

# 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, November 20, 2014

**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<br>(Newman)                      |             |
| 2. | Public Comment On Items Not On The Agenda   | Limited to 3<br>minutes per<br>speaker. |             |
| 3. | Minutes of the September 25, 2014 ALUC Meeting  | Action<br>(Newman)                      | Pages 1-2   |
| 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) | Action<br>(Madalena)                    | Pages 3-11  |
| 5. | SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Review – City of South San Francisco Housing Element 2015-2023 (Draft October 24, 2014)                   | Action<br>(Madalena)                    | Pages 12-18 |
| 6. | SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Review – City of San Bruno Draft Housing Element 2014-2022  | Action<br>(Newman)                      | Pages 19-31 |
| 7. | SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Review – City of Burlingame Draft 2015-2023 Housing Element   | Action<br>(Madalena)                    | Pages 32-41 |

# C/CAG

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- |     |   |                           |   |
|-----|---|---------------------------|---|
| 8.  | SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Review – Town of Colma Housing Element Public Review Draft - September 2014 | Action<br>(Madalena)      | Pages 42-45                             |
| 9.  | San Carlos Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – City of Redwood City Housing Element 2015-2023              | Action<br>(Madalena)      | Materials provided under separate cover |
| 10. | Presentation on the Preliminary Draft Airport Land Use Compatibility Plan for the Environs of San Carlos Airport                                      | Information<br>(Madalena) | No materials                            |
| 11. | ALUC Meeting Calendar 2015  | Action<br>(Madalena)      | Page 46                                 |
| 12. | Member Communications   | Information<br>(Newman)   |   |
| 13. | Adjournment   | Action<br>(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**  
**September 25, 2014**

**1. Call to Order**

Chair Newman called the Airport Land Use Committee (ALUC) Meeting to order at 4:03 pm.

Members Present:

Ricardo Ortiz, Robert Gottschalk, John Seybert, Ken Ibarra, Cameron Johnson, Liza Normandy, Eddie Andreini, Jr.

Staff/Guests Attending:

Sandy Wong, Tom Madalena, Summer Burlison, Elizabeth Cullinan John Bergener, Bert Ganoung

**2. Public Comment On Items Not On The Agenda**

None.

**3. Minutes of the July 31, 2014 Meeting**

*Motion: Member Ibarra moved/member Johnson seconded approval of the July 31, 2014 minutes. Motion carried unanimously.*

**4. Review and approval of a recommendation to the C/CAG Board (Airport Land Use Commission) for adoption of the Initial Study and Negative Declaration for the ALUCP for the Environs of Half Moon Bay Airport**

Sandy Wong, C/CAG Executive Director, opened this item and introduced Dave Fitz, project consultant. Dave Fitz presented the process for the development of the Initial Study and Negative Declaration. He described the analysis and discussed the comments received as well as the responses/revisions to those comments.

Summer Burlison, San Mateo County Planning staff, spoke on the item and stated that she believed that the plan was creating a significant impact on the county housing element as it related to Safety Zone 3 bisecting a 12 acre parcel in Moss Beach which would no longer have the ability to be built out at higher densities on the lower portion of the parcel.

Member Johnson motioned to approve the staff recommendation to recommend to the C/CAG Board (Airport Land Use Commission) adoption of the Initial Study and Negative Declaration for the ALUCP for the Environs of Half Moon Bay Airport. Member Andreini seconded the motion. Motion carried unanimously.

**5. Review and approval of a recommendation to the C/CAG Board (Airport Land Use Commission) for adoption of the ALUCP for the Environs of Half Moon Bay Airport**

Sandy Wong, C/CAG Executive Director, opened this item and introduced Dave Fitz, project consultant. Dave Fitz presented an overview of the ALUCP for the Environs of Half Moon Bay Airport. He described the process used to develop the plan and discussed the comments received as well as the responses/revisions to those comments. Member Ibarra motioned to approve the staff recommendation to recommend to the C/CAG Board (Airport Land Use Commission) adoption of the ALUCP for the Environs of Half Moon Bay Airport. Member Ortiz seconded the motion. Motion carried unanimously.

**6. SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Review – Town of Hillsborough Re: General Plan Amendment: Housing Element 2014-2022 Draft Final**

Tom Madalena, C/CAG staff, presented this item on the consistency review of the Draft Final Housing Element for Hillsborough with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport. Staff recommended that the ALUC recommend to the C/CAG Board, acting as the Airport Land Use Commission, determine that the Hillsborough Draft Final Housing Element 2014-2022 is consistent with the SFO ALUCP. Member Ibarra motioned to accept the staff recommendation. Member Gottschalk seconded the motion. Motion carried unanimously.

**7. SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Review – Daly City Re: General Plan Amendment: Housing Element 2014-2022 Administrative Draft**

Tom Madalena, C/CAG staff, presented this item on the consistency review of the Administrative Draft Housing Element for Daly City with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport. Staff recommended that the ALUC recommend to the C/CAG Board, acting as the Airport Land Use Commission, determine that the Administrative Draft Housing Element for Daly City is consistent with the SFO ALUCP. Member Ibarra motioned to accept the staff recommendation. Member Ortiz seconded the motion. Motion carried unanimously.

**8. Member Communications**

None

**9. Adjournment**

The meeting was adjourned at 5:00 pm.

## C/CAG AGENDA REPORT

**DATE:** November 20, 2014

**TO:** Airport Land Use Committee

**FROM:** Tom Madalena

**SUBJECT:** 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)

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### 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 Foster City Housing Element 2015-2023 (Draft September 15, 2014) is consistent with the applicable airport/land use policies and criteria contained in the adopted 2012 *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP) and the 1996 *San Mateo County Comprehensive Airport Land Use Plan* for San Carlos Airport (SQL CLUP).

### 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 Foster City has referred its Housing Element 2015-2023 (Draft September 15, 2014) to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the SFO ALUCP and SQL CLUP. The Housing Element is subject to ALUC/C/CAG review, pursuant to PUC Section 21676 (b).

The Housing Element 2015-2023 (Draft September 15, 2014) 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 Foster City is for 430 new dwelling units between 2015 and 2023 (page 4-20). According to the Housing Element, the City of Foster City has sufficient dwelling units under construction, under review, or has the potential for increased density at existing apartment

developments to meet the required 430 units. It was noted that increased density at existing apartment developments is allowed under the current City of Foster City zoning regulations through the use of density bonus with additional density allowed pursuant to the proposed Affordable Housing Overlay (AHO) zone (page 4-22).

## **DISCUSSION**

### **I. ALUCP Consistency Evaluation**

There are three airport/land use compatibility issues addressed in SFO ALUCP and 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 65 db CNEL (Community Noise Equivalent Level) aircraft noise contour defines the state and federal threshold for aircraft noise-sensitive land use impacts. This is the threshold used by the SFO ALUCP. As seen in **Attachment 1**, the City of Foster City housing opportunity sites are all located in the northern half of the City. The City of Foster City is located outside of the 65 dB CNEL aircraft noise exposure contour for San Francisco International Airport as shown in the SFO ALUCP depicted on **Attachment 2**. The SQL CLUP uses the 55 CNEL noise contours for determining land use compatibility. The City of Foster City housing opportunity sites are also located outside the 55 CNEL aircraft noise exposure contour for San Carlos Airport as shown in the SQL CLUP depicted on **Attachment 3**.

Based upon this analysis, the Foster City housing opportunity sites are located outside both the noise exposure contour boundaries established in the SFO ALUCP and SQL CLUP. Therefore, the Foster City Housing Element 2015-2023 Draft (September 15, 2014) is consistent with both the SFO ALUCP and 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 SFO ALUCP and SQL CLUP include safety zones and related land use compatibility policies and criteria. The safety zone configurations established for the SFO ALUCP and the SQL CLUP are located outside the municipal boundary of the City of Foster City (See **Attachments 2 and 3**). Therefore, the City of Foster City Housing Element 2015-2023 (Draft September 15, 2014) is consistent with both the SFO ALUCP and SQL CLUP safety policies.

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

Both the SFO ALUCP and SQL CLUP incorporate 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 and 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.

As seen in **Attachment 2**, the northern portion of the City of Foster City is within the outer boundary of the Terminal Instrument Procedure (TERPS) approach and One Engine Inoperative (OEI) departure surface boundary. **Table 1** illustrates the housing sites within the TERPS approach/OEI departure surface boundary.

<b>Table 1 Housing Opportunity Sites City of Foster City</b>			
<b>Name</b>	<b>Address</b>	<b>Located within the SFO 14 CFR Part 77/ TERPS/OEI Surfaces</b>	<b>Obstruction Clearance (ft)</b>
<i><b>New Housing Sites</b></i>			
Waverly	1166 Triton Drive	Yes	+210'
Pilgrim Triton Phase C	565 Pilgrim Drive	Yes	+210'
Triton Pointe	551 Foster City Blvd.	Yes	+210'
Foster Square	N/A	Yes	+324'
<i><b>Housing Redevelopment Sites</b></i>			
Harbor Cove	900 E Hillsdale Blvd.	Yes	+800'
Sand Cove Apartments (1)	777 Shell Blvd.	Yes	+421'
Sand Cove Apartments (2)	N/A	Yes	+378'
Beach Cove	703 Catamaran St.	Yes	+408'
Shadow Cove Apartments	1055 Foster City Blvd.	Yes	+800'
Franciscan Apartments	888 Foster City Blvd.	Yes	+210'

Based on analysis provided by the SFO Planning Staff using SFO's iALP Airspace Tool, the Waverly, Pilgrim Triton Phase C, Triton Pointe, and Franciscan Apartment sites that fall within the 14 CFR Part 77 approach surfaces as identified by the SFO Planning Staff. Sites within the 14 CFR Part approach surfaces could be built out with structures as long as the building heights do not penetrate 210 feet above mean sea level (AMSL) that was identified by SFO Planning Staff. Based on the current zoning in the City of Foster City, which allows for high density housing to be up to 45 feet (See City of Foster City Statute Title 17-Zoning), the Housing Element would be consistent with the SFO ALUCP as it relates to airspace protection. According to the current analysis of airspace and zoning limits, all of the proposed housing opportunity sites are consistent with the SFO ALUCP airspace.

A small portion of southern Foster City falls within the 14 CFR Part 77 surface depicted in the SQL CLUP for San Carlos Airport (See **Attachment 3**). The Foster City housing opportunity sites are all outside of the San Carlos Airport 14 CFR Part 77 surface and therefore consistent with the SQL CLUP airspace criteria.

## **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 Foster City'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.



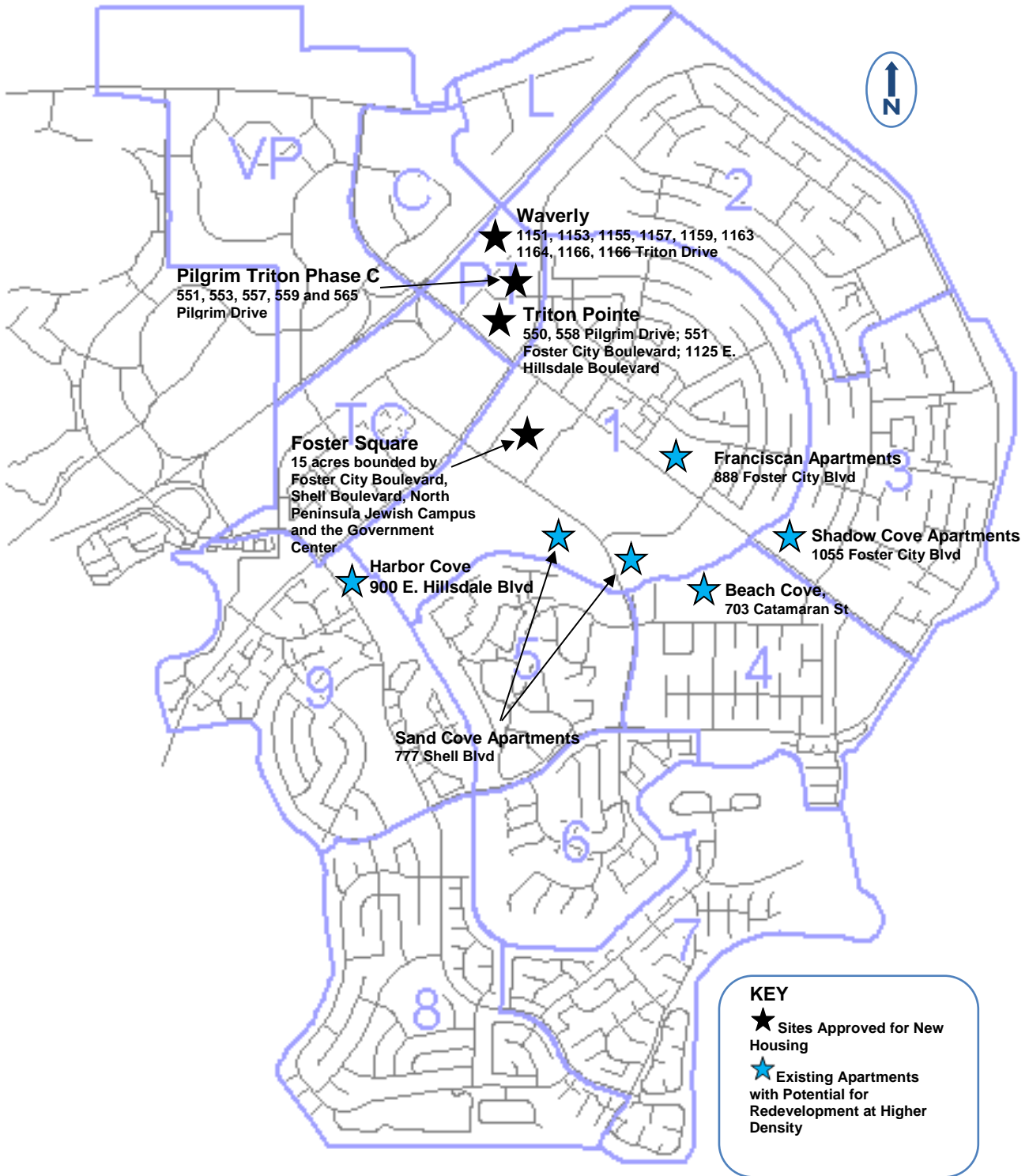
### **III. Compliance with California Government Code Section 65302.3**

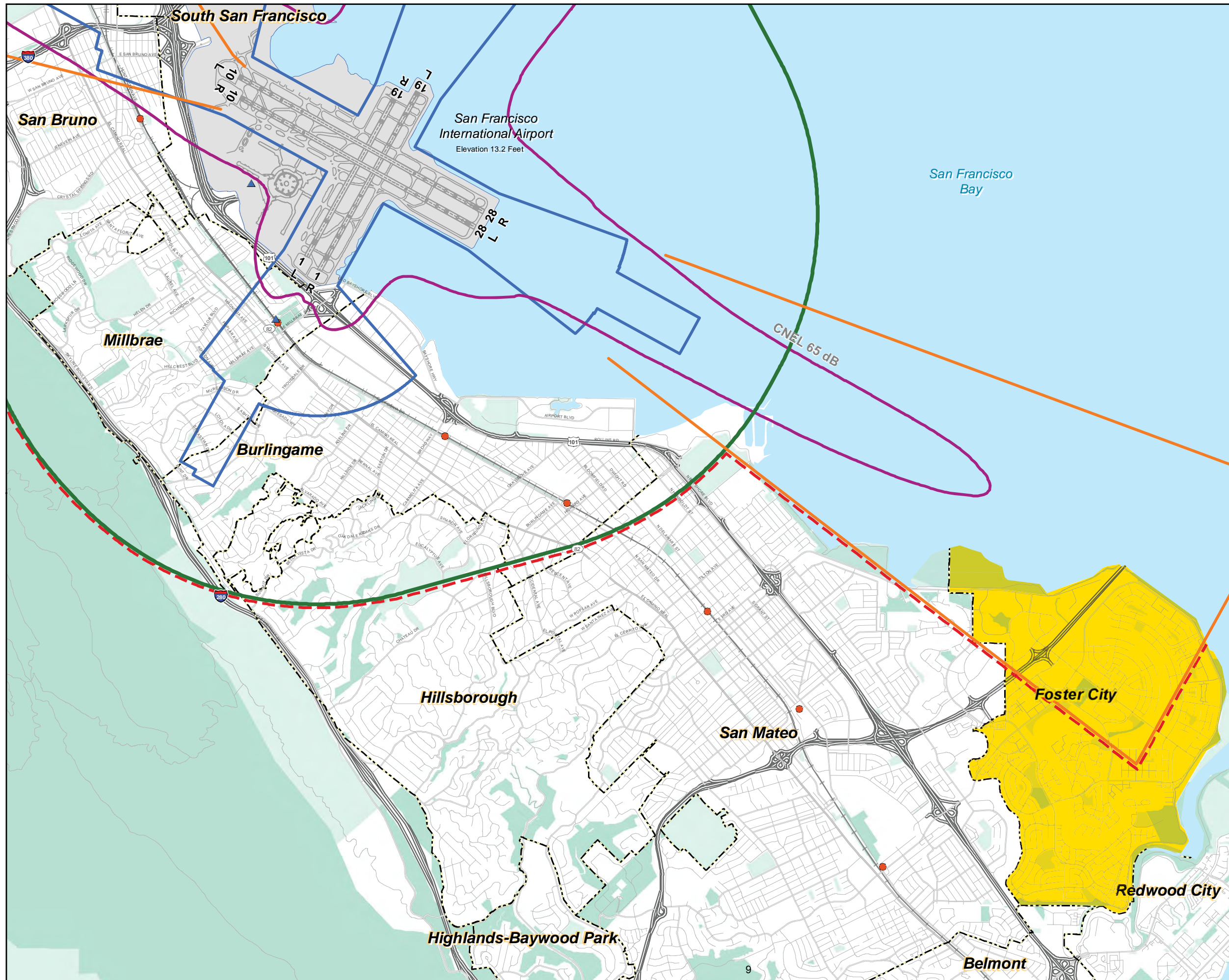
California Government Code Section 65302.3 states that a local agency general plan and/or any affected specific plan must be consistent with the applicable airport/land use compatibility criteria in the relevant adopted ALUCP. The City of Foster City Housing Element 2015-2023 (Draft September 15, 2014) should include appropriate text that indicates the goals, objectives, policies, and programs contained in the Housing Element document that are consistent with the relevant airport/land use compatibility criteria contained in the SFO ALUCP and SQL CLUP.

### **ATTACHMENTS**

- Attachment 1 - Map of Foster City Housing Opportunity Sites from Housing Element 2015-2023 (Draft September 15, 2014)
- Attachment 2 - San Francisco International Airport Land Use Compatibility Plan Influence Area- B, southeast side.
- Attachment 3 - San Carlos Airport Noise, Safety, and Airspace Protection Zones.
- Attachment 4 - Revised Airport Influence Area for San Carlos Airport.

# Housing Opportunity Sites Map





- 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
  - Foster City

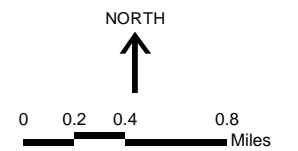
Sources:

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

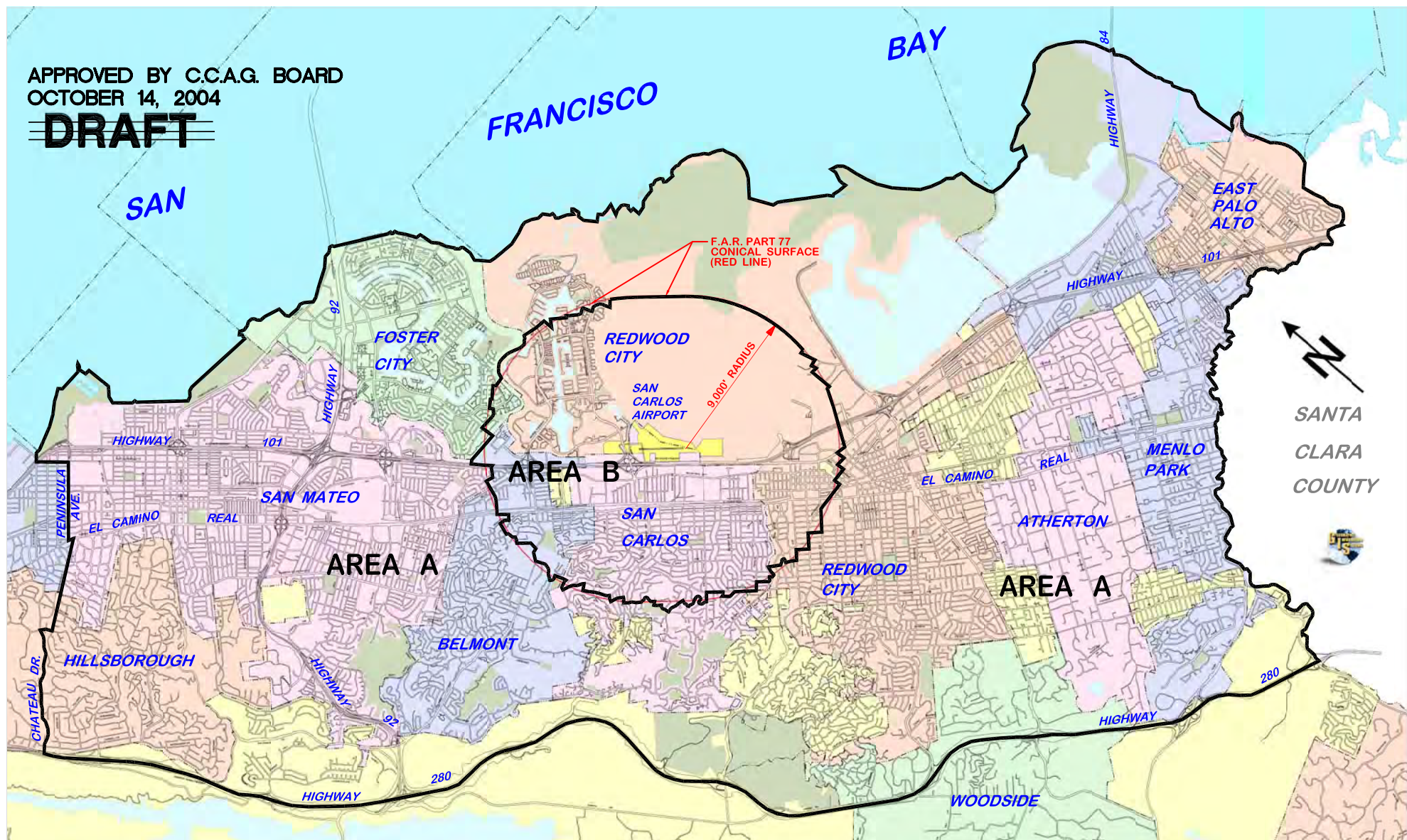
Noise Contour: URS Corporation and BridgeNet International. Draft Environmental Assessment, San Francisco International Airport Proposed Runway Safety Area Program, June 2011





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:** November 20, 2014

**TO:** Airport Land Use Committee

**FROM:** Tom Madalena

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

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### RECOMMENDATION

That the City/County Association of Governments (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 proposed general plan amendment, Housing Element 2015-2023 (Draft October 24, 2014) is consistent with the applicable airport/land use policies and criteria contained in the adopted 2012 Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP).

### 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 South San Francisco has referred its Housing Element 2015-2023 (Draft October 24, 2014) to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the SFO ALUCP. The Housing Element is subject to ALUC/C/CAG review, pursuant to PUC Section 21676 (b).

The Housing Element 2015-2023 (Draft October 24, 2014) 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) allocated housing unit production needs for each county within the Bay Area and, with the exception of San Mateo County, also allocated housing unit production need to the city level. In the case of San Mateo County, the county formed a subregion in partnership with all twenty cities in its jurisdiction for the purposes of conducting the Regional Housing Needs Allocation (RHNA), as allowed by State law. The San

Mateo subregion designated the C/CAG as the entity responsible for coordinating and implementing the subregional RHNA process. The countywide RHNA process determined a need for 1,864 housing units in South San Francisco between January 1, 2014 and October 31, 2022 (page 35). According to the Housing Element, the City of South San Francisco's analysis of housing opportunity sites indicates the potential to develop 2,083 units of new housing during the current planning period, and up to 2,163 units of new housing with the adoption of the proposed Downtown Plan. **Attachment 1** depicts the housing opportunity sites. Nearly all opportunity sites would support housing densities of 30 units per acre or greater, providing favorable prospects for affordable units. Compared against the RHNA, the City's housing opportunity sites offer a development capacity that exceeds the needs determination by more than 200 units. With the adoption of the proposed Downtown Plan, which includes higher densities on sites in the downtown, the development capacity exceeds the needs determination by nearly 300 units.

## **DISCUSSION**

### **I. ALUCP Consistency Evaluation**

There are three airport/land use compatibility issues addressed in SFO ALUCP that relate to the proposed general plan housing element 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 65 dB CNEL (Community Noise Equivalent Level) aircraft noise contour defines the state and federal threshold for aircraft noise-sensitive land use impacts. This is the threshold used by the SFO ALUCP. Portions of City of South San Francisco are located inside of the 65 dB CNEL aircraft noise exposure contour for San Francisco International Airport as shown in the SFO ALUCP depicted on **Attachment 1**. However, the City of South San Francisco housing opportunity sites are all located in the northern portion of the City and outside the 65 dB CNEL noise exposure contour as depicted on **Attachment 1**.

In addition, the City of South San Francisco has adopted policies to prohibit residential development in areas with major environmental hazards, to abate existing hazards, and to mitigate airport noise for residents. These policies are implemented through the CEQA process, as well as the City-Sponsored Housing Rehabilitation Program, minor home repair program, and airport noise insulation program. The City's General Plan has also been updated to be consistent with the SFO ALUCP and its aircraft noise contours. In accordance with state law, disclosures are provided to potential buyers of homes that are located in the 65 to 69 dB CNEL aircraft noise contour areas, and there are added restrictions placed on new homes within the 65 to 69 dB CNEL aircraft noise contour.

Based upon this analysis, the City of South San Francisco housing opportunity sites are all located outside the noise exposure contour boundaries established in the SFO ALUCP. Therefore, the City of South San Francisco Housing Element 2015-2023 (Draft October 24, 2014) is consistent with the SFO ALUCP.

**(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 City of South San Francisco housing opportunity sites are all located outside the safety zone configurations established for the SFO ALCUP (See **Attachment 1**). Therefore, the City of South San Francisco Housing Element 2015-2023 (Draft October 24, 2014) 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 the proposed construction or alterations of structures on the subject airspace.

As shown on **Attachment 1**, housing opportunity Sites 1-5 are located in the SFO TERPS approach/One Engine Inoperative (OEI) departure surface boundary. The remaining 12 sites are all located within the 14 CFR Part 77 Conical surface. **Table 1** illustrates the housing sites within the Terminal Instrument Procedures (TERPS) approach/OEI departure surface and 14 CFR Part 77 conical surface boundaries.

The SFO Planning Staff, using SFO’s iALP Airspace Tool, provided an analysis of the obstruction height for the centroid of each housing opportunity site. This analysis determined that all 17 housing opportunity sites would not obstruct the TERPS approach/OEI departure surface and 14 CFR Part 77 conical surface based upon the identified zoning and allowable maximum heights of structures for each parcel (See **Table 1**). Therefore, based upon analysis of airspace and zoning height limits, all of the proposed housing opportunity sites are consistent with the SFO ALUCP airspace.



**TABLE 1**  
**Housing Opportunity Sites**  
**City of South San Francisco**

Site	APN #s	Latitude <sup>1</sup>	Longitude <sup>1</sup>	Located within the SFO 14 CFR Part 77 or TERPS/OEI Surfaces	Zoning and Maximum Allowable Height(ft) <sup>2</sup>	Obstruction Clearance (ft) <sup>3</sup>
1	011-171-500	37° 39' 49.2280"	122° 26' 27.9660"	Yes	TV-RM- (35')	+215.45
	011-171-330					
2	010-292-130	37° 39' 39.6930"	122° 26' 28.1100"	Yes	ECR/C-MXH (120')	+215.12
	010-292-280					
	010-292-270					
3	039-312-060	37° 39' 29.5240"	122° 26' 10.4620"	Yes	ECR/C-RH & ECR/C-MXH (120')	+203.00
	093-312-050					
4	011-327-050	37° 39' 29.2430"	122° 25' 59.5070"	Yes	RH-30 (50')	+200.84
5	011-326-030	37° 39' 21.5630"	122° 26' 6.4940"	Yes	ECR/C-MXH (120')	+182.53
6	012-145-370	37° 39' 33.1550"	122° 24' 30.3080"	Yes	DMX (50')	+198.78
7	012-174-300	37° 39' 31.2470"	122° 24' 30.9770"	Yes	DMX (50')	+194.53
8	012-314-010	37° 39' 24.4080"	122° 24' 33.3660"	Yes	DC (60')	+179.44
9	012-311-330	37° 39' 24.7590"	122° 24' 42.4050"	Yes	DC (60')	+166.06
10	012-311-260	37° 39' 23.7310"	122° 24' 37.7590"	Yes	DC (60')	+173.88
	012-311-250					
	012-311-240					
	012-311-230					
11	012-334-130	37° 39' 15.6640"	122° 24' 35.5960"	Yes	DC (60')	+154.57
	012-334-160					
	012-334-030					
	012-334-040					
12	012-316-100	37° 39' 16.7910"	122° 24' 33.2240"	Yes	DC (60')	+155.09
	012-316-110					
	012-316-090					
	012-316-080					
	012-316-060					
	012-316-040					
13	012-335-100	37° 39' 13.0670"	122° 24' 33.0600"	Yes	DC (60')	+141.8
	012-335-110					
14	012-318-080	37° 39' 19.5680"	122° 24' 28.4140"	Yes	DC (60')	+162.48
	012-314-220					
15	012-314-220	37° 39' 22.5100"	122° 24' 32.2340"	Yes	DC (60')	+174.27
16	012-317-110	37° 39' 22.1860"	122° 24' 27.0500"	Yes	DC (60')	+170.11
	012-317-100					
	012-317-090					
17	012-314-100	37° 39' 21.8990"	122° 24' 29.3020"	Yes	DC (60')	+173.00

<sup>1</sup> Latitude and Longitude of parcel centroid.

<sup>2</sup> Maximum allowable height based upon zoning descriptions in the City of South San Francisco Housing Element, Tables 4.1-3 and 5.1-3. City of South San Francisco zoning ordinance.

<sup>3</sup> San Francisco International Airport Planning Staff

## 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 South San Francisco'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.”

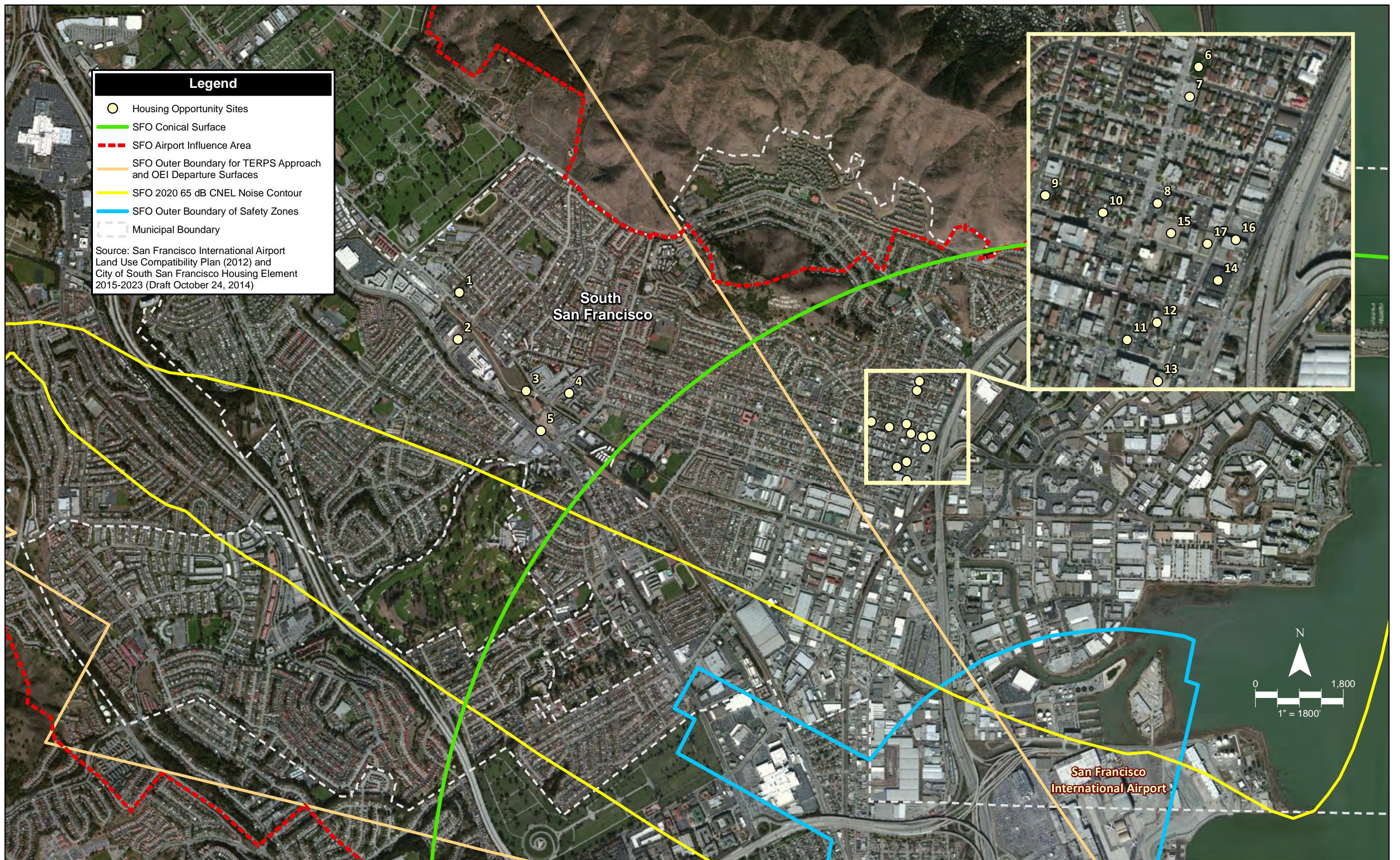
Chapter 496, Statutes of 2002 (formerly AB 2776 [Simitian]) affects all sales of real property that may occur within an airport influence area (AIA) boundary. It requires a statement (notice) to be included in the property transfer documents that (1) indicates the subject property is located within an 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. While the South San Francisco Housing Element 2015-2023 (Draft October 24, 2014) does reference the SFO ALUCP noise section, it should also include appropriate text that indicates the goals, objectives, policies, and programs contained in the Housing Element document that are consistent with the relevant airport/land use compatibility criteria contained in the SFO ALUCP.

### **ATTACHMENTS**

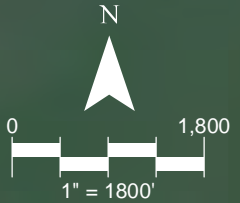
- Attachment 1 - San Francisco International Airport Compatibility Zones and South San Francisco Housing Element 2015-2023 (Draft October 24, 2014) housing opportunity sites



**Legend**

- Housing Opportunity Sites
- SFO Conical Surface
- - - SFO Airport Influence Area
- SFO Outer Boundary for TERPS Approach and OEI Departure Surfaces
- SFO 2020 65 dB CNEL Noise Contour
- SFO Outer Boundary of Safety Zones
- - - Municipal Boundary

Source: San Francisco International Airport Land Use Compatibility Plan (2012) and City of South San Francisco Housing Element 2015-2023 (Draft October 24, 2014)



## C/CAG AGENDA REPORT

**DATE:** November 20, 2014  
**TO:** C/CAG Airport Land Use Committee (ALUC)  
**FROM:** Tom Madalena  
**SUBJECT:** SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Review – City of San Bruno Draft Housing Element 2014-2022

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### 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 Bruno proposed general plan amendment, Draft Housing Element 2014-2022 (the Draft Plan) is conditionally consistent with the *2012 Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP)*. The Draft Plan would become fully consistent with the SFO ALUCP if the following conditions are met:

#### A) Noise Compatibility

The Draft Plan is conditionally consistent with noise compatibility policies of the SFO ALUCP provided the following conditions are adhered to in implementation of the 2014-2022 Housing Element:

- (1) For new residential development exposed to noise above CNEL 65 dB, sound insulation will be provided to reduce interior noise levels from exterior sources to CNEL 45 dB or lower.
- (2) For the development or construction of a land use considered to be conditionally compatible with aircraft noise of CNEL 65 dB or greater, the granting of an aviation easement to the City and County of San Francisco as operator of SFO shall be required. The aviation easement to be used in fulfilling this condition is presented in Appendix G of the SFO ALUCP.

*Reference: 2012 SFO ALUCP, Section 4.3.*

#### B) Airspace Protection

The Draft Plan is conditionally consistent with the airspace protection policies of the ALUCP, provided the following policies (summarized from the SFO ALUCP Section 4.5.4) are adhered to in implementation of the 2014-2022 Housing Element:

- (1) COMPLIANCE WITH 14 CFR PART 77, SUBPART B, NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION
  - A) LOCAL GOVERNMENT RESPONSIBILITY TO NOTIFY PROJECT SPONSORS  
Local governments have the responsibility to notify sponsors of proposed projects at the earliest opportunity to file Form 7460-1, *Notice of Proposed Construction or Alteration*, with the FAA for any proposed project that would exceed the FAA notification heights, as shown approximately on Exhibit IV-10. 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.

**B) FAA AERONAUTICAL STUDY FINDINGS REQUIRED PRIOR TO PROCESSING DEVELOPMENT APPLICATION**

The sponsor of a proposed project that would exceed the FAA notification heights, as shown approximately on Exhibit IV-10, shall present to the local government permitting agency with his or her application [*sic*] for a development permit, a copy of the findings of the FAA's aeronautical study, or evidence demonstrating that he or she is exempt from having to file an FAA Form 7460-1. It is the responsibility of the local agency to consider the FAA determination study findings as part of its review and decision on the proposed project.

**(2) COMPLIANCE WITH FINDINGS OF FAA AERONAUTICAL STUDIES**

Project sponsors shall be required to comply with the findings of FAA aeronautical studies with respect to any recommended alterations in the building design and height and any recommended marking and lighting of their structures for their proposed projects to be deemed consistent with the SFO ALUCP.

**(3) MAXIMUM COMPATIBLE BUILDING HEIGHT**

The maximum height of a new building must be the lower of (1) the height shown on the SFO critical aeronautical surfaces map (SFO ALUCP Exhibits IV-17 and IV-18), or (2) the maximum height determined not to be a "hazard to air navigation" by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

Compliance with the zoning district height and the SFO critical aeronautical surfaces map does not relieve the construction sponsor of the obligation to file an FAA Form 7460-1 *Notice of Proposed Construction or Alteration*, if required, and to comply with the determinations resulting from the FAA's aeronautical study.

No local agency development permits shall be issued for any proposed structure that would penetrate the aeronautical surfaces shown on Exhibits IV-17 and IV-18 or the construction of which has not received a favorable determination from the FAA, or which would cause the FAA to increase the minimum visibility requirements for any instrument approach or departure procedure at the Airport.

**(4) OTHER FLIGHT HAZARDS SHALL BE PROHIBITED**

Proposed land use actions that include land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft taking off or landing at the Airport or in flight shall be prohibited in Area B. They may be permitted only if the uses are consistent with FAA rules and regulations. Proof of consistency with FAA rules and regulations must be provided to the Airport Land Use Commission (C/CAG Board of Directors) by the sponsor of the proposed land use action.

Specific characteristics that may create hazards to aircraft in flight and which shall be prohibited include:

- (a) Sources of glare, such as highly reflective buildings or building features, or bright lights, including search lights or laser displays, which would interfere with the vision of pilots making approaches to the Airport;
- (b) Distracting lights that that could be mistaken by pilots on approach to the Airport for airport identification lighting, runway edge lighting, runway end identification lighting, or runway approach lighting;
- (c) Sources of dust, smoke, or water vapor that may impair the vision of pilots making approaches to the Airport;
- (d) Sources of electrical interference with aircraft or air traffic control communications or navigation equipment, including radar;
- (e) Sources of thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in flight;
- (f) Any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including, but not limited to, FAA Order 5200.5A, Waste Disposal Sites On or Near Airports, FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports, and any successor or replacement orders or advisory circulars.

#### **(5) PROJECTS WITHIN THE TRANSIT CORRIDORS PLANNING AREA**

Future site-specific development proposals within the Transit Corridors Area shall be referred to the Airport Land Use Commission C/CAG for SFO ALUCP Consistency Determination. If FAA review is required for a project, C/CAG will not proceed with the ALUCP Consistency Determination until the FAA Determination has been finalized.

#### **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 Bruno has referred its Draft 2014-2022 Housing Element to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the SFO ALUCP. The Housing Element is subject to ALUC/C/CAG review, pursuant to PUC Section 21676 (b).

#### **DISCUSSION**

Detail discussion is included in the memorandum from Mark Johnson, AICP and Laura Brunn, PMP, of Ricondo & Associates to Sandy Wong, C/CAG Executive Director, dated November 12, 2014.

#### **ATTACHMENT**

- November 12, 2014 memorandum from Ricondo & Associates to Sandy Wong



## MEMORANDUM

VIA EMAIL

Date: November 12, 2014

To: Sandy Wong  
Executive Director, C/CAG

From: Mark R. Johnson, AICP and Laura L. Brunn, PMP

Subject: AIRPORT LAND USE COMPATIBILITY PLAN CONSISTENCY REVIEW OF DRAFT CITY OF SAN BRUNO 2014-2022 HOUSING ELEMENT

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## FINDINGS

Review of the City of San Bruno's Draft 2014-2022 Housing Element finds that it is conditionally consistent with the policies of the *2012 Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP). The Plan would become fully consistent with the ALUCP if the following conditions are met:

### Noise Compatibility

The Final 2014-2022 Housing Element should include directly, or by reference to SFO ALUCP Section 4.3, the following conditions:

1. For new residential development exposed to noise above CNEL 65 dB, sound insulation will be required to reduce interior noise levels from exterior sources to CNEL 45 dB or lower.
2. For the development or construction of a land use considered to be conditionally compatible with aircraft noise of CNEL 65 dB or greater, the granting of an aviation easement to the City and County of San Francisco as operator of SFO shall be required.

### Airspace Protection

1. The Final 2014-2022 Housing Element shall include direct reference to the ALUCP's Airspace Protection Policies (ALUCP Section 4.5.4), which state the City's and project sponsor's obligations that are required for ALUCP consistency.
2. Future site-specific development proposals within the Transit Corridors Area shall be referred to the Airport Land Use Commission (C/CAG) for a determination of consistency with the SFO ALUCP. If FAA review is required for a project, C/CAG will not proceed with the ALUCP Consistency Determination until the FAA Determination has been finalized.





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## SUMMARY OF PROPOSED ACTION

The City of San Bruno has referred its Administrative Draft 2014-2022 Housing Element (Plan) to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the SFO ALUCP. The Project is subject to Airport Land Use Commission (C/CAG) review, pursuant to California Public Utilities Code (PUC) Section 21676 (b), which states that a local agency General Plan and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted ALUCP.

As part of the General Plan process, each city and county in California is required to develop a plan for its housing needs through the preparation and implementation of a Housing Element, which is one of the seven mandatory elements of a local General Plan (other elements include land use, circulation, conservation, open space, noise, and safety). San Bruno's future housing needs for the 2014-2022 planning period are projected at 1,155 new units. This forecasted need was developed in partnership with San Mateo County's twenty-one cities, the County itself, as well as the Association of Bay Area Governments (ABAG) through the Regional Housing Needs Allocation (RHNA) planning process.

The Draft Housing Element (Plan) is a policy document that identifies goals, policies, and programs through:

1. An analysis of the City's demographic, household and housing characteristics and related housing needs.
2. A review of potential market, governmental, and infrastructure constraints to meeting San Bruno's identified housing needs.
3. An evaluation of residential sites and financial and administrative resources available to address the City's housing goals.
4. The Housing Element Work Program for addressing San Bruno's housing needs, including housing goals, policies, and programs.

Of these components, this Consistency Evaluation focuses on the locations of future residential sites and the consistency of the Plan's goals and policies with the SFO ALUCP (components 3-4, listed above).

## CONSISTENCY EVALUATION

The evaluation of San Bruno's Housing Element and its consistency with the SFO ALUCP is organized into three sections: (1) consistency with noise compatibility policies; (2) consistency with safety compatibility policies; and (3) consistency with height restriction/airspace protection policies.



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 C/CAG  
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A proposed local agency land use policy or development action must be compatible with each of these elements for the Airport Land Use Commission (the C/CAG Board) to determine that the proposed action is consistent with the ALUCP. If a proposed action is incompatible with any of these criteria, the Airport Land Use Commission (the C/CAG Board) shall determine that the proposed action is inconsistent with the ALUCP.

Noise Compatibility Policies

*Applicable Background:*

In the SFO ALUCP, The airport noise/land use compatibility standards relevant to the Plan are provided in Table 1.

**Table 1**  
**Aircraft Noise/Land Use Compatibility Standards for San Francisco International Airport Plan Area**  
*Excerpted from SFO ALUCP Table IV-1*

LAND USE	COMMUNITY NOISE EQUIVALENT LEVEL (CNEL)			
	BELOW 65 dB	65-70 dB	70-75 dB	75 dB AND OVER
<b>Residential</b>				
Residential, single family detached	Y	C	N (a)	N
Residential, multi-family and single family attached	Y	C	N (a)	N
Transient lodgings	Y	C	C	N

Notes:

CNEL = Community Noise Equivalent Level, in A-weighted decibels.

Y (Yes) = Land use and related structures compatible without restrictions.

C (conditionally compatible) = Land use and related structures are permitted, provided that sound insulation is provided to reduce interior noise levels from exterior sources to CNEL 45 dB or lower and that an avigation easement is granted to the City and County of San Francisco as operator of SFO. See Policy NP-3.

N (No) = Land use and related structures are not compatible..

(a) Use is conditionally compatible only on an existing lot of record zoned only for residential use as of the effective date of the ALUCP. Use must be sound-insulated to achieve an indoor noise level of CNEL 45 dB or less from exterior sources. The property owners shall grant an avigation easement to the City and County of San Francisco prior to issuance of a building permit for the proposed building or structure. If the proposed development is not built, then, upon notice by the local permitting authority, SFO shall record a notice of termination of the avigation easement.

Source: *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport*, November 2012, p. IV-18

Prepared by: Ricondo & Associates, Inc. November 2014

The compatibility criteria indicate whether a proposed land use is "compatible," "conditionally compatible," or "not compatible" within each zone, designated by the identified CNEL ranges.



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- "Compatible" shall mean that the proposed land use is compatible with the CNEL level indicated in the table and shall be permitted without any special requirements related to the attenuation of aircraft noise.
- "Conditionally compatible" shall mean that the proposed land use is compatible, subject to the conditions indicated in Table IV-1, and that it shall be permitted if the required conditions are met.
- "Not compatible" shall mean that the proposed land use is incompatible with aircraft noise at the indicated CNEL level and shall not be permitted.

*Discussion:*

As shown in Table 1, the Community Noise Equivalent Level (CNEL) 65 dB aircraft noise contour defines the SFO ALUCP's threshold for residential aircraft noise compatibility. The majority of San Bruno is exposed to noise below the CNEL 65 dB level for SFO with the exception of 570 acres (approximate) along the city's northeast boundary (SFO ALUCP Exhibit IV-9). None of the proposed "Housing Opportunity Sites" (Sites) are located in a noise contour area greater than CNEL 70 dB, although several are within the CNEL 65-70 dB noise contour range.

The sites that are located within the CNEL 65-70 dB exposure range, are part of the San Bruno Avenue: Mixed Use/TOD Corridor (Transit Corridors Specific Plan (TCP), approved in February 2013). As required for SFO ALUCP consistency and also as discussed within Chapter 3, Page 3-28 of the Plan, new residential development within the CNEL 65 dB contour, regardless of zoning status, will require sound attenuation measures in compliance with SFO ALUCP Policy NP-2.

*Findings:*

The Draft Plan is conditionally consistent with noise compatibility policies of the ALUCP provided the following conditions are adhered to in implementation of the 2014-2022 Housing Element:

- (1) For new residential development exposed to noise above CNEL 65 dB, sound insulation will be provided to reduce interior noise levels from exterior sources to CNEL 45 dB or lower.
- (2) For the development or construction of a land use considered to be conditionally compatible with aircraft noise of CNEL 65 dB or greater, the granting of an avigation easement to the City and County of San Francisco as operator of SFO shall be required. The avigation easement to be used in fulfilling this condition is presented in Appendix G of the SFO ALUCP.

Refer to SFO ALUCP, Section 4.3 for detailed discussion of the preceding conditions.



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## Safety Compatibility Policies

### *Applicable Background:*

The 2012 SFO ALUCP established four safety zones, as follows:

Runway Protection Zone (RPZ, **Zone 1**) - The RPZ is an area of relatively high accident risk that FAA encourages airport proprietors to own and keep free of objects, structures, and incompatible uses, including places of assembly (housing, churches, schools, shopping centers, hospitals, and the like), fuel storage, and wildlife attractants.

Inner Approach/Departure Zone (IADZ, **Zone 2**) - The IADZ is an area of secondary accident risk that tends to be overflowed by most aircraft arrivals and departures off that runway end.

Inner Turning Zone (ITZ, **Zone 3**) - The ITZ is an area overflowed by aircraft making turns at low altitude immediately after takeoff. It tends to be subject to lower accident risk than the IADZ.

Outer Approach/Departure Zone (OADZ, **Zone 4**) - The OADZ extends along the extended runway centerline immediately beyond the IADZ. It is subject to overflights of aircraft on approach and straight-out departures.

### *Discussion:*

A portion of the northeastern region of the City of San Bruno is located within the SFO ALUCP's safety compatibility zones (SFO ALUCP Exhibit IV-8). Several of the Plan's "Opportunity Sites" are located within the boundaries of SFO's Inner Turning Zone, Safety Zone 3, and are therefore subject to review for consistency with the SFO ALUCP's Safety Compatibility Policies.

### *Consistency Findings:*

Land use/safety criteria are defined in Section 4.3, Table IV-2 of the SFO ALUCP. The criteria include two categories – uses that are prohibited and uses that are to be avoided in the respective zones. Residential land uses are not among the uses to be prohibited or avoided in Safety Zone 3, and, consequently, are considered compatible land uses. Additionally, the SFO ALUCP's Safety Compatibility policies do not condition or restrict densities of residential land uses. Therefore, the Plan is consistent with the SFO ALUCP's safety compatibility policies.

## Airspace Protection Policies

### *Applicable Background:*

In the SFO ALUCP, the Airport Land Use Commission (C/CAG Board) has adopted a two-part standard for establishing maximum allowable structure heights in Airport Influence Area B.



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1. First, any structures that would penetrate the airspace surfaces depicted on the "Critical Aeronautical Surfaces Map" (Exhibits IV-17 and IV-18 in the ALUCP) would be considered incompatible with the SFO ALUCP.
2. Second, any structure determined by the FAA to be a hazard to air navigation, even if it would not penetrate a "critical aeronautical surface" as depicted in Exhibits IV-17 and IV-18, would be considered incompatible with the SFO ALUCP, unless a permit for the structure is issued by the Caltrans Division of Aeronautics.

**Title 14 Code of Federal Regulations (CFR) Part 77** - Part 77 contains three key elements related to airspace protection: (1) requirements for project sponsors to provide notice to the FAA of certain proposed construction or alteration of structures that may affect the navigable airspace (Subpart B); (2) standards for determining obstructions in the navigable airspace and designation of imaginary surfaces for airspace protection (Subpart C); 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 (Subpart D).

Part 77, Subpart B, Section 77.9 requires any person proposing to build a new structure or alter an existing structure with a height that would exceed the elevations described in that section, to prepare an FAA Form 7460-1, Notice of Proposed Construction or Alteration, and submit the notice to the FAA. The FAA then reviews the proposed project in accordance with the procedures described in Part 77, Subpart D. The Part 77 regulations apply to buildings and other structures or portions of structures, such as mechanical equipment, flag poles, and other projections that may exceed the aforementioned elevations. SFO ALUCP Exhibit IV-11 depicts the approximate elevations at which the Part 77 notification requirements would be triggered for projects within the City of San Bruno. This exhibit is provided for informational purposes only, and official determinations of the areas and elevations within which the federal notification requirements apply are subject to the authority of the FAA. SFO ALUCP Appendix F describes the FAA airspace review process and the extent of FAA authority related to airspace protection.

Part 77, Subpart C, establishes obstruction standards for the airspace around airports including approach zones, conical zones, transitional zones, and horizontal zones known as "imaginary surfaces." (Exhibit IV-15, SFO ALUCP). The FAA considers any objects penetrating these surfaces as obstructions to air navigation. Obstructions may occur without compromising safe air navigation, but they must be marked, lighted, and noted on aeronautical publications to ensure that pilots can see and avoid them.

**Critical Aeronautical Surfaces** - As defined within the SFO ALUCP, critical aeronautical surfaces include those established in accordance with FAA Order 8260.3B, U.S. Standard for Terminal Instrument Procedures (TERPS), and a surface representing the airspace required for One-Engine Inoperative (OEI) departures from Runway 28L. Exhibit IV-17 depicts the lowest elevations from the combination of the OEI



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procedure surface and all TERPS surfaces. These surfaces indicate the maximum feasible height at which structures can be considered compatible with Airport operations.

In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (1) the height shown on the SFO critical aeronautical surfaces map, or (2) the maximum height determined not to be a "hazard to air navigation" by the FAA in an aeronautical study.

In consultation with C/CAG, SFO developed the iALP Airspace Tool to evaluate the relationship of proposed buildings with the Airport's critical airspace surfaces. The iALP Airspace Tool is designed to assist planners, developers, and other interested persons with the implementation of the airspace protection policies of the SFO ALUCP. The tool helps users determine the maximum allowable building height at a given site and/or whether a building penetrates a critical airspace surface. A detailed description of the iALP Airspace Tool is presented in the SFO ALUCP Appendix J. Use of this tool does not relieve a project sponsor of the duty to comply with all federal regulations, including the obligation to file Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA.

*Discussion:*

All new development projects and land use policy actions, regardless of location within the City of San Bruno, are subject to the ALUCP's Airspace Protection Policies.

To meet San Bruno's future housing needs, the City has identified lands (Opportunity Sites) in the Administrative Draft Housing Element that are available to be developed or redeveloped. Although specific parcels are identified, site-specific information (e.g., building locations, heights of proposed structures, or requirements that sites be rezoned) is not clearly defined within the Draft Housing Element. The absence of these details is typical of a broad planning-level document such as a General Plan element.

As the City moves forward in implementing the Plan through development and/or redevelopment of the Opportunity Sites, the City has the responsibility to ensure compliance with the ALUCP's airspace protection policies, as described below in the Consistency Findings. If the specific land development project requires a land use policy action (Rezone or General Plan Amendment), the project must be referred to C/CAG, as defined within the SFO ALUCP Section 3.2, General Policy 8.1.

*Specific Discussion for the Transit Corridors Planning Area*

The Airport Land Use Commission (C/CAG) has reviewed the City's Economic Enhancement Initiative (Measure N), approved by voters on November 4, 2014, which will increase the allowable zoned heights for buildings within the San Bruno Transit Corridors Planning area (TCP). These heights were



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contemplated within the TCP's Specific Plan<sup>1</sup> and reviewed by the Airport Land Use Commission (C/CAG) in June 2012<sup>2</sup>. In 2012, the Airport Land Use Commission (C/CAG) determined that the maximum building heights of 90 feet above ground level around the Caltrain Station Area may create a hazard to airspace through the penetration of the critical airspace surfaces by four to five feet. Chapter 5, Maximum Height Regulations, of the Final TCP discusses the site-specific Airport Land Use Commission (C/CAG) consistency review requirements for all future development proposals. As stated within the TCP, Page 91:

*"At a height of 90 feet, future development within the Station Area could potentially encroach upon certain of the critical aeronautical surfaces that protect airspace required for the various departure procedures from Runways 28... Future site-specific development proposals within the Station Area, as well as other portions of the Transit Corridors Area, would be referred to the San Mateo County C/CAG Airport Land Use Committee (ALUC) for a determination of consistency with the ALUCP. Depending on site-specific ground elevations and critical aeronautical surfaces, the ALUC determinations may result in maximum allowed building heights on any given site slightly lower than the maximum allowed by the Transit Corridors Plan."*<sup>3</sup>

*Consistency Findings:*

The Draft Plan is conditionally consistent with the airspace protection policies of the ALUCP, provided the following policies (summarized from the SFO ALUCP Section 4.5.4) are adhered to in implementation of the 2014-2022 Housing Element:

**(1) COMPLIANCE WITH 14 CFR PART 77, SUBPART B, NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION**

**A) LOCAL GOVERNMENT RESPONSIBILITY TO NOTIFY PROJECT SPONSORS**

Local governments have the responsibility to notify sponsors of proposed projects at the earliest opportunity to file Form 7460-1, *Notice of Proposed Construction or Alteration*, with the FAA for any proposed project that would exceed the FAA notification heights, as shown approximately on Exhibit IV-10. 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.

**B) FAA AERONAUTICAL STUDY FINDINGS REQUIRED PRIOR TO PROCESSING DEVELOPMENT APPLICATION**

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<sup>1</sup> San Bruno Transit Corridor Plan was approved by the City of San Bruno in February 2013.

<sup>2</sup> The Airport Land Use Plan in effect at the time of review was the 1996 Comprehensive Land Use Plan (CLUP) for San Mateo County. During this period of evaluation, a comprehensive update to the CLUP for SFO, now referred as the Airport Land Use Compatibility Plan (ALUCP), was under final review for approval. Consequently, the draft ALUCP, adopted July 2012, was also considered by the Airport Land Use Commission (C/CAG) in review of the TCP.

<sup>3</sup> The TCP stipulation requiring Airport Land Use Commission (C/CAG) for project-specific review is carried through within the *Consistency Findings*, Condition **(5)**.



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The sponsor of a proposed project that would exceed the FAA notification heights, as shown approximately on Exhibit IV-10, shall present to the local government permitting agency with his or her application *[sic]* for a development permit, a copy of the findings of the FAA's aeronautical study, or evidence demonstrating that he or she is exempt from having to file an FAA Form 7460-1. It is the responsibility of the local agency to consider the FAA determination study findings as part of its review and decision on the proposed project.

## **(2) COMPLIANCE WITH FINDINGS OF FAA AERONAUTICAL STUDIES**

Project sponsors shall be required to comply with the findings of FAA aeronautical studies with respect to any recommended alterations in the building design and height and any recommended marking and lighting of their structures for their proposed projects to be deemed consistent with the SFO ALUCP.

## **(3) MAXIMUM COMPATIBLE BUILDING HEIGHT**

The maximum height of a new building must be the lower of (1) the height shown on the SFO critical aeronautical surfaces map (SFO ALUCP Exhibits IV-17 and IV-18), or (2) the maximum height determined not to be a "hazard to air navigation" by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

Compliance with the zoning district height and the SFO critical aeronautical surfaces map does not relieve the construction sponsor of the obligation to file an FAA Form 7460-1 *Notice of Proposed Construction or Alteration*, if required, and to comply with the determinations resulting from the FAA's aeronautical study.

No local agency development permits shall be issued for any proposed structure that would penetrate the aeronautical surfaces shown on Exhibits IV-17 and IV-18 or the construction of which has not received a favorable determination from the FAA, or which would cause the FAA to increase the minimum visibility requirements for any instrument approach or departure procedure at the Airport.

## **(4) OTHER FLIGHT HAZARDS SHALL BE PROHIBITED**

Proposed land use actions that include land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft taking off or landing at the Airport or in flight shall be prohibited in Area B. They may be permitted only if the uses are consistent with FAA rules and regulations. Proof of consistency with FAA rules and regulations must be provided to the Airport Land Use Commission (C/CAG Board of Directors) by the sponsor of the proposed land use action.





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Specific characteristics that may create hazards to aircraft in flight and which shall be prohibited include:

- (a) Sources of glare, such as highly reflective buildings or building features, or bright lights, including search lights or laser displays, which would interfere with the vision of pilots making approaches to the Airport;
- (b) Distracting lights that that could be mistaken by pilots on approach to the Airport for airport identification lighting, runway edge lighting, runway end identification lighting, or runway approach lighting;
- (c) Sources of dust, smoke, or water vapor that may impair the vision of pilots making approaches to the Airport;
- (d) Sources of electrical interference with aircraft or air traffic control communications or navigation equipment, including radar;
- (e) Sources of thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in flight;
- (f) Any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including, but not limited to, FAA Order 5200.5A, Waste Disposal Sites On or Near Airports, FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports, and any successor or replacement orders or advisory circulars.

#### **(5) PROJECTS WITHIN THE TRANSIT CORRIDORS PLANNING AREA**

Future site-specific development proposals within the Transit Corridors Area shall be referred to the Airport Land Use Commission C/CAG for SFO ALUCP Consistency Determination. If FAA review is required for a project, C/CAG will not proceed with the ALUCP Consistency Determination until the FAA Determination has been finalized.

#### Policy Review

The ALUC has reviewed the Draft Plan's implementing policies and finds that the Plan does not contain policies or language that are inconsistent with the policies of the SFO ALUCP.

## C/CAG AGENDA REPORT

**DATE:** November 20, 2014

**TO:** Airport Land Use Committee

**FROM:** Tom Madalena

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

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### 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 the City of Burlingame’s Draft 2015-2023 Housing Element is conditionally consistent with the policies of the *2012 Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP). The Plan would become fully consistent with the ALUCP if the following condition is met:

- The Final 2015-2023 Housing Element should include direct reference to the ALUCP’s Airspace Protection Policies (ALUCP Section 4.5.4), which state the City’s and project sponsor’s obligations that are required for ALUCP consistency.

### 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 Burlingame has referred its Housing Element to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP). The Housing Element is subject to ALUC/C/CAG review, pursuant to PUC Section 21676 (b).

## **DISCUSSION**

Detail discussion is included in the memorandum from Mark Johnson, AICP and Laura Brunn, PMP, of Ricondo & Associates to Sandy Wong, C/CAG Executive Director, dated October 28, 2014.

## **ATTACHMENTS**

- October 28, 2014 memorandum from Ricondo & Associates to Sandy Wong



## MEMORANDUM

VIA EMAIL

Date: October 28, 2014

To: Sandy Wong  
Executive Director, C/CAG

From: Mark R. Johnson, AICP and Laura L. Brunn, PMP

Subject: AIRPORT LAND USE COMPATIBILITY PLAN CONSISTENCY REVIEW OF DRAFT CITY OF BURLINGAME 2015-2023 HOUSING ELEMENT

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## FINDINGS

Review of the City of Burlingame's Draft 2015-2023 Housing Element finds that it is conditionally consistent with the policies of the *2012 Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP). The Plan would become fully consistent with the ALUCP if the following condition is met:

- The Final 2015-2023 Housing Element should include direct reference to the ALUCP's Airspace Protection Policies (ALUCP Section 4.5.4), which state the City's and project sponsor's obligations that are required for ALUCP consistency.

## SUMMARY OF PROPOSED ACTION

The City of Burlingame has referred its Draft 2015-2023 Housing Element (Plan) to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the SFO ALUCP. The Project is subject to ALUC/C/CAG review, pursuant to California Public Utilities Code (PUC) Section 21676 (b) which states that a local agency General Plan and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted ALUCP.

As part of the General Plan process, each city and county in California is required to develop a plan for its housing needs through the preparation and implementation of a Housing Element, which is one of the seven mandatory elements of a local General Plan (other elements include land use, circulation, conservation, open space, noise, and safety). Burlingame's future housing needs for the 2015-2023 planning period are projected at 863 units. This forecasted need was developed in partnership with San Mateo County's twenty-one cities, the County itself, as well as the Association of Bay Area Governments (ABAG) through the Regional Housing Needs Allocation (RHNA) planning process.



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The Draft Housing Element (Plan) is a policy document that identifies goals, policies, and programs through:

1. An analysis of the City's demographic, household and housing characteristics and related housing needs.
2. A review of potential market, governmental, and infrastructure constraints to meeting Burlingame's identified housing needs.
3. An evaluation of residential sites and financial and administrative resources available to address the City's housing goals.
4. The Housing Element Work Program for addressing Burlingame's housing needs, including housing goals, policies, and programs.

Of the components listed above, this Consistency Evaluation focuses on the locations of future residential sites and the consistency of the Plan's goals and policies with the SFO ALUCP (components 3-4).

## CONSISTENCY EVALUATION

The evaluation of Burlingame's Housing Element and its consistency with the SFO ALUCP is organized into three sections: (1) consistency with noise compatibility policies; (2) consistency with safety compatibility policies; and (3) consistency with height restriction/airspace protection policies.

A proposed local agency land use policy or development action must be compatible with each of these elements for the Airport Land Use Commission (the C/CAG Board) to determine that the proposed action is consistent with the ALUCP. If a proposed action is incompatible with any of these criteria, the Airport Land Use Commission (the C/CAG Board) shall determine that the proposed action is inconsistent with the ALUCP.

### Noise Compatibility Policies

#### *Discussion:*

All future development sites contemplated within the 2015-2023 Housing Element for Burlingame are located outside of the Noise Compatibility Zones (defined as CNEL 65 CNEL or greater noise contour area) of SFO's ALUCP.

#### *Findings:*

The Plan's future development sites are not subject to Noise Compatibility Policies of the SFO ALUCP. Therefore, the Plan is not inconsistent with the SFO ALUCP.



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## Safety Compatibility Policies

### *Discussion:*

The 2012 SFO ALUCP established four safety zones, as follows:

Runway Protection Zone (RPZ, **Zone 1**) - The RPZ is an area of relatively high accident risk that FAA encourages airport proprietors to own and keep free of objects, structures, and incompatible uses, including places of assembly (housing, churches, schools, shopping centers, hospitals, and the like), fuel storage, and wildlife attractants.

Inner Approach/Departure Zone (IADZ, **Zone 2**) - The IADZ is an area of secondary accident risk that tends to be overflowed by most aircraft arrivals and departures off that runway end.

Inner Turning Zone (ITZ, **Zone 3**) - The ITZ is an area overflowed by aircraft making turns at low altitude immediately after takeoff. It tends to be subject to lower accident risk than the IADZ.

Outer Approach/Departure Zone (OADZ, **Zone 4**) - The OADZ extends along the extended runway centerline immediately beyond the IADZ. It is subject to overflights of aircraft on approach and straight-out departures.

### *Discussion:*

A portion of the west/northwestern region of the City of Burlingame is located within the SFO ALUCP's safety compatibility zones (SFO ALUCP Exhibit IV-9). A number of the Plan's future opportunity sites are located within the boundaries of Safety Zones 2 and 3 and, therefore, are subject to review for consistency with the SFO ALUCP's Safety Compatibility Policies.<sup>1</sup>

### *Consistency Findings:*

Land use/safety criteria are defined in Section 4.3, Table IV-2 of the SFO ALUCP. The criteria include two categories – uses that are prohibited and uses that are to be avoided in the respective zones. Residential land uses are not among the uses to be prohibited or avoided in Safety Zones 2 and 3 and, consequently, are considered compatible land uses. Additionally, the SFO ALUCP's Safety Compatibility policies do not condition or restrict densities of residential land uses. Therefore, the Project under review is consistent with the SFO ALUCP's Safety Compatibility Policies.

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<sup>1</sup> The precise number cannot be determined from the maps provided in the draft Housing Element.



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## Airspace Protection Policies

### *Applicable Background:*

In the SFO ALUCP, the Airport Land Use Commission (C/CAG Board) has adopted a two-part standard for establishing maximum allowable structure heights in Airport Influence Area B.

1. First, any structures that would penetrate the airspace surfaces depicted on the "Critical Aeronautical Surfaces Map" (Exhibits IV-17 and IV-18 in the ALUCP, attached) would be considered incompatible with the SFO ALUCP.
2. Second, any structure determined by the FAA to be a hazard to air navigation, even if it would not penetrate a "critical aeronautical surface" as depicted in Exhibits IV-17 and IV-18, would be considered incompatible with the SFO ALUCP, unless a permit for the structure is issued by the Caltrans Aeronautics Program

**Title 14 Code of Federal Regulations (CFR) Part 77** - Part 77 contains three key elements related to airspace protection: (1) requirements for project sponsors to provide notice to the FAA of certain proposed construction or alteration of structures that may affect the navigable airspace (Subpart B); (2) standards for determining obstructions in the navigable airspace and designation of imaginary surfaces for airspace protection (Subpart C); 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 (Subpart D).

Part 77, Subpart B, Section 77.9 requires any person proposing to build a new structure or alter an existing structure with a height that would exceed the elevations described in that section, to prepare an FAA Form 7460-1, Notice of Proposed Construction or Alteration, and submit the notice to the FAA. The FAA then reviews the proposed project in accordance with the procedures described in Part 77, Subpart D. The Part 77 regulations apply to buildings and other structures or portions of structures, such as mechanical equipment, flag poles, and other projections that may exceed the aforementioned elevations. SFO ALUCP Exhibit IV-12 depicts the approximate elevations at which the Part 77 notification requirements would be triggered for projects within the City of Burlingame. This exhibit is provided for informational purposes only and official determinations of the areas and elevations within which the federal notification requirements apply are subject to the authority of the FAA. SFO ALUCP Appendix F describes the FAA airspace review process and the extent of FAA authority related to airspace protection.

Part 77, Subpart C, establishes obstruction standards for the airspace around airports including approach zones, conical zones, transitional zones, and horizontal zones known as "imaginary surfaces." (Exhibit IV-15, SFO ALUCP). The FAA considers any objects penetrating these surfaces as obstructions to air



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navigation. Obstructions may occur without compromising safe air navigation, but they must be marked, lighted, and noted on aeronautical publications to ensure that pilots can see and avoid them.

**Critical Aeronautical Surfaces** - As defined within the SFO ALUCP, critical aeronautical surfaces include those established in accordance with FAA Order 8260.3B, U.S. Standard for Terminal Instrument Procedures (TERPS), and a surface representing the airspace required for One-Engine Inoperative (OEI) departures from Runway 28L. Exhibit IV-18 depicts the lowest elevations from the combination of the OEI procedure surface and all TERPS surfaces. These surfaces indicate the maximum feasible height at which structures can be considered compatible with Airport operations.

In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (1) the height shown on the SFO critical aeronautical surfaces map, or (2) the maximum height determined not to be a "hazard to air navigation" by the FAA in an aeronautical study.

In consultation with C/CAG, SFO developed the iALP Airspace Tool to evaluate the relationship of proposed buildings with the Airport's critical airspace surfaces. The iALP Airspace Tool is designed to assist planners, developers, and other interested persons with the implementation of the airspace protection policies of the SFO ALUCP. The tool helps users determine the maximum allowable building height at a given site and/or whether a building penetrates a critical airspace surface. A detailed description of the iALP Airspace Tool is presented in the SFO ALUCP Appendix J. Use of this tool does not relieve a project sponsor of the duty to comply with all federal regulations, including the obligation to file Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA.

*Discussion:*

All new development projects and land use policy actions, regardless of location within the City of Burlingame's jurisdictional boundaries, are subject to the ALUCP's Airspace Protection Policies.

To meet Burlingame's future housing needs, the City has identified lands (Opportunity Sites) in the Draft Housing Element that are available to be developed or redeveloped. Although specific parcels are identified, site-specific information (e.g., building locations, heights of structures, or requirements that sites be rezoned) is not clearly defined within the Draft Housing Element. The absence of these details is typical of a broad planning-level document such as a General Plan element.

As the City moves forward in implementing the Housing Element through development and/or redevelopment of the Opportunity Sites, the City has the responsibility to ensure compliance with the ALUCP's airspace protection policies, as described below in the Consistency Findings. If the specific land development project requires a land use policy action (Rezone or General Plan Amendment), the project must be referred to the ALUC, as defined within the SFO ALUCP Section 3.2, General Policy 8.1.





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### *Consistency Findings:*

The Draft Plan is conditionally consistent with Airspace Protection Policies of the ALUCP provided the following policies (summarized from the SFO ALUCP Section 4.5.4) are 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**

##### **A) LOCAL GOVERNMENT RESPONSIBILITY TO NOTIFY PROJECT SPONSORS**

Local governments have the responsibility to notify sponsors of proposed projects at the earliest opportunity to file Form 7460-1, *Notice of Proposed Construction or Alteration*, with the FAA for any proposed project that would exceed the FAA notification heights, as shown approximately on Exhibit IV-10. 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.

##### **B) FAA AERONAUTICAL STUDY FINDINGS REQUIRED PRIOR TO PROCESSING DEVELOPMENT APPLICATION**

The sponsor of a proposed project that would exceed the FAA notification heights, as shown approximately on Exhibit IV-10, shall present to the local government permitting agency with his or her application [*sic*] for a development permit, a copy of the findings of the FAA's aeronautical study, or evidence demonstrating that he or she is exempt from having to file an FAA Form 7460-1. It is the responsibility of the local agency to consider the FAA determination study findings as part of its review and decision on the proposed project.

#### **(2) COMPLIANCE WITH FINDINGS OF FAA AERONAUTICAL STUDIES**

Project sponsors shall be required to comply with the findings of FAA aeronautical studies with respect to any recommended alterations in the building design and height and any recommended marking and lighting of their structures for their proposed projects to be deemed consistent with the SFO ALUCP.

#### **(3) MAXIMUM COMPATIBLE BUILDING HEIGHT**

The maximum height of a new building must be the lower of (1) the height shown on the SFO critical aeronautical surfaces map (SFO ALUCP Exhibits IV-17 and IV-18), or (2) the maximum height determined not to be a "hazard to air navigation" by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

Compliance with the zoning district height and the SFO critical aeronautical surfaces map does not relieve the construction sponsor of the obligation to file an FAA Form 7460-1 *Notice of*



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*Proposed Construction or Alteration*, if required, and to comply with the determinations resulting from the FAA's aeronautical study.

No local agency development permits shall be issued for any proposed structure that would penetrate the aeronautical surfaces shown on Exhibits IV-17 and IV-18 or the construction of which has not received a favorable determination from the FAA, or which would cause the FAA to increase the minimum visibility requirements for any instrument approach or departure procedure at the Airport.

#### **(4) OTHER FLIGHT HAZARDS SHALL BE PROHIBITED**

Proposed land use actions that include land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft taking off or landing at the Airport or in flight shall be prohibited in Area B. They may be permitted only if the uses are consistent with FAA rules and regulations. Proof of consistency with FAA rules and regulations must be provided to the Airport Land Use Commission (C/CAG Board of Directors) by the sponsor of the proposed land use action.

Specific characteristics that may create hazards to aircraft in flight and which shall be prohibited include:

- (a) Sources of glare, such as highly reflective buildings or building features, or bright lights, including search lights or laser displays, which would interfere with the vision of pilots making approaches to the Airport;
- (b) Distracting lights that that could be mistaken by pilots on approach to the Airport for airport identification lighting, runway edge lighting, runway end identification lighting, or runway approach lighting;
- (c) Sources of dust, smoke, or water vapor that may impair the vision of pilots making approaches to the Airport;
- (d) Sources of electrical interference with aircraft or air traffic control communications or navigation equipment, including radar;
- (e) Sources of thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in flight;
- (f) Any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including, but not limited to, FAA Order 5200.5A, Waste Disposal Sites On or Near Airports, FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports, and any successor or replacement orders or advisory circulars.



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### Policy Review

The ALUC has reviewed the Draft Plan's implementing policies and finds that the Draft Plan does not contain policies or language that are inconsistent with the policies of the SFO ALUCP.

## C/CAG AGENDA REPORT

**DATE:** November 20, 2014

**TO:** Airport Land Use Committee

**FROM:** Tom Madalena

**SUBJECT:** SFO Comprehensive Airport Land Use Compatibility Plan (ALUCP) Consistency Review – Town of Colma Housing Element Public Review Draft – September 2014

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### 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 Town of Colma proposed general plan amendment, Housing Element Public Review Draft – September 2014 is consistent with the applicable airport/land use policies and criteria contained in the adopted 2012 Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP).

### 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 Town of Colma has referred its Housing Element to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the SFO ALUCP. The Housing Element is subject to ALUC/C/CAG review, pursuant to PUC Section 21676 (b).

The Town of Colma Housing Element is a policy document that identifies goals, policies, programs, and other city actions to address existing and projected housing needs in the town. The Association of Bay Area Governments (ABAG) projected regional housing allocation requires the Town of Colma to plan for the construction 59 new dwelling units between 2014 and 2022.

The Housing Element document identifies 6 potential housing sites in Colma that are likely to be available for additional housing by 2014. The estimated total number of future dwelling units that could be built on these sites is 75.

## **DISCUSSION**

### **I. ALUCP Consistency Evaluation**

There are three airport/land use compatibility issues addressed in the Comprehensive Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Francisco International Airport that relate to the proposed general plan amendment. These include: (a.) Consistency with noise compatibility policies, (b.) Height of Structures, Use of Airspace, and Airspace Compatibility, and (c.) Safety Criteria. The following sections address each issue.

#### **(a) Consistency with Noise Policies**

The 65 db CNEL (Community Noise Equivalent Level) aircraft noise contour defines the state and federal threshold for aircraft noise impacts. The Town of Colma is located outside of the most recent 65 dB CNEL aircraft noise contour for San Francisco International Airport as shown in the adopted 2012 SFO ALCUP.

#### **(b) Height of Structures, Use of Airspace, and Airspace Compatibility**

The Airport Land Use Commission (C/CAG Board) has adopted the provisions in Federal Aviation Regulations FAR Part 77, "Objects Affecting Navigable Airspace," as amended, to establish height restrictions and federal notification requirements related to proposed development within the FAR 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 FAA of certain proposed construction or alteration of structures that may affect the navigable airspace and (3.) the initiation of aeronautical studies, by the Federal Aviation Administration (FAA), to determine the potential effect(s), if any, of proposed construction or alterations of structures on the subject airspace.

All six of the potential housing sites identified in the plan are located within the Outer Boundary of (Terminal Instrument Procedures) TERPS Approach and One Engine Inoperative (OEI) Departure Surfaces for San Francisco International Airport.

Based on analysis provided by the San Francisco International Airport (SFO) Planning Staff using SFO's iALP Airspace Tool, the 6 sites that fall within the Outer Boundary of TERPS Approach and OEI Departure Surfaces as identified in the SFO ALUCP could be built out with structures as long as the building heights do not penetrate the 240 feet above ground level that was identified as the nearest critical airspace surface. Based on the current zoning in Colma which allows up to a maximum of 50 feet in the Commercial District (which allows residential) and up to a maximum of 27 feet in the R-S Zone - Neighborhood Residential, the housing element would be consistent with the SFO ALUCP as it relates to airspace protection. According to the current analysis of airspace and existing Colma zoning the six sites would not require FAA review.

(c.) **Safety Criteria**

The California Airport/Land Use Planning Handbook requires airport land use compatibility plans to include safety zones for each runway end. The ALUCP includes the required safety zones and related land use compatibility policies and criteria. The safety zone configurations established for the SFO ALCUP do not affect the Town of Colma.

**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 Town of Colma'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 airport land use compatibility plan (ALUCP). The Town of Colma 2015 Housing Element 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 Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP).

## **C/CAG AGENDA REPORT**

**DATE:** November 20, 2014  
**TO:** Airport Land Use Committee  
**FROM:** Tom Madalena  
**SUBJECT:** ALUC Meeting Calendar 2015

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### **RECOMMENDATION**

That the C/CAG Airport Land Use Committee (ALUC) review and approve the meeting calendar for 2015.

### **BACKGROUND**

Time: 4:00 p.m.

Location: Burlingame City Hall – Council Chambers

January	22
February	26
March	26
April	23
May	28
June	25
July	23
August	27
September	24
October	22
November	off
December	off