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To: [Hernandez, Veronica](#)
Subject: [EXTERNAL] ZAP1548MA22 ALUC comment
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Attachments: [image001.png](#)

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Good Morning Veronica,

Regarding the City's action for ALUC case ZAP1548MA22, I would like to provide the following comment for the record and the City's consideration per PUC section 21676.5(a) which states "that the local agency governing body shall include comments from the commission and the division in the final decision to overrule the commission".

At the June 13, 2024, ALUC hearing, the Commission was presented with an informational workshop regarding the ALUC and State Housing Legislation (SB 6 AB2011, SB9, SB10). It was presented to the Commission that under Government Code Section 65589.5, the Housing Accountability Act establishes limitations to a local government's ability to deny, reduce the density of, or make infeasible housing development projects, emergency shelters, or farmworker housing that are consistent with the objective local development standards and contribute to meeting housing need. Local jurisdictions may deny a housing development but must make written findings based on a preponderance of evidence that both: 1) the housing development project would have a specific, adverse impact upon public health or safety unless disapproved or approved at a lower density; and 2) there is no feasible method to satisfactorily mitigate or avoid the impact. Specific adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies or conditions.

Under Public Utilities Code Section 21670, the goal of the State Aeronautics Act and the ALUC 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 within areas around airports". The ALUC contends that the City has the ability, under the Housing Accountability Act, to deny the proposed high density housing development as it would result in a specific adverse impact on public health and safety as identified in the goals, policies, and standards of the adopted airport land use compatibility plan.

Thank you.

Paul Rull
ALUC Director



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