

**Lance Shaw - Russell City Assessment - Level of Risk**

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**From:** Shaelyn Strattan  
**To:** David.Rizk@hayward-ca.gov  
**Date:** 6/6/2007 10:57 AM  
**Subject:** Russell City Assessment - Level of Risk  
**CC:** Dale Edwards; Eric Knight; Jesus.Armaz@hayward-ca.gov; Jim Adams; Lance Shaw

David - As a follow-up to our conversation yesterday, here are the concerns we hope you will be able to address:

From our perspective, it appears the purpose of the Airport Approach Zoning Regulations is to prevent the creation or establishment of airport hazards. Based on this wording, staff would normally interpret that to mean that no facility or use that could pose a potential hazard to aviation safety or could cause aviation operations to pose a hazard to those on the ground, no matter how small the risk, should be sited within that area. It would not be the level of risk (significance), but the potential to create any level of hazard that would be the deciding factor. This is further supported by the refusal of the City to grant any variances for new uses with this potential within the airport's area of influence.

This is a separate consideration from significance under CEQA. There, we would be looking at the level of potential risk and the use of mitigation measures, such as NOTAMs, lighting, or, perhaps, as you suggested, alteration of the helicopter patterns, to reduce that risk.

It would be very helpful if you would explain how the City would interpret the purpose of this ordinance and whether the level of risk is the deciding factor or if the potential for any hazard would normally preclude permitting of a use within this area. Also, how would the need to meet the findings for a conditional use permit figure into this equation?

Your help would be greatly appreciated.

Thanks - Shaelyn

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