



**City Council Agenda Item
Staff Report**

CITY OF SAN BRUNO

DATE: August 27, 2024

TO: Honorable Mayor and Members of the City Council

FROM: Alex D. McIntyre, City Manager

PREPARED BY: Peter Gilli, Community Development Director

SUBJECT: Consider a Public Hearing, Deliberate, and Consider: 1) Adoption of a Resolution Adopting an Addendum to the Mitigated Negative Declaration Adopted for the 2023-2031 Housing Element, and Readopting a Mitigation Monitoring and Reporting Program; and 2) Adoption of a Resolution Adopting an Amended 2023-2031 Housing Element, with Findings of Substantial Compliance with State Housing Element Law, Pursuant to Government Code Section 65585, and Authorizing Staff to Submit the Amended Housing Element to the California Department of Housing and Community Development for Review and Certification; and 3) Adoption of a Resolution Making Findings and Overriding the San Mateo City / County Association of Governments (C/CAG) Airport Land Use Commission's (ALUC) Determination of Inconsistency with Respect to Proposed General Plan land use diagram, U.S. Navy Site And Its Environs Specific Plan and Zoning Map Amendments for Sites 20, 21 and 22 of the 2023-2031 Housing Element Sites Inventory; and 4) Adoption of a Resolution Amending the General Plan Land Use Diagram to Change Certain Land Use Designations to Transit-Oriented Development, and Amending the U.S. Navy Site And Its Environs Specific Plan to Establish a Very High Density Residential Designation, and Amending the Specific Plan Land Use Diagram to Change the Designation of Certain Properties Very High Density Residential; and 5) Introduction, Reading by Title Only, and Waiving Further Reading of an Ordinance Amending the Planned Development (P-D) District Created by Ordinance No. 1087 to Add Multi-family Housing as a Permitted Use on the 11.28 Acre Site at 1178 El Camino Real, and to Amend the Boundaries of the P-D District Created by Ordinance No. 1087 to Include the 1.40 acre Parcel at 1292 Huntington Avenue with Multi-family Housing as a Permitted Use; and 6) Introduction, Reading by Title Only, and Waiving Further Reading of an Ordinance to Amend the Zoning Map to Change the Zoning Designation of 1.40 acres at 1292 Huntington Avenue from the Medium Density Mixed-Use (TOD-1) District to the Planned Development (P-D) District, and 0.57 acres at 1151 El Camino Real from Neighborhood Commercial (C-N) District to High Density Mixed-Use (TOD-2) District; and 7) Introduction, Reading by Title Only, and Waiving Further Reading of an Ordinance Entitled "An Ordinance of the City Council of the City of San Bruno Amending Title 12 (Land Use), Article III (Zoning) of the Municipal Code to Create Chapter 12.245 – Multi-Family Housing Ministerial

Review, and Finding Such Actions Exempt from the California Environmental Quality Act.”

BACKGROUND:

The State of California requires each City and County to adopt a Housing Element that summarizes how the jurisdiction will address housing issues for a planning period, subject to certification by the Department of Housing and Community Development (HCD).

In January 2023, the City Council adopted the Sixth Cycle 2023-2031 Housing Element, the culmination of a nearly two-year process ([link](#)). In late March 2023, HCD provided the City with a letter noting that while the Housing Element complied with most State housing laws, there remained a notable list of areas where the document needed additional work. In general, the areas of need fell into three categories:

1. Adding significantly more analysis and justification for the proposed housing sites;
2. Adding significantly more commitments to the programs to address housing issues; and
3. Adding or amending text to clarify compliance with State law.

Staff worked through the HCD comments and developed recommendations for significant program commitments and presented those to a joint City Council/Planning Commission study session on October 10, 2023. City Council and Planning Commission supported the recommended changes to the Housing Element.

- Staff Report: ([link](#))
- Slides: ([link](#))

Over the next months, staff amended the Housing Element to reflect City Council direction from October 2023, and hired Veronica Tam and Associates (VTA), a very well-known and highly qualified housing consultant, to provide the analysis and justification of the proposed housing sites in a manner that would satisfy HCD.

In mid-March 2024, a revised and reorganized Housing Element was submitted to HCD, and in mid-May 2024, a relatively short set of HCD comments was received, which demonstrated the City had made significant progress. In mid-July, the latest formal submittal of the Housing Element was sent to HCD. On August 6, HCD provided informal feedback to the City, where only four issues remained.

On August 6, 2024, the Planning Commission reviewed the Housing Element, and documents associated with two programs within the Housing Element: (1) the land use and zoning changes required for the identified housing sites in the Housing Element (Program 3a), and (2) a ministerial review ordinance for multi-family projects (Program 3f and 9a). After a public hearing and deliberation, the Planning Commission unanimously recommended approval. The Commission’s Resolution authorized staff to continue to make technical changes necessary to finalize the document with HCD leading up to the City Council action.

On August 14, staff was on a call with HCD staff, where the four issues were resolved with minor clarifications and two new actions. A letter from HCD is anticipated prior to the August 27 City Council meeting indicating that the amended Housing Element being reviewed by the City Council complies with State law.

DISCUSSION:

This agenda item consists of four parts:

1. Housing Element and Technical Background Report
2. “Rezone” Sites and Airport Land Use Commission Override
3. Ministerial Review Ordinance
4. Addendum to the Mitigated Negative Declaration (discussed in the Environmental Impact section of this report)

Housing Element and Technical Background Report

Table 1: Housing Element and Technical Background Report

Document	Content	Pages	Link
Housing Element	Executive Summary, Introduction, Goals, Programs and Actions	43	Link
Technical Background Report	Background Information	346	Link

The Housing Element document provides the material most commonly used by City officials, staff and interested members of the public: an executive summary, introduction, and overview of goals and programs with timeframes. The programs listed in the Housing Element reflect the direction of City Council from October 2023.

The Technical Background Report (TBR) is a larger consolidation of background information and details. While this background information and details were critical to the development of the Housing Element policies, the material will not be as widely used moving forward. The majority of the contents of the TBR are unchanged since January 2023, except for Chapter 4 where significant additional text and tables are added to respond to HCD’s request for more analysis and justification of the housing sites in the Sites Inventory.

RHNA Strategy

The Regional Housing Needs Allocation (RHNA) Strategy is summarized in the Housing Element. The City was assigned a 3,165 unit RHNA, divided into four income-categories. The City must establish a Sites Inventory of properties where the RHNA can be reasonably accommodated with strong certainty. Units that are already approved or under construction, as well as project Accessory Dwelling Units (ADUs) are Credits that can be deducted from the RHNA to establish a “Remaining RHNA.”

The State strongly encourages jurisdictions to plan for more housing sites in the Sites Inventory than required, specifically by provide a “buffer” of an additional 15% beyond what the Remaining RHNA requires. City Council directed staff to provide at least a 15% buffer, which is included in the Housing Element.

Table 2 compares the RHNA Strategy from January 2023 and the amended Housing Element for August 2024. There were a handful of minor changes made, such as the Melody Toyota site on El Camino Real being removed from the Sites Inventory because it is being re-used for office; several sites that were approved came back for new approvals with a greater number of

units; and the 840 San Bruno Ave project was fully entitled, which shifted the project from being on the Sites Inventory to the Credits category. The end result remains that the Sites Inventory fulfills the City’s RHNA obligation and provides a Buffer of at least 15%.

Table 2: Comparison of RHNA Strategy

	January 2023	August 2024
RHNA	3,165	3,165
Remaining RHNA (After Credits)	2,212	2,158
Sites Inventory	2,709	2,552
Buffer (Units Exceeding Remaining RHNA)	497	394
Total Units Projected	3,662	3,682

Pursuant to Government Code Section 65583.2(g), the resolution adopting the Housing Element includes a finding that the City has substantial evidence that the existing uses on non-vacant sites identified in the Sites Inventory are likely to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development during the planning period.

Programs and Actions

A major component of HCD’s comments from January 2023 was that the Programs and Actions needed to provide more firm commitments from the City. At the October 2023 joint study session, staff reported that the January 2023 version had many Programs that were more suited to be Actions, and many Actions that were minor tasks that did not need to be listed. A cross-reference chart was provided that showed the 19 Programs and 54 Actions proposed at the October 2023 joint study session included the meaningful aspects of the January 2023 programs and actions. Table 3 shows a comparison of the number of programs and actions in the Housing Element as the City has worked through the certification process:

Table 3: Comparison of Programs and Actions

	January 2023	October 2023	August 2024
Programs	40+	19	19
Actions	100+	54	69

HCD supported the changes to the Programs and Actions, and over the past year of working with HCD, 15 additional actions were added within those programs to respond to HCD comments.

The Actions range from ongoing tasks to those that have a definable end product. Some actions have been completed already, with more to be completed in coming years as part of the Community Development Department’s workplan. The City is required to provide an Annual Progress Report (APR) to HCD in early spring of each year, and part of that report will cover progress on these Programs and Actions. Table 4 lists notable programs and actions in the Housing Element that will require City Council action, with those added since the Planning Commission meeting in bold:

Table 4: Notable Programs and Actions in the Housing Element

#	Description	Timeframe
3a	Rezone sites for 1,099 units	Part of agenda item
3d	Add 500 units to the RHNA Strategy	By end of 2026
Multiple	Annual reporting/engagement with PC, CC, developers, owners of housing sites, faith-based organizations	Annual/ongoing
3f, 9a	Adopt ministerial planning process for certain multi-family projects	Part of agenda item
3g	Commit to expeditiously process the Tanforan development application and environmental review with the goal of entitlements by the end of 2025 (<i>the City and Alexandria already have the end of 2025 as the goal for entitlements</i>).	By the end of 2025
4f, 5a	2028 ballot measure for extra ADUs, “Missing Middle”, applying TCP heights to rest of ECR, and expand TCP EIR	November 2028
5b	If the 2028 ballot measure fails, the City will develop alternative actions to address housing mobility	Begin within six months
6b	Amend affordable housing ordinance	By end of 2027
6c	Partnership with affordable housing developer for a city-owned site	RFP by end of 2026, agreement by end of 2027
11a	Amend Municipal Code to reflect State housing laws	1 st phase by end of 2024, 2 nd phase by end of 2025
17a	Adopt an Environmental Justice Element	By July 1, 2026
18	Adopt local tenant protection, tenant assistance regulations and condominium conversion ordinance	By end of 2025
AFFH	Complete mobility/infrastructure improvements with emphasis on low-resource areas east of ECR – including but not limited to Florida Park, Centennial Plaza, bicycle paths, safe routes to school	Annually through CIP

“Rezone” Sites

The Sites Inventory assigned 1,099 units to sites where the General Plan Land Use Diagram, applicable Specific Plan, or applicable zoning districts do not currently allow those units. Those sites are referred to as “New Sites – Rezone” in the RHNA Strategy. These “rezone” sites are the same as those listed in the January 2023 Housing Element and are summarized in Table 5

Table 5: Sites Inventory “Rezone” Sites

Site #	Address	Use	Units
20	1178 El Camino Real	Tanforan	892
20	1292 Huntington Ave	Vacant	110
21	1151 El Camino Real	Pet Hospital	57
22	1101 El Camino Real	Dental Office	40
		Total	1,099

The following legislative actions are necessary to make the projected housing allowed on these sites:

- Amend the General Plan Land Use Diagram for 1178 El Camino Real (Part of Site 20), Site 21 and Site 22 to Transit-Oriented Development;
- Amend the Tanforan Planned Development (P-D) zoning district to include 1292 Huntington Ave (Part of Site 20) into the P-D zoning district, and to update the P-D zoning to allow multi-family housing for both parts of Site 20;
- Amend the U.S. Navy Site And Its Environs Specific Plan to establish a Very High Density Residential land use category, and to update the Specific Plan's land use diagram to make Site 21 and Site 22 Very High Density Residential; and
- Amend the Zoning Map to reflect 1292 Huntington (Part of Site 20) being in the P-D district and changing Site 21 to the High Density Mixed Use (TOD-2) district.

These actions fulfill Program 3a of the Housing Element and are reflected in the attached resolutions and ordinances. The Planning Commission reviewed these legislative changes at a public hearing on August 6, 2024 and unanimously recommended City Council approve them.

ALUC Override

The "rezone" sites (Site 20, 21 and 22) are within Airport Influence Area B and within the 70 to 75 decibel (dB) Community Noise Equivalent Level (CNEL) contour where the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP) considers housing incompatible.

As part of the January 2023 Housing Element adoption, the Airport Land Use Commission (ALUC) determined the Housing Element to be inconsistent with the SFO ALUCP because the Housing Element's Sites Inventory proposed the sites now referred to as Sites 20, 21 and 22 to allow housing. The City Council approved an override action of the ALUC determination, in part because the new housing units contemplated at these sites would be subject to modern construction requirements to ensure that interior noise exposure would not exceed 45 dB, thus minimizing the public's exposure to excessive noise.

The proposed "rezone" actions were sent to the ALUC for review, and on March 14, 2024, as expected, the ALUC determined the "rezone" actions of this agenda item are inconsistent with the noise compatibility policies of the SFO ALUCP. Therefore, these "rezone" actions of this agenda item will require the similar override action as the initial adoption of the 2023-2031 Housing Element, pursuant to a two-step process established by Public Utilities Code (PUC) Section 21676:

City Council Meeting No. 1 – April 9, 2024: The City Council completed the first step of an override with a public hearing and adoption of a resolution making draft findings and declaring an intent to override the ALUC's determination on April 9, 2024. The ALUC and Caltrans Division of Aeronautics were informed of the City Council's intent. A comment letter was received from the ALUC on April 18, 2024 and Caltrans on May 9, 2024. A resolution is provided as Attachment 3 which includes the comment letters and findings to support the override.

City Council Meeting No. 2 – August 27, 2024: The second step is part of this agenda item, which must occur at least 45 days after the prior step. As part of this agenda item, the City Council may decide to adopt a resolution to override the ALUC's determination of inconsistency with the policies of the SFO ALUCP, and make specific findings that the legislative actions to implement the Housing Element Sites Inventory is consistent with the purposes of the State Aeronautics Act, as set forth in PUC Section 21670, namely the City's actions do protect public health, safety and welfare in the areas surrounding airports.

Ministerial Review Ordinance

State law allows housing projects to be "by right" or ministerial on certain sites if they provide 20% lower-income units in the project. For San Bruno, this process must be applied to the "rezone" sites and certain sites re-used from the Fifth Cycle Housing Element. For the sites in question that allow mixed use, the City would have to provide the ministerial process for projects ranging from 100% residential to mixed-use with 50% residential area.

The intent of this State law is to provide the cost-and-time saving incentive of a ministerial process in exchange for greater than usual lower-income units. A common affordable housing requirement is to provide 15% of the units as affordable. San Bruno requires 15%, and for rental projects, 5% must be at the very-low income level, 5% at the low income level, and 5% at the moderate income level.

Programs 3f and 9a of the Housing Element commit the City to adopt a ministerial process that applies to a broader section of housing projects, and this is reflected in the attached ordinance to add Chapter 12.245 to the Municipal Code. This program was introduced at the October 10, 2023 joint study session, and the draft ordinance was presented to the Planning Commission at a February study session.

The ordinance would allow a multi-family housing project citywide to have its planning permits approved through a ministerial process subject to the following criteria:

1. The project must be in a zoning district that allows multi-family housing or mixed-use;
2. The project must comply with the City's objective standards, except where State law allows pre-emption of City standards; and
3. The project must provide at least 20% of the units for very-low or low-income households; and
4. If mixed-use, a minimum percentage of the floor area must be residential, which is discussed in more detail in the next section.

Planning Commission

The proposed ordinance has been adjusted since the Planning Commission hearing. The original staff recommendation was that a mixed-use project would have to have at least 75% of the building area as residential. The Planning Commission reviewed this ordinance on August 6, 2024, they directed staff to amend the regulations so that the entire ground floor could always be non-residential, and parking area within the building would not count toward the residential percentage.

As staff developed the changes directed by the Commission, incorporating the Commission's recommendation while maintaining the 75% residential threshold created potential scenarios with unintended consequences.

To address those potential scenarios, as well as better align with State law, the ordinance presented to City Council has a 50% residential threshold for the ministerial process. This fulfills the intent of the Commission's recommendation, and improves the regulation's alignment with State law.

Mixed-Use Incentive

The ordinance also provides an incentive for mixed-use projects by allowing a reduction in the determination of the transportation impact, based on the concept that allowing commercial uses in a residential project will result in synergies where some of the customers of the commercial uses will be residents who do not need to drive to the business, and some of the vehicle trips the residents might otherwise take to get services will not be necessary because they can walk to the commercial use in the project. Transportation impact fees would be applied based on the reduced impact, therefore a mixed-use project using the ministerial process would effectively have reduced transportation impact fees.

To ensure that incentives are provided to encourage mixed-use development, staff will recommend future ordinance amendments to expand these incentives if deemed necessary in consultation with the development community. The Planning Commission supported adopting the ordinance in its proposed form, and supported staff bringing improvements forward in the future for consideration.

PUBLIC NOTICE:

A notice regarding the amended Housing Element, rezonings and multi-family housing ministerial process were published in the San Mateo Daily Journal on August 17, 2024. Meeting agendas were posted at City Hall and on the City's website.

FISCAL IMPACT:

The preparation of the Housing Element has been included and approved as part of the City's operating budget for FY22-23, FY23-24 and FY24-25.

The fiscal impact from the adoption and implementation of the Housing Element is anticipated to be neutral. Implementation of the Housing Element would have minimal impact on the General Fund as Policy implementation of the Housing Element is projected to be funded primarily through the General Plan Maintenance Fee and grants, and operational implementation of the Housing Element is projected to be funded primarily through Housing Funds and grants. Successful implementation of the Housing Element would result in expanded and improved housing opportunities and development that would increase the property tax base and provide a stronger job base and demand for commercial services to support the local economy. Maintenance of a certified Housing Element will reduce the likelihood of State fines for housing law violations or lawsuits concerning housing issues. However, increased population from housing development would require additional services, resulting in increased costs to the City.

ENVIRONMENTAL IMPACT:

The January 2023 adopted 2023-2031 Housing Element was reviewed for compliance with the requirements of the California Environmental Quality Act (CEQA), Public Resources Code §

21000 et seq., and the CEQA Guidelines. David J. Powers & Associates prepared an Initial Study/Mitigated Negative Declaration (IS/MND) in accordance with the CEQA Guidelines. On January 24, 2023, the City Council adopted the IS/MND in conjunction with the adoption of the 2023-2031 Housing Element.

The proposed amended 2023-2031 Housing Element was reviewed from compliance with CEQA and the changes made to the document were found not to possibly result in a significant environmental impact based on the established mitigation measures of the adopted IS/MND. As such, an Addendum to the IS/MND was prepared and is included in Attachment 1. The Addendum to the IS/MND also provides the environmental clearance for the amendments to the General Plan land use diagram, U.S. Navy Site And Its Environs Specific Plan, and zoning map necessary to allow the housing opportunities at Sites 20, 21 and 22 of the Housing Element Sites Inventory, as well as the ALUC override for those amendments.

The ordinance amending Title 12 to create Chapter 12.245 is categorically exempt from environmental review under the California Environmental Quality Act under Sections 15301(b)(3) and 15378(b)(5), in that it is not a project that has the potential for causing a significant effect on the environment because the amendments are about changes to the processing of planning permits.

RECOMMENDATION:

1. Approve the amended Housing Element and implementation measures by adopting the resolutions and introducing the ordinances as listed in the Subject line of this report.

ALTERNATIVES:

1. Adopt portions of the recommended actions, directing further staff work for certain parts to return at a future date.
2. Do not adopt any portions of the recommended actions, directing further staff work and return at a future date.

ATTACHMENTS:

1. Resolution for Addendum with Exhibit A, B and C
2. Resolution for Housing Element with Exhibit A and B
3. Resolution for ALUC override with Exhibit A and B
4. Resolution amending General Plan and U.S. Navy Site and Its Environs Specific Plan with Exhibit A, B and C
5. Ordinance amending P-D district with Exhibit A
6. Ordinance amending zoning map with Exhibit A
7. Ordinance amending Title 12 to add Chapter 12.245
8. Planning Commission Resolution Nos. 2024-09; 2024-10; and 2024-11

RESOLUTION NO. 2024 - __

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO
ADOPTING AN ADDENDUM TO THE MITIGATED NEGATIVE
DECLARATION ADOPTED FOR THE 2023 – 2031 HOUSING ELEMENT,
AND READOPTING A MITIGATION MONITORING AND REPORTING
PROGRAM**

WHEREAS, State Housing Element Law (California Government Code Sections 65580 et seq.) requires each jurisdiction to prepare and adopt a Housing Element of its General Plan every eight years to address housing availability; and.

WHEREAS, to comply with State Housing Element Law, San Bruno prepared its 2023-2031 Housing Element which includes programs to address local housing needs and identifies sites that can accommodate housing units meeting the City’s Regional Housing Needs Allocation; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and Implementing Guidelines, an Initial Study and Draft Mitigated Negative Declaration (IS/MND), dated December 2022 (State Clearinghouse No. 2022120217), was prepared by David J. Powers & Associates, Inc. and, based on the type and intensity of land uses and programs identified with the 2023-2031 Housing Element update and the information contained therein, the Initial Study and Draft Mitigated Negative Declaration conclude that the project, with the proposed mitigation measures, would not have a significant adverse effect on the environment; and

WHEREAS, on January 24, 2023, the City Council held a duly noticed public hearing and adopted the City’s 2023-2031 Housing Element to comply with State Housing Element Law and on that same date adopted the Mitigated Negative Declaration that was prepared for the project, and adopted a Mitigation Monitoring and Reporting Program; and

WHEREAS, on January 31, 2023, San Bruno submitted its adopted 2023-2031 Housing Element to the California Department of Housing and Community Development (“HCD”) for review and possible certification; and

WHEREAS, on March 18, 2023, HCD issued its review of San Bruno’s adopted 2023-2031 Housing Element, which stated the Housing Element satisfactorily addressed many statutory requirements; however, further revisions would be necessary to receive certification of compliance with the State Housing Element Law (Government Code §§ 65580 *et seq.*); and

WHEREAS, City staff worked with HCD staff to address the comments contained in HCD’s March 18, 2023 letter and subsequently resubmitted a revised draft of the Housing Element to HCD on March 21, 2024, for review pursuant to Section 65585(b) of the California Government Code. The revised draft Housing Element was posted on the City’s website for public review prior to resubmittal to HCD; and

WHEREAS, on May 16, 2024, HCD issued its review of San Bruno’s revised 2023-2031 Housing Element which stated the Housing Element satisfactorily addressed most statutory requirements; however, further revisions would be necessary to receive certification of compliance with the State Housing Element Law (Article 10.6 of the Government Code); and

WHEREAS, City staff again worked with HCD staff to address the comments contained in HCD's May 16, 2024 letter and subsequently resubmitted a final draft of the Housing Element to HCD on July 12, 2024, for review pursuant to Section 65585(b) of the California Government Code. This final draft of the Housing Element was posted on the City's website for public review prior to resubmittal to HCD; and

WHEREAS, to analyze the revisions included in the Amended Housing Element since it was adopted on January 24, 2023, and to address the related Housing Element implementing actions considered concurrently with consideration of the Amended Housing Element (collectively the "Project"), the City prepared an Addendum to the adopted Mitigated Negative Declaration, pursuant to CEQA guidelines 15162, which is incorporated herein by reference as Exhibit A to this resolution, affirming that the analysis contained in the adopted Mitigated Negative Declaration adequately addresses the potential impacts associated with the Project and that none of the conditions described in CEQA Guidelines Section 15162 requiring preparation of a subsequent negative declaration exist; and

WHEREAS, the Planning Commission serves as an advisory body to the City Council as to the Housing Element Update Project, and in that capacity, on August 6, 2024, the Planning Commission conducted a duly noticed public hearing to take public testimony to consider the addendum to the Mitigated Negative Declaration and adopted Resolution 2024-09 recommending that the San Bruno City Council adopt the addendum to the Mitigated Negative Declaration; and

WHEREAS, a Notice of Public Hearing for the amended 2023-2031 Housing Element and related actions was duly published in the *San Mateo Daily Journal* on Saturday, August 17, 2024; and

WHEREAS, the City Council held a Public Hearing for the amended 2023-2031 Housing Element Project on August 27, 2024 and on said date, the Public Hearing was opened, held and closed.

WHEREAS, City's Community Development Department, 567 El Camino Real, San Bruno, CA, 94066, is the custodian of the documents and other materials that constitute the record of proceedings related to the Project and the Initial Study/ Mitigated Negative Declaration and addendum thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Bruno finds as follows, based on facts in the staff reports, written and oral testimony, and exhibits presented:

- A.** The foregoing recitals are true and correct and are incorporated by reference into this action.
- B.** That the City Council has independently reviewed and analyzed the Addendum to the Mitigated Negative Declaration, in conjunction with the previously adopted Initial Study/Mitigated Negative Declaration, and other information in the record and has considered the information contained therein prior to acting upon on the Project. Based on all evidence in the administrative record for the Project, the City Council hereby makes the following specific findings:
 - a. The Addendum to the Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and the CEQA Guidelines.

- b. The Addendum to the Mitigated Negative Declaration prepared for the Project contains a complete and accurate reporting of the environmental impacts associated with the Project.
 - c. The Addendum to the Mitigated Negative Declaration represents the independent judgment and analysis of the city as lead agency for the Project.
 - d. The analysis in the Addendum to the Mitigated Negative Declaration shows the revisions to the Project will not cause any new significant impacts or other triggers that would require additional CEQA review, pursuant to CEQA Guidelines Section 15162.
 - i. No substantial changes are proposed in the project which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The amendments to the Housing Element do not create any additional environmental impacts.
 - ii. No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The Initial Study/Mitigated Negative Declaration was adopted on January 24, 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.
 - iii. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Initial Study/Mitigated Negative Declaration was adopted as complete, has been submitted to the City.
 - e. Based on its review of the whole record before it, there is no substantial evidence in the record supporting a fair argument that the Project will have a significant effect on the environment.
- C.** Based upon the Addendum to the Mitigated Negative Declaration and comments and testimony received, the City Council hereby finds that there is no substantial evidence that the revised 2023 - 2031 Housing Element, as mitigated, will have a significant effect on the environment.
- D.** The City Council hereby adopts the Addendum to the Mitigated Negative Declaration attached hereto as Exhibit A.
- E.** The City Council hereby readopts the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit C.

Exhibit A: Addendum to the certified Initial Study/ Mitigated Negative Declaration for the 2023-2031 Housing Element

Exhibit B: Initial Study/Mitigated Negative Declaration for the 2023-2031 Housing Element

Exhibit C: Mitigation Monitoring and Reporting Program

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I hereby certify that the foregoing Resolution No. 2024 - ____
was introduced and adopted by the San Bruno City Council at a regular meeting on
August 27, 2024 by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lupita Huerta, City Clerk

EXHIBIT A

Addendum to the adopted Initial Study/ Mitigated Negative Declaration for the 2023-2031 Housing Element update

ADDENDUM

TO

MITIGATED NEGATIVE DECLARATION

State Clearing House No. 2022120217

Project Title

City of San Bruno 2023-2031 Housing Element Update

Lead Agency and Address

City of San Bruno
567 El Camino Real
San Bruno, CA 94066

Contact Person and Phone Number

Michael Smith Senior Planner
Community Development Department, City of San Bruno
(650) 616-7062

Project Location

The proposed project would occur entirely within the City of San Bruno, which is located in northern San Mateo County. The city limits encompass a 5.49 square-mile area that stretches 3.5 miles from the relatively flat eastern areas along Highway 101 to the hilly western neighborhoods located on the eastern facing slope of the Coast Ranges.

Project Sponsor's Name & Address

City of San Bruno
567 El Camino Real
San Bruno, CA 94066

Description of Project

The project proposes to update the Housing Element of the San Bruno General Plan 2025 in accordance with California Government Code Section 65583. The proposed 2023-2031 Housing Element will replace the existing 2015-2023 Housing Element and serve as the City of San Bruno's guiding policy document for meeting the City's future housing needs at all economic levels. As a policy document, the Housing Element does not result in direct physical changes to the environment but would indirectly lead to physical environmental changes by enabling the development of additional housing units within the City's jurisdiction.

As required by Government Code Section 65583(a)(3), the Housing Element Update involves the preparation of an inventory of land suitable and available for residential development, including vacant sites and sites with a realistic and demonstrated potential for redevelopment during the

planning period (2023-2031) to meet the City’s housing need at the designated income levels. In accordance with the sites inventory requirements under California Government Code sections 65583(c), the project will also include a program that identifies actions that the City is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the 2023-2031 Housing Element through the administration of land use and development controls (including General Plan Amendments and rezoning).

Background

This document is an Addendum to the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the City of San Bruno’s 2023-2031 Housing Element Update of the General Plan (6th Cycle), which was adopted by the City of San Bruno on January 24, 2023 (the “original Project”) per City Council Resolution No. 2023-08 (State Clearinghouse No. 2022120217). The IS/MND document, inclusive of exhibits, is hereby incorporated by reference.

The IS/MND for the original Project studied the potential environmental effects on aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, recreation, public services, transportation, tribal cultural resources, utilities and service systems, wildfire, and mandatory findings of significance. The IS/MND found that the original Project would have no impact or less than significant impacts to aesthetics, agriculture and forest resources, energy, geology and soils, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire; and less than significant impacts with certain mitigations as to air quality, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, noise, transportation, and tribal cultural resources.

Since the adoption of the IS/MND, the City has made multiple rounds of revisions to the original Project, in order to address the comments provided by the State Department of Housing and Community Development (HCD). This addendum to the adopted IS/MND analyzes the potential environmental impact ramifications of the changes or additions made to the adopted 2023-2031 Housing Element (the “Amendments”), which will be considered by the City Council.

For analysis purposes, this Addendum recognizes the previously certified IS/MND as the baseline by which the current project is compared, as that certified IS/MND provides the policies, programs, potential development sites, and mitigation measures that comprise the original approval. The following analysis demonstrates that these changes to San Bruno’s 2023-2031 Housing Element will not create or exacerbate environmental impacts as identified in the certified IS/MND.

Statutory Requirements

Section 15164 of the California Environmental Quality Act (CEQA) Guidelines allows for a lead agency to prepare an addendum to an adopted negative declaration or environmental impact report (EIR) if only minor technical changes or additions are necessary or if none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. Pursuant to CEQA Section 15162, no subsequent negative declaration shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project that will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a

substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or,

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This Addendum evaluates the Amendments and demonstrates that these revisions consist of the addition of information and minor technical changes, and therefore, do not meet any of the requirements set forth in Section 15162. This Addendum will be considered by the decision-making body in conjunction with consideration of the Amendments to the adopted 2023-2031 Housing Element.

Project Description

The State of California requires every jurisdiction to include a Housing Element in its General Plan. The Housing Element must contain an analysis of the housing needs of all economic segments of the community, including persons with special needs, as well as goals, policies, programs and objectives to address those needs. It is a guide for providing housing opportunities and services for all household types and income groups in the City. State law requires that the City update its Housing Element every eight years, with this update to cover the 2023-2031 planning period, also known as the 6th Cycle of Housing Elements.

As required by State law, the Housing Element includes a Housing Plan, which establishes goals, policies, programs and quantified objectives for addressing the City's housing needs during the 8-year Housing Element planning period. The Housing Plan is based upon the City's analysis of a variety of issues that affect current and future residents of San Bruno and contains policies and programs to address and guide the future development of housing in the City.

San Bruno adopted its 2023-2031 Housing Element update on January 24, 2023 and certified the IS/MND for the original Project in advance of the adoption. In an effort to make the adopted

document easier to navigate, the format of the adopted version of the Housing Element for which the IS/MND was certified was substantially revised after HCD provided review comments in March 2023. However, the essential content of the document did not change. All of the appendices were removed from the document and the document was divided into two parts. The first part of the document contains the following three chapters:

- Chapter 1 presents an executive summary of the Housing Element
- Chapter 2 provides an introduction and lays out the organization of the document
- Chapter 3 provides the City's Housing Plan

The Technical Background Report comprises the second part of the Housing Element which includes the following background data and analysis:

- Chapter 1 introduces the data sources and changes to state law
- Chapter 2 includes analysis of the City's demographic characteristics and housing needs
- Chapter 3 includes analysis of potential constraints to meeting the City's housing needs
- Chapter 4 includes an evaluation of the City's RHNA strategy
- Chapter 5 provides an evaluation of fair housing needs in the city
- Chapter 6 describes the public participation process for the Housing Element update
- Chapter 7 provides a review of the City's accomplishments during the previous planning period and the effectiveness of current policies and programs in meeting housing needs

Amendments to the Housing Element

Although the document looks very different the content is very similar to the adopted Housing Element. The majority of amendments made to the adopted 2023-2031 Housing Element since it was adopted on January 24, 2023 consist of amending the policies and programs in the Housing Plan by providing a greater level of detail regarding the policy commitments, adding more information about actions the City will take in relation to such policies and programs, and adding more specific timelines for when the City shall implement and accomplish certain actions in the policies and programs. In addition, the Housing Plan was revised with more robust analysis and policies/programs related to the Affirmatively Furthering Fair Housing (AFFH) discussion. The sites inventory was revised to provide more analysis substantiating why each site is likely to redevelop at the specified densities. These changes are discussed in greater detail in the analysis below.

- Added "Accommodating Fifth Cycle Shortfall" section describing how city met rezoning obligations.
- Programs were added which commit the City to Accessory Dwelling Unit (ADU) affordability monitoring and additional strategies and incentives for promoting their creation.
- Timing for implementation was added to ADU programs.
- Programs were added to comply with state law regarding emergency shelters, supportive housing, SRO housing, and employee housing.
- Land Use and Zoning regulation discussion was revised.
- The Planning Review Process and Permitting Times sections were revised.

- More detail was provided about the Architectural Review process for housing with a program added to streamline the process by a specific date.
- State Density Bonus Law program was revised and now includes a commitment and timeline for revising the base density study requirement.
- A program to shorten permit plan review turnaround times was added.
- Specific timing for implementation was added to the program committing to create a development fee calculator on the city's website.
- Strategy defined and timeline added for implementation of the program to create an affirmative marketing strategy.
- Implementation of the program to bring forth a ballot measure amending Ord. 1284 was pushed back to November 2028.
- Specific timing was added to the program to conduct a fee nexus study.
- Programs to increase housing for special needs and larger households, revise the affordable housing ordinance, and expedite review of affordable housing project were added back.
- Details were added to define how the El Camino Real corridor would be rezoned in the event that Ord. 1284 is amended.
- Incentives and timelines were added to the ADU program.
- A program was added to increase the allowable number of ADUs/JADUs beyond State law on eligible R-1 and R-2 parcels.
- A program was added to assist ADU owners in finding tenants, including marketing available ADUs beyond City limits through regional/County organizations.
- A program was added to establish ADU amnesty program and legalize at least 50 ADUs over the planning period.
- A program was added to participate in the countywide ADU Resource Center to help facilitate ADU production.
- Additional information was added regarding the City's current ADU permitting trends, and a cross reference regarding a commitment to further encourage ADU construction through regulatory incentives.
- A program was added to develop additional incentives for construction ADUs if overall production falls below projections.
- A program was added to implement ministerial review and by-right requirements for all multi-family housing sites on the sites inventory that achieve the unit count listed in the Housing Element.
- More details were added about approved housing projects in the city to justify density assumptions for future housing projects, including projects that requested a density bonus.
- Added a program which commits the city to adding 500 more units to the Sites Inventory by December 2026.
- A program was added to educate faith-based organizations on opportunities to develop

affordable housing through SB 4 and/or AB 1851.

- A program was added to revise zoning requirements regarding group homes for consistency with state law.
- A program was added to amend the zoning code to revise bicycle parking and vehicle loading requirements.
- A program was added to revise the floor area ratio limits for smaller lot and revise minimum setback and stepback requirements.
- A program was added to waive the pre-application fees for housing projects on the Sites Inventory that meet the projected density.
- A program was added to establish faster permit plan review turnaround times for multi-family residential projects that provide 20% or more lower-income units.
- A program was added to amend the ground floor commercial requirements in the CBD to provide more flexibility, and revise requirements for bicycle parking and off-street vehicle loading.
- A program was added to advertise BMR units as they become available, utilizing the same strategies outlined in the Affirmative Marketing Plan.
- A program was added to provide Spanish translation and/or interpretation for published materials and community meetings related to Housing Element and AFFH activities that involve fair housing, affirmative marketing, additional housing options, or are geographically targeting low resource areas.
- The program for the rezoning of housing element sites was revised to include an anticipated timeline for the Tanforan development project.

The policies and programs have been revised based on the comments provided by HCD, which are intended to help address potential constraints to and further incentivize the development of housing in the City. As detailed above, the changes mostly consist of adding further background information and context, and new action items and timeframes for such actions to be completed. The programs to allow additional ADUs and add 500 more units to the sites inventory could induce more housing development but ADUs are reviewed ministerially and exempt from CEQA review, and the precise location of the 500 units has not been identified, so it is unknown at this time whether any of the sites would require rezoning, making it difficult to accurately analyze the potential impact of the program. Because the specifics of the ballot measure programs has not been defined, additional environmental review will performed once the specific policies have been developed. None of the other minor changes to programs or addition of programs that alter City processes will result in the modification of development patterns or change the pattern of land uses established in the General Plan Land Use Element. Therefore, the changes to the Housing Plan will not result in changes to the significance findings in all of the environmental issue areas studied in the IS/MND.

Revisions to the Affirmatively Furthering Fair Housing (AFFH) Discussion and Assessment of Fair Housing

The AFFH discussion section of the Housing Element is a new requirement for this cycle of the Housing Element Update, per Assembly Bill (AB) 686. This bill requires that jurisdictions take meaningful steps to overcome patterns of segregation by completing a fair housing analysis of their community and administering their programs and activities related to housing and community

development in a way that affirmatively furthers fair housing. Changes to the AFFH chapter of the Housing Element include the following:

- An analysis of the wellbeing of residents based on the environment was added to the AFFH analysis.
- An analysis of Special Flood Hazard Areas was added to the AFFH analysis with an accompanying map.
- An analysis of Fire Hazard Severity Zones was added to the AFFH analysis with an accompanying map.
- An identification of disadvantaged communities was added to the AFFH analysis with an accompanying map.
- Additional analysis was added to the AFFH analysis to address displacement risks and programs were added to adopt ordinances that establish local tenant protection, just cause eviction, tenant relocation assistance, and tenant anti-harassment protections.

Since this discussion only intends to provide greater background information and context, none of these changes will result in the modification of development patterns or change the pattern of land uses. Therefore, the changes to the AFFH will not result in changes to the significance findings in all the environmental issue areas studied in the IS/MND.

Revisions to the Discussion of Potential Constraints on Housing Production and Conservation

Chapter 3 of the technical background report to the Housing Element discusses all of the potential constraints that may affect the production and conservation of housing in the City. In response to HCD's comments, this discussion has been revised to include more information and explanation about current development trends, and cross references to information included elsewhere in the Housing Element. These revisions have been made to include the following information:

- A discussion and program was added to further streamline the planning process.
- More detail was added about the City's Reasonable Accommodations process and a program was added to revise the process for compliance with state law, including removing/modifying subjective findings.
- Constraints section describes definition of "family" and impacts affecting persons with disabilities.
- Additional information was added regarding the City's inclusionary housing requirement, and how this interacts with the implementation of existing state law requirements and with current development trends.
- Additional information was added regarding recent state laws affecting parking requirements for projects.
- Revisions to development trend information, such as the addition of data for newer multi-family residential development projects was added.
- Further information and analysis was added related to longer-term development trends in the City and whether existing regulations act as constraints to development/redevelopment.

- Additional information was added related to the Mixed-Use zoning regulations.
- Additional information was added about how housing projects are currently being processed by the City.
- Cross references to changes in the Housing Plan that relate to topics in this, such as ADU incentives and changes to remove regulations that may act as barriers for persons with disabilities.
- Additional development constraints were added to the constraints section and analyzed.
- Place-based and anti-displacement strategies now included in AFFH matrix to mitigate disproportionately affected communities.

Revisions to the Sites Inventory of the Housing Element

State Housing Element law requires each city and county to identify and analyze existing and projected housing needs in its jurisdiction and prepare goals, policies, and programs to encourage the development, improvement and preservation of housing (Government Code 65580-65589). The programs developed are meant to help the city meet its “fair share” of housing needs, as determined by the State and allocated by the Association of Bay Area Governments (ABAG) through the Regional Housing Needs Assessment (RHNA) Allocation. The City’s RHNA for the 2023-2031 planning period is a total of 3,165 units.

The sites inventory is a list of parcels that the City has identified as land that is suitable and available for residential development. The sites inventory must include enough parcels that can accommodate the City’s RHNA allocation of a total 3,165 units, which is further divided into unit allocations at different levels of affordability, including units that are affordable to very low, low, moderate, and above moderate rate households. State law pertaining to Housing Elements has added more requirements for the sites inventory for the 6th Cycle than in previous housing element cycles, including a requirement to provide substantial evidence that the level of housing development anticipated by the sites inventory will reasonably occur during the planning period (2023 to 2031) and that the calculation of the residential unit capacity on each site is realistic, based on market conditions and similar types of developments that have been completed. The sites inventory in the city’s adopted Housing Element (the original Project) is one consolidated table. To demonstrate compliance with Housing Element Law, the sites in the inventory have been separated into different categories. These different categories include: Sites with pending projects; Sites that were also in the 5th cycle sites inventory; New sites; and new sites that require rezoning to meet a housing shortfall.

In addition to changing how the sites inventory was arranged, several other changes were made to the Sites Inventory section as identified below:

- The Melody Toyota Lot and Melody Toyota Showroom (formerly sites 11 and 12) were removed from the sites inventory because the sites are being developed with other uses. This reduced the sites inventory by 41 units.
- The AT&T Building (formerly site 1) was transferred from the sites inventory to the approved projects category to reflect a recent entitlement, and the unit count was increased from 320 to 341 to reflect the developer’s proposal. This reduced the sites inventory by 320 units and increased the approved project category by 341 units.
- The Large Site With One House (R-2) (also known as 116 San Marco) (formerly site 10) was transferred from the sites inventory to the approved projects category to reflect a

recent entitlement approval. This reduced the sites inventory by 2 units and increased the approved project category by 2 units.

- Vacant site (also known as San Marco Ave, adjacent to 116 San Marco) (formerly site 16) was transferred from the sites inventory to the approved projects category to reflect recent entitlement approvals. This reduced the sites inventory by 2 units and increased the approved project category by 2 units.
- 271 El Camino Real (presently Site 6) was transferred from the approved projects category to a pending project on the sites inventory to reflect a new entitlement submittal and the site's housing unit yield was increased from 23 units to 35 units to reflect the new development plan. This reduced the approved project category by 23 units and increased the sites inventory by 35 units.
- The 850 Glenview project (presently Site 4) was transferred from the approved projects category to a pending project on the sites inventory to reflect a new development proposal. This reduced the approved project category by 29 units and increased the sites inventory by 58 units.
- The number of housing units projected for 732-740 El Camino Real was reduced from 136 units to 134 units to reflect revisions to the project, which is under construction, resulting in a 2 unit reduction in the approved projects category.
- A table was added for projects that have requested a density bonus.
- More data and analysis were added about built projects in San Bruno to justify density projections.
- A narrative about trends in office vacancy was added.
- A sites inventory selection criteria table was added with data to explain how the sites in the inventory were chosen.
- A sites inventory summary table was added.
- Tables were added to the sites inventory to distinguish between sites that were also used in the 5th planning cycle, sites with pending projects, sites that are new with appropriate zoning, and new sites (shortfall) that require rezoning.
- Affordability assumptions, capacity calculations, and site characteristics (parcel #, size, zoning, GP, uses) for each site and proposed general plan and zoning designations for sites planned for rezone have been added per site type (Tables 4-15 through 4-18) Policy H 1.5 has been revised to add that the City shall monitor the potential loss of existing residential units due to redevelopment, which is in line with the City's goal to preserve existing housing stock and enact renters' protections.
- Added narrative of development trends and achieved capacities in different zones. Staff also included realistic capacity analysis added for sites below a half-acre and a half acre to 10 acres in size. The analysis includes projects in San Bruno and adjacent cities. Analysis includes adjustments due to possible constraints. Analysis includes that there has only been one 100% commercial project in TCP since its inception in 2013.
- Analysis of affordability assumptions for each site has been added, creating four different affordability categories. (see pg.TBR-13). The affordability assumptions for each site are listed in tables 4-15 through 4-18.

- Affordability assumptions only allocate lower income units to sites where allowed density is at least 30 du/ac and sites are between 0.5 and 10 acres. (pg. 13).
- A development trends analysis and factors for selection of non-vacant sites was added to the sites inventory analysis. The analysis now includes detailed description of recently built, approved, and in review projects in San Bruno and the site characteristics for these projects. Analysis also includes site characteristics of recent projects in San Francisco Peninsula and site characteristics used to develop selection criteria for sites.
- Construction dates and number of stories was added to the site inventory trends data to provide more rationale about why certain properties were chosen for redevelopment.
- Added data showing a trend of lot consolidation for properties under different ownership.
- A more robust narrative of site characteristics and feasibility for each site in inventory was provided.
- Clarification was provided indicating which sites were reused in past planning periods.
- A line item for RHNA shortfall was added to the RHNA strategy table.
- More specific timing for coordination with developers and completion of major project milestones during the planning period, with annual updates, was provided for the Tanforan site. A commitment was added to find an alternative by 2028 if Tanforan milestones are not met.
- Clarification was provided indicating which sites were reused in past planning periods.
- Reduction in the projected new ADUs for the cycle based on updated data, from 240 to 224.
- Additional justification provided for ADU affordability assumptions.
- Affordability assumptions, capacity calculations, and site characteristics (parcel #, size, zoning, GP, uses) for each site and proposed general plan and zoning designations for sites planned for rezone have been added per site type (Tables 4-15 through 4-18) Policy H 1.5 has been revised to add that the City shall monitor the potential loss of existing residential units due to redevelopment, which is in line with the City's goal to preserve existing housing stock and enact renters' protections.
- Added narrative of development trends and achieved capacities in different zones (starting pg.10). Staff also included realistic capacity analysis added for sites below a half acre and a half acre to 10 acres in size (see tables 4-7 and 4-8). The analysis includes projects in San Bruno and adjacent cities. Analysis includes adjustments due to possible constraints. Analysis includes there has only been one 100% commercial project in TCP since 2013 (pg. 10)
- Analysis of affordability assumptions for each site has been added, creating four different affordability categories. (see pg.TBR-13). The affordability assumptions for each site are listed in tables 4-15 through 4-18.
- Affordability assumptions only allocate lower income units to sites where allowed density is at least 30 du/ac and sites are between 0.5 and 10 acres. (pg. 13).
- City assumed lot consolidation of smaller parcels into "Sites" based on common ownership or if adjacent parcels have limited access. See site by site description and tables with parcel

by parcel characteristics

- Added data showing a trend of lot consolidation for properties under different ownership.
- A development trends analysis and factors for selection of non-vacant sites was added to the sites inventory analysis. The analysis now includes detailed description of recently built, approved, and in review projects in San Bruno and the site characteristics for these projects. Analysis also includes site characteristics of recent projects in San Francisco Peninsula and site characteristics used to develop selection criteria for sites.
- Added more narrative regarding site characteristics and feasibility for each site in inventory starting.
- The Sites Inventory has been revised to reflect changes to the housing unit calculations.
- Language regarding school sites in the sites inventory was revised to incorporate compliance with the Surplus Lands Act.
- Added Status and anticipated completion dates for approved projects.
- Barriers to redevelopment of each site and other relevant factors is discussed in the description of each site in sites inventory.

As a result of these revisions, total units accommodated by the Housing Element modestly rises from 3,662 to 3,682 units (20 unit increase throughout the entire City), primarily due to approved (entitled) projects being reapplied for with greater unit counts.

But the RHNA Remaining Need (which reflects the City's RHNA less credits of approved projects and potential ADUs) was reduced from 2,495 units to 2,158 units and the Sites Inventory changed from 2,709 units to 2,552 units, primarily because the 341 units for the AT&T Building shifted from being listed on the Sites Inventory as a pending project to Approved Projects (Credits) in the RHNA Strategy.

Since (1) the AT&T Building project had a separate environmental review process that analyzed its potential impacts, and found no significant impacts, (2) the fact that the Housing Element now projects fewer new units being constructed in order to fulfill the City's RHNA, and (3) the remaining Sites Inventory locations were analyzed in the certified Mitigated Negative Declaration, the combined total of all changes to the RHNA Strategy and Sites Inventory has no potential to introduce or increase any potential significant environmental impacts or result in changes to the IS/MND significance findings because:

Other Revisions and Addition of Information

- Most of the appendices were removed from the document to make it easier to navigate and easier to understand.
- Quantified objectives for housing rehabilitation and conservation were added.

Review of Environmental Impacts and Determination

An analysis of the Amendments, changes in circumstances, and any new information since the certification of the previous IS/MND has been completed to determine if any new environmental impacts could occur. The environmental analysis and conclusions provided in the IS/MND remain

current and applicable to the Amendments. All potential impacts in the CEQA Environmental Checklist were considered during the preparation of this Addendum, and it has been determined that no new or substantial increase in impacts would result from the revisions made to San Bruno's 2023-2031 Housing Element. Nothing Since the Amendments result in a reduction in the number of units expected to be developed citywide and on the Site Inventory locations, and that all Site Inventory locations were identified in the prior version of the Housing Element, the level of development, construction activity, ground disturbance, service, recreation, transportation and utility impacts would be less than those contemplated by the certified Mitigated Negative Declaration, and that operational impacts if/when the sites are developed would be equivalent to, or less than, the impacts contemplated by the certified Mitigated Negative Declaration with the implementation of the required mitigation measures.

Further, the modifications proposed for the Housing Element are minor and none of the conditions outlined in CEQA Section 15162 have occurred as explained below, specifically:

(1) No substantial changes are proposed in the project that will require major revisions of the previous negative declaration due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The Amendments include technical changes, the addition of further information to the adopted Housing Element, and changes to programs. The vast majority of these changes reflect revisions to the policies and programs in the Housing Plan and the recategorizing of parcels on the sites inventory. The Amendments do not include modifications to development patterns or changes in the pattern of land uses established in the General Plan, and do not include changes that affect where housing is allowed to be constructed in the City. The adopted version of the sites inventory consists of fewer sites that what was identified and analyzed with as part of the certified Mitigated Negative Declaration. The current version of the sites inventory has been updated to recategorize sites based on their current entitlement status and current projected or approved number of units. The Amendments do not propose or contemplate specific development projects and will not result in direct or indirect housing development. Therefore, the programs would not result in physical environmental impacts or change the conclusions of the IS/MND. Although goals and policies in the plan may result in future actions that could have environmental effects, there is not any information available to allow for meaningful environmental analysis at this time. Environmental review of any implementing actions would occur at that time when project details are known. The adoption of the Amendments to the adopted Housing Element will not result in any direct changes to the physical environment.

(2) No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

It has been determined that no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and thus no major revisions of the previous negative declaration are necessary. The Amendments include only minor technical changes and the addition of information to the adopted Housing Element and will not cause any significant effects to the environment. Since both the adopted Housing Element and the Amendments result in a sites inventory that includes a surplus of housing units to accommodate the City's RHNA allocation, and do not require any new changes in land use designations or zoning that were not already analyzed,

they are therefore within the scope of the certified MND. Thus, no significant changes have occurred since adoption of the IS/MND for the adopted 2023-2031 Housing Element.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the negative declaration was adopted, shows any of the following:

- a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

Analysis of the revisions indicates that there is no new information of substantial importance, which was not known at the time the IS/MND was adopted in January 2023 that shows the project will have significant effects on the environment, or effects that will be substantially more severe than shown in the IS/MND.

- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

No significant effects were previously identified and no EIR was previously prepared. And the revised Housing Element will not result in effects that are substantially more severe than shown in the previous MND because the total units accommodated by the revised Housing Element is 3,682 units where the previous MND contemplated 3,662 units, and the Sites Inventory where new development would occur consist of those analyzed in the previous MND, but with the entitlement of the AT&T Building site resulting in units shifting from the Sites Inventory to the Credits category, the total number of units in the Sites Inventory is reduced from 2,709 to 2,552 units compared to what the previous MND contemplated.

- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

The revisions to the adopted Housing Element do not include changes to the development potential, but rather consist of increased housing capacity as reflected in projects that have been entitled for sites included in the inventory. The development potential analyzed in the adopted IS/MND was for the maximum potential development of all of the sites included in the sites inventory and is not intended to limit the development potential of the sites to what is specified in the adopted Housing Element. Because no new sites were added to the sites inventory, no additional mitigation measures or alternatives were necessary.

- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No significant effects were identified for the adopted IS/MND, however, the IS/MND concluded that less than significant impacts, with certain mitigations, would result for aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, transportation, public services, recreation, tribal cultural resources, utilities and service systems, and wildfire. The Amendments include modest increases in development potential for a small number of sites that were already included in the inventory. The development potential analyzed in the adopted IS/MND was for the maximum potential development of all of the

sites included in the sites inventory, which has not changed as a result of removing parcels from the sites inventory. As a result, no additional mitigation measures or alternatives were necessary.

Conclusion

Given the analysis presented in this Addendum, it is therefore found that the revisions to the adopted 2023-2031 Housing Element would not result in a measurable increase in environmental impacts over what was previously analyzed in the adopted IS/MND for San Bruno's adopted 2023-2031 Housing Element. There are no changes with respect to the circumstances under which the project is undertaken that will require revisions to the previous IS/MND. Therefore, pursuant to CEQA Guidelines Section 15164, an Addendum to the IS/MND is appropriate and has been prepared to document the technical changes and addition of information that have been included in the revisions to San Bruno's adopted 2023-2031 Housing Element.

As provided in Section 15164 of the CEQA Guidelines, this Addendum need not be circulated for public review, but shall be considered with the prior environmental documents before making a decision on the current project.

For any action or approval to be taken by the City on the proposed project, this Addendum shall be considered together with the previously certified Mitigated Negative Declaration (Attachment B). All documents are available from the City of San Bruno Community Development Department.

MICHAEL SMITH, SENIOR PLANNER

July 2024

EXHIBIT B

Adopted Initial Study/Mitigated Negative Declaration for the 2023-2031 Housing Element

This document is available at the Community Development Department and at the following link:

https://www.sanbruno.ca.gov/DocumentCenter/View/5750/SBHE_Revised-11823-ISMND?bidId=

EXHIBIT C

Mitigation Monitoring and Reporting Program for the 2023-2031 Housing
Element

MITIGATION MONITORING AND REPORTING PROGRAM

2023-2031 Housing Element Update

CITY OF SAN BRUNO

January 2023

P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study for the *2023-2031 Housing Element Update* concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the Initial Study concluded that the impacts from implementation of the project would be less than significant and for which no mitigation measures would be required.

**MITIGATION MONITORING AND REPORTING PROGRAM
SAN BRUNO HOUSING ELEMENT UPDATE PROJECT**

Mitigation	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility
<i>Mitigation Measures</i>			
AIR QUALITY			
<p>MM AIR-3.1: Prior to approval, the 2023-2031 Housing Element shall include a policy requiring future development at all Housing Opportunity Sites to implement the following measures during demolition and construction:</p> <ul style="list-style-type: none"> a. Use Tier 4 engines for all off-road equipment greater than 50 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities. b. Use diesel trucks with 2010 or later compliant model year engines during construction. c. Use renewable diesel during construction. d. Use low-VOC coatings during construction. e. Implement BAAQMD best management practices and if necessary, enhanced measures recommended by BAAQMD. f. Use portable electrical equipment where commercially available and practicable to complete construction. Construction contractors shall utilize electrical grid power instead of diesel generators when (1) grid power is available at the construction site; (2) when construction of temporary power lines are not necessary in order to provide power to portions of the site distant from existing utility lines; (3) when use of portable extension lines is practicable given construction safety and operational limitations; and (4) when use of electrical grid power does not compromise construction schedules. 	<p>Adopt a policy in the Housing Element Update that would require MM AIR-3.1 be implemented at all Housing Opportunity Sites</p>	<p>Prior to approval of the 2023-2031 Housing Element Update</p>	<p>Community and Economic Development Department – Planning Division</p>

**MITIGATION MONITORING AND REPORTING PROGRAM
SAN BRUNO HOUSING ELEMENT UPDATE PROJECT**

Mitigation	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility
<p>MM AIR-3.2: Prior to approval, the 2023-2031 Housing Element shall include a policy requiring future development at all Housing Opportunity Sites to conduct a construction and operational health risk assessment (HRA) prior to the issuance of discretionary permits that would allow demolition or construction activities to take place (whichever occurs first). If the HRA demonstrates, to the satisfaction of the City, that the health risk exposures for adjacent receptors will be less than BAAQMD project-level thresholds, then additional mitigation would be unnecessary. However, if the HRA demonstrates that health risks would exceed BAAQMD project level thresholds, additional feasible on- and off-site mitigation shall be analyzed to further reduce risks to the greatest extent practicable.</p>	<p>Adopt a policy in the Housing Element Update that would require future development at all Housing Opportunity Sites to conduct a construction and operational health risk assessment (HRA) prior to the issuance of discretionary permits.</p>	<p>Prior to approval of the 2023-2031 Housing Element Update</p>	<p>Community and Economic Development Department – Planning Division</p>
BIOLOGICAL RESOURCES			
<p>MM BIO-1.1: Prior to approval, the 2023-2031 Housing Element shall include a policy requiring future development at Housing Opportunity Sites to comply with the following measures:</p> <ul style="list-style-type: none"> a. Demolition and nesting substrate (e.g., trees, bushes, grasses, and other vegetation) removal activities shall be scheduled to avoid nesting season (February 1 to August 31). To the extent feasible, construction activities shall be scheduled to occur during the non-nesting season (September 1 through January 31). b. Prior to issuance of any discretionary permits that would allow construction activities during the nesting season, a qualified biologist shall complete pre-construction surveys for active nests within 14 days of work commencing. The survey area must include the proposed development area and all areas within 300 feet of the development area boundary (“zone of influence”). If active nest, 	<p>Adopt a policy in the Housing Element Update that would require future development implement MM BIO-1.1 during demolition and construction activities.</p>	<p>Prior to approval of the 2023-2031 Housing Element Update</p>	<p>Community and Economic Development Department – Planning Division</p>

**MITIGATION MONITORING AND REPORTING PROGRAM
SAN BRUNO HOUSING ELEMENT UPDATE PROJECT**

Mitigation	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility
<p>roost, or burrow sites are identified within the zone of influence, a no-disturbance buffer shall be established for all active nest sites prior to commencement of any proposed construction-related activities to avoid disturbances to migratory bird nesting activities. A no-disturbance buffer constitutes a zone in which construction activities cannot occur. The sizes of the buffers shall be determined by a qualified biologist based on the species, activities proposed near the nest, and topographic and other visual barriers. Buffers shall remain in place until the young have departed the area or fledged and/or the nest is inactive, as determined by the qualified biologist.</p> <p>c. If work is necessary within a buffer zone of an active bird nest, work may occur under the supervision of a qualified avian biologist. The qualified avian biologist monitoring the construction work shall have the authority to stop work and adjust buffers if any disturbance to nesting activity is observed.</p>			

CULTURAL RESOURCES			
<p>MM CUL-1.1: Prior to approval, the 2023-2031 Housing Element shall include a policy requiring future development at Housing Opportunity Site 14 to comply with the following measures:</p> <p>a. Removal or alteration of the commemorative features of California Historic Landmark #934 shall be prohibited, and must be incorporated into any future development proposals for Site 14.</p> <p>b. As part of the future project-level CEQA analysis of any discretionary permit that would allow the demolition of the existing buildings located at Site 14, a Historic Resource Evaluation (HRE) shall be prepared by a qualified architect or architectural historian approved by the City and meeting the Secretary of the Interior's</p>	<p>Adopt a policy in the Housing Element Update that would require future development implement MM CUL-1.1 prior to demolition of any existing buildings at Site 14.</p>	<p>Prior to approval of the 2023-2031 Housing Element Update</p>	<p>Community and Economic Development Department – Planning Division</p>

**MITIGATION MONITORING AND REPORTING PROGRAM
SAN BRUNO HOUSING ELEMENT UPDATE PROJECT**

Mitigation	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility
<p>Professional Qualifications Standards published in the Code of Federal Regulations (36 CFR part 61). The HRE shall evaluate whether any of the existing buildings meet the definition of a historic resource pursuant to CEQA Guidelines Section 15064.5. If the existing buildings do not meet the definition of a historic resource, demolition may proceed. If the HRE finds that any of the existing buildings at Site 14 meet the definition of a historic resource, demolition of buildings eligible for listing as a historic resource shall be prohibited.</p> <p>c. In the event that any buildings meeting the definition of a historic resource pursuant to CEQA Guidelines Section 15064.5 are identified, future development proposals for Site 14 shall be reviewed for compliance by a qualified architect or architectural historian approved by the City and meeting the Secretary of the Interior's Professional Qualifications Standards published in the Code of Federal Regulations (36 CFR part 61) with one or both of the following standards prior to issuance of any discretionary permits that would allow modifications to the existing buildings or new construction on Site 14:</p> <ul style="list-style-type: none"> • Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings; or • Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer. 			

**MITIGATION MONITORING AND REPORTING PROGRAM
SAN BRUNO HOUSING ELEMENT UPDATE PROJECT**

Mitigation	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility
<p>MM CUL-2.1: Prior to approval, the 2023-2031 Housing Element shall include a policy requiring future development at Housing Opportunity Sites 6, 8, 10, 16, 18, and 19 to comply with the following measures:</p> <ul style="list-style-type: none"> a. If evidence of an archaeological site or other suspected cultural resource as defined by CEQA Guideline Section 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, worked bone, fired clay vessels, faunal bone, hearths, storage pits, or burials) is discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City Planning Manager shall be notified. The project sponsor shall hire a qualified archaeologist to conduct a field investigation. The City’s Planning Manager shall consult with the archaeologist to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by a qualified archaeologist and that are consistent with the Secretary of the Interior’s Standards for Archaeological documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-J) form and filed with the NWIC. b. Prior to the initiation of any site preparation and/or the start of construction, the project sponsor shall ensure that all construction workers receive training overseen by a qualified professional archaeologist who is experienced in teaching non-specialists, to ensure that contractors can recognize archaeological resources in the event that any are discovered during construction. 	<p>Adopt a policy in the Housing Element Update that would require future development at Housing Opportunity Sites 6, 8, 10, 16, 18, and 19 prior to and during construction activities.</p>	<p>Prior to approval of the 2023-2031 Housing Element Update</p>	<p>Community and Economic Development Department – Planning Division</p>

**MITIGATION MONITORING AND REPORTING PROGRAM
SAN BRUNO HOUSING ELEMENT UPDATE PROJECT**

Mitigation	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility
<p>MM CUL-2.2: Prior to approval, the 2023-2031 Housing Element shall be amended to include a policy requiring future development at Housing Opportunity Site 14 to comply with the following measures:</p> <ul style="list-style-type: none"> a. As part of the future project-level CEQA analysis of any discretionary permits that would allow ground-disturbing activities (e.g., grading, trenching, excavation, etc.) in the archaeological sensitive areas shown on Figure 4.5 1, exploratory trenching shall be conducted by a qualified archaeologist trained in both local prehistoric and historical archaeology within the proposed area of effect to determine if prehistoric- or historic-era archaeological resources are present. Explorations shall consist of at least one mechanically dug trench with excavation depths commensurate with the depth of proposed ground-disturbing activities. If any archaeological resources are exposed, these should be briefly documented, tarped for protection, and left in place. The results of the exploratory trenching shall be submitted to the Director of Community and Economic Development or the Director’s designee. If it is determined by the project archaeologist that the proposed activities could damage an archaeological resource or that indications of other suspected archaeological resources are present (i.e., darkened soil “midden” representing past human activity), an Archaeological Resources Treatment Plan shall be prepared as described in MM CUL-2.1b below. b. If recommended by the project archaeologist, an Archaeological Resources Treatment Plan shall be prepared by the project archaeologist that contains, at minimum: 	<p>Adopt a policy in the Housing Element Update that would require future development at Housing Opportunity Site 14 to conduct exploratory trenching consistent with MM CUL-2.2.</p>	<p>Prior to approval of the 2023-2031 Housing Element Update</p>	<p>Community and Economic Development Department – Planning Division</p>

**MITIGATION MONITORING AND REPORTING PROGRAM
SAN BRUNO HOUSING ELEMENT UPDATE PROJECT**

Mitigation	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility
<ul style="list-style-type: none"> • Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations. • Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found). • Monitoring schedules and individuals • Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information). • Detailed field strategy to record, recover, or avoid the finds and address research goals. • Analytical methods. Report structure and outline of document contents. • Disposition of the artifacts. • Security approaches or protocols for finds. • Appendices: all site records, correspondence, and consultation with Native Americans, etc. <p>Implementation of the treatment plan by the project archaeologist shall be required prior to the issuance of any permits related to ground-disturbing activities. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources. The treatment plan shall be submitted to the Director of Community and Economic Development or the Director’s designee, along with a summary of the outcomes of the treatment plan and all associated documentation and recordation.</p>			

**MITIGATION MONITORING AND REPORTING PROGRAM
SAN BRUNO HOUSING ELEMENT UPDATE PROJECT**

Mitigation	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility
<p>MM CUL-2.3: Prior to approval, the 2023-2031 Housing Element shall include a policy requiring future development at Housing Opportunity Site 14 to comply with the following measures:</p> <ul style="list-style-type: none"> a. Prior to the issuance of any discretionary permits that would allow ground-disturbing activities (e.g., grading, trenching, excavation, etc.) within the non-sensitive areas mapped on Figure 4.5 1, the project applicant shall hire a qualified archaeologist to develop a Worker’s Environmental Awareness Program (WEAP) to train the construction crew on the legal requirements for the treatment of cultural resources as well as procedures to follow in the event of a cultural resources discovery. This training program shall be given to the crew before ground disturbing work commences and shall include handouts to be given to new workers. b. The applicant shall note on all construction plans that require ground disturbing activities that there is a potential for exposing buried cultural resources including prehistoric Native American burials. c. In the event that potentially significant archaeological resources are encountered during ground-disturbing activities occurring at Site 14, all activity within a 50-foot radius of the find shall be stopped, the Director of Community and Economic Development or the Director's designee shall be notified, and the project archaeologist shall examine the find. The project archaeologist shall (1) evaluate the find(s) to determine if they meet the definition of an archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural 	<p>Adopt a policy in the Housing Element Update that would require future development at Housing Opportunity Site 14 to implement MM CUL-2.3 prior to the issuance of any discretionary permits.</p>	<p>Prior to approval of the 2023-2031 Housing Element Update</p>	<p>Community and Economic Development Department – Planning Division</p>

**MITIGATION MONITORING AND REPORTING PROGRAM
SAN BRUNO HOUSING ELEMENT UPDATE PROJECT**

Mitigation	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility
<p>materials. A report of findings documenting any data recovery shall be submitted to the Director of Community and Economic Development or the Director's designee and the Northwest Information Center (if applicable).</p>			
<p>MM CUL-3.1: Prior to approval, the 2023-2031 Housing Element shall include a policy requiring future development at Housing Opportunity Sites 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 20, 22 and 23 to comply with the following measures:</p> <p>a. If human remains are discovered at any project construction site during any phase of construction, all ground-disturbing activity within 100 feet of the resources shall be halted and the City’s Planning Manager and the San Mateo County Coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City of San Bruno shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of State law, as set forth in CEQA Guidelines section 15064.5(e) and Public Resources Code section</p>	<p>Adopt a policy in the Housing Element Update that would require future development at Housing Opportunity Sites 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 20, 22 and 23 halt all ground-disturbing activities within 100 feet of any discovered resource, consistent with MM CUL-3.1.</p>	<p>Prior to approval of the 2023-2031 Housing Element Update</p>	<p>Community and Economic Development Department – Planning Division</p>

**MITIGATION MONITORING AND REPORTING PROGRAM
SAN BRUNO HOUSING ELEMENT UPDATE PROJECT**

Mitigation	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility
<p>5097.98. The project sponsor shall implement approved mitigation, to be verified by the City of San Bruno, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered.</p>			
GREENHOUSE GAS EMISSIONS			
<p>MM GHG-1.1: Prior to approval, the 2023-2031 Housing Element shall include a policy requiring applicants and their contractors to implement the following measures prior to and during construction:</p> <p>a. Prior to issuance of any discretionary permits that would allow demolition or construction (grading, excavation, building, etc.) activities at the Housing Opportunity Sites, the applicant shall submit a construction management plan that demonstrates that:</p> <ul style="list-style-type: none"> • Alternative fueled (e.g. biodiesel, electric) construction vehicles/equipment shall make up at least 15 percent of the fleet; • Buildings shall be constructed with local building materials of at least 10 percent (sourced from within 100 miles of the City limits); and • Contractors shall recycle and reuse at least 50 percent of construction waste or demolition materials. 	<p>Adopt a policy in the Housing Element Update that would require future development submit a construction management plan prior to the issuance of any discretionary permit, consistent with MM GHG-1.1.</p>	<p>Prior to approval of the 2023-2031 Housing Element Update</p>	<p>Community and Economic Development Department – Planning Division</p>
<p>MM GHG-1.2: Prior to approval, the 2023-2031 Housing Element shall include a policy requiring future development at all Housing Opportunity Sites to demonstrate adherence with the following design measures prior to issuance of any discretionary permits that would allow construction of residential units:</p> <p>a. Construction of natural gas infrastructure and the use of natural gas appliances shall be prohibited;</p>	<p>Adopt a policy in the Housing Element Update that would prohibit the construction of natural gas and use of natural gas appliance, require</p>	<p>Prior to approval of the 2023-2031 Housing Element Update</p>	<p>Community and Economic Development Department – Planning Division</p>

**MITIGATION MONITORING AND REPORTING PROGRAM
SAN BRUNO HOUSING ELEMENT UPDATE PROJECT**

Mitigation	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility
<p>b. Future developments shall include all electric appliances; c. At a minimum, future development shall comply with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2 requirements.</p>	<p>all electric appliances, and comply with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2 requirements.</p>		

HAZARDS AND HAZARDOUS MATERIALS

<p>MM HAZ-2.1: Prior to approval, the 2023-2031 Housing Element shall include a policy requiring future development at Housing Opportunity Sites 6, 8, 10, 16, 18, and 19 to comply with the following measure:</p> <p>a. The City shall require a Phase I Environmental Site Assessment (Phase I ESA) prior to issuance of any discretionary permits that would allow ground-disturbing activities, with a Phase II ESA also required if the Phase I ESA indicates evidence of potential site contamination. The City shall also require compliance with the site assessment(s) and any remediation, removal, and disposal requirements for soil, surface water, and/or groundwater contamination enforced by the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), San Mateo County Department of Environmental Health (SMCEHS), California Division of Occupational Safety and Health (CalOSHA), U.S. Environmental Protection Agency (EPA), and other jurisdictional agencies.</p>	<p>Adopt a policy in the Housing Element Update that would require future development at Housing Opportunity Sites 6, 8, 10, 16, 18, and 19 prepare a Phase I ESA prior to the issuance of any discretionary permits.</p>	<p>Prior to approval of the 2023-2031 Housing Element Update</p>	<p>Community and Economic Development Department – Planning Division</p>
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**MITIGATION MONITORING AND REPORTING PROGRAM
SAN BRUNO HOUSING ELEMENT UPDATE PROJECT**

Mitigation	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility
<p>MM HAZ-2.2: Prior to approval, the 2023-2031 Housing Element shall include a policy requiring future development at Housing Opportunity Site 14 to comply with the following measures:</p> <ul style="list-style-type: none"> a. Prior to the issuance of any discretionary permits that would allow ground-disturbing activities on Site 14 (outside of the area shown on Figure 4.9 1), the project proponent shall obtain a Phase I Environmental Site Assessment (ESA). The Phase I ESA shall be conducted in accordance with the United States Environmental Protection Agency’s All Appropriate Inquiries (AAI) Rule and the latest American Society for Testing and Materials (ASTM International) guidelines, and identify all potential subsurface contaminants warranting further investigation. b. If the Phase I ESA identifies any potential contaminants warranting further investigation, a Phase II ESA shall be prepared in accordance with the United States Environmental Protection Agency’s AAI Rule and the latest ASTM International guidelines. As part of the Phase II, a qualified environmental professional (as defined in Title 40 of the California Code of Regulations) shall take soil, soil vapor, and groundwater samples as determined necessary by the environmental professional in the area of proposed disturbance at 0.5 feet below ground surface (bgs) to the maximum proposed depth of disturbance. Collected soil samples shall be tested for all potential contaminants identified in the Phase I ESA to determine if contaminants exceed California Division of Occupational Safety and Health (Cal/OSHA) exposure limits or San Mateo County Environmental Health Services (SMCEHS) environmental screening levels for residential uses. 	<p>Adopt a policy in the Housing Element Update that would require future development at Housing Opportunity Site 14 to prepare a Phase I ESA prior to the issuance of any discretionary permits. If the Phase I ESA identifies potential concerns, a Phase II ESA would be prepared.</p>	<p>Prior to approval of the 2023-2031 Housing Element Update</p>	<p>Community and Economic Development Department – Planning Division</p>

**MITIGATION MONITORING AND REPORTING PROGRAM
SAN BRUNO HOUSING ELEMENT UPDATE PROJECT**

Mitigation	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility
<p>c. The results of the Phase II ESA shall be provided SMCEHS department. If determined necessary by the SMCEHS, a Redevelopment Management Plan (RMP) or equivalent shall be prepared and submitted to the SMCEHS and the Director of Community and Economic Development or the Director’s designee that includes 1) an evaluation of whether redevelopment activities will create new exposure pathways to human health and the environment that pose unacceptable risks, and, if so, how those risks will be mitigated, and 2) a discussion of how contaminated media will be handled and disposed during construction activities. Once approved by the SMCEHS and Community and Economic Development Department, the RMP or equivalent shall be implemented by a qualified environmental professional. The results of the RMP or equivalent shall be submitted to the SMCEHS and the Director of Community and Economic Development or the Director’s designee prior to the issuance of any issuance of any discretionary permits (e.g., grading, construction, occupancy, whichever occurs first).</p>			
<p>MM HAZ-5.1: Prior to approval, the 2023-2031 Housing Element shall include a policy requiring future development at Housing Opportunity Site 14 to comply with the following measures:</p> <p>a. Prior to the issuance of any construction or building permits, the applicant shall submit a plan with a list of equipment to be used during construction that includes their height and proposed area of operation to the Director of Community and Economic</p>	<p>Adopt a policy in the Housing Element Update that would require future development at Housing Opportunity Site 14 to submit a plan that details the type and location of</p>	<p>Prior to approval of the 2023-2031 Housing Element Update</p>	<p>Community and Economic Development Department – Planning Division</p>

**MITIGATION MONITORING AND REPORTING PROGRAM
SAN BRUNO HOUSING ELEMENT UPDATE PROJECT**

Mitigation	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility
<p>Development or the Director’s designee. The use of equipment in locations where it would penetrate critical aeronautical surfaces shall be expressly prohibited by any construction or building permits issued. The plan sets shall include a page depicting the critical aeronautical surfaces on-site, a list of all equipment with heights of 55 feet or greater and their respective heights, and informs construction workers that the use of equipment with heights that would penetrate critical aeronautical surfaces is prohibited.</p> <p>b. Future development at Housing Opportunity Site 14 shall comply with Policy AP-3 of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (ALUCP). Buildings with heights in excess of the applicable critical aeronautical surface as shown in Exhibit IV-17 at Housing Opportunity Site 14 shall be prohibited unless the Federal Aviation Administration determines the proposed building height is not a hazard to air navigation in an aeronautical study prepared pursuant to the filing of Form 7460-1. Proof of compliance with Policy AP-3 of the ALUCP shall be provided to the Director of Community and Economic Development or the Director’s designee prior to issuance of any construction or building permits.</p>	<p>construction equipment. In addition, all plans shall include a page depicting the critical aeronautical surfaces on-site, a list of all equipment with heights of 55 feet or greater and their respective heights, and informs construction workers that the use of equipment with heights that would penetrate critical aeronautical surfaces is prohibited.</p>		
NOISE			
<p>MM NOI-2.1: Prior to approval, the 2023-2031 Housing Element shall include a policy requiring future development at all Housing Opportunity Sites to implement the following measures during demolition and construction:</p>	<p>Adopt a policy in the Housing Element Update that would require future development at all Housing Opportunity</p>	<p>Prior to approval of the 2023-2031 Housing Element Update</p>	<p>Community and Economic Development Department – Planning Division</p>

**MITIGATION MONITORING AND REPORTING PROGRAM
SAN BRUNO HOUSING ELEMENT UPDATE PROJECT**

Mitigation	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility
<ul style="list-style-type: none"> • Groundborne vibration studies shall be prepared by qualified professionals in accordance with industry-accepted methodology where heavy construction activities involving significant site grading, underground, or foundation work will occur within 25 feet of residential or other vibration sensitive uses. The industry-accepted methodologies include the recommended vibration assessment procedure and thresholds provided by public agencies such as Caltrans or the Federal Highway Administration. The studies should identify necessary construction vibration controls to reduce both human annoyance and the possibility of cosmetic damage. Controls shall include, but not be limited to, the following measures: <ul style="list-style-type: none"> ○ A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds. ○ Place operating equipment on the construction site as far as possible from vibration-sensitive receptors. ○ Use smaller equipment to minimize vibration levels below the limits. ○ Avoid using vibratory rollers and tampers near sensitive areas. ○ Select demolition methods not involving impact tools. 	<p>Sites prepare groundborne vibration studies.</p>		

**MITIGATION MONITORING AND REPORTING PROGRAM
SAN BRUNO HOUSING ELEMENT UPDATE PROJECT**

Mitigation	Method of Compliance Or Mitigation Action	Timing of Compliance	Oversight Responsibility
<ul style="list-style-type: none"> ○ Modify/design or identify alternative construction methods to reduce vibration levels below the limits. ○ Avoid dropping heavy objects or materials. 			
TRANSPORTATION			
<p>MM TRN-1.1: Prior to approval, the 2023-2031 Housing Element shall include a policy requiring future development at all Housing Opportunity Sites that would generate a sufficient amount of trips according to the City’s traffic analysis guidelines or otherwise warrant analysis as determined by the City to prepare a Transportation Analysis (TA) prior to the issuance of any discretionary permits. Prior to the preparation of the TA, a scope of work outlining the proposed approach to the TA shall be submitted to the Director of Public Works or the director’s designee for review and approval. The TA, at a minimum, shall evaluate the proposed development for consistency with the City’s General Plan and Walk ‘N Bike Plan, review the proposed layout for any geometric design features that may increase hazards (e.g., sight distances, turning radii, etc.), and verify adequate emergency access is provided. The TA shall provide recommendations addressing any identified inconsistencies, geometric design hazards, or emergency access issues that shall be incorporated into the final design. The TA shall be prepared in accordance with Public Works’ guidance and submitted prior to the approval of any discretionary permits as part of the project-level review of all future development under the Housing Element Update.</p>	<p>Adopt a policy in the Housing Element Update that would require future development at all Housing Opportunity Sites that would generate a sufficient amount of trips according to the City’s traffic analysis guidelines or otherwise warrant analysis as determined by the City to prepare a Transportation Analysis (TA) prior to the issuance of any discretionary permits.</p>	<p>Prior to approval of the 2023-2031 Housing Element Update</p>	<p>Community and Economic Development Department – Planning Division</p>

SOURCE: City of San Bruno, *2023-2031 Housing Element Update Initial Study*, December 2022.

RESOLUTION NO. 2024 - __

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO ADOPTING AN AMENDED 2023-2031 HOUSING ELEMENT, WITH FINDINGS OF SUBSTANTIAL COMPLIANCE WITH STATE HOUSING ELEMENT LAW, PURSUANT TO GOVERNMENT CODE SECTION 65585, AND AUTHORIZING STAFF TO SUBMIT THE AMENDED HOUSING ELEMENT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR REVIEW AND CERTIFICATION

WHEREAS, the California legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives.” (Gov. Code Section 65589.5.); and

WHEREAS, the legislature has further found that “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.” (Gov. Code Section 65589.5.); and

WHEREAS, the legislature adopted the Housing Crisis Act of 2019 (SB 330) which states that “In 2018, California ranked 49th out of the 50 states in housing units per capita... California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years”; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of San Bruno’s (City) regional housing need allocation (RHNA) of 3,165 housing units, comprised of 704 very-low-income units, 405 low-income units, 573 moderate-income units, and 1,483 above moderate-income units; and

WHEREAS, State law requires that the City take meaningful steps to promote and affirmatively further fair housing (Gov. Code Section 65583(c)(5)); and

WHEREAS, on January 24, 2023, the City Council held a duly noticed public hearing and repealed its 2015-2023 Housing Element and adopted its 2023-2031 Housing Element to comply with State Housing Element Law and on that same date adopted the Initial Study/ Mitigated Negative Declaration for the project and adopted a Mitigation Monitoring and Reporting Program; and

WHEREAS, on January 31, 2023, San Bruno submitted its adopted 2023-2031 Housing Element to the California Department of Housing and Community Development (“HCD”) for review and possible certification; and

WHEREAS, on March 18, 2023, HCD issued its review of San Bruno’s adopted 2023-2031 Housing Element, which stated the Housing Element satisfactorily addressed many statutory requirements; however, further revisions would be necessary to receive certification of compliance with the State Housing Element Law (Government Code §§ 65580 et seq.); and

WHEREAS, City staff worked with HCD staff to address the comments contained in HCD's March 18, 2023 letter and subsequently resubmitted a revised draft of the Housing Element to HCD on March 21, 2024, for review pursuant to Section 65585(b) of the California Government Code. The revised draft Housing Element was posted on the City's website for public review prior to resubmittal to HCD; and

WHEREAS, on May 16, 2024, HCD issued its review of San Bruno's revised 2023-2031 Housing Element which stated the Housing Element satisfactorily addressed most statutory requirements; however, further revisions would be necessary to receive certification of compliance with the State Housing Element Law (Article 10.6 of the Government Code); and

WHEREAS, City staff again worked with HCD staff to address the comments contained in their May 16, 2024 letter and subsequently resubmitted a draft of the Housing Element to HCD on July 12, 2024, for review pursuant to Section 65585(b) of the California Government Code; and

WHEREAS, on July 3, 2024, prior to resubmittal of the element to HCD for review, the City published the amended element on the City's website for public review as required by State Housing Element law; and

WHEREAS, the amended 2023-2031 Housing Element (the "Amended Housing Element") will replace the 2023 -2031 Housing Element that was adopted by Council on January 24, 2023, and serve as the City of San Bruno's guiding policy document for meeting the City's future housing needs at all economic levels; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5 San Bruno referred the Housing Element to all California Native American tribes on the contact list provided by the Native American Heritage Commission and to other entities listed; and

WHEREAS, no California Native American tribe requested consultation; and

WHEREAS, because the sites inventory of the Amended Housing Element utilizes nonvacant sites to meet more than 50 percent of its lower income Regional Housing Needs Assessment (RHNA) allocation, the city must make a finding that existing uses on nonvacant sites do not constitute an impediment to additional residential development pursuant to Government Code Section 65583.2(g); and

WHEREAS, on August 6, 2024, the Planning Commission conducted a duly noticed public hearing to take public testimony and reviewed the Amended Housing Element and all pertinent maps, documents and exhibits, including HCD's review findings, the staff report and all attachments, and oral and written public comments, and recommended that City Council adopt the Amended Housing Element; and

WHEREAS, a Notice of Public Hearing for adoption of the Amended Housing Element was duly published in the *San Mateo Daily Journal* on Saturday, August 17, 2024; and

WHEREAS, the City Council held a Public Hearing for the Amended Housing Element on August 27, 2024 and on said date, the Public Hearing was opened, held and closed.

WHEREAS, the City Council adopted Resolution No. 2024 - ____, where is hereby incorporated by reference, finding, among other things, that the Amended Housing Element and implementing actions considered concurrently, will not result in a significant effect upon the

environment beyond what was analyzed in the Mitigated Negative Declaration, and adopted the addendum to the Mitigated Negative Declaration for the Amended Housing Element Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Bruno, based on substantial evidence in the staff reports, written and oral testimony, and exhibits presented, hereby finds as follows:

- A.** The foregoing recitals are true and correct and are incorporated by reference into this action.
- B.** The proposed Amended Housing Element is in response to the requirements of the California Government Code to update the Housing Element every eight years. Adoption of an Amended Housing Element is critical to address various requirements of State law and certification of the Amended Housing Element is important to enhance the City's eligibility for grant funds and to support the City's local land use authority.

Because several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria, the Amended Housing Element will facilitate the City's ability to attract new grant funds to improve transportation, infrastructure, open space, and housing. The Amended Housing Element will help ensure that households seeking different housing types and affordable housing will have opportunities to find housing in San Bruno.

- C.** The Amended Housing Element substantially complies with State Housing Element Law, as provided in Government Code Section 65580 et seq.
- D.** Based on substantial evidence in the record the properties listed in the Sites Inventory are located in the City's commercial corridors within proximity to high quality transit, with existing uses that have low building to land value. Furthermore, the City has experienced increased development activity within the Transit Corridors Plan Area as a result of the 2021 rezoning. Chapter 4 of the Technical Background Report of the Housing Element, along with other evidence in the record, provides substantial evidence that sites in the inventory include obsolescent buildings, declining uses impacted by the COVID-19 pandemic and related shifts in the commercial real estate market, low existing floor area ratio, higher development expectations, and as further evidenced by recent site development inquiries, support the finding that existing uses are likely to be discontinued during the planning period. This conclusion is further supported by redevelopment trends for nonvacant sites within the City and the San Francisco Peninsula, as discussed in Chapter 4 of the Technical Background Report. For these reasons, and based on the additional evidence in the record, the City Council hereby finds that the existing uses on the non-vacant sites identified in the site inventory to accommodate the RHNA are likely to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development on the sites during the planning period.
- E.** Based on factors such as proximity to commercial services, parks and amenities; and access to existing public water and sewer systems, and dry utilities, the 2023-2031 Housing Element concludes that the nonvacant sites identified in the sites inventory are suitable for residential development.

- F.** As required by Government Code Section 65585(e), the City Council has considered the findings made by the Department of Housing and Community Development included in the each of the Department's letters to the City regarding the Housing Element, including the letter dated May 18, 2024, and, consistent with Government Code Section 65585, the City Council has changed the Amended Housing Element in response to the comments and findings of the Department to substantially comply with the requirements of State Housing Element Law.
- G.** The Community Development Director or designee is hereby directed to file all necessary material with the Department of Housing and Community Development to enable the Department to find that the Amended Housing Element is in conformance with State Housing Element Law and is further directed and authorized to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by the Department to achieve certification.
- H.** The Community Development Director or designee is hereby directed to distribute copies of the Housing Element in the manner provided in Government Code Sections 65357 and 65589.7.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council hereby adopts the Amended 2023-2031 Housing Element attached hereto as Exhibits A and B, and finds, pursuant to Government Code Section 65583.2(g) that the existing uses on the non-vacant sites identified in the site inventory to accommodate the RHNA are likely to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development on the sites during the planning period.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council authorizes the Community Development Director to make final technical adjustments, if necessary, to respond to additional HCD comments and directs the Community Development Director, or his designee, to forward to HCD a certified copy of this resolution together with an attested copy for consideration along with the Amended 2023 – 2031 Housing Element.

Exhibit A: Amended 2023-2031 Housing Element
 Exhibit B: Technical Background Report

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I hereby certify that the foregoing Resolution No. 2024 - ____
 was introduced and adopted by the San Bruno City Council at a regular meeting on
 August 27, 2024 by the following vote:

AYES: Councilmembers:
 NOES: Councilmembers:
 ABSENT: Councilmembers:

Lupita Huerta, City Clerk

EXHIBIT A

Amended 2023-2031 Housing Element



City of San Bruno

2023-2031 Housing Element

Adopted January 24, 2023, amended August 27, 2024



Table of Contents

1	Executive Summary.....	1-1
	Housing Needs.....	1-1
	Constraints to Housing Production.....	1-2
	Site Inventory and Analysis.....	1-3
	Affirmatively Furthering Fair Housing.....	1-5
	Public Engagement.....	1-6
	Previous Accomplishments.....	1-6
	Goals and Programs.....	1-7
2	Introduction.....	2-1
	Purpose.....	2-1
	Organization.....	2-2
3	Housing Plan.....	3-1
	Goals and Key Programs.....	3-3
	AFFH Matrix.....	3-17
	Quantified Objectives.....	3-27

List of Tables

Table 1-1	San Bruno’s RHNA by Income Category.....	1-3
Table 1-2	Summary Table of RHNA Strategy.....	1-4
Table 3-1	Quantified Objectives.....	3-27

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Executive Summary



Avalon Apartments At The Crossing, City of San Bruno

San Bruno is a modest sized city with diverse geography, pleasant year-round climate, and a strategic location from a transportation standpoint with proximity to San Francisco International Airport, a BART station, CalTrain station, and high-quality transit corridor along El Camino Real. The City has modest fiscal resources, but is committed to improve local housing conditions, exceeding State requirements where possible.

This is reflected in this Housing Element, which contains extensive analysis on housing needs, constraints to housing production, analysis of the sites inventory, fair housing assessments, public engagement, previous accomplishments and goals and programs for the future.

The Housing Element consists of this executive summary, an introduction and the housing plan that lists goals and specific programs to address local housing issues over the next eight years.

A Technical Background Report is attached that has detailed information and analysis for the needs assessment, constraints analysis, sites inventory analysis, affirmatively furthering fair housing, public outreach, and previous accomplishments.

Housing Needs

Housing Element law requires local governments to adequately plan to meet existing and projected housing needs. Therefore, the first step in the Housing Element process is to assess existing conditions, projected trends, and identify housing needs. A detailed Housing Needs Assessment is provided in Section 1 of the Technical Background Report.

Key findings are that San Bruno's housing conditions are similar to that of San Mateo County, and the Bay Area region as a whole, with some key differences:

- San Bruno's population has had modest overall growth in recent years, similar to San Mateo County and the Bay Area region as a whole. Since 2000, San Bruno has had a 12% decline in school aged children (5-14) and 13% decline in middle aged adults (35-44). The cost of living, particularly housing costs, is likely a major factor in the reduced percentage of children and middle-aged adults.

- Similar to the County and region, the share of San Bruno’s population that are seniors has steadily increased and will continue to increase. Seniors can be more likely to have special needs due to restricted incomes, disabilities, or dependency needs.
- While San Bruno has a similar share of Very-Low and Extremely Low income households as the County and region (25%), San Bruno has a lower share of Above Moderate income households (42% compared to 49% and 52%, respectively) and a greater share of Low income households (20% compared to 16% and 13%, respectively).
- San Bruno has a very low vacancy rate (3.7%) compared to the County and region that is an indicator of a high demand for housing units in the community.
- San Bruno has a jobs/housing ratio just over 1.0, while the County and region are more job-heavy with a ratio of around 1.5.
- Overcrowding in San Bruno is similar to the County and region, with 25-35% of those in 4 person households or less experience some overcrowding.
- Similar to the region, San Bruno has aging housing stock, with most units built between 1940 and 1979.

Overall, the analysis underscores the importance of addressing housing needs in a comprehensive and inclusive manner to ensure the well-being of all residents.

Constraints to Housing Production

Housing Element law (Government Code Section 65583(a)(5)) requires an analysis of constraints to the maintenance, improvement, and development of housing for all income levels and for people with disabilities. Many factors can encourage or constrain the maintenance, improvement, and development of housing. These factors include physical constraints, economics, and governmental regulations.

The Constraints to Housing Production section of the Technical Background Report analyzes two types of constraints: non-governmental and governmental. The City has minimal influence on non-governmental constraints including physical characteristics of land such as geologic and seismic issues, given the City’s proximity to the San Andreas Fault, and market factors, including the cost and availability of land, labor, construction materials and financing.

The City has more influence and control over governmental constraints to housing, which include subjective decision-making, environmental law, General Plan and zoning limitations, codes and enforcement, fees and exactions, and permit processing times.

Historically, governmental constraints have hindered housing development, which is a major factor in the lack of housing opportunities statewide. Based on the identified governmental constraints, the Housing Plan in Chapter 3 identifies significant actions, including but not limited to, expanding ministerial review, and shortening review timeframes, to remove or mitigate these constraints.

Site Inventory and Analysis

A key component of the Housing Element is the identification of sites for future housing development, and evaluation of the ability of these sites to accommodate the City's share of regional housing needs as determined by the Association of Bay Area Governments (ABAG).

The City's Regional Housing Needs Allocation (RHNA) for the 2023-2031 planning period is 3,165 units, with the units distributed among the four income categories shown in Table 1.1. As further illustrated in the Section 3 of the Technical Background Report, San Bruno has sufficient capacity to meet its 2023-2031 RHNA obligations.

State law requires the City to plan for 100 percent of the RHNA. However, the State encourages local jurisdictions to plan for a buffer of additional capacity, recognizing that not all sites will be developed as anticipated. San Bruno is planning for more than the RHNA minimum to provide additional housing opportunities to address local housing needs, particularly focused on potential lower income and moderate-income categories.

The City's RHNA strategy is summarized by the following two equations:

$$[\text{RHNA}] - [\text{Credits}] = [\text{Remaining RHNA}]$$

The RHNA represents the allocation received by San Bruno from ABAG, which is the City's fair share of the larger regional allocation ABAG received from Housing and Community Development (HCD).

Credits reflect potential Accessory Dwelling Units (ADUs) based on recent trends and Approved Projects that have all required entitlements but have not been constructed as of the completion of this Housing Element.

Remaining RHNA reflects the units that the City must identify sites for.

$$[\text{Remaining RHNA}] - [\text{Sites Inventory}] = [\text{Surplus/Shortfall}]$$

The Sites Inventory is deducted from the Remaining RHNA, and the result is either a Surplus or Shortfall. A Surplus means the Housing Element provides for more units than the RHNA required. A Shortfall means that at the time of the statutory deadline (January 31, 2023), the Housing Element does not have adequate sites with appropriate zoning to fully accommodate the RHNA. The State encourages a buffer, which is a surplus, despite the need to justify each part of the RHNA strategy, market forces, property owner decisions and other external factors can result in identified sites not being developed as expected. Having a buffer means that even as some sites are not developed as expected, there will remain adequate sites to fulfill the RHNA.

TABLE 1-1 SAN BRUNO'S RHNA BY INCOME CATEGORY

Income Category	6 th Cycle RHNA
Very Low (up to 50% AMI)	704
Low (51% to 80% AMI)	405
Moderate (81% to 120% of AMI)	573
Above-Moderate (greater than 120% of AMI)	1,483
Total	3,165

Note: AMI = Area Median Income

Source: Association of Bay Area Governments (ABAG)

Table 1-2 summarizes the RHNA strategy:

TABLE 1-2 SUMMARY TABLE OF RHNA STRATEGY

	Income Categories				Total
	Extremely Low/Very Low	Low	Moderate	Above Moderate	
RHNA	704	405	573	1,483	3,165
Credits	121	528	94	387	1,130
Potential ADUs	67	67	67	23	224
Entitled/Approved/Under Construction Projects	54	461	27	364	906
Remaining RHNA (as of February 2024)	583	(123)¹	479	1,096	2,158
6th Cycle Sites Inventory²	762		690	1,100	2,552
Sites with Pending Projects	28		14	258	300
Re-use of 5th Cycle Sites	165		242	16	423
New Sites - No Rezone	365		365	0	730
Total Capacity w/o Rezone	558		621	274	1,453
Shortfall	25		0	822	847
New Sites – Rezone	204		69	826	1,099
Cover Shortfall?	Yes		Yes	Yes	
Buffer (6th Cycle Sites – Remaining RHNA)	179		211	4	394
% Buffer	30.7%		44.1%	0.4%	18.3%

1. Excess Credits in one income category cannot be applied to reduce the number of Remaining RHNA units in another income category. While the City technically has 123 more low-income units as credits than the RHNA requires, that figure is not used to calculate the total Remaining RHNA or Buffer.

2. Includes Sites with Pending Projects, Re-Use 5th Cycle Sites, New Sites- No Rezone, and New Sites- Rezone.

Source: City of San Bruno 2024

The City has developed four categories of sites that make up the Site Inventory:

1. Sites with Pending Projects. These are sites where a property owner/developer has an active entitlement being processed. The income categories for units represented for Pending Projects match the pending project.
2. Remaining 5th Cycle Sites. These are sites that were included in the Sites Inventory for the 5th Cycle but were not built in that timeframe. These do not have a pending project. The income categories for this category are based on the size of the parcels and allowed densities.
3. New Sites – No Rezone. These are sites that are newly identified housing sites in the 6th Cycle, and that already have zoning in place to allow the density identified in the Housing Element. The income categories for this category are based on the size of the parcels and allowed densities.
4. New Sites – Rezone. These are sites that are newly identified housing sites in the 6th Cycle, which do not have zoning in place to allow the density identified in the Housing Element. The City must rezone these sites and is scheduled to complete the rezonings in Summer 2024. The majority of units in this category are for the Tanforan project, which has a preliminary application to redevelop the site into a transit- oriented mixed-use village that includes a minimum of 1,002 housing units (176 lower income and 826 are above moderate).



The net result of the credits and Sites Inventory is 394 more units than the minimum RHNA required for San Bruno. Compared to the Remaining RHNA, the Sites Inventory provides nearly a 31 percent buffer for lower-income units and just over a 44 percent buffer for moderate-income units, beyond the City’s minimum RHNA. This reflects the City’s intention to go beyond the minimum required by State law to address local housing issues.

Section 3 of the Technical Background Report describes this subject in detail, with site-by-site analysis and justification.

Additional Capacity

In addition to planning for more than the RHNA requirement, the City commits to additional efforts to provide needed housing supply:

- Program identified that commits the City to add 500 units to Sites Inventory by December 2026. This will result in a buffer of nearly 900 units. Also, the program commits that this capacity will be provided in moderate or high resource areas, which is encouraged by State law.
- Program identified that commits the City to place a ballot measure in November 2028 to amend Ordinance No. 1284 to expand housing opportunities in the City along transit corridors and expanding “missing middle” options. Ordinance No. 1284 is not a constraint to achieving 6th cycle RHNA, since the 6th cycle RHNA can be met without ballot measure. This Housing Element does not assume any additional units due to this ballot measure, but Ordinance No. 1284 may be a constraint in future cycles, and the City is committing to taking steps to reduce future constraints.

Affirmatively Furthering Fair Housing

Assembly Bill (AB) 686, passed in 2018, mandates all public agencies in California incorporate an Affirmatively Furthering Fair Housing (AFFH) analysis into their housing programs, extending the obligation to demonstrate commitment to AFFH for agencies receiving funding from the U.S. Department of Housing and Urban Development (HUD). The purpose of AFFH is to analyze and take concrete steps to reduce disparities in housing and access to opportunities, promote integration, and comply with fair housing laws. A fair housing assessment was done for San Bruno which included a resident survey that was conducted to support the AFFH analysis. Section 4 of the Technical Background Report provides the comprehensive analysis.

Key elements of the AFFH analysis are:

- Mirroring much of the country, San Mateo County has a history of discriminatory housing practices that led to disparities in housing and economic outcomes experienced by marginalized communities. AFFH is a comprehensive approach aimed at addressing disparities in housing needs and opportunities, dismantling segregated living patterns, and promoting fair housing practices.
- San Bruno has no Racially Ethnically Concentrated Areas of Poverty (R/ECAP) or Racially Ethnically Concentrated Areas of Affluence (R/ECAA)
- Patterns of segregation exist with White (non-Hispanic) and Asian households, which tend to be more concentrated in higher resourced census tracts in the city, and Hispanic residents are prone to be more concentrated in lower resourced census tracts in the eastern part of the city. These lower resourced census tracts suffer from lower educational opportunity, lower economic opportunity, lower environmental scores, and higher social vulnerability scores.
- The eastern side of the City has more exposure to environmental issues, including pollution and vulnerabilities to natural disasters, compared to the western side of the City.

- San Bruno survey respondents experienced housing challenges at a rate consistent with the countywide average but were more likely to be denied housing because of “type of income earned.”
- San Bruno has experienced a relatively low number of fair housing complaints filed from 2017 to 2021, accounting for only 7% of the total complaints in San Mateo County. These complaints primarily focused on disability status-based discrimination.
- San Bruno exhibits a disability rate of 8%, consistent with the county's average. Ambulatory difficulties affect 3.6% of the population, independent living challenges affect 3.4%, and cognitive impairments affect 2.8%.
- Overall, San Bruno survey data tends to mirror countywide average survey results. The survey shows that in both the county and San Bruno, being low-income is a barrier to accessing housing. The impacts are highest for Hispanic households.
- In San Bruno, 27% of overall households are Hispanic and 44% of households are low-income. Hispanic households are also more likely to experience overcrowding and to be cost burdened (the rates of overcrowding and rates of cost burden in the county and Bay area overall are similar to the rates in San Bruno).

San Bruno's housing challenges are multifaceted, ranging from overcrowding and substandard housing to homelessness and the threat of displacement due to natural disasters. To address these issues, the city has outlined a series of comprehensive programs and policies that aim to provide affordable housing, prevent displacement, and ensure the resilience of vulnerable communities. These initiatives, if effectively implemented, can pave the way for a more equitable and sustainable housing landscape in San Bruno.

Public Engagement

The process of preparing this Housing Element had significant public engagement, which is essential for the purpose of identifying housing needs, constraints and identifying priorities for program development and fulfills Government Code Section 65583.

Public engagement included:

- City Manager's newsletter
- City's social media accounts and website
- Countywide webinar series
- Equity Advisory Group (EAG)
- San Mateo County Fair Housing Survey
- 21 Element Outreach Panels
- Publicly noticed hearings at Planning Commission and City Council

The Sites Inventory and Programs were developed based on the public engagement process. A summary of public engagement efforts and key takeaways is in Section 5 of the Technical Background Report and a detailed listing of public input is provided in Appendix A of the Technical Background Report.

Previous Accomplishments

State law requires an assessment of the achievements of the 5th Cycle Housing Element with the update of the 6th Cycle Housing Element. Section 6 of the Technical Background Report provides a summary of accomplishments, including the City's provision of 28.7% of the 5th Cycle RHNA, several ordinance amendments to remove governmental constraints, and assessment of each program, its implementation, and results.



Goals and Programs

The Housing Element sets broad Goals and specific programs to implement those goals and address housing needs, reduce constraints, respond to public engagement, and further fair housing. A complete listing and description of programs, including timeframes, identification of responsible parties and funding sources is located in Chapter 3, the Housing Plan. A high-level summary of the key programs is listed below:

Goal 1: Housing Conservation: Key Programs

- Partner with regional entities on a home repair program;
- Bring at least 100 non-ADU units into compliance over the planning period; and
- Monitor and maintain an inventory on short-term rentals and adopt policies thresholds are met to mitigate short-term rental impact on housing.

Goal 2: Production of Housing and Provision of Adequate Housing Sites: Key Programs

- Rezone the three Sites Inventory properties that require rezoning in the summer of 2024;
- Expand Sites Inventory capacity by a minimum of 500 additional units in moderate or high resource areas by December 2026, beyond the minimum required by RHNA;
- Engage with owners of properties on the Sites Inventory on an annual basis to encourage, support and shepherd them through development;
- Establish an ADU amnesty program and legalize at least 50 ADUs over the planning period;
- Develop financial incentives for deed restricted ADUs in high resource areas;
- Place a measure on the November 2028 ballot to amend Ordinance No. 1284 to expand housing opportunities for “missing middle” and extend the Transit Corridor Plan.
- Adopt comprehensive updates to affordable housing policies to establish a minimum percentage of affordable units as special needs units, affirmative marketing requirements, nexus study for inclusionary requirements and fees; and
- Significant efforts to expand access to public information to all aspects of Housing Element implementation.

Goal 3: Removal of Governmental Constraints: Key Programs

- Establish ministerial review of multi-family housing projects, further than already allowed by State law;
- Establish expedited plan review for multi-family housing over 20% affordable;
- Amend parking regulations to align with State Density Bonus law;
- Allow deferral of all impact fees until occupancy for any housing project on the Site Inventory (beyond what is already allowed by State law);
- Simplify construction fees and post an online calculator; and
- Ensure the Municipal Code is updated to reflect State housing laws.

Goal 4: Affirmatively Furthering Fair Housing: Key Programs

- Fair housing training and information sharing;
- Affirmative marketing plans;
- Support homeless prevention and services;

- Participate in countywide voucher, assistance, and home sharing programs;
- Prioritize capital improvements in the City's low resource area east of El Camino Real;
- Adopt an Environmental Justice Element; and
- Adopt ordinances for tenant protection and plans for anti-displacement.

Introduction



Skyline Ridge at Skyline College, City of San Bruno

Purpose

Every jurisdiction in California must adopt a General Plan, including a Housing Element. While jurisdictions must review and revise elements of their General Plan regularly, State law is much more specific regarding the Housing Element. The Housing Element of the General Plan is designed to provide the City of San Bruno with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing within the community. A priority of both state and local governments, Government Code Section 65580 states the intent of creating housing elements: The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.

Per state law, the Housing Element has two main purposes:

1. To provide an assessment of both current and future housing needs and constraints in meeting these needs; and
2. To provide a strategy that establishes housing goals, policies, and programs.

In accordance with California Government Code (Title 7, Division 1, Chapter 3, Article 10.6), this Housing Element, presents a comprehensive set of housing policies and actions to address identified housing needs for the next eight years, from January 31, 2023, to January 31, 2031.

The Housing Element builds on an assessment of San Bruno's housing needs (including the City's regional housing needs allocation) and an evaluation of existing housing programs, available land, and constraints on housing production. Initiatives proposed to facilitate ongoing provision of affordable and market-rate housing in the city include conservation of residential neighborhoods, reuse of former school sites, redevelopment of transit corridors into mixed-use areas with residential components, and reduction of parking standards for

housing units along transit corridors. All of these major initiatives are consistent with San Bruno’s adopted General Plan, Transit Corridors Plan (TCP), U.S. Navy Site Specific Plan, and Bayhill Specific Plan.

Organization

This Housing Element addresses all of the topics required by state law (Government Code sections 65583 through 65589.7). Specifically, the Element describes:

- Population and employment trends;
- Household characteristics and housing stock characteristics;
- Existing assisted housing and potential risk of conversion to market rates;
- Energy conservation;
- Special housing needs;
- Governmental and non-governmental constraints;
- Affirmatively furthering fair housing (AFFH);
- Public engagement to all segments of the community and description of how input will be incorporated into the housing element;
- A detailed site inventory addressing availability and suitability for affordable housing development;
- Quantified objectives that estimate the maximum number of units, by income level, to be constructed, rehabilitated, or conserved over the planning period;
- A new eight-year housing program with goals, programs, and implementation actions; and
- Detailed accomplishments during the last Housing Element cycle.

Relationship to Other General Plan Elements and Related Plans and Programs

San Bruno 2025 General Plan

The San Bruno 2025 General Plan was adopted on March 24, 2009. This updated Housing Element for 2023-2031 is fully consistent with the other elements in the San Bruno 2025 General Plan, and in fact is designed as an integral step in the implementation of General Plan goals and policies. The residential capacity identified in the Housing Element are consistent with the General Plan land use designations, the Transit Corridors Plan (TCP), Specific Plans and zoning regulations.

Transit Corridors Plan (TCP)

The City adopted the Transit Corridors Plan in February 2013 that focuses on high-density commercial and residential uses along the city’s transit corridor streets of El Camino Real, San Bruno Avenue, and San Mateo Avenue, adjacent to the Caltrain Station on San Bruno Avenue. The Plan implements the City’s 2009 General Plan Update which added transit-oriented development and mixed-use land use classifications and allows a maximum of 1,610 units within the plan area based on the environmental analysis prepared for the TCP, which can be expanded with additional environmental review. The City’s RHNA strategy identifies sites within the TCP within the 1,610 unit capacity covered by the environmental clearance of the TCP. The TCP is a Priority Development Area (PDF) for the ABAG FOCUS program.

Bayhill Specific Plan

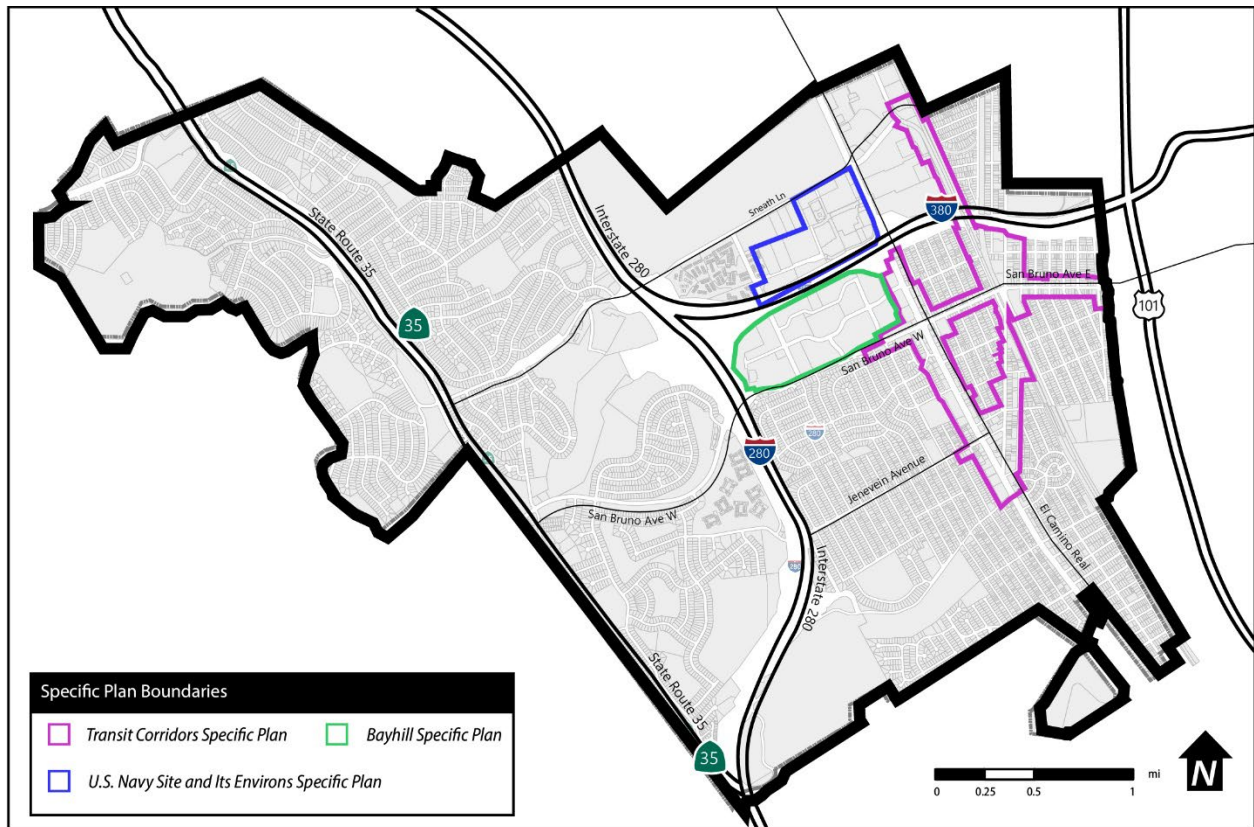
The Bayhill Specific Plan, adopted in September 2021, is a specific plan that outlines a cohesive, long-term plan for the Bayhill Office Park, which is home to the largest cluster of offices in San Bruno, including Walmart.com, the Police Credit Union, the headquarters of YouTube, and other commercial uses. The Specific Plan allows for residential uses where previously it was not permitted, at the request of the property owners.

U.S. Navy Site Specific Plan

The U.S. Navy Site and Its Environs Specific Plan was developed through a community planning process and adopted by the City in January 2001. The Specific Plan provides the overall planning framework for the growth and redevelopment of the 52-acre former U.S. Navy Site, now referred to as The Crossing. The plan emphasizes mixed-use transit-oriented development. The Specific Plan area is bounded by Hwy. 380 to the south, Sneath Lane to the north, El Camino Real to the east, and Cherry Avenue to the west. The Specific Plan has been amended three times, in 2001, 2005 and 2015.

Plan Bay Area 2050 – MTC/ABAG

Plan Bay Area 2050 is the Bay Area’s regional long-range plan adopted by MTC and the Association of Bay Area Governments (ABAG). The plan was developed in collaboration with Bay Area residents, partner agencies, and nonprofit organizations. Plan Bay Area 2050 serves as the Bay Area’s Regional Transportation Plan (RTP), as required by federal regulations, and the Sustainable Communities Strategy (SCS), as required by state statute. Overall, the Sites Inventory presented in this document reflects the direction of Plan Bay Area 2050.



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Housing Plan



Portola Highlands Neighborhood, City of San Bruno

San Bruno is committed to implementing housing policies that expand and preserve our housing stock, encourage greater access to housing, and minimize the displacement of vulnerable residents. To that end, this Housing Element outlines an implementation plan through goals, programs, and implementing actions. Goals are long-range, broad, and comprehensive targets. They are not necessarily measurable or achievable in the planning period; rather, they describe the overall future outcome the community would like to achieve. Policies are focused and specific instructional guidelines. The goals and policies are implemented through a series of implementing programs. Programs identify specific actions the City will undertake toward putting each goal and policy into action.

The goals, programs, and actions build upon the identified housing needs in the community, constraints confronting the City, and resources available to address the housing needs. This Housing Element will guide San Bruno's housing policy through the 2023-2031 planning period. The City's housing goals and programs pertain to maintaining, preserving, improving, and developing housing, and affirmatively furthering fair housing (Government Code 65583(b)). The Housing Plan also includes programs to implement the policies and achieve the goals to address the major housing needs identified by State law that do all of the following (Government Code 65583(c)):

- Identify actions that will be taken to make sites available, with appropriate zoning and development standards and services to accommodate the locality's share of the regional housing needs for each income level.
- Assist in the development of adequate housing to meet the needs of extremely low-, very low-, low-, and moderate-income households.
- Address and, where appropriate and possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for people at all income levels, as well as housing for people with disabilities.

- Conserve and improve the condition of the existing housing stock and preserve affordable housing developments at risk of conversion to market-rate housing.
- Promote equal housing for all people, regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability and other characteristics protected by the California Fair Employment and Housing Act.
- Develop a plan to incentivize and promote the creation of accessory dwelling units that can be offered at affordable rent.
- Identify the agencies and officials responsible for implementing the various actions and means by which consistency will be achieved with other general plan elements and community goals.
- Include a diligent effort by the City to achieve public participation of all economic segments of the community in the development of the housing element and describe the effort.

Goals and Key Programs

This Housing Element is built around four goals, with programs that were developed in response to key takeaways, which are provided in quotations, that emerged throughout the outreach process:

Goals	Key Takeaway from Outreach Process and Corresponding Program(s)
Goal 1: Housing Conservation	<i>“Housing is personal.”</i> Program 1 commits the City to continued efforts to maintain and improve existing housing stock, through home repair programs and life/safety compliance focused Code Enforcement.
Goal 2: Production of Housing and Provision of Adequate Housing Sites	<p><i>“More housing is needed.”</i> The City has identified sites for its RHNA as well as a significant buffer with sites for 31% more lower income units and 44% more moderate income units than the RHNA requires. Program 3d commits the city to rezoning for additional housing sites within the cycle if there isn’t sufficient capacity to meet the city’s housing production targets. Program 5 commits to ballot measure for Ordinance No. 1284 to expand housing opportunities even further for future Housing Element cycles.</p> <p><i>“Affordable housing is a top concern.”</i> Program 6 commits the City to re-examine and expand our affordable housing incentives and requirements to provide more affordable housing opportunities.</p> <p><i>“Better information resources.”</i> Program 8 commits the City to directly provide, or connect people with, key information about various housing issues.</p>
Goal 3: Removal of Governmental Constraints	<p><i>“The process is too complicated.”</i> Program 9 commits the City to streamline review processes for housing projects, including opportunities for ministerial processes that exceed what is granted by State law.</p> <p><i>“The price of housing is a major concern.”</i> While the primary costs of housing are land, materials, and labor, Program 10 commits to simplifying construction permitting fees and providing an online calculator to better inform homeowners and builders; establish deferred impact fees for more types of housing projects than already granted by State law; and reduce parking standards which can be a major cost issue for new construction.</p>
Goal 4: Affirmatively Furthering Fair Housing	<i>“Equity is on people’s minds.”</i> Programs 14 through 19, including the AFFH Matrix, are established to take meaningful, proactive steps towards discussing housing equity issues and addressing existing inequities, including but not limited to Fair Housing training, affirmative marketing plans, homeless prevention services, place-based strategies for community preservation and revitalization, environmental justice, and tenant protections.

The City has limited resources, and there are many significant non-governmental financial constraints involved, which led the focus of the Housing Element to be on aspects of the housing production process that the City can control or influence: through offering expansive opportunities for potential building sites, significantly streamlining City processes, and updating local regulations to provide as much clarity to applicants and builders. Beyond the housing production focus, this Housing Element commits San Bruno to working through key equity issues affecting our community, and to make meaningful improvements.

Goals establish the purpose, programs are statements to guide decision making regarding housing issues, and actions are specific activities the City will perform to implement the programs to achieve the goals. The department(s) primarily responsible for program implementation, time frame, and funding source are identified for each program.

Goal 1: Housing Conservation

Program/Actions	Timeframe	Responsible Party*	Funding Sources
1 Preserve and Rehabilitate Existing Housing Stock			
a Partner with regional entities on a home repair program with a focus on households in low resource areas, citywide households with disabled or special needs, and condominium associations in low resource areas. Give special emphasis to address high number of older units in low resource areas with lead paint.	Program established by end of December 2025	CD	Departmental Budget, Housing Funds
b Continue efforts to bring substandard units into compliance and include results in annual reports. Bring at least 100 non-ADU units into compliance over the planning period. Establish an amnesty program to waive fines/fees within low resource areas.	Ongoing, with the establishment of the amnesty program by the end of December 2025	CD, FD, CE, CAO	Departmental Budget
c Provide home maintenance and improvement education on website.	Website by September 1, 2024	CD	
d Ensure retention of existing income-restricted affordable units in the City through annual reporting methods. Develop a plan to preserve at-risk units in the next Housing Element cycle.	Ongoing reporting, plan to be part of Seventh Cycle Housing Element		
e Advertise BMR units as they become available, utilizing the same strategies outlined in the Affirmative Marketing Plan under Program 13.	Begin with the completion of Program 13, ongoing thereafter		
2 Short Term Rentals			
a Monitor and maintain an inventory of approved short-term rentals and include data in annual reports. Actively pursue code enforcement for unapproved short-term rentals.	Begin by January 1, 2024, and ongoing thereafter	CD, AS, CE	Departmental Budgets
b If a large proportion of units (over 5%) are used as short-term rentals, citywide or in particular neighborhoods, then adopt policies to mitigate the impacts of vacation rentals on affordable housing within one year of the annual report that reports the large proportion.	Adopt policies within one year of exceeding threshold	CD	

Goal 2: Production of Housing and Provision of Adequate Housing Sites

Program/Actions	Timeframe	Responsible Party*	Funding Sources
3 Adequate Sites to Accommodate Regional Fair Share of Housing Growth			
<p>a Rezone additional sites for 1,099 units to address the 847-unit shortfall and provide a buffer, as summarized in the City’s RHNA sites strategy presented in Table 1-2. The rezoning shall meet the statutory requirements of Government Code §65583(c)(1)(A) and 65583.2(h) and (i), and will occur concurrent with the re-adoption of the 2023-2031 Housing Element, anticipated to occur in August 2024.</p>	<p>Rezoning by July 1, 2024 (or concurrent with the re-adoption of the Housing Element)</p>	<p>CD</p>	<p>Departmental Budget</p>
<p>b Provide annual monitoring and reporting of overall housing growth and progress, including status of the Tanforan sites. The City will pursue alternative actions (including additional rezoning) if projects do not progress toward completion in the planning period as intended by December 2026.</p>	<p>Annually</p>		
<p>c Analyze future development projects on Sites Inventory properties for consistency with Housing Element, with quarterly updates showing compliance with No Net Loss, Surplus Land Act on publicly owned sites, If the No Net Loss reporting shows a deficit in lower or moderate-income units, the City shall update the Sites Inventory within one year of the quarterly update showing the deficit.</p>	<p>Quarterly updates to begin July 1, 2024</p>		
<p>d Update the Summary of RHNA Strategy table to increase the Total Units Toward RHNA to add a minimum of 500 units to the Total Units Toward RHNA in moderate or high resource areas by December 2026 through a combination of:</p> <ol style="list-style-type: none"> 1. Rezoning of A-R (Administrative and Research) lands on Sneath Lane to allow mixed-use high-density residential; 2. Rezoning of additional high-density residential units at Tanforan; 3. Redevelopment of Crestmoor High School; or 4. Other potential sites identified by December 2026. <p>If publicly owned sites (including City-owned and school sites) are identified as potential sites for housing development, the City will work with the public agencies to ensure compliance with Surplus Land Act.</p>	<p>Amended Summary of RHNA Strategy table by end of December 2026</p>		



<p>Engage with the owners of Sites Inventory properties on an annual (fiscal year) basis:</p> <ol style="list-style-type: none"> 1. For entitled sites: discuss issues and processes for building permit submittal, issuance, and construction; e 2. For sites with pending projects: discuss progress on the entitlement review and next steps; 3. For sites that do not have entitled or pending projects: discuss development potential and work to connect interested owners with potential development partners. 	<p>Annually starting on July 1, 2024</p>		
<p>f Amend the Zoning Code to also apply the by-right approval requirement pursuant to State law Government Code §65583.2(h) and (i) to sites rezoned for the 5th cycle Housing Element shortfall that are not also 6th cycle Housing Element sites.</p>	<p>By July 1, 2024 (or concurrent with the re-adoption of the Housing Element)</p>	<p>CD</p>	<p>Departmental Budget</p>
<p>g Expediently process the planning applications and environmental review for the redevelopment of The Shops at Tanforan, which includes 1,014 units, with the goal of completing the entitlement process by the end of 2025. The anticipated submittal date of the planning application is September 2024. The City shall condition the development to have the housing units constructed in Phase I of the development.</p>	<p>By the end of December 2025</p>		
<p>4 Accessory Dwelling Units</p>			
<p>a Facilitate 224 new ADUs in planning period. Perform annual monitoring survey of new ADUs and include results in HCD annual reports. Coordinate with 21 Elements for regional long-term reporting/monitoring process.</p>	<p>Monitoring starting January 1, 2024, ongoing thereafter</p>	<p>CD</p>	
<p>b Establish ADU amnesty program and legalize at least 50 ADUs over the planning period.</p>	<p>Establish program by July 1, 2025</p>		
<p>c Implement a public information and proactive outreach campaign through social media, the City's website about ADU opportunities and processes, including promotion of pre-approved ADU plans developed by Housing Endowment and Regional Trust of San Mateo County (HEART), and CalHFA ADU grants.</p>	<p>By July 1, 2025, ongoing thereafter</p>	<p>CD, CMO</p>	<p>Departmental Budget, Housing Funds</p>
<p>d Develop financial incentives for owners to provide income restricted ADU rentals in high resource areas.</p>	<p>By July 1, 2025</p>		
<p>e Review progress in year 3 and 6 of the planning period, if ADU and overall RHNA production falls below projections, develop additional incentives for construction or identify alternative sites within six months of the year 3 and/or 6 reviews. (See also Program 3-d)</p>	<p>By end of Year 3 and Year 6 of the Planning Period</p>	<p>CD</p>	

f	Place ballot measure to allow amendments to the ADU Ordinance to increase the allowable number of ADUs/JADUs beyond State law on eligible R-1 and R-2 parcels (see also Program 5 below).	Ballot measure on November 2028 ballot	CMO, CD, CAO	Departmental Budgets
g	Assist ADU owners in finding tenants, including marketing available ADUs beyond City limits through regional/County organizations.	Ongoing, as units are available		
h	<p>San Bruno is participating in the countywide ADU Resource Center to help facilitate ADU production. The ADU Resource Center is a non-profit supported by San Mateo County jurisdictions and foundations, and will provide tools, educational materials, and expert staff to help jurisdictions and homeowners build more ADUs. It will be modeled after the award-winning Napa Sonoma ADU Center, which offers a proven model for increasing ADU production. Programs and benefits of the resource center include:</p> <ul style="list-style-type: none"> • HCD Compliance / Housing Element Implementation Support • Updating ADU Ordinances and Complying with New Laws • ADU Process Improvements • Support on Opt-In Programs and Best Practices • ADU Affordability Monitoring • Jurisdiction-Specific Educational Materials and Events • Time Saving Services for Your Planning Staff • Access to a Growing Network of ADU Experts • Plans Gallery for pre-approved and pre-reviewed plans • ADU affordability programs will begin in year 2 • The City will annually participate and provide funding and/or resources to support the ADU Resource Center efforts 	Beginning summer 2024 and annually thereafter	CD	Departmental Budgets



5 Amend Ordinance No. 1284 to Expand Housing Opportunities			
a	<p>Place ballot measure to allow amendments to Ordinance No. 1284 to expand housing opportunities, which shall include, but not be limited to:</p> <ol style="list-style-type: none"> Provide for "Missing Middle" housing opportunities through amending the Municipal Code to remove the 2,900 sq. ft. per unit requirement in order to allow 2 units for any R-2 legal parcel, and allow legal non-conforming sites, including those with greater units than allowed by zoning, to be rehabilitated, expanded, or rebuilt and maintain the non-conforming number of units. Amending the zoning map, applicable specific plans, and/or zoning text to allow Transit Corridor Plan (TCP) regulations (particularly height and densities) to apply to the entirety of El Camino Real within the City limits and provide environmental clearance for new housing development beyond the 1,610 units provided in the TCP Environmental Impact Report. 	<p>Ballot measure on November 2028 ballot</p>	<p>CMO, CD, CAO Departmental Budgets</p>
b	<p>Should the ballot measure fail, within six months, the City will initiate a community outreach program to develop alternative actions to address housing mobility improvements which shall include the City's single-family neighborhoods, allowing a variety of housing types (e.g., duplexes, triplexes, and fourplexes) with appropriate development standards to facilitate maximum allowable densities. Alternative actions may include a modified measure to be put on the 2030 ballot.</p>	<p>If necessary, begin within six months of November 2028 ballot measure failing</p>	
6 Update Affordable Housing Program			
a	<p>Develop affordable housing funding implementation plan to identify priorities for use of housing funds, impact fees and in-lieu fee revenues.</p>	<p>By the end of December 2024</p>	<p>Dept Budget</p>
b	<p>Amend policies/regulations to encourage extremely low units and a variety of housing types for households with special needs:</p> <ol style="list-style-type: none"> Adjust the percentage of lower vs. mod income units based on remaining on RHNA need; Establish a minimum percentage of 20% of BMR units for households with disabilities, special needs (including accessibility), and larger households (3-4 bedroom units); Establish affirmative requirements for developers; Develop a program that gives displaced residents (former residents of the City of San Bruno) preferential access to new affordable housing units; Ensure inclusionary policies do not constrain housing development by completing a nexus study to confirm percentages, in-lieu fees, and impact fees; and Analyze extending affordability covenant requirements beyond 45-55 years. 	<p>By the end of December 2027</p>	<p>CD Departmental Budget, Housing Funds</p>

<p>c Examine city-owned sites for potential affordable housing projects, issue an RFP and prioritize proposals that provide for special needs households. Enter into agreement with an affordable housing developer for a city-owned site.</p>	<p>Issue RFP by the end of December 2026, enter into agreement by the end of December 2027</p>	<p>CD, CMO</p>	<p>Departmental Budgets</p>
<p>7 Encourage Lot Consolidation</p>			
<p>Provide incentives for lot consolidation for new multi-family development by updating the User Fee Schedule as follows:</p>	<p>Update User Fee Schedule by July 1, 2024</p>	<p>CD, AS, PW</p>	<p>Departmental Budgets</p>
<p>a Establish an administrative fee waiver for lot line adjustment/mergers for housing projects on properties in the Sites Inventory that propose densities listed in the Sites Inventory.</p>			
<p>b Establish a 50% fee reduction for lot line adjustment/mergers for all multi-family housing projects (3 or more units, not counting ADUs).</p>			
<p>8 Expand Access to Public Information About Housing</p>			
<p>a Post annual HCD reports on City website.</p>	<p>Ongoing</p>	<p>CD</p>	<p>Departmental Budget</p>
<p>b Post No Net Loss quarterly updates on City website.</p>	<p>By the end of December 2024, ongoing thereafter</p>		<p>Departmental Budget</p>
<p>c Post monthly Development Activity Report, showing approved, pending, under construction, and recently completed housing projects, as well as whether a project has affordable units and project contact information.</p>	<p>By the end of December 2024, ongoing thereafter</p>		<p>Departmental Budget, Grants, Housing Funds</p>
<p>d Create a new housing resources page(s) on the City website, with a fair housing section and links to resources for legal counsel and advocacy assistance for renters and residents with disproportionate housing needs.</p>	<p>By July 1, 2025, ongoing thereafter</p>		<p>Departmental Budget</p>
<p>e Provide proactive public notification and engagement for Housing Element program implementation, and available programs/services, through social media posts and announcements/links on the City's homepage.</p>	<p>Ongoing</p>		<p>Departmental Budget</p>
<p>f Provide an annual update to the Planning Commission and City Council on Housing Element implementation, notify, and invite interested community members to attend and discuss housing issues at this public hearing, and schedule the hearing no later than January in order to allow the results to inform the upcoming fiscal year budget.</p>	<p>Starting in 2025, ongoing thereafter</p>		<p>Departmental Budget</p>
<p>g The city will support the development and use of a regional affordable housing portal by modifying its affordable housing covenant to require the utilization of the regional platform for the marketing of BMR units in the city.</p>	<p>By the end of December 2024, ongoing thereafter</p>		



h	Educate faith-based organizations on opportunities to develop affordable housing through SB 4 and/or AB 1851.	Annually	CD	Departmental Budget
i	Provide Spanish translation and/or interpretation for published materials and community meetings related to Housing Element and AFFH activities that involve fair housing (Program 12), affirmative marketing (Program 13), additional housing options (Program 15), or are geographically targeting low resource areas	To begin July 1, 2024, and ongoing thereafter		

Goal 3: Removal of Governmental Constraints

Program/Actions	Timeframe	Responsible Party*	Funding Sources
9 Streamline Review Processes for Housing Projects			
a	By July 1, 2024	CD	Departmental Budgets
b			
c		CD, FD, PW	
d		CD	
10 Reduce Barriers to Housing Development			
a	By the end of December 2025	CD	Departmental Budget
b	By the end of December 2024		

c	Update the User Fee Schedule to simplify application, permitting and impact fees for housing projects and develop an online fee calculator tool for multi-family housing projects.	Update the User Fee Schedule by July 1, 2025, and launch the calculator tool by January 1, 2026	CD, AS, FD, PW	Departmental Budgets
d	Develop a clear process for completing base density studies for projects within the TCP utilizing a Density Bonus.	By the end of December 2024		
e	Revise objective design standards for residential development, including the Mixed-Use Zoning from the Transit Corridors Plan, to review and revise floor area ratio limits for smaller lots, minimum setbacks, and upper floor setbacks. These standards will replace the current findings in the Municipal Code required for Architectural Review Permits.	By July 1, 2026		Departmental Budget, Grants
f	Hold annual workshops with housing developers to discuss continued efforts to remove governmental constraints regarding processes and feasibility of regulations.	By July 1, 2025, and ongoing thereafter	CD	Departmental Budget
g	Maintain existing zoning flexibility for small-lot or attached residential "Missing Middle" unit types, and adopt an ordinance for SB 9.	Ongoing, adopt SB 9 ordinance by December 2025		
h	Amend the Central Business District (C-B-D) regulations to allow all residential projects on sites where ground floor commercial may not be economically feasible. The C-B-D regulations only apply to Downtown San Bruno and is the only mixed-use district that requires non-residential ground floor uses.	By July 1, 2026		

11 Update Municipal Code to Reflect State Laws

a	<p>Ensure the Municipal Code is updated to reflect State housing laws, including but not limited to:</p> <ol style="list-style-type: none"> Housing Accountability Act; Density Bonus; ADUs; Emergency shelters (AB 139, AB 2339) – Emergency shelters are permitted by right without discretionary review in the City’s M-1, TOD-S, TOD-1, and TOD-2 zones. The TOD zones are located near transit and services and have adequate capacity to accommodate the City’s unsheltered homeless. Amend the Municipal Code to adopt the same development standards as currently outlined in the Emergency Shelter Overlay (M-1 zone), except the following changes will be made: 	First phase by end of December 2024, second phase by end of December 2025	CD, CAO	Departmental Budgets, Housing Funds, Grants
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<ul style="list-style-type: none"> a. Expand the definition to comply with AB 2339 to include interim housing options such as bridge housing, navigation centers, and respite and recuperative care; b. Amend parking standards to only require parking for staff, and in no cases require more than similar uses in that district; c. Establish a maximum bed limit of 50 beds per shelter; and <ol style="list-style-type: none"> 5. Low-barrier navigation centers for homeless - define the term, consistent with state law, and allow in districts where commercial uses are permitted; 6. Reasonable accommodations – Remove or modify subjective findings, particularly Findings E (Potential impacts on surrounding uses) and F (Physical former attributes of the property and structures) to provide objectivity and certainty in outcomes; 7. Supportive housing - affirmatively state that supportive housing is allowed by right in all zoning district that allow multi-family housing or commercial/residential mixed use; 8. SROs – Establish development standards and permit procedures to encourage and facilitate SROs, including adding a definition to be more inclusive, identifying districts where SROs are permitted (the City will look at all zones that allow multi-family when determining where to allow SROs), and establishing a parking standard of no more than 0.5 spaces per unit; 9. Group homes – permit group homes (licensed or not unlicensed) for more than six persons in all districts that permit residential uses as similar uses in the same zones, and subject only to limitations authorized by or consistent with state law and fair housing requirements; 10. Mobile home parks; 11. Replacement (SB8); 12. Employee and Farmworker Housing (Health and Safety Code Sections 17021.5 and 17021.6); and 13. Revising findings of approval for housing entitlements to align with State law. 			
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Goal 4: Affirmatively Furthering Fair Housing

Program/Actions	Timeframe	Responsible Party*	Funding Sources
12 Fair Housing			
a Maintain and distribute accurate information about fair housing laws and policies.	Ongoing	CD	Departmental Budget
b Partner with local fair housing organizations to perform fair housing training for landlords and tenants.	Start January 1, 2025, ongoing thereafter		Departmental Budget, Housing Funds, Grants
c Petition San Mateo County to ensure fair housing testing occurs at least every 3 years in the City of San Bruno.			
d Continue to offer discounted utility rates (cable, garbage, water, and sewer) for lower income households in San Bruno.	Ongoing		
13 Affirmative Marketing Plan			
a Affirmative marketing plan for inclusionary units, including accessible units. Amend affordable housing/BMR ordinance (Program 6b) to require the developer to implement an affirmative marketing plan for inclusionary units included in a project which will provide supportive organizations adequate prior notice of the availability and a process for supporting qualified people to apply, including notifying disability-serving organizations with adequate prior notice of the availability of physically accessible units for supporting people with qualifying disabilities to apply.	Program 6b by the end of December 2027, at least annually thereafter	CD	Departmental Budget, Housing Funds, Grants
14 Homeless Prevention and Services			
a Support social services for housing and homeless prevention and work with homeless service providers to prioritize legal help, housing assistance, and other social services for unhoused persons in San Bruno, including but not limited to, support of non-profits such as LifeMoves that offers housing solutions and services for homeless, and active participation in the Continuum of Care planning process and support its efforts to address the needs of San Bruno residents in need of emergency shelter or temporary housing.	Ongoing	CD	Departmental Budget, Grants, Housing Funds
b Provide referrals to the YMCA Community Resource Center (San Mateo County Core Services Agency), Veteran's Administration (VA) National Call Center of Homeless Veterans, and to the Department of Housing and Urban Development and VA Supportive Housing (HUD-VASH) program for unhoused families or individuals, and at-risk families or individuals.		PD, CD	Departmental Budgets



Goal 4: Affirmatively Furthering Fair Housing

Program/Actions	Timeframe	Responsible Party*	Funding Sources
15 Additional Housing Options			
a Promote San Mateo County's Mortgage Credit Certificate (MCC) program for first-time homebuyers, and HEART's down payment assistance program, with affirmative marketing to households in low resource areas and households with disproportionate housing needs including Hispanic households, persons with disabilities, and single parents.	By July 1, 2024, ongoing thereafter	CD	Departmental Budgets, Housing Funds
b Continue to participate in the San Mateo County Housing Authority's Housing Choices Voucher program (formerly the federal Section 8 program). Publicize availability of this program to residents through social media and the City's website. Follow up with owners who have opted to participate in the program to ensure a "good faith effort" by participating owners.	Ongoing		
c Encourage, facilitate, and promote home sharing opportunities through support of Housing Investment Partnership (HIP) Home Sharing program, which facilitates living arrangements among two or more unrelated people.			
16 Place-Based Strategies for Community Preservation and Revitalization			
a Prioritize capital improvements in low resource areas, such as neighborhoods east of El Camino Real. Starting on July 1, 2025 (FY25-26), prioritize ADA improvements, pedestrian improvements, bicycling improvements, transit improvements, tree planting and parks improvements in lower resourced neighborhoods (east of El Camino Real).	Establish metrics by July 1, 2025; ongoing implementation and reporting thereafter	PW, CS, CD	Departmental Budgets, CIP Budget, Grants
b Engage school districts to identify metrics for disparities in educational outcomes that are within the City's authority; and develop guidelines for developers to provide amenities within projects that can reduce identified disparities in educational outcomes.	Establish metrics by July 1, 2025; develop guidelines by end of December 2025	CD	Departmental Budget, Housing Funds, Grants
c Continue to refer impacted homeowners to the San Francisco International Airport's noise insulation program.	Ongoing		SFO funded
17 Environmental Justice			
a Adopt an Environmental Justice Element to the General Plan.	By July 1, 2026	CD	Dept Budget, Grants

Goal 4: Affirmatively Furthering Fair Housing

Program/Actions	Timeframe	Responsible Party*	Funding Sources
18 Tenant Protections			
a Adopt an ordinance that establishes local tenant protection, to include just cause eviction protection, tenant relocation assistance, and tenant anti-harassment protections.	By the end of December 2025	CD	Departmental Budget, Housing Funds, Grants
b Adopt an anti-displacement policy for low resource neighborhoods east of El Camino Real.	By July 1, 2028		
c Adopt a new condominium conversion ordinance that provides restrictions on conversion, right to purchase protections and relocation assistance, and the promotion of affordable housing through comparable replacement units. The ordinance shall comply with the Metropolitan Transportation Commission’s Transit-Oriented Communities Condominium Conversion Restrictions as outlined in the MTC Administrative Guidelines.	By the end of December 2025		
19 Affirmatively Furthering Fair Housing			
a Implement action items listed in the AFFH Matrix.	Varies by item	CD	Varies by item

* Responsible Party: Department Abbreviations:

AS = Administrative Services Department
 CD = Community Development Department
 CAO = City Attorney’s Office
 CE = Code Enforcement Division of the Police Department
 CMO = City Manager’s Office

CS = Community Services Department
 FD = Fire Department
 PD = Police Department
 PW = Public Works Department



AFFH Matrix

Fair Housing Outreach and Education

HE Programs or Other Activities	Specific Commitment	Timeline	Geographic Targeting	Metric
Program 12 – Fair Housing	Maintain and distribute accurate information about fair housing laws and policies.	Ongoing	Citywide, focus on low resource areas	Hold at least two outreach events for Fair Housing annually starting in 2025, with at least one meeting in the low resource area east of El Camino Real. Hold at least one daytime meeting and at least one evening meeting
	Partner with local fair housing organizations to perform fair housing training for landlords and tenants.	Start January 1, 2025, ongoing thereafter	Citywide	Testing to occur at least every 3 years
	Petition San Mateo County to ensure fair housing testing occurs at least every 3 years in the City of San Bruno.			
Program 8 - Expand Access to Public Information About Housing	Create a new housing resources page(s) on the City website, with a fair housing section and links to resources for legal counsel and advocacy assistance for renters and residents with disproportionate housing needs.	By the end of December 2024, then ongoing		Citywide
	Provide proactive public notification of Housing Element program implementation, and available programs/services, through social media posts and announcements/links on the City's homepage.	Ongoing		
Program 8 - Spanish Translation/Interpretation	Provide Spanish translation and/or interpretation for published materials and community meetings related to Housing Element and AFFH activities that involve fair housing (Program 12), affirmative marketing (Program 13), additional housing options (Program 15), or are geographically targeting low resource areas.	To begin July 1, 2024, and ongoing thereafter	Citywide and low resource areas	100% of community meetings for identified programs/activities to have Spanish interpretation services available 100% of published material for identified programs/activities to have Spanish translation

Housing Mobility

HE Programs or Other Activities	Specific Commitment	Timeline	Geographic Targeting	Metric
Program 5 – Amend Ordinance No. 1284 to Expand Housing Opportunities	Place ballot measure to allow amendments to provide for "Missing Middle" housing opportunities through amending the Municipal Code to allow 2 units for any R-2 legal parcel, whereas currently 1 unit is allowed per 2,900 sq. ft., and to allow existing, legal non-conforming sites to be rehabilitated, expanded, or rebuilt and maintain the non-conforming number of units.	Ballot measure on November 2028 ballot	R-2 Zones, High Resource Areas	Construction of 300 non-ADU "Missing Middle" units in high resource areas
Program 6 - Update Affordable Housing Program	<p>Amend policies/regulations to encourage extremely low units and a variety of housing types for households with special needs:</p> <ol style="list-style-type: none"> 1. Adjust the percentage of lower vs. mod income units based on remaining on RHNA need; 2. Establish a minimum percentage of 20% of BMR units for households with disabilities, special needs (including accessibility), and larger households (3-4 bedroom units); 3. Establish affirmative marketing requirements for developers; 4. Develop a program that gives displaced residents (former residents of the City of San Bruno) preferential access to new affordable housing units; 5. Ensure inclusionary policies do not constrain housing development by completing a nexus study to confirm percentages, in-lieu fees, and impact fees; and 6. Analyze extending affordability covenant requirements beyond 45-55 years. 	Ordinance amendment by the end of December 2026	Citywide	<p>Entitlement of 777 lower income units to meet the City's remaining RHNA</p> <p>30 BMR units for special needs or larger households</p> <p>Have 10 households with former residents of the City occupy new affordable units</p>
Program 11 - Update Municipal Code to Reflect State Laws	<p>Ensure the Municipal Code is updated to reflect State housing laws, including but not limited to:</p> <ol style="list-style-type: none"> 1. Housing Accountability Act; 2. Density Bonus; 3. ADUs; 4. Emergency shelters (AB 139, AB 2339); 5. Low-barrier navigation centers for homeless; 6. Reasonable accommodations; 7. Supportive housing; 8. SROs; 9. Group homes; 10. Replacement (SB8) 11. Revising findings of approval for housing entitlements to align with State law. 	First phase by December 2024, second phase by December, 2025	Citywide	Municipal Code fully compliant with State Housing laws by January 31, 2025



Housing Mobility

HE Programs or Other Activities	Specific Commitment	Timeline	Geographic Targeting	Metric
Program 13 - Affirmative Marketing Plan	Affirmative marketing plan for inclusionary units, including accessible units. Amend affordable housing/BMR ordinance to require the developer to implement an affirmative marketing plan for inclusionary units included in a project which will provide supportive organizations adequate prior notice of the availability and a process for supporting qualified people to apply, including notifying disability-serving organizations with adequate prior notice of the availability of physically accessible units for supporting people with qualifying disabilities to apply.	Ordinance amendment by the end of December 2026	Citywide	<p>Include affirmative marketing requirement as a condition of approval for 75% of applicable housing projects prior to ordinance adoption</p> <p>Provide supportive organizations with notice of availability of 100% of all housing projects starting with the ordinance adoption</p>
Program 14 - Homeless Prevention and Services	Support social services for housing and homeless prevention and work with homeless service providers to prioritize legal help, housing assistance, and other social services for unhoused persons in San Bruno, including but not limited to, support of non-profits such as LifeMoves that offers housing solutions and services for homeless, and active participation in the Continuum of Care planning process and support its efforts to address the needs of San Bruno residents in need of emergency shelter or temporary housing.	Ongoing		<p>Increase funding for LifeMoves, or a similar non-profit, by 10% annually throughout the planning period;</p> <p>Attend at least 75% of the Continuum of Care meetings per year</p>
Program 15 - Additional Housing Options	Promote San Mateo County's Mortgage Credit Certificate (MCC) program for first-time homebuyers, and HEART's down payment assistance program, with affirmative marketing to households in low resource areas and households with disproportionate housing needs including Hispanic households, persons with disabilities, and single parents.	By July 1, 2024, ongoing thereafter	Citywide, focus on low resource areas	Sharing of the down payment assistance program information on 1 social media post per quarter starting in 2024, on the City's website, and at fair housing outreach sessions
	<p>Continue to participate in the San Mateo County Housing Authority's Housing Choices Voucher program (formerly the federal Section 8 program). Publicize availability of this program to residents through social media and the City's website. Follow up with owners who have opted to participate in the program to ensure a "good faith effort" by participating owners.</p> <p>Encourage, facilitate, and promote home sharing opportunities through support of Housing Investment Partnership (HIP) Home Sharing program, which facilitates living arrangements among two or more unrelated people.</p>	Ongoing	Citywide	<p>Increase voucher use by 10% from 2023 levels</p> <p>Increase funding for HIP, or similar non-profit, by 10% annually throughout the planning period</p>

<p>Program 16 - Place-Based Strategies for Community Preservation and Revitalization</p>	<p>Prioritize capital improvements in low resource areas, such as neighborhoods east of El Camino Real. Starting on July 1, 2025 (FY25-26), prioritize ADA improvements, pedestrian improvements, bicycling improvements, transit improvements, tree planting and parks improvements in low resource areas (east of El Camino Real).</p>	<p>Establish metrics by July 1, 2025; ongoing implementation and reporting thereafter</p>	<p>Low Resource Areas</p>	<p>Develop metrics as part of the preparation of the CIP for FY25-26, and implement those metrics for each budget year on an ongoing basis</p> <p>Apply for funding on an annual basis</p>
<p>Other – Mobility Improvements</p>	<p>Complete mobility and infrastructure improvements Citywide with emphasis on the low resource area east of El Camino Real. Projects may include:</p> <ul style="list-style-type: none"> • Replacement of the City’s water and sewer main lines, road paving, and upgrading sidewalk curbs to meet ADA standards • Well rehabilitation • Completion of the new Florida Park • Centennial Plaza renovation project • Installation of ADA ramps citywide • Bicycle path improvements (Bayhill Drive and El Camino Real, Huntington Avenue, Elm and Linden) • Safe routes to school high priority improvements (pedestrian and bicycle safety enhancements serving San Bruno schools, including Allen and Belle Air which service low resource areas) 	<p>Annually as part of CIP plan</p>	<p>Citywide with emphasis on low resource areas (east of El Camino Real)</p>	<p>Facilitate the development of 10 mobility/infrastructure improvements during the planning period, including three in low resource areas</p>
<p>Program 1 - Maintain BMR Units</p>	<p>Ensure retention of existing income-restricted affordable units in the City through annual reporting methods. Develop a plan to preserve at-risk units in the next Housing Element cycle.</p>	<p>Ongoing</p>	<p>Citywide</p>	<p>Retain 334 income-restricted affordable units</p>
	<p>Advertise BMR units as they become available, utilizing the same strategies outlined in the Affirmative Marketing Plan under Program 13.</p>	<p>Ongoing, as units are available</p>	<p>Citywide, BMR units</p>	<p>Establish and implement Affirmative Marketing Strategies for 100% of BMR units that are vacated during the planning period</p>
<p>Program 8 – Faith-based Organization Sites</p>	<p>Educate faith-based organizations on opportunities to develop affordable housing through SB 4 and/or AB 1851.</p>	<p>Annually</p>	<p>Citywide</p>	<p>Annually outreach to faith-based organizations on opportunities to develop affordable housing with the goal of initiating one affordable housing development during the planning period</p>



<p>Program 4 – ADU Tenant Matching</p>	<p>Assist ADU owners in finding tenants, including marketing available ADUs beyond City limits through regional/County organizations.</p>	<p>Ongoing, as units are available</p>	<p>Citywide</p>	<p>Establish an ADU marketing plan with the goal of matching five ADU owners with tenants during the planning period</p>
<p>Program 4 – County ADU Resource Center</p>	<p>San Bruno is participating in the countywide ADU Resource Center to help facilitate ADU production. The ADU Resource Center is a non-profit supported by San Mateo County jurisdictions and foundations, and will provide tools, educational materials, and expert staff to help jurisdictions and homeowners build more ADUs. It will be modeled after the award-winning Napa Sonoma ADU Center, which offers a proven model for increasing ADU production. Programs and benefits of the resource center include:</p> <ul style="list-style-type: none"> • HCD Compliance / Housing Element Implementation Support • Updating ADU Ordinances and Complying with New Laws • ADU Process Improvements • Support on Opt-In Programs and Best Practices • ADU Affordability Monitoring • Jurisdiction-Specific Educational Materials and Events • Time Saving Services for Your Planning Staff • Access to a Growing Network of ADU Experts • Plans Gallery for pre-approved and pre-reviewed plans • ADU affordability programs will begin in year 2 <p>The City will annually participate and provide funding and/or resources to support the ADU Resource Center efforts.</p>	<p>Beginning summer 2024 and annually thereafter</p>	<p>Citywide with emphasis on high resource areas</p>	<p>Facilitate the development of two additional ADUs per year, beyond the 28 annually projected to meet the RHNA</p>

Choice and Affordability in High Opportunity Areas				
HE Programs or Other Activities	Specific Commitment	Timeline	Geographic Targeting	Metric
Program 3 – Adequate Sites to Accommodate Regional Fair Share of Housing Growth	Rezone sites as identified in the sites inventory to accommodate the RHNA shortfall and to provide a buffer, consistent with the statutory requirements of Government Code §65583c) (1)(A) and 65583.2. Rezoning will occur concurrent with the re-adoption of the 2023-2031 Housing Element (anticipated to occur in August 2024). Rezoning will meet the statutory requirements of Government Code §65583c)(1)(A) and 65583.2(h) and (i).	By July 1, 2024 (or concurrent with the re-adoption of the Housing Element)	Citywide	Rezone all sites identified in the sites inventory to accommodate and provide a buffer for the 847 unit shortfall (25 very low income and 822 above moderate income units)
	Amend the Zoning Code to also apply the by-right approval requirement pursuant to State law Government Code §65583.2(h) and (i) to sites rezoned for the 5th cycle Housing Element shortfall that are not also 6th cycle Housing Element sites.			
Program 4 - Accessory Dwelling Units	Establish ADU amnesty program to encourage legalization of unpermitted units.	Establish program by the end of December 2024	Citywide	Entitle 75 income-restricted affordable housing units (including ADUs) in high resource areas Legalize at least 50 ADUs over the planning period
	Implement a public information and proactive outreach campaign through social media, the City's website about ADU opportunities and processes, including promotion of pre-approved ADU plans developed by Housing Endowment and Regional Trust of San Mateo County (HEART), and CalHFA ADU grants.	By the end of December 2024, ongoing thereafter		
	Develop financial incentives for owners to provide income restricted ADU rentals in high resource areas.	By the end of July 1, 2025	High Resource Areas, Single-Family Zones	
	Place ballot measure to allow amendments to the ADU Ordinance to increase the allowable number of ADUs/JADUs beyond State law on eligible R-1 and R-2 parcels.	Ballot measure on November 2028 ballot		



<p>Program 6 - Update Affordable Housing Program</p>	<p>Amend policies/regulations to encourage extremely low units and a variety of housing types for households with special needs:</p> <ol style="list-style-type: none"> 1. Adjust the percentage of lower vs. mod income units based on remaining on RHNA need; 2. Establish a minimum percentage of 20% of BMR units for households with disabilities, special needs (including accessibility), and larger households (3-4 bedroom units); 3. Establish affirmative marketing requirements for developers; 4. Develop a program that gives displaced residents (former residents of the City of San Bruno) preferential access to new affordable housing units; 5. Ensure inclusionary policies do not constrain housing development by completing a nexus study to confirm percentages, in-lieu fees, and impact fees; and 6. Analyze extending affordability covenant requirements beyond 45-55 years. 	<p>By the end of December 2026</p>	<p>Citywide</p>	<p>Facilitate the development of 352 units affordable to extremely low income households (RHNA) and 30 BMR units for special needs</p>
<p>Program 10 - Reduce Barriers to Housing Development</p>	<p>Maintain existing zoning flexibility for small-lot or attached residential "Missing Middle" unit types.</p> <hr/> <p>Review and revise requirements for bicycle parking and off-street vehicle loading areas for larger multi-family developments in order to remove constraints to development.</p>	<p>Ongoing, Adopt SB 9 Ordinance by December 2025</p>	<p>Citywide / High Resource Areas</p>	<p>Construction of 300 non-ADU "Missing Middle" units in high resource areas</p>

Place-Based Strategies for Community Preservation and Revitalization

HE Programs or Other Activities	Specific Commitment	Timeline	Geographic Targeting	Metric
Program 16 - Place-Based Strategies for Community Preservation and Revitalization	Engage school districts to identify metrics for disparities in educational outcomes that are within the City's authority; and develop guidelines for developers to provide amenities within projects that can reduce identified disparities in educational outcomes and prioritize capital improvements that can reduce identified disparities in educational outcomes.	Establish metrics by July 1, 2025; develop guidelines by end of December 2025	Citywide	Improved educational outcomes by the last year of the planning period
Program 1 - Preserve and Rehabilitate Existing Housing Stock	Partner with regional entities on a home repair program with a focus on households in low resource areas, citywide households with disabled or special needs, and condominium associations in low resource areas. Special emphasis to address lead paint in older units. Provide home maintenance education on website.	Program established by end of December 2025 Website by July 1, 2024	Low Resource Areas / Citywide	Annual updates to the home maintenance website following July 1, 2024 Sharing of the home repair program on 1 social media post per quarter starting in 2026
Program 17 - Environmental Justice	Adopt an Environmental Justice Element to the General Plan, with focused engagement with residents in low resource areas.	By July 1, 2026	Citywide	Metrics to be defined in EJ element
	Design appropriate actions to accommodate and target areas with more severe environmental issues.	TBD; during drafting of EJ Element	Eastern San Bruno	Identify actions in an Environmental Justice Element to mitigate environmental impacts, specifically targeting neighborhoods vulnerable to poorer environmental conditions, with ongoing implementation to occur on at least an annual basis



Other - FAA Aircraft Noise Insulation Program	Continue to promote noise insulation improvements for homeowners impacted by San Francisco International Airport noise.	Ongoing	Low Resource Areas with emphasis on eastern San Bruno	Targeted mailers to inform homeowners that have not already participated in the program
Other - Urban Forestry and Park Access	Improve park acreage in low resource areas, including Centennial Plaza and Florida Park.	Centennial Plaza by end of December 2024, Florida Park by July 1, 2025	Low Resource Areas	Completion of planned park improvements in low resource areas
Other – Street Tree Planting	Explore a Street Tree Planting Program to enhance sustainable urban forests and mitigate climate impacts.	Explore program by December 2025 and establish December 2026, if feasible	Low Resource Areas with emphasis on eastern San Bruno where environmental impacts are heightened	Establish a Street Tree Planting Program with focused efforts in tracts with heightened environmental issues

Displacement Protection				
HE Programs or Other Activities	Specific Commitment	Timeline	Geographic Targeting	Metric
Program 18 - Tenant Protections	As specifically described in Program 18, adopt an ordinance that provides for tenant and community first right of purchase or right of first refusal; and adopt an ordinance to establish local tenant protection (just cause eviction); and adopt a condominium conversion ordinance; and adopt an anti-displacement plan for neighborhoods east of El Camino Real.	By December 2025 and July 1, 2028	Citywide / Low Resource Areas	Reduction in areas impacted by displacement within the City Adoption of ordinance, more specific metrics to be defined in ordinance
Program 1 - Preserve and Rehabilitate Existing Housing Stock	Continue efforts to bring substandard units into compliance and include results in annual reports. Bring at least 100 non-ADU units into compliance over the planning period.	Ongoing	Citywide, priority for Low Resource Areas	Bring at least 100 non-ADU units into compliance over the planning period
	Partner with regional entities to establish a home repair program.	By December 2025	Low Resource Areas, emphasis on older units with lead paint	Assist two households annually after establishment of a home repair program
Program 11 - Update Municipal Code to Reflect State Laws	Ensure the Municipal Code reflects State law related to reasonable accommodation, group homes, and emergency shelters to reduce displacement risk for disabled or special needs households and individuals.	First phase by December 2024, second phase by December, 2025	Citywide	Adoption of ordinances to align the Municipal Code to State law, with first phase by July 1, 2024, and the second phase by January 31, 2025



Quantified Objectives

Housing Element law requires that quantified objectives be developed with regard to new construction, rehabilitation, conservation, and preservation activities that will occur during the eight-year Housing Element cycle. Table 3-1 summarizes the City of San Bruno’s quantified objectives for the provision of affordable housing opportunities based on its programs during the eight-year 2023-2031 Housing Element cycle. The quantified objectives in Table 3-1 establish the maximum number of housing units by income category that could be developed or rehabilitated during this Housing Element cycle.

TABLE 3-1 QUANTIFIED OBJECTIVES

Income Category	RHNA/ New Construction	Rehabilitation	Conservation/Preservation**
Extremely Low*	352	0	0
Very Low	352	0	0
Low	405	0	329
Moderate	573	100	5
Above Moderate	1,483	0	0
Total	3,165	100	334

* Pursuant to AB 2634, in estimating the number of extremely low-income households, a jurisdiction can use 50 percent of the very low-income allocation or apportion the very low-income figure based on Census data. The extremely low-income figure shown above is based on the 50 percent rule.

**There are no deed restricted affordable units in the city at risk of expiring during this planning cycle.

Source: City of San Bruno 2023

EXHIBIT B

2023-2031 Housing Element Technical Background Report

The Technical Background Report to the Amended 2023-2031 Housing Element is available at the Community Development Department and at the following link:

<https://www.sanbruno.ca.gov/DocumentCenter/View/5946/2023-2031-HE-TBR?bidId=>

RESOLUTION NO. 2024- ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO MAKING FINDINGS AND OVERRIDING THE SAN MATEO CITY / COUNTY ASSOCIATION OF GOVERNMENTS (C/CAG) AIRPORT LAND USE COMMISSION'S (ALUC) DETERMINATION OF INCONSISTENCY WITH RESPECT TO PROPOSED GENERAL PLAN LAND USE DIAGRAM, U.S. NAVY SITE AND ITS ENVIRONS SPECIFIC PLAN, AND ZONING MAP AMENDMENTS FOR SITES 20, 21 AND 22 OF THE 2023-2031 HOUSING ELEMENT SITES INVENTORY

WHEREAS, Government Code Section 65580 *et seq.* (Housing Element Law) requires that every city prepare and periodically update the housing element of its general plan; every city is mandated to include statutory requirements in the housing element; and every city is required to submit a draft of its housing element to the California Department of Housing and Community Development (“HCD”) for review and comment as to whether the City’s draft 2023-2031 Housing Element substantially complies with Housing Element Law; and

WHEREAS, the 6th Cycle Regional Housing Needs Allocation (“RHNA”) imposed on the City by the Association of Bay Area Governments (“ABAG”) included 3,165 housing units, which is a substantial increase in the number of housing units required in comparison to the 5th Cycle RHNA allocation of 1,155 units. As a result, the City was required to identify all available sites Citywide as potential housing opportunities, including some in proximity to the San Francisco International Airport; and

WHEREAS, the Housing Element Suitable Sites Inventory includes three potential housing sites, the Shops at Tanforan located at 1178 El Camino Real, including the overflow parking lot at 1292 Huntington Avenue (site 20), the San Bruno Pet Hospital located at 1151 El Camino Real (site 21), and Russo Dental located at 1101 El Camino Real (site 22) (collectively, the “Properties”) as potential future housing sites. The sites identified are estimated to accommodate 1,099 housing units but require a combination of General Plan Land Use Diagram, Zoning Map, and U.S. Navy Site And Its Environs Specific Plan amendments to allow housing (“Project”); and

WHEREAS, the Properties are located within Airport Influence Area B of the San Francisco International Airport (“SFO”), the area subject to formal C/CAG Airport Land Use Commission (“ALUC”) review, and within the 70 -75 decibel (dB) Community Noise Equivalent (CNEL) contour where housing is not a compatible use, with limited exceptions. 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 avigation easement to the City and County of San Francisco prior to issuance of a building permit for the proposed building; and

WHEREAS, the Properties are located in SFO ALUCP Safety Zone 3 (Inner Turning Zone) and 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 proposed amendments to allow housing are consistent with the SFO ALUCP safety policies; and

WHEREAS, 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 Housing Element; and

WHEREAS, in accordance with Public Utilities Code Section 21676(b), the City referred the Project to the ALUC to review consistency with the Comprehensive Land Use Compatibility Plan for the Environs of San Francisco International Airport (“SFO ALUCP”); and

WHEREAS, on March 14, 2024, the ALUC, acting pursuant to Public Utilities Code Section 21670, determined that the Project is inconsistent with the noise compatibility policies of the SFO ALUCP; and

WHEREAS, as a final review authority under Public Utilities Code Sections 21670 and 21676, the City Council may, after a public hearing, override the ALUC determination by a two-thirds vote, if the City makes specific findings that the proposed project is consistent with the purposes of the Public Utilities Code Section 21670 regarding the protection of public health, safety and welfare in the areas surrounding airports and by providing the ALUC and the Division of Aeronautics of the California Department of Transportation (“Division”) with notice of the City’s intent to consider overriding the ALUC determination along with supportive findings at least 45 days prior to the City’s action to override the ALUC; and

WHEREAS, on April 9, 2024, the City Council adopted a resolution making draft findings and declaring an intent to override the C/CAG ALUC determination of inconsistency with respect to the noise policies for the Project and authorized the City Manager to submit the resolution to the ALUC and the Division; and

WHEREAS, on, April 10, 2024, City staff provided a notice and associated draft findings to the ALUC and Division declaring the City’s intent to consider overriding the C/CAG ALUC determination;

WHEREAS, the Public Utilities Code provides that the ALUC and the Division shall respond to the notifications of the findings of the proposed override within 30 days of receiving the proposed resolution and findings; and

WHEREAS, in the event that the ALUC or Division’s comments are not available within this timeframe, the City may act without them; and

WHEREAS, the comments by the ALUC and Division are advisory to the City under State law; and

WHEREAS, on April 18, 2024, comments were received from SFO, and on May 9, 2024 from the Division, and those comments are attached to this resolution as part of the City’s final decision, and were duly considered by the City Council; and

WHEREAS, on August 27, 2024, the City Council conducted a duly and properly noticed public hearing to take public testimony and consider a Resolution overriding the ALUC’s March

14, 2024 determination, which is more than forty-five (45) days after April 10, 2024, the date upon which the City transmitted its notice of intent to the ALUC and the Division; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of San Bruno hereby takes the following actions:

1. Makes the findings attached hereto as Exhibit A and incorporated herein; and
2. Overrides the Airport Land Use Commission’s determination that the Project is inconsistent with the Comprehensive Land Use Compatibility Plan for the Environs of San Francisco International Airport with respect to noise policies. In doing so, the City Council hereby specifically finds that approval of the Project is consistent with the purposes of the Public Utilities Code as stated in Section 21670 of the Public Utilities Code; and
3. Directs staff to take all other actions necessary to effectuate the purpose and intent of this resolution; and
4. The City Council finds that the adoption of this resolution is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Specifically, the resolution does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment because it is limited to the City’s proposal to override the ALUC’s determination. The contemplated General Plan, Zoning, and Specific Plan amendments have undergone independent review and evaluation pursuant to CEQA, as more fully described in Resolution No. ____ which is incorporated herein by reference.

Exhibit A: Findings

Exhibit B: Agency Comments on the Intent to Override

-o0o-

I hereby certify that the foregoing Resolution No. 2024 - ____
was introduced and adopted by the San Bruno City Council at a regular meeting on
August 27, 2024 by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

Lupita Huerta, City Clerk

Exhibit A: Findings

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. The Public Utilities Code Section 21676 and 21676.5 provides that a local governing body may override the Airport Land Use Commission if it makes specific findings that the proposed action is consistent with the purposes of Public Utilities Code Section 21670. The City Council therefore makes the following findings.
 2. The first purpose of Section 21670 is to provide for the orderly development of each public use airport in this State, and the area surrounding these airports so as to promote the overall goals and objectives of California airport noise standards and to prevent the creation of new noise and safety problems. The second purpose of Section 21670 is to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.
 3. With respect to noise policies, SFO ALUCP Policy NP-1 Noise Compatibility Zones identifies the noise compatibility zones for the purposes of the ALUCP. As depicted in the City of San Bruno's amended 2023-2031 Housing Element, three housing sites, the Shops at Tanforan located at 1178 El Camino Real, including the overflow parking lot at 1292 Huntington Avenue (site 20), the San Bruno Pet Hospital located at 1151 El Camino Real (site 21), and Russo Dental located at 1101 El Camino Real (site 22) (collectively, the "Properties") lie within the Community Noise Equivalent Level ("CNEL") 70-75 decibel ("dB") noise exposure contour range where housing development would be incompatible per SFO ALUCP Table IV, *Noise/Land Use Compatibility Criteria*.
 4. Pursuant to SFO ALUCP, Table IV-1, 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.
 5. Any housing project at the Properties shall incorporate noise control measures and construction standards that will lessen noise impacts to residents as follows:
 - a. Prior to issuance of building permits, detailed acoustical analyses shall be completed as part of the final design for the proposed residential structures. The project shall incorporate construction methods, sound attenuation features, and sound reducing barriers that reduce noise impacts in accordance with Section 21670, State Building Code, and General Plan requirements to meet the interior noise levels of 45 dB CNEL. Sound control treatments shall include mechanical ventilation and central cooling and heating for all units so that windows can be kept closed at the resident's discretion to control noise,

and special building construction techniques (such as sound-rated windows and building façade treatments) for all units.

- b. The project shall include real estate disclosures in residential leases, disclosing the presence of an airport within two miles of the property, per Section 11010 of the Business and Professions Code.
 - c. The property owners shall grant an avigation easement to the City and County of San Francisco prior to issuance of a building permit for the proposed building or structure. The avigation easement must state that the City overrode the ALUC's inconsistency finding, describe the immunity granted to the San Francisco International Airport ("Airport") under Public Utilities Code section 21678, and make clear that the avigation easement is in addition to, and does not limit, the Airport's immunity.
 - d. Future developer projects on each of the Properties shall include an indemnification agreement with the City of San Bruno prior to issuance of building permits, ensuring that liability related to noise is assumed by the project.
6. Approval of the proposed Project as described above is consistent with the noise standards of the SFO ALUCP as it would provide for orderly development adjacent to the airport and promote the overall goals and objectives of the California airport noise standards and prevent the creation of new noise and safety problems because the proposed Project provides much needed housing near transit on underutilized sites, while also utilizing advanced construction techniques to minimize any noise impacts to residents, and helping the City satisfy its large RHNA allocation and respond to the housing crisis facing the region and the State.

EXHIBIT B

Agency Comments on the Intent to Override

SFO

Caltrans



San Francisco International Airport

April 18, 2024

Michael Smith
Senior Planner
Community and Economic Development Department
City of San Bruno
567 El Camino Real
San Bruno, California 94066

TRANSMITTED VIA EMAIL
housing@sanbruno.ca.gov

Subject: 2023-2031 Housing Element Update, San Bruno, California

Dear Michael:

Thank you for notifying San Francisco International Airport (SFO or the Airport) regarding the preparation of the draft 2023-2031 Housing Element (draft Housing Element) for the City of San Bruno (City). We appreciate this opportunity to coordinate with the City in considering and evaluating potential land use compatibility issues from the draft Housing Element.

The draft Housing Element establishes goals, policies, and programs to help address the City's current and future housing needs and includes a list of recommended housing sites. It is the City's blueprint for housing-related decisions and sets an action plan for how to meet housing goals over the coming years. Through the State of California's Regional Housing Needs Allocation (RHNA) process, the Association of Bay Area Governments (ABAG) allocated 3,165 housing units to the City as its share of housing production for the period from 2023-2031.

The draft Housing Element includes a minimum of 1,000 housing units at the Tanforan site, which has been identified by the City as a prime location for housing because of its designation within the City's Transit Corridors Plan. The Tanforan site is located within the 70 A-weighted decibel (dBA) Community Noise Equivalent Level (CNEL) noise contour and within Safety Compatibility Zone 4. Moreover, many aircraft departure procedures are designed to ascend over the Tanforan site. For the reasons discussed below, housing is incompatible with and inadvisable at the Tanforan site, and the Airport remains opposed to the development of housing there.

As the Airport stated in previous letters sent to the City on May 6, 2022, September 30, 2022, December 16, 2022, and January 17, 2024, the proposal to redevelop the Tanforan site with residential uses is deeply concerning due to its fundamental and unmitigable incompatibility with the noise compatibility policies of the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP). The Airport's concerns and issues raised in the previous four letters are summarized below:

- As shown in Table IV-1 of the SFO ALUCP, residential uses are not compatible within the CNEL 70 dBA contour (see **Attachment A**). Developing residential uses within the CNEL 70 dBA contour would expose residents to extreme and persistent noise from aircraft operations. Such exposure can result in adverse health effects including stress-related illnesses, high blood pressure,

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYORMALCOLM YEUNG
PRESIDENTEVERETT A. HEWLETT, JR.
VICE PRESIDENT

JANE NATOLI

JOSE F. ALMANZA

MARK BUELL

IVAR C. SATERO
AIRPORT DIRECTOR

236 of 345

Michael Smith, City of San Bruno

April 18, 2024

Page 2 of 4

hearing loss, and sleep disruption.¹ Unlike the 65 dBA contour, there are no recognized solutions that can mitigate noise within the 70 dBA contour. Further, the simple act of opening a window in a residence negates the benefits of even the best sound insulation.

- The Airport has spent hundreds of millions of dollars on insulating incompatible land uses. However, any future residential development within the CNEL 70 dBA contour would render the Tanforan development ineligible for FAA grants for future sound insulation, including the subsequent repair or reinstallation of insulation materials when they fail over time. This ineligibility is discussed in a May 18, 2022 letter from the FAA to the City (see **Attachment B**).
- The Tanforan site is within Safety Zone 4; incompatible uses within Safety Zone 4 include large child day care centers, Biosafety Level 3 and 4 facilities, and children’s schools. Uses to be avoided, such as critical public utilities, should not be allowed within Safety Zone 4 unless no feasible alternative is available, as determined by the City (see **Attachment C**). The Airport encourages the City to consider Safety Zone 4 compatibility policies during the master planning and site development phases to prevent development of such incompatible uses.
- Heights of buildings at the Tanforan site would need to remain no higher than between 55 and 90 feet above the current ground level to be compatible with the airspace protection policies adopted in the SFO ALUCP. Otherwise, any penetrations of the critical aeronautical surfaces would result in real financial and economic impacts to air carriers, cargo operators, the Airport, and the businesses of the City that rely on the Airport for transporting people and cargo.

The Airport supports the development of housing outside of the CNEL 70 dBA contour. Unfortunately, ABAG failed to account for airport land use compatibility policies related to noise as part of the RHNA process. The result of this oversight is a proposal to develop at least 1,000 incompatible housing units on the Tanforan site, which is within the CNEL 70 dBA contour. A second housing opportunity site under consideration by the City (the San Bruno Pet Hospital site at 1151 El Camino Real) is also within the CNEL 70 dBA contour. The Airport remains opposed to the development of housing on sites that are within the CNEL 70 dBA contour because these areas are fundamentally and immitigably incompatible with housing.

The Housing Element Technical Background Report (HETBR) discusses procedures related to the review and approval of land use actions that are inconsistent with the SFO ALUCP. Page 3-6 of the HETBR includes the following language:

California law requires that, after an ALUC has adopted its ALUCP, affected local governments must update their general plans, specific plans, and land use regulations to be consistent with the ALUCP. Alternatively, local governments may take steps, provided by law, to override part or all of the ALUCP as it relates to their jurisdiction.

Page 3-47 of the HETBR includes the following language:

¹ United States Environmental Protection Agency, Clean Air Act Title IV – Noise Pollution. Available online at <https://www.epa.gov/clean-air-act-overview/clean-air-act-title-iv-noise-pollution>.

*Michael Smith, City of San Bruno
April 18, 2024
Page 3 of 4*

At 70 dB CNEL and above, new residential development is inconsistent with the Airport Land Use Plan (ALUP), which essentially means that new residential development and/or redevelopment requires an Airport Land Use Commission (ALUC) override by the San Bruno City Council in the areas surrounding the BART and Caltrain stations, as well as in portions of the Belle Air Park North neighborhood. The Tanforan site falls within the 70 dB airport noise contour, therefore, housing development on this site is considered an incompatible use in the ALUP. The City will need to override the SFO ALUCP with a 2/3 vote of City Council in order to provide housing on the Tanforan site.

These statements are incorrect. The SFO ALUCP itself cannot be overridden. However, if the ALUC determines that a proposed land use action is inconsistent with the SFO ALUCP, the City can override the ALUC's determination by a two-thirds vote of its governing body as set forth in California Public Utilities Code Section 21675.1(d), provided that specific findings are made that the proposed land use action is consistent with the purposes of Sections 21670(a)(1) and 21670(a)(2). To date, the City has not presented any empirically supported findings that proposed housing within the CNEL 70 dBA contour warrants an override of a determination of incompatibility.

Page 4-34 of the HETBR includes the following language:

To address San Bruno's eastern neighborhoods which are already impacted by noise from aircraft overflight from SFO, the city participates in SFO's airport noise insulation program which provides acoustical improvements to single-family residential properties located inside the 65-dB noise contour. These improvements are offered at no cost to eligible property owners.

As discussed above and in the May 18, 2022 letter from the FAA to the City, any new housing constructed on the Tanforan site, the San Bruno Pet Hospital site, or any other development site within the CNEL 70 dBA contour *would not be eligible* for FAA grants for future noise insulation.

Due to the City's proximity to the Airport, Airspace Protection Policies AP-1 through AP-4 of the SFO ALUCP are enclosed (see **Attachment D**) as reminders of incompatible site characteristics that pose threats to safe aircraft operations – especially as it pertains to wildlife attractants, particularly large flocks of birds – and building materials/features that reflect and create bright lights/glare.

* * *

The Airport supports practical housing development in the Bay Area to address the region's housing crisis. However, adding housing to areas which have been found to be fundamentally unsuited to residential development is neither practical nor desirable. The Airport understands that because of the presence of high-quality transit near the subject development sites, the City is under State obligation to meet a higher RHNA, but meeting this obligation cannot come at the expense of future residents' health and well-being.

We observe that the City has recently approved several housing projects outside of the CNEL 70 dBA contour, including 300 Piedmont Avenue, 840 San Bruno Avenue West, and 850 Glenview Drive. Each of these projects included far fewer residential units than would be allowed under existing zoning regulations and failed to take advantage of the possibilities of upzoning for further densification that might support

Michael Smith, City of San Bruno
April 18, 2024
Page 4 of 4

expanded mass transit service. The Airport encourages the City to maximize development at these alternative locations to avoid the introduction of incompatible land uses within the CNEL 70 dBA contour.

The Airport appreciates your consideration of these comments. If I can be of assistance, please do not hesitate to contact me at (650) 821-6678 or at nupur.sinha@flysfso.com.

Sincerely,

DocuSigned by:
Nupur Sinha
7D552AE6A4CE495...

Nupur Sinha
Director of Planning and Environmental Affairs
San Francisco International Airport

Attachments

- Attachment A – SFO ALUCP Noise Compatibility Policies
- Attachment B – FAA Letter to the City of San Bruno
- Attachment C – SFO ALUCP Safety Compatibility Policies
- Attachment D – SFO ALUCP Airspace Protection Policies

cc: Alex D. McIntyre, City of San Bruno
Darcy Smith, City of San Bruno
Michael Laughlin, City of San Bruno, Planning & Housing Manager
Matt Maloney, ABAG, Director, Regional Planning Program
Mark Shorett, ABAG, Principal Planner, Regional Planning
Audrey Park, SFO, Environmental Affairs Manager
Chris DiPrima, SFO, Acting Airport Planning Manager

Attachment A
SFO ALUCP Noise Compatibility Policies

- Hillsborough City Elementary School District
- Jefferson Elementary School District
- Jefferson Union High School District
- Millbrae Elementary School District
- Pacifica School District
- San Bruno Park Elementary School District
- San Mateo County Community College District
- San Mateo Foster City Elementary School District
- San Mateo Union High School District
- South San Francisco Elementary School District

4.3 Noise Compatibility Policies

The airport noise compatibility policies described in this section have a two-fold purpose:

1. To protect the public health, safety, and welfare by minimizing the exposure of residents and occupants of future noise-sensitive development to excessive noise.
2. To protect the public interest in providing for the orderly development of SFO by ensuring that new development in the Airport environs complies with all requirements necessary to ensure compatibility with aircraft noise in the area. The intent is to avoid the introduction of new incompatible land uses into the Airport's "noise impact area" so that the Airport will continue to be in compliance with the State Noise Standards for airports (California Code of Regulations, Title 21, Sections 5012 and 5014).³

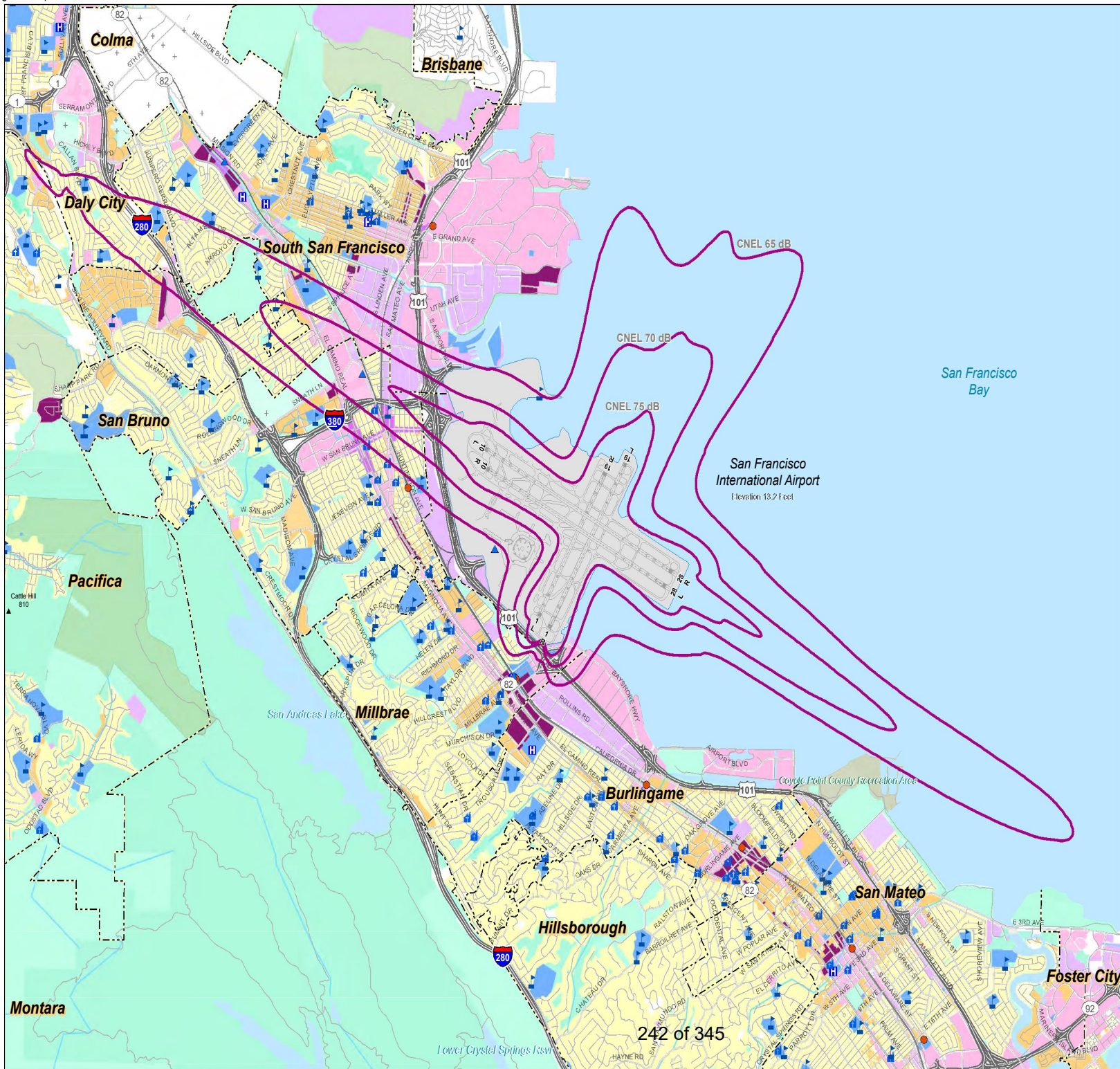
The following noise compatibility policies (NP) shall apply to the ALUCP.

NP-1 NOISE COMPATIBILITY ZONES

For the purposes of this ALUCP, the projected 2020 CNEL noise contour map from the Draft Environmental Assessment for the Proposed Runway Safety Area Program shall define the boundaries within which noise compatibility policies described in this Section shall apply.⁴ **Exhibit IV-5** depicts the noise compatibility zones. More detail is provided on **Exhibit IV-6**. The zones are defined by the CNEL 65, 70 and 75 dB contours.

³ In 2002, the San Mateo County Board of Supervisors declared that the Airport had eliminated its "noise impact area," as defined under state law -- California Code of Regulations, Title 21, Sections 5012 and 5014.

⁴ URS Corporation and BridgeNet International. *Draft Environmental Assessment, Proposed Runway Safety Area Program, San Francisco International Airport*, June 2011.



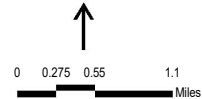
LEGEND

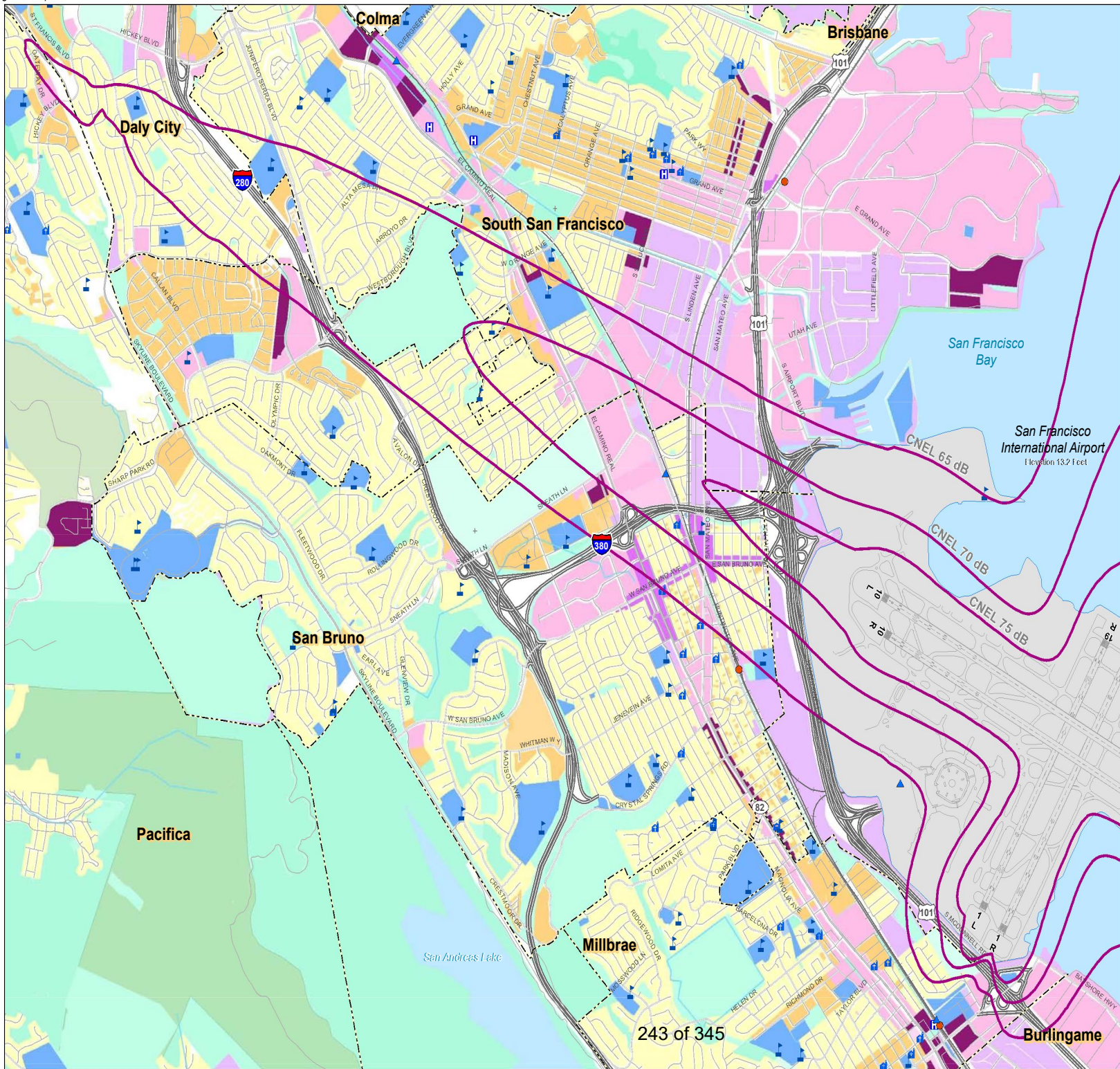
- CNEL Contour, 2020 Forecast
- Airport Property
- BART Station
- CALTRAIN Station
- School
- Place of Worship
- Hospital
- Municipal Boundary
- Railroad
- Freeway
- Road
- Planned Land Use Per General Plans:**
- Public
- Multi-Family Residential
- Single Family Residential
- Mixed Use
- Transit Oriented Development
- Commercial
- Industrial, Transportation, and Utilities
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space
- Planned use not mapped

Sources:

- Noise Contour Data:**
- Draft Environmental Assessment, Proposed Runway Safety Area Program, San Francisco International Airport. URS Corporation and BridgeNet International, June 2011
- County Base Maps:**
- San Mateo County Planning & Building Department, 2007
- Local Plans:**
- Burlingame Bayfront Specific Area Plan, August 2006
 - Burlingame Downtown Specific Plan, January 2009
 - Burlingame General Map, September 1984
 - North Burlingame/ Rollins Road Specific Plan, February 2007
 - Colma Municipal Code Zoning Maps, December 2003
 - Daly City General Plan Land Use Map, 1987
 - Hillsborough General Plan, March 2005
 - Millbrae Land Use Plan, November 1998
 - Pacifica General Plan, August 1996
 - San Bruno General Plan, December 2008
 - San Mateo City Land Use Plan, March 2007
 - San Mateo County Zoning Map, 1992
 - South San Francisco General Plan, 1998

NORTH





LEGEND

- CNEL Contour, 2020 Forecast
- Airport Property
- BART Station
- CALTRAIN Station
- School
- Place of Worship
- Hospital
- Municipal Boundary
- Railroad
- Freeway
- Road
- Planned Land Use Per General Plans:**
- Public
- Multi-Family Residential
- Single Family Residential
- Mixed Use
- Transit Oriented Development
- Commercial
- Industrial, Transportation, and Utilities
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space
- Planned use not mapped

Sources:

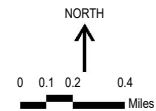
Noise Contour Data:
 - Draft Environmental Assessment, Proposed Runway Safety Area Program, San Francisco International Airport. URS Corporation and BridgeNet International, June 2011

County Base Maps:

- San Mateo County Planning & Building Department, 2007

Local Plans:

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- San Bruno General Plan, December 2008
- San Mateo City Land Use Plan, March 2007
- San Mateo County Zoning Map, 1992
- South San Francisco General Plan, 1998



The CNEL noise contours presented in Exhibit IV-6 designate the area where noise exposure is great enough to warrant land use controls to promote noise compatibility. It is acknowledged that aircraft noise at levels below CNEL 65 dB can be disturbing to some people.

Although the contours were established using the best available information at the time, noise contours are subject to changes that can be difficult to predict over long periods of time. The primary causes of change in the noise contours at SFO are most likely to be changes in the numbers of operations (arrivals and departures) and in the mix of aircraft using the airport. The patterns of runway use and flight tracks are unlikely to change substantially due to the nature of local weather patterns, topography, and the presence of other airports and air traffic in the metropolitan area.

NP-2 AIRPORT NOISE/LAND USE COMPATIBILITY CRITERIA

The compatibility of proposed land uses located in the Airport noise compatibility zones shall be determined according to the noise/land use compatibility criteria shown in **Table IV-1**. The criteria indicate the maximum acceptable airport noise levels, described in terms of Community Noise Equivalent Level (CNEL), for the indicated land uses. The compatibility criteria indicate whether a proposed land use is “compatible,” “conditionally compatible,” or “not compatible” within each zone, designated by the identified CNEL ranges.

- “Compatible” means that the proposed land use is compatible with the CNEL level indicated in the table and may be permitted without any special requirements related to the attenuation of aircraft noise.
- “Conditionally compatible” means that the proposed land use is compatible if the conditions described in Table IV-1 are met.
- “Not compatible” means that the proposed land use is incompatible with aircraft noise at the indicated CNEL level.

Table IV-1 Noise/Land Use Compatibility Criteria

LAND USE	COMMUNITY NOISE EQUIVALENT LEVEL (CNEL)			
	BELOW 65 dB	65-70 dB	70-75 dB	75 dB AND OVER
Residential				
Residential, single family detached	Y	C	N (a)	N
Residential, multi-family and single family attached	Y	C	N (a)	N
Transient lodgings	Y	C	C	N
Public/Institutional				
Public and Private Schools	Y	C	N	N
Hospitals and nursing homes	Y	C	N	N
Places of public assembly, including places of worship	Y	C	N	N
Auditoriums, and concert halls	Y	C	C	N
Libraries	Y	C	C	N
Outdoor music shells, amphitheaters	Y	N	N	N
Recreational				
Outdoor sports arenas and spectator sports	Y	Y	Y	N
Nature exhibits and zoos	Y	Y	N	N
Amusements, parks, resorts and camps	Y	Y	Y	N
Golf courses, riding stables, and water recreation	Y	Y	Y	Y
Commercial				
Offices, business and professional, general retail	Y	Y	Y	Y
Wholesale; retail building materials, hardware, farm equipment	Y	Y	Y	Y
Industrial and Production				
Manufacturing	Y	Y	Y	Y
Utilities	Y	Y	Y	Y
Agriculture and forestry	Y	Y (b)	Y (c)	Y (c)
Mining and fishing, resource production and extraction	Y	Y	Y	Y

Notes:

CNEL = Community Noise Equivalent Level, in A-weighted decibels.

Y (Yes) = Land use and related structures compatible without restrictions.

C (conditionally compatible) = Land use and related structures are permitted, provided that sound insulation is provided to reduce interior noise levels from exterior sources to CNEL 45 dB or lower and that an avigation easement is granted to the City and County of San Francisco as operator of SFO. See Policy NP-3.

N (No) = Land use and related structures are not compatible..

- (a) Use is conditionally compatible only on an existing lot of record zoned only for residential use as of the effective date of the ALUCP. Use must be sound-insulated to achieve an indoor noise level of CNEL 45 dB or less from exterior sources. The property owners shall grant an avigation easement to the City and County of San Francisco prior to issuance of a building permit for the proposed building or structure. If the proposed development is not built, then, upon notice by the local permitting authority, SFO shall record a notice of termination of the avigation easement.
- (b) Residential buildings must be sound-insulated to achieve an indoor noise level of CNEL 45 dB or less from exterior sources.
- (c) Accessory dwelling units are not compatible.

SOURCES: Jacobs Consultancy Team 2010. Based on State of California General Plan Guidelines for noise elements of general plans; California Code of Regulations, Title 21, Division 2.5, Chapter 6, Section 5006; and 14 CFR Part 150, Appendix A, Table I.

PREPARED BY: Ricondo & Associates, Inc., June 2012.

NP-3 GRANT OF AVIGATION EASEMENT

Any action that would either permit or result in the development or construction of a land use considered to be conditionally compatible with aircraft noise of CNEL 65 dB or greater shall be subject to this easement requirement. The determination of conditional compatibility shall be based on the criteria presented in Table IV-1 “Noise/Land Use Compatibility Criteria.”

The San Mateo County Airport Land Use Commission (the C/CAG Board) deems it necessary to: (1) ensure the unimpeded use of airspace in the vicinity of SFO; (2) to ensure that new noise-sensitive land uses within the CNEL 65 dB contour are made compatible with aircraft noise, in accordance with California Code of Regulations, Title 21, Section 5014; and (3) to provide notice to owners of real property near the Airport of the proximity to SFO and of the potential impacts that could occur on the property from airport/aircraft operations. Thus, C/CAG shall condition its approval of proposed development upon the owner of the subject property granting an avigation easement to the City and County of San Francisco, as the proprietor of SFO. The local government with the ultimate permitting and approval authority over the proposed development shall ensure that this condition is implemented prior to final approval of the proposed development. If the approval action for the proposed development includes construction of a building(s) and/or other structures, the local permitting authority shall require the grant of an avigation easement to the City and County of San Francisco prior to issuance of a building permit(s) for the proposed building or structure. If the proposed development is not built, then, upon notice by the local permitting authority, SFO shall record a notice of termination of the avigation easement.

The avigation easement to be used in fulfilling this condition is presented in **Appendix G**.

NP-4 RESIDENTIAL USES WITHIN CNEL 70 dB CONTOUR

As described in Table IV-1, 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. .

NP-4.1 Situations Where Residential Use Is Conditionally Compatible

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. In such a case, the residential use must be sound-insulated to achieve an indoor noise level of CNEL 45 dB or less from exterior sources. The property owner also shall grant an avigation easement to the City and County of San Francisco in accordance with Policy NP-3 prior to issuance of a building permit for the proposed building or structure.

NP-4.2 Construction of Additional Dwellings on Lots Occupied by Residential Uses is Incompatible within CNEL 70 dB Contour

The construction of second homes on lots occupied by residential uses and the creation of additional housing units in existing buildings within the CNEL 70 dB contour shall be incompatible and inconsistent with this ALUCP.

NP-4.3 Residential Subdivisions and Lot Splits are Incompatible within CNEL 70 dB Contour

The subdivision of land and the splitting of lots to enable the construction of additional housing within the CNEL 70 dB contour shall be incompatible and inconsistent with this ALUCP.

NP-4.4 Residential Rezonings are Incompatible Within CNEL 70 dB Contour

The rezoning of land for residential use within the CNEL 70 dB contour shall be considered incompatible and inconsistent with this ALUCP.

4.4 Safety Compatibility Policies

The safety compatibility policies are established with a twofold purpose:

1. To protect the public health, safety, and welfare by minimizing the public's exposure to the risk associated with potential aircraft accidents in the Airport vicinity.
2. To protect the public interest in providing for the orderly development of SFO by preventing the creation of new safety problems in the Airport environs.

Compared to noise, safety is a much more difficult concern to address in airport/land use compatibility policies. A major reason is that safety policies address uncertain events that may occasionally occur with aircraft operations, whereas noise policies deal with known, more or less predictable, events that occur with every aircraft operation.

Because aircraft accidents happen infrequently, and the time, place, and consequences of their occurrence cannot be accurately predicted, the concept of risk is central to the assessment of safety compatibility. In terms of airport/land use compatibility planning, two questions must be addressed to determine the relative degree of risk posed by potential aircraft accidents in various locations:

- Accident Frequency – Where and when do aircraft accidents typically occur in the vicinity of an airport?
- Accident Severity – What aircraft and land use characteristics contribute to the consequences of an accident when one occurs?

The overall objective of safety compatibility guidelines is to minimize the risks associated with potential aircraft accidents. There are two components to this objective:

- Safety of Persons on the Ground – The most fundamental safety compatibility component is to provide for the safety of people and property on the ground in the event of an aircraft accident near an airport.
- Safety of Aircraft Occupants – The other safety compatibility component is to enhance the chances of survival of the occupants of an aircraft involved in an accident that occurs beyond the runway environment.

Attachment B
FAA Letter to the City of San Bruno



U.S. Department
of Transportation

**Federal Aviation
Administration**

Western-Pacific Region
Office of the Regional Administrator

777 S. Aviation Blvd.
El Segundo, CA 90245

May 18, 2022

Mr. Jovan D. Grogan
City Manager
City of San Bruno
567 El Camino Real
San Bruno, CA 94066-4247

RE: Concerns regarding the Reimagining Tanforan Redevelopment Project

Dear Mr. Grogan:

The purpose of this letter is to advise the City of San Bruno that the Federal Aviation Administration (FAA) is concerned about potential impacts to San Francisco International Airport (SFO), land use changes, and the introduction of airport incompatible land use relating to the redevelopment of the Tanforan Shopping Mall (Tanforan Mall) in San Bruno, California. As currently planned, the proposed Reimagining Tanforan Redevelopment Project (Tanforan Project) would introduce new land use compatibility issues and increase noise incompatibility due to arrival and departure operations from SFO. The FAA's mission is to provide the safest and most efficient aerospace system in the world. Within the context of our mission, the FAA continues to seek ways to mitigate the effects of aviation-related noise by providing financial and technical assistance to airport sponsors on airport compatible land use, noise reduction planning and abatement activities.

The *Reimagining San Bruno Land Use Fact Sheet* (San Bruno Fact Sheet) states, "...the goal of this early engagement is to identify redevelopment solutions that are financially viable and provide long term benefits to the San Bruno community by streamlining the entitlement approval process to mitigate risks and accelerate the investments." While there are many benefits to living in a transit-oriented development that is closely connected to mass transit, the FAA is concerned about maintaining compatibility of the existing land use and introducing high-density residences within an area known to be adversely affected by aircraft noise within the Tanforan development. The FAA is aware that the California Department of Transportation (Caltrans) shares similar concerns, as detailed in their January 20, 2022, letter to the City of San Bruno. We are also aware that SFO has expressed concerns regarding the proposed redevelopment. The FAA is additionally concerned about the environmental justice implications of affordable housing provided in noise-incompatible land.

The City of San Bruno is directly responsible for ensuring proper planning in partnership with state, local, and private entities, and notifying purchasers of real estate and prospective residents of their exposure to direct overflight and extreme and persistent airport noise. In the past, the City of San Bruno directly received federal funding for residential sound insulation to mitigate land use compatibility issues. On May 14, 2008, the FAA reminded the City of San Bruno, via enclosure 1, of the importance of taking appropriate action to adopt zoning and further restrict the introduction of additional non-compatible land uses adjacent to or in the vicinity of SFO. The

enclosure to that letter provides Appendix A, Table 1- Land Use Compatibility Guidelines from 14 Code of Federal Regulations Part 150 – *Airport Noise Compatibility Planning* (Part 150). As shown in enclosure 2, the 2019 Noise Exposure Map from the SFO Noise Compatibility Program¹, a majority of the Tanforan Mall area is within the Community Noise Equivalent Level (CNEL) 70 decibel (dB) contour and is heavily affected by SFO departures from Runways 28L and 28R. The FAA continues to provide Airport Improvement Program (AIP) funding for qualified impacted City of San Bruno residences through the SFO Residential Sound Insulation Program. In accordance with FAA *Final Policy on Part 150 Approval of Noise Mitigation Measures: Effect on the Use of Federal Grants for Noise Mitigation Projects* (63 FR 16409), structures and new non-compatible development built after October 1, 1998, are not eligible for approval of remedial noise mitigation measures under Part 150 or AIP funding. In other words, residences in the Tanforan Project would not receive any AIP funding for residential sound insulation.

According to the San Bruno Fact Sheet, the city may add at least 1,000 and as many as 3,165 residential units. This plan would expose thousands of new residents to significant noise (above 65 dB CNEL), approximately 2,500 to 8,000 persons, using the average number of 2.62 persons per household according to the United States Census Bureau. Given that there are currently 440,000 persons nationwide exposed to significant noise, this development alone would increase the number of people exposed.

SFO primary operations use Runways 28L and 28R for landing and Runways 01R and 01L for departures. In this configuration, Runway 28R is also used for departures of heavy jets on long routes, which need the longest SFO runway (Runway 28R) due to the aircraft weight. The Tanforan Mall area aligns with the SFO Runways 28R and 28L. Use of Runway 28R for departures is not optional for these long-haul flights.

In 2019 there were an average of about 88 heavy jet departures per day; out of those heavy jet departures, 72% departed from Runway 28R or Runway 28L. On August 17, 2019, SFO's peak departure was 209 heavy jets. Heavy jets were departing Runways 28R and 28L, from 0.5 nautical miles before the proposed development to 0.5 nautical miles after the proposed development. The proposed development is approximately 1.1 nautical miles from the end of Runways 28R and 28L. Therefore, the average altitude of departing heavy jets over the Tanforan site is 1300 to 1800 feet mean sea level.

Also, Runways 28R and 28L are used for departures when winds are strong enough from the West Southwest to no longer allow for Runways 01R and 01L to be used due to unacceptably high tailwinds/crosswinds. Use of SFO Runways 28R and 28L for all departures is not a preferred configuration for SFO. Instead, it is required based on the weather (winds), specific needs of long-haul departures, or aircraft types which require the longest possible runway. In 2019, all aircraft departed only Runway 28L or Runway 28R 7.9% of the time, the second-most-frequent runway configuration at SFO. Additionally, there are occasions when weather forces the use of Runways 10R and 10L for SFO arrivals. Such an occurrence happened on January 22, 2022; enclosure 3 is a photo of an aircraft preparing to land at SFO directly over the Tanforan Mall area. Proposed Tanforan residential units would be exposed to the type, frequency, and severity of aviation activity described above.

¹ The San Francisco International Airport, Noise Compatibility Program (NCP) Update 2018 was prepared pursuant to 14 Code of Federal Regulations Part 150 requirements. The first FAA Record of Approval for a SFO NCP was issued on September 7, 1983.

As shown in enclosures 4 and 5, Tanforan Mall is located within the footprint for the Approach/Departure Obstruction Clearance Surface (OCS)² for existing Runway 10R/28L and Runway 10L/28R. Maintaining clearance and protection of the OCS is among critical safety factors for protecting the Nation's airspace and aviation operations to and from SFO. Proposed structures' heights must be below the OCS.

Noise and land use compatibility planning are complex issues that need active engagement by the City of San Bruno together in partnership with the City and County of San Francisco, Airport Commission; San Mateo County; aeronautical users such as United Airlines; the business community; and residences to establish a cohesive strategy for the health and well-being of the entire community. Please review the FAA [Airport Noise Compatibility Planning Toolkit \(Land Use Compatibility and Airports, A Guide for Effective Land Use Planning \[PDF\]\)](#). The City/County Association of Governments (C/CAG) also maintains an Airport Land Use Commission (ALUC) and Comprehensive Airport Land Use Compatibility Plan for the Environs of SFO. This government entity and legal document prepared under State of California Law may indicate further restrictions on the site to maintain airspace, noise, and safety compatibility. Compliance with FAA guidelines and federal law does not exempt a project sponsor from complying with local regulations.

Should the City of San Bruno, known to be a noise-sensitive community representative in the SFO Airport/Community Roundtable, proceed with the Tanforan Project, exposing as many as 8,000 residents to significant aviation noise, there will be little if any mitigation the FAA would be able to implement for these residents because of the Tanforan Project's proximity to SFO runways. Therefore, we strongly encourage the City of San Bruno and San Mateo County officials to consider the FAA's concerns and look to develop and maintain compatible land uses around SFO.

If you have any questions, please contact my office at (424) 405-7000.

Sincerely,

Tamara A. Swann

Tamara A. Swann
Regional Administrator (A)

Enclosures

cc:

Sam Hindi, Roundtable Chairperson, San Francisco
Tom Hamilton, Council member, City of San Bruno
Pamela Wu, Director, Community and Economic Development, City of San Bruno
Therese McMillan, Executive Director, Association of Bay Area Governments
United States Congresswoman Jackie Speier, CA – 14th District
Phillip Miller, Acting, Chief Division of Aeronautics, Caltrans

²Defined in FAA Advisory Circular (AC) 150/5300-15, Airport Design, and Engineering Brief 99A.



U.S Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Airports Division

San Francisco ADO
831 Mitten Road, Suite 210
Burlingame, CA 94010

May 14, 2008

Aaron Aknin
Community Development Director
City of San Bruno
567 El Camino Real
San Bruno, CA 94066

Dear Mr. Aknin:

Subject: San Bruno General Plan 2025 and associated Draft
Environmental Impact Report

The Federal Aviation Administration (FAA) has completed a cursory review of the subject documents. As a result of that review the FAA is concerned that the San Bruno General Plan (General Plan) and Environmental Impact Report did not consider the City of San Bruno's (City) airport land use compatibility program obligations.

As noted in the General Plan on page 7-9, the City has accepted federal funds for insulation projects in areas impacted by noise from San Francisco International Airport (SFO). The federal funds were made available to the City as a result of the City and County of San Francisco's SFO Noise Compatibility Plan (NCP) prepared pursuant to 14 Code of Federal Regulations Part 150, Airport Noise Compatibility Planning (Part 150). The NCP identified noise impact areas and measures developed to achieve compatible land use with SFO operations.

When the City accepted the federal Airport Improvement Program (AIP) funds for the noise insulation projects, the City acknowledged its obligation to take appropriate action to adopt appropriate zoning and further restrict introduction of additional non-compatible land uses adjacent to or in the vicinity of the airport. The AIP grant obligations are identified in the Non-Airport Sponsors Grant Assurances. The most recent AIP grant is 3-06-0021-29.

The General Plan Guiding Policies encourage additional residential housing in areas that are impacted by airport noise. The majority of the area designated for redevelopment is in the Community Noise Equivalent Level (CNEL) 70 decibel (dB) contour. Proposed high density residential and mixed use developments are located within the CNEL 65 dB contour. Introduction of additional non-compatible development within the CNEL 65 dB through CNEL 70 dB is inconsistent with the NCP. Table 1 from Part 150 provides federal compatible and non-compatible land use guidelines (enclosed).

Development of local land use plans that are compatible with airport operations is key to ensuring consistency with the City's grant obligations. The FAA encourages the City to take appropriate action to

Enclosure (1)

maintain compliance with its certification that it will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines and requirements as they relate to use of federal funds for land use compatibility.

If you have any questions or concerns regarding this matter, I am available at (650) 876-2778 extension 613.

Sincerely,

(Original Signed by:)

Camille Garibaldi
Environmental Protection Specialist

Enclosure

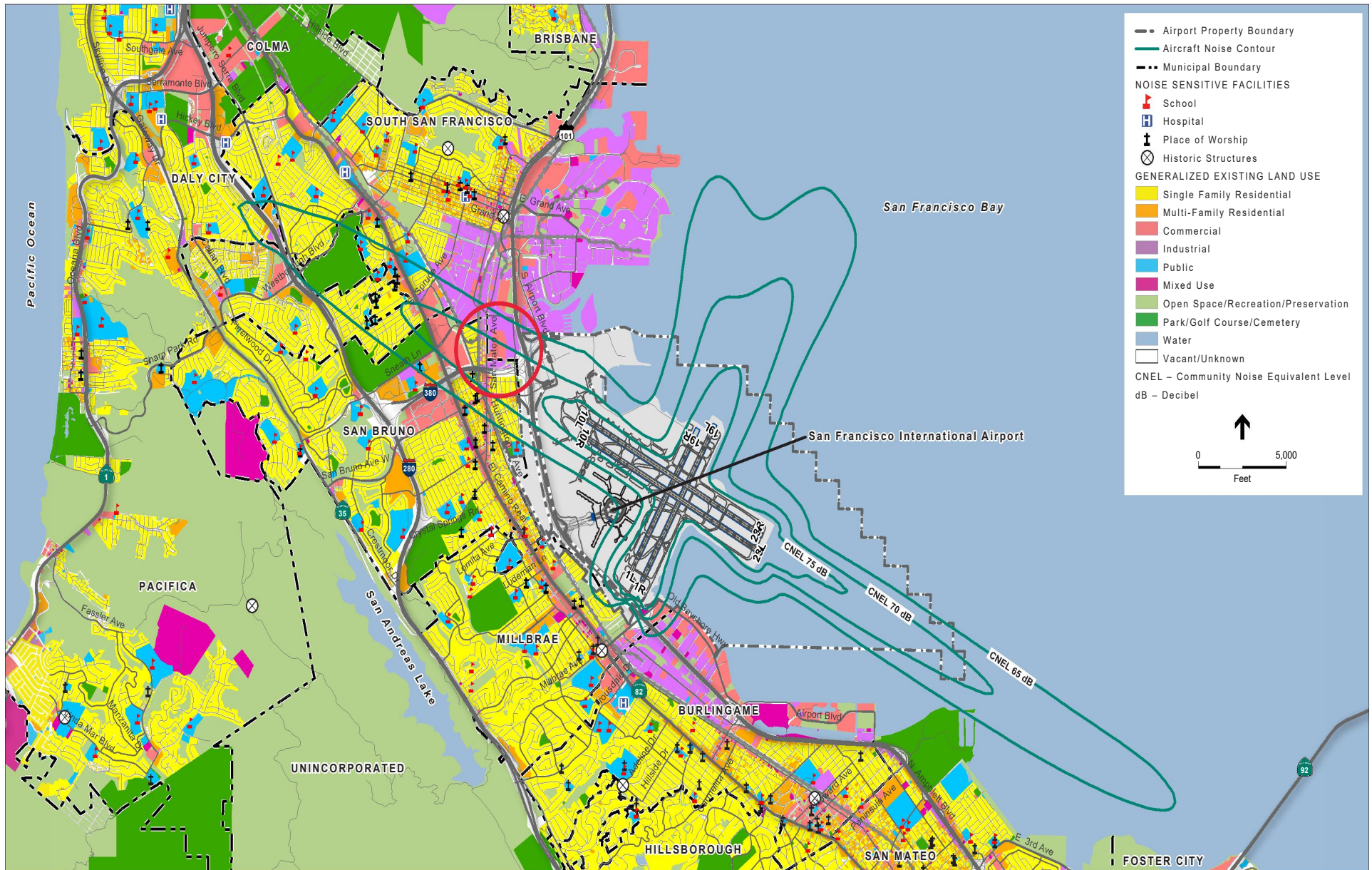
cc:
Danielle Rinsler, San Francisco International Airport
Nixon Lam, San Francisco International Airport
Sandy Hesnard, California Department of Transportation

TABLE 1—LAND USE COMPATIBILITY WITH YEARLY DAY-NIGHT AVERAGE SOUND

Land Use	Yearly day-night average sound level (L_{dn}) in decibels					
	< 65	65-70	70-75	75-80	80-85	> 85
Residential						
Residential, other than mobile homes and transient lodgings	Y	N (1)	N (1)	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N (1)	N (1)	N (1)	N	N
Public Use						
Schools	Y	N (1)	N (1)	N	N	N
Hospitals, nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Government services	Y	Y	25	30	N	N
Transportation	Y	Y	Y (2)	Y (3)	Y (4)	Y (4)
Parking	Y	Y	Y (2)	Y (3)	Y (4)	N
Commercial Use						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail- building materials, hardware and farm equipment	Y	Y	Y (2)	Y (3)	Y (4)	N
Retail trade-general	Y	Y	25	30	N	N
Utilities	Y	Y	Y (2)	Y (3)	Y (4)	N
Communication	Y	Y	25	30	N	N
Manufacturing and Production						
Manufacturing, general	Y	Y	Y (2)	Y (3)	Y (4)	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y (6)	Y (7)	Y (8)	Y (8)	Y (8)
Livestock farming and breeding	Y	Y (6)	Y (7)	N	N	N
Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y
Recreational						
Outdoor sports arenas and spectator sports	Y	Y (5)	Y (5)	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts, and camps	Y	Y	Y	N	N	N
Golf courses, riding stables and water recreation	Y	Y	25	30	N	N
Numbers in parenthesis refer to notes; see continuation of Table 1 for notes and key.						
The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under Part 150 are not intended to substitute Federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.						
(more)						

TABLE 1—LAND USE COMPATIBILITY WITH YEARLY DAY-NIGHT AVERAGE SOUND LEVELS (CONTINUED)

Key to Table 1	
Y (YES)	Land Use and related structures compatible without restrictions.
N (NO)	Land Use and related structures are not compatible and should be prohibited.
NLR	Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.
25, 30, or 35	Land use and related structures generally compatible; measures to achieve NLR of 25, 30 or 35 dB must be incorporated into design and construction of structure.
Notes for Table 1	
(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.
(2)	Measures to achieve NLR of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
(3)	Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
(4)	Measures to achieve NLR of 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
(5)	Land use compatible provided special sound reinforcement systems are installed.
(6)	Residential buildings require an NLR of 25.
(7)	Residential buildings require an NLR of 30.
(8)	Residential buildings not permitted.
(end of Table 1)	



SOURCES: ESRI, 2014; San Mateo County Planning and Building Department, 2014; BridgeNet International, 2014; ESA Airports, 2014

SFO 14 CFR Part 150 Noise Exposure Map Report . 120832

Exhibit 5-2

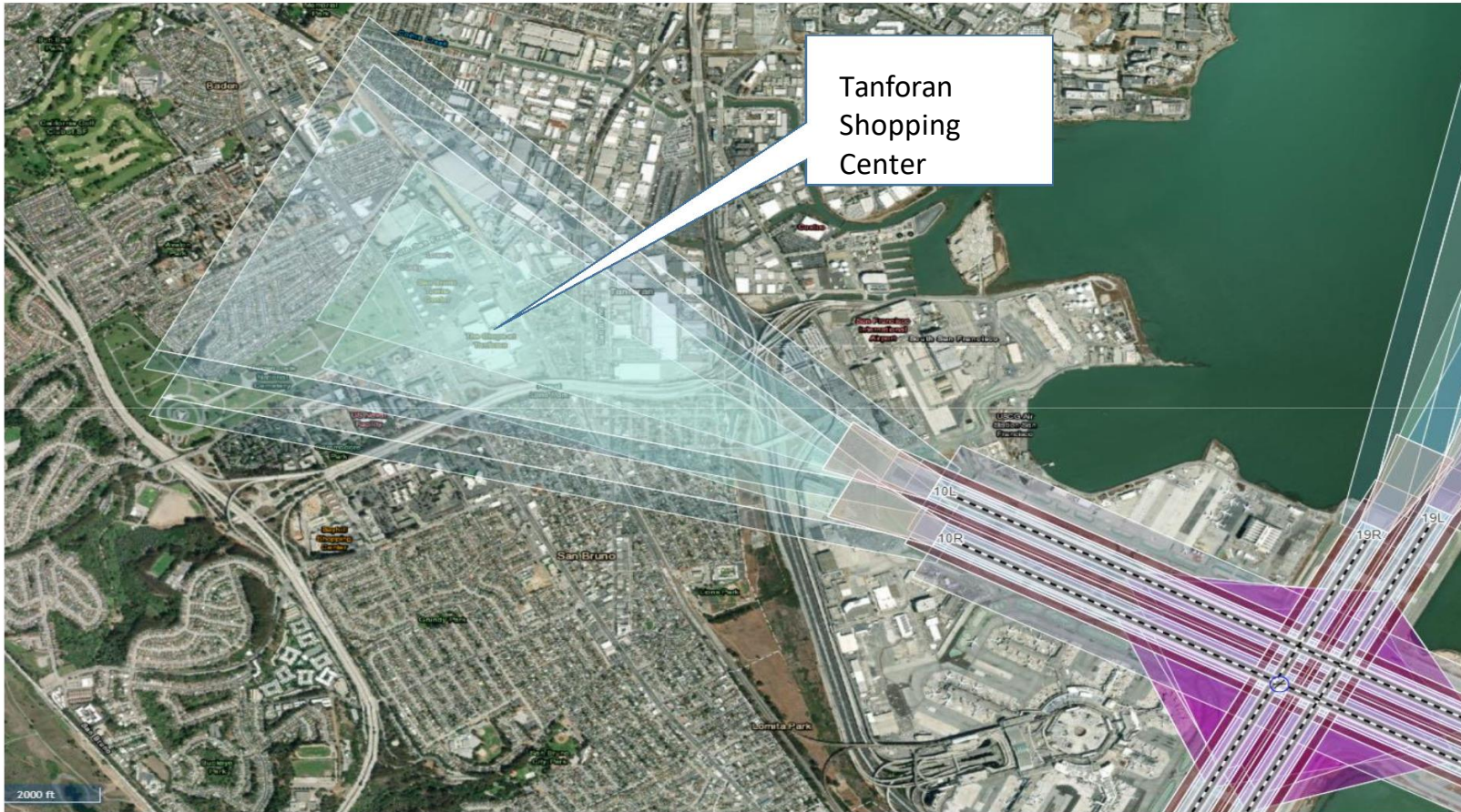
2019 Noise Exposure Map – San Francisco International Airport

San Francisco International Airport Arrival

Preparing for landing at SFO to Runway 10 end. Photo taken on January 22, 2022.



Airport Design Approach/Departure Obstruction Clearance Surface (OCS) for SFO Runway 10R/28L and Runway 10L/28R and Location of Current Tanforan Shopping Center



Enclosure {4}

Approach/Departure OCS Profiles



Enclosure {5}

Attachment C
SFO ALUCP Safety Compatibility Policies

NP-4.3 Residential Subdivisions and Lot Splits are Incompatible within CNEL 70 dB Contour

The subdivision of land and the splitting of lots to enable the construction of additional housing within the CNEL 70 dB contour shall be incompatible and inconsistent with this ALUCP.

NP-4.4 Residential Rezonings are Incompatible Within CNEL 70 dB Contour

The rezoning of land for residential use within the CNEL 70 dB contour shall be considered incompatible and inconsistent with this ALUCP.

4.4 Safety Compatibility Policies

The safety compatibility policies are established with a twofold purpose:

1. To protect the public health, safety, and welfare by minimizing the public's exposure to the risk associated with potential aircraft accidents in the Airport vicinity.
2. To protect the public interest in providing for the orderly development of SFO by preventing the creation of new safety problems in the Airport environs.

Compared to noise, safety is a much more difficult concern to address in airport/land use compatibility policies. A major reason is that safety policies address uncertain events that may occasionally occur with aircraft operations, whereas noise policies deal with known, more or less predictable, events that occur with every aircraft operation.

Because aircraft accidents happen infrequently, and the time, place, and consequences of their occurrence cannot be accurately predicted, the concept of risk is central to the assessment of safety compatibility. In terms of airport/land use compatibility planning, two questions must be addressed to determine the relative degree of risk posed by potential aircraft accidents in various locations:

- Accident Frequency – Where and when do aircraft accidents typically occur in the vicinity of an airport?
- Accident Severity – What aircraft and land use characteristics contribute to the consequences of an accident when one occurs?

The overall objective of safety compatibility guidelines is to minimize the risks associated with potential aircraft accidents. There are two components to this objective:

- Safety of Persons on the Ground – The most fundamental safety compatibility component is to provide for the safety of people and property on the ground in the event of an aircraft accident near an airport.
- Safety of Aircraft Occupants – The other safety compatibility component is to enhance the chances of survival of the occupants of an aircraft involved in an accident that occurs beyond the runway environment.

The Caltrans *Airport Land Use Planning Handbook* provides guidance on the delineation of safety zones and the application of land use policies in those zones.⁵ The safety zones at SFO are based on the *Handbook* guidance, with adjustments to reflect the specific operating characteristics of the Airport. The safety compatibility policy framework is also based on *Handbook* guidance. The safety compatibility policies of this ALUCP were designed to work in tandem with the airspace protection policies, described in Section 4.5. The land use compatibility standards established in Table IV-2 restrict the development of land uses that could pose particular hazards to the public or to vulnerable populations in case of an aircraft accident.⁶ The maximum building height limits established under the airspace protection policies in Section 4.5 are set at the lowest elevation of the combined airspace surfaces at SFO, including Part 77 airport obstruction surfaces, TERPS obstacle clearance surfaces, and one-engine inoperative clearance surfaces. The airspace surfaces are generally lowest immediately off the runway ends in the safety zones. This maximum height restriction effectively limits the maximum density of residential uses and the intensity of nonresidential uses.⁷

The following safety compatibility policies (SP) shall apply to the ALUCP.

SP-1 SAFETY COMPATIBILITY ZONES

Exhibit IV-7 depicts the safety compatibility zones in the vicinity of SFO. Five zones are established, as follows:

- **Zone 1 -- Runway Protection Zone and Object Free Area (RPZ-OFA):** Zone 1 includes the RPZ and the OFA, areas defined according to FAA airport design criteria.⁸ The RPZ is a trapezoid-shaped area off each runway end, with the dimensions based on the runway approach visibility minimums and the type of aircraft using the runway. The OFA is a rectangular area centered on each runway within which objects, other than those serving a specific aeronautical purpose, are to be prohibited. Zone 1 is an area of relatively high accident risk that FAA encourages airport proprietors to own and keep free of objects, structures, and incompatible uses, including places of assembly (housing, churches, schools, shopping centers, hospitals, and the like), fuel storage, and wildlife attractants.
- **Zone 2 -- Inner Approach/Departure Zone (IADZ):** Zone 2, the IADZ, is designated along the extended centerline of each runway beginning at the outer edge of the RPZ. It is an area of secondary accident risk that tends to be overflown by most aircraft arrivals and departures off each runway end.
- **Zone 3 -- Inner Turning Zone (ITZ):** Zone 3, the ITZ, lies alongside the RPZ and IADZ. It is an area overflown by aircraft making turns at low altitude immediately after takeoff. It tends

⁵ California Department of Transportation, Division of Aeronautics, *California Airport Land Use Planning Handbook*, October 2011, pp. 3-11 – 3-28, 4-13 – 4-34, and Appendices E and F.

⁶ For purposes of this ALUCP, vulnerable populations are those with effective limited mobility, including hospital and nursing home patients and children in schools and day care centers.

⁷ The Caltrans *Handbook* measures residential density in dwelling units per acre and nonresidential intensity in people (occupants) per acre. The rationale for the definition of safety zones and policies is discussed in greater detail in **Appendix E** of this ALUCP.

⁸ FAA Advisory Circular 150/5300-13, *Airport Design*, Section 211 and 307.

to be subject to lower accident risk than the IADZ.

- **Zone 4 -- Outer Approach/Departure Zone (OADZ):** Zone 4, the OADZ, extends along the extended runway centerline immediately beyond the IADZ. It is subject to overflights of aircraft on approach and straight-out departures. At SFO, the OADZ off the west end of Runways 10R-28L and 10L-28R is overflown by a high proportion of departures using Runways 28L and 28R, especially long-haul departures by heavy, wide-body aircraft.
- **Zone 5 – Sideline Zone (SZ):** Zone 5, the SZ, is a rectangular area centered on each runway centerline with a width of 2,000 feet and a length extending 200 feet beyond each runway end. This area is subject to accident risks associated with aircraft losing directional control on takeoff or after landing. At SFO, the SZ is entirely on Airport property.

Exhibit IV-8 presents a close-up view of the safety zones off the west end of Runways 10L-28R and 10R-28L. The RPZs have the following dimensions: 500-foot inner width, 1,010-foot outer width, and 1,700-foot length.

Zone 2 (the IADZ) off each runway extends 4,300 feet beyond the RPZ, with the lateral boundaries extending 750 feet on either side of the extended runway centerline. Zone 4, (the OADZ) extends 4,000 feet beyond Zone 2, with the lateral boundaries extending 500 feet either side of the extended runway centerline.

Zone 3, (the ITZ) extends 6,000 feet from the inner edge of the RPZ on both sides of Zone 2. On the north side, the shape of Zone 3 is designed to capture the area overflown by departures turning right on standard instrument departure routes.⁹ The eastern boundary follows a radial 75 degrees northeast of the extended runway centerline.

⁹ Three published instrument departures at SFO require aircraft using Runways 28L and 28R to turn right immediately after takeoff – the Quiet Two, the Rebas, and the Shoreline One departures. <http://www.airnav.com/airport/KSFO>, accessed February 20, 2012.



LEGEND

Safety Compatibility Zones

- 1 - Runway Protection Zone-Object Free Area
- 2 - Inner Approach/Departure Zone
- 3 - Inner Turning Zone
- 4 - Outer Approach/Departure Zone
- 5 - Sideline Zone

--- Internal boundaries of ALP-defined areas

- Airport Property
- ▲ BART Station
- CALTRAIN Station
- ▲ School
- ▲ Place of Worship
- H Hospital

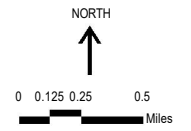
- Municipal Boundary
- Railroad
- == Freeway
- == Road

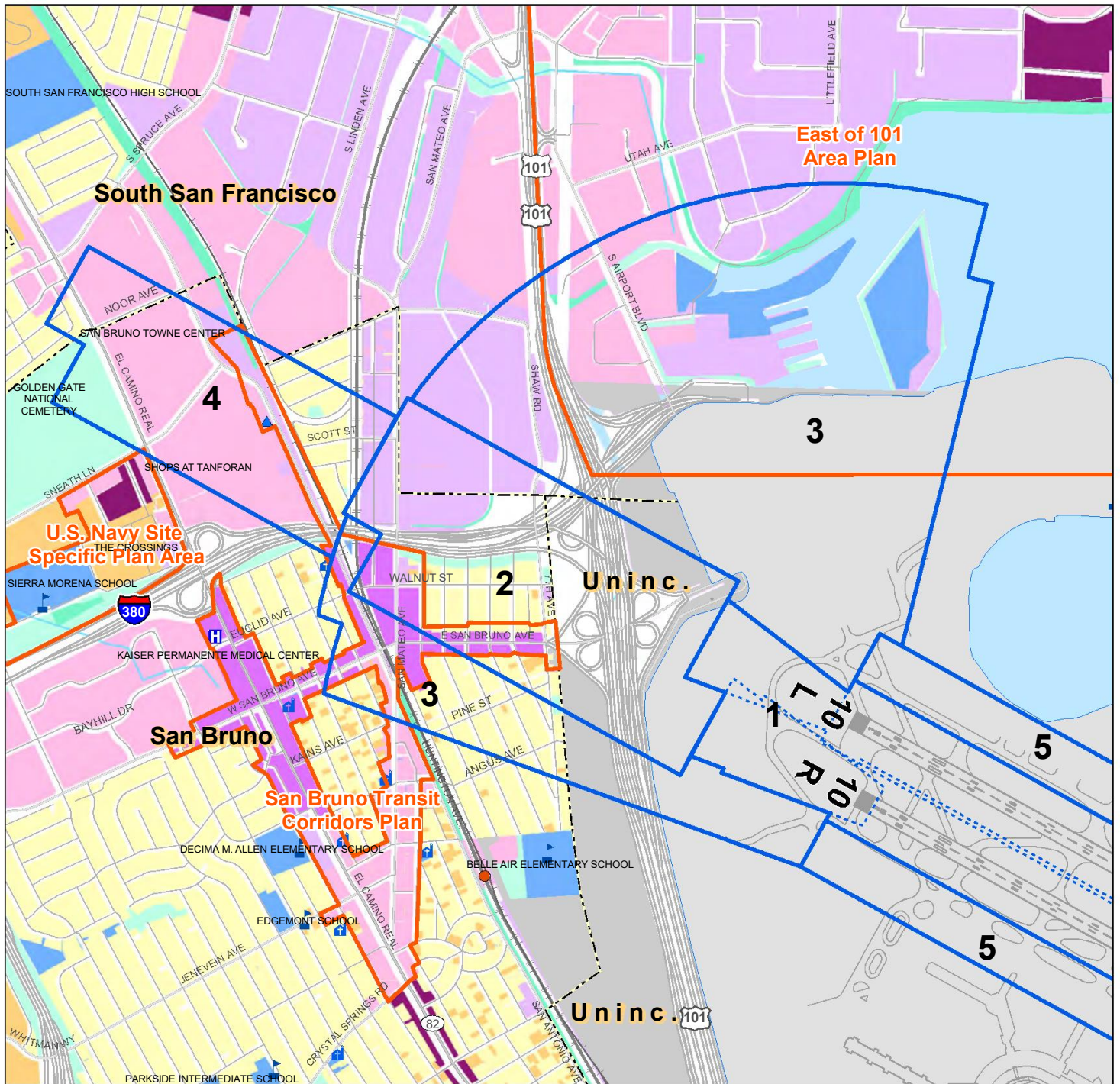
Planned Land Use Per General Plans:

- Public
- Multi-Family Residential
- Single Family Residential
- Mixed Use
- Transit Oriented Development
- Commercial
- Industrial, Transportation, and Utilities
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space
- Planned use not mapped

Sources:

- Safety Compatibility Zones:
 - Jacobs Consultancy Team, 2009; Ricondo & Associates, Inc., 2011
- County Base Maps:
 - San Mateo County Planning & Building Department, 2007
- Local Plans:
 - Burlingame Bayfront Specific Area Plan, August 2006
 - Burlingame Downtown Specific Plan, January 2009
 - Burlingame General Map, September 1984
 - North Burlingame/ Rollins Road Specific Plan, February 2007
 - Colma Municipal Code Zoning Maps, December 2003
 - Daly City General Plan Land Use Map, 1987
 - Hillsborough General Plan, March 2005
 - Millbrae Land Use Plan, November 1998
 - Pacifica General Plan, August 1996
 - San Bruno General Plan, December 2008
 - San Mateo City Land Use Plan, March 2007
 - San Mateo County Zoning Map, 1992
 - South San Francisco General Plan, 1998





LEGEND

Safety Compatibility Zones

- 1 - Runway Protection Zone-Object Free Area
- 2 - Inner Approach/Departure Zone
- 3 - Inner Turning Zone
- 4 - Outer Approach/Departure Zone
- 5 - Sideline Zones
- Internal boundaries of ALP-defined areas
- Specific Plan Area
- Airport Property
- ▲ BART Station
- CALTRAIN Station
- ✎ School
- ✎ Place of Worship
- H Hospital
- Municipal Boundary
- Railroad
- Freeway
- Major Road
- Road

Planned Land Use Per General Plans

- Public
- Multi-Family Residential
- Single Family Residential
- Mixed Use
- Transit Oriented Development
- Commercial
- Industrial, Transportation, and Utilities
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space

Sources:

- Local Plans:**
- San Bruno General Plan, December 2008
 - South San Francisco General Plan, 1998

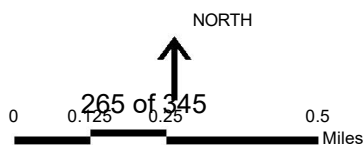


Exhibit IV-8
**SAFETY COMPATIBILITY ZONES
 IN THE CITIES OF SOUTH SAN FRANCISCO
 AND SAN BRUNO**
 Comprehensive Airport Land Use Plan
 for the Environs of San Francisco International Airport
C/CAG
 City/County Association of Governments
 of San Mateo County, California

Exhibit IV-9 depicts the safety zones off the south end of Runways 1L-19R and 1R-19L. In Zone 1, the RPZs have a 500-foot inner width, 1,010-foot outer width and 1,700-foot length. Zone 2 (the IADZ) extends 4,300 feet from the outer edge of the RPZ and is 1,500 feet wide, centered on the extended runway centerline. Zone 3 (the ITZ) extends 6,000 feet from the inner edge of each RPZ. On the east side, Zone 3 is fanned 70 degrees east of the extended runway centerline. This reflects the left departure turns made by nearly all aircraft taking off on Runways 19L and 19R and 19R.¹⁰ Zone 4, the OADZ, extends 4,000 feet beyond the end of Zone 2.

SP-2 SAFETY COMPATIBILITY LAND USE CRITERIA

The land use compatibility criteria for safety are established in **Table IV-2**. The safety compatibility criteria are generally based on the guidelines provided in the *California Airport Land Use Planning Handbook*, although modifications have been made in recognition of the intense level of existing development in the airport vicinity. See Appendix E for a discussion of the factors that were considered in establishing the safety compatibility policies.

The criteria include two categories – uses that are incompatible and uses that should be avoided in the respective zones.

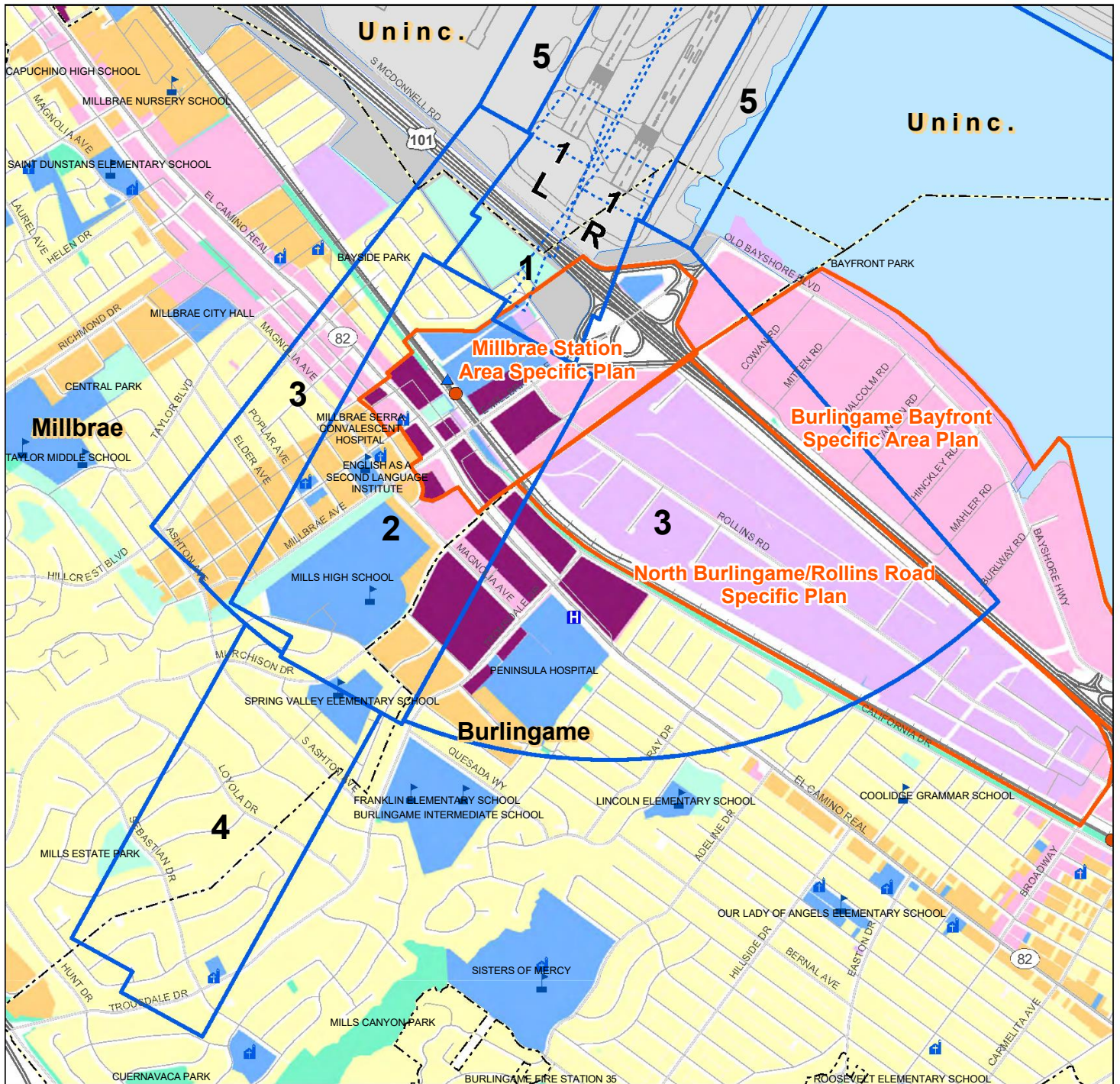
- Incompatible Uses – uses that are incompatible within the safety zone.
- Uses to be Avoided – uses that should not be allowed in the safety zone unless no feasible alternative is available, as determined by the land use agency with permitting authority. Where these uses are allowed, habitable structures shall be provided with at least 50 percent more exits than required by applicable codes. If the 50 percent calculation results in a fraction, the fractional number shall be rounded up to the next whole number.

ZONE I – RUNWAY PROTECTION ZONE AND OBJECT FREE AREA (RPZ-OFA)

Zone I is the zone where the accident risk is highest. At SFO, the RPZs for Runways 10R and 10L are on Airport property or on public highway right-of-way. Most of the RPZs for Runways 1L and 1R are on Airport property or public right-of-way. Part of the RPZs lie in Bayside Park and small areas extend onto private property. All of the OFAs (Object Free Areas) are on Airport property.

The compatibility criteria presented in Table IV-2 declare that all new structures in Zone I are incompatible. All but very low intensity nonresidential uses, at the outer edges of the RPZs, are to be avoided. Examples of potentially acceptable nonresidential uses include parking lots and outdoor equipment storage.

¹⁰ All published instrument departure procedures for Runways 19L and 19R require aircraft to turn left immediately after takeoff. <http://www.airnav.com/airport/KSFO>, accessed February 20, 2012.



LEGEND

Safety Compatibility Zones

- 1 - Runway Protection Zone-Object Free Area
- 2 - Inner Approach/Departure Zone
- 3 - Inner Turning Zone
- 4 - Outer Approach/Departure Zone
- 5 - Sideline Zones
- Internal boundaries of ALP-defined areas
- Specific Plan Area
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- CALTRAIN Station
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- Major Road
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Planned Land Use Per General Plans

- Public
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- Single Family Residential
- Mixed Use
- Transit Oriented Development
- Commercial
- Industrial, Transportation, and Utilities
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space

Sources:

- Local Plans:**
- San Bruno General Plan, December 2008
 - South San Francisco General Plan, 1998

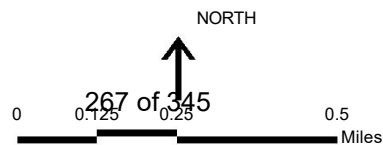


Table IV-2 (1 of 2) Safety Compatibility Criteria

ZONE	LAND USE CRITERIA	
	INCOMPATIBLE ^{1/}	AVOID ^{1/}
Zone 1: Runway Protection Zone and Object Free Area (RPZ-OFA)		
	All new structures ^{3/} Places of assembly not in structures Hazardous uses ^{2/} Critical public utilities ^{2/}	Nonresidential uses except very low intensity uses ^{4/} in the “controlled activity area.” ^{2/}
Zone 2: Inner Approach/Departure Zone (IADZ)		
	Children’s schools ^{2/} Large child day care centers and noncommercial employer-sponsored centers ancillary to a place of business ^{2/} Hospitals, nursing homes Hazardous uses ^{2/} Critical public utilities ^{2/} Theaters, meeting halls, places of assembly seating more than 300 people Stadiums, arenas	---
Zone 3: Inner Turning Zone (ITZ)		
	Biosafety Level 3 and 4 facilities ^{2/} Children’s schools ^{2/} Large child day care centers ^{2/} Hospitals, nursing homes Stadiums, arenas	Hazardous uses other than Biosafety Level 3 and 4 facilities ^{2/} Critical public utilities ^{2/}
Zone 4: Outer Approach/Departure Zone (OADZ)		
	Biosafety Level 3 and 4 facilities ^{2/} Children’s schools ^{2/} Large child day care centers ^{2/} Hospitals, nursing homes Stadiums, arenas	Hazardous uses other than Biosafety Level 3 and 4 facilities ^{2/} Critical public utilities ^{2/}
Zone 5: Sideline Zone (SZ)		
	Children’s schools ^{2/} Large child day care facilities and noncommercial employer-sponsored centers ancillary to a place of business Hospitals, nursing homes Hazardous uses ^{2/} Critical public utilities ^{2/} Stadiums, arenas	---

Table IV-2 (2 of 2) Safety Compatibility Criteria

Notes:

- 1/ *Avoid:* Use is not fully compatible and should not be permitted unless no feasible alternative is available. Where use is allowed, habitable structures shall be provided with at least 50 percent more exits than required by applicable codes. Where the 50-percent factor results in a fraction, the number of additional exits shall be rounded to the next highest whole number.
- Incompatible:* Use is not compatible in the indicated zones and cannot be permitted.
- 2/ Definitions
- *Biosafety Level 3 and 4 facilities:* Medical and biological research facilities involving the storage and processing of extremely toxic or infectious agents. See Policy SP-3 for additional detail.
 - *Children's schools:* Public and private schools serving preschool through grade 12, excluding commercial services.
 - *Controlled Activity Area:* The lateral edges of the RPZ, outside the Runway Safety Area (RSA) and the extension of the RSA, which extends to the outer edge of the RPZ. See FAA Advisory Circular 150/5300-13, Airport Design, Section 212a.(1)(b).
 - *Critical public utilities:* Facilities that, if disabled by an aircraft accident, could lead to public safety or health emergencies. They include the following: electrical power generation plants, electrical substations, wastewater treatment plants, and public water treatment facilities.
 - *Hazardous uses:* Uses involving the manufacture, storage, or processing of flammable, explosive, or toxic materials that would substantially aggravate the consequences of an aircraft accident. See Policy SP-3 for additional detail.
 - *Large child day care centers:* Commercial facilities defined in accordance with Health and Safety Code, Section 1596.70, et seq., and licensed to serve 15 or more children. Family day care homes and noncommercial employer-sponsored facilities ancillary to place of business are allowed.
- 3/ Structures serving specific aeronautical functions are allowed, in compliance with applicable FAA design standards.
- 4/ Examples include parking lots and outdoor equipment storage.

SOURCE: Ricondo & Associates, Inc., June 2012.

PREPARED BY: Ricondo & Associates, Inc., June 2012.

ZONE 2 -- INNER APPROACH/DEPARTURE ZONE (IADZ)

In Zone 2, the IADZ, a variety of uses that involve hazardous materials, critical public utilities, theaters, meeting halls, places of assembly seating more than 300 people, stadiums, arenas, and those accommodating potentially vulnerable populations – such as children's schools, child day care facilities, hospitals, and nursing homes – are incompatible.

ZONE 3 -- INNER TURNING ZONE (ITZ)

The compatibility criteria in Zone 3, the ITZ, are somewhat less restrictive than in Zone 2. This is because the area is subject to less accident risk by virtue of the lower density of overflights in this area. In Zone 3, stadiums, arenas, and uses accommodating potentially vulnerable populations are incompatible. Hazardous uses and critical public utilities are not incompatible in Zone 3, but are classified as uses to be avoided. This means that they should not be permitted unless no feasible alternative is available.

ZONE 4 - OUTER APPROACH/DEPARTURE ZONE (OADZ)

The compatibility criteria in Zone 4, the OADZ, are the same as in Zone 3.

ZONE 5 – SIDELINE ZONE (SZ)

The compatibility criteria in Zone 5 are the same as those in Zone 2.

SP-3 HAZARDOUS USES

Hazardous uses, facilities involving the manufacture, processing, or storage of hazardous materials, can pose serious risks to the public in case of aircraft accidents. Hazardous materials of particular concern in this ALUCP, and which are covered by the safety compatibility criteria in Table IV-2, are the following:

- A. Aboveground fuel storage** — This includes storage tanks with capacities greater than 10,000 gallons of any substance containing at least 5 percent petroleum.¹¹ Project sponsors must provide evidence of compliance with all applicable regulations prior to the issuance of development permits.
- B. Facilities where toxic substances are manufactured, processed or stored** — Proposed land use projects involving the manufacture or storage of toxic substances may be allowed if the amounts of the substances do not exceed the threshold planning quantities for hazardous and extremely hazardous substances specified by the EPA.¹²
- C. Explosives and fireworks manufacturing and storage** — Proposed land use projects involving the manufacture or storage of explosive materials may be allowed in safety zones only in compliance with the applicable regulations of the California Division of Occupational Safety and Health (Section 5252, Table EX-1). Project sponsors must provide evidence of compliance with applicable state regulations prior to the issuance of any development permits.¹³
- D. Medical and biological research facilities handling highly toxic or infectious agents** — These facilities are classified by “Biosafety Levels.”¹⁴ Biosafety Level I does not involve hazardous materials and is not subject to the restrictions on hazardous uses in Table IV-2. Definitions of the other three biosafety levels are quoted from *Biosafety in Microbiological and Biomedical Laboratories*, below.¹⁵
 - a. Biosafety Level 2 practices, equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, and other laboratories in which work is done with the broad spectrum of indigenous moderate-risk agents that are present in the community

¹¹ State of California, California Health and Safety Code, Section 25270 (*Aboveground Petroleum Storage Act*).

¹² Title 40 Code of Federal Regulations Part 355, Subpart D, Appendices A & B.

¹³ California Code of Regulations, Title 8, Subchapter 7 *General Industry Safety Orders*, Group 18 *Explosives and Pyrotechnics*, Article 114 *Storage of Explosives*.

¹⁴ *Biosafety in Microbiological and Biomedical Laboratories*, 5th Edition, 2009, published by the U.S. Department of Health and Human Services in concert with the Public Health Service, Centers for Disease Control and Prevention, and National Institutes of Health, or any successor publication.

¹⁵ *Biosafety in Microbiological and Biomedical Laboratories*, 5th Edition, 2009, published by the U.S. Department of Health and Human Services in concert with the Public Health Service, Centers for Disease Control and Prevention, and National Institutes of Health, pp. 25-26.

and associated with human disease of varying severity.

- b. Biosafety Level 3 practices, safety equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, research, or production facilities in which work is done with indigenous or exotic agents with a potential for respiratory transmission, and which may cause serious and potentially lethal infection.
- c. Biosafety Level 4 practices, safety equipment, and facility design and construction are applicable for work with dangerous and exotic agents that pose a high individual risk of life-threatening disease, which may be transmitted via the aerosol route and for which there is no available vaccine or therapy.

4.5 Airspace Protection

The compatibility of proposed land uses with respect to airspace protection shall be evaluated in accordance with the policies set forth in this section. These policies are established with a twofold purpose:

1. To protect the public health, safety, and welfare by minimizing the public's exposure to potential safety hazards that could be created through the construction of tall structures.
2. To protect the public interest in providing for the orderly development of SFO by ensuring that new development in the Airport environs avoids compromising the airspace in the Airport vicinity. This avoids the degradation in the safety, utility, efficiency, and air service capability of the Airport that could be caused by the attendant need to raise visibility minimums, increase minimum rates of climb, or cancel, restrict, or redesign flight procedures.

4.5.1 FEDERAL REGULATIONS REGARDING TALL STRUCTURES

14 Code of Federal Regulations (CFR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*, governs the FAA's review of proposed construction exceeding certain height limits, defines airspace obstruction criteria, and provides for FAA aeronautical studies of proposed construction. **Appendix F** describes the FAA airspace review process and the extent of FAA authority related to airspace protection.

4.5.2 PART 77, SUBPART B, NOTIFICATION PROCESS

Federal regulations require any person proposing to build a new structure or alter an existing structure with a height that would exceed the elevations described in CFR Part 77, Subpart B, Section 77.9, to prepare an FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, and submit the notice to the FAA. The regulations apply to buildings and other structures or portions of structures, such as mechanical equipment, flag poles, and other projections that may exceed the aforementioned elevations.

Attachment D
SFO ALUCP Airspace Protection Policies

and associated with human disease of varying severity.

- b. Biosafety Level 3 practices, safety equipment, and facility design and construction are applicable to clinical, diagnostic, teaching, research, or production facilities in which work is done with indigenous or exotic agents with a potential for respiratory transmission, and which may cause serious and potentially lethal infection.
- c. Biosafety Level 4 practices, safety equipment, and facility design and construction are applicable for work with dangerous and exotic agents that pose a high individual risk of life-threatening disease, which may be transmitted via the aerosol route and for which there is no available vaccine or therapy.

4.5 Airspace Protection

The compatibility of proposed land uses with respect to airspace protection shall be evaluated in accordance with the policies set forth in this section. These policies are established with a twofold purpose:

1. To protect the public health, safety, and welfare by minimizing the public's exposure to potential safety hazards that could be created through the construction of tall structures.
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Exhibit IV-10 depicts the approximate elevations at which the 14 CFR Part 77 notification requirements would be triggered; see **Exhibit IV-11** for a close-up view of the northern half and **Exhibit IV-12** for a close-up view of the southern half of the area. These exhibits are provided for informational purposes only. Official determinations of the areas and elevations within which the federal notification requirements apply are subject to the authority of the FAA. The FAA is empowered to require the filing of notices for proposed construction based on considerations other than height. For example, in some areas of complex airspace and high air traffic volumes, the FAA may be concerned about the potential for new construction of any height to interfere with electronic navigation aids. In these areas, the FAA will want to review all proposed construction projects.

The FAA has developed an on-line tool for project sponsors to use in determining whether they are required to file a Notice of Proposed Construction or Alteration. Sponsors of proposed projects are urged to refer to this website to determine whether they are required to file Form 7460-1 with the FAA:

<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

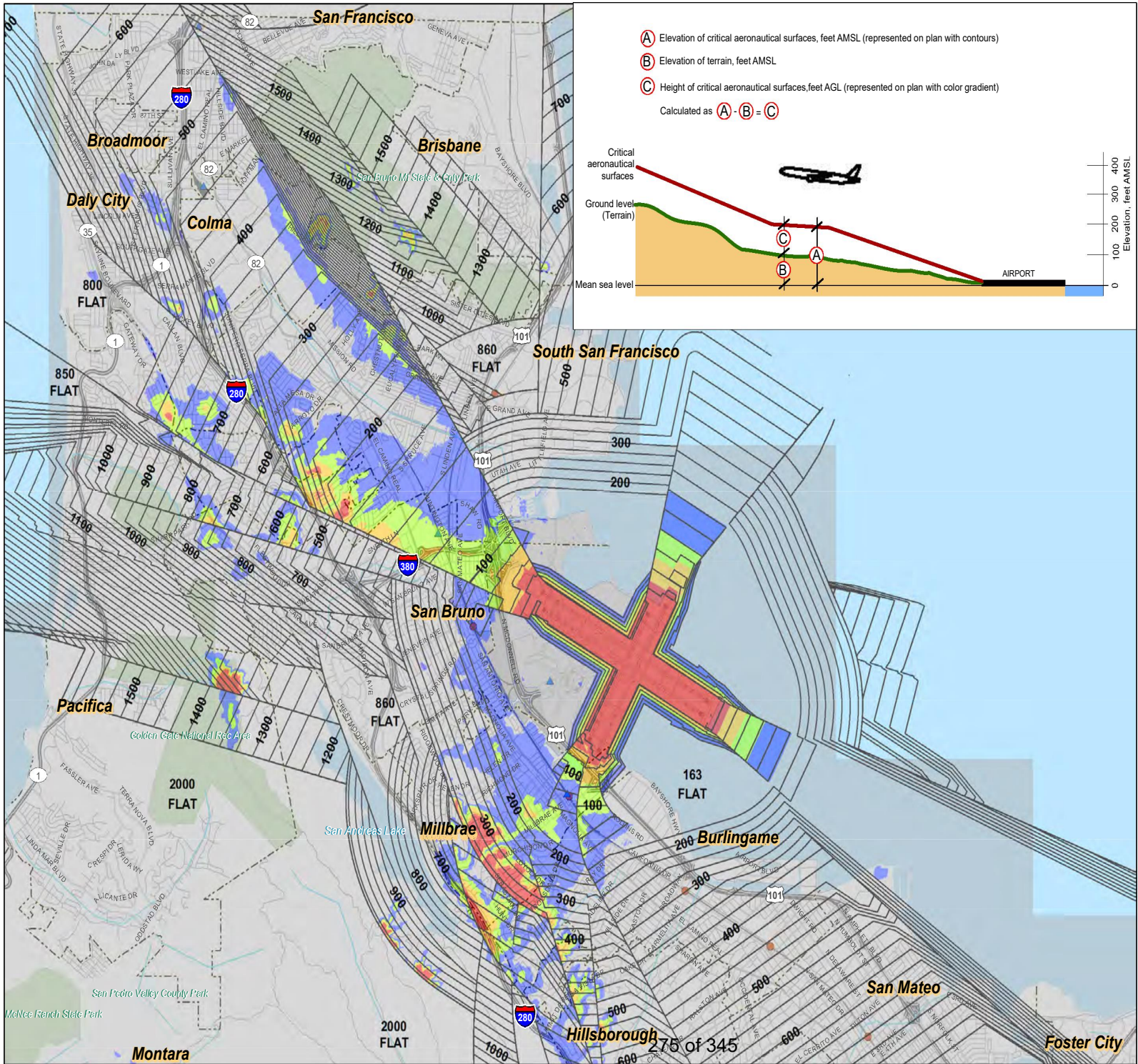
4.5.3 AIRSPACE MAPPING

Part 77, Subpart C, establishes obstruction standards for the airspace around airports including approach zones, conical zones, transitional zones, and horizontal zones known as “imaginary surfaces.” **Exhibit IV-13** depicts the Part 77 Civil Airport Imaginary Surfaces at SFO. The imaginary surfaces rise from the primary surface, which is at ground level immediately around the runways. The surfaces rise gradually along the approach slopes associated with each runway end and somewhat more steeply off the sides of the runways. The FAA considers any objects penetrating these surfaces, whether buildings, trees or vehicles travelling on roads and railroads, as obstructions to air navigation. Obstructions may occur without compromising safe air navigation, but they must be marked, lighted, and noted on aeronautical publications to ensure that pilots can see and avoid them.

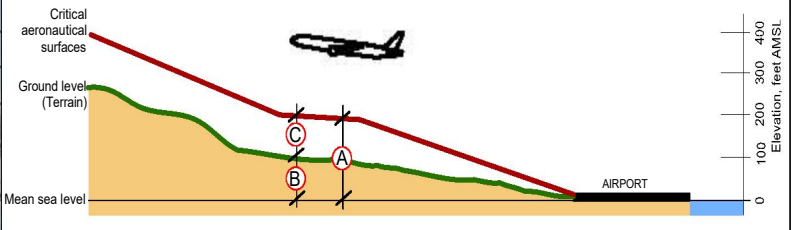
Close-up views of the north and south sides of the Part 77 surfaces are provided in **Exhibit IV-14** and **Exhibit IV-15**, respectively. Additionally, **Exhibit IV-16** provides an illustration of the outer approach and transitional surfaces located on the southeast side of the Part 77 surfaces.

Together with its tenant airlines, SFO has undertaken a mapping effort to illustrate the critical aeronautical surfaces that protect the airspace required for multiple types of flight procedures such as those typically factored into FAA aeronautical studies, as shown on **Exhibit IV-17** and **Exhibit IV-18**. These aeronautical surfaces include those established in accordance with FAA Order 8260.3B, *U.S. Standard for Terminal Instrument Procedures (TERPS)*, and a surface representing the airspace required for One-Engine Inoperative (OEI) departures from Runway 28L (to the west through the San Bruno Gap).¹⁶ The exhibits depict the lowest elevations from the combination of the OEI procedure surface and all TERPS surfaces. The surfaces are defined with Required Obstacle Clearance (ROC) criteria to ensure safe separation of aircraft using the procedures from the underlying obstacles. Any proposed structures penetrating these surfaces are likely to receive Determinations of Hazard (DOH) from the FAA through the 7460-1 aeronautical study process. These surfaces indicate the maximum height at which structures can be considered compatible with Airport operations.

¹⁶ See Appendix F, Section F.3.2 for a discussion of one-engine inoperative procedures.



- (A) Elevation of critical aeronautical surfaces, feet AMSL (represented on plan with contours)
 - (B) Elevation of terrain, feet AMSL
 - (C) Height of critical aeronautical surfaces, feet AGL (represented on plan with color gradient)
- Calculated as $(A) - (B) = (C)$



LEGEND

- (A) — 100 — Elevation of critical aeronautical surfaces, feet Above Mean Sea Level (AMSL), North American Vertical Datum of 1988 (NAVD88)
- (C) **Height of Critical Aeronautical Surfaces, Feet Above Ground Level (AGL)**
 - 35 and lower
 - 35- 65
 - 65 - 100
 - 100 - 150
 - 150 and more
- Airport Property
- ▲ BART Station
- CALTRAIN Station
- Regional Park or Recreation Area
- - - Municipal Boundary
- Railroad
- Freeway
- Road

Notes:

1. This map is intended for informational and conceptual planning purposes, generally representing the aeronautical surfaces considered most critical by San Francisco International Airport (SFO) and its constituent airlines. It does not represent actual survey data, nor should it be used as the sole source of information regarding compatibility with airspace clearance requirements in the development of data for an FAA Form 7460-1, Notice of Proposed Construction or Alteration. SFO does not certify its accuracy, information, or title to the properties contained in this plan. SFO does make any warrants of any kind, express or implied, in fact or by law, with respect to boundaries, easements, restrictions, claims, overlaps, or other encumbrances affecting such properties.

2. This map does not replace the FAA's obstruction evaluation / airport airspace analysis (OE/AAA) review process. Proposing construction at elevations and heights that are lower than the critical aeronautical surfaces shown on this map, (a) does not relieve the construction sponsor of the obligation to file an FAA Form 7460-1, and (b) does not ensure that the proposal will be acceptable to the FAA, SFO, air carriers, or other agencies or stakeholders. SFO, San Mateo County, and local authorities having jurisdiction reserve the right to re-assess, review, and seek modifications to projects that may be consistent with this critical aeronautical surfaces map but that through the FAA OE/AAA process are found to have unexpected impacts to the safety or efficiency of operations at SFO.

Sources: San Francisco International Airport, Jacobs Consultancy, and Planning Technology Inc., 2009

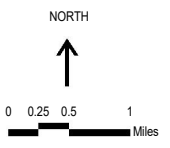


Exhibit IV-19, which is provided for information purposes only, depicts a profile view of the lowest critical airspace surfaces along the extended centerline of Runway 10L-28R – the TERPS Obstacle Departure Procedure (ODP) surface, representing standard all-engines departures, and the approximate OEI surface developed by SFO through independent study in consultation with the airlines serving SFO. The exhibit also shows the terrain elevation beneath the airspace surfaces and various aircraft approach and departure profiles, based on varying operating assumptions. The exhibit illustrates a fundamental principle related to the design of airspace protection surfaces. The surfaces are always designed below the actual aircraft flight profile which they are designed to protect, thus providing a margin of safety. Note that the ODP climb profile is above the ODP airspace surface, and the OEI climb profile is above the OEI airspace surface.

4.5.4 AIRSPACE PROTECTION POLICIES

The following airspace protection policies (AP) shall apply to the ALUCP.

AP-1 COMPLIANCE WITH 14 CFR PART 77, SUBPART B, NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

AP-1.1 Local Government Responsibility to Notify Project Sponsors

Local governments should notify sponsors of proposed projects at the earliest opportunity to file Form 7460-1, *Notice of Proposed Construction or Alteration*, with the FAA for any proposed project that would exceed the FAA notification heights, as shown approximately on Exhibit IV-10. Under Federal law, it is the responsibility of the project sponsor to comply with all notification and other requirements described in 14 CFR Part 77. This requirement applies independent of this ALUCP.

AP-1.2 FAA Aeronautical Study Findings Required Before Processing Development Application

The sponsor of a proposed project that would exceed the FAA notification heights, as shown approximately on Exhibit IV-10, shall present to the local government permitting agency with his or her application for a development permit, a copy of the findings of the FAA's aeronautical study, or evidence demonstrating that he or she is exempt from having to file an FAA Form 7460-1. It is the responsibility of the local agency to consider the FAA determination study findings as part of its review and decision on the proposed project.

AP-2 COMPLIANCE WITH FINDINGS OF FAA AERONAUTICAL STUDIES

Project sponsors shall be required to comply with the findings of FAA aeronautical studies with respect to any recommended alterations in the building design and height and any recommended marking and lighting of their structures for their proposed projects to be deemed consistent with this ALUCP.

AP-3 MAXIMUM COMPATIBLE BUILDING HEIGHT

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 (Exhibits IV-17 and IV-18), 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.

For the vast majority of parcels, the height limits established in local zoning ordinances are lower than the critical airspace surfaces. In those cases, the zoning district height regulations will control. Compliance with the zoning district height and the SFO critical aeronautical surfaces map, however, does not relieve the construction sponsor of the obligation to file a FAA Form 7460-1 *Notice of Proposed Construction or Alteration*, if required, and to comply with the determinations resulting from the FAA’s aeronautical study.

For a project to be consistent with this ALUCP, no local agency development permits shall be issued for any proposed structure that would penetrate the aeronautical surfaces shown on Exhibits IV-17 and IV-18 or the construction of which **has not** received a Determination of No Hazard from the FAA, or which would cause the FAA to increase the minimum visibility requirements for any instrument approach or departure procedure at the Airport.

AP-4 OTHER FLIGHT HAZARDS ARE INCOMPATIBLE

Proposed land uses with characteristics that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft taking off or landing at the Airport or in flight are incompatible in Area B of the Airport Influence Area. They may be permitted only if the uses are consistent with FAA rules and regulations. Proof of consistency with FAA rules and regulations and with any performance standards cited below must be provided to the Airport Land Use Commission (C/CAG Board) by the sponsor of the proposed land use action.

Specific characteristics that may create hazards to aircraft in flight and which are incompatible include:

- (a) Sources of glare, such as highly reflective buildings or building features, or bright lights, including search lights or laser displays, which would interfere with the vision of pilots making approaches to the Airport.
- (b) Distracting lights that that could be mistaken by pilots on approach to the Airport for airport identification lighting, runway edge lighting, runway end identification lighting, or runway approach lighting.
- (c) Sources of dust, smoke, or water vapor that may impair the vision of pilots making approaches to the Airport.
- (d) Sources of electrical interference with aircraft or air traffic control communications or navigation equipment, including radar.
- (e) Land uses that, as a regular byproduct of their operations, produce thermal plumes with the potential to rise high enough and at sufficient velocities to interfere with the control of aircraft in

flight. Upward velocities of 4.3 meters (14.1 feet) per second at altitudes above 200 feet above the ground shall be considered as potentially interfering with the control of aircraft in flight.¹⁷

(f) Any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including, but not limited to, FAA Order 5200.5A, *Waste Disposal Sites On or Near Airports*, FAA Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*, and any successor or replacement orders or advisory circulars. Exceptions to this policy are acceptable for wetlands or other environmental mitigation projects required by ordinance, statute, court order, or Record of Decision issued by a federal agency under the National Environmental Policy Act.

4.5.5 iALP AIRSPACE TOOL

In consultation with C/CAG, SFO developed the iALP Airspace Tool, a web-based, interactive tool to evaluate the relationship of proposed buildings with the Airport's critical airspace surfaces. The iALP Airspace Tool is designed to assist planners, developers, and other interested persons with the implementation of the airspace protection policies of the SFO ALUCP. The tool helps users determine: (1) the maximum allowable building height at a given site, and/or (2) whether a building penetrates a critical airspace surface, and by how much, given the proposed building height.

A more detailed description of the iALP Airspace Tool and a tutorial explaining how to use it is presented in **Appendix J**. Use of this tool, however, does not relieve a project sponsor of the duty to comply with all federal regulations, including the obligation to file Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA.

¹⁷ This is a threshold established by the California Energy Commission in its review of power plant licensing applications. See *Blythe Solar Power Project: Supplemental Staff Assessment, Part 2*, CEC-700-2010-004-REVI-SUP-PT2, July 2010. California Energy Commission. Docket Number 09-AFC-6, p. 25. This criterion is based on guidance established by the Australian Government Civil Aviation Authority (Advisory Circular AC 139-05(0), June 2004). The FAA's Airport Obstructions Standards Committee (AOSC) is studying this matter but has not yet issued specific guidance.

California Department of Transportation

AERONAUTICS PROGRAM
DIVISION OF TRANSPORTATION PLANNING
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May 9, 2024

Mr. Michael Smith, Senior Planner
City of San Bruno
Community & Economic Development Department
567 El Camino Real
San Bruno, CA 94066-4299
Electronically submitted msmith@sanbruno.ca.gov

Dear Mr. Smith:

Thank you for notifying the California Department of Transportation (Caltrans), Aeronautics, of the proposed overrule by the City of San Bruno (City). The City is proposing to overrule Resolution 24-11 of the City/County Association of Governments of San Mateo County (C/CAG) Airport Land Use Committee (ALUC), for the San Francisco International Airport (SFO).

On April 10, 2024, Caltrans received an email notification in accordance with Sections 21676(b) and 21676.5(a) of the California Public Utilities Code that the City Council of the City of San Bruno directed the City Manager at their meeting on April 9, 2024, to provide notice of a proposed override decision by the City Council. This is an override of the C/CAG's ALUC determination of inconsistency on March 14, 2024 of the noise policies of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (ALUCP) regarding the Draft 2023-2031 Housing Element Update.

The proposed General Plan and Navy Site Specific Plan Amendments and Rezoning of 1101, 1150, and 1151 El Camino Real and 1292 Huntington Ave project (Project) consists of four sites near the San Bruno BART Station which require a combination of rezonings and plan amendment to permit housing. The Project sites include the Shops at Tanforan (1150 El Camino Real), the Tanforan overflow parking lot (1292 Huntington Ave.), the San Bruno Pet Hospital (1101 El Camino Real), and Russo Dental (1151 El Camino Real). The proposed Project sites are within the Airport Influence Area (AIA) of SFO as defined in the ALUCP, with much of the Project located within ALUCP's Safety Compatibility Zone 4, the Outer Approach/Departure Zone. All four sites are located within SFO ALUCP

Airport Influence Area B and within the 70 – 75 decibel (dB) Community Noise Equivalent Level (CNEL) contour where housing is not compatible. Caltrans Aeronautics concurs with the ALUC findings that the Project is inconsistent with the policies of the ALUCP. The proposed housing sites are located within the 70 dB CNEL contour, in direct conflict with the ALUCP noise compatibility policies. The Project includes adding a minimum of 1,050 housing units at the Tanforan sites (A.K.A. The Shops at Tanforan), adding a minimum of 60 housing units at the San Bruno Pet Hospital site, and adding a minimum of 40 housing units at the dental office site. All of the sites require a combination of either rezoning, a Specific Plan amendment, or amendments to a Planned Development District. The General Plan will also be amended to effectuate housing on these sites. These same sites were planned for housing in San Bruno's draft 2023-2031 Housing Element which was reviewed by the ALUC in November 2022. The ALUC found the new Housing Element inconsistent with the ALUCP and Caltrans Aeronautics agreed with the ALUC (as described in the attached letter dated 12/14/2022) noting additional serious safety concerns with the draft 2023-2031 Housing Element. The City is now proposing changes to the general plan and zoning designations on these four sites to accommodate the identified housing units.

Aeronautics 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).

Regarding noise compatibility for residential uses, the California Airport Land Use Planning Handbook (Handbook), published by Caltrans in 2011, states the three CNEL values of acceptable residential noise exposure are 65 dB, 60 dB, or 55 dB. The choices and rationale for each are listed in Table 4B of the Handbook on page 4-7. The Projects projected 70 dB contour directly conflicts with the Handbook which 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.”

Further, the majority of the proposed Project sites are located in the Handbook's Safety Zone 4, which is the Outer Approach/Departure Zone. This Safety Zone is considered by the Handbook as having a moderate risk level for an aircraft accident occurring at these locations. Per Handbook page 4-23 the Safety Zone 4 policy states the basic compatibility is to limit residential uses to low density in Safety Zone 4, and allow infill at up to the average density/intensity of comparable surrounding uses. Additionally, in Safety Zone 4, prohibited uses include children's schools, large daycare centers of 15 or more children, nursing homes, and hospitals. 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.

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..."

Aeronautics stresses the importance of considering the compatibility policies in the ALUCP, with references in the Handbook for supplemental guidance.

Additionally, as an unfortunate commonality in California, Caltrans 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*. 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.

The proposed Project will create new noise and safety issues which is not in compliance with the ALUCP nor following the guidance of the Handbook. As you will see in the attached comment letters from Caltrans dated January 25,

Mr. Michael Smith, Senior Planner
May 9, 2024
Page 4

2022; August 26, 2022; October 28, 2022; and December 14, 2022; we have brought forward these same noise and safety concerns on redevelopment projects in this general area. The comments contained in those letters continue to stand and should also be considered on the proposed project within the City of San Bruno.

Please note: Caltrans 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 ingrid.mcroberts@dot.ca.gov or call (805) 835-6555.

Sincerely,

Ingrid McRoberts

Ingrid McRoberts
Aviation Planner
Caltrans Aeronautics

c: Suzy Kalkin, Staff, C/CAG ALUC; kkalkin@smcgov.org
Nupur Sinha, Director, Planning & Environmental Affairs, San Francisco International Airport (SFO), nupur.sinha@flysfo.com
Joseph Carroll, Attorney, Legal Division, CA Department of Transportation, joe.carroll@dot.ca.gov
Matt Friedman, Chief, Office of Aviation Planning, Caltrans Aeronautic, Matthew.friedman@dot.ca.gov

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*Making Conservation
 a California Way of Life.*

January 25, 2022

Mr. Jovan D. Grogan
 City Manager
 City of San Bruno
 567 El Camino Real
 San Bruno, CA 94066-4247

Electronically Sent
citymanagersoffice@sanbruno.ca.gov

Dear Mr. Grogan:

One of the goals of the California Department of Transportation (Caltrans), Division of Aeronautics (Division), is to assist cities, counties, and Airport Land Use Commissions (ALUC) in the development and implementation of policies that protect the safety and general welfare of their communities in which aeronautical activities take place. Recently, it came to Caltrans' attention that the City of San Bruno (City) is reviewing the proposed "Reimagining Tanforan" redevelopment project (Project). As such, the Division feels it is important for the City to consider specific aviation concerns as the proposed Project progresses.

The proposed Project 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. The *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (ALUCP) prepared by San Mateo County, indicates the proposed Project is within SFO's 70 decibels (dB) Community Noise Equivalent Level (CNEL) contour. The ALUCP states: "residential uses are not compatible" at 70 CNEL. (SFO ALUCP p. IV-19). 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." While construction practices can reduce interior noise levels to 45 CNEL, residents would not be expected to remain indoors continuously. When outside or when opening windows or doors, they would remain subjected to 70 CNEL from regular aircraft overflights. These considerations are consistent with the Division's *California Land Use Planning Handbook* (Handbook). The Handbook's guidance with the California Building Code (Title 24 CCR, Handbook pages 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."

The ALUCP for SFO defines all critical aeronautical surfaces in relation to mean sea level as measured from the origin point of the North American Vertical Datum of 1988 (NAVD88), and so the maximum building height permissible at any point may be calculated by subtracting the ground elevation above Mean Sea Level (AMSL) from the elevation AMSL of the critical aeronautical surface. In the proposed Project area, the ALUCP for SFO indicates that the maximum elevation of structures should be no higher than approximately 126 feet above AMSL at the southeastern corner, and up to approximately 144 feet AMSL along the proposed Project's northwestern edge. To exceed the existing permitted maximum elevation of 126 feet 9 inches AMSL could penetrate the critical aeronautical surfaces around SFO and cause changes to operations including, but not limited to, the creation of new procedures, which could expose more residents to overflight noise.

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, the horizontal criteria applies, requiring FAA airspace evaluation for each structure. 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.

The Division stresses the importance of considering the compatibility policies in the SFO ALUCP, with references in the Division's Handbook for supplemental guidance. Additionally, as an unfortunate commonality in California, the Division 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*. The Division 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.

If you have questions or we may be of further assistance, Caltrans stands ready to offer additional subject matter expertise:

- Mark Leung in Caltrans District 4, Oakland, (mark.leung@dot.ca.gov) regarding local development review

- Christopher Brooks (christopher.brooks@dot.ca.gov), Aviation Safety Officer for the Bay Area, Aeronautics Division in Sacramento, regarding airspace, airport safety, and flight operations
- Dennis O'Connor (dennis.oconnor@dot.ca.gov), Associate Transportation Planner in the Aeronautics Division in Sacramento, regarding land use, the State aviation system, and FAA regulations

Caltrans appreciates the opportunity to maintain an on-going collaborative effort with the City of San Bruno that endeavors to meet multiple needs for preserving local safety, supporting airport safety, and assisting the City of San Bruno in meeting its needs and goals. Please contact me as needed via email at gabrielle.sefranek@dot.ca.gov.

Sincerely,

Originally signed by

Gabrielle Sefranek
Associate Transportation Planner

c: Nupur Sinha, Director of Planning and Environmental Affairs, San Francisco International Airport; nupur.sinha@flysfo.com
Raquel Girvin, Western-Pacific Regional Administrator, Federal Aviation Administration; raquel.girvin@faa.gov

California Department of Transportation

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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
Page 5

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

c: Suzy Kalkin, kkalkin@smcgov.org
Joseph Carroll, Attorney, CA Department of Transportation, Legal Division,
joe.carroll@dot.ca.gov
Matt Friedman, Chief, Office of Aviation Planning, Division of Aeronautics
Matthew.friedman@dot.ca.gov

bc: Jean Finney, Deputy District Director Planning, District 4; Jean.Finney@dot.ca.gov

California Department of Transportation

DIVISION OF AERONAUTICS
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October 28, 2022

Mr. Nestor Guevara
 Community Development Department
 City of Millbrae
 621 Magnolia Avenue,
 Millbrae, CA 94030

Electronically Sent
nguevara@ci.millbrae.ca.us

Dear Mr. Guevara,

Thank you for notifying the California Department of Transportation, Division of Aeronautics (Division), of the proposed overrule by the city of Millbrae (City). 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).

On September 29, 2022, the Division received an email notification that included City Resolution 22-XX and draft findings, declaring an intent to consider overruling the ALUC findings at the July 14, 2022, meeting, that proposed a Zoning Text Amendment to the Millbrae Station Area Specific Plan (MSASP). This amendment would allow, with a Conditional Use Permit, for hazardous uses classified as Biosafety Level 2 uses in the Transit Oriented Development Zone. This would affect the areas located north of Millbrae Avenue, south of the MSASP boundary, east of El Camino Real and west of the railroad. For public safety reasons, Biosafety Level 2 uses, are not consistent with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport 2012(ALUCP).

The ALUC determined that the MSASP zoning text amendment, which would allow Biosafety Level 2 uses with a conditional use permit, inconsistent with the ALUCP based on the following:

- i. The properties impacted by the proposed Specific Plan Amendments lie within Safety Compatibility Zone 2, the Inner Approach/Departure Zone
- ii. The Specific Plan Amendments propose to include hazardous uses within Safety Compatibility Zone 2 to accommodate Biosafety Level 2 uses

- iii. The compatibility criteria for safety are established in Table IV-2 of the SFO ALUCP, which lists Hazardous Uses as incompatible within Safety Zone 2. Hazardous Uses are further clarified in Safety Policy SP-3, to specify that Biosafety Level 2 uses are considered Hazardous Uses
- iv. The Specific Plan Amendments are in direct conflict with the Safety Policies of the ALUCP and are not consistent with these policies.

The City's findings cite the need for Biotechnology Level 2 due to the COVID-19 pandemic, the City's desire to attract these types of uses to Millbrae, and the advantage of having such uses near a transit hub. The Division recognizes the importance of biotechnology, the jobs it may generate, the potential demand for biotechnology office and warehouse space, and the importance of locating people and jobs near transit hubs, however these matters do not minimize the importance of protecting the public safety from incompatible hazards uses near airports. Aircraft accidents happen infrequently, but the consequences can be severe and catastrophic. The concept of risk is central to the assessment of safety compatibility. The overall objective of safety compatibility is to minimize risks associated with potential aircraft accidents.

The City's findings cite the risk associated with the low use of Runways 19 L/R, "which, according to the Airport are used for only 2 to 5% of landings." ALUCP Policy SP-3 was adopted by the ALUC based on the potential impacts to public safety of an accident involving an aircraft using Runways 1L/19R or 1R/19L, and frequency of use does not negate the potential for such hazard.

Concerning hazardous materials, the California Airport Land Use Planning Handbook (Handbook) on page 4-30 states:

"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..."

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 incompatibility.

"The Resolution first finds that allowing Biosafety Level 2 would facilitate hosting 'life science companies battling the COVID virus and other maladies' (Finding 2.e). This highlights the exact reason why Biosafety Level 2 facilities should not be allowed in an area of increased risk of aircraft accidents. The release of pathogens in the event of an aircraft accident would increase – not minimize – public exposure to safety hazards. The Resolution goes on to highlight that the proposed amendment would 'greatly aid in the City's economic development' (Finding 2.f). Financial considerations are not germane to whether the amendment would increase the public's exposure to safety hazards. Millbrae's finding to the contrary is not supported by any scientific authority, and its conclusory statements do not support that allowing Level 2 uses in Zone 2 would not pose an unacceptable risk to public safety."

Additionally, the Division agrees with the ALUC's inconsistency determination. PUC section 21676(b) requires that if the local agency adopts an overrule, it must do so with a two-thirds majority vote by the local agency's legislative body. Pursuant to PUC section 21678, if a local agency adopts of an overrule, the airport operator shall be immune from liability for damages to property or personal injury resulting directly or indirectly from the local agency's decision to overrule.

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 shefa.a.shioma@dot.ca.gov or call (916) 879-6546

Sincerely,

Originally signed by

SHEFA ARABIA SHIOMA
Aviation Planner
Division of Aeronautics

Mr. Nestor Guevara
October 28, 2022
Page 4

c: Suzy Kalkin, kkalkin@smcgov.org

Joseph Carroll, Attorney, CA Department of Transportation, Legal Division,
joe.carroll@dot.ca.gov

Nupur Sinha, sinha@flysfo.com

Gabrielle 'Gabbie' Sefranek, Associate Aviation Planner, Division of Aeronautics
gabrielle.sefranek@dot.ca.gov

Matt Friedman, Chief, Office of Aviation Planning, Division of Aeronautics
Matthew.friedman@dot.ca.gov

bc: Jean Finney, Deputy District Director Planning, District 4; Jean.Finney@dot.ca.gov

California Department of Transportation

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December 14, 2022

Ms. Darcy Smith
City of San Bruno
567 El Camino Real,
San Bruno, CA 94066

Electronically Sent
dsmith@sanbruno.gov

Dear Ms. Smith,

Thank you for notifying the California Department of Transportation, Division of Aeronautics (Division), of the proposed overrule by the City of San Bruno (City). 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).

On November 16, 2022, the Division received an email notification that included City Resolution 2022-112 and draft findings, declaring an intent to consider overruling the Airport Land Use Commission's (ALUC) inconsistency determination of the City's Draft 2023-2031 Housing Element Update (Project). The Project identifies 23 housing opportunity sites for areas of development or redevelopment for mixed use or residential projects. Two of the proposed sites, the Shops at Tanforan (Site 14) and the Pet Hospital (Site 19) are located within the 70-75dB CNEL noise contour as depicted in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (ALUCP). The ALUC determined that these sites were inconsistent with the noise compatibility criteria outlined in the ALUCP as, with limited exceptions, residential land uses are not allowed in the 70-75db CNEL noise contour.

On January 25, 2022, the Division sent a letter to the City of San Bruno regarding the potential redevelopment plans for Site 14 as displayed in the City's "Reimagining Tanforan Land Use Fact Sheet" adopted July 27, 2021. To summarize, the letter (included as an attachment) expressed Division's concern for the City's proposed plans to build a high-density residential development at Site 14. The letter cited safety, noise, and air space protection concerns including:

- Site 14 is approximately 1.2 miles from the departure of runways 28L and 28R at San Francisco International Airport (SFO). These runways are the primary departure paths for SFO

- Site 14 is in the 70-75dB CNEL noise contour, where ALUCP noise compatibility policies prohibit residential land uses
- “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.” While construction practices can reduce interior noise levels to 45 CNEL, residents would not be expected to remain indoors continuously. When outside or when opening windows or doors, they would remain subjected to 70 CNEL from regular aircraft overflights”
- Site 14 is in Safety Zone 4, where ALUCP safety compatibility policies stipulate limiting residential uses to low density
- Site 14 is located beneath a portion of airspace that has One Engine Inoperative procedures

The City’s findings cite that due the City having potential housing opportunity sites located near transit, including Site 14 and Site 19, the City was prescribed a high Regional Housing Needs Assessment (RHNA) obligation; the recommendation being that the City needs to plan for an additional 3,165 residential units to be built through 2031. As previously stated in the Division’s letter sent on January 25th, 2022, the Division recognizes that the City is facing affordable housing supply shortages and is looking for new areas to accommodate residential developments. However, 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. The Division 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.

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 gabrielle.sefranek@dot.ca.gov or call (916) 879-7213

Sincerely,

Originally signed by

Gabrielle Sefranek
Associate Transportation Planner
Division of Aeronautics

c: Suzy Kalkin, Transportation Program Specialist, San Mateo County Association of Governments, kkalkin@smcgov.org
Joseph Carroll, Attorney, CA Department of Transportation, Legal Division, joe.carroll@dot.ca.gov

Ms. Darcy Smith
December 14, 2022
Page 3

Nupur Sinha, Acting Director, Planning & Environmental at San Francisco International Airport (SFO), nupur.sinha@flysfo.com
Matt Friedman, Chief, Office of Aviation Planning, Division of Aeronautics
Matthew.friedman@dot.ca.gov

bc: Jean Finney, Deputy District Director Planning, District 4; Jean.Finney@dot.ca.gov

Attachments: SanMateoCnty_TanforanSFORedevelop_Ltr_012522.pdf

RESOLUTION NO. 2024 - __

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO AMENDING THE GENERAL PLAN LAND USE DIAGRAM TO CHANGE CERTAIN LAND USE DESIGNATIONS TO TRANSIT-ORIENTED DEVELOPMENT, AND AMENDING THE U.S. NAVY SITE AND ITS ENVIRONS SPECIFIC PLAN TO ESTABLISH A VERY HIGH DENSITY RESIDENTIAL DESIGNATION, AND AMENDING THE SPECIFIC PLAN LAND USE DIAGRAM TO CHANGE THE DESIGNATION OF CERTAIN PROPERTIES TO VERY HIGH DENSITY RESIDENTIAL

WHEREAS, to address the City's housing shortage, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City adopt a Housing Element for the eight-year period 2023-2031 to address local housing needs and accommodate its 6th Cycle Regional Housing Needs Allocation ("RHNA") of 3,165 housing units, comprised of 704 very-low-income units, 405 low-income units, 573 moderate-income units, and 1,483 above moderate-income units; and

WHEREAS, State Housing Element Law (Government Code, Section 65583 (a)(3).) requires that the City provide an inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the city's regional housing need (hereafter the "Sites Inventory"); and

WHEREAS, if the Sites Inventory does not identify adequate sites to accommodate the City's regional housing need (shortfall), pursuant to Government Code Section 65583.2(h) and (i), the Housing Element must include a program or programs to identify sites with appropriate zoning to accommodate the regional housing need within the planning period; and

WHEREAS, San Bruno's RHNA strategy, as discussed in Chapter 4 of its Amended 2023-2031 Housing Element, has identified a RHNA shortfall of 847 units, comprised of 25 lower income units and 822 above-moderate income units; and

WHEREAS, to address the RHNA shortfall, the City has identified three potential housing sites: (1) the Shops at Tanforan located at 1178 El Camino Real, including the overflow parking lot at 1292 Huntington Avenue (site 20), (2) the San Bruno Pet Hospital located at 1151 El Camino Real (site 21), and (3) Russo Dental located at 1101 El Camino Real (site 22) (collectively, the "Properties") in the Sites Inventory as potential future housing sites that require General Plan and/or Specific Plan amendments (collectively, the "Amendments") to accommodate housing units and established Program 3a to amend the land use and/or zoning designations concurrent with the adoption of the Amended Housing Element; and

WHEREAS, provision of housing near transit will reduce Vehicle Miles Traveled (VMT) and Greenhouse Gas (GHG) emissions by providing households more opportunities to live near where they work; and

WHEREAS, on January 24, 2023, the City Council adopted the 2023-2031 Housing Element and an Initial Study/Mitigated Negative Declaration (State Clearinghouse No.

2022120217) which evaluated, among other topics, the land use designation, specific plan and zoning changes necessary to accommodate housing units on the Properties; and

WHEREAS, pursuant to CEQA Guidelines Section 15162, the City prepared an Addendum to the adopted Initial Study/Mitigated Negative Declaration that was prepared for the 2023-2031 Housing Element, which showed that amendments to the adopted Housing Element and the related implementing actions, including the land use changes considered herein, will not cause any new significant impacts or other triggers that would require additional CEQA review, and that no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and no new information of substantial importance has been submitted; and

WHEREAS, on August 27, 2024, and prior to the adoption of this Resolution, the City Council adopted Resolution No. 2024-___, adopting the Addendum to the adopted Initial Study/Mitigated Negative Declaration for the Amended Housing Element Project and related implementing actions, including the land use changes considered herein, and which is hereby incorporated by reference, and serves as the CEQA review for the land use changes considered herein; and

WHEREAS, as provided in Government Code Sections 65353, 65453, and 65854, the Planning Commission shall hold at least one public hearing before making a recommendation on the adoption or amendment of a general plan or specific plan; and

WHEREAS, on August 6, 2024, the Planning Commission conducted a duly noticed public hearing to take public testimony and reviewed the proposed Amendments and adopted resolution 2024-10 recommending that City Council adopt the proposed Amendments; and

WHEREAS, a Notice of Public Hearing for the proposed Amendments was duly posted in the *San Mateo Daily Journal* on Saturday, August 17, 2024, posted in a public place, and mailed to property owners pursuant to California Government Code Section 65090, for the City Council public hearing on August 27, 2024; and

WHEREAS, on August 27, 2024, the City Council conducted a duly and properly noticed public hearing to take public testimony and consider a Resolution regarding the proposed Amendments for the Properties.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Bruno, based on substantial evidence in the staff reports, written and oral testimony, and exhibits presented, hereby finds as follows:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The proposed Amendments are consistent with the policies and intent of the General Plan. The proposed Housing Element amendment to the General Plan clarifies and improves existing Housing Element policies and objectives to ensure internal consistency between the Housing Element and the Health and Safety Element. Further, the Housing Element amendment ensures consistency between the City's General Plan and State law, and which achieve and satisfy General Plan

policies and objectives for equal access to housing, access to transportation improvement funds, and mixed use, transit-oriented housing opportunities.

3. The proposed Amendments are in response to the requirements of the California Government Code to update the Housing Element every eight years and identify enough sites to accommodate the City's RHNA. Compliance with State Housing Element Law is critical to maintaining certification of the City's Housing Element which itself is important for the City to preserve access to State funding sources and retain local land use authority.
4. The City Council, based on the evidence in the record, finds the proposed Housing Element to be in substantial conformance with State law and the General Plan of the City of San Bruno.
5. With respect to the Amendments, the City Council hereby finds they are consistent with the goals and policies of the San Bruno General Plan and will create a transit-oriented zoning district near the San Bruno BART Station.

BE IT FURTHER RESOLVED that the City Council hereby amends the General Plan Land Use Diagram and U.S. Navy Site And Its Environs Specific Plan as follows, based on the finding that the proposed changes were analyzed in the adopted Initial Study/Mitigated Negative Declaration (IS/MND) and Addendum to the IS/MND:

- A. Amend the General Plan Land Use Diagram to change the designation of 11.28 acres at 1178 El Camino Real (APN: 014-316-330) from Regional Commercial to Transit-Oriented Development, and 0.57 acres at 1151 El Camino Real (020-013-100) from Neighborhood Commercial to Transit-Oriented Development, as shown in Exhibit A.
- B. Amend the General Plan Land Use Diagram to change the designation of 0.57 acres at 1151 El Camino Real (APN: 020-013-100) from Neighborhood Commercial to Transit-Oriented Development, as shown in Exhibit A.
- C. Amend the General Plan Land Use Diagram to change the designation of 0.40 acres at 1101 El Camino Real (APNs: 020-013-200, 020-013-170) from High Density Residential to Transit-Oriented Development, as shown in Exhibit A.
- D. Amend the U.S. Navy Site And Its Environs Specific Plan to establish a Very High Density Residential designation, as shown in Exhibit C, and amend the Specific Plan Land Use Diagram to change the designation of 0.57 acres at 1151 El Camino Real (APN: 020-013-100) from Commercial-Retail to Very High Density Residential, and the designation of 0.40 acres at 1101 El Camino Real (APN: 020-013-200, 020-013-170) from Residential to Very High Density Residential, as shown in Exhibit B.

Exhibit A: Map of General Plan Land Use Diagram Amendment

Exhibit B: Map of U.S. Navy Sites And Its Environs Specific Plan Land Use Diagram Amendment

Exhibit C: U.S. Navy Sites And Its Environs Specific Plan Text Amendments

-o0o-

I hereby certify that the foregoing Resolution No. 2024 - ___
was introduced and adopted by the San Bruno City Council at a regular meeting on
August 27, 2024 by the following vote:

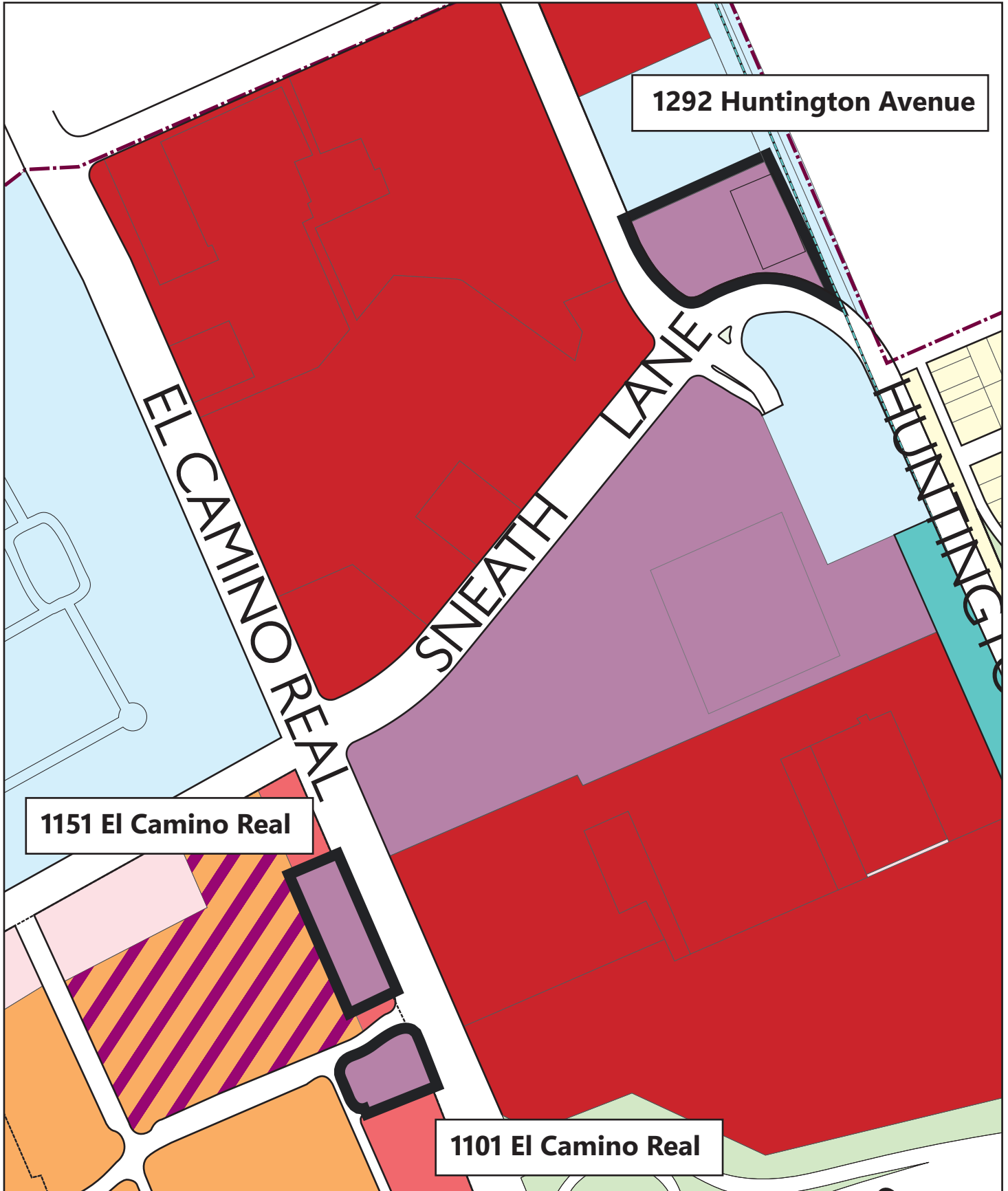
AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lupita Huerta, City Clerk

Exhibit A
Proposed Land Use Diagram Amendment

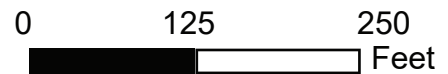


1151 El Camino Real

1292 Huntington Avenue

1101 El Camino Real

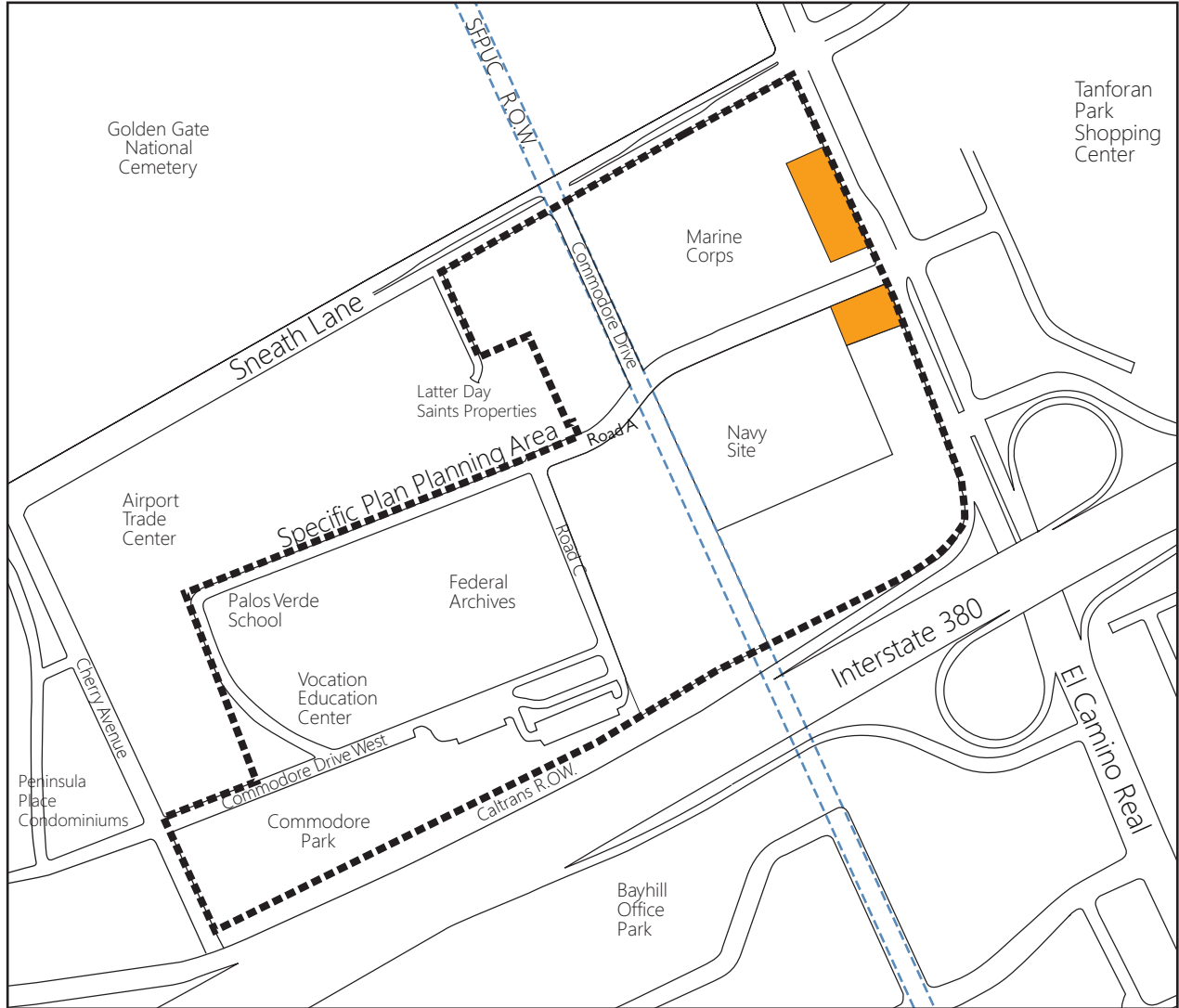
Transit-oriented Development 303 of 345



ATTACHMENT 4, Exhibit A



Exhibit B



Newly Established Land Use

 Very High Residential

U.S. Navy Site and Its Environs Specific Plan Area: Amended Land Use Diagram

Exhibit C

Proposed Amendment for the U.S. Navy Site And Its Environs Specific Plan:

1. Amend Table 1: Summary of Major New Land Uses and Development Standards to include a new row as follows:

Standard Land Use	Maximum Density	Maximum Height	Proposed # of Rooms	Proposed # of Dwelling Units	Proposed Square Footage
Very High Density Residential	Up to 120 du/acre	70 feet (5 stories)	N.A.	100 units	Ground floor commercial encouraged

2. Insert Very High Density Residential description into text, as follows:

Very High Density Residential

(120 du/ac)

This designation allows for multifamily residential development at a density of one hundred twenty (120) units per acre, either as apartments or condominiums, and ground floor commercial is encouraged, but not required, based on the City's transit-oriented development standards.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO
AMENDING THE PLANNED DEVELOPMENT (P-D) DISTRICT CREATED BY
ORDINANCE NO. 1087 TO ADD MULTI-FAMILY HOUSING AS A PERMITTED
USE ON THE 11.28 ACRE SITE AT 1178 EL CAMINO REAL, AND TO AMEND
THE BOUNDARIES OF THE P-D DISTRICT CREATED BY ORDINANCE NO.
1087 TO INCLUDE THE 1.40 ACRE PARCEL AT 1292 HUNTINGTON
AVENUE WITH MULTI-FAMILY HOUSING AS A PERMITTED USE**

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. The boundaries of the Planned Development (P-D) District established by Ordinance No. 1087 shall be extended to include that 1.40 acre parcel commonly known as 1292 Huntington Avenue (APN: 014-311-060), as shown in Exhibit A.

SECTION 2. Ordinance No. 1087, adopted by the City Council of San Bruno on January 10, 1966, and subsequently amended by the City Council, is hereby amended so as to change subparagraph A of Section 1 of said ordinance by adding the following:

“8. Multi-family residential uses shall be permitted on that 11.28 acre portion of the Tanforan site commonly known as 1178 El Camino Real (APN: 014-316-330), and that 1.40 acre parcel commonly known as 1292 Huntington Avenue (APN: 014-311-060), subject to obtaining a Planned Development Permit.”

SECTION 3. FINDINGS.

WHEREAS, to address the City’s housing shortage, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City adopt a Housing Element for the eight-year period 2023-2031 to address local housing needs and accommodate its 6th Cycle Regional Housing Needs Allocation (“RHNA”) of 3,165 housing units, comprised of 704 very-low-income units, 405 low-income units, 573 moderate-income units, and 1,483 above moderate-income units; and

WHEREAS, State Housing Element Law (Government Code Section 65583(a)(3)) requires that the City provide an inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the city’s regional housing need; and

WHEREAS, if the Sites Inventory does not identify adequate sites to accommodate the City’s regional housing need (shortfall), pursuant to Government Code section 65583.2, subdivisions (h) and (i), the Housing Element must include a program or programs to identify sites with appropriate zoning to accommodate the regional housing need within the planning period (hereafter the “Sites Inventory”); and

WHEREAS, San Bruno’s RHNA strategy, as discussed in Chapter 4 of its Amended 2023-2031 Housing Element, has identified a RHNA shortfall of 847 units, comprised of 25 lower income units and 822 above-moderate income units; and

WHEREAS, to address the RHNA shortfall, the City has identified portions of the Tanforan site (1178 El Camino Real and 1292 Huntington Avenue) (collectively, the “Properties”) in the

Sites Inventory as potential future housing sites that require Zoning amendments to accommodate housing units; and

WHEREAS, pursuant to CEQA Guidelines Section 15162, the City prepared an Addendum to the adopted Initial Study/Mitigated Negative Declaration that was prepared for the 2023-2031 Housing Element, which showed that amendments to the adopted Housing Element and the related implementing actions, including the zoning changes considered herein, will not cause any new significant impacts or other triggers that would require additional CEQA review, and that no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and no new information of substantial importance has been submitted; and

WHEREAS, on August 27, 2024, and prior to the adoption of this Resolution, the City Council adopted Resolution No. 2024-____, adopting the Addendum to the adopted Initial Study/Mitigated Negative Declaration for the Amended Housing Element Project and related implementing actions, including the zoning changes considered herein, and which is hereby incorporated by reference, and serves as the CEQA review for the land use changes considered herein; and

SECTION 4. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after its adoption.

SECTION 6. PUBLICATION. The City Clerk shall publish this Ordinance according to law.

EXHIBIT A: Map of Tanforan P-D Amendment

ATTEST:

Rico E. Medina, Mayor

Lupita Huerta, City Clerk

APPROVED AS TO FORM:

Trisha Ortiz, City Attorney

--oOo--

I hereby certify that foregoing Ordinance No. _____
was introduced at a regular meeting of the San Bruno City Council on
_____, 2024 and adopted by the San Bruno City Council at a regular meeting on
_____, 2024, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lupita Huerta, City Clerk

Exhibit A



Amend Tanforan P-D to allow multi-family residential



Tanforan P-D Boundary



Proposed Addition to Tanforan P-D Boundary

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO
AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF
1.40 ACRES AT 1292 HUNTINGTON AVENUE FROM THE MEDIUM DENSITY
MIXED-USE (TOD-1) DISTRICT TO THE PLANNED DEVELOPMENT (P-D)
DISTRICT, AND 0.57 ACRES AT 1151 EL CAMINO REAL FROM
NEIGHBORHOOD COMMERCIAL (C-N) DISTRICT TO HIGH DENSITY MIXED-
USE (TOD-2) DISTRICT**

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. The San Bruno City Council hereby amends the Zoning Map, as described in San Bruno Municipal Code Chapter 12.130, to change the zoning designation of 1.40 acres at 1292 Huntington Avenue from the Medium Density Mixed-Use (TOD-1) District to the Planned Development (P-D) District; and change the zoning designation of 0.57 acres at 1151 El Camino Real from Neighborhood Commercial (C-N) District to High Density Mixed-Use (TOD-2) District, as shown in Exhibit A.

SECTION 2. FINDINGS.

WHEREAS, to address the City's housing shortage, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City adopt a Housing Element for the eight-year period 2023-2031 to address local housing needs and accommodate its 6th Cycle Regional Housing Needs Allocation ("RHNA") of 3,165 housing units, comprised of 704 very-low-income units, 405 low-income units, 573 moderate-income units, and 1,483 above moderate-income units; and

WHEREAS, State Housing Element Law (Government Code Section 65583(a)(3)) requires that the City provide an inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the city's regional housing need; and

WHEREAS, if the inventory does not identify adequate sites to accommodate the City's regional housing need (shortfall), pursuant to Government Code Section 65583.2(h) and (i), the Housing Element must include a program or programs to identify sites with appropriate zoning to accommodate the regional housing need within the planning period; and

WHEREAS, San Bruno's RHNA strategy, as discussed in Chapter 4 of its Amended 2023-2031 Housing Element, has identified a RHNA shortfall of 847 units, comprised of 25 lower income units and 822 above-moderate income units; and

WHEREAS, to address the RHNA shortfall, the City has identified two sites (1151 El Camino Real and 1292 Huntington Avenue) in the Sites Inventory as potential future housing sites that require Zoning Map amendments to allow housing units and established Program 3a to amend the land use and/or zoning designations concurrent with the re-adoption of the Housing Element.

SECTION 4. CEQA. Pursuant to the California Environmental Quality Act (CEQA) and Implementing Guidelines, the City prepared and adopted an Initial Study and Mitigated Negative Declaration (IS/MND), dated December 2022 (State Clearinghouse No. 2022120217), to evaluate the environmental impacts of the project as part of the 2023-2031 Housing Element update. The analysis concluded that the Project, with the proposed mitigation measures, would not have a significant adverse effect on the environment. The City subsequently prepared an Addendum to the IS/MND which showed that later revisions made to the Project will not cause any new significant impacts or other triggers that would require additional CEQA review, pursuant to CEQA Guidelines Section 15162; and

SECTION 5. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after its adoption.

SECTION 7. PUBLICATION. The City Clerk shall publish this Ordinance according to law.

EXHIBIT A: Zoning Map amendment for 1292 Huntington Avenue and 1151 El Camino Real

ATTEST: _____
Rico E. Medina, Mayor

Lupita Huerta, City Clerk

APPROVED AS TO FORM: _____

Trisha Ortiz, City Attorney

--oOo--

I hereby certify that foregoing Ordinance No. _____
was introduced at a regular meeting of the San Bruno City Council on
_____, 2024 and adopted by the San Bruno City Council at a regular meeting on
_____, 2024, by the following vote:

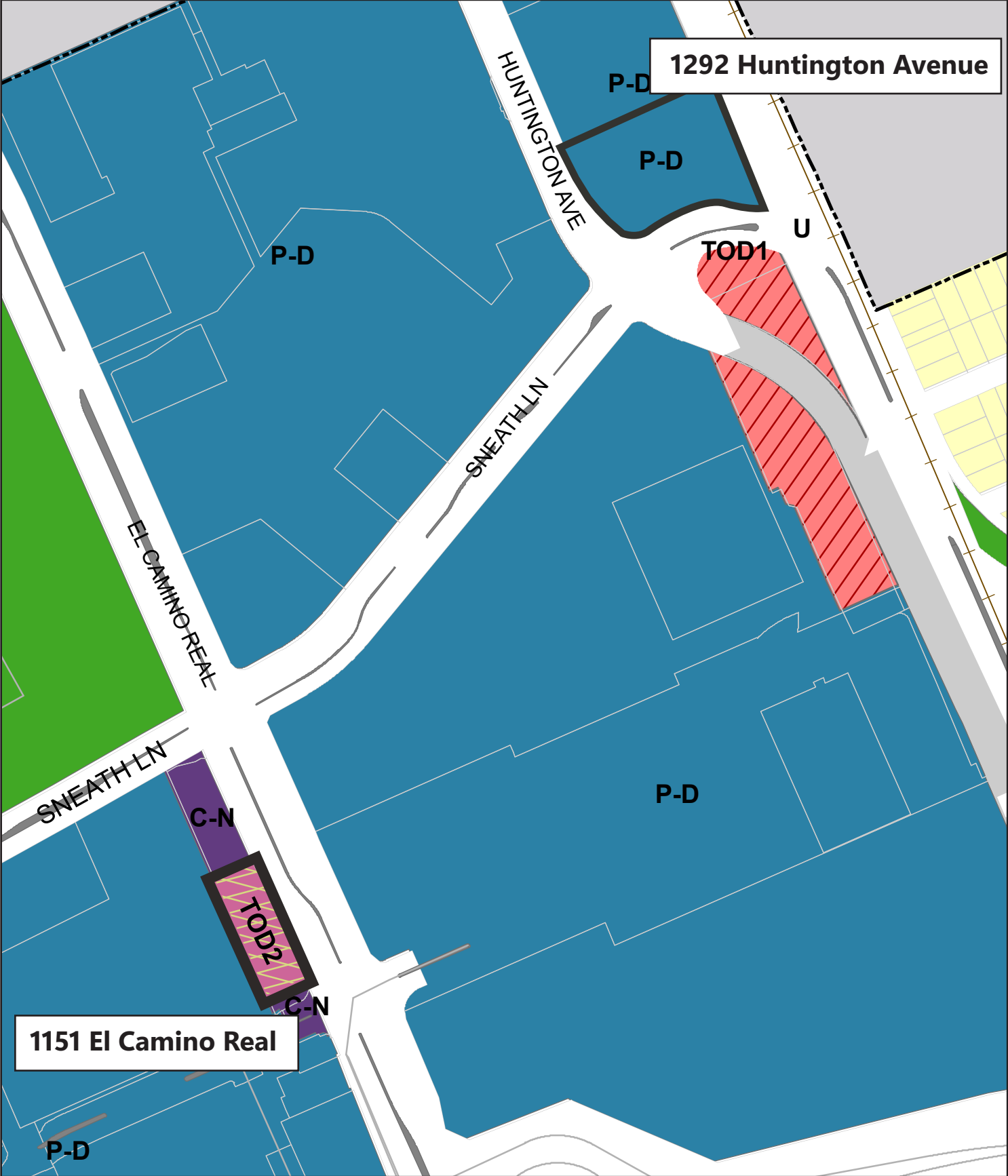
AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

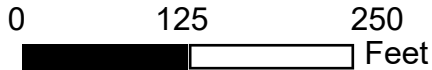
Lupita Huerta, City Clerk

Exhibit A
Proposed Zoning Map Amendment



1292 Huntington Avenue

1151 El Camino Real



ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO
AMENDING TITLE 12 (LAND USE), ARTICLE III (ZONING) OF THE
MUNICIPAL CODE TO CREATE CHAPTER 12.245 – MULTI-FAMILY
HOUSING MINISTERIAL REVIEW, AND FINDING SUCH ACTIONS EXEMPT
FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. Title 12 (Land Use), Article III (Zoning) of the San Bruno Municipal Code is hereby amended to create Chapter 12.245 (Multi-Family Housing Ministerial Review).

SECTION 2. FINDINGS.

WHEREAS, to address the City’s housing shortage, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City adopt a Housing Element for the eight-year period 2023-2031 to address local housing needs and accommodate its 6th Cycle Regional Housing Needs Allocation (“RHNA”) of 3,165 housing units, comprised of 704 very-low-income units, 405 low-income units, 573 moderate-income units, and 1,483 above moderate-income units; and

WHEREAS, State Housing Element Law (Government Code Section 65583(a)(5)) requires that the City provide an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels; and

WHEREAS, State Housing Element Law (Government Code Section 65583(c)) requires that the City provide a program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, in order to make adequate provision for the housing needs of all economic segments of the community; and

WHEREAS, to facilitate the production of housing at all income levels, the City has created Program 9.a. to expedite the review of multi-family housing with an implementation timeline of July 2024; and

WHEREAS, the zoning code amendments were considered by the San Bruno Planning Commission on August 6, 2024, at a duly noticed public hearing. At the conclusion of the public hearing, the Planning Commission adopted Resolution No. 2024-11 recommending that the City Council adopt the zoning code amendments; and

SECTION 3. REGULATION.

The San Bruno Municipal Code is hereby amended to add a new Chapter 12.245 to Article III of Title 12 to read as follows:

**“Chapter 12.245
MULTI-FAMILY HOUSING MINISTERIAL REVIEW**

Sections:

- 12.245.010 Purpose
- 12.245.020 Applicability; Mixed-Use Incentive
- 12.245.030 Ministerial Planning Permit Process
- 12.270.040 Action
- 12.270.050 Appeals

12.245.010 Purpose.

The purpose of this chapter is to establish a streamlined review process for qualifying multi-family housing projects to facilitate housing development to meet local and regional housing needs, consistent with Government Code Section 65583.2(h) and (i). This chapter furthers the production of housing in the City by establishing a ministerial planning permit process for qualifying multi-family housing projects. This chapter allows and encourages mixed-use components of multi-family housing projects, by allowing mixed-use to be included in a qualifying multi-family housing project while maintaining the ministerial process. This allowance supports the provision of jobs, activities and services in close proximity to new housing.

12.245.020 Applicability; Mixed-Use Incentive.

A. A multi-family residential development that complies with all of the following criteria shall qualify for a ministerial planning permit process and shall be considered a “qualifying multi-family housing project” for the purpose of this chapter:

1. The project site is located in a zoning district that allows multi-family housing;
2. The project complies with all City objective development regulations, except for any objective development standard that is rendered inapplicable pursuant to State law, including State Density Bonus law; and,
3. The project includes a minimum of twenty percent (20%) of the units in the project as affordable and restricted to occupancy by very low income households, low-income households, or a combination thereof.

B. A mixed-use development that complies with all of the following criteria shall qualify for a ministerial planning permit process and shall be considered a “qualifying multi-family housing project” for the purpose of this chapter:

1. The project site is located in a zoning district that allows mixed-use development;
2. The project complies with all City objective development regulations, except for any objective development standard that is rendered inapplicable pursuant to State law, including State Density Bonus law;
3. The project includes a minimum of twenty percent (20%) of the residential units in the project as affordable and restricted to occupancy by very low income households, low-income households, or a combination thereof; and

4. A minimum of 50% of the total floor area of the project is used for residential uses. For the 50% total floor area calculation, total residential floor area shall include lobbies, indoor and outdoor common areas, hallways, utility rooms, and other similar above-ground level areas that are used solely to support the residential component of the project, as determined by the community development director. Above-grade parking area within the building shall be counted as non-residential floor area.

C. As an incentive, a mixed-use project that is also a “qualifying multi-family housing project” and is utilizing the ministerial process shall be required to pay the non-residential transportation impact fee only for non-residential floor area over 10,000 square feet. Further, the community development director is authorized to adjust the residential transportation impact fee based on a trip-generation analysis by a licensed transportation planner or traffic engineer demonstrating the proportionate reduction in residential trip generation due to the presence of the non-residential use(s).

12.245.030 Ministerial Planning Permit Process.

A. Submittal Requirements. Qualifying multi-family housing projects under this chapter shall require submittal of the same planning applications as a non-qualifying multi-family housing project based on the zoning district in which the project is located, the applicable regulations of the San Bruno Zoning Ordinance, and published application requirements by the Community Development Department. The City Council will establish a fee for ministerial versions of these applications.

B. Application Processing. The processing of the ministerial applications shall follow the City’s interdepartmental review process that is used for discretionary planning applications, including the application of conditions of approval, except that such conditions shall be based on objective standards only, there shall be no public noticing or public hearing requirements, and the community development director shall have the authority to render decisions on all qualifying multi-family housing project permit applications.

1. The community development director is authorized to render a decision on the following permits and approvals, if part of a qualifying multi-family housing project, as part of the ministerial approval process: architectural review permit, parking compliance permit, density bonus approval, lot line adjustment, temporary use permit, sign program or sign deviation, and other minor planning permits required by Title 12, Article III, that may be required for a qualifying multi-family housing project.
2. The community development director is not authorized to render a ministerial decision on a variance application, and projects that required a variance shall not be considered a “qualifying multi-family housing project” eligible for the ministerial planning permit process.
3. A proposed parcel or tract map associated with a qualifying multi-family housing project shall be processed pursuant to Chapter 12.32 or 12.36, as applicable, under a separate fee. The community development director is authorized to conditionally approve other permits for a qualifying multi-family housing project that includes a subdivision map, which approvals shall only become effective upon approval of the related subdivision map. Alternately, the applicant can elect to defer the director’s action on the related qualifying multi-family housing project permits and approvals until after the tentative subdivision map is approved.

4. Non-residential use(s) in a mixed-use project that require a conditional use permit shall be subject to the permit processed pursuant to Chapter 12.112 under a separate fee. The conditional use permit process shall apply only to the proposed conditional use or uses, and not the balance of the qualifying multi-family housing project, however, any such conditional use permit shall not become effective unless and until the qualifying multi-family housing project is approved through the ministerial process.

12.245.040 Action.

The community development director shall approve the application or applications for a qualifying multi-family housing project upon finding that the project complies with this chapter, and the City's objective development regulations, except where State law may override local regulations rendering an objective standard inapplicable. Conditions of approval may be placed on these applications. Except as otherwise stated in this chapter, all projects shall be subject to all applicable application fees, impact fees, and connection charges.

12.245.050 Appeal.

Decisions of the community development director on any permit or approval for a qualifying multi-family housing project may be appealed to the City Manager within a ten (10) calendar day period following issuance of the approval. Appeals must be in writing and clearly state the facts of the case and the ground for the appeal, which should be focused solely on whether or not the project constitutes a qualifying multi-family housing project, and whether the project complies with the objective standards applicable to the project. If the appeal is filed by any party other than the applicant for the project, the applicant shall be provided notice of the filing of the appeal, and shall be provided a ten (10) calendar day period in which to provide a written response to the appeal for consideration by the City Manager. The City Manager shall issue a written determination on the appeal within forty-five (45) calendar days of the City's receipt of the appeal, and this written determination shall be final and not subject to any further appeal. Notice of the City Manager's decision shall be given to the appellant, and project applicant, if different from the appellant."

SECTION 3. CEQA. The proposed ordinance has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and the San Bruno environmental review procedures and is determined to be exempt from the requirements of CEQA pursuant to Title 14 of the California Code of Regulations, Sections 15061(b)(3) and 15378 (b)(5). Further, pursuant to CEQA Guidelines Section 15162, the City prepared an Addendum to the adopted Initial Study/Mitigated Negative Declaration that was prepared for the 2023-2031 Housing Element, which showed that amendments to the adopted Housing Element and the related implementing actions, including the zoning changes considered herein, will not cause any new significant impacts or other triggers that would require additional CEQA review, and that no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and no new information of substantial importance has been submitted. Further, on August 27, 2024, and prior to the adoption of this Resolution, the City Council adopted Resolution No. 2024-___, adopting the Addendum to the adopted Initial Study/Mitigated Negative Declaration for the Amended Housing Element Project and related implementing actions, including the zoning changes considered herein, and which is hereby incorporated by reference, and serves as the CEQA review for the changes considered herein.

SECTION 4. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after its adoption.

SECTION 6. PUBLICATION. The City Clerk shall publish this Ordinance according to law.

ATTEST:

Rico E. Medina, Mayor

Lupita Huerta, City Clerk

APPROVED AS TO FORM:

Trisha Ortiz, City Attorney

--oOo--

I hereby certify that foregoing Ordinance No. _____
was introduced at a regular meeting of the San Bruno City Council on
_____, 2024 and adopted by the San Bruno City Council at a regular meeting on
_____, 2024, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Lupita Huerta, City Clerk

RESOLUTION NO. 2024 - 09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN BRUNO RECOMMENDING THAT THE CITY COUNCIL AND ADOPT AN AMENDED 2023-2031 HOUSING ELEMENT AND ADOPT AN ADDENDUM TO THE CERTIFIED INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

WHEREAS, the California legislature has found the availability of housing is of vital statewide importance, and the attainment of decent housing and a suitable living environment for every Californian is a priority of the highest order; and

WHEREAS, State Housing Element Law (California Government Code Sections 65580 et seq.) requires each jurisdiction to prepare and adopt a Housing Element of its General Plan every eight years to address housing availability; and.

WHEREAS, to comply with State Housing Element Law, San Bruno prepared its 2023-2031 Housing Element and identified sites that can accommodate housing units meeting the City's Regional Housing Needs Allocation; and

WHEREAS, as provided in Government Code Section 65350 et. seq., adoption of the Housing Element constitutes a General Plan Amendment; and

WHEREAS, on January 12, 2023, the Planning Commission held a duly noticed public hearing and adopted Resolution Nos. 2023-01 and 2023-02, recommending the City Council adopt an Initial Study/ Mitigated Negative Declaration, repeal its 2015-2023 Housing Element and adopt a Housing Element for the planning period of 2023-2031 with Findings of substantial compliance with State housing Element Law; and

WHEREAS, on January 24, 2023, the City Council held a duly noticed public hearing and repealed its 2015-2023 Housing Element and adopted its 2023-2031 Housing Element to comply with State Housing Element Law and on that same date adopted the Initial Study/ Mitigated Negative Declaration for the project; and

WHEREAS, on January 31, 2023, San Bruno submitted its adopted 2023-2031 Housing Element to the California Department of Housing and Community Development ("HCD") for review and possible certification; and

WHEREAS, on March 18, 2023, HCD issued its review of San Bruno's adopted 2023-2031 Housing Element, which stated the Housing Element satisfactorily addressed many statutory requirements; however, further revisions would be necessary to receive certification of compliance with the State Housing Element Law (Government Code §§ 65580 et seq.); and

WHEREAS, City staff worked with HCD staff to address the comments contained in HCD's March 18, 2023 letter and subsequently resubmitted a revised draft of the

Housing Element to HCD on March 21, 2024, for review pursuant to Section 65585(b) of the California Government Code. The revised draft Housing Element was posted on the City's website for public review prior to resubmittal to HCD; and

WHEREAS, on May 16, 2024, HCD issued its review of San Bruno's revised 2023-2031 Housing Element which stated the Housing Element satisfactorily addressed most statutory requirements; however, further revisions would be necessary to receive certification of compliance with the State Housing Element Law (Article 10.6 of the Government Code); and

WHEREAS, City staff again worked with HCD staff to address the comments contained in HCD's May 16, 2024 letter and subsequently resubmitted a final draft of the Housing Element to HCD on July 7, 2024, for review pursuant to Section 65585(b) of the California Government Code. This final draft of the Housing Element was posted on the City's website for public review prior to resubmittal to HCD; and

WHEREAS, because the sites inventory of the Housing Element utilizes nonvacant sites to meet more than 50 percent of its lower income Regional Housing Needs Assessment (RHNA) allocation, the city must make a finding that existing uses on nonvacant sites do not constitute an impediment to additional residential development pursuant to Government Code Section 65583.2(g); and

WHEREAS, to analyze the revisions made to the Housing Element pursuant to CEQA, the City prepared an Addendum to the Initial Study/ Mitigated Negative Declaration (State Clearinghouse No. 2022120217) that was prepared for the city's 2023-2031 Housing Element, which was adopted by the City Council on January 24, 2023; and

WHEREAS, a Notice of Public Hearing for the 2023-2031 Housing Element Update was duly published in the *San Mateo Daily Journal* on Saturday, July 27, 2024; and

WHEREAS, on August 6, 2024, the Planning Commission conducted a duly noticed public hearing to take public testimony and consider this Resolution regarding the proposed Housing Element, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the staff report and all attachments, and oral and written public comments; and.

WHEREAS, the Planning Commission of the City of San Bruno, based on substantial evidence in the staff reports, written and oral testimony, and exhibits presented, hereby finds as follows:

- A.** The foregoing recitals are true and correct and are incorporated by reference into this action.
- B.** That the Planning Commission has independently reviewed and analyzed the Addendum to the Initial Study/Mitigated Negative Declaration, in

conjunction with the previously adopted Initial Study/Mitigated Negative Declaration, and other information in the record and has considered the information contained therein prior to acting upon or recommending approval of the Project. Based on all evidence in the administrative record for the Project, the Commission hereby makes the following specific findings:

- a. The Addendum to the Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and the CEQA Guidelines.
 - b. The Addendum to the Initial Study/Mitigated Negative Declaration prepared for the Project contains a complete and accurate reporting of the environmental impacts associated with the Project.
 - c. The Addendum to the Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the city as lead agency for the Project.
 - d. The analysis in the Addendum to the Initial Study/Mitigated Negative Declaration shows the revisions to the Project will not cause any new significant impacts or other triggers that would require additional CEQA review, pursuant to CEQA Guidelines Section 15162.
 - i. No substantial changes are proposed in the project which will require major revisions of the previous Initial Study/ Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The amendments to the Housing Element do not create any additional environmental impacts.
 - ii. No substantial changes have occurred with respect to the circumstances under which the project is undertaken. The Initial Study/Mitigated Negative Declaration was adopted on January 24, 2023, and no substantial evidence has been submitted showing any change in the circumstances applicable to the project.
 - iii. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Initial Study/Mitigated Negative Declaration was adopted as complete, has been submitted to the City.
 - e. Based on its review of the whole record before it, there is no substantial evidence in the record supporting a fair argument that the Project will have a significant effect on the environment.
- C.** The proposed General Plan Housing Element amendment is in response to the requirements of the California Government Code to update the Housing Element every eight years. Adoption of an updated Housing Element is

critical to address various requirements of State law and certification of the updated Housing Element is important to enhance the City's eligibility for grant funds and to support the City's local land use authority.

Because several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria, the proposed Housing Element Amendment will facilitate the City's ability to attract new grant funds to improve transportation, infrastructure, open space, and housing. The Housing Element Amendment will help ensure that households seeking different housing types and affordable housing will have opportunities to find housing in San Bruno.

- D.** Based on substantial evidence in the record the properties listed in the Sites Inventory are located in the City's commercial corridors within proximity to high quality transit, with existing uses that have low building to land value. Furthermore, the City has experienced increased development activity within the Transit Corridors Plan Area as a result of the 2021 rezoning. Chapter 4 of the Technical Background Report of the Housing Element, along with other evidence in the record, provides substantial evidence that sites in the inventory include obsolescent buildings, declining uses impacted by the COVID-19 pandemic and related shifts in the commercial real estate market, low existing floor area ratio, higher development expectations, and as further evidenced by recent site development inquiries, support the finding that existing uses are likely to be discontinued during the planning period. For these reasons, and based on the additional evidence in the record, the Planning Commission hereby finds that the existing uses on the non-vacant sites identified in the site inventory to accommodate the RHNA are likely to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development on the sites during the planning period.
- E.** Based on factors such as proximity to commercial services, parks and amenities; and access to existing public water and sewer systems, and dry utilities, the 2023-2031 Housing Element concludes that the nonvacant sites identified in the sites inventory are suitable for residential development.
- F.** The Planning Commission, based on the evidence in the record, finds the proposed Housing Element to be in substantial conformance with State law and the General Plan of the City of San Bruno.

NOW, THEREFORE, BE IT RESOLVED That the Planning Commission authorizes the Community Development Director to make final technical adjustments, if necessary, to respond to additional HCD comments and directs the Secretary of the City

of San Bruno Planning Commission to forward to the City Council a certified copy of this resolution together with an attested copy.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that City Council adopt the Addendum to the previously adopted Initial Study/Mitigated Negative Declaration attached hereto as Exhibit A, adopt the Amended 2023-2031 Housing Element attached hereto as Exhibit B, find, pursuant to Government Code Section 65583.2(g) that the existing uses on the non-vacant sites identified in the site inventory to accommodate the RHNA are likely to be discontinued during the planning period and therefore do not constitute an impediment to planned residential development on the sites during the planning period. and authorize the Community Development Director to make any final technical adjustments as may be necessary to obtain HCD certification that the Housing Element substantially complies with Housing Element Law.

Exhibit A: Addendum to the certified Initial Study/ Mitigated Negative Declaration for the 2023-2031 Housing Element update

Exhibit B: 2023-2031 Housing Element

Exhibit C: Technical Background Report

8/16/2024

Date

Signed by:
Rick Biasotti 8/16/2024

17A102D8360914BE...
Planning Commission Chair

ATTEST

DocuSigned by:
Michael Laughlin 8/16/2024

3CF523F5688B484...
Planning Commission Secretary

APPROVED AS TO FORM

DocuSigned by:
Trisha Ortiz 8/15/2024

60CEDB7661684CZ...
City Attorney

-o0o-

I, Michael P. Laughlin, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly and

regularly passed and adopted by the Planning Commission of the City of San Bruno this 6th day of August 2024 by the following vote:

AYES	Commissioners:	<u>Biasotti, Harman, Kuhn, Madden</u>
NOES	Commissioners:	_____
ABSENT	Commissioners:	_____
RECUSED	Commissioners	<u>Durazo, Johnson, Lethin</u>

EXHIBIT A

Addendum to the adopted Initial Study/ Mitigated Negative Declaration for the 2023-2031 Housing Element update

The addendum follows on the next page.

The adopted Initial Study/Mitigated Negative Declaration is available at:

<https://www.sanbruno.ca.gov/DocumentCenter/View/5889/Housing-Element-MND-web-for-Reso-2024-09>

EXHIBIT B

2023-2031 Housing Element

EXHIBIT C

2023-2031 Housing Element Technical Background Report

The Technical Background Report to the revised July 2024 Housing Element is available at the following link:

<https://sanbruno.ca.gov/DocumentCenter/View/5872/7A-Reso-2024-09-Exhibit-C-hyperlink>

RESOLUTION NO. 2024 - 10

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SAN BRUNO RECOMMENDING CITY COUNCIL ADOPTION
OF GENERAL PLAN AMENDMENTS, SPECIFIC PLAN
AMENDMENTS, ZONING MAP AMENDMENTS TO ALLOW FOR
HOUSING ON FOUR SITES IDENTIFIED IN THE 2023-2031 HOUSING
ELEMENT TO MEET THE CITY'S REGIONAL HOUSING NEED
ALLOCATION (RHNA) SHORTFALL**

WHEREAS, to address the City's housing shortage, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City adopt a Housing Element for the eight-year period 2023-2031 to accommodate its RHNA of 3,165 housing units, comprised of 704 very-low-income units, 405 low-income units, 573 moderate-income units, and 1,483 above moderate-income units; and

WHEREAS, State Housing Element Law (Gov. Code, § 65583, subd. (a)(3).) requires that the City provide an inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the city's regional housing need; and

WHEREAS, San Bruno's RHNA strategy, as discussed in Chapter 4 of its Amended 2023-2031 Housing Element, has identified a RHNA shortfall of 847 units, comprised of 25 lower income units and 822 above-moderate income units; and

WHEREAS, if the inventory does not identify adequate sites to accommodate the City's regional housing need (shortfall), pursuant to Government Code section 65583.2, subdivisions (h) and (i), the Housing Element must include a program or programs to identify sites with appropriate zoning to accommodate the regional housing need within the planning period; and

WHEREAS, to address the RHNA shortfall, the City has identified Sites 20, 21 and 22 of the Sites Inventory that require General Plan, zoning, and/or Specific Plan amendments to accommodate 1,099 housing units and established Program 3a to amend the land use and/or zoning designations concurrent with the re-adoption of the Housing Element; and

WHEREAS, said amendments will encourage the development and availability of housing opportunities within the City as mandated by State Law, and is essential for the public welfare; and

WHEREAS, provision of housing near transit will reduce Vehicle Miles Traveled (VMT) and Greenhouse Gas (GHG) emissions by providing households more opportunities to live near where they work; and

WHEREAS, San Bruno referred the Housing Element to all California Native American tribes on the contact list provided by the Native American Heritage Commission and to other entities listed and no California Native American tribe requested consultation; and

WHEREAS, on January 24, 2023, the City Council adopted the 2023-2031 Housing Element and an Initial Study/Mitigated Negative Declaration (State Clearinghouse No. 2022120217) which evaluated, among other topics, the land use designation, specific plan and zoning changes necessary to accommodate 1,099 units on Sites 20, 21 and 22 of the Sites Inventory; and

WHEREAS, on July 12, 2024, the City submitted the current draft of its 2023-2031 Housing Element to the State Department of Housing and Community Development (HCD) for review; and

WHEREAS, pursuant to CEQA guidelines 15162, the City prepared an Addendum to the adopted Initial Study/Mitigated Negative Declaration that was prepared for the 2023-2031 Housing Element, which showed that revisions to the Project will not cause any new significant impacts or other triggers that would require additional CEQA review, and that no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and no new information of substantial importance has been submitted; and

WHEREAS, as provided in Government Code Sections 65353, 65453, and 65854, the Planning Commission shall hold at least one public hearing before making a recommendation on the adoption or amendment of a general plan, specific plan, or zoning; and

WHEREAS, a Notice of Public Hearing for the 2023-2031 Housing Element Update was duly posted in the *San Mateo Daily Journal* on Saturday, June 27, 2024, posted in a public place, and mailed to property owners pursuant to California Government Code Section 65090, for the Planning Commission public hearing on August 7, 2024; and

WHEREAS, on August 6, 2024, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider a Resolution regarding the proposed General Plan, zoning, and specific plan amendments for Sites 20, 21 and 22 identified in the City's Amended 2023-2031 Housing Element.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of San Bruno, based on substantial evidence in the staff reports, written and oral testimony, and exhibits presented, hereby finds as follows:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.

2. The proposed General Plan Housing Element text, diagram and map amendments are consistent with the policies and intent of the General Plan. The proposed Housing Element amendment to the General Plan clarifies and improves existing Housing Element policies and objectives to ensure internal consistency between the Housing Element and the Health and Safety Element. Further, the Housing Element amendment ensures consistency between the City's General Plan and State law, and which achieve and satisfy General Plan policies and objectives for equal access to housing, access to transportation improvement funds, and mixed use, transit-oriented housing opportunities.
3. The proposed General Plan, specific plan, and zoning amendments are in response to the requirements of the California Government Code to update the Housing Element every eight years and identify enough sites to accommodate the City's RHNA. Compliance with State Housing Element Law is critical to maintaining certification of the City's Housing Element which itself is important for the City to preserve access to State funding sources and retain local land use authority.
4. The Planning Commission, based on the evidence in the record, finds the proposed Housing Element to be in substantial conformance with State law and the General Plan of the City of San Bruno.
5. With respect to the General Plan and Specific Plan amendments, the Planning Commission hereby finds the proposed amendments to the General Plan, U.S. Navy Site And Its Environs Specific Plan, and zoning are consistent with the goals and policies of the San Bruno General Plan and will create a transit-oriented zoning district near the San Bruno BART Station.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that City Council amend the General Plan Land Use Element, amend the zoning map, amend the Tanforan Planned Development zoning district, and amend U.S. Navy Site And Its Environs Specific Plan as follows, based on the finding that the proposed changes were analyzed in the adopted Initial Study/Mitigated Negative Declaration (IS/MND) and Addendum to the IS/MND:

- A. Amend the General Plan Land Use Diagram to change the designation of 11.28 acres at 1178 El Camino Real (APN: 014-316-330) from Regional Commercial to Transit-Oriented Development, 0.57 acres at 1151 El Camino Real (020-013-100) from Neighborhood Commercial to Transit-Oriented Development, and 0.40 acres at 1101 El Camino Real (020-013-200, 020-013-170) from High Density Residential to Transit-Oriented Development, as shown in Exhibit A.

- B. Amend the Planned Development (P-D) zoning district for Tanforan to (1) add multi-family housing as a permitted use on the 11.28 acre site at 1178 El Camino Real (APN: 014-316-330) with an 85 foot height limit; and (2) include the 1.40 acres parcel at 1292 Huntington Avenue (APN: 014-311-060) within the P-D zoning district and add multi-family housing as a permitted use with a 65 foot height limit. The P-D zoning shall not have a maximum density, as shown in Exhibit A.
- C. Amend the U.S. Navy Site And Its Environs Specific Plan to establish a Very High Density Residential designation, as shown in Exhibit B, and amend the Specific Plan Land Use Diagram to change the designation of 0.57 acres at 1151 El Camino Real (APN: 020-013-100) from Commercial-Retail to Very High Density Residential, and the designation of 0.40 acres at 1101 El Camino Real (APN: 020-013-200, 020-013-170) from Residential to Very High Density Residential, as shown in Exhibit A.
- D. Amend the Zoning Map to change the zoning designation of 1.40 acres at 1292 Huntington Avenue (APN: 014-311-060) from the TOD-1 district to the P-D zoning district of Tanforan, and 0.57 acres at 1151 El Camino Real (020-013-100) from C-N to TOD-2, as shown in Exhibit A.

NOW, THEREFORE BE IT FURTHER RESOLVED, the Secretary of the City of San Bruno Planning Commission is hereby directed to forward to the City Council a certified copy of this resolution together with an attested copy.

8/16/2024

Date

Signed by:
Rick Biasotti 8/16/2024

Planning Commission Chair

ATTEST

DocuSigned by:
Michael Laughlin 8/16/2024

Planning Commission Secretary

APPROVED AS TO FORM

DocuSigned by:
Trisha Ortiz 8/15/2024

City Attorney

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I, Michael P. Laughlin, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly and

regularly passed and adopted by the Planning Commission of the City of San Bruno this 6th day of August 2024 by the following vote:

AYES	Commissioners: <u>Biasotti, Harman, Kuhn, Madden</u>
NOES	Commissioners: _____
ABSENT	Commissioners: <u>Durazo, Johnson, Lethin</u>
RECUSED	Commissioners _____

RESOLUTION NO. 2024-11

RECOMMENDING ADOPTION OF AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING ARTICLE III (ZONING) OF TITLE 12 (LAND USE) OF THE MUNICIPAL CODE WITH CHAPTER 12.245 (MULTI-FAMILY MINISTERIAL REVIEW) AND FINDING THE AMENDMENTS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on October 10, 2023, the City Council and Planning Commission held a joint study session on the topic of the Sixth Cycle Housing Element, which included the introduction of a program to establish a ministerial review process for certain multi-family housing projects; and

WHEREAS, on August 6, 2024, the Planning Commission recommended the City Council adopt the revised Sixth Cycle Housing Element, which includes Programs 3f and 9a committing the City to ministerial review processes for certain multi-family housing projects; and

WHEREAS, the proposed amendments to Title 12 of the Municipal Code, attached to this resolution as Exhibit A, establishes a ministerial review process for certain multi-family housing projects, fulfilling Programs 3f and 9a of the Housing Element; and

WHEREAS, the Planning Commission finds that the Municipal Code amendments are consistent with the General Plan, as well as State Housing Law and Planning and Zoning Laws; and;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Bruno as follows:

1. The Planning Commission has reviewed and considered the staff report and proposed amendments to Title 12 of the Municipal Code related as shown in Exhibit A.
2. Based on the facts, analysis and findings contained in this Planning Commission Resolution, the Planning Commission finds that the amendments are not substantive in nature from an environmental perspective, and that it may be seen with certainty that there is no possibility that the amendments would have a significant effect on the environment. Pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), the consideration of this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment.
3. The Planning Commission of the City of San Bruno hereby recommends that the City Council adopt the proposed amendments and additions to Title 12 of the Municipal Code contained in the attached Exhibit A with any modifications to the

language required to clarify language, address any clerical errors, as approved by the City Attorney.

4. The Planning Commission further authorizes staff to make a report of the findings and recommendations herein, as required by San Bruno Municipal Code Section 12.136.030 and to send a copy of such report to the City Council and directs the Secretary of the Planning Commission to forward to the City Council an attested copy of this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby adopts the resolution recommending that City Council adopt the proposed amendments and additions to Title 12 of the Municipal Code.

8/16/2024
Dated: _____

Signed by: Rick Biasotti 8/16/2024
Planning Commission Chair

ATTEST:

APPROVED AS TO FORM:

DocuSigned by: Michael Laughlin 8/16/2024
Planning Commission Secretary
Michael P. Laughlin

DocuSigned by: Trisha Ortiz 8/15/2024
City Attorney
Trisha Ortiz

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I, Michael P. Laughlin, Planning Commission Secretary, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of San Bruno this 6th day of August 2024 by the following vote:

AYES Commissioners: Biasotti, Harman, Kuhn, Madden
NOES Commissioners: _____
ABSENT Commissioners: Durazo, Johnson, Lethin