

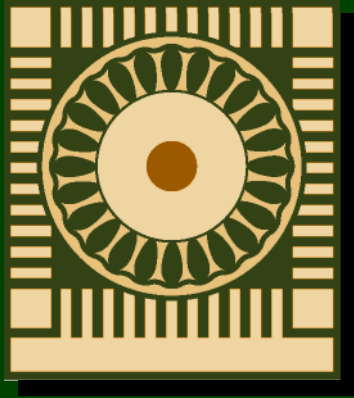
**PLANNING COMMISSION MEETING  
THURSDAY, JUNE 8, 2017**

**PRESENTATIONS**

# **STAFF PRESENTATION**

**ITEM #1 PUBLIC HEARING  
Ph#17-060**

**AIRPORT OVERLAY ZONE  
ORDINANCE REGULATIONS**



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**Airport Overlay Zone Ordinance**  
**June 8, 2017**  
**Planning Commission Public Hearing**

David Rizk  
Director of Development Services



## *Why Adopt New Regulations?*

- Current **City regulations** are over 50 years old
- Ensure land uses and development within the Airport Overlay Zone is **consistent with federal and state laws**
  - 49 U.S.C. § 47107 – establishes the **City's contractual obligations** to the federal government
  - 14 C.F.R. Part 77 – governing allowable **heights** of structures surrounding airports
  - State Aeronautics Act, California Public Utilities Code §21670 related to **noise and safety**
  - Caltrans Division of Aeronautics' **2011 California Airport Land Use Planning Handbook**
- Implements **General Plan Policy**



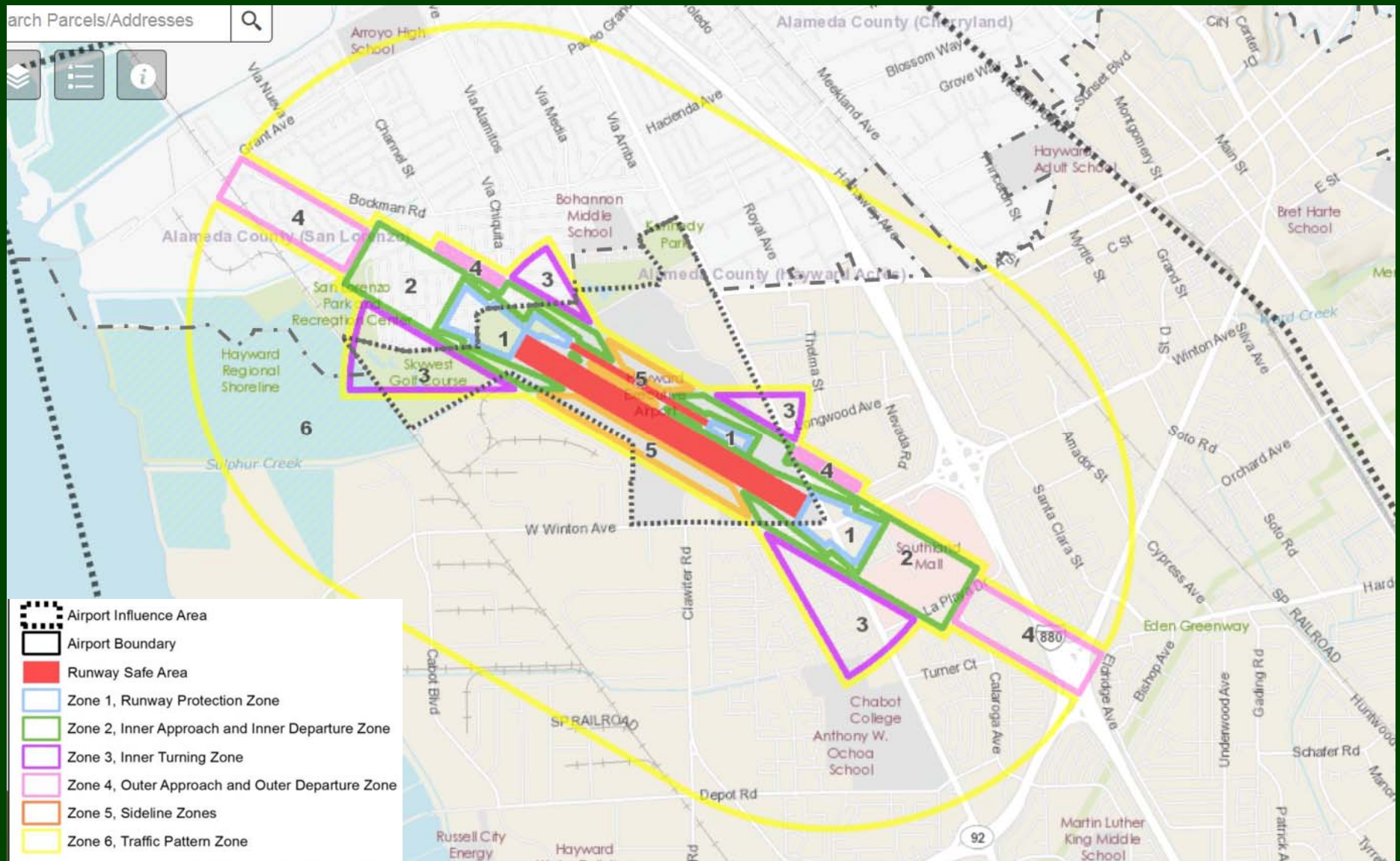
# ***Airport Overlay Zone Ordinance***

## **AOZ Provisions Would Not Apply To:**

- **Hayward Airport property, including Skywest Golf Course**
- **Unincorporated Alameda County (e.g., San Lorenzo), since City of Hayward has no land use authority in those areas**



# Airport Overlay Zone Ordinance – Airport Safety Zones

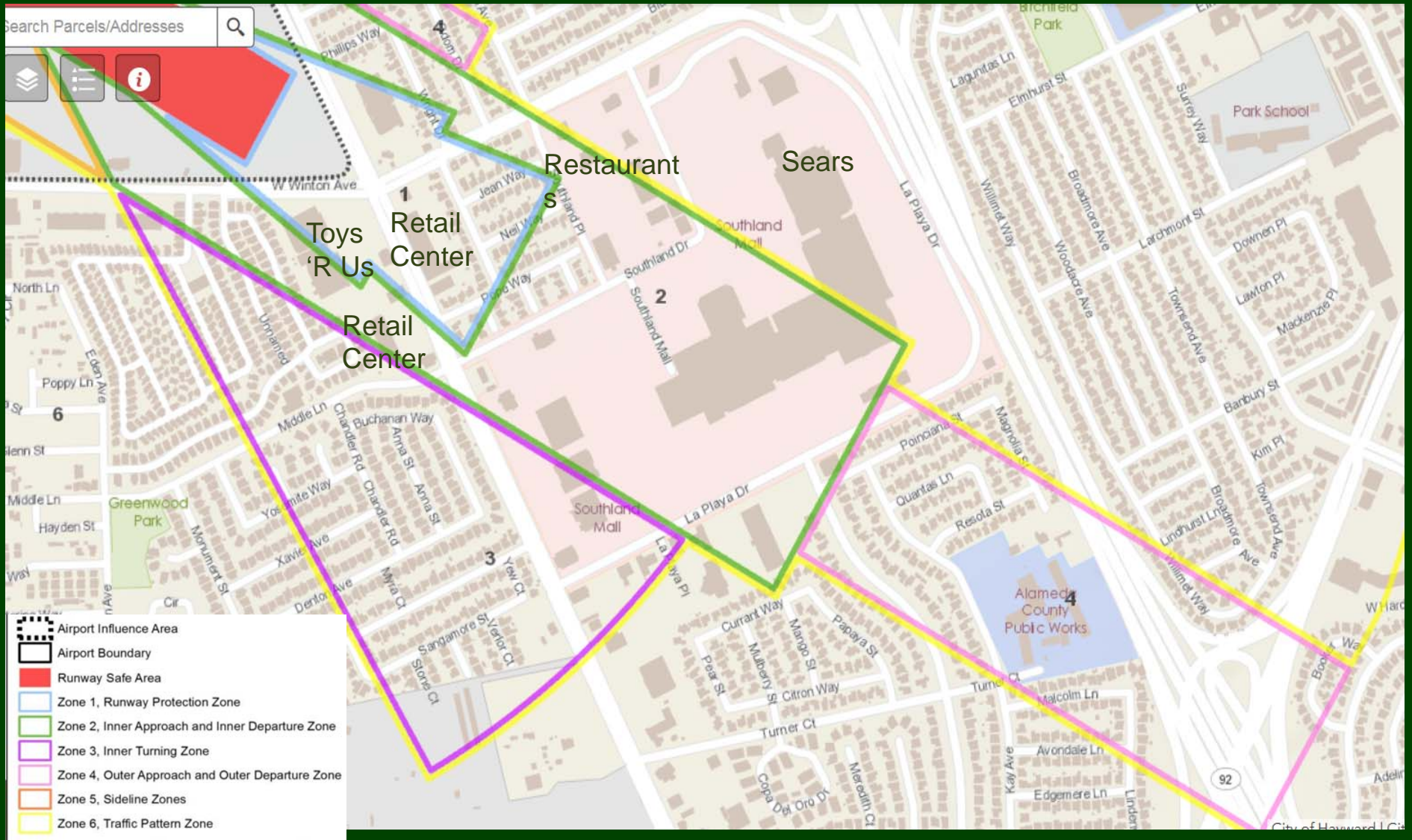


HAYWARD





## Airport Safety Zones – Southland Mall



# HAYWARD



## ***Airport Overlay Zone Ordinance – Infill Provisions***

**Infill development shall only be approved in accordance with the following criteria:**

- (1) whether the proposed development is a conforming or nonconforming use;
- (2) size of the parcel proposed for infill;
- (3) the extent to which the parcel is bounded by uses of similar type and dimension, so as not to extend the perimeter of incompatible uses;
- (4) the density and intensity of the uses proposed for development; and
- (5) applicable development conditions to be imposed (e.g., aviation easements).





# *Airport Overlay Zone Ordinance – **Nonconforming Provisions***

## **For Nonconforming Uses:**

- Uses must comply with Nonconforming Use provisions of the City's Zoning Ordinance.
- No increase in density for nonconforming residential land uses is permitted.
- No expansion of nonconforming nonresidential uses is allowed, unless such expansion complies with the Infill provisions of the AOZ.



## ***Airport Overlay Zone Ordinance***

### **Nonconforming Provisions Related to Southland Mall:**

A nonconforming commercial or industrial center or complex may be established or replaced by another similar nonconforming use when the Planning Director finds:

- (1) That the nonconforming use is **similar to or less intensive** than the ones originally allowed in the center or complex;
- (2) That the nonconforming use **will not adversely affect** or be materially detrimental to adjoining properties; and
- (3) That the use of the entire center or complex **has not been vacant or discontinued** for a period of six or more calendar months.



# ***Airport Overlay Zone Ordinance***

## **AOZ Overview:**

- Development Standards and Uses - Land Use Density and Intensity (Sec. 10-6.30)
- Airspace Protection (Sect.10-6.40)
- Noise (Sect. 10-6.50)
- Aircraft Overflight Notice – Safety Zones 5 and 6 (Sect. 10-6.60)
- Open Land (Sect. 10-6.70)



# Airport Overlay Zone Ordinance Overview

## Land Use, Density and Intensity

**Table 1 - Airport Overlay Zone - Allowable Land Uses**  
(Areas within AOZ and Outside Specific Plans)

Land Uses	Safety Compatibility Zones					
	1 Runway Protection Zone	2 Inner Approach/ Departure Zone	3 Inner Turning Zone	4 Outer Approach/ Departure Zone	5 Sideline Zones	6 Traffic Pattern Zone
<b>Maximum Intensities (all uses) per Single Acre (People/Gross Acre)</b> (Per Figures 4B-4G in the California Airport Land Use Planning Handbook)	0	160	450	600	450	No Limit (Large stadiums and similar uses should be avoided.)
<b>Non-Residential Land Uses</b>						
<b>Maximum Site-wide Average Non-Residential Intensity (People/Gross Acre)</b> (Per Figures 4B-4G in the California Airport Land Use Planning Handbook)	0 (Exceptions can be permitted for agricultural activities, roads, and automobile parking provided that FAA criteria are satisfied.)	80	150	200	150	No Limit (Large stadiums and similar uses should be avoided.)
Note: Infill development is allowed in all zones, in accordance with Section 10-6.10(d) or as stated above. Land uses within Safety Zones 2 through 5 should be clustered, to the greatest extent practical, to preserve open space. No development shall be clustered in a manner that would exceed the intensity limits listed above.						
Offices (approx. 100 sq. ft./person)	X	C	C	C	C	P
Small eateries/drinking establishments (approx. 15 sq. ft./person)	X	X	C	C	C	P
Medium sized business (approx. 30 sq. ft./person)	X	C	C	C	C	P
Mixed use retail centers with restaurant facilities (approx. 45 sq. ft./person)	X	C	C	C	C	P
Retail center with no restaurant facilities (approx. 30 sq. ft./person)	X	C	P	P	P	P

Land Uses	Safety Compatibility Zones					
	1 Runway Protection Zone	2 Inner Approach/ Departure Zone	3 Inner Turning Zone	4 Outer Approach/ Departure Zone	5 Sideline Zones	6 Traffic Pattern Zone
Residential Land Uses						
Maximum Site-wide Average Residential Density (Dwelling Units/Gross Acre) (Per Figures 4B-4G in the California Airport Land Use Planning Handbook)	0	0	Allow infill at up to the average of the surrounding residential area.	Allow infill at up to the average density of comparable surrounding uses	Allow infill at up to the average of the surrounding residential area.	No Limit (Noise and overflight should be considered.)
Note: Infill development is allowed in all zones, in accordance with Section 10-6.10(d) or as stated above. Land uses within safety zones 2 through 5 should be clustered, to the greatest extent practical, to preserve open space. No development shall be clustered in a manner that would exceed the intensity limits listed above.						
Short-term lodging facilities (≤ 30 nights): hotels, motels, etc. (approx. 200 sq. ft./person)	X	X	C	C	C	P
Long-term lodging facilities (>30 days): extended-stay hotels, dormitories, etc.	X	X	X	C	X	P
Single-family residential: detached dwellings, duplexes, townhomes, mobile homes	X	C	Zones 3 and 4: Incompatible at density > 9.0 units/ac		X	P
Multi-family residential: low-to-high density apartments, condominiums	X	X	Zones 3 and 4: Incompatible at density > 12.0 units/ac		X	P
Sensitive Land Uses (Land Uses of Particular Concern)						
Note: Infill development is allowed in all zones, in accordance with Section 10-8.10(d). Where uses are listed as "C"-Conditional, please refer to Note 1 at the end of this table.						
Schools, K-12	X	X	X	C	X	C
Commercial Daycare (≥6 children)	X	X	X	X	X	C
Nurseries/In-home day care (≤14 children)	X	X	X	X	X	P
Inpatient facilities: hospitals, sanitariums, psychiatric facilities (approximately 240 sq. ft./person)	X	X	X	X	X	C
Outpatient facilities (>5 patients): dentist offices, clinics, etc. (approximately 100 sq. ft./person)	X	X	C	C	X	P
Congregate Care Facilities-ambulatory and non-ambulatory (includes assisted living, convalescent/rehab facilities, retirement homes)	X	X	X	X	X	C
Correctional Facilities	X	X	X	X	X	C
High Capacity Indoor assembly room (≥ 1,000 people)	X	X	X	X	X	X
Medium to large indoor assembly room (≥300, <1,000 people)	X	X	X	C	X	C
Low capacity indoor assembly Room (≤ 300 people)	X	X	C	C	X	C
Large outdoor assembly area (≥1,000 people)	X	X	X	X	X	X
Medium outdoor assembly area (≥300, <999 people)	X	X	C	C	X	C
Small outdoor assembly area (>50, <299 people)	X	X	C	C	X	C



# *Airport Overlay Zone Ordinance Overview*

## **Airspace Protection:**

“Airspace protection standards are intended to reduce the risk of harm to people and property resulting from an aircraft accident by preventing the creation of land use features, and the prohibition of any activities, that can pose hazards to the airspace used by aircraft in flight.”

Electrical  
Interference

Features that create an increased  
attraction for wildlife that may be  
hazardous to Airport operations

Glare & Light

Dust & Smoke

Tall Structures

Thermal Plumes





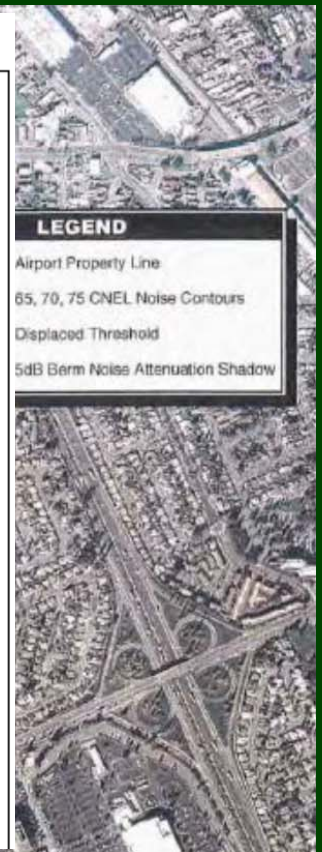
# Airport Overlay Zone Ordinance Overview

## Noise:

“Noise compatibility standards are intended to prevent the establishment of noise sensitive land uses in areas surrounding the Airport that are exposed to significant levels of aircraft noise.”

Table 2 - Exterior Noise Compatibility Standards

TABLE HAZ-1 Exterior Noise Compatibility Standards for Various Land Uses	
Land Use Type	Highest Level of Exterior Noise Exposure that is Regarded as “Normally Acceptable” (CNEL <sup>b</sup> )
Residential: Single-Family Homes, Duplex, Mobile Home	60
Residential: Townhomes and Multi-Family Apartments and Condominiums	65
Urban Residential Infill <sup>c</sup> and Mixed-Use Projects <sup>d</sup>	70
Lodging: Motels and Hotels	65
Schools, Libraries, Churches, Hospitals, Nursing Homes	70
Auditoriums, Concert Hall, Amphitheaters	Mitigation based on site-specific study
Sports Arena, Outdoor Spectator Sports	Mitigation based on site-specific study
Playgrounds, Neighborhood Parks	70
Golf Courses, Riding Stables, Water Recreation, Cemeteries	75
Office Buildings: Business, Commercial, and Professional	70
Industrial Manufacturing, Utilities, Agriculture	75



# *Airport Overlay Zone Ordinance Overview*

## **Aircraft Overflight Notice:**

“Aircraft overflight standards are intended to provide overflight notification for land uses within Safety Compatibility Zones 5 and 6.”

“All discretionary actions for projects within such areas shall include a condition of approval requiring owners of property offered for sale or lease within the AOZ to provide the Real Estate Transfer Disclosure Statement...prior to selling or leasing property.”



# *Airport Overlay Zone Ordinance*

## **Open Land:**

“Open land areas are intended to increase the chances of a pilot successfully landing an aircraft in an emergency situation when he/she is unable to reach the runway.”



## ***Airport Overlay Zone Ordinance – Procedures***

### **Findings required for all discretionary approvals within the AOZ:**

- (1) The project or use complies with the noise compatibility policies of the AOZ Ordinance.
- (2) The project or use complies with the residential and nonresidential density standards in Table 1 of the AOZ Ordinance.
- (3) The project or use complies with the airspace protection policies of the AOZ Ordinance.
- (4) The project or use complies with the overflight policies of the AOZ Ordinance.



# *Airport Overlay Zone Ordinance*

## **FINDINGS REQUIRED FOR AMENDMENTS TO THE HAYWARD MUNICIPAL CODE**

- 1) Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.
- (2) The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans.
- (3) Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified.
- (4) All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.





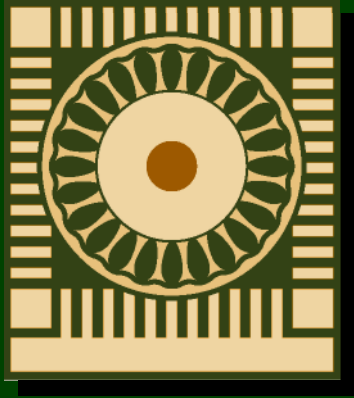
# *Airport Overlay Zone Ordinance*

## **Staff Recommendation:**

Subject to the findings contained in the staff report, that the Planning Commission recommends that the City Council:

- Determines that adoption of the proposed Airport Overlay Zone Ordinance is exempt from CEQA; and
- Adopts the proposed new Airport Overlay Zone Ordinance.

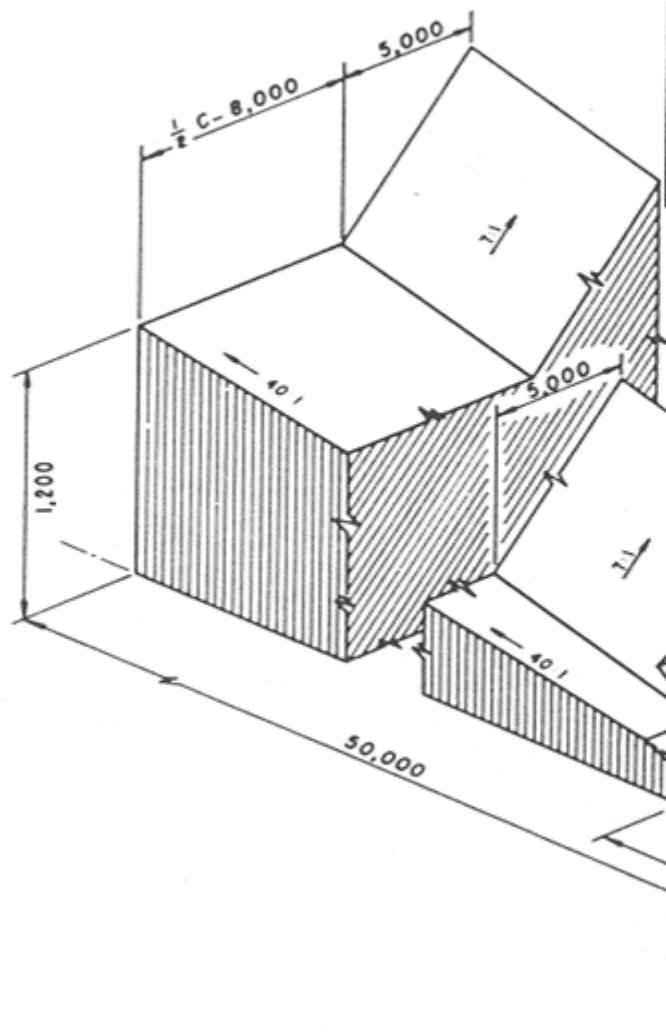




CITY OF  
**HAYWARD**  
HEART OF THE BAY

**Questions?**





DIM	ITEM	DIMENSIONAL STANDARDS (FEET)					
		VISUAL RUNWAY		NON - PRECISION INSTRUMENT RUNWAY		PRECISION INSTRUMENT RUNWAY	
		A	B	A	B	C	D
A	WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END	250	500	500	500	1,000	1,000
B	RADIUS OF HORIZONTAL SURFACE	5,000	5,000	5,000	10,000	10,000	10,000
		VISUAL APPROACH		NON - PRECISION INSTRUMENT APPROACH		PRECISION INSTRUMENT APPROACH	
		A	B	A	B	C	D
		1,250	1,500	2,000	3,500	4,000	16,000
C	APPROACH SURFACE WIDTH AT END	1,250	1,500	2,000	3,500	4,000	16,000
D	APPROACH SURFACE LENGTH	5,000	5,000	5,000	10,000	10,000	#
E	APPROACH SLOPE	20:1	20:1	20:1	34:1	34:1	#

- A- UTILITY RUNWAYS
- B- RUNWAYS LARGER THAN UTILITY
- C- VISIBILITY MINIMUMS GREATER THAN 3/4 MILE
- D- VISIBILITY MINIMUMS AS LOW AS 3/4 MILE
- # PRECISION INSTRUMENT APPROACH SLOPE IS 50:1 FOR INNER 10,000 FEET AND 40:1 FOR AN ADDITIONAL 40,000 FEET

