



April 10, 2024

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

Via email to kkalkin@smcgov.org

RE: Notice of Intent to Consider Override of ALUC Determination of Inconsistency with Respect to The Noise Policies for the Rezoning and Plan Amendments for Housing Element Sites

Dear Susy,

This letter serves as a notification in accordance with Sections 21676(b) and 21676.5(a) of the California Public Utilities Code that the City Council of the City of San Bruno directed the City Manager at their meeting on April 9, 2024, to provide notice of an intent to override decision by the City Council. This override of the San Mateo City/County Association of Governments San Mateo County Airport Land Use Commission's determination of inconsistency on March 14, 2024 with the noise policies of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP) Determination of Inconsistency with respect to the Proposed General Plan and Navy Site Specific Plan Amendments and Rezoning of 1101, 1150, and 1151 El Camino Real and 1292 Huntington Avenue.

The adopted 2023-2031 Housing Element Update replaced the 2015-2023 Housing Element and serves as the City of San Bruno's guiding policy document for meeting the City's future housing needs at all economic levels. Government Code Section 65583 (a)(3) requires the City to prepare, as part of the Housing Element, to include a Suitable Sites Inventory. This is an inventory of land in San Bruno that is suitable for residential development, including vacant sites and underutilized sites with the potential for redevelopment.

For the 6th Cycle Regional Housing Needs Allocation ("RHNA") the Association of Bay Area Governments ("ABAG") allocated 3,165 housing units to the City of San Bruno. The allocation is a substantial increase in the number of housing units required in comparison to the city's 5th Cycle RHNA allocation of 1,155 units. Additionally, the No Net Loss Law (California Government Code Section 65863) requires that enough sites are available at all times throughout the planning period to meet a jurisdiction's remaining unmet housing needs for each income category. To ensure that sufficient capacity exists in the housing element to accommodate the RHNA throughout the planning period, HCD recommends jurisdictions create a buffer in the housing element inventory of at least 15 percent.

April 10, 2024

RE: Notice of Intent to Consider Override of ALUC Findings of Inconsistency with Respect to Noise Policies for the Rezoning and Plan Amendments for Housing Element Sites

Page 2 of 3

The purpose of the Suitable Sites Inventory is to evaluate whether there are sufficient sites with appropriate zoning to accommodate the RHNA goal. The Housing Element Update includes 22 Housing Opportunity Sites which comprise the Suitable Sites Inventory. The Suitable Sites Inventory includes four sites near the San Bruno BART Station which require a combination of rezonings and plan amendments to permit housing, these sites include the Shops at Tanforan (1150 El Camino Real), the Tanforan overflow parking lot (1292 Huntington Ave.), the San Bruno Pet Hospital (1101 El Camino Real), and Russo Dental (1151 El Camino Real). All four sites are located within SFO ALUCP Airport Influence Area B and within the 70 – 75 decibel (dB) Community Noise Equivalent Level (CNEL) contour where housing is not compatible, with limited exceptions. The same sites were identified in San Bruno's Draft 2023-2031 Housing Element Update for which the San Bruno City Council adopted an override in January 2023 when it adopted the 2023- 2031 Housing Element Update.

City Council Action on April 9, 2024

On April 9, 2024, the City of San Bruno City Council adopted Resolution No. 2024-26 making draft findings and declaring an intent to override the Airport Land Use Commission's (ALUC) determination of inconsistency with respect to noise policies for the proposed rezonings and plan amendments for the four housing sites identified in the adopted 2023-2031 Housing Element Update and directed the City Manager to provide notice pursuant to the State Public Utilities Code to the Airport Land Use Commission and the State of California Department of Transportation's Division of Aeronautics regarding such intent and findings. The City Council Resolution with Draft Findings are attached to this letter.

A public hearing date for the City Council to consider the override has not been set; it will be scheduled at least 45 days from the transmittal of this letter and attached materials, per Public Utilities Code Sections 21676(c) and 21676.5. The City Council agenda and staff report for the Public Hearing will be available online at under the City Council calendar at <https://www.sanbruno.ca.gov/AgendaCenter>.

Consistent with Public Utilities Code Sections 21676(c) and 21676.5, the ALUC may provide comments on this notice to consider an override within 30 days of receiving the proposed decision and findings. For the City to consider your comments and include them in the record of the final decision on the override, please provide any comments by the close of business on **Thursday, May 9, 2024.**

Please feel free to contact me with any questions about this at (650) 616-7062 or via email at msmith@sanbruno.ca.gov.

Sincerely,



Michael Smith
Senior Planner

April 10, 2024

RE: Notice of Intent to Consider Override of ALUC Findings of Inconsistency with Respect to Noise Policies for the Rezonings and Plan Amendments for Housing Element Sites

Page 3 of 3

Enclosure:

1. City of San Bruno City Council Resolution No. 2024-26 making Draft Findings and Declaring an Intent to Override
2. San Bruno Draft 2023 – 2031 Housing Element Suitable Sites Inventory with SFO ALUCP Noise Contours

CC: Trisha Ortiz, City Attorney
Darcy Smith, Assistant City Manager
Peter Gilli, Community Development Director
Michael Laughlin, Planning and Housing Manager

RESOLUTION NO. 2024 - 26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO MAKING DRAFT FINDINGS AND DECLARING AN INTENT TO CONSIDER OVERRIDING SAN MATEO CITY / COUNTY ASSOCIATION OF GOVERNMENTS (C/CAG) AIRPORT LAND USE COMMISSION'S (ALUC) DETERMINATION OF INCONSISTENCY WITH RESPECT TO THE PROPOSED GENERAL AND NAVY SITE SPECIFIC PLAN AMENDMENTS AND REZONING OF 1101, 1150 AND 1151 EL CAMINO REAL AND 1292 HUNTINGTON AVENUE AND PROVIDE NOTICE PURSUANT TO THE STATE PUBLIC UTILITIES CODE TO THE AIRPORT LAND USE COMMISSION AND THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION'S DIVISION OF AERONAUTICS REGARDING SUCH FINDINGS AND INTENT TO CONSIDER AN OVERRIDE

WHEREAS, Government Code Section 65580 *et seq.* (Housing Element Law) requires that every city prepare and periodically update the housing element of its general plan; every city is mandated to include statutory requirements in the housing element; and every city is required to submit a draft of its housing element to the California Department of Housing and Community Development ("HCD") for review and comment as to whether the City's draft 2023-2031 Housing Element substantially complies with Housing Element Law; and

WHEREAS, the City worked with its consultants, the community, Planning Commission and City Council to prepare its 2023-2031 Housing Element Update as required by Housing Element Law; and

WHEREAS, the 6th Cycle Regional Housing Needs Allocation ("RHNA") imposed on the City by the Association of Bay Area Governments ("ABAG") included 3,165 housing units, which is a substantial increase in the number of affordable housing opportunities required in comparison to the 5th Cycle RHNA allocation of 1,155 units. As a result, the City was required to identify all available sites Citywide as potential housing opportunities, including some in proximity to the San Francisco International Airport; and

WHEREAS, the 2023 - 2031 Housing Element has identified a shortfall of 847 housing units, therefore, the City must identify new sites with development potential to accommodate the shortfall; and

WHEREAS, to address the shortfall, the City proposes to rezone and amend associated plans for four sites as potential future housing sites ("Project"). The four sites are the Shops at Tanforan (1150 El Camino Real and 1292 Huntington Ave.), the San Bruno Pet Hospital (1151 El Camino Real), and the dental office (1101 El Camino Real) (collectively, the "Properties"); and

WHEREAS, all the sites proposed for rezoning and the amendment of associated plans are located within Airport Influence Area B of the San Francisco International Airport ("SFO"), the area subject to formal C/CAG Airport Land Use Commission ("ALUC") review, and within the 70 -75 decibel (dBA) Community Noise Equivalent (CNEL) contour where housing is not a compatible use, with limited exceptions; and

WHEREAS, in accordance with Public Utilities Code Section 21676(b), the City referred the Project to the ALUC to review consistency with the Comprehensive Land Use Compatibility Plan for the Environs of San Francisco International Airport ("SFO ALUCP"); and

WHEREAS, on March 14, 2024, the ALUC, acting pursuant to Public Utilities Code Section 21670, determined that the proposed rezonings are inconsistent with the noise compatibility policies of the SFO ALUCP; and

WHEREAS, as a final review authority under Public Utilities Code Sections 21670 and 21676, the City Council may, after a public hearing, override the ALUC determination by a two-thirds vote, if the City makes specific findings that the proposed project is consistent with the purposes of the Public Utilities Code Section 21670 regarding the protection of public health, safety and welfare in the areas surrounding airports and by providing the ALUC and the Division of Aeronautics of the California Department of Transportation ("Division") with notice of the City's intent to consider overruling the ALUC determination along with supportive findings at least 45 days prior to the City's action to overrule the ALUC; and

WHEREAS, the Public Utilities Code provides that the ALUC and the Division shall respond to the notifications of the findings of the proposed override within 30 days of receiving the proposed resolution and findings; and

WHEREAS, in the event that the ALUC or Division's comments are not available within this timeframe, the City may act without them; and

WHEREAS, the comments by the ALUC and Division are advisory to the City under State law; and

WHEREAS, the City Council shall include comments from the ALUC and the Division in the final record of any final decision to overrule the ALUC, which may only be adopted by a two-thirds vote of the City Council; and

WHEREAS, the draft findings attached as Exhibit A to this resolution do not constitute the final findings of the City in regards to the Project's consistency with the purposes of Public Utilities Code Section 21670 and such draft findings may be revised, amended, and/or supplemented as part of any final decision to override the ALUC's determination; and

WHEREAS, should the City Council adopt this resolution making the draft findings and declaring an intent to consider overruling the ALUC determination that the rezonings and plan amendments are inconsistent with respect to the noise policies of the SFO ALUCP and directing staff to transmit the required notice to the ALUC and the Division, a public hearing will be required for the City Council to make a final decision regarding whether to override the ALUC inconsistency determination.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of San Bruno hereby takes the following actions:

1. Makes the draft findings attached hereto as Exhibit A and incorporated herein; and
2. Declares an intent to consider overruling the Airport Land Use Commission's determination that the proposed rezoning of the properties is inconsistent with the Comprehensive Land Use Compatibility Plan for the Environs of San Francisco International Airport with respect to noise policies; and
3. Directs staff to provide notice in accordance with Sections 21676(b) and 21676.5(a) of the State Public Utilities Code to the Airport Land Use Commission and the State of

California Department of Transportation's Division of Aeronautics at least 45 days prior to the scheduled public hearing date for consideration of the proposed override decision by the City Council; and

4. Directs staff to take all other actions necessary to effectuate the purpose and intent of this resolution; and
5. The City Council finds that pursuant to the California Environmental Quality Act (CEQA) guidelines Section 15162, The Housing Element Sites Inventory sites requiring plan amendments and rezonings were considered with the Mitigated Negative Declaration (MND) adopted for the 2023-2031 Housing Element. The adoption of the 2023-2031 Housing Element and associated housing sites would not result in a significant effect upon the environment because the mitigation measures described in the Mitigation Monitoring and Reporting Program (MMRP) will be incorporated as part of the implementation of the 2023-2031 Housing Element.

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I hereby certify that the foregoing **Resolution No. 2024 - 26** was introduced and adopted by the San Bruno City Council at a regular meeting on April 9, 2024 by the following vote:

AYES: Councilmembers: Alvarez, Hamilton, M. Medina, Salazar

NOES: Councilmembers: None

RECUSED: Councilmembers: Mayor R. Medina

ABSENT: Councilmembers: None



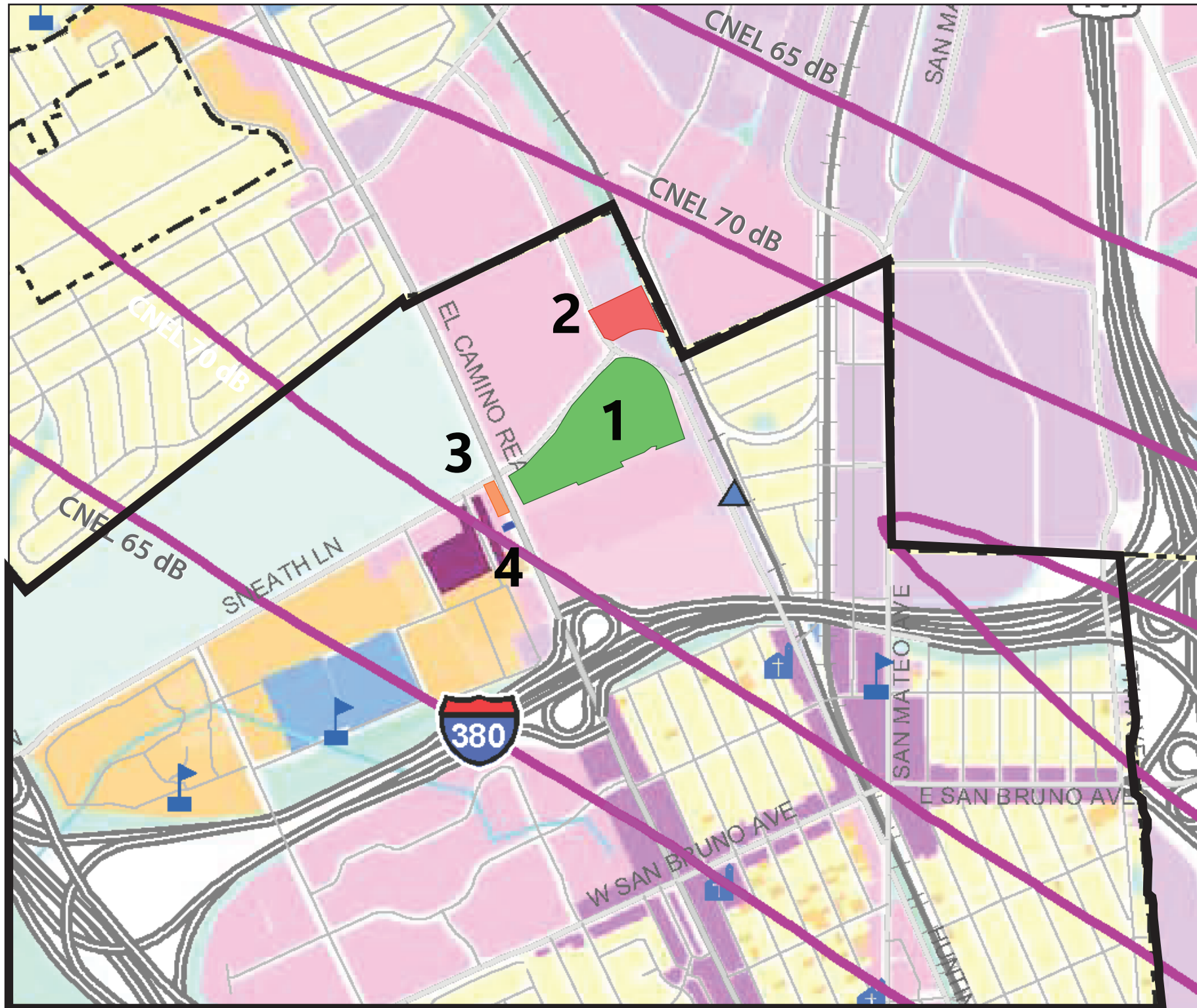
Lupita Huerta, City Clerk

Exhibit A: Draft Findings

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. The first purpose of Section 21670 is to provide for the orderly development of each public use airport in this State, and the area surrounding these airports so as to promote the overall goals and objectives of California airport noise standards and to prevent the creation of new noise and safety problems. The second purpose of Section 21670 is to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.
3. With respect to noise policies, SFO ALUCP Policy NP-1 Noise Compatibility Zones identifies the noise compatibility zones for the purposes of the ALUCP. As depicted in the City of San Bruno's 2023-2031 Housing Element, four housing sites, the Shops at Tanforan (1150 El Camino Real and 1292 Huntington Ave.); the San Bruno Pet Hospital (1151 El Camino Real); and the dental office (1101 El Camino Real) (collectively, the "Properties") lie within the Community Noise Equivalent Level ("CNEL") 70-75 decibel ("dBA") noise exposure contour range where housing development would be incompatible per SFO ALUCP Table IV, *Noise/Land Use Compatibility Criteria*.
4. Pursuant to SFO ALUCP, Table IV-1, residential land uses are conditionally compatible in the CNEL 65-70 dBA noise exposure contour range and are acceptable if sound insulation is provided to reduce interior noise levels from exterior sources to CNEL 45 dBA or lower and if an avigation easement is granted to the City and County of San Francisco as operator of SFO.
5. Any housing project on these properties shall incorporate noise control measures and construction standards that will lessen noise impacts to residents as follows:
 - a. Prior to issuance of building permits, detailed acoustical analyses shall be completed as part of the final design for the proposed residential structures. The project shall incorporate construction methods, sound attenuation features, and sound reducing barriers that reduce noise impacts in accordance with Section 21670, State Building Code, and General Plan requirements to meet the interior noise levels of 45 dBA CNEL. Sound control treatments shall include mechanical ventilation for all units so that windows can be kept closed at the resident's discretion to control noise, and special building construction techniques (such as sound-rated windows and building façade treatments) for all units.
 - b. The project shall include real estate disclosures in residential leases, disclosing the presence of an airport within two miles of the property, per Section 11010 of the Business and Professions Code.
 - c. 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.

- d. The project shall include an indemnification agreement with the City of San Bruno prior to issuance of building permits, ensuring that liability related to noise is assumed by the project.

6. Approval of the proposed rezonings and plan amendments as described above is consistent with the noise standards of the SFO ALUCP as it would provide for orderly development adjacent to the airport and promote the overall goals and objectives of the California airport noise standards and prevent the creation of new noise and safety problems because the proposed Project provides much needed housing near transit on underutilized sites, while also utilizing advanced construction techniques to minimize any noise impacts to residents, and helping the City satisfy its large RHNA allocation and respond to the housing crisis facing the region and the State.



San Bruno Draft 2023- 2031 Housing Element Update Suitable Sites

Site No.	APN	Address	Existing General Plan Land Use	Proposed General Plan Land Use	Existing Zoning	Proposed Zoning
1	014316330	1150 El Camino Real	Regional Commercial	Transit-Oriented Development	P-D	P-D
2	014311060	1292 Huntington Ave.	Transit-Oriented Development	Transit-Oriented Development	TOD-1	TOD-1
3	020013100	1151 El Camino Real	Neighborhood Commercial	Transit-Oriented Development	C-N	TOD-2
4	020213200	1101 El Camino Real	High-Density Residential	Transit-Oriented Development	P-D	P-D
	020013170					

LEGEND

- CNEL Contour, 2020 Forecast
- Airport Property
- BART Station
- CALTRAIN Station
- School
- Place of Worship
- Hospital
- Municipal Boundary
- Railroad
- Freeway
- Road
- Planned Land Use Per General Plans:
 - Public
 - Multi-Family Residential
 - Single Family Residential
 - Mixed Use
 - Transit Oriented Development
 - Commercial
 - Industrial, Transportation, and Utilities
 - Local Park, Golf Course, Cemetery
 - Regional Park or Recreation Area
 - Open Space
 - Planned use not mapped

Sources:

Noise Contour Data:
 - Draft Environmental Assessment, Proposed Runway Safety Area Program, San Francisco International Airport. URS Corporation and BridgeNet International, June 2011

County Base Maps:
 - San Mateo County Planning & Building Department, 2007

Local Plans:
 - Burlingame Bayfront Specific Area Plan, August 2006
 - Burlingame Downtown Specific Plan, January 2009
 - Burlingame General Map, September 1984
 - North Burlingame/Rollins Road Specific Plan, February 2007
 - Colma Municipal Code Zoning Maps, December 2003
 - Daly City General Plan Land Use Map, 1987
 - Hillsborough General Plan, March 2005
 - Millbrae Land Use Plan, November 1998
 - Pacifica General Plan, August 1996
 - San Bruno General Plan, December 2008
 - San Mateo City Land Use Plan, March 2007
 - San Mateo County Zoning Map, 1992
 - South San Francisco General Plan, 1998

