

CITY OF
HAYWARD
HEART OF THE BAY

June 27, 2007

Shaelyn Stratten, Planner II
California Energy Commission
1516 Ninth Street, MS 40
Sacramento, CA 95814-5512

06-AFC-6	
DOCKET 01-AFC-7C	
DATE	JUN 27 2007
RECD.	JUN 29 2007

Dear Ms Stratten:

Earlier this month, you wrote the City asking for information about the application of the Airport Approach Zoning Regulations as it pertains to the Russell City Energy Center.

It appears that CEC is relying on these regulations as a basis for finding that RCEC is inconsistent with local Laws, Ordinances, Regulations, Standards (LORS) because of the conclusion that heat plumes generated by the plant would "endanger the landing, take off or maneuvering of aircraft." Separate from the technical issues associated with the actual plume analysis, I would like to address the issue of how Hayward's Airport Approach zoning regulations would be applied by the City.

Hayward Municipal Code Section 10-6.20, "Airport Zones," references a map designated as "The Airport Approach Zoning Plan for Hayward Air Terminal, Hayward, Alameda County, California" as establishing the basis for Section 10-6.35, "Use Restrictions." That map was adopted in 1963 and included a turning zone area that consisted of a circle with an 11,000 foot radius. The RCEC is within that radius. However, an understanding of what changes have occurred at the airport since that time is critical in understanding how that turning zone was established.

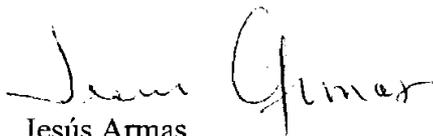
The 1963 map was based on the Airport Master Plan of 1962. At that time, as shown on the map, the Hayward Airfield had a cross wind runway at the north end of the airfield that was still in use which would have dictated the 11,000 foot circular turning zone. An early map from 1953 shows a third runway and indicates the 11,000 feet was based on Air National Guard requirements. Over the years, the City has prepared and adopted various master plans to guide aviation activity at the airport. Both the City's adopted 1984 Airport Master Plan and, more importantly, the adopted 2002 Airport Master Plan no longer include a cross wind runway and clearly show a different map now titled "California Land Use Safety Zones" (copy attached). That map shows an oval "Traffic Pattern Zone" consistent with the use of the runways as well as the Caltrans Division of Aeronautics Airport Land Use Planning Handbook and the draft update to the Airport Land Use Plan of the Alameda Land Use Commission. Hayward's Airport Master Plan and the ALUC 1986 Policy Plan use the present terminology of Safety Zones rather than what was listed in the 1964 Ordinance. Using the correct map that relates to airport safety zones shows the RCEC is 700 feet outside the Traffic Pattern Zone.

This is consistent also with the very low number of aircraft that have been shown to actually fly over the plumes, 0.4% or less of annual operations.

Based on the foregoing it has been determined that the location of the RCEC is not inconsistent with application of our ordinance, as described above. At the same time, City staff have consistently indicated and agreed that measures such as a posted NOTAMS would also be prudent.

I trust you will find this information helpful in completing your staff analysis. Should you have questions or need clarification, feel free to contact me by email at Jesusa@hayward-ca.gov or by telephone at 510.583.4305.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jesús Armas". The signature is fluid and cursive, with a large initial "J" and "A".

Jesús Armas
City Manager

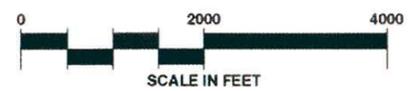
Attachment

97MP17-5B-10/15/98



LEGEND

-  Proposed Pavement
-  Runway Protection Zone
-  Inner Safety Zone
-  Inner Turning Zone
-  Outer Safety Zone
-  Sideline Safety Zone
-  Traffic Pattern Zone



Date of Photo: December 14, 1998



HAYWARD EXECUTIVE AIRPORT

Exhibit 5B

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE
STATE OF CALIFORNIA

Amendment to the APPLICATION
FOR CERTIFICATION OF THE
RUSSELL ENERGY CENTER
POWER PLANT PROJECT

Docket No. 01-AFC-7C
PROOF OF SERVICE
(Revised 6/6/07)

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

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DECLARATION OF SERVICE

I, Mineka Foggie, declare that on 6/29/07, I deposited copies of the attached 6/27/07
DOCUMENT CITY OF HAYWARD LETTER TO SHAELYN STATEN.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.


[Signature]