

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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AIRPORT LAND USE COMMITTEE (ALUC) AGENDA

Date: July 28, 2022
Time: 4:30 p.m.

Please note that on September 16, 2021, the Governor signed AB 361, which amended certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings remotely via telephonically or by other electronic means under specified circumstances. Thus, pursuant to Government Code section 54953(e), C/CAG Committee meetings will be conducted via remote conferencing. Members of the public may observe or participate in the meeting remotely via one of the options below:

Join Zoom Meeting:

<https://us02web.zoom.us/j/83555437727?pwd=VkZ2R1ICRWFKcDJTQ3FJQnhQR0htUT09>

Meeting ID: 835 5543 7727

Passcode: 272664

Join by Phone:

(669) 900-6833

Meeting ID: 835 5543 7727

Passcode: 272664

Find your local number: <https://us02web.zoom.us/u/kjRkxNcHs>

Persons who wish to address the ALUC Committee on an item to be considered at this meeting, or on items not on this agenda, are asked to submit written comments to kkalkin@smcgov.org. Oral comments will also be accepted during the meeting through Zoom. Please see instructions for written and oral public comments at the end of this agenda.

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- | | |
|--|--|
| 1. Call to Order/Roll Call | Action
(O'Connell) |
| 2. Brief Overview of Teleconference Meeting Procedures | Information
(Kalkin) |
| 3. Public Comment on Items not on the Agenda | Limited to 2
minutes per
speaker |

- | | | |
|---|-------------------------|---------|
| 4. Approval of Minutes – June 23, 2022 | Action
(O’Connell) | Page 1 |
| 5. San Carlos Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – Proposed General Plan land use designation amendment and conceptual development plan amendment for developed property located at 401 Island Parkway, Belmont. | Action
(Kalkin) | Page 6 |
| 6. Public Hearing to review and recommend action on proposed amendments to the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport to enhance the clarity and effectiveness of the overflight notification and aviation easement policies. | Action
(Kalkin) | Page 16 |
| 7. San Francisco International Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – Millbrae 2040 General Plan Update | Action
(Kalkin) | Page 40 |
| 8. San Francisco International Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – Millbrae Downtown and El Camino Real Specific Plan | Action
(Kalkin) | Page 77 |
| 9. Member Comments/Announcements | | |
| 10. Items from Staff | Information
(Kalkin) | |
| 11. Adjournment – <i>Next regular meeting – Aug. 25, 2022</i> | | |

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.

If you have any questions regarding the C/CAG Airport Land Use Committee Meeting Agenda, please contact Susy Kalkin at kkalkin@smcgov.org .

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PUBLIC NOTICING: All notices of C/CAG regular Board meetings, standing committee meetings, and special meetings will be posted at the San Mateo County Courtyard, 555 County Center, Redwood City, CA, and on C/CAG’s website at: <http://www.ccag.ca.gov>.

PUBLIC RECORDS: Public records that relate to any item on the open session agenda for a regular Board meeting, standing committee meeting, or special meeting are available for public inspection. Those public records that are distributed less than 72 hours prior to a regular Board meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members, of the Board. The Board has designated the City/County Association of Governments of San Mateo County (C/CAG), located at 555 County Center, 5th Floor,

Redwood City, CA 94063, for the purpose of making public records available for inspection. Such public records are also available on C/CAG's website at: <http://www.ccag.ca.gov>. Please note that C/CAG's office is temporarily closed to the public; please contact Mima Guilles at (650) 599-1406 to arrange for inspection of public records.

PUBLIC PARTICIPATION DURING VIDEOCONFERENCE MEETINGS: Persons with disabilities who require auxiliary aids or services to participate in this meeting should contact Mima Guilles at (650) 599-1406, five working days prior to the meeting date.

Written comments should be emailed in advance of the meeting. Please read the following instructions carefully:

1. Written comments should be emailed to kkalkin@smcgov.org
2. The email should include the specific agenda item on which you are commenting or note that your comment concerns an item that is not on the agenda.
3. If your emailed comments are received at least 2 hours prior to the meeting, they will be provided to the ALUC Committee members, made publicly available on the C/CAG website along with the agenda, but will not be read aloud by staff during the meeting. We cannot guarantee that comments received less than 2 hours before the meeting will be distributed to the Committee members, but they will be included in the administrative record of the meeting.

Oral comments will be accepted during the meeting through Zoom. Please read the following instructions carefully:

1. The ALUC Committee meeting may be accessed through Zoom at the online location indicated at the top of this agenda.
2. You may download the Zoom client or connect to the meeting using an internet browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
3. You will be asked to enter an email address and name. We request that you identify yourself by your name as this will be visible online and will be used to notify you that it is your turn to speak.
4. When the C/CAG staff member or ALUC Committee Chair call for the item on which you wish to speak, click on "raise hand." The C/CAG staff member will activate and unmute speakers in turn. Speakers will be notified shortly before they are called on to speak.
5. When called, please limit your remarks to the two-minute time limit.

Airport Land Use Committee (ALUC)
Meeting Minutes
June 23, 2022

1. Call to Order/Roll Call

Chair O’Connell called the meeting to order at 4:33 pm. via the Zoom platform. The attendance sheet is attached.

2. Brief Overview of Teleconference Meeting Procedures

C/CAG staff gave an overview of the meeting protocols being implemented due to COVID-19, noting the meeting is being conducted as a Zoom online meeting pursuant to the provisions of AB 361.

3. Public Comment on items not on the Agenda

Dan Stegink spoke with concern on a number of issues regarding the Half Moon Bay Airport, including its possible closure. He noted that there were 88 planes stored the airport pre-pandemic and that he understands there are now only 13. He is concerned that with all the state housing legislation that there could be pressure to develop the property for housing. He urged the Committee to do what it could to support the continuation of the airport as a valuable community asset.

4. Minutes of the April 28, 2022 Meeting

Dan Stegink noted that he had attended the April ALUC meeting and spoke with concern on the Southline Station project. He noted his comments about the 1” buffer had not been recorded in the minutes, and generally had concern that his review of past minutes showed very little public participation.

Motion: Member Howard moved, and Member Nagales seconded, approval of the April 28, 2022 minutes, subject to addition of Mr. Stegink’s comments. Motion carried (10-0-0) by the following roll call vote: AYE - Members Ortiz, Sullivan, Howard, Hamilton, Rak, Nagales, Ford, Williams, Vice Chair Oliva and Chair O’Connell. NO – none. ABSTAIN – none.

Note: The following was inserted into the minutes to reflect Mr. Stegink’s comments:

Dan Stegink, a member of the public, echoed concerns about the inadequacy of the 1” buffer below critical airspace as provided in the proposal. In addition, he noted general concerns with added traffic impacts.

5. San Francisco International Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review –Genesis Station, two attached 17-story office/life science buildings at 121 East Grand Avenue, South San Francisco, including related General Plan and Zoning Amendments.

Susy Kalkin, C/CAG staff, presented the staff report.

Member Ford requested clarification that the project did not include residential use. Staff confirmed that the project was office/life science, with no residential.

Motion: Member Ortiz moved, and Member Sullivan seconded, approval of the staff recommendation. Motion carried (10-0-0) by the following roll call vote: AYE - Members Ortiz, Sullivan, Howard, Hamilton, Rak, Nagales, Ford, Williams, Vice Chair Oliva and Chair O'Connell. NO – none. ABSTAIN – none.

6. San Francisco International Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – 40 Airport Blvd., an 8-story, 292-unit multi-family residential building on a 1.63-acre site in South San Francisco, including related General Plan, Specific Plan and Zoning Ordinance Amendments.

Susy Kalkin, C/CAG staff, presented the staff report.

Dan Stegink spoke in favor of the request, feeling this was a good site for residential use since it meets the policies and standards of the ALUCP.

Member Ford noted that the site will be subject to significant overflight noise and emphasized the need for real estate disclosure notification. Staff confirmed that such disclosure is required by the ALUCP policy for both sale and lease transactions.

Motion: Member Rak moved, and Member Nagales seconded, approval of the staff recommendation. Motion carried (10-0-0) by the following roll call vote: AYE - Members Ortiz, Sullivan, Howard, Hamilton, Rak, Nagales, Ford, Williams, Vice Chair Oliva and Chair O'Connell. NO – none. ABSTAIN – none.

7. San Francisco International Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – Amendments to the Millbrae Station Area Specific Plan to allow for uses classified as “Biotechnology Level 2” within portions of the Transit Oriented Development Zone located east of El Camino Real, west of the railroad corridor and north of Millbrae Avenue, which are located within Safety Compatibility Zone 2.

Susy Kalkin, C/CAG staff, presented the staff report.

Member Ortiz questioned why we are revisiting this issue since the ALUC previously ruled on this. Staff clarified that Millbrae was processing a new Specific Plan amendment to allow biotechnology level 2 use on additional parcels within the Plan Area, which requires a separate review.

Member Nagales asked for a brief outline of the available override provisions. Staff noted that the ALUCP incorporates provisions of State law that allow for a local city to override an ALUC decision through adoption of specific findings, as outlined in the ALUCP, and approval by 2/3 vote of the governing body.

Motion: Member Ford moved, and Member Ortiz seconded, approval of the staff recommendation that the proposed amendments be determined to be inconsistent with the

SFO ALUCP. Motion carried (10-0-0) by the following roll call vote: AYE - Members Ortiz, Sullivan, Howard, Hamilton, Rak, Nagales, Ford, Williams, Vice Chair Oliva and Chair O’Connell. NO – none. ABSTAIN – none.

8. San Francisco International Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – 180 El Camino Real, an 11.2-acre site in South San Francisco. Two project alternatives are provided:

- a) **Preferred Site Plan - three life science/research and development (R&D) buildings (5-stories), a 7-level parking structure, and a multi-family residential building (6-stories).**
- b) **Alternative Site Plan – four life science/R&D buildings (5-6 stories) and a 9-level parking garage.**

Susy Kalkin, C/CAG staff, presented the staff report.

Member Howard questioned whether there was any mitigation available to allow for housing to be found compatible on the site. Staff responded no, as the ALUCP states that residential use within the 70 dB CNEL contour is incompatible regardless of proposed mitigation.

Member Rak questioned the criteria that will be applied in determining whether “no feasible alternative to biosafety level 2 use” is available for the site. Staff noted that the ALUCP does not provide guidance as to the appropriate criteria to apply, so the recommendation is that the local decision-making body would need to make that specific finding as part of its deliberations on the overall project. There was general consensus that this was a gray area and that the ALUCP should be amended to provide clearer guidance.

Ben Yu, Steelwave (Project Applicant) noted that the Preferred Site Plan is the only plan being pursued at this point. He further clarified that the residential parcel, while located within the 70 dB CNEL contour, was not located within a Safety Zone.

Dan Stegink commented that Mr. Yu did not state that he had withdrawn his application for the Alternative Site Plan, so recommended that the ALUC vote on it.

Motion 1: Vice Chair Oliva moved, and Member Ortiz seconded, approval of the staff recommendation regarding Item 8. a) Preferred Site Plan, that the project be determined to be inconsistent with the SFO ALUCP. Motion carried (10-0-0) by the following roll call vote: AYE - Members Ortiz, Sullivan, Howard, Hamilton, Rak, Nagales, Ford, Williams, Vice Chair Oliva and Chair O’Connell. NO – none. ABSTAIN – none.

Motion 2: Vice Chair Oliva moved, and Member Sullivan seconded, approval of the staff recommendation regarding Item 8. b) Alternative Site Plan, that the project be determined to be conditionally compatible with the SFO ALUCP. Motion carried (10-0-0) by the following roll call vote: AYE - Members Ortiz, Sullivan, Howard, Hamilton, Rak, Nagales, Ford, Williams, Vice Chair Oliva and Chair O’Connell. NO – none. ABSTAIN – none.

9. Member Comments/Announcements

None

10. Items from Staff

Susy Kalkin, C/CAG staff, noted that at the April ALUC meeting the Committee had requested a letter be forwarded to South San Francisco regarding the Southline Station project outlining the ALUC's serious concerns, and that this correspondence was included in this month's agenda packet.

11. Adjournment

The Chair adjourned the meeting at 5:40 pm.

DRAFT

2022 C/CAG Airport Land Use Committee Attendance Report

Name	Agency	Feb	Mar	Apr	June		
Terry O'Connell	City of Brisbane	X	X	X	X		
Ricardo Ortiz	City of Burlingame			X	X		
Pamela DiGiovanni	City of Daly City		X	X			
Patrick Sullivan	City of Foster City			X	X		
Robert Brownstone	City of Half Moon Bay			X			
Anne Oliva	City of Millbrae	X	X	X	X		
Diane Howard	City of Redwood City	X	X	X	X		
Tom Hamilton	City of San Bruno	X	Y	Y	X		
Adam Rak	City of San Carlos			X	X		
Warren Slocum	County of San Mateo & Aviation Rep.						
Mark Nagales	City of South San Francisco	X	X	X	X		
Carol Ford	Aviation Representative	X	X	X	X		
Dave Williams	Half Moon Bay Airport Pilots Assn	X	X	X	X		

X – Committee Member Attended
 Y – Designated Alternate Attended

Staff and guests in attendance for the June 23, 2022, meeting: Susy Kalkin and Sean Charpentier, C/CAG staff; Billy Gross, Chris Espiritu, and Mike Futrell, SSF staff; Nester Guevara, Millbrae staff; David Kim, SFO staff; Allison Knapp, 121 E. Grand project planner; Adam Cashner, Lokelani Yee, Michael Leung, 121 E. Grand project team; Ben Yu, Chris Kimball, Yulee Kim, Matt Jeffries, Mark Schwettmann, B. Metz, 180 El Camino Real project team; Dan Stegink; Genna Yarkin

C/CAG AGENDA REPORT

Date: July 28, 2022

To: Airport Land Use Committee

From: Susy Kalkin

Subject: San Carlos Airport Land Use Compatibility Plan Consistency Review – Proposed General Plan land use designation amendment and conceptual development plan amendment for developed property located at 401 Island Parkway, Belmont.

(For further information or response to questions, contact Susy Kalkin at 650-599-1467 or kkalkin@smcgov.org)

RECOMMENDATION

That the 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 proposed General Plan land use designation amendment and conceptual development plan amendment for developed property located at 401 Island Parkway, Belmont, is consistent with the applicable airport/land use policies and criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport (San Carlos ALUCP), subject to the following condition:

- The City of Belmont shall require that the project sponsor comply with the real estate disclosure requirements outlined in Airport Influence Area Policy 1 of the San Carlos ALUCP.

BACKGROUND

The City of Belmont is processing an application for a developed property at 401 Island Parkway. The proposal includes an amendment to the General Plan land use map to change the designation for the site from Commercial Office (COM-O) to Regional Commercial (COM-R) and to amend the Conceptual Development Plan to allow future tenants to use the building for research and development laboratory, life sciences, and related light industrial uses. The applicant also proposes restrictions on the type of research and development laboratory, life sciences, and related light industrial uses to ensure compatibility with the existing Planned Development area and County, State, and Federal laws.

The applicant is not proposing changes to the property besides minor interior and exterior building and site improvements previously approved under a ministerial permit. Therefore, the existing buildings will remain in place, and no additional square footage is proposed. The parking lots, and other onsite amenities, would also continue to function in the same manner.

The project falls within Airport Influence Area (AIA) B, the Project referral area for San Carlos Airport. California Government Code Section 65302.3 states that a local agency General Plan, Zoning Ordinance and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted Airport Land Use Compatibility Plan (ALUCP). Accordingly, the City of Belmont has referred the subject amendments to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the San Carlos ALUCP.

DISCUSSION

I. ALUCP Consistency Evaluation

Three sets of airport/land use compatibility policies in the San Carlos ALUCP relate to the proposed Zoning and General Plan Amendment: (a) noise compatibility policies and criteria, (b) safety policies and criteria, and (c) airspace protection policies. The following sections address each issue.

(a) Noise Policy Consistency Analysis

The 60 dB CNEL (Community Noise Equivalent Level) aircraft noise contour defines the threshold for airport noise impacts established in the San Carlos ALUCP. All land uses located outside this contour are deemed consistent with the noise policies of the ALUCP.

As shown on Attachment 2, the subject property lies outside the bounds of the 60 dB CNEL contour and, therefore, the Project is consistent with the San Carlos ALUCP noise policies and criteria.

(b) Safety Policy Consistency Analysis

Runway Safety Zones - The San Carlos ALUCP includes six sets of safety zones and related land use compatibility policies and criteria. As shown on Attachment 3, the project site is located outside of the safety zones, and therefore the safety policies and criteria do not apply to the project.

(c) Airspace Protection Policy Consistency Analysis

The San Carlos 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 Carlos Airport. As the subject application includes no changes to the height or footprint of the existing structure, but rather is limited to change in the interior use of the building, the airspace protection policies are not relevant to the proposal.

II. Airport Influence Area A – Real Estate Disclosure Area

The Project Area is located within both the Airport Influence Area (AIA) A & B boundaries for San Carlos Airport. Within an AIA, the real estate disclosure requirements of state law apply. The law requires a statement to be included in the property transfer documents that (1) indicates the subject property is located within an airport influence area (AIA) boundary and (2) that the property may be subject to certain impacts from airport/aircraft operations.

As this disclosure requirement is not included in the application materials, the following condition is proposed:

C/CAG AGENDA REPORT

Airport Land Use Committee

RE: Consistency Review – 401 Island Parkway, Belmont

Date: July 28, 2022

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- The City of Belmont shall require that the project sponsor comply with the real estate disclosure requirements outlined in Airport Influence Area Policy 1 of the San Carlos ALUCP.

ATTACHMENTS

1. ALUCP application, together with related project description and exhibits.
2. Exh. 4-2 - San Carlos Airport ALUCP - Future Conditions (2035) Aircraft Noise Contours
3. Exh. 4-3 San Carlos Airport Safety Zones.



APPLICATION FOR LAND USE CONSISTENCY DETERMINATION
San Mateo County Airport Land Use Commission
C/CAG ALUC

APPLICANT INFORMATION

Agency: City of Belmont

Project Name: 401 Island Parkway General Plan and Conceptual Development Plan Amendment

Address: 401 Island Parkway

APN: 040-360-260

City: Belmont

State: CA

ZIP Code: 94002

Staff Contact: Dara Sanders

Phone: 650.262.1197

Email: dsanders@goodcityco.com

PROJECT DESCRIPTION

Request to amend the land use designation for the property from Office Commercial to Regional Commercial and amend the Conceptual Development Plan to allow research and development laboratories, life sciences, and related light industrial uses subject to several limitations. Minor improvements are proposed to the site and building, which have been approved administratively. Changes to building size and design, bulk and area regulations (including allowable height), parking, access, and other site conditions or regulations are not proposed.

REQUIRED PROJECT INFORMATION

For General Plan, Specific Plan or Zoning Amendments and Development Projects:

A copy of the relevant amended sections, maps, etc., together with a detailed description of the proposed changes, sufficient to provide the following:

1. Adequate information to establish the relationship of the project to the three areas of Airport Land Use compatibility concern (ex. a summary of the planning documents and/or project development materials describing how ALUCP compatibility issues are addressed):
 - a) Noise: Location of project/plan area in relation to the noise contours identified in the applicable ALUCP.
 - Identify any relevant citations/discussion included in the project/plan addressing compliance with ALUCP noise policies.
 - b) Safety: Location of project/plan area in relation to the safety zones identified in the applicable ALUCP.
 - Include any relevant citations/discussion included in the project/plan addressing compliance with ALUCP safety policies.
 - c) Airspace Protection:
 - Include relevant citations/discussion of allowable heights in relation to the protected airspace/proximity to airport, as well as addressment of any land uses or design features that may cause visual, electronic, navigational, or wildlife hazards, particularly bird strike hazards.

- If applicable, identify how property owners are advised of the need to submit Form 7460-1, *Notice of Proposed /Construction or Alteration* with the FAA.

2. Real Estate Disclosure requirements related to airport proximity
3. Any related environmental documentation (electronic copy preferred)
4. Other documentation as may be required (ex. related staff reports, etc.)

Additional information For Development Projects:

1. 25 sets of scaled plans, no larger than 11" x 17"
2. Latitude and longitude of development site
3. Building heights relative to mean sea level (MSL)

ALUCP Plans can be accessed at <http://ccag.ca.gov/plansreportslibrary/airport-land-use/>

Please contact C/CAG staff at 650 599-1467 with any questions.

<i>For C/CAG Staff Use Only</i>
<i>Date Application Received</i>
<i>Date Application Deemed Complete</i>
<i>Tentative Hearing Dates:</i>
- <i>Airport Land Use Committee</i>
- <i>C/CAG ALUC</i>

July 8, 2022



Susy Kalkin
City/County Association of Governments
555 County Center
Redwood City, CA 94603
Via email: kkalkin@smcgov.org

RE: Application for Land Use Consistency Determination (401 Island Parkway, Belmont)

Ms. Kalkin,

On behalf of the City of Belmont, I am submitting an application for land use consistency determination for a proposed General Plan land use designation amendment and conceptual development plan amendment for property located at 401 Island Parkway. The property owner's application and project details are attached to this letter for your review.

The subject property is currently developed as part of a larger Planned Development area that includes office buildings, the Farallon residential neighborhood, the Hyatt House (hotel), Belmont Sports Complex, and open space. A project map is included in this submittal.

The applicant proposes to amend the General Plan land use map for the site from Commercial Office (COM-O) to Regional Commercial (COM-R) and to amend the Conceptual Development Plan to allow future tenants to use the building for research and development laboratory, life sciences, and related light industrial uses. The applicant also proposes restrictions on the type of research and development laboratory, life sciences, and related light industrial uses to ensure compatibility with the existing Planned Development area and County, State, and Federal laws.

The applicant is not proposing changes to the property besides minor interior and exterior building and site improvements previously approved under a ministerial permit. Therefore, the existing buildings will remain in place, and no additional square footage is proposed. The parking lots, and other onsite amenities, would also continue to function in the same manner.

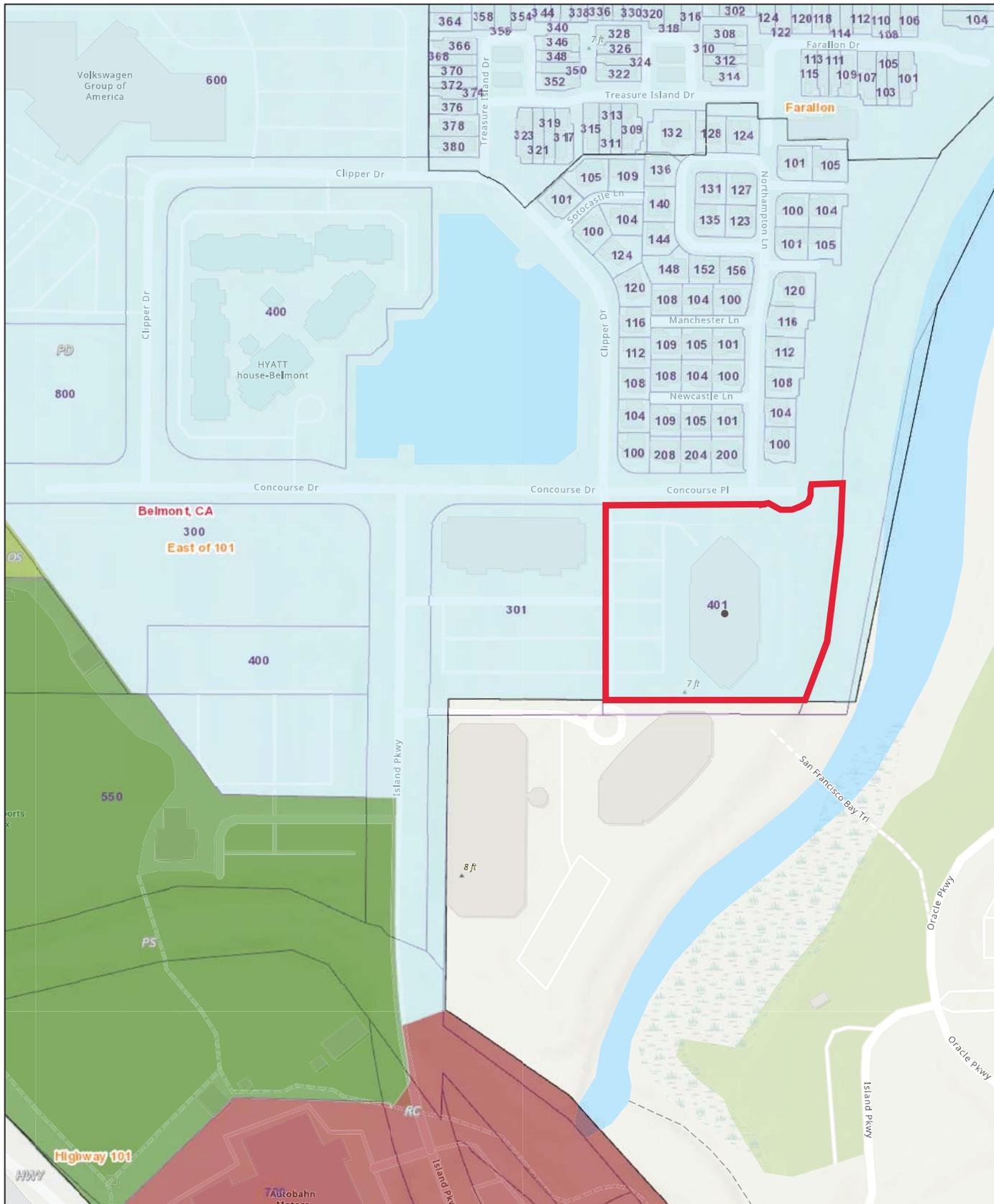
Due to the limited scope of the proposal, permitting research and development, life sciences, and other related light industrial uses will not impact the noise contours identified in the ALUCP or violate noise and safety policies. The proposal will not change permitted or existing building height, so there are no proposed design features that will impact protected airspace or create visual, electronic, navigational, or wildlife hazards.

Please let me know if you have any questions about this information or require additional information.

Best regards,

Dara Sanders
Consultant Senior Planner
City of Belmont

401 Island Parkway Project Site

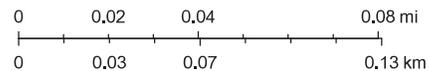


7/5/2022, 1:30:46 PM

- Property Lines
- Zoning**
- Single Family Residential, 9600 sq. ft./D.U. (R1A)
- Single Family Residential, 6000 sq. ft./D.U. (R1B)
- Single Family Residential, 5000 sq.ft./D.U. (R1C)
- Single Family Residential, 1 acre/D.U. (R1E)
- Single Family Residential, 1/2 acre/D.U. (R1H)
- Duplex, 3000 sq.ft./D.U. (R2)
- Multi-Family Residential, 1950 sq.ft./D.U. (R3)
- Multi-Family Residential, 1450 sq.ft./D.U. (R4)
- Hillside Res. & Open Space, Unsubdivided (HRO1)
- Hillside Res. & Open Space, Subdivided (HRO2)
- Hillside Res. & Open Space, Western Hills (HRO3)
- Special Setback Combining (S-1/R1B)
- Neighborhood Commercial (NC)
- Service Commercial (SC)

12 Subject Property

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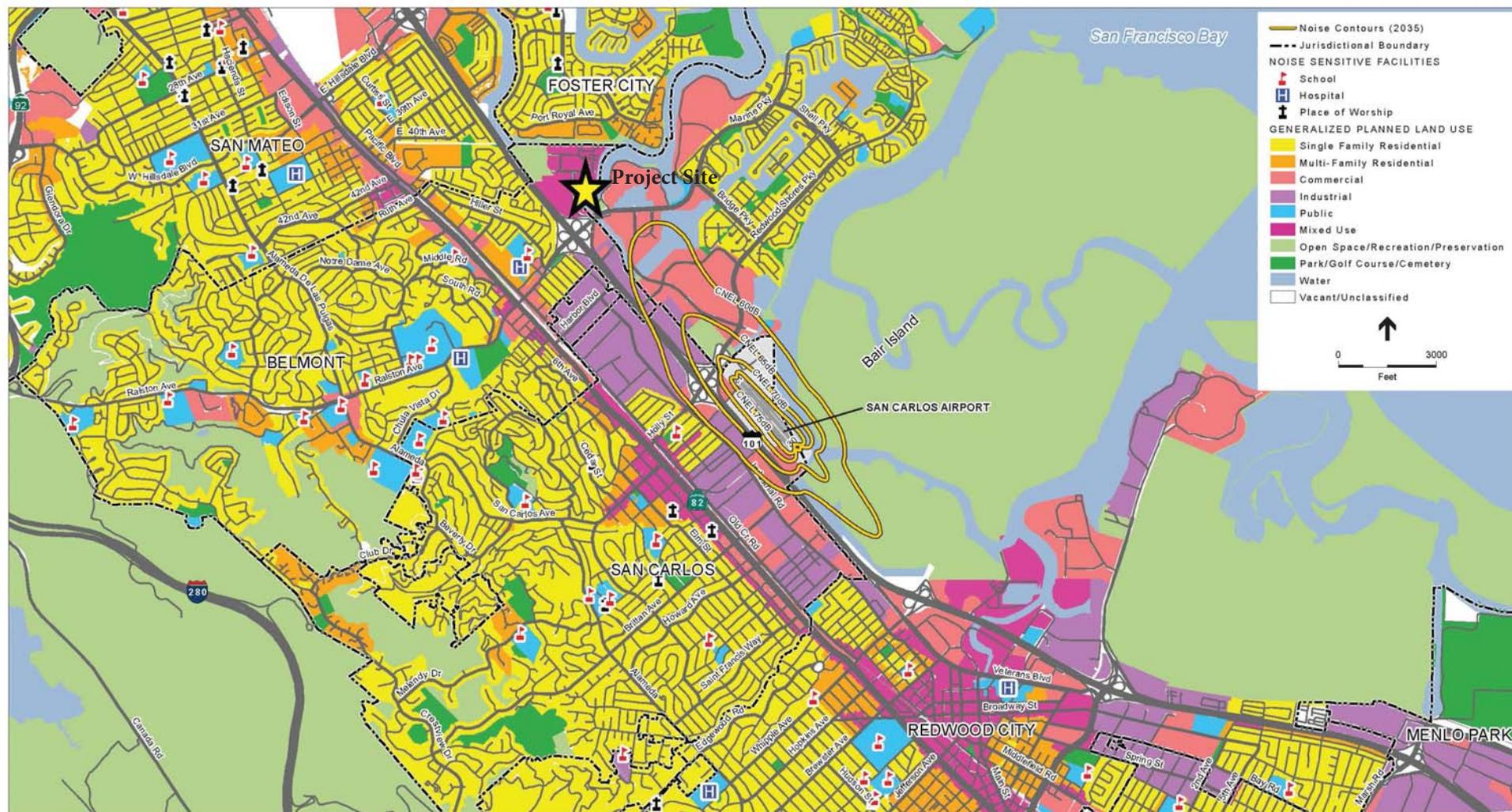
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors,

Web AppBuilder for ArcGIS

Subject Property

Belmont Slough

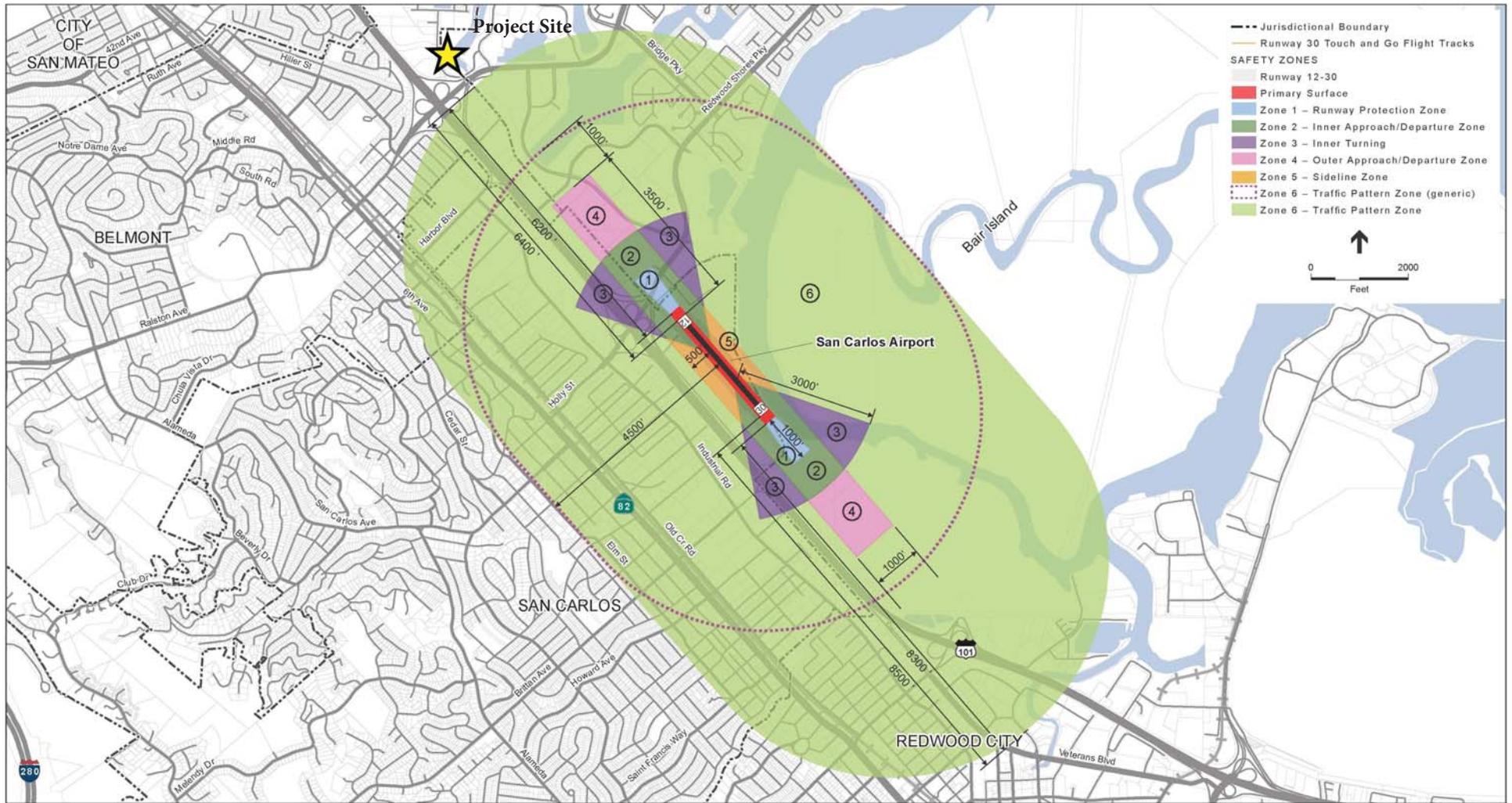




SOURCE: Belmont, 1982; San Mateo County, 1986; Foster City, 1993; Menlo Park, 1994; San Carlos, 2009; City of San Mateo, 2010; Redwood City, 2010; ESRI, 2014; ESA Airports, 2015

San Carlos Airport ALUCP . 130753

Exhibit 4-2
Future Conditions (2035) Aircraft Noise Contours



SOURCE: ESRI, 2014; ESA Airports, 2014

San Carlos Airport ALUCP . 130753
Exhibit 4-3
 San Carlos Airport Safety Zones

C/CAG AGENDA REPORT

Date: July 28, 2022

To: Airport Land Use Committee

From: Susy Kalkin

Subject: Public Hearing to review and recommend action on proposed amendments to the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport to enhance the clarity and effectiveness of the overflight notification and avigation easement policies.

(For further information or response to questions, contact Susy Kalkin at kkalkin@smcgov.org)

RECOMMENDATION

That the C/CAG Airport Land Use Committee (ALUC) conduct a Public Hearing and recommend to the C/CAG Board of Directors, that the C/CAG Board, acting as the Airport Land Use Commission, approve the proposed amendments to the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport, included as Attachment 1, to enhance the clarity and effectiveness of the overflight notification and avigation easement policies.

BACKGROUND

C/CAG, as the Airport Land Use Commission, is seeking to address stakeholder concerns regarding the application of overflight notification policies in the San Carlos Airport ALUCP. Overflight notification is currently addressed by two policies:

- Overflight Policy 1 – *Real Estate Transfer Disclosure*, requires that a notice of potential for overflights be included among the disclosures made during real estate transactions. (This is a standard policy based on State law – no changes are proposed to this policy.)
- Overflight Policy 2 – *Overflight Easement Review Area*, establishes an Overflight Easement Review Area (OERA) where an easement or easements would be required. (This is a policy unique to San Carlos Airport, and is the subject of the proposed amendments)

In late 2019, the qualifying criteria in Overflight Policy 2 – Overflight Easement Review Area became points of competing interpretations. This policy is reflected below:

“...The request for the grant of an avigation easement will be made to the local agency that is proposing the land use policy action and will be based on the following criteria:

- a. The proposed land use policy action involves real property located within the OERA and includes adoption of one or more of the following:
 1. General Plan
 2. General Plan Amendment
 3. Zoning Ordinance
 4. Zoning Ordinance Amendment

C/CAG REPORT

Airport Land Use Committee

RE: Proposed Amendments - SQL ALUCP Overflight and Avigation Easements

Date: July 28, 2022

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5. Specific Plan

6. Specific Plan Amendment

- b. The proposed land use policy action would either permit or result in the development or construction of noise-sensitive land uses that are considered to be conditionally compatible with aircraft noise of CNEL 60 dB or greater;
- c. The proposed land use policy action would allow the construction of structures or other objects in the vicinity of San Carlos Airport that could exceed the height standards defined in FAR Part 77, Subpart C;
- d. The proposed land use policy action would allow land uses that may cause visual, electronic, navigational, or wildlife hazards to aircraft in flight or taking off or landing at San Carlos Airport.”

There has been general agreement that the policy is poorly worded and can lead to differences in interpretation, with one interpretation being that an avigation easement is required for any new development within the OERA subject to review by the ALUC and another being that a development would need to trigger either a noise, height or other aircraft hazard concern before the avigation easement requirement would be triggered. To address this difference in interpretation, C/CAG staff, in coordination with its consultants, ESA Airports, began considering options to clarify the policy text and better define how easements are applied within the OERA. To assist in this effort, an Overflight Policy Working Group was established, comprised initially of ALUC members Rak, Oliva and Ford; planning staff members from Redwood City and San Carlos; and Gretchen Kelly, San Carlos Airport Manager, with subsequent additions of staff from Belmont and Foster City.

After discussing approaches with the Overflight Policy Working Group, general concurrence was reached on support for relocating the noise and airspace protection easement policies and criteria to the Noise and Airspace Protection policy sections of the ALUCP, as appropriate, and otherwise eliminating Overflight Policy 2, since State law currently requires the same real estate disclosure.

On October 22, 2020, the proposed options for updating Overflight Policy 2 were presented to the ALUC. Following the presentation, some stakeholders argued the proposed easement criteria were too limited and did not ensure adequate overflight notification throughout the OERA, while others had concerns with potentially overbroad application of easements, noting they could be perceived to grant a variety of rights to the airport in perpetuity. The Airport Land Use Committee subsequently tabled the matter and directed additional study with the Overflight Policy Working Group before further consideration.

Below is a brief chronology of the subsequent efforts:

- Winter 2020- Spring 2021 – Staff worked with stakeholders to better clarify specific concerns and develop additional alternatives.
- Summer 2021 – Staff met with the Working Group to review 3 alternative approaches that had been developed. Because the alternative favored by the Working Group expanded the geographic boundaries of the overflight noticing area into Belmont and Foster City, additional outreach was made with city staff members from those jurisdictions and the Working Group was expanded to add representation from these communities.
- February 2022 – The Working Group was again convened, and general agreement was reached

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on a recommendation, with a remaining concern voiced about whether the County Recorder's office would in fact record the recommended notice.

- Spring 2022 - Discussions were held with County Counsel and representatives of the Recorder's office to address final concerns.

DISCUSSION

Since the last meeting with the ALUC, staff and the consultant team have worked with various stakeholders in order to develop further options to discuss with the Overflight Policy Working Group. We engaged with Rich Newman, a member of the aviation community, former ALUC member and real estate professional, who provided a lot of input and feedback throughout this process, as well as with Gretchen Kelly, SMC Airports Director, to better understand the issues from the airport operator's perspective. The main concerns we heard were:

- The public needs better notification about the potential impacts that they may experience when choosing to buy or rent residential property in close proximity to San Carlos Airport.
- The existing real estate disclosure notification required by State law may be overlooked during purchases given the large amount of paperwork involved in sales transactions. A more permanent form of disclosure, such as an easement or recorded overflight notice, would stand out more and have the benefit of running with the land.
- The current OERA does not encompass all the geography where many noise complaints are emanating from. San Carlos Airport staff presently receives approximately 100-120 noise complaints per day, most notably from Bair Island, E. San Carlos and Redwood Shores.

Overflight Policy Working Group Discussion/Recommendation

While the Working Group generally favored relocating the easement criteria addressing noise and airspace protection from the overflight notification section of the San Carlos ALUCP and moving them to the noise and airspace protection policies, as is typical in other ALUCPs, most of the discussion focused on enhanced buyer awareness measures – including what form they should take and what geography should be included.

A recorded deed notice, rather than an avigation easement, was initially recommended by staff to achieve this added overflight notification. Unlike an easement, a deed notice would not carry an implication of conveyance of property rights. The notification would be less cumbersome to define and establish than an avigation easement and would simply be included with the deed adding another layer of buyer awareness to the existing residential disclosure requirements required by state law.

Although the consultant's research found that the legally required real estate disclosure language is routinely provided during sales transactions, there was concern that it may be overlooked amid the vast amount of closing paperwork involved. Some stakeholders felt strongly that a deed notice would stand out more prominently and provide an additional layer of buyer awareness which they thought was important for areas closer to the Airport. Additionally, there was discussion about the need to expand

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Airport Land Use Committee

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the area geographically from the existing OERA to the larger AIA B area. Because such an expansion would include portions of Belmont and Foster City which had not been in the review area previously, the Working Group was expanded to include staff representatives from those communities.

A final concern was raised about whether the deed notice was something that the County Recorder's office would in fact record. Staff, together with C/CAG Counsel, County Counsel for the Recorder's office, and Rich Newman met to resolve the issue. This resulted in the proposed "recorded deed notice" being replaced with a "recorded overflight notification" and it was confirmed that the document was recordable so long as it was signed and acknowledged by a notary.

After due consideration, consensus was reached to recommend the following:

- Relocate the noise and airspace protection easements and criteria currently provided under Overflight Policy 2 to a newly created Noise Policy 7 and Airspace Protection Policy 7.
- Update Overflight Policy 2 to remove references to easements as a form of real estate disclosure notification and incorporate instead a recorded Overflight Notification requirement for all new residential development projects, aside from residential additions and accessory dwelling units (ADUs) within a newly established Overflight Notification Zone 2 (contiguous with the current Airport Influence Area B).
- Amend Exhibit 4-6 to rename the existing Overflight Notification Zone as Overflight Notification Zone 1 and incorporate Overflight Notification Zone 2, as described above.
- Replace Appendix E, Exhibit E-1 – Sample Standard Avigation Easement, with Appendix E, Exhibit E-1A: Grant of Airspace Protection Avigation Easement and Exhibit E-1B: Grant of Noise Avigation Easement to address noise and airspace protection as potentially separate issues.
- Add Exhibit E-4 – Sample Recorded Overflight Notification, to Appendix E

Public Comments

A comment was received from Rich Newman, attached, expressing his endorsement of the recommendation.

(Note: A legal notice was placed in the San Mateo Daily Journal on July 18, 2022 advertising this public hearing and the availability of the Proposed Amendments for public review and comment.)

ATTACHMENTS

1. Proposed Amendments
2. Correspondence from Rich Newman

Proposed Amendments to the Comprehensive Airport Land Use Compatibility
Plan for the Environs of San Carlos Airport
Overflight Notification and Avigation Easement Policies
July 2022

The following sections present draft policies for the Noise (4.2.1), Airspace Protection (4.2.3), and Overflight (4.2.4) sections of the SQL ALUCP. Sample easement language is also included in revised Exhibit E.1 and Sample Overflight Notice language is included in new Exhibit E-4, Appendix E. Changes are shown in double underline (additions) and strikeout (deletions).

Noise Policy Update

There are currently six policies addressing noise compatibility in the SQL ALUCP:

- Noise Policy 1 – Noise Impact Area
- Noise Policy 2 – Airport Noise/Land Use Compatibility Criteria
- Noise Policy 3 – Residential Land Uses
- Noise Policy 4 – Interior Noise Levels
- Noise Policy 5 – Application of Noise Contours to Individual Project Sites to Determine Compatibility
- Noise Policy 6 - Engine Run-Up and Testing Noise

Add a seventh noise compatibility policy to Section 4.2.1, as follows:

Noise Policy 7 – Noise Easement Review Area

The C/CAG Board deems it necessary to ensure that new noise-sensitive land uses within the CNEL 60 dB and higher contours (please see Exhibit 4-2) are made compatible with aircraft noise in accordance with 21 California Code of Regulations (CCR) Section 5014. Both the C/CAG ALUC and the C/CAG Board, acting as the Airport Land Use Commission, will consider the need for the granting of an avigation easement to the County of San Mateo as part of their reviews of proposed local agency land use policy actions that affect property within the defined CNEL 60 dB and higher contours for San Carlos Airport. Applicable land use policy actions are defined in Section 3.1 of the ALUCP.

The request for the grant of an avigation easement will be made to the local agency that is proposing the land use policy action and will be based on meeting both the following criteria:

- a) The proposed land use policy action involves real property located within the CNEL 60 dB and higher contours;

and

- b) The proposed land use policy action would either permit or result in the development or construction of noise-sensitive land uses as identified in Table 4-3 as conditionally compatible in areas within the CNEL 60 dB or greater contours (see Exhibit 4-3).

The process for requesting the grant of an avigation easement to the County of San Mateo will include the following steps:

- 1) The C/CAG ALUC reviews a proposed local agency land use policy action and submits a recommendation to the Airport Land Use Commission (C/CAG Board) regarding a request for a grant of an avigation easement to the County of San Mateo.
- 2) The Airport Land Use Commission (C/CAG Board) reviews the proposed local agency land use policy action and considers the ALUC recommendation.
- 3) If the Airport Land Use Commission (C/CAG Board) concurs with the ALUC recommendation, it shall notify the affected local agency of its action and shall formally request the agency to require the grant of an avigation easement to the County of San Mateo as part of the agency's final approval of the proposed action.

When deemed necessary, the C/CAG Board shall condition its approval of the proposed development upon the owner of the subject property granting an avigation easement to San Mateo County, as the proprietor of San Carlos Airport. The local governmental agency with the ultimate permitting and approval authority over the proposed development shall ensure that this condition is implemented prior to final approval of the proposed development. If the approval action for the proposed development includes construction of a building(s) and/or other structures, the local permitting authority shall require the grant of an avigation easement to San Mateo County prior to issuance of a building permit(s) for the proposed building or structure. If the proposed development is not built, then, upon notice by the local permitting authority, San Mateo County shall record a notice of termination of the avigation easement. The avigation easement to be used in fulfilling this condition is presented in **Exhibit E-1B**.

Airspace Protection Policy Update

There are currently six airspace protection policies in the SQL ALUCP:

- Airspace Protection Policy 1 – Airspace Protection Compatibility for New Development
- Airspace Protection Policy 2 – Requirements for FAA Notification of Proposed Construction
- Airspace Protection Policy 3 – Compliance with Findings of FAA Aeronautical Studies
- Airspace Protection Policy 4 – Airspace Obstruction Criteria
- Airspace Protection Policy 5 – Maximum Compatible Building Height
- Airspace Protection Policy 6 – Other Flight Hazards are Incompatible

Add a seventh airspace protection compatibility policy to Section 4.2.3 as follows:

Airspace Protection Policy 7 – Airspace Protection Avigation Easement

Areas beneath the following imaginary airspace surfaces (as defined under 14 CFR Part 77) are subject to this policy.

1. Horizontal surface as depicted on Exhibit 4-4
2. Approach surfaces depicted on Exhibit 4-4
3. Transitional surfaces depicted on Exhibit 4-4

The C/CAG Board deems it necessary to: (1) ensure the unimpeded use of airspace in the vicinity of San Carlos Airport; and (2) to provide notice to owners of real property near San Carlos Airport of the proximity to the airport and of the potential impacts that could occur on the property from airport/aircraft operations. Both the C/CAG ALUC and the C/CAG Board, acting as the Airport Land Use Commission will consider the need for the granting of an avigation easement to the County of San Mateo, as part of their review of proposed local agency land use policy actions that affect property within the airspace surfaces for San Carlos Airport identified above. Applicable land use policy actions are defined in Section 3.1 of the ALUCP.

The request for the grant of an avigation easement will be made to the local agency that is proposing the land use policy action and will be based on the following criteria:

- a) The proposed land use policy action involves real property located beneath the airspace protection surfaces;

and

- b) The proposed land use policy action would allow the construction of structures or other objects in the vicinity of San Carlos Airport that could exceed the height standards as

defined in 14 CFR Part 77, Subpart C, and based on the elevation above mean sea level (AMSL) of the applicable runway end; or

- c) The proposed land use policy action would allow land uses that may cause visual, electronic, navigational, or wildlife hazards to aircraft in flight or taking off or landing at San Carlos Airport.

The process for requesting the grant of an avigation easement to the County of San Mateo will include the following steps:

1. The C/CAG ALUC reviews a proposed local agency land use policy action and submits a recommendation to the Airport Land Use Commission (C/CAG Board), regarding a request for a grant of an avigation easement to the County of San Mateo.
2. The Airport Land Use Commission (C/CAG Board) reviews the proposed local agency land use policy action and considers the ALUC recommendation.
3. If the Airport Land Use Commission (C/CAG Board) concurs with the ALUC recommendation it shall notify the affected local agency of its action and shall formally request the agency to require the grant of an avigation easement to the County of San Mateo as part of the agency's final approval of the proposed action.

When deemed necessary, the C/CAG Board shall condition its approval of the proposed development upon the owner of the subject property granting an avigation easement to San Mateo County, as the proprietor of San Carlos Airport. The local governmental agency with the ultimate permitting and approval authority over the proposed development shall ensure that this condition is implemented prior to final approval of the proposed development. If the approval action for the proposed development includes construction of a building(s) and/or other structures, the local permitting authority shall require the grant of an avigation easement to San Mateo County prior to issuance of a building permit(s) for the proposed building or structure. If the proposed development is not built, then, upon notice by the local permitting authority, San Mateo County shall record a notice of termination of the avigation easement. The avigation easement to be used in fulfilling this condition is presented in **Appendix E-1A.**

Overflight Policy Update

There are currently two overflight policies in the SQL ALUCP:

- Overflight Policy 1 – Real Estate Transfer Disclosure
- Overflight Policy 2 – Overflight Easement Review Area

Update Section 4.2.4 Overflight Policy 2 to remove references to easements as a form of disclosure and incorporate a recorded deed notice requirement within a new Overflight Notification Zone 2 (contiguous with the current Airport Influence Area B), as follows:

~~Overflight Policy 2 – Overflight Easement Review Area~~ Overflight Notification Zone 2

The Overflight Notification Zone 2 is depicted on Exhibit 4-6. All new residential development projects, other than additions and accessory dwelling units (ADUs), within Overflight Notification Zone 2 shall incorporate a recorded overflight notification requirement as a condition of approval in order to provide a permanent form of overflight notification to all future property owners. An example of the Overflight Notification to be used to fulfill this condition is included in Appendix E, Exhibit E-4.

The 1996 CLUP established an Avigation Easement Review Area (AERA) that is based on the CNEL 55-dB contour, the FAR Part 77 horizontal surface, the FAR Part 77 approach surface, and the FAR Part 77 transitional surface. The AERA is hereby modified as follows:

- ~~a. The AERA is renamed the Overflight Easement Review Area (OERA)~~
- ~~b. The OERA boundary for San Carlos Airport is based on the combination of the:~~
 - ~~1. 60 dB CNEL noise contour as depicted on Exhibit 4-2~~
 - ~~2. The FAR Part 77 horizontal surface as depicted on Exhibit 4-4~~
 - ~~3. The FAR Part 77 approach surface depicted on Exhibit 4-4~~
 - ~~4. The FAR Part 77 transitional surface depicted on Exhibit 4-4~~

The C/CAG Board deems it necessary to: (1) ensure the unimpeded use of airspace in the vicinity of San Carlos Airport; (2) to ensure that new noise-sensitive land uses within the CNEL 60 dB contour are made compatible with aircraft noise in accordance with California Code of Regulations, Title 21, Section 5014; and (3) to provide notice to owners of real property near San Carlos Airport of the proximity to the airport and of the potential impacts that could occur on the property from airport/aircraft operations. Both the C/CAG ALUC and the C/CAG Board, acting as the Airport Land Use Commission, will consider the need for the granting of an avigation easement to the County of San Mateo, as part of their reviews of proposed local agency land use policy actions that affect property within the defined OERA for San Carlos Airport. The request for the grant of an avigation easement will be made to the local agency that is proposing the land use policy action and will be based on the following criteria:

- ~~a. The proposed land use policy action involves real property located within the OERA and includes adoption of one or more of the following:~~
 - ~~1. General Plan~~
 - ~~2. General Plan Amendment~~
 - ~~3. Zoning Ordinance~~
 - ~~4. Zoning Ordinance Amendment~~
 - ~~5. Specific Plan~~
 - ~~6. Specific Plan Amendment~~

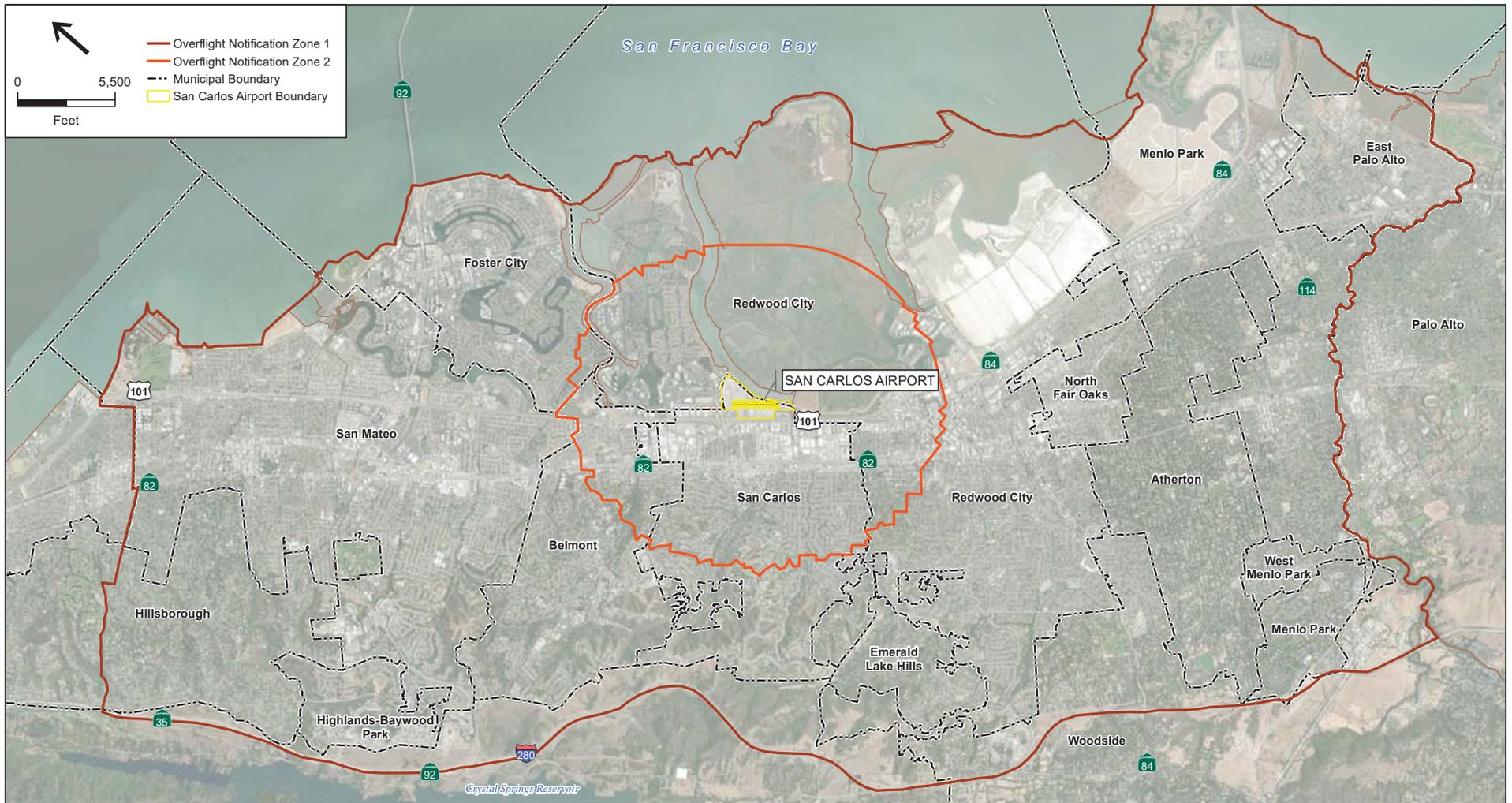
- b. ~~The proposed land use policy action would either permit or result in the development or construction of noise sensitive land uses that are considered to be conditionally compatible with aircraft noise of CNEL 60 dB or greater;~~
- c. ~~The proposed land use policy action would allow the construction of structures or other objects in the vicinity of San Carlos Airport that could exceed the height standards defined in FAR Part 77, Subpart C;~~
- d. ~~The proposed land use policy action would allow land uses that may cause visual, electronic, navigational, or wildlife hazards to aircraft in flight or taking off or landing at San Carlos Airport.~~

The process for requesting the grant of an aviation easement to the County of San Mateo will include the following steps:

1. ~~The C/CAG ALUC reviews a proposed local agency land use policy action and submits a recommendation to the Airport Land Use Commission (C/CAG Board), regarding a request for a grant of an aviation easement to the County of San Mateo.~~
2. ~~The Airport Land Use Commission (C/CAG Board) reviews the proposed local agency land use policy action and considers the ALUC recommendation.~~
3. ~~If the Airport Land Use Commission (C/CAG Board) concurs with the ALUC recommendation it shall notify the affected local agency of its action and shall formally request the agency to require the grant of an aviation easement to the County of San Mateo as part of the agency's final approval of the proposed action.~~

~~When deemed necessary, the C/CAG Board shall condition its approval of the proposed development upon the owner of the subject property granting an aviation easement to San Mateo County, as the proprietor of San Carlos Airport. The local governmental agency with the ultimate permitting and approval authority over the proposed development shall ensure that this condition is implemented prior to final approval of the proposed development. If the approval action for the proposed development includes construction of a building(s) and/or other structures, the local permitting authority shall require the grant of an aviation easement to San Mateo County prior to issuance of a building permit(s) for the proposed building or structure. If the proposed development is not built, then, upon notice by the local permitting authority, San Mateo County shall record a notice of termination of the aviation easement. The aviation easement to be used in fulfilling this condition is presented in **Appendix E**.~~

Amend Exhibit 4-6 to rename the existing Overflight Notification Zone as Overflight Notification Zone 1 and incorporate Overflight Notification Zone 2 (contiguous with the current Airport Influence Area B), as shown:



SOURCE: Aerial - Maxar, 2019; CCAG, ESA Airports, 2021

San Carlos Airport ALUCP . 130753

Exhibit 4-6

Overflight Notification Zone – San Carlos Airport

Replace Existing Appendix E.1, Avigation Easement, with the following:

Appendix E

Implementation Materials

E.1 Avigation Easements

Avigation easements transfer certain property rights from the owner of a property to the owner of the airport (i.e., the County of San Mateo). ALUCs may recommend the dedication of an avigation easement as a condition for approval of development on property subject to high noise levels. Avigation easements can also be used to restrict heights of structures and trees to less than might ordinarily occur on a property. Samples of standard avigation easements for San Carlos Airport are presented in Exhibit E-1A Grant of Airspace Protection Avigation Easement and E-1B Grant of Noise Avigation Easement.

Exhibit E-1A: Grant of Airspace Protection Avigation Easement

When recorded return to:

County of San Mateo

County Manager's Office

Real Property Division

455 County Center, 5th Floor

Redwood City, CA 94063

COUNTY OF SAN MATEO

AVIGATION EASEMENT

This easement is made this _____ day of _____ by and between _____, hereinafter referred to as "GRANTOR" and the County of San Mateo, a political subdivision of the State of California, hereinafter referred to as "COUNTY" or "GRANTEE."

Recitals

A. COUNTY is the owner of certain real property, commonly known as the San Carlos Airport, situated in the County of San Mateo, State of California and generally described as Assessor Parcel Numbers 046-081-730; 600; 680 and 700; 046-082-010; 095-030-210 and 230; 095-222-070; 130 and 140. The County of San Mateo operates the San Carlos Airport as a Category B-II, General Aviation Airport, as defined in Federal Aviation Administration Advisory Circular 150/5300-13 "Airport Design" and Federal Aviation Regulations, Part 77. For purposes of this easement, the San Carlos Airport property is the dominant tenement

B. GRANTOR is the owner in fee of certain real property situated in the County of San Mateo, State of California, as more particularly described in Exhibit A attached hereto, and incorporated herein by reference (the "Grantor Property"). For purposes of this easement, the Grantor Property is the servient tenement.

C. GRANTOR has proposed a _____
_____, near San Carlos Airport.

D. GRANTOR and GRANTEE wish to establish the terms and conditions of an avigation easement so that the aircraft that use San Carlos Airport will have the right to use the airspace over and above GRANTOR'S property.

NOW, THEREFORE, the parties hereto agree as follows:

1. GRANT OF EASEMENT

Grantor GRANTS to COUNTY, its successors and assigns a perpetual easement over the Grantor Property, as described in Exhibit A hereto, on the terms and conditions stated herein. The easement is an easement appurtenant to the San Carlos Airport, and an easement in gross as to the general flying public using San Carlos Airport.

2. PURPOSE OF EASEMENT

The purposes of this easement are (1) to allow for the free and unobstructed passage and flight of operationally compatible aircraft using San Carlos Airport, in through, over and across the airspace of the Grantor Property and (2) to provide notice to GRANTOR and any future owners of the GRANTOR property that the PROPERTY is located in the vicinity of San Carlos Airport and may be subject to impacts of aircraft operations at such airport.

3. RIGHTS GRANTED BY EASEMENT

Subject to limitations in Paragraph 5, below, this easement grants to the COUNTY and members of the public who use San Carlos Airport, the right to fly aircraft in the airspace above the Grantor Property, together with the following rights:

- a) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in, through, across, or about any portion of the Airspace hereinabove described; and
- b) A continuing right to clear and keep clear from the Airspace any portions of buildings, structures, or improvements of any kinds, and of trees or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees, or other things which extend into or above said Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace; and
- c) The right to mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures, or other improvements, and trees or other objects, which extend into or above the Airspace; and
- d) The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.
- e) The prohibition against creating on the real property electrical and electronic interference, glint, glare, and other conditions that would impair the vision of pilots, high-velocity exhaust

plumes, and other interference with radio, radar, microwave, or means of aircraft communication, and uses or features that make it difficult for pilots to distinguish between airfield navigation lights and visual aids and other lights, hazardous wildlife attractants, and other potential hazards to flight.

4. GRANTOR'S OBLIGATIONS

GRANTOR shall not construct, nor permit the construction of, nor permit the growth of, any structure, tree or other natural or man-made object that a) penetrates the designated transitional, horizontal or approach surface, as shown in Exhibit B, attached hereto and incorporated herein by this reference (hereafter "Prohibited Zone") such as to constitute an obstruction or hazard to air navigation as defined in 14 CFR Part 77, "Objects Affecting Navigable Airspace", or b) obstructs or interferes with the use of the flight easement and right of way granted herein, or c) creates electrical interference with radio communication between any installation located at San Carlos Airport and any aircraft, or d) impairs visibility to an extent that it interferes with the safe operation of aircraft at San Carlos Airport, or e) attracts wildlife which could be hazardous to aircraft in flight as determined by the FAA.

5. WAIVER AND RELEASE OF CLAIMS

GRANTOR hereby waives, releases, and discharges, for itself and on behalf of GRANTOR'S heirs, assigns and successors in interest to all or any part of the Grantor Property, any and all claims or causes of action it may have now or in the future against COUNTY arising out of any of the activities authorized under this easement to include, but not limited to, activities which cause noise, vibrations, fumes, exhaust, dust, fuel particles, radio and television interference, and other effects which may be caused by the legal and proper operation of aircraft landing at or taking off from, or operating at San Carlos Airport.

6. ACKNOWLEDGEMENT OF EFFECTS OF AIRCRAFT OPERATION.

The Grantor Property is located within the boundary of the adopted Airport Influence Area (AIA) and the airspace protection surfaces defined under 14 CFR Part 77 for the San Carlos Airport. GRANTOR acknowledges and understands that, because the GRANTOR'S private property is in close proximity to San Carlos Airport, operation of the airport and aircraft utilizing the airport may affect such property.

7. RESERVATION OF RIGHTS AGAINST UNLAWFUL OPERATION.

a) This grant of easement shall not operate to deprive the GRANTOR, and GRANTOR'S successors or assigns, of any rights that it may have against any individual or private operator of aircraft for negligent or unlawful operation of aircraft as such operation may affect the Grantor Property.

b) This grant of easement does not waive any claim GRANTOR or GRANTOR'S successors or assigns, or by any person lawfully on the Grantor Property, for damages for personal injury or damage to personal or real property sustained as a result of an aircraft crash or from objects falling from aircraft flying over the Grantor Property.

8. INTERPRETATION AND ENFORCEMENT.

a) COUNTY shall have the sole right and authority to enforce this easement on behalf of itself and members of the public using San Carlos Airport.

b) COUNTY may bring any action in court necessary to enforce the terms of this easement including, but not limited to, injunction to terminate a breaching activity, or an action to enforce the terms and provisions hereof by specific performance. The enforcement proceedings specified in this paragraph are not exclusive. Any forbearance on the part of the COUNTY to enforce the terms and conditions hereof shall not be deemed a waiver of COUNTY'S right regarding any subsequent breach.

9. COVENANT RUNS WITH THE LAND.

The covenants and agreements described herein shall run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the GRANTOR and GRANTEE. This easement benefits and burdens the Grantor Property and the San Carlos Airport property.

10. APPLICABLE LAW.

Provisions of this easement shall be interpreted, applied and enforced in accordance with the provisions of State and Federal Laws recited herein as they exist as of the effective date of this easement, except to the extent such provisions are preempted by any future amendment or amendments to such State or Federal laws, in which case the amended provisions of State and Federal law shall apply.

11. TERMINATION.

This grant of easement, and the covenants and agreements contained therein, shall continue in effect until San Carlos Airport shall be permanently abandoned and shall cease to be used for public airport purposes.

_____ (NAME OF GRANTOR)

Dated: _____ by: _____

APPROVED AS TO FORM

Dated: _____

City Attorney

COUNTY OF SAN MATEO

Dated: _____ by: _____

County Manager

Exhibit E-1B: Grant of Noise Avigation Easement

When recorded return to:

County of San Mateo

County Manager's Office

Real Property Division

455 County Center, 5th Floor

Redwood City, CA 94063

COUNTY OF SAN MATEO

AVIGATION EASEMENT

This easement is made this _____ day of _____ by and between _____, hereinafter referred to as "GRANTOR" and the County of San Mateo, a political subdivision of the State of California, hereinafter referred to as "COUNTY" or "GRANTEE."

Recitals

A. COUNTY is the owner of certain real property, commonly known as the San Carlos Airport, situated in the County of San Mateo, State of California and generally described as Assessor Parcel Numbers 046-081-730; 600; 680 and 700; 046-082-010; 095-030-210 and 230; 095-222-070; 130 and 140. The County of San Mateo operates the San Carlos Airport as a Category B-II, General Aviation Airport, as defined in Federal Aviation Administration Advisory Circular 150/5300-13 "Airport Design" and Federal Aviation Regulations, Part 77. For purposes of this easement, the San Carlos Airport property is the dominant tenement

B. GRANTOR is the owner in fee of certain real property situated in the County of San Mateo, State of California, as more particularly described in Exhibit A attached hereto, and incorporated herein by reference (the "Grantor Property"). For purposes of this easement, the Grantor Property is the servient tenement.

C. GRANTOR has proposed a _____

_____, near San Carlos Airport.

D. GRANTOR and GRANTEE wish to establish the terms and conditions of an avigation easement so that the aircraft that use San Carlos Airport will have the right to use the airspace over and above GRANTOR'S property.

NOW, THEREFORE, the parties hereto agree as follows:

1. GRANT OF EASEMENT

Grantor GRANTS to COUNTY, its successors and assigns a perpetual easement over the Grantor Property, as described in Exhibit A hereto, on the terms and conditions stated herein. The easement is

an easement appurtenant to the San Carlos Airport, and an easement in gross as to the general flying public using San Carlos Airport.

2. PURPOSE OF EASEMENT

The purposes of this easement are (1) to allow for the free and unobstructed passage and flight of operationally compatible aircraft using San Carlos Airport, in through, over and across the airspace of the Grantor Property and (2) to provide notice to GRANTOR and any future owners of the GRANTOR property that the PROPERTY is located in the vicinity of San Carlos Airport and may be subject to impacts of aircraft operations at such airport.

3. RIGHTS GRANTED BY EASEMENT

Subject to limitations in Paragraph 5, below, this easement grants to the COUNTY and members of the public who use San Carlos Airport, the right to fly aircraft in the airspace above the Grantor Property, together with the following rights:

a) The right to cause such noise, vibration, fumes, exhaust, dust and fuel particles that result from the legal and proper operation of such aircraft.

b) The right to cause radio, television, and other electromagnetic interference associated with the legal and proper operation of such aircraft.

c) The right to cause such other effects that are inherent in the legal and proper operation of such aircraft.

5. COUNTY'S OBLIGATION UNDER GRANT OF EASEMENT

COUNTY shall exercise efforts to control and prohibit such aircraft operations at San Carlos Airport which:

a) are in violation of Federal noise abatement regulations and operational and noise abatement flight procedures set forth in Volume 14 of the Code of Federal Regulations and Federal Aviation Administration (FAA) orders applicable to aircraft operations at San Carlos Airport; or

b) cause noise impacts in violation of Title 21, Subchapter 6 of the California Code of Regulations.

A violation or violations of the noise criteria set forth in this paragraph shall not operate to invalidate this easement or any provision of this easement or relieve GRANTOR from complying with the provisions of this easement.

6. WAIVER AND RELEASE OF CLAIMS

GRANTOR hereby waives, releases, and discharges, for itself and on behalf of GRANTOR'S heirs, assigns and successors in interest to all or any part of the Grantor Property, any and all claims or causes of action it may have now or in the future against COUNTY arising out of any of the activities authorized under this easement to include, but not limited to, activities which cause noise, vibrations, fumes, exhaust, dust, fuel particles, radio and television interference, and other effects which may be caused by the legal and proper operation of aircraft landing at or taking off from, or operating at San Carlos Airport.

7. ACKNOWLEDGEMENT OF EFFECTS OF AIRCRAFT OPERATION.

The Grantor Property is located within the boundary of the adopted Airport Influence Area (AIA) and the CNEL 60 dB and higher contours for the San Carlos Airport. GRANTOR acknowledges and understands that, because the GRANTOR'S private property is in close proximity to San Carlos Airport, operation of the airport and aircraft utilizing the airport may affect such property.

8. LIMITATIONS ON NOISE.

This grant of easement shall not: extend to permit an aircraft noise level over the Grantor Property that exceeds 65dB CNEL.

9. RESERVATION OF RIGHTS AGAINST UNLAWFUL OPERATION.

a) This grant of easement shall not operate to deprive the GRANTOR, and GRANTOR'S successors or assigns, of any rights that it may have against any individual or private operator of aircraft for negligent or unlawful operation of aircraft as such operation may affect the Grantor Property.

b) This grant of easement does not waive any claim GRANTOR or GRANTOR'S successors or assigns, or by any person lawfully on the Grantor Property, for damages for personal injury or damage to personal or real property sustained as a result of an aircraft crash or from objects falling from aircraft flying over the Grantor Property.

10. INTERPRETATION AND ENFORCEMENT.

a) COUNTY shall have the sole right and authority to enforce this easement on behalf of itself and members of the public using San Carlos Airport.

b) COUNTY may bring any action in court necessary to enforce the terms of this easement including, but not limited to, injunction to terminate a breaching activity, or an action to enforce the terms and provisions hereof by specific performance. The enforcement proceedings specified in this paragraph are not exclusive. Any forbearance on the part of the COUNTY to enforce the terms and conditions hereof shall not be deemed a waiver of COUNTY'S right regarding any subsequent breach.

11. COVENANT RUNS WITH THE LAND.

The covenants and agreements described herein shall run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the GRANTOR and GRANTEE. This easement benefits and burdens the Grantor Property and the San Carlos Airport property.

12. APPLICABLE LAW.

Provisions of this easement shall be interpreted, applied and enforced in accordance with the provisions of State and Federal Laws recited herein as they exist as of the effective date of this easement, except to the extent such provisions are preempted by any future amendment or amendments to such State or Federal laws, in which case the amended provisions of State and Federal law shall apply.

13. TERMINATION.

This grant of easement, and the covenants and agreements contained therein, shall continue in effect until San Carlos Airport shall be permanently abandoned and shall cease to be used for public airport purposes.

(NAME OF GRANTOR)

Dated: _____ by: _____

APPROVED AS TO FORM

Dated: _____

City Attorney

COUNTY OF SAN MATEO

Dated: _____ by: _____

County Manager

Add Exhibit E-4 – Sample Overflight Notification, to Appendix E, as follows:

E-4 Sample Overflight Notification

A statement similar to the following should be included for any real property subject to the Overflight notification requirements set forth in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport. Such notice should be notarized and recorded by the county of San Mateo. Also, this overflight notification should be included on any parcel map, tentative map, or final map for subdivision approval.

Appendix E, Exhibit E-4: Sample Overflight Notification, cont.

<u>WHEN RECORDED MAIL TO:</u> <u>(---insert local agency information---)</u>	
---	--

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

RECORDED OVERFLIGHT NOTIFICATION

This *Overflight Notification* concerns the real property situated in the County of San Mateo and the City of _____, State of California, described as _____ [APN No.: -----] (the "Property;" see Exhibit A for legal description).

This *Overflight Notification* provides notification of the condition of the above-described property in recognition of, and in compliance with, California Business & Professions Code Section 11010 and California Civil Code Sections 1102.6, 1103.4 and 4255, and related state and local regulations and consistent with policies of the San Mateo County Airport Land Use Commission for the overflight notification provided in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport*.

NOTICE OF AIRPORT IN VICINITY: This Property is located in the vicinity of an airport and within the airport influence area. The property may be subject to some of the annoyances or inconveniences associated with proximity to an airport and aircraft operations (for example: noise, vibration, overflights or odors). Individual sensitivities to those annoyances can vary from person to person. You should consider what airport annoyances, if any, affect the Property before you complete your purchase and whether they are acceptable to you.

The Federal Aviation Administration (FAA) has regulatory authority over the operation of aircraft in flight and on the runway and taxiway surfaces at the San Carlos Airport. The FAA is, therefore, exclusively responsible for airspace and air traffic management, including ensuring the safe and efficient use of navigable airspace, developing air traffic rules, assigning the use of

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

_____)
STATE OF CALIFORNIA _____) ss
COUNTY OF SAN MATEO _____)
_____)

On _____ before me, _____, Notary Public,
personally appeared, _____ who proved to me on the
basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),
or the entity upon behalf of which the person(s) acted, executed the instrument.

**I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.**

WITNESS my hand and official seal.

Signature _____ (SEAL)

EXHIBIT A - Property Description

Source: Modified from California Airport Land Use Planning Handbook (October 2011)

From: RNewman@ResolutionStrategiesInc.com
To: Susy Kalkin; arak@cityofsancarlos.org; anne@marshallrealty.com; carol_ford@sbcglobal.net; Lisa Costa Sanders; rkuchenig@redwoodcity.org; Gretchen Kelly; Carlos de Melo; Marlene Subhashini; Leslie Carmichael; rortiz@burlingame.org
Cc: RNewman@ResolutionStrategiesInc.com
Subject: RE: Overflight Policy - Update
Date: Tuesday, July 12, 2022 7:05:44 PM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Good evening,

Thank you Suzy for sending this message and attachment along. I have taken the liberty of adding Ricardo Ortiz to this message as I believe he is still on the committee. I don't see the Chair or the Half Moon Bay Pilots Association member listed, but I may be substantially out of date on who participates.

I just wanted to add my endorsement of this final proposed resolution. This discussion has been extended for at least a year that I can recall, and perhaps longer than that. ALUC meetings are like dog years to me – I just can't keep track.

This negotiated and studied (and argued over) policy is in my opinion, a substantially improved form of meaningful notification of the actual impacts of life near a busy airport. The hope is that folks who understand what matters may concern them are more likely to live in harmony with the uses nearby. No guarantees, but that is certainly the objective here.

I must extend my thanks to Susy for her hard work on this project. She put in plenty of time, and it was not made easy on her. In the end, she was responsible for this good result and should be acknowledged for furthering the goals of the ALUC and C/CAG. I should also acknowledge the contribution of the lawyers working for the County and the Clerk/Recorder's Office. Their input was critical to making this work along with that of the committee itself over several sessions.

Best,

Rich Newman

From: Susy Kalkin <kkalkin@smcgov.org>
Sent: Tuesday, July 12, 2022 6:08 PM
To: arak@cityofsancarlos.org; anne@marshallrealty.com; carol_ford@sbcglobal.net; Lisa Costa Sanders <LCostaSanders@cityofsancarlos.org>; rkuchenig@redwoodcity.org; Gretchen Kelly <gkelly@smcgov.org>; Carlos de Melo <cдемelo@belmont.gov>; Marlene Subhashini

<mshashini@fostercity.org>; Leslie Carmichael <lcarmichael@fostercity.org>

Cc: RNewman@ResolutionStrategiesInc.com

Subject: Overflight Policy - Update

Hi All,

I wanted to let you all know where we are with this matter. After our last meeting in February there was general consensus on a recommendation that included various changes to the San Carlos ALUCP that would do the following:

1. Relocate the noise and airspace protection easements and criteria currently provided under Overflight Policy 2 to a newly created Noise Policy 7 and Airspace Protection Policy 7. (These changes have generally been noncontroversial as they are consistent with the format of the other ALUCPs in the County – SFO and HMB)
2. Update Overflight Policy 2 to remove references to easements as a form of real estate disclosure notification and incorporate instead a recorded deed notice requirement for new residential development projects within a newly established Overflight Notification Zone 2 (contiguous with the current Airport Influence Area B). *Clarify that the Policy does not apply to ADUs or additions.

Your direction following on that meeting was to have staff meet with the County Recorder's office to ensure that the deed notice (Item 2) would be something that they could record. Subsequently, Rich Newman and I met with both C/CAG Counsel and the Recorder's Office Counsel, followed by some additional back and forth. The end result is that the "Recorded Deed Notice" has been replaced by a "Recorded Overflight Notification" (attached) that includes the standard real estate disclosure language currently required per State law, and it has been confirmed that this document is recordable so long as it is signed and notarized.

Unless I hear from any of you with additional concerns that should be brought back to the group for discussion, I intend to notice this item for a public hearing at the next ALUC meeting on July 28th. Thank you all for your assistance in working through all of these issues.

Susy

Susy Kalkin, Transportation Systems Coordinator/ALUC Staff

C/CAG - City/County Association of Governments of San Mateo County

555 County Center, 5th Floor

Redwood City, California 94063

(650) 599-1467

kkalkin@smcgov.org



C/CAG AGENDA REPORT

Date: July 28, 2022
To: Airport Land Use Committee
From: Susy Kalkin
Subject: San Francisco International Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – Millbrae 2040 General Plan Update

(For further information or response to questions, contact Susy Kalkin – kkalkin@smcgov.org)

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 Millbrae 2040 General Plan Update is consistent with the applicable airport/land use policies and criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP), subject to the following conditions:

Prior to adoption, the Millbrae 2040 General Plan Update shall be amended to address the issues identified below:

- *Modify the text of HSHM-2 to insert “SFO ALUCP Table IV-1, Noise Land/Use Compatibility Criteria” as an additional noise standard with which development must comply.*
- *Table 7-1 (identified as ‘Table HSQL-1’ in the Policy) is not consistent with SFO ALUCP Table IV-1, Noise/Land Use Compatibility Criteria. Table 7-1 should either be amended to a) reflect SFO ALUCP Table IV-1, Noise/Land Use Compatibility Criteria, including incorporation of consistent noise thresholds for identified land uses; associated requirements for reduction of interior noise levels from exterior sources to CNEL 45 dB or lower and the grant of an avigation easement for uses that are listed as “Conditionally Compatible”; or b) clarify that the criteria reflects noise sources other than aircraft related, and include a footnote or other clarifying statement stipulating that land uses located within an airport noise contour of CNEL 65 dB or higher will be governed by the SFO ALUCP Noise Compatibility Policies.*
- *The Future Noise Contours Map was not included in the draft General Plan. In order to ensure consistency with General Plan Policy HSHM-6.4, verify/clarify that the future noise contour map identified as Figure 10-1, is consistent with SFO ALUCP Exhibit IV-5.*
- *Amend Policies HSHM-6.1 & 6.2 to incorporate compliance with the SFO critical aeronautical surfaces (SFO ALUCP Exhs. IV-17 & IV-18) as an additional regulating criterion.*

BACKGROUND

The City of Millbrae has recently released a public draft of its 2040 General Plan, a long-range plan that guides decision-making and establishes rules and standards for new development and city improvements.

The entire community of Millbrae is located within Airport Influence Area B (AIA B), the “Project Referral” area, for San Francisco International Airport. California Government Code Section 65302.3 states that a local agency General Plan, Zoning Ordinance and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted Airport Land Use Compatibility Plan (ALUCP). In accordance with these requirements, the City of Millbrae has referred the subject policy documents to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the SFO ALUCP.

DISCUSSION

ALUCP Consistency Evaluation

The SFO ALUCP includes policies regarding establishment of: an Airport Influence Area, with related real estate disclosure requirements and Airport Land Use Commission review authority; noise compatibility policies and criteria; safety policies and criteria; and airspace protection policies. Overall, the Millbrae General Plan Update does a good job of incorporating/reflecting the relevant policies of the SFO ALUCP (Policy excerpts includes as Attachment 2). The following sections briefly summarize these policies and describe how the Millbrae General Plan addresses each, as well as outline some recommended modifications to better ensure overall compatibility.

Airport Influence Area – The SFO ALUCP contains policies related to two Airport Influence Areas (AIAs), Area A and Area B. AIA A identifies an area where real estate disclosure requirements exist to identify proximity to SFO and potential annoyances or inconveniences that may result. AIA B is the project referral area, requiring formal action by the Airport Land Use Commission.

The draft Millbrae General Plan includes the following related policies:

- HSHM-10.9: Airport Disclosure Notices
The City shall require that all new development comply with real estate disclosure requirements of State law. Section 11010 of the Business and Professions Code requires people offering subdivided property for sale or lease to disclose the presence of all existing and planned airports within two miles of the property (Cal. Bus. and Prof. Code Section 110010(b)(13).
- HSHM-6.4: Airport Land Use Compatibility Plan Land Use and Development Consistency
The City shall ensure that all future land use actions and/or associated development conforms to the relevant height, aircraft noise, and safety policies and compatibility criteria contained in the

most recently adopted version of the Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

▪ HSHM-6.5: Airport Land Use Commission Review

The City shall ensure all applicable long-range plans and associated amendments and ordinances are reviewed by the City/County Association of Governments Board of Directors, acting as the San Mateo County’s Airport Land Use Commission, for a determination of consistency with the most current Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport, as required by State law.

Noise Policy Consistency Analysis – The SFO ALUCP contains Noise Compatibility Policies, which establish noise compatibility zones (defined by the CNEL 65-, 70- and 75-dB contours), define land use compatibility criteria within these zones, and determine circumstances where the granting of an aviation easement is required.

The draft Millbrae General Plan includes the following airport noise related policies:

▪ HSHM-10.1 Noise Sensitive Uses

The City shall discourage noise sensitive uses, (e.g., residences, schools, hospitals, libraries, religious institutions, and convalescent homes) from locating near major sources of noise.

▪ HSHM-10.2 Noise Standards

The City shall require new development to comply with the Exterior Noise Compatibility Standards for Various Land Uses (Table HSQL-1) and the Future Noise Contours Map (Figure 10-1).

Staff notes a few concerns with HSHM-10.2 as currently drafted, which have been added as conditions of this consistency determination:

- *Modify the text of HSHM-2 to insert “SFO ALUCP Table IV-1, Noise Land/Use Compatibility Criteria” as an additional noise standard with which develop must comply.*
- *Table 7-1 (identified as ‘Table HSQL-1’ in the Policy) is not consistent with SFO ALUCP Table IV-1, Noise/Land Use Compatibility Criteria. Table 7-1 should either be amended to a) reflect SFO ALUCP Table IV-1, Noise/Land Use Compatibility Criteria, including incorporation of consistent noise thresholds for identified land uses; associated requirements for reduction of interior noise levels from exterior sources to CNEL 45 dB or lower and the grant of an aviation easement for uses that are listed as “Conditionally Compatible”; or b) clarify that the criteria reflects noise sources other than aircraft related, and include a footnote or other clarifying statement stipulating that land uses located within an airport noise contour of CNEL 65 dB or higher will be governed by the SFO ALUCP Noise Compatibility Policies.*

- *The Future Noise Contours Map was not included in the draft General Plan. In order to ensure consistency with General Plan Policy HSHM-6.4, verify/clarify that the future noise contour map identified as Figure 10-1, is consistent with SFO ALUCP Exhibit IV-5.*

Safety Policy Consistency Analysis – The SFO ALUCP includes five sets of safety zones and sets forth land use compatibility criteria for each of these zones. As shown on Attachment 3, portions of Millbrae lie within Safety Zones 1, 2, 3 and 4.

Together, Policy HSHM-6.4 & Policy HSHM-6.5, noted above, which direct that all that all future land use actions and/or associated development conform to the policies of the SFO ALUCP, and ensure that future plan amendments will be submitted to the ALUC for consistency reviews provide assurance of consistency with the Safety Policies of the SFO ALUCP.

Airspace Protection Policy Consistency Analysis – 14 Code of Federal Regulations (CFR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*, governs the FAA’s review of proposed construction exceeding certain height limits, defines airspace obstruction criteria, and provides for FAA aeronautical studies of proposed construction. In addition, Airspace Protection policies in the SFO ALUCP concerning maximum structure heights require compliance with the Critical Aeronautical Surfaces as depicted on Exhibits IV-17 & IV-18.

The draft Millbrae General Plan contains the following policies addressing air space protection:

- **HSHM-6.1 - Land Use Safety Compatibility and Airspace Protection Criteria**
The City shall consider all applicable Federal statutes (including 49 U.S.C. 47107), Federal regulations (including 14 Code of Federal Regulations 77 et seq.), the Federal Aviation Administration (FAA) Airport Compliance Manual, FAA Advisory Circulars, other forms of written guidance, and State law with respect to criteria related to land use safety and airspace protection when evaluating development applications within the Airport Influence Area of the San Francisco International Airport and Mills-Peninsula Medical Center helipad.
- **HSHM-6-2 - Airport Safety**
The City shall regulate land uses and building height within the Airport Influence Area of the San Francisco International Airport, including Millbrae Station Specific Plan area and the Downtown and El Camino Real Specific Plan area, in compliance with FAR Part 77 height restriction standards, in accordance with Airport Land Use Commission guidelines to assure safety of aircraft, persons, and property near the Airport.
- **HSHM-6.3 – Federal Aviation Administration Requirements for Development**
The City shall require development projects within the Airport Influence Area designated in the Airport Land Use Compatibility Plan of the San Francisco International Airport to comply with all applicable Federal statutes (including 49 U.S.C. 47107), Federal regulations (including 14 Code of Federal Regulations 77 et seq.), the FAA’s Airport Compliance Manual, FAA Advisory Circulars, other forms of written guidance, and State law with respect to criteria related to land use safety and airspace protection. Cranes and other equipment used to construct the building are

also required to comply with all FAA federal statutes.

Concern has been noted with HSHM-6.1 & 6.2 as currently drafted, which both reference FAA Part 77 surfaces with respect to regulating structure height, but do not address the Critical Aeronautical Surfaces included in the SFO ALUCP. The SFO ALUCP (Policy AP-3) stipulates that maximum building height of a new structure must be the lower of (1) the height shown on the SFO critical aeronautical surfaces map (Exhs. IV-17 & IV-18) or (2) the maximum height determined not to be a “hazard to air navigation” by the FAA. Therefore, the following has been added as a condition of this consistency determination:

- *Amend Policies HSHM-6.1 & 6.2 to incorporate compliance with the SFO critical aeronautical surfaces (SFO ALUCP Exhs. IV-17 & IV-18) as an additional regulating criterion.*

ATTACHMENTS

1. ALUCP application
2. Millbrae General Plan Aircraft Hazards and Noise Policies (excerpts)
3. SFO ALUCP Exh. IV-9 –Safety Compatibility Zones
4. Comment letter from SFO Planning and Environmental Affairs dated July 20, 2022 to Nestor Guevara, City of Millbrae - Public Review Draft of Millbrae 2040 General Plan Policy Document and Downtown and El Camino Real Specific Plan

The following attachment is available to download on the C/CAG website at:

<https://ccag.ca.gov/committees/airport-land-use-committee/>

5. Millbrae General Plan Public Review Draft June 2022



APPLICATION FOR LAND USE CONSISTENCY DETERMINATION
San Mateo County Airport Land Use Commission
C/CAG ALUC

APPLICANT INFORMATION

Agency: City of Millbrae

Project Name: City of Millbrae 2040 General Plan and Downtown and El Camino Real Specific Plan

Address: 621 Magnolia Avenue

APN: Citywide and Specific Plan Area

City: Millbrae

State: California

ZIP Code: 94030

Staff Contact: Nestor Guevara

Phone: 650-259-2335

Email: nguevara@ci.millbrae.ca.us

PROJECT DESCRIPTION

The project consists of two long-range City plans: 1) the City of Millbrae's 2040 General Plan Update and 2) the Downtown and El Camino Real Specific Plan. Appendices to the Specific Plan include the Broadway and El Camino Real Streetscape Plan, Infrastructure Report, and Parking Requirements.

REQUIRED PROJECT INFORMATION

For General Plan, Specific Plan or Zoning Amendments and Development Projects:

A copy of the relevant amended sections, maps, etc., together with a detailed description of the proposed changes, sufficient to provide the following:

1. Adequate information to establish the relationship of the project to the three areas of Airport Land Use compatibility concern (ex. a summary of the planning documents and/or project development materials describing how ALUCP compatibility issues are addressed):
 - a) Noise: Location of project/plan area in relation to the noise contours identified in the applicable ALUCP.
 - Identify any relevant citations/discussion included in the project/plan addressing compliance with ALUCP noise policies.
 - b) Safety: Location of project/plan area in relation to the safety zones identified in the applicable ALUCP.
 - Include any relevant citations/discussion included in the project/plan addressing compliance with ALUCP safety policies.
 - c) Airspace Protection:
 - Include relevant citations/discussion of allowable heights in relation to the protected airspace/proximity to airport, as well as addressment of any land uses or design features that may cause visual, electronic, navigational, or wildlife hazards, particularly bird strike hazards.

- If applicable, identify how property owners are advised of the need to submit Form 7460-1, *Notice of Proposed /Construction or Alteration* with the FAA.

2. Real Estate Disclosure requirements related to airport proximity
3. Any related environmental documentation (electronic copy preferred)
4. Other documentation as may be required (ex. related staff reports, etc.)

Additional information For Development Projects:

1. 25 sets of scaled plans, no larger than 11" x 17"
2. Latitude and longitude of development site
3. Building heights relative to mean sea level (MSL)

ALUCP Plans can be accessed at <http://ccag.ca.gov/plansreportslibrary/airport-land-use/>

Please contact C/CAG staff at 650 599-1467 with any questions.

<i>For C/CAG Staff Use Only</i>
<i>Date Application Received</i>
<i>Date Application Deemed Complete</i>
<i>Tentative Hearing Dates:</i>
- <i>Airport Land Use Committee</i>
- <i>C/CAG ALUC</i>

7.6 Aircraft Hazards

The San Francisco International Airport (SFO) is a large, primary commercial service airport, owned and operated by the City and County of San Francisco. The Board of Directors of the City/County Association of Governments of San Mateo County, in its capacity as the San Mateo County Airport Land Use Commission (ALUC) adopted the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP) on November 8, 2012. The SFO ALUCP provides land use policies, height limits, and recommendations for development in the areas surrounding San Francisco International Airport to ensure that development in the areas surrounding the airport are compatible with airport operations. The Plan area includes all of the City of Millbrae. Specifically with respect to land uses, the plan provides policies for the orderly development of the area surrounding SFO so as to prevent the creation of new noise and safety problems and ensuring that the land use compatibility policies fall within the level of acceptable risk considered to be a community norm in the environs of the Airport. The plan serves to protect the public health, safety, and welfare by the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses. In accordance with the requirements of California Public Utilities Code Section 21676(b) a local agency General Plan, Zoning Ordinance and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted ALUCP.

In recent years there has been a growing concern over the effects of low-frequency ground-borne noise from inbound and outbound aircraft at SFO. Low-frequency ground-borne noise causes subtle to moderate ground vibrations and noise-induced rattling in structures (i.e., walls, ceilings, and foundations), particularly habitable structures such as single-family and multi-family developments. These frequencies can more commonly cause disruption in daily routine and overall annoyances to occupants but can also lead to mild health effects such as lack of sleep and increased

stress. In some instances, ground-borne frequencies and subsequent vibration can result in structural damage. There are methods to reducing the effects of low-frequency ground-borne noise include modified site planning techniques by creating additional barriers between habitable spaces and the source of the sound, enhanced buffered landscaping, and upgrades to structural materials and placement of fenestration (i.e., doors and windows).

The policies in this section support compatibility with the SFO ALUCP and minimize risks associated with the daily operations of the airport.

HSHM-6 *Minimize exposure to hazards associated with aircraft using the San Francisco International Airport. (Source: New Goal)*

HSHM-6.1 Land Use Safety Compatibility and Airspace Protection Criteria

The City shall consider all applicable Federal statutes (including 49 U.S.C. 47107), Federal regulations (including 14 Code of Federal Regulations 77 et seq.), the Federal Aviation Administration (FAA) Airport Compliance Manual, FAA Advisory Circulars, other forms of written guidance, and State law with respect to criteria related to land use safety and airspace protection when evaluating development applications within the Airport Influence Area of the San Francisco International Airport and Mills-Peninsula Medical Center helipad. (Source: New Policy) [RDR]

HSHM-6.2 Airport Safety

The City shall regulate land uses and building height within the Airport Influence Area of the San Francisco International Airport, including Millbrae Station Specific Plan area and the Downtown and El Camino Real Specific Plan area, in compliance with FAR Part 77 height restriction standards, in accordance with Airport Land Use Commission guidelines to assure safety of aircraft, persons, and property near the Airport. (Source: Existing General Plan Policy S1.20, modified) [RDR]

HSHM-6.3 Federal Aviation Administration Requirements for Development

The City shall require development projects within the Airport Influence Area designated in the Airport Land Use Compatibility Plan of the San Francisco International Airport to comply with all applicable Federal statutes (including 49 U.S.C. 47107), Federal regulations (including 14 Code of Federal Regulations 77 et seq.), the FAA's Airport Compliance Manual, FAA Advisory Circulars, other forms of written guidance, and State law with respect to criteria related to land use safety and airspace protection. Cranes and other equipment used to construct the building are also required to comply with all FAA federal statutes. (Source: New Policy) [RDR]

HSHM-6.4 Airport Land Use Compatibility Plan Land Use and Development Consistency

The City shall ensure that all future land use actions and/or associated development conforms to the relevant height, aircraft noise, and safety policies and compatibility criteria contained in the most recently adopted version of the Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport. (Source: New Policy) [RDR]

HSHM-6.5 Airport Land Use Commission Review

The City shall ensure all applicable long-range plans and associated amendments and ordinances are reviewed by the City/County Association of Governments Board of Directors, acting as the San Mateo County's Airport Land Use Commission, for a determination of consistency with the most current Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport, as required by State law. (Source: New Policy) [IGC]

HSHM-6.6 Airport Flood Pumps

The City shall continue to coordinate with San Francisco International Airport in assuring adequate and well-maintained flood pumps. (Source: Existing General Plan Program SIP-17, modified) [IGC]

HSHM-6.7 Airport Noise Mitigation

The City shall continue to work with the relevant agencies, including the Airport Land Use Commission and the SFO Community Roundtable, to ensure ongoing reduction of airport noise, including low-frequency ground-borne noise. (Source: Existing General Plan Policy NS3.3 and PCIP-9, modified) [IGC]

HSHM-6.8 SFO Residential Sound Insulation Program

The City shall support the continuation of the Residential Sound Insulation Program to reduce the noise impacts for dwellings impacted by aircraft noise 65 dBA or greater. The City shall encourage SFO to fill any gaps that might occur in Federal funding until all eligible homes have been insulated. (Source: Existing NSIP-11, modified) [IGC]

HSHM-6.9 Low-Frequency Ground-borne Aircraft Noise Mitigation

The City shall require new development to include development and site planning mitigation measures to reduce low-frequency ground-borne noise from inbound and outbound aircraft at SFO. (Source: New Policy) [RDR]

7.7 Hazardous Materials

Protection from hazardous materials is essential to providing a safe environment for residents and visitors. Hazardous materials include toxic, flammable, combustible, corrosive, poisonous, and radioactive substances that have the potential to cause harm to the public or the environment. An important subcategory of hazardous materials is hazardous waste. The improper use and disposal of hazardous materials can contaminate soil and groundwater resources and compromise the health and quality of life of residents. Accidents involving the transportation of hazardous materials can also cause explosions or spills that endanger the lives and property of nearby residents and businesses. The policies in this section establish strategies to minimize exposure to hazardous materials, including the implementation of best practices for the routine use, storage, transport, and disposal of hazardous materials.

HSHM-7 *Protect people and the environment from exposure to hazardous materials and minimize risks associated with the use, storage, transport, and disposal of hazardous materials. (Source: New Goal)*

HSHM-7.1 Contaminated Site Assessment

The City shall require development proposed on a potentially contaminated site to take appropriate steps to assess hazards. If the site is found to be contaminated with hazardous substances, the City shall require the project applicant to take appropriate measures to protect the health and safety of site users and the greater Millbrae community. (Source: Existing General Plan Policy S1.2, modified) [RDR]

HSHM-7.2 Hazardous Materials Education Resources

The City shall continue to provide, and support efforts by San Mateo County to provide, educational resources to residents and businesses that promote best practices for the use, storage,

HSHM-8.4 Fire Prevention Education

The City shall support efforts by the Central County Fire Department to maintain and implement a fire prevention and safety education program for Millbrae residents and businesses. The Central County Fire Department shall ensure that the needs of high-risk population groups, such as seniors and non-native English speakers, are met with tailored programs. (Source: New Policy) [IGC]

HSHM-8.5 Open Space Management

The City shall ensure open space maintenance and emergency access to reduce fire risk through City operations, enforcement of City regulations, and cooperation with other responsible agencies. (Source: New Policy) [RDR, SO, IGC]

7.9 Law Enforcement

In 2012 law enforcement services for Millbrae transitioned from the Millbrae Police Department to the San Mateo County Sheriff's Office. The San Mateo County Sheriff's Office provides a Sheriff's captain, four sergeants, and 8 deputy sheriff's to provide law enforcement exclusively to the City of Millbrae. The California Highway Patrol provides traffic safety and enforcement services on highways (e.g., I-280, U.S. Highway 101). The policies in this section are meant to strengthen the partnership between the San Mateo County Sheriff's Office and Millbrae residents, to ensure the safety of Millbrae residents, businesses, and visitors.

HSHM-9 *Provide high-quality law enforcement services to ensure a safe community.*
(Source: New Goal)

HSHM-9.1 Adequate Staffing and Facilities

The City shall support the San Mateo County Sheriff's Office in ensuring adequate staffing and facilities for the Millbrae Police Bureau to achieve desired levels of public safety. (Source: New Policy) [FB, IGC]

HSHM-9.2 Community Policing Strategies

The City shall continue promoting community policing strategies that support community partnerships and problem-solving techniques that build public trust and proactively address public safety issues. (Source: New Policy) [JP, PI]

HSHM-9.3 School Security and Safety

The City shall encourage the San Mateo County Sheriff's Office to collaborate with local school districts to study and implement measures that enhance the security of schools and the safety of students, teachers, and administrators. (Source: New Policy) [IGC]

7.10 Noise

Exposure to excessive noise can impact health and quality of life, potentially causing hearing loss, stress, hypertension, sleep disturbance, and fatigue. Noise from mobile sources, including motor vehicles on roadways, freight and passenger trains, and aircraft from San Francisco International Airport (SFO), are the most significant sources of noise affecting residents in Millbrae. The policies in this section are designed to minimize exposure to

excessive noise by establishing development standards and implementing practices that reduce the potential for excessive noise exposure.

HSHM-10 *Achieve an acceptable noise environment by minimizing noise exposure and ground vibration. (Source: Existing General Plan Goal NS-1, modified)*

HSHM-10.1 Noise Sensitive Uses

The City shall discourage noise sensitive uses, (e.g., residences, schools, hospitals, libraries, religious institutions, and convalescent homes) from locating near major sources of noise. (Source: Existing General Plan Policy NS2.5, modified) [RDR]

HSHM-10.2 Noise Standards

The City shall require new development to comply with the Exterior Noise Compatibility Standards for Various Land Uses (Table HSQ-1) and the Future Noise Contours Map (Figure 10-1). (Source: Existing General Plan Policy NS-2.1 and NSIP-12, modified) [RDR]

HSHM-10.3 Noise Source Control

The City shall continue to work with property owners to control noise at its source by maintaining community noise levels and ensuring that noise levels do not exceed applicable standards. (Source: Existing General Plan Policy NS1.3) [RDR]

HSHM-10.4 Noise Studies

The City shall require a project-level noise study for new development proposed near major noise sources (e.g., major roadways, rail lines, aircraft overflight zones, or other major non-transportation noise sources). (Source: New Policy) [RDR]

HSHM-10.5 Interior Noise Review for Multiple, Loud Short-Term Events

For new development in areas that would be subject to frequent, high-noise events (such as aircraft take offs and landings, train or truck traffic), the City shall assess potential noise impacts on sensitive receptors and consider these impacts when reviewing development proposals for approval. (Source: New Policy) [RDR]

HSHM-10.6 Operational Noise

The City shall require commercial, industrial, and mixed-use developments to implement operational noise mitigation measures to reduce potential impacts to adjacent sensitive land uses when operational noise exceeds thresholds. (Source: New Policy) [RDR]

HSHM-10.7 Construction Noise

The City shall require new development to evaluate potential construction noise impacts on nearby sensitive uses as part of the CEQA analysis and to implement any required mitigation measures to minimize impacts on these uses. (Source: New Policy) [RDR]

HSHM-10.8 Protection from SFO Noise

The City shall discourage outdoor activities or uses in areas within the 70 dBA CNEL contour line of the San Francisco International Airport (as mapped in the Airport Land Use Compatibility Plan) where people could be exposed to hazardous noise levels. (Source: New Policy) [RDR]

HSHM-10.9 Airport Disclosure Notices

The City shall require that all new development comply with real estate disclosure requirements of State law. Section 11010 of the Business and Professions Code requires people offering subdivided

property for sale or lease to disclose the presence of all existing and planned airports within two miles of the property (Cal. Bus. and Prof. Code Section 110010(b)(13). (Source: New Policy) [RDR]

HSHM-10.10 Partnering with SFO on Noise Minimization

The City shall continue to partner with SFO to collaborate on potential mitigation to minimize airport noise within the community, including improvements on the land owned by SFO, to serve as a noise buffer through enhanced landscaping and trees. (Source: New Policy) [RDR]

HSHM-10.11 Compliance with State Noise Insulation Standards

The City shall continue to enforce relevant Noise Insulation Standards contained in Title 24 of the California Code of Regulations. (Source: Existing General Plan Policy NS2.7, modified) [RDR]

HSHM-10.12 Transportation Project Noise

When evaluating proposals for transportation projects, the City shall require the project applicant to minimize noise impacts through the implementation of mitigation measures, so the resulting noise levels do not exceed the City's "normally acceptable" noise standard. The City shall encourage design strategies and alternative noise reduction methods in lieu of sound walls along transportation corridors to enhance aesthetics while still mitigating noise impacts. (Source: New Policy) [RDR]

HSHM-10.13 Transportation Agency Coordination

The City shall work with the City/County Association of Governments of San Mateo County, CalTrans, SFO, BART, Caltrain, California High Speed Rail Authority, and other agencies to mitigate transportation-related noise impacts on sensitive land uses and adjacent properties and neighborhoods. (Source: Existing General Plan Policy NS3.1 and NS3.2, modified) [IGC]

HSHM-10.14 Vibration Impact Assessment for Construction Projects

The City shall require that all new development using piling driving construction applications provide a Vibration Impact Assessment prior to commencing construction on the project. The Vibration Impact Assessment shall provide the timeline, anticipated impacts, and mitigation to minimize the effects of vibration caused by onsite construction. (Source: New Policy) [RDR]

Figure 10-1: Noise Contours Map

Figure 10-1 will be added later in the process.

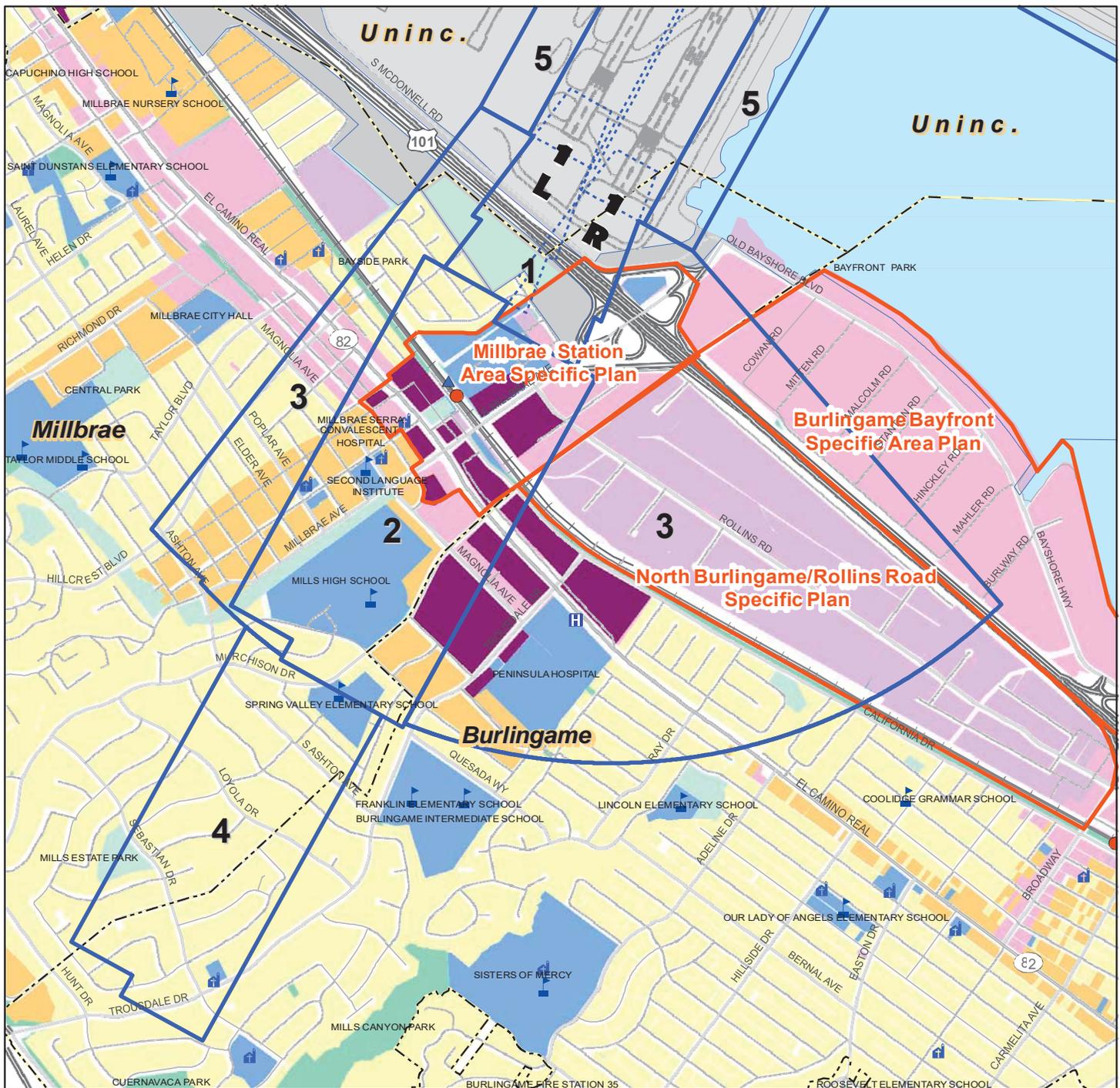
Table 7-1 Exterior Noise Compatibility Standards for Various Land Uses

Land Use Type	Highest Level of Exterior Noise Exposure that is Regarded as Normally Acceptable^a (L_{dn}^b or CNEL^c, dB)	Conditionally Acceptable Levels of Exterior Noise Exposure^d
Residential: Single-Family Homes, Duplexes, Mobile Homes	60	60-70
Residential: Townhomes, Multi-Family Apartments, Condominiums	65	65-70
Urban Residential Infill and Mixed-Use Projects	70	70-75
Lodging: Motels, Hotels	65	65-70
Schools, Libraries, Churches, Hospitals, Residential Care Facility for the Elderly (Nursing Homes)	70	N/A
Auditoriums, Concert Halls, Amphitheaters	Threshold and Mitigation based on site-specific study (see Policy HSHM-10.4)	
Sports Arenas, Outdoor Spectator Sports	Threshold and Mitigation based on site-specific study (see Policy HSHM-10.4)	
Playgrounds, Neighborhood Parks	70	N/A
Golf Courses, Riding Stables, Water Recreation, Cemeteries	75	N/A
Office Buildings: Business, Commercial, and Professional	70	70-75
Industrial: Manufacturing, Utilities, and Agriculture	75	75-80

Table 7-1 Exterior Noise Compatibility Standards for Various Land Uses

Source: Governor's Office of Planning and Research, *State of California 2017 General Plan Guidelines*.

- a. As defined in the *State of California 2017 General Plan Guidelines*, "Normally Acceptable" means that the specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise reduction requirements.
- b. L_{dn} , or Day Night Average, is an average 24-hour noise measurement that factors day and night noise levels.
- c. CNEL, or Community Noise Equivalent Level, measurements are a weighted average of sound levels gathered throughout a 24-hour period.
- d. "Conditionally Acceptable" means that for the given land use type, new construction or development should be undertaken only after a detailed study of the noise exposure and reduction requirements for the project has been completed and the applicant has included appropriate noise reduction measures in the project design to the fullest extent feasible.
- e. Urban residential infill includes all types of residential development projects within Priority Development Areas (such as Downtown and the Millbrae Station Area) and along major corridors (i.e., El Camino Real).
- f. Mixed-Use Projects include all mixed-use developments throughout the city of Millbrae.
- g. N/A = Projects are not permitted within these land uses above the "Normally Acceptable" exposure level.



LEGEND

Safety Compatibility Zones

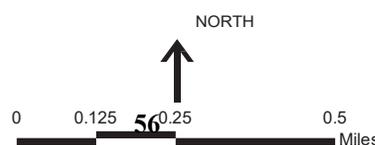
- 1 - Runway Protection Zone-Object Free Area
- 2 - Inner Approach/Departure Zone
- 3 - Inner Turning Zone
- 4 - Outer Approach/Departure Zone
- 5 - Sideline Zones
- Internal boundaries of ALP-defined areas
- Specific Plan Area
- Airport Property
- ▲ BART Station
- CALTRAIN Station
- 🏫 School
- 🕌 Place of Worship
- 🏥 Hospital
- Municipal Boundary
- Railroad
- Freeway
- Major Road
- Road

Planned Land Use Per General Plans

- Public
- Multi-Family Residential
- Single Family Residential
- Mixed Use
- Transit Oriented Development
- Commercial
- Industrial, Transportation, and Utilities
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space

Sources:

- Local Plans:**
- San Bruno General Plan, December 2008
 - South San Francisco General Plan, 1998





San Francisco International Airport

July 20, 2022

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Subject: *Comments on Public Review Draft of Millbrae 2040 General Plan Policy Document and Downtown and El Camino Real Specific Plan*

San Francisco International Airport (SFO or the Airport) staff have reviewed the Public Review Draft of the City of Millbrae 2040 General Plan Policy Document (General Plan or GP) and the Public Review Draft of the Millbrae Downtown and El Camino Real Specific Plan (Specific Plan or SP) released by the City of Millbrae (City). We appreciate this opportunity to provide comments on the draft General Plan and Specific Plan.

SFO previously provided comments dated January 10, 2022 on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the General Plan, Specific Plan, and associated Zoning Code amendments, which are attached hereto as Exhibit A [and incorporated by reference].

Under state law and as noted in the General Plan, the General Plan governs development of land within the City boundaries and “any land outside [city] boundaries which in the [city’s] judgement bears relation to its planning.” (GP, p. 1-1.) The General Plan Update would serve as a long-term framework for future growth reflecting issues identified from community input and changes in state law. The entirety of the General Plan area falls within Airport Influence Area A and portions of the General Plan area falls within Safety Compatibility Zones 1, 2, 3, and 4, as defined in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP). The Specific Plan governs development of the El Camino Real corridor and downtown district within the City (see SP, Figure 2.2) and must be consistent with then General Plan. (SP, pp. 6-7.) The Specific Plan would support mixed-use development in downtown Millbrae on El Camino Real and Broadway Avenue near Millbrae Intermodal Station. The Specific Plan area falls within Airport Influence Area A Safety Compatibility Zones 2 and 3.

The Airport’s specific comments regarding Public Review Drafts of the General Plan and Specific Plan are noted below:

1. LAND USE POLICIES

The Airport is generally supportive of the General Plan and Specific Plan land use goals and policies addressing noise compatibility, safety compatibility, and critical airspace and believes they are consistent with the SFO ALUCP.

These include the following General Plan goals and policies:

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- General Plan Goal HSHM-6, Minimize exposure to hazards associated with aircraft using the San Francisco International Airport
 - General Plan Policy HSHM-6.1, Land Use Safety Compatibility and Airspace Protection Criteria
 - General Plan Policy HSHM-6.2, Airport Safety
 - General Plan Policy HSHM-6.3, Federal Aviation Administration Requirements for Development
 - General Plan Policy HSHM-6.4, Airport Land Use Compatibility Plan Land Use and Development Consistency
 - General Plan Policy HSHM-6.5 Airport Land Use Commission Review
- General Plan Goal HSHM-10, Achieve an acceptable noise environment by minimizing noise exposure and ground vibration
 - General Plan Policy HSHM-10.8, Protection from SFO Noise
 - General Plan Policy HSHM-10.9, Airport Disclosure Notices
 - General Plan Policy HSHM-10.11, Compliance with State Noise Insulation Standards

These include the following Specific Plan goals and policies:

- Specific Plan Policy LU-12, Land Use Safety Compatibility
- Specific Plan Policy LU-14, Federal Aviation Administration Requirements for Development
- Specific Plan Policy LU-15, Airport Land Use Compatibility Plan and Land Use Development Consistency

Inclusion of these goals and policies in the General Plan and Specific Plan will help ensure that land use and development in the proximity of the Airport is consistent with the noise, safety, and airspace policies of the SFO ALUCP.

2. NOISE COMPATIBILITY

The Airport notes that General Plan Policy HSHM-10.2, Noise Standards, refers to Table 7-1, which states that the highest level of exterior noise exposure that is normally acceptable is 60 dBA CNEL for single-family homes, duplexes, and mobile homes and 65 dBA CNEL for townhomes, multi-family apartments, and condominiums. It also states that up to 70 dBA CNEL is conditionally acceptable subject to completion of a detailed study of noise exposure and reduction requirements and the inclusion of noise reduction measures to the fullest extent feasible into the development. General Plan Policy HSHM-10.2 fails to note the requirement imposed by the SFO ALUCP [that within the Airport's 65 dBA CNEL contour] interior noise levels must be reduced to 45 dB CNEL or lower and an avigation easement must be granted to the City and County of San Francisco. Further, the Noise Compatibility Policies of the SFO ALUCP state that residential uses in the 70 dBA CNEL contour are only allowed on parcels which were zoned for residential use as of the adoption of the SFO ALUCP (November 2012) and that those parcels may not be subdivided or otherwise intensified to create additional housing.

Table 7-1 contains other inconsistencies with the SFO ALUCP Noise Compatibility Policies including:

- Urban Residential Infill and Mixed-Use Projects – Table 7-1 identifies the normally acceptable exterior noise level for this land use category as 70 dBA CNEL and conditionally acceptable as

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75 dBA CNEL. However, this category is considered residential and therefore under the SFO ALUCP Noise Compatibility Policies would be considered acceptable in locations up to the 65 dBA CNEL contour and conditionally acceptable within the 70 dBA contour.

- Schools, Libraries, Churches, Hospitals, Residential Care Facility for the Elderly (Nursing Homes) – Table 7-1 identifies the normally acceptable exterior noise level for this category as 70 dB CNEL. Under the SFO ALUCP Noise Compatibility Policies, this land use would be considered acceptable in locations up to the 65 dBA CNEL contour and conditionally acceptable within the 70 dB CNEL contour.
- Auditoriums, Concert Halls, Amphitheaters – Table 7-1 states that the applicable threshold and mitigation should be determined based on a site-specific study per General Plan Policy HSHM-10.4. According to the SFO ALUCP Noise Compatibility Policies, this land use would be considered acceptable in locations up to the 65 dBA CNEL contour with no conditionally acceptable noise levels. Policy HSHM-10.4 does not specify a noise level after mitigation for which the land use would be considered acceptable.
- Sports Arenas, Outdoor Spectator Sports – Table 7-1 states that the threshold and mitigation should be based on a site-specific study per General Plan Policy HSHM-10.4. According to the SFO ALUCP Noise Compatibility Policies, this land use would be considered acceptable in locations up to the 75 dBA CNEL contour with no conditionally acceptable noise levels. General Plan Policy HSHM-10.4 does not specify a noise level after mitigation for which the land use would be considered acceptable.

The exterior noise level thresholds in Table 7-1 that are listed above are generally inconsistent with General Plan Policy HSHM-6.4, Airport Land Use Compatibility Plan Land Use and Development Consistency, which states that the City shall ensure that all future land use actions conform to the SFO ALUCP. In lieu of including Table 7-1 in the General Plan, the Airport suggests incorporating by reference the SFO ALUCP Table IV-I, Noise/Land Use Compatibility Criteria.

Additionally, General Plan Policy HSHM-10.2, Noise Standards, requires new development to comply with a “Future Noise Contours Map (Figure 10-1)”. The Public Review Draft of the General Plan does not include this figure and states that “Figure 10-1 will be added later in the process.” The Airport cannot determine consistency with the SFO ALUCP Noise Compatibility Policies without reviewing this noise contours map. The Airport requests that in lieu of providing a noise contour map in Figure 10-1, the General Plan adopt into the General Plan or incorporate by reference the SFO ALUCP noise contours map, as those contours will be used to evaluate whether future projects are consistent with the SFO ALUCP Noise Compatibility Policies. The General Plan should address the issues identified above to ensure consistency with the Noise Compatibility Policies of the SFO ALUCP.

3. GROUND BASED NOISE

The Airport is concerned about language in the General Plan regarding ground-borne noise. General Plan Section 7.6 states “there has been a growing concern over the effects of low-frequency ground-borne noise from inbound and outbound aircraft at SFO.” It further states, “there are methods to reducing the effects of low-frequency ground-borne noise... by creating additional barriers between habitable spaces and the source of sound, enhanced buffered landscaping, and upgrades to structural materials and placement of fenestration (i.e., doors and windows).” Additionally, General Plan Policy HSHM-6.7, Airport Noise Mitigation, includes working with the ALUC and the SFO Airport/Community Roundtable

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to ensure ongoing reduction of airport noise “including low-frequency ground-borne noise.” General Plan Policy HSHM-6.9, Low-Frequency Ground-borne Aircraft Noise Mitigation, calls for new development to include mitigation measures to reduce low-frequency ground-borne noise from aircraft at SFO. Also, General Plan Policy HSHM-10.10, Partnering with SFO on Noise Minimization, calls for partnering with SFO to collaborate on potential mitigation to minimize airport noise within the community, “including improvement on the land owned by SFO, to serve as a noise buffer through enhanced landscaping and trees.”

The Airport is aware of concerns about low-frequency ground-borne noise. The SFO Airport/Community Roundtable commissioned a study from HMMH in 2021 (the Study).¹ The Airport prepared a response letter outlining its observations of the Study.² By letter dated August 25, 2021, Airport notified the SFO Airport/Community Roundtable of several concerns regarding the validity of the Study. This letter is attached to this letter as Exhibit B. It appears that the General Plan policies above are based, in part, on the results and recommendations of the Study. As noted in our letter, these mitigation strategies may not actually mitigate noise. The Study relies on multiple, non-specific assumptions in the modeling of the data resulting in proposed incorrect mitigation strategies, which were clearly refuted in the Airport’s letter. Because the Study was inconclusive and inaccurate, it is therefore not appropriate to include the Study’s results or recommendations in the HSHM policies or any other legally binding document. SFO requests removal of General Plan Policy HSHM-6.7, General Plan Policy HSHM-6.9, and General Plan Policy HSHM-10.10 from the General Plan until more credible studies are prepared that can validate the efficacy of these proposals.

4. SAFETY COMPATIBILITY

The entirety of the General Plan area is within Safety Compatibility Zones 1, 2, 3, and 4 and the Specific Plan area is within Safety Compatibility Zones 2 and 3. The SFO ALUCP Safety Compatibility Policies deem certain land uses as either incompatible or to be avoided in these zones, depending on the land use. General Plan Policy HSHM-6.4, Airport Land Use Compatibility Plan Land Use and Development Consistency, ensures that all future land use actions conform to the SFO ALUCP. Further, General Plan Policy HSHM-6.5, Airport Land Use Commission Review, ensures that that San Mateo County ALUC reviews all long-range plans, associated amendments, and ordinances for consistency with the SFO ALUCP. Application of these General Plan policies would ensure consistency with the Safety Compatibility Policies of the SFO ALUCP.³

Of particular note, the General Plan area is within Safety Compatibility Zone 1, which is coterminous with the Runway Protection Zone (RPZ). The RPZ is a surface defined by the FAA and is designed "to

¹ HMMH. 2021. Ground Based Noise Modeling Study. Report No. 309091.002. January 19.

² Letter to the Honorable Ricardo Ortiz, Chair, San Francisco International Airport/Community Roundtable. August 25, 2021.

³ The Airport acknowledges that the City of Millbrae is proposing an amendment to the Millbrae Station Area Specific Plan (MSASP) to allow Biosafety Level 2 uses within the Airport’s Safety Compatibility Zone 2. The Airport submitted a comment letter to the ALUC objecting to this proposed amendment on June 23, 2022 and the ALUC determined that the proposed amendment was inconsistent with the SFO ALUCP. This comment letter is prepared independent of that objection.

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enhance the protection of people and property on the ground”⁴ in the event of an airplane crash. While the FAA does not maintain any jurisdiction over RPZs, the administration strongly recommends clearing “the entire RPZ of all above-ground objects.”⁵ The Safety Compatibility Policies of the SFO ALUCP note that all new structures in Safety Compatibility Zone 1 are incompatible and the Airport strongly encourages the City of Millbrae to explicitly exclude this area from any potential land use intensification, including subdivision.

5. AIRSPACE COMPATIBILITY

In the Specific Plan, the callout box titled “Height (of a Building or Structure)” (page 69) contains some confusing language. The first paragraph defines “height” as “the measurement of the greatest vertical distance above the exterior finished grade to the highest point of the building immediately above, **exclusive of antennas, chimneys, roof equipment, or other rooftop structures...**” [emphasis added]. The third paragraph states that height should be measured to include additional objects “towers, antennas, solar equipment, air conditioners, elevator equipment enclosures, etc.” This latter definition is consistent with how airspace evaluations are performed. However, these two definitions are inconsistent and, thus, potentially confusing to developers. The callout box also purports to describe the difference between measuring height from exterior finished grade and elevation from Mean Sea Level – an important distinction – but this discussion could be improved. To improve clarity, the Airport recommends that the language be revised to use the term “elevation” to describe the “height” above Mean Sea Level. Compounding the lack of clarity, the last sentence of the second paragraph – stating that “[t]he lower of the two standards shall apply.” – is confusing. This sentence should be deleted and replaced with a statement that elevation of all structures above Mean Sea Level, and not height above grade, should be used to evaluate airspace compatibility. As elevations above Mean Sea Level are measured from the 0’ origin of the North American Vertical Datum of 1988 (NAVD88) and not the local sea or Bay level, the Airport recommends that the Specific Plan documentation references that vertical datum explicitly to avoid confusion.

General Plan Policy HSHM-6.2, Airport Safety, calls for regulating building heights in compliance with Federal Aviation Regulations Part 77. Also, Specific Plan Policy LU-13, Airport Safety, states that the “City shall regulate land uses and building height within the Airport Influence area of the San Francisco International Airport in compliance with FAA [sic] Part 77 height restriction Standards...” “Part 77” refers to elevations in 14 Code of Federal Regulations (CFR) Part 77 Section 19. Part 77 Section 19 defines penetrations as obstructions, but not necessarily considered hazards to air navigation, and higher structures could be permissible through consultation with the FAA. Thus Part 77 does not define height restrictions, but rather elevations above which penetrations are considered obstructions. This is distinct from critical aeronautical airspace surfaces, which are at different elevations (either higher or lower, depending on location) and cannot be penetrated without resulting in operational and/or safety impacts to Airport operations, which may cause a shift in aircraft operations (and therefore noise). Thus, language of General Plan Policy HSHM-6.2 and Specific Plan Policy LU-13 should be modified to refer to the critical aeronautical surfaces described in the SFO ALUCP, rather than 14 CFR Part 77 obstruction standards.

⁴ Federal Aviation Administration, Advisory Circular 150/5300-13B, Appendix I:

https://www.faa.gov/documentLibrary/media/Advisory_Circular/150-5300-13B-Airport-Design.pdf.

⁵ *Ibid.*

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A project's consistency with SFO ALUCP airspace compatibility policies, do not negate the requirement for project sponsors to undergo FAA review as described in 14 CFR Part 77 for both: (1) the permanent structures and (2) any temporary cranes or other equipment taller than the permanent buildings which would be required to construct those structures. Therefore, it would be most accurate to say that to be found compatible, a proposed structure must lie beneath the critical aeronautical surfaces defined in the SFO ALUCP *and* be issued a Determination of No Hazard from the FAA. Due to the technical complexity and confusion that the Airport has observed in its interactions with developers, the Airport recommends that General Plan HSHM-6.1 and 6.2 and Specific Plan LU-13 be clarified as much as possible to avoid future misunderstandings.

6. SEA LEVEL RISE AND FLOODING

The Airport welcomes cooperation and collaboration with the City of Millbrae in protecting against sea level rise and flooding. General Plan Policy HSHM-4.1, Flood Hazard Mitigation, calls for coordination with San Mateo County, SFO, and other jurisdictions from sea level rise and flood events. The Specific Plan calls for the City to draft standards that require developers to design for increasing San Francisco Bay water levels and provide flexibility to pay into regional mitigation strategies such as flood walls and sea walls.

The Specific Plan identifies that current standards for open channel design require freeboard in a 100-year storm, which can produce "excessively large pumping capacities during conditions of sea level rise" (SP, pp. 111.). It further contemplates design criteria flexibility that "may allow for smaller pumping capacity and some depth of allowable surface flooding". The Airport requests that the City elaborate on what is meant by "smaller pumping capacity" and what would be considered "allowable" surface flooding as any flooding in the City of Millbrae has the potential to impact the Airport.

The General Plan Policy HSHM-6.6 (Airport Flood Pumps) calls for continued coordination with SFO in "assuring adequate and well-maintained flood pumps". The Airport welcomes this continued coordination particularly in ensuring our respectively managed pumps are maintained in good working order to minimize risk of riverine flooding. The Airport notes that maintaining airport pumps will not prevent or limit the flooding in Millbrae due to undersized or poorly designed stormwater systems and naturally low-lying areas of Millbrae. The City of Millbrae has the sole responsibility to ensure all stormwater is adequately and safely discharged to the Bay.

Nestor Guevara, City of Millbrae
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* * *

The Airport appreciates your consideration of these comments. We look forward to reviewing the Draft Environmental Impact Report prepared for the Plans when it becomes available. If I can be of assistance, please do not hesitate to contact me at (650) 821-6678 or via email at nupur.sinha@flysfo.com.

Sincerely,

DocuSigned by:

Nupur Sinha

7D552AE6A4CE495...

Nupur Sinha
Director of Planning and Environmental Affairs
San Francisco International Airport

Attachments

cc: Susy Kalkin, ALUC
Sean Charpentier, C/CAG
Cathy Widener, SFO
Audrey Park, SFO



San Francisco International Airport

January 10, 2022

TRANSMITTED VIA E-MAIL and U.S. MAIL
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Nestor Guevara, Associate Planner
 Millbrae Planning Division
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Subject: NOP Comments: Millbrae 2040 General Plan, Downtown and El Camino Real Specific Plan, and Associated Zoning Code Amendments

San Francisco International Airport (SFO or the Airport) staff have reviewed the Notice of Preparation (NOP) for the preparation of an Environmental Impact Report (EIR) for the Millbrae 2040 General Plan, Downtown and El Camino Real Specific Plan, and Associated Zoning Code Amendments (the Proposed Project), located in the City of Millbrae. We appreciate this opportunity to provide comments on the NOP.

Based on the NOP, we understand the Proposed Project would encompass the entirety of the City of Millbrae and has three primary components: (1) the General Plan Update, including the Housing Element, (2) the Downtown and El Camino Real Specific Plan, and (3) associated Zoning Code amendments. The General Plan Update would serve as a long-term framework for future growth reflecting issues identified from community input and changes in state law. The Specific Plan would support mixed-use development in downtown Millbrae on El Camino Real and Broadway Avenue near the Millbrae Intermodal Station. The Zoning Code would be amended to ensure consistency with the General Plan and the Downtown and El Camino Real Specific Plan.

The Proposed Project site is inside Airport Influence Area B as defined by the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (ALUCP). A small portion of the Proposed Project (primarily near Manor Park) is located within the 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour. The noise contours are meant to minimize the exposure of residents and occupants of future noise-sensitive development to excessive noise. According to the ALUCP, commercial land uses, including office, business, and professional, and general retail uses, in addition to industrial and production uses, are considered compatible uses within the 65-75 dB CNEL areas. New residential uses are conditionally compatible within 65-70 dB CNEL areas, provided that an aviation easement is provided to the City and County of San Francisco, and prohibited in the 70 dB and higher contours.

A portion of the Proposed Project (the southeastern portion of Millbrae, notably including the Millbrae Station Area and the Downtown and El Camino Real areas) is located in Safety Compatibility Zones 1 (Runway Protection Zone-Object Free Area), 2 (Inner Approach/Departure Zone), 3 (Inner Turning Zone), and 4 (Outer Approach/Departure Zone). Exhibit IV-9 in the ALUCP depicts the Safety Compatibility Zones in the cities of Millbrae and Burlingame, where Zone 1 is the zone where the accident risk is the highest and any new structures are incompatible. The ALUCP defines safety compatibility zones to protect public health and safety by minimizing the public's exposure to the risk

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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Nestor Guevara, City of Millbrae

January 10, 2022

Page 2 of 3

associated with potential aircraft accidents. Depending on the Zone, certain land uses are not compatible. In Safety Zone 1, all new structures, places of assembly not in structures, hazardous uses,¹ and critical public utilities are considered incompatible and should not be permitted; nonresidential uses except for very low intensity uses (e.g., parking lots and outdoor equipment storage) in the controlled activity area² should be avoided.³ In Safety Zone 2, children's schools, large day care centers and noncommercial employer-sponsored centers ancillary to a place of business, hospitals, nursing homes, hazardous uses, critical public utilities,⁴ theatres, meeting halls, places of assembly (seating more than 300 people), stadiums, and arenas are considered incompatible and should not be permitted. In Safety Zones 3 and 4, Biosafety Level 3 and 4 facilities,⁵ children's schools, large child day care centers and noncommercial employer-sponsored centers ancillary to a place of business, hospitals, nursing homes, stadiums, and arenas are considered incompatible and should not be permitted; hazardous uses other than Biosafety Level 3 and 4 facilities and critical public utilities should be avoided. Detailed descriptions of compatible and incompatible land uses in each Safety Zone can be found in Table IV-2 of the ALUCP and should be incorporated into Millbrae's General Plan, Specific Plan, and associated zoning updates, at minimum, by reference.

Also, as described in Exhibit IV-17 of the ALUCP, the critical airspace surfaces at the Proposed Project location are 100-800 feet above mean sea level (AMSL) as defined from the origin of the North American Vertical Datum of 1988 (NAVD88). The critical airspace surfaces are established to protect the public health, safety, and welfare by minimizing the public's exposure to potential safety hazards that could be created through the construction of tall structures and to protect the public interest in providing for the orderly development of SFO by ensuring that new development in the Airport environs avoids compromising the safe and navigable airspace in the Airport vicinity. Because the critical aeronautical surfaces are defined in relation to NAVD88 rather than a changeable ground level, the Airport suggests that elevations, rather than heights above ground level, are used to reference elevation allowances in the Plans and the Zoning Code.

Based on preliminary discussions with the Millbrae Community Development Department, we do not anticipate any ALUCP compatibility issues resulting from the updated plans. Nevertheless, the Airport urges the City of Millbrae to explicitly incorporate compatibility with the ALUCP in the General Plan Update, the Downtown and El Camino Real Specific Plan, and associated Zoning Code amendments. We also request that these updated documents use clear and precise language with respect to ALUCP compatibility, including the use of elevations instead of heights above ground as that is a frequent source of confusion.

¹ Uses involving the manufacture, storage, or processing of flammable, explosive, or toxic materials that would substantially aggravate the consequences of an aircraft accident.

² The lateral edges of a Runway Protection Zone (RPZ), outside the Runway Safety Area (RSA) and the extension of the RSA, which extends to the outer edge of the RPZ.

³ Use is not fully compatible and should not be permitted unless no feasible alternative is available. Where use is allowed, habitable structures shall be provided with at least 50 percent more exits than required by applicable codes.

⁴ Facilities that, if disabled by an aircraft accident, could lead to public safety or health emergencies including electrical power generation plants, electrical substations, wastewater treatment plants, and public water treatment facilities.

⁵ Medical and biological research facilities involving the storage and processing of extremely toxic or infectious agents.

Nestor Guevara, City of Millbrae
January 10, 2022
Page 3 of 3

* * *

The Airport appreciates your consideration of these comments. We look forward to reviewing the Environmental Impact Report, the 2040 General Plan Update, and the Downtown and El Camino Real Specific Plan when made public. If I can be of assistance, please do not hesitate to contact me at (650) 821-6678 or via email at nupur.sinha@flysfo.com.

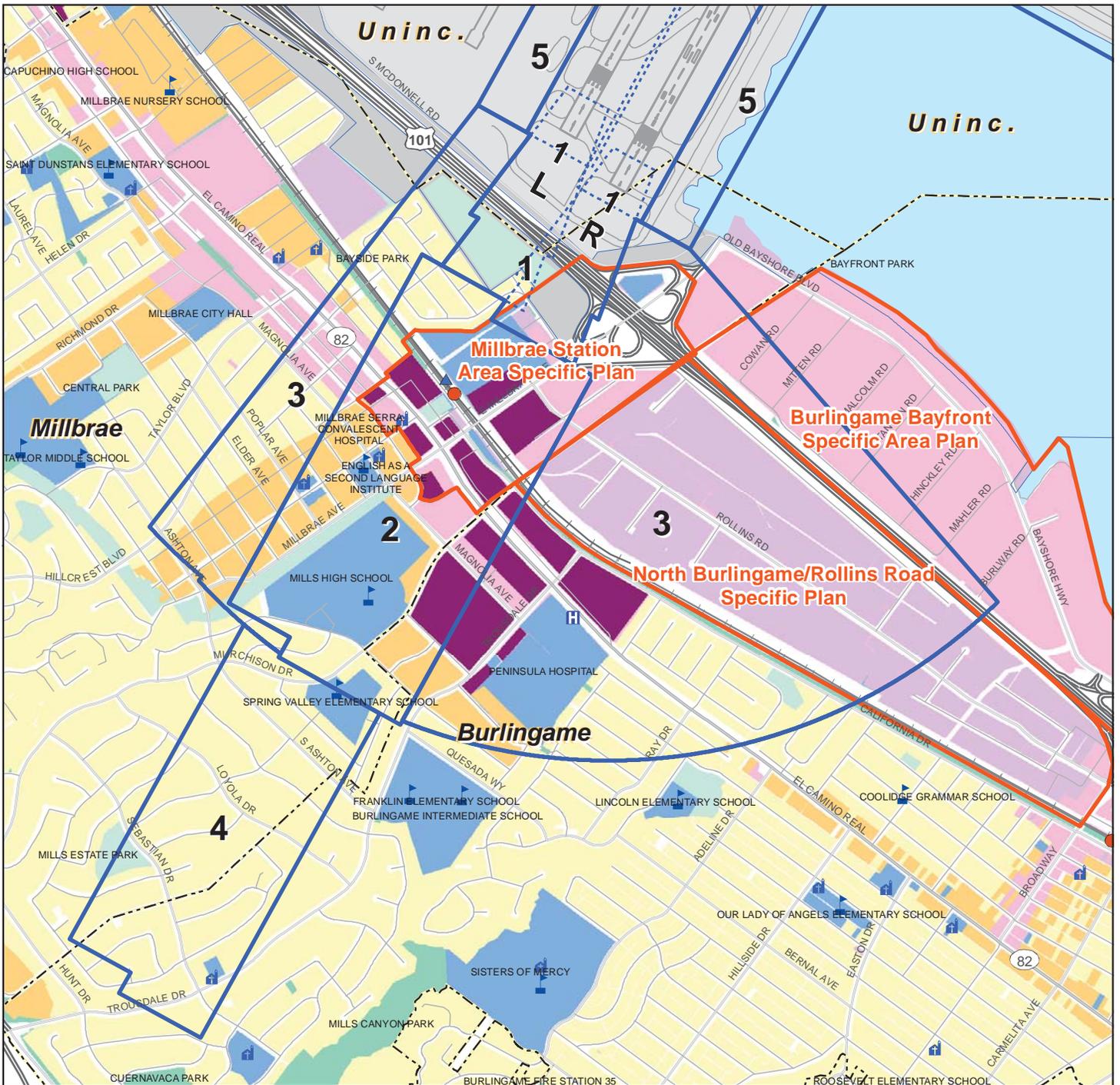
Sincerely,

DocuSigned by:
Nupur Sinha
7D552AE6A4CE495...

Nupur Sinha
Director of Planning and Environmental Affairs
San Francisco International Airport
P.O. Box 8097
San Francisco, California 94128

Attachment

cc: Susy Kalkin, ALUC
Cathy Widener, SFO Acting Chief External Affairs Officer
Audrey Park, SFO Environmental Affairs Manager



LEGEND

Safety Compatibility Zones

- 1 - Runway Protection Zone-Object Free Area
- 2 - Inner Approach/Departure Zone
- 3 - Inner Turning Zone
- 4 - Outer Approach/Departure Zone
- 5 - Sideline Zones
- Internal boundaries of ALP-defined areas
- Specific Plan Area
- Airport Property
- ▲ BART Station
- CALTRAIN Station
- 🏫 School
- 🕌 Place of Worship
- 🏥 Hospital
- Municipal Boundary
- Railroad
- Freeway
- Major Road
- Road

Planned Land Use Per General Plans

- Public
- Multi-Family Residential
- Single Family Residential
- Mixed Use
- Transit Oriented Development
- Commercial
- Industrial, Transportation, and Utilities
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space

Sources:

- Local Plans:**
- San Bruno General Plan, December 2008
 - South San Francisco General Plan, 1998

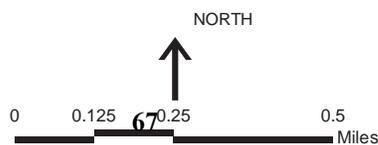


Exhibit IV-9 depicts the safety zones off the south end of Runways 1L-19R and 1R-19L. In Zone 1, the RPZs have a 500-foot inner width, 1,010-foot outer width and 1,700-foot length. Zone 2 (the IADZ) extends 4,300 feet from the outer edge of the RPZ and is 1,500 feet wide, centered on the extended runway centerline. Zone 3 (the ITZ) extends 6,000 feet from the inner edge of each RPZ. On the east side, Zone 3 is fanned 70 degrees east of the extended runway centerline. This reflects the left departure turns made by nearly all aircraft taking off on Runways 19L and 19R and 19R.¹⁰ Zone 4, the OADZ, extends 4,000 feet beyond the end of Zone 2.

SP-2 SAFETY COMPATIBILITY LAND USE CRITERIA

The land use compatibility criteria for safety are established in **Table IV-2**. The safety compatibility criteria are generally based on the guidelines provided in the *California Airport Land Use Planning Handbook*, although modifications have been made in recognition of the intense level of existing development in the airport vicinity. See Appendix E for a discussion of the factors that were considered in establishing the safety compatibility policies.

The criteria include two categories – uses that are incompatible and uses that should be avoided in the respective zones.

- Incompatible Uses – uses that are incompatible within the safety zone.
- Uses to be Avoided – uses that should not be allowed in the safety zone unless no feasible alternative is available, as determined by the land use agency with permitting authority. Where these uses are allowed, habitable structures shall be provided with at least 50 percent more exits than required by applicable codes. If the 50 percent calculation results in a fraction, the fractional number shall be rounded up to the next whole number.

ZONE I – RUNWAY PROTECTION ZONE AND OBJECT FREE AREA (RPZ-OFA)

Zone I is the zone where the accident risk is highest. At SFO, the RPZs for Runways 10R and 10L are on Airport property or on public highway right-of-way. Most of the RPZs for Runways 1L and 1R are on Airport property or public right-of-way. Part of the RPZs lie in Bayside Park and small areas extend onto private property. All of the OFAs (Object Free Areas) are on Airport property.

The compatibility criteria presented in Table IV-2 declare that all new structures in Zone I are incompatible.. All but very low intensity nonresidential uses, at the outer edges of the RPZs, are to be avoided. Examples of potentially acceptable nonresidential uses include parking lots and outdoor equipment storage.

¹⁰ All published instrument departure procedures for Runways 19L and 19R require aircraft to turn left immediately after takeoff. <http://www.airnav.com/airport/KSFO>, accessed February 20, 2012.

Table IV-2 (1 of 2) Safety Compatibility Criteria

ZONE	LAND USE CRITERIA	
	INCOMPATIBLE ^{1/}	AVOID ^{1/}
Zone 1: Runway Protection Zone and Object Free Area (RPZ-OFA)	All new structures ^{3/} Places of assembly not in structures Hazardous uses ^{2/} Critical public utilities ^{2/}	Nonresidential uses except very low intensity uses ^{4/} in the "controlled activity area." ^{2/}
Zone 2: Inner Approach/Departure Zone (IADZ)	Children's schools ^{2/} Large child day care centers and noncommercial employer-sponsored centers ancillary to a place of business ^{2/} Hospitals, nursing homes Hazardous uses ^{2/} Critical public utilities ^{2/} Theaters, meeting halls, places of assembly seating more than 300 people Stadiums, arenas	---
Zone 3: Inner Turning Zone (ITZ)	Biosafety Level 3 and 4 facilities ^{2/} Children's schools ^{2/} Large child day care centers ^{2/} Hospitals, nursing homes Stadiums, arenas	Hazardous uses other than Biosafety Level 3 and 4 facilities ^{2/} Critical public utilities ^{2/}
Zone 4: Outer Approach/Departure Zone (OADZ)	Biosafety Level 3 and 4 facilities ^{2/} Children's schools ^{2/} Large child day care centers ^{2/} Hospitals, nursing homes Stadiums, arenas	Hazardous uses other than Biosafety Level 3 and 4 facilities ^{2/} Critical public utilities ^{2/}
Zone 5: Sideline Zone (SZ)	Children's schools ^{2/} Large child day care facilities and noncommercial employer-sponsored centers ancillary to a place of business Hospitals, nursing homes Hazardous uses ^{2/} Critical public utilities ^{2/} Stadiums, arenas	---

Table IV-2 (2 of 2) Safety Compatibility Criteria

Notes:

- 1/ *Avoid:* Use is not fully compatible and should not be permitted unless no feasible alternative is available. Where use is allowed, habitable structures shall be provided with at least 50 percent more exits than required by applicable codes. Where the 50-percent factor results in a fraction, the number of additional exits shall be rounded to the next highest whole number.
- Incompatible:* Use is not compatible in the indicated zones and cannot be permitted.
- 2/ Definitions
- o *Biosafety Level 3 and 4 facilities:* Medical and biological research facilities involving the storage and processing of extremely toxic or infectious agents. See Policy SP-3 for additional detail.
 - o *Children's schools:* Public and private schools serving preschool through grade 12, excluding commercial services.
 - o *Controlled Activity Area:* The lateral edges of the RPZ, outside the Runway Safety Area (RSA) and the extension of the RSA, which extends to the outer edge of the RPZ. See FAA Advisory Circular 150/5300-13, Airport Design, Section 212a.(1)(b).
 - o *Critical public utilities:* Facilities that, if disabled by an aircraft accident, could lead to public safety or health emergencies. They include the following: electrical power generation plants, electrical substations, wastewater treatment plants, and public water treatment facilities.
 - o *Hazardous uses:* Uses involving the manufacture, storage, or processing of flammable, explosive, or toxic materials that would substantially aggravate the consequences of an aircraft accident. See Policy SP-3 for additional detail.
 - o *Large child day care centers:* Commercial facilities defined in accordance with Health and Safety Code, Section 1596.70, et seq., and licensed to serve 15 or more children. Family day care homes and noncommercial employer-sponsored facilities ancillary to place of business are allowed.
- 3/ Structures serving specific aeronautical functions are allowed, in compliance with applicable FAA design standards.
- 4/ Examples include parking lots and outdoor equipment storage.

SOURCE: Ricondo & Associates, Inc., June 2012.

PREPARED BY: Ricondo & Associates, Inc., June 2012.

ZONE 2 -- INNER APPROACH/DEPARTURE ZONE (IADZ)

In Zone 2, the IADZ, a variety of uses that involve hazardous materials, critical public utilities, theaters, meeting halls, places of assembly seating more than 300 people, stadiums, arenas, and those accommodating potentially vulnerable populations – such as children's schools, child day care facilities, hospitals, and nursing homes – are incompatible.

ZONE 3 -- INNER TURNING ZONE (ITZ)

The compatibility criteria in Zone 3, the ITZ, are somewhat less restrictive than in Zone 2. This is because the area is subject to less accident risk by virtue of the lower density of overflights in this area. In Zone 3, stadiums, arenas, and uses accommodating potentially vulnerable populations are incompatible. Hazardous uses and critical public utilities are not incompatible in Zone 3, but are classified as uses to be avoided. This means that they should not be permitted unless no feasible alternative is available.

ZONE 4 - OUTER APPROACH/DEPARTURE ZONE (OADZ)

The compatibility criteria in Zone 4, the OADZ, are the same as in Zone 3.

ZONE 5 – SIDELINE ZONE (SZ)

The compatibility criteria in Zone 5 are the same as those in Zone 2.

SP-3 HAZARDOUS USES

Hazardous uses, facilities involving the manufacture, processing, or storage of hazardous materials, can pose serious risks to the public in case of aircraft accidents. Hazardous materials of particular concern in this ALUCP, and which are covered by the safety compatibility criteria in Table IV-2, are the following:

- A. Aboveground fuel storage** — This includes storage tanks with capacities greater than 10,000 gallons of any substance containing at least 5 percent petroleum.¹¹ Project sponsors must provide evidence of compliance with all applicable regulations prior to the issuance of development permits.
- B. Facilities where toxic substances are manufactured, processed or stored** — Proposed land use projects involving the manufacture or storage of toxic substances may be allowed if the amounts of the substances do not exceed the threshold planning quantities for hazardous and extremely hazardous substances specified by the EPA.¹²
- C. Explosives and fireworks manufacturing and storage** — Proposed land use projects involving the manufacture or storage of explosive materials may be allowed in safety zones only in compliance with the applicable regulations of the California Division of Occupational Safety and Health (Section 5252, Table EX-1). Project sponsors must provide evidence of compliance with applicable state regulations prior to the issuance of any development permits.¹³
- D. Medical and biological research facilities handling highly toxic or infectious agents** — These facilities are classified by “Biosafety Levels.”¹⁴ Biosafety Level I does not involve hazardous materials and is not subject to the restrictions on hazardous uses in Table IV-2. Definitions of the other three biosafety levels are quoted from *Biosafety in Microbiological and Biomedical Laboratories*, below.¹⁵
 - a. Biosafety Level 2 practices, equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, and other laboratories in which work is done with the broad spectrum of indigenous moderate-risk agents that are present in the community

¹¹ State of California, California Health and Safety Code, Section 25270 (*Aboveground Petroleum Storage Act*).

¹² Title 40 Code of Federal Regulations Part 355, Subpart D, Appendices A & B.

¹³ California Code of Regulations, Title 8, Subchapter 7 *General Industry Safety Orders*, Group 18 *Explosives and Pyrotechnics*, Article 114 *Storage of Explosives*.

¹⁴ *Biosafety in Microbiological and Biomedical Laboratories*, 5th Edition, 2009, published by the U.S. Department of Health and Human Services in concert with the Public Health Service, Centers for Disease Control and Prevention, and National Institutes of Health, or any successor publication.

¹⁵ *Biosafety in Microbiological and Biomedical Laboratories*, 5th Edition, 2009, published by the U.S. Department of Health and Human Services in concert with the Public Health Service, Centers for Disease Control and Prevention, and National Institutes of Health, pp. 25-26.

and associated with human disease of varying severity.

- b. Biosafety Level 3 practices, safety equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, research, or production facilities in which work is done with indigenous or exotic agents with a potential for respiratory transmission, and which may cause serious and potentially lethal infection.
- c. Biosafety Level 4 practices, safety equipment, and facility design and construction are applicable for work with dangerous and exotic agents that pose a high individual risk of life-threatening disease, which may be transmitted via the aerosol route and for which there is no available vaccine or therapy.

4.5 Airspace Protection

The compatibility of proposed land uses with respect to airspace protection shall be evaluated in accordance with the policies set forth in this section. These policies are established with a twofold purpose:

1. To protect the public health, safety, and welfare by minimizing the public's exposure to potential safety hazards that could be created through the construction of tall structures.
2. To protect the public interest in providing for the orderly development of SFO by ensuring that new development in the Airport environs avoids compromising the airspace in the Airport vicinity. This avoids the degradation in the safety, utility, efficiency, and air service capability of the Airport that could be caused by the attendant need to raise visibility minimums, increase minimum rates of climb, or cancel, restrict, or redesign flight procedures.

4.5.1 FEDERAL REGULATIONS REGARDING TALL STRUCTURES

14 Code of Federal Regulations (CFR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*, governs the FAA's review of proposed construction exceeding certain height limits, defines airspace obstruction criteria, and provides for FAA aeronautical studies of proposed construction. **Appendix F** describes the FAA airspace review process and the extent of FAA authority related to airspace protection.

4.5.2 PART 77, SUBPART B, NOTIFICATION PROCESS

Federal regulations require any person proposing to build a new structure or alter an existing structure with a height that would exceed the elevations described in CFR Part 77, Subpart B, Section 77.9, to prepare an FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, and submit the notice to the FAA. The 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.

Exhibit IV-10 depicts the approximate elevations at which the 14 CFR Part 77 notification requirements would be triggered; see **Exhibit IV-11** for a close-up view of the northern half and **Exhibit IV-12** for a close-up view of the southern half of the area. These exhibits are provided for informational purposes only. Official determinations of the areas and elevations within which the federal notification requirements apply are subject to the authority of the FAA. The FAA is empowered to require the filing of notices for proposed construction based on considerations other than height. For example, in some areas of complex airspace and high air traffic volumes, the FAA may be concerned about the potential for new construction of any height to interfere with electronic navigation aids. In these areas, the FAA will want to review all proposed construction projects.

The FAA has developed an on-line tool for project sponsors to use in determining whether they are required to file a Notice of Proposed Construction or Alteration. Sponsors of proposed projects are urged to refer to this website to determine whether they are required to file Form 7460-1 with the FAA:

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

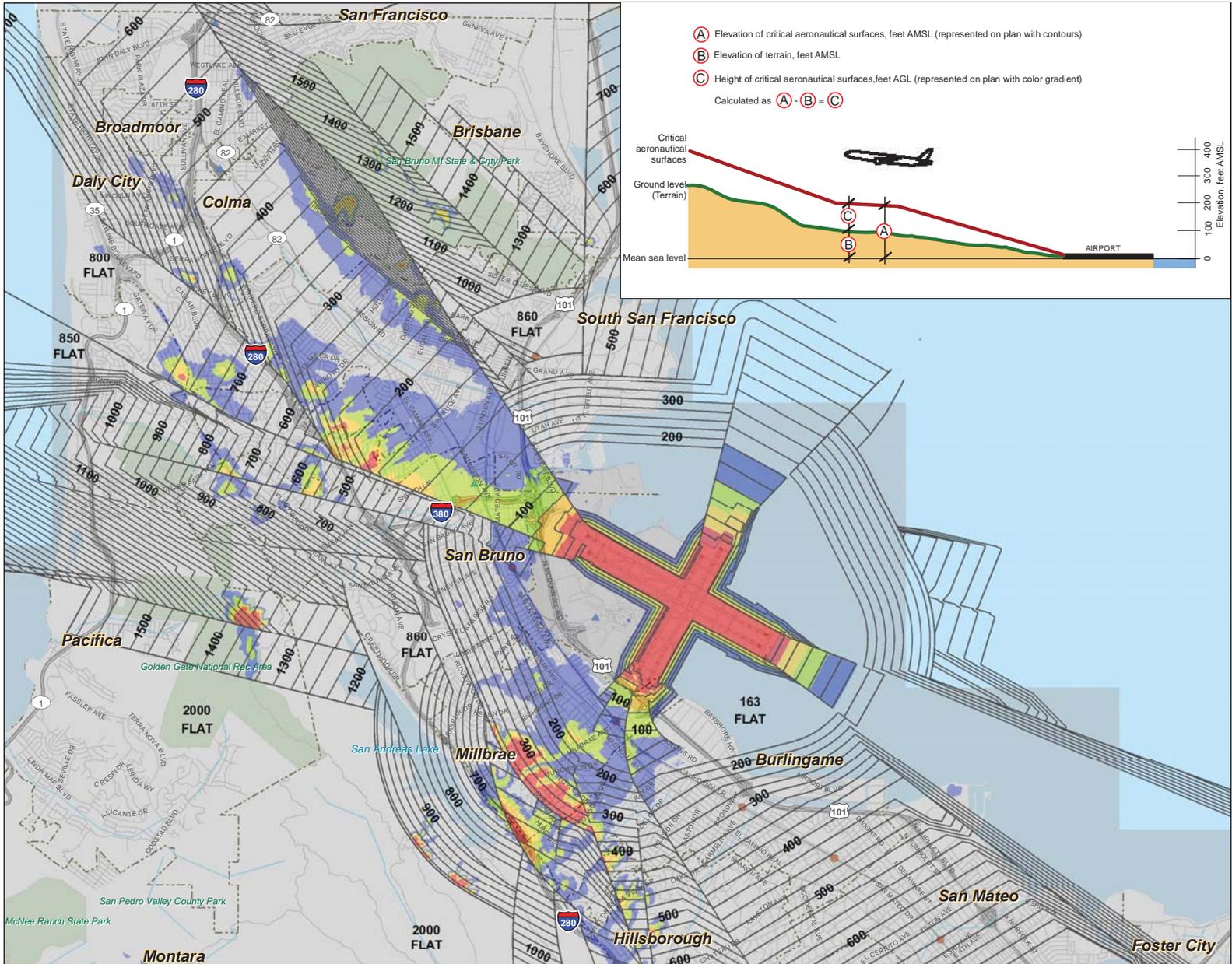
4.5.3 AIRSPACE MAPPING

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-13** depicts the Part 77 Civil Airport Imaginary Surfaces at SFO. The imaginary surfaces rise from the primary surface, which is at ground level immediately around the runways. The surfaces rise gradually along the approach slopes associated with each runway end and somewhat more steeply off the sides of the runways. The FAA considers any objects penetrating these surfaces, whether buildings, trees or vehicles travelling on roads and railroads, 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.

Close-up views of the north and south sides of the Part 77 surfaces are provided in **Exhibit IV-14** and **Exhibit IV-15**, respectively. Additionally, **Exhibit IV-16** provides an illustration of the outer approach and transitional surfaces located on the southeast side of the Part 77 surfaces.

Together with its tenant airlines, SFO has undertaken a mapping effort to illustrate the critical aeronautical surfaces that protect the airspace required for multiple types of flight procedures such as those typically factored into FAA aeronautical studies, as shown on **Exhibit IV-17** and **Exhibit IV-18**. These 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 (to the west through the San Bruno Gap).¹⁶ The exhibits depict the lowest elevations from the combination of the OEI procedure surface and all TERPS surfaces. The surfaces are defined with Required Obstacle Clearance (ROC) criteria to ensure safe separation of aircraft using the procedures from the underlying obstacles. Any proposed structures penetrating these surfaces are likely to receive Determinations of Hazard (DOH) from the FAA through the 7460-1 aeronautical study process. These surfaces indicate the maximum height at which structures can be considered compatible with Airport operations.

¹⁶ See Appendix F, Section F.3.2 for a discussion of one-engine inoperative procedures.



LEGEND

- (A) — 100 — Elevation of critical aeronautical surfaces, feet Above Mean Sea Level (AMSL), North American Vertical Datum of 1988 (NAVD88)
- (C) **Height of Critical Aeronautical Surfaces, Feet Above Ground Level (AGL)**
 - 35 and lower
 - 35 - 65
 - 65 - 100
 - 100 - 150
 - 150 and more
- Airport Property
- ▲ BART Station
- CALTRAIN Station
- Regional Park or Recreation Area
- - - Municipal Boundary
- Railroad
- Freeway
- Road

Notes:

- This map is intended for informational and conceptual planning purposes, generally representing the aeronautical surfaces considered most critical by San Francisco International Airport (SFO) and its constituent airlines. It does not represent actual survey data, nor should it be used as the sole source of information regarding compatibility with airspace clearance requirements in the development of data for an FAA Form 7460-1, Notice of Proposed Construction or Alteration. SFO does not certify its accuracy, information, or title to the properties contained in this plan. SFO does make any warrants of any kind, express or implied, in fact or by law, with respect to boundaries, easements, restrictions, claims, overlaps, or other encumbrances affecting such properties.
- This map does not replace the FAA's obstruction evaluation / airport airspace analysis (OE/AAA) review process. Proposing construction at elevations and heights that are lower than the critical aeronautical surfaces shown on this map, (a) does not relieve the construction sponsor of the obligation to file an FAA Form 7460-1, and (b) does not ensure that the proposal will be acceptable to the FAA, SFO, air carriers, or other agencies or stakeholders. SFO, San Mateo County, and local authorities having jurisdiction reserve the right to re-assess, review, and seek modifications to projects that may be consistent with this critical aeronautical surfaces map but that through the FAA OE/AAA process are found to have unexpected impacts to the safety or efficiency of operations at SFO.

Sources: San Francisco International Airport, Jacobs Consultancy, and Planning Technology Inc., 2009

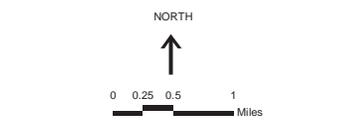


Exhibit IV-17
CRITICAL AERONAUTICAL SURFACES
— NORTHWEST SIDE
Comprehensive Airport Land Use Plan
for the Environs of San Francisco International Airport
C/CAC
City/County Association of Governments
of San Mateo County, California



San Francisco International Airport

August 25, 2021

The Honorable Ricardo Ortiz, Chair
 San Francisco International Airport/Community Roundtable
 c/o **Angela Montes Cardenas**
 Administrative Secretary II
 County of San Mateo
 455 County Center, 2nd Floor
 Redwood City, CA 94063

Subject: Ground Based Noise Modeling Study (HMMH Report No. 309091.002, January 19, 2021)

Dear Chair Ortiz:

The following are San Francisco International Airport (SFO) staff comments on the Ground Based Noise Modeling Study, dated January 19, 2021 (the "Study"), prepared by HMMH on behalf of the Airport/Community Roundtable (the "Roundtable"). We appreciate your commitment to the Roundtable, which provides a forum to address difficult airport noise issues, and the work of the Ground Based Noise Subcommittee. In reviewing the Study, we offer the following observations for your consideration:

- SoundPLAN, the model used for the Study, is not approved for use by the Federal Aviation Administration under Title 14 of the Code of Federal Regulations Part 150 (14 CFR Part 150). Therefore, the results of the Study cannot be incorporated into federal noise or environmental studies (e.g., Environmental Assessments, Environmental Impact Statements, or 14 CFR Part 150 Studies). In addition, any recommended mitigation measures would not be eligible for federal funding.
- The Study used noise data from a 767 aircraft to represent the noise exposure of a 777 aircraft in SoundPLAN; these aircraft have very different sound profiles. Therefore, the noise exposure in the Study may not be representative of the actual 777 noise exposure levels.
- The Study used the default values for temperature, humidity, and barometric pressure in SoundPLAN, which are not representative of the actual conditions at the SFO. Therefore, the results may not be reflective of the actual noise exposure.
- It appears that an incorrect aircraft noise contour was used in either Figure 17 or 18, as both of these contours should be the same. Study, pp. 74, 75. This error should be corrected.
- The Study concludes that the vegetative barriers modeled would have no discernable effects in reducing noise at residences nearest SFO. This is consistent with our understanding based on numerous prior studies, which found that low frequency noise is difficult to attenuate, including with buildings and structures. However, the Study goes on to recommend that vegetation could be used as mitigation, even though this recommendation is not supported by the Study's findings. Study, p. 90, 91. We are concerned that this creates an unrealistic expectation about the effectiveness of vegetative barriers to mitigate noise. Therefore, we request that this recommendation be removed from the Study, so that it is clear the vegetative barriers are not effective and should not be pursued as a mitigation measure.

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED MAYOR LARRY MAZZOLA PRESIDENT ELEANOR JOHNS VICE PRESIDENT RICHARD J. GUGGENHIME EVERETT A. HEWLETT, JR. MALCOLM YEUNG IVAR C. SATERO AIRPORT DIRECTOR

Chairman Ricardo Ortiz, Ground Based Noise Modeling Study (HMMH Report No.30909.002)

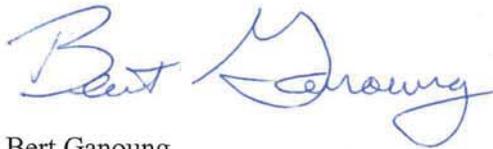
August 25, 2021

Page 2 of 2

- In addition, vegetative barriers may attract hazardous wildlife. Therefore, we oppose the use of vegetative barriers near SFO as we are required by federal regulations to maintain a safe aircraft operating environment.
- Finally, the Study notes that any vegetative barriers should “have a height that breaks line of sight to the source and be located as close to the noise sensitive receptor as possible.” Study, p. 90. Behind Runways 1L and 1R, the height needed to disrupt the direct line of sight to houses on the hill would likely violate 14 CFR Part 77 obstruction height limitations. In addition, vegetation continues to grow over time. Therefore, we would not be able to manage the height of off-airport vegetation to maintain compliance with the requirements of 14 CFR Part 77.

Thank you for considering these comments. Please contact me if you would like to discuss our observations.

Sincerely,

A handwritten signature in blue ink that reads "Bert Ganoung". The signature is written in a cursive style with a large initial "B" and a stylized "G".

Bert Ganoung
Aircraft Noise Office Manager
San Francisco International Airport

C/CAG AGENDA REPORT

Date: July 28, 2022
To: Airport Land Use Committee
From: Susy Kalkin
Subject: San Francisco International Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – Millbrae Downtown & El Camino Real Specific Plan.

(For further information or response to questions, contact Susy Kalkin – kkalkin@smcgov.org)

RECOMMENDATION

That the C/CAG Airport Land Use Committee (ALUC) recommend that prior to making a final recommendation to the Airport Land Use Commission (C/CAG Board) that the following changes be incorporated into the Specific Plan and resubmitted to allow review by this Committee at its next meeting on August 25:

- *Add an exhibit to accompany Table 5.2 overlaying the safety zones on the zoning map, as was included in the Millbrae Station Area Specific Plan (Fig. 5.1 Planning and Overlay Zones), to clearly identify parcels within a Safety Compatibility Zone.*
- *Footnote specific uses in Table 5.2 to connect with the “Notes” page.*
- *Modify Note 1b on p 66 to clarify that large child day care centers, including noncommercial employer-sponsored centers are prohibited in SFO ALUCP Safety Compatibility Zone 2.*
- *Amend the list of key factors that inform height limits for the Plan Area (p. 68) to note that the Plan Area is located within the San Francisco International Airport (SFO) environs. Therefore, development within the Plan Area is subject to height limits imposed by the Federal Aviation Administration (FAA) for runways at SFO and the San Francisco Airport Land Use Compatibility Plan. All development projects shall be consistent with the SFO Airport Land Use Compatibility Plan (ALUCP).*
- *Amend Figure 5.2 to clarify that all heights must be compatible with the SFO ALUCP.*
- *Amend Policy DS-1.4 to clarify that heights, including rooftop elements must be compatible with the SFO ALUCP.*
- *Include an implementation measure to specifically address the procedures that will ensure that project heights are evaluated as part of the development review process for compliance with the ALUCP Airspace Protection Policies as part of project review, including assessment of both critical aeronautical surfaces and FAA Part 77 regulations.*

- *Amend Policy LU-13 to incorporate compliance with the SFO critical aeronautical surfaces (SFO ALUCP Exhs. IV-17 & IV-18) as an additional regulating criterion.*
- *Include an implementation measure to ensure project sponsor compliance with FAA Notification Form 7460-1 filing requirements.*
- *Incorporate implementing language to ensure compliance with SFO ALUCP Policy AP-4 “Other Flight Hazards are Incompatible” at a project specific level.*
- *Incorporate an implementation measure to ensure that project sponsors are advised of their responsibility to comply with the real estate disclosure requirements outlined in Policy IP-1 of the SFO ALUCP, which apply to sale or lease of property located within the AIA.*

BACKGROUND

The City of Millbrae has recently released a public draft of its Downtown and El Camino Real Specific Plan (DT ECR Specific Plan) which provides development and design standards for this corridor. The Plan Area spans the length of El Camino Real and also includes the downtown, from Victoria Avenue to the south and Meadow Glen Avenue to the north, with the goal of transforming the area into vibrant, connected, active mixed-use centers.

The entirety of the DT ECR Specific Plan is located within Airport Influence Area B (AIA B), the “Project Referral” area, for San Francisco International Airport. California Government Code Section 65302.3 states that a local agency General Plan, Zoning Ordinance and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted Airport Land Use Compatibility Plan (ALUCP). In accordance with these requirements, the City of Millbrae has referred the subject policy document to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the SFO ALUCP.

DISCUSSION

ALUCP Consistency Evaluation

The SFO ALUCP contains policies and criteria to address four issues: (a) aircraft noise impacts; (b) safety compatibility criteria; (c) height of structures/airspace protection; and (d) overflight notification.

In accordance with the guidance provided in the ALUCP, local agencies must establish procedures that implement and ensure compliance with the compatibility policies. Accordingly, the Specific Plan must address the following:

- Describe the compatibility criteria to be applied to individual development applications
- Describe how the local agency will ensure that applicable compatibility criteria are incorporated into site-specific development projects
- Describe the procedures for review and approval of development projects

The following sections describe how the DT ECR Specific Plan addresses/ensures compatibility with the ALUCP policies.

(a) Aircraft Noise Impacts

The Community Noise Equivalent Level (CNEL) 65 dB aircraft noise contour defines the threshold for aircraft noise impacts established in the SFO ALUCP. All land uses located outside this contour are deemed consistent with the noise policies of the SFO ALUCP.

As shown on Attachment 2 (SFO ALUCP Exh. IV-6) the project area is located outside of the 65 dB CNEL contour, and therefore the Project is consistent with the SFO ALUCP noise policies and criteria.

(b) Safety Compatibility

The SFO ALUCP includes five safety zones and related land use compatibility policies and criteria. As shown on Attachment 3, the southerly portion of the Project area extends into both Safety Zone 2, the Inner Approach/Departure Zone and Safety Zone 3, the Inner Turning Zone. Per SFO ALUCP Table IV-2, the following uses are considered “incompatible” or “avoid” within those Safety Zones:

Safety Zone	Incompatible Uses	Uses to Avoid
2	-Children’s schools -Large child day care centers and noncommercial employer-sponsored centers -Hospitals, nursing homes -Hazardous uses (as defined in the ALUCP) -Critical public utilities -Theaters, meeting halls, places of assembly seating >300 -Stadiums, arenas	
3	-Biosafety Level 3 & 4 facilities -Children’s schools -Large child day care centers -Hospitals, nursing homes -Stadiums, arenas	-Hazardous uses other than Biosafety Level 3 & 4 facilities -Critical public facilities

The DT & ECR Specific Plan Table 5.2 (Attachment 4) identifies permitted, conditionally permitted, non-permitted and active land uses. The table includes a “Notes” section that generally identifies that projects located within SFO Safety Compatibility Zones must comply with the Safety Compatibility Criteria in the SFO ALUCP, but no exhibit is included to clarify where the Safety Zones lie. In order to improve clarity, it is recommended that the following modifications to this section be included:

- *Add an exhibit to accompany Table 5.2 overlaying the safety zones on the zoning map, as was included in the Millbrae Station Area Specific Plan (Fig. 5.1 Planning and Overlay Zones), to clearly identify parcels within a Safety Compatibility Zone.*
- *Footnote specific uses in Table 5.2 to connect with the “Notes” page.*

- *Modify Note 1b on p 66 to clarify that large child day care centers, including noncommercial employer-sponsored centers are prohibited in SFO ALUCP Safety Compatibility Zone 2.*

Subject to these conditions, the Specific Plan would generally comply with the Safety Compatibility Policies of the SFO ALUCP.

(c) Airspace Protection

Structure Heights

Pursuant to the SFO ALUCP, airspace protection compatibility of proposed land uses within its AIA is evaluated in accordance with the following criteria: (1) 14 Code of Federal Regulations Part 77 (FAR Part 77), “Safe, Efficient Use and Preservation of the Navigable Airspace”, which establishes the standards for determining obstructions to air navigation; and (2) FAA notification surfaces.

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 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 prepared pursuant to the filing of Form 7460-1.

Figure 5.2 of the Specific Plan depicts allowable building heights which range up to 125 ft. In addition, Policy DS-1.4 allows rooftop elements to exceed maximum building heights by up to 15 feet, potentially allowing structures up to 140 ft. As the Specific Plan includes policies recognizing that building height is also regulated by the provisions of the ALUCP, it is recommended that this fact be more clearly stated in the implementing regulations. Therefore, the following conditions are recommended:

- *Amend the list of key factors that inform height limits for the Plan Area (p. 68) to note that the Plan Area is located within the San Francisco International Airport (SFO) environs. Therefore, development within the Plan Area is subject to height limits imposed by the Federal Aviation Administration (FAA) for runways at SFO and the San Francisco Airport Land Use Compatibility Plan. All development projects shall be consistent with the SFO Airport Land Use Compatibility Plan (ALUCP).*
- *Amend Figure 5.2 to clarify that all heights must be compatible with the SFO ALUCP.*
- *Amend Policy DS-1.4 to clarify that heights, including rooftop elements must be compatible with the SFO ALUCP.*
- *Include an implementation measure to specifically address the procedures that will ensure that project heights are evaluated as part of the development review process for compliance with the ALUCP Airspace Protection Policies as part of project review, including assessment of both critical aeronautical surfaces and FAA Part 77 regulations.*

The DT ECR Specific Plan contains several of the Land Use Policies addressing airport related concerns that are also in the draft General Plan Update, including the following related to building heights:

LU-13: AIRPORT SAFETY

The City shall regulate land uses and building height within the Airport Influence Area of the San Francisco International Airport in compliance with FAA Part 77 height restriction standards, in accordance with Airport Land Use Commission guidelines to assure safety of aircraft, persons, and property near the Airport.

There is a similar concern here, as identified with the General Plan policy, that the critical aeronautical surfaces identified in the SFO ALUCP policy addressing height restrictions are not reflected. Consequently, the following condition is recommended:

- *Amend Policy LU-13 to incorporate compliance with the SFO critical aeronautical surfaces (SFO ALUCP Exhs. IV-17 & IV-18) as an additional regulating criterion.*

As shown on SFO ALUCP Exh. IV-12, the Plan Area is located in an area that will require FAA notification for most every project. Accordingly, to ensure compliance it is recommended that the requirement be incorporated into the Specific Plan.

- *Include an implementation measure to ensure project sponsor compliance with FAA Notification Form 7460-1 filing requirements.*

Other Flight Hazards

Within AIA B, certain land use characteristics are recognized as hazards to air navigation and, per SFO ALUCP Policy AP-4, need to be evaluated to ensure compatibility with FAA rules and regulations. These characteristics include the following:

- Sources of glare, such as highly reflective buildings, building features, or blight lights including search lights, or laser displays, which would interfere with the vision of pilots in command of an aircraft in flight
- Distracting lights that could be mistaken for airport identification lightings, runway edge lighting, runway end identification lighting, or runway approach lighting
- Sources of dust, smoke, water vapor, or steam that may impair the visibility of a pilot in command of and aircraft in flight
- Sources of electrical/electronic interference with aircraft communications/navigation equipment
- 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 Site On or Near Airports* and *FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports* and any successor or replacement orders or advisory circulars.

In accordance with the SFO ALUCP the local plan must describe how the local agency will ensure that these criteria will be incorporated into site-specific development projects. Therefore, the following condition is recommended:

- *Incorporate implementing language to ensure compliance with SFO ALUCP Policy AP-4 “Other Flight Hazards are Incompatible” at a project specific level.*

Subject to inclusion of the recommended conditions, the Specific Plan would address the Airspace Protection policies and requirements of the SFO ALUCP.

(d) Overflight Notification

The Project site is located within the Airport Influence Area (AIA) of SFO, the real estate disclosure area. Pursuant to Policy IP-1, notification is required, prior to sale or lease of property located within the AIA, of the proximity of the airport and that therefore the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations.

As this disclosure requirement is not currently included in the Plan, the following condition is proposed:

- *Incorporate an implementation measure to ensure that project sponsors are advised of their responsibility to comply with the real estate disclosure requirements outlined in Policy IP-1 of the SFO ALUCP, which apply to sale or lease of property located within the AIA.*

ATTACHMENTS

1. ALUCP application
2. SFO ALUCP Exh. IV-5 - Noise Compatibility Zones
3. SFO ALUCP Exh. IV-9 –Safety Compatibility Zones
4. DT & ECR Specific Plan Table 5.2 – Permitted Uses, etc.
5. DT & ECR Specific Plan Fig. 5.2 – Bldg Hts
6. SFO ALUCP Exh. IV-12 – FAA Notification Filing Reqs.- South Side
7. Comment Letter from SFO Planning dated July 20, 2022

The following attachment is available to download on the C/CAG website at:
<https://ccag.ca.gov/committees/airport-land-use-committee/>

8. Millbrae Downtown and El Camino Real Specific Plan



APPLICATION FOR LAND USE CONSISTENCY DETERMINATION
San Mateo County Airport Land Use Commission
C/CAG ALUC

Form with sections: APPLICANT INFORMATION, PROJECT DESCRIPTION, REQUIRED PROJECT INFORMATION. Includes fields for Agency, Project Name, Address, APN, City, State, ZIP Code, Staff Contact, Phone, and Email.

For General Plan, Specific Plan or Zoning Amendments and Development Projects:

A copy of the relevant amended sections, maps, etc., together with a detailed description of the proposed changes, sufficient to provide the following:

- 1. Adequate information to establish the relationship of the project to the three areas of Airport Land Use compatibility concern (ex. a summary of the planning documents and/or project development materials describing how ALUCP compatibility issues are addressed):
a) Noise: Location of project/plan area in relation to the noise contours identified in the applicable ALUCP.
- Identify any relevant citations/discussion included in the project/plan addressing compliance with ALUCP noise policies.
b) Safety: Location of project/plan area in relation to the safety zones identified in the applicable ALUCP.
- Include any relevant citations/discussion included in the project/plan addressing compliance with ALUCP safety policies.
c) Airspace Protection:
- Include relevant citations/discussion of allowable heights in relation to the protected airspace/proximity to airport, as well as addressment of any land uses or design features that may cause visual, electronic, navigational, or wildlife hazards, particularly bird strike hazards.

- If applicable, identify how property owners are advised of the need to submit Form 7460-1, *Notice of Proposed /Construction or Alteration* with the FAA.

2. Real Estate Disclosure requirements related to airport proximity
3. Any related environmental documentation (electronic copy preferred)
4. Other documentation as may be required (ex. related staff reports, etc.)

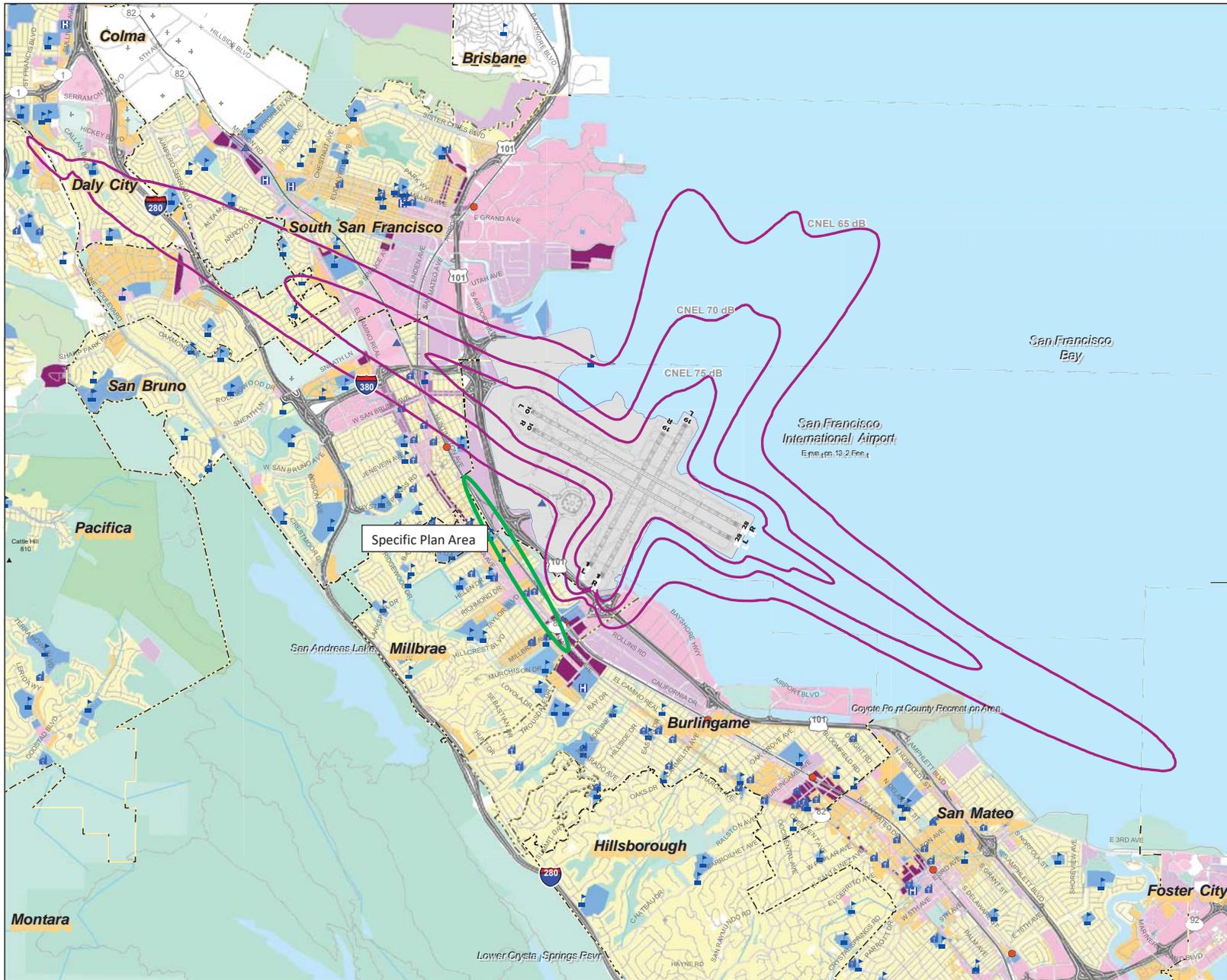
Additional information For Development Projects:

1. 25 sets of scaled plans, no larger than 11" x 17"
2. Latitude and longitude of development site
3. Building heights relative to mean sea level (MSL)

ALUCP Plans can be accessed at <http://ccag.ca.gov/plansreportslibrary/airport-land-use/>

Please contact C/CAG staff at 650 599-1467 with any questions.

<i>For C/CAG Staff Use Only</i>
<i>Date Application Received</i>
<i>Date Application Deemed Complete</i>
<i>Tentative Hearing Dates:</i>
- <i>Airport Land Use Committee</i>
- <i>C/CAG ALUC</i>



- LEGEND**
- CNEL Contour, 2020 Forecast
 - Airport Property
 - ▲ BART Station
 - CALTRAIN Station
 - School
 - ⛪ Place of Worship
 - ⚪ Hospital
 - Municipal Boundary
 - Railroad
 - Freeway
 - Road
- Planned Land Use Per General Plans:**
- Public
 - Multi-Family Residential
 - Single Family Residential
 - Mixed Use
 - Transit Oriented Development
 - Commercial
 - Industrial, Transportation, and Utilities
 - Local Park, Golf Course, Cemetery
 - Regional Park or Recreation Area
 - Open Space
 - Planned use not mapped
- Sources:**
- Noise Contour Data:**
- Draft Environmental Assessment, Proposed Runway Safety Area Program, San Francisco International Airport. URS Corporation and BridgeNet International, June 2011
- County Base Maps:**
- San Mateo County Planning & Building Department, 2007
- Local Plans:**
- Burlingame Bayfront Specific Area Plan, August 2006
 - Burlingame Downtown Specific Plan, January 2009
 - Burlingame General Map, September 1984
 - North Burlingame/ Rollins Road Specific Plan, February 2007
 - Colma Municipal Code Zoning Maps, December 2003
 - Daly City General Plan Land Use Map, 1987
 - Hillsborough General Plan, March 2005
 - Millbrae Land Use Plan, November 1998
 - Pacifica General Plan, August 1996
 - San Bruno General Plan, December 2008
 - San Mateo City Land Use Plan, March 2007
 - San Mateo County Zoning Map, 1992
 - South San Francisco General Plan, 1998

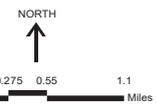
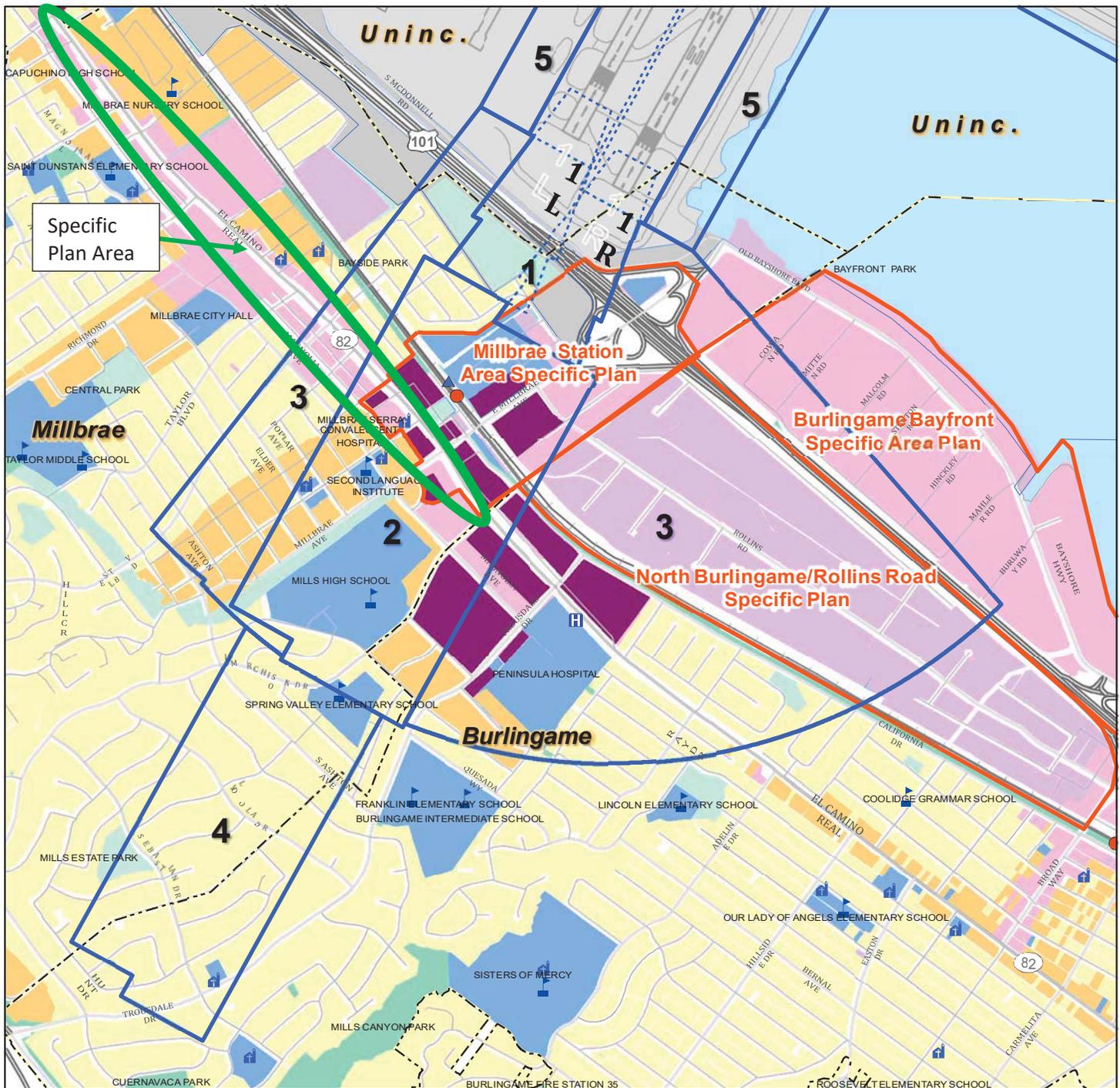


Exhibit IV-5
NOISE COMPATIBILITY ZONES
 Comprehensive Airport Land Use Plan
 for the Environs of San Francisco International Airport
C/CAG
 City/County Association of Governments
 of San Mateo County, California



LEGEND

Safety Compatibility Zones

- 1 - Runway Protection Zone-Object Free Area
- 2 - Inner Approach/Departure Zone
- 3 - Inner Turning Zone
- 4 - Outer Approach/Departure Zone
- 5 - Sideline Zones
- Internal boundaries of ALP-defined areas
- Specific Plan Area
- Airport Property
- ▲ BART Station
- CALTRAIN Station
- ✈ School
- Ⓜ Place of Worship
- Ⓜ Hospital
- Municipal Boundary
- Railroad
- Freeway
- Major Road
- Road

Planned Land Use Per General Plans

- Public
- Multi-Family Residential
- Single Family Residential
- Mixed Use
- Transit Oriented Development
- Commercial
- Industrial, Transportation, and Utilities
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space

Sources:

- Local Plans:**
- San Bruno General Plan, December 2008
 - South San Francisco General Plan, 1998

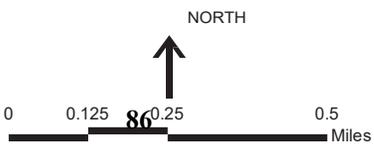


TABLE 5.2 PERMITTED, CONDITIONALLY PERMITTED, NON-PERMITTED AND ACTIVE LAND USES

	RFMU	NCMU	DMU	CMU	ACTIVE GROUND FLOOR USE (NO/YES)
RESIDENTIAL					
Single-family Dwellings	-	-	-	-	-
Flats	P*	P*	-	-	-
Duplexes	-	-	-	-	-
Triplexes	P	P	-	-	-
Multiple-Family Dwellings	P*	P*	P*	P*	-
Live/Work	P	P	P*	P*	Y
Accessory Dwelling Units and Junior ADUs	P	P	P	P	-
Boardinghouse / Roominghouse	C	C	-	-	-
Residential Care Facilities	C	C	-	-	-
PUBLIC AND QUASI-PUBLIC USES					
Community Centers	P	P	P	P	Y
Libraries	P	P	P	P	Y
Public Parks and Recreational Facilities	P	P	P	P	N/A
Public Parking Structures/Lots	C	C	C	C	Y
Private Stand-alone Parking Structures/Lots	C	C	-	-	Y
Public Electric Vehicle Charging Station	P	P	P	P	N/A
Conference Center	-	-	C	C	Y
Museum	C	C	C	C	Y
Theater, Performance or Movie	-	-	P	P	Y
Colleges and Universities	-	-	-	C	Y
Private Schools (Pre-K and K through 12)	C	C	-	C	-
Trade and Vocational Schools	-	-	C	C	-
Community Garden	P	P	P	P	N/A
Emergency Shelters, Supportive Housing, or Transitional housing	P	P	P	P	-

	RFMU	NCMU	DMU	CMU	ACTIVE GROUND FLOOR USE (NO/YES)
Places of Worship	C	C	C	C	-
Hospitals and Medical Clinics	-	-	-	C	-
Social Services and Charitable Institutions	-	-	C	C	-
Public Safety Facilities	-	-	C	C	-
EATING AND DRINKING ESTABLISHMENTS					
General Restaurants	P	P	P	P	Y
Drive-In Restaurants	-	-	-	C	Y
Take-Out Only Restaurants	P**	P**	P**	P**	Y
Bars, Tap Rooms, Tastings Rooms	C	C*	C	C	Y
Nightclubs and Lounges	-	-	-	-	N/A
Live Entertainment, Ancillary to Main Restaurant or Bar Use	-	-	C	C	Y
Outdoor Dining	P	P	P	P	N/A
COMMERCIAL SERVICES					
Banks and Financial Services	P	P*	P	P	Y
Business Support Services	P	P*	P	P	Y
Dry Cleaners	-	-	C	C	Y
Carwash	-	-	-	C	-
Child Care Services	P	P*	P	P	Y
Health and Exercise Clubs and Fitness Establishments (maximum 3,000 sq. ft. on ground floor only; no restriction on size above the ground floor)	P*	P*	P	P	Y
Medical Offices	C	P*	C	C	-
General Offices	P*	P	P (Upper Floors Only)	P	-
Mortuary	-	-	C	C	-
Pet Daycare	-	P	P	P	Y
Pet Grooming	-	P	P	P	Y

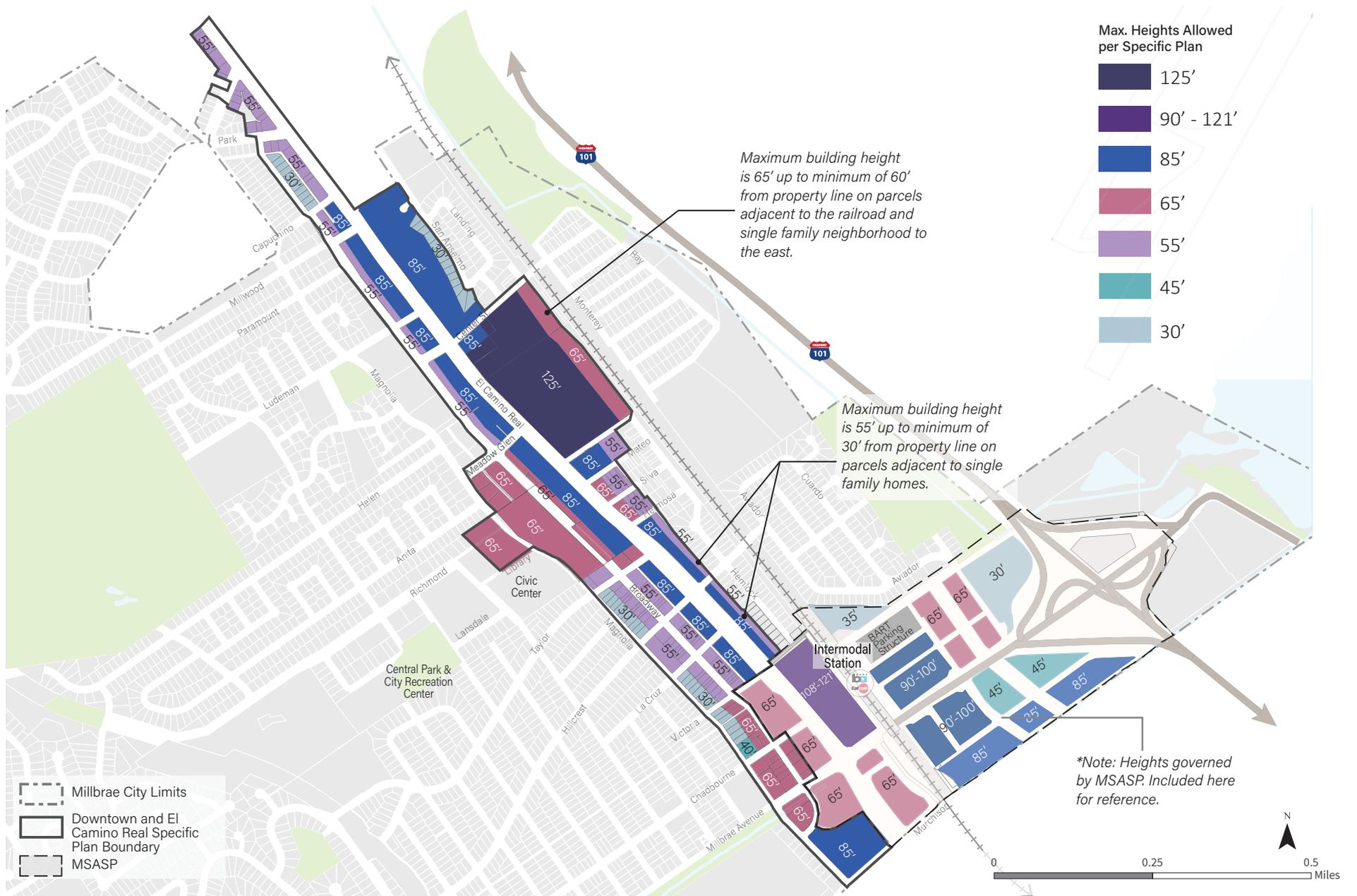
	RFMU	NCMU	DMU	CMU	ACTIVE GROUND FLOOR USE (NO/YES)
Repair Shops – Not Automobile Related	-	-	P	P	-
Auto Sales or Rentals (New and Used)	-	-	-	C	-
Vehicle Repair and Maintenance	-	-	-	C	-
Adult Oriented Business	-	-	-	C***	-
LIGHT INDUSTRIAL					
Bulk Materials, Heavy Equipment Sales and Service	-	-	-	-	-
Fleet Vehicle-Related Uses	-	-	-	-	-
General Warehousing	-	-	-	-	-
Research and Development Facility (R&D)	-	-	C	P	N
Light Manufacturing	-	-	-	-	Y
Heavy Manufacturing	-	-	-	-	-
Warehouse and Storage	-	-	-	-	-
RETAIL					
Convenience Store	-	-	-	C	Y
Drive-Through Facilities	-	-	C	C	-
Supermarket	-	-	-	C	Y
Food and Beverage Sales	P*	P*	P	P	Y
Fuel and Service Stations	-	-	-	C	-
Liquor Stores	-	C*	C*	C	Y
Pawn Shops	-	-	-	C*	Y
Retail Sales (10,000 sq. ft. or less)	P	P	P	P	Y
Retail Sales (Greater than 10,000 sq. ft.)	-	-	P	P	Y
OTHER COMMERCIAL USES					
Laundromats			P	P	Y
Clubs and Lodges			C	C	-
Hotels, Motels, Bed and Breakfasts	C	C	P	P	Y

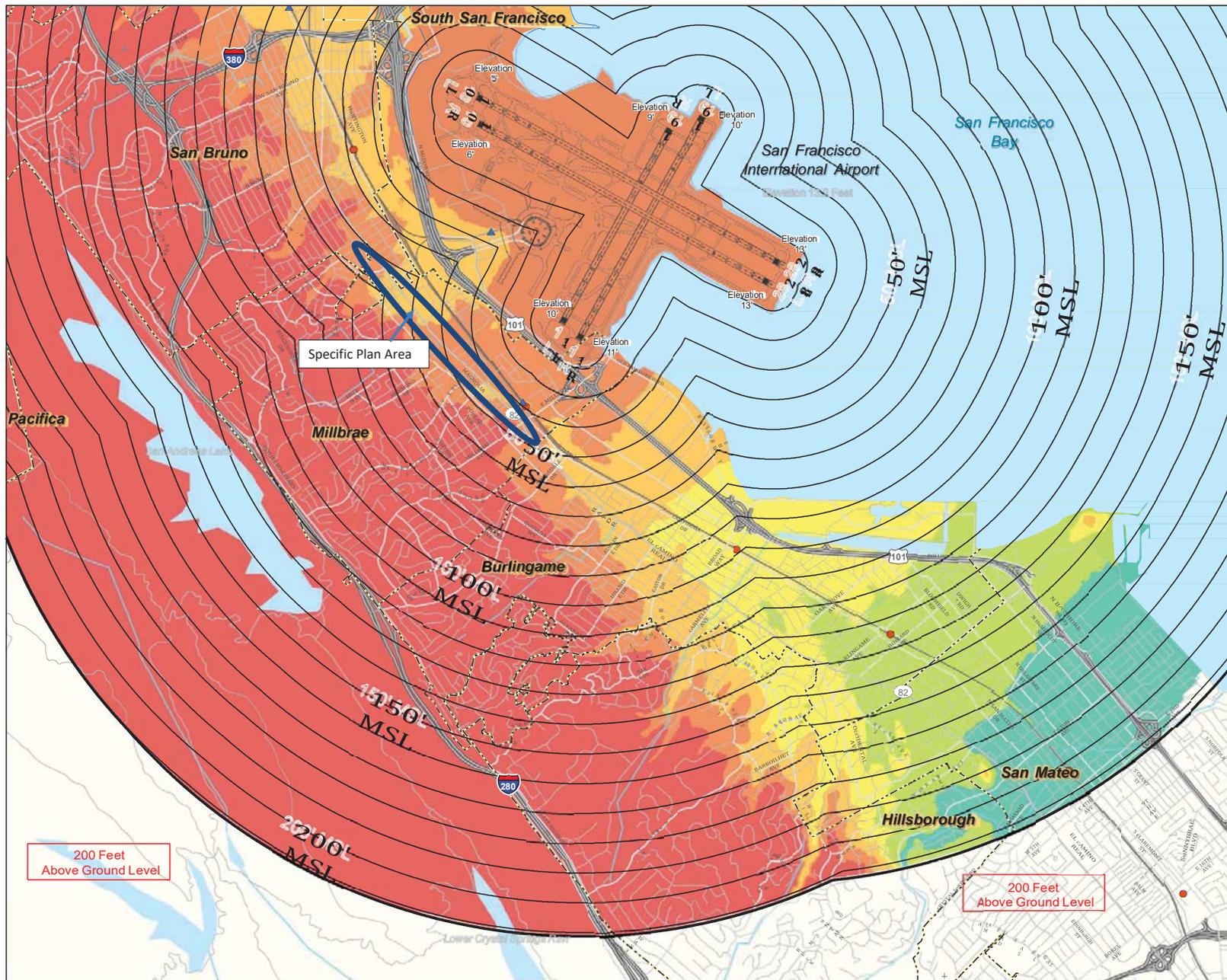
	RFMU	NCMU	DMU	CMU	ACTIVE GROUND FLOOR USE (NO/YES)
Indoor Commercial Recreation	-	-	C	C	Y
Mini Storage	-	-	-	-	-
Outdoor Commercial Recreation	-	-	C	C	N/A
Outdoor Display of Merchandise	-	-	C	C	N/A
Outdoor Storage	-	-	-	-	N/A
Sexually Oriented Business	-	-	-	C***	-
Gun Shop	-	-	-	C***	-
Smoke Shop	-	-	-	C***	-
TRANSPORTATION, COMMUNICATION, AND UTILITIES USES					
Off-Site Construction Staging	-	-	-	C	N/A
Wireless Communications Facilities	A/C	A/C	A/C	A/C	N/A
Micro-mobility Facilities	P	P	P	P	Y
Cogeneration Facility	-	-	-	-	-
Transit Facilities	-	-	-	-	-
Utility Services	P	P	P	P	-
PERSONAL RELATED USES					
Acupressure and reflexology	-	-	-	C***	-
Barber shops, hair salons, skincare salons (with estheticians)	-	-	P***	P***	Y
Massage establishments	-	-	-	C***	-
Nail salons	-	-	P***	P***	Y
Spas (only permitted as part of a Health and Exercise Club)				C***	-
Tanning salons	-	-	-	C***	-
Tattoo parlor	-	-	-	C***	Y

Notes:

- Any use that requires a Conditional Use Permit (C) shall require Planning Commission approval, subject to appeal to the City Council.
- Any use that requires an Administrative Permit (C) shall require Community Development Director approval, subject to appeal to the Planning Commission.
- An asterisk (*) indicates that the use is allowed only when it is part of a mixed-use building.
- A double asterisk (**) indicates that the use is allowed only when it is on the ground floor of a mixed-use building
- A triple asterisk (***) indicates the use is only permitted within 1000 feet from another establishment of the same use listed.
- Projects within SFO Safety Compatibility Zones 2, and 3 must comply with the ALUCP policies and criteria as described in Policy SP-2, Safety Compatibility Land Use Criteria; Table IV-2, Safety Compatibility Criteria; and Policy SP-3, Hazardous Uses (see pages IV-27 through IV-34 of the SFO ALUCP, November 2012, or the latest adopted ALUCP).
- ^{1a} Theaters, meeting halls, conference centers, and other places of assembly seating more than 300 people are prohibited in SFO Safety Compatibility Zone 2.
- ^{1b} Large child day care centers, which are commercial facilities defined in accordance with Health and Safety Code, Section 1596.70, et seq., and licensed to serve 15 or more children, are prohibited in SFO Safety Compatibility Zones 2 and 3.
- ^{1c} Light Industrial facilities in Safety Compatibility Zone 2 of ALUCP shall not include hazardous uses as defined by the SFO ALUCP, Policy SP-3 on pages IV-33 and IV-34.
- ^{1d} Utility services in Safety Compatibility Zones 2, or 3 of ALUCP shall not include critical public utilities that, if disabled by an aircraft accident, could lead to public safety or health emergencies. These critical public utilities include electrical power generation plants, electrical substations, wastewater treatment plants, and public water treatment facilities.
- ² Public Electric Vehicle Charging Stations are not permitted as a primary use, but projects may integrate them with a public parking

FIG 5.2: BUILDING HEIGHTS





FAA NOTIFICATION REQUIREMENTS

A structure proponent must file FAA Form 7460-1. Notice of proposed construction or Alteration, for any proposed construction or alteration that meets any of the following Notification criteria described in 14 cFR part 77.9:

§77.9(a) - A height more than 200 feet above ground level (AGL) at its site;

§77.9(b) - Within 20,000 feet of a runway more than 3,200 feet in length, and exceeding a 100:1 slope imaginary surface (i.e., a surface rising 1 foot vertically for every 100 feet horizontally) from the nearest point of the nearest runway. The 100:1 surface is shown as follows:

- 20,000 Feet Limit From Nearest Runway
- 100 — Elevation Above Mean Sea Level

Heights of 100:1 Surface Above Ground (AGL)

- Terrain penetrations of Airspace Surface
- Less than 30
- 30-65
- 65-100
- 100-150
- 150-200
- 200 and more

§77.9(c) - Roadways, railroads, and waterways are evaluated based on heights above surface providing for vehicles; by specified amounts or by the height of the highest mobile object normally traversing the transportation corridor;

§77.9(d) - Any construction or alteration on any public-use or military airport (or heliport).

Structure proponents or their representatives may file via traditional paper forms via US mail, or online at the FAA's OE/AAA website, <http://oeaaa.faa.gov>

LEGEND

- ▲ BART Station
- cALTRAIN Station
- Municipal Boundary
- Railroad
- Freeway
- Road

Note:

per 14 cFR part 77, developers proposing structures taller than the indicated elevations must file Form 7460-1 with the FAA at least 30 days before the proposed construction. However, due to local requirements for a favorable FAA determination as a contingency for project approval, it is advisable to file the Form 7460-1 as soon as possible because the FAA can take several months to undertake aeronautical reviews.

Source:

Ricondo & Associates, Inc. and Jacobs consultancy, based on 14 cFR part 77, Subpart B, Section 77.9.

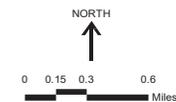


Exhibit IV-12
FAA NOTIFICATION FORM 7460-1
FILING REQUIREMENTS -- SOUTH SIDE
 comprehensive Airport Land use plan
 for the Environs of San Francisco International Airport
C/CAG
 city/county Association of Governments
 of San Mateo county, California



San Francisco International Airport

July 20, 2022

TRANSMITTED VIA E-MAIL and U.S. MAIL
 nguevara@ci.millbrae.ca.us

Nestor Guevara, Associate Planner
 Millbrae Planning Division
 621 Magnolia Avenue
 Millbrae, California 94030

Subject: *Comments on Public Review Draft of Millbrae 2040 General Plan Policy Document and Downtown and El Camino Real Specific Plan*

San Francisco International Airport (SFO or the Airport) staff have reviewed the Public Review Draft of the City of Millbrae 2040 General Plan Policy Document (General Plan or GP) and the Public Review Draft of the Millbrae Downtown and El Camino Real Specific Plan (Specific Plan or SP) released by the City of Millbrae (City). We appreciate this opportunity to provide comments on the draft General Plan and Specific Plan.

SFO previously provided comments dated January 10, 2022 on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the General Plan, Specific Plan, and associated Zoning Code amendments, which are attached hereto as Exhibit A [and incorporated by reference].

Under state law and as noted in the General Plan, the General Plan governs development of land within the City boundaries and “any land outside [city] boundaries which in the [city’s] judgement bears relation to its planning.” (GP, p. 1-1.) The General Plan Update would serve as a long-term framework for future growth reflecting issues identified from community input and changes in state law. The entirety of the General Plan area falls within Airport Influence Area A and portions of the General Plan area falls within Safety Compatibility Zones 1, 2, 3, and 4, as defined in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP). The Specific Plan governs development of the El Camino Real corridor and downtown district within the City (see SP, Figure 2.2) and must be consistent with then General Plan. (SP, pp. 6-7.) The Specific Plan would support mixed-use development in downtown Millbrae on El Camino Real and Broadway Avenue near Millbrae Intermodal Station. The Specific Plan area falls within Airport Influence Area A Safety Compatibility Zones 2 and 3.

The Airport’s specific comments regarding Public Review Drafts of the General Plan and Specific Plan are noted below:

1. LAND USE POLICIES

The Airport is generally supportive of the General Plan and Specific Plan land use goals and policies addressing noise compatibility, safety compatibility, and critical airspace and believes they are consistent with the SFO ALUCP.

These include the following General Plan goals and policies:

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- General Plan Goal HSHM-6, Minimize exposure to hazards associated with aircraft using the San Francisco International Airport
 - General Plan Policy HSHM-6.1, Land Use Safety Compatibility and Airspace Protection Criteria
 - General Plan Policy HSHM-6.2, Airport Safety
 - General Plan Policy HSHM-6.3, Federal Aviation Administration Requirements for Development
 - General Plan Policy HSHM-6.4, Airport Land Use Compatibility Plan Land Use and Development Consistency
 - General Plan Policy HSHM-6.5 Airport Land Use Commission Review
- General Plan Goal HSHM-10, Achieve an acceptable noise environment by minimizing noise exposure and ground vibration
 - General Plan Policy HSHM-10.8, Protection from SFO Noise
 - General Plan Policy HSHM-10.9, Airport Disclosure Notices
 - General Plan Policy HSHM-10.11, Compliance with State Noise Insulation Standards

These include the following Specific Plan goals and policies:

- Specific Plan Policy LU-12, Land Use Safety Compatibility
- Specific Plan Policy LU-14, Federal Aviation Administration Requirements for Development
- Specific Plan Policy LU-15, Airport Land Use Compatibility Plan and Land Use Development Consistency

Inclusion of these goals and policies in the General Plan and Specific Plan will help ensure that land use and development in the proximity of the Airport is consistent with the noise, safety, and airspace policies of the SFO ALUCP.

2. NOISE COMPATIBILITY

The Airport notes that General Plan Policy HSHM-10.2, Noise Standards, refers to Table 7-1, which states that the highest level of exterior noise exposure that is normally acceptable is 60 dBA CNEL for single-family homes, duplexes, and mobile homes and 65 dBA CNEL for townhomes, multi-family apartments, and condominiums. It also states that up to 70 dBA CNEL is conditionally acceptable subject to completion of a detailed study of noise exposure and reduction requirements and the inclusion of noise reduction measures to the fullest extent feasible into the development. General Plan Policy HSHM-10.2 fails to note the requirement imposed by the SFO ALUCP [that within the Airport's 65 dBA CNEL contour] interior noise levels must be reduced to 45 dB CNEL or lower and an avigation easement must be granted to the City and County of San Francisco. Further, the Noise Compatibility Policies of the SFO ALUCP state that residential uses in the 70 dBA CNEL contour are only allowed on parcels which were zoned for residential use as of the adoption of the SFO ALUCP (November 2012) and that those parcels may not be subdivided or otherwise intensified to create additional housing.

Table 7-1 contains other inconsistencies with the SFO ALUCP Noise Compatibility Policies including:

- Urban Residential Infill and Mixed-Use Projects – Table 7-1 identifies the normally acceptable exterior noise level for this land use category as 70 dBA CNEL and conditionally acceptable as

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75 dBA CNEL. However, this category is considered residential and therefore under the SFO ALUCP Noise Compatibility Policies would be considered acceptable in locations up to the 65 dBA CNEL contour and conditionally acceptable within the 70 dBA contour.

- Schools, Libraries, Churches, Hospitals, Residential Care Facility for the Elderly (Nursing Homes) – Table 7-1 identifies the normally acceptable exterior noise level for this category as 70 dB CNEL. Under the SFO ALUCP Noise Compatibility Policies, this land use would be considered acceptable in locations up to the 65 dBA CNEL contour and conditionally acceptable within the 70 dB CNEL contour.
- Auditoriums, Concert Halls, Amphitheaters – Table 7-1 states that the applicable threshold and mitigation should be determined based on a site-specific study per General Plan Policy HSHM-10.4. According to the SFO ALUCP Noise Compatibility Policies, this land use would be considered acceptable in locations up to the 65 dBA CNEL contour with no conditionally acceptable noise levels. Policy HSHM-10.4 does not specify a noise level after mitigation for which the land use would be considered acceptable.
- Sports Arenas, Outdoor Spectator Sports – Table 7-1 states that the threshold and mitigation should be based on a site-specific study per General Plan Policy HSHM-10.4. According to the SFO ALUCP Noise Compatibility Policies, this land use would be considered acceptable in locations up to the 75 dBA CNEL contour with no conditionally acceptable noise levels. General Plan Policy HSHM-10.4 does not specify a noise level after mitigation for which the land use would be considered acceptable.

The exterior noise level thresholds in Table 7-1 that are listed above are generally inconsistent with General Plan Policy HSHM-6.4, Airport Land Use Compatibility Plan Land Use and Development Consistency, which states that the City shall ensure that all future land use actions conform to the SFO ALUCP. In lieu of including Table 7-1 in the General Plan, the Airport suggests incorporating by reference the SFO ALUCP Table IV-I, Noise/Land Use Compatibility Criteria.

Additionally, General Plan Policy HSHM-10.2, Noise Standards, requires new development to comply with a “Future Noise Contours Map (Figure 10-1)”. The Public Review Draft of the General Plan does not include this figure and states that “Figure 10-1 will be added later in the process.” The Airport cannot determine consistency with the SFO ALUCP Noise Compatibility Policies without reviewing this noise contours map. The Airport requests that in lieu of providing a noise contour map in Figure 10-1, the General Plan adopt into the General Plan or incorporate by reference the SFO ALUCP noise contours map, as those contours will be used to evaluate whether future projects are consistent with the SFO ALUCP Noise Compatibility Policies. The General Plan should address the issues identified above to ensure consistency with the Noise Compatibility Policies of the SFO ALUCP.

3. GROUND BASED NOISE

The Airport is concerned about language in the General Plan regarding ground-borne noise. General Plan Section 7.6 states “there has been a growing concern over the effects of low-frequency ground-borne noise from inbound and outbound aircraft at SFO.” It further states, “there are methods to reducing the effects of low-frequency ground-borne noise... by creating additional barriers between habitable spaces and the source of sound, enhanced buffered landscaping, and upgrades to structural materials and placement of fenestration (i.e., doors and windows).” Additionally, General Plan Policy HSHM-6.7, Airport Noise Mitigation, includes working with the ALUC and the SFO Airport/Community Roundtable

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to ensure ongoing reduction of airport noise “including low-frequency ground-borne noise.” General Plan Policy HSHM-6.9, Low-Frequency Ground-borne Aircraft Noise Mitigation, calls for new development to include mitigation measures to reduce low-frequency ground-borne noise from aircraft at SFO. Also, General Plan Policy HSHM-10.10, Partnering with SFO on Noise Minimization, calls for partnering with SFO to collaborate on potential mitigation to minimize airport noise within the community, “including improvement on the land owned by SFO, to serve as a noise buffer through enhanced landscaping and trees.”

The Airport is aware of concerns about low-frequency ground-borne noise. The SFO Airport/Community Roundtable commissioned a study from HMMH in 2021 (the Study).¹ The Airport prepared a response letter outlining its observations of the Study.² By letter dated August 25, 2021, Airport notified the SFO Airport/Community Roundtable of several concerns regarding the validity of the Study. This letter is attached to this letter as Exhibit B. It appears that the General Plan policies above are based, in part, on the results and recommendations of the Study. As noted in our letter, these mitigation strategies may not actually mitigate noise. The Study relies on multiple, non-specific assumptions in the modeling of the data resulting in proposed incorrect mitigation strategies, which were clearly refuted in the Airport’s letter. Because the Study was inconclusive and inaccurate, it is therefore not appropriate to include the Study’s results or recommendations in the HSHM policies or any other legally binding document. SFO requests removal of General Plan Policy HSHM-6.7, General Plan Policy HSHM-6.9, and General Plan Policy HSHM-10.10 from the General Plan until more credible studies are prepared that can validate the efficacy of these proposals.

4. SAFETY COMPATIBILITY

The entirety of the General Plan area is within Safety Compatibility Zones 1, 2, 3, and 4 and the Specific Plan area is within Safety Compatibility Zones 2 and 3. The SFO ALUCP Safety Compatibility Policies deem certain land uses as either incompatible or to be avoided in these zones, depending on the land use. General Plan Policy HSHM-6.4, Airport Land Use Compatibility Plan Land Use and Development Consistency, ensures that all future land use actions conform to the SFO ALUCP. Further, General Plan Policy HSHM-6.5, Airport Land Use Commission Review, ensures that that San Mateo County ALUC reviews all long-range plans, associated amendments, and ordinances for consistency with the SFO ALUCP. Application of these General Plan policies would ensure consistency with the Safety Compatibility Policies of the SFO ALUCP.³

Of particular note, the General Plan area is within Safety Compatibility Zone 1, which is coterminous with the Runway Protection Zone (RPZ). The RPZ is a surface defined by the FAA and is designed "to

¹ HMMH. 2021. Ground Based Noise Modeling Study. Report No. 309091.002. January 19.

² Letter to the Honorable Ricardo Ortiz, Chair, San Francisco International Airport/Community Roundtable. August 25, 2021.

³ The Airport acknowledges that the City of Millbrae is proposing an amendment to the Millbrae Station Area Specific Plan (MSASP) to allow Biosafety Level 2 uses within the Airport’s Safety Compatibility Zone 2. The Airport submitted a comment letter to the ALUC objecting to this proposed amendment on June 23, 2022 and the ALUC determined that the proposed amendment was inconsistent with the SFO ALUCP. This comment letter is prepared independent of that objection.

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enhance the protection of people and property on the ground”⁴ in the event of an airplane crash. While the FAA does not maintain any jurisdiction over RPZs, the administration strongly recommends clearing “the entire RPZ of all above-ground objects.”⁵ The Safety Compatibility Policies of the SFO ALUCP note that all new structures in Safety Compatibility Zone 1 are incompatible and the Airport strongly encourages the City of Millbrae to explicitly exclude this area from any potential land use intensification, including subdivision.

5. AIRSPACE COMPATIBILITY

In the Specific Plan, the callout box titled “Height (of a Building or Structure)” (page 69) contains some confusing language. The first paragraph defines “height” as “the measurement of the greatest vertical distance above the exterior finished grade to the highest point of the building immediately above, **exclusive of antennas, chimneys, roof equipment, or other rooftop structures...**” [emphasis added]. The third paragraph states that height should be measured to include additional objects “towers, antennas, solar equipment, air conditioners, elevator equipment enclosures, etc.” This latter definition is consistent with how airspace evaluations are performed. However, these two definitions are inconsistent and, thus, potentially confusing to developers. The callout box also purports to describe the difference between measuring height from exterior finished grade and elevation from Mean Sea Level – an important distinction – but this discussion could be improved. To improve clarity, the Airport recommends that the language be revised to use the term “elevation” to describe the “height” above Mean Sea Level. Compounding the lack of clarity, the last sentence of the second paragraph – stating that “[t]he lower of the two standards shall apply.” – is confusing. This sentence should be deleted and replaced with a statement that elevation of all structures above Mean Sea Level, and not height above grade, should be used to evaluate airspace compatibility. As elevations above Mean Sea Level are measured from the 0’ origin of the North American Vertical Datum of 1988 (NAVD88) and not the local sea or Bay level, the Airport recommends that the Specific Plan documentation references that vertical datum explicitly to avoid confusion.

General Plan Policy HSHM-6.2, Airport Safety, calls for regulating building heights in compliance with Federal Aviation Regulations Part 77. Also, Specific Plan Policy LU-13, Airport Safety, states that the “City shall regulate land uses and building height within the Airport Influence area of the San Francisco International Airport in compliance with FAA [sic] Part 77 height restriction Standards...” “Part 77” refers to elevations in 14 Code of Federal Regulations (CFR) Part 77 Section 19. Part 77 Section 19 defines penetrations as obstructions, but not necessarily considered hazards to air navigation, and higher structures could be permissible through consultation with the FAA. Thus Part 77 does not define height restrictions, but rather elevations above which penetrations are considered obstructions. This is distinct from critical aeronautical airspace surfaces, which are at different elevations (either higher or lower, depending on location) and cannot be penetrated without resulting in operational and/or safety impacts to Airport operations, which may cause a shift in aircraft operations (and therefore noise). Thus, language of General Plan Policy HSHM-6.2 and Specific Plan Policy LU-13 should be modified to refer to the critical aeronautical surfaces described in the SFO ALUCP, rather than 14 CFR Part 77 obstruction standards.

⁴ Federal Aviation Administration, Advisory Circular 150/5300-13B, Appendix I:

https://www.faa.gov/documentLibrary/media/Advisory_Circular/150-5300-13B-Airport-Design.pdf.

⁵ *Ibid.*

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A project's consistency with SFO ALUCP airspace compatibility policies, do not negate the requirement for project sponsors to undergo FAA review as described in 14 CFR Part 77 for both: (1) the permanent structures and (2) any temporary cranes or other equipment taller than the permanent buildings which would be required to construct those structures. Therefore, it would be most accurate to say that to be found compatible, a proposed structure must lie beneath the critical aeronautical surfaces defined in the SFO ALUCP *and* be issued a Determination of No Hazard from the FAA. Due to the technical complexity and confusion that the Airport has observed in its interactions with developers, the Airport recommends that General Plan HSHM-6.1 and 6.2 and Specific Plan LU-13 be clarified as much as possible to avoid future misunderstandings.

6. SEA LEVEL RISE AND FLOODING

The Airport welcomes cooperation and collaboration with the City of Millbrae in protecting against sea level rise and flooding. General Plan Policy HSHM-4.1, Flood Hazard Mitigation, calls for coordination with San Mateo County, SFO, and other jurisdictions from sea level rise and flood events. The Specific Plan calls for the City to draft standards that require developers to design for increasing San Francisco Bay water levels and provide flexibility to pay into regional mitigation strategies such as flood walls and sea walls.

The Specific Plan identifies that current standards for open channel design require freeboard in a 100-year storm, which can produce "excessively large pumping capacities during conditions of sea level rise" (SP, pp. 111.). It further contemplates design criteria flexibility that "may allow for smaller pumping capacity and some depth of allowable surface flooding". The Airport requests that the City elaborate on what is meant by "smaller pumping capacity" and what would be considered "allowable" surface flooding as any flooding in the City of Millbrae has the potential to impact the Airport.

The General Plan Policy HSHM-6.6 (Airport Flood Pumps) calls for continued coordination with SFO in "assuring adequate and well-maintained flood pumps". The Airport welcomes this continued coordination particularly in ensuring our respectively managed pumps are maintained in good working order to minimize risk of riverine flooding. The Airport notes that maintaining airport pumps will not prevent or limit the flooding in Millbrae due to undersized or poorly designed stormwater systems and naturally low-lying areas of Millbrae. The City of Millbrae has the sole responsibility to ensure all stormwater is adequately and safely discharged to the Bay.

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The Airport appreciates your consideration of these comments. We look forward to reviewing the Draft Environmental Impact Report prepared for the Plans when it becomes available. If I can be of assistance, please do not hesitate to contact me at (650) 821-6678 or via email at nupur.sinha@flysfo.com.

Sincerely,

DocuSigned by:

Nupur Sinha

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Nupur Sinha
Director of Planning and Environmental Affairs
San Francisco International Airport

Attachments

cc: Susy Kalkin, ALUC
Sean Charpentier, C/CAG
Cathy Widener, SFO
Audrey Park, SFO



San Francisco International Airport

January 10, 2022

TRANSMITTED VIA E-MAIL and U.S. MAIL
 nguevara@ci.millbrae.ca.us

Nestor Guevara, Associate Planner
 Millbrae Planning Division
 621 Magnolia Avenue
 Millbrae, California 94030

Subject: *NOP Comments: Millbrae 2040 General Plan, Downtown and El Camino Real Specific Plan, and Associated Zoning Code Amendments*

San Francisco International Airport (SFO or the Airport) staff have reviewed the Notice of Preparation (NOP) for the preparation of an Environmental Impact Report (EIR) for the Millbrae 2040 General Plan, Downtown and El Camino Real Specific Plan, and Associated Zoning Code Amendments (the Proposed Project), located in the City of Millbrae. We appreciate this opportunity to provide comments on the NOP.

Based on the NOP, we understand the Proposed Project would encompass the entirety of the City of Millbrae and has three primary components: (1) the General Plan Update, including the Housing Element, (2) the Downtown and El Camino Real Specific Plan, and (3) associated Zoning Code amendments. The General Plan Update would serve as a long-term framework for future growth reflecting issues identified from community input and changes in state law. The Specific Plan would support mixed-use development in downtown Millbrae on El Camino Real and Broadway Avenue near the Millbrae Intermodal Station. The Zoning Code would be amended to ensure consistency with the General Plan and the Downtown and El Camino Real Specific Plan.

The Proposed Project site is inside Airport Influence Area B as defined by the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (ALUCP). A small portion of the Proposed Project (primarily near Manor Park) is located within the 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour. The noise contours are meant to minimize the exposure of residents and occupants of future noise-sensitive development to excessive noise. According to the ALUCP, commercial land uses, including office, business, and professional, and general retail uses, in addition to industrial and production uses, are considered compatible uses within the 65-75 dB CNEL areas. New residential uses are conditionally compatible within 65-70 dB CNEL areas, provided that an aviation easement is provided to the City and County of San Francisco, and prohibited in the 70 dB and higher contours.

A portion of the Proposed Project (the southeastern portion of Millbrae, notably including the Millbrae Station Area and the Downtown and El Camino Real areas) is located in Safety Compatibility Zones 1 (Runway Protection Zone-Object Free Area), 2 (Inner Approach/Departure Zone), 3 (Inner Turning Zone), and 4 (Outer Approach/Departure Zone). Exhibit IV-9 in the ALUCP depicts the Safety Compatibility Zones in the cities of Millbrae and Burlingame, where Zone 1 is the zone where the accident risk is the highest and any new structures are incompatible. The ALUCP defines safety compatibility zones to protect public health and safety by minimizing the public's exposure to the risk

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associated with potential aircraft accidents. Depending on the Zone, certain land uses are not compatible. In Safety Zone 1, all new structures, places of assembly not in structures, hazardous uses,¹ and critical public utilities are considered incompatible and should not be permitted; nonresidential uses except for very low intensity uses (e.g., parking lots and outdoor equipment storage) in the controlled activity area² should be avoided.³ In Safety Zone 2, children's schools, large day care centers and noncommercial employer-sponsored centers ancillary to a place of business, hospitals, nursing homes, hazardous uses, critical public utilities,⁴ theatres, meeting halls, places of assembly (seating more than 300 people), stadiums, and arenas are considered incompatible and should not be permitted. In Safety Zones 3 and 4, Biosafety Level 3 and 4 facilities,⁵ children's schools, large child day care centers and noncommercial employer-sponsored centers ancillary to a place of business, hospitals, nursing homes, stadiums, and arenas are considered incompatible and should not be permitted; hazardous uses other than Biosafety Level 3 and 4 facilities and critical public utilities should be avoided. Detailed descriptions of compatible and incompatible land uses in each Safety Zone can be found in Table IV-2 of the ALUCP and should be incorporated into Millbrae's General Plan, Specific Plan, and associated zoning updates, at minimum, by reference.

Also, as described in Exhibit IV-17 of the ALUCP, the critical airspace surfaces at the Proposed Project location are 100-800 feet above mean sea level (AMSL) as defined from the origin of the North American Vertical Datum of 1988 (NAVD88). The critical airspace surfaces are established to protect the public health, safety, and welfare by minimizing the public's exposure to potential safety hazards that could be created through the construction of tall structures and to protect the public interest in providing for the orderly development of SFO by ensuring that new development in the Airport environs avoids compromising the safe and navigable airspace in the Airport vicinity. Because the critical aeronautical surfaces are defined in relation to NAVD88 rather than a changeable ground level, the Airport suggests that elevations, rather than heights above ground level, are used to reference elevation allowances in the Plans and the Zoning Code.

Based on preliminary discussions with the Millbrae Community Development Department, we do not anticipate any ALUCP compatibility issues resulting from the updated plans. Nevertheless, the Airport urges the City of Millbrae to explicitly incorporate compatibility with the ALUCP in the General Plan Update, the Downtown and El Camino Real Specific Plan, and associated Zoning Code amendments. We also request that these updated documents use clear and precise language with respect to ALUCP compatibility, including the use of elevations instead of heights above ground as that is a frequent source of confusion.

¹ Uses involving the manufacture, storage, or processing of flammable, explosive, or toxic materials that would substantially aggravate the consequences of an aircraft accident.

² The lateral edges of a Runway Protection Zone (RPZ), outside the Runway Safety Area (RSA) and the extension of the RSA, which extends to the outer edge of the RPZ.

³ Use is not fully compatible and should not be permitted unless no feasible alternative is available. Where use is allowed, habitable structures shall be provided with at least 50 percent more exits than required by applicable codes.

⁴ Facilities that, if disabled by an aircraft accident, could lead to public safety or health emergencies including electrical power generation plants, electrical substations, wastewater treatment plants, and public water treatment facilities.

⁵ Medical and biological research facilities involving the storage and processing of extremely toxic or infectious agents.

Nestor Guevara, City of Millbrae
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* * *

The Airport appreciates your consideration of these comments. We look forward to reviewing the Environmental Impact Report, the 2040 General Plan Update, and the Downtown and El Camino Real Specific Plan when made public. If I can be of assistance, please do not hesitate to contact me at (650) 821-6678 or via email at nupur.sinha@flysfo.com.

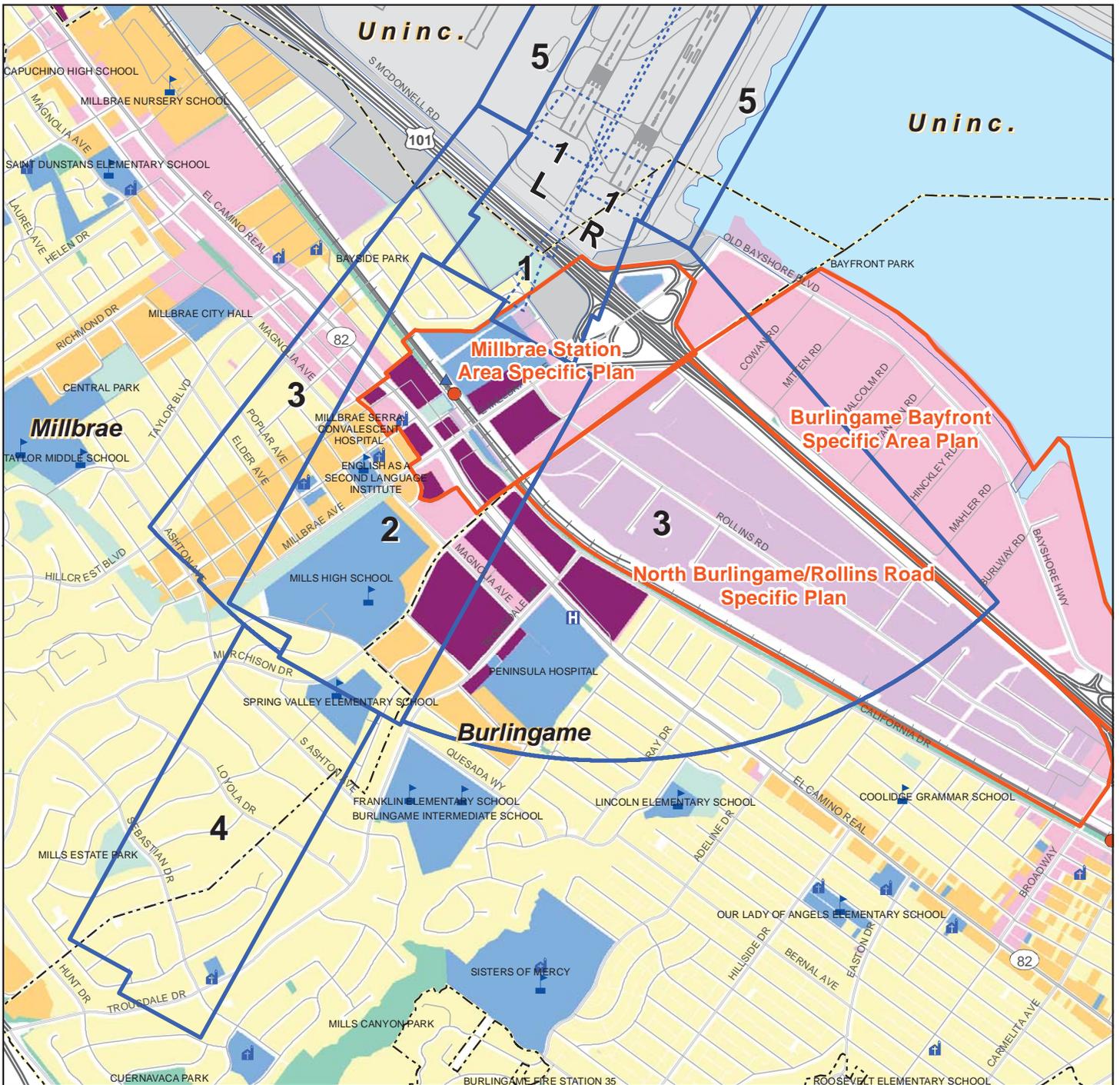
Sincerely,

DocuSigned by:
Nupur Sinha
7D552AE6A4CE495...

Nupur Sinha
Director of Planning and Environmental Affairs
San Francisco International Airport
P.O. Box 8097
San Francisco, California 94128

Attachment

cc: Susy Kalkin, ALUC
Cathy Widener, SFO Acting Chief External Affairs Officer
Audrey Park, SFO Environmental Affairs Manager



LEGEND

Safety Compatibility Zones

- 1 - Runway Protection Zone-Object Free Area
- 2 - Inner Approach/Departure Zone
- 3 - Inner Turning Zone
- 4 - Outer Approach/Departure Zone
- 5 - Sideline Zones
- Internal boundaries of ALP-defined areas
- Specific Plan Area
- Airport Property
- ▲ BART Station
- CALTRAIN Station
- 🏫 School
- 🕌 Place of Worship
- 🏥 Hospital
- Municipal Boundary
- Railroad
- Freeway
- Major Road
- Road

Planned Land Use Per General Plans

- Public
- Multi-Family Residential
- Single Family Residential
- Mixed Use
- Transit Oriented Development
- Commercial
- Industrial, Transportation, and Utilities
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space

Sources:

- Local Plans:**
- San Bruno General Plan, December 2008
 - South San Francisco General Plan, 1998

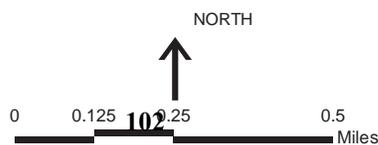


Exhibit IV-9 depicts the safety zones off the south end of Runways 1L-19R and 1R-19L. In Zone 1, the RPZs have a 500-foot inner width, 1,010-foot outer width and 1,700-foot length. Zone 2 (the IADZ) extends 4,300 feet from the outer edge of the RPZ and is 1,500 feet wide, centered on the extended runway centerline. Zone 3 (the ITZ) extends 6,000 feet from the inner edge of each RPZ. On the east side, Zone 3 is fanned 70 degrees east of the extended runway centerline. This reflects the left departure turns made by nearly all aircraft taking off on Runways 19L and 19R and 19R.¹⁰ Zone 4, the OADZ, extends 4,000 feet beyond the end of Zone 2.

SP-2 SAFETY COMPATIBILITY LAND USE CRITERIA

The land use compatibility criteria for safety are established in **Table IV-2**. The safety compatibility criteria are generally based on the guidelines provided in the *California Airport Land Use Planning Handbook*, although modifications have been made in recognition of the intense level of existing development in the airport vicinity. See Appendix E for a discussion of the factors that were considered in establishing the safety compatibility policies.

The criteria include two categories – uses that are incompatible and uses that should be avoided in the respective zones.

- Incompatible Uses – uses that are incompatible within the safety zone.
- Uses to be Avoided – uses that should not be allowed in the safety zone unless no feasible alternative is available, as determined by the land use agency with permitting authority. Where these uses are allowed, habitable structures shall be provided with at least 50 percent more exits than required by applicable codes. If the 50 percent calculation results in a fraction, the fractional number shall be rounded up to the next whole number.

ZONE I – RUNWAY PROTECTION ZONE AND OBJECT FREE AREA (RPZ-OFA)

Zone I is the zone where the accident risk is highest. At SFO, the RPZs for Runways 10R and 10L are on Airport property or on public highway right-of-way. Most of the RPZs for Runways 1L and 1R are on Airport property or public right-of-way. Part of the RPZs lie in Bayside Park and small areas extend onto private property. All of the OFAs (Object Free Areas) are on Airport property.

The compatibility criteria presented in Table IV-2 declare that all new structures in Zone I are incompatible.. All but very low intensity nonresidential uses, at the outer edges of the RPZs, are to be avoided. Examples of potentially acceptable nonresidential uses include parking lots and outdoor equipment storage.

¹⁰ All published instrument departure procedures for Runways 19L and 19R require aircraft to turn left immediately after takeoff. <http://www.airnav.com/airport/KSFO>, accessed February 20, 2012.

Table IV-2 (1 of 2) Safety Compatibility Criteria

ZONE	LAND USE CRITERIA	
	INCOMPATIBLE ^{1/}	AVOID ^{1/}
Zone 1: Runway Protection Zone and Object Free Area (RPZ-OFA)	All new structures ^{3/} Places of assembly not in structures Hazardous uses ^{2/} Critical public utilities ^{2/}	Nonresidential uses except very low intensity uses ^{4/} in the "controlled activity area." ^{2/}
Zone 2: Inner Approach/Departure Zone (IADZ)	Children's schools ^{2/} Large child day care centers and noncommercial employer-sponsored centers ancillary to a place of business ^{2/} Hospitals, nursing homes Hazardous uses ^{2/} Critical public utilities ^{2/} Theaters, meeting halls, places of assembly seating more than 300 people Stadiums, arenas	---
Zone 3: Inner Turning Zone (ITZ)	Biosafety Level 3 and 4 facilities ^{2/} Children's schools ^{2/} Large child day care centers ^{2/} Hospitals, nursing homes Stadiums, arenas	Hazardous uses other than Biosafety Level 3 and 4 facilities ^{2/} Critical public utilities ^{2/}
Zone 4: Outer Approach/Departure Zone (OADZ)	Biosafety Level 3 and 4 facilities ^{2/} Children's schools ^{2/} Large child day care centers ^{2/} Hospitals, nursing homes Stadiums, arenas	Hazardous uses other than Biosafety Level 3 and 4 facilities ^{2/} Critical public utilities ^{2/}
Zone 5: Sideline Zone (SZ)	Children's schools ^{2/} Large child day care facilities and noncommercial employer-sponsored centers ancillary to a place of business Hospitals, nursing homes Hazardous uses ^{2/} Critical public utilities ^{2/} Stadiums, arenas	---

Table IV-2 (2 of 2) Safety Compatibility Criteria

Notes:

- 1/ *Avoid:* Use is not fully compatible and should not be permitted unless no feasible alternative is available. Where use is allowed, habitable structures shall be provided with at least 50 percent more exits than required by applicable codes. Where the 50-percent factor results in a fraction, the number of additional exits shall be rounded to the next highest whole number.
- Incompatible:* Use is not compatible in the indicated zones and cannot be permitted.
- 2/ Definitions
- o *Biosafety Level 3 and 4 facilities:* Medical and biological research facilities involving the storage and processing of extremely toxic or infectious agents. See Policy SP-3 for additional detail.
 - o *Children's schools:* Public and private schools serving preschool through grade 12, excluding commercial services.
 - o *Controlled Activity Area:* The lateral edges of the RPZ, outside the Runway Safety Area (RSA) and the extension of the RSA, which extends to the outer edge of the RPZ. See FAA Advisory Circular 150/5300-13, Airport Design, Section 212a.(1)(b).
 - o *Critical public utilities:* Facilities that, if disabled by an aircraft accident, could lead to public safety or health emergencies. They include the following: electrical power generation plants, electrical substations, wastewater treatment plants, and public water treatment facilities.
 - o *Hazardous uses:* Uses involving the manufacture, storage, or processing of flammable, explosive, or toxic materials that would substantially aggravate the consequences of an aircraft accident. See Policy SP-3 for additional detail.
 - o *Large child day care centers:* Commercial facilities defined in accordance with Health and Safety Code, Section 1596.70, et seq., and licensed to serve 15 or more children. Family day care homes and noncommercial employer-sponsored facilities ancillary to place of business are allowed.
- 3/ Structures serving specific aeronautical functions are allowed, in compliance with applicable FAA design standards.
- 4/ Examples include parking lots and outdoor equipment storage.

SOURCE: Ricondo & Associates, Inc., June 2012.

PREPARED BY: Ricondo & Associates, Inc., June 2012.

ZONE 2 -- INNER APPROACH/DEPARTURE ZONE (IADZ)

In Zone 2, the IADZ, a variety of uses that involve hazardous materials, critical public utilities, theaters, meeting halls, places of assembly seating more than 300 people, stadiums, arenas, and those accommodating potentially vulnerable populations – such as children's schools, child day care facilities, hospitals, and nursing homes – are incompatible.

ZONE 3 -- INNER TURNING ZONE (ITZ)

The compatibility criteria in Zone 3, the ITZ, are somewhat less restrictive than in Zone 2. This is because the area is subject to less accident risk by virtue of the lower density of overflights in this area. In Zone 3, stadiums, arenas, and uses accommodating potentially vulnerable populations are incompatible. Hazardous uses and critical public utilities are not incompatible in Zone 3, but are classified as uses to be avoided. This means that they should not be permitted unless no feasible alternative is available.

ZONE 4 - OUTER APPROACH/DEPARTURE ZONE (OADZ)

The compatibility criteria in Zone 4, the OADZ, are the same as in Zone 3.

ZONE 5 – SIDELINE ZONE (SZ)

The compatibility criteria in Zone 5 are the same as those in Zone 2.

SP-3 HAZARDOUS USES

Hazardous uses, facilities involving the manufacture, processing, or storage of hazardous materials, can pose serious risks to the public in case of aircraft accidents. Hazardous materials of particular concern in this ALUCP, and which are covered by the safety compatibility criteria in Table IV-2, are the following:

- A. Aboveground fuel storage** — This includes storage tanks with capacities greater than 10,000 gallons of any substance containing at least 5 percent petroleum.¹¹ Project sponsors must provide evidence of compliance with all applicable regulations prior to the issuance of development permits.
- B. Facilities where toxic substances are manufactured, processed or stored** — Proposed land use projects involving the manufacture or storage of toxic substances may be allowed if the amounts of the substances do not exceed the threshold planning quantities for hazardous and extremely hazardous substances specified by the EPA.¹²
- C. Explosives and fireworks manufacturing and storage** — Proposed land use projects involving the manufacture or storage of explosive materials may be allowed in safety zones only in compliance with the applicable regulations of the California Division of Occupational Safety and Health (Section 5252, Table EX-1). Project sponsors must provide evidence of compliance with applicable state regulations prior to the issuance of any development permits.¹³
- D. Medical and biological research facilities handling highly toxic or infectious agents** — These facilities are classified by “Biosafety Levels.”¹⁴ Biosafety Level I does not involve hazardous materials and is not subject to the restrictions on hazardous uses in Table IV-2. Definitions of the other three biosafety levels are quoted from *Biosafety in Microbiological and Biomedical Laboratories*, below.¹⁵
 - a. Biosafety Level 2 practices, equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, and other laboratories in which work is done with the broad spectrum of indigenous moderate-risk agents that are present in the community

¹¹ State of California, California Health and Safety Code, Section 25270 (*Aboveground Petroleum Storage Act*).

¹² Title 40 Code of Federal Regulations Part 355, Subpart D, Appendices A & B.

¹³ California Code of Regulations, Title 8, Subchapter 7 *General Industry Safety Orders*, Group 18 *Explosives and Pyrotechnics*, Article 114 *Storage of Explosives*.

¹⁴ *Biosafety in Microbiological and Biomedical Laboratories*, 5th Edition, 2009, published by the U.S. Department of Health and Human Services in concert with the Public Health Service, Centers for Disease Control and Prevention, and National Institutes of Health, or any successor publication.

¹⁵ *Biosafety in Microbiological and Biomedical Laboratories*, 5th Edition, 2009, published by the U.S. Department of Health and Human Services in concert with the Public Health Service, Centers for Disease Control and Prevention, and National Institutes of Health, pp. 25-26.

and associated with human disease of varying severity.

- b. Biosafety Level 3 practices, safety equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, research, or production facilities in which work is done with indigenous or exotic agents with a potential for respiratory transmission, and which may cause serious and potentially lethal infection.
- c. Biosafety Level 4 practices, safety equipment, and facility design and construction are applicable for work with dangerous and exotic agents that pose a high individual risk of life-threatening disease, which may be transmitted via the aerosol route and for which there is no available vaccine or therapy.

4.5 Airspace Protection

The compatibility of proposed land uses with respect to airspace protection shall be evaluated in accordance with the policies set forth in this section. These policies are established with a twofold purpose:

1. To protect the public health, safety, and welfare by minimizing the public's exposure to potential safety hazards that could be created through the construction of tall structures.
2. To protect the public interest in providing for the orderly development of SFO by ensuring that new development in the Airport environs avoids compromising the airspace in the Airport vicinity. This avoids the degradation in the safety, utility, efficiency, and air service capability of the Airport that could be caused by the attendant need to raise visibility minimums, increase minimum rates of climb, or cancel, restrict, or redesign flight procedures.

4.5.1 FEDERAL REGULATIONS REGARDING TALL STRUCTURES

14 Code of Federal Regulations (CFR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*, governs the FAA's review of proposed construction exceeding certain height limits, defines airspace obstruction criteria, and provides for FAA aeronautical studies of proposed construction. **Appendix F** describes the FAA airspace review process and the extent of FAA authority related to airspace protection.

4.5.2 PART 77, SUBPART B, NOTIFICATION PROCESS

Federal regulations require any person proposing to build a new structure or alter an existing structure with a height that would exceed the elevations described in CFR Part 77, Subpart B, Section 77.9, to prepare an FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, and submit the notice to the FAA. The 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.

Exhibit IV-10 depicts the approximate elevations at which the 14 CFR Part 77 notification requirements would be triggered; see **Exhibit IV-11** for a close-up view of the northern half and **Exhibit IV-12** for a close-up view of the southern half of the area. These exhibits are provided for informational purposes only. Official determinations of the areas and elevations within which the federal notification requirements apply are subject to the authority of the FAA. The FAA is empowered to require the filing of notices for proposed construction based on considerations other than height. For example, in some areas of complex airspace and high air traffic volumes, the FAA may be concerned about the potential for new construction of any height to interfere with electronic navigation aids. In these areas, the FAA will want to review all proposed construction projects.

The FAA has developed an on-line tool for project sponsors to use in determining whether they are required to file a Notice of Proposed Construction or Alteration. Sponsors of proposed projects are urged to refer to this website to determine whether they are required to file Form 7460-1 with the FAA:

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

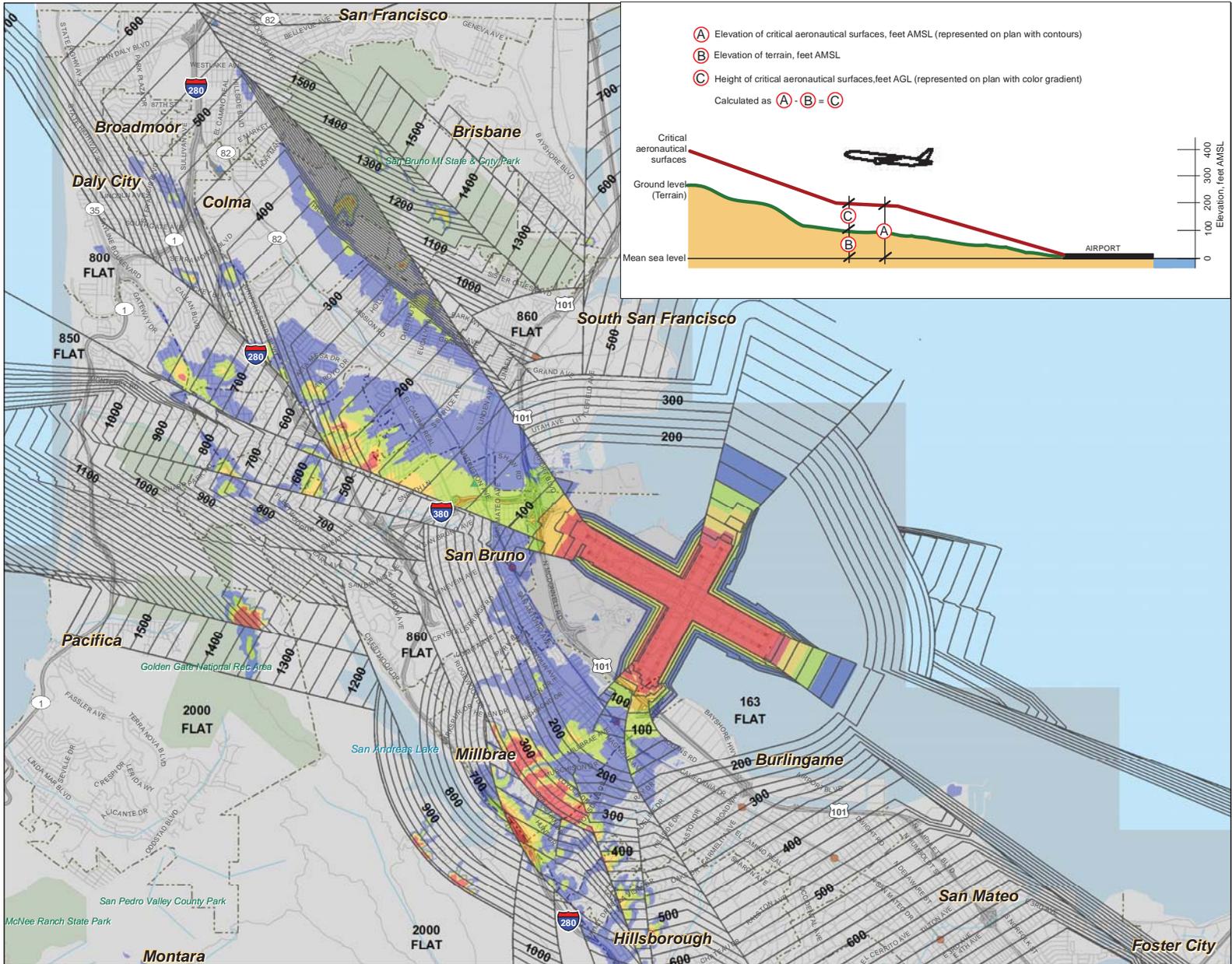
4.5.3 AIRSPACE MAPPING

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-13** depicts the Part 77 Civil Airport Imaginary Surfaces at SFO. The imaginary surfaces rise from the primary surface, which is at ground level immediately around the runways. The surfaces rise gradually along the approach slopes associated with each runway end and somewhat more steeply off the sides of the runways. The FAA considers any objects penetrating these surfaces, whether buildings, trees or vehicles travelling on roads and railroads, 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.

Close-up views of the north and south sides of the Part 77 surfaces are provided in **Exhibit IV-14** and **Exhibit IV-15**, respectively. Additionally, **Exhibit IV-16** provides an illustration of the outer approach and transitional surfaces located on the southeast side of the Part 77 surfaces.

Together with its tenant airlines, SFO has undertaken a mapping effort to illustrate the critical aeronautical surfaces that protect the airspace required for multiple types of flight procedures such as those typically factored into FAA aeronautical studies, as shown on **Exhibit IV-17** and **Exhibit IV-18**. These 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 (to the west through the San Bruno Gap).¹⁶ The exhibits depict the lowest elevations from the combination of the OEI procedure surface and all TERPS surfaces. The surfaces are defined with Required Obstacle Clearance (ROC) criteria to ensure safe separation of aircraft using the procedures from the underlying obstacles. Any proposed structures penetrating these surfaces are likely to receive Determinations of Hazard (DOH) from the FAA through the 7460-1 aeronautical study process. These surfaces indicate the maximum height at which structures can be considered compatible with Airport operations.

¹⁶ See Appendix F, Section F.3.2 for a discussion of one-engine inoperative procedures.



LEGEND

- (A) — 100 — Elevation of critical aeronautical surfaces, feet Above Mean Sea Level (AMSL), North American Vertical Datum of 1988 (NAVD88)
- (C) **Height of Critical Aeronautical Surfaces, Feet Above Ground Level (AGL)**
 - 35 and lower
 - 35 - 65
 - 65 - 100
 - 100 - 150
 - 150 and more
- Airport Property
- ▲ BART Station
- CALTRAIN Station
- Regional Park or Recreation Area
- Municipal Boundary
- Railroad
- Freeway
- Road

Notes:

- This map is intended for informational and conceptual planning purposes, generally representing the aeronautical surfaces considered most critical by San Francisco International Airport (SFO) and its constituent airlines. It does not represent actual survey data, nor should it be used as the sole source of information regarding compatibility with airspace clearance requirements in the development of data for an FAA Form 7460-1, Notice of Proposed Construction or Alteration. SFO does not certify its accuracy, information, or title to the properties contained in this plan. SFO does make any warrants of any kind, express or implied, in fact or by law, with respect to boundaries, easements, restrictions, claims, overlaps, or other encumbrances affecting such properties.
- This map does not replace the FAA's obstruction evaluation / airport airspace analysis (OE/AAA) review process. Proposing construction at elevations and heights that are lower than the critical aeronautical surfaces shown on this map, (a) does not relieve the construction sponsor of the obligation to file an FAA Form 7460-1, and (b) does not ensure that the proposal will be acceptable to the FAA, SFO, air carriers, or other agencies or stakeholders. SFO, San Mateo County, and local authorities having jurisdiction reserve the right to re-assess, review, and seek modifications to projects that may be consistent with this critical aeronautical surfaces map but that through the FAA OE/AAA process are found to have unexpected impacts to the safety or efficiency of operations at SFO.

Sources: San Francisco International Airport, Jacobs Consultancy, and Planning Technology Inc., 2009

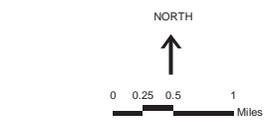


Exhibit IV-17
CRITICAL AERONAUTICAL SURFACES
 -- NORTHWEST SIDE
 Comprehensive Airport Land Use Plan
 for the Environs of San Francisco International Airport
C/CAG
 City/County Association of Governments
 of San Mateo County, California



San Francisco International Airport

August 25, 2021

The Honorable Ricardo Ortiz, Chair
 San Francisco International Airport/Community Roundtable
 c/o **Angela Montes Cardenas**
 Administrative Secretary II
 County of San Mateo
 455 County Center, 2nd Floor
 Redwood City, CA 94063

Subject: Ground Based Noise Modeling Study (HMMH Report No. 309091.002, January 19, 2021)

Dear Chair Ortiz:

The following are San Francisco International Airport (SFO) staff comments on the Ground Based Noise Modeling Study, dated January 19, 2021 (the "Study"), prepared by HMMH on behalf of the Airport/Community Roundtable (the "Roundtable"). We appreciate your commitment to the Roundtable, which provides a forum to address difficult airport noise issues, and the work of the Ground Based Noise Subcommittee. In reviewing the Study, we offer the following observations for your consideration:

- SoundPLAN, the model used for the Study, is not approved for use by the Federal Aviation Administration under Title 14 of the Code of Federal Regulations Part 150 (14 CFR Part 150). Therefore, the results of the Study cannot be incorporated into federal noise or environmental studies (e.g., Environmental Assessments, Environmental Impact Statements, or 14 CFR Part 150 Studies). In addition, any recommended mitigation measures would not be eligible for federal funding.
- The Study used noise data from a 767 aircraft to represent the noise exposure of a 777 aircraft in SoundPLAN; these aircraft have very different sound profiles. Therefore, the noise exposure in the Study may not be representative of the actual 777 noise exposure levels.
- The Study used the default values for temperature, humidity, and barometric pressure in SoundPLAN, which are not representative of the actual conditions at the SFO. Therefore, the results may not be reflective of the actual noise exposure.
- It appears that an incorrect aircraft noise contour was used in either Figure 17 or 18, as both of these contours should be the same. Study, pp. 74, 75. This error should be corrected.
- The Study concludes that the vegetative barriers modeled would have no discernable effects in reducing noise at residences nearest SFO. This is consistent with our understanding based on numerous prior studies, which found that low frequency noise is difficult to attenuate, including with buildings and structures. However, the Study goes on to recommend that vegetation could be used as mitigation, even though this recommendation is not supported by the Study's findings. Study, p. 90, 91. We are concerned that this creates an unrealistic expectation about the effectiveness of vegetative barriers to mitigate noise. Therefore, we request that this recommendation be removed from the Study, so that it is clear the vegetative barriers are not effective and should not be pursued as a mitigation measure.

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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Chairman Ricardo Ortiz, Ground Based Noise Modeling Study (HMMH Report No.30909.002)

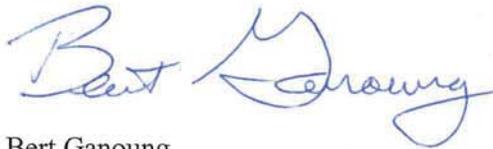
August 25, 2021

Page 2 of 2

- In addition, vegetative barriers may attract hazardous wildlife. Therefore, we oppose the use of vegetative barriers near SFO as we are required by federal regulations to maintain a safe aircraft operating environment.
- Finally, the Study notes that any vegetative barriers should “have a height that breaks line of sight to the source and be located as close to the noise sensitive receptor as possible.” Study, p. 90. Behind Runways 1L and 1R, the height needed to disrupt the direct line of sight to houses on the hill would likely violate 14 CFR Part 77 obstruction height limitations. In addition, vegetation continues to grow over time. Therefore, we would not be able to manage the height of off-airport vegetation to maintain compliance with the requirements of 14 CFR Part 77.

Thank you for considering these comments. Please contact me if you would like to discuss our observations.

Sincerely,

A handwritten signature in blue ink that reads "Bert Ganoung". The signature is written in a cursive style with a large initial "B" and a stylized "G".

Bert Ganoung
Aircraft Noise Office Manager
San Francisco International Airport