

# CHAPTER 1

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## Introduction

### 1.1 Plan Overview

The State Aeronautics Act (Public Utilities Code, Section 21670 *et seq.*) requires the preparation of an airport land use compatibility plan (ALUCP) for nearly all public-use airports in the state (Section 21675). The intent of the ALUCP is to encourage compatibility between airports and the various land uses that surround them. Alameda County (the County) has established an airport land use commission (ALUC), in accordance with state law, to prepare land use compatibility plans for all public-use airports in the County and to review general plans, proposed changes to zoning codes and ordinances, land use actions and development projects, and airport development plans for consistency with compatibility policies.

#### 1.1.1 Function and Applicability of the Plan

The *Hayward Executive Airport Land Use Compatibility Plan* is the primary document used by the Alameda County ALUC to help promote compatibility between Hayward Executive Airport (HWD) and its environs. More specifically, this ALUCP should act as a guide for the ALUC and local jurisdictions in safeguarding the general welfare of the public as HWD and the area surrounding the Airport grows. This document shall also serve as a tool for the Alameda County ALUC in fulfilling its duty to review airport and land use development proposals within the airport influence area (AIA) or referral area associated with the airport.

The compatibility criteria set forth in this document shall be used by local agencies to prepare and amend land use plans and ordinances. California State law dictates that the County and affected cities modify their general and specific plans to be consistent with the ALUC's plan, or to take steps to overrule the ALUC. The AIA for HWD includes portions of both the cities of Hayward and San Leandro, and unincorporated areas of the County; as such, this document is applicable to both cities and Alameda County as they prepare land use plans and review development proposals within the AIA. This document also applies to any future area that may be incorporated within any part of the AIA, as well to school districts, community college districts, and special districts, whenever these entities consider the development of new facilities or expansion of existing ones. Finally, this document should also be considered by land owners when proposing projects within the AIA.

This document replaces the *Alameda County Airport Land Use Policy Plan (ALUPP)*, which the ALUC adopted in 1986. Alameda County includes three public use airports: HWD, Livermore Municipal Airport (LVK), and Oakland International Airport (OAK). This compatibility plan addresses only the AIA associated with HWD. Separate compatibility plans have been prepared for OAK and LVK (see Figure 1-1 for airport locations). This ALUCP is based on a long-range master plan and airport layout plan (ALP) for HWD that reflects the expected growth of the Airport over a 20-year period.

## 1.1.2 Statutory Requirements

### Powers and Duties

ALUCs are established pursuant to the State ALUC law<sup>1</sup> to protect the public health, safety, and welfare by promoting the orderly expansion of airports and adoption of land use measures by local public agencies to minimize exposure to excessive noise and safety hazards near airports. In accordance with Section 21674(b) of the California Public Utilities Code, an ALUC has the authority “to coordinate planning at the state, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare”; to prepare and adopt airport land use plans; and to review and make recommendations concerning specified plans, regulations and other actions of local agencies and airport operators. In addition, ALUCs review plans for proposed new airports or heliports.

### Limitations

State law does not authorize ALUCs to zone property or apply other land use controls normally exercised by local public agencies. Because the jurisdiction of the ALUC is limited to new land uses, existing land uses that are in conflict with or affected by existing or anticipated airport operations are not subject to the policies established by the ALUC. However, existing incompatible uses are the concern of the airport and of the city or county having jurisdiction over the affected area, and policies should be developed to address this problem. The term “existing land uses” is further defined in Chapter 2.

State law does not provide ALUCs with jurisdiction over airport operations, although the ALUCP must include assumptions about future operations at each airport. Once adopted, the ALUCP serves as a framework for reviewing significant proposals for further airport development.

ALUC jurisdiction and ALUCP scope are confined to land use-related primary impacts on the area surrounding the airport. This excludes the ALUC from considering air quality impacts of the airport, and other “secondary” impacts such as traffic or air quality impacts caused by airport operations.

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<sup>1</sup> The State ALUC law is contained in Public Utilities Code Article 3.5, State Aeronautics Act, Section 21661.5, Section 21670 *et seq.*, and Government Code Section 65302.3 *et seq.* (see Appendix B).



SOURCE: DeLorme Street Atlas USA, 2000; and ESA, 2007

Hayward Executive Airport Land Use Compatibility Plan . 202229

**Figure 1-1**  
Alameda County Airports

### 1.1.3 Alameda County Airport Land Use Commission

The seven-member Alameda County ALUC was created in 1971. After approving interim plans in the early 1970s, the ALUC adopted the ALUPP in 1977. The ALUPP was amended in 1979. The 1979 ALUPP was in use until a new ALUPP was adopted in 1986. This ALUCP replaces the ALUPP adopted by the ALUC in 1986.

Section 21675(a) of the California Public Utilities Code (PUC) states that the ALUC shall review land use compatibility plans as often as necessary in order to accomplish its purposes, but shall not be amend those plans more than once in any calendar year.

The ALUC is appointed as follows:

- Two commissioners representing the County, appointed by board of supervisors.
- Two commissioners representing cities in the County, appointed by a committee of all mayors, except that at least one representative must be appointed from among "any cities contiguous or adjacent to the qualifying airport" (i.e., an airport served by a scheduled airline or one operated for the benefit of the general public).
- Two commissioners with expertise in aviation, appointed by a committee of the managers of all public airports within the County.
- One commissioner representing the general public, appointed by the other six members of the commission.

Each member of the ALUC appoints a proxy to serve as a representative and to vote when the member is absent. Proxies serve at the pleasure of the appointing member of the ALUC. The proxy must be in writing and filed at the ALUC office. The term of office on the ALUC is four years. Any member can be removed at any time and without cause by the appointing body (California PUC Section 21671.5(a)).

In accordance with adopted bylaws, public meetings are held on the third Wednesday of each month.

### 1.1.4 Relationship of the ALUC to County and City Governments

The relationship between the Alameda County ALUC and County government, the City of Hayward, and any future jurisdiction affected by this document is determined by the State Aeronautics Act. On one level, the ALUC does not need the approval of the County or any affected jurisdiction to adopt this ALUCP or to carry out its project review duties. However, despite its independent nature, the ALUC must still coordinate its activities with local land use jurisdictions on several matters:

- An ALUC must provide for a coordinated review in regards to the establishment of an airport influence area (AIA) boundary, which is considered mandatory, as state law

- requires that a “hearing and consultation with involved agencies” occurs (PUC Section 21675(c)).
- Once local agencies have revised their general or specific plans or overruled the ALUC, the proposed action of the local agency is not subject to further commission review, “unless the commission and the local agency agree that individual projects shall be reviewed by the commission” (Section 21676.5(b)).
  - Once an ALUC has adopted a compatibility plan, the authority and responsibility for enforcing its compatibility policies lies fully with the affected jurisdictions.

## 1.2 Policy Framework

The policies set forth in Chapters 2 and 3 of this document are based upon four primary sources: state laws and guidelines; the *Hayward Executive Airport Master Plan*; HWD’s airport layout plan (ALP); and the policies of affected local agencies with regard to land use, which can be found in general and specific plans as well as zoning ordinances.

### 1.2.1 State Laws and Guidelines

Most of the revisions that have been made to the state laws governing ALUCs over the last thirty years involve the procedures by which ALUCs operate. The most significant among the amendments to the state law (adopted in 1982) was the requirement for local general and specific plans to be made consistent with the ALUCP. This amendment also limited the authority of the ALUC to review individual development proposals and reduced the vote requirement for a local jurisdiction to override an ALUC decision from four fifths to two thirds.

While many of the procedures that govern how ALUCs operate are defined by state law, with respect to the creation of airport land use compatibility criteria, very little is written in the statutes. Instead, a portion of the law enacted in 1994 makes reference to another guiding document, the *California Airport Land Use Planning Handbook*, published by the California Division of Aeronautics. While the *Handbook* does not constitute official state policy, the statutes say that when preparing compatibility plans for airports, ALUCs shall “be guided by” this resource. The policies and maps in this plan reflect the guidance provided by the *California Airport Land Use Planning Handbook*, dated January 2002<sup>2</sup>, which was the current edition at the time this ALUCP was prepared.

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<sup>2</sup> The January 2002 edition of the Handbook can be downloaded from the Division of Aeronautics website at [www.dot.ca.gov/hq/planning/aeronaut](http://www.dot.ca.gov/hq/planning/aeronaut).

## 1.2.2 Relationship to Airport Master Plan and Airport Layout Plan

Section 21675(a) of the California Public Utilities Code requires that an ALUCP be based on a long-range airport master plan or airport layout plan that reflects the anticipated growth of the airport during at least the next 20 years.

ALUCPs are distinct from airport master plans in function and content: Airport master plans address on-airport uses and facilities, whereas ALUCPs address the compatibility of off-airport land uses. An airport master plan, which is prepared for and adopted by the entity that owns and operates the airport, assesses the demand for airport facilities and guides the development necessary to meet those demands. An ALP is intended to reflect both the current and future facilities needed to accommodate the forecasted demands on an airport as described in a master plan or FAA forecasts.

The ALUCP should be consistent with airport goals, insofar as these goals conform to regional planning policies, and take into account environmental impacts. State law provides that, before modification of an airport master plan, the public agency owning the airport must submit the proposed change to the ALUC for a finding of consistency with the ALUCP. The ALUC will follow the same procedures used for review of city or County actions. The public agency may override the ALUC with a two-thirds vote of its governing body, if it makes specific findings that the proposed action is consistent with the purposes of the state ALUC law.

The Master Plan for HWD was adopted by the City of Hayward in 2002, while the ALP for HWD was updated in 2009.

## 1.3 Plan Implementation

### 1.3.1 General Plan Consistency

State law requires local general plans and applicable specific plans to be consistent with the ALUCP. In the event that the ALUCP is amended, the law requires the local public agency to amend its general or specific plan within 180 days to be consistent with the revised ALUCP (Government Code, Section 65302.3). In the event that the local public agency does not concur with a provision of the ALUCP, the public agency may override the ALUC by a two-thirds vote after first notifying the ALUC and Caltrans Division of Aeronautics at least 45 days prior to the decision to overrule the ALUC, holding a public hearing, and making findings that the general plan of the local jurisdiction is consistent with the intent of state law.

To be consistent with an ALUCP, a general plan must specifically address compatibility planning issues and must avoid direct conflicts with compatibility planning criteria. Consistency implies that “the concepts, standards, physical characteristics, and resulting consequences of a proposed action must not conflict with the intent of the law of the compatibility plan to which the

comparison is being made” (Caltrans, 2002). The *Handbook* identifies the following methods for compatibility planning issues to be reflected in a general plan:

- Incorporate Policies into Existing General Plan Elements. This method requires the incorporation of all airport land use compatibility measures into appropriate general plan elements. For example, noise compatibility measures may be incorporated into the city’s or county’s general plan noise element. With this approach, direct conflicts between the ALUCP and general plan are eliminated and compliance mechanisms are fully incorporated into the local jurisdiction’s general plan.
- Adopt a General Plan Airport Element. This format may be appropriate when a city’s or county’s general plan also needs to address on-airport development or operational issues. Modification of other general plan elements may still be necessary to eliminate conflicts and provide cross-referencing.
- Adopt the ALUCP as a Stand-Alone Document. A city or county can adopt the ALUCP, and changes to the city’s or county’s general plan would be minimal. Policy reference to the separate ALUCP would need to be added to the general plan, and any direct land use or other conflicts with compatibility planning criteria would have to be removed. The compatibility policies would substantially appear only in the stand-alone compatibility plan.
- Implement Compatibility Policies through Zoning. Adoption of an airport combining district or overlay zoning ordinance by a local government is a way of codifying airport compatibility criteria described only conceptually in the ALUCP. A combining district can supplement local land use designations by adding specific noise and/or safety criteria applicable to future development in the airport influence area. Policy reference to airport compatibility in the general plan could be as simple as stating support of the ALUCP and that policy implementation is by means of the combining zone.

### 1.3.2 Project Referrals

Counties and cities are obligated by state law to submit land use actions and other actions such as zoning ordinances and building regulations for the ALUC’s review. In addition to the types of land use actions for which referral to the ALUC is mandatory in accordance with state law, the ALUCP specifies other land use projects that either must or should be submitted for review. These major land use actions are defined in Section 2.6.2 of this ALUCP.

## 1.4 Plan Contents

The ALUC is concerned with airport activities that may adversely affect nearby land uses within the AIA. The most significant airport-related concerns are:

- Exposure of persons on the ground to accident potential;
- Prevention of obstructions to air navigation (tall objects; objects in safety zones); and
- Prevention of hazards to flight such as wildlife hazards, smoke, flare, lighting, electrical interference and thermal plumes.

For each concern, the ALUC has adopted land use compatibility policies in Chapters 2 and 3 of the ALUCP; these policies address existing and future conditions at HWD and its environs.

This ALUCP is organized as follows:

**Chapter 2:** Chapter 2 of this ALUCP presents the airport compatibility and review policies that are applicable throughout Alameda County.

**Chapter 3:** Chapter 3 of this ALUCP Update presents compatibility and review policies and maps specific to HWD.

**Chapter 4:** Chapter 4 of this ALUCP Update provides background data for HWD and its environs.

**Chapter 5:** Chapter 5 provides references for the data presented in this ALUCP.

**Appendix A – J:** present supplemental data and source documents that were used to develop the HWD ALUCP.