

**City of Hayward
777 B Street
Hayward, CA 94541**

SPECIAL MEETING

**Council Airport Committee Meeting
Thursday, March 17, 2011
5:30 p.m.
City Council Chambers**

A G E N D A

5:30 p.m. Call to Order - Pledge of Allegiance

Public Comments: (The PUBLIC COMMENTS section provides an opportunity to address the Committee on items listed on the agenda, as well as other items of interest. The Committee welcomes your comments under this section, but is prohibited by State law from discussing items not listed on the agenda. Your item will be taken under consideration and referred to staff.)

- 1. Approval of October 28, 2010 Summary Minutes**
- 2. Informational Update on Southside Development**
- 3. Informational Update on APP Assumption of Atlantic Aviation Lease**
- 4. Annual Evaluation of Performance-Based Noise Ordinance**
- 5. Future Agenda Items**

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DATE: March 17, 2011
TO: Council Airport Committee
FROM: Robert A. Bauman, Director of Public Works
SUBJECT: Summary Minutes for October 28, 2010

CALL MEETING TO ORDER

Council Member Henson called the meeting to order at 5:32 p.m. with Council Member Quirk present and Council Member Halliday absent.

City staff: Robert A. Bauman, Director of Public Works
David Rizk, Development Services Director
Lloyd Partin, Airport Manager
Noemi Dostal, Airport Administrative Analyst
Amy Maloon, Airport Secretary
Courtney Moreland, Airport Intern

Members of the public present:

Gary Briggs	Ernest Delli Gatti	Phil Johnson
Paul Buenrostro	Ben L. Henderson	Jon Lee
Robert Coutches		

PUBLIC COMMENTS

None.

1. Approval of Summary Minutes – July 22, 2010

Summary Minutes approved as submitted.

2. Informational Update on the Alameda County Airport Land Use Commission's Draft of Hayward Airport Land Use Compatibility Plan

Mr. Robert Bauman, Director of Public Works, gave an overview of the Airport Land Use Compatibility Plan (ALUCP).

Mr. Lloyd Partin, Airport Manager, presented background on the Airport Land Use Commission (ALUC) and the draft of compatibility plan for Hayward Airport. There is an Airport Land Use Commission in each county to assure compliance with the California Public Utilities Code. This code requires that public use airports ensure safety of flight and mitigate noise within their areas. The commission is a seven-member panel consisting of airport, local government, and the public. Its power is limited to new developments around the airports, and not over the operations of any airport. The ALUC reviews all Airport Master Plans, Airport Layout Plans, and City General or Specific Plans that relate to areas around the airport. If there is a conflict between a city plan for development and the ALUCP, the commission can block the development. The City Council on rare occasions may override that decision.

The current Airport Land Use Compatibility Plan is from 1986, it covers all three Alameda County airports (Oakland, Hayward, and Livermore), and is outdated in terms of present-day State of California regulations. Therefore, a revision of the Land Use Compatibility Plan is underway, and each airport within the county needs an individual plan.

The Airport Land Use Compatibility Plan for Hayward has been a work-in-progress since 2002, when Caltrans Division of Aeronautics published the latest Land Use Planning Handbook. The ALUCP has five chapters: 1) Plan Overview, 2) County-wide Policies, 3) Hayward Executive Airport Policies, 4) Hayward Executive Airport and Vicinity Data, and 5) References.

On October 20, 2010, the Airport Land Use Commission held a public meeting regarding Hayward's Draft ALUCP to discuss the plan and to ask for feedback. Airport staff asked that the Draft ALUCP not be finalized because Hayward Airport's 2010 Airport Layout Plan needs to be incorporated into this new ALUCP. The commission agreed to delay the finalization of the ALUCP so that the necessary changes could be made to this document.

Mr. Partin showed the supplemental charts, tables, and maps that are in the References section of the Draft ALUCP. These graphics depict safety issues, their level of risk of occurring, and the airport influence area of the surrounding community.

The next steps in the process for the Airport Land Use Compatibility Plan are:

- Environmental Science Associates (ESA) will provide a project scope and cost summary for updating the Draft ALUCP to include the necessary changes.
- Alameda County Airport Land Use Commission has to allow for another public review session of the ALUCP once the changes are complete.
- Final adoption of the ALUCP is expected to be in the spring of 2011.

Council Member Quirk asked if there were any conflicts between the current ALUCP and the development in the city. Mr. Bauman said that there were some incompatible uses such as the residential areas, gas stations, and Southland Shopping Mall surrounding the Airport. He added that these are not unusual for an airport in a high-density area.

Council Member Quirk also asked about possible changes if the Airport becomes a category D2. Mr. Bauman replied that the safety zones were not included in the ALP update. The only change is to move the safety zones 196 ft to the west. There is a plan to install EMAS at the end of the runways so the golf course will have minimal change.

Councilman Quirk asked Mr. David Rizk, Director of Development Services, if the ALUCP will affect the development in the City. Mr. Rizk stated that there are no impacts on planning for the City based on his department's initial review.

Council Member Henson commented that the requested delay in the ratification of the ALUCP was reasonable in order to incorporate the changes from the ALP update.

PUBLIC COMMENTS

Mr. Ernest Delli Gatti, representative for the San Lorenzo Homeowners Association, stated that he has not received copies of the noise contours maps that he had previously requested. Mr. Delli Gatti said that he wanted to see the maps because he noticed a discrepancy between the Airport Land Use Compatibility Plan and the 2010 Airport Layout Plan.

He was also concerned about degree of discussion in the ALUCP regarding aircraft flying over the planned Russell City Power Plant

Mr. Bauman apologized for the staff in not getting the information to Mr. Delli Gatti and explained the discrepancy. The new ALUCP will have the newest noise contours provided by ESA instead of the map dated 2004. The maps in the presentation were from the old Master Plan. The ALUCP will have the latest noise contours.

Council Member Henson stated that the issues surrounding the Russell City Power Plant were presented to the ALUC as well. The CEC (California Energy Commission) has made their decision to build the power plant in that particular location, and the FAA (Federal Aviation Administration) has already made statements regarding their position on the building of the power plant.

Mr. Partin said that he talked with the ESA earlier in the day, and the conversation revolved around the contours, the amount of aircraft operations, and the decibel markers at which the noise created by aircraft is considered excessive. There would be further reviews of the noise contours.

Councilman Henson asked the Airport staff to get Mr. Delli Gatti the information he needed about the noise contours. Mr. Delli Gatti thanked him and re-stated his position that the staff needed to go out into the community to collect real data in regards to noise, and asked them not to rely solely on the computer models (which are easily manipulated).

Council Member Henson reviewed the next steps for the ALUCP and confirmed the timeline with Mr. Bauman.

Council Member Quirk said that the real concern for the residents surrounding the Airport is noise, and the primary tool is the noise monitors and the education of the pilots. He asked if anything could be done to mitigate the noise if there were changes in the noise contours. Mr.

Bauman replied that if the noise contours change, that there would be no effect on the neighbors of the Airport.

Mr. Bauman stated we are lucky to have a noise ordinance in place as opposed to other airport communities. There are few noise exceedances and our success is due to working with the pilots and FAA to reduce noise. Council Member Quirk agreed with Mr. Bauman, and reminded Mr. Delli Gatti that there would be days in which he might be bothered just because of the location of his home. He assured Mr. Delli Gatti that the homeowners in San Lorenzo receive the same treatment and response to complaints as the residents of Hayward.

Council Member Henson added that there is not a way to reduce aircraft noise to zero. The airport staff does what they can through pilots and community groups to get the best outcome.

3. Future Agenda Items

Update on the California Air National Guard site.

ADJOURNMENT

The meeting adjourned at 6:18 p.m.



CITY OF
HAYWARD
HEART OF THE BAY

DATE: March 17, 2011
TO: Council Airport Committee
FROM: Robert A. Bauman, Director of Public Works
SUBJECT: Informational Update on Southside Development

RECOMMENDATION

That the Committee accepts this report as an informational update only; no action is necessary.

BACKGROUND

California Air National Guard Lease Site - Airport staff and the California Air National Guard (CANG) have been working closely in preparation for transfer of a portion of its site to the City. The CANG staff, in conjunction with the State of California Department of Toxic Substances Control (DTSC), has been working to address environmental issues identified during the extensive site testing over the past several years. They developed a defined plan of action to mitigate those concerns to a point that could allow the return of the site to the City and to meet both state and federal environmental concerns. CANG has contracted to begin clean up and remediation of the site. During Fall 2010, CANG contractors removed remnants of its previous fueling facility, located north of the CANG hangar, along with the contaminated soil. Contractors then filled the excavations and installed new pavement in the area. This action allowed for drafting of what will be Supplemental Agreement #10 to the CANG lease that would return to the City approximately 24.0 acres.

Hayward Airport Development LLC - The pending release of land back to the City from the CANG lease has enabled staff to resume negotiations with Hayward Airport Development LLC (HAD) for Phase I of its development of the previous CANG site. This would include lease of the CANG hangar, a ramp area, and access to the taxiways on the south side of the airport. During Phase I, HAD plans to rent the ground floor of the hangar area for aircraft storage and office space. HAD proposes to provide space in the southwest corner of the hangar for development of a Tuskegee Airmen aviation museum. HAD does not propose to rent the second floor offices in the hangar at this time, due to the cost to renovate and make them ADA accessible. If, in the future, HAD makes these areas operational, they will be added to the lease area. Outside the building, HAD will lease an aircraft parking apron and taxi lane to access the airport operations area from its apron. Rent for these areas occupying approximately 67,787 sq. ft. will be charged at the current ground lease rate of \$.30/sq. ft. HAD will rent the hangar space at the current Executive hangar rate of

\$.52/sq. ft. Airport staff anticipates additional phases of development on adjacent property in the future. Those areas would be identified under a "Master Lease" to be negotiated at a future date.

Field Aviation LLC - After many years of planning, discussion and negotiation, the Field Aviation LLC lease for development of Phase I and II of the Fixed Base Operation (FBO) and storage hangar facilities is moving forward. The Federal Aviation Administration (FAA) made this possible by approving the Airport Layout Plan Update (ALP) that includes this proposed development and is a requirement for any new development on the airport. FAA has also issued a Categorical Exclusion from further environmental assessment under the National Environmental Policy Act (NEPA) for the construction of the Phase I improvements, including the proposed fuel storage facility for the FBO operation. FAA will require additional NEPA clearance prior to any construction of the Phase II improvements. In addition to the lease for Phase I and II development, staff has prepared a Letter of Agreement providing Field Aviation LLC first right of negotiation for additional property for development of Phases III and IV. On March 8th, City Council authorized execution of the lease and the Letter of Agreement.

DISCUSSION

CANG Lease Site - Discussions and meetings with the Department of Toxic Substances Control (DTSC) defined a plan of action to clean up and remediate the site to allow its return to the City. CANG has directed the Army Corps of Engineers to amend the present Lease for return of 24.0 acres of land to the City, while transferring responsibility of the remaining three acres not included in the transfer to the US Army National Guard. The City and the future developer will continue to provide CANG and its contractors right-of-entry to the site to continue remediation of areas that have been shown by CANG's studies to have been environmentally impacted. A key aspect of the Supplemental Agreement to release the 24.0 acres is to ensure the City's acceptance of any portion of the site released for redevelopment, in no way obligates the City for any environmental liability stemming from the cleanup or past use of the site. The National Guard has agreed in writing that it will be responsible for all actions related to cleanup. It is uncertain, at this time, what actions may be necessary to complete full clean up of the site or how the ongoing cleanup activity will impact any future development of the site. Any required actions on behalf of the CANG to continue site monitoring and cleanup will require coordination between the developer and the City. The CANG and the State of California have both agreed that reuse of the existing hangar and portions of ramp required to gain access to the runways can be made available to the developer. The City Council will be asked to consider this Supplemental Agreement later this month, as soon as final language is agreed to by the Army Corps of Engineers, Sacramento District who are responsible for all military leases.

Hayward Airport Development LLC - Following selection of Hayward Airport Development LLC as the proponent to redevelop the CANG site, City staff and the developer participated in regular discussions regarding lease terms acceptable to the parties. Lease negotiations on a Master Lease agreement progressed until forced to be placed on hold last year because of the CANG's inability to successfully negotiate with the DTSC acceptable conditions that would establish an actual property turnover date and terms required for either partial or full reuse of the property. The parties finally agreed upon a plan of action, the CANG subsequently remediated a portion of the

site, and, as noted above, Council's approval of the CANG's offer to return 24.0 acres of land to the City will be considered in the near future. The City and Hayward Airport Development LLC have resumed active discussion for development of terms related to a long term Master Lease agreement and a short term lease that would allow immediate occupancy of the 40,950 square foot hangar and approximately 67,787 square feet of apron and taxi lane access to the hangar. Within this agreement, Hayward Airport Development LLC will make a financial investment in the building to bring it back to functionality and into code compliance for its various systems. Staff suggests a short term lease agreement for Phase I to allow the tenant to complete the needed repairs and get into business on the site. The lease term should allow the National Guard sufficient time to conduct further site investigation and cleanup. Staff will negotiate Phases II thru V in a new Master Lease to be completed after the Phase I lease is executed.

Field Aviation LLC - Development under Phase I would include a 20,000 sq. ft. FBO office facility, a 40,000 sq. ft. hangar, and the fueling facility. Phase II would add five additional hangars totaling 143,000 sq. ft. The lease calls for completion of Phase I improvements within five years of the execution of this Lease. Staff anticipates Phase II development of the site would begin after the five year period. As noted above, Phase II development would require additional NEPA environmental review and approval.

In order to qualify for a fifty-year lease, a condition of the lease will require a minimum investment (by Lessee) of four million dollars (\$4,000,000) in improvements to the leasehold premises. In addition, as with other recent major leasehold developments, the lease requires a contribution of \$100,000 to the Airport's Aircraft Rescue and Firefighting (ARFF) expenses, which will be utilized by the airport to meet its commitments for cost of ARFF services on the Airport. Payment of the ARFF contribution is required prior to building permit approval for any construction.

As noted previously, the recent FAA approved Airport Layout Plan Update (ALP) does include this proposed development, which is a requirement for any new development on the Airport. In addition, the FAA has issued a Categorical Exclusion from further environmental assessment under the National Environmental Policy Act (NEPA) for the construction of the Phase I improvements, including the proposed fuel storage facility. Additional NEPA clearance will be required prior to any construction of the Phase II improvements.

The Field Aviation FBO site is the key to further development on the south side of the airport, including the Hayward Airport Development LLC site discussed earlier. Fuel trucks cannot safely cross the runways to reach aircraft in this area. Aircraft stored on the south side would have to taxi across the airport to the north side for fueling; this would be disruptive and inefficient. Development of a full-service FBO on the south side would fulfill the needs of tenants on that side of the field and also maintain a level of competition on the airport after APP Jet Center consolidates its operation with Atlantic Aviation on the north side. (This will be discussed in the next agenda item.)

PUBLIC CONTACT

These projects have been or will be subject to the normal public review process through this and future CAC updates and subsequent Council review of the leases, once negotiated and finalized.

SCHEDULE

The City Council authorized the Field Aviation LLC lease at its March 8 meeting. Field Aviation LLC will now complete plans and prepare submittals for the various permits necessary to move to the construction phase of its project. Council action on the lease amendment to return property on the CANG site to the City should occur later this month. Airport staff will continue negotiations with Hayward Development LLC to negotiate a lease of the old CANG hangar and site for Phase I of its development.

Prepared by: Michael A. Covalt, Interim Airport Manager

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager



CITY OF
HAYWARD
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DATE: March 17, 2011
TO: Council Airport Committee
FROM: Robert A. Bauman, Director of Public Works
SUBJECT: Informational Update on APP Assumption of Atlantic Aviation Lease

RECOMMENDATION

That the Committee accepts this report as an informational update only; no action is necessary.

BACKGROUND

Volo Holdings Hayward LLC assigned its lease with the City to Hayward FBO LLP, dba Airport Property Partners LLC (APP) in 2009. Under that agreement, APP has operated a full service Fixed Base Operation (FBO) since December 2009. Trajen Flight Support LP assigned its lease with the City to Macquarie FBO Holdings LLC, dba Atlantic Aviation (Atlantic) in 2007. Under that agreement Atlantic has also operated a full service FBO at Hayward Executive Airport. APP informed staff that it had purchased the Hayward operation of Atlantic and wishes to assume that lease with the City. Staff is proposing to allow APP to assume the Atlantic lease with amendments to make the lease compatible with the other FBO leases on the airport.

APP's acquisition of Atlantic will require amendment of the existing APP lease. Because APP proposes to operate its FBO from the existing Atlantic location and no longer wishes to operate an FBO from its present lease location, the current APP lease would become a ground lease with the City and no longer would be an FBO property. APP also requests an amendment to the existing lease requirement of the \$2 million financial commitment, to take into account any improvements it makes to the Atlantic leasehold, once the leasehold is assigned. Other requirements of both leases would be modified to conform to requirements of the recently signed Field Aviation LLP lease to assure fair competition.

DISCUSSION

The first item of concern for staff, the CAC and the public might be the loss of competition on the airfield created by the consolidation of the two existing FBO businesses. The recent approval of the Field Aviation LLC lease and the construction of its facilities would restore two full-service FBOs to operation. Had three companies (APP, Atlantic and now Field Aviation) been in direct

competition, it would create a greater concern that there would not be enough fuel sales to support three FBO operations. The failure of one or more of the businesses might occur.

The current APP lease calls for certain actions by the leaseholder. APP is required to remove the existing temporary office structure on the leasehold and construct a new hangar/FBO office facility. These improvements must represent at least a \$2 million capital expenditure. Under the revised lease, APP would still be required to remove the temporary office structure. APP would not construct a new hangar/office for the FBO on the existing site but instead would be able to meet the remainder of its capital commitment by improvements to either site.

Staff will modify the APP lease to create an airport ground lease that does not allow sales of fuel. This will be done to avoid any future situations where an entity asking for assignment or sublet of this lease will not automatically assume it has the right to become a full-service FBO. APP has committed to provide 24-hour self service Avgas as required in its agreement. APP proposes to install that facility on its existing leasehold. Other than aircraft storage, all functions of its FBO would be moved to the Atlantic site.

The current Atlantic lease would be assigned to APP and would be amended to be compatible with the Field Aviation LLC lease. Staff's intent is to create an even playing field for the two FBO operations. The lease requirement for Field Aviation to collect the transient commercial aircraft landing fee, as set by the City Master Fee Schedule, would also be required of APP. Insurance requirements for the two FBO leases also would be made the same.

PUBLIC CONTACT

These projects have been or will be subject to the normal public review process through this and future CAC updates and subsequent Council review of the leases once negotiated and finalized.

SCHEDULE

Council action on the lease assignment and the necessary lease amendments have been tentatively placed on the City Council agenda for April 19th.

Prepared by: Michael A. Covalt, Interim Airport Manager

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager

DATE: March 17, 2011
TO: Council Airport Committee
FROM: Robert A. Bauman, Director of Public Works
SUBJECT: Annual Evaluation of the Performance Based Noise Ordinance

RECOMMENDATION

That the Committee accepts this report as information only; no action is necessary.

BACKGROUND

Each year since the adoption of the Performance Based Noise Ordinance into the Municipal Code in February of 1992, Airport staff has prepared an annual report to summarize the effectiveness of the previous year's efforts in reducing and mitigating the effects of aircraft operations upon the surrounding communities of Hayward and San Lorenzo.

Since 2003, turbo jet aircraft operations have been steadily increasing due to a larger number of high performance aircraft based on the airfield. Hayward's popularity as a centrally located, low cost alternative to the large hub airports within the Bay Area, such as Oakland, San Jose and San Francisco, will continue to result in increasing numbers of high performance aircraft operations and new development in future years.

DISCUSSION

Airport staff has prepared information depicted in Exhibit A, including comparative graphs of the three preceding year's noise information. The findings for calendar year 2010 indicate that Hayward's Noise Ordinance continues to be an effective method of mitigating noise effects on the surrounding communities. The number of exceedances and complaints that can be correlated to violations of the noise ordinance continues to remain low compared to the total operations.

The findings for calendar year 2010 can be summarized as followed:

1. There were 87,122 aircraft operations at Hayward in 2010. This is a decrease of approximately 19.8% from 2009 (108,611). Other airports have experienced similar decreases in traffic due to the poor economy.
2. There were 667 complaints registered and logged between January 1, and December 31, 2010. This is a 35% decrease from 2009, (1,027 complaints). Two households in San

Lorenzo filed a total of 420 complaints, representing approximately 63% of all registered complaints. Two additional households within the San Lorenzo community also began a sustained logging of complaints that **totaled 171 for the calendar year ending December 31, 2010, or 26% of all complaints registered.** Of the 591 complaints registered from these four homes, 550 were not correlated with any measured exceedance or violation of the Hayward Airport Noise Ordinance. Therefore, as in years past, uncorrelated complaints are considered anomalies and separated from this report.

3. With the San Lorenzo 550 anomalies removed, there remains a total 117 complaints, representing one tenth of a percent (.1%) of the 87,122 total operations for the year. Of the 117 actual complaints registered, thirty-eight (38) were submitted by the previously mentioned four separate households in San Lorenzo that could be correlated to an exceedance and three (3) complaints that could be tied to an actual violation of the Noise Ordinance. Table A displays a summary of Aircraft Noise Complaints for the year 2010 as well as a comparison of findings from the previous five years.

Year	Operations	Complaints	Households Filing a Complaint	Exceedances	Complaints due to Exceedances	Complaints as a Percentage of Operations
2005	128,184	131	47	123	41	0.10%
2006	133,462	109	33	136	48	0.08%
2007	149,975	84	30	151	60	0.06%
2008	153,684	110	52	197	46	0.07%
2009	108,611	120	54	197	56	0.11%
2010	87,122	117	54	208	58	0.13%

4. For Calendar year 2010, there were a total of 208 exceedances of the City's Noise Ordinance limits. This is a slight increase from 2009 (197). Due to the President's arrival, two Temporary Flight Restrictions (TFR) were issued at San Francisco International Airport, which caused an unusual amount of transient corporate jet diversions to Hayward on May 25 - 26, 2010 and October 15 - 16, 2010. There were thirteen (13) total combined exceedances and zero violations from these events.
5. Approximately 93% of the exceedances of the noise ordinance (194 of 208) were caused by aircraft operating as Stage III or IV and exempt from restrictions by state or federal laws, or by provisions of the City's Noise Ordinance.
6. The 14 non-exempt exceedances were .02% of the total operations for 2010.
7. Of the 117 complaints, approximately 50% (58) of the noise complaints received were associated with a noise decibel limit exceedance. Of these, 10% (12) of the complaints

were associated with a violation of the Noise Ordinance. Table B further summarizes the aircraft noise exceedance and violation information for 2010 and compares it to the previous five years. Pilots and owners who exceeded or violated the Noise Ordinance are promptly educated on the Airport's recommended noise abatement procedures by letter, email, or phone.

**TABLE B:
Aircraft Noise Exceedances and Violations
Hayward Executive Airport**

Year	Operations	Exceedances	Violations		Exceedances as a Percentage of Operations	Violations as a Percentage of Operations
			Based	Transient		
2005	128,184	123	0	11	0.10%	0.01%
2006	133,462	136	6	16	0.10%	0.02%
2007	149,975	151	4	17	0.10%	0.01%
2008	153,684	197	8	59	0.13%	0.04%
2009	108,611	197	4	34	0.18%	0.03%
2010	87,122	208	3	11	0.24%	0.02%

As depicted in our review, staff concludes that, overall, the noise ordinance has been highly effective in accomplishing the objectives established by City Council. Since 1993, the number of complaints caused by exceedances of the noise ordinance's decibel limits has dropped from 156 to 58, a reduction of 63%. Staff believes that the continued focus on noise abatement and promoting Hayward's "Fly Friendly" Education Program is a major contributing factor to this result.

As part of the City's ongoing efforts to mitigate noise, monitor, and ensure compliance of the City's Noise Ordinance, Airport Staff has sponsored several informative meetings this past year with local and transient pilots regarding Hayward's established noise abatement operations and procedures. Fly friendly noise flyers were created and distributed to our fixed-based operators to further educate transient pilots on our noise abatement procedures. Additionally, pilots whose aircraft exceed or violate the noise ordinance are contacted in writing or by telephone immediately, using information gained through our noise monitoring equipment (ANOMS 8). ANOMS allows staff to gather and present to the pilot information containing flight tracks of the aircraft, altitude and decibel level presented as a Single Event Noise Exposure Level (SENEL), for the maximum weighted decibel reading. Pilots who exceed or violate the maximum decibel limitation are provided information on how they can modify operations at the airport, thereby lessening the impact to the surrounding communities.

CONCLUSION

It is evident from the overall number of complaints that are tied to exceedances or violations of the City's Noise Ordinance, that the combined efforts of pilots, staff and the ordinance are effective in relieving excessive noise from the community surrounding the Airport. Staff will continue to monitor the changes that will naturally occur as the airport continues to grow by using education

and proactive responses to complaints before they become major issues. Staff is available to answer any questions that Committee members may have.

Prepared by: Michael A. Covalt, Interim Airport Manager

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager

Attachment I: Annual Evaluation of the Performance-Based Noise Ordinance for Calendar Year 2010

HAYWARD EXECUTIVE AIRPORT

Annual Evaluation of the Performance-Based Noise Ordinance For Calendar Year 2010

OPERATIONS AND NOISE COMPLAINT DATA:

During the period from January 1, 2010, through December 31, 2010, there were 87,122 aircraft operations (84,814) FAA daytime count, 7:00 a.m. to 9:00 p.m., and (2,308) night operations count, (9:00 p.m. to 7:00 a.m.) at the Hayward Executive Airport (HWD). There were 667 complaints filed during that period.

Graphs for calendar year 2010 depicting complaints received per month, by neighborhood, time of day, and type of operation are attached as Exhibits 1 through 4. Complaint trends over a ten year period are displayed for reference purposes (Exhibit 5).

The breakdown of aircraft operations and available noise information for CY 2010 is as follows:

1. Of the 667 complaints, 420 were from two households in San Lorenzo. As in years past, complaints from these two households (not correlated with an exceedance or violation of the City's Noise Ordinance) have been separated from this report unless stated otherwise.

Two additional homes continued logging frequent complaints and mailing them in a long time after the operations occurred. These homes generated 171 complaints in 2010. Because of the inability to associate any reportable noise activity to many of these complaints and staff's objective to manage limited resources, complaints not correlated with an exceedance or violation logged from these two homes also have been separated from this report unless stated otherwise. This removes a total of 550 complaints not correlated with an exceedance or violation of the City's Noise Ordinance. A total of 907 complaints were removed from the annual noise evaluation in 2009.

2. A total of 54 households filed 117 complaints in CY 2010. In CY 2009, 54 households filed 120 complaints. In CY 2008, 52 households filed 110 complaints.

The percentages of complaints filed by households were:

	<u>2010</u>	<u>2009</u>	<u>2008</u>
San Lorenzo	69%	70%	65%
Mobile Home Park	2%	4%	8%
Southgate	3%	8%	5%
Other	26%	18%	22%

When complaints not correlated to exceedances or violations from the four households are added, the percentages of complaints filed by households from San Lorenzo become: 95% in 2010, 96% in 2009, and 71% in 2008.

A total of 24 complaints for 2010 were filed from neighborhoods not in the vicinity of the airport. Most of these complaints were from the Hayward Hills, Castro Valley, Newark, Berkeley, and Alameda. These complaints were not necessarily from aircraft operating to or from the Hayward Airport.

3. The majority of complaints (97) were received between the hours of 7:00 a.m. to 7:00 p.m. The number of complaints received during the same time period in CY 2009 was 94 (Exhibit 3).
4. Causes of the 117 complaints by type of operation and by type of aircraft are (Exhibit 4):

Departures	72	Helicopter	15
Media/Police	7	Jet	68
General Complaints	4	Multi Engine	5
Touch and go's	17	Single Engine	29
Run-ups	3		<u>117</u>
Landings	<u>14</u>		
	<u>117</u>		

- The percentage of total complaints (667) relative to total operations (87,122) is 0.77%. When the 550 non-exceedance complaints from the four San Lorenzo residents are removed, the percentage of complaints (117) to operations (87,122) is .13%. In 2009 complaints/operations percentage removing the same non-exceedance complaints from the four San Lorenzo residents was .11%.

EXCEEDANCE OF NOISE LIMITS:

In 2010, there were 208 exceedances of the noise ordinance resulting from the 87,122 operations. Therefore, only .24% of operations resulted in an exceedance. This is a 0.06% increase from last year. The increase was due to the President's arrival into San Francisco International airport on two occasions. This caused two Temporary Flight Restrictions (TFR), diverting an unusually high amount of transient corporate jets to Hayward. There were thirteen (13) total combined exceedances and zero violations from these events.

One (1) exceedance represents an SENEL (Single Event Noise Exposure Level) measuring above the level allowed in the ordinance that is recorded at any given Noise Monitoring Terminal (NMT). Therefore, a single aircraft operation, i.e. a landing or take-off, can cause more than one exceedance if the noise level is exceeded at two or more NMT's. Of the 208 exceedances, 194 involved operations exempt (Lifeguard and Stage III) from being considered in violation of the noise ordinance (Section 2-6.123).

Lifeguard	5
Stage III Jet Aircraft	<u>189</u>
	194

EXCEEDANCE OF NOISE LIMITS AND RELATED COMPLAINTS:

A total of 58 complaints were received as a result of the 208 exceedances of the noise limit during CY 2010. Of the 58 complaints, there were 46 complaints received on aircraft exempt from noise restrictions by state or federal law, or by provisions of the City's Noise Ordinance, i.e., a Lifeguard flight, Police operation or an ATC request. There were 12 complaints received on aircraft, which operated in violation of the noise ordinance. When a complaint is received by our office and staff investigation determines there was an exceedance of the City's established noise decibel level in accordance with the Noise Ordinance, the owner/pilot of the aircraft is contacted by phone or by mail whenever possible. Airport staff instructs him/her on proper noise abatement procedures and our "Fly Friendly" program, this occurs even for exempt operations.

VIOLATIONS INCURRED BY AIRCRAFT:

HWD Based

There were 3 violations of the noise ordinance by HWD based aircraft. These violations generated zero complaints from neighboring residents. The pilots involved were informed of the violation. Staff worked closely with the aircraft owners to bring them into compliance. The pilots and/or owners were very cooperative with Airport staff, and are not willful violators or repeat offenders.

Transient

There were 11 transient aircraft, which created 11 violations of the noise ordinance. These aircraft were a mixture of out-of-state and out-of-area aircraft from a variety of cities. The aircraft owners were contacted regarding Hayward's noise limits and procedures.

UPDATE ON NOISE EQUIPMENT:

As part of the City's ongoing effort to monitor and ensure compliance with the Noise Ordinance, a \$125,000 upgrade was made to our radio frequency scanners in October of 2009. This equipment now has the ability to scan and record eight different frequencies in a crystal clear format. Combined with our Airport Noise and Operations Monitoring System (ANOMS), we can see and hear Air Traffic Control instructions and pilot read backs. This will greatly assist in finding non-compliant flights as well as provide information on each operation on a variety of frequencies.

In addition to ANOMS and the scanner equipment, Hayward Executive Airport also has a continuous radio broadcast of the City's noise abatement and operational procedures. This broadcast allows staff to communicate our "fly friendly" program to local and transient pilots nonstop. In our ongoing effort to remain sensitive to the needs of the surrounding airport community, airport staff also designed a variety of "fly friendly" brochures. These comprehensive guides provide information to concerned citizens regarding what, how, and when to report aircraft they believe may be in violation of the City's Noise Ordinance. They also inform pilots on recommended operational procedures that can significantly reduce the noise impacts on our surrounding community.

SUMMARY OF NOISE VIOLATIONS FOR CALENDAR YEAR (CY) 2010:

Violations incurred by based aircraft operators:	3
Violations incurred by transient operators:	<u>11</u>
Total:	14

SUMMARY OF FINDINGS FOR CALENDAR YEAR (CY) 2010:

1. There were 87,122 aircraft operations at Hayward in 2010. This is a decrease of approximately 19.8 % from 2008 (108,611).
2. There were 208 exceedances of the noise limits. This is the slight increase from 2009 (197). Due to the President's arrival, two Temporary Flight Restrictions (TFR) were issued at San Francisco International Airport, which caused an unusual amount of transient corporate jet diversions to Hayward on May 25 - 26, 2010 and October 15 - 16, 2010. There were thirteen (13) total combined exceedances and zero violations from these events.
3. There were 117 complaints from aircraft operations at HWD, representing only 0.13% of the 87,122 total operations. The number of households submitting complaints is the same as CY 2009 (54). 23 of the 54 households were outside the vicinity of the airport and therefore outside Hayward Airport's jurisdiction.
4. Approximately 93% of the exceedances of the noise ordinance (194 of 208) were caused by aircraft exempt from restrictions by state or federal laws, or by provisions of the City's noise ordinance.
5. The 14 non-exempt exceedances were .02% of the total operations for 2010. This reflects nearly 100% adherence to the Noise Ordinance.
6. Approximately 50% of the noise complaints (58) received was the result of a noise decibel limit exceedance. Only 10% of the complaints (12) were the result of a violation of the Noise Ordinance.

CONCLUSIONS:

Staff is committed to accomplishing the objectives established by City Council. Conclusions can be summarized as follows:

1. Since 1992, the number of complaints caused by exceedances of the noise ordinance has dropped from 156 to 58, a reduction of 63%.
2. Aircraft not in compliance with FAA's estimated maximum A-weighted sound levels in accordance with Advisory Circular 36-3F are unable to operate at the airport without detection, subsequent investigation and appropriate correction.

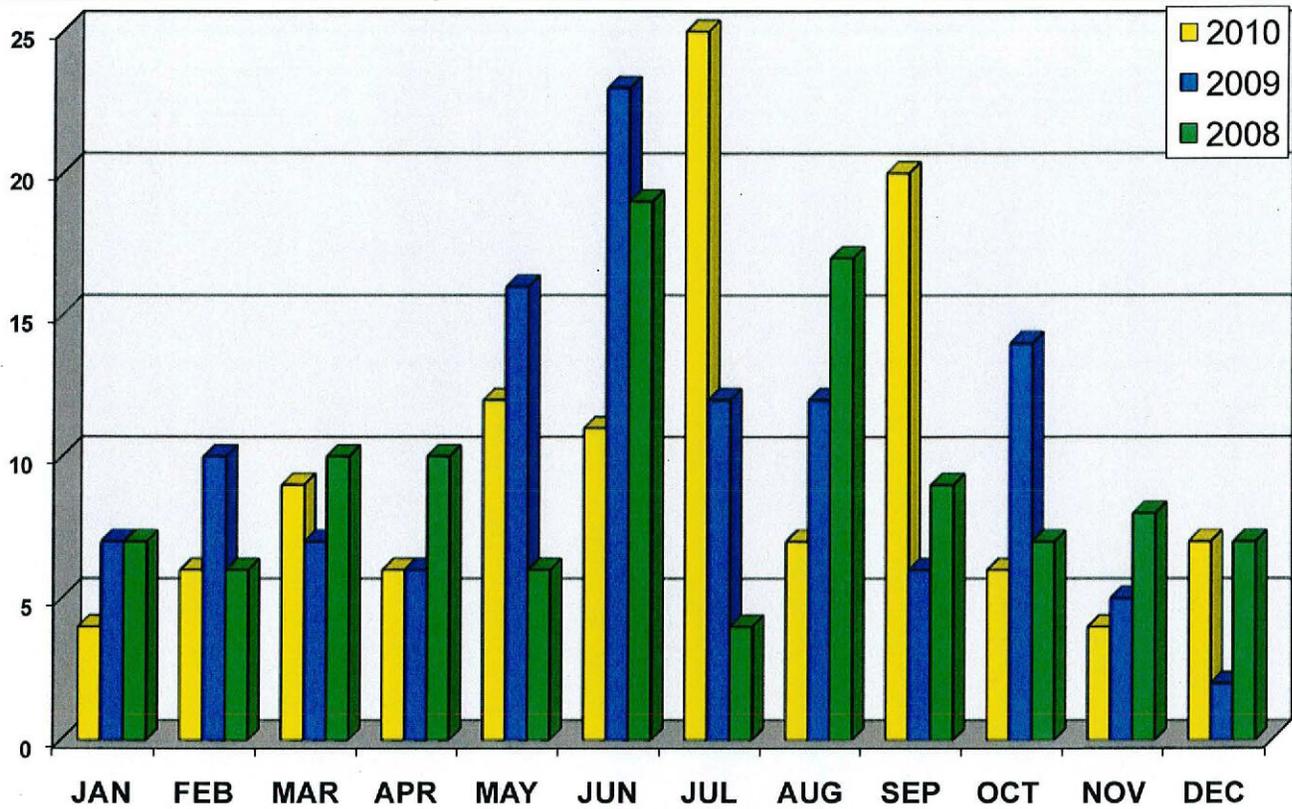
3. Aircraft noise has been reduced to decibel levels that respond to the environmental concerns of the community, yet are not so severe as to preclude HWD from serving the general aviation needs of the community.
4. The noise ordinance is reasonable and reflects significant positive input from the community and a number of airport users.
5. The "Fly Friendly" User Education Program continues to be effective by instructing local and transient pilots in quiet-flying techniques and in the use of the noise abatement procedures at HWD. The procedures are designed to reduce aircraft low over-flights in the surrounding communities of the airport; through mandatory noise briefings for new tenants, providing information on proper operational procedures in our newsletter, sending instructional fliers to various flight schools in the area and investigating aircraft flights via our radar tracking system.

The program has been effective in reaching both local and transient operators as evidenced by the low percentage of violations and 99.98% adherence to the noise ordinance by local and transient operators. A toll free telephone number is maintained to encourage pilots and corporate groups to inquire about noise abatement procedures and the noise ordinance prior to using HWD. They can also direct inquiries to staff through airport email on the City's website.

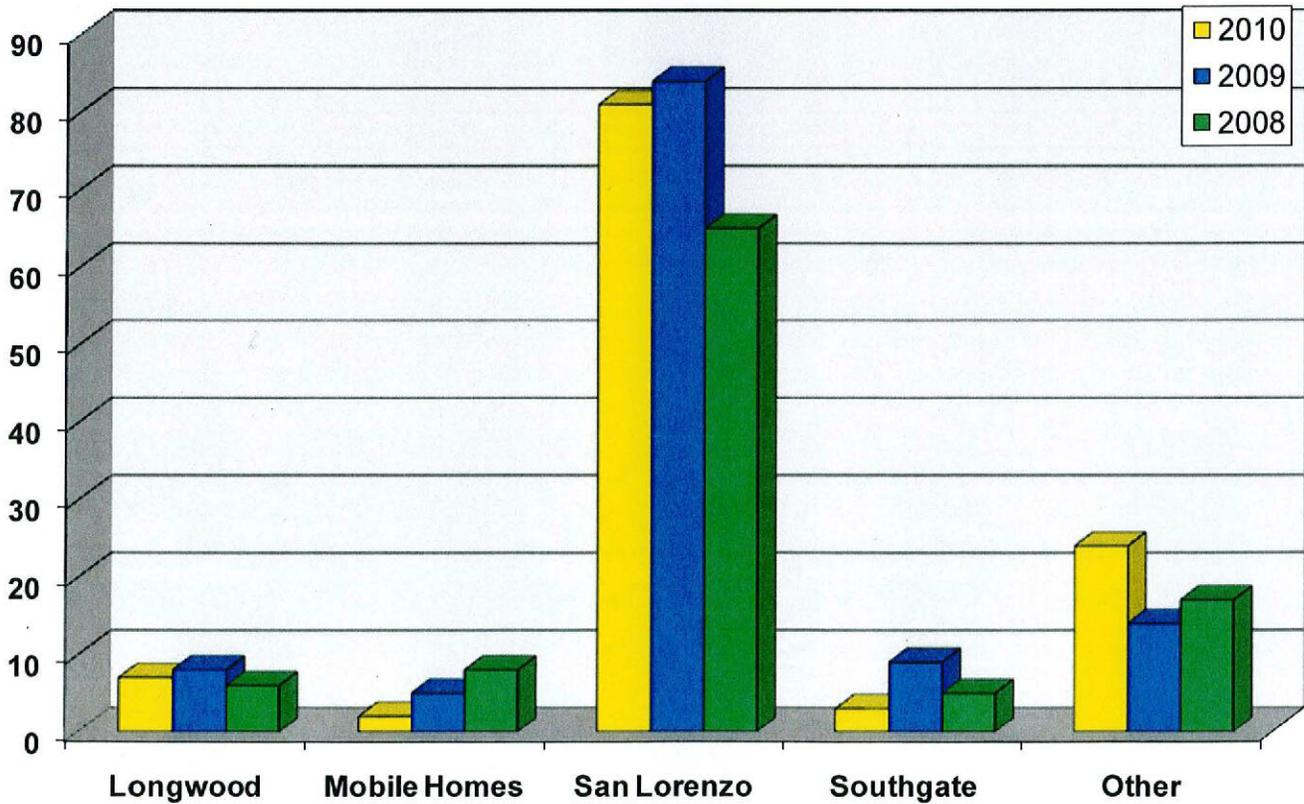
EXHIBIT:

Complaints by Month / Complaints by Location	Page 1
Complaints by Time of Day / Complaints by Type of Aircraft	Page 2
Ten Year Complaint Trend	Page 3

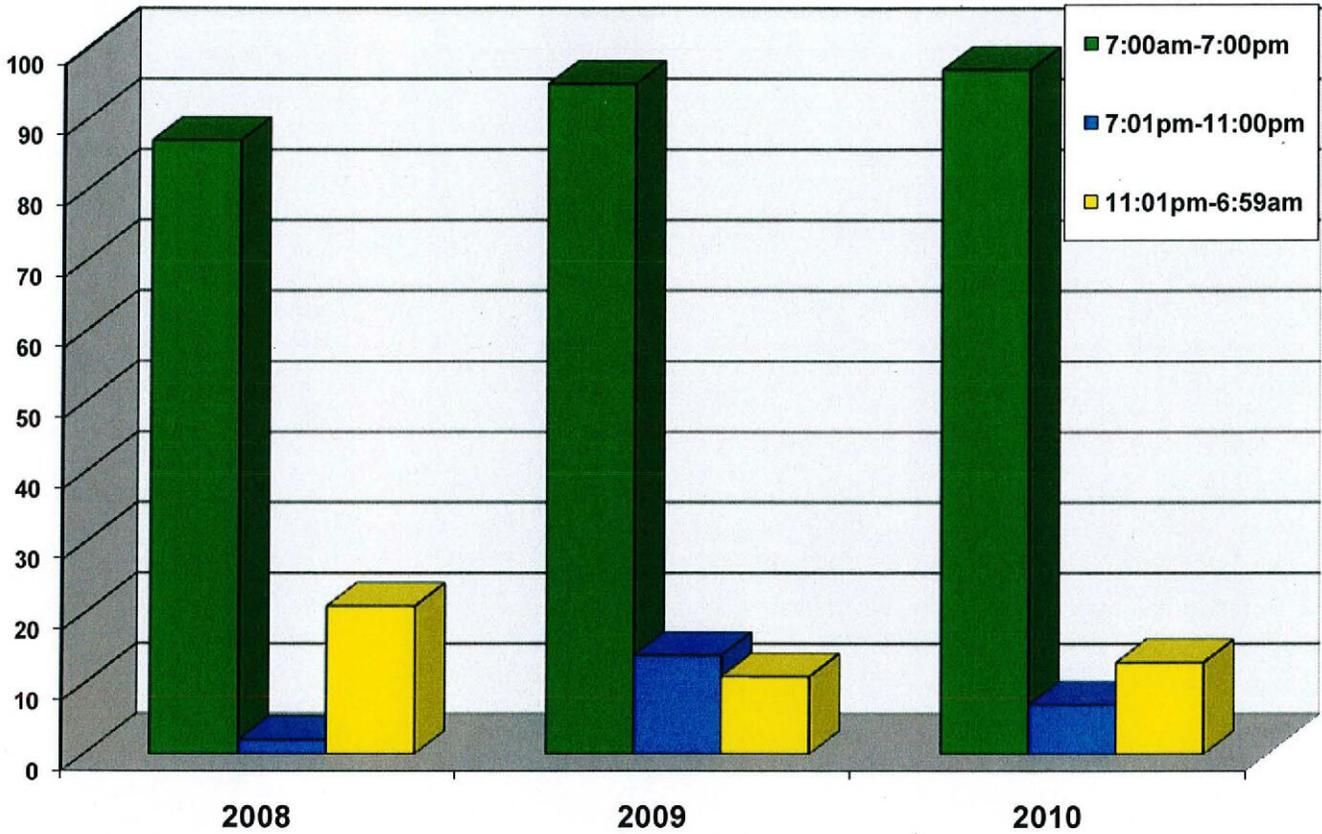
Complaints by Month



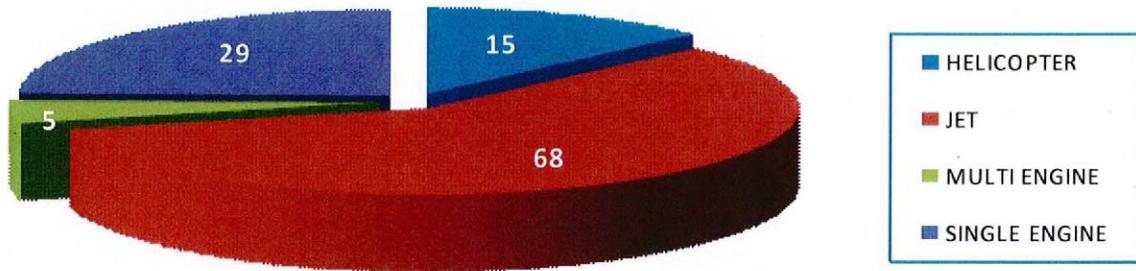
Complaints by Location



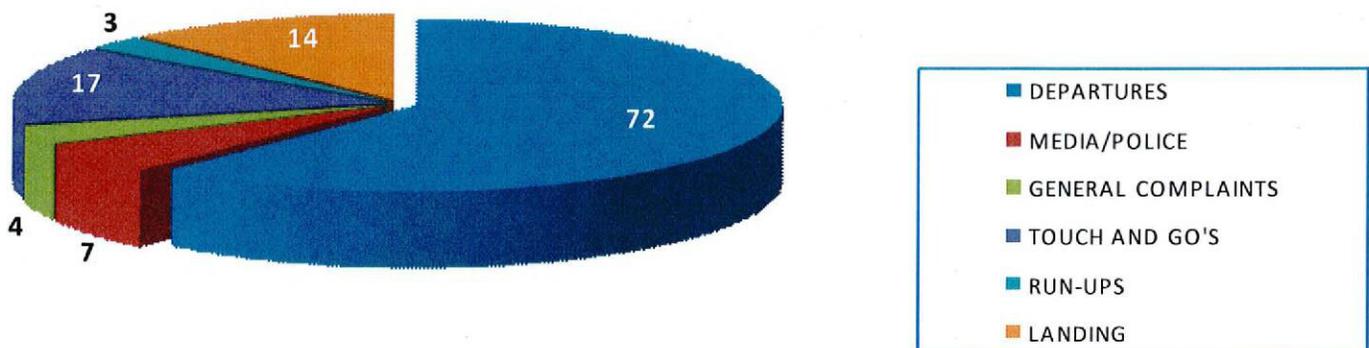
Complaints by Time of Day



COMPLAINTS BY TYPE OF AIRCRAFT 2010



COMPLAINTS BY OPERATIONS 2010



Ten Year Complaint Trend

