

CITY OF
HAYWARD
HEART OF THE BAY

**Overrule Action for Section 2.7.5.7 of the
Hayward Airport Land Use
Compatibility Plan (ALUCP)**

**City Council
May 28, 2013**

**David Rizk, AICP
Development Services Director**



HAYWARD EXECUTIVE AIRPORT
Airport Land Use Compatibility Plan

Prepared for
Alameda County ALUC

August 2012



1. Purpose of the Public Hearing

2. Background on the Plan and Overrule Procedures

3. Summary of the Findings

4. Recommendation



HAYWARD EXECUTIVE AIRPORT
Airport Land Use Compatibility Plan

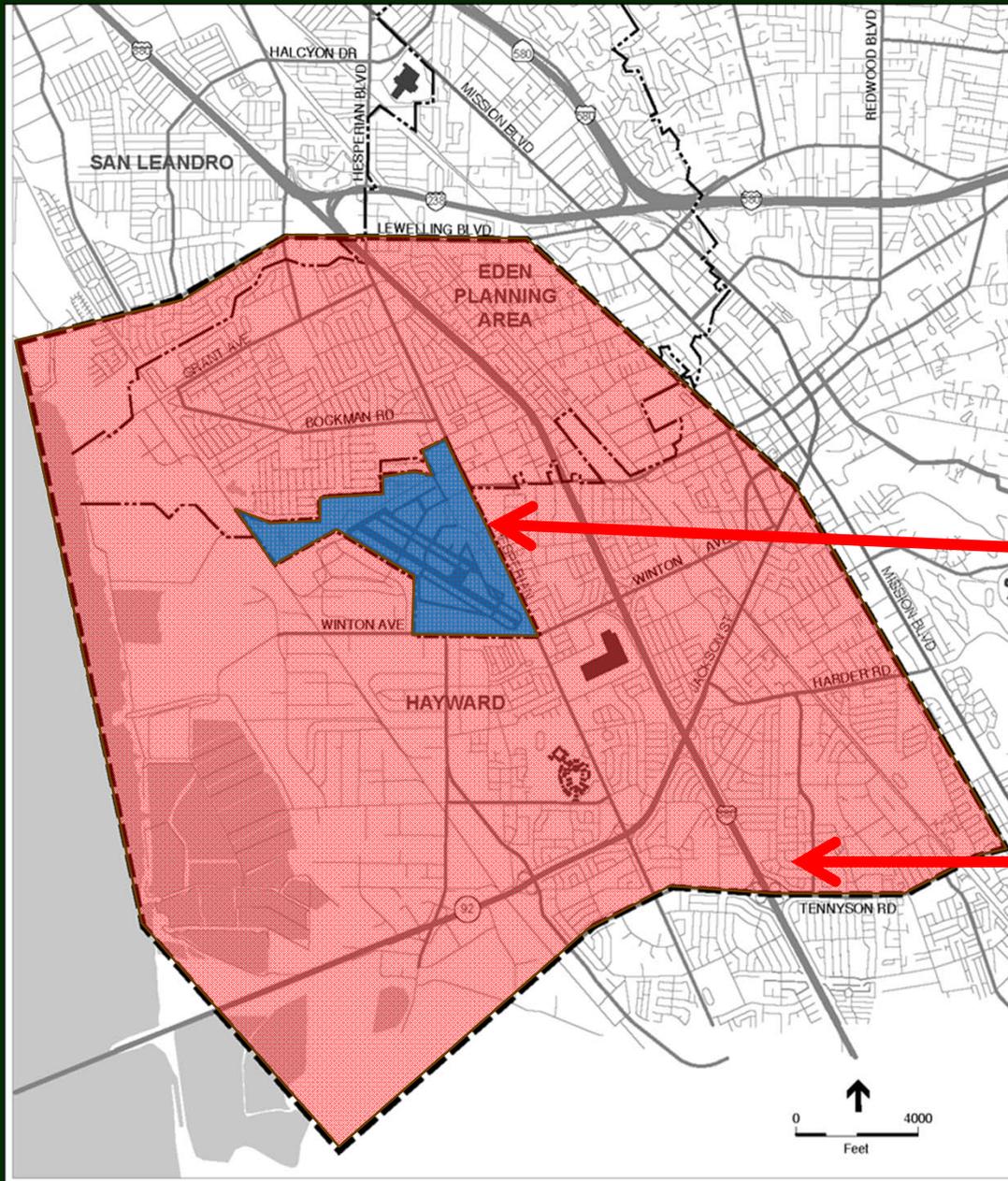
Prepared for
Alameda County ALUC

August 2012



**Adopted July 18, 2012 by the
Alameda County Airport
Land Use Commission**





**Hayward
Executive Airport**

**Airport Influence
Area**

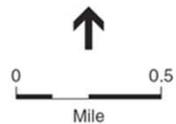
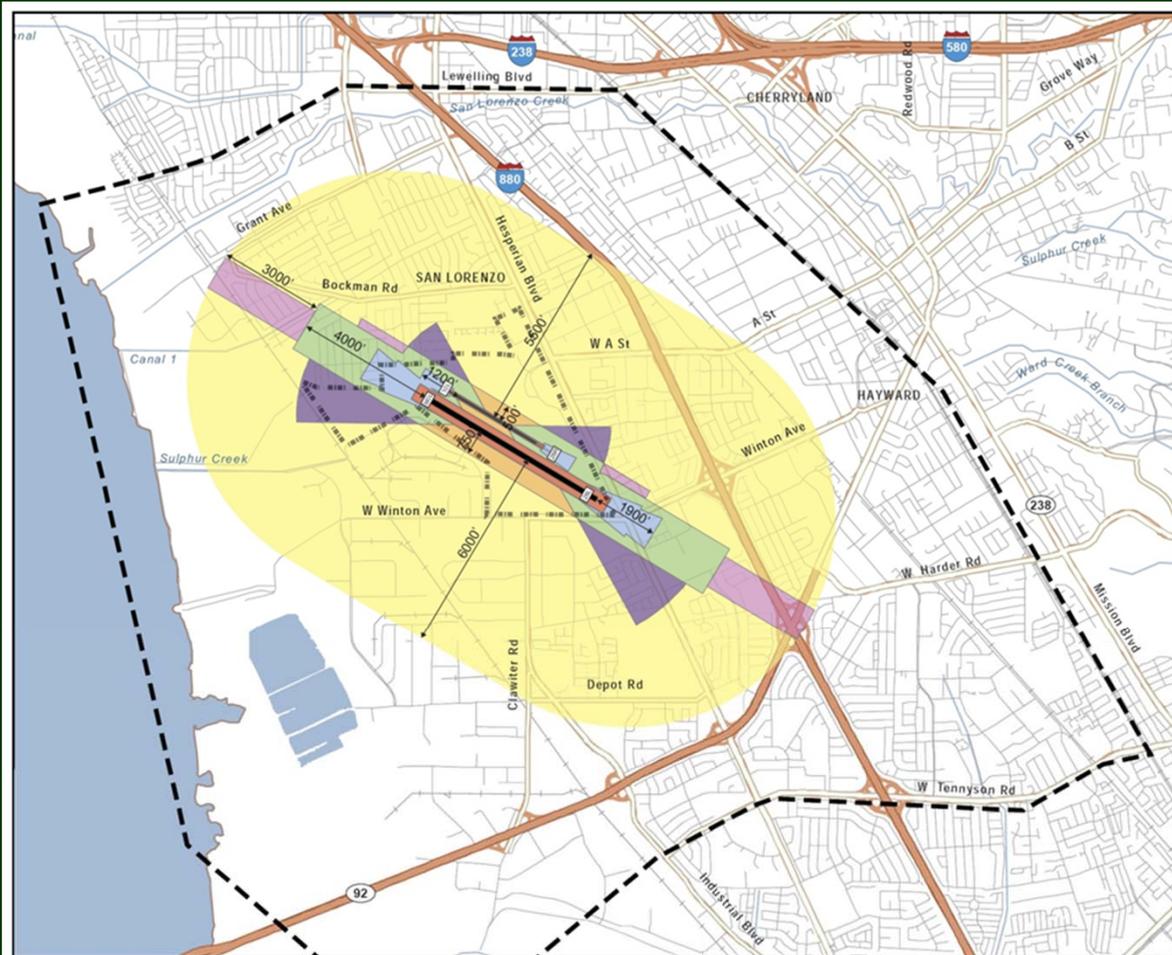


Purpose of ALUCP

- **Exposure of persons on the ground to accident potential;**
- **Exposure of persons to excessive noise levels;**
- **Prevention of obstructions to air navigation (e.g., tall trees, buildings, etc.); and**
- **Prevention of hazards to flight (e.g., wildlife, smoke, flare, lighting)**



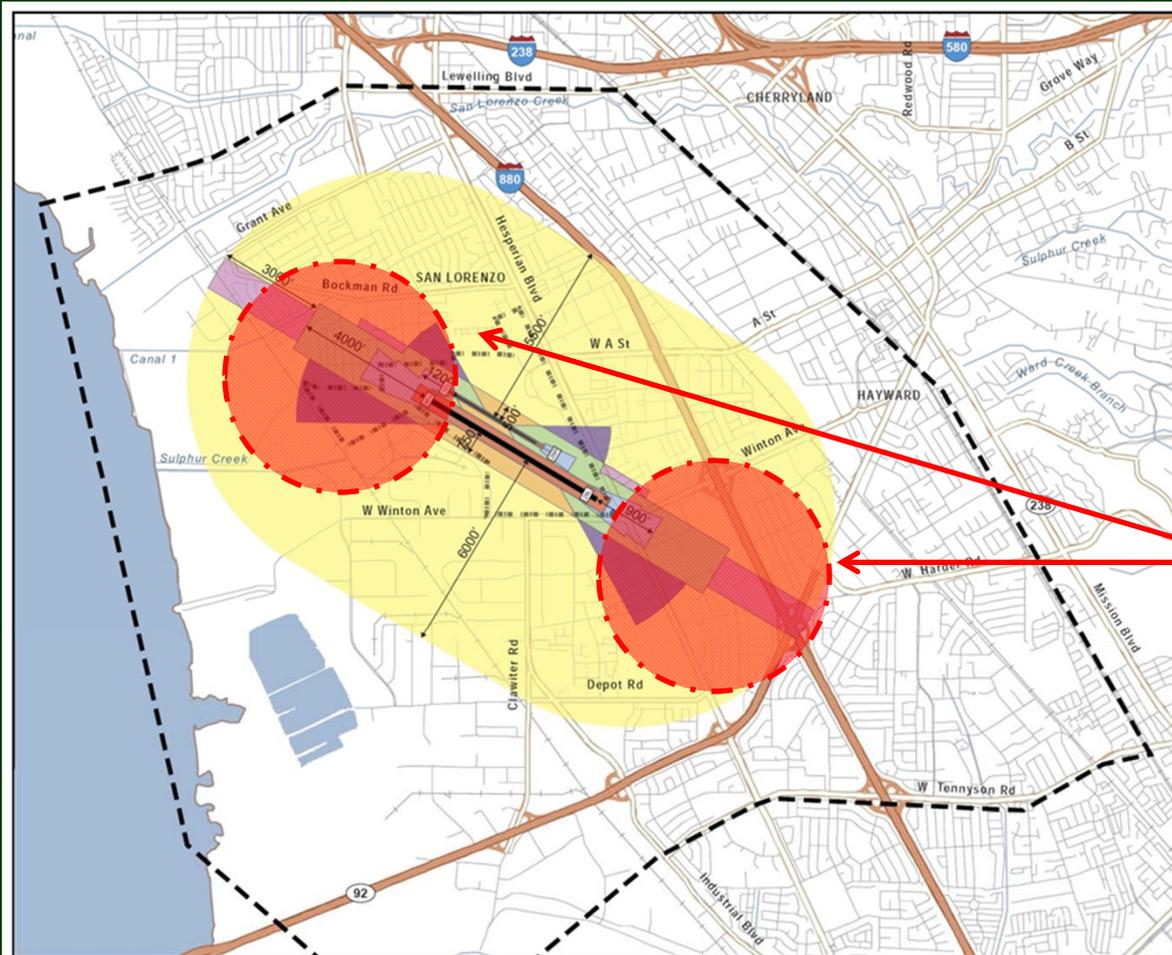
Hayward Airport Safety Zones



Seven Safety Compatibility Zones



Hayward Airport Safety Zones



Areas of Concern



Airport Safety Zones at Southland Mall

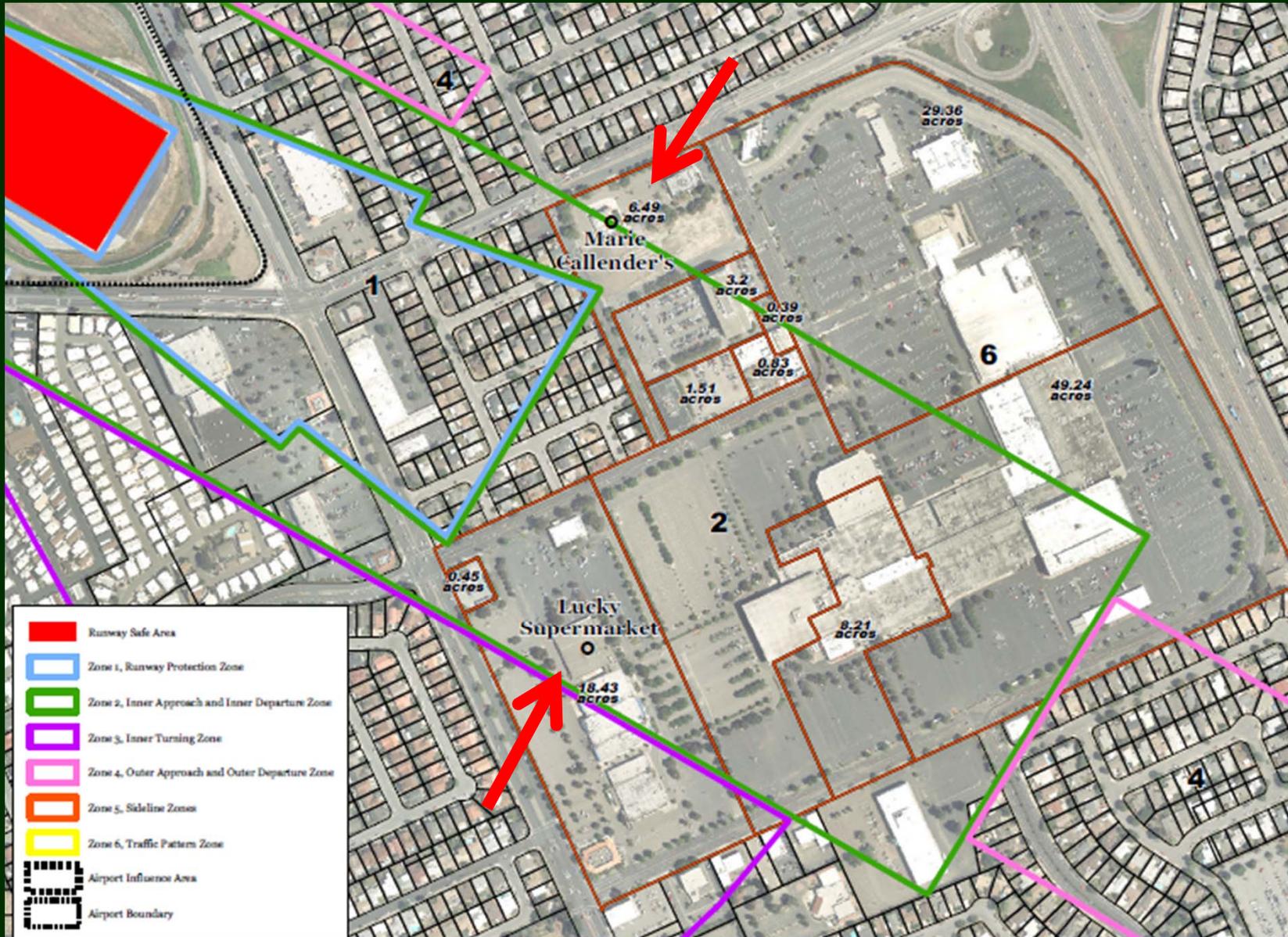


TABLE 3-2
SAFETY COMPATIBILITY CRITERIA

Land Uses	Safety Compatibility Zones						
	1	2	3	4	5	6	7
Maximum Site-wide Average Non-Residential Intensity (People/Acre)	10	40	80	100	100	No Limit	No Limit
Recommended Open Land	100%	40%	30%	20%	20%	0%	0%
Non-Residential Land Uses							
➤ Note: Where uses are listed as "C"-Conditional, please refer to Section 3.3.2.7(c).							
Offices (approx. 215 s. f./person)	X	C	C	C	C	P	P
Small eateries/drinking establishments (approx. 60 s.f./person)	X	X	C	C	C	P	P
Medium sized business (approx. 200 s.f./person)	X	C	C	C	C	P	P
Mixed use retail centers with restaurant facilities (approx. 110 s.f./person)	X	C	C	C	C	P	P
Retail center with no restaurant facilities (approx. 170 s.f./person)	X	C	P	P	P	P	P



Staff's Concern and Proposed Overrule

ALUCP Section 2.7.5.7 (Special Conditions):

- **Infill Development**
- **Nonconforming Uses**



Consistency Issues

**California Government Code §65302.3 states
General and Specific Plans must:**

- **Be consistent with the ALUCP;**
and/or
- **Adopt findings and 2/3 majority of the
City Council must vote to overrule all
or a portion of the ALUCP.**



February 26, 2013: City Council Directed Staff To:

- 1. Pursue overrule action as soon as possible regarding ALUCP Section 2.7.5.7**
 - Potential Negative Impacts to Southland Mall and Skywest Golf Course**
- 2. Incorporate ALUCP into 2040 General Plan Update**
 - Maintain Focus and Schedule for General Plan Update**
 - Realize Cost Savings**
- 3. Implement Policies through Zoning**



Process for Overruling ALUC Decisions

1. Planning Commission Recommendation (May 9, 2013)

2. Initial City Council Public Hearing

1. At least 45 days prior to City Council final action, the City of Hayward must provide the ALUC and Caltrans Division of Aeronautics the Proposed Council Overrule Decision, supported with Findings
2. Findings must be consistent with State Aeronautics Act
3. Requires 2/3 vote by the City Council

3. Final City Council Public Hearing

Approval of the overrule action requires 2/3 vote by the City Council (tentatively scheduled for July 16, 2013)



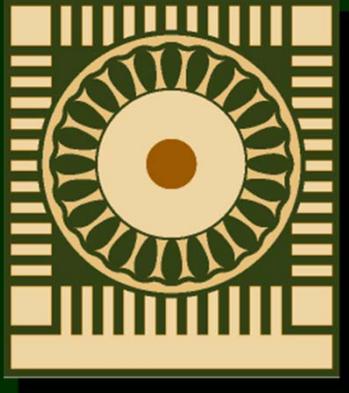
Findings are to “Protect public health, safety and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses”



Recommendation

That the City Council conducts a public hearing on the proposed overrule action regarding Section 2.7.5.7, “Special Conditions,” of the Hayward Executive Airport Land Use Compatibility Plan (ALUCP), and adopts the resolution of intention.





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