

RESOLUTION 22-30

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY, ACTING AS THE SAN MATEO COUNTY AIRPORT LAND USE COMMISSION, DETERMINING THAT THE PROPOSED GATEWAY OF PACIFIC PHASE 4 DENSITY TRANSFER PROJECT, INCLUDING GENERAL PLAN, SPECIFIC PLAN AND ZONING AMENDMENTS FOR PROPERTY LOCATED AT 900 GATEWAY BOULEVARD, SOUTH SAN FRANCISCO, IS CONDITIONALLY CONSISTENT WITH THE COMPREHENSIVE AIRPORT LAND USE COMPATIBILITY PLAN FOR THE ENVIRONS OF SAN FRANCISCO INTERNATIONAL AIRPORT.

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), in its capacity as the San Mateo County Airport Land Use Commission, that,

WHEREAS, 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) and furthermore, per Policy GP-10.1 of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP), if a jurisdiction has not made its local plans consistent with the ALUCP all proposed development projects within AIA B may be subject to ALUC review; and

WHEREAS, the City of South San Francisco has received an application for General Plan, Specific Plan and Zoning Ordinance amendments to allow a transfer of density within the Gateway of Pacific Master Plan area, resulting in an increased height (from 5-stories to 9-stories) for a previously entitled building at 900 Gateway Boulevard (the "Project") which is located within Airport Influence Area B of San Francisco International Airport (SFO); and

WHEREAS, the City of South San Francisco has referred the Project to C/CAG, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the SFO ALUCP; and

WHEREAS, three sets of airport/land use compatibility policies and criteria in the SFO ALUCP relate to the Project: (a) noise compatibility policies and criteria; (b) safety policies and criteria; and (c) airspace protection policies, as discussed below:

(a) Noise Policy Consistency Analysis - 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. Per SFO ALUCP Exhibit IV-6, the Project lies outside the bounds of the 65dB CNEL contour, and therefore is consistent with the SFO ALUCP noise policies and criteria.

(b) The SFO ALUCP includes five safety zones and related land use compatibility policies and criteria. Per SFO ALUCP Exhibit IV-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 the Project.

(c) Airspace Protection – 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. By definition, any object that penetrates one of the imaginary surfaces of the FAR Part 77 exhibit is deemed an obstruction to air navigation.

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 SFO Critical Aeronautical 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 9-story structure would be 178 feet tall to the top of the mechanical screen. With a ground elevation of approximately 39 feet above mean sea level (MSL), the height of the project would therefore be about 217 above MSL. Utilizing the ‘SFO Online Airspace Tool’, it has been determined that the building would be more than 320 feet below critical airspace. However, as shown on SFO ALUCP Exhibit IV-11, the Project is located in an area that requires FAA notification for projects greater than 65-100 feet tall, and a determination from the FAA that the project will not be a hazard to air navigation. In acknowledgement of this requirement, a condition is included in this consistency determination to require compliance; and

WHEREAS, the Project site is located within the Airport Influence Area A (AIA A) 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 the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations. As neither the Project application materials nor South San Francisco’s ordinances address this requirement, it is included herein as a condition of the consistency determination; and

WHEREAS, at its meeting on April 28, 2022, based on the factors listed above and subject to the conditions identified, the Airport Land Use Committee recommended that the C/CAG Board of Directors, acting as the Airport Land Use Commission, determine that the Project is consistent with the SFO ALUCP; and,

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the City/County Association of Governments for San Mateo County, acting as the San Mateo County Airport Land Use Commission, that subject to the conditions contained in Exhibit A, attached, the Project is determined to be 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.

PASSED, APPROVED, AND ADOPTED, THIS 12TH DAY OF MAY 2022.

Davina Hurt, Chair

Resolution 22-30 – Conditions of Consistency Determination:

1. *Prior to issuance of a building permit, the project sponsor shall file Form 7460-1 with the FAA and provide to the City of South San Francisco an FAA “Determination of No Hazard”.*
2. *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.*