoor and outdoor assembly with 1,000 or more people, children's schools, and golf courses, field crops, dry farms, and fish and game reserves.
- **Zone 7 (Other Airport Environs Outside of Zones 1- 6 but within the Airport Influence Area)** – Allows residential, retail, and office uses. Prohibits field crops, dry farms, and fish and game reserves.

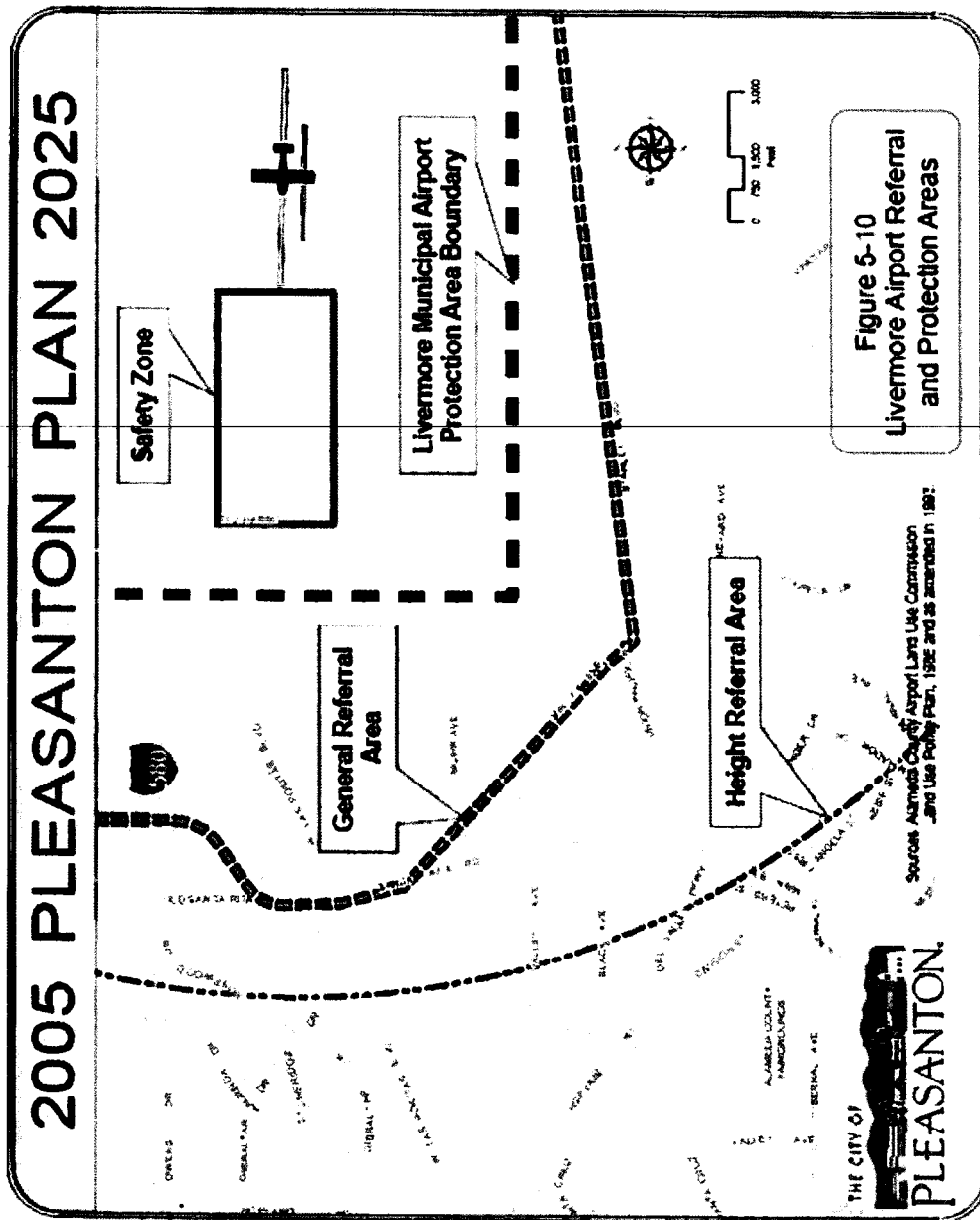
The updated ALUCP discourages uses and landscaping which encourage wildlife (such as birds due to possible bird strikes and deer), and states solar farms (due to glare) and uses with plumes that may generate unstable air/turbulence should be avoided.

In Pleasanton, the updated ALUCP would likely have the greatest impact on the EPSP area, as substantial portions of the plan area are undeveloped and the new safety zones significantly extend into this area. The EPSP would be subject to ALUC review, and future uses such as a large movie theater, large indoor sports facility, and a solar farm may be opposed by the ALUC

¹ For a complete list, see Table 3-2 of the ALUCP.

necessitating a two-thirds majority vote by the City Council to override the ALUC. Other uses, such as stormwater treatment areas, may require the implementation of ALUC conditions of approval. As explained in greater detail below, existing uses are not subject to ALUC review. The ALUC's recommendations may be overruled (see Overrule Process).

Figure 5-10 of the General Plan



4. Height Referral Area

The Height Referral Area in the current General Plan delineates the airspace of concern to the ALUC due to possible hazards to air navigation caused by tall structures. The terminology "height referral area" isn't within the updated ALUCP. In the ALUCP, proposed construction projects which are more than 200 feet in height (this applies city wide) or which protrude into an identified airspace within the AIA are of potential concern, and require FAA (Federal Aviation Administration) and/or ALUC review. Staff recommends the AIA (General Referral Area) continue to be identified in the General Plan, and the 200 foot height requirement be added as a note of clarification in the General Plan.

Other issues:

Noise Compatibility Areas

The ALUCP airport noise contours of particular concern are the 60 CNEL contour for residential uses and the 65 CNEL contour for a variety of uses. None of the 65 CNEL contour extends into Pleasanton's Planning Area boundary. The 60 CNEL contour extends over a very small portion of Lake H which is not anticipated to be modified to accommodate residential development.

Overrule Process

~~Section 21676(b) of the Public Utilities Code provides that prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation, the City shall first refer the item to the ALUC for review. The ALUC then has 60 days from referral to determine if the action is consistent with the Plan. If the ALUC determines the action is inconsistent with the Plan, the City may overrule the ALUC's action on these items with a two-thirds vote by the City Council, after making findings required by State law.~~

To overrule the ALUC, the City Council would need to make specific findings that its decision to overrule is consistent with the following purposes of Section 21670.a of the Public Utilities Code which states:

1. It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.
2. It is the purpose of this article to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

Section 21678 of the Public Utilities Code provides that if a local agency overrules the ALUCP or ALUC action on the above-mentioned items, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or

indirectly from the public agency's decision to overrule the commission's action or recommendation.

Processing—Review Period and Application

Section 21676(d) of the Public Utilities Code provides the ALUC may take up to 60 days to review and respond to proposed general plan, specific plan, zoning ordinance, and building regulation changes. According to the ALUCP (Section 2.7.3.4), the ALUC elected to retain the full 60 days as its review and response period. For projects within the AIA, review times may possibly be delayed while the application to the ALUC is prepared and reviewed. If changes to a project are recommended, then the recommendation by the ALUC would require assessment by staff, and then the Planning Commission and City Council. Staff is recommending applicants work with and submit a complete application directly to ALUC staff early in the process. This recommendation is captured in Exhibit A.

Draft ALUCP Clarifications

The adopted Plan is broadly written and requires interpretation by Pleasanton staff to implement it. The guidance in the ALUCP is similar to guidance in the California Airport Land Use Planning Handbook which the ALUC is required to use as a tool for review, and staff believes the ALUCP is workable with some clarifications that are proposed here as General Plan amendments. The clarifications will help City staff interpret and implement the Plan at the project review phase and the enforcement phase². Staff recommends that a footnote be added in the General Plan Public Safety Element which references the clarifications (Exhibit A). In general, the clarifications do the following:

- List major exemptions from ALUCP³ review to provide additional clarity;
- Clarify an expectation of support from ALUC staff and the ALUC for balanced amendments to the ALUCP, similar to exceptions which have been supported for Livermore;
- Clarify an expectation of support from ALUC staff and the ALUC for the relocation of existing projects within the same ALUCP zone;
- Clarify which projects require ALUC review;
- State when the "local agency" is not the City of Pleasanton (and is a district such as the Pleasanton Unified School District or other agency);
- State the project sponsor may include the property owner and/or its designee; and
- Clarify the project sponsor may work with and submit an application to the ALUC.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

A Negative Declaration for the ALUCP was previously prepared by Alameda County.

PUBLIC NOTICE

Notice of this item was published in *The Valley Times*. Staff notified the ALUC Administrative Officer.

² Page 1-5 of the ALUCP states enforcement of compatibility policies lies fully with the affected jurisdiction.

³ Page 1-2 of the ALUCP states existing land uses are exempt from ALUC review.

At the time this report was drafted, staff had not received any comments.

STAFF RECOMMENDATION

Staff recommends that the Commission take the following actions:

1. Adopt a resolution recommending that the City Council approve the Draft General Plan Amendments, attached as Exhibit A.

Staff Contact: Janice Stern at (925) 931-5606 or jsstern@cityofpleasantonca.gov