

# C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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## AIRPORT LAND USE COMMITTEE (ALUC) AGENDA

**Date:** January 28, 2021  
**Time:** 4:00 p.m.

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On March 17, 2020, the Governor issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. Pursuant to the Shelter-in-Place Orders issued by the San Mateo County Health Officer and the Governor, and the CDC's social distancing guidelines, which discourage large public gatherings, C/CAG 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

<https://us02web.zoom.us/j/82095348454?pwd=NjlQV04zaFNtTUK2a1p1WVdrb2pmZz09>

Meeting ID: 820 9534 8454  
Passcode: 043558

Join by Phone:  
(669) 900-6833  
Meeting ID: 820 9534 8454  
Passcode: 043558

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>(Ortiz)                      |
| 2. Brief Overview of Teleconference Meeting 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 – October 22, 2020                                                                                                                                                                    | Action<br>(Ortiz)       | Page 1  |
| 5. San Francisco International Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – 751 Gateway Blvd, South San Francisco, a seven-story office/research and development building. | Action<br>(Kalkin)      | Page 6  |
| 6. Election of ALUC Officers for Calendar Year 2021                                                                                                                                                          | Action<br>(Kalkin)      | Page 25 |
| 7. Review and Approval of Meeting Calendar for 2021                                                                                                                                                          | Action<br>(Kalkin)      | Page 26 |
| 8. ALUC – Roles and Responsibilities Refresher                                                                                                                                                               | Information<br>(Kalkin) | Page 27 |
| 9. Member Comments/Announcements                                                                                                                                                                             |                         |         |
| 10. Items from Staff                                                                                                                                                                                         | Information             |         |
| a. Correspondence                                                                                                                                                                                            |                         |         |
| 1) South San Francisco Notice of Override – 410 Noor Avenue                                                                                                                                                  |                         | Page 33 |
| i. Comment Letter from C/CAG                                                                                                                                                                                 |                         |         |
| ii. Comment Letter from SFO                                                                                                                                                                                  |                         |         |
| iii. Comment Letter from Caltrans Division of Aeronautics                                                                                                                                                    |                         |         |
| 2) Millbrae Notice of Override – Millbrae Station Area Specific Plan Amendments                                                                                                                              |                         | Page 48 |
| i. Comment Letter from SFO                                                                                                                                                                                   |                         |         |
| ii. Comment Letter from Caltrans Division of Aeronautics                                                                                                                                                     |                         |         |
| 11. Adjournment – <i>Next regular meeting – Feb. 25, 2021</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 Transit District Office, 1250 San Carlos Ave., San Carlos, 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. Members of the public are limited to one comment per agenda item.
4. The length of the emailed comments should be commensurate with the two minutes customarily allowed for verbal comments, which is approximately 250-300 words.
5. 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, and may be read aloud by C/CAG 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**  
**October 22, 2020**

**1. Call to Order/Roll Call**

Vice-Chair Davis called the meeting to order at 4:02 pm. via the Zoom platform.<sup>1</sup> The attendance sheet is attached.

**2. Brief Overview of Teleconference Meeting Procedures**

Susy Kalkin, 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 the Governor’s Executive Order N-29-20, which suspends certain requirements of the Brown Act.

**3. Public Comment on items not on the Agenda**

None

**4. Minutes of the September 24, 2020 Meeting**

Motion: Committee Member O’Connell moved, and Member Oliva seconded, approval of the September 24, 2020 minutes. Motion carried (7-0-0) by the following roll call vote: AYE - Members O’Connell, DiGiovanni, Oliva, Borgens, Davis, Nagales, and Williams (7-0). NO – none. ABSTAIN – none.

**5. San Francisco International Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – Amendments to the Millbrae Station Area Specific Plan to allow for uses classified as “Biotechnology Level 2” within portions of the Transit Oriented Development and Employment Center/Light Industrial Zones, south of Millbrae Avenue, which are located within Safety Compatibility Zone 2.**

Susy Kalkin, C/CAG staff, presented the staff report. At the request of Millbrae staff, Ms. Kalkin read a letter into the record asking for consideration of an exception based on their unique circumstances.

Discussion ensued about the ability of the ALUC to consider exceptions. C/CAG staff noted their role is specifically to make a recommendation to the C/CAG Board on whether the proposal is compatible with the policies of the adopted SFO ALUCP, and reiterated that in this instance there is no gray area as it directly conflicts with the policies. Ms. Kalkin further noted that State law provides a process for a local jurisdiction to override a determination of the ALUC, and that if Millbrae chooses to pursue an override they can consider additional factors outside of the ALUC’s purview.

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<sup>1</sup> Chair Ortiz arrived at 4:12 and assumed the Chair role after approval of item 4.



Roscoe Mata, Millbrae Planning Manager, requested support for the proposal. He noted concern that the Safety Zone 2 policies unfairly impact Millbrae as they don't reflect the fact that the nearby runway is used infrequently for landings.

Michael Conneran, Millbrae Deputy Attorney, reiterated many of the comments made by Mr. Mata and acknowledged that the Millbrae City Council will like consider an override as they believe it to be a reasonable request and believe the risk is significantly reduced due to the infrequent use of the runway for landings.

Motion: Member O'Connell moved, and Member Williams seconded, approval of the staff recommendation that the proposed amendments are not consistent with the Safety Compatibility criteria of the SFO ALUCP.

Motion carried (9-0-0) by the following roll call vote: AYE – Members O'Connell, DiGiovanni, Oliva, Borgens, Davis, Nagales, Ford, Williams and Chair Ortiz. NO – none. ABSTAIN – none.

Member Oliva made a subsequent motion that a comment be appended to this decision when it is forwarded to the C/CAG Board noting that the decision is not strictly black and white, and there are reasons to consider an exception. The motion was seconded by Vice-Chair Davis.

Motion failed (6-3-0) by the following roll call vote: AYE – Members Oliva and Nagales, and Vice-Chair Davis. NO - Members O'Connell, DiGiovanni, Borgens, Ford, Williams and Chair Ortiz. ABSTAIN – none.

**6. Public Hearing to review and recommend action on proposed amendments to the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport intended to enhance the clarity and effectiveness of the overflight notification and avigation easement policies.**

Susy Kalkin, C/CAG staff, gave a brief background of concerns with interpretation of Overflight Policy 2, addressing when an avigation easement should be required, noting that ESA Airports had been retained to assist by providing additional background and developing options to potentially amend the policy to better reflect intent.

Chris Jones, ESA Airports, made a presentation on the following: an overview of the different ways of addressing Overflight concerns in development of Airport Land Use Compatibility Plans; the issues with interpreting the current Overflight Policy; a summary of the Overflight Policy Working Group discussions; and an outline of proposed amendments to the San Carlos Airport ALUCP.

Member Ford spoke in favor of requiring avigation easements that meet any one of the existing criteria in the Overflight Policy, and did not support the proposed amendments, believing they would be too limiting.

Member O'Connell noted concern with potentially overbroad application of avigation easements, noting they grant a variety of rights to the airport in perpetuity, including the right to pollute, cause noise and overfly these properties. Member Ford countered that the right to overfly already exists; the avigation easement makes owners acknowledge that activity, so they are aware.

Rich Newman expressed his disagreement with the proposed amendments, noting very few if any projects would be subject to an avigation easement since, per the amendments, a project would need to involve noise sensitive land use within the 60 dB CNEL contour, where there is little to no developable land, or would have to exceed 155-355 feet in height to pierce a PART 77 surface, which is also unlikely. He did not think the proposed amendments were an improvement on the current language and recommended that the Committee send the matter back for additional study and review by the full working group.

Additional discussion ensued over the what is achieved with an avigation easement versus real estate disclosure notification. Ms. Kalkin noted that the purpose of an avigation easement is unclear in current policy since one of the criteria is simply that the project involves a general plan, zoning, specific plan or similar land use policy action, which itself includes all projects that would be subject to review by the ALUC, so if that's the interpretation, it would apply to every single project within the Overflight Easement Review Area (OERA), and there would be no need to include the additional three criterion. She further noted that staff is suggesting that avigation easements should be reserved for appropriate instances where they are warranted based on some objective criteria, such as for noise sensitive uses in high noise areas, or areas where a height standard is being breached, and that we need to ensure there is a legal nexus for imposition.

Motion: Member Ford moved, and Member Borgens seconded, that the item be tabled pending further discussion and consideration by the Overflight Policy Working Group.

Motion carried (9-0-0) by the following roll call vote: AYE – Members O'Connell, DiGiovanni, Oliva, Borgens, Davis, Nagales, Ford, Williams and Chair Ortiz. NO – none. ABSTAIN – none.

## **7. Member Comments/Announcements**

None

## **8. Items from Staff**

Susy Kalkin, C/CAG staff, noted correspondence had been received from the City of South San Francisco after the ALUC meeting packet had been posted/distributed. She noted that they had formally notified the C/CAG Board, in its capacity as the San Mateo County Airport Land Use Commission, of their intention to consider an override of the ALUC determination that the 410 Noor Avenue Project not consistent with the SFO ALUCP. In accordance with the guiding State law, they were forwarding draft findings for 30-day review and comment. She further noted this information would be forwarded to the C/CAG Board, with a copy provided to the ALUC Committee.

## **9. Adjournment**

The meeting was adjourned at 5:13 pm.

DRAFT

## 2020 C/CAG Airport Land Use Committee Attendance Report

Name	Agency	Jan	May	June	Sept	Oct
Terry O’Connell	City of Brisbane	X	X	X	X	X
Ricardo Ortiz	City of Burlingame	X	X	X	X <sup>arrived at 4:12</sup>	X <sup>arrived at 4:12</sup>
Pamela DiGiovanni	City of Daly City			X	X	X
Richa Awasthi	City of Foster City			X	X	
Adam Eisen	City of Half Moon Bay					
Anne Oliva	City of Millbrae	X	X	X	X	X
Shelly Masur/Janet Borgens beginning Feb.	City of Redwood City			X		X
Laura Davis	City of San Bruno	X	X	Y	X	X
Adam Rak	City of San Carlos	X	X		X	
Warren Slocum	County of San Mateo & Aviation Rep.					
Mark Nagales	City of South San Francisco	Y	X <sup>arrived at 4:07</sup>	X	X	X
Carol Ford	Aviation Representative		X	X		X <sup>arrived at 4:20</sup>
Dave Williams	Half Moon Bay Airport Pilots Assn	X	X	X		X

X – Committee Member Attended  
 Y – Designated Alternate Attended

**Staff and guests in attendance for the October 22, 2020 meeting:** Susy Kalkin, Sandy Wong Jeff Lacap and Mima Guilles, C/CAG staff; Audrey Park, David Kim and Nupur Sinha, SFO staff; Roscoe Mata, Michael Conneran, Millbrae staff; Chris Jones, Steve Alverson, Patrick Hickman and Lori Balance, ESA Consultant team; Rich Newman, Mike McCone, James Melaugh, Tamsen Plume

## C/CAG AGENDA REPORT

Date: January 28, 2021

To: Airport Land Use Committee

From: Susy Kalkin

Subject: San Francisco International Airport Comprehensive Airport Land Use Compatibility Plan Consistency Review – 751 Gateway Boulevard, South San Francisco, a seven-story office/research and development building.

(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 proposed 751 Gateway Project is 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 issuance of a building permit, the project sponsor shall file Form 7460-1 with the FAA and provide evidence to the City of South San Francisco of receipt of an FAA “Determination of No Hazard”.*
- *The City of South San Francisco shall require that the project sponsor comply with the real estate disclosure requirements outlined in Policy IP-1 of the SFO ALUCP.*

### DISCUSSION

#### Project Description

The proposed project consists of construction of a 7-story, 148’ tall, office/research and development building on the site of an existing parking lot in an established business park along Gateway Boulevard, just south of Oyster Pt. Blvd.

#### ALUCP Consistency Evaluation

The subject project 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). Additionally, per SFO ALUCP Policy GP-10.1, since the City of South San Francisco has not amended its Zoning Ordinance to reflect the policies and requirements of the

current SFO ALUCP all proposed development projects within AIA B are subject to ALUC review. In accordance with these requirements, the City of South San Francisco has referred the subject development project to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the SFO ALUCP.

The SFO ALUCP contains policies and criteria to address four issues: (a) aircraft noise impacts; (b) safety compatibility criteria; (c) height of structures/airspace protection; and (d) overflight notification. The following sections describe the degree to which the project is compatible with each.

*(a) Aircraft Noise Impacts*

The 65 dB CNEL (Community Noise Equivalent Level) aircraft noise contour defines the threshold for airport noise impacts established in the SFO ALUCP. All land uses located outside this contour are deemed consistent with the noise policies of the SFO ALUCP.

As shown on Attachment 2, the subject property lies outside the bounds of the 65dB CNEL contour, and therefore the project is consistent with the SFO ALUCP noise policies and criteria.

*(b) Safety Compatibility*

The SFO ALUCP includes five safety zones and related land use compatibility policies and criteria. As shown on Attachment 3, the project site is located outside of the safety zones established in the SFO ALUCP, and therefore the safety policies and criteria do not apply to this proposed project.

*(c) Height of Structures/Airspace Protection*

Structure Height

Pursuant to the SFO ALUCP, airspace protection compatibility of proposed land uses within its AIA is evaluated in accordance with the following criteria: (1) 14 Code of Federal Regulations Part 77 (FAR Part 77), “Safe, Efficient Use and Preservation of the Navigable Airspace”, which establishes the standards for determining obstructions to air navigation; and (2) FAA notification surfaces.

In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (1) the height shown on the airspace protection surfaces map or (2) the maximum height determined not to be a “hazard to air navigation” by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

As proposed, the 7-story structure would be 148’-2” to the top of the mechanical equipment enclosure. With a ground elevation of approximately 34 feet above mean sea level (MSL), the overall height of the project would therefore be about 182’ above MSL. As shown on Attachment 4, utilizing the ‘SFO Online Airspace Tool’, the building would be approximately 60 feet below the critical airspace. However, as shown on the Attachment 5, the Project is located in an area that requires FAA notification for projects greater than 60-100 feet tall. Accordingly, the following condition of approval is included:

- Prior to issuance of a building permit, the project sponsor shall file Form 7460-1 with the FAA and provide evidence to the City of South San Francisco of receipt of an FAA “Determination of No Hazard”.

#### Other Flight Hazards

Within 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:

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

As identified in the application materials, the 751 Gateway Project Draft EIR includes an analysis of impacts to migratory birds from the building and associated lighting and includes specific mitigation measures to ensure potential impacts are mitigated to less than significant.

#### (d) Overflight Notification

The project site is located within the Airport Influence Area (AIA) of SFO, the real estate disclosure area. Pursuant to Policy IP-1, notification is required, prior to sale or lease of property located within the AIA, of the proximity of the airport and that therefore the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations.

As this disclosure requirement is not currently included in South San Francisco’s Municipal Code, the following condition is proposed:

- *The City of South San Francisco shall require that the project sponsor comply with the real estate disclosure requirements outlined in Policy IP-1 of the SFO ALUCP.*

#### **ATTACHMENTS**

1. ALUCP application, together with related project description and plan set excerpts
2. SFO ALUCP Exh. IV-6 – Noise Compatibility Zones
3. SFO ALUCP Exh. IV-3 – Airport Influence Area B (w/Safety Compatibility Zones)
4. SFO Airspace Tool Readout – 751 Gateway Blvd.
5. SFO ALUCP Exh. IV-11 – FAA Notification Filing Areas
6. Comment letter from SFO Planning





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

APPLICANT INFORMATION

Agency: City of South San Francisco

Project Name: 751 Gateway Boulevard Office / R&D Project

Address: 751 Gateway Blvd

APN: 015024360, 015024290

City: South San Francisco

State: CA

ZIP Code: 94080

Staff Contact: Adena Friedman

Phone: 650-877-8535

Email: adena.friedman@ssf.net

PROJECT DESCRIPTION

The proposed project is seven-story office and R&D building on the site of an existing parking lot at 701 Gateway Boulevard.

The proposed building will be 208,900 sq. ft., consisting of 60% R&D uses and 40% office uses, and the project includes 418 surface parking spaces. The proposed building height is 149'. The proposed project parcels are located at between 20.70 and 34.40 feet above MSL.

The building would be 183' above MSL at the top of building.

REQUIRED PROJECT INFORMATION

***PLEASE SEE SUPPLEMENTAL APPLICATION MATERIALS AND ATTACHMENTS.***

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.

<b><i>For C/CAG Staff Use Only</i></b>
<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 South San Francisco  
**PROJECT NAME:** 751 Gateway Boulevard Project

**PROJECT DESCRIPTION**

The project site is part of the City of South San Francisco’s (City’s) “East of 101” planning area, and is within the Gateway Specific Plan District (GSPD). The project site is located within both Airport Influence Areas A and B. The project applicant, Alexandria Real Estate Equities (ARE), has submitted an application for a precise plan to construct a seven-story office and R&D building on the site of an existing parking lot at 701 Gateway Boulevard. The proposed building will be 208,900 sq. ft., consisting of 60% R&D uses and 40% office uses, and the project includes 418 surface parking spaces. The proposed building height is approximately 148’.

The existing office building at 701 Gateway Boulevard will remain, and the new building will be designed and integrated as part of the larger Gateway Campus. The ground floor of the 751 Gateway Building will include amenity spaces (such as a café and a gym), and a through-lobby with building entries to both the north and the south. The amenity spaces will serve all employees within the Gateway Campus. The project includes an entry plaza north of the building, which will help connect the new building to the surrounding 701 and 801 Gateway buildings, and will also include improved pedestrian connections to nearby Gateway Campus buildings. The project will improve the sidewalk and landscaping along Gateway Boulevard, helping to improve pedestrian access and the public realm in the East of 101 area.

An environmental document has been prepared for the 751 Gateway Project. (Link to DEIR: [www.ssf.net/ceqadocuments](http://www.ssf.net/ceqadocuments) (*click on the 751 Gateway EIR folder*))

**DISCUSSION OF RELATIONSHIP TO AIRPORT LAND USE COMPATIBILITY**

**Noise**

ALUCP Exhibit IV-8 “Noise Compatibility Zones – Detail” is attached (Attachment 4), and the 751 Gateway project area is indicated on the map. As indicated on the map, and referenced in DEIR, the 751 Gateway project site remains well outside of the airport’s 65 dBA CNEL noise contour. Therefore, the noise policy is not applicable to the proposed project.

*751 Gateway Project DEIR Reference:  
Chapter 4.8 – Noise, page 4.8-8:*

## **Existing Noise Levels**

The existing ambient noise environment at the project site is characteristic of an urban environment (e.g., highway and local traffic, aircraft overflights, commercial noise sources). Traffic noise from vehicles traveling on surrounding streets and freeways (e.g., U.S. 101) is typically the dominant noise source in urban areas. Traffic noise is the primary source contributing to ambient noise levels at the project site. In addition to traffic noise, noise from aircraft overflights traveling to or from SFO, approximately 2 miles south of the project site, is sometimes audible at the project site. The Caltrain right-of-way is located along the western boundary of the Gateway Campus. Thus, intermittent Caltrain noise also contributes to the noise environment in the project area.

## **Safety**

The California Airport Land Use Planning Handbook requires ALUCPs to include safety zones for each runway end. The 2012 SFO ALUCP includes five safety zones and related land use compatibility criteria. The proposed project site is located outside of all safety zones established for the 2012 SFO ALUCP. The DEIR also includes a discussion of compatibility with the airport land use plan, and if the project would result in a safety hazard for people residing or working in the project area. Following is the specific reference from the document.

*751 Gateway Project DEIR Reference:*

*Chapter 4.10- Less Than Significant Impacts, page 4.10-21*

## **Impact HAZ-5: The proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area. (*Less than Significant*)**

SFO is approximately 2 miles south of the project site. The project site is located within the Federal Aviation Regulation Part 77 sphere of influence and within the boundaries of Airport Influence Area (AIA) A and B of the SFO ALUCP. In general, height limitations and restrictions in the East of 101 Area are defined by the SFO Airport AIA. Development on the project site is limited to 300 feet in height by elevation, according to the 2012 SFO ALUCP, but may be further restricted after notification and consultation with the Federal Aviation Administration (FAA) under CFR part 77.9. The proposed project would involve construction of a 148-foot-tall, seven-story building. After consultation with the FAA, it is expected that the proposed project would be compatible with the SFO ALUCP. The proposed building would be below the established height limits and would not pose a safety hazard or generate excessive noise for people working in the project area. Therefore, this impact would be *less than significant*. No mitigation is required.

Additionally, approval of this project would include Conditions of Approval that require the applicant to complete FAA review and determination of no hazard to air navigation, and provide proof of determination to the City prior to issuance of building permits.

## **Airspace Protection**

### **Building Heights**

ALUCP Exhibit IV-14 “14 CFR Part 77 Airport Imaginary Surfaces – North Side” is attached (Attachment 3), and 751 Gateway Project is indicated in the exhibit. As indicated on the map, and referenced in the DEIR, the height for the imaginary surface established for the horizontal surface at the site location is 250 feet above MSL. The proposed project parcels are located at between 20.70 and 34.40 feet above MSL. The proposed building is designed to be constructed at a maximum building height of 149 feet above ground level. The maximum structure height would be 183’ above MSL at the top of building, well below the 250’ imaginary surface height established. Based on the proposed project’s maximum height of 183 feet above MSL, no additional safety requirements are anticipated. Therefore, the proposed project would be consistent with the airspace policies as established in the adopted 2012 SFO ALUCP.

### **Impacts to Migratory Birds from Building and Lighting**

The 751 Gateway Project Draft EIR includes an analysis of impacts to migratory birds from buildings and lighting. Following is the specific language proposed in the mitigation measures; implementation of these measures would reduce the impact to less than significant:

*751 Gateway Project DEIR Reference:*

*Chapter 4.3 – Biological Resources, pages 4.3.12-13 – 4.3.17.*

### **Mitigation Measure BI-2: Lighting Measures to Reduce Impacts on Birds**

During design, the project sponsor shall ensure that a qualified biologist experienced with bird strikes and building/lighting design issues shall identify lighting-related measures to minimize the effects of the building’s lighting on birds. The project sponsor shall incorporate such measures, which may include the following and/or other measures, into the building’s design and operation.

- a. Use strobe or flashing lights in place of continuously burning lights for obstruction lighting. Use flashing white lights rather than continuous light, red light, or rotating beams.
- b. Install shields onto light sources not necessary for air traffic to direct light towards the ground.
- c. Extinguish all exterior lighting (i.e., rooftop floods, perimeter spots) not required for public safety.
- d. When interior or exterior lights must be left on at night, the operator of the buildings shall examine and adopt alternatives to bright, all-night, floor-wide lighting, which may include installing motion-sensitive lighting, using desk lamps and task lighting, reprogramming timers, or using lower-intensity lighting.

- e. Windows or window treatments that reduce transmission of light out of the building shall be implemented to the extent feasible.

**Mitigation Measure BI-3: Building Design Measures to Minimize Bird Strike Risk**

During design, the project sponsor shall ensure that a qualified biologist experienced with bird strikes and building/lighting design issues shall identify measures related to the external appearance of the building to minimize the risk of bird strikes. The project sponsor shall incorporate such measures, which may include the following and/or other measures, into the building’s design.

- a. Minimize the extent of glazing.
- b. Use low-reflective glass and/or patterned or fritted glass.
- c. Use window films, mullions, blinds, or other internal or external features to “break up” reflective surfaces rather than having large, uninterrupted areas of surfaces that reflect, and thus to a bird may not appear noticeably different from, vegetation or the sky.

***Attachments:***

- 1. 751 Gateway Project – Site Plan
- 2. ALUCP Exhibit IV-8 “Noise Compatibility Zones – Detail” (with 751 Gateway Project Site highlighted)
- 3. ALUCP Exhibit IV-14 “14 CFR Part 77 Airport Imaginary Surfaces – North Side” (with 751 Gateway Project Site highlighted)
- 4. Link to DEIR: [www.ssf.net/ceqadocuments](http://www.ssf.net/ceqadocuments) (click on the 751 Gateway EIR folder)

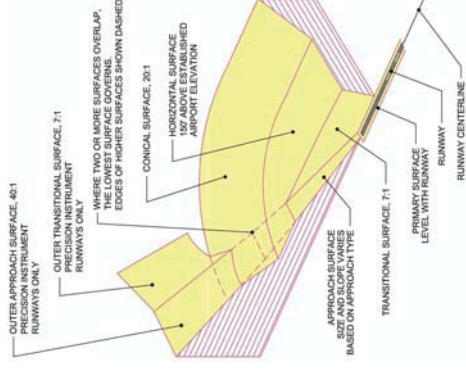




**LEGEND**

- 14 CFR Part 77 Civil Airport Imaginary Surfaces
- 100'-MSL— Elevation Contour, feet AMSL
- BART Stations
- CALTRAIN Stations
- Regional Park or Recreation Area
- Municipal Boundary
- Railroads
- Freeways
- Roads

**Isometric Drawing of 14 CFR Part 77, Section 77.19  
Civil Airport Imaginary Surfaces**



Sources:

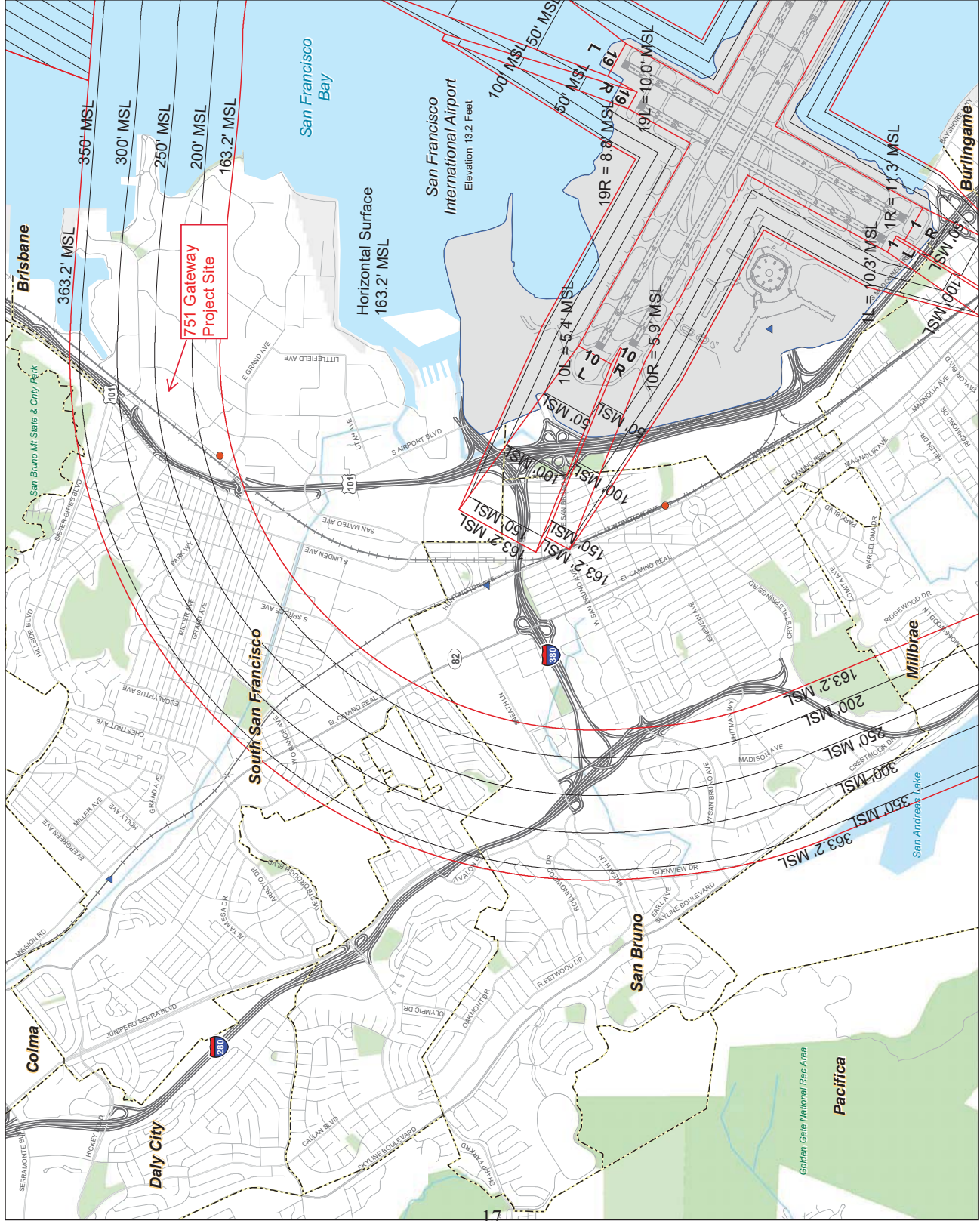
14 CFR Part 77 Surfaces: City and County of San Francisco, Riccardi & Associates, Inc., 2010



Exhibit IV-14

**14 CFR PART 77 AIRPORT IMAGINARY SURFACES – NORTH SIDE**  
Comprehensive Airport Land Use Plan  
for the Environs of San Francisco International Airport

**CICAG**  
City/County Association of Governments  
of San Mateo County, California





ARCHITECT OF RECORD



1000 MARKET STREET  
SAN FRANCISCO, CA 94102  
PH: 415.774.8000  
WWW.RNLW.COM

CONSULTANT

PROJECT DEVELOPER / OWNER



**ALEXANDRIA**

1700 WARE ST.  
SAN FRANCISCO, CA 94103  
TEL: 415.554.8844  
WWW.ALEXANDRIA.COM

**751 GATEWAY**  
751 GATEWAY BLVD.  
SOUTH SAN FRANCISCO, CA

APPROVED FOR RECORD BY:

DATE: 10/20/2015

PROJECT NO: 150000001

DATE: 10/20/2015



**751 GATEWAY**  
751 GATEWAY BLVD.  
SOUTH SAN FRANCISCO, CA

DATE: 10/20/2015  
PROJECT NO: 150000001

**NOT FOR  
CONSTRUCTION**

DATE: 10/20/2015  
PROJECT NO: 150000001

COVER SHEET

DATE: 10/20/2015  
PROJECT NO: 150000001





- 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 Specific Plan, February 2009
  - Burlingame General Map, September 1984
  - North Burlingame Rollins Road Specific Plan, February 2007
  - Colma Municipal Code Zoning Maps, December 2003
  - Daly City General 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

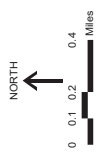
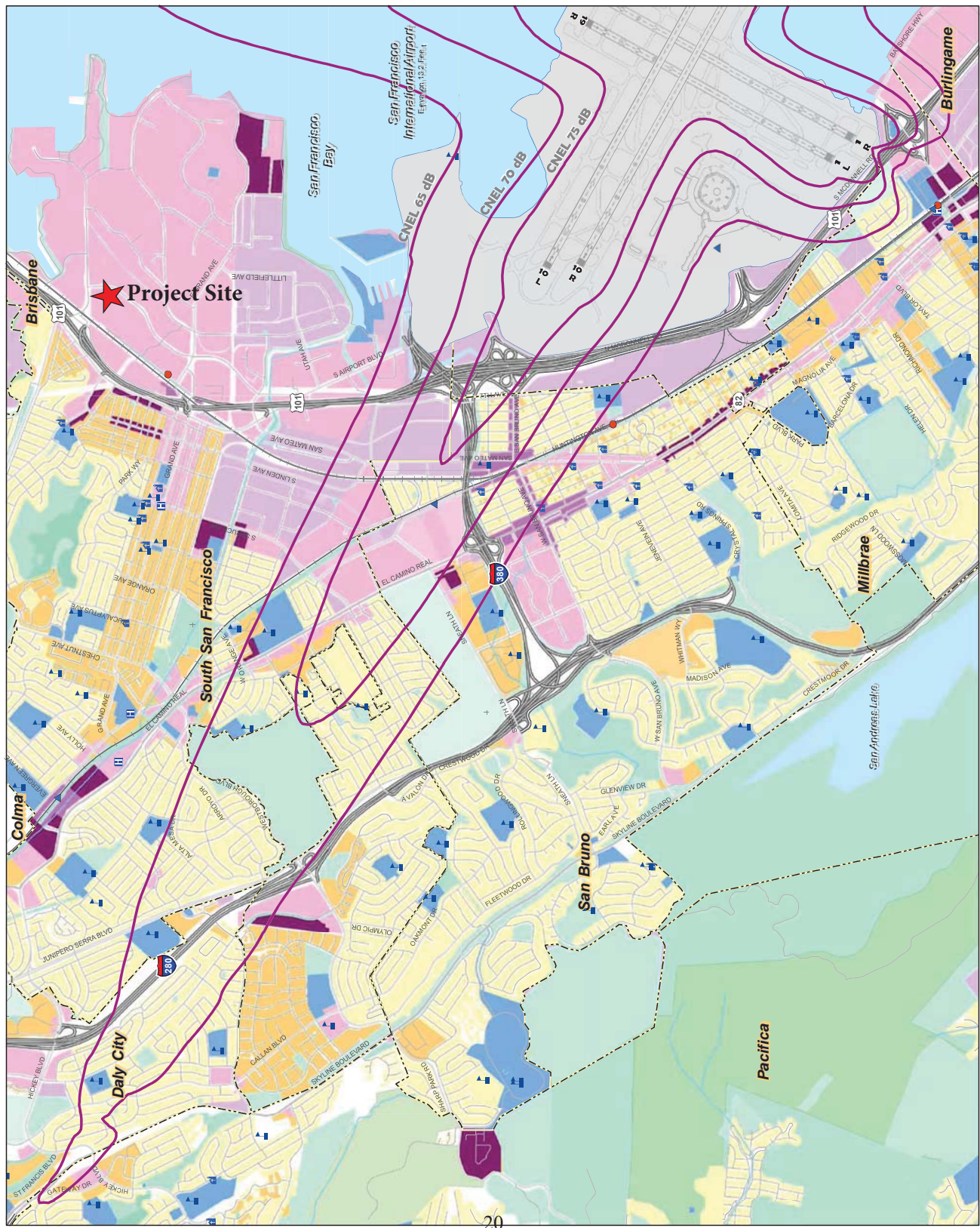


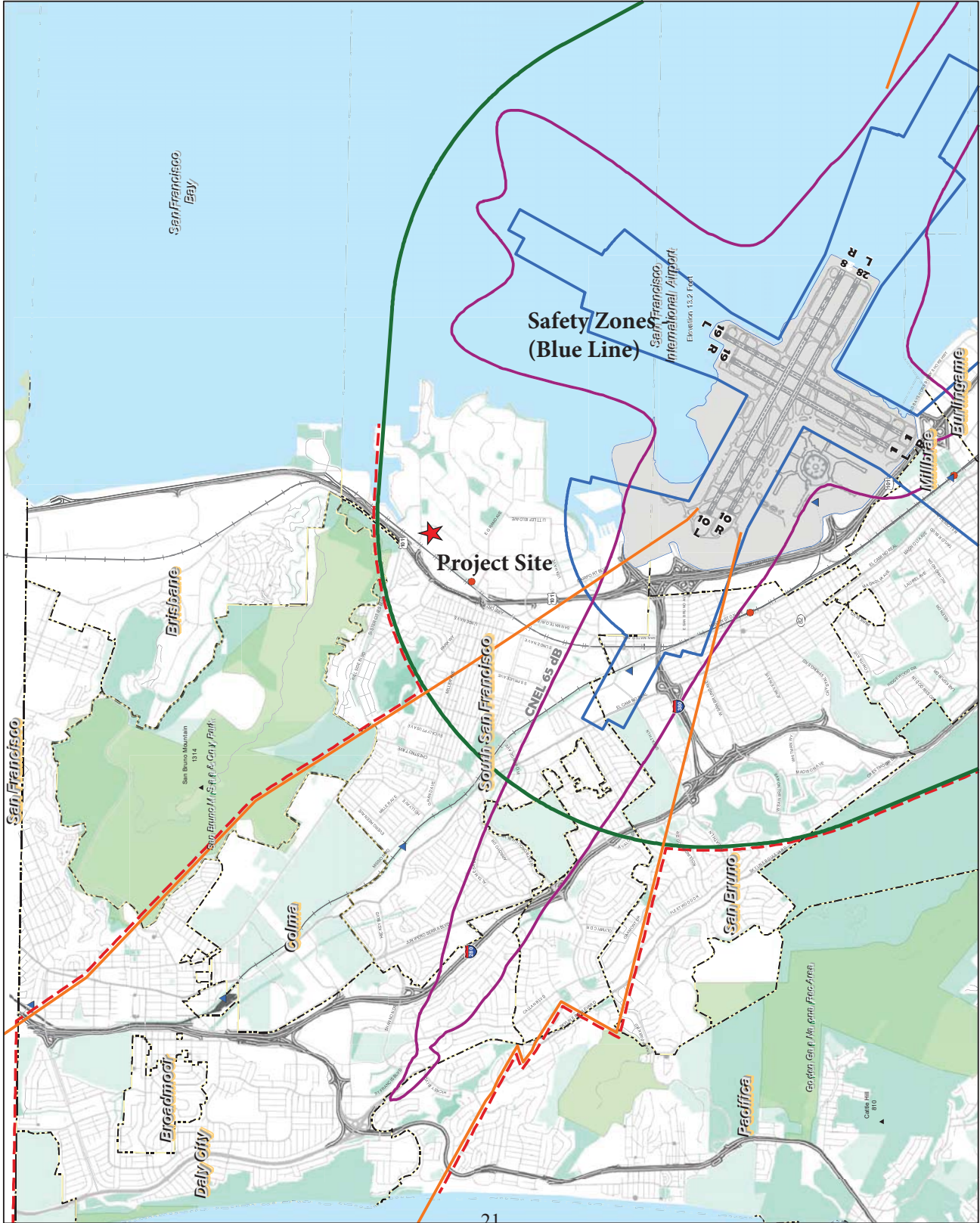
Exhibit IV-6  
**NOISE COMPATIBILITY ZONES --**  
**DETAIL**  
 Comprehensive Airport Land Use Plan  
 for the Environs of San Francisco International Airport  
**CICAG**  
 City/County Association of Governments  
 of San Mateo County, California





LEGEND

- Boundary for Airport Influence Area B
- Outer Boundary of Safety Zones
- CNEL Contour, 2020 Forecast
- 14 CFR Part 77 Conical Surface
- Outer Boundary of TERPS Approach and OEI Departure Surfaces
- Airport Property
- BART Station
- CALTRAIN Station
- Municipal Boundary
- Railroad
- Freeway
- Road
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space



Sources:

- 100:1 FAA Notification Zone: Ricordo & Associates, Inc. and Jacobs Consultancy, based on 14 CFR Part 77, Subpart B, Section 77.9.
- Outer Boundary of TERPS Approach and OEI Departure Surfaces: San Francisco International Airport, Jacobs Consultancy, and Planning Technology Inc., 2009
- Safety Compatibility Zones: Jacobs Consultancy Team, 2009; Ricordo & Associates, Inc., 2011
- Noise Contour: URS Corporation and BridgeNet International. Draft Environmental Assessment, San Francisco International Airport Proposed Runway Safety Area Program, June 2011



Exhibit IV-3  
**AIRPORT INFLUENCE AREA B - NORTH SIDE**  
 Comprehensive Airport Land Use Plan  
 for the Environs of San Francisco International Airport  
**CICAG**  
 City/County Association of Governments  
 of San Mateo County, California

# SFO Airspace Tool Readout – 751 Gateway Blvd.

SURFACE INTERSECTION ANALYSIS INFORMATION - AIRPORT CODE "SFO"								
Coordinate System: WGS84			Date: 01/13/21			Model: 2-SFO_ALL_Surfaces_31JUL14		
Latitude	Longitude	Site El.(AMSL)	Ht.(AGL)	Overall Ht.(AMSL)	Max Ht. (AMSL)	Exceeds By	Under By	Surface
37° 39' 38.7502"	122° 23' 47.8018"	34.11	148.2	182.31	242.93		60.62	SFO_P77_19_Conical
37° 39' 38.7502"	122° 23' 47.8018"	34.11	148.2	182.31	860		677.69	SFO_CIRCLING_CAT_D
37° 39' 38.7502"	122° 23' 47.8018"	34.11	148.2	182.31	1171.82		989.51	SFO_RW28L_VNAV_Missed_Approach_OB
37° 39' 38.7502"	122° 23' 47.8018"	34.11	148.2	182.31	1293.45		1111.14	SFO_RW28R_VNAV_Missed_Approach_2B
37° 39' 38.7502"	122° 23' 47.8018"	34.11	148.2	182.31	1600		1417.69	SFO_MVA_2008
37° 39' 38.7502"	122° 23' 47.8018"	34.11	148.2	182.31	1763.72		1581.41	SFO_RW01L_IFR_NonSTND_Departure
37° 39' 38.7502"	122° 23' 47.8018"	34.11	148.2	182.31	1947.31		1765	SFO_RW28R_IFR_NonSTND_Departure_2000
37° 39' 38.7502"	122° 23' 47.8018"	34.11	148.2	182.31	1957.32		1775.01	SFO_RW28L_IFR_NonSTND_Departure
Total penetrations above surfaces: 0								
Total penetrations below surfaces: 8								
Zone Analysis								
X	Y	Range	Safety Zones					
6012699.889	2068624.473	Under 65 db	None					



**FAA NOTIFICATION REQUIREMENTS**

A structure, component, must file FAA Form 7460-1, Notice of Proposed Construction or Alteration, for any proposed construction or alteration that meets any of the following Notification Criteria described in 14 CFR part 77.9:

\$77.9(a) - A height more than 200 feet above ground level (AGL) at its site;  
 \$77.9(b) - Within 20,000 feet of a runway more than 3,200 feet in length, and exceeding a 100:1 slope imaginary surface (i.e., a surface rising 1 foot vertically for every 100 feet horizontally) from the nearest point of the nearest runway. The 100:1 surface is shown as follows:

- 20,000 Feet Limit From Nearest Runway
- 100 — Elevation Above Mean Sea Level

**Heights of 100:1 Surface Above Ground (AGL)**

- Terrain penetrations of Airspace Surface
- Less than 30
- 30-65
- 65-100
- 100-150
- 150-200
- 200 and more

\$77.9(c) - Roadways, railroads, and waterways are evaluated based on heights above surface providing for vehicles, by specified amounts or by the height of the highest mobile object normally traversing the transportation corridor;

\$77.9(d) - Any construction or alteration on any public-use or military airport (or heliport).

Structure proposals or their representatives may file via traditional paper forms via US mail, or online at the FAA's e/FAA website, <http://e/FAA.faa.gov>

**LEGEND**

- BART Station
- CAL TRAIN Station
- Municipal Boundary
- Railroad
- Freeway
- Road

**Note:**

per 14 CFR part 77, developers proposing structures taller than the indicated elevations must file Form 7460-1 with the FAA at least 30 days before the proposed construction. However, due to local requirements for a favorable FAA determination as a condition for project approval, it is advisable to file the Form 7460-1 as soon as possible before the FAA can take several months to undertake aeronautical reviews.

**Source:**

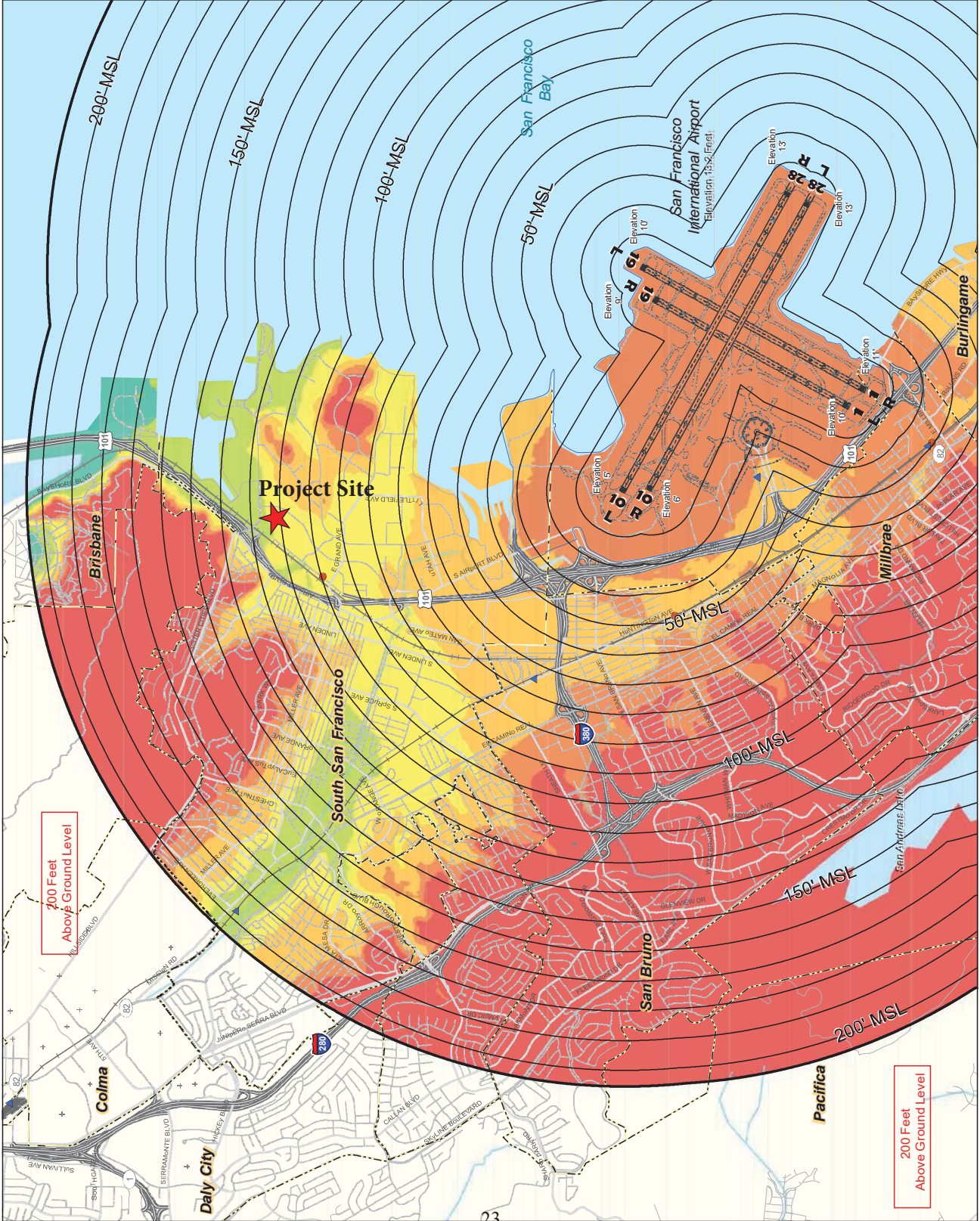
Riondo & Associates, Inc. and Jacobs Consultancy, based on 14 CFR part 77, Subpart B, Section 77.9.

**Attachment 5**

EXHIBIT IV-11

**FAA NOTIFICATION FORM 7460-1  
 FILING REQUIREMENTS - NORTH SIDE**  
 Comprehensive Airport Land Use Plan  
 for the Environs of San Francisco International Airport

**C/CAG**  
 City/County Association of Governments  
 of San Mateo County, California





January 19, 2021

San Francisco International Airport

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

TRANSMITTED VIA EMAIL  
kkalkin@smcgov.org

**Subject: Application for Land Use Consistency for 751 Gateway Boulevard, South San Francisco**

Dear Ms. Kalkin,

Thank you for notifying San Francisco International Airport (SFO or the Airport) regarding the Airport Land Use Commission's (ALUC) land use consistency determination of the 751 Gateway Boulevard development (the project) in South San Francisco (the City). We appreciate this opportunity to coordinate with ALUC in considering and evaluating consistency with the Comprehensive Airport Land Use Compatibility Plan for the Environs of SFO (ALUCP) potential land use compatibility issues that this project may pose.

The project site is located in the City's "Gateway Specific Plan" planning area, which is bounded by Oyster Point Boulevard to the north, Eccles Avenue to the east, East Grand Avenue to the south, and the Caltrain right-of-way to the west. The project includes construction of an office/laboratory building that is 208,900 square feet and includes 418 surface parking lots. The proposed building height is 149 feet above ground level, or 183 feet above Mean Sea Level (MSL). While this is well below the approximately 250 feet MSL in height of the area's horizontal surface for airspace protection, please note that the absolute height of the building must include elevator shafts, parapets, or other rooftop accessories, and may not be reflected in this 183 feet MSL height.

The Airport provided the City with a comment letter on February 3, 2020, in response to the Notice of Preparation of an Environmental Impact Report (EIR) for the project. The EIR has addressed the Airport's comments, noting that the project site is outside the Airport's Community Noise Equivalent Level 65 decibel noise contour, Safety Compatibility Zones as it relates to runway safety zones, and airspace protection according to building height. While many aircraft departure procedures are currently designed to ascend over the project site, the Airport believes the EIR adequately describes the project's consistency with noise policies, safety compatibility, and airspace protection as described in the ALUCP. Therefore, based on the information provided, the proposed project should not pose an airport land use compatibility issue regarding noise or safety.

The Airport appreciates your consideration of these comments. Please do not hesitate to contact me at (650) 821-9464 or at [nupur.sinha@flysfso.com](mailto:nupur.sinha@flysfso.com) should there be any questions related to this project.

Sincerely,

DocuSigned by:  
*Nupur Sinha*  
7D552AESA4CE485...

Acting Airport Planning Director  
Planning and Environmental Affairs

cc: Sandy Wong, C/CAG  
Audrey Park, SFO, Acting Environmental Affairs Manager

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED MAYOR	LARRY MAZZOLA PRESIDENT	ELEANOR JOHNS VICE PRESIDENT	RICHARD J. GUGGENHIME	EVERETT A. HEWLETT, JR.	MALCOLM YEUNG	IVAR C. SATERO AIRPORT DIRECTOR
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## **C/CAG AGENDA REPORT**

**DATE:** January 28, 2021  
**TO:** Airport Land Use Committee  
**FROM:** Susy Kalkin  
**SUBJECT:** Election of ALUC Officers for Calendar Year 2021

---

### **RECOMMENDATION**

Staff recommends that the C/CAG Airport Land Use Committee (ALUC) hold an election at this meeting to elect an ALUC Chairperson and an ALUC Vice-Chairperson for the 2021 calendar year.

### **BACKGROUND/ DISCUSSION**

The C/CAG Airport Land Use Committee (ALUC) holds an election each calendar year to elect a Chairperson and a Vice-Chairperson. The sitting Chairperson conducts both elections. Nominations are made from the floor and must receive a second prior to a vote. Each officer is elected, via a majority of the Committee members present, to serve a one-year term on a calendar year basis (January 1-December 31). Both officers remain in office beyond January 1 until the next ALUC election is held. Those members who are in office prior to each election may be elected again by the Committee to serve in either office. There are no term limits and there is no compensation for either office.

The Chairperson presides at each ALUC Regular Meeting and Special Meeting. The ALUC Vice-Chairperson presides as the Chairperson if the Chairperson cannot attend a Regular or Special Meeting. If neither officer is available to attend a scheduled meeting, a quorum may elect a Chairperson pro tem or the meeting may be canceled or rescheduled.



## C/CAG AGENDA REPORT

**DATE:** January 28, 2021  
**TO:** Airport Land Use Committee  
**FROM:** Susy Kalkin  
**SUBJECT:** Review and Approval of ALUC Meeting Calendar - 2021

---

### RECOMMENDATION

Staff recommends that the C/CAG Airport Land Use Committee (ALUC) review and approve the meeting calendar for 2021.

### BACKGROUND/ DISCUSSION

The C/CAG Airport Land Use Committee (ALUC) annually considers and approves a meeting schedule for the year. Regular ALUC meetings are held on the fourth Thursday of the month, beginning at 4PM, typically in the Burlingame Council Chambers, though until further notice they will continue to be held virtually due to the COVID-19 situation. Below is a tentative schedule for the Committee's consideration.

January 28, 2021  
February 25, 2021  
March 25, 2021  
April 22, 2021  
May 27, 2021  
June 24, 2021  
July 22, 2021  
August 26, 2021  
September 23, 2021  
October 28, 2021  
November – no mtg  
December – no mtg

If needed, special meetings and workshops can be scheduled with appropriate special noticing.

## C/CAG AGENDA REPORT

**DATE:** January 28, 2021  
**TO:** Airport Land Use Committee  
**FROM:** Susy Kalkin  
**SUBJECT:** ALUC – Roles and Responsibilities Refresher

(For further information please contact Susy Kalkin at [kkalkin@smcgov.org](mailto:kkalkin@smcgov.org))

---

### RECOMMENDATION

Staff recommends that the C/CAG Airport Land Use Committee (ALUC) receive an overview of the ALUC Committee roles and responsibilities.

### BACKGROUND/ DISCUSSION

Given that we have several new members joining the ALUC, and as a general refresher, the following is provided as an overview of the roles and responsibilities of the Airport Land Use Committee.

The Airport Land Use Committee is an advisory body that conducts preliminary review, holds hearings, and makes recommendations on all matters that require final action by the C/CAG Board in its official capacity as the San Mateo County Airport Land Use Commission.

The overall purpose of the Airport Land Use Commission (ALUC) is to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of local land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the County's airports.

### *ALUC Responsibilities*

The primary responsibilities of the ALUC are: 1) to prepare and adopt an Airport Land Use Compatibility Plan (ALUCP) for each of the three public airports in the County; and, 2) to review local agency land use policy decisions (ex. General Plans, Zoning Ordinances, Specific plans, and amendments), and in some instances individual development actions, and make a determination as to their consistency with the adopted ALUCP.

The C/CAG Board, acting as the Airport Land Use Commission, has adopted ALUCPs for the three airports located within San Mateo County: San Francisco International (*November 2012*), San Carlos (*October 2015*) and Half Moon Bay (*October 2014*). These plans were all developed consistent with the direction and guidance of the Caltrans Division of Aeronautics *California Airport Land Use Planning Handbook, 2011*. As directed by State law, each ALUCP is based upon

a long-range master plan or airport layout plan that reflects the anticipated growth of the airport covering at least a 20 year period.

#### ALUCP Primary Areas of Concern

- *Airport Noise Impact Reduction* Airport Noise Impact Reduction – To reduce the potential number of future airport area residents who could be exposed to noise impacts from airport and aircraft operations.
- *Safety of People on the Ground and in Aircraft in Flight* – To minimize the potential number of future residents and land use occupants exposed to hazards related to aircraft operations and accidents.
- *Height Restrictions/Airspace Protection* – To protect the navigable airspace around the airport for the safe and efficient operation of aircraft in flight.
- *Overflight Notification* – To establish an area within which aircraft flights to and from the airport occur frequently enough and at a low enough altitude to be noticeable by sensitive residents. Within this area, real estate disclosure notices are required, pursuant to State law.

#### Local Jurisdiction Responsibility

Once an ALUCP is adopted, State law requires that local jurisdictions within the *Airport Influence Area* (AIA) bring their local plans (General Plan, Zoning Ordinance and Specific Plans) into compliance with the ALUCP. When cities amend these local plans, they must submit them for review by the ALUC to make a determination of whether the amendments are compatible with the ALUCP. (Attached are maps showing the Airport Influence Areas for the three county airports.) Additionally, until a local jurisdiction amends these plans to address the ALUCP, it must submit all development proposals for review by the ALUC.

#### ALUC Review

Each ALUCP has maps that delineate the geographic areas of particular concern for each of these topic areas, and related policies that stipulate under what circumstances a particular use or structure within these areas may be found to be either compatible, conditionally compatible or not compatible. These policies generally include very specific thresholds for compatibility, ex. a list of uses that are not compatible within specific noise contours or safety compatibility zones, what structure heights are either not allowed or are subject to additional review by the FAA, where real estate disclosure is required on property sales transactions, etc. As a result, once the ALUCP policies are adopted, there most often is not much discretion involved in the consistency determination.

#### **ALUCP Review Process**

The airport/land use compatibility review process includes two hearing steps. The first step is review and recommendation by the Airport Land Use Committee, and the second step is review and final action by the C/CAG Board, acting as the Airport Land Use Commission. Per State law, the Airport Land Use Commission must take final action on a request within 60-days of submittal of a complete application, which is a very quick turnaround to process through two bodies.

Once staff receives an application it coordinates the review with the local jurisdiction and relevant airport planning staff and schedules the item for the next available Airport Land Use Committee meeting. A staff report is prepared, incorporating any public agency input, analyzing the relevant airport land use compatibility issues and making a recommendation for Airport Land Use Committee action. The Committee then reviews the item at a public meeting, considers relevant public input, and takes action in the form of a recommendation to the Airport Land Use Commission (C/CAG Board) (ex. consistent, conditionally consistent or inconsistent with the relevant provisions in the ALUCP.)

The application then moves forward to the C/CAG Board, acting as the Airport Land Use Commission, for consideration at its next available meeting. Staff prepares a report for their review which describes the proposed action and includes the Airport Land Use Committee recommendation, and a resolution determining the proposal consistent, conditionally consistent or inconsistent with the relevant provisions of the ALUCP. The resolution, once adopted, is forwarded to the local agency.

### Local Override Process

State Law provides that local agencies may override ALUC disapprovals of proposed land use policies or development proposals. The override process involves the following steps:

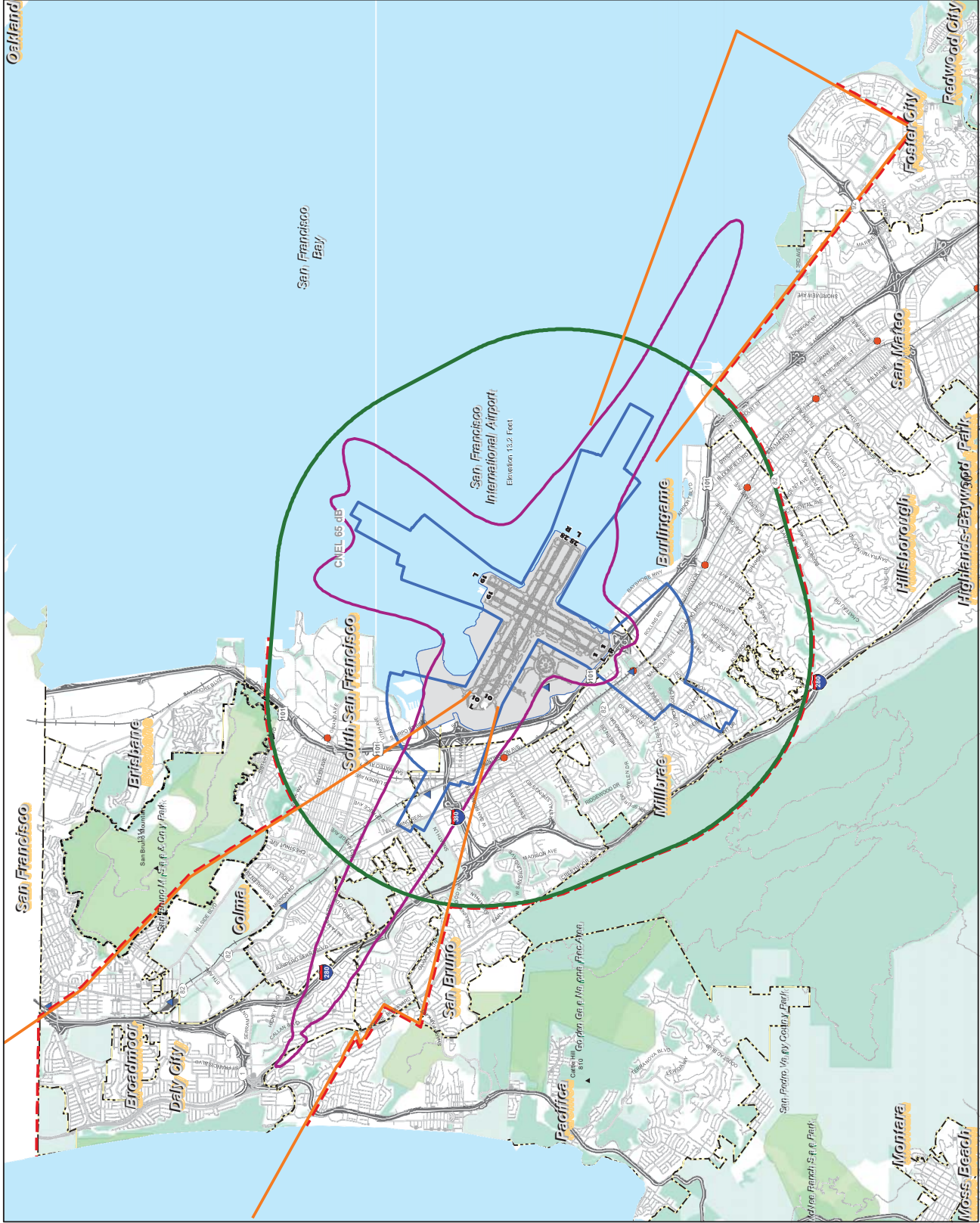
- Local agency must hold a public hearing to consider overriding the ALUC's action;
- Local agency must make specific findings that its proposed action is consistent with the purposes of the Airport Land Use Commission statutes;
- Local agency must approve overriding the ALUC's determination by at least a 2/3 majority vote.
- Local agency must provide the ALUC and Caltrans Division of Aeronautics a copy of the proposed decision and findings at least 45 days in advance of any override decision.

The two key outcomes of an override include the following:

- The proposed land use action may proceed, subject to local agency review and permitting processes; and,
- the agency operating the airport shall be immune from liability for damages to property or personal injury caused by or resulting from the override decision.

### **ATTACHMENTS**

1. AIAs – SFO, San Carlos and Half Moon Bay Airports



**LEGEND**

- Boundary for Airport Influence Area B
- Outer Boundary of Safety Zones
- CNEL Contour, 2020 Forecast
- 14 CFR Part 77 Critical Surface
- Outer Boundary of TERPS Approach and OEI Departure Surfaces
- Airport Property
- BART Station
- CALTRAIN Station
- Municipal Boundary
- Railroad
- Freeway
- Road
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space

**Sources:**

100:1 FAA Notification Zone: Ricondo & Associates, Inc. and Jacobs Consultancy, based on 14 CFR Part 77, Subpart B, Section 77.9.

Outer Boundary of TERPS Approach and OEI Departure Surfaces: San Francisco International Airport, Jacobs Consultancy, and Planning Technology Inc., 2009

Safety Compatibility Zones: Jacobs Consultancy Team, 2009; Ricondo & Associates, Inc., 2011

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

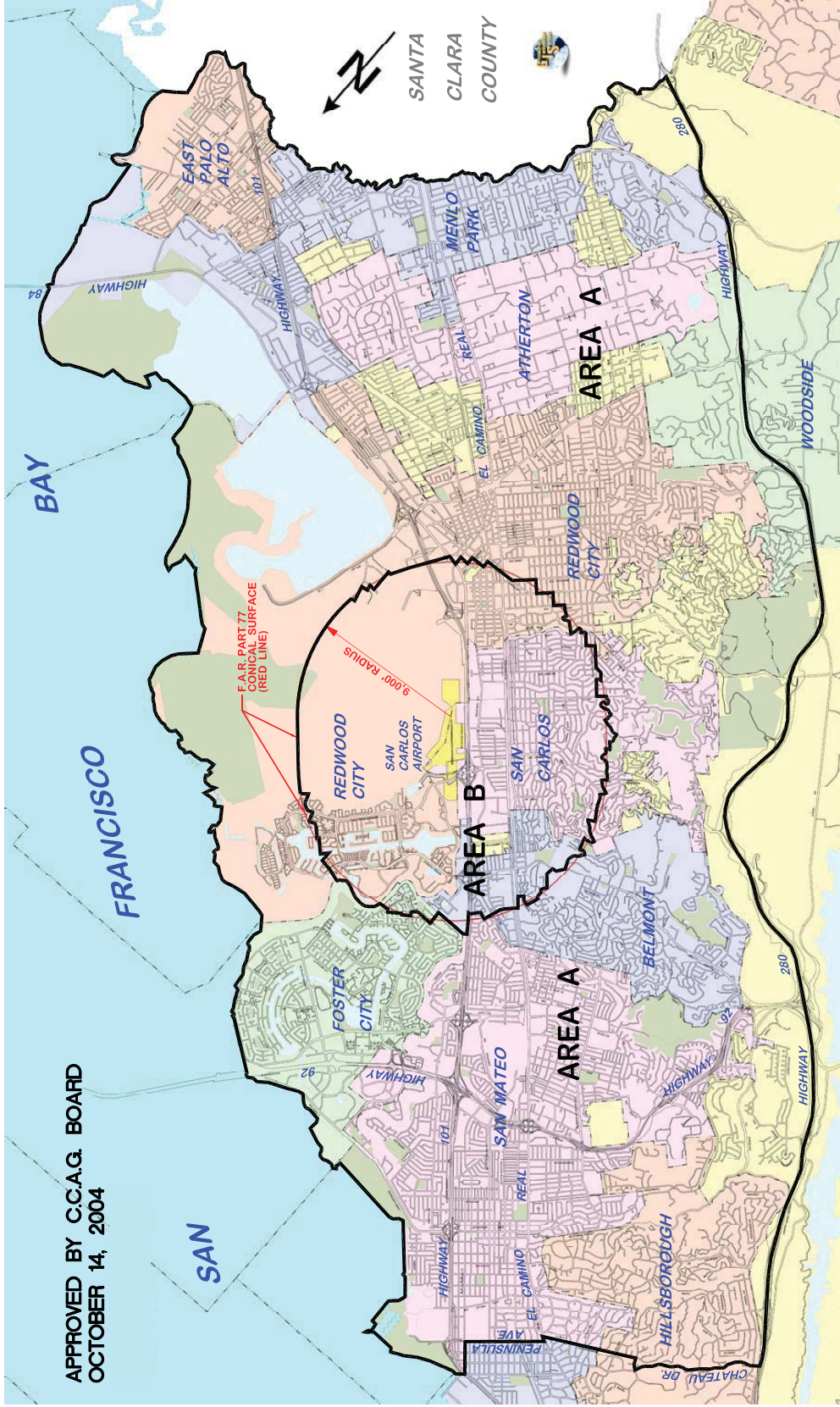
NORTH



Exhibit IV-2  
**AIRPORT INFLUENCE AREA B --**  
**LAND USE POLICY ACTION/PROJECT REFERRAL AREA**  
 Comprehensive Airport Land Use Plan  
 for the Environs of San Francisco International Airport

**CICAG**  
 City/County Association of Governments  
 of San Mateo County, California





APPROVED BY C.C.A.G. BOARD  
OCTOBER 14, 2004

**CCAG LANDUSE COMMITTEE RECOMMENDATION  
REVISED AIRPORT INFLUENCE AREA BOUNDARY  
FOR SAN CARLOS AIRPORT -- AREAS A & B (OCTOBER 2004)**

**AREA A: PROPOSED REVISED AIRPORT INFLUENCE AREA (AIA) BOUNDARY (real estate disclosure only)**  
**AREA B: PROPOSED CCAG/ALUC REVIEW AREA BOUNDARY\* (real estate disclosure and formal CCAG/ALUC review)**

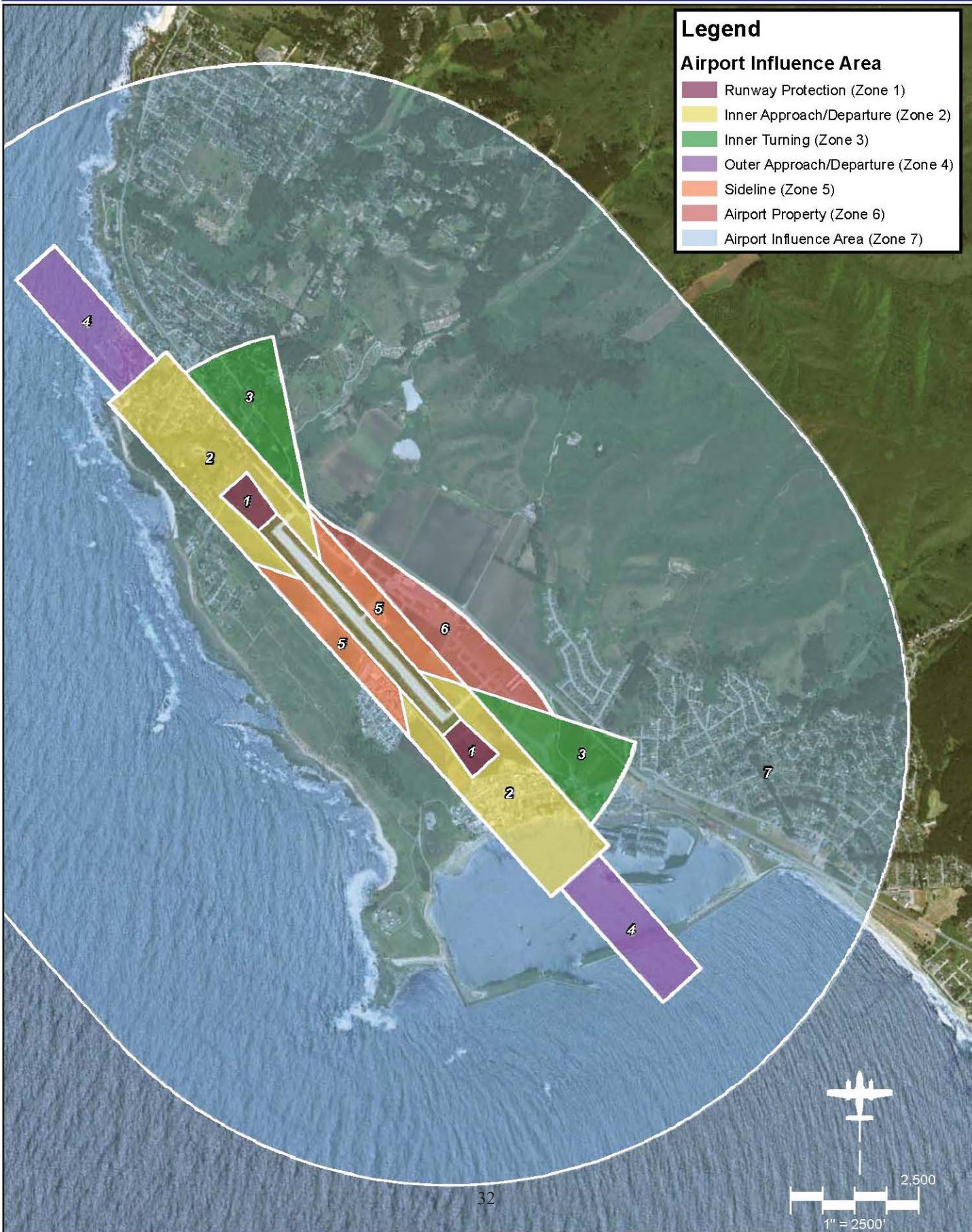
\* This boundary is a refinement of the current CCAG/ALUC review boundary.



## Legend

### Airport Influence Area

- Runway Protection (Zone 1)
- Inner Approach/Departure (Zone 2)
- Inner Turning (Zone 3)
- Outer Approach/Departure (Zone 4)
- Sideline (Zone 5)
- Airport Property (Zone 6)
- Airport Influence Area (Zone 7)



# CORRESPONDENCE





# City of South San Francisco

P.O. Box 711 (City Hall,  
400 Grand Avenue)  
South San Francisco, CA

## City Council

Resolution: RES 136-2020

File Number: 20-785

Enactment Number: RES 136-2020

RESOLUTION MAKING DRAFT FINDINGS THAT APPROVAL OF A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED AT 410 NOOR AVENUE IS CONSISTENT WITH PUBLIC UTILITIES CODE SECTION 21670 AND DECLARING AN INTENT TO CONSIDER OVERRULING THE SAN MATEO CITY / COUNTY ASSOCIATION OF GOVERNMENTS (C/CAG) AIRPORT LAND USE COMMISSION'S (ALUC) DETERMINATION OF INCONSISTENCY WITH RESPECT TO NOISE POLICIES FOR THE PROPOSED RESIDENTIAL DEVELOPMENT LOCATED AT 410 NOOR AVENUE AND 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 PROJECT AND PROPOSED OVERRULING ACTION BY THE CITY COUNCIL.

WHEREAS, SyRes Properties has proposed construction of a high-density residential development, consisting of 338 residential units, a small retail space, and residential and open space amenities at 410 Noor Avenue, APNs 014-183-270, 014-183-230, and 014-183-220 (collectively referred to as "Project Site") in the City; and

WHEREAS, the 410 Noor Project Site is 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

WHEREAS, on May 12, 2020, pursuant to the provisions of Section 21670 et seq. of the Public Utilities Code ("Section 21670"), the City referred the proposed development project to the C/CAG ALUC of San Mateo County for a determination of consistency with the ALUC's Comprehensive Airport Land Use Compatibility Plan (ALUCP) for the San Francisco International Airport; and

WHEREAS, on July 20, 2020, the ALUC, acting pursuant to its authority under Section 21670, determined that the 410 Noor project is inconsistent with SFO ALUCP Policy NP-1, Noise Compatibility Zones, and Table IV-1, Noise/Land Use Compatibility Criteria, the Project site is located almost entirely within the 70-75 dB CNEL noise contour, and multi-family residential use is identified as “Not Compatible” within that contour, unless at the time of adoption of the SFO ALUCP (2012) the site had been zoned exclusively for residential use, which is not the case with the Project site; and

WHEREAS, as a final review authority, the City Council, may, after a public hearing, choose to overrule the ALUC determination by a two-thirds vote of the City Council, if the City of South San Francisco 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 C/CAG ALUC and the Caltrans Division of Aeronautics (“Division”) with notice of the City’s intent to consider overruling the C/CAG 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 C/CAG ALUC and the Division shall respond to the referral of the findings of override within 30 days of receiving the proposed decision 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;

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

WHEREAS, the City Council shall include comments from the C/CAG 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 City Council’s adoption of this resolution is procedural and does not constitute the proposed project’s approval nor does it predispose the City’s future action on the 410 Noor project or the decision to overrule the ALUC’s determination; and

WHEREAS, the draft findings attached as Exhibit A to this resolution do not constitute the final findings of the City with regard 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 overrule the ALUC’s determination and/or approve the Project entitlements; and

WHEREAS, should the City Council adopt this resolution making the draft findings and declaring an intent to consider overruling the C/CAG ALUC determination that the 410 Noor project is inconsistent with respect to noise policies and directing staff to transmit the required notice to the

ALUC and the Caltrans Division of Aeronautics, a public hearing will be required for City Council consideration of the final override and the Project entitlements.

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

1. Makes the draft findings attached hereto and incorporated herein as Exhibit A; and
2. Declares an intent to consider overriding the Airport Land Use Commission’s determination that the proposed 410 Noor project is inconsistent with the Airport Land Use Consistency Plan of the Environs of the 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 Project and proposed overruling action by the City Council.

\* \* \* \* \*

At a meeting of the City Council on 10/14/2020, a motion was made by Councilmember Nagales, seconded by Vice Mayor Addiego, that this Resolution be approved. The motion passed.

**Yes:** 5 Mayor Garbarino, Vice Mayor Addiego, Councilmember Nagales, Councilmember Nicolas, and Councilmember Matsumoto

Attest by   
 \_\_\_\_\_  
 Rosa Govea Acosta, City Clerk

**SECTION 1****FINDINGS**

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. That the Public Utilities Code Sections 21676 and 21676.5 provide that a local governing body may overrule the Airport Land Use Commission if it makes specific findings that the proposed action is consistent with the purposes of Public Utilities Code Section 21670. The City Council therefore finds the following:
  - a. 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.
  - b. With respect to safety, the majority of the proposed Project site is located outside of all of the Safety Zones for the San Francisco International Airport. A small portion of the site is located within Safety Zone 4, the Outer Approach / Departure Zone, which prohibits biosafety facilities, schools, child day care centers, stadiums, and arenas. Per the Project plans, the only public space identified within this safety zone is the leasing office, which is considered a compatible use. Thus the Project is consistent with the ALUC safety policies.
  - c. With respect to the Airspace Protection Policies, per the ALUCP, airspace protection policies are established with a two-fold purpose: 1) To protect the public health, safety, and welfare by minimizing the public's exposure to potential safety hazards that could be created through the construction of tall structures, and, 2) To protect the public interest in providing for the orderly development of SFO by ensuring that new development in the Airport environs avoids compromising the airspace in the Airport vicinity. This avoids the degradation in the safety, utility, efficiency, and air service capability of the Airport that could be caused by the attendant need to raise visibility minimums, increase minimum rates of climb, or cancel, restrict, or redesign flight procedures.

The proposed Project site includes three buildings that range in height from three to five stories, with the maximum building height of approximately 60 feet. The proposed Project site is located within an area that requires filing FAA Form 7460-1, Notice of Proposed Construction or Alteration, for structures exceeding 30 feet in height. The project will include a Condition of Approval requiring that the applicant demonstrate compliance with this FAA requirement, prior to obtaining building permits. The Project site is also located within the Part 77 airspace

protection surfaces for SFO. The applicant has submitted a detailed airspace analysis completed by Williams Aviation Consultants which concludes that the Project will not penetrate the Part 77 Imaginary Surface. The height for the imaginary surface established for the horizontal surface at the site location is 163.2 feet above Mean Sea Level (MSL). The proposed Project parcels are located at between 35 and 48 feet above MSL. The proposed buildings at the 410 Noor project site are designed to be constructed at a maximum building height of 59 feet above ground level. Maximum structure heights would be approximately 94 to 107 feet above MSL. A structure built at a maximum of 107 feet above MSL would be well below the imaginary surface height established. Based on the proposed Project's maximum height of 107 feet above MSL, no additional safety requirements are anticipated. Therefore, the proposed Project would be consistent with the airspace policies as established in the adopted 2012 SFO ALUCP.

Per ALUCP Policy A4, proposed land uses with characteristics that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft taking off or landing at the Airport or in flight are incompatible in Area B of the Airport Influence Area. As a mixed-use residential project, the 410 Noor proposed Project does not contain any characteristics that would cause these hazards. Additionally, the South San Francisco Zoning Ordinance (Section 20.300.010) contains performance standards to ensure that all development protects the community from nuisances, hazards and objectionable conditions, including those which could be aircraft hazards, including light, glare, air contaminants, or electromagnetic interference. As proposed, the 410 Noor project is consistent with the performance standards contained in the Zoning Ordinance, and would not create an aircraft hazard.

- d. With respect to noise, the applicant has submitted an on-site noise study prepared by Salter and Associates which shows that on-site noise monitoring and SFO noise monitoring from 2017 to the present indicate that the Project site is within the 65-70 dB CNEL contour, not within the 70dB CNEL contour as was the case when the ALUCP was adopted. While the Project is not consistent with the ALUCP noise policies, recent site specific data shows that the airport noise patterns are lessening over time, and that the Project site is currently less impacted by airport noise than at the time the ALUCP was adopted. Additionally, the Salter Noise Study also illustrates that implementation of noise control measures and construction standards will lessen noise impacts to residents. 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 close 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. The Project is also required to 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.

- e. As illustrated by the above discussion, approval of the proposed Project as configured 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 an underutilized site, while also utilizing advanced construction techniques to minimize any noise impacts to residents, and the location, size, height and configuration of the Project would not create any safety problems. Furthermore, approval of the proposed Project protects public health, safety and welfare because as configured the Project minimizes the public's exposure to excessive airport noise through the application of advanced construction techniques and does not expose the public to any safety hazards or create any aircraft hazards.
3. The documents and other material constituting the record for these proceedings are located at the Planning Division for the City of South San Francisco, 315 Maple Avenue, South San Francisco, CA 94080, and in the custody of the Planning Manager, Sailesh Mehra.

3601533.1



# C/CAG

## CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park • Millbrae •  
Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside

November 12, 2020

South San Francisco City Council  
400 Grand Avenue  
South San Francisco, CA 94080

RE: 410 Noor Avenue ALUC Determination – Override Consideration

Honorable Mayor and Council Members,

The City/County Association of Governments of San Mateo County (C/CAG), in its capacity as the San Mateo County Airport Land Use Commission, hereby acknowledges receipt of South San Francisco City Council Resolution No. 136-2020 giving notice of your intent to consider an override of the ALUC determination that the 410 Noor Project is inconsistent with the noise policies of the Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport, and appreciates the opportunity to provide a brief comment/clarification.

The findings laid out in South San Francisco's Resolution, specifically Section 2.d., indicate that the noise contour has decreased since adoption of the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP) in 2012, and we believe it is important to address this point. The noise contours in the SFO ALUCP do not directly reflect the noise measured at a specific time, but rather are forecasts based on a long-range airport development plan that reflects the anticipated growth of the airport over a 20-year period, as required by PUC Section 21675 (a). So, while "point in time" measurements, such as those included in the project noise study, may reflect a lower noise level at present, it is cautioned that the SFO ALUCP projects that noise levels are likely to increase at the site over time.

If the City of South San Francisco (City) pursues an override of the ALUC's inconsistency determination, C/CAG respectfully recommends that the City consider whether additional sound attenuation measures would be needed to mitigate the noise levels and noise contours included in the SFO ALUCP.

Thank you again for the opportunity to comment,

  
Marie Chuang, C/CAG Chair

CC: SSF Planning Division  
SFO Planning  
Caltrans Division of Aeronautics

November 16, 2020

Ms. Adena Friedman  
Senior Planner  
City of South San Francisco  
Department of Economic and Community Development  
315 Maple Avenue  
South San Francisco, CA 94080

**Subject:** *Proposed Development at 410 Noor Avenue, South San Francisco*

Dear Ms. Friedman:

Thank you for notifying the San Francisco International Airport (SFO or “Airport”) of the proposed new mixed-use development at 410 Noor Avenue in the City of South San Francisco (the “City”), on the site of the currently vacant Century Plaza theaters (the “Project”). We appreciate the continued opportunity to coordinate with the City in evaluating the land use compatibility of the Project.

The Airport objects to the Project at its proposed location because it would be incompatible with the noise policies of the *Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (ALUCP), which was adopted by the City/County Association of Governments of San Mateo County (C/CAG) in October 2012. The ALUCP governs land use development within the Airport Influence Area and addresses issues related to compatibility between airport operations and proposed new land use developments, considering noise impacts, safety of persons on the ground and in flight, height restrictions/airspace protection, and overflight notification.

The Project site is in close proximity to SFO, approximately 9,000 feet from the ends of Runways 10L and 10R, and must consider federal, state, and local regulations specific to airport noise and land use compatibility standards, Federal Aviation Administration (FAA) Part 77 height restrictions, and airspace safety criteria. The Project is within the 70-75 decibels (dB) Community Noise Equivalent Level (CNEL) contour in the ALUCP<sup>1</sup> and is therefore inconsistent with the ALUCP noise compatibility policies. Specifically, Policy NP-2 prohibits new residential units – multi-family or otherwise – within the 70-75 dB CNEL contour for SFO.<sup>2</sup>

In a June 25, 2020 letter from the City to the C/CAG board, acting as the Airport Land Use Commission (ALUC), the City acknowledged that the Project site is located within the 70-75 dB contour in the ALUCP. The City then presented two site-specific noise studies to show that aircraft noise on the Project site during the study period was within the 65-70 dB contour in justification of the Project. However, noise compatibility must be determined by the noise contours in the ALUCP, and not through studies conducted during arbitrary time periods selected by developers. Furthermore, the Project site is located under a primary flight path of SFO. While the Project site may currently be less impacted by noise than is shown in the noise contours in the ALUCP, the ALUCP appropriately includes and considers *forecast* operations – not current operations – as required by state law.<sup>3</sup> The demand for travel to and from the San Francisco Bay Area is forecast to grow, and the noise contours in the ALUCP

<sup>1</sup> “The 2020 forecast contours define the boundaries within which the noise compatibility policies of [the] ALUCP are based.” ALUCP, p. I-13; *see also id.* at Exhibit III-1.

<sup>2</sup> *Id.* at IV-17. While Policy NP-4.1 allows that “[r]esidential uses are considered conditionally compatible in areas exposed to noise above CNEL 70 dB only if the proposed use is on a lot of record zoned exclusively for residential use as of the effective date of the ALUCP,” as of October 2012, the effective date of the ALUCP, the Project site was zoned Mixed-Use and therefore the Project cannot be conditionally compatible.

<sup>3</sup> “The commission’s airport land use compatibility plan shall include and shall be based on . . . the anticipated growth of the airport during at least the next 20 years.” Cal. Pub. Utilities Code § 21675.

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED  
MAYOR

LARRY MAZZOLA  
PRESIDENT

ELEANOR JOHNS  
VICE PRESIDENT

RICHARD J. GUGGENHIME

EVERETT A. HEWLETT, JR.

MALCOLM YEUNG

IVAR C. SATERO  
AIRPORT DIRECTOR



accordingly account for both ongoing and future operations. The City should consider the effects of future aircraft noise on future owners and occupiers of the Project units in making its determination.

Should the City decide to override the ALUC's decision of inconsistency with the ALUCP, we again request that the City require enforceable Conditions of Approval to mitigate noise as outlined in the City's June 25, 2020 letter, including:

1. Construction and design features to reduce interior noise to 45 dB;
2. Developer to grant an avigation easement to the City and County of San Francisco, in accordance with ALUCP Policy NP-3, prior to issuance of building permits; and
3. Developer to include real estate disclosures in sale and lease documents, disclosing the presence of an airport within two miles of the property, as required by California Business and Professions Code section 11010.

The Airport proposes that, in addition to these provisions, the City require the Project to include central cooling and heating, so that during warmer months, residents are not forced to open their windows for cooler air flow, which would negate the 45 dB interior noise levels achieved through sound insulation.

Finally, the Airport highlights that the grant of an avigation easement is essential to ensuring that an override would be consistent with California Public Utilities Code section 21670, particularly its goal to "prevent the creation of new noise and safety problems." Without a recorded easement, future owners and occupants of the Project units may not have notice of the override decision or of the Airport's resulting immunity from liability. Consistent with the legislative findings in the Public Utilities Code, it is imperative that the City require the grant of an avigation easement. The avigation easement should state that the City overruled the recommendation of the ALUC, describe the immunity granted to the Airport by California Public Utilities Code section 21678, and make clear that the avigation easement is in addition to, and does not limit, the immunity.

The Airport appreciates the City's acknowledgment that the small portion of the Project within Safety Zone 4: Outer Approach/Departure Zone will only be used for open space amenities and that the developer does not propose any prohibited uses for this area.

The Airport appreciates your consideration of these comments. If I can be of assistance regarding this matter, please do not hesitate to contact me at (650) 821-9464 or at [nupur.sinha@flysf.com](mailto:nupur.sinha@flysf.com).

Sincerely,



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

cc: Sandy Wong, C/CAG  
Susy Kalkin, C/CAG Staff  
Robert Fiore, Caltrans Aeronautics Division  
Alex Greenwood, South San Francisco, Director of Economic & Community Development  
Audrey Park, SFO, Acting Environmental Affairs Manager

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF AERONAUTICS – M.S. #40  
1120 N STREET  
P. O. BOX 942874  
SACRAMENTO, CA 94274-0001  
PHONE (916) 654-4959  
FAX (916) 653-9531  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life.*

November 16, 2020

Ms. Adena Friedman, Senior Planner  
City of South San Francisco  
400 Grand Avenue  
P.O. Box 711  
South San Francisco, CA 94080-3634

Electronically Sent  
Adena.Friedman@ssf.net

Dear Ms. Friedman:

Thank you for soliciting input from the California Department of Transportation, Division of Aeronautics (Division) regarding the proposed Mixed-Use Residential project (Project) in South San Francisco (City). The State of California Legislature enacted California Public Utilities Code (PUC) section 21670 et. seq. to ensure compatible land use within a two-mile radius of airports. The legislative purpose is to protect the "public health, safety and welfare by ensuring the orderly expansion of airports and adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards." By authority of the Legislature, the Division has jurisdiction to assist airports, airport land commissions (ALUC), and local agencies in the implementation of compatible land uses in the vicinity of airports. One of the goals of the Division, is to assist cities, counties, and ALUCs in the development and implementation of policies that protect the safety and general welfare of the communities in which aeronautical activities take place.

The proposed Project is located at 410 Noor Avenue in South San Francisco, APNs 014-183-270, 014-183-230, and 014-183-220. The proposed Project includes high-density residential development, consisting of 338 residential units, a small retail space, and residential and open space amenities on a 4.74-acre parcel that is within the Airport Influence Area for San Francisco International Airport (SFO).

The Division was notified on October 15, 2020, of the Proposed Decision to Overrule the County Association of Governments of San Mateo County (C/CAG) Determination of Inconsistency for the Project with the 2012 Comprehensive Airport Land Use Compatibility Plan for the Environs of the San Francisco International Airport (CALUCP). The policies of this CALUCP help protect the public health, safety, and welfare by encouraging the orderly expansion of airports and the adoption of land use measures that minimize exposures to excessive noise and safety hazards within areas around public-use airports.



The Division has reviewed the proposed findings provided by the City and has determined the findings are insufficient to warrant this proposed overrule. Specifically, the findings are not consistent with the purposes of the statutes set forth in PUC section 21670. These findings do not provide substantial evidence that the proposed Project will meet the requirements of PUC section 21670(a) (1) and (2).

The C/CAG is responsible for conducting airport land use compatibility planning and preventing the creation of new noise and safety problems in the vicinity of public-use airports, pursuant to PUC sections 21670 (a) and (b). The C/CAG is also mandated by PUC sections 21674(c), 21675 to use its CALUCP to accomplish the implementation of compatible land uses in the vicinity of airports.

The Division agrees with the C/CAG determination regarding this proposed Project and supports their decision of inconsistency with the CALUCP. The ALUC is correct in applying the noise policies of the CALUCP, and the Division agrees that this proposed Project would create new noise problems for SFO. Please note, a Division's Airport Safety Officer, Chis Brooks, comments concerning the proposed Project:

As for the Project itself, the development would be subject to a high volume of overflights by large frame heavy turbine aircraft. Runways 28L/28R handles the majority of [these] departures which would fly directly over the proposed Project at low altitude and full power.

Please note: The Division comments are to be included in the public record of any decision to overrule the ALUC.

If you have questions or we may be of further assistance, please contact me at (916) 704-1474 or via email at [gwyn.reese@dot.ca.gov](mailto:gwyn.reese@dot.ca.gov)

Sincerely,

Originally signed by

GWYN REESE  
Aviation Planner

c: Ms. Susy Kalkin, [kkalkin@smcgov.org](mailto:kkalkin@smcgov.org)  
Ms. Laurie Suttmeier, [Laurie.Suttmeier@faa.gov](mailto:Laurie.Suttmeier@faa.gov)



# City of Millbrae

621 Magnolia Avenue, Millbrae, CA 94030

REUBEN D. HOLOBER  
Mayor

ANN SCHNEIDER  
Vice Mayor

ANNE OLIVA  
Councilmember

GINA PAPAN  
Councilmember

WAYNE J. LEE  
Councilmember

November 25, 2020

Susy Kalkin  
ALUC Staff  
City/County Association of Governments of San Mateo County  
555 County Center, 5<sup>th</sup> Floor  
Redwood City, CA 94063  
Email: [kkalkin@smcgov.org](mailto:kkalkin@smcgov.org)

**RE: Notice of Intent to Consider Overrule of ALUC Findings of Inconsistency for Millbrae Station Area Specific Plan Zoning Text Amendment**

Dear Ms. Kalkin:

This letter serves as a notification that the City Council of the City of Millbrae has directed staff to initiate the process to consider an overrule of the Airport Land Use Commission (ALUC) finding at the October 22, 2020 meeting that the proposed Zoning Text Amendment to the Millbrae Station Area Specific Plan (MSASP) is inconsistent with the land use policies in the Airport Land Use Compatibility Plan (ALUCP) for the environs of the San Francisco International Airport.

On November 24, 2020, the City of Millbrae City Council adopted a resolution making draft findings and declaring an intent to consider overruling the ALUC's determination of inconsistency and directed staff to provide notice to the ALUC and the Caltrans Division of Aeronautics, in accordance with Sections 21676(b) and 21676.5(a) of the State Public Utilities Code. The City Council resolution and draft findings are attached to this letter. This notification letter and attachments have also been forwarded to the Caltrans Division of Aeronautics.

A public hearing date for the City Council to consider the overrule 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. Please advise if you want me to inform you of when the City Council meeting is scheduled, and I can send you the agenda when it is published.

Consistent with Public Utilities Code Sections 21676(c) and 21676.5, the ALUC may provide comments on this notice to consider an overrule within 30 days of receiving the proposed decision and findings. For the City to consider the ALUC's comments and include them in the record of the final decision on the overrule, please provide any comments by the close of business on **Monday, December 28, 2020.**

Sincerely,

A handwritten signature in blue ink that reads "Darcy Smith". The signature is written in a cursive, flowing style.

Darcy Smith  
Community Development Director  
[dsmith@ci.millbrae.ca.us](mailto:dsmith@ci.millbrae.ca.us)  
650.259.2307

RESOLUTION 20-85

**CITY OF MILLBRAE, COUNTY OF SAN MATEO  
STATE OF CALIFORNIA**

\*\*\*

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILLBRAE  
MAKING DRAFT FINDINGS AND DECLARING INTENT TO CONSIDER  
OVERRIDING THE SAN MATEO CITY/COUNTY ASSOCIATION OF  
GOVERNMENTS AIRPORT LAND USE COMMITTEE DETERMINATION OF  
INCONSISTENCY REGARDING THE PROPOSED ZONING TEXT AMENDMENT TO  
THE MILLBRAE STATION AREA SPECIFIC PLAN TO ALLOW, WITH A  
CONDITIONAL USE PERMIT, FOR BIOTECH USES IN THE TOD ZONE PORTION  
SOUTH OF MILLBRAE AVENUE**

**WHEREAS**, the City of Millbrae ("City") is considering amending the Millbrae Station Area Specific Plan ("MSASP") to allow Biotechnology/Scientific Labs, Tech/Biotech Product Assembly and Tech/Biotech Component Manufacturing as Light Industrial uses subject to a Conditional Use Permit in the portion of the TOD Overlay Zone south of Millbrae Avenue; and

**WHEREAS**, the proposed zoning text amendments would allow uses defined as "Biosafety Level 2" uses in the TOD Overlay Zone south of Millbrae Avenue subject to a Conditional Use Permit; and

**WHEREAS**, the TOD Overlay Zone is located within Airport Influence Area B for San Francisco International Airport, an area subject to formal review by the San Mateo City/County Association of Governments ("C/CAG") Airport Land Use Commission ("ALUC"); and

**WHEREAS**, pursuant to the provisions of Section 21670 et seq. of the Public Utilities Code ("Section 21670"), the City referred the proposed MSASP Amendments to the C/CAG ALUC for a determination of consistency with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport ("ALUCP"); and

**WHEREAS**, on November 12, 2020, the ALUC, acting pursuant to its authority under Section 21670, determined that the proposed MSASP zoning text amendments were inconsistent with the Safety Compatibility policies and criteria contained in the ALUCP; and

**WHEREAS**, as a final review authority, the City Council, may, after a public hearing, choose to overrule the ALUC determination by a two-thirds vote of the City Council, if the City Council makes specific findings that the proposed zoning amendment is consistent with the purposes of the Section 21670 regarding the protection of public health, safety and welfare in the areas surrounding airports and by providing the C/CAG, ALUC, and the Caltrans Division of Aeronautics ("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 C/CAG, ALUC, and the Division shall respond to the referral of the findings of override within 30 days of receiving the proposed decision 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 C/CAG, ALUC, and Division are advisory to the City under state law; and

**WHEREAS**, the City Council shall include comments from the C/CAG, 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 the resolution do not constitute the final findings of the City with regard to the proposed MSASP Amendments' consistency with the purposes of Section 21760 and such draft findings may be revised, amended, and/or supplemented as part of any final decision to overrule the ALUC's determination and/or approve the Amendment; and

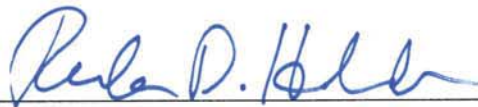
**WHEREAS**, should the City Council adopt this resolution making the draft findings and declaring an intent to consider overruling the ALUC determination that the MSASP Amendments are inconsistent with the ALUCP and directing staff to transmit the required notice to the ALUC and the Caltrans Division of Aeronautics, a public hearing will be required for City Council consideration of the final override and the Project entitlements.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MILLBRAE HEREBY TAKES THE FOLLOWING ACTIONS:**

1. Makes the draft findings attached hereto and incorporated herein as Exhibit A; and
2. Declares an intent to consider overriding the Airport Land Use Commission's determination that the proposed zoning text amendments to the MSASP are inconsistent with the Airport Land Use Consistency Plan of the Environs of the San Francisco International Airport with respect to Safety Compatibility 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 zoning amendment and proposed overruling action by the City Council.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Millbrae, California, held on the 24th of November, 2020, by the following vote:

REGULARLY PASSED AND ADOPTED this 24<sup>th</sup> day of November, 2020.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
11/25/2020  
City Clerk

**FINDINGS**

1. The foregoing recitals are true and correct and made part of this Resolution.
2. That the Public Utilities Code sections 21676 and 21676.5 prove that a local governing body may overrule the Airport Land Use Commission (ALUC) if it makes specific findings that the proposed action is consistent with the purposes of the Public Utilities Code section 21670. In that regard, the City Council therefore finds the following:
  - a. The first purpose of section 21670 *et seq.* 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.
  - b. With respect to the Airspace Protection Policies, per the SFO Airport Land Use Compatibility Plan (ALUCP), airspace protection policies are established to avoid the degradation in the safety, utility, efficiency, and air service capability of the Airport that could be caused by the attendant need to raise visibility minimums, increase minimum rates of climb, or cancel, restrict, or redesign flight procedures. The proposed Amendment does not modify the height limits previously approved by the ALUC and is therefore consistent with the Airspace Protection Policies.
  - c. With respect to noise, the ALUCP establishes Noise Compatibility Zones to protect the public from excessive noise. The Amendment area is located outside of the noise exposure area per the per the ALUCP.
  - d. With respect to public health, safety, and welfare, the majority of the proposed Amendment area is located within Safety Compatibility Zone 2, per the ALUCP. Safety Compatibility Zone 2 designates as incompatible a variety of uses that involve hazardous materials, critical public utilities, theaters, meeting halls, places of assembly seating more than 300 people, stadiums, arenas, and those accommodating potentially vulnerable populations – such as children's schools, child day care facilities, hospitals, and nursing homes. Hazardous uses are defined to include "medical and biological research facilities handling highly toxic or infectious agents," which are categorized by "Biosafety Levels." Biosafety Levels range from Level 1 (the lowest level of biosafety precautions) to Level 4 (the highest level of biosafety precautions). Under the ALUCP, all uses above Biosafety Level 1 are incompatible with Safety Compatibility Zone 2. Biosafety Level 2 involves clinical, diagnostic, teaching and other laboratories working with indigenous moderate-risk agents that are already present in the community. Biosafety Level 3 involves clinical, diagnostic, teaching, research, or production facilities in which work is done with indigenous or exotic agents with



a potential for respiratory transmission which may cause serious and potentially lethal infection. Biosafety Level 4 involves work with dangerous and exotic agents that pose a high individual risk of life-threatening disease, which may be transmitted via the aerosol route and for which there is no available vaccine or therapy.

- e. The current development climate and work lifestyle has been greatly affected by the COVID-19 pandemic. With the future of office space demand being permanently altered, the ability to attract other uses within the MSASP south of Millbrae Avenue is paramount. Life Science companies battling the COVID virus and other maladies require Biosafety Level 2 labs. Level 2 labs are the most commonly used in the South San Francisco and Brisbane areas just north of the airport as few life science companies will tenant buildings that only allow Biosafety Level 1. Given today's crisis-level need for development and services in the life science industry, the Amendment offers increased flexibility for the City to allow such uses in the Transit Oriented Development zone.
- f. The Amendment would greatly aid in the City's economic development through the ability to attract development and tenants to the Millbrae Station Area, thereby creating jobs and helping to maximize regional interest and occupancy throughout Millbrae Station area developments. The proposed Amendment would also allow for Biosafety Level 2 in Safety Compatibility Zone 2. As demand is high for biotechnology space along the peninsula, the City of Millbrae Planning staff has recently received a number of inquiries from potential applicants regarding the possibility of developing biotechnology uses south of Millbrae Avenue within the MSASP. Biotechnology uses are already permitted in the Employment/Light Industrial Zone directly south of the TOD zone. Allowing for Biotechnology use in the Transit Oriented Development zone south of Millbrae Avenue would enable the City to achieve some of the goals set by the Millbrae General Plan in terms of Land Use and Economic Development.
- g. In assessing the potential risks of permitting Biosafety Level 2 uses in that portion of the TOD Zone located south of Millbrae Avenue, which is currently in Safety Compatibility Zone 2 under the ALUCP, the City has determined that, due to the low use of Runways 19 L/R (which, according to the Airport are used for only 2 to 5% of landings), the risk is much lower than is reflected in the Safety Compatibility Zone maps in the ALUCP.
- h. The Amendment will minimize the public's exposure to safety hazards to the extent feasible. The Biosafety Levels used in the SFO ALUCP are derived from guidance from the Center for Disease Control, Biosafety in Microbiological and Biomedical Laboratories, which also explains that Level 2 involves agents "that are already present in the community" and that "[w]ith good microbiological techniques, these agents can be used safely." Because Level 2 does not authorize respiratory or aerosolized agents, it does not present a materially greater risk to public safety than Level 1 activities. Further, the ALUCP presently authorizes Level 2 uses in a portions of the Employment Center/Light Industrial zone located




immediately adjacent to the Amendment area. Each project in the Amendment area would go through environmental analysis as part of the Conditional Use Permit process in regards to hazardous materials and any other environmental concerns. A Program Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program was prepared for the Millbrae Station Area Specific Plan and was adopted by the City Council on January 12, 2016. Therefore, site specific, individual projects, can be evaluated using the Program EIR to decide if all potentially significant environmental impacts of the individual project:

- i. Have been previously identified (are not new) and are not substantially more severe than those identified in the Program EIR;
  - ii. Will be avoided or mitigated to the extent feasible as a result of the EIR; and
  - iii. Have been examined in the EIR, site-specific project revisions, or the implementation of standards development standard regulations.
- i. To determine if the above conditions are met, an Initial Study/Environmental Checklist must be prepared for any proposed project for a biotechnology use in the TOD zone. The analysis will determine whether the proposed project is within the scope of the previous EIR, or whether an additional environmental document is required, in accordance with the California Environmental Quality Act (CEQA) Guidelines.
  - j. As illustrated by the above discussion, approval of the proposed Amendment as configured 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 commercial plus job creating land use near transit, while also utilizing advanced construction techniques to minimize any noise impacts to residents, and the location, size, height and configuration of the Project would not create any safety problems. Furthermore, approval of the proposed Project protects public health, safety and welfare because as configured the Project minimizes the public's exposure to excessive airport noise through the application of advanced construction techniques and does not expose the public to any safety hazards or create any aircraft hazards.
3. The documents and other material constituting the record for these proceedings are located at the Planning Division for the City of Millbrae, 621 Magnolia Avenue, Millbrae CA, 94030.

I do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Millbrae this 24th day of November 2020, by the following vote:

AYES:	COUNCILMEMBERS:	Holober, Schneider, Oliva, Papan and Lee
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
EXCUSED:	COUNCILMEMBERS:	None

  
11/25/2020  
\_\_\_\_\_  
CITY CLERK



San Francisco International Airport

December 23, 2020

Darcy Smith  
 Community Development Director  
 City of Millbrae  
 621 Magnolia Avenue  
 Millbrae, CA 94030

*Transmitted via email*  
[dsmith@ci.millbrae.ca.us](mailto:dsmith@ci.millbrae.ca.us)

***Subject: San Francisco International Airport's Objection to the City of Millbrae's Proposed Amendment to the Millbrae Station Area Specific Plan***

Dear Ms. Smith:

Thank you for the opportunity for the San Francisco International Airport (SFO or "Airport") to comment on the City of Millbrae's ("Millbrae" or "City") proposed amendment to the Millbrae Station Area Specific Plan (MSASP) to allow Biosafety Level 2 uses within the Airport's Safety Compatibility Zone 2: Inner Approach/Departure Zone. We appreciate this opportunity to coordinate with the City in evaluating the proposed land use amendment.

Millbrae proposes amending the MSASP to allow biotech uses up to Biosafety Level 2 in its Transit-Oriented Development (TOD) zone south of Millbrae Avenue, which is in Safety Compatibility Zone 2 ("Zone 2") of the Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (ALUCP). On October 22, 2020, the Airport Land Use Commission (ALUC) determined that such use would be incompatible with the land use policies in the ALUCP. On November 25, 2020, the City passed Resolution No. 20-85, declaring its intent to consider overriding the ALUC determination of inconsistency for the proposed zoning amendment. The Airport objects to the proposed overrule<sup>1</sup> because it would violate an ALUCP safety policy that restricts uses within Zone 2 to mitigate risks to public safety in the event of an aircraft accident.

The MSASP currently permits biotech uses in the Employment/Light Industrial Zone south of the TOD zone. This overrule would allow biotech uses to be closer to Millbrae Station and within the Airport's Safety Compatibility Zone 2 for Runways 1L and 1R.<sup>2</sup> However, ALUCP Policy SP-3 (Hazardous Uses) specifically prohibits "Medical and biological research facilities handling highly toxic or infectious agents," which include Biosafety Levels 2, 3, and 4, within Zone 2. In order to overrule the ALUC, Millbrae must find that the amendment is consistent with California Public Utilities Code section 21760.<sup>3</sup> To justify overruling the ALUC, Millbrae makes several proposed findings in its Exhibit A to the Resolution. However, these findings do not support – and sometimes

<sup>1</sup> The California Public Utilities Code uses both the terms "override" and "overrule" interchangeably. See Cal. Pub. Util. Code § 21678.

<sup>2</sup> Exhibit IV-9 of the ALUCP highlights the areas of the MSASP that include Safety Zone 2, south of Millbrae Avenue.

<sup>3</sup> Cal. Pub. Util. Code § 21676.

**AIRPORT COMMISSION** CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED  
 MAYOR

LARRY MAZZOLA  
 PRESIDENT

ELEANOR JOHNS  
 VICE PRESIDENT

RICHARD J. GUGGENHIME

EVERETT A. HEWLETT, JR.

MALCOLM YEUNG

IVAR C. SATERO  
 AIRPORT DIRECTOR

*Darcy Smith*  
*December 23, 2020*  
*Page 2 of 3*

refute – that allowing Biosafety Level 2 uses in Zone 2 would “minimize the public’s exposure to . . . safety hazards.”<sup>4</sup>

The Resolution first finds that allowing Biosafety Level 2 would facilitate hosting “[l]ife science companies battling the COVID virus and other maladies” (Finding 2.e). This highlights the exact reason why Biosafety Level 2 facilities should not be allowed in an area of increased risk of aircraft accidents. The release of pathogens in the event of an aircraft accident would increase – not minimize – public exposure to safety hazards.

The Resolution goes on to highlight that the proposed amendment would “greatly aid in the City’s economic development” (Finding 2.f). Financial considerations are not germane to whether the amendment would increase the public’s exposure to safety hazards.

Next, the Resolution finds that “due to the low use of Runways 19L/R (which, according to the Airport are used for only 2 to 5% of landings), the risk is much lower than is reflected in the Safety Compatibility Zone maps in the ALUCP” (Finding 2.g). However, Policy SP-3 is not about the frequency of runway use and overflights, but rather the potential impacts to public safety of an accident involving an aircraft using Runways 1L/19R or 1R/19L. Further, Runways 1L/19R and 1R/19L had similar levels of utilization when the ALUCP was published in 2012, so it is inaccurate and misleading to state that the risk is somehow lower than what is reflected in the ALUCP based on utilization rates.

The Resolution then finds that “[b]ecause Level 2 does not authorize respiratory or aerosolized agents, it does not present a materially greater risk to public safety than Level 1 activities” (Finding 2.h). The ALUCP distinguishes between Biosafety Level 1 and Level 2 for a reason. The ALUCP considered that Level 2 does not include “agents with a potential for respiratory transmission” and prohibited Level 2 in Zone 2 nonetheless.<sup>5</sup> The California Airport Land Use Planning Handbook (Handbook), published by the Caltrans Division of Aeronautics, provides policy decisions for the ALUCP and notes that “[m]anufacturing, storage, or use of hazardous materials may warrant special consideration depending upon the specific materials and quantities. The concern is whether an aircraft accident could cause an explosion or release of toxic materials, thus posing dangers to the nearby population... Specifically, locations where the manufacturing or bulk storage of hazardous materials should be avoided include safety zones one through five.”<sup>6</sup> Millbrae’s finding to the contrary is not supported by any scientific authority, and its conclusory statements do not support that allowing Level 2 in Zone 2 would not pose an unacceptable risk to public safety.

Finally, the Resolution finds that each individual development project in the MSASP area would be evaluated through additional environmental analysis and for consistency with the MSASP Environmental Impact Report (EIR), as part of the Conditional Use Permit process (Finding 2.h). The MSASP EIR specifically required that “[l]ight industrial facilities in Safety Compatibility Zone 2 of the ALUCP shall not include hazardous uses as defined by the SFO ALUCP, Policy SP-3 on pages

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<sup>4</sup> Cal. Pub. Util. Code § 21670.

<sup>5</sup> ALUCP, pp. IV-33-34.

<sup>6</sup> Handbook, p. 4-30.



*Darcy Smith*  
*December 23, 2020*  
*Page 3 of 3*

IV-33 and IV-34.”<sup>7</sup> So any project that proposes allowing Biosafety Level 2 in Zone 2 will automatically be incompatible with the MSASP EIR, again highlighting why the proposed zoning amendment is inappropriate. SFO’s concern remains that any allowance of Biosafety Level 2 in Zone 2 would clash directly with aircraft safety and that Millbrae should not overrule the ALUC.

\* \* \*

In summary, the proposed zoning amendment to conditionally allow Biosafety Level 2 within Safety Zone 2 is inconsistent with the ALUCP and poses an unreasonable public safety hazard by exposing residents and businesses in Millbrae to greater potential harm in the event of an aircraft accident. The Airport does not object to Biosafety Level 2 uses in areas that specifically cater to and provide appropriate containment for that type of research. However, such uses are not ideal at the ends of runways and should be sited farther away from the Airport. If the City overrules the ALUC, the Airport will be immune from liability for damages resulting directly or indirectly from allowing Biosafety Level 2 uses in Zone 2.<sup>8</sup> The City should consider carefully the health, safety, and well-being of its citizens in the event of an aircraft accident in Zone 2.

The Airport appreciates your consideration of these comments. If I can be of assistance regarding this matter, please do not hesitate to contact me at (650) 821-9464 or at [nupur.sinha@flysfso.com](mailto:nupur.sinha@flysfso.com).

Sincerely,

DocuSigned by:  
*Nupur Sinha*  
7D552AE6A4CE495...

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

- cc: Sandy Wong, C/CAG  
Laurie Suttmeier, FAA San Francisco Airports District Office, Manager  
Amy Choi, Division of Aeronautics Caltrans, Chief  
Tom Williams, City of Millbrae, City Manager  
Ivar Satero, SFO, Airport Director  
Geoff Neumayr, SFO, Chief Development Officer  
Jon Ballesteros, SFO, Chief External Affairs Officer  
Audrey Park, SFO, Acting Environmental Affairs Manager

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<sup>7</sup> Final EIR, p. 3-10.  
<sup>8</sup> Cal. Pub. Util. Code § 21678.

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF AERONAUTICS – M.S. #40  
1120 N STREET  
P. O. BOX 942874  
SACRAMENTO, CA 94274-0001  
PHONE (916) 654-4959  
FAX (916) 653-9531  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life.*

December 24, 2020

Ms. Darcy Smith  
Community Development Director  
City of Millbrae  
621 Magnolia Avenue,  
Millbrae, CA 94080-3634

Electronically Sent  
[dsmith@ci.millbrae.ca.us](mailto:dsmith@ci.millbrae.ca.us)

Dear Ms. Smith:

Thank you for notifying the California Department of Transportation, Division of Aeronautics (Division) of the proposed overrule by the city of Millbrae (City). The Division has reviewed the proposed findings provided by the City with the proposed overrule and has determined the proposed findings are not consistent with the declaration and purposes of the statutes set forth in California Public Utilities Code (PUC) section 21670.

Pursuant to PUC section 21676(b)<sup>i</sup>, the City referred a zoning text amendment to the Millbrae Station Area Specific Plan (MSASP), which would allow biotech uses with a conditional use permit to the County Association of Governments of San Mateo County (C/CAG). On November 10, 2020, C/CAG, acting as the Airport Land Use Commission (ALUC)<sup>ii</sup>, found the zoning text amendment inconsistent with the Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Francisco International Airport (SFO) dated November 2012, and notified the City of their determination<sup>iii</sup>. On November 24, 2020, the City adopted a resolution making draft findings and declaring an intent to consider overruling the ALUC's determination of inconsistency<sup>iv</sup>. On November 25, 2020, the City notified the ALUC

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<sup>i</sup> Public Utilities Code (PUC) section 21676(b): Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to PUC section 21675, the local agency shall first refer the proposed action to the commission.

<sup>ii</sup> C/CAG is designated as the Airport Land Use Commission (ALUC) for San Mateo County pursuant to PUC section 21670.1(b).

<sup>iii</sup> PUC section 21676(b): If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified.

<sup>iv</sup> PUC section 21676(b): The local agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.

and the Division of its proposed intent to hold a public hearing on the City's proposed overrule of the ALUC's inconsistency determination<sup>v</sup>.

Pursuant to PUC section 21676(b), the City may overrule the ALUC's inconsistency determination no sooner than 45 days after the notice of the proposed overrule to the ALUC and Division.

The ALUC's determined that the MSASP zoning text amendment, which would allow biotech uses with a conditional use permit, inconsistent with the ALUCP based on the following:

- PUC section 21676(b) states that a local agency's General Plan, Zoning Ordinance, and/or any affected specific plan must be consistent with the applicable airport/land use criteria in the relevant adopted ALUCP.
- The City of Millbrae is considering zoning text amendments to the MSASP to allow uses classified in the ALUCP as Biotechnology Level 2 within portions of the two Zone Districts within the Specific Plan District, the Transit Oriented Development and Employment Center/Light Industrial Zones, south of Millbrae Avenue, that are located within Safety Compatibility Zone 2 of the SFO ALUCP.
- The area encompassed by the MSASP lies within Airport Influence Area B for SFO and the area subject to formal ALUC review.
- This airport land use plan consistency review is focused on Safety Compatibility issues since the Specific Plan Amendments do not address noise sensitive land uses nor change any development standards in the MSASP, which were previously reviewed by the ALUC in 2015 safety specific compatibility policies:
  - i. The ALUCP includes five sets of safety zones and identifies specific land uses, which are either incompatible or should be avoided within each of these zones.
  - ii. The properties impacted by the proposed Specific Plan Amendments lie within Safety Compatibility Zone 2, the Inner Approach/Departure Zone.
  - iii. The Specific Plan Amendments propose to include hazardous uses within Safety Compatibility Zone 2 to accommodate Biosafety Level 2 uses.
  - iv. The compatibility criteria for safety are established in Table IV-2 of the SFO ALUCP, which lists hazardous uses as incompatible within Safety

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<sup>v</sup> PUC section 21676(b): At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings.

- Zone 2. Hazardous uses are further clarified in Safety Policy SP-3, to specify that Biosafety Level 2 uses are considered hazardous uses.
- v. The Specific Plan Amendments are in direct conflict with the Safety Policies of the ALUCP and are not consistent with these policies.

The City's notice of intent to overrule provided findings related to airspace protection and noise airport compatibility planning and policies. As the ALUC determined, airspace protection, noise, and overflight cannot be considered as part of the overrule because these matters have been determined to be conditionally consistent with the ALUCP, and it cannot be determined whether the zoning text amendment would involve airspace protection and noise airport compatibility planning. Further, findings in support of an overrule are not necessarily like environmental overriding considerations. Noise and airspace protection findings do not override the need to ensure safety near the airport in the event of a catastrophic aircraft event.

The City's findings cite the need for Biotechnology Level 2 due to the COVID-19 pandemic, the City's desire to attract these types of uses to Millbrae, and the advantage of having such uses near a transit hub. The Division recognizes the importance of biotechnology, the jobs it may generate, the potential demand for biotechnology office and warehouse space, and the importance of locating people and jobs near transit hubs. However, these matters do not minimize safety hazards associated with SFO.

The Safety Zones in the California Airport Land Use Planning Handbook (Handbook)<sup>vi</sup> provide guidance to ALUCs for establishing airport land use compatibility planning policy. The ALUC membership includes at least two members with aviation expertise. Policies in the ALUCP represent input from the aviation experts and from the airport operator, who have determined the need to have Safety Zones 2 and 3 cover the subject MSASP.

The City's findings cite the risk associated with the low use of Runways 19 L/R, "which, according to the Airport are used for only 2 to 5% of landings." ALUCP Policy SP-3 was adopted by the ALUC based on the potential impacts to public safety of an accident involving an aircraft using Runways 1L/19R or 1R/19L. Frequency of use does not negate the potential for such hazard.

The City's findings cite the Center for Disease Control (CDC) for Biosafety in microbiological and biomedical laboratories, which explain that Biotechnology Level 2 involves agents that are already present in the community and do not authorize respiratory or aerosolized agents. The City states further that

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<sup>vi</sup> <https://dot.ca.gov/programs/aeronautics/airport-land-use-planning>

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Biotechnology Level 2 does not present a materially greater risk to public safety than Level 1 activities and that each project in the Amendment area would go through environmental analysis as part of the Conditional Use Permit process regarding hazardous materials and any other environmental concerns. The ALUCP distinguishes the difference between Biosafety Level 2 and Biosafety Level 1. The CDC denotes Biosafety Level 1 as an activity that does not involve hazardous materials. Biosafety Level 2 involves a broad spectrum of indigenous moderate-risk agents that are present in the community and associated with human disease of varying severities. The City's finding is not supported by scientific authority, and the zoning text amendment could pose an unacceptable risk to public safety.

The Handbook states certain:

categories of high-risk uses may not have many occupants, but the consequences of an aircraft accident at the site could nonetheless be elevated. Of particular concern is that these consequences may extend beyond the immediate location of the accident. Manufacturing, storage, or use of hazardous materials may warrant special consideration depending upon the specific materials and quantities. The concern is whether an aircraft accident could cause an explosion or release of toxic materials, thus posing dangers to the nearby population. Uses that involve the storage of hazardous materials should be avoided in locations where aircraft may be operating at low altitudes, or where data has shown the risk of accidents to be greater. Specifically, locations where the manufacturing or bulk storage of hazardous materials should be avoided include safety zones one through five.

Further, Appendix H, page H-19, identifies Land Uses of Special Concern. Certain types of land uses represent special safety concerns irrespective of the number of people associated with those uses. Hazardous Materials Storage is of particular concern. In some cases, these uses are not allowed in portions of the airport environs regardless of the number of occupants associated with the use. These uses should be avoided and allowed only if a site outside the zone would not serve the intended function.

The Division is also concerned that the proposed zoning text amendment would allow Biotechnology Level 2 and hazardous materials storage in Safety Zone 3. The compatibility criteria for safety are established in Table IV-2 of the SFO ALUCP, which lists hazardous uses as incompatible within Safety Zones 2 and 3. Hazardous uses are further clarified in Safety Policy SP-3, which states Biosafety Level 2 should be avoided in Safety Zone 3. These uses should be avoided and allowed only if a site outside the safety zone would not serve the intended function. The City should revise the

overrule to include this matter. If the City chooses not to revise the overrule, the overrule will not be valid for Safety Zone 3.

The Division agrees with the ALUC's inconsistency determination. PUC section 21676(b) requires that if the local agency adopts an overrule, it must do so with a two-thirds majority vote by the local agency's legislative body. Pursuant to PUC section 21678, if a local agency adopts an overrule, the airport operator shall be immune from liability for damages to property or personal injury resulting directly or indirectly from the local agency's decision to overrule.

The Division comments are to be included in the public record of any decision to overrule the ALUC. If you have questions or we may be of further assistance, please contact me at (916) 654-5314 or via email at [Robert.fiore@dot.ca.gov](mailto:Robert.fiore@dot.ca.gov)

Sincerely,

*Originally signed by*

ROBERT FIORE  
Aviation Planner

c: Suzy Kalkin, [kkalkin@smcgov.org](mailto:kkalkin@smcgov.org)  
Laurie Suttmeier, [laurie.suttmeier@faa.gov](mailto:laurie.suttmeier@faa.gov)  
Nupur Sinha, [sinha@flysfo.com](mailto:sinha@flysfo.com)  
Nile Ledbetter, [nile.ledbetter@flysfo.com](mailto:nile.ledbetter@flysfo.com)