

April 8, 2015

Henry Dong, Project Planner
City of Alameda Community Development Department
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501-4477

SUBJ: ALUC Administrative Review: Commercial/Office Project at 2810 Harbor Bay Parkway, Alameda, CA

Dear Mr. Dong,

Thank you for the opportunity to review the materials you submitted regarding new construction of a 2-story commercial/office building. I have completed an Administrative Review of the materials provided and have the following comments for your consideration as this project moves through the approval process.

Airport Land Use Compatibility

The Alameda County Airport Land Use Commission (ALUC) has adopted an updated Airport Land Use Compatibility Plan (ALUCP) for all three public use airports in Alameda County (the Oakland International Airport 2010, Hayward Executive Airport 2012, and Livermore Municipal Airport 2012). These documents and other reference material can be accessed online at this location:

<http://www.acgov.org/cda/planning/generalplans/airportlandplans.htm>

The project site is located within the Airport Influence Area (AIA) for the Oakland International Airport, the nearest airport to the project location, and in other zones as noted below. This review consists of an evaluation of the Project with regard to the four Airport Compatibility Planning Factors: Noise, Safety, Airspace Protection, and Overflight.

Noise

Noise compatibility policies are established in order to prevent the development of noise-sensitive land uses in portions of the airport environ that are exposed to significant levels of aircraft noise. The project site is located within the 60 dB CNEL noise contour. Please refer to Table 3-1 - *Noise Compatibility Criteria* in the Oakland Airport ALUCP, and Section 3.3.1.6 of the ALUCP which establishes Interior Noise Levels for various land uses. Section 3.3.1.6 defines the maximum aircraft-related interior noise level considered acceptable for commercial and office development projects to be 50 dB CNEL.

✈ *It is the responsibility of the applicant to comply with this requirement, or notify ALUC staff as soon as possible if this will be an issue.*

Safety

Land use safety compatibility criteria are developed to minimize the risks to people and property on the ground, as well as those people in an aircraft in the event of an accident or emergency landing occurring outside the airport boundary.

Exhibit 3

**Item 7-A, 5/26/2015
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This project is located wholly within Safety Zone 6 - the Traffic Pattern Zone. Table 2-3 - *Basic Compatibility Criteria and Supporting Information* defines in general terms allowable and non-allowable land uses within the Safety Zones. Most importantly, this table describes in general terms, the likelihood of accident occurrence within each Safety Zone. The proposed project is considered an allowable non-residential use in this zone.

Table 3-2 - *Safety Compatibility Criteria* is a detailed table that represents specific land use types for all seven Safety Zones within the AIA for the Oakland Airport. This project falls under the category of office buildings, and is a compatible land use in this zone.

Airspace Protection

Similar to safety policies, airspace protection criteria is intended to reduce the risk of harm to people and property resulting from an aircraft accident. This is accomplished by the establishment of compatibility policies that seek to prevent the creation of land use features that can be hazards to the airspace used by aircraft in flight and have the potential to cause an aircraft accident to occur. Such hazards may be physical, visual, or electronic. Please refer to Section 3.3.3.7- *Other Flight Hazards* for specific information on various types of potential hazards.

The ALUC conforms to the guidance provided by FAA Part 77 - *Objects Affecting Navigable Airspace*, which is provided in Appendix C of the Oakland Airport ALUCP - Federal Aviation Regulations Part 77. The proposed height of this building is 35' 6" Above Ground Level (AGL) and 43' 10" Above Sea Level (ASL). Based on Figure 3-5 - *Oakland International Airport FAR Part 77 Surfaces*, the allowable height is approximately 150 feet AGL for Runway 11/29, and Runway 9R/27L. The proposed building height is within Part 77 standards.

The project site is located approximately 6,726 feet from the nearest point of Runway 11/29, and approximately 8,117 feet from the nearest point of Runway. While the height of the proposed building does not exceed Part 77 surfaces, construction cranes *may* exceed Part 77 surfaces. If so, the applicant will be required to file Form 7460 - 2 *Notice of Actual Airport Construction* with the FAA.

➔ **It is the responsibility of the applicant to determine the need for filing Form 7460-2 with the FAA.**

Should they be needed, the FAA forms can be accessed in link to the ALUC webpage provided earlier in this letter. Please review Section 3.3.3 *Airspace Protection* and subsequent subsections in the ALUCP for more detailed descriptions of airspace requirements.

Overflight

Overflight policies address noise from the overhead flight of aircraft, which can be annoying and intrusive in locations beyond the limits of the noise contours. Unlike other compatibility factors such as; noise, safety, or airspace protection, overflight compatibility policies do not restrict how land can be developed or used. The basic intent of overflight policies is to warn people near an airport of the presence of aircraft so that they have the ability to make informed decisions regarding acquisition or lease of property within the influence area of an airport.

This project is located wholly within the Overflight Compatibility Zone for the Oakland Airport as shown in Figure 3-6. As such, the following is required for a finding of compatibility with the Oakland Airport ALUCP:



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✈ The applicant agrees to provide evidence of an executed Avigation Easement for the Oakland International Airport, in a form approved by the Port Attorney, for this project.

For your convenience, the Port's approved Avigation Easement form is included with this letter. An electronic copy will also be provided.

Consistency Review Findings

In summary, this project as currently proposed is found to be Conditionally Compatible with noise, safety, airspace protection and overflight criteria. Once the requirements listed in this letter are fulfilled and evidence provided to the ALUC, a letter will be issued indicating the conditions as listed have been met, and designate the project as the compatible with the Oakland airport ALUCP.

RECOMMENDATION

Please note: we recognize some of these conditions will take time to be met as required. Therefore for ALUC Review purposes, this project can proceed according to the City's review process as long as progress is being made on these conditions, and if City staff agrees with this recommendation.

Again, thank you for the opportunity to review this project. Please do not hesitate to contact me at (510) 670-6511 if you have any questions about this determination or require additional information as this project moves forward.

Sincerely,



Cindy Horvath
Senior Transportation Planner

c: Members, Alameda County Airport Land Use Commission
Albert Lopez, Alameda County Planning Director, ALUC Administrative Officer



