

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.*

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Airport Land Use Committee

RE: Consistency Review –Millbrae DT ECR Specific Plan

Date: July 28, 2022

Page 2

- *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
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