

C/CAG AIRPORT LAND USE COMMITTEE (ALUC)

STAFF REPORT

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TO: C/CAG Airport Land Use Committee (ALUC) Representatives and Alternates

FROM: David F. Carbone, ALUC Staff

DATE: August 20, 2009

RE: **Agenda Item No. 5** for August 27, 2009: Comprehensive Airport Land Use Plan (CLUP) Consistency Review of a Referral From the City of Redwood City
Re: *Draft New General Plan Document*

STAFF RECOMMENDATION

That the C/CAG Airport Land Use Committee (ALUC) recommend to the C/CAG Board of Directors, that C/CAG, acting as the Airport Land Use Commission, determine that the relevant content of the City of Redwood City *Draft New General Plan* document, is consistent with (1) the recommended guidance from the *California Airport Land Use Planning Handbook January 2002*, (2) the text in the relevant Sections of California Public Utilities Code Division 9, Part 1, Chapter 4, Article 3.5, Airport Land Use Commission and (3) the applicable airport/land use compatibility criteria, as contained in the *San Mateo County Comprehensive Airport Land Use Plan December 1996*, as amended, for the environs of San Carlos Airport.

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Although not a recommended condition to determine consistency with the relevant content of the CLUP for the environs of San Carlos Airport, ALUC Staff recommends that Redwood City Staff make the following clarification/accuracy edits to the text of the *Draft New General Plan* document. (Note: Suggested new text is underlined; text not shown from the draft version is to be deleted).

Built Environment Chapter, pp. BE-2 and BE-3: Revise the draft text under *San Carlos Airport Land Use Plan* to read as follows:

“San Carlos Airport is located within the City of San Carlos and owned and operated by the County of San Mateo. The Airport lies north of Whipple Road and east of U.S. Highway 101 and divides Redwood Shores from the rest of the City. The City/County Association of Governments of San Mateo County (C/CAG) Board of Directors serves as the state-mandated airport land use commission for the county. The Board established the C/CAG Airport Land Use Committee (ALUC) to review proposed land use policy actions and related development in jurisdictions surrounding the three airports in the county. The Committee makes recommendations to the Board, regarding the consistency of the proposed land use policy actions and related development with the relevant airport/land use compatibility polices and criteria within defined airport influence area (AIA) boundaries for each airport. The City of Redwood City is a member of the C/CAG Airport Land Use Committee (ALUC) and the C/CAG Board of Directors.”

The adopted airport influence area (AIA) boundary for San Carlos Airport consists of two parts: Area A and Area B. Area A defines a geographic area that is subject to state-mandated real estate disclosure of potential airport/aircraft impacts. All of Redwood City is located within Area A. Area B defines an area within which, in addition to the real estate disclosure provisions, affected jurisdictions must refer their proposed land use policy actions (including General Plan land use amendments) to the ALUC and the C/CAG Board for formal airport/land use compatibility review. Area B includes most of Redwood Shores, the Inner Bayfront area, a portion of the Veterans Boulevard Corridor, Centennial neighborhood, and a portion of Downtown. For more information, refer to the Airport Influence Area and Height Restriction Maps on file with Redwood City and in the Public Safety Element of the New General Plan.”

BACKGROUND

I. General Plan Overview

The State of California requires each city, county, or city and county, to adopt a comprehensive, long-term General Plan for the physical development of the community. The Plan must contain seven elements to address all aspects of development, including land use, environmental management and sustainability, traffic and circulation, housing, parks and recreation, and other topics. The *Plan* contains polices and actions to guide future development in the jurisdiction over a 20-year planning horizon.

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The City of Redwood City has referred its *Draft New General Plan* document to the C/CAG Board of Directors, acting as the Airport Land Use Commission, for a determination of the consistency of the content of the document with the relevant airport/land use compatibility criteria contained in the *San Mateo County Comprehensive Airport Land Use Plan December 1996*, as amended for the environs of San Carlos Airport (SQL) (see Attachment No. 1). The concept of “consistency” is described in the Section II below. The Redwood City *Draft New General Plan* document is subject to ALUC/C/CAG review, pursuant to PUC Section 21676 (b). The 60-day review period will expire on September 11, 2009.

II. General Plan Consistency With the Comprehensive Airport Land Use Compatibility Plan (CLUP)

A. California Government Code Section 65302.3 (a) This Code Section states the following:

“The general plan and any applicable specific plan...shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.” (ref.: comprehensive airport land use compatibility plan (CLUP)).

The City of Redwood City *Draft New General Plan* document contains the following text on p. PS - 38 of the *Public Safety Element* to address the state-mandated general plan consistency requirement with the relevant airport land use plan:

“California Government Code Section 65302.3 requires that a local general plan be consistent with the applicable airport/land use compatibility criteria in the relevant adopted airport land use plan. This General Plan ensures that all the goals, guidelines, and plan implementation programs contained herein are consistent with the relevant airport/land use compatibility criteria contained in the 1996 San Mateo County Comprehensive Airport Land Use Plan, as amended for San Carlos Airport.”

B. The Concept of Consistency. The *California Airport Land Use Planning Handbook January 2002* provides guidance to the C/CAG Board and to C/CAG Staff, regarding the concept of “consistency” between a proposed local agency land use policy action (i.e. general plan amendment; specific plan) and the relevant content of an airport/land use compatibility plan (CLUP). The *Handbook* guidance states the following:

“As widely applied in airport land use planning, consistency does not require being identical. It means only that the concepts, standards, physical characteristics, and resulting consequences of a proposed action must not conflict with the intent of the law or the compatibility plan to which the comparison is being made.”

Source: *California Airport Land Use Planning Handbook January 2002*, p. 5-3

The C/CAG Board has expanded its consistency determination finding (action) to also include consistency with (a) the relevant guidance from the *California Airport Land Use Planning Handbook January 2002* and (b) the text in the relevant sections of Public Utilities Code Division 9, Part 1, Chapter 4, Article 3.5, Airport Land Use Commission.

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III. Airport Influence Area (AIA) Boundaries

State law (PUC Section 21675(c)) requires airport land use commissions to adopt planning area boundaries, also known as airport influence area (AIA) boundaries. The AIA boundary defines the geographic area within which relevant airport/land use compatibility policies and criteria apply to proposed local agency land use policy actions and related development.

The C/CAG Board of Directors, acting as the Airport Land Use Commission, has adopted the concept of a two-part AIA boundary for the environs of San Carlos Airport. Area A defines a geographic area within which state-mandated real estate disclosure of potential airport/aircraft impacts is required, per Chapter 496 Statutes of 2002, as part of the sale of real property within the boundary. Area B defines a geographic area within which (1) real estate disclosure, per Chapter 496 Statutes 2002, is required and (2) proposed local agency land use policy actions and related development proposals that affect land within Area B, must be referred to the ALUC/C/CAG for formal review. The City of Redwood City *Draft New General Plan* document includes a map of the adopted Airport Influence Area (AIA) boundary for San Carlos Airport on p. PS-41 in the *Public Safety Element* (see Attachment No. 2).

DISCUSSION

I. Airport/Land Use Compatibility Issues

There are three airport/land use compatibility issues addressed in the *San Mateo County Comprehensive Airport Land Use Plan*, as amended, for the environs of San Carlos Airport that relate to the relevant content of the *Draft New General Plan* document: (a.) Height of Structures/Airspace Protection, (b.) Aircraft Noise Impacts, and (c.) Safety Criteria. The following sections address each issue.

A. Height of Structures/Airspace Protection. The C/CAG Board has adopted the provisions in Federal Aviation Regulations FAR Part 77, "Objects Affecting Navigable Airspace," as amended, to establish restrictions for height of structures/airspace protection and federal notification requirements, related to proposed development within the federal airspace boundaries for San Carlos Airport. The regulations include: (1.) standards for determining obstructions in the navigable airspace and designation of imaginary surfaces for airspace protection; (2.) requirements for project sponsors to provide notice to the FAA of certain proposed construction or alteration of structures in the airport environs; and (3.) preparation of aeronautical studies, by FAA staff, to determine the potential effect(s), if any, of proposed construction or alteration of structures on the safe and efficient use of the subject airspace.

The text on p. PS - 38 in the *Public Safety Element* of the Redwood City *Draft New General Plan* includes the following sentence, regarding height of structures near San Carlos Airport:

"Generally, the CLUP places restrictions on building heights, types of land uses, and density of uses around the environs."

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The City of Redwood City *New Draft General Plan* is a policy document that does not change or affect the maximum structure height limits that are specified in the current Redwood City Zoning Ordinance. However, any future proposed amendments to the Zoning Ordinance that would include changes to maximum structure heights and/or other zoning issues that affect property within the Area B boundary for the environs of San Carlos Airport would be submitted to the ALUC/C/CAG for formal review.

B. Aircraft Noise Impacts. The 65 dB CNEL (Community Noise Equivalent Level) aircraft noise contour defines the federal threshold for aircraft noise impacts and the boundary on which noise mitigation actions and related federal funding are based. This contour boundary is also used by the State as the threshold for airport/land use compatibility for noise-sensitive land uses. However, airport land use commissions can set a lower CNEL threshold for aircraft noise compatibility, based on local conditions (i.e., aircraft type, airport traffic pattern, runway length, etc.). The 55 dB CNEL aircraft noise contour defines the aircraft noise compatibility threshold for aircraft operations at San Carlos Airport.

The *Public Safety Element* of the Redwood City *Draft New General Plan* document contains a comprehensive section on noise, as required by state law. Narrative text about aircraft noise is shown on p. PS-61, as follows:

“Aircraft
Aircraft operations at San Carlos Airport primarily impact properties along U.S. 101 and Redwood Shores. The *1996 San Mateo County Comprehensive Airport Land Use Plan* provides projected noise contour information for airport operations, shown in Figure PS-9. Where aircraft noise exceeds or is projected to exceed 55 dBA CNEL, the Airport Land Use Commission requests the City to require affected property owners to grant an aviation easement to the County of San Mateo when noise-sensitive developments are proposed within the airport’s 55 dBA CNEL noise contour and higher noise levels.”

A map of the San Carlos Airport Noise Contours (June 2002) is shown on p. PS-62 in the *Public Safety Element*. The *Noise* section of the *Public Safety Element* also includes one goal, three policies, and two programs that directly address airport noise–related impacts (see Attachment No. 3A. and No. 3B.).

C. Safety Criteria. (1) Safety Zones. The *California Airport/Land Use Planning Handbook January 2002* requires comprehensive airport/land use compatibility plans (CLUPs) to include safety zones for each runway end and related safety policies and criteria. The current CLUP for the environs of San Carlos Airport, however, does not include safety zones and related compatibility policies and criteria. They will be addressed in a future CLUP amendment; **(2) Land Uses.** Certain types of land uses are recognized by the Airport Land Use Commission (C/CAG Board) as hazards to air navigation. These land uses are listed in the CLUP for the environs of San Carlos Airport and include the following:

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- * Any use that would direct a steady or flashing light of white, red, green, or amber color toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a final approach for landing, other than an FAA-approved navigational lights.
- * Any use that would attract concentrations of birds within approach/climbout areas
- * Any use that would cause sunlight to be reflected toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a final approach for landing.
- * Any use that would generate electrical interference that may affect aircraft communications or aircraft instrumentation.

These parameters would be considered in a formal FAA airspace impact review and as part of a formal CLUP consistency review by the ALUC and C/CAG.

The text on p. PS-38 in the *Aviation Hazards* subsection in the *Public Safety Element* of the Redwood City *Draft New General Plan* document addresses aviation safety, related to aircraft operations at San Carlos Airport, in a general way, as follows:

“The constant flow of air traffic in, and around airports pose a safety hazard for surrounding land uses. Aircraft accidents are more likely to occur in those areas immediately around the airport. Harm to life or damages to property can result from crashes and collisions during take-off and landing of airplanes.”

“The CLUP identifies zones around the airport where land use restrictions are in place to guard against conflicts.”

The text on p. PS-49 in the *Public Safety Element* of the Redwood City *Draft New General Plan* document includes one goal, one policy, and one program that address safety of people on the ground and in aircraft in flight in the vicinity of San Carlos Airport (see Attachment No. 4).

II. Disclosure of Potential Airport/Aircraft Impacts

A. State-Mandated Real Estate Disclosure. Real estate disclosure of potential airport/aircraft related impacts on real property is mandated, per Chapter 496 Statutes of 2002 (formerly AB 2776 (Simitian)). Public Utilities Code Section 21674.7 states airport land use commissions “...shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation.” The *California Airport Land Use Planning Handbook (January 2002)* states “ALUCs are encouraged to adopt policies defining the area within which information regarding airport noise impacts should be disclosed as part of real estate transactions.”

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Both AIA Area A and AIA Area B for San Carlos Airport require real estate disclosure. As noted in Section III on p. 4 of this Staff Report, the *Draft New General Plan* document includes a map of the adopted Airport Influence Area (AIA) boundary for San Carlos Airport on p. PS-41 in the *Public Safety Element* (see Attachment No. 2).

B. San Carlos Airport Avigation Easement Review Area (AERA). The CLUP for the environs of San Carlos Airport includes polices and criteria for the grant of avigation easements to the County of San Mateo, as the airport proprietor. It also includes a map that illustrates an Avigation Easement Review Area (AERA) boundary. An avigation easement is a form of disclosure, usually focused on aircraft noise impacts, that grants certain rights to the airport proprietor to ensure the safe and efficient operation of aircraft in the airspace above the Grantor's property. The avigation easement document used by the County of San Mateo addresses noise and height issues.

The text on p. PS-61 in the Redwood City *Draft New General Plan* document includes the following sentence regarding the grant of avigation easements:

“Where aircraft noise exceeds or is projected to exceed 55 dBA CNEL, the Airport Land Use Commission requests the City to require affected property owners to grant an avigation easement to the County of San Mateo when noise-sensitive developments are proposed within the airport's 55 dBA CNEL noise contour and higher noise levels.”

A map that illustrates the configuration of the San Carlos Airport Avigation Easement Review Area (AERA) boundary is shown in the Redwood City *Draft New General Plan* document on p. PS – 39 (see Attachment No. 5).

Real estate disclosure per Chapter 496 Statutes of 2002 (formerly AB 2776 (Simitian)) and the request for the grant of an avigation easement would be part of a future ALUC/C/CAG review of noise-sensitive land use proposals and related development within the AIA Area B boundary and in the AERA boundary, if applicable.

III. Guidance From the *California Airport Land Use Planning Handbook January 2002*

ALUC Staff reviewed the relevant content of the *California Airport Land Use Planning Handbook January 2002* to prepare this Report. The staff analysis and recommendation contained herein are consistent with and guided by the relevant recommendations and guidelines contained in the *Handbook*.

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ATTACHMENTS

- Attachment No. 1:** Letter to Dave Carbone, CCAG Staff, from Tom Passanisi, Principal Planner, City of Redwood City, dated July 27, 2009; re: request for ALUC and CCAG review of Redwood City's *Draft New General Plan*, with three attachments.
- Attachment No. 2:** Graphic – Figure PS-8 C/CAG Land Use Committee Recommendation Revised Airport Influence Area Boundary for San Carlos Airport – Areas A and B (October 2004); source: Redwood City *Draft New General Plan, Public Safety Element*.
- Attachment No. 3A:** Graphic – Figure PS-9 San Carlos Airport Noise Contours (June 2002); source: Redwood City *Draft New General Plan, Public Safety Element*
- Attachment No. 3B:** pp. PS-71, PS-72, and PS-73; re: airport noise-related goal, policies, and programs; source: Redwood City *Draft New General Plan, Public Safety Element*
- Attachment No. 4:** pp. PS-49 and PS-55; re: airport safety-related goal and policy; source: Redwood City *Draft New General Plan, Public Safety Element*
- Attachment No. 5:** Graphic – Figure PS-7 San Carlos Airport and Vicinity; source: Redwood City *Draft New General Plan, Public Safety Element*