



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

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.

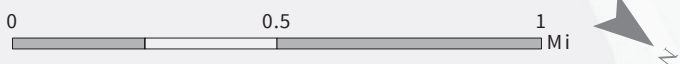
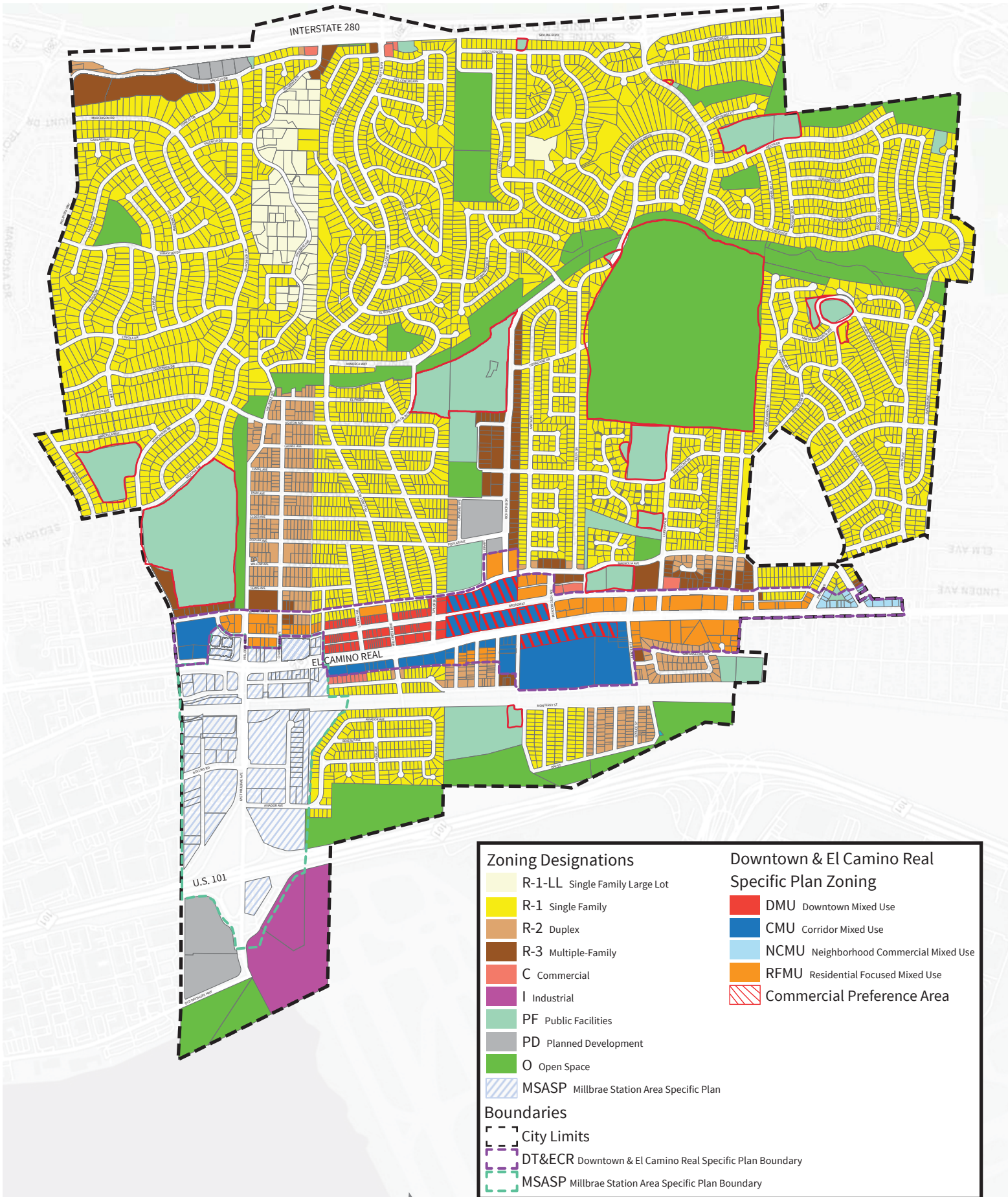
For avoidance of doubt, the lower of the two heights identified by the ALUCP and the FAA shall be the controlling maximum height.

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.



Source: City of Millbrae, 2022; Mintier Hamish, 2022.
 Map Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

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.¹ 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."

¹ 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.

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October 20, 2022
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- 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;

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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

Address	Assessor's Parcel Number	Current Zoning	Proposed Zoning	Notes	Safety Compatibility Zone
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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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.

Sincerely,

DocuSigned by:

Nupur Sinha

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

Attachment

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