



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

APPLICANT INFORMATION

Agency: City of Foster City			
Project Name: Safety Element of the General Plan			
Address: 610 Foster City Blvd.		APN:	
City: Foster City	State: CA	ZIP Code: 94404	
Staff Contact: Thai-Chau Le	Phone: 650-286-3244	Email: tle@fostercity.org	

PROJECT DESCRIPTION

Safety Element of the General Plan, available here: https://engagefostercity.org/safety-element .

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.



Noise

The Noise Element seeks to limit the community's exposure to excessive noise levels by identifying sources and acceptable thresholds for noise and establishing policies to ensure compatibility between land uses and the community's noise environment. It also provides a basis for comprehensive local programs to control and abate environmental noise and protect residents from excessive exposure.

Conservation

The Conservation Element addresses preserving and conserving natural resources in Foster City. In accordance with the City's vision, this element aims to (1) Preserve and Improve the Quality of Life within Existing Neighborhoods, (2) Assure the Proper Development of Undeveloped Property, and (3) Assure that Redevelopment of Developed or Underutilized Property Occurs in an Appropriate Manner. The key issues discussed in this element include human life-sustaining elements, wildlife habitat, and the recycling of renewable resources.

E. CONSISTENCY WITH LOCAL HAZARD MITIGATION PLAN

The 2021 San Mateo County Multi-jurisdictional Local Hazard Mitigation Plan (MJHMP) serves three primary purposes: 1) it provides a comprehensive analysis of the natural and human-caused hazards that threaten the City, with a focus on mitigation; 2) it keeps Foster City eligible to receive additional federal and state funding to assist with emergency response and recovery, as permitted by the federal Disaster Mitigation Act (DMA) of 2000 and California Government Code Sections 8685.9 and 65302.6; and 3) it complements the efforts undertaken by the Safety Element. The San Mateo County MJHMP complies with all requirements set forth under the federal Disaster Mitigation Act of 2000 and received approval from the Federal Emergency Management Agency (FEMA) in 2021. **Sections of the Safety Element are supplemented by the MJHMP, which is incorporated by reference in this element, as allowed by California Government Code Section 65302(g).** To access the MJHMP, visit the City's website, [Foster City's Local Hazard Mitigation Plan and Maps](#).

F. CONSISTENCY WITH AIRPORT LAND USE COMPATIBILITY PLANS

An Airport Land Use Compatibility Plan (ALUCP) is the primary document used by an airport land use commission to help promote compatibility between an airport and its surrounding environment. An ALUCP acts as a guide for the airport land use commission and local jurisdictions in safeguarding the general welfare of the public as the airport and the area surrounding the airport grows.



Airport planning boundaries define where height, noise, hazards, and safety standards, policies, and criteria are applied to certain proposed land use policy actions. ALUCP height standards for determining obstructions to air navigation are defined in Federal Aviation Regulations (FAR) Part 77, Objections Affecting Navigable Airspace. The FAR Part 77 criteria limit the location and height of structures both on and off airport property. The criteria are intended to prevent buildings and other objects from penetrating the airspace required for safe aircraft takeoffs and landings.

Foster City is located within two ALUCPs, as described below.

Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

This ALUCP identifies portions of Foster City within Airport Influence Areas A and B. As described in the ALUCP, for Area A, a real estate disclosure is required. For areas of the city within Area B the Airport Land Use Commission (the C/CAG Board) would exercise its statutory duties to review proposed land use policy actions, including land development proposals. The real estate disclosure requirements would also be required.

~~The city is also in an area where the ALUCP identifies maximum building heights. Within this area, future projects would be required to be consistent with ALUCP Policy AP-3, which establishes the procedures for determining the maximum compatible building height.~~

The ALUCP also identifies a number of airspace protection policies to protect the navigable airspace around the airport for the safe and efficient operation of aircraft in flight that are applicable to Foster City:

- Policy AP-1 requires jurisdictions to notify sponsors of proposed projects to file Form 7460-1 with the Federal Aviation Administration (FAA) for any proposed project that may exceed the FAA notification height. Policy AP-1 also requires the local jurisdiction to consider FAA determination study findings as part of its review and decision on a proposed project.
- Policy AP-2 requires project sponsors to comply with the findings of FAA aeronautical studies with respect to any recommended alteration in building design, height, and marking and lighting to be consistent with the ALUCP.
- Policy AP-3 requires proposed projects to comply with structure height provisions outlined in the ALUCP including the critical aeronautical surfaces map and the heights determined by the FAA.
- Policy AP-4 requires proposed projects to undergo review for compatibility with other flight hazards as outlined in the policy, including but not limited to, sources of glare, dust, smoke, electrical interference, etc.



Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport.

This ALUCP identifies the entirety of Foster City as within one of two airport influence areas (AIAs) - Area A or Area B. Applicable policy requirements for projects located within these areas are described below:

Airport Influence Area Policy 1 – Real Estate Disclosure Area. Within Area A of the AIA the real estate disclosure requirements of state law apply. Section 11010 (b) (13) of the Business and Professions Code requires people offering subdivided property for sale or lease to disclose the presence of all existing and planned airports within two miles of the property. The law requires that, if the property is within an “airport influence area” designated by an airport land use commission, the following statement must be included in the notice of intention to offer the property for sale:

Airport Influence Area Policy 2 – Policy/Project Referral Area. Within Area B of the AIA, the C/CAG Board shall exercise its statutory duties to review proposed land use policy actions, including new general plans, specific plans, zoning ordinances, plan amendments and rezonings, and land development proposals. The real estate disclosure requirements in Area A also apply in Area B. For the purposes of this policy, parcels along the edge of the Area B Boundary that are split by the boundary shall be considered as fully within Area B.

This ALUCP also identifies overflight policies for the San Carlos Airport. The overflight policies were recently amended and would be applicable to the project. The following is a description of the policy requirement:

Overflight Policy 2 – Overflight Notification Zone 2. All new residential development projects, other than additions and accessory dwelling units (ADUs), within the Overflight Notification Zone 2 shall incorporate a recorded overflight notification requirement as a condition of approval to provide a permanent form of overflight notification to all future property owners. The following statement must be included in the notice:

The ALUCP also identifies a number of airspace protection policies to protect the navigable airspace around the airport for the safe and efficient operation of aircraft in flight that are applicable to Foster City:

- Airspace Protection Policy 1 requires local jurisdictions to notify the FAA of proposals related to the construction of potentially hazardous structures and to evaluate proposed projects in accordance with the airspace protection policies identified in the ALUCP.
- Airspace Protection Policy 2 requires jurisdictions to notify sponsors of proposed projects to file Form 7460-1 with the FAA for any proposed project that may exceed the FAA notification height.
- Airspace Protection Policy 3 requires proposed project sponsors to comply with the findings of FAA aeronautical studies with respect to any recommended alterations in the



building design and height and any recommended marking or lighting within the property project.

- Airspace Protection Policy 4 sets forth criteria for determining the acceptability of a project with respect to height.
- Airspace Protection Policy 5 requires projects to be compatible with the maximum building height as outlined in the policy.
- Airspace Protection Policy 6 requires proposed projects to undergo review for compatibility with other flight hazards as outlined in the policy, including but not limited to, sources of glare, dust, smoke, electrical interference, etc.

~~The City is also located in an area where the ALUCP identifies maximum building heights to minimize potential impacts. Within this area, future projects would be required to be consistent with policies which establish the procedures for determining the maximum compatible building height.~~

G. REGULATORY ENVIRONMENT

California Government Code 65302(g)(1)

California Government Code Section 65302(g)(1) establishes the legislative framework for California's safety elements. This framework consolidates the requirements from relevant federal and state agencies, ensuring that all cities comply with the numerous statutory mandates. These mandates include:

- As applicable, protect against significant risks related to earthquakes, tsunamis, seiches, dam failure, landslides, subsidence, flooding, and fires.
- Including maps of known seismic and other geologic hazards.
- Where applicable, address evacuation routes, military installations, peak-load water supply requirements, and minimum road widths and clearances around structures related to fire and geologic hazards.
- Identifying areas subject to flooding and wildfires.
- Avoid locating critical facilities within areas of high risk.
- Assessing the community's vulnerability to climate change.
- Include adaptation and resilience goals, policies, objectives, and implementation measures.

California Government Code Sections 8685.9 and 65302.6

California Government Code Section 8685.9 (also known as Assembly Bill 2140 or AB 2140) limits California's share of disaster relief funds paid out to local governments to 75 percent of the funds not paid for by federal disaster relief efforts. However, if the jurisdiction has adopted a valid hazard mitigation plan consistent with DMA 2000 and has incorporated the hazard mitigation plan into the jurisdiction's General Plan, the State may cover more than 75 percent of the remaining



GOAL S-1A: ENSURE THE CITY HAS AN EFFECTIVE EMERGENCY PREPAREDNESS AND RESPONSE PROGRAM.

Policies / Implementation Actions

S-1.1	<p>Ensure effective emergency response through established procedures, ongoing training programs, periodic exercises of the City's Emergency Operations Plan, and mutual aid agreements.</p> <ul style="list-style-type: none"> a. Maintain the City's Emergency Operations Plan, indicating responsibilities and procedures for responding to an emergency. b. Participate in general mutual-aid agreements and agreements with adjoining jurisdictions for cooperative response to fires, floods, earthquakes, and other disasters.
S-1.2	<p>Plan for and provide facilities and materials anticipated to be needed to respond to emergencies.</p> <ul style="list-style-type: none"> a. Maintain the local government's emergency operations center in a full functional state of readiness. b. As an infrastructure operator, designate a backup Emergency Operations Center with redundant communications systems. c. Pre-position emergency power generation capacity (or have generation rental/lease agreement for these generators) in critical buildings to maintain continuity of government and services. d. Ensure that critical intersection lights function following a loss of power by installing and maintaining battery back-ups and emergency generators. e. Develop a plan for speeding the repair and functional restoration of water and wastewater systems through stockpiling of shoring materials, temporary pumps, surface pipelines, portable hydrants, and other supplies. f. Provide emergency power at critical City facilities such as major sewer lift stations and lagoon pumps.
S-1.3	<p>Provide police services necessary to maintain community order and public safety.</p> <ul style="list-style-type: none"> a. Provide adequate personnel, training, and equipment to support the provision of police services. b. Review proposals for new and modified buildings for compliance with crime prevention requirements.
S-1.4	<p>Prepare a recovery framework (prior to a disaster event) to help guide actions and priorities during and after a disaster event occurs.</p> <ul style="list-style-type: none"> a. Prepare a recovery framework (prior to a disaster event) to help guide actions and priorities during and after a disaster event occurs. b. Consider and adopt regulations to guide response and recovery of City operations following a disaster event.
S-1.5	<p>Anticipate the potential for disasters and ensure the ability to respond promptly, efficiently, and effectively, to provide continuity of services during and after an emergency.</p>
S-1.6	<p>Minimize risks of potential hazards in the vicinity of SFO and San Carlos Airports.</p> <ul style="list-style-type: none"> a. Comply with the project referral, airspace protection, real estate transaction disclosure and overflight notification policies of the SFO and San Carlos ALUCPs