



**AGENDA
REGULAR MEETING
SAN BENITO COUNTY AIRPORT LAND USE COMMISSION**

DATE: Thursday, November 17, 2022
4:00 P.M.

LOCATION: Board of Supervisors Chambers
481 Fourth St., Hollister, CA 95023
(The meeting is open to the public and also available through Zoom)

Via- Zoom

To join meeting by Zoom: <https://zoom.us/join> see instructions provided at the end of the agenda: Meeting ID: 825-6031-2905

COMMISSIONERS: Chair Ignacio Velazquez, Vice Chair Kollin Kosmicki
Mary Vazquez Edge, Rolan Resendiz, and Peter Hernandez
Alternates: San Benito County: Betsy Dirks;
City of San Juan Bautista: Scott Freels; City of Hollister: Rick Perez

*Persons who wish to address the Board of Directors must complete a Speaker Card and give it to the Clerk prior to addressing the Board. Those who wish to address the Board on an agenda item will be heard when the Chairperson calls for comments from the audience. Following recognition, persons desiring to speak are requested to advance to the podium and state their name and address. After hearing audience comments, the Public Comment portion of the agenda item will be closed. **The opportunity to address the Board of Director's on items of interest not appearing on the agenda will be provided during Section C. Public Comment.***

4:00 P.M. CALL TO ORDER:

- A. ACKNOWLEDGE** Certificate of Posting
- B. NOTICE OF TEMPORARY PROCEDURES FOR AIRPORT LAND USE COMMISSION MEETINGS**
(Please see Zoom instructions at the end of the agenda)

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, and Assembly Bill 361 (AB 361), relating to the convening of public meetings in response to the COVID-19 pandemic. Additionally, members of the Airport Land Use Commission can attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

The meetings are open to the public, under the following conditions: All attendees may attend the ALUC meeting in person and follow the State guidelines. If an attendee is not fully vaccinated it is highly recommended that an attendee wears a face covering or face shield. All attendees must comply with any rules of procedures/instructions announced by the ALUC Board and/or ALUC staff. The meeting will be available through Zoom for those who wish to join or require accommodations with the instructions listed at the end of the agenda.

- C. PUBLIC COMMENT:** (Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Sec. 54954.2. **Speakers are limited to 3 minutes.**)

Council of San Benito County Governments (COG)

Local Transportation Authority • Airport Land Use Commission • Service Authority for Freeways & Expressways
330 Tres Pinos Road, Suite C7 • Hollister, CA 95023 • Phone: 831-637-7665
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CONSENT AGENDA:

(These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Members of the public who wish to speak on a Consent Agenda item must submit a Speaker Card to the Clerk and wait for recognition from the Chairperson. Approval of a consent item means approval as recommended on the Staff Report.)

1. **APPROVE** Airport Land Use Commission Draft Meeting Minutes Dated October 20, 2022 – Gomez
2. **ADOPT** Resolution 22-12 Authorizing Teleconferencing Options for the Airport Land Use Commission Meetings for the Period of November 20, 2022, through December 19, 2022 – Rivera
3. **FIND** Project 2021-3 Associated with Assessor Parcel No. 019-120-005, Located at 1070 Buena Vista Road in Hollister, **CONSISTENT** with the Hollister Municipal Airport Land Use Compatibility Plan with one condition – Lezama

Adjourn to ALUC Meeting on Thursday, December 15, 2022. Agenda Deadline is Tuesday, November 29, 2022 at 12:00 P.M.

In compliance with the Americans with Disabilities Act (ADA), if requested, the Agenda can be made available in appropriate alternative formats to persons with a disability. If an individual wishes to request an alternative agenda format, please contact the Clerk of the Council four (4) days prior to the meeting at (831) 637-7665. The Council of Governments Board of Directors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Council's office at (831) 637-7665 at least 48 hours before the meeting to enable the Council of Governments to make reasonable arrangements to ensure accessibility.

ZOOM INSTRUCTIONS:

1. Remote Viewing

Members of the public who wish to watch the meeting can view the meeting online through Zoom (**<https://zoom.us/join>**):

Meeting ID: 825-6031-2905

Instructions for participating via Zoom are included below.

2. Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM. on the Wednesday prior to the Board meeting to the Clerk of the Board at monica@sanbenitocog.org. Regardless of whether the matter is on the agenda. Every effort will be made to provide Board Members with your comments before the agenda item is heard.

3. Airport Land Use Commission meeting - Zoom Instructions for remote Participants:

Each meeting will have a meeting ID, which is a unique number associated with an instant or scheduled meeting. Three ways to attend zoom meetings:

1. Over the phone (Audio only):

- (669) 900-6833 or (408) 638-0968.

2. Open the Web-browser:

- <https://zoom.us/join>

3. Smart device Application:

- Apple App store: <https://apps.apple.com/us/app/id546505307>
- Android App store: <https://play.google.com/store/apps/details?id=u.s.zoom.videomeetings>

Each meeting will have a meeting ID, which is a unique number associated with an instant or scheduled meeting (listed above). The chat feature is disabled for all participants. Additionally, the video function is not available to the public.

Zoom Audio Only (phone)

If you are calling in as audio-only, please dial (669) 900-6833 or (408) 638-0968.

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1. It will ask you to enter the **Meeting ID: 825-6031-2905** followed by the **"#" key**, which can be found at the top page of the agenda. The meeting agenda can be found at: http://www.sanbenitocog.org/wp-content/uploads/2022/11/ALUC_Packet_111722.pdf
2. It will then ask for a **Participant ID**, press the **"#" key** to continue.
3. Once you enter the zoom meeting, you will automatically be placed on mute.
4. **Public Comment:** If you are using a phone, please press the **"*9"** to raise your hand, zoom facilitator will unmute you when your turn arrives.

Zoom on Web-browser or Zoom app on Tablet or Smartphone

If joining through web-browser launch: <https://zoom.us/join> or launch the Zoom app on your Tablet or Smartphone

1. Select **"JOIN A MEETING"**
2. The participant will be prompted to enter **Meeting ID:825-6031-2905** and name to join the meeting, which can be found at the top page of the agenda. The meeting agenda can be found at: http://www.sanbenitocog.org/wp-content/uploads/2022/11/ALUC_Packet_111722.pdf
3. You can launch audio through your computer or set it up through the phone. Follow instructions provided by Zoom.
4. **Public Comment:** Click **"Raise hand"** icon, the zoom facilitator will unmute you when your turn arrives.

Public Comment Guidelines

- If participating on zoom Once you are selected, you will hear that you have been unmuted: State your first name, last name, and county you reside in for the record.
- The Local Transportation Authority welcomes your comments.
- Each individual speaker will be limited to a presentation total of three (3) minutes.
- Please keep your comments, brief, to the point, and do not repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

CERTIFICATE OF POSTING

Pursuant to Government Code Section #54954.2(a) the Meeting Agenda for the Airport Land Use Commission on **November 17, 2022 at 4:00 P.M.** was posted at the following locations freely accessible to the public:

The front entrance of the Old San Benito County Courthouse, Monterey Street, Hollister, CA 95023, and the Council of Governments Office, 330 Tres Pinos Rd., Ste. C7, Hollister, CA 95023 at the following date and time:

On the **10th day of November 2022**, on or before **5:00 P.M.**

The meeting agenda was also posted on the Council of San Benito County Governments website, www.sanbenitocog.org, under Meetings, ALUC, Meeting Schedule

I, Monica Gomez, swear under penalty of perjury that the foregoing is true and correct.

BY: 

Monica Gomez, Secretary II
Council of San Benito County Governments

San Benito County
AIRPORT LAND USE COMMISSION
REGULAR MEETING
Board of Supervisors Chambers
481 Fourth Street, Hollister, CA 95023 & Zoom Platform
October 20, 2022 4:00 P.M.

MINUTES

MEMBERS PRESENT:

Chair Ignacio Velazquez, Vice Chair Kollin Kosmicki, Director Rolan Resendiz, and Director Peter Hernandez (via-Zoom)

MEMBERS ABSENT:

Director Mary Vazquez Edge

STAFF PRESENT:

Administrative Services Specialist, Norma Rivera; Transportation Planning Manager, Veronica Lezama; Transportation Planner, Regina Valentine; Office Assistant, Griselda Arevalo; Secretary, Monica Gomez; Deputy County Counsel, Shirley Murphy

CALL TO ORDER:

Chair Velazquez called the meeting to order at 5:03 p.m.

A. CERTIFICATE OF POSTING

Motion made to acknowledge Certificate of Posting:

Motion: Director Rolan Resendiz Second: Vice Chair Kollin Kosmicki

Secretary Gomez called the roll call vote.

Director Resendiz voted yes, Vice Chair Kosmicki voted yes, Director Hernandez voted yes, Chair Velazquez voted yes.

Motion carried: 4/0

Yes: Velazquez, Kosmicki, Resendiz, Hernandez

No: None

Recused: None

Abstention: None

Absent: Vazquez Edge

B. NOTICE OF TEMPORARY PROCEDURES FOR AIRPORT LAND USE COMMISSION MEETINGS

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic. Additionally, members of the ALUC can attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

Chair Velazquez reminded members of the public that an overview of temporary procedures (Zoom etiquette) for ALUC meetings was attached to the agenda.

C. PUBLIC COMMENT: None

CONSENT AGENDA:

1. **Approve** Airport Land Use Commission Draft Meeting Minutes Dated September 15, 2022 – Gomez
2. **Adopt** Resolution 22-11 Authorizing Teleconferencing Options for the Airport Land Use Commission Meetings for the Period of October 20, 2022, through November 19, 2022 – Rivera

There was no public comment on the Consent Agenda.

Motion made to approve the Consent Agenda:

Motion: Director Rolan Resendiz Second: Vice Chair Kollin Kosmicki

Secretary Gomez called the roll call vote.

Director Resendiz voted yes, Vice Chair Kosmicki voted yes, Director Hernandez voted yes, Chair Velazquez voted yes.

Motion carried: 4/0

Yes: Velazquez, Kosmicki, Resendiz, Hernandez
No: None
Recused: None
Abstention: None
Absent: Vazquez Edge

ADJOURNMENT:

There being no further business to discuss, Director Resendiz motioned to adjourn at 5:04 p.m.

Motion seconded by Vice Chair Kosmicki.

Secretary Gomez called the roll call vote.

Director Resendiz voted yes, Vice Chair Kosmicki voted yes, Director Hernandez voted yes, Chair Velazquez voted yes.

Motion carried: 4/0

Yes: Velazquez, Kosmicki, Resendiz, Hernandez
No: None
Recused: None
Abstention: None
Absent: Vazquez Edge

ADJOURN TO ALUC MEETING NOVEMBER 17, 2022 AT 4:00 P.M.



Staff Report

To: Airport Land Use Commission
From: Norma Rivera, Administrative Services Specialist Telephone: (831) 637-7665
Date: November 17, 2022
Subject: Assembly Bill 361 Teleconferencing Options For ALUC

Recommendation:

ADOPT Resolution 22-12 Authorizing Teleconferencing Options for the Airport Land Use Commission meetings for the Period of November 20, 2022, through December 19, 2022.

Summary:

On September 16, 2021, the Governor signed Assembly Bill (AB) 361, a bill that codifies certain teleconference procedures that local agencies have adopted in response to the Governor's Brown Act-related Executive Orders. Specifically, AB 361 allows a local agency to continue to use teleconferencing under the same basic rules as provided in the Executive Orders under certain prescribed circumstances or when certain findings have been made and adopted by the local agency legislative body.

Financial Considerations:

None.

Discussion:

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, amending his prior Executive Order N-29-20 and waiving certain provisions of the Brown Act relating to teleconferences/remote meetings by local agency legislative bodies. The Executive Order waived, among other things, the provisions of the Brown Act that otherwise required the physical presence of members of local agency legislative bodies or other personnel in a particular location as a condition of participation or as a quorum for a public meeting. These modifications remained in effect through September 30, 2021.

Under Assembly Bill (AB) 361, when the state of emergency lasts longer than 30 days, as is the case presently, the legislative body must make findings every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. AB 361 mandates that the legislative body must find that there is a continuing need for teleconferencing due to dangers posed by the ongoing state of emergency. This means that local agencies will have to put an item on the public meeting agenda at least every thirty days to make findings regarding the circumstances of the emergency and to vote to continue relying upon the law's teleconference provisions.

To continue to meet under those modified rules after December 19, 2022 the Board will again need to reconsider the circumstances of the state of emergency and again make one of the additional findings required by AB 361.

Reducing the circumstances under which people come into close contact remains a vital component of the San Benito County and ALUC's COVID-19 response strategy. Local agency public meetings are an essential government function and the last 18 months have proven that the teleconferencing format protects public access while minimizing exposure to COVID-19.

The California Department of Public Health (CDPH) and the federal Centers for Disease Control and Prevention (CDC) caution that the Omicron variant of COVID-19 is spreading quickly throughout the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>).

Staff Analysis:

Staff recommends that the Board adopt findings that conducting in-person meetings at the present time would present an imminent risk to the health and safety of attendees. A resolution to that effect and directing staff to return each 30 days to afford the Board the opportunity to reconsider such findings, is included herewith. If the Board adopts the proposed resolution, then it may continue to meet under the modified Brown Act teleconference rules of AB 361 through December 19, 2022.

Counsel Review: Yes

Supporting Attachment(s):

1. Resolution 22-12
2. Letter from San Benito County Health Officer



BEFORE THE SAN BENITO COUNTY AIRPORT LAND USE COMMISSION

A RESOLUTION OF THE SAN BENITO COUNTY AIRPORT)
LAND USE COMMISSION (ALUC) AUTHORIZING) Resolution 22-12
CONTINUED REMOTE TELECONFERENCE MEETINGS)
OF THE SAN BENITO COUNTY AIRPORT LAND USE)
COMMISSION PURSUANT TO AB 361)

WHEREAS, the San Benito County Airport Land Use Commission is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic, pursuant to his authority under the California Emergency Services Act, California Government Code section 8625; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting Law, Government Code section 54950 et seq. (the "Brown Act"), provided certain requirements were met and followed; and

WHEREAS, on June 4, 2021, Governor Newsom clarified that the "reopening" of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, clarifying the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act, provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and

WHEREAS, California Department of Public Health (“CDPH”) and the federal Centers for Disease Control and Prevention (“CDC”) caution that the Omicron variant of COVID-19 is spreading quickly throughout the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>); and

WHEREAS, on September 30, 2021, Dr. Ghilarducci, Interim San Benito County Public Health Officer, issued a recommendation on Social Distancing at public meetings of legislative bodies within San Benito County; and

WHEREAS, on January 5, 2022, Dr. Gellert, San Benito County Public Health Officer, issued an updated recommendation on continued Social Distancing at public meetings of legislative bodies within San Benito County, attached hereto as Exhibit “A”, and incorporated herein by this reference; and

WHEREAS, the San Benito County Airport Land Use Commission is a joint powers authority formed under the joint exercise of powers provisions of California Government Code Sections 6500-6522 and the California Code of Civil Procedure section 1240.140, among the County of San Benito, a political subdivision of the State of California, and the Cities of Hollister and San Juan Bautista, municipal corporations located in San Benito County; and

WHEREAS, the San Benito County Board of Supervisors is empowered by Article XI, section 7 of the California Constitution to take actions necessary to protect public, health, welfare, and safety within the County of San Benito; and

WHEREAS, at its regular meetings on October 12, 2021, November 9, 2021, November 23, 2021, December 14, 2021, January 25, 2022, February 22, 2022, March 22, 2022, April 19, 2022, May 24, 2022, June 28, 2022, August 9, 2022, September 13, 2022, October 11, 2022, and November 8, 2022, the San Benito County Board of Supervisors considered all information related to this matter, as presented at the public meetings of the Board of Supervisors identified herein, including any supporting reports by County Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, and adopted Resolution Nos. 2021-128, 2021-140, 2021-148, 2021-160, 2022-04, 2022-21, 2022-38, 2022-47, 2022-59, 2022-73, 2022-88, 2022-107, 2022-122, and 2022-136, making the findings and determinations required by AB 361; and

WHEREAS, the San Benito County Airport Land Use Commission has an important governmental interest in protecting the health, safety, and welfare of those who participate in meetings of the Airport Land Use Commission; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the San Benito County Airport Land Use Commission deems it necessary to find that a requirement to meet in person for meetings of the Airport Land Use Commission would present imminent risks to the health or safety of attendees, and thus, intends to invoke the provisions of AB 361 related to teleconferencing; and

WHEREAS, at its regular meetings on October 21, 2021, November 18, 2021, and December 16, 2021, special meeting on January 11, 2022, and regular meetings on January 20, 2022, February 17, 2022, March 17, 2022, April 21, 2022, May 19, 2022, June 16, 2022, July 21, 2022, August 18, 2022, September 15, 2022, and October 20, 2022, the San Benito County Airport Land Use Commission considered all information related to this matter, as presented at the public meetings of the Board of Directors identified herein, including any supporting reports by Airport Land Use Commission Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, and adopted Resolution Nos. 2021-01, 2021-02, 2021-03, 2022-01, 2022-02, 2022-03, 2022-04, 2022-05, 2022-06, 2022-07, 2022-08, 2022-09, 2022-10, and 2022-11, making the findings and determinations required by AB 361; and

WHEREAS, the San Benito County Airport Land Use Commission has further considered all information related to this matter, as presented at the public meetings of the Board of Directors identified herein as of the date of this Resolution, including any supporting reports by Airport Land Use Commission's Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, which continues to remain in effect; and

WHEREAS, as of the date of this Resolution, neither the Governor nor the California Legislature have exercised their respective powers, pursuant to California Government Code section 8629, to lift the state of emergency either by proclamation or by concurrent resolution in the state Legislature, and the proclaimed state of emergency remains in effect; and

WHEREAS, the continued local rates of transmission of the virus and variants causing COVID-19 are such that meeting in person would present imminent risks to the health or safety of attendees of public meetings; and

WHEREAS, the Board of Directors of the San Benito County Airport Land Use Commission further finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Benito County Airport Land Use Commission as follows:

1. Recitals. The Board of Directors hereby finds that the facts set forth in the Recitals to this Resolution are true and correct and are incorporated into this Resolution by this reference.
2. Proclamation of Local Emergency. The Board of Directors hereby proclaims that a local emergency continues to exist throughout the County, and social distancing orders are currently in place and needed to protect the health and safety of the citizens.
3. Consideration of Future Extensions of Resolution. As long as the State Emergency remains in effect or until directed otherwise by the Board of Directors, staff shall present

to the Board at every meeting an item necessary to continue the findings required by AB 361.

- 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of thirty (30) days from adoption of the Resolution or such time the Board of Directors adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Airport Land Use Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.
- 5. Remote Teleconference Meetings. The staff and Counsel for the Airport Land Use Commission are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

PASSED AND ADOPTED BY THE SAN BENITO COUNTY AIRPORT LAND USE COMMISSION ON THIS 17th DAY OF NOVEMBER 2022, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ignacio Velazquez, Chair

APPROVED AS TO LEGAL FORM:
SAN BENITO COUNTY COUNSEL'S OFFICE

Dated: Nov. 9, 2022

By: Shirley L. Murphy
Shirley L. Murphy, Deputy County Counsel

ATTEST:

Dated: _____

By: _____
Norma Rivera
Administrative Services Specialist

EXHIBIT A

GEORGE GELLERT MD, MP, MPA
HEALTH OFFICER

TRACEY BELTON
AGENCY DIRECTOR



SAN BENITO COUNTY

HEALTH & HUMAN SERVICES AGENCY

PUBLIC HEALTH SERVICES

Healthy People in Healthy Communities

January 5, 2022

CAO Ray Espinosa
San Benito County Administration

Re: Recommendation on Social Distancing and Hybrid Meetings

Given the considerable impact on our community from the COVID-19 virus and the Delta and more recently the Omicron variant, I strongly urge all legislative bodies, including but not limited to the County, cities, and special districts, local commissions and committees, and subsidiary bodies, continue social distancing measures for public meetings, including offering, at the legislative body's discretion, a remote or hybrid format for public meetings. Social distancing and masking remain crucial strategies in our fight to prevent contagion. The conduct of public meetings in a remote or hybrid manner enables members of the community to participate from the comfort of their homes without having to risk contracting these viruses by attending in-person meetings.

In addition, these measures help contain the spread of the disease and protect the community. All events public gatherings, including public meetings, create environments where these virus variants can potentially spread among attendees and participants. However, when combined with social distancing and effective masking practices, along with continued efforts to increase vaccination uptake within San Benito County, a remote or hybrid format for meetings maximizes avenues for public access and input and minimizes the risk of infection for the public, agency staff, meeting presenters, and legislative body members as well.

If you have any questions regarding this recommendation, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read "George Gellert".

George Gellert MD, MPH, MPA
Health Officer

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Hollister CA 95023
831-637-5367

ENVIRONMENTAL HEALTH
351 Tres Pinos Road, Suite C-1
Hollister CA 95023
831-636-4035

MEDICAL THERAPY UNIT
761 South Street
Hollister CA 95023
831-637-1989



Staff Report

To: Airport Land Use Commission
From: Veronica Lezama, Transportation Planning Manager Telephone: (831) 637-7665
Date: November 17, 2022
Subject: Land Use Consistency Determination

Recommendation:

FIND Project 2021-3 Associated with Assessor Parcel No. 019-120-005, Located at 1070 Buena Vista Road in Hollister, **CONSISTENT** with the Hollister Municipal Airport Land Use Compatibility Plan with one condition.

Summary:

The ALUC application associated with assessor parcel number 019-120-005 was reviewed in accordance with the adopted 2012 Hollister Municipal Airport Land Use Compatibility Plan.

Financial Considerations:

The Airport Land Use Commission (ALUC) has an adopted application fee structure. The fee consists of a minimum \$300 non-refundable payment that is submitted at the time the application is provided to ALUC.

Background:

Land use actions proposed within the Hollister Municipal Airport Influence Area and are subject to ALUC review to determine consistency with the Hollister Municipal Airport Land Use Compatibility Plan. The purpose of the Compatibility Plan is to protect 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.

Staff Analysis:

ALUC staff received an application for a Consistency Determination with the adopted 2012 Hollister Municipal Airport Land Use Compatibility Plan.

Project Description:

The Project is proposed within the Airport Influence Area (AIA) for the Hollister Municipal Airport (Attachment 1). The applicant is proposing 100 single family lots with private streets, open

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spaces, and a basin at 1070 Buena Vista Road in the City of Hollister (Attachment 2). According to the California Department of Finance (2018), the current population of Hollister is estimated at 3.42 persons per household. With 100 homes, the estimated population is 342 people.

In the course of a project review, the Airport Land Use Commission considers a number of Compatibility Plan policies including Noise, Safety, Airspace Protection, and Overflight. An analysis of each of the four compatibility factors is discussed below.

Noise Policy 3.2.

The Noise Policy objective is to avoid establishment of noise-sensitive land uses in the portions of airport environs that are exposed to significant levels of aircraft noise. The magnitude noise impacts are depicted by four contours, which show the greatest annualized noise impacts anticipated to be generated by the airport over the next 20 years.

The parcel where the project is proposed is located outside of the Noise Contours (Attachment 3). As such, the project is consistent with the Hollister Municipal Airport Land Use Compatibility Plan's Noise Policy.

Safety Policy 3.3.

The Safety Policy objective is to minimize the risks associated with an off-airport aircraft accident or emergency landing. The policy focuses on reducing the potential consequences of such events by limiting sensitive land uses (i.e., residential) and intensities of non-residential uses (i.e., commercial, industrial, etc.). This policy is defined in terms of the geographic distribution of where accidents are most likely to occur based on the six safety zones. The parcel is located outside of the Safety Zones (Attachment 4). The project is consistent as long it is allowed in the local agency General Plan. As such, the project is consistent with the Compatibility Plan's Safety Policy.

Airspace Protection Policy 3.4.

The Airspace Protection Policy seeks to prevent creation of land use features that can be hazards to the airspace required by aircraft in flight and have the potential for causing an aircraft accident to occur. In evaluating the airspace protection compatibility of any proposed development, the following four categories of hazards to airspace shall be considered.

- 1. The height of structures and other objects situated near the airport are a primary determinant of physical hazards to the airport airspace.**

Staff Analysis: The project is proposed within the Conical Surface (Attachment 4) which allows structures at a height of no more than 35 feet. The proposed is consistent with the Compatibility Plan's Airspace Policy.

2. Land use features that have the potential to attract birds and certain other wildlife to the airport area are also to be evaluated as a form of physical hazards, per FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports.
3. Visual hazards of concern include certain types of lights, sources of glare, and sources of dust, steam, or smoke.
4. Electronic hazards are ones that may cause interference with aircraft communications or navigation.

Overflight Policy 3.5.

The Overflight Compatibility Policy is intended to help notify people, through real estate disclosures, about the presence of aircraft overflight near airports so that they can make informed decisions regarding acquisition or lease of property in the affected areas. Overflight policies do not apply to non-residential development. The project is therefore consistent with the Overflight Policy.

The project is however proposed within the Airport Influence Area, which requires a Real Estate Transaction Disclosure (Attachment 5). The Hollister Municipal Airport Land Use Compatibility Plan identifies the following Real Estate Transaction Disclosure details.

Real Estate Disclosure Laws—State legislation that took effect in January 2004 (Building and Professions Code Section 11010 and Government Code Sections 1103 and 1353) requires that the presence of an airport nearby be disclosed as part of residential real estate transactions. For all new subdivisions plus those existing residences located where other hazards (flood, fire, and earthquake) are present. This requirement applies within the airport influence area as defined by the airport land use commission in the county. The law provides the following specific language to be used in the disclosure:

“This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.”

Reviewed by: VL

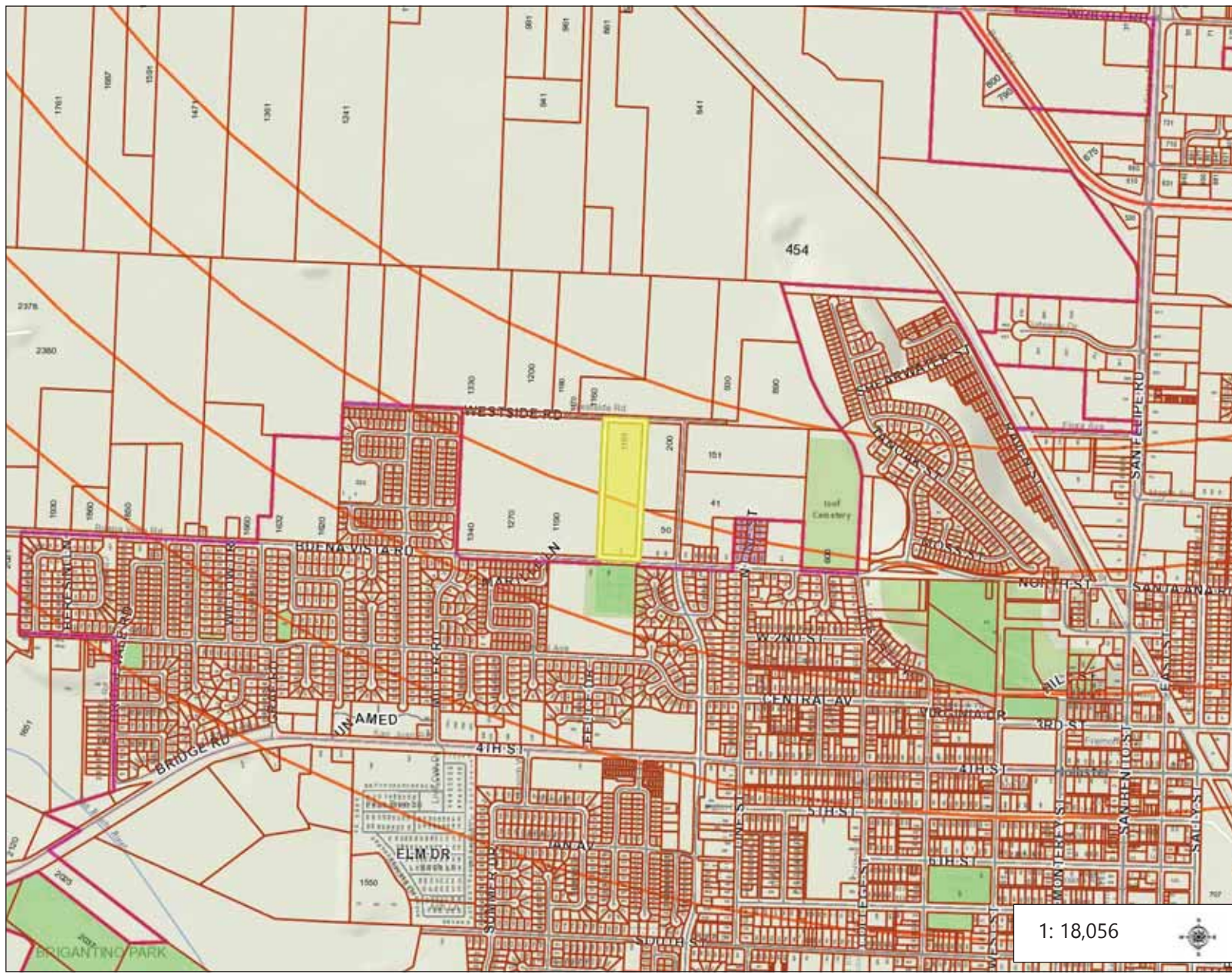
Counsel Review: N/A

Supporting Attachment(s):

1. Project Location Map
2. Project Site Plan
3. Noise Contour Map
4. Safety Zones Map
5. Overflight Zones



County of San Benito



Legend

- Parcels
- California County Boundaries
- <all other values>
- San Benito
- City Limit
- SBC Approved Subdivisions
- Hollister Airspace Protection Z
- Hollister Airport Runways
- Tentative Streets
- Park

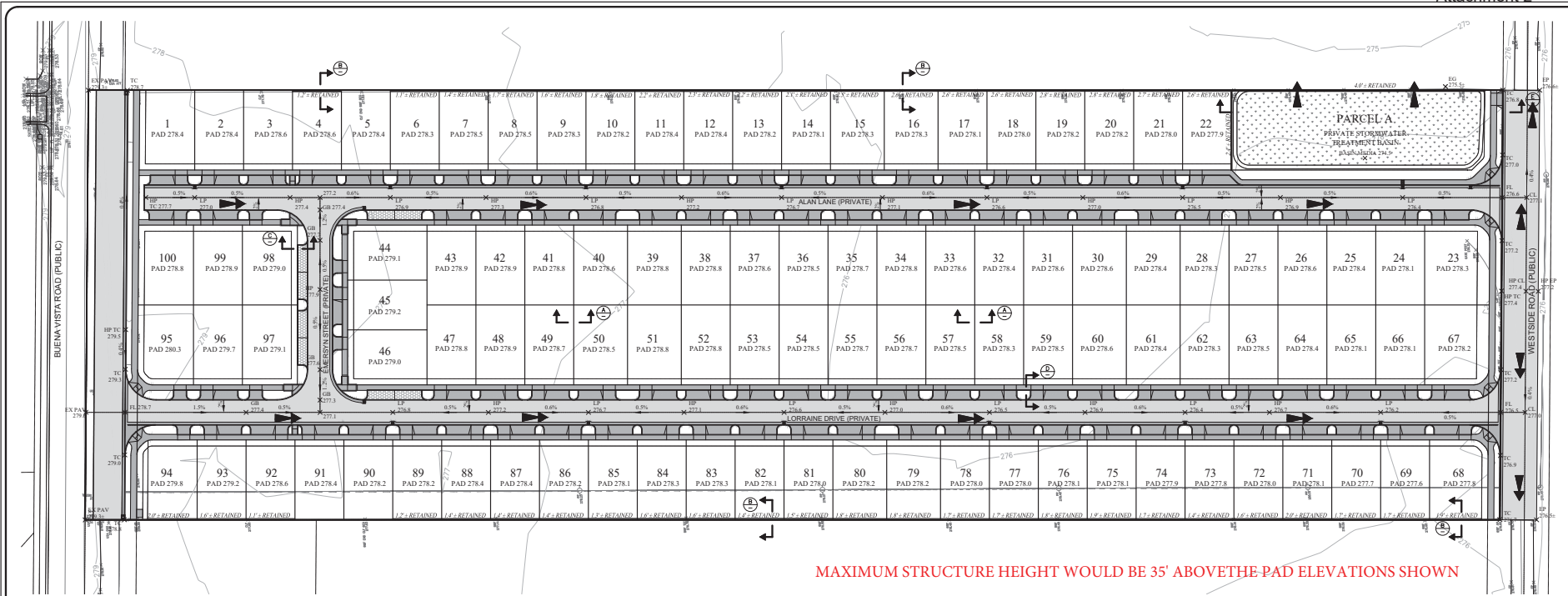
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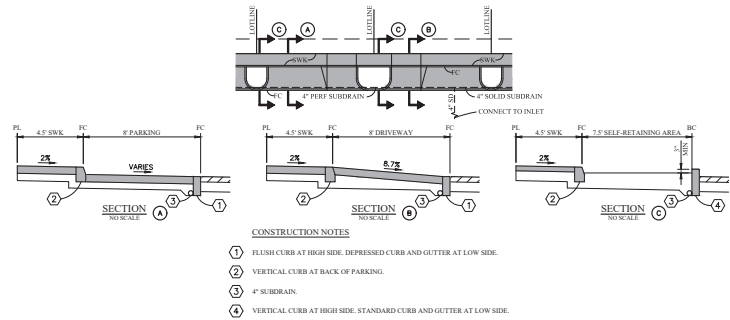
WGS_1984_Web_Mercator_Auxiliary_Sphere
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Notes

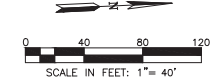
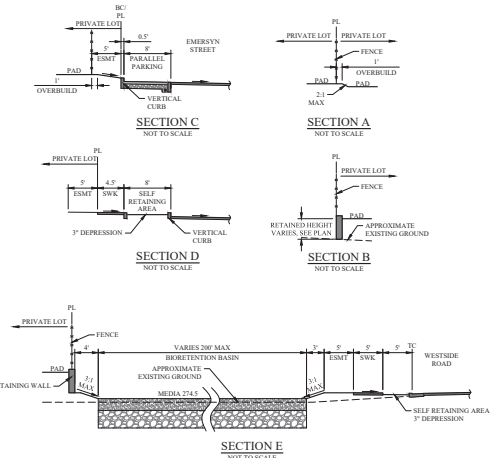


MAXIMUM STRUCTURE HEIGHT WOULD BE 35' ABOVE THE PAD ELEVATIONS SHOWN



- CONSTRUCTION NOTES**
- ① FLUSH CURB AT HIGH SIDE. DEPRESSED CURB AND GUTTER AT LOW SIDE.
 - ② VERTICAL CURB AT BACK OF PARKING.
 - ③ 4" SUBDRAIN.
 - ④ VERTICAL CURB AT HIGH SIDE. STANDARD CURB AND GUTTER AT LOW SIDE.

TYPICAL VERTICAL LAYOUT AT LOT FRONTAGE



LEGEND

PROPOSED	DESCRIPTION	EXISTING
---	BOUNDARY	---
---	FACE OF CURB	---
---	SIDEWALK	---
---	STORM DRAIN INLET	---
---	RETAINING WALL	---
---	SPOND WALL	---
---	PAD ELEVATION	---
---	SPOT ELEVATION	---
---	STREET SLOPE	---
---	OVERLAND RELEASE	---
---	BIORETENTION BASIN	---
---	PREVIOUS PAVEMENT	---

GENERAL NOTES:

- ALL SIDEWALKS AND WALKWAYS SHALL BE COMPLIANT WITH THE LATEST ADA STANDARDS. CURB RAMPS WITH DETECTABLE WARNING SURFACE SHALL BE PROVIDED AT ALL STREET CROSSINGS SHOWN ON THIS PLAN.

PRELIMINARY EARTHWORK SUMMARY

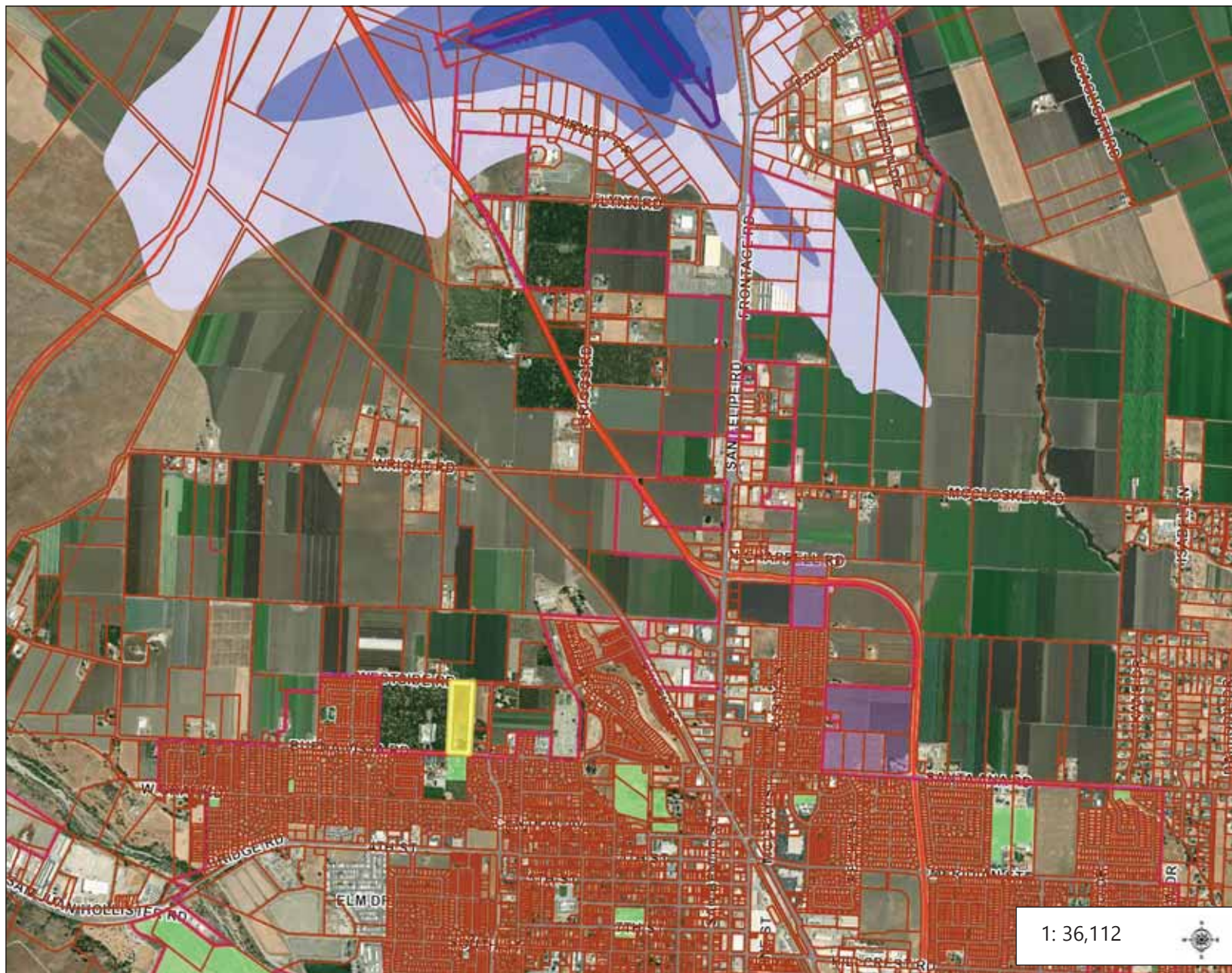
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 FILL: 11,410± CY
 NET: 10,820± CY IMPORT

DATE: 06/01/2022
 FILE NAME: W:\Projects\182041_Boss\GIS\Map\Applications\VTM_A02\VTM-04_Grading_Plan.dwg
 USER: WJW

DATE	DATE	SCALE	BY	CHK
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3TH SUBMITTAL				
JUNE 2022				
SHEET				
VTM-04				
OF 6 SHEETS				
JOB NO. 182041				



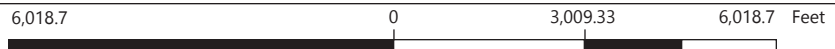
County of San Benito



Legend

- Parcels
- California County Boundaries
 - <all other values>
 - San Benito
- City Limit
- SBC Approved Subdivisions
- Hollister Airport Runways
- Hollister Airport Noise Impact Zones
 - 55 - 60 dB CNEL
 - 60 - 65 dB CNEL
 - 65 - 70 dB CNEL
 - 70+ dB CNEL
- Tentative Streets
- Park

1: 36,112



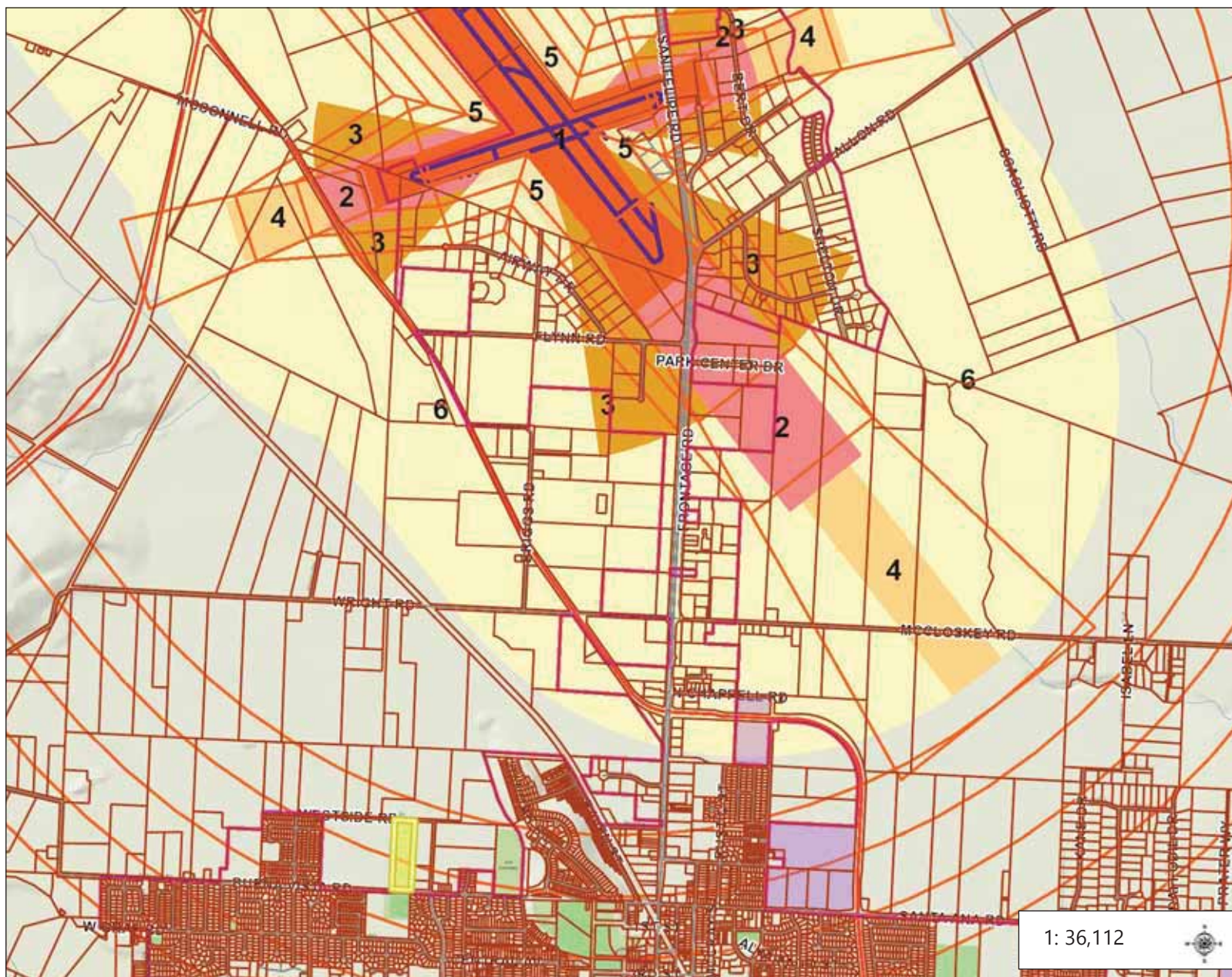
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Notes



County of San Benito



Legend

- Parcels
- California County Boundaries
- <all other values>
- San Benito
- City Limit
- SBC Approved Subdivisions
- Hollister Airspace Protection Zone
- Hollister Airport Runways
- Hollister Airport Safety Zones**
 - Runway Protection Zone
 - Inner Approach/Departure Zone
 - Inner Turning Zone
 - Outer Approach/Departure Zone
 - Sideline Zone
 - Traffic Pattern Zone
- Tentative Streets
- Park

Notes

6,018.7 0 3,009.33 6,018.7 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
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Legend

- Existing Airport Property
- Future Property Acquisition
- Hollister City Limits
- Hollister Sphere of Influence
- Hollister Planning Area Boundary
- Existing Runway- 13-31 length: 6,350', 6-24 length: 3,150'
- Future Runway- 13-31 length: 7,000', 6-24 length: 3,357'
- Roads
- Railroads
- Parcels
- Rivers

Policy Boundaries

- Airport Influence Area

Overflight Zones

- High Noise/Risk Zone (Avigation Easement Dedication)¹
- Routine Overflight Zone (Recorded Overflight Notification)^{2, 3}
- Airport Influence Area (Real Estate Transaction Disclosure)³

- Notes**
1. Avigation Easement Dedication required within High Noise/Risk Zone. Zone boundary encompasses CNEL 55 dB noise contour and Safety Zones 1 through 5, and critical portions of approach and transitional surfaces to where these surfaces intersect the horizontal surface.
 2. Recorded Deed Notice required in Routine Overflight Zone. Zone boundary matches the outer boundary of the horizontal surface as defined by FAR Part 77.
 3. Real Estate Disclosure required within the Routine Overflight Zone and within entire airport influence area. Zone boundary matches the outer boundary of the conical surface as defined by FAR Part 77.

**Hollister Municipal Airport
Land Use Compatibility Plan**

April 19, 2012

Map 5

**Compatibility Policy Map:
Overflight Zones**

Source: Wood & Hunt, Inc.