

February 5, 2013
Community Development
Planning Division

**TITLE: PUBLIC HEARING: CITY OF PLEASANTON P12-1778 --
CONSIDERATION OF GENERAL PLAN AMENDMENTS RELATED TO
ALAMEDA COUNTY'S UPDATED LIVERMORE MUNICIPAL AIRPORT
LAND USE COMPATIBILITY PLAN**

SUMMARY

Alameda County's Airport Land Use Commission (ALUC) adopted an updated Airport Land Use Compatibility Plan (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
- Override the ALUCP: 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 (Attachment 5) states the 180-day review period began October 1, 2012 and ends March 29, 2013. The City Council is asked to consider approval of the attached draft General Plan amendments. As drafted, the amendments would make the Pleasanton General Plan consistent with the ALUCP. Staff supports the Planning Commission's recommendation, with a minor wording change.

PLANNING COMMISSION ACTION

On January 9, 2013, the Planning Commission recommended approval of the draft General Plan amendments, including the recommended text amendments discussed later in this report. The vote was 5 to 0.

STAFF RECOMMENDATION

Staff recommends that the City Council take the following action:

1. Adopt a resolution approving the Draft General Plan amendments, as recommended by staff and the Planning Commission, Attachment 1.

FINANCIAL STATEMENT

Action on this item would have no financial impact to the City.

BACKGROUND

The State Aeronautics Act requires the preparation and implementation of ALUCPs 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 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. As stated in the Summary section (above) Pleasanton must either update its General Plan and specific plans to be in compliance with the new/updated ALUCP or it can override it.

More information about the Livermore Municipal Airport is included in the Background section of Attachment 3, Planning Commission Report dated January 9, 2013.

PROJECT DESCRIPTION

The City Council is being asked to adopt a resolution approving draft 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 General Plan changes include an updated map showing the primary ALUCP boundaries, and minor text changes as shown in Attachments 1 (resolution and clean copy of General Plan amendments) and 2 (redlined copy of proposed General Plan amendments). Attachment 3 (Planning Commission Staff Report of January 9, 2013) addresses the following topics in greater detail: Airport Influence Area; Airport Protection Area; Safety Compatibility Zones; Height Referral Area; noise compatibility; overrule process; application processing; and clarifications.

PLANNING COMMISSION DISCUSSION

The Planning Commission's discussion focused mainly on Section 3.3.2.6 of the ALUCP which allows the modification of the Airport Protection Area (APA) for purposes of a transit-oriented residential development around the future Isabel/I-580 BART station in Livermore. Generally the APA (which includes certain areas in East Pleasanton) prohibits new residential development. The General Plan amendment proposed to the Planning Commission by staff included a clarification that would have requested the same consideration by the ALUC of potential future exemptions for residential development in Pleasanton also. The Planning Commission disagreed with this part of staff's recommendation and expressed concerns about potential residential uses in the Airport Protection Area related to noise, safety and future residential allocations from ABAG and recommended this clarification be removed. With this deleted, the Airport Protection Area would remain as is in Pleasanton.

Kay Ayala, Pleasanton resident, spoke in support of retaining the Airport Protection Area boundary as is, and provided process-related comments. For more information, the Draft Planning Commission meeting minutes are in Attachment 4.

Excerpts (below) showing the Planning Commission's additional text recommendations are in blue. The amendments presented to the Planning Commission are in red and the black text is the General Plan's existing text.

1. Public Safety Element—Excerpt from Aviation Hazards Section

In addition to the above, in 1993, the ALUCP was amended to include an Airport Protection Area (previously adopted by the City of Livermore in 1991) within which new residential development or the intensification of existing development is was prohibited. This area extends generally 5,000 feet east, north, and south of the runways, and 7,100 feet west of the runways. The ALJCP states the intent of the APA is to prevent the encroachment of incompatible land uses near the vicinity of the Livermore Airport. The 2012 update to the ALUCP allows for consideration of intensification of existing development within the Airport Protection Area within the City of Livermore. Within the Pleasanton Planning Area, the Airport Protection Area is a subset of the General Referral Area and the Height Referral Area.

The Airport Land Use Policy Plan also delineates Airport Safety Zones for each runway that is not located within the Pleasanton Planning Area. Pleasanton's General Plan and Stoneridge Drive Specific Plan must be consistent with the Airport Land Use Policy Plan and Airport Projection Area plan. Substantial areas within the Pleasanton Planning Area lie within the Airport's height referral area also they are located at sufficient distances so that all uses allowed under the City's 85-foot zoning height limit for commercial and industrial uses and 40 foot for residential uses would be compatible. No City of Pleasanton residential land use designations are located within the Airport Protection Area.

2. Public Safety Element—Excerpt from Goals, Policies and Programs

Policy 20: Work with the Alameda County Airport Land Use Commission, and its staff, and airport stakeholders to address air navigation hazards.

3. Public Safety Element—Excerpt from Appendix C (clarifications to be used when interpreting the ALUCP)

2. Balanced amendments to the ALUCP are supported.

[Section 3.3.2.6 of the ALUCP contains a flexible APA policy supporting modifications to accommodate high density residential development within the APA in Livermore. This suggests the ALUC is likewise amenable to other similar amendments to the APA or ALUCP in general 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.]

The entire proposal, including one additional change as a result of the ALUC hearing (see below) is shown in Attachments 1 and 2.

ALUC MEETING

As noted in the Planning Commission staff report of January 9, 2013, staff submitted the draft General Plan Amendments to the ALUC on December 7, 2012. A hearing by the ALUC was scheduled on January 16, 2013. At that time, County staff presented its report (see Attachment 7) and City of Pleasanton staff responded. ALUC staff presented the following points (numbers refer to the ALUC Staff Analysis on pages 2 - 4 of the ALUC staff report):

1. Specific Plans. ALUC staff asked for clarification of the types of projects in the EPSP that would be sent for review by the ALUC, and further asked for the City of Pleasanton to enter into an agreement with the ALUC to refer future development projects in the Staples Ranch area to the ALUC. In regards to the former, the City of Pleasanton noted that Appendix C makes it clear that all Specific Plan amendments and zoning map amendments would be referred to the ALUC. In regards to the latter, as noted in the ALUC staff report, the ALUC does not have authority under the law to require referral of future projects in the Staples Ranch area. Given the detailed analysis of land use compatibility and airport safety issues which was conducted as part of the Specific Plan and EIR preparation and the ALUC review of this information, City of Pleasanton staff does not recommend that future projects consistent with the adopted Staples Ranch Specific Plan amendment be referred to the ALUC.
2. ALUC Support. As originally submitted to the ALUC, Appendix C included an expectation of support by the ALUC for a potential future request by the City of Pleasanton to allow residential development in the Airport Protection Area on a case by case basis. As noted, the Planning Commission disagreed with this and the General Plan amendment being currently being considered does not include this clarification. At the ALUC hearing, Commissioners asked for further wording amendments to the Aviation Hazards section from the Public Safety Element to reflect that no intensification of development within the APA is being allowed. Staff is recommending an amendment to the language as follows to reflect that the exception applies only to potential TOD development in Livermore (proposed change is in green):

In addition to the above, in 1993, the ALUCP was amended to include an Airport Protection Area (previously adopted by the City of Livermore in 1991) within which new residential development or the intensification of existing development is was is prohibited with the exception of potential transit oriented development at the future Isabel/I-580 BART station in Livermore. This area extends generally 5,000 feet east, north, and south of the runways, and 7,100 feet west of the runways. The ALUCP states the intent of the APA is to prevent the encroachment of incompatible land uses near the vicinity of the Livermore Airport. The 2012 update to the ALUCP allows for

consideration of intensification of existing development within the Airport Protection Area within the City of Livermore. Within the Pleasanton Planning Area, the Airport Protection Area is a subset of the General Referral Area and the Height Referral Area.

3. Proposed General Plan Figure 5-10. Staff intended to show the Safety Zones as adopted in the ALUCP and indeed used information provided by ALUC staff. Staff will ensure the map is consistent with information in the ALUCP.

The ALUC provided the above comment on the City's proposed GPA but delayed making a final determination regarding the consistency of the GPA with the ALUCP until after the City of Pleasanton City Council acts.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Lead Agency, Alameda County, prepared an Initial Study and Negative Declaration for the ALUCP prior to its adoption in July 2012. The City of Pleasanton is a Responsible Agency under section 15096 of the California Environmental Quality Act (CEQA). No additional CEQA review is required for the proposed General Plan amendments.

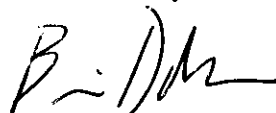
PUBLIC NOTICE

Notice of this item was published in *The Valley Times*. Staff notified the ALUC Administrative Officer. Kay Ayala, Pleasanton resident spoke at the Planning Commission meeting (see Planning Commission section above). As of the writing of this report, staff had not received any additional comments.

NEXT STEPS


Staff will submit the adopted General Plan amendment to the ALUC for its determination as to consistency with the ALUCP. If the ALUC finds consistency no further action is required. If the ALUC does not find consistency, the City Council may either consider the ALUC's findings and work further with the ALUC to reach consistency, or may decide to make findings consistent with State law and override the Plan with a two-thirds vote in support of the override.

Submitted by:



Brian Dolan
Director of Community
Development

Approved by:



Nelson Fialho
City Manager

Attachments:

1. Resolution approving Draft General Plan Amendments (P12-1778), as recommended by staff and the Planning Commission
2. Redlined and bluelined Draft General Plan Amendments showing the Draft General Plan Amendments presented to the Planning Commission in redline and the Planning Commission's recommended changes in blueline
3. Planning Commission Report dated January 9, 2013 without attachments
4. Draft excerpts from the Planning Commission Meeting dated January 9, 2013
5. Correspondence from the Airport Land Use Commission dated received October 4, 2012
6. Airport Land Use Compatibility Plan dated August 2012 – previously provided to City Council members
7. Staff Report – Airport Land Use Commission, January 16, 2013, Item 4

RESOLUTION NO. 13-___**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON, APPROVING THE CITY-INITIATED GENERAL PLAN AMENDMENT TO ADOPT GENERAL PLAN AMENDMENTS RELATED TO ALAMEDA COUNTY'S UPDATED LIVERMORE MUNICIPAL AIRPORT LAND USE COMPATIBILITY PLAN, AS FILED UNDER CASE P12-1778**

WHEREAS, Alameda County adopted a new Airport Land Use Compatibility Plan on July 18, 2012 and,

WHEREAS, 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 Airport Land Use Compatibility Plan, a local government must: 1) update its General Plans and specific plans to be in compliance with the new/updated ALUCP; or 2) it can override it: a) if the City Council makes special findings in accordance with state law; and b) if the City Council makes a two-thirds vote in support of the override and,

WHEREAS, Correspondence from the Airport Land Use Commission Chair states the 180-day review period began October 1, 2012 and ends March 29, 2013 and,

WHEREAS, Staff forwarded proposed General Plan Amendments to the Airport Land Use Commission on December 7, 2012 for a determination of consistency and,

WHEREAS, on January 9, 2013, the Planning Commission held a public hearing on the proposed General Plan Amendments and made recommendations to the City Council and,

WHEREAS, the Airport Land Use Commission reviewed the General Plan Amendments to the Airport Land Use Commission at a public hearing on January 16, 2013 and,

WHEREAS, a Negative Declaration for the Airport Land Use Compatibility Plan was prepared by Alameda County; and

WHEREAS, a duly noticed public hearing was held on February 5, 2013 with respect to this General Plan Amendment,

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:

SECTION 1. The City-initiated General Plan Amendment to adopt the General Plan amendments related to Alameda County's updated Livermore Municipal Airport Land Use Compatibility Plan, as shown in Exhibit A, attached hereto and made part of this resolution by reference, is hereby approved.

SECTION 2. The City Council determines that this is one of the four times in 2013 that the Public Safety Element and Noise Element of the General Plan may be amended as provided in Government Code Section 65358.

SECTION 3. This resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Pleasanton at a meeting held on February 5, 2013.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a special meeting held on the 5th day of February 2013 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Jonathan Lowell, City Attorney

EXHIBIT A

1. Aviation Hazards Section from the Public Safety Element

Airports

Although not located within the Pleasanton Planning Area boundary, the Livermore Municipal Airport affects land uses in Pleasanton in the form of noise and safety. These concerns are addressed by the Alameda County Airport Land Use Commission (ALUC) in its *Airport Land Use Compatibility Plan (ALUCP)*. The most recent comprehensive update to the ALUCP occurred in 2012. Development of the Livermore Municipal Airport is regulated by Livermore's General Plan, and an Airport Zoning District within the City of Livermore. Livermore's previous master plan for the Livermore Municipal Airport, which was adopted by the City of Livermore in 1975, was rescinded in 2010.

The Livermore Airport ALUCP delineates several boundaries, parts of which are located within Pleasanton's Planning Area. All the following are illustrated on Figure 5-10. The Airport Influence Area (AIA) is the area which is now or could in the future be affected by airport operations. Certain projects, such as general plan and specific plan amendments within this area must be referred to the ALUC for its review and determination of consistency with the ALUCP. This area extends west to Santa Rita Road in Pleasanton.

As part of the ALUCP the ALUC has adopted seven safety compatibility zones. The AIA is the outermost boundary of these zones. Three of the zones, 4, 6, and 7, extend into the Pleasanton, 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. Where the risks of a particular land use are considered significant but

tolerable in the ALUCP, 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. Proposed construction projects exceeding 200 feet in height (city wide) or which exceed the height compatibility airspace identified within the AIA are of potential concern, and require Federal Aviation Administration and/or ALUC review.

In addition to the above, in 1993, the ALUCP was amended to include an Airport Protection Area (previously adopted by the City of Livermore in 1991) within which new residential development or the intensification of existing development is prohibited, with the exception of potential transit oriented development at the future Isabel/1-580 BART station in Livermore. This area extends generally 5,000 feet east, north, and south of the runways, and 7,100 feet west of the runways. The ALUCP states the intent of the APA is to prevent the encroachment of incompatible land uses near the vicinity of the Livermore Airport. The 2012 update to the ALUCP allows for consideration of intensification of existing development within the Airport Protection Area within the City of Livermore. No City of Pleasanton residential land use designations are located within the Airport Protection Area.

Heliports

The Valley Care Medical Center operates a heliport at its hospital on Santa Rita Road. This heliport is operated on an as-needed basis for emergency medical transportation.



Livermore airport aerial view

2. Figure 5-10 of the Public Safety Element

The first Figure 5-10, shown below, is proposed to be deleted. The second Figure 5-10, with seven safety zones, is proposed to be added.

Figure 5-10 proposed to be deleted.

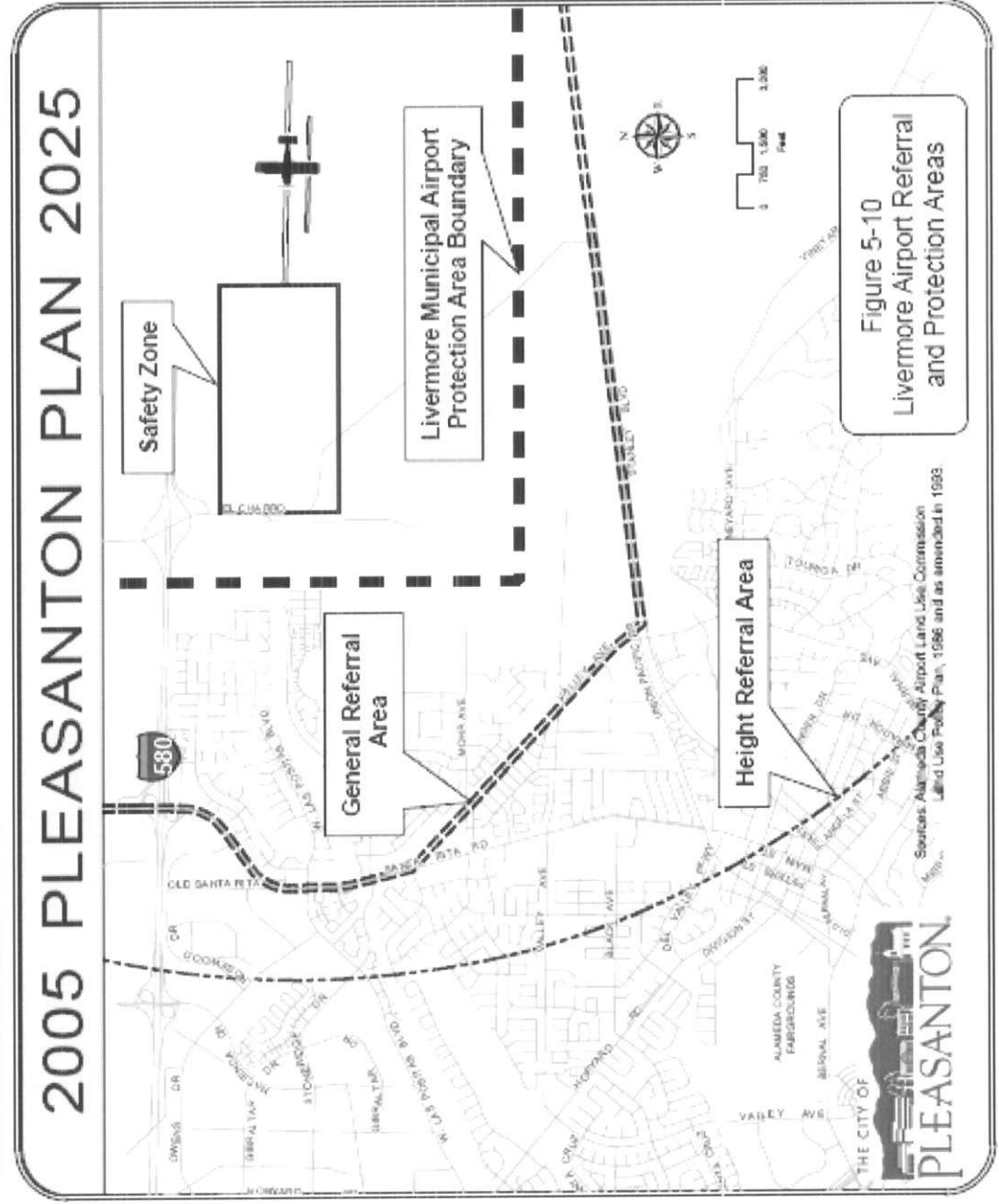


Figure 5-10
Livermore Airport Referral
and Protection Areas

2005 PLEASANTON PLAN 2025



Figure 5-10
Livermore Airport Referral
and Protection Areas

THE CITY OF PLEASANTON

Legend

- Specific Plan Boundary
- AIA and APA
 - AIA: Airport Influence Area
 - APA: Airport Protection Area
- Safety Zones
 - Zone 1: Runway Protection Area
 - Zone 2: Inner Approach/Departure Zone
 - Zone 3: Inner Turning Zone
 - Zone 4: Outer Approach/Departure Zone
 - Zone 5: Sideline Safety Zone
 - Zone 6: Traffic Pattern Zone
 - Zone 7: Area between Zone 6 and AIA Boundary

Source: Alameda County's Airport Land Use Compatibility Plan adopted in 2012

3. Goals, Policies and Programs of the Public Safety Element

Air Navigation Hazards

Goal 6: Minimize the risks to lives and property due to air navigation hazards generated by the Livermore Municipal Airport.

Policy 20: Work with the Alameda County Airport Land Use Commission, its staff, and airport stakeholders to address air navigation hazards.

Program 20.1: Process applications requiring Airport Land Use Commission review in a manner consistent with Alameda County's Airport Land Use Compatibility Plan for the Livermore Municipal Airport.

Policy 21: Work with the City of Livermore to address air navigation hazards.

Program 21.1: Meet with the City of Livermore and the Federal Aviation Administration (FAA), as necessary, to jointly provide solutions to air navigation conflicts.

+ Clarifications to be used when interpreting the Airport Land Use Compatibility Plan, including a listing of application types requiring review, are described in Appendix C to the General Plan.

Clarifications to be used when interpreting the ALUCP are provided in this Appendix C:

1. The following are exempt from additional ALUCP review per section 2.7.5.7(b) of the ALUCP:
 - A. Staples Ranch: All commercial, residential, park, and stormwater uses, and related site improvements that are consistent with the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR, certified in August 2010 and approved with the Vesting Tentative Map in 2010. These are “existing land uses” which according to the ALUCP are exempt from further review.
 - B. East Pleasanton Specific Plan: All existing lakes (Lake H, I, and Cope Lake), as well as all existing plants, trees, wetland areas, arroyos, and ponds are “existing land uses” and are exempt from further review.
2. An existing non-conforming project which is relocating is supportable under the special condition that it is relocating within either the same ALUCP safety zone as the existing project, or a less restrictive zone. The ALUC may recommend additional reasonable measures for the project if consistent with the ALUCP.
3. In the ALUCP, the “local agency” is not the City of Pleasanton for properties owned and operated by another public agency for its own public purpose. For example, if the property belongs to the Pleasanton Unified School District, it is the “local agency” with regard to proposals related to its property.
4. When forwarding a project to the ALUC for review, the project sponsor shall submit a complete application and any analyses directly to ALUC staff for ALUC review at the earliest date feasible. The project sponsor shall be the property owner and/or its designee.

5. Only the following types of applications within the ALA are required to be submitted to ALUC staff for review:
 - General Plan Amendments
 - Specific Plan Amendments
 - Zoning Map Amendments
 - Zoning Text Amendments which are:
 - Adding a new use category that is not similar to an existing use¹; or
 - Allowing structures taller than 60' in height
 - PUD Development Plans and PUD Modifications which are:
 - Adding a new use category that is not similar to an existing use²; or
 - Allowing structures taller than 60' in height
 - Building regulations, except for updates of the California, International, and related building codes
6. Proposed structures (city wide) more than 200 feet in height shall be referred to the Federal Aviation Administration and ALUC for review.

¹ As an example, if a K-12 school is allowed, a pre-school is not considered a new use.

² Ibid.