



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 8, 2017, 7:00 p.m.
777 B Street, Hayward, CA 94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Enders.

ROLL CALL

Present: COMMISSIONERS: Willis Jr., Goldstein, Schott, McDermott, Faria
CHAIRPERSON: Enders
Absent: COMMISSIONER: None
Vacancy: One

SALUTE TO FLAG

Commissioner Goldstein led the Pledge of Allegiance.

Staff Members Present: Brick, Chan, McNeeley, Rizk

General Public Present: 5

PUBLIC COMMENT:

There were none.

PUBLIC HEARINGS: For agenda item No. 1, the Planning Commission may make a recommendation to the City Council.

1. Proposed Airport Overlay Zone Ordinance Regulations

Development Services Director Rizk provided a synopsis of the staff report and presented a PowerPoint presentation. Mr. Rizk noted that staff had received a few calls from members of the community

Development Services Director Rizk confirmed for Commissioner Goldstein that the Airport Overlay Zone (AOZ) Ordinance is exempt from the California Environmental Quality Act (CEQA), but individual developments might be subject to CEQA.

In response to Commissioner Willis Jr.'s question about why non-conforming structures may be allowed to rebuild in the same non-conforming manner, Development Services Director Rizk said the reason is that regulations allow it and added that Southland Mall is a major revenue generator for the City. Mr. Rizk said the basic premise is that if a building



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does not increase exposure then the building would be deemed acceptable and explained that increasing exposure is defined as generating safety risks beyond that which exists. Mr. Rizk responded to Mr. Willis that this is to allow flexibility and to allow Southland Mall to evolve and redevelop as a major retail center and to do this within a reasonable and responsible manner in terms of safety. Mr. Rizk responded to Mr. Willis that the maximum height is generally 200 feet, but was dependent on different variables, such as airport traffic and other aspects, including proximity of buildings to the airport. Mr. Rizk pointed out that the height was not set on a straight plan, but more like a curve.

Development Services Director Rizk responded to Commissioner Faria that the 2011 Airport Land Use Planning Handbook is the most current version and that the City's AOZ Ordinance may need to be revised in the future, depending on what changes to future Handbooks and state and federal law will be done.

In response to Commissioner Schott's question about noise complaints from the San Lorenzo Acres neighborhood, Airport Manager McNeeley said the proposed AOZ would not be applicable to San Lorenzo, nor to the Hayward Airport properties and, therefore, does not affect what can be built on the Airport properties. Airport Manager McNeeley added that the Airport is subject to the same requirements as private properties related to filing a Federal Aviation Administration (FAA) Form 7460, where the FAA evaluates the appropriateness of development related to height and other issues. Development Services Director Rizk responded to Commissioner Schott that for noise complaints from San Lorenzo residents, the Hayward Airport Land Use Compatibility Plan (ALUCP) that was adopted in 2012 by the Alameda County Land Use Commission (ALUC) would apply.

In response to Commission McDermott's question regarding how busy the Hayward Airport is compared to other municipal airports in the area, Airport Manager McNeeley indicated that airports records show the Hayward Airport has approximately 108,000 takeoffs and landings per year; and San Carlos, Livermore and Hayward airports all have roughly comparable operations in terms of activity levels. He further explained that the FAA recently reclassified general aviation airports into four categories based on a variety of criteria; such as length of runways, number of based airplanes, number of international flights, and nonstop coast to coast flights; and the highest category is 'National Airport,' and that out of approximately 2,500 airports that were surveyed by the FAA, Hayward was one out of 84 municipal airports in the nation to receive the highest classification category of national general aviation airport. In response to Commissioner McDermott's question about aircraft accidents, Mr. McNeeley said there have been minor incidents that occur on Hayward Airport property and was happy to report that overall, Hayward's airport has a good safety record that compares very favorably with other airports of similar size. Mr. McNeeley pointed out that the Hayward Fire Department has special equipment stationed at the airport just to respond to airport incidents and noted this equipment is not required



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by the FAA. Responding to Commissioner McDermott's question about the level of activity during Super Bowl weekend, Mr. McNeeley said the busiest day was on Super Bowl Sunday and per the FAA, Hayward was the busiest airport in the region that weekend, after the three carrier airports.

Commissioner Schott shared that there was a fiery crash approximately five years ago before Manager McNeeley worked for Hayward when a plane crashed into one of the buildings. Airport Manager McNeeley indicated he was aware of that incident where the pilot was not injured.

Commissioner Faria said she lives in Airport Safety Zone 4 and recalled two crashes since she has lived there: one on Hesperian at Middle Lane and the other on highway 92.

Airport Manager McNeeley thanked the Planning Commission for allowing him to address the Commissioners.

Chair Enders opened the public hearing at 7:31 p.m.

Mr. Edward Bogue, President of Southgate Homeowners Association, asked about the legal non-conforming uses rules for Airport Safety Zones 2, 3, 4, 6, and whether a resident would be allowed to rebuild in the event of a fire. Development Services Director Rizk responded that per the legal non-confirming regulations, the homeowners would have the ability to rebuild, if it was done within the required time frame, which he indicated he thought was two years. In response to Mr. Bogue's question of infill in Airport Safety Zone 4, Mr. Rizk said the main criteria for infill provisions is as long as the development is not more dense or intense than the surrounding development, infill could occur. Mr. Rizk also indicated the density threshold for Airport Safety Zone 4 for single-family homes where new development is considered compatible with the regulations was nine units per acre. Mr. Bogue said the Southgate Homeowners Association was withholding approval of the proposed Airport Overlay Zone Ordinance regulations since it affects their neighborhood and the residents wanted to discuss it further.

Chair Enders thanks Mr. Bogue for his comments. Ms. Enders said that staff's response is clear about the conforming uses and what is compatible with the neighborhood and the current zoning.

Chair Enders closed the public hearing at 7:35 p.m.

Commissioner Willis Jr. asked about a provision in the AOA that provides for undeveloped areas or open space for airplane pilots to land in case of an emergency and will this prevent property owners from being able to develop their property. Development Services Director



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Rizk responded by indicating that the provisions for open spaces for emergency landings does not affect single-family residences and explained that if there is a large property where a residential development tract is proposed, then staff will work with the developer to cluster the development to create as much open space as possible.

A motion was made by Commissioner Willis Jr., seconded by Commissioner Goldstein to approve the staff recommendation. The motion passed with the following vote:

Development Services Director Rizk confirmed for Commissioner Schott that Airport Safety Zone 6 is the least restrictive zone and the Fremont Bank Operations building along Depot Road is outside of that zone.

AYES: Commissioners Willis Jr., Goldstein, Schott, McDermott, Faria
Chair Enders
NOES: None
ABSENT: None
ABSTAIN: None

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Development Services Director Rizk said there will be a Work Session at the Planning Commission meeting on June 22, 2017, on the Mission Senior Development. Mr. Rizk noted at the City Council meeting on June 13, 2017, there will be a Work Session on the three Strategic Initiatives with adoption of the Strategic Initiatives Work Plans scheduled for the June 20, 2017, Council meeting. Mr. Rizk confirmed for the Commission that there will be a joint Council/Planning Commission Work Session on July 11, 2017, regarding the Downtown Plan. Mr. Rizk confirmed for Chair Enders that at the Council Work Session on June 13, 2017, affordable housing is one of the three major goals of the Complete Communities Strategic Initiatives.

Commissioners Announcements, Referrals:
There were none.

ADJOURNMENT

Chair Enders adjourned the meeting at 7:42 p.m.



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APPROVED:

Julius Willis, Jr. Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk