

# C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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## AIRPORT LAND USE COMMITTEE (ALUC) AGENDA

**Date:** October 27, 2022  
**Time:** 4:30 p.m.

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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:

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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](mailto: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<br>(O'Connell)                  |
| 2. Brief Overview of Teleconference Meeting<br>Procedures | Information<br>(Kalkin)                |
| 3. Public Comment on Items not on the Agenda              | Limited to 2<br>minutes per<br>speaker |

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|--|-------------------------|---------|
| 4. Approval of Minutes – September 22, 2022  | Action<br>(O’Connell)   | Page 1  |
| 5. San Francisco International Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – Millbrae Zoning Code and Zoning Map Update.                  | Action<br>(Kalkin)      | Page 4  |
| 6. San Francisco International Airport Land Use Compatibility Plan Consistency Review – City of San Bruno Draft 2023-2031 Housing Element (Public Review Draft, May 2022). | Action<br>(Kalkin)      | Page 20 |
| 7. Member Comments/Announcements   |                         |         |
| 8. Items from Staff  | Information<br>(Kalkin) |         |
| 9. Adjournment – <i>Next regular meeting – Jan. 26, 2023</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](mailto: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](mailto: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**

### **September 22, 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**

None

#### **4. Minutes of the Aug. 25, 2022 Meeting**

Motion: Member Ortiz moved, and Member Rak seconded, approval of the August 25, 2022 minutes. Motion carried (7-0-1) by the following roll call vote: AYE - Members Ortiz, Rak, Slocum, Nagales, Ford, Williams and Chair O'Connell. NO – none. ABSTAIN – Medina.

#### **5. San Carlos Airport Land Use Compatibility Plan Consistency Review – Amendments to the City of Redwood City's Downtown Precise Plan (DTPP) and General Plan to establish a new Transit District subarea within the DTPP.**

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

Committee members requested clarification about whether Safety Compatibility policies would apply to the small portion of the Precise Plan area that was noted as being within Safety Zone 6. Staff responded that the proposed Transit District was not located within a Safety Zone, but a small portion of the DTPP area was. She further noted that Safety Zone 6 does not restrict residential or office use or intensity.

Motion: Member Rak moved, and Member Ortiz seconded, approval of the staff recommendation. Motion carried (8-0-0) by the following roll call vote: AYE - Members Ortiz, Medina, Rak, Slocum, Nagales, Ford, Williams and Chair O'Connell. NO – none. ABSTAIN – none.

(Chair O'Connell noted for the record that the meeting recording had not been on for the first part of the meeting. She further noted that roll call had been taken on the minutes and the first agenda item, and both had passed.)

**6. San Francisco International Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – Project Nomar, a two-building office/life science campus at 1699 and 1701 Old Bayshore Highway, Burlingame.**

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

Member Ford mentioned that the comment letter submitted by the SFO Airport staff reflected concerns about noise due to proximity of the site to runways, and the potential for impacts from departing aircraft. Staff responded that while the site was not located within the CNEL 65 dB contour, a noise analysis was provided in the application materials which recommends specific mitigation measures to reduce interior noise levels.

Motion: Member Ortiz moved, and Member Medina seconded, approval of the staff recommendation. Motion carried (8-0-0) by the following roll call vote: Members Ortiz, Medina, Rak, Slocum, Nagales, Ford, Williams and Chair O’Connell. NO – none. ABSTAIN – none.

**7. Member Comments/Announcements**

None

**8. Items from Staff**

None

**9. Adjournment**

The Chair adjourned the meeting at 4:55 pm.

## 2022 C/CAG Airport Land Use Committee Attendance Report

Name	Agency	Feb	Mar	Apr	June	July	Aug	Sept
Terry O'Connell	Brisbane	X	X	X	X	X	X	X
Ricardo Ortiz	Burlingame			X	X	X	X	X
Pamela DiGiovanni	Daly City		X	X		X	X	
Patrick Sullivan	Foster City			X	X		X <sup>arrived</sup> 4:32	
Robert Brownstone	Half Moon Bay			X				
Anne Oliva	Millbrae	X	X	X	X	X	X	
Diane Howard	Redwood City	X	X	X	X		X	
Tom Hamilton	San Bruno	X	Y	Y	X	X	X	Y
Adam Rak	San Carlos			X	X	X	X	X
Warren Slocum	San Mateo County & Aviation Rep.					X <sup>arrived</sup> 4:39		X
Mark Nagales	South San Francisco	X	X	X	X	X	Y	X
Carol Ford	Aviation Representative	X	X	X	X	X	X	X
Dave Williams	HMB Airport Pilots Assn	X	X	X	X	X	X	X

X – Committee Member Attended

Y – Designated Alternate Attended

**Staff and guests in attendance for the September 22, 2022, meeting:** Susy Kalkin and Sean Charpentier, C/CAG staff; Gretchen Kelly, San Carlos Airport Manager

## C/CAG AGENDA REPORT

Date: October 27, 2022

To: Airport Land Use Committee

From: Susy Kalkin

Subject: San Francisco International Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – Millbrae Zoning Code and Zoning Map Updates

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

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### RECOMMENDATION

That the C/CAG Airport Land Use Committee (ALUC) recommend to the C/CAG Board of Directors, that the C/CAG Board, acting as the Airport Land Use Commission, determine that the Millbrae Zoning Code and Zoning Map Updates are 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 Zoning Code Update shall be amended to incorporate the following revisions:*
  - Amend Article XIV, Open Space District, to require compliance with Article XVI, Airport Land Use Compatibility Plan Consistency
  - Amend Article XVI, Article XVI. Airport Land Use Compatibility Plan Consistency as follows:
    - Section D. Safety Compatibility Evaluation – Replace “Exhibit IV-8” with “Exhibit IV-7.”
    - Section E.1 (Airspace Protection Evaluation, Notice of Proposed Construction or Alteration) – Replace “Exhibit IV-11” with “Exhibit IV-12”.
    - Section E.2 (Airspace Protection Evaluation, Maximum Compatible Building Height) – Revise to include the following statement in the third paragraph at the end of the first sentence: “and for purposes of airspace evaluation, the terms “above mean sea level (AMSL)” and “above the NAVD88 origin” should be considered synonymous. If...”
    - Section E.3.c (Airspace Protection Evaluation, Other Flight Hazards) (p. 53) – Revise to read “...in command of *an* aircraft in flight”
    - Section E.3 (Airspace Protection Evaluation, Other Flight Hazards) (p. 53) – Add subsection (e) with the following language: “Land uses that, as a regular byproduct of

their operations, produce thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in flight. Upward velocities of 4.3 meters (14.1 feet) per second at altitudes above 200 feet above the ground shall be considered as potentially interfering with the control of aircraft in flight.”

## **BACKGROUND**

Earlier this summer, the ALUC reviewed the Millbrae 2040 General Plan Update and the Millbrae Downtown and El Camino Real Specific Plan for consistency with the SFO ALUCP, and both documents were found to be conditionally consistent. Millbrae has now prepared an update to its Zoning Code and Zoning Map to incorporate new development standards and regulations to implement the General Plan vision and to codify the Specific Plan.

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. The consistency analysis for a zoning ordinance focuses on how the document will serve to prevent future development of land uses that would conflict with these airport land use compatibility policies.

### **Zoning Code Update**

The Zoning Code, which provides development standards and review procedures, needs to identify the steps that will be taken during project review to ensure ALUCP criteria are considered. The general approach in this Zoning Code Update has been to add the following language to each zoning district requiring that projects comply with the provisions of a new zoning code section, Article XVI, Airport Land Use Compatibility Plan Consistency.

#### **Airport Land Use Compatibility Plan Consistency**

All projects must comply with the requirements of the Airport Land Use Compatibility Plan, including Airport Real Estate Disclosure Notices, Airport Noise Evaluation and Mitigation, Avigation Easement, Safety Compatibility Evaluation, and Airspace Protection Evaluation, as detailed in Article XVI (“Airport Land Use Compatibility Plan Consistency”).

(It is noted that this language is included in all of the standard zoning districts aside from the Open Space district, and a condition is identified below to address that omission. It is further noted that while this language is not specifically included in the two specific plan districts, the El Camino Real and Downtown Specific Plan District (ECRDTSP), and the Millbrae Station Area Specific Plan Districts (MSASP), similar language is included in the Specific Plan documents, and the zoning code references compliance with the development standards and requirements of these Specific Plans.)

Article XVI conveys the general requirements of the SFO ALUCP policies and requirements, as shown in Attachment 2, including the following:

- A. Airport Real Estate Disclosure Notices – Requires all applicable projects to comply with the real estate disclosure requirements outlined in SFO ALUCP Policy IP-1.
- B. Airport Noise Evaluation and Mitigation – Requires evaluation of potential noise impacts of projects located within the CNEL 65 dB contour, as mapped in the ALUCP, and mitigation to achieve CNEL 45 dB interior or lower, consistent with SFO ALUCP Policies NP 2 & NP 3.
- C. Avigation Easement – Requires grant of an avigation easement to the City/County of San Francisco as a condition of developing any land use considered to be conditionally compatible per the SFO ALUCP Table IV-I, consistent with SFO ALUCP Noise Policy NP-3.
- D. Residential Uses within the 70 dB Contour – acknowledges requirement to comply with SFO ALUCP Noise Policy NP-4 stipulating that residential uses should not typically be allow in these high noise areas.
- E. Safety Compatibility Evaluation – Requires that all uses comply with the Safety Compatibility Policies of the ALUCP, consistent with SFO ALUCP Safety Policy SP 1 & 2.
- F. Airspace Projection Evaluation –
  - 1. Requires applicants to file Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA for any proposed new structure and/or alterations to existing structures that would exceed the FAA notification heights consistent with SFO ALUCP Policy AP-1.
  - 2. Restricts maximum building heights to the maximum height limits permissible under FAA regulations and the SFO ALUCP Critical Aeronautical Surfaces requirements, consistent with SFO ALUCP Policy AP-3.
  - 3. Other Flight Hazards – Consistent with SFO ALUCP Policy AP-4, for projects located with AIA B, calls for evaluation of land use characteristics to assure they are not hazards to air navigation, including sources of glare; distracting lights; sources of dust, smoke, steam, electric or electronic interference; wildlife attractants (especially flocks of birds), etc.

#### Recommended Modifications

In general, the proposed zoning code changes largely address ALUCP compatibility concerns, however a few modifications are recommended as follow:

- Amend Article XIV, Open Space District, to require compliance with Article XVI, Airport Land Use Compatibility Plan Consistency

- Amend Article XVI, Article XVI. Airport Land Use Compatibility Plan Consistency as follows:
  - Section D. Safety Compatibility Evaluation – Replace “Exhibit IV-8” with “Exhibit IV-7.”
  - Section E.1 (Airspace Protection Evaluation, Notice of Proposed Construction or Alteration) – Replace “Exhibit IV-11” with “Exhibit IV-12”.
  - Section E.2 (Airspace Protection Evaluation, Maximum Compatible Building Height) – Revise to include the following statement in the third paragraph at the end of the first sentence: “and for purposes of airspace evaluation, the terms “above mean sea level (AMSL)” and “above the NAVD88 origin” should be considered synonymous. If...”
  - Section E.3.c (Airspace Protection Evaluation, Other Flight Hazards) (p. 53) – Revise to read “...in command of *an* aircraft in flight”
  - Section E.3 (Airspace Protection Evaluation, Other Flight Hazards) (p. 53) – Add subsection (e) with the following language: “Land uses that, as a regular byproduct of their operations, produce thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in flight. Upward velocities of 4.3 meters (14.1 feet) per second at altitudes above 200 feet above the ground shall be considered as potentially interfering with the control of aircraft in flight.”

## **Zoning Map Changes**

The Zoning Map, Attachment 3, identifies parcels that are proposed to be rezoned. Also included is a table that lists each parcel and clarifies the proposed changes.

### Noise Compatibility

The CNEL 65 dB aircraft noise contour defines the threshold for airport noise impacts established in the SFO ALUCP. None of the parcels proposed to be rezoned fall within this contour, so the rezonings would be compatible with the SFO ALUCP noise compatibility policies.

### Safety Compatibility

Two parcels proposed for rezoning lie within a Safety Compatibility Zone. 400 Murchinson lies within Safety Zone 2, the Inner Approach/Departure Zone, and 817 Murchinson lies partly within Safety Zone 2 and partly within Safety Zone 4, the Outer Approach/Departure Zone. Both sites are developed school sites (Mills High School and Spring Valley Elementary School) and are being rezoned from R-1, Single Family Residential, to PF, Public Facilities. Per SFO ALUCP Table IV-2, Safety Compatibility Criteria, children’s schools are not compatible within Safety Zone 2. However, no development permits are being sought, and the safety compatibility criteria would only apply to prospective projects. As indicated in earlier zoning discussion above, the Millbrae Zoning Code

would require new projects to comply with the provisions of the ALUCP, so the rezoning would not conflict with the SFO ALUCP Safety policies.

### Airspace Protection

The SFO ALUCP airspace policies establish maximum heights for the compatibility of new structures. The policies also stipulate the need for compliance with federal regulations requiring notification of the Federal Aviation Administration of certain proposed construction or alterations of structures.

The proposed Zoning Code amendments would codify the policies and requirements of the SFO ALUCP and apply them to future development within all zone districts. Therefore, the proposed rezonings would not conflict with the SFO ALUCP Airspace Protection policies and criteria.

### **ATTACHMENTS**

1. ALUCP application & related materials
2. Draft Millbrae Zoning Code Article XVI, Airport Land Use Compatibility Consistency
3. Zoning Map
4. Comment letter from SFO Planning and Environmental Affairs dated August 9, 2022

*The following attachments are available to download on the C/CAG website (See October 2022 “Additional Agenda Materials”) at: <https://ccag.ca.gov/committees/airport-land-use-committee/>*

5. Draft Millbrae Zoning Code Amendments



**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 Zoning Code and Zoning Map Update

Address: 621 Magnolia Avenue

APN: Citywide

City: Millbrae

State: California

ZIP Code: 94030

Staff Contact: Nestor Guevara

Phone: 650-259-2335

Email: [nguevara@ci.millbrae.ca.us](mailto:nguevara@ci.millbrae.ca.us)

**PROJECT DESCRIPTION**

The project consists of a Zoning Code text update and a Zoning Map update to reflect the proposed changes in the Millbrae 2040 General Plan and the Downtown and El Camino Real Specific Plan.

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

## **Millbrae Zoning Code Update – Draft**

### **Article XVI. Airport Land Use Compatibility Plan Consistency**

#### **10.05.1600 Application**

This section establishes standards and requirements related to consistency with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (ALUCP). The following requirements and criteria shall be incorporated into all applicable projects.

##### **A. Airport Real Estate Disclosure Notices**

All new development is required to comply with the real estate disclosure requirements of state law (California Business and Professions Code Section 11010(b)(13)). The following statement must be included in the notice of intention to offer the property for sale or lease:

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

##### **B. Airport Noise Evaluation and Mitigation**

All projects shall comply with the Noise Compatibility Policies of the ALUCP. Uses shall be reviewed per the Noise/Land Use Compatibility Criteria listed in Table IV-1 of the ALUCP. Uses listed as “conditionally compatible” shall be required to mitigate impacts to comply with the interior (CNEL 45 dB or lower, unless otherwise stated) and exterior noise standards established by the ALUCP or Millbrae General Plan, whichever is more restrictive. Unless otherwise precluded by State law, all projects shall be consistent with ALUCP Policy NP-4 Residential Uses within CNEL 70 dB Contour.

##### **C. Avigation Easement**

Any action that would either permit or result in the development or construction of a land use considered to be conditionally compatible with aircraft noise of CNEL 65 dB or greater (as mapped in the ALUCP) shall include the grant of an avigation easement to the City and County of San Francisco prior to issuance of a building permit(s) for any proposed buildings or structures, consistent with ALUCP Policy NP-3 Grant of Avigation Easement.

##### **D. Safety Compatibility Evaluation**

All uses must comply with Safety Compatibility Policies of the ALUCP. Project applicants shall be required to evaluate potential safety issues if the property is located within any of the Safety Compatibility Zones established in ALUCP Policy SP-1 and depicted in Exhibit IV-8 of the ALUCP.

All projects located within a Safety Compatibility Zone shall be required to determine if the proposed land use is compatible with the Safety Compatibility Land Use Criteria as noted in ALUCP Policy SP-2 and listed in Table IV-2 of the ALUCP.

##### **E. Airspace Protection Evaluation**

All projects shall comply with Airspace Protection Policies of the ALUCP.

### 1. Notice of Proposed Construction or Alteration

Project applicants shall be required to file Form 7460-1, Notice of Proposed Construction or Alteration, with the Federal Aviation Administration (FAA) for any proposed new structure and/or alterations to existing structures (including ancillary antennae, mechanical equipment, and other appurtenances) that would exceed the FAA notification heights as depicted in ALUCP Exhibit IV-11. Any project that would exceed the FAA notification heights shall submit a copy of the findings of the FAA's aeronautical study, or evidence demonstrating exemption from having to file FAA Form 7460-1, as part of the development permit application. Temporary cranes or other equipment used to construct or modify a structure which are taller than the structure itself must be submitted as separate Form 7460-1 cases.

### 2. Maximum Compatible Building Height

No structure may exceed the lower of either 1) the maximum height determined by the FAA to not be a hazard to air navigation, or 2) the height shown on the SFO ALUCP Critical Aeronautical Surfaces map. Building heights must receive a Determination of No Hazard from the FAA.

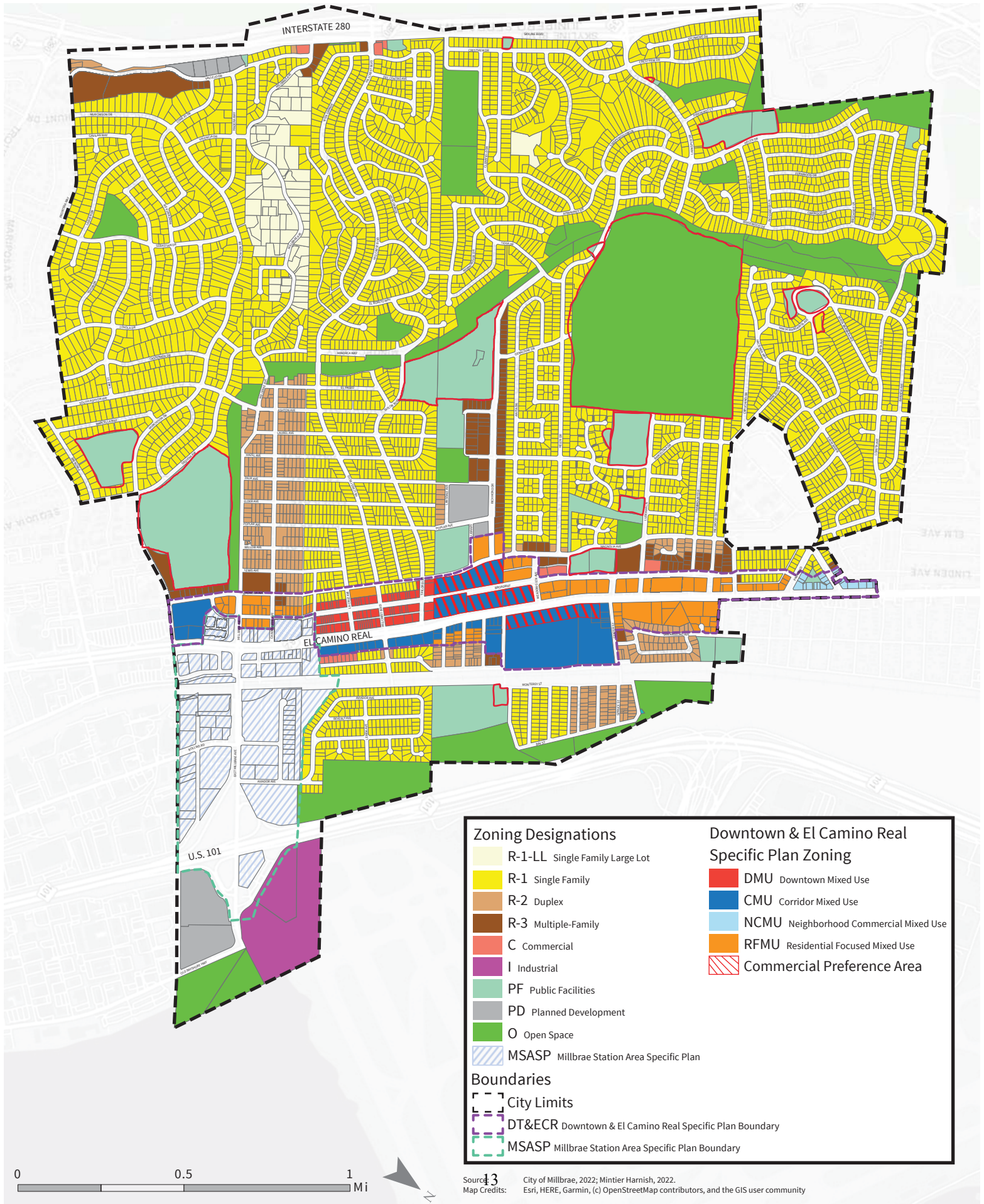
For avoidance of doubt, the lower of the two heights identified by the ALUCP and the FAA shall be the controlling maximum height.

The Critical Aeronautical Surfaces and FAA analysis use elevations above the origin of the North American Vertical Datum of 1988 rather than height above ground level. Therefore, if a proposed project changes the ground elevation of the site, the maximum height of the building would change accordingly.

### 3. Other Flight Hazards

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

- a. 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.
- b. Distracting lights that could be mistaken for airport identification lightings, runway edge lighting, runway end identification lighting, or runway approach lighting.
- c. Sources of dust, smoke, water vapor, or steam that may impair the visibility of a pilot in command of and aircraft in flight.
- d. Sources of electrical/electronic interference with aircraft communications/navigation equipment.
- e. 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 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.



## Millbrae Zoning Map Changes 2022

Address	APN	Current Zoning	Proposed Zoning	Notes
785 Crestview	021451010	R-1 Single Family Residential	Public Facilities	CCFD station
990 Larkspur – New Address	021210280	Open Space	R-1 Single Family Residential	Approved by City Council to merge with 021210280 and rezone to R-1
990 Larkspur – New Address	021210290	Open Space	R-1 Single Family Residential	Approved by City Council to merge with 021210290 and rezone to R-1
1101 Helen	021221190	R-1 Single Family Residential	Public Facilities	Meadows Elementary School
1101 Helen	021041200	R-1 Single Family Residential	Public Facilities	Meadows Elementary School
595 Helen	021333180	R-1 Single Family Residential	Public Facilities	Property of City of Millbrae – Water Pump
500 Ludeman	021470030	R-1 Single Family Residential	Open Space	Green Hills Country Club
797 Santa Margarita	021081010	R-1 Single Family Residential	Public Facilities	Part of Millbrae Montessori School
401 Ludeman	021485380	R-1 Single Family Residential	Public Facilities	Green Hills Elementary
401 Ludeman	021485370	R-1 Single Family Residential	Public Facilities	Part of Green Hills Elementary
245 Ludeman	021484280	R-1 Single Family Residential	Public Facilities	Church
1150 Magnolia	021290100	R-1 Single Family Residential	Public Facilities	St Dunstons School
1133 Broadway	021290110	R-1 Single Family Residential	Public Facilities	St Dunstons School
400 Murchison	024320070	R-1 Single Family Residential	Public Facilities	Mills High School
817 Murchison	025101230	R-1 Single Family Residential	Public Facilities	Spring Valley Elementary
	092030999	Part of it is incorrectly shown as Open Space, rest is correctly shown as Public Facilities	Public Facilities	Correcting to show the whole parcel as Public Facilities

797 Santa Margarita	021084570	R-1 Single Family Residential	Public Facilities	Millbrae Montessori School
	021066200	Open Space	R-1 Single Family Residential	Property Owned by City of Millbrae, rezoned as R-1
	021410120	R-1 Single Family Residential	Public Facilities	Taylor Middle School
850 Taylor	024074170	R-1 Single Family Residential	Public Facilities	Taylor Middle School



## San Francisco International Airport

October 20, 2022

Susy Kalkin  
ALUC Staff  
City/County Association of Governments of San Mateo County  
555 County Center, 5th Floor  
Redwood City, California 94063

**TRANSMITTED VIA E-MAIL**  
**kkalkin@smcgov.org**

**Subject: Application for Land Use Consistency Determination for the City of Millbrae Zoning Code and Zoning Map Update, City of Millbrae**

Thank you for notifying San Francisco International Airport (SFO or the Airport) regarding the Airport Land Use Commission's (ALUC) upcoming land use consistency determination for the proposed City of Millbrae Zoning Code and Zoning Map Update (the Proposed Project) within the City of Millbrae (the City). We appreciate this opportunity to coordinate with ALUC in considering and evaluating potential land use compatibility issues for the Proposed Project.

According to the Application for Land Use Consistency Determination, the Proposed Project consists of Zoning Code text amendments and Zoning Map amendments to reflect the proposed changes in the Millbrae 2040 General Plan and the Downtown and El Camino Real Specific Plan.

### Comments on Zoning Code Text Amendments

The Airport has reviewed the proposed Zoning Code text amendments and provides the comments below to ensure those amendments are consistent with the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP). Please also refer to the tracked changes in the attached document for specific proposed textual changes, which are highlighted in yellow for easy reference.

- General: SFO notes that the proposed Zoning Code incorporates "Article XVI, Airport Land Use Compatibility Plan Consistency" along with references to the new article in multiple existing zoning district sections.<sup>1</sup> The Airport generally agrees with the language proposed for Article XVI. Please ensure this reference is incorporated into *all* the appropriate zoning districts.

Article XI. Downtown and El Camino Real Specific Plan "DTECRSP" District (p. 43): The Airport recommends that a reference to Article XVI of the Zoning Code (or similar reference to SFO ALUCP consistency requirements), be incorporated into Article XI, Downtown and El Camino Real Specific Plan "DTECRSP" District.

- Article XVI. Airport Land Use Compatibility Plan Consistency
  - Section D. Safety Compatibility Evaluation (p. 52) – Replace "Exhibit IV-8" with "Exhibit IV-7."

<sup>1</sup> California Government Code, Section 65302.3 requires that, after an airport land use commission has adopted its ALUCP, affected local governments must update their general plans, specific plans, and land use regulations to be consistent with the ALUCP.

*S. Kalkin, ALUC*  
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*Page 2 of 4*

- Section E.1 (Airspace Protection Evaluation, Notice of Proposed Construction or Alteration) (p. 53) – Replace “Exhibit IV-11” with “Exhibit IV-12”.
- Section E.2 (Airspace Protection Evaluation, Maximum Compatible Building Height) (p. 53) – Revise to include the following statement in the third paragraph at the end of the first sentence: “and for purposes of airspace evaluation, the terms “above mean sea level (AMSL)” and “above the NAVD88 origin” should be considered synonymous. If...”
- Section E.3.c (Airspace Protection Evaluation, Other Flight Hazards) (p. 53) – Revise to read “...in command of *an* aircraft in flight”
- Section E.3 (Airspace Protection Evaluation, Other Flight Hazards) (p. 53) – Add subsection (e) with the following language: “Land uses that, as a regular byproduct of their operations, produce thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in flight. Upward velocities of 4.3 meters (14.1 feet) per second at altitudes above 200 feet above the ground shall be considered as potentially interfering with the control of aircraft in flight.”

### **Comments on Zoning Map Amendments**

The proposed amended Zoning Map notes the location of the parcels proposed for rezoning and the zoning change proposed for each location.

The City’s proposed amended Zoning Map was submitted with a table of proposed zoning changes, which has been included below as **Table 1**. SFO staff has added a new column for “Safety Compatibility Zone” to Table 1 and added the applicable designation (if any) for the listed parcels.

The comments on the proposed Zoning Map amendments below pertain to the general location of the parcels proposed for rezoning and are not directed at any specific development plans.

The City of Millbrae, and thus all of the parcels proposed for rezoning listed in **Table 1**, are located within SFO’s Airport Influence Area B as defined by the SFO ALUCP. All parcels proposed for rezoning are located outside the 65 dBA CNEL contour, and therefore the proposed Zoning Map amendments do not appear to be inconsistent with the SFO ALUCP Noise Compatibility Policies.

As indicated in **Table 1**, two parcels with proposed zoning changes from R-1 (Single Family Residential) to Public Facilities – 400 Murchison (APN 024320070) and 817 Murchison (APN 025101230) – are located within Safety Compatibility Zones. 400 Murchison lies within Safety Compatibility Zone 2 (Inner Approach/Departure Zone) and 817 Murchison lies within Safety Compatibility Zone 2 at the northern and eastern parts of the parcel, and within Safety Compatibility Zone 4 (Outer Approach/Departure Zone) at the southern portion of the parcel. The SFO ALUCP defines safety compatibility zones to protect public health and safety by minimizing the public’s exposure to the risk associated with potential aircraft accidents.

Per the SFO ALUCP, the following uses should be avoided in Safety Compatibility Zone 2 : all residential uses except as infill in developed areas; multi-story uses; uses with high density or intensity;

*S. Kalkin, ALUC*

*October 20, 2022*

*Page 3 of 4*

shopping centers; and most eating establishments. Uses prohibited in Safety Compatibility Zone 2 include theaters, meeting halls and other assembly uses; office buildings greater than 3 stories; labor-intensive industrial uses; children's schools, day care centers, hospitals, nursing homes; stadiums, group recreational uses; and hazardous uses (e.g., aboveground bulk fuel storage). Uses to avoid in Safety Compatibility Zone 4 include high-intensity retail or office buildings. Uses prohibited in Safety Compatibility Zone 4 include children's schools, large day care centers, hospitals, nursing homes; and stadiums, group recreation areas. Per the SFO ALUCP, the current uses of these 400 Murchison and 817 Murchison (children's schools) are prohibited in Safety Compatibility Zones 2 and 4. However, as the Proposed Project does not include any development review, this note is provided for informational purposes only, and for consideration in connection with any subsequent applications for land use consistency review of these parcels by the ALUC.

**Table 1: City of Millbrae Proposed Zoning Changes**

<b>Address</b>	<b>Assessor's Parcel Number</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>	<b>Notes</b>	<b>Safety Compatibility Zone</b>
785 Crestview	021451010	R-1 Single Family Residential	Public Facilities	CCFD station	None
990 Larkspur – New Address	021210280	Open Space	R-1 Single Family Residential	Approved by City Council to merge with 021210280 and rezone to R-1	None
990 Larkspur – New Address	021210290	Open Space	R-1 Single Family Residential	Approved by City Council to merge with 021210290 and rezone to R-1	None
1101 Helen	021221190	R-1 Single Family Residential	Public Facilities	Meadows Elementary School	None
1101 Helen	021041200	R-1 Single Family Residential	Public Facilities	Meadows Elementary School	None
595 Helen	021333180	R-1 Single Family Residential	Public Facilities	Property of City of Millbrae – Water Pump	None
500 Ludeman	021470030	R-1 Single Family Residential	Open Space	Green Hills Country Club	None
797 Santa Margarita	021081010	R-1 Single Family Residential	Public Facilities	Part of Millbrae Montessori School	None
401 Ludeman	021485380	R-1 Single Family Residential	Public Facilities	Green Hills Elementary	None
401 Ludeman	021485370	R-1 Single Family Residential	Public Facilities	Part of Green Hills Elementary	None
245 Ludeman	021484280	R-1 Single Family Residential	Public Facilities	Church	None
1150 Magnolia	021290100	R-1 Single Family Residential	Public Facilities	St Dunstons School	None
1133 Broadway	021290110	R-1 Single Family Residential	Public Facilities	St Dunstons School	None
400 Murchison	024320070	R-1 Single Family Residential	Public Facilities	Mills High School	2
817 Murchison	025101230	R-1 Single Family Residential	Public Facilities	Spring Valley Elementary	2, 4

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 October 20, 2022  
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Address	Assessor's Parcel Number	Current Zoning	Proposed Zoning	Notes	Safety Compatibility Zone
	092030999	Portion incorrectly shown as Open Space, rest is correctly shown as Public Facilities	Public Facilities	Correcting to show the whole parcel as Public Facilities	None
797 Santa Margarita	021084570	R-1 Single Family Residential	Public Facilities	Millbrae Montessori School	None
	021066200	Open Space	R-1 Single Family Residential	Property Owned by City of Millbrae, rezoned as R-1	None
	021410120	R-1 Single Family Residential	Public Facilities	Taylor Middle School	None
850 Taylor	024074170	R-1 Single Family Residential	Public Facilities	Taylor Middle School	None

The remainder of the parcels proposed for rezoning, as reflected in **Table 1**, are located outside the SFO Safety Compatibility Zones, and therefore those proposed Zoning Map amendments do not appear to be inconsistent with the SFO ALUCP Safety Compatibility Policies. Any proposed developments on the parcels included in **Table 1** that do not penetrate the critical aeronautical surfaces for the Airport would not be incompatible with the SFO ALUCP Airspace Compatibility Policies, subject to the issuance of a Determination of No Hazard by the Federal Aviation Administration (see below) for any proposed structures, and determinations from the City/County Association of Governments of San Mateo County as the designated Airport Land Use Commission.

Notwithstanding the above, the sponsor of any proposed development on the rezoned parcels must undertake Federal Aviation Administration review as described in 14 Code of Federal Regulations Part 77 for: (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.

\* \* \*

The Airport appreciates your consideration of these comments. If I can be of assistance, please do not hesitate to contact me at (650) 821-6678 or at [nupur.sinha@flysfso.com](mailto:nupur.sinha@flysfso.com).

Sincerely,

DocuSigned by:

*Nupur Sinha*

7D552AE6A4CE495...

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

Attachment

cc: Sean Charpentier, C/CAG  
 Audrey Park, SFO

## C/CAG AGENDA REPORT

Date: October 27, 2022

To: Airport Land Use Committee

From: Susy Kalkin

Subject: San Francisco International Airport Land Use Compatibility Plan Consistency Review – City of San Bruno Draft 2023-2031 Housing Element (Public Review Draft, May 2022)

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

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### RECOMMENDATION

That the C/CAG Airport Land Use Committee (ALUC) recommend to the C/CAG Board of Directors, that the C/CAG Board, acting as the Airport Land Use Commission, determine that the City of San Bruno Draft 2023-2031 Housing Element Update (Draft Housing Element) is inconsistent with the noise compatibility policies of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP).

### BACKGROUND

The City of San Bruno has referred its Draft Housing Element to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport / land use compatibility criteria in the SFO ALUCP. The Draft Housing Element is subject to Airport Land Use Committee / Board review, pursuant to California Public Utilities Code (PUC) Section 21676(b).

The Draft Housing Element identifies goals, policies, and programs to address existing and projected housing needs and includes a list of housing opportunity sites. The Regional Housing Needs Allocation (RHNA) is the share of the Regional Housing Needs Determination assigned to each jurisdiction by the Association of Bay Area Governments (ABAG). In December 2021, ABAG adopted a Final RHNA Methodology, which was approved by the California Department of Housing and Community Development in January 2022. The proposed RHNA for San Bruno is 3,165 units.

The Draft Housing Element includes an inventory of 23 housing opportunity sites identified for development or redevelopment of mixed-use or residential projects that would be counted towards the San Bruno's RHNA obligation. **Attachment 1a** shows the proposed housing opportunity sites.

San Bruno's application notes that one housing opportunity site [Site 14, the Shops at Tanforan (the Tanforan Site)] lies within the Community Noise Equivalent Level (CNEL) 70-75 decibel (dB) noise exposure contour range where housing development would be incompatible per SFO ALUCP Table IV-1, *Noise/Land Use Compatibility Criteria*.

San Bruno’s application also includes a General Plan Amendment to recognize the Local Agency Override process that is provided by State law, whereby a local agency may override an Airport Land Use Commission determination, as shown below:

General Plan Policy	Existing Language	Proposed Amendment
Health and Safety Policy HS-40:	Prohibit new residential development within the 70+ Airport CNEL areas, as dictated by Airport Land Use Commission infill criteria.	Prohibit new residential development within the 70+ Airport CNEL areas, as dictated by Airport Land Use Commission infill criteria-, <u>unless, on a project-by-project basis, a proposed residential development is approved through the Local Agency Override process consistent with the Public Utilities Code Section 21675.1(d).</u>

Thus, San Bruno anticipates that the ALUC will make a determination of inconsistency with the SFO ALUCP.

## DISCUSSION

### I. SFO ALUCP Consistency Evaluation

Three airport / land use compatibility factors are addressed in the SFO ALUCP that relate to the proposed general plan housing element amendment. These include policies for: (a) noise compatibility, (b) safety compatibility, and (c) airspace compatibility. The following sections address each factor.

#### (a) Noise Compatibility

**Attachment 1a** shows the proposed housing opportunity sites in relation to the CNEL 65, 70, and 75 dB aircraft noise exposure contours for SFO.

Pursuant to SFO ALUCP, Table IV-1, *Noise/Land Use Compatibility Land Use Criteria*, residential land uses are conditionally compatible in the CNEL 65-70 dB noise exposure contour range and are acceptable if sound insulation is provided to reduce interior noise levels from exterior sources to CNEL 45 dB or lower and if an aviation easement is granted to the City and County of San Francisco as operator of SFO. Five housing opportunity sites, Sites 7, 15, 18, 20, and 21, are in the CNEL 65-70 dB noise exposure contour range established in the SFO ALUCP. The noise compatibility conditions of the SFO ALUCP would apply to the affected sites at the time of construction permitting.

As further outlined in SFO ALUCP Table IV-1, with a limited exception, residential land use is not compatible in the CNEL 70-75 dB noise exposure contour range. The exception applies to existing

lots of record zoned for residential use as of the effective date of the SFO ALUCP (November 8, 2012). In such cases, new residences must be sound-insulated to achieve an indoor noise level of CNEL 45 dB or less from exterior sources, and the property owner must grant an aviation easement to the City and County of San Francisco prior to issuance of a building permit for the proposed building.

Two housing opportunity sites, Sites 14 and 19, are in the CNEL 70-75 dB noise exposure contour range. The application notes that Site 14, the Tanforan Site, is intended to accommodate at least 1,000 housing units. Additionally, up to 60 housing units are designated for Site 19, currently occupied by the San Bruno Pet Hospital. Site 14 is presently zoned P-D (Planned Development) and designated in the City's General Plan for regional commercial use. Site 19 is zoned C-N (Neighborhood Commercial) and designated in the General Plan for multi-use.

The Draft Housing Element, with respect to Sites 14 and 19, is inconsistent with the SFO ALUCP noise policies.

#### **(b) Safety Compatibility**

The SFO ALUCP includes safety zones and related land use compatibility policies and criteria. **Attachment 1b** shows the City's proposed housing opportunity sites in relation to the safety compatibility zones. Two housing opportunity sites, Sites 15 and 21, are in Safety Zone 3 (Inner Turning Zone) and one housing opportunity site, Site 14 (the Tanforan Site), is in Safety Zone 4 (Outer Approach / Departure Zone). Per SFO ALUCP Table IV-2, *Safety Compatibility Criteria*, housing is a compatible use in Safety Zone 3 and Safety Zone 4. Therefore, the Draft Housing Element is consistent with the SFO ALUCP safety policies.

#### **(c) Airspace Compatibility**

The SFO ALUCP airspace policies establish maximum heights for the compatibility of new structures. The policies also stipulate the need for compliance with federal regulations requiring notification of the Federal Aviation Administration of certain proposed construction or alterations of structures.

Because the Draft Housing Element is a policy document and not a specific development proposal, the airspace compatibility policies of the SFO ALUCP do not directly apply. Consistency with the airspace compatibility policies would be required for future development proposals stemming from the Draft Housing Element. It is however noted that the application materials depict the housing sites only in relation to the FAA Part 77 Airspace, where that alone is not the controlling factor for Airspace Compatibility. SFO ALUCP Airspace Policy AP-3 states that in order to be consistent, the maximum height of a structure must be the lower of (1) the height shown on the critical aeronautical surfaces map (Exhibits IV-17 & IV 18), or (2) the maximum height determined by the FAA not to be a "hazard to air navigation" by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

## **II. Requirements for Override of Determination of Inconsistency with ALUCP**

PUC Section 21675.1(d) provides that local agencies may override airport land use commission determinations. The override process has three steps:

1. The local agency must hold a public hearing on the proposed override action;
2. The local agency's governing body must make specific findings that the proposed local action is consistent with the purposes of the airport land use commission statutes;
3. The local agency's governing body must approve the override action by a two-thirds vote; the override action must include adoption of the specific findings identified in Step 2, above.

A local agency override of an airport land use commission determination of inconsistency has two consequences:

1. The proposed land use action may proceed, subject to local agency review and permitting processes, as if it had been found consistent with the SFO ALUCP by the Board.
2. If a city or county overrides a decision of the airport land use commission relating to a publicly owned airport that is not operated by that city or county, the agency operating the airport "shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to override the commission's action or recommendation."

## **III. Mitigation in Case of City of San Bruno Override**

If the City overrides the Board determination of inconsistency with the SFO ALUCP, it is recommended that the City of San Bruno require compliance with the following language in Table IV-1, Noise/Land Use Compatibility Criteria, footnote (a), of the SFO ALUCP:

Use must be sound insulated to achieve an indoor noise level of CNEL 45 dB or less from exterior sources. The property owners shall grant an avigation easement to the City and County of San Francisco prior to issuance of a building permit for the proposed building or structure.

## **San Francisco International Airport (SFO) Staff Comment Letter**

SFO Planning and Environmental Affairs staff provided comments on the draft Housing Element, included as **Attachment 2**. They specifically express deep concern about potential housing development on the Tanforan site, noting many airport departure procedures are designed to ascend over the Tanforan site, and residents would experience extreme and persistent noise from aircraft departures. Among other concerns noted, the following are highlighted:

## C/CAG AGENDA REPORT

Airport Land Use Committee

RE: Consistency Review –San Bruno Draft Housing Element

Date: October 27, 2022

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- All residential developments within 70 dBA CNEL contour are determined to be incompatible (i.e. entirety of Tanforan site);
- Redevelopment of the Tanforan site to include high-density residential units would undermine decades of scientifically informed land use planning and millions of dollars expended to safeguard public health and safety;
- The Airport has spent hundreds of millions of dollars on insulating incompatible land uses. However, any future residences at the Tanforan site will not be eligible for Federal Aviation Administration/SFO grants for sound insulation or the subsequent repair or re-installation of insulation materials when they fail over time.
- The proposed redevelopment would result in the densest population per square mile under the departure flight path near a major international airport;
- Heights of buildings at the Tanforan site would need to be between 55 and 90 feet above ground level to be compatible with the Airspace Compatibility Policies of the SFO ALUCP.

## ATTACHMENTS

1. Application Materials
  - a. Housing Opportunity Sites and SFO ALUCP Noise Exposure Contours
  - b. Housing Opportunity Sites and SFO ALUCP Safety Zones (map from City of San Bruno application for consistency determination)
2. SFO Comment letter to Michael Smith, San Bruno Sr. Planner, dated September 30, 2022 (p 1-4)
  - a. Comment letter with all attachments can be accessed here (see “October Additional meeting materials”): <https://ccag.ca.gov/committees/airport-land-use-committee/>

*Link to San Bruno Housing Element - <https://www.sanbruno.ca.gov/568/2023-2031-Housing-Element-Update>*



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

APPLICANT INFORMATION

Agency: City of San Bruno

Project Name: 2023 - 2031 Housing Element Update

Address: 567 El Camino Real

APN: Citywide

City: San Bruno

State: CA

ZIP Code: 94110

Staff Contact: Michael Smith

Phone: 650-616-7062

Email: msmith@sanbruno.ca.gov

PROJECT DESCRIPTION

The City of San Bruno is working on its Housing Element update for the 2023 - 2031 planning cycle. The city has a Regional Housing Needs Allocation (RHNA) of 3,165 housing units. Figure 6-1 in the document includes a map of the sites the city has chosen to accommodate the housing requirement, which includes 1,000 units at the Tanforan site located in Airport Influence Area B and the CNEL 70 dBA noise contour.

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

## **C/CAG Application for Land Use Consistency Determination – Supplemental Information**

**AGENCY NAME: City of San Bruno**

**PROJECT NAME: 2023 – 2031 Housing Element Update**

Project Description: The City of San Bruno is in the process of updating its Housing Element for 2023 – 2031 planning period and has been allocated 3,165 housing units through RHNA process. A draft of the Housing Element update was submitted to HCD on July 8<sup>th</sup> for the first review. The sites inventory included in Chapter 6 of the document, indicates how the city intends to accommodate the housing units, and includes adding a minimum of 1,000 housing units at the Tanforan site (A.K.A. The Shops at Tanforan). The City of San Bruno was assigned an extremely high RHNA number specifically because the city has an aging mall adjacent to transit, and the city will not be able to meet its RHNA obligations without designating a high percentage of units in our Housing Element sites inventory at the Tanforan site. In addition to the Tanforan Site, development sites have been designated in the sites inventory which are in the city's Transit Corridor Plan. The Tanforan site and sites in the Transit Corridor Plan are influenced by noise from aircraft departing from runways 10R & 10L.

SFO ALUCP Analysis: Some sites in the Housing Element sites inventory are located in Airport Influence Area B. Some development sites in the Transit Corridors Plan are between the 65-70dBA noise contours, and the Tanforan site is between the 70-75 dBA noise contours. Pursuant to SFO ALUCP Table IV-1, Noise/Land Use Compatibility Criteria, and shown in the attached Exhibits, multi-family residential use is identified as "Conditionally Compatible" within the 65-70dBA contour, which generally requires noise insulation for an interior noise level of CNEL 45dBA or less and recordation of an avigation easement. As applied to the Tanforan site, pursuant to SFO ALUCP Table IV-1, Noise/Land Use Compatibility Criteria, and shown in the attached Exhibits, multi-family residential use is identified as "Not Compatible" within the 70-75dBA contour, unless at the time of adoption of the SFO ALUCP (2012) the site had been zoned exclusively for residential use. "Not Compatible" is further clarified in SFO ALUCP Noise Policy NP-2 to mean "that the proposed land use is incompatible with aircraft noise at the indicated CNEL level", regardless of proposed mitigation. The remaining sites in the inventory are located in Airport Influence Area B but further from the airport runways and thus located outside the noise, safety, and airspace compatibility zones established by the SFO ALUCP.

With the adoption of the Housing Element update with the Tanforan site included in the sites inventory, the city will concurrently amend the General Plan to recognize the Local Agency Override process that is provided by State law, whereby a local agency may override an Airport Land Use Commission determination through a 2/3rds majority vote. The table below clarifies the anticipated General Plan amendment needed for the Housing Element update.

General Plan Policy	Existing Language	Proposed Amendment
Health and Safety Policy HS-40:	Prohibit new residential development within the 70+ Airport CNEL areas, as dictated by Airport Land Use Commission infill criteria.	Prohibit new residential development within the 70+ Airport CNEL areas, as dictated by Airport Land Use Commission infill criteria, <u>unless</u> , on a project by project, a proposed residential development is approved through the Local Agency Override process consistent with the Public Utilities Code Section 21675.1(d).

The specifics of development projects, including development on the Tanforan site (e.g., building height, land use) are still in development, therefore, project specific conformance with relevant height, and safety policies and compatibility criteria contained in the SFO ALUCP cannot be determined at this time. However, the city anticipates additional amendments to the General Plan will be needed for project entitlements for the Tanforan site.

Environmental Review: The city is currently performing the environmental analysis for the Housing Element update and anticipates a Mitigated Negative Declaration. This review will not be completed until Fall 2022.

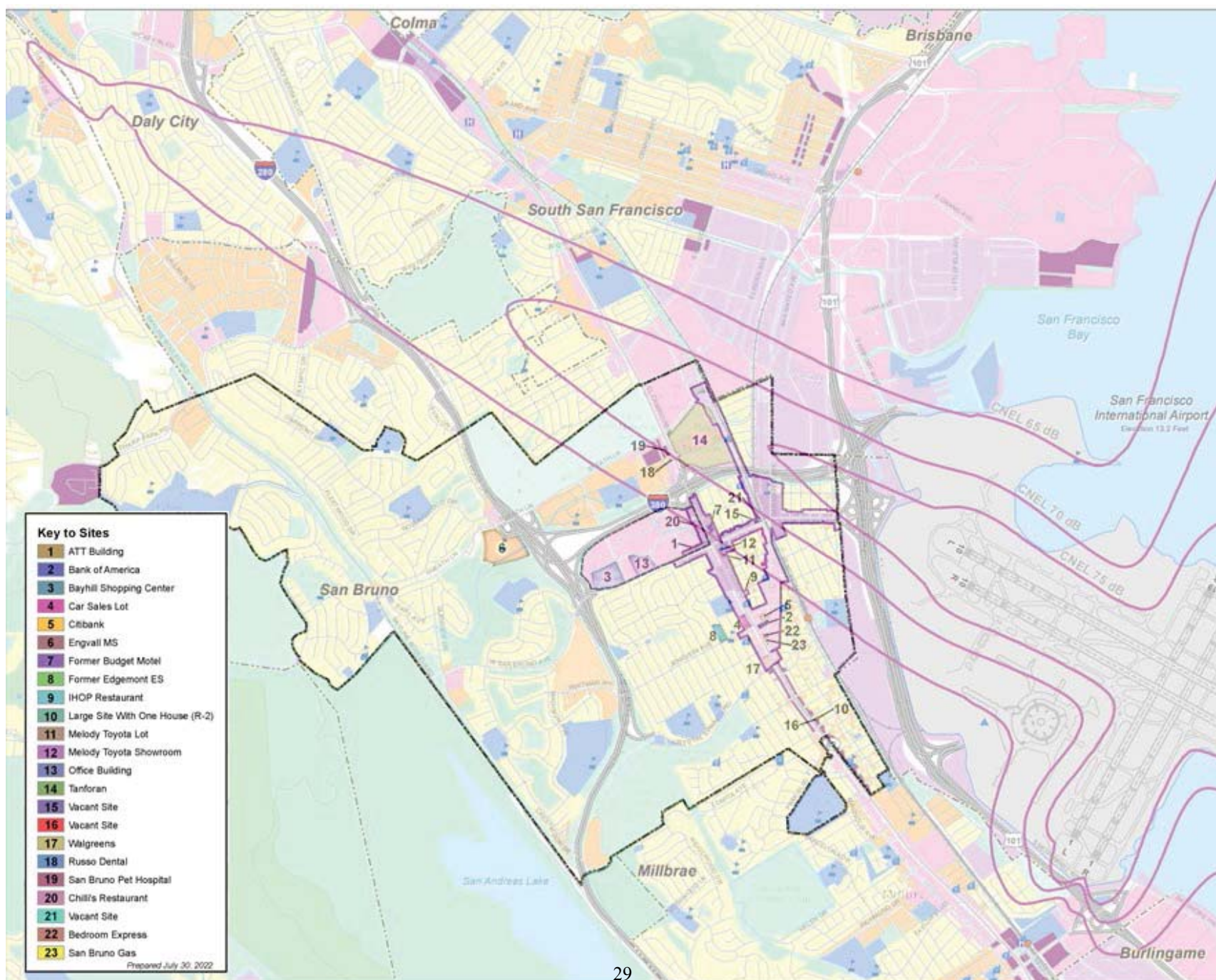
Below is a link to San Bruno’s Housing Element update and current General Plan. We look forward to your review.

[2023-2031 Housing Element Update | San Bruno, CA](#)

[General Plan | San Bruno, CA](#)

***Attachments:***

1. ALUCP Noise Contours (with housing sites highlighted)
2. ALUCP Table IV-I
3. ALUCP Airport Influence Area B (with housing sites highlighted)
4. ALUCP Safety Compatibility Zones (with housing sites highlighted)
5. ALUCP 14 CFR Part 77 Airport Imaginary Surfaces (with housing sites highlighted)



**Table IV-I Noise/Land Use Compatibility Criteria**

LAND USE	COMMUNITY NOISE EQUIVALENT LEVEL (CNEL)			
	BELOW 65 dB	65-70 dB	70-75 dB	75 dB AND OVER
<b>Residential</b>				
Residential, single family detached	Y	C	N (a)	N
Residential, multi-family and single family attached	Y	C	N (a)	N
Transient lodgings	Y	C	C	N
<b>Public/Institutional</b>				
Public and Private Schools	Y	C	N	N
Hospitals and nursing homes	Y	C	N	N
Places of public assembly, including places of worship	Y	C	N	N
Auditoriums, and concert halls	Y	C	C	N
Libraries	Y	C	C	N
Outdoor music shells, amphitheaters	Y	N	N	N
<b>Recreational</b>				
Outdoor sports arenas and spectator sports	Y	Y	Y	N
Nature exhibits and zoos	Y	Y	N	N
Amusements, parks, resorts and camps	Y	Y	Y	N
Golf courses, riding stables, and water recreation	Y	Y	Y	Y
<b>Commercial</b>				
Offices, business and professional, general retail	Y	Y	Y	Y
Wholesale; retail building materials, hardware, farm equipment	Y	Y	Y	Y
<b>Industrial and Production</b>				
Manufacturing	Y	Y	Y	Y
Utilities	Y	Y	Y	Y
Agriculture and forestry	Y	Y (b)	Y (c)	Y (c)
Mining and fishing, resource production and extraction	Y	Y	Y	Y

**Notes:**

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

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

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

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

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

(b) Residential buildings must be sound-insulated to achieve an indoor noise level of CNEL 45 dB or less from exterior sources.

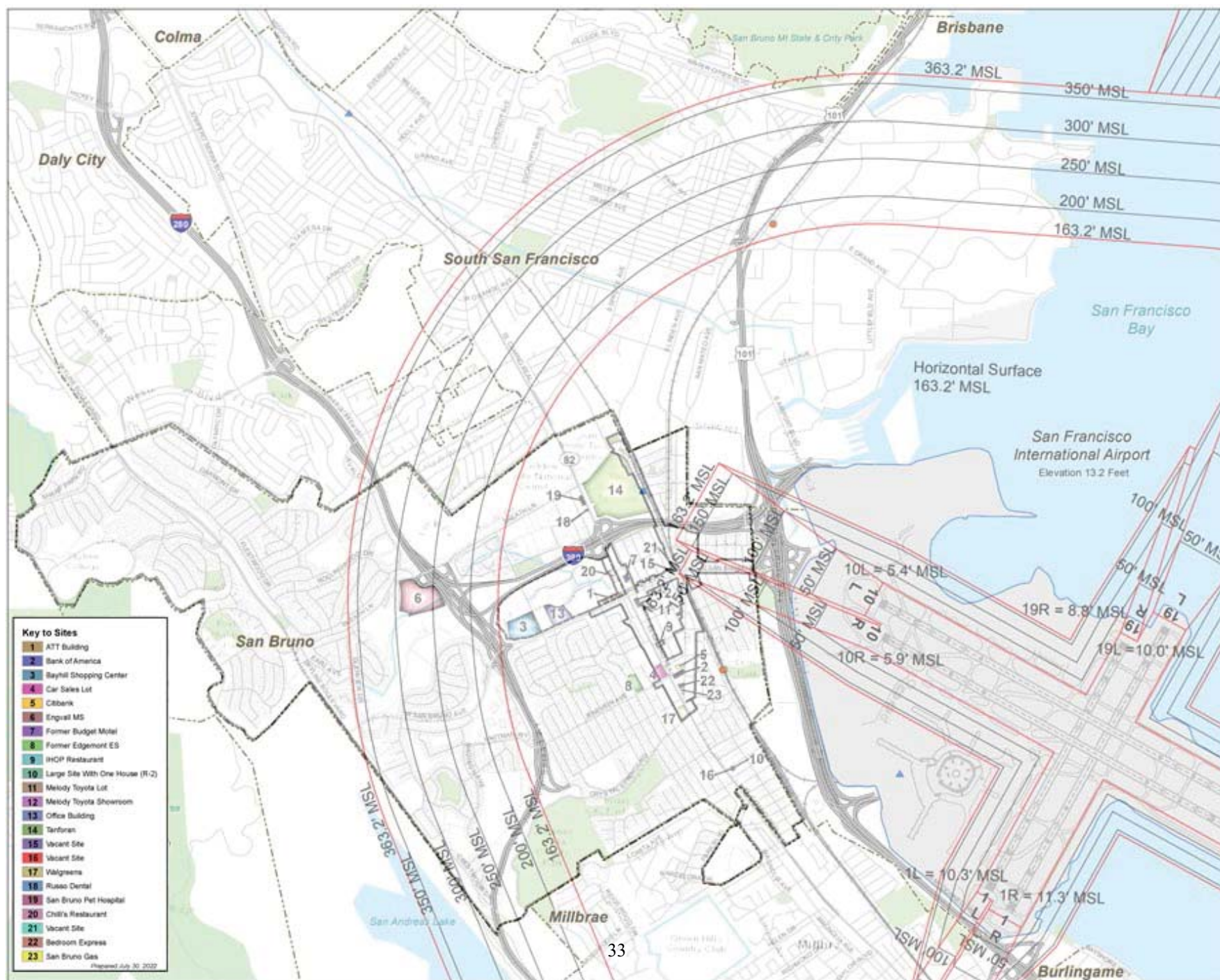
(c) Accessory dwelling units are not compatible.

SOURCES: Jacobs Consultancy Team 2010. Based on State of California General Plan Guidelines for noise elements of general plans; California Code of Regulations, Title 21, Division 2.5, Chapter 6, Section 5006; and 14 CFR Part 150, Appendix A, Table 1.

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









San Francisco International Airport

September 30, 2022

TRANSMITTED VIA E-MAIL

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 City of San Bruno  
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**Subject: 2023-2031 Draft Housing Element, San Bruno, California**

Thank you for notifying San Francisco International Airport (SFO or the Airport) regarding the preparation of the City of San Bruno's draft 2023-2031 Housing Element (draft Housing Element). We appreciate this opportunity to coordinate with the City of San Bruno (the City) in considering and evaluating potential land use compatibility issues from the draft Housing Element.

The draft Housing Element establishes goals, policies, and programs to help address the City's current and future housing needs and includes a list of recommended housing sites. It is the City's blueprint for housing-related decisions and sets an action plan for how to meet housing goals over the coming years. The City has been allocated 3,165 housing units through the Association of Bay Area Governments' application of the State of California's Regional Housing Needs Allocation (RHNA) process and the draft Housing Element includes a minimum of 1,000 housing units at the former Shops at Tanforan site. The Tanforan site has been identified by the City as a prime location for housing because of its designation within the City's Transit Corridor Plan.

The majority of the City, including the Tanforan 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* (SFO ALUCP). The Tanforan site is located within the 70 decibel (dBA) Community Noise Equivalent Level (CNEL) contour and Safety Compatibility Zone 4. Moreover, many airport departure procedures are designed to ascend over the Tanforan site, and residents would experience extreme and persistent noise from aircraft departures.

SFO remains deeply concerned about the City's plan for adding housing units at the Tanforan site. On July 27, 2021, the City released the Reimagining Tanforan Fact Sheet, which describes proposed development at the Tanforan site. On May 6, 2022, we sent a letter to the City stating our concerns for the redevelopment of the Tanforan Shopping Center, which is attached hereto as **Exhibit A** and incorporated by reference. A summary of the concerns outlined in that letter are as follows:

- All residential developments within 70 dBA CNEL contour are determined to be incompatible (i.e., entirety of Tanforan site);
- Redevelopment of the Tanforan site to include high-density residential units would undermine decades of scientifically informed land use planning and millions of dollars expended to safeguard public health and safety;

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- The Airport has spent hundreds of millions of dollars on insulating incompatible land uses. However, any future residences at the Tanforan site will not be eligible for Federal Aviation Administration/SFO grants for sound insulation or the subsequent repair or re-installation of insulation materials when they fail over time. (This is reiterated in a May 6, 2022 letter from FAA to the City attached hereto as **Exhibit B** and incorporated by reference.)
- The proposed redevelopment would result in the densest population per square mile under the departure flight path near a major international airport;
- Heights of buildings at the Tanforan site would need to be between 55 and 90 feet above ground level to be compatible with the Airspace Compatibility Policies of the SFO ALUCP. Otherwise, any penetrations of the critical aeronautical surfaces would result in real financial and economic impacts to air carriers, cargo operators, and SFO/City of County of San Francisco, and potentially reduce airlines' ability to transport high-value cargo (e.g., biotechnology and high-technology cargo);
- The Airport encourages the City to consider Safety Zone 4 compatibility policies during planning and site development to prevent development of incompatible uses (i.e., Biosafety Level 3 and 4 facilities, children's schools, large child day care centers, hospitals, nursing homes, stadiums, and arenas) and avoid development of critical public utilities and hazardous uses other than Biosafety Level 3 and 4 facilities.

The Airport has reviewed the recently issued draft Housing Element, which will be sent to the California Department of Housing and Community Development (HCD) on October 3, 2022. In addition to the comments presented in our May 6, 2022 letter (Exhibit A), we have the following comments regarding the draft Housing Element:

- In Chapter 3 (Housing Constraints and Resources), it states that, "local governments may take steps, provided by law, to overrule part or all of the ALUCP as it relates to their jurisdiction." This is not true. Local agencies cannot overrule any part of the ALUCP. Rather, local agencies may override an Airport Land Use Commission determination of proposed land use policy actions or development proposals based on the ALUCP. The process is described in Section 3.3.3 of the SFO ALUCP (Local Agency Override of an Airport Land Use Commission Determination). The local agency override process requires three steps: 1) holding a public hearing by the local agency of the proposed override action, 2) making specific findings by the governing body of the local agency that the proposed local action is consistent with the purposes of the airport land use commission statutes, and 3) approval of the override action by a two-thirds vote of the local agency's governing body.
- In Chapter 3 (Housing Constraints and Resources), Tables 3-2 and 3-3 present development regulations for residential and mixed-use districts, respectively. The Airport strongly encourages the City to also include maximum height restrictions reflective of the critical aeronautical surfaces as outlined in SFO ALUCP Exhibits IV-17 and IV-18 (see **Exhibit C**). The Airport also requests the following language be included in the draft Housing Element:

The City shall regulate land uses and building height within the Airport Influence Area of the San Francisco International Airport in compliance with SFO critical aeronautical surfaces (SFO ALUCP Exhibits IV-17 & IV-18), in accordance with Airport Land Use Commission guidelines to assure safety of aircraft, persons, and property near the Airport. Additionally, all proposed structures must receive a Determination of No Hazard from the

FAA. For avoidance of doubt, the lower of the two heights identified by the ALUCP and the FAA shall be the controlling maximum height.

- In the City’s Application for Land Use Consistency Determination for the Housing Element update, the City presents the following proposed amendment to the General Plan, Health and Safety Policy HS-40:

General Plan Policy	Existing Language	Proposed Amendment
Health and Safety Policy HS-40:	Prohibit new residential development within the 70+ Airport CNEL areas, as dictated by Airport Land Use Commission infill criteria.	Prohibit new residential development within the 70+ Airport CNEL areas, as dictated by Airport Land Use Commission infill criteria, <u>with the exception of projects deemed appropriate by the City Council and to the extent necessary, approved through the Local Agency Override process, consistent with the Public Utilities Code Section 21675.1 (d).</u>

Presupposing an override of an ALUC determination for noise compatibility within the General Plan undermines the purpose of the SFO ALUCP to protect the public health, safety, and welfare of residents and occupants of future noise-sensitive development, and short-circuits the due process built into Public Utilities Code Section 21675.1(d). Placing this language into the General Plan would, in essence, render incompatible the entire General Plan. If overrides are pursued, they should be pursued on a per-project basis and the City must make determinations of fact specific to that project rather than assuming a blanket override. The Airport requests that this new language be stricken and overrides continue to be considered on a per-project basis to meet the intent of the Public Utilities Code and the SFO ALUCP.

As the largest employment site in San Mateo County, SFO recognizes the importance of increasing housing supply in California and in the San Francisco Bay Area. While the Airport believes that ABAG erred in excluding airport noise criteria from its RHNA methodology, it also acknowledges that the City’s RHNA allocation requires it to plan for an additional 3,165 housing units. The Airport continues to urge the City to consider alternative locations to meet RHNA requirements, outside the 70 dBA CNEL noise contour, including the 2101 Sneath Lane Residential Project, the Bayhill Specific Plan area, and the transit-oriented development corridor along El Camino Real and San Mateo Avenue located outside of the CNEL 70 dBA contour.

Due to the proximity to the Airport, Airspace Protection Policies (AP1 through AP4) from the SFO ALUCP are enclosed (see Exhibit C) as reminders of incompatible site characteristics that pose threats to safe aircraft operations – especially as it pertains to wildlife attractants, particularly large flocks of birds – and building materials/features that reflect and create bright lights/glare.

\* \* \*

*Michael Smith*  
*September 30, 2022*  
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The Airport appreciates the City's willingness to continue to have collaborative discussions, and your consideration of these concerns. If I can be of assistance, please do not hesitate to contact me at (650) 821-6678 or at [nupur.sinha@flysfso.com](mailto:nupur.sinha@flysfso.com).

Sincerely,

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

Attachments

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California Airports Council  
United States Congresswoman Jackie Speier  
San Mateo County Supervisor David Pine  
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