

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

APN: N/A

ZIP Code: 94010

Email: kgardiner@burlingame.org

APPLICANT INFORMATION

Agency: City of Burlingame

Project Name: Zoning Ordinance Update

Address: Citywide

City: Burlingame

Staff Contact: Kevin Gardiner

PROJECT DESCRIPTION

Comprehensive update of the City of Burlingame Zoning Ordinance.

The Zoning Ordinance implements the General Plan (reviewed by ALUC in 2018). It incorporates the previously Interim Zoning

State: CA

Phone: 650-558-7253

Chapters for the North Burlingame Mixed Use (NBMU) and North Rollins Road Mixed Use (RRMU) Districts (reviewed by ALUC in 2019).

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 <a href="http://ccag.ca.gov/plansreportslibrary/airport-land-use/">http://ccag.ca.gov/plansreportslibrary/airport-land-use/</a>

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

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

Application for Land Use Consistency Determination City of Burlingame Zoning Ordinance Required Project Information

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):

The Zoning Ordinance is an implementation of the Burlingame General Plan Update adopted in January 2019 (reviewed by the San Mateo County Airport Land Use Committee in October 2018, C/CAG Board of Directors November 2018). It incorporates the North Burlingame Mixed Use (NBMU) and North Rollins Mixed Use (RRMU) chapters which were previously adopted as interim chapters (reviewed by the San Mateo County Airport Land Use Committee in September 2020, C/CAG Board of Directors October 2020). The NBMU and RRMU chapters have not been changed since being reviewed by the ALUC and C/CAG, and includes the provisions specified by SFO, the ALUC and C/CAG for the respective SFO Safety Compatibility Zones.

The Zoning Ordinance can be found at https://library.qcode.us/lib/burlingame\_ca/pub/municipal\_code/item/title\_25

## a) Noise: Location of project/plan area in relation to the noise contours identified in the applicable ALUP. Identify any relevant citations/discussion included in the project/plan addressing compliance with ALUP noise policies.

Chapter 25.24 addresses Comprehensive Airport Land Use Compatibility Plan Consistency. This includes airport disclosure notices, airport noise evaluation and mitigation, avigation easements, and other flight hazards. These regulations were primarily complied from the ALUC and C/CAG reviews of the General Plan and the Interim Mixed-Use Zoning districts.

Section 25.24.030 addresses airport noise evaluation and mitigation:

Project applicants shall be required to evaluate potential airport noise impacts if the project is located within the 65 CNEL contour line of San Francisco International Airport (as mapped in the Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport). All projects 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 Airport Land Use Compatibility Plan or Burlingame General Plan, whichever is more restrictive.

Furthermore, Section 25.24.040 addresses avigation easements:

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 Airport Land Use Compatibility Plan) 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 Airport Land Use Compatibility Plan Policy NP-3 Grant of Avigation Easement.

### *b)* Safety: Location of project/plan area in relation to the safety zones identified in the applicable ALUP.

The North Burlingame Mixed Use (NBMU) and North Rollins Mixed Use (RRMU) zones in Chapter 24.14 include portions of ALUP Safety Compatibility Zones 2 and 3. This chapter was previously reviewed as interim chapters by the San Mateo County Airport Land Use Committee in September 2020 and the C/CAG Board of Directors October 2020. Through the ALUC and C/CAG review, applicable land use restrictions were identified and have been codified for properties located within Safety Compatibility Zones 2 and/or 3. Restrictions are specified in the "Special Use Regulations" column in Table 25.14-1.

# 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.

Building heights in many of the zoning districts are structured by "tiers", with development projects required to provide community benefits in order to be allowed the highest building heights. The North Burlingame Mixed Use (NBMU) and North Rollins Mixed Use (RRMU) zones, which include areas within ALUP Safety Compatibility Zones 2 and 3, include the following provision:

Maximum building heights are also required to comply with Airspace Protection Policies AP-1 through AP-4 of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (ALUCP). This includes determining the need to file Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA for any proposed project that would exceed the FAA notification heights, as shown approximately on ALUCP Exhibit IV-10 and complying with FAA Aeronautical Study Findings. It also includes complying with the maximum compatible building height, which includes all parapets, elevator overruns, etc. of a building, as noted in ALUCP policy AP-3 and depicted in Exhibits IV-17 and IV-18 of the ALUCP.

Regarding bird strike hazards, Section 25.12.060.K specifies that:

(a)ll development shall incorporate bird-friendly design that minimizes potential adverse impacts to native and migratory birds, such as fritted or patterned glass, projecting architectural features, lighting design, and screening with trees.

This guideline is specific to the Bayfront Area, alongside the Bay, but could be extended to other areas if needed.

Section 25.24.050 addresses other flight hazards, including glare; lights; sources of dust, smoke, water vapor, or steam; sources of electrical/electronic interference; and uses that create increased attraction to wildlife.

#### 2. Real Estate Disclosure requirements related to airport proximity

Section 24.24.020 addresses airport disclosure notices:

All new development is required to comply with the real estate disclosure requirements of State law. The following statement must be included in the notice of intention to offer the property for sale:

#### "Notice of Airport in Vicinity

This property is presently located in the vicinity of an airport, within what is known as an airport influence 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."

#### 3. Any related environmental documentation (electronic copy preferred)

An Environmental Impact Report (DEIR) was prepared for the General Plan and Zoning Ordinance Update.

The Draft and Final may be downloaded at <u>https://www.burlingame.org/generalplan</u>

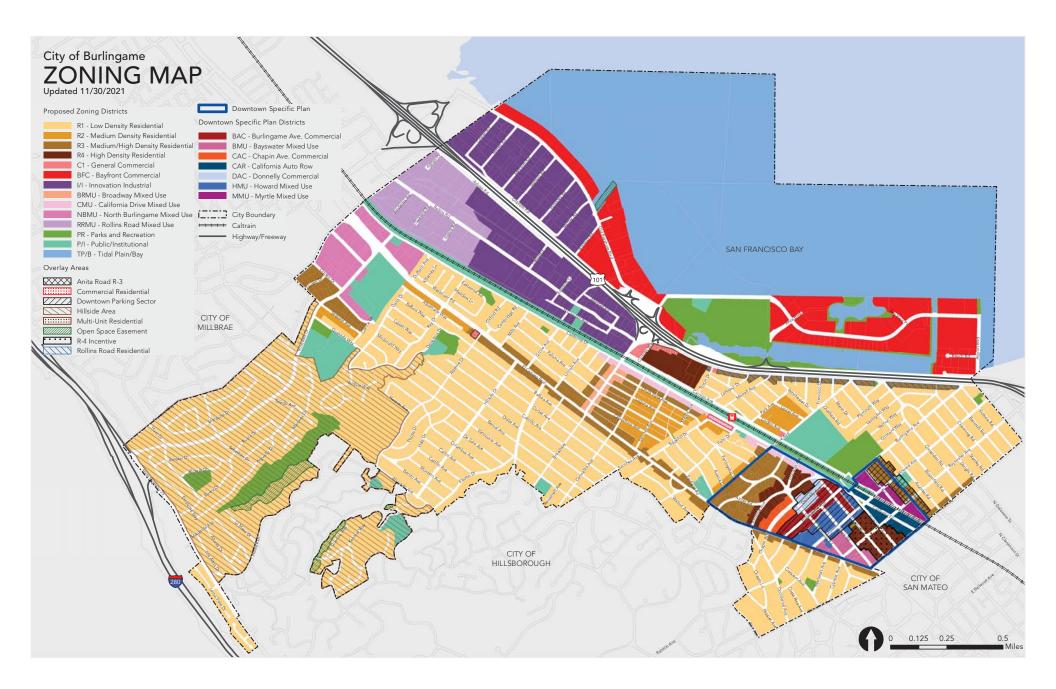
Airport-related environmental issues are addressed in the DEIR in:

- Chapter 11 Hazards and Hazardous Materials, pages 11-2 through 11-13
- Chapter 14 Land Use and Planning, page 14-10
- Chapter 15 Noise and Vibration, pages 15-6, pages 15-15 through 15-21, and pages 15-49 through 15-50.

The FEIR provided responses to letters from San Francisco International Airport and the Airport Land Use Commission on page 4, and further addressed on page 10.

#### 4. Other documents as may be required (ex: related staff reports, etc.)

A digital "ePlan" version of the General Plan can be found at: <u>https://www.envisionburlingame.org/</u>



Prior to adoption, the Burlingame Zoning Ordinance shall be amended as indicated below (additions in underline/deletions in strikeout)

#### Chapter 25.24

#### COMPREHENSIVE AIRPORT LAND USE COMPATIBILITY PLAN CONSISTENCY

Sections:

25.24.010 Purpose.

25.24.020 Airport Disclosure Notices.

25.24.030 Airport Noise Evaluation and Mitigation.

25.24.040 Avigation Easement.

25.24.050 Safety Compatibility Evaluation

25.24.060 Airspace Protection Evaluation

25.24.050 Other Flight Hazards.

#### 25.24.010 Purpose.

This Chapter establishes the standards and requirements related to consistency with the Development must comply with Safety Compatibility Policies SP-1 through SP-3 of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (ALUCP) including Noise/Land Use Compatibility and Safety Compatibility Criteria listed in Tables IV-1 and IV-2 of the ALUCP. Some uses may be incompatible in certain safety zones. Refer to ALUCP Exhibit IV-9 for a map of the safety compatibility zones. (Ord. 2000 § 2, (2021))The following requirements shall be incorporated into all applicable projects.

#### 25.24.020 Airport Disclosure Notices.

All new development is required to comply with the real estate disclosure requirements of State law. The following statement must be included in the notice of intention to offer the property for sale:

#### "Notice of Airport in Vicinity

This property is presently located in the vicinity of an airport, within what is known as an airport influence 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."

(Ord. 2000 § 2, (2021))

#### 25.24.030 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. Project applicants shall be required to evaluate potential airport noise impacts if the project is located within the 65 CNEL contour line of San Francisco International Airport (as mapped in the Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport). All projects 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 Airport Land Use Compatibility Plan or Burlingame General Plan, whichever is more restrictive. (Ord. 2000 § 2, (2021))

#### 25.24.040 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 Airport Land Use Compatibility Plan) 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 Airport Land Use Compatibility Plan Policy NP-3 Grant of Avigation Easement. (Ord. 2000 § 2, (2021))

#### 25.24.050 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-9 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.

#### 25.24.060 Airspace Protection Evaluation

#### All projects shall comply with the 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-12. 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.

2. Maximum Compatible Building Height. All projects shall comply with the maximum building height requirements noted in ALUCP Policy AP-3 and depicted in Exhibit IV-18 of the ALUCP. For avoidance of doubt, the lower of the two heights identified by the ALUCP and the FAA shall be the controlling maximum height. Maximum building height includes all parapets, elevator overruns, stair towers, antennae, etc.

#### 25.24.0503. Other Flight Hazards.

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

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.

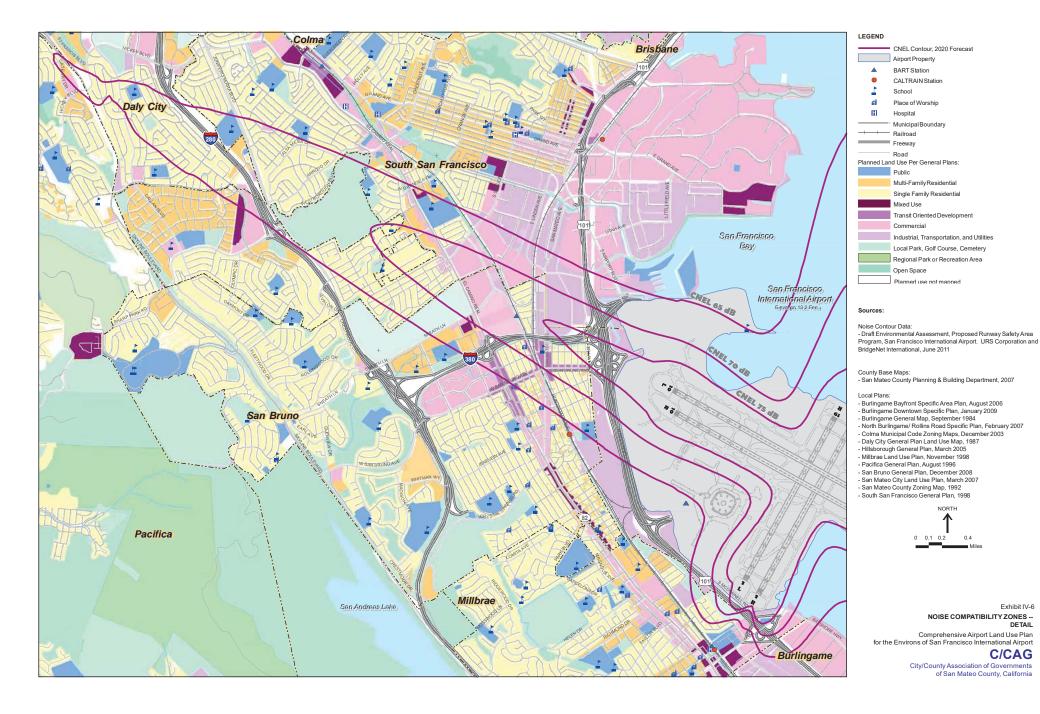
B. Distracting lights that could be mistaken for airport identification lightings, runway edge lighting, runway end identification lighting, or runway approach lighting.

C. Sources of dust, smoke, water vapor, or steam that may impair the visibility of a pilot in command of an aircraft in flight.

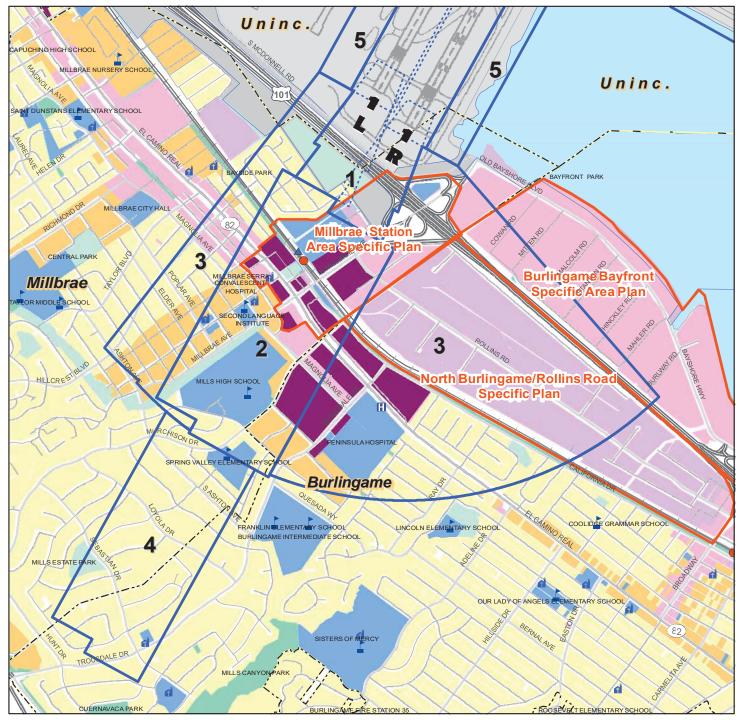
D. Sources of electrical/electronic interference with aircraft communications/navigation equipment.

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 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. (Ord. 2000 § 2, (2021))

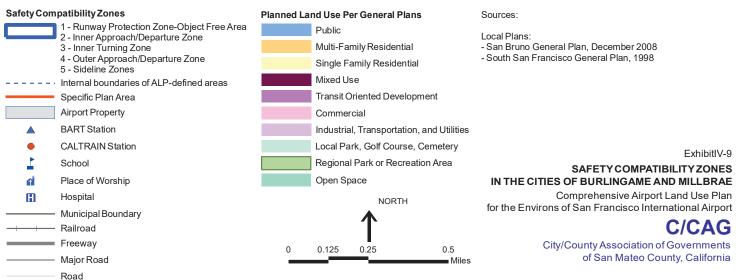
#### Attachment 4



Attachment 5



#### LEGEND



Attachment 6



San Francisco International Airport

TRANSMITTED VIA EMAIL ONLY

kkalkin@smcgov.org

August 17, 2023

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

#### Subject: Application for Land Use Consistency Determination for City of Burlingame Zoning Ordinance Update

Thank you for notifying San Francisco International Airport (SFO or the Airport) regarding the Airport Land Use Commission's (ALUC) land use consistency determination for the draft City of Burlingame (City) Zoning Ordinance Update (the Proposed Project). 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, the Proposed Project is a comprehensive update to the City's Zoning Ordinance. The Proposed Project would implement the City's 2018 General Plan as well as the Interim Zoning Chapters for the North Burlingame Mixed Use and North Rollins Road Mixed Use Districts. This Zoning Ordinance Update would apply to the entire City, which is an approximately six square mile municipality located immediately to the south of the Airport.

#### Airport Influence Area

The Proposed Project site is inside Airport Influence Area B as defined by the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP). Within Area B, the Board of Directors of the City/County Association of Governments of San Mateo County, acting as the designated Airport Land Use Commission (ALUC), shall 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; specifically, a property owner offering a property for sale or lease must disclose the presence of planned or existing airports within two miles of the property.

Section 24.24.020 of the Zoning Ordinance Update requires all new developments "to comply with the real estate disclosure requirements of State law." Therefore, the Proposed Project would not appear to be inconsistent with the disclosure policies of the SFO ALUCP.

#### Noise Compatibility Policies

The northeastern corner of the City, bounded to the north by the City's border with the City of Millbrae and the San Francisco Bay, to the southeast by Mitten Road, and to the southwest by the Pacific Gas & Electric overhead transmission lines, lies within the 65-70 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour. The City's Zoning Map shows that the affected area east of U.S. Highway 101 (US-101) is zoned I/I Innovation Industrial and the affected area west of US-101 is zoned RRMU Rollins Road Mixed Use.

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED MALCOLM YEUNG EVERETT A. HEWLETT, JR. JANE NATOLI JOSE F. ALMANZA IVAR C. SATERO MAYOR PRESIDENT VICE PRESIDENT AIRPORT DIRECTOR Susy Kalkin, ALUC August 17, 2023 Page 2 of 3

Industrial uses are compatible with placement in the 65-70 dB CNEL contour without restriction. Within the mixed use zones, residential and public/institutional uses are conditionally compatible, provided that sound insulation is provided to reduce interior noise levels from exterior sources to 45 dB CNEL or lower and that an avigation easement is granted to the City and County of San Francisco as operator of SFO. Outdoor music shells and amphitheaters are not compatible.

Sections 25.24.030 and 25.24.040 address noise compatibility and easement requirements for developments in the City. With these controls in place, the Proposed Project would not appear to be inconsistent with the Noise Compatibility Policies of the SFO ALUCP.

The Airport notes that portions of the City are in close proximity to departing aircraft from Runways 1L and 1R and arriving aircraft on Runways 28L and 28R. While this factor does not affect ALUCP compatibility determinations, site designers should take into account the unique sonic profiles of departing aircraft and the thrust reversers from arriving aircraft when planning and designing their sites.

#### Safety Compatibility Policies

Portions of the City lie within Safety Compatibility Zones 2 and 3. Section 25.14.020(D) incorporates by reference the Safety Compatibility Policies of the SFO ALUCP, including restrictions on certain uses within the Mixed-Use Zoning Districts Use Regulations. Therefore, the Proposed Project would not appear to be inconsistent with the Safety Compatibility Policies of the SFO ALUCP.

#### Airspace Protection Policies

The critical aeronautical surfaces above the Proposed Project are at an elevation of approximately 105 to 535 feet above mean sea level (AMSL) as defined from the origin of the North American Vertical Datum of 1988 (NAVD88). Ground elevation varies within the Proposed Project site which may affect the maximum allowable height as measured above ground level (AGL). This should be carefully evaluated to stay below the allowable critical aeronautical surfaces described in the SFO ALUCP.

Tables 25.12-2 and 25.14-2 of the Zoning Ordinance Update incorporate by reference the Airspace Protection Policies of the SFO ALUCP, including the need to comply with both FAA and SFO ALUCP requirements. The Airport has observed confusion among developers regarding the FAA and SFO ALUCP processes and recommends the addition of the following <u>underlined</u> language to each table's footnote:

Maximum building heights are also required to comply with Airspace Protection Policies AP-1 through AP-4 of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (ALUCP). This includes determining the need to file Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA for any proposed project that would exceed the FAA notification heights, as shown approximately on ALUCP Exhibit IV-10 and complying with FAA Aeronautical Study Findings. It also includes complying with the maximum compatible building height, which includes all parapets, elevator overruns, etc. of a building, as noted in ALUCP policy AP-3 and depicted in Exhibits IV-17 and IV-18 of the ALUCP. For avoidance of doubt, the lower of the two heights identified by the ALUCP and the FAA shall be the controlling maximum height.

Future development project sponsors whose projects would exceed the FAA notification requirements described in Title 14 Code of Federal Regulation Part 77 and depicted in Exhibit IV-11 of the SFO ALUCP must follow FAA procedures for airspace review as for both (1) the permanent structures and (2) any

Susy Kalkin, ALUC August 17, 2023 Page 3 of 3

equipment taller than the permanent structures required to construct those structures (i.e., construction cranes, etc.).

With these controls in place, the Proposed Project would not appear to be inconsistent with the Airspace Protection Policies of the SFO ALUCP.

\* \* \*

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 <u>nupur.sinha@flysfo.com</u>.

Sincerely,

DocuSigned by:

Nupur Sinha

7D552AE6A4CE495... Nupur Sinha Director of Planning and Environmental Affairs San Francisco International Airport

cc: Kevin Gardiner, City of Burlingame Audrey Park, SFO Chris DiPrima, SFO