



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

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August 22, 2022

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

RE: 180 El Camino Real ALUC Determination – Override Consideration

Honorable Mayor and Council Members,

The City/County Association of Governments, 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 residential portion of the 180 El Camino Real 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 comments.

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 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. Therefore, we would respectfully suggest that it would be prudent to use the projected noise contour as the baseline to establish the necessary sound attenuation/mitigation measures needed to achieve the required indoor noise level of 45 dB rather than the "point in time" measurements to better ensure the intended interior noise environment is maintained over the life of the project.

Thank you again for the opportunity to comment,

Sean Charpentier, C/CAG Executive Director

CC: SSF Planning Division
C/CAG Board

California Department of Transportation

DIVISION OF AERONAUTICS
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August 26, 2022

Mr. Billy Gross, Principal Planner
City of South San Francisco, Planning Division,
315 Maple Avenue
South San Francisco, CA 94080

Dear Mr. Gross,

Thank you for notifying the California Department of Transportation, Division of Aeronautics (Division), of the proposed overrule by the City of South San Francisco (City). The City is proposing an overrule of the County Association of Governments of San Mateo County (C/CAG), acting in their Role as the Airport Land Use Commission (ALUC), for the San Francisco International Airport (SFO).

On July 14, 2022, the Division received an email notification that included City Resolution 122-2022 and draft findings, declaring an intent to consider overruling the ALUC's July 14, 2022, determination of inconsistency of the proposed 180 ECR Residential/R&D project (Project), with the 2012 Comprehensive Airport Land Use Compatibility Plan for the Environs of the San Francisco International Airport (ALUCP). This proposed project is on an 11.2-acre site in South San Francisco located at 180-188 El Camino Real and 415 Spruce Avenue, APN 014-183-110.

The proposed Project consists of a high-density mixed-use development, consisting of construction of three (3) 6-story life science/R&D buildings, a 7-level parking structure, and a 7-story, multi-family residential building containing 184 units. The Project is in the Airport Influence Area of SFO as defined in the ALUCP, with much of the Project site located within ALUCP's Safety Compatibility Zone 4, the Outer Approach/Departure Zone. This includes the three R&D structures identified in the site plans as Buildings 1, 2 and 3.

The ALUC found that the Project is inconsistent with the policies of the ALUCP. This is based on the fact that the multi-family residential use portion of this Project is located within the 70-75 dB CNEL contour, consequently making it not compatible, since the site had not been zoned exclusively for residential use at the time of adoption of the ALUCP. This is further clarified in the ALUCP Noise Policy NP-2 to mean "that the proposed land use is incompatible with aircraft noise at the indicated CNEL level", regardless of proposed mitigation. Thus, due

to the residential component, the Project was determined to be not consistent with the ALUCP. Additionally, the ALUC stated that the three (3) 6 story life science/R&D buildings and parking structure would only be considered conditionally consistent with the ALUCP, with the following conditions:

- Prior to approval, the final land use decision-making body for the project (South San Francisco City Council, Planning Commission, etc.) shall make specific findings that there is no feasible alternative for the proposed inclusion of biosafety level 2 use on the site.
- The City of South San Francisco shall ensure that any structure within the project that is located within Safety Zone 4 and that contains a use classified as biosafety level 2 shall be provided with at least 50% more exits than required by applicable codes.
- Prior to issuance of any building permits, the City of South San Francisco shall require that the project sponsor clearly document that all structures, including appurtenances, will be constructed below the heights shown on the SFO critical aeronautical surfaces map (ALUCP Exhibit IV-17.)
- Prior to issuance of any building permits, 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" for each structure.
- 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 ALUCP.

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 the California Public Utilities Code (PUC) section 21670. These findings do not provide substantial evidence that the proposed Project will meet the requirements of PUC 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 Division agrees with the ALUC that the Project is not consistent with the ALUCP. This is due to the multi-family residential use portion of this Project being located within the 70-75 dB CNEL contour according to the ALUCP. The Division disagrees with the city's finding "2. d." with respects to using the noise analysis from Salter, dated February 28, 2022, or any other analysis to determine noise

compatibility instead of the forecasted Noise Contours contained in the ALUCP. It is with good reason that ALUCPs are the fundamental tool used by ALUCs in fulfilling their purpose of promoting airport land use compatibility. As mandated (PUC sections 21674(c), 21675, and 21676 (b)), the ALUC used the criteria of the ALUCP in making its determination of inconsistency. Thus, the ALUC is correct in its determination that that the proposed multi-family residential use is incompatible with aircraft noise, regardless of proposed mitigation.

Regarding noise compatibility for residential uses, the California Airport Land Use Planning Handbook (Handbook), published by the Division on page 4-7 states:

"For purposes of airport land use compatibility planning, Caltrans advises that 65 dB CNEL is not an appropriate criterion for new noise-sensitive development around most airports. At a minimum, communities should assess the suitability and feasibility of setting a lower standard for new residential and other noise-sensitive development."

Additionally, the Division agrees with the following (from the letter addressed to the ALUC dated June 14, 2022, from Nupur Sinha, Director of Planning and Environmental Affairs, San Francisco International Airport), regarding this proposed Project's noise incompatibility.

"Noise compatibility for a development project must be evaluated based on the SFO ALUCP as required by state law. Noise contours based on more recent data, such as used in the Salter report, do not fully reflect the future forecast for SFO operations and may underestimate noise impacts to development projects. As a prime example, the Q 3, 2021 noise contours cited in the noise analysis reflect an unprecedented and temporary decline in air traffic as the result of the COVID-19 pandemic, which is not a reliable source of data for future forecasts."

Regarding the rest of the project, construction of the three (3) 6-story life science/R&D buildings, and a 7-level parking structure, the Division agrees with all of the ALUC's required conditions, as being absolutely necessary. Although, the addition of these conditions by the ALUC would make these land uses compatible with the ALUCP, the Division still has serious concerns.

According to the Handbook's example of Safety Zones, that are to be used as a starting point for ALUCs to develop the Safety Zones for the ALUCP. A significant portion of the area for construction of the 6-story life science/R&D buildings will be located in Safety Zones 4 and 6.

Safety Zone 4 is the Outer Approach/Departure Zone and considered by the Handbook as having a moderate risk level for an aircraft accident occurring at this location. High intensity retail or office buildings are to be avoided. Avoided is defined as: Use generally should be permitted only if an alternative site outside the zone would not serve the intended public function. Additionally, it notes to consider potential airspace protection hazards of certain energy/industrial projects.

Safety Zone 6 is the Traffic Pattern Zone and has a risk level that is considered low. However, the Handbook cautions that processing and storage of bulk quantities of highly hazardous material should be limited.

Concerning hazardous materials, the Handbook on page 4-30 states:

“Two other 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 (e.g., gas stations) 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.**” (Bold added)

Concerning the Handbook, the California Public Utilities Code, section 21674.7 (b), states:

“It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the Division...”

Mr. Billy Gross, Principal Planner
August 26, 2022
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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 email at tony.sordello@dot.ca.gov or call (916) 639-6298.

Sincerely,

Original signed by

TONY SORDELLO
Associate Aviation Planner
Division of Aeronautics

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