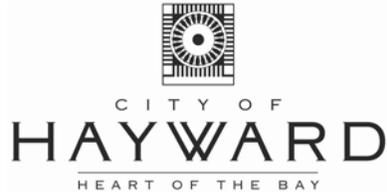


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CITY COUNCIL MEETING FOR TUESDAY, FEBRUARY 01, 2011

SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
Council Chambers - 7:00 PM

CALL TO ORDER Pledge of Allegiance Council Member Zermeño

ROLL CALL

PRESENTATION Treatment Plant of the Year Award

PUBLIC COMMENTS: *(The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session, or Informational Staff Presentation items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.)*

ACTION ITEMS: *(The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk anytime before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

CONSENT

1. Approval of Minutes of the Special City Council/Redevelopment Agency Meeting on January 18, 2011
[Draft Minutes](#)
2. City Manager/Executive Director Contract Extension
[Staff Report](#)
[Attachment I](#)
[Attachment II](#)

- Utility Service Agreement (USA 10-03) – Saleem Van Groenou (Owner/Applicant) – Authorize the City Manager to File an Application with the Alameda County Local Agency Formation Commission (LAFCo) for Approval of an Out-of-Service Area Agreement and to Negotiate and Execute a Utility Service Agreement and a Public Street Improvement Agreement Related to a Request for Water Service at 26090 Clover Road in the Castle Homes Area of Unincorporated Alameda County

[Staff Report](#)

[Attachment I - Draft Resolution](#)

[Attachment II - Project Location Map](#)

The following order of business applies to items considered as part of Public Hearings and Legislative Business:

- *Disclosures*
- *Staff Presentation*
- *City Council Questions*
- *Public Input*
- *Council Discussion and Action*

PUBLIC HEARING

- Zone Change PL-2010-0029 - City of Hayward (Applicant/Owner) – A Request to Change Portions of the Hayward Executive Airport Property from Air Terminal-Operations Zoning Subdistrict to Air Terminal-Aviation Commercial and Air Terminal-Commercial Subdistricts, and from Air Terminal-Industrial Park Zoning Subdistrict to Air Terminal-Aviation Commercial and Air Terminal-Commercial Subdistricts, and to Adjust Airport Zoning Subdistrict Boundaries at the Airport Property, to Reflect Existing and Planned Airport Development Consistent with the Hayward Airport Layout Plan Update Approved by the Federal Aviation Administration

[Staff Report](#)

[Attachment I - Draft Resolution](#)

[Attachment II - Draft Ordinance](#)

[Exhibit A to Ordinance - Proposed Airport Zoning](#)

[Attachment III - Existing Airport Zoning Map](#)

[Attachment IV - Proposed Airport Zoning Map](#)

[Attachment V - Building Area Plan Map](#)

[Attachment VI - PC Report dated 9-23-10](#)

[Attachment VII - Draft Planning Commission Minutes dated September 23, 2010](#)

[Attachment VIII - Negative Declaration and Initial Study](#)

[Attachment IX - City Council Resolution No. 02-045](#)

[Attachment X - Emails and Letters from Residents and Business Owners](#)

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items



ADJOURNMENT

PUBLIC COMMENT RULES: The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name and their address before speaking and are expected to honor the allotted time. A Speaker's Card must be completed by each speaker and is available from the City Clerk at the meeting.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

NEXT REGULAR MEETING – 7:00 PM, TUESDAY, FEBRUARY 15, 2011

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.





**MINUTES OF THE SPECIAL CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 18, 2011, 7:00 p.m.**

MEETING

The Special Meeting of the City Council/Redevelopment Agency was called to order by Mayor/Chair Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Salinas.

ROLL CALL

Present: COUNCIL/RA MEMBERS Zermeño, Quirk, Halliday, Peixoto, Salinas,
Henson
MAYOR/Chair Sweeney
Absent: COUNCIL/RA MEMBER None

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that Council met pursuant to Government Code 54957 regarding the City Manager Performance Evaluation and with Labor Negotiators pursuant to Government Code 54957.6. There were no reportable items.

PRESENTATION

The City of Hayward presented the Business Recognition Award for January 2011 to Kohl's at Southland. Southland Kohl's employs 110 full and part-time employees. Southland Kohl's donated 100 stuffed animals for the popular December 18-19, 2010 Shop Hayward Campaign. The award was given in recognition of the contribution this company has made to the community by: locating their store at Southland in Hayward; providing excellent shopping opportunities to local residents; making generous contributions to children's charities; and contributing to the overall economic well-being of the Hayward community. Mr. Luis Rodriguez, Store Manager, accepted the award on behalf of Kohl's and thanked Council for such recognition.

PUBLIC COMMENTS

Mr. Jim Drake, Franklin Avenue resident, spoke favorably about the current Noise Ordinance and disagreed with the proposed changes. He was advised that the proposed amendments to the ordinance would come before Council on March 1, 2011.

Ms. Wynn Greich, Industrial Parkway SW resident, shared materials and spoke about recycled toilet water and its correlation to biocremations. She shared a Los Angeles Times article, dated May 4, 2010, "Funeral homes seeking to legalize biocremations as a green alternative," by Marc Lifsher.

Mr. Doug Ligibel, Grand Terrace resident, stated that property values are negatively affected by the continual vandalism on the Clear Channel billboard at the corner of Jackson Street and Union Pacific railroad. Mr. Ligibel submitted a Public Records Act Request for all correspondence between Clear Channel and City of Hayward regarding the neglected property. Mayor Sweeney and City Manager David noted that staff is working with Clear Channel to rectify this situation.

WORK SESSION (60-Minute Limit)

1. Preparation of the Regional Sustainable Communities Strategy

Staff report submitted by Senior Planner Pearson, dated January 18, 2011, was filed.

Development Services Director Rizk introduced Senior Planner Pearson who provided a synopsis of the report. Mr. Pearson mentioned that Ms. Beth Walucas, Manager of Planning at Alameda County Transportation Commission (ACTC) was available to answer any questions.

In response to Mayor Sweeney's inquiry of how the proposed plan will work if the State moves forward with taking redevelopment monies away from local agencies, Senior Planner Pearson responded that there is the possibility that the Association of Bay Area Governments (ABAG) will be financially assisting local jurisdictions and noted there are grants for priority development areas. Mayor Sweeney added that previous State take-aways may have shelved the South Hayward BART Project and asked if the State could explain to the working group how the Sustainable Communities Strategy (SCS) will work and be financed.

Council Member Henson emphasized the need for the City to be continually updated on the development of the SCS. Mr. Henson added the importance to address equity among cities in terms of distribution of affordable housing in the Regional Housing Needs Allocation (RHNA) process. In response to Council Member Henson's questions regarding technology and its impact to climate and CO₂ emissions during the SCS process, Ms. Walucas mentioned the options that are being reviewed.

Council Member Zermeño was in agreement with the Mayor's comments and concurred with Council Member Henson regarding affordable housing equity among cities and added that the City has already taken a share of affordable housing units. Mr. Zermeño urged staff to continue seeking grant opportunities.

Council Member Halliday expressed concern that a sustainable community also needs commercial, retail and recreational opportunities in order to have a true mixed-use and noted that the City has had a challenge in being able to attract these elements. Development Services Director Rizk said these issues are being looked at on a regional level and that fiscal support needs to be channeled to those areas. Ms. Walucas commented that these issues and concerns are acknowledged and raised at the regional level. Ms. Halliday encouraged ACTC to continue discussions and work through these issues so that true mixed-use communities can be achieved.

Council Member Peixoto asked if there are other models that can link transportation and land use



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Tuesday, January 18, 2011, 7:00 p.m.**

other than the transit-oriented development. Ms. Walucas said transit options to link low density housing to transportation would include shuttles and would involve operating costs. Mr. Peixoto noted the importance to achieve a true mixed-use.

Council Member Quirk concurred with Mayor Sweeney's comments and noted that without the redevelopment district the SCS plan and the affordable housing element are not going to happen. In terms of affordable housing allocation, Mr. Quirk noted that Council will be involved in further discussion. He also added that most developers do not agree with building high density housing near transit.

City Manager David suggested the addition of a coordinated economic development plan to this SCS process to provide regional resources that could address the elements of commercial and retail for a true mixed-use sustainable community. Ms. David noted that regional agencies could identify the characteristics of a good transit-oriented development and support what will work in various locations. Ms. David added that shuttles and, in the future light rail, are important connections to transit-oriented developments.

Mayor Sweeney mentioned that the redevelopment district question is of significant concern as well as the RHNA numbers and the access to revenue. Mayor Sweeney noted that Council has stated that retail, parks and recreation, and resources create healthy and successful transit-oriented projects. Mayor Sweeney noted that the next General Plan update should be completed within a year, to a year and a half, time frame.

CONSENT

2. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting on December 14, 2010

It was moved by Council/RA Member Henson, seconded by Council/RA Member Halliday, and carried unanimously, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of December 14, 2010.

3. D Street Reservoir Seismic Improvements: Award of Contract

Staff report submitted by Director of Public Works Bauman, dated January 18, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Resolution 11-001, "Resolution Approving Addenda Nos. 1 and 2,

and Awarding the Contract to Sierra Mountain Construction Inc. for D Street Reservoir Seismic Improvements Project, Project No. 7161”

4. Installation of Sudden Loss Valves at Various Locations Project: Award of Contract and Appropriation of Additional Funds

Staff report submitted by Director of Public Works Bauman, dated January 18, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Resolution 11-002, “Resolution Approving Addenda Nos. 1 and 2 Modifying the Plans and Specifications for the Installation of Sudden Loss Valves at Various Locations Project, Project No. 7023, and Awarding the Contract to Auburn Constructors, Inc.”

Resolution 11-003, “Resolution Amending Resolution 10-084, As Amended, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2011, Relating to an Appropriation of Funds from the Water System Capital Improvement Fund (Fund 622) to the Installation of Sudden Loss Valves at Various Locations Project, Project No. 7023”

5. Adoption of Ordinance Providing Interim Relief from Certain Inclusionary Housing Provisions

Staff report submitted by City Clerk Lens, dated January 18, 2011, was filed.

It was moved by Council Member Henson, seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Ordinance 11-01, “An Ordinance Providing Interim Relief from Certain Inclusionary Housing Provisions”

LEGISLATIVE BUSINESS

6. Authorization to Extend the Exclusive Negotiating Agreement with Urban Dynamic, LLC, for a Proposed Residential Development at the Residual Burbank School Site

Staff report submitted by Redevelopment Project Manager Ortega, dated January 18, 2011, was filed.

City Manager David provided a synopsis of the report.



**MINUTES OF THE SPECIAL CITY COUNCIL/
REDEVELOPMENT AGENCY MEETING OF
THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, January 18, 2011, 7:00 p.m.**

In response to Council Member Salinas' inquiry as to the strategy that the developer plans to utilize to outreach to the community and ensure good participation, City Manager David noted there is commitment from the developer that they will work with staff and mentioned that the developer will be participating in the next Burbank Neighborhood Partnership meeting.

Council Member Halliday said there was a good turnout at the first Burbank Neighborhood Partnership meeting and noted that there is a core of key people who are interested in what happens to this site. Ms. Halliday urged staff to notify these key people about upcoming community meetings. In response to Ms. Halliday's question about the \$4 million that could potentially be acquired, City Manager David responded that these funds may be used to satisfy an obligation between the Redevelopment Agency and the City.

Mayor Sweeney opened the public hearing at 8:12 p.m.

Mr. Jim Drake submitted a speaker card but did not speak.

Mr. Perry Hariri with Urban Dynamics, LLC, located in Redwood Shores, responded to Council Member Zermeño's question by explaining the process that Urban Dynamics anticipates and gave a timeline to break ground in early 2012. At the request of Council Member Halliday, Mr. Hariri spoke about Urban Dynamics' background and accomplishments and mentioned that the developer will be focusing on urban mixed-use redevelopment. Ms. Halliday hoped that Urban Dynamics could help the City realize a true mixed-use community.

At the request of Council Member Henson, Mr. Hariri spoke about the green building elements that will be available for consumers including a baseline solar package and noted that the developer will be seeking a neighborhood Leadership in Energy Efficiency Design (LEED) certification.

Mayor Sweeney closed the public hearing at 8:19 p.m.

It was moved by Council Member Zermeño, seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Redevelopment Resolution 11-01, "Resolution Authorizing the Executive Director to Negotiate and Execute an Extension to the Exclusive Negotiating Agreement Between the Redevelopment Agency of the City of Hayward and Urban Dynamic, LLC. For a Proposed Fifty-Seven Single Family Home Development at the Residual Burbank School Site"

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced that Hayward was among twelve awardees of the Golf Digest Environmental Leaders in Golf Awards for 2010. Stonebrae in Hayward received the award for responsible resource conservation, water quality conservation, and wild-life habitat management. Additionally, Mr. Zermeño commended the Mt. Eden High School Choir for delivering a concert on Friday and for their distinguished participation at the Martin Luther King Jr. Birthday Celebration at Chabot College.

Council Member Salinas concurred that the Martin Luther King Jr. Birthday Celebration was outstanding and that it reflected the meaning of what constitutes public service. Mr. Salinas thanked Council Members for their participation in having their group picture taken.

ADJOURNMENT

Mayor/Chair Sweeney adjourned the meeting at 8:27 p.m., in memory of Mr. Paul Garcia, Ms. June De Costa, and Ms. Cecile Depiro. Council Member Quirk indicated that Mr. Paul Garcia's son was in attendance and noted that Mr. Garcia had served as the mechanic for Alameda County Mosquito Abatement District (ACMAD) from 1946 to 1979 and was also appointed as the Hayward's representative on the ACMAD from 1985 to 2010. Mr. Garcia's public service was highly commended. Council Member Henson added that Mr. Garcia was also a Zucchini Festival participant and was active at St. Clement's Catholic Church. Mayor Sweeney asked staff to work with Paul Garcia's family to find a suitable location to plant a tree in his memory. Mayor Sweeney noted that Ms. June De Costa passed away Christmas morning. Ms. De Costa was active in the Mobilehome and Pueblo Springs communities and organizing activities for seniors. Mayor Sweeney asked staff to find a suitable location to plant a tree in her memory. Mayor Sweeney noted that Ms. Cecile Deperio, long-time temporary Hayward City employee in Revenue-Finance, lost her battle to cancer and passed away on January 14, 2011.

APPROVED:

Michael Sweeney, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Miriam Lens, City Clerk, City of Hayward
Secretary, Redevelopment Agency

DATE: February 1, 2011
TO: City Council/Redevelopment Agency Board Members
FROM: Mayor/Chair
SUBJECT: City Manager/Executive Director Contract Extension

RECOMMENDATION

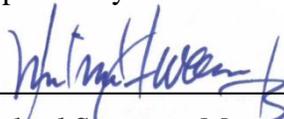
That the City Council adopts the attached resolution authorizing the Mayor to sign an extended employment agreement with the City Manager, as outlined in this report.

On May 4, 2010, the City Council appointed Fran David City Manager and approved an employment agreement through June 30, 2011. The City Council has recently conducted its review of the City Manager's performance and recommends the following changes to the terms of the City Manager's employment agreement, effective July 1, 2011:

- Extend the term of employment through June 30, 2012;
- Eliminate Employee's monthly automobile and cellular telephone allowances with no net change in compensation;
- Increase Employee's reimbursement of City contribution to PERS from 1% to 8% in two steps; and
- Limit Employee's term life insurance benefit to Employee's gross annual salary or the maximum coverage allowed under City's insurance, if Employee's salary is in excess of the maximum coverage amount.

All other terms and conditions of employment will remain the same.

Approved by:



Michael Sweeney, Mayor

Attachments: Attachment I Resolution
Attachment II Redevelopment Agency Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO.

Introduced by Council Member

RESOLUTION APPROVING THE EXTENSION AND MODIFICATION OF THE CITY MANAGER'S EMPLOYMENT AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE COUNCIL

BE IT RESOLVED by the City Council of the City of Hayward that the Council hereby approves the extension and modification of the City Manager's employment agreement, on file in the office of the City Clerk, and authorizes the Mayor to execute the agreement on behalf of the City Council.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DATE: February 1, 2011

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Utility Service Agreement (USA 10-03) – Saleem Van Groenou (Owner/Applicant) – Authorize the City Manager to File an Application with the Alameda County Local Agency Formation Commission (LAFCo) for Approval of an Out-of-Service Area Agreement and to Negotiate and Execute a Utility Service Agreement and a Public Street Improvement Agreement Related to a Request for Water Service at 26090 Clover Road in the Castle Homes Area of Unincorporated Alameda County

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment I) authorizing the City Manager to direct staff to file an application with the Alameda County Local Agency Formation Commission (LAFCo) for approval of an out-of-service area agreement; and, upon receiving LAFCo's approval, execute Utility Service Agreement No. 10-03 and a Public Street Improvement Agreement related to providing water service for the property at 26090 Clover Road (Assessor's Parcel Number 425-0240-006-00).

BACKGROUND

Government Code §56133 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) was passed in 1994. This law requires that the applicable LAFCo approve an out-of-area service agreement prior to a city providing utility services to a property located within that city's Sphere of Influence, but outside its jurisdictional boundaries.

In 1954, prior to the aforementioned law, the City and Castle Homes, Inc., executed a Water Service Agreement that requires the City to maintain sufficient water supply for approximately 800 acres of the Castle Homes area, subject to the execution of a Utility Service Agreement (USA) and reasonable conditions. The subject property is located in the unincorporated area of Alameda County, within the boundaries of the Castle Homes area and the Ultimate Water Service Area and Sphere of Influence of the City of Hayward (Attachment II). Many properties in the Castle Homes area, including those in the vicinity of the subject property, already have water connections to the Hayward water system.

DISCUSSION

On March 22, 2010, the property owner applied to Alameda County for a building permit to construct a new two-story single-family dwelling unit, with three bedrooms and three baths, located at 26090 Clover Road. As stipulated in the project conditions of approval issued on September 10, 2010, by the Alameda County Building Inspection Department, the property must obtain approval from LAFCo and the City of Hayward for connecting to the City of Hayward's 6-inch water main in Clover Road. This water main has capacity to provide water usage for the proposed single-family dwelling at this location.

The applicant submitted the utility service agreement application on December 13, 2010, and the application was deemed complete on January 12, 2011. The applicant sent a chain of emails to City staff on January 12, 19, and 20, 2011, indicating that his building construction has gone faster than his originally anticipated schedule and would be completed by early March of 2011; therefore, the applicant requested that the USA 10-3 application be expedited to the City Council meeting on February 1, 2011. The applicant hopes that LAFCo staff would review and consider the utility service agreement complete, and present it at LAFCo's March 10, 2011, public hearing for consideration. The LAFCo Executive Officer has indicated that LAFCo staff must be able to deem the out-of-area service agreement application complete at least 30 days prior to the scheduled LAFCo public hearing. LAFCo meets every other month, so the subsequent LAFCo public hearing would be May 12, 2011.

Pursuant to the City's practice for providing utility services to properties within its sphere of influence, but outside its jurisdictional boundaries, the owner will sign a Public Street Improvement Agreement committing to install roadway improvements and pavement tie-in along Clover Road at a future date, and also agreeing to a future annexation of the property, if and when requested by the City. Clover Road is in fair condition and does not have Portland cement concrete curb, gutter, and sidewalk improvements on both sides. Requiring such an agreement is consistent with past practice.

In conjunction with City Attorney's review, it is staff's opinion that approving a utility service agreement and the related utility connection is exempt from the California Environmental Quality Act (CEQA) under what is referred to as the 'general rule' exemption. Section 15061(b) (3) of the CEQA Guidelines states that a project is exempt from CEQA if, "the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

FISCAL IMPACT

There will be no fiscal impact to the City's General Fund as a result of execution of this agreement. The owners will pay into the City's Enterprise Fund for all the expenditures, added maintenance costs, and applicable fees associated with the water service, in accordance with the City's fee schedule in effect at the time of issuance of the utility service permits.

PUBLIC CONTACT

A public hearing is not required for the filing of a utility service agreement. Staff sent a copy of this report to the owner.

NEXT STEPS

Should the Council adopt the attached resolution to authorize filing an application with LAFCo, staff will file a CEQA Notice of Exemption with the Alameda County Clerk and submit an application to LAFCo within the next 10 days. Upon receiving LAFCo approval, the agreements will be executed and the property owner can commence the water connection upon payment of the applicable water fees.

Prepared by: John Nguyen, P.E., Development Review Engineer

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

- Attachment I Draft Resolution
- Attachment II Project Location Map

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE ALAMEDA COUNTY LOCAL AGENCY FORMATION COMMISSION FOR APPROVAL TO ALLOW THE CITY TO PROVIDE WATER SERVICE TO PROPERTY LOCATED AT 26090 CLOVER ROAD, AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE UTILITY SERVICE (USA 10-03) AND PUBLIC STREET IMPROVEMENTS AGREEMENTS

WHEREAS, water service from the City of Hayward (City) has been requested by the owner of the property located at 26090 Clover Road, Assessor's Parcel No. 425-0240-006-00 (the Property); and

WHEREAS, the Property is located within the City of Hayward's Sphere of Influence; and

WHEREAS, pursuant to City policy, the Property owner has signed Public Street Improvement and Utility Service agreements to install street improvements across the Property frontage at a future date and to agree to annexation of the Property into Hayward when requested by City; and

WHEREAS, the City is required to apply to the Alameda County Local Agency Formation Commission (LAFCO) for approval of out-of-service area agreements to allow the City of Hayward to provide water service to properties located outside the City limits; and

WHEREAS, the Property owner has agreed to pay the LAFCO application processing costs;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is authorized to direct staff to file an application with the Alameda County Local Agency Formation Commission requesting that the City of Hayward be allowed to provide water service for the Property.

BE IT FURTHER RESOLVED that, provided LAFCO approves an out-of-area service agreement pursuant to Government Code §56133, the City Manager is also authorized to execute a utility service agreement (Utility Service Agreement 10-03) and a public street improvement agreement in the form of the agreements on file in the office of the City Clerk, to which reference may be made for further particulars.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

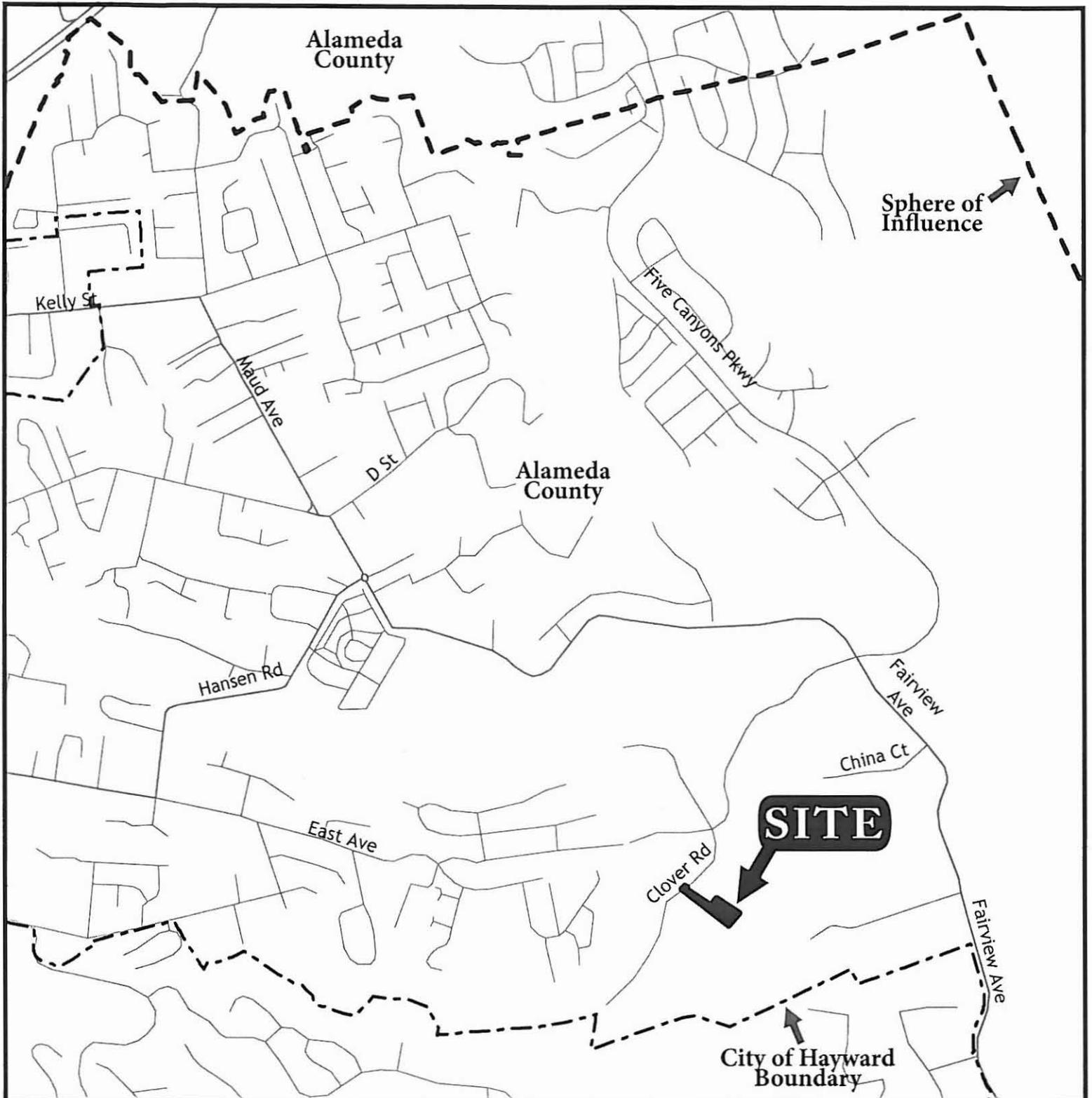
ABSENT: COUNCIL MEMBERS:

ATTEST:

Miriam Lens, City Clerk

APPROVED AS TO FORM:

Michael Lawson, City Attorney



Project Location

PL-2010-0456 USA
26090 Clover Road



DATE: February 1, 2011

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Zone Change PL-2010-0029-City of Hayward (Applicant/Owner) – A Request to Change Portions of the Hayward Executive Airport Property from Air Terminal-Operations Zoning Subdistrict to Air Terminal-Aviation Commercial and Air Terminal-Commercial Subdistricts, and from Air Terminal-Industrial Park Zoning Subdistrict to Air Terminal-Aviation Commercial and Air Terminal-Commercial Subdistricts, and to Adjust Airport Zoning Subdistrict Boundaries at the Airport Property, to Reflect Existing and Planned Airport Development Consistent with the Hayward Airport Layout Plan Update Approved by the Federal Aviation Administration

RECOMMENDATION

That City Council adopts the attached resolution (Attachment I), approving the revised Negative Declaration and the Zone Change application, and introduces the attached Ordinance (Attachment II) amending the Zoning District Map.

SUMMARY

The request is to adjust zoning boundaries of the Hayward Executive Airport to reflect existing and planned airport development consistent with the *Hayward Executive Airport Master Plan* approved in the early 2000's by the City Council, and with the Airport Layout Plan Update, recently approved by the Federal Aviation Administration.

Specific changes include (see Attachments III and IV):

- 1) Confining the Air Terminal-Operations Subdistrict (AT-O) to the runway, related aircraft outdoor storage, and taxiway operations;
- 2) Adjusting the Air Terminal-Recreational Subdistrict (AT-R) to be consistent with the boundary of the leased Skywest Golf Course;
- 3) Changing the 30-acre California Air National Guard and City of Hayward Fire Station No. 6 parcel located on the southern portion of the airport from Air Terminal-Operations Subdistrict (AT-O) to Air Terminal-Aviation Commercial Subdistrict (AT-AC) to accommodate existing and future aviation-related commercial uses;

- 4) Changing a two-acre property in the Air Terminal-Industrial Park (AT-IP) Subdistrict developed with a restaurant (leased to Raja Indian Cuisine & Bar) to Air Terminal-Commercial Subdistrict (AT-C) to conform to and continue the existing use;
- 5) Changing a 3.1-acre portion of the California Air National Guard site along West Winton Avenue, east of Curtis Street, from Air Terminal-Operations Subdistrict (AT-O) to Air Terminal-Commercial Subdistrict (AT-C) to allow for future commercial use; and
- 6) Expanding the Air Terminal-Commercial Subdistrict (AT-C) on a 5.2-acre parcel adjacent to Hesperian Boulevard, south of Skywest Drive, by approximately 9,793 square feet from the Air Terminal-Aviation Commercial Subdistrict (AT-AC) to accommodate existing leased buildings and property containing an East Bay Municipal Utility District pump station, administrative, legal, real estate, and aviation offices, and future commercial uses.

BACKGROUND

In 1998, the City Council directed staff to prepare an Airport Master Plan Update. The Master Plan examined two types of airport facilities: airside and landside. Airside facilities are associated directly with aircraft operations. Landside facilities are necessary to provide the transition from surface to air transportation and support facilities necessary for safe operation of the Airport.

On October 11, 2000, the Alameda County Airport Land Use Commission found the Master Plan consistent with its Comprehensive Airport Land Use Plan. An Environmental Assessment/Program Environmental Impact Report (EA/EIR) was prepared. On April 16, 2002, the City Council adopted Resolution 02-045 (Attachment IX), certifying the EA/EIR and adopting the Hayward Executive Airport Master Plan and the associated mitigation monitoring and reporting program required by the EA/EIR.

In April 2010, the Hayward Executive Airport Layout Plan Update-Final Narrative Report (Airport Layout Plan) was completed. This plan summarizes and discusses implemented projects of the Master Plan, discusses airport operations and improvements that will assure airport and aircraft safety, and delineates recommended development of future airport facilities and support services consistent with the Airport Master Plan.

On September 23, 2010, the Planning Commission (6:0:1) recommended that the City Council approve the Negative Declaration and approve the proposed amendments to the Zoning District Map (Attachment VI). The Planning Commission discussion included questions regarding the effects of potential development on the Airport as a result of the zone change. The potential for development and its effects on the environment were reviewed in the 2002 EA/EIR and, per National Environmental Protection Act (NEPA) policies, the FAA issued a Finding of No Significant Impact and Record of Decision for the proposed Short-Term Master Plan Improvement Projects at the Hayward Executive Airport. In addition, the Airport Layout Plan discusses the potential for, and mapping of, future development shown on the Building Area Plan Map(Attachment V).

DISCUSSION

With the construction of several improvements specified in the Hayward Executive Airport Master Plan, the Air Terminal Subdistrict boundaries are no longer accurate and need to be corrected. The proposed subdistricts will accurately reflect the land uses that either exist or have been identified in the Master Plan and Airport Layout Plan Update: in other words, the zoning will be changed to be consistent with existing and anticipated future uses and the adopted Airport Master Plan and Airport Layout Plan Update.

The Master Plan specified land uses that exist and that should be reclassified within different Air-Terminal Zoning Subdistricts to accurately reflect the purpose of the subdistrict. In addition, several of the leased properties can no longer be classified as Air-Terminal Operations, because they are not associated exclusively with aircraft operations and airside facilities such as runways, taxiways, or airplane uncovered storage. These portions of the airport are more closely associated with corporate aviation.

Parcels which contain uses that support airport activities, such as the former California Air National Guard parcel and Hayward Fire Department No. 6, are proposed to be reclassified to Air Terminal-Aviation Commercial. Uses permitted in this subdistrict include automobile rental, aviation schools, aircraft repair, and retail sales of aviation equipment. Developed parcels or parcels proposed to be improved with commercial and service uses that are compatible with airport activity while serving the general population, such as restaurants, medical offices, banks, and copy facilities, will be reclassified to Air Terminal-Commercial. Air Terminal-Commercial uses provide revenue support for the Airport.

The portion of the airport property located along West Winton Avenue to the east of Saklan Road that is currently zoned Air Terminal-Industrial Park Subdistrict will be more appropriately zoned Air Terminal-Aviation Commercial, to reflect existing and future airport support services, and Air Terminal-Commercial, for existing and future retail and commercial uses that provide revenue support for the Airport. Thus, there will be no property with an Air Terminal-Industrial Park Zoning Subdistrict on the Airport property and the only area of Air Terminal-Industrial Park Subdistrict remaining in Hayward will be that which is located to the west and off the Airport property.

PUBLIC CONTACT

Staff received an email and four calls from San Lorenzo residents concerned about the potential for an increase in commercial development, an increase in aircraft noise and air traffic, and pollution. Staff also received two emails from Bay Seal Company, Inc., located on West Winton Avenue, regarding a concern for the potential for an increase in automobile traffic on West Winton Avenue. This company also inquired about the anticipated development type along West Winton in the proposed 3.1-acre commercial parcel on the California Air National Guard site and at the remainder of the Airport (see communications, Attachment X).

Future California Air National Guard (CANG) site development and other Airport development will be processed in accordance with California Environmental Quality Act, including utilizing

information and analysis in the 2002 EA/EIR. Due to hazardous materials remediation on the CANG site, only the existing hanger can be leased in the near term and the site cannot be redeveloped until completion of the remediation. The Air National Guard Bureau has committed to fund and complete the remediation, although it may take another four years to do so. Due to the stagnant economy, the commercial portion of the Air National Guard site is not projected to be developed with commercial uses for at least five to ten years.

On September 16, 2010, the San Lorenzo Village Homes Association Board and staff met and discussed the Airport rezoning. Robert Bauman, Public Works Director, sent an email explaining the Airport rezoning to the Executive Director to share with the Board. In general, the Homes Association Board and staff verbally expressed satisfaction that the Airport rezoning is necessary to make the zoning consistent with existing and planned Airport development. Public Works staff indicated they will continue to keep the Association informed of all proposed development on the airport.

FISCAL IMPACT

The amendment to the Zoning District Map will not result in a fiscal impact on the City.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study and a Revised Negative Declaration for the proposed amendments to the Zoning District Map, pursuant to the California Environmental Quality Act (CEQA) (see Attachment VIII). No significant environmental impacts, including those related to traffic and circulation as stated previously, are expected to result from the project.

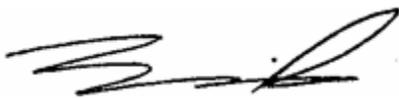
NEXT STEPS

If the Council approves the proposed zone changes, the ordinance will be effective upon adoption and staff will amend the City Zoning District Map to reflect the zone changes.

Prepared by: Arlyne J. Camire, AICP, Associate Planner

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I	Draft Resolution
Attachment II	Draft Ordinance
Attachment III	Existing Airport Zoning Map
Attachment IV	Proposed Airport Zoning Map
Attachment V	Building Area Plan Map from the Airport Layout Plan Update
Attachment VI	Planning Commission Report, without attachments, dated September 23, 2010
Attachment VII	Draft Planning Commission Minutes dated September 23, 2010
Attachment VIII	Negative Declaration and Initial Study
Attachment IX	City Council Resolution No. 02-045 approved April 16, 2002
Attachment X	Emails and Letters from Residents and Business Owners

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION ADOPTING THE REVISED NEGATIVE
DECLARATION AND APPROVING ZONE CHANGE
APPLICATION NO. PL 2010-0029

WHEREAS, Zone Change Application No. 2010-0029 concerns a request by the City of Hayward to change portions of Air Terminal-Operations Subdistrict to Air Terminal-Aviation Commercial and Air Terminal-Commercial Subdistricts, and Air Terminal-Industrial Park Subdistrict to Air Terminal-Aviation Commercial and Air Terminal-Commercial Subdistricts, and to adjust zoning district boundaries at the 543-Acre Hayward Executive Airport to reflect existing and planned Airport development consistent with the Federal Aviation Administration Approved “Hayward Executive Airport Master Plan”; and

WHEREAS, a revised negative declaration has been prepared and processed in accordance with City and California Environmental Quality Act guidelines; and

WHEREAS, the Planning Commission held a public hearing on September 23, 2010, regarding Zone Change Application No. PL-2010-0029 , in accordance with the procedures contained in the Hayward Zoning Ordinance, codified as Article 1, Chapter 10 of the Hayward Municipal Code, and recommended approval of the negative declaration and zone change; and

WHEREAS, the City Council of the City of Hayward has independently reviewed and considered the information contained in the initial study upon which the revised negative declaration is based, certifies that the revised negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the negative declaration reflects the independent judgment of the City of Hayward; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines as follows:

1. The project will not have a significant impact on the environment, cumulative or otherwise, the project reflects the City’s independent judgment, and, therefore, a revised Negative Declaration has been prepared.
2. The amendment to the City of Hayward Zoning District Map will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the

adjustments to Air Terminal Subdistrict boundaries will reflect existing and proposed airport operations improvements.

3. The amendment to the City of Hayward Zoning District Map will allow the Air Terminal District boundaries at the Hayward Executive Airport to be in conformance with the Hayward Executive Airport Master Plan and the Hayward Executive Airport: Airport Layout Plan Update. In addition, the zoning designation boundaries will contain land uses that are consistent with Air Terminal Subdistricts purposes as specified in the Zoning Ordinance.
4. Existing streets and public facilities, and proposed airport facilities are adequate to serve the automobile vehicle and air traffic, sewer, water and utilities needs. On- and off-site circulation would not be significantly impacted by the potential traffic generated by the proposed adjustments to the zoning subdistricts as analyzed in the adopted Hayward Executive Airport Final Environmental Assessment/Environmental Impact Report and the Revised Negative Declaration.
5. 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 in that the current locations of many of the zoning boundaries shown on the City Zoning Map do not accurately represent the boundaries of the parcels and developed land uses. In addition, the amendment to the City of Hayward Zoning District Map will result in compatibility to the existing and future land uses as represented in the Hayward Executive Airport Master Plan and the Hayward Executive Airport: Airport Layout Plan Update.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, based on the findings noted above, the revised negative declaration, and Zone Change Application No. PL-2010-0029 are hereby approved and incorporated as a part of this resolution, subject to the adoption of the companion ordinance modifying the Zoning District Map.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

ORDINANCE NO. 10-_____

AN ORDINANCE RECLASSIFYING PORTIONS OF THE
HAYWARD EXECUTIVE AIRPORT TO ZONE CHANGE
APPLICATION NO. PL-2010-0029

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS
FOLLOWS:

Section 1. Reclassification

Zone Change Application No. PL-2010-0029 concerns the reclassification of portions of Air Terminal-Operations Subdistrict to Air Terminal-Aviation Commercial and Air Terminal-Commercial Subdistricts, and Air Terminal-Industrial Park Subdistrict to Air Terminal-Aviation Commercial and Air Terminal-Commercial Subdistricts, and to adjust zoning district boundaries at the 543-Acre Hayward Executive Airport to reflect existing and planned airport development consistent with the Federal Aviation Administration Approved “Hayward Executive Airport Master Plan” as set forth in Exhibit “A” attached hereto and made a part hereof.

The City Council has previously adopted Resolution No. _____ approving the Zone Change Application No. PL-2010-0029, as related to the adoption of the Zone Change and the revised Negative Declaration. Based on such findings and determinations, the City Council hereby approves the rezoning of portions of the Hayward Executive Airport as set forth in Exhibit “A”.

In addition, the City Council also directs the Director of Development Services to amend the Zoning District Index Map on file with the Clerk and the Development Services Department in accordance with the reclassification approved by this Ordinance.

Section 2. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective upon adoption.

Section 3 Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional invalid or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance which shall continue in full force and effect provided that the remainder of the ordinance absent the unexcised portion can be reasonably interpreted to give effect to the intentions of the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward,
held the _____ day of _____, 2011, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held
the _____ day of _____, 2011, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

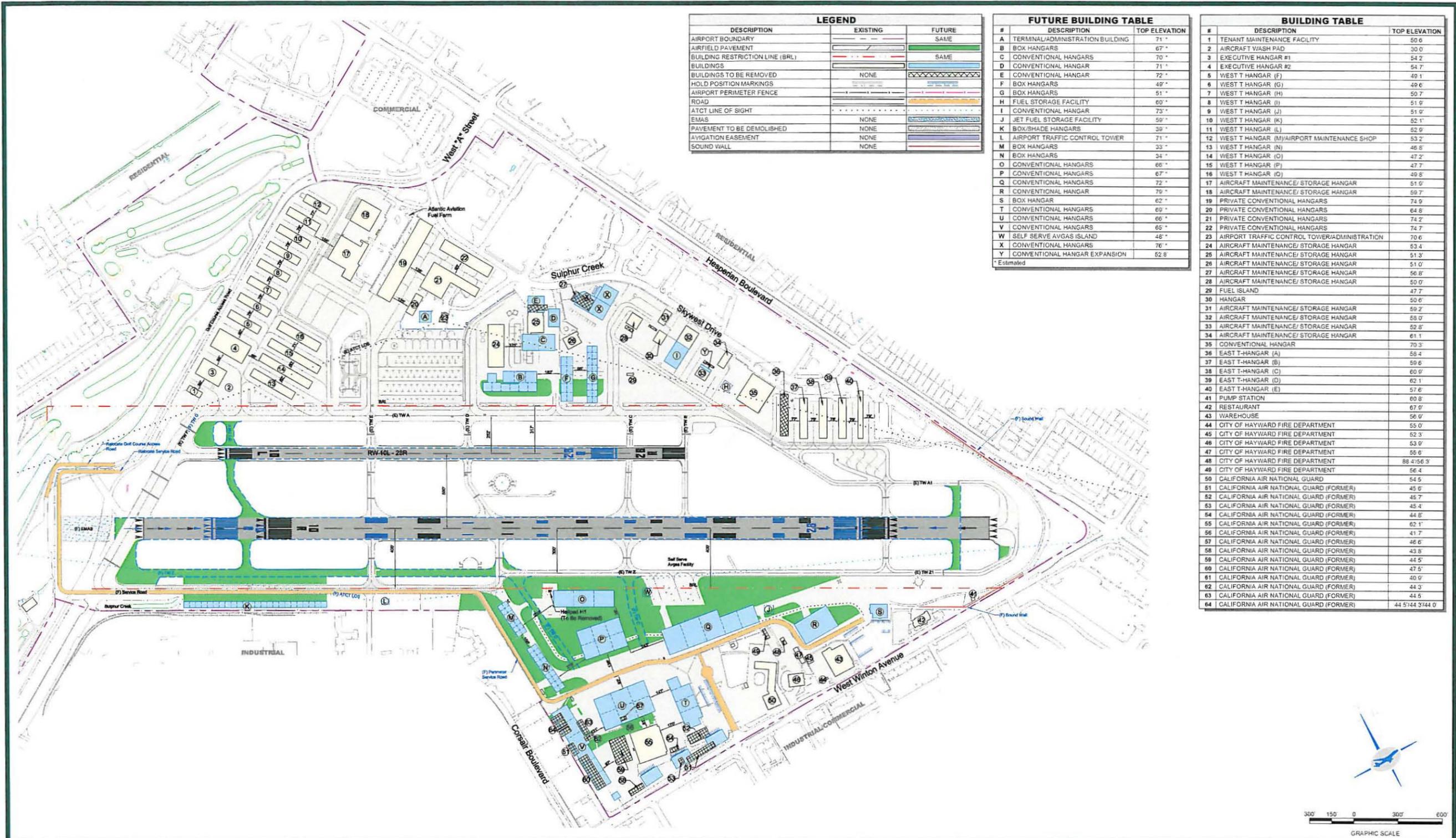
APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

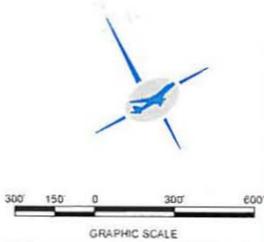


LEGEND		
DESCRIPTION	EXISTING	FUTURE
AIRPORT BOUNDARY	[Solid Line]	[Dashed Line]
AIRFIELD PAVEMENT	[Green Area]	[Green Area]
BUILDING RESTRICTION LINE (BRL)	[Red Dashed Line]	[Red Dashed Line]
BUILDINGS	[Blue Outlines]	[Blue Outlines]
BUILDINGS TO BE REMOVED	[None]	[Cross-hatched Area]
HOLD POSITION MARKINGS	[None]	[Dotted Line]
AIRPORT PERIMETER FENCE	[None]	[Dashed Line]
ROAD	[Solid Line]	[Dashed Line]
ATCT LINE OF SIGHT	[None]	[Dotted Line]
EMAS	[None]	[Blue Area]
PAVEMENT TO BE DEMOLISHED	[None]	[Cross-hatched Area]
AVIGATION EASEMENT	[None]	[Blue Area]
SOUND WALL	[None]	[Blue Area]

FUTURE BUILDING TABLE		
#	DESCRIPTION	TOP ELEVATION
A	TERMINAL/ADMINISTRATION BUILDING	71'
B	BOX HANGARS	67'
C	CONVENTIONAL HANGARS	70'
D	CONVENTIONAL HANGAR	71'
E	CONVENTIONAL HANGAR	72'
F	BOX HANGARS	49'
G	BOX HANGARS	51'
H	FUEL STORAGE FACILITY	60'
I	CONVENTIONAL HANGAR	73'
J	JET FUEL STORAGE FACILITY	59'
K	BOX/SHADE HANGARS	39'
L	AIRPORT TRAFFIC CONTROL TOWER	71'
M	BOX HANGARS	33'
N	BOX HANGARS	34'
O	CONVENTIONAL HANGARS	66'
P	CONVENTIONAL HANGARS	67'
Q	CONVENTIONAL HANGARS	72'
R	CONVENTIONAL HANGAR	70'
S	BOX HANGAR	62'
T	CONVENTIONAL HANGARS	60'
U	CONVENTIONAL HANGARS	66'
V	CONVENTIONAL HANGARS	65'
W	SELF SERVE AVGAS ISLAND	48'
X	CONVENTIONAL HANGARS	70'
Y	CONVENTIONAL HANGAR EXPANSION	52.8

* Estimated

BUILDING TABLE		
#	DESCRIPTION	TOP ELEVATION
1	TENANT MAINTENANCE FACILITY	50.6
2	AIRCRAFT WASH PAD	30.0
3	EXECUTIVE HANGAR #1	54.2
4	EXECUTIVE HANGAR #2	54.7
5	WEST T HANGAR (F)	49.1
6	WEST T HANGAR (G)	49.6
7	WEST T HANGAR (H)	50.7
8	WEST T HANGAR (I)	51.9
9	WEST T HANGAR (J)	51.9
10	WEST T HANGAR (K)	52.1
11	WEST T HANGAR (L)	52.9
12	WEST T HANGAR (M)/AIRPORT MAINTENANCE SHOP	53.2
13	WEST T HANGAR (N)	46.6
14	WEST T HANGAR (O)	47.2
15	WEST T HANGAR (P)	47.7
16	WEST T HANGAR (Q)	49.8
17	AIRCRAFT MAINTENANCE/ STORAGE HANGAR	51.9
18	AIRCRAFT MAINTENANCE/ STORAGE HANGAR	59.7
19	PRIVATE CONVENTIONAL HANGARS	74.9
20	PRIVATE CONVENTIONAL HANGARS	64.6
21	PRIVATE CONVENTIONAL HANGARS	74.2
22	PRIVATE CONVENTIONAL HANGARS	74.7
23	AIRPORT TRAFFIC CONTROL TOWER/ADMINISTRATION	70.6
24	AIRCRAFT MAINTENANCE/ STORAGE HANGAR	63.4
25	AIRCRAFT MAINTENANCE/ STORAGE HANGAR	51.3
26	AIRCRAFT MAINTENANCE/ STORAGE HANGAR	51.0
27	AIRCRAFT MAINTENANCE/ STORAGE HANGAR	56.8
28	AIRCRAFT MAINTENANCE/ STORAGE HANGAR	50.0
29	FUEL ISLAND	47.7
30	HANGAR	50.6
31	AIRCRAFT MAINTENANCE/ STORAGE HANGAR	59.2
32	AIRCRAFT MAINTENANCE/ STORAGE HANGAR	58.0
33	AIRCRAFT MAINTENANCE/ STORAGE HANGAR	52.8
34	AIRCRAFT MAINTENANCE/ STORAGE HANGAR	61.1
35	CONVENTIONAL HANGAR	70.3
36	EAST T-HANGAR (A)	58.4
37	EAST T-HANGAR (B)	59.6
38	EAST T-HANGAR (C)	60.9
39	EAST T-HANGAR (D)	62.1
40	EAST T-HANGAR (E)	57.6
41	PUMP STATION	60.8
42	RESTAURANT	67.0
43	WAREHOUSE	56.9
44	CITY OF HAYWARD FIRE DEPARTMENT	55.0
45	CITY OF HAYWARD FIRE DEPARTMENT	52.3
46	CITY OF HAYWARD FIRE DEPARTMENT	53.9
47	CITY OF HAYWARD FIRE DEPARTMENT	55.0
48	CITY OF HAYWARD FIRE DEPARTMENT	88.4156.3
49	CITY OF HAYWARD FIRE DEPARTMENT	56.4
50	CALIFORNIA AIR NATIONAL GUARD	54.5
51	CALIFORNIA AIR NATIONAL GUARD (FORMER)	45.6
52	CALIFORNIA AIR NATIONAL GUARD (FORMER)	45.7
53	CALIFORNIA AIR NATIONAL GUARD (FORMER)	45.4
54	CALIFORNIA AIR NATIONAL GUARD (FORMER)	44.8
55	CALIFORNIA AIR NATIONAL GUARD (FORMER)	62.1'
56	CALIFORNIA AIR NATIONAL GUARD (FORMER)	41.7
57	CALIFORNIA AIR NATIONAL GUARD (FORMER)	46.6
58	CALIFORNIA AIR NATIONAL GUARD (FORMER)	43.8
59	CALIFORNIA AIR NATIONAL GUARD (FORMER)	44.5'
60	CALIFORNIA AIR NATIONAL GUARD (FORMER)	47.5'
61	CALIFORNIA AIR NATIONAL GUARD (FORMER)	40.9'
62	CALIFORNIA AIR NATIONAL GUARD (FORMER)	44.3'
63	CALIFORNIA AIR NATIONAL GUARD (FORMER)	44.5'
64	CALIFORNIA AIR NATIONAL GUARD (FORMER)	44.5'144.3144.0



AECOM
 999 Town and Country Road
 Orange, CA 92668
 Tel: 714.567.2400
 Fax: 714.567.2441

Designed By:	No.	Revision	By	App.	Date
LDF	1	Airport Master Plan	Coffman	LAP	March 14, 2002
Drafted By:	2	Airport Layout Plan Update - Reflecting ARC C-11/D-II	AECOM	LAP	December 2009
Checked By:					
AWS					
Approved By:					
DPS					

Prepared For: The City of Hayward
 Lloyd A. Partin, Airport Manager
 Date: _____
 The preparation of this plan was financed in part through a planning grant from the Federal Aviation Administration as provided under Section 505 of the Airport and Airway Improvement Act of 1982, as amended. The contents do not necessarily reflect the official views or policy of the FAA. Acceptance of this plan by the FAA does not in any way constitute a commitment on the part of the United States to participate in any development depicted therein nor does it indicate that the proposed development is environmentally acceptable in accordance with appropriate public laws.

Hayward Executive Airport
 Hayward, California
 Building Area Plan
 City of Hayward

AIP Project No.
 3-06-0103-15
 Scale 1" = 300'
 August 2010
 Sheet No.
 4 of 12



DATE: September 23, 2010

TO: Planning Commission

FROM: Arlyne J. Camire, AICP, Associate Planner

SUBJECT: Zone Change PL-2010-0029- Lloyd Partin, Hayward Executive Airport Manager, for the City of Hayward (Applicant) / City of Hayward (Owner) – A Request to Change Portions of Air Terminal-Operations Subdistrict to Air Terminal-Aviation Commercial and Air Terminal-Commercial Subdistricts, and Air Terminal-Industrial Park Subdistrict to Air Terminal-Aviation Commercial and Air Terminal-Commercial Subdistricts, and to Adjust Zoning District Boundaries at the 543-Acre Hayward Executive Airport to Reflect Existing and Planned Airport Development Consistent with the Federal Aviation Administration Approved “Hayward Executive Airport Master Plan”

The Project is Located at Hayward Executive Airport, 20301 Skywest Drive, in the Air Terminal Zoning District (AT).

RECOMMENDATION

That the Planning Commission recommends to the City Council to approve the Negative Declaration and to approve the amendment to the Zoning District Map, based on the attached findings.

SUMMARY

The request is to adjust zoning boundaries of the Hayward Executive Airport to reflect existing and planned airport development consistent with the *Hayward Executive Airport Master Plan* approved in the early 2000s by City Council and Federal Aviation Administration.

Specific affected areas include:

- 1) Confining the Air Terminal-Operations Subdistrict (AT-O) to the runway, related aircraft outdoor storage, and taxiway operations;
- 2) Adjusting the Air Terminal-Recreational Subdistrict (AT-R) to be consistent with the boundary of the Hayward Area Recreation and Park District leased Skywest Golf Course parcel;
- 3) Changing the 30-acre California Air National Guard and City of Hayward Fire Station No. 6 parcel located on the southern portion of the airport from Air Terminal-Operations

- Subdistrict (AT-O) to Air Terminal-Aviation Commercial Subdistrict (AT-AC) to accommodate existing and future aviation related commercial uses;
- 4) Changing a 2-acre Air Terminal-Industrial Park parcel developed with a restaurant (leased to Raja Indian Cuisine & Bar) to Air Terminal-Commercial Subdistrict (AT-C) to conform to and continue the existing commercial use;
 - 5) Changing a 3.1-acre portion of the California Air National Guard site along West Winton Avenue, east of Curtis Street, from Air Terminal-Operations Subdistrict (AT-O) to Air Terminal-Commercial Subdistrict (AT-C) to allow for future commercial use; and
 - 6) Expanding the Air Terminal-Commercial Subdistrict (AT-C) on a 5.2-acre parcel adjacent to Hesperian Boulevard, south of Skywest Drive, by approximately 9,793 square feet from the Air Terminal-Aviation Commercial Subdistrict (AT-AC) to accommodate existing leased buildings and property containing an East Bay Municipal Utility District pump station, administrative, legal, real estate, and aviation offices, and future commercial uses.

The proposed zoning district map amendments would not add area to the Airport. The only action contemplated by the proposed zoning district map amendments would allow the Zoning District Map to conform to existing and proposed development of airport facilities, aviation-serving commercial uses, and commercial uses.

BACKGROUND

In 1998, the City Council directed staff to prepare an Airport Master Plan Update. The Hayward Executive Airport Master Plan (Master Plan) was presented to the City Council at a work session held July 18, 2000. The Master Plan examined two types of airport facilities: airside and landside. Airside facilities are associated directly with aircraft operations. Landside facilities are necessary to provide the transition from surface to air transportation and support facilities necessary for safe operation of the Airport.

On October 11, 2000, the Alameda County Airport Land Use Commission found the Master Plan consistent with its Comprehensive Airport Land Use Plan. An Environmental Assessment/Environmental Impact Report (EA/EIR) was prepared. On April 16, 2002, the City Council adopted Resolution 02-045, certifying the EA/EIR and adopting the Hayward Executive Airport Master Plan and the mitigation monitoring and reporting program required by the EA/EIR (Attachment III).

In April 2005, the United States Department of Transportation Federal Aviation Administration (FAA) issued a Finding of No Significant Impact and Record of Decision for the proposed Short-Term Master Plan Improvement Projects at the Hayward Executive Airport. The short-term improvements included airport operation facilities including runway and taxiway improvements, construction of the east service road, construction of a 400-foot noise wall and construction of hangars.

In April 2010, the Hayward Executive Airport Layout Plan Update-Final Narrative Report (Layout Plan) was completed. This plan summarizes and discusses implemented projects of the Master Plan, discusses airport operations and improvements that will assure airport and aircraft

safety, and delineates recommended development of future airport facilities and support services consistent with the Master Plan.

DISCUSSION

With the construction of several improvements specified in the Hayward Executive Airport Master Plan, Air-Terminal subdistrict boundaries are no longer accurate. The proposed subdistricts will accurately reflect the land uses that have been identified in the Master Plan and Layout Plan: in other words, the zoning will be changed to be consistent with the adopted Airport Master and Layout Plans. The Master Plan specified land uses that exist that should be reclassified within different Air-Terminal Zoning Subdistricts that accurately reflect the purpose of the subdistrict. In addition, several of the leased properties can no longer be classified as Air-Terminal Operations, because they are not associated exclusively with aircraft operations and airside facilities such as runways, taxiways, or airplane uncovered storage.

Uses that support airport activities, such as the former California Air National Guard parcel and Hayward Fire Department No. 6, are proposed to be reclassified to Air Terminal-Aviation Commercial. Other uses permitted in this subdistrict include automobile rental, aviation schools, aircraft repair, and retail sales of aviation equipment. Developed parcels or parcels proposed to be improved with commercial and service uses that are compatible with airport activity while serving the general population, such as restaurants, medical offices, banks, and copy facilities will be reclassified as Air Terminal-Commercial.

The airport property currently zoned Air Terminal-Industrial Park Subdistrict does not contain industrial uses, therefore it is appropriate to change this zone to Air Terminal-Aviation Commercial to reflect existing and future airport support services, and Air Terminal-Commercial for existing and future retail and commercial uses. The only area of Air Terminal-Industrial Park Subdistrict remaining will be located west of the airport, which is not proposed to be changed.

Zone Change-Amendment to the City's of Hayward Zoning District Map-

The City proposes to adjust zoning boundaries to reflect existing and proposed Hayward Executive Airport land uses and development. The Airport Terminal District and its Subdistricts on Airport property will be affected. Air Terminal-Industrial Park properties located west are not included in the proposed amendment to the City's Zoning Map.

Amendment to the City's Zoning District Map Findings-

1. **Substantial proof exists that the proposed change will promote the public health safety, convenience, and general welfare of the residents of Hayward.**

The amendment to the City of Hayward Zoning District Map will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the adjustments to Air Terminal Subdistrict boundaries will reflect existing and proposed airport operations improvements.

- 2. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans.**

The amendment to the City of Hayward Zoning District Map will allow the Air Terminal District boundaries at the Hayward Executive Airport to be in conformance with the Hayward Executive Airport Master Plan and the Hayward Executive Airport: Airport Layout Plan Update. In addition, the zoning designation boundaries will contain land uses that are consistent with Air Terminal Subdistricts purposes as specified in the Zoning Ordinance.

- 3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified.**

Existing streets and public facilities, and proposed airport facilities are adequate to serve the automobile vehicle and air traffic, sewer, water and utilities needs. On- and off-site circulation would not be significantly impacted by the potential traffic generated by the proposed adjustments to the zoning subdistricts as analyzed in the adopted Hayward Executive Airport Final Environmental Assessment/Environmental Impact Report and the Revised Negative Declaration.

- 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.**

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 in that the current locations of many of the zoning boundaries shown on the City Zoning Map do not accurately represent the boundaries of the parcels and developed land uses. In addition, the amendment to the City of Hayward Zoning Map will result in compatibility to the existing and future land uses as represented in the Hayward Executive Airport Master Plan and the Hayward Executive Airport: Airport Layout Plan Update.

ENVIRONMENTAL REVIEW

An Initial Study and a Revised Negative Declaration have been prepared for the proposed amendment to the Zoning District Map pursuant to the California Environmental Quality Act (CEQA) (see Attachment V). No significant environmental impacts, including those related to traffic and circulation, are expected to result from the project.

PUBLIC NOTICE

On February 1, 2010, a Referral Notice was mailed to every property owner and occupant as noted on the latest assessor's records within 300 feet of the Hayward Executive Airport, the Mt. Eden Neighborhood Task Force, Longwood Neighborhood Task Force, Longwood Area Neighborhood Group, and the Hayward Airport Advisory Association. Staff received a letter

from the owners of the Winton Park Center located on West Winton Avenue who requested their property be allowed the same development standards as the Air Terminal-Commercial Subdistrict. Staff also received an email and a phone call from two San Lorenzo residents concerned about the potential for an increase in aircraft noise and automobile traffic (Attachment VI).

On August 19, 2010, a Notice of Public Hearing and Notice of Preparation of the Negative Declaration was mailed to every property owner and occupant within 300 feet of Hayward Executive Airport as noted on the latest assessor's records, the Mt. Eden Neighborhood Task Force, Longwood Neighborhood Task Force, Longwood Area Neighborhood Group, and the Hayward Airport Advisory Association. On August 20, 2010, a Notice of Public Hearing and Notice of Preparation of a Negative Declaration were published in *The Daily Review*.

On September 4, 2010, a notice of Public Hearing and Notice of Preparation of a Revised Negative Declaration was published.

Staff received an email and three calls from San Lorenzo residents concerned about the potential for an increase in commercial development, an increase in aircraft noise and air traffic, and pollution. In addition, staff also received an email from Bay Seal Company, Inc., located on West Winton Avenue, regarding a concern for the potential for an increase in automobile traffic on West Winton Avenue (Attachment VII).

The only action contemplated by the proposed zoning district map amendments would allow the Zoning District Map to conform to existing and proposed development of airport facilities, aviation- serving commercial uses, and commercial uses specified in the Hayward Executive Airport Master Plan and the Layout Plan.

Because of the number of calls and emails received from San Lorenzo residents, a copy of this report was emailed to the San Lorenzo Village Homes Association.

SCHEDULE

At the regularly scheduled City Council meeting to be held on October 26, 2010, the City Council will review the recommendation of the Planning Commission. If the proposed zone changes are approved, the ordinance will be effective upon adoption.

Prepared by:



Arlynn J. Camire, AICP
Associate Planner

Recommended by:



Richard Patenaude, AICP
Planning Manager

Attachments:

- | | |
|----------------|---|
| Attachment I | Existing Airport Zoning Map |
| Attachment II | Proposed Airport Zoning Map |
| Attachment III | Findings for Approval |
| Attachment IV | City Council Resolution No. 02-045 approved April 16, 2002 |
| Attachment V | Revised Negative Declaration and Initial Study, dated September 1, 2010 |
| Attachment VI | Letter and Email received from the Public, February 2010 |
| Attachment VII | Letter and Email received from the Public, August and September, 2010 |



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Council Chambers
Thursday, September 23, 2010, 7:00 p.m.
777 B Street, Hayward, CA 94541

Attachment VII

3. Zone Change PL-2010-0029 - Lloyd Partin, Hayward Executive Airport Manager, for the City of Hayward (Applicant) / City of Hayward (Owner) – A Request to Change Portions of Air Terminal-Operations Subdistrict to Air-Terminal-Aviation Commercial and Air Terminal-Commercial Subdistricts, and Air Terminal-Industrial Park Subdistrict to Air Terminal-Aviation Commercial and Air-Terminal-Commercial Subdistricts, and to Adjust Zoning District Boundaries at the 543-Acre Hayward Executive Airport to Reflect Existing and Planned Airport Development Consistent with the Federal Aviation Administration Approved “Hayward Executive Airport Master Plan” - The Project is Located at Hayward Executive Airport, 20301 Skywest Drive, in the Air Terminal Zoning District (AT)

Senior Planner Sara Buizer gave the report.

Commissioner Faria asked about a letter submitted to the Commission expressing concern about impacts to tenants and signage because of the zone designation changes. Senior Planner Buizer explained that the property mentioned in the letter is across Winton Avenue and is therefore not airport property and not subject to the new designations. She said if the owner wants to modify any allowed uses for his property he would need to apply to City. Commissioner Faria asked if signage would vary in the different zones across the street from each other. Ms. Buizer said it's possible; regulations vary by zoning district. If the business owner across the street wanted his sign regulations to match the Airport Terminal sign regulations, she said, he might have to apply for a zoning designation change so the same regulations would apply.

Commissioner Lavelle thanked staff and Associate Planner Arlynn Camire, who was unable to attend the meeting, for her report. Ms. Lavelle pointed out that on the environmental checklist almost every box is checked “no impact”, but on page 18 the box is checked for “less than significant impact” regarding traffic and asked why traffic might be impacted if the new zoning wouldn't change anything. Ms. Lavelle said that several letters received expressed concern about increased traffic, so she asked what would change if no new construction was proposed. Because she didn't write the report, Senior Planner Buizer said she was unable to answer that question. Commissioner Lavelle suggested that if that finding could be amended and changed to “no impact” that would allay the concerns of nearby residents and business owners. She said she understands that what the Commission is being asked to vote on won't increase traffic and she wants to convey that to the public.

Commissioner Mendall said he was having a difficult time figuring out if the zone changes shifted boundaries with density of use staying the same, or if the changes allowed a higher level of density of use, which would mean more traffic. Senior Planner Buizer said the answer is two-fold. She said the changes could potentially include an intensity of use compared to what is seen now, but it's not going to be an intensity of use from what was envisioned on the Master Plan for the Hayward Executive Airport that was adopted by Council. She explained that the changes proposed would just allow the City to follow its vision and an environmental impact report that considered traffic was generated for the Master Plan. Commissioner Mendall explained that he was not familiar with airport zoning and he was having a hard time understanding what the changes would do and he said



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members of the public probably had a similar reaction. Commissioner Mendall asked staff if they could quantify the increase in density with a percentage. Senior Planner Buizer apologized and explained that she was standing in for another staff person and didn't have enough familiarity with the project to answer that question.

Commissioner McDermott said in reviewing the letters received the primary concern was that there would be an increase in air traffic. Senior Planner Buizer said she didn't think so, but referred to the question to Hayward Executive Airport Manager Lloyd Partin.

Mr. Partin explained that the Master Plan was crafted in 2002 with anticipated development in mind. What staff discovered in looking at the zoning designations, he said, was inconsistencies with the existing uses so the purpose of the zone changes is to clean that up, and make uses consistent with zoning requirements. In terms of air traffic, he said in 1980 Hayward airport was the sixth busiest in the United States of America with over 400,000 operations. He said now the airport is down to about 100,000 operations a year (there's been a significant decline in air traffic in last 10 years due to impacts on aviation nationwide, he said), and while more air traffic above current levels is anticipated, he said not to what the Master Plan predicted which was 220,000 annual operations by the year 2020. Mr. Partin said three years ago traffic peaked at 158,000 annual operations, and then decreased. The airport is now experiencing a small increase in air traffic, he said, and he hopes it will get busier, however, it will never reach the levels anticipated by 2020.

Regarding vehicle traffic on Hesperian Boulevard, Commissioner Lamnin asked if there are any plans for traffic mitigation. Director of Development Services David Rizk said he wasn't sure if that was a project under the Capital Improvement Program, but thought that any project-related impacts as a result of the rezoning would have been anticipated in the EIR when the Master Plan was adopted for the airport.

Chair Loché opened the Public Hearing at 8:49 p.m.

Samantha Bloodhart, president of the Skywest Townhomes Board of Directors, resident of Castlewood Way, and owner of an aviation-related business, said her main concern was a discrepancy in a zoning designation between the staff PowerPoint presentation and the staff report. She said the PowerPoint map for existing designations for the Skywest Golf Course had a zoning of AT-R, recreation, but the staff report said the proposed change was to AT-AC, aviation commercial. She said she wasn't very happy to see that and wanted to know if it was a mistake. She also said she appreciated that the City notified the San Lorenzo Village Homeowner Association of the meeting but she asked that the City also notify the Skywest Townhome Board so they could pass the information on to residents. She said she was also concerned that the changes proposed did not get reviewed by the Alameda County Airport Land Use Commission and there was no reference made that the proposed changes are compatible with Caltrans policies regarding overruns for runways, especially if the zoning is changing for the golf course. Ms. Bloodhart distributed handouts of those Caltrans land use requirements to the Commissioners. Chair Loché suggested she submit a written request regarding notification to the board.



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Senior Planner Buizer asked Ms. Bloodhart to show her the documents where the two different zoning designations were located. Ms. Bloodhart said that the staff report was posted on the City's website. Ms. Buizer said the map on the website must have an error because the staff report received by the Commissioners indicated that AT-R zoning was not changing. Ms. Bloodhart said she just wanted confirmation of that. Commissioner Mendall assured her the report would be corrected for the City Council report.

Andy Wilson, Cal-Pilot's Director-at-Large and a Greenbrier Lane resident, said he's received several calls of concern about the AT-R zone change at the golf course, but that had been clarified and the Cal-Pilots would go along with that. He said they would welcome new business at the airport and expansion of the airport because it's a revenue-generator for the City. Mr. Wilson said the Cal-Pilots welcome the zoning designation updates, but as pilots they would like to see the involvement of the Alameda County Airport Land Use Commission. He explained that in California, each county has to have a land use commission and they should be reviewing changes at the airport including the proposed changes.

Commissioner Lamnin asked if there is still a waiting list for hangar space and Airport Manager Partin said yes, there are over 100 people on the list.

Chair Loché closed the Public Hearing at 8:57 p.m.

Commissioner Mendall said he was not clear what he was voting on, but at the same time he does understand the purpose of the proposed changes. He said personally he felt like moving it to the City Council without a recommendation because he was just not sure what the changes meant.

Director of Development Services Rizk reiterated that any future development projects would be subject to the rules and regulations of the City as well as environmental review. Regarding the AT-C zoning proposed for the area along West Winton, he said that is to reflect existing uses that are already there like a restaurant and other commercial-type uses that would be more appropriate on that side of the airport.

Commissioner Lavelle pointed out that this was a more complicated topic than what they usually deal with, but said she didn't think it was necessary to be intimately familiar with every element of the Master Plan or the zoning designations. She said staff had done due diligence when preparing the report, and it was unfortunate Associate Planner Camire was not present to answer their detailed questions, otherwise it seemed pretty straight-forward to her and all they were doing was making a recommendation to Council so they could take action. Commissioner Lavelle made a motion to recommend that Council approve the revised Negative Declaration and to approve the amendment to the Zoning District Map. Commissioner Márquez seconded the motion.



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Commissioner Márquez said she agreed that this was a new area, but agreed with Commissioner Lavelle that the Planning Commission was just being asked to make the zoning designations conform to what has already been adopted.

Commissioner Lamnin suggested a friendly amendment that the proposal be reviewed by the Alameda County Airport Land Use Commission. Commissioner Lavelle asked staff if that was acceptable and appropriate for the Commission to make that request or was it already mandatory.

Director of Development Services Rizk directed the question to Airport Manager Partin but pointed out that the approved Airport Master Plan was reviewed by the Alameda County Airport Land Use Commission. Mr. Partin said the Land Use Commission met that day and they are reviewing the airport layout plan which includes the rezoning designations. He said a compatible land use plan that was drafted and the report will be posted on the County's website on Friday and the comment period will be open for 45 days.

Chair Loché noted that Commissioner Lamnin withdrew her friendly amendment.

There being no other comments, the motion passed 6:0:1 with the following vote:

AYES:	Commissioners Faria, Márquez, Lamnin, McDermott, Lavelle Chair Loché
NOES:	None
ABSENT:	None
ABSTAINED:	Commissioner Mendall

COMMISSION REPORTS:

4. Oral Report on Planning and Zoning Matters

None

5. Commissioners' Announcements, Referrals

Commissioner Mendall announced that Commissioners Lamnin and McDermott were appointed to the Council Sustainability Committee and that he was appointed to the newly-formed Climate Action Management Team, which will meet in October.

APPROVAL OF MINUTES

6. Minutes from June 24, 2010 were approved with Commissioners Faria, Lamnin and McDermott abstaining



REVISED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that “no significant effect” on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

Zone Change PL-2010-0029 - Hayward Executive Airport Rezoning - A request to adjust most zoning district boundaries at the 543-acre Hayward Executive Airport to reflect existing and planned airport development consistent with Federal Aviation Administration (FAA) approved “Hayward Executive Airport Master Plan” (April 2002.)

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project could not have a significant effect on the environment.

FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.

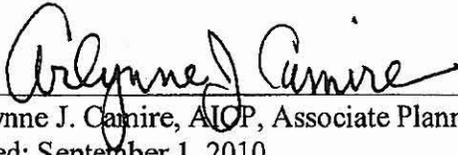
*A Final Environmental Assessment/Environmental Impact Report” (February 20, 2002) assessing the Hayward Executive Airport Master Plan analyzed all environmental issues of the proposed Hayward Executive Airport Master Plan except greenhouse gas emissions since greenhouse gas emissions analysis was not required until January 2010. However, no new construction is proposed at this time. The only action contemplated by the proposed project is rezoning to conform with existing and planned development consistent with the Hayward Executive Airport Master Plan. In addition, The United States Department of Transportation, Federal Aviation Administration adopted a *Finding of No Significant Impact and Record of Decision for the Proposed Short-Term Master Plan Improvement Projects At Hayward Executive Airport (April 2005)*”. This addressed environmental impacts of future airport development.*

2. The zone change would not have an adverse impact on aesthetics. Scenic vistas nor would not be affected. New sources of light and glare would not be introduced. The project site is located in a substantially urbanized area with existing sources of light and glare, therefore, future development cumulative impacts would be considered less than significant.

3. The zone change would not have an adverse impact on agricultural and forest resources. The site is developed with the Hayward Executive Airport.
4. The zone change will not result in any impact related to changes of air quality. Construction is not proposed at this time. All future development is required to meet construction dust control measures. Any impacts of future development would be required to be below the standard of air quality significance through the year 2025 as established by the Bay Area Air Quality Management District (BAAQMD).
5. The zone change would not adversely affect biological resources.
6. The zone change would not adversely affect cultural resources.
7. The project site is located outside of the Hayward fault zone. Any future development would be required to comply with the California Building Code Standards to minimize seismic risk due to ground shaking.
8. The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. Any future development will be required to comply with June 2, 2010 Adopted Air Quality CEQA Thresholds of Significance.
9. This zone change will not generate hazardous materials. Future development will be reviewed by the Fire Department, Hazardous Materials Office.
10. The zone change will not affect water quality standards. All future development would be required to be designed to mitigate any possible impacts.
11. The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. The zone change in itself would not have cumulative effects and future development is required to be consistent with the Zoning Ordinance, be compatible with surrounding development, and comply with the Hayward Executive Airport Master Plan. In addition, the proposed zone change is consistent with the City's General Plan. Therefore, the zone change will allow the Hayward Executive Airport existing and proposed land uses to comply Airport Terminal Zoning District development standards.
12. Mineral resources have not been found on this site.
13. The zone change would not contribute to cumulative noise impacts. Any noise created by future development would be short-term; limited to the construction phase as anticipated in the Final Environmental Assessment/EIR of the Hayward Executive Airport Master Plan. Any noise produced by aviation related projects have been analyzed in the Final Environmental Assessment /EIR.
14. Cumulative impacts to population, employment and housing are not anticipated.

15. The zone change would not have an impact on public services and utilities.
16. The zone change would not result in an increase use to existing recreational amenities at Skywest Golf Course or Kennedy Park.
17. The zone change would not have a cumulative impact on traffic or circulation. Future development would be required to comply with the Hayward Executive Airport Master Plan.
18. The zone change would not have a cumulative impact on utility and wastewater treatment service providers.

I. **PERSON WHO PREPARED INITIAL STUDY:**



Arlynne J. Canire, AICP, Associate Planner
Dated: September 1, 2010

II. **COPY OF ENVIRONMENTAL CHECKLIST IS ATTACHED**

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4202

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting it in writing.
- Provide a copy to the Alameda County Clerk's Office.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



**DEPARTMENT OF DEVELOPMENT SERVICES
Planning Division**

INITIAL STUDY CHECKLIST

Project Title: Zone Change PL-2010-0029-Hayward Executive Airport Rezoning

Lead agency name/address: City of Hayward, 777 B Street, Hayward, CA 94541-5007

Contact person: Arlynne J. Camire, AICP, Associate Planner

Project location: Hayward Executive Airport

Project sponsors-

Name and Address: City of Hayward, Hayward Executive Airport, Lloyd Partin, Airport Manager,
20301 Skywest Drive, Hayward, CA 94545

General Plan Designation: Public and Quasi Public

Zoning: Air Terminal-Operations Subdistrict (AT-O), Air Terminal-Industrial Park Subdistrict (AT-IP), Air Terminal-Aviation Commercial Subdistrict (AT-AC), Air Terminal-Commercial Subdistrict (AT-C), Air Terminal-Recreational Subdistrict (AT-R), and Air Terminal-Medium Density Residential (AT-RM).

Project

description: A request to adjust most zoning district boundaries at the 543-acre Hayward Executive Airport to reflect existing and planned airport development consistent with Federal Aviation Administration (FAA) approved "Hayward Executive Airport Master Plan" (April 2002), "Final Environmental Assessment/Environmental Impact Report" (February 20, 2002), and "The United States Department of Transportation, Federal Aviation Administration Finding of No Significant Impact and Record of Decision for the Proposed Short-Term Master Plan Improvement Projects At Hayward Executive Airport (April 2005)" (See attached Existing and Proposed Airport Zoning Maps)

Specific areas of zone changes include:

- Confining the Air Terminal- Operations Subdistrict to the runway, related aircraft outdoor storage, and taxiways operations;
- Adjusting the Air Terminal-Recreational Subdistrict (AT-R) to be consistent with the boundary of the Hayward Area Recreation and Park District leased Skywest Golf Course parcel;
- The 30-acre California Air National Guard and City of Hayward Fire Station No. 6 parcel located on the southern portion of the airport which will change from Air Terminal-Operations Subdistrict (AT-O) to Air Terminal-Aviation Commercial Subdistrict (AT-AC) to accommodate existing and future aviation related commercial uses;

- Changing a 2-acre Air Terminal-Industrial Park parcel developed with a restaurant and bar (leased to Raja Indian Cuisine & Bar) to Air Terminal-Commercial Subdistrict (AT-C) to conform to and continue the existing commercial use;
- Changing a 3.1-acre portion of the California Air National Guard site along West Winton Avenue, East of Curtis Street, from Air Terminal-Operations Subdistrict (AT-O) to Air Terminal-Commercial Subdistrict (AT-C) to allow for future commercial use,
- Expand the Air Terminal-Commercial Subdistrict (AT-C) on a 5.2-acre parcel adjacent to Hesperian Boulevard, South of Skywest Drive, by approximately 9,793 square feet from the Air Terminal-Aviation Commercial Subdistrict (AT-AC) to accommodate existing leased buildings and property containing an East Bay Municipal Utility District pump station; administrative, legal, real estate, and aviation offices and future commercial uses.

**Surrounding land
Uses and setting:**

The Hayward Executive Airport is located on a 543-acre site approximately two miles west of downtown Hayward, in Alameda County. The general boundaries are Single Family Residential to the North, Hesperian Boulevard to the East, West Winton Avenue to the South, and industrially developed parcels in the Industrial District (I) and the Air Terminal-Industrial Subdistrict (AT-IP) to the West.

Other public agencies whose approval is required: None.

EVALUATION OF ENVIRONMENTAL IMPACTS:

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? Comment: <i>The project is an adjustment of zoning district boundaries to reflect current and future development at the Hayward Executive Airport. Height and light/glare produced by future development will be regulated by FAA regulations. Therefore, the project would not have a substantial adverse effect on a scenic vista.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? Comment: <i>See I.a. The site did not contain rock outcroppings or historic buildings. The site is not located along a scenic highway.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? Comment: <i>See I.a. The project will not degrade the existing visual character and quality of the site and its surroundings.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? Comment: <i>See I.a. The project will not create a new source of light or glare that would adversely affect day or nighttime views in the area.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? Comment: <i>The site is developed with the Hayward Executive Airport in the Air Terminal Zoning District and is not farmland.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? Comment: <i>The project is not located in an agricultural district or an area used for agricultural purposes. See II a.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? Comment: <i>The Hayward Executive Airport is located in an urban setting not in a forest land.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>d) Result in the loss of forest land or conversion of forest land to non-forest use? Comment: <i>See IIc.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? Comment: See II.a.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? Comment: The Hayward Executive Airport is located within the urbanized area of Alameda County, a subregion within the nine-county San Francisco Bay Area Air Basin. This zone change project would not result in immediate development. It will adjust the boundaries of existing zoning designations to conform with existing development and future development specified by the Hayward Executive Airport Master Plan. The project would not obstruct implementation of the Bay Area Air Quality Management District's Clean Air Plan. Air Quality was reviewed in April 2005 by the US Department of Transportation, FAA and it was found not to result in a significant impact on air quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Comment: See III.a. The project would not violate any air quality standard or contribute substantially to existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? Comment: See III.a.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations? Comment: See III. a. The zone change would not result in any development that would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people? Comment: See III.a. The zone change would not result in any development that would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? **Comment:** *The Hayward Executive Airport and its immediate vicinity including the Skywest Golf Course contain grassland areas of the Airport and of Skywest Golf Course, and the wetland/riparian area of Sulphur Creek. Vegetation on the airfield consists of disturbed, non-native grassland species. The wetland/riparian area of Sulphur Creek is located in culverts under Skywest Drive and the runways. None of the grassland areas provide high quality wildlife habitat because of frequent mowing and other disturbances. This finding is the conclusion of the "Finding of No Significant Impact and Record of Decision" analysis of the Hayward Executive Master Plan dated April 2005. The zone change will adjust the boundaries of existing zoning designations to conform with existing development and future development specified in the Hayward Executive Master Plan.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? **Comment:** *See IV.a.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? **Comment:** *See IV.a.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? **Comment:** *See IV.a.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Conflict with any local policies or ordinances protecting biological resources, such as a tree

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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preservation policy or ordinance? **Comment:** *The project is in conformance with the General Policies Plan and any future development will conform to the requirements of the Tree Preservation Ordinance.*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? Comment: <i>See IV.a There are no habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan affecting the property.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? Comment: <i>No known historical resources.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? Comment: <i>The project would not have a change in significance of an archaeological resource. The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Comment: <i>See V.a. No known paleontological resources exist on-site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Disturb any human remains, including those interred outside of formal cemeteries? Comment: <i>There are no known human remains on-site. If human remains are discovered with future development, grading or construction activities would cease and the appropriate authorities will be contacted.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. **Comment:** The project is not located within the Hayward Fault Zone.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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ii) Strong seismic ground shaking? **Comment:** The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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iii) Seismic-related ground failure, including liquefaction? **Comment:** The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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iv) Landslides? **Comment:** The Hayward Executive Airport is not located within an area subject to landslides. The parcel is relatively flat surrounded by relatively flat land. The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Result in substantial soil erosion or the loss of topsoil? **Comment:** The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction of a project is not proposed at this time.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The zone change will adjust zoning district boundaries to conform to existing and

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? **Comment:** The site is not known to contain expansive soil. The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? **Comment:** The Hayward Executive Airport is connected to the City of Hayward sewer system.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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VII. GREENHOUSE GAS EMISSIONS --

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? **Comment:** The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. At the time of future development, the new development will be required not to exceed the adopted Air Quality CEQA Thresholds of Significance of the Bay Area Air Quality Management District Air Quality Guidelines adopted June 2010.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project is not in conflict with the City of Hayward Climate Action Plan (CAP) adopted July 28, 2009. At the time of future development, the new development will be required to comply with the CAP.

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
disposal of hazardous materials? Comment: <i>The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time.</i>				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Comment: <i>See VIIIa.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? Comment: <i>See VIIIa.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? Comment: <i>See VII a. A Phase I Environmental Assessment may be required for new development to be determined by the Hayward Fire Department, Hazardous Materials Office.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? Comment: <i>The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. At the time of future development, safety hazards will be examined and mitigated.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? Comment: <i>See VIII e.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Comment: <i>The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Executive Airport Master Plan. Construction is not proposed at this time. The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: *The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. In addition, the grasses of the Airport and the Skywest Golf Course are not wildland grasses and are mown on a regular basis.*

IX. HYDROLOGY AND WATER QUALITY

-- Would the project:

a) Violate any water quality standards or waste discharge requirements? **Comment:** *The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. Any new future development would meet all water quality standards and waste discharge requirements for all retail and restaurant uses.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? **Comment:** *The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. In addition, the Hayward Executive Airport is served with water by the City of Hayward and it has been determined in the EIR for the Hayward*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Executive Airport Master Plan that new development would not significantly increase water usage. Therefore, water quality standards would not be violated and groundwater supplies will not be depleted.</i>				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Comment: <i>The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. Future development of the site requires approval of a drainage plan in order to assure that the addition of the paving of the site would not alter the existing drainage patterns.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Comment: <i>See VIX c.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? Comment: <i>The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. Runoff will be examined with future development. See VIXc.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? Comment: <i>See VIXa.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Comment: <i>The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. The rezoning will not create an opportunity for new residential to be developed.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Comment: <i>The Nation Flood Insurance Program Flood Insurance Rate Map for the City of Hayward, California indicates that central portions of the Airport are subject to flooding in a 100-year storm event. This area is immediately around Sulphur Creek. The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. Future development of the site require examination of flooding.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Comment: <i>See IX g. & h. The Hayward Executive Airport is not near any levees, and is not located downstream of a dam.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? Comment: <i>The Hayward Executive Airport is not in a location that would allow these phenomena to affect the site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. LAND USE AND PLANNING -- Would the project:

a) Physically divide an established community? Comment: <i>The proposed zone change will not physically divide an established community. The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Comment: <i>The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. Future development of the site requires review to assure compliance to land uses</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>permitted in any Airport Terminal zoning subdistricts and the Hayward Executive Airport Master Plan.</i>				

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? <i>Comment: See IVf.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XI. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. The Hayward Executive Airport is not a site known for mineral resources. The subject site is located in an urbanized area that does not contain mineral resources that could be feasibly removed.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? <i>Comment: See XI a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XII. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. Any new development would be required to comply with the noise standards set by the Hayward Executive Airport EIR and the Finding of No Significant Impact and Record of Decision.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? <i>Comment: See XIIIa.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? <i>Comment: See XIIIa.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? <i>Comment: See XII.a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? <i>Comment: See XII.a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? <i>Comment: See XII. a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. POPULATION AND HOUSING --

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? <i>Comment: The proposed zone change will not induce substantial population growth. The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. The Hayward Executive Airport Master Plan does not anticipate new housing units.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? <i>Comment: See XIII.a. The proposed zone change will not displace any housing.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? <i>Comment: The proposed zone change will not result in displacement of people which would necessitate the construction of replacement housing.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. PUBLIC SERVICES --

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				
<i>Comment: The proposed project would have no effect upon, or result in a need for new or altered government services in fire protection, schools, maintenance of public facilities, including roads, and in other government services. The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. The project will not alter Airport operations.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection? <i>Comment: See XIV a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools? <i>Comment: See XIV a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks? <i>Comment: See XIV a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities? <i>Comment: See XIV a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? <i>Comment: The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Recreational amenities located at the Airport, such as the Skywest Golf Course and Kennedy Park would remain regional parks available to the public.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? <i>Comment: The Hayward Executive Airport contains the Skywest Golf Course and Kennedy Park, however, the proposed zone change would not require the expansion of these recreational amenities.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVI. TRANSPORTATION/TRAFFIC --

Would the project:

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| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Comment: <i>The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. The zone change would not conflict with the Hayward Executive Airport Master Plan or any City Transportation Policies. The zone change will allow land use compliance to the Hayward Executive Airport Master Plan.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? Comment: <i>See XVIa.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? Comment: <i>The project will not affect air traffic patterns.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? Comment: <i>The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. The propose zone change would not substantially increase hazards.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? Comment: <i>At the time that construction is proposed the Hayward Fire Department will</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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review the project to assure that adequate emergency access will be provided.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?
Comment: See XVI.a. The project does not conflict with adopted policies supporting alternative transportation.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVII. UTILITIES AND SERVICE SYSTEMS

-- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? **Comment:** The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. Any future development would not exceed the wastewater treatment requirements as required by the Final EIR for the Hayward Executive Airport Master Plan.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **Comment:** See XVII. a. Existing water and wastewater treatment facilities are adequate to serve any future development anticipated by the Hayward Executive Airport Master Plan.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **Comment:** See XVII a. Existing storm drains are adequate to serve any future development anticipated by the Hayward Executive Airport Master Plan.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? **Comment:** See XVII.a. Any future development would be required to comply with the Hayward Executive Airport Master Plan which would not have an impact on the water supply; therefore, it can be served by existing entitlements and resources.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? <i>Comment: See XVII.a. Any future development would be required to comply with the Hayward Executive Airport Master Plan. The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the anticipated future development of the Master Plan.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? <i>Comment: See XVII a. Any future development would be required to comply with the Hayward Executive Airport Master Plan which would not exceed the landfill capacity. Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2014 with 3 extension year options. This landfill has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year 2034.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? <i>Comment: See XVII a. Any future development would be required to comply with the Hayward Executive Airport Master Plan which would comply with the Waste Management of Alameda County recycling program. Construction and operation of the project will comply with all federal, state and local statutes and regulations related to solid waste. The tenants will be required to participate in the City of Hayward required programs including; construction waste recycling, trash disposal, recycling and organics recycling. The project contains two trash enclosures that will accommodate the trash, recycling and organics containers.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Comment: The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan and Final Environmental Assessment/Environmental Impact Report. Construction is not proposed at this time. There is no evidence of any sensitive, or special status species would be impacted. In addition, the project would not impact any wildlife or threaten any plant or animal community

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? **Comment:** The project in itself would not have cumulative effects and future development is required to be consistent with surrounding zoning and development, and The Hayward Executive Airport Master Plan. In addition, the proposed zone change is consistent with the City's General Plan.

Aesthetics and Light and Glare: The Project would not affect scenic vistas nor light and glare. The project site is located in a substantially urbanized area with existing sources of light and glare, therefore, future development cumulative impacts would be considered less than significant.

Air Quality: All future development is required to meet construction dust control measures. Any

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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impacts of future development would be required to be below the standard of air quality significance through the year 2025 as established by the Bay Area Air Quality Management District (BAAQMD).

Biological Resources: The zone change would not adversely affect Biological Resources.

Cultural Resources: The zone change would not adversely affect cultural resources.

Geology and Soils: The project site is located outside of the Hayward fault zone. It is anticipated that any future development would not have a cumulative effect.

Greenhouse Gas Emissions: The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. Any future development will be required to comply with June 2, 2010 Adopted Air Quality CEQA Thresholds of Significance.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Hazards and Hazardous Materials: This project will not generate hazardous materials.

Hydrology and Water Quality: All future development would be required to be designed to mitigate any possible impacts.

Land Use and Planning: The zone change will adjust zoning district boundaries to conform to existing and future development as specified by the Hayward Executive Airport Master Plan. Construction is not proposed at this time. Therefore, the zone change will allow the Hayward Executive Airport existing and proposed land uses to comply Airport Terminal Zoning District development standards.

Mineral Resources have not been found on this site.

Noise: Cumulative noise impacts are not anticipated since any noise created by future development would be short-term; limited to the construction phase as anticipated in the Final Environmental Assessment/EIR of the Hayward Executive Airport Master Plan.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Population and Housing: Cumulative impacts to population, employment and housing are not anticipated.

Utilities and Public Services:

No cumulative impacts to solid waste services are anticipated.

Recreation: The zone change would not result in an increase use to existing recreational amenities at Skywest Golf Course or Kennedy Park.

Transportation/Traffic: Cumulative impacts are not anticipated. Future development would be required to comply with the Hayward Executive Airport Master Plan.

No cumulative impacts are anticipated to utility and service providers.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Comment: *The project in itself would not have a direct or indirect adverse impact on humans because the approved action does not directly result in construction.*

HAYWARD CITY COUNCIL

RESOLUTION NO. 02-045

Introduced by Council Member Henson

**RESOLUTION CERTIFYING ENVIRONMENTAL
ASSESSMENT/PROGRAM ENVIRONMENTAL IMPACT
REPORT AND ADOPTING THE HAYWARD EXECUTIVE
AIRPORT MASTER PLAN AND MITIGATION
MONITORING AND REPORTING PROGRAM**

WHEREAS, in 1998, the City Council directed staff to work with consultants on the preparation of a comprehensive update of the original Hayward Executive Airport Master Plan and further authorized the preparation of a joint Environmental Assessment/Program Environmental Impact Report; and

WHEREAS, a draft Hayward Executive Airport Master Plan (the "Master Plan") was prepared and reviewed by the City Council at a work session on July 18, 2000; and

WHEREAS, City staff and consultants prepared a Draft Environmental Assessment/Program Environmental Impact Report ("Draft EA/EIR") to analyze the potential environmental impacts of the Master Plan, which was made available for public comments during the period from April 23, 2001, to July 23, 2001, pursuant to the requirements of the California Environmental Quality Act ("CEQA"); and

WHEREAS, the City Council conducted a work session on July 10, 2001, and the Planning Commission conducted a public hearing on July 12, 2001, to receive comments on the Master Plan and the Draft EA/Program EIR; and

WHEREAS, written responses to comments on the Draft EA/Program EIR were prepared in the form of a separate document entitled the "Final Environmental Assessment/Program Environmental Impact Report" ("Final EA/EIR"), which together with the Draft EA/Program EIR and Appendices comprises the environmental documents for the Master Plan; and

WHEREAS, the Planning Commission held a public hearing on February 28, 2002, during which it considered the Final EA/Program EIR and the Master Plan and has recommended that the City Council certify the Final EA/Program EIR and adopt the Mitigation Monitoring and Reporting Program; and

WHEREAS, on April 16, 2002, the City Council held a public hearing to consider the certification of the Final EA/Program EIR and adoption of the Mitigation

Monitoring and Reporting Program and the Master Plan, and to receive comments of the public.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby certifies the Final EA/Program EIR and adopts the Mitigation Monitoring and Reporting Program and the Master Plan, based on the following findings and determinations:

I. **HAYWARD EXECUTIVE AIRPORT MASTER PLAN.** The purpose of the Hayward Executive Airport Master Plan is to provide a long-term planning framework for the development of a balanced complex of airside and landside facilities through 2020. The Master Plan component projects include widening of the existing Runway 28L entrance taxiway and constructing a displaced threshold of 350 feet to the southeast for Runway 28R, improvements to the taxiways, apron areas, navigation aids and service roads, as well as construction of new general aviation facilities and a noise wall. With or without implementation of the Master Plan, aviation activity is expected to increase over the next twenty years as a result of growth in the population of nearby communities, the strength of national and regional economies and the expansion of business and industry in Alameda County. The principal objectives of the Master Plan are to develop an attractive, efficient and safe aviation facility; develop facilities to serve general aviation users; accommodate forecasted increases in airport operations; contribute to local economic development; support local economic development and growth by providing the facilities necessary to support business and corporate aircraft use of the airport; and prevent substantial increase in aircraft noise exposure in surrounding residential neighborhoods. The adoption of the Master Plan shall rescind and replace the City's current Hayward Executive Airport Master Plan in its entirety.

II. **CONSIDERATION OF PROJECT ALTERNATIVES.** The Final EA/EIR evaluates the potential impacts of the Master Plan and two alternatives: the No Project Alternative and Alternative A. The principal elements of these alternatives are summarized below.

- **No Project Alternative.** This alternative assumes that none of the component projects included in the Master Plan or Alternative A would be implemented. As a result, none of the airside improvements described in the Master Plan and none of the landside improvements described in the Master Plan and Alternative A would be constructed. Because aviation facilities would not be expanded under this alternative, future increases in aviation activity would be less than the increases projected for the Master Plan and Alternative A. The No Project Alternative would avoid or reduce in magnitude some adverse impacts of the Master Plan and Alternative A. However, none of the adverse impacts of the Master Plan or Alternative A would be considered significant with the implementation of mitigation measures proposed as part of the Master Plan or identified in the Final EA/EIR. Therefore, the effects of the Master Plan are essentially the same as those of the No Project Alternative, except that the No Project Alternative would not provide the economic benefits of the Master Plan.

Alternative A. This alternative is similar to the Master Plan in that it would construct the same general aviation facilities, general aviation terminal, landside facilities and the same number of general aviation operations. The primary differences between this alternative and the Master Plan are that there would not be a displaced threshold constructed for Runway 10L-28R and the existing acceleration taxiway for Runway 10R-28L would not be widened and designated as part of the runway for departures. In addition, none of the commercial or industrial development included in the Master Plan would occur on the south side of the Airport. Aviation-related development in the southwest corner of the Airport would still occur under this alternative. None of the adverse impacts of the Master Plan or Alternative A would be considered significant with the implementation of mitigation measures proposed as part of the Master Plan or identified in the Final EA/EIR. Therefore, the effects of the Master Plan are essentially the same as the No Project Alternative, except that the Alternative A would not provide all the economic benefits of the Master Plan.

III. FINDINGS ON POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS.

The City Council also finds that the proposed mitigations set forth in the Final EA/EIR and incorporated into the Master Plan and the accompanying Mitigation Monitoring and Reporting Program will avoid the significant environmental impacts of implementing the Master Plan or reduce those impacts to a less-than-significant level. The potentially significant impacts identified in the Draft and Final EA/EIR are as follows.

- A. **AIR QUALITY.** The EA/EIR discusses potential air quality impacts at Sections 4.5.2.1-4.5.2.3. According to the EA/EIR, construction activities, such as excavation and grading activities could generate considerable amounts of dust depending on the level of activity, silt content of the soil and the prevailing winds, but this impact can be mitigated to a less-than-significant level if dust control measures are implemented. As explained in Section 4.5.2.3 of the EA/EIR, such measures would include several elements including daily sprinkling, covering haul trucks, applying soil stabilizers, street sweeping, hydroseeding, speed controls, replanting and designating a person or persons at the construction site to monitor the dust control program. These recommended measures are included in the Mitigation Monitoring and Reporting Program adopted herein. The City Council finds that these measures will mitigate the impact of construction-related emissions to a less-than-significant level.

- B. **SURFACE WATER QUALITY.** The EA/EIR discusses potential surface water quality impacts at Sections 4.6.2.1-4.6.2.3. According to the EA/EIR, intensification of site use would increase the potential for contaminant spills and elevated levels of petroleum hydrocarbons and other contaminants in stormwater discharges, but these impacts can be reduced to a less-than-significant level if mitigation measures proposed as part of the project and identified in the EA/EIR are implemented. The existing Airport SWPP will be updated to include the

additional facilities and BMPs associated with the new facilities will be similar to existing BMPs. These recommended measures are included in the Mitigation Monitoring and Reporting Program adopted herein. The City Council finds that these measures will mitigate the impacts on surface water quality to a less-than-significant level.

- C. **PREVIOUSLY UNKNOWN ARCHAEOLOGICAL RESOURCES.** The EA/EIR discusses the potential impacts on previously unknown archaeological resources at Sections 4.8.2.1-4.8.2.3. According to the EA/EIR, earthmoving activities associated with the construction of airport improvements could result in the discovery of previously unknown archaeological resources, but this impact can be reduced to a less-than-significant level if construction-related activities are halted within 25 feet of the discovery of any archaeological resource uncovered during construction and a qualified archaeologist is consulted prior to the resumption of construction activities. These recommended measures are included in the Mitigation Monitoring and Reporting Program adopted herein. The City Council finds that these measures will mitigate the impacts on previously unknown archaeological resources to a less-than-significant level.
- D. **THREATENED AND ENDANGERED SPECIES.** The EA/EIR discusses the potential impacts on threatened and endangered species at Sections 4.10.2.1-4.10.2.3. According to the EA/EIR, direct impacts to amphibian species, such as the California red-legged frog and the California tiger salamander, would only occur if individual members of these species migrated to the grassland portions of the airport. In addition, the construction of various airport improvements would result in the reduction of the amount of grasslands available for wildlife, which may result in a significant impact to the burrowing owl. However, the impacts on the California red-legged frog and the California tiger salamander can be reduced to a less-than-significant level by implementation of measures consistent with USFWS' Programmatic Biological Opinion. Similarly, the impacts on the burrowing owl can be reduced to a less than significant level by observance of the CDFG Burrowing Owl Survey Protocol and Mitigation Guidelines. If occupied habitat is discovered, the survey results will be forwarded to the appropriate agency for review and consultation; areas will be established around occupied burrows where no disturbance may occur; an unoccupied artificial or natural burrow will be provided for each burrow excavated and the replacement of areas of grassland habitat eliminated. Any area of grassland habitat that may be eliminated by the project shall be replaced at a 1:1 ratio offsite by the acquisition of suitable habitat in an area approved by the CDFG. These recommended measures are included in the Mitigation Monitoring and Reporting Program adopted herein.

The City Council finds that these measures will mitigate the impacts on threatened and endangered species to a less-than-significant level.

E. **ON-SITE FLOODING.** The EA/EIR discusses the impacts to potential on-site flooding at Sections 4.12.2.1-4.12.2.3. According to the EA/EIR, the increase in areas of impervious surfaces would increase stormwater runoff volumes and peak flows that may result in temporary flooding. However, this impact can be reduced to a less-than-significant level by the implementation of drainage structures; the upgrading of the Sulphur Creek channel; and the construction of retention basins to reduce flow contributions from the proposed facilities. These recommended measures are included in the Mitigation Monitoring and Reporting Program adopted herein. The City Council finds that these measures will mitigate the impacts of on-site flooding to a less-than-significant level.

F. **EXPOSURE OF WORKERS TO HAZARDOUS MATERIALS IMPACTS:** The EA/EIR discusses the impacts of exposure to hazardous materials on workers at Sections 4.22-2.2.1-4.22- 2.2.3. According to the EA/EIR, construction activity associated with the implementation of airport improvements could potentially expose workers to hazardous materials, including encounters with asbestos during building renovation and contaminated soil during excavation and grading. However, these impacts can be mitigated by adopting measures to protect workers and the public from exposure to hazardous materials and provide for the clean-up of contaminants in accordance with established rules and regulations. These recommended measures are included in the Mitigation Monitoring and Reporting Program adopted herein. The City Council finds that these measures will mitigate the impacts of worker exposure to hazardous materials to a less-than-significant level.

IV. **MITIGATION MEASURES.** The City Council also finds that the proposed mitigations set forth in the Final EA/EIR and incorporated into the Master Plan and the accompanying Mitigation Monitoring and Reporting Program will avoid all of the significant environmental impacts of implementing the Master Plan or reduce the impacts to a less-than-significant level.

V. **CERTIFICATION OF FINAL EA/EIR AND ADOPTION OF MITIGATION MONITORING REPORTING PROGRAM.** The City Council has reviewed and considered the documents comprising the Draft and Final EA/Program EIR for the Master Plan and hereby finds that such Final EA/EIR reflects the independent judgment and analysis of the City Council and is an adequate and extensive assessment of the environmental impacts of the Master Plan. Accordingly, the City Council hereby certifies such Final EA/EIR as having been prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA") and adopts the Mitigation and Monitoring Reporting Program.

VI. ADOPTION OF MASTER PLAN. Accordingly, based on the foregoing findings, the City Council hereby approves and adopts the Master Plan.

IN COUNCIL, HAYWARD, CALIFORNIA April 16, 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Jimenez, Hilson, Rodriquez, Ward, Dowling, Henson
MAYOR: Cooper

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST: *Connie Nolasco*
for City Clerk of the City of Hayward

APPROVED AS TO FORM:

M. O. [Signature]
City Attorney of the City of Hayward

P.O. Box 1666 • Shingle Springs, Ca. 95682 • (530) 677-2451 • Fax: (530) 677-5914

VIA CERTIFIED MAIL 7004 1350 0004 9682 9769, RETURN RECEIPT

February 3, 2010

Ms. Arlynn J. Camire, ACIP
City of Hayward, Planning Division
777 B, St
Hayward, CA. 94541

RECEIVED

FEB 04 2010

PLANNING DIVISION

RE: PL-2010-0029 ZC, Zoning Change at Hayward Airport.

Dear Ms. Camire,

I am in receipt of your official notice of the zoning change at the Hayward Airport from AY-O to AT-C.

I am the owner of the light industrial property known as Winton Park Center at 1202 to 1218 West Winton Ave, directly across the street from the restaurant known as RAJA Indian Cuisine, 1275 West Winton. RAJA is on property currently owned by the City of Hayward and will be rezoned to AT-C accordingly.

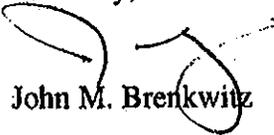
Although there are similarities between your AT-C zoning and my light industrial zoning there are also differences such as use and Tenancy. I am sure there are also differences in the allowed signage, etc.

It appears your new zoning might allow certain Tenancies, signage and other items not allowed in my center directly across the street and sharing the same Winton Ave corridor, traffic and neighborhood. This it will make my center harder to lease as the properties directly across the street will be more desirable because they will not face the same zoning and Tenancy restrictions!

In the interest of fairness to the Tenants and owners of the centers serving both sides of Winton Ave, including my center at 1202 to 1218 West Winton Ave, I would like to kindly request that we be given the same rights of Tenancy, signage, etc, as will be given to the properties owned by the City under the AT-C zoning.

Thank you kindly for your consideration!

Sincerely,


John M. Brenkowitz

From: wats442@aol.com
Sent: Wednesday, February 03, 2010 5:08 PM
To: Arlynne Camire
Subject: Zoning for Hayward Executive Airport

TO: Arlynne Camire

The commercial development in this dense area has changed the nature of our living environment for the worse. The traffic on Hesperian Blvd. is unbearable, especially during morning and evening commute hours. It can take 20-30 minutes to get from West A Street to West Winton Avenue. It can take another 20 minutes to get from either of these two streets to Interstate 880.

Just because there is a little bit of open space, doesn't mean that all the commerce that is possible should be added to it. I know it will bring money to the City of Hayward, but the residents of this area will suffer and the value of our homes will continue to decrease. Thank you for your consideration.

Marcia Watson
Skywest
18011 Sahara Road
Hayward, CA 94541-4624
510-785-4907

From: Anais1960@aol.com
Sent: Monday, August 30, 2010 1:31 PM
To: Arlynn Camire
Subject: re: Hayward Executive Airport negative declaration

Hello,

My name is Ana Mejia and I'm a San Lorenzo resident. I have read the copy of your negative declaration regarding the zoning denominations for the Airport.

While you constantly indicate that there will be no new construction in the proposed re-zoning areas, I'm extremely concerned on what you're planning to do in the existing constructions under the new "commercial development" terms.

Here's my understanding of what Hayward Airport will do:

- Lease existing areas to new Jet aviation and Flight Training Schools.

This will mean a significant noise and pollution increase in the surrounding areas which include San Lorenzo, jeopardizing the safety of single residential homes with constant landings and take-offs that will result from the increased air traffic.

Sure you want more revenues by leasing more facilities to airplanes, but just one lawsuit from a downed plane that hits a home and kills someone will surely make you lose much more money.

My point is, the Airport is being careless and disrespectful of its neighbors, using legal terminology ("no new construction=no need for additional environmental reports") to deceive the public and do increase its noise and pollution by using existing land to add to their business.

You released this copy Friday August 27, 2010 and you say you take citizen's comments only until Thursday, September 16, 2010. You're hardly giving any fair notice to the residents, this does not look good.

Respectfully,
Ana Mejia-Merrel
1270 Via Nube
San Lorenzo, CA 94580
anais1960@aol.com

Arlynn Camire

From: Ann Thanos [athanos@bayseal.com]
Sent: Tuesday, September 07, 2010 10:19 AM
To: Arlynn Camire
Subject: (ZC) PL-2010-0029 Hayward Executive Airport

Hello,

We are in receipt of your mailing regarding the above and would like to get more information on this project.

Our major concern would be the impact to the traffic on West Winton. If you have ever been on West Winton from 3:30 p.m. on, you can understand our concern. It appears that the project will involve frontage on West Winton, just across the street from our building. Can you tell us if that area will be commercial building, runway, hangers, or whatever else? What will happen to the fire station?

Since it appears that this project will significantly impact this area, we are anxious to hear back from you and appreciate your attention.

Thank you,

Ann E. Thanos
Operations Manager
Bay Seal Company, Inc.
(510) 732-7000
(510) 782-2651 fax

Be sure to visit our Bay Seal website @ www.bayseal.com!