



AGENDA REGULAR MEETING SAN BENITO COUNTY AIRPORT LAND USE COMMISSION

DATE: Thursday, April 18, 2024

4:00 P.M.

LOCATION: County Board of Supervisors Chambers

481 Fourth Street Hollister, CA 95023

COMMISSIONERS: Scott Freels, Chair (City of San Juan Bautista)

Mia Casey, Vice-Chair (City of Hollister)
Angela Curro (County of San Benito)
Dolores Morales (City of Hollister)
Mindy Sotelo (County of San Benito)

ALTERNATES: San Benito County: Kollin Kosmicki

City of San Juan Bautista: Jacki Morris-Lopez

City of Hollister: Rick Perez

NOTICE OF PROCEDURES FOR AIRPORT LAND USE COMMITTEE MEETINGS

The meeting will be available through Zoom, for those who wish to join or require accommodations.

Members of the public may participate remotely via Zoom at the following link: https://zoom.us/join with the following Webinar ID: 844-2257-2141 and Passcode: 108625

Those participating by phone who would like to make a comment can use the "raise hand" feature by dialing "*9" (star-nine) . In order to receive full Zoom experience, please make sure your application is up to date.

Remote Zoom participation for members of the public is provided for convenience only. In the event that the Zoom connection malfunctions for any reason, the COG Board of Directors reserves the right to conduct the meeting without remote access.

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 Directors on items of interest not appearing on the agenda will be provided during Section 3. <u>Public Comment.</u>

- 1. CALL TO ORDER
- 2. Verification of Certificate of Posting
- **Public Comment:** (Opportunity to address the Board on items of interest <u>not</u> appearing on the agenda. No action may be taken unless provided by Govt. Code Sec. 54954.2. <u>Speakers are limited to 3 minutes.</u>)

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.)

- **4.** APPROVE Airport Land Use Commission Draft Action Regular Meeting Minutes Dated March 21, 2024 Gomez
- 5. FIND Project Number APR 2023-5, Associated with Assessor Parcel Number 051-120-081, located in the City of Hollister, Consistent with the 2012 Hollister Municipal Airport Land Use Compatibility Plan Borick

Adjourn to ALUC Meeting on May 16, 2024. Agenda deadline is April 30, 2024, 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 Airport Land Use Commission 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 Board'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.

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 Secretary 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.

Public Comment Guidelines

- 1. If participating on Zoom: once you are selected, you will hear that you have been unmuted. At this time, state your first name, last name, and county you reside in for the record.
- 2. The Council of Governments Board welcomes your comments.
- 3. Each individual speaker will be limited to a presentation total of three (3) minutes.
- 4. 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.

If you have questions, contact the Council of Governments, and leave a message at (831) 637-7665 x. 201, or email monica@sanbenitocog.org.

CERTIFICATE OF POSTING

Pursuant to Government Code Section #54954.2(a) the Meeting Agenda for the Airport Land Use Commission on **April 18, 2024** at **4:00 P.M.** was posted at the following locations freely accessible to the public:

The front entrance of the San Benito County Administration Building, 481 Fourth 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 15th day of April 2024, on or before 2:00 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.

Monica Gomez, Secretary II

Council of San Benito County Governments

Agenda Item:_4_

San Benito County AIRPORT LAND USE COMMISSION REGULAR MEETING

Board of Supervisors Chambers 481 Fourth Street, Hollister, CA 95023 & Zoom Platform March 21, 2024 4:00 P.M.

ACTION MINUTES

MEMBERS PRESENT:

Vice Chair Mia Casey, Director Angela Curro, Director Mindy Sotelo, Alternate Director Jackie Morris-Lopez

MEMBERS ABSENT:

Chair Scott Freels, Director Dolores Morales

STAFF PRESENT:

Executive Director; Binu Abraham, Administrative Services Specialist; Norma Rivera, Transportation Planner; Douglas Kean, Transportation Planner; Samuel Borick, Office Assistant; Griselda Arevalo; Secretary; Monica Gomez COG Legal Counsel; Osman Mufti (via-Zoom).

1. CALL TO ORDER:

Vice Chair Casey called the meeting to order at 5:39 p.m.

2. CERTIFICATE OF POSTING

Motion made to acknowledge Certificate of Posting:

Motion: Director Mindy Sotelo Second: Director Angela Curro

Motion carried: 4/0

Yes: Casey, Curro, Sotelo, Alt. Morris-Lopez

No: None Recused: None Abstention: None

Absent: Freels, Morales

3. PUBLIC COMMENT: None

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.)

- **4.** APPROVE Airport Land Use Commission Draft Action Regular Meeting Minutes Dated January 18, 2024 Gomez
- **5.** FIND Project Number (unassigned) "Thousand Palms Project", Associated with Assessor Parcel Numbers 051-152-002-000 and 051-005-000, located in the City of Hollister, Conditionally Consistent with the 2012 Hollister Municipal Airport Land Use Compatibility Plan Borick

There was no public comment on the Consent Agenda.

Motion made to approve the Consent Agenda Items 4 and 5:

Motion: Alt. Director Morris-Lopez Second: Director Mindy Sotelo

Motion carried: 4/0

Yes: Casey, Curro, Sotelo, Alt. Morris-Lopez

No: None Recused: None Abstention: None

Absent: Freels, Morales

ADJOURNMENT:

There being no further business to discuss, Vice Chair Casey motioned to adjourn at 5:40 p.m. Motion seconded by Director Sotelo .

Motion carried: 4/0

Yes: Casey, Curro, Sotelo, Alt. Morris-Lopez

No: None Recused: None Abstention: None

Absent: Freels, Morales

ADJOURN TO ALUC MEETING APRIL 18, 2024 AT 4:00 P.M.





STAFF REPORT

Consent

Prepared By: Samuel Borick, Transportation Planner

Subject: Consistency Determination

Agenda Item: 5

Approved By: Binu Abraham, Executive Director

Meeting Date: April 18, 2024

Recommendation:

FIND Project Number APR 2023-5, Associated with Assessor Parcel Number 051-120-081, located in the City of Hollister, Consistent with the 2012 Hollister Municipal Airport Land Use Compatibility Plan.

Summary:

The ALUC application associated with assessor parcel numbers Assessor Parcel Number 051-120-081 (Attachment 1) was reviewed in accordance with the adopted 2012 Hollister Municipal Airport Land Use Compatibility Plan.

Background/ Discussion:

ALUC received a referral development application from the City of Hollister for a Consistency Determination. Land use actions proposed within the Hollister Municipal Airport Influence Area (Attachment 2) 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.

Project Description:

The applicant is requesting approval of an Administrative Permit Review to allow for the mix of cannabis and non-cannabis uses at 1802 Shelton Drive located in the M1 – Light Industrial Zoning District.

The project includes the division of a three-tenant, industrial building, located at 1802 Shelton Drive. Currently two of the three tenant spaces within the building are occupied by cannabis uses, one space is being used as a cultivation facility (C-2), the other is being used as a dispensary (C-1). The applicant is proposing that they be permitted to use the third, currently unoccupied, tenant space (C-3) for a non-cannabis industrial use. The applicant is intending to use C-3 for warehousing purposes.

In order to divide the cannabis and non-cannabis facilities the applicant is proposing to remove all internal access to the cannabis facilities by installing a 6-foot-high fence from the center of the rear of the building to the rear fence along the property line. Within this new fence line, there will be a 20-foot-wide gate with a Knock Padlock. The purpose of the fence is to eliminate exterior yard access.

In addition to the external division of the facility, the applicant is proposing internal measures. The project includes the permanent locking of an internal door that provides access from office suites in C-3 to the warehousing space. The project includes the double locking of the fire riser room, with keys to be stored in the Knock Box. The project also includes modifications to the main entrance of the warehouse facility; per the request of the Fire Department a Knox Box will be added 5 inches off the ground on the left side hand side of the door.

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

Noise Policy 3.2.

The Noise Policy objective is to avoid the establishment of noise-sensitive land uses in the portions of airport environs that are exposed to significant levels of aircraft noise. The following noise policies from the ALUCP are applicable to this analysis:

 Policy 3.2.4. Evaluating Noise Compatibility around Hollister Municipal Airport: The noise compatibility of proposed land uses within the influence area of Hollister Municipal Airport shall be evaluated in accordance with the policies set forth in this section, including the noise impact zones depicted on Map 2 and the criteria listed in Table 1.

The noise compatibility zones are depicted in Map 2 (Attachment 4) of the ALUCP. The Project falls outside the Hollister Airport Noise Impact Zones. Therefore, the project is consistent with the Noise Compatibility Criteria set forth in Table 1 of the ALUCP.

The Project is consistent with Policy 3.2.4.

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 nonresidential 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 following safety policies from the ALUCP are applicable to this analysis:

Policy 3.3.4. Evaluating Safety Compatibility around Hollister Municipal Airport: The safety compatibility
of proposed land uses within the influence area of Hollister Municipal Airport shall be evaluated in

accordance with the policies set forth in this section, including the safety zones depicted on Map 3 and the criteria listed in Table 2.

- Policy 3.3.6. Nonresidential Development Criteria: The usage intensity of nonresidential development shall be measured in terms of the number of people per acre concentrated in areas most susceptible to aircraft accidents. The "sitewide average" and "single-acre" usage intensity (people per acre) limits indicated in Table 2 for each safety zone are the fundamental criterion against which the safety compatibility of most nonresidential land uses shall be measured. As a condition of approval, all new nonresidential development within the safety zones shall comply with both forms of intensity limits.
- Policy 3.3.10. Parcels Lying within Two or More Safety Zones: For the purposes of evaluating consistency
 with the compatibility criteria set forth in Table 2, any parcel that is split by safety zone CHAPTER 2
 POLICIES 2–26 Hollister Municipal Airport Land Use Compatibility Plan boundaries shall be considered
 as if it were multiple parcels divided at the safety zone boundary line.

The safety zones are depicted in Map 3 (Attachment 5) of the ALUCP. The Project falls within both Safety Zone 3 *Inner Turning Zone* and Safety Zone 6 *Traffic Pattern Zone*. The criteria for these safety zones is listed in Table 2 of the ALCUP. Industrial, Manufacturing, and Storage Uses are compatible with both Safety Zones 3 and 6. The project is consistent with policy 3.3.4 and policy 3.3.10.

Policy 3.3.6 and Policy 3.3.10 require that the Project comply with the intensity limits of the relevant Safety Zones; the Project falls in both Safety Zone 3 and Safety Zone 6. For Safety Zone 3 the maximum "sitewide average" is 100 per acre and the maximum "single-acre" usage intensity is 300 people per acre. For Safety Zone 6 the maximum "sitewide average" is 300 per acre and the maximum "single-acre" usage intensity is 1,200 people per acre. The project information provided states that the combined sitewide population density would be approximately 10 people per acre.

The project is consistent with Policy 3.3.6.

Airspace Protection Policy 3.4.

Airspace protection compatibility policies seek to prevent creation of land use features that can pose hazards to the airspace required by aircraft in flight and have the potential for causing an aircraft accident. Categories of hazards to airspace include:

- Physical hazards such as tall structures that may intrude upon protected airspace and land use features that have the potential to attract birds or other potentially hazardous wildlife to the airport area.
- Visual hazards such as certain types of lights, sources of glare, and sources of dust, steam, or smoke.

The following airspace policies from the ALUCP are applicable to this analysis:

• Policy 3.4.2. Measures of Hazards to Airspace: In evaluating the airspace protection compatibility of proposed development near Hollister Municipal Airport, three categories of hazards to airspace shall be taken into account: physical, visual, and electronic.

- O The height of structures and other objects situated near the airport are a primary determinant of physical hazards to the airport airspace.
- 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 (FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports).
- Visual hazards of concern include certain types of lights, sources of glare, and sources of dust, steam, or smoke.
- o Electronic hazards are ones that may cause interference with aircraft communications or navigation.
- Policy 3.4.5. Airspace Obstruction Criteria: The criteria for determining the acceptability of a
 project with respect to height shall be based upon the standards set forth in Federal
 Aviation Regulations (FAR) Part 77, Subpart C, Safe, Efficient Use and Preservation of the
 Navigable Airspace. Additionally, where an FAA aeronautical study of a proposed object has
 been required as described in Policy 3.4.7, the results of that study shall be taken into
 account by the ALUC and the local agency.
- Policy 3.4.6. Other Flight Hazards: Land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft in flight or taking off or landing at the airport shall be allowed within the airport influence area only if the uses are consistent with FAA rules and regulations.
- 3.4.7. Requirements for FAA Notification of Proposed Construction or Alteration: The project proponent must submit notification of a proposal to the FAA where required by the provisions of FAR Part 77, Subpart B, and by the California Public Utilities Code, Sections 21658 and 21659. FAA notification requirements apply to all objects including structures, antennas, trees, mobile objects, and temporary objects such as construction cranes. The FAA will conduct an "aeronautical study" of the object(s) and determine whether the object(s) CHAPTER 2 POLICIES 2–30 Hollister Municipal Airport Land Use Compatibility Plan would be of a height that would constitute a hazard to air navigation.

The airspace zones are depicted in Map 4 of the ALUCP. The Project falls within the Airspace Protection Zone. Projects within the Airspace Protection Zone are allowed to have objects with a height of up to 35 feet above the ground (subject to local agency zoning limits) even if the object would penetrate an FAR Part 77 surface and thus constitute an obstruction. The project includes the installation of a 6-foot-high fence that divides the rear of the property. The fence will have a 20-foot-wide gate. Therefore, the project is consistent with policy 3.4.5.

Policy 3.4.6 addresses land uses that may cause visual, electronic, or wildlife hazards that may be a detriment to airport activities. The installation of the exterior fence is not anticipated to cause visual, electronic, or wildlife interference. Therefore, the project is consistent with policy 3.4.6.

In accordance with Policy 3.4.7, if the Project meets the notification requirements, the applicant will need to submit a 7460 notification to the FAA for the Project.

FAR Part 77, Subpart B sets the notification requirements for a 7460 notification which is generally 100:1 or 50:1 slope from the runway end. The 6-foot-high fence to be installed at the rear of the property does not exceed the imaginary surface that extends outward and upward at either a 100:1 or 50:1 slope.

Overflight	Policy	3.5.
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The Overflight Compatibility Policy is intended to help notify people (i.e., 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 compatibility is particularly important with regard to residential land uses. The Routine Overflight Zone policy establishes the form and requirements for notification about airport proximity and aircraft overflights to be given in conjunction with local agency approval of new development and with certain real estate transactions involving existing development. The following overflight policies from the ALCUP are applicable to this analysis:

• Policy 3.5.5. Evaluating Overflight Compatibility around Hollister Municipal Airport: The policies in this section serve primarily to establish the form and requirements for notification about airport proximity and aircraft overflights to be given in conjunction with local agency approval of new residential development and with certain real estate transactions involving existing residential development. The overflight policies do not restrict the manner in which new residential uses can be developed in areas that are subject to routine aircraft overflights. Overflight policies do not apply to nonresidential development. The boundaries of the overflight zones around Hollister Municipal Airport are shown on Map 5.

The overflight zones are depicted on Map 5 of the ALUCP. The Project site falls within the High Noise/Risk Zone (Avigation Easement Dedication) overflight zone. Policy 4.1.1 in the ALUCP outlines the Avigation Easement requirements. Based upon these factors, an avigation easement on the subject property should be dedicated to the City of Hollister as a condition for Project approval.

- Policy 4.1.1. Avigation Easement Dedication: As a condition for approval of projects meeting the conditions in Paragraphs (a) and (b) below, the property owner shall be required to dedicate an avigation easement to the City of Hollister as owner of Hollister Municipal Airport
 - a. As depicted in Map 5, avigation easement dedication is required for all projects situated within the High Noise/Risk Zone boundary which includes the following portions of the Hollister Municipal Airport influence area:
 - 1. All locations within the CNEL 60 dB contour depicted on Map 2
 - 2. All locations within Safety Zones 1 through 5 as depicted on Map 3

- 3. All locations within the Critical Airspace Protection Zone as depicted on Map 4.
- b. Avigation easement dedication shall be required for any proposed development except ministerial actions associated with modification of existing single-family residences.
- c. The avigation easement shall:
 - 1. Provide the right of flight in the airspace above the property;
 - 2. Allow the generation of noise and other impacts associated with aircraft overflight:
 - 3. Restrict the height of structures, trees and other objects in accordance with the policies in Section 3.4 and the Compatibility Policy Map: Airspace Protection Zones (Map 4) herein;
 - 4. Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit; and
 - 5. Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.

The Project is considered a nonresidential development, therefore the project is consistent with Policy 3.5.5.

The Project is located within the High Noise/Risk Zone (Avigation Easement Dedication) overflight zone; therefore the Project requires dedication of an Avigation Easement in accordance with Policy 4.1.1.

Financial Impact:

There is no financial impact.

Attachments:

- 1. Project Location Map
- 2. Compatibility Policy Map: Airport Influence Area
- 3. Project Site Map
- 4. Noise Contour Map
- 5. Safety Zones Map
- 6. Overflight Zones Map



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

Notes

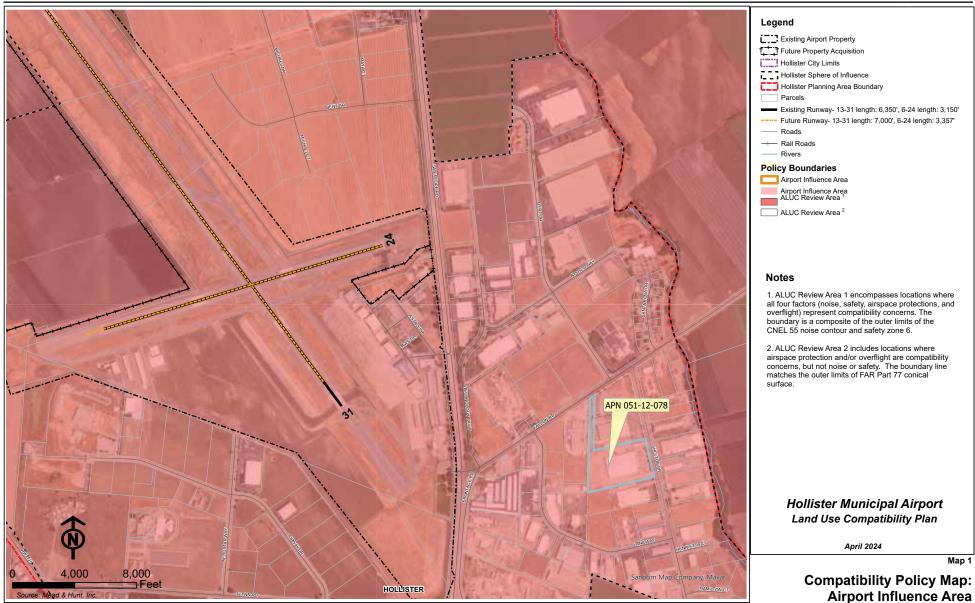
- Avigation Easement Dedication required within High Noise/Risk Zone. Zone boundary encompasses CNEL 55 dB noise contour and Safety Zones 1 through 5, and critical portions of approach and transitional surfaces to where these surfaces intersect the horizontal surface.
- Recorded Deed Notice required 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.

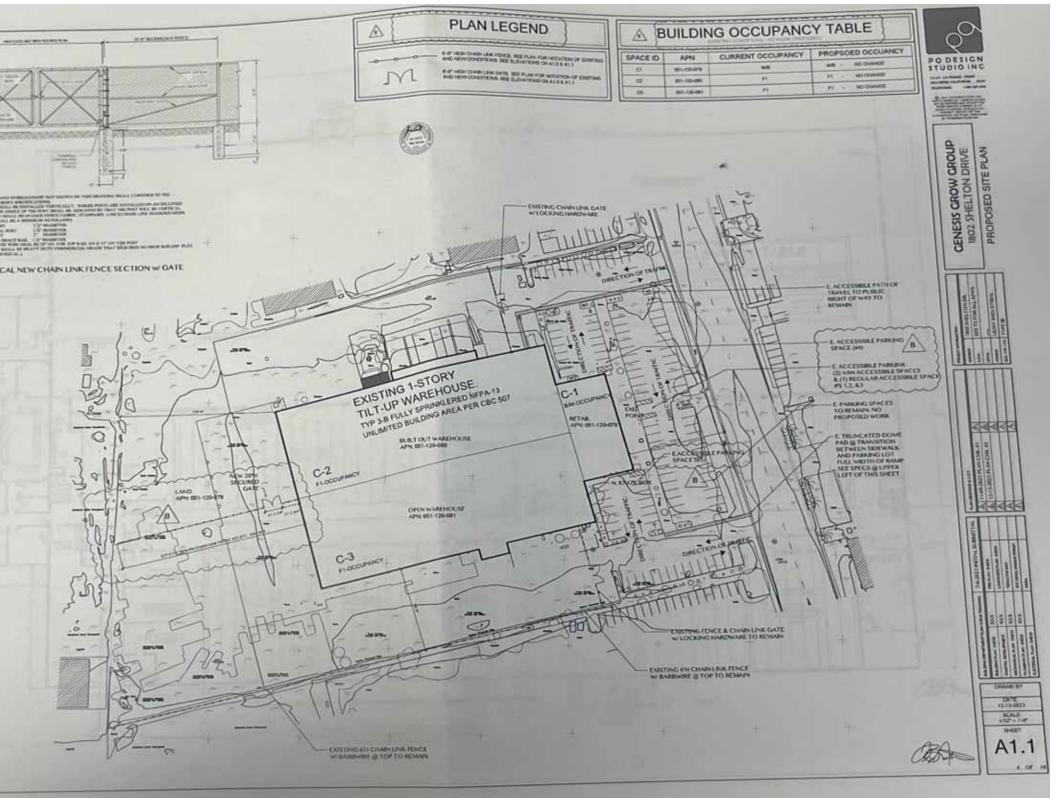


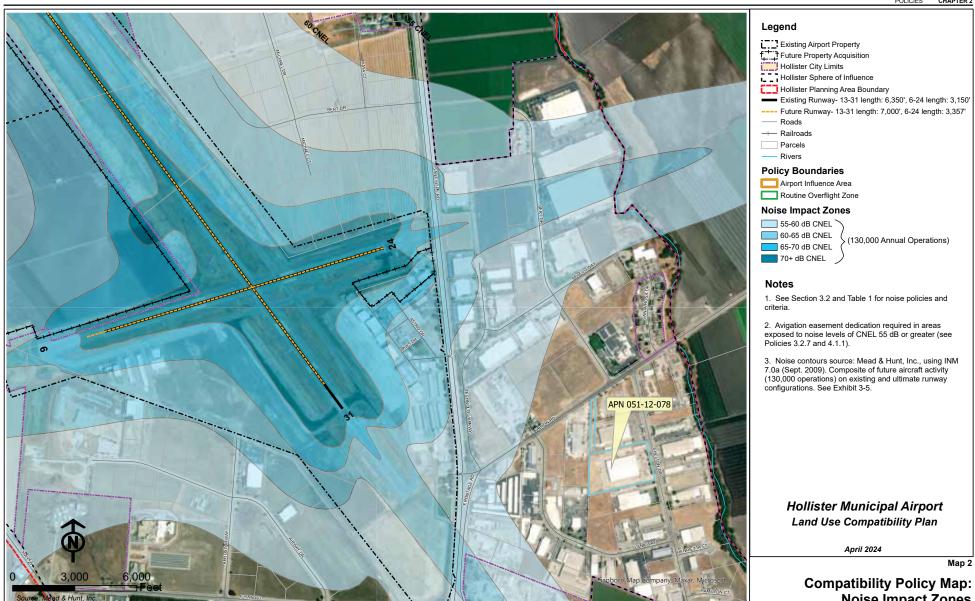
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Hollister Municipal Airport Land Use Compatibility Plan

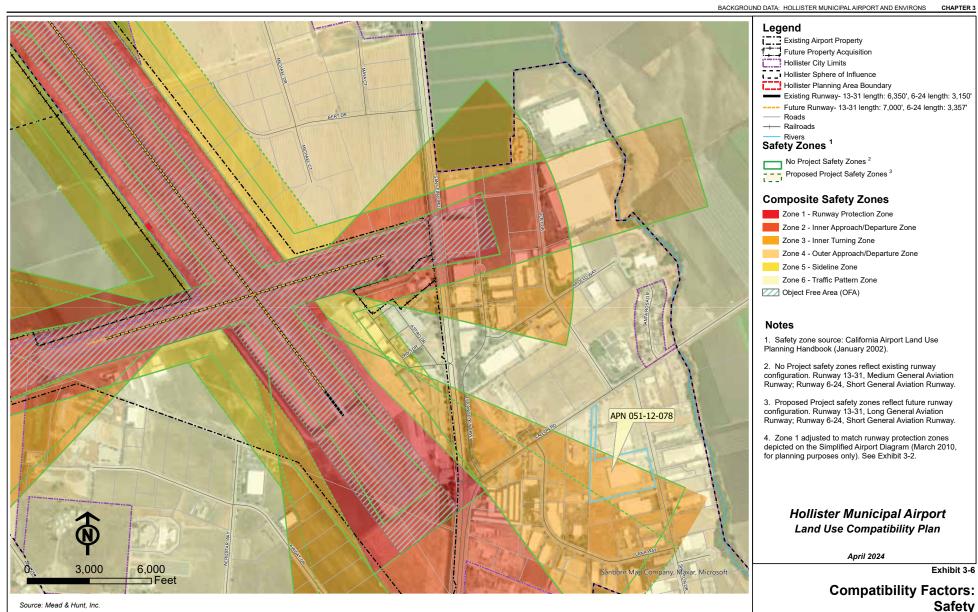
April 2024







Noise Impact Zones





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)
Routine Overflight Zone (Recorded Overflight Notification)
3, 3

Airport Influence Area (Real Estate Transaction Disclosure)³

Notes

- 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.
- 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.



0 670 1,340 2,010 Feet

Hollister Municipal Airport
Land Use Compatibility Plan

April 2024

Compatibility Policy Map: Overflight Zones