

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

*Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park
Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

AIRPORT LAND USE COMMITTEE (ALUC)

AGENDA

Date: Thursday, January 22, 2015

4:00 p.m.

Place: Burlingame City Hall
501 Primrose Road
Burlingame, California
Council Chamber

PLEASE CALL TOM MADALENA (599-1460) IF YOU ARE UNABLE TO ATTEND.

- | | | | |
|----|--|---|-------------|
| 1. | Call To Order | Action
(Newman) | |
| 2. | Public Comment On Items Not On The Agenda | Limited to 3
minutes per
speaker. | |
| 3. | Minutes of the November 20, 2014 ALUC Meeting | Action
(Newman) | Pages 1-3 |
| 4. | Election of ALUC Officers for Calendar Year 2015 | Action
(Madalena) | Page 4 |
| 4. | San Carlos Airport Comprehensive Airport Land Use
Compatibility Plan Consistency Review – City of San
Carlos Housing Element (Preliminary Draft 2015-2023) | Action
(Madalena) | Pages 5-12 |
| 5. | San Carlos Airport Comprehensive Airport Land Use
Compatibility Plan Consistency Review – City of
Belmont Housing Element 2015-2023 (December 2014
Draft) | Action
(Madalena) | Pages 13-20 |
| 6. | SFO Comprehensive Airport Land Use Compatibility
Plan (ALUCP) Consistency Review – City of South San
Francisco Downtown Station Area Specific Plan | Action
(Madalena) | Pages 21-25 |
| 7. | Member Communications | Information
(Newman) | |

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

*Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park
Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

8. Adjournment

Action
(Newman)

NOTE: All items appearing on the agenda are subject to action by the Committee. Actions recommended by staff are subject to change by the Committee.

Other enclosures/Correspondence

- None.

If you have any questions regarding the C/CAG Airport Land Use Committee Meeting Agenda, please contact Tom Madalena at 650-599-1460 or Sandy Wong at 650-599-1409.

NOTE: Persons with disabilities who require auxiliary aids or services in attending and participating in this meeting should contact Nancy Blair at 650 599-1406, five working days prior to the meeting date.

**Airport Land Use Committee (ALUC)
Meeting Minutes
November 20, 2014**

1. Call to Order

Chair Newman called the Airport Land Use Committee (ALUC) Meeting to order at 4:01 pm.

Members Present:

Terry O’Connell, Ricardo Ortiz, Robert Gottschalk, John Seybert, Ken Ibarra, Cameron Johnson, Liza Normandy, George Auld

Staff/Guests Attending:

Sandy Wong, Tom Madalena, John Bergener, Adrian Jones

2. Public Comment On Items Not On The Agenda

None.

3. Minutes of the September 25, 2014 Meeting

Motion: Member Gottschalk moved/member Ortiz seconded approval of the September 25, 2014 minutes. A clarification was added by Chair Newman on a comment about the role of the ALUC. Motion carried unanimously.

4. SFO and San Carlos Airport Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Reviews – City of Foster City Housing Element 2015-2023 (Draft September 15, 2014)

Tom Madalena, C/CAG staff, presented this consistency determination on the Foster City Housing Element. Member Seybert motioned and member Ibarra seconded the motion to accept the staff recommendation to recommend that the C/CAG Board of Directors find the Housing Element consistent with both the SFO ALUCP and San Carlos ALUCP. Motion carried unanimously.

5. SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Review – City of South San Francisco Housing Element 2015-2023 (Draft October 24, 2014)

Tom Madalena, C/CAG staff, presented this consistency determination on the City of South San Francisco Housing Element. Member Ortiz motioned and member Seybert seconded the motion to accept the staff recommendation to recommend that the C/CAG Board of Directors find the Housing Element consistent with both the SFO ALUCP. Motion carried unanimously.

6. SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Review – City of San Bruno Draft Housing Element 2014-2022

Tom Madalena presented this consistency determination on the City of San Bruno Housing Element. Member Seybert motioned and member O’Connell seconded the motion to accept the staff recommendation to recommend that the C/CAG Board of Directors find the Housing Element conditionally consistent with both the SFO ALUCP. Motion carried unanimously.

7. SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Review – City of Burlingame Draft 2015-2023 Housing Element

Tom Madalena presented this consistency determination on the City of Burlingame Housing Element. Member O’Connell motioned and member Ibarra seconded the motion to accept the staff recommendation to recommend that the C/CAG Board of Directors find the Housing Element conditionally consistent with the SFO ALUCP. Motion carried unanimously.

8. SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Review – Town of Colma Housing Element Public Review Draft - September 2014

Tom Madalena presented this consistency determination on the Town of Colma Housing Element. Member Ortiz motioned and member Ibarra seconded the motion to accept the staff recommendation to recommend that the C/CAG Board of Directors find the Housing Element consistent with the SFO ALUCP. Motion carried unanimously.

9. San Carlos Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – City of Redwood City Housing Element 2015-2023

Tom Madalena presented this consistency determination on the City of Redwood City Housing Element. Member Seybert motioned and member Ibarra seconded the motion to accept the staff recommendation to recommend that the C/CAG Board of Directors find the Housing Element consistent with the San Carlos ALUCP. Motion carried unanimously.

10. Presentation on the Preliminary Draft Airport Land Use Compatibility Plan for the Environs of San Carlos Airport

Adrian Jones, project consultant with ESA Airports, presented an update on the progress of the Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Carlos Airport. The Preliminary Draft is now available for distribution and review.

11. ALUC Meeting Calendar 2015

Tom Madalena, C/CAG staff, presented the proposed meeting calendar for 2015. Meetings were scheduled for each month from January through October. No meetings were scheduled for November and December. Member Ibarra motioned and member Ortiz seconded the motion to accept the staff recommendation. Motion carries unanimously.

12. Member Communications

None

13. Adjournment

The meeting was adjourned at 5:10 pm.

C/CAG AGENDA REPORT

DATE: January 22, 2015
TO: Airport Land Use Committee
FROM: Tom Madalena
SUBJECT: Election of ALUC Officers for Calendar Year 2015

RECOMMENDATION

Staff recommends that the C/CAG Airport Land Use Committee (ALUC) hold an election at this meeting to independently elect an ALUC Chairperson and an ALUC Vice-Chairperson for a one year term for the 2015 calendar year.

BACKGROUND/ DISCUSSION

The C/CAG Airport Land Use Committee (ALUC) holds an election at its first meeting of the calendar year to independently elect a Chairperson and a Vice-Chairperson. The Chairperson conducts both elections. Nominations are made from the floor and must receive a second prior to a vote. Each officer is elected, via a majority of the Committee members present, to serve a one-year term on a calendar year basis (January 1-December 31). Both officers remain in office beyond January 1 until the next ALUC election is held. Those members who are in office prior to each election may be elected again by the Committee to serve in either office. There are no term limits and there is no compensation for either office.

The Chairperson presides at each ALUC Regular Meeting and Special Meeting. The ALUC Vice-Chairperson presides as the Chairperson if the Chairperson cannot attend a Regular Meeting or Special Meeting. If both officers are not available to attend a scheduled meeting, the meeting may be canceled or rescheduled.

C/CAG AGENDA REPORT

DATE: January 22, 2015

TO: Airport Land Use Committee

FROM: Tom Madalena

SUBJECT: San Carlos Airport Comprehensive Airport Land Use Compatibility Plan
Consistency Review – City of San Carlos Housing Element (Preliminary Draft 2015-2023)

RECOMMENDATION

That the C/CAG Airport Land Use Committee (ALUC) recommend to the C/CAG Board of Directors, that the C/CAG Board, acting as the Airport Land Use Commission, determine that the City of San Carlos Housing Element (Preliminary Draft 2015-2023) is conditionally consistent with the applicable airport/land use policies and criteria contained in the 1996 *San Mateo County Comprehensive Airport Land Use Plan* for San Carlos Airport (SQL CLUP). The Draft Housing Element would become fully consistent with the SQL ALUCP if the following condition is met:

Airspace Protection

The Draft Housing Element is conditionally consistent with the airspace protection policies of the ALUCP, provided the following policy is adhered to in implementation of the 2015-2023 Housing Element:

- 1) Compliance with 14 CFR Part 77, Subpart B, Notice of Proposed Construction or Alteration

Any proposed new construction or expansion of existing structures that would penetrate any of the FAR Part 77 imaginary surfaces for the San Carlos Airport, as adopted by the San Mateo County Airport Land Use Commission (C/CAG), is deemed to be an incompatible land use, unless either the FAA has determined that the proposed structure does not constitute a hazard to air navigation and/or the Caltrans Aeronautics Program staff has issued a permit to allow construction of the proposed structure. The configuration of the FAR part 77 imaginary surfaces for the San Carlos Airport is shown on Map SC-16 on page IV-36.

BACKGROUND

The State of California requires each city, county, or city and county, to adopt a comprehensive, long-term general plan for the future physical development of the community. The Housing Element is one of seven mandated elements of a local general plan (the general plan also includes a land use element and a noise element). Housing Element law mandates that local governments

adequately plan to meet the existing and projected housing needs of all economic segments of the community. As a result, housing policy in the State of California rests largely upon the effective implementation of local general plans and, in particular, local housing elements.

The City of San Carlos has referred its Housing Element 2015-2023 to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the SQL CLUP. The Housing Element is subject to ALUC/C/CAG review, pursuant to PUC Section 21676 (b).

The Housing Element 2015-2023 is a policy document that identifies goals, policies, programs, and other city actions to address existing and projected housing needs in the city. The Association of Bay Area Governments (ABAG) projected regional housing allocation for the City of San Carlos is for 596 new dwelling units between 2015 and 2023. According to the Housing Element, the City of San Carlos has sufficient dwelling units under construction, under review, or has the potential for increased density at existing apartment developments to meet the required 596 units.

DISCUSSION

I. ALUCP Consistency Evaluation

There are three airport/land use compatibility issues addressed in SQL CLUP that relate to the proposed general plan amendment. These include: (a) consistency with noise compatibility policies, (b) safety criteria, and (c) airspace compatibility criteria. The following sections address each issue.

(a) Noise Policy Consistency Analysis

The SQL CLUP uses the 55 CNEL (Community Noise Equivalent Level) noise contours for determining land use compatibility. The City of San Carlos housing opportunity sites are located outside the 55 CNEL aircraft noise exposure contour for San Carlos Airport as shown in the SQL CLUP depicted on Attachment 2.

Based upon this analysis, the City of San Carlos housing opportunity sites are located outside of the noise exposure contour boundaries established in the SQL CLUP. Therefore, the San Carlos Housing Element 2015-2023 is consistent with the SQL CLUP noise policies.

(b) Safety Criteria

The California Airport Land Use Planning Handbook requires airport land use compatibility plans to include safety zones for each runway end. The SQL CLUP includes a safety zone and related land use compatibility policies and criteria. A portion of the safety zone (Approach Zone) configuration established for the SQL CLUP is located just inside the municipal boundary of the City of San Carlos. However, the City of San Carlos Housing Element 2015-2023 is consistent with the SQL CLUP safety policies as none of the housing sites fall within the safety zone for the San Carlos Airport.

(c) **Height of Structures, Use of Airspace, and Airspace Compatibility**

The SQL CLUP incorporates the provisions in Title 14 of the Code of Federal Regulations Part 77 (14 CFR Part 77), “Objects Affecting Navigable Airspace,” as amended, to establish height restrictions and federal notification requirements related to proposed development within the 14 CFR Part 77 airspace boundaries for San Carlos Airport. The regulations contain three key elements: (1) standards for determining obstructions in the navigable airspace and designation of imaginary surfaces for airspace protection, (2) requirements for project sponsors to provide notice to the Federal Aviation Administration (FAA) of certain proposed construction or alteration of structures that may affect the navigable airspace, and (3) the initiation of aeronautical studies, by the FAA, to determine the potential effect(s), if any, of proposed construction or alterations of structures on the subject airspace.

The City of San Carlos is located inside of the 14 CFR Part 77 horizontal and conical imaginary surface contours. Most of the San Carlos housing sites are located within these contours. At least two of the identified housing sites are located inside of an area within the 14 CFR Part 77 surfaces where the terrain itself penetrates the imaginary surface. This may not preclude these sites from being developed although it is necessary for the City of San Carlos to refer project sponsors to the FAA and have them complete a form 7460-1 *Notice of Proposed Construction or Alteration*, in which the FAA will complete an aeronautical study to determine whether the project would be a hazard to air navigation. The City of San Carlos Housing Element would be conditionally consistent with the SQL CLUP airspace criteria provided the aeronautical studies are initiated with the FAA and a determination of no hazard to air navigation is granted by the FAA and/or the Caltrans Aeronautics Program staff has issued a permit to allow construction of the proposed structure.

Under Federal law, it is the responsibility of the project sponsor to comply with all notification and other requirements described in 14 CFR Part 77. The city should notify project sponsors of proposed projects at the earliest opportunity to file form 7460-1 *Notice of Proposed Construction or Alteration*, if required, with the Federal Aviation Administration (FAA) to determine whether a project will constitute a hazard to air navigation. Subpart B of 14 CFR Part 77 provides guidance on determining when this form should be filed. The FAA has also developed an online tool for project sponsors to use when determining whether they are required to file the *Notice of Proposed Construction or Alteration*. Sponsors of proposed projects are urged to refer to this website to determine whether they are required to file Form 7460-1 with the FAA:

<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

II. Real Estate Disclosure

This section is included to reinforce the concept that real estate disclosure exists per State law and it is part of the real estate transaction process. This would occur during a real estate transaction and is outside of the City of San Carlos’ responsibility.

California Public Utilities Code PUC Section 21670 (a and b) states the following:

“(a) The Legislature hereby finds and declares that:

(1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports.....

(b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission....”

The California Business and Professional Code, Section 11010(b.13) (A and B) states the following:

“(A) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the property is located within an airport influence area, the following statement shall be included in the notice of intention:

Notice of Airport in Vicinity:

This property is presently located in the vicinity of an airport, within what is known as the airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

(B) For purposes of this section, an "airport influence area," also known as an "airport referral area," is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.”

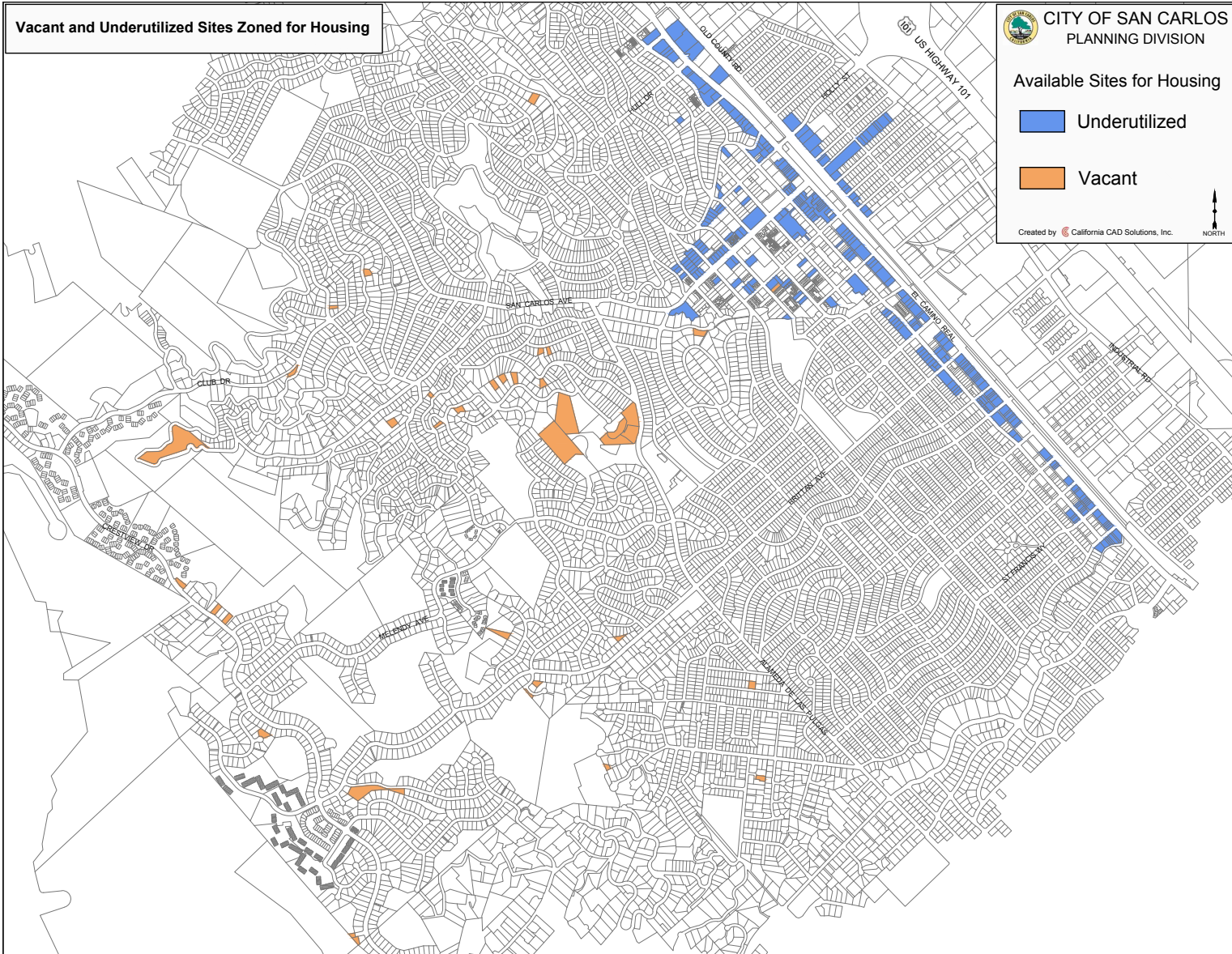
Chapter 496, Statutes of 2002 (formerly AB 2776 (Simitian)) affects all sales of real property that may occur within an airport influence area (AIA) boundary. It requires a statement (notice) to be included in the property transfer documents that (1) indicates the subject property is located within an AIA boundary and (2) that the property may be subject to certain impacts from airport/aircraft operations.

III. Compliance with California Government Code Section 65302.3

California Government Code Section 65302.3 states that a local agency general plan and/or any affected specific plan must be consistent with the applicable airport/land use compatibility criteria in the relevant adopted ALUCP. The City of Belmont Housing Element 2015-2023 should include appropriate text that indicates the goals, objectives, policies, and programs contained in the Housing Element document are consistent with the relevant airport/land use compatibility criteria contained in the SQL CLUP.

ATTACHMENTS

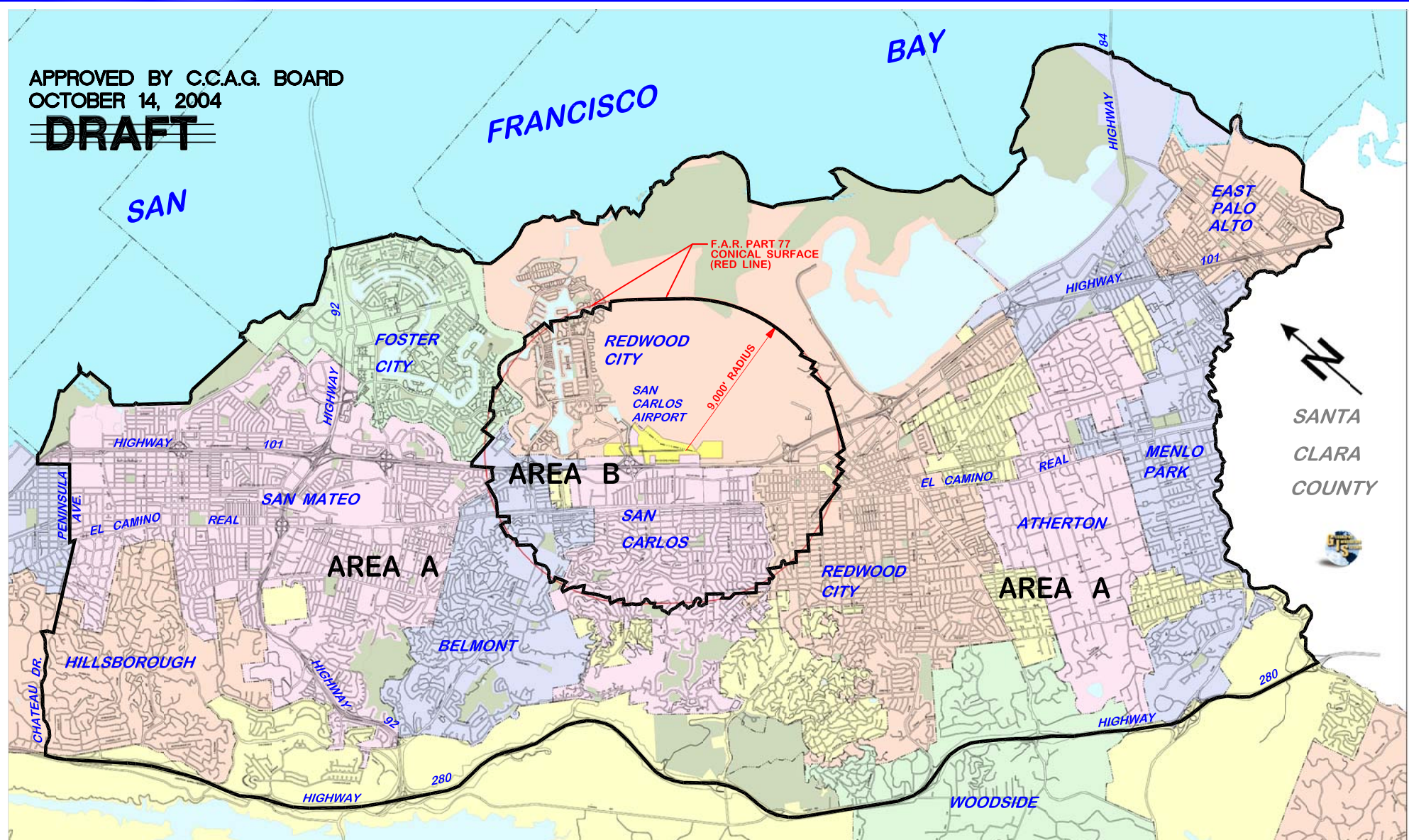
- Attachment 1 - Maps of San Carlos Housing Opportunity Sites from Housing Element 2015-2023
- Attachment 2 - San Carlos Airport Noise, Safety, and Airspace Protection Zones.
- Attachment 3 - Revised Airport Influence Area for San Carlos Airport.





APPROVED BY C.C.A.G. BOARD
OCTOBER 14, 2004

~~**DRAFT**~~



**CCAG LANDUSE COMMITTEE RECOMMENDATION
REVISED AIRPORT INFLUENCE AREA BOUNDARY
FOR SAN CARLOS AIRPORT -- AREAS A & B (OCTOBER 2004)**

AREA A: PROPOSED REVISED AIRPORT INFLUENCE AREA (AIA) BOUNDARY (real estate disclosure only)

AREA B: PROPOSED CCAG/ALUC REVIEW AREA BOUNDARY* (real estate disclosure and formal CCAG/ALUC review)

* This boundary is a refinement of the current CCAG/ALUC review boundary.

C/CAG AGENDA REPORT

DATE: January 22, 2015

TO: Airport Land Use Committee

FROM: Tom Madalena

SUBJECT: San Carlos Airport Comprehensive Airport Land Use Compatibility Plan
Consistency Review – City of Belmont Housing Element 2015-2023 (December 2014 Draft)

RECOMMENDATION

That the C/CAG Airport Land Use Committee (ALUC) recommend to the C/CAG Board of Directors, that the C/CAG Board, acting as the Airport Land Use Commission, determine that the City of Belmont Housing Element 2015-2023 (December 2014 Draft) is conditionally consistent with the applicable airport/land use policies and criteria contained in the 1996 *San Mateo County Comprehensive Airport Land Use Plan* for San Carlos Airport (SQL CLUP). The Draft Housing Element would become fully consistent with the SQL ALUCP if the following condition is met:

Airspace Protection

The Draft Housing Element is conditionally consistent with the airspace protection policies of the ALUCP, provided the following policy is adhered to in implementation of the 2015-2023 Housing Element:

- 1) Compliance with 14 CFR Part 77, Subpart B, Notice of Proposed Construction or Alteration

Any proposed new construction or expansion of existing structures that would penetrate any of the FAR Part 77 imaginary surfaces for the San Carlos Airport, as adopted by the San Mateo County Airport Land Use Commission (C/CAG), is deemed to be an incompatible land use, unless either the FAA has determined that the proposed structure does not constitute a hazard to air navigation and/or the Caltrans Aeronautics Program staff has issued a permit to allow construction of the proposed structure. The configuration of the FAR part 77 imaginary surfaces for the San Carlos Airport is shown on Map SC-16 on page IV-36.

BACKGROUND

The State of California requires each city, county, or city and county, to adopt a comprehensive, long-term general plan for the future physical development of the community. The Housing Element is one of seven mandated elements of a local general plan (the general plan also includes a land use element and a noise element). Housing Element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. As a result, housing policy in the State of California rests largely upon the effective implementation of local general plans and, in particular, local housing elements.

The City of Belmont has referred its Housing Element 2015-2023 to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the SQL CLUP. The Housing Element is subject to ALUC/C/CAG review, pursuant to PUC Section 21676 (b).

The Housing Element 2015-2023 is a policy document that identifies goals, policies, programs, and other city actions to address existing and projected housing needs in the city. The Association of Bay Area Governments (ABAG) projected regional housing allocation for the City of Belmont is for 468 new dwelling units between 2015 and 2023. According to the Housing Element, the City of Belmont has sufficient dwelling units under construction, under review, or has the potential for increased density at existing apartment developments to meet the required 468 units.

DISCUSSION

I. ALUCP Consistency Evaluation

There are three airport/land use compatibility issues addressed in SQL CLUP that relate to the proposed general plan amendment. These include: (a) consistency with noise compatibility policies, (b) safety criteria, and (c) airspace compatibility criteria. The following sections address each issue.

(a) Noise Policy Consistency Analysis

The SQL CLUP uses the 55 CNEL (Community Noise Equivalent Level) noise contours for determining land use compatibility. The City of Belmont housing opportunity sites are located outside the 55 CNEL aircraft noise exposure contour for San Carlos Airport as shown in the SQL CLUP depicted on Attachment 2.

Based upon this analysis, the City of Belmont, housing opportunity sites are located outside of the noise exposure contour boundaries established in the SQL CLUP. Therefore, the Belmont Housing Element 2015-2023 is consistent with the SQL CLUP noise policies.

(b) Safety Criteria

The California Airport Land Use Planning Handbook requires airport land use compatibility plans to include safety zones for each runway end. The SQL CLUP includes a safety zone (Approach Zone) and related land use compatibility policies and criteria. The safety zone configuration established for the SQL CLUP is located outside the municipal boundary of the City of Belmont. Therefore, the City of Belmont Housing Element 2015-2023 is consistent with the SQL CLUP safety policies.

(c) Height of Structures, Use of Airspace, and Airspace Compatibility

The SQL CLUP incorporates the provisions in Title 14 of the Code of Federal Regulations Part 77 (14 CFR Part 77), "Objects Affecting Navigable Airspace," as amended, to establish height restrictions and federal notification requirements related to proposed development within the 14 CFR Part 77 airspace boundaries for San Carlos Airport. The regulations contain three key elements: (1) standards for determining obstructions in the navigable airspace and designation of imaginary surfaces for airspace protection, (2) requirements for project sponsors to provide notice to the Federal Aviation Administration (FAA) of certain proposed construction or alteration of

structures that may affect the navigable airspace, and (3) the initiation of aeronautical studies, by the FAA, to determine the potential effect(s), if any, of proposed construction or alterations of structures on the subject airspace.

The City of Belmont is located inside of the 14 CFR Part 77 horizontal and conical imaginary surface contours. Some of the Belmont housing sites are located within these contours. At least one of the identified housing sites and potentially some of the second unit sites are located inside of an area within the 14 CFR Part 77 surfaces where the terrain itself penetrates the imaginary surface. This may not preclude these sites from being developed although it is necessary for the City of Belmont to refer project sponsors to the FAA and have them complete a form 7460-1 *Notice of Proposed Construction or Alteration*, in which the FAA will complete an aeronautical study to determine whether the project would be a hazard to air navigation. The City of Belmont Housing Element would be consistent with the SQL CLUP airspace criteria as long as the aeronautical studies are initiated with the FAA and a determination of no hazard to air navigation is granted by the FAA and/or the Caltrans Aeronautics Program staff has issued a permit to allow construction of the proposed structure.

Under Federal law, it is the responsibility of the project sponsor to comply with all notification and other requirements described in 14 CFR Part 77. The city should notify project sponsors of proposed projects at the earliest opportunity to file form 7460-1 *Notice of Proposed Construction or Alteration*, if required, with the Federal Aviation Administration (FAA) to determine whether a project will constitute a hazard to air navigation. Subpart B of 14 CFR Part 77 provides guidance on determining when this form should be filed. The FAA has also developed an online tool for project sponsors to use when determining whether they are required to file the *Notice of Proposed Construction or Alteration*. Sponsors of proposed projects are urged to refer to this website to determine whether they are required to file Form 7460-1 with the FAA:

<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

II. Real Estate Disclosure

This section is included to reinforce the concept that real estate disclosure exists per State law and it is part of the real estate transaction process. This would occur during a real estate transaction and is outside of the City of Belmont's responsibility.

California Public Utilities Code PUC Section 21670 (a and b) states the following:

“(a) The Legislature hereby finds and declares that:

(1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports.....

(b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission....”

The California Business and Professional Code, Section 11010(b.13) (A and B) states the following:

“(A) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the

property is located within an airport influence area, the following statement shall be included in the notice of intention:

Notice of Airport in Vicinity:

This property is presently located in the vicinity of an airport, within what is known as the airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

(B) For purposes of this section, an "airport influence area," also known as an "airport referral area," is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.”

Chapter 496, Statutes of 2002 (formerly AB 2776 (Simitian)) affects all sales of real property that may occur within an airport influence area (AIA) boundary. It requires a statement (notice) to be included in the property transfer documents that (1) indicates the subject property is located within an AIA boundary and (2) that the property may be subject to certain impacts from airport/aircraft operations.

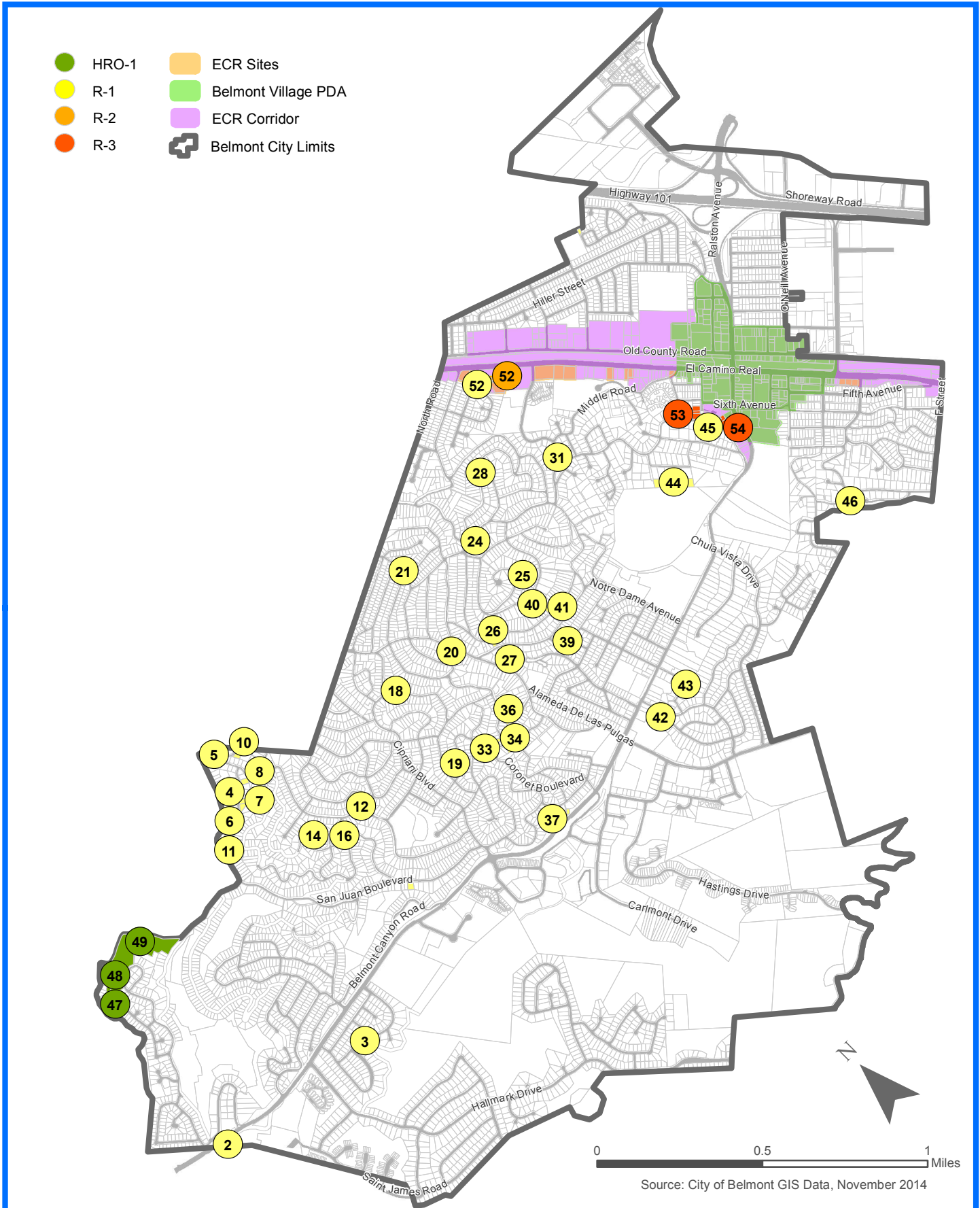
III. Compliance with California Government Code Section 65302.3

California Government Code Section 65302.3 states that a local agency general plan and/or any affected specific plan must be consistent with the applicable airport/land use compatibility criteria in the relevant adopted ALUCP. The City of Belmont Housing Element 2015-2023 should include appropriate text that indicates the goals, objectives, policies, and programs contained in the Housing Element document are consistent with the relevant airport/land use compatibility criteria contained in the SQL CLUP.

ATTACHMENTS

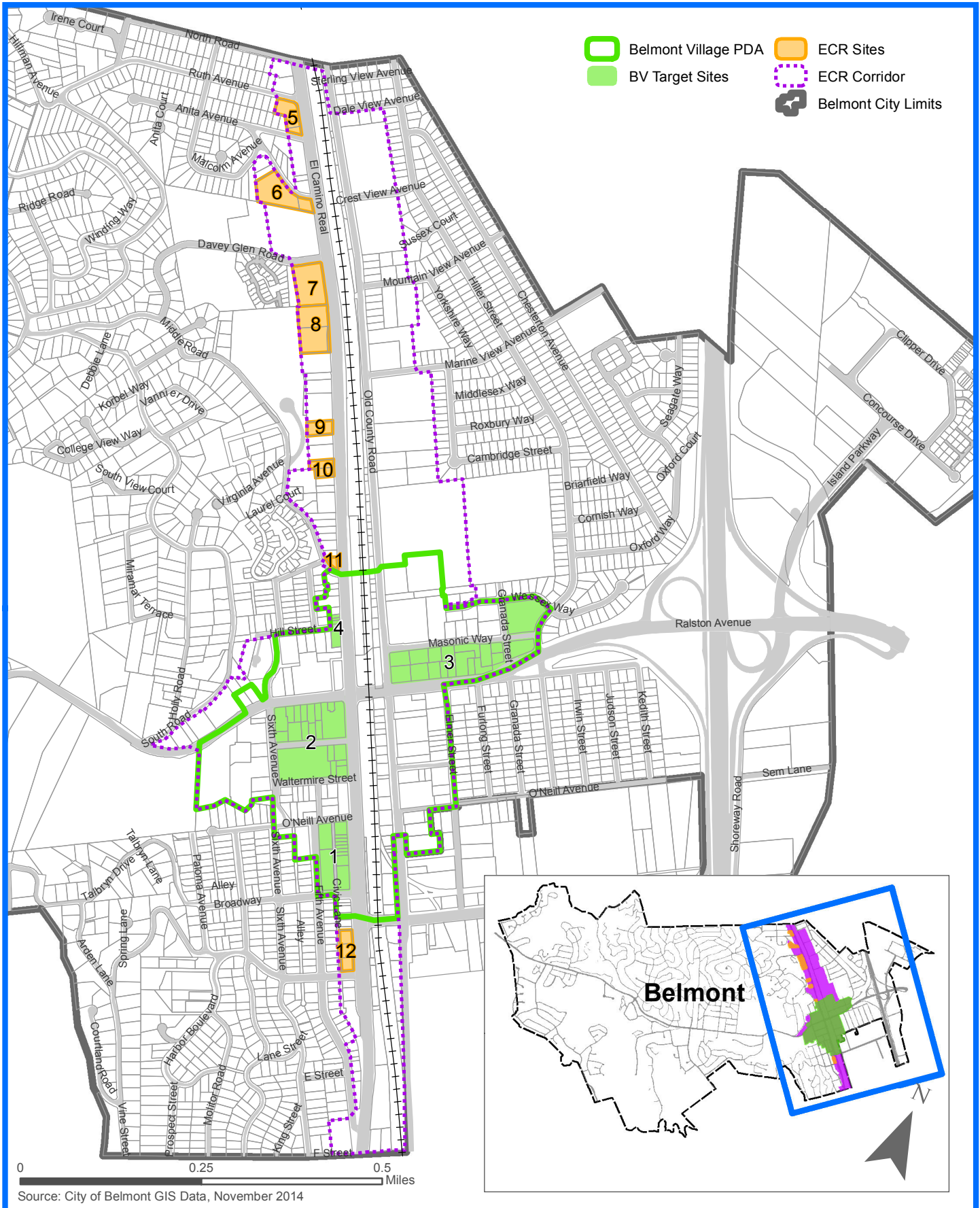
- Attachment 1 - Maps of Belmont Housing Opportunity Sites from Housing Element 2015-2023
- Attachment 2 - San Carlos Airport Noise, Safety, and Airspace Protection Zones.
- Attachment 3 - Revised Airport Influence Area for San Carlos Airport.

Figure 4-1 Vacant Residential Properties



Source: City of Belmont GIS Data, November 2014

Figure 4-2 Housing Opportunity Sites

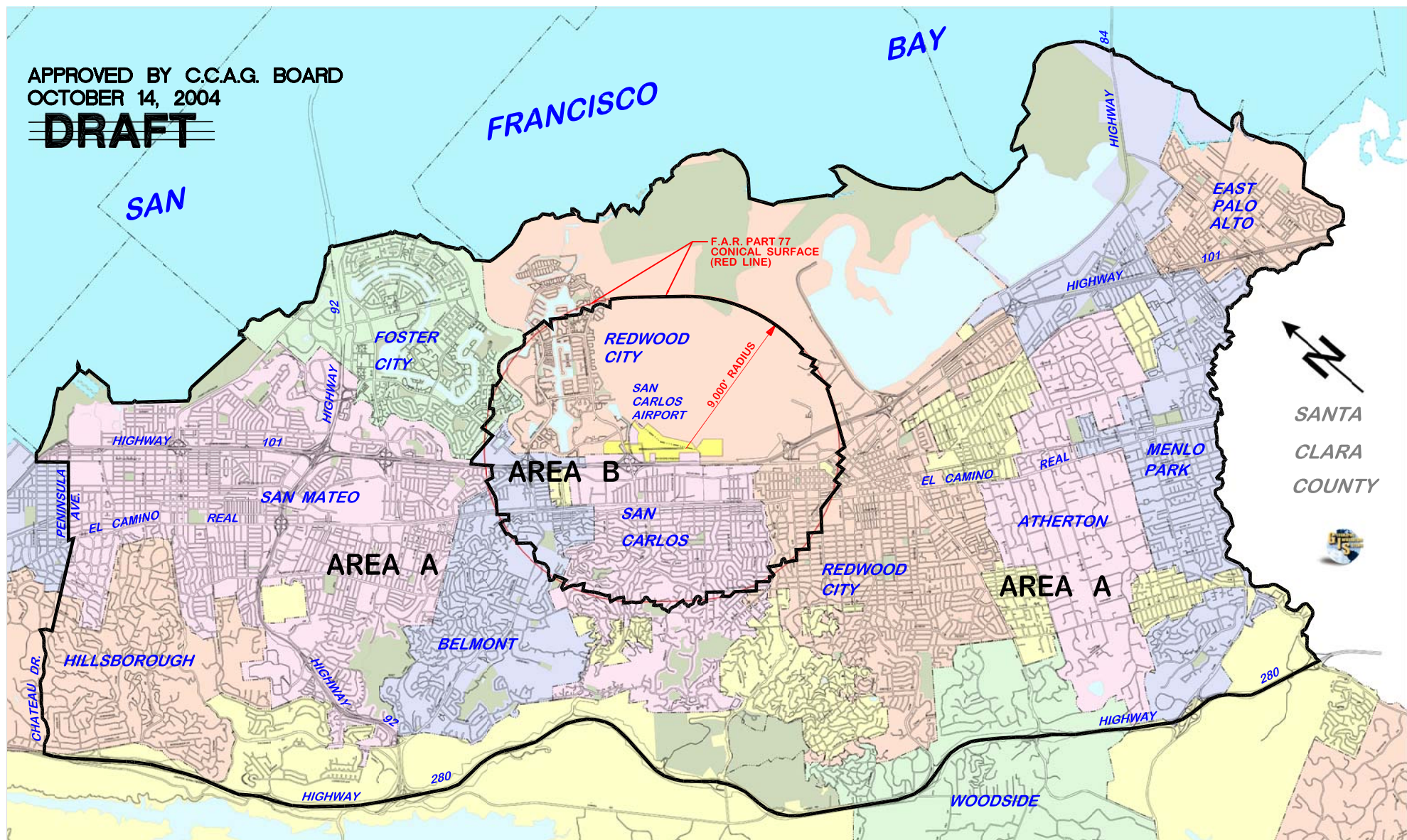




San Carlos Airport Noise, Safety, and Airspace Protection Zones

APPROVED BY C.C.A.G. BOARD
OCTOBER 14, 2004

DRAFT



**CCAG LANDUSE COMMITTEE RECOMMENDATION
REVISED AIRPORT INFLUENCE AREA BOUNDARY
FOR SAN CARLOS AIRPORT -- AREAS A & B (OCTOBER 2004)**

AREA A: PROPOSED REVISED AIRPORT INFLUENCE AREA (AIA) BOUNDARY (real estate disclosure only)

AREA B: PROPOSED CCAG/ALUC REVIEW AREA BOUNDARY* (real estate disclosure and formal CCAG/ALUC review)

* This boundary is a refinement of the current CCAG/ALUC review boundary.

C/CAG AGENDA REPORT

DATE: January 22, 2015

TO: Airport Land Use Committee

FROM: Tom Madalena

SUBJECT: SFO Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – City of South San Francisco Downtown Station Area Plan

RECOMMENDATION

That the C/CAG Airport Land Use Committee (ALUC) recommend to the C/CAG Board of Directors, that the C/CAG Board, acting as the Airport Land Use Commission, determine that the City of South San Francisco Downtown Station Area Plan is consistent with the applicable airport/land use policies and criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco Airport (SFO ALUCP).

BACKGROUND

The City of South San Francisco has developed a Downtown Station Area Specific Plan to guide future development in portions of South San Francisco that lie within a ½ mile radius of the Caltrain station. The Specific Plan will assist in streamlining the development of new housing, retail and commercial uses by eliminating the need for proponents to prepare General Plan Amendments and environmental review for every project. The Specific Plan calls for future building heights that range in the most part from 30'-85' except for the portion of land on the east side of highway 101 designated for retail and office (research & development), where it calls for maximum building height limits allowed by the Federal Aviation Administration (FAA).

The Downtown Station Area Specific Plan falls within the Airport Influence Area B of the SFO ALUCP. The City of South San Francisco submitted the Specific Plan to C/CAG (Airport Land Use Commission) for a consistency determination with the SFO ALUCP.

DISCUSSION

I. ALUCP Consistency Evaluation

There are three airport/land use compatibility issues addressed in SFO ALUCP that relate to the South San Francisco Downtown and Station Area Specific Plan. These include: (a) consistency with noise compatibility policies, (b) safety criteria, and (c) airspace compatibility criteria. The following sections address each issue.

(a) Noise Policy Consistency Analysis

The SFO ALUCP uses the 65 CNEL (Community Noise Equivalent Level) db noise contours for determining land use compatibility. The project area for the Specific Plan falls outside of the CNEL 65 db noise contour. Therefore, the Specific Plan is consistent with the SFO ALUCP noise policies.

(b) Safety Criteria

The California Airport Land Use Planning Handbook requires airport land use compatibility plans to include safety zones for each runway end. The SFO ALUCP includes safety zones and related land use compatibility policies and criteria. The Specific Plan project area lies outside of the safety zones that were established in the SFO ALUCP. Therefore, the City of South San Francisco Downtown Station Area Specific Plan is consistent with the SFO ALUCP safety policies.

(c) Height of Structures, Use of Airspace, and Airspace Compatibility

The SFO ALUCP incorporates the provisions in Title 14 of the Code of Federal Regulations Part 77 (14 CFR Part 77), "Objects Affecting Navigable Airspace," as amended, to establish height restrictions and federal notification requirements related to proposed development within the 14 CFR Part 77 airspace boundaries for San Francisco International Airport. The regulations contain three key elements: (1) standards for determining obstructions in the navigable airspace and designation of imaginary surfaces for airspace protection, (2) requirements for project sponsors to provide notice to the Federal Aviation Administration (FAA) of certain proposed construction or alteration of structures that may affect the navigable airspace, and (3) the initiation of aeronautical studies, by the FAA, to determine the potential effect(s), if any, of proposed construction or alterations of structures on the subject airspace.

The Downtown Station Area Specific Plan project area falls within the 14 CFR part 77 Conical Surface as established in the SFO ALUCP. The building heights allowed fall well below the critical airspace surfaces as defined by the 14 CFR Part 77 Conical Surfaces contours with the exception of those designated as "Height Limit Allowed by FAA". For the areas designated as Height Limit Allowed by FAA project sponsors would be allowed to build to maximum building heights that are determined through an aeronautical study by the FAA. Project sponsors will be required to file a Form 7460-1 *Notice of Proposed Construction or Alteration* in order to determine the allowable height.

Under Federal law, it is the responsibility of the project sponsor to comply with all notification and other requirements described in 14 CFR Part 77. The city should notify project sponsors of proposed projects at the earliest opportunity to file form 7460-1 *Notice of Proposed Construction or Alteration*, if required, with the Federal Aviation Administration (FAA) to determine whether a project will constitute a hazard to air navigation. Subpart B of 14 CFR Part 77 provides guidance on determining when this form should be filed. The FAA has also developed an online tool for project sponsors to use when determining whether they are required to file the *Notice of Proposed Construction or Alteration*. Sponsors of proposed projects are urged to refer to this website to determine whether they are required to file Form 7460-1 with the FAA:

<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

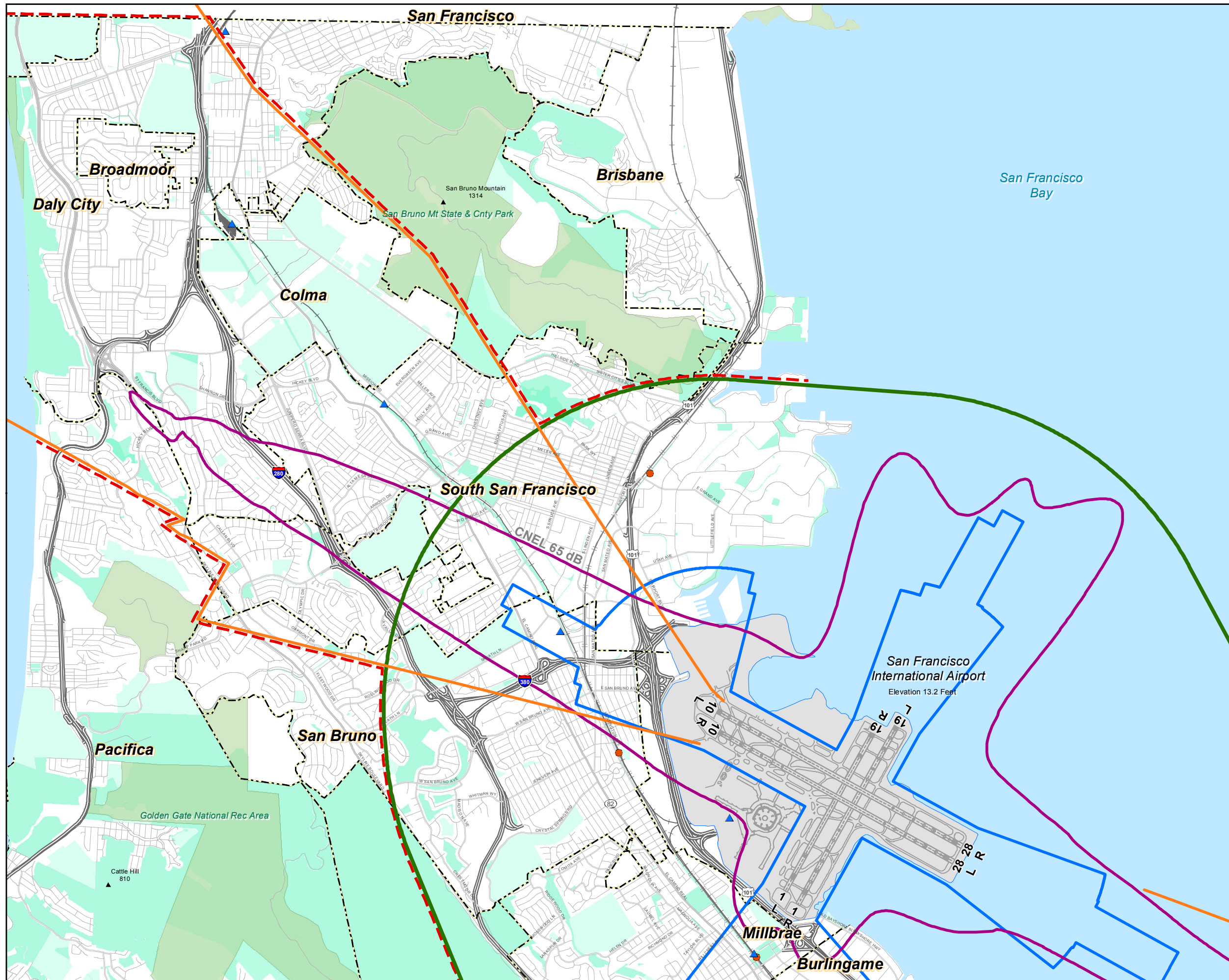
Based upon the height limits permitted as defined in figure 5.02: Allowable Building Heights, proposed building heights would not penetrate the critical airspace surfaces as defined in the SFO ALUCP. Therefore, the Specific Plan is consistent with the SFO ALUCP airspace protection policies.

II. Compliance with California Government Code Section 65302.3

California Government Code Section 65302.3 states that a local agency general plan and/or any affected specific plan must be consistent with the applicable airport/land use compatibility criteria in the relevant adopted ALUCP. The City of South San Francisco Downtown Station Area Specific Plan should include appropriate text that indicates the goals, objectives, policies, and programs contained in the Downtown Station Area Specific Plan document are consistent with the relevant airport/land use compatibility criteria contained in the SFO ALUCP.

ATTACHMENTS

- Attachment 1 – Noise Contour, Safety Zones and Part 77 Conical Surface from SFO ALCUP
- Attachment 2 – Figure 5.02: Allowable Building Heights



LEGEND

- Boundary for Airport Influence Area B
- Outer Boundary of Safety Zones
- CNEL Contour, 2020 Forecast
- 14 CFR Part 77 Conical Surface
- Outer Boundary of TERPS Approach and OEI Departure Surfaces
- Airport Property
- ▲ BART Station
- CALTRAIN Station
- Municipal Boundary
- Railroad
- Freeway
- Road
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space

Sources:

100:1 FAA Notification Zone: Ricondo & Associates, Inc. and Jacobs Consultancy, based on 14 CFR Part 77, Subpart B, Section 77.9.

Outer Boundary of TERPS Approach and OEI Departure Surfaces: San Francisco International Airport, Jacobs Consultancy, and Planning Technology Inc., 2009

Safety Compatibility Zones: Jacobs Consultancy Team, 2009; Ricondo & Associates, Inc., 2011

Noise Contour: URS Corporation and BridgeNet International. Draft Environmental Assessment, San Francisco International Airport Proposed Runway Safety Area Program, June 2011

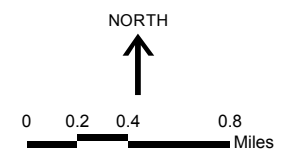


Figure 5.02: Allowable Building Heights

