

## **RESOLUTION 22-96**

### **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 CITY OF SAN BRUNO DRAFT 2023-2031 HOUSING ELEMENT IS NOT 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**, in accordance with the requirements of California Public Utilities Code Section 21676(b) 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; and

**WHEREAS**, the City of San Bruno has referred its Draft Housing Element to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with the relevant airport/land use compatibility criteria in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP); and

**WHEREAS**, the Draft Housing Element identifies goals, policies, and programs to address San Bruno's Regional Housing Needs Allocation (RHNA), and includes a list of housing opportunity sites; and

**WHEREAS**, the Draft Housing Element includes an inventory of 23 housing opportunity sites identified for development or redevelopment of mixed-use or residential projects that would be counted towards the San Bruno's RHNA obligation; and

**WHEREAS**, three airport/land use compatibility factors are addressed in the SFO ALUCP that relate to the proposed general plan housing element amendment. These include policies for: (a) noise compatibility, (b) safety compatibility, and (c) airspace compatibility, as discussed below:

- a. Noise Compatibility - Pursuant to SFO ALUCP, Table IV-1, Noise/Land Use Compatibility Land Use Criteria, residential land uses are conditionally compatible in the CNEL 65-70 dB noise exposure contour range and are acceptable if sound insulation is provided to reduce interior noise levels from exterior sources to CNEL 45 dB or lower and if an aviation easement is granted to the City and County of San Francisco as operator of SFO. Five housing opportunity sites, Sites 7, 15, 18, 20, and 21, are located within the CNEL 65-70 dB contour. The noise compatibility conditions of the SFO ALUCP would apply to the affected sites at the time of construction permitting.

As further outlined in SFO ALUCP Table IV-1, with a limited exception, residential land use is not compatible in the CNEL 70-75 dB noise exposure contour range. The exception applies to existing lots of record zoned for residential use as of the effective date of the SFO ALUCP (November 8, 2012). In such cases, new residences must be sound insulated to

achieve an indoor noise level of CNEL 45 dB or less from exterior sources, and the property owner must grant an aviation easement to the City and County of San Francisco prior to issuance of a building permit for the proposed building.

Two housing opportunity sites, Sites 14 and 19, are in the CNEL 70-75 dB noise exposure contour range. Site 14 is presently zoned P-D (Planned Development) and designated in the City's General Plan for regional commercial use, and Site 19 is zoned C-N (Neighborhood Commercial) and designated in the General Plan for multi-use.

The Draft Housing Element, with respect to Sites 14 and 19, is inconsistent with the SFO ALUCP noise policies.

- b. Safety Compatibility - The SFO ALUCP includes safety zones and related land use compatibility policies and criteria. Two housing opportunity sites, Sites 15 and 21, are in Safety Zone 3 (Inner Turning Zone) and one housing opportunity site, Site 14 (the Tanforan Site), is in Safety Zone 4 (Outer Approach / Departure Zone). Per SFO ALUCP Table IV-2, *Safety Compatibility Criteria*, housing is a compatible use in Safety Zone 3 and Safety Zone 4. Therefore, the Draft Housing Element is consistent with the SFO ALUCP safety policies
- c. Airspace Compatibility - The SFO ALUCP airspace policies establish maximum heights for the compatibility of new structures. The policies also stipulate the need for compliance with federal regulations requiring notification of the Federal Aviation Administration of certain proposed construction or alterations of structures.

Because the Draft Housing Element is a policy document and not a specific development proposal, the airspace compatibility policies of the SFO ALUCP do not directly apply. Consistency with the airspace compatibility policies would be required for future development proposals stemming from the Draft Housing Element.

**WHEREAS**, at its October 27, 2022 meeting, based on the factors listed above, the Airport Land Use Committee unanimously recommended that the C/CAG Board of Directors, acting as the Airport Land Use Commission, determine that the City of San Bruno Draft 2023-2031 Housing Element be found inconsistent with the noise compatibility policies of 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 the City of San Bruno Draft 2023-2031 Housing Element is not consistent with the Noise Compatibility 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 10<sup>TH</sup> DAY OF NOVEMBER 2022.**

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*Davina Hurt, Chair*

## **RESOLUTION 22-104**

**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 CITY OF SAN BRUNO'S GENERAL PLAN AMENDMENT TO RECOGNIZE THE LOCAL AGENCY OVERRIDE PROCESS THAT IS PROVIDED BY STATE LAW IS CONSISTENT WITH THE POLICIES OF 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

**WHEREAS**, the City of Bruno has proposed an amendment to its General Plan to recognize the Local Agency Override process that is provided by State law, and has referred this Amendment to the C/CAG Board, acting as the San Mateo County Airport Land Use Commission, for a determination of consistency with the SFO ALUCP; and

**WHEREAS**, the General Plan Amendment specifically addresses the "Local Agency Override" provision of state law [PUC Section 21675.1 (d)] which provides a process for jurisdictions to override an airport land use commission disapproval of a proposed land use policy or development action, and is consistent with the provisions of the SFO ALUCP Section 3.3.3, which directly acknowledges and describes the override process; 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 the City of San Bruno's General Plan Amendment 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 10<sup>TH</sup> DAY OF NOVEMBER 2022.**

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*Davina Hurt, Chair*