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June 25, 2020

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VIA E-MAIL (KKALKIN@SMCGOV.ORG)

Susy Kalkin
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San Mateo County Association of Governments
555 County Center, 5th Floor
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Re: Response to Caltrans Comments re 410 Noor Avenue Mixed-Use Residential Development

Dear Ms. Kalkin:

This is in response to the comments of the California Department of Transportation (Caltrans), Division of Aeronautics (Division) by letter from R.Fiore dated June 18, 2020 concerning the above project. On behalf of the project applicant, we would like to call your attention to the following points.

First, the apparently exclusive reliance on the California Aviation Act, Cal. Pub. Util. Code § 21670, *et seq.*, and the California Airport Land Use Planning Handbook (“Handbook”) for the conclusions concerning the inconsistency of the proposed project with State and Federal noise and safety standards and guidelines is misplaced. As is acknowledged in the comments, the Handbook contains “foundational principles” and “State guidance,” but is by no means determinative of the propriety of proposed uses.

With respect to noise, the Airport Land Use Commission should look to another set of principles, those contained in the State Noise Standards, 21 Cal. Code Regs. 5000, *et seq.*, and, most importantly, section 5014. That section defines certain uses, including residential, such as single-family, multi-family, high rise apartments and condominiums, and mobile homes as incompatible, “UNLESS (1) an avigation easement for aircraft noise has been acquired by the airport proprietor.” [Emphasis added]. Moreover, that definition is consistent with that set forth in State Aeronautics Act, § 21669.5 which states in pertinent part: “If a political subdivision conditions approval of a noise-sensitive project upon the grant of an avigation easement to the owner or operator of an airport, the avigation easement shall be required to be granted prior to

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the issuance of the building permit that allows construction or reconstruction...” An aviation easement will be timely dedicated by the project proponent in this case. In addition, the project is designed to incorporate all necessary design features to ensure interior noise levels consistent with those set forth in your letter. Therefore, pursuant to the above, there is no basis for a finding of “incompatibility with SFO and inconsistency with stated ALUC goals and policies.”

Finally, with respect to purported “safety” issues resulting from aircraft overflight, please be advised that, while a small portion of the project is located within Safety Zone 4, Outer Approach/Departure Zone (ALUCP, Exhibit IV-8), this Safety Zone specifically prohibits only bio-safety facilities, schools, child day care centers, hospitals, nursing homes, stadiums and arenas. Because the project consists exclusively of residential and commercial uses which are not included in the above categories, the project is consistent with the policies and standards of both the ALUCP and the State Aviation Act, Cal. Pub. Util. Code § 21670, *et seq.*

In short, the project is located in an area convenient to public transportation and commercial uses such as restaurants, thus substantially reducing Air Quality and Traffic impacts, which have, until now, been endemic to urban areas such as that at issue here. Moreover, the project, far from being in violation of State law and regulation, furthers the goals and purposes of the recently enacted State housing law, now codified in Cal. Gov. Code § 65913, *et seq.*, to “(1) expedite the local and state residential development process,” and thereby ameliorate the severe shortage of housing throughout the State and particularly in the Bay Area.

Those goals, which are clearly effectuated by the project, are not in conflict with those of the Airport Land Use Plan. The project already incorporates all features necessary to satisfy the safety and noise goals of both the State and the County, to “protect the public health, safety and welfare” and “minimize the public’s exposure to excessive noise and safety hazards,” Cal. Pub. Util. Code § 21670, while, at the same time, insulating airport operations from interference.

We appreciate Caltrans' input and are confident that we have satisfactorily responded to its concerns.

Sincerely,

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By

Barbara Lichman

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cc: Robert Fiore, Department of Transportation, Division of Aeronautics
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