

California Department of Transportation

AERONAUTICS PROGRAM
DIVISION OF TRANSPORTATION PLANNING
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January 17, 2024

Ms. Darcy Smith
Assistant City Manager
City of San Bruno
567 El Camino Real
San Bruno, CA 94117

Electronically Sent <Tanforan@sanbruno.ca.gov>

Governor's Office of Planning & Research

Jan 17 2024

STATE CLEARINGHOUSE

Re: SCH #2023120409- Tanforan Redevelopment Project

Dear Ms. Smith:

The California Department of Transportation, Caltrans Aeronautics has reviewed the Notice of Preparation of a Draft EIR for the Tanforan Redevelopment Project. One of the goals of the California Department of Transportation, Aeronautics Program, is to assist cities, counties, and Airport Land Use Commissions or their equivalent (ALUC), to understand and comply with the State Aeronautics Act pursuant to the California Public Utilities Code (PUC), Section 21001 et seq. Caltrans encourages collaboration with our partners in the planning process and thanks you for including the Aeronautics Program in the review of the Notice of Preparation.

Tanforan Redevelopment Project

The NOP states that the Proposed Project is located on a 44-acre site that consists of six parcels at 1122, 1150, 1178, 1188 El Camino Real and 300 Tanforan Shopping Center (Assessor's Parcel Numbers 014-316-080, 014-316-300, 014-316-310, 014-316-360, 014-316-330, and 014-311-060).

The Tanforan site is within two Airport Influence Areas: Area A – Real Estate Disclosure Area (all of San Mateo County) and Area B – Policy/Project Referral Area (a smaller subarea in the northern part of San Mateo County), as defined by The Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP) formed pursuant to the PUC, Section 21674 by the designated ALUC, the City/County Association of Governments (C/CAG) of San Mateo County. The proposed Project for the Tanforan Redevelopment is approximately 1.2 miles beyond the departure ends of runways 28L and 28R at San Francisco International

Airport (SFO). It is directly along the runways' extended centerlines. These runways are the primary departure paths for SFO.

Noise Compatibility Policies

The SFO ALUCP indicates the proposed Project is within SFO's 70 decibel (dB) Community Noise Equivalent Level (CNEL) contour. The ALUCP states: "Residential uses are not compatible in areas exposed to noise above CNEL 70 dB and typically should not be allowed in these high noise areas. Residential 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." (SFO ALUCP p. IV-19). The proposed Projects introduction of a non-compatible development within the 70 dB CNEL noise contours is inconsistent with the SFO ALUCP Noise Compatibility Policies.

Pursuant to the California Code of Regulations (CCR: Title 21 CCR, §5006), 65 CNEL is "the level of noise acceptable to a reasonable person residing in the vicinity of an airport" and is the standard basis for an acceptable level of aircraft noise per the Airport Noise Standard, CCR: Title 21 CCR, §5012.

"The level of noise acceptable to a reasonable person residing in the vicinity of an airport is established as a community noise equivalent level (CNEL) value of 65 dB for purposes of these regulations. This criterion level has been chosen for reasonable persons residing in urban residential areas where houses are of typical California construction and may have windows partially open. It has been selected with reference to speech, sleep and community reaction." (CCR: Title 21 CCR, §5006)

Airport Noise Standard.

"The standard for the acceptable level of aircraft noise for persons living in the vicinity of airports is hereby established to be a community noise equivalent level of 65 decibels. This standard forms the basis for the following limitation. No airport proprietor of a noise problem airport shall operate an airport with a noise impact area based on the standard of 65 dB CNEL unless the operator has applied for or received

a variance as prescribed in Article 5 of this subchapter." (CCR: Title 21 CCR, §5012)

The proposed Project is a noise-sensitive land use and project, per the Public Utilities Code 21669.5(3) "Noise-sensitive land use" means residential uses, including detached single-family dwellings, multifamily dwellings, highrise apartments or condominiums, mobilehomes, public and private educational facilities, hospitals, convalescent homes, churches, synagogues, temples, and other places of worship" and (4) "Noise-sensitive project" means a project involving new construction or reconstruction for a planned noise-sensitive land use within an airport's 65 decibels CNEL or higher noise contour."

While construction practices can reduce interior noise levels to 45 dB, residents would not be expected to remain indoors continuously. When outside or when opening windows or doors, they would remain subjected to 70 dB from regular aircraft overflights. These considerations are consistent with Caltrans Aeronautics California Land Use Planning Handbook (Handbook). The Handbook's guidance with the California Building Code (Title 24 CCR, Handbook PG 3-4) seeks to minimize the number of people exposed to frequent and/or high levels of aircraft noise capable of disrupting noise sensitive activities. Title 24 CCR discusses interior noise levels further for "dwellings other than detached single-family residences." 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. (Handbook, PG 4-7).

Furthermore, the Land Use Compatibility (Table 1) of the 14 Code of Federal Regulations Part 150 - *Airport Noise Compatibility Planning* (Part 150), provides federal compatible and non-compatible land use guidelines, in which it states that residential land use are not compatible and should be prohibited (N1) in 65-70 decibel, where: "(1) Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems."

A thorough airport-related noise analysis must be included in the Draft EIR. If allowed within the airport's 65dB and 70dB CNEL contour, all residential units should be constructed to ensure an interior CNEL due to aircraft noise of 45 dB or less in all habitable rooms. Additionally, to prevent this project from increasing the airport's noise impact area (NIA), each residential unit should grant to the airport proprietor an avigation easement for aircraft noise. The construction methods and the easement, however, will not change exterior aircraft noise levels. It is extremely likely that future residents will be annoyed by the aircraft noise in this area. The Federal Aviation Administration (FAA), Neighborhood Environmental Survey (2021) may also be reviewed as supplementary research material to understand the impacts of aircraft noise exposure on communities around commercial service airports in the United States. The percentage of those surveyed who were highly annoyed by aircraft noise increased monotonically with increasing noise exposure. Moreover, the Lead Agency should consider the negative health affects attributed to increased exposure to aircraft noise. The aircraft noise levels represent a significant adverse impact on the Project.

Safety Compatibility Policies

Additionally, the ALUCP, in accordance with guidance provided in the Handbook, identifies the objective of safety compatibility planning to minimize the risks associated with potential aircraft accidents. The proposed Project shows portions located in Safety Zone 4, the outer approach/departure zone. The City should consider Safety Zone 4 Compatibility polices stipulated in the ALUCP.

Airspace Protection Policies

The proposed Project must also address requirements from the Federal Aviation Administration (FAA), specified in Title 14 of the Code of Federal Regulations, Part 77. (14 CFR Part 77). Title 14 CFR Part 77.9 provides vertical and horizontal criteria for construction near an airport. Assuming the height of the proposed Project structures would be less than 200 feet above ground level (AGL), the horizontal criteria applies, requiring FAA airspace evaluation for each structure. Please be aware, Public Utilities Code, Section 21659, "Hazards Near Airports Prohibited" prohibits structural hazards near airports. To ensure compliance with Federal Aviation Regulation, Part 77, "Objects Affecting Navigable Airspace," notices should be submitted to the FAA's Obstacle Evaluation Group (OEG) online at the following site:

<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>. OEG Determinations are not building permits, but the Determinations may specify obstruction mitigation.

Closing

Caltrans Aeronautics stresses the importance of considering the compatibility policies in the SFO ALUCP, with references in the Caltrans Aeronautics Handbook for supplemental guidance. Additionally, as an unfortunate commonality in California, Caltrans Aeronautics understands that the City is facing affordable housing supply shortages and is looking for new areas to accommodate residential developments. Consequently, environmental justice and equity concerns should also be reviewed for consistency with goals identified in the California Transportation Plan of 2050 and the California Aviation System Plan of 2020. Caltrans Aeronautics notes that new laws regarding the provision of housing do not supersede existing laws, including Section 21670 of the California Public Utilities Code, which require counties to establish ALUCs and compatibility plans to protect public health, safety, and welfare.

An ALUCP is crucial in minimizing noise nuisance and safety hazards around airports while promoting the orderly development of airports, as declared by the California Legislature. A responsibility of the ALUC is to assess potential risk to aircraft and persons in airspace and people occupying areas within the vicinity of the airport. The Environmental Impact Report should discuss whether the Proposed Project would conflict with the policies of the SFO ALUCP and analyze the Proposed Project's impacts that would result from such conflicts and identify mitigation measures to address significant impacts.

The intent to override the ALUCP should not be taken lightly, and projects should be compliant with state and federal regulations. PUC Section 21675.1(f) provides: "If a city or county overrules the commission pursuant to subdivision (d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport is not liable for damages to property or personal injury resulting from the city's or county's decision to proceed with the action, regulation, or permit."

If you have any questions or need additional information, please contact me at my email address: tiffany.martinez@dot.ca.gov.

Ms. Darcy Smith, Assistant City Manager
January 17, 2024
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Sincerely,

A handwritten signature in black ink that reads "Tiffany Martinez". The signature is written in a cursive, flowing style.

Tiffany Martinez
Transportation Planner

c: State Clearing House <state.clearinghouse@opr.ca.gov>
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