Appendix 1-1

Notice of Preparation and Comments Received on the Notice of Preparation

NOTICE OF PREPARATION
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
TANFORAN REDEVELOPMENT PROJECT

Date: **December 15, 2023**

Comment Period: **December 18, 2023 – January 17, 2024**

In accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15082, the purpose of this Notice of Preparation (NOP) is to inform interested parties that the City of San Bruno (City), acting as the Lead Agency, is preparing a Draft Environmental Impact Report (EIR) for the Tanforan Redevelopment Project (project). Alexandria Real Estate Equities, Inc. (project applicant) proposes to redevelop the 44-acre Shops at Tanforan Shopping Center including a parcel north of Sneath Lane with a transit-oriented, mixed-use development including housing, retail uses, life-science laboratory and office uses, private and publicly-accessible, privately-owned open space, and a potential hotel. The City is requesting comments on the scope and content of the EIR. For each responsible and trustee agency, we need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval of the project. The project description, location, and potential environmental effects are contained in this NOP.

Scoping Meeting: The Planning Commission will hold a Scoping Meeting on Tuesday, January 16, 2024, at 7:00 p.m. to receive written and oral comments on the scope of the EIR. The meeting will be held at the San Bruno Senior Center, 1555 Crystal Springs Road San Bruno, CA 94066. Teleconference participation is offered in the meeting via Zoom as a courtesy to the public. No public comment is accepted via zoom. Zoom information will be posted on the meeting agenda which will be available no later than 5pm on January 11, 2023, at: https://www.sanbruno.ca.gov/AgendaCenter.

Comments: This NOP is being circulated for a 30-day comment period beginning on December 18, 2023 and ending 5:00 p.m. on January 17, 2024. For responsible and trustee agencies, due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice. Please send comments, along with the contact person in your agency, to:

City of San Bruno
City Manager's Office
Attn: Darcy Smith, Assistant City Manager
567 El Camino Real
San Bruno, CA 94066
Email: Tanforan@sanbruno.ca.gov

Project Location and Description: The 44-acre project site is located on six parcels (APNs 014-316-080, 014-316-300, 014-316-310, 014-316-360, 014-316-330, and 014-311-060) at the addresses 1122, 1150, 1178, 1188 El Camino Real and 300 Tanforan Shopping Center in San Bruno (Figure 1 – Project Location). The project site is comprised of The Shops at Tanforan Shopping Center and a vacant parcel north of Sneath Lane, and is currently developed with retail uses and surface parking. The project site is generally bounded by Sneath Lane to the north, Huntington Avenue to the east, Highway 380 to the south, and El Camino Real to the west. Directly east of and adjacent to the project site are the Bay Area Rapid Transit (BART) San Bruno station, a BART parking structure, and a joint BART/City police station. Existing commercial uses are located north of the project site; single-family residential uses and commercial uses in the City of South San Francisco are located to the east; Interstate 380 (I-380) is located to the south, with residential uses on the south side of I-380; and commercial uses, multi-family residential uses, and the Golden Gate National Cemetery are located to the west. The project site is zoned as Planned Development (PD) and Medium Density Mixed-Use (TOD-1) and is designated as Regional Commercial in the San Bruno General Plan.

The project would demolish all existing uses on the project site except for the Century at Tanforan Theater, totaling approximately 900,000 square feet of demolition. The project would construct a transit-oriented, mixed-use

development including housing, retail uses, life-science laboratory and office uses, private and publicly-accessible, privately-owned open space, and a potential hotel (Figure 2 – Site Plan). The project site includes a programmed area and two "flex zones." Within the programmed area, the project would construct approximately 250,000 square feet of new and relocated retail space, approximately 1,000 multi-family residential units, approximately 711,000 square feet of life-science laboratory and office uses, an approximately 14,500-square foot amenity building, and a parking garage. The existing 81,500-square foot Century at Tanforan Theater would be remodeled and incorporated into the project, and the existing Target would be relocated to a new retail building in the western portion of the project site.

Under the proposed zoning, the flex zones could be developed with life-science laboratory and office, residential, and/or hotel uses, with additional parking, up to the maximum intensity studied in the EIR and memorialized in any future project approvals. The exact amount and configuration of future development in the flex zones would depend on a number of market factors, and cannot be forecast with precision. For purposes of the EIR analysis, two land use scenarios will be studied: Scenario A (Figure 3) and Scenario B (Figure 4). The land use scenarios represent a reasonably foreseeable range of development that would be expected to occur in the flex zones. The land use scenarios are for EIR analysis purposes; the ultimate development within the flex zones will likely be a blend of the two scenarios. For each resource area studied, the EIR will evaluate the "worst case" land use scenario (i.e., the scenario with the greatest potential to result in a significant impact). This approach will ensure that the EIR identifies the maximum potential impacts of the project. The following table provides a land use breakdown for the project under Scenario A and Scenario B.

Land Use Summary

Land Use	Programmed Area	Scenario A		Scenario B	
		Flex Zone	Total	Flex Zone	Total
Retail[1]	328,000 sf	0 sf	328,000 sf	0 sf	328,000 sf
Residential	1,000 DU	0 DU	1,000 DU	500 DU	1,500 DU
Life Science Lab & Office	711,000 sf	1,289,000 sf	2,000,000 sf	0 sf	711,000 sf
Hotel	0 keys	0 keys	0 keys	170 keys	170 keys
Amenity	14,500 sf	14,500 sf	29,000 sf	0 sf	14,500 sf

Notes:
Square footages and unit/room/parking counts are approximate, and do not account for the demolition of existing uses.

[1] Includes 86,250 square feet of new retail uses, 160,000 square feet of relocated retail uses (i.e., Target), and 81,500 square feet existing uses to be retained (i.e., theater).

Building heights would range from 1 to 8 stories, with varying floor-to-floor heights, and building maximum heights within both the City's height limit maximum of 79 feet 7 inches measured from grade, and the SFO-adopted safety height limits of 127 feet to 148 feet, measured from median sea level (AMSL). The project would also include approximately 457,000 square feet (10.5 acres) of private and publicly-accessible, privately-owned open space. On-site and off-site infrastructure and improvements would be required, including sidewalk improvements, sewer line realignment, and integration with City's existing bike network.

In connection with the project, the City is preparing the following project entitlements: General Plan amendment; amendment of the Planned Development Zoning District and approval of a Development Plan; Phased Vesting Tentative Subdivision Map; Development Agreement; and Airport Land Use Compatibility Plan (ALUCP) inconsistency override.

Probable Environmental Impacts of the Project: It is preliminarily anticipated that the EIR will address the following probable environmental impacts of the project:

Air Quality: The EIR will address the regional air quality conditions in the Bay Area and discuss the project's consistency with the applicable air quality plan and potential impacts to local and regional air quality and other emissions such as odors. The EIR analysis will consider sensitive receptors (e.g., nearby residential neighborhoods) and the potential health impacts of project-generated air pollutants.

Biological Resources: The EIR will identify candidate, sensitive, and special-status species, riparian habitats and other sensitive natural communities, and other sensitive resources and the potential for impacts to those resources during construction and buildout. The EIR also will discuss potential conflicts with local policies or ordinances protecting biological resources.

Cultural Resources: The EIR will analyze potential historic and archeological resources impacts and the potential to encounter human remains, although the site is in a highly developed urban environment. The EIR will consider the potential impacts to built resources on and near the site.

Energy: The EIR will evaluate the potential for the project to result in in wasteful, inefficient, or unnecessary consumption of energy resources during construction and operation. The EIR will address potential conflicts with state or locals plans for renewable energy or energy efficiency.

Geology and Soils/Paleontological Resources: The EIR will examine potential geologic hazards, such as fault rupture, strong seismic ground shaking, seismic-related ground failure, landslide, slope stability (such as lateral spreading, subsidence, liquefaction, collapse), and expansive soil. The EIR also will address potential impacts to paleontological resources.

Greenhouse Gases (GHG): The EIR will evaluate potential construction- and operation-related GHG emissions associated with the project as well as the project's consistency with applicable GHG-related plans and policies.

Hazards and Hazardous Materials: The EIR will include discussion of potential risks the project poses to the public, if any, including potential emission of hazardous substances, transportation of hazardous materials required during both construction and buildout of the project, and risk of upset and accident conditions involving the release of hazardous materials. The EIR also will discuss consistency with safety policies in the applicable Airport Land Use Plans. The project site is not on the Cortese List compiled pursuant to Government Code Section 65962.5.

Hydrology and Water Quality: The EIR will discuss the project's consistency with water quality standards and waste discharge requirements and analyze whether any impacts to surface water or groundwater quality would occur as result of the project. The EIR will discuss any potential impacts to groundwater supplies and recharge; potential impacts to existing drainage patterns that could result in erosion, flooding, exceeding capacity of existing drainage systems, or impeding or redirecting flood flows. The EIR also will discuss potential conflicts with applicable water quality control plans or sustainable groundwater management plans.

Land Use and Planning: The EIR will examine whether the project would physically divide an established community or cause significant environmental impacts due to any conflicts with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating environmental effects.

Noise and Vibration: The EIR will include potential noise and ground borne noise and vibration exposure analysis during construction and at buildout of the project, particularly to noise sensitive uses including nearby residences. The analysis will also include traffic noise. The EIR will also discuss consistency with noise compatibility policies in the applicable Airport Land Use Plan.

Population and Housing: The EIR will analyze whether the project would induce substantial unplanned population growth in the project vicinity and surrounding areas.

Public Services & Recreation: The EIR will address the availability of public services (e.g., police and fire protection, schools) and recreational facilities and the potential for the project to result in significant impacts associated with construction of new or physically altered facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Transportation: The EIR will address whether the project will conflict with a program, plan, or policy addressing the circulation system, including roadway, bicycle, transit, and pedestrian facilities in the vicinity of the project site. The EIR will evaluate impacts related to changes in vehicle miles traveled (VMT). The EIR also will evaluate potential transportation safety impacts and the adequacy of emergency access.

Tribal Cultural Resources: Any consultation activities pursuant to Assembly Bill 52 and Senate Bill 18 will be summarized, and impacts to tribal cultural resources will be assessed.

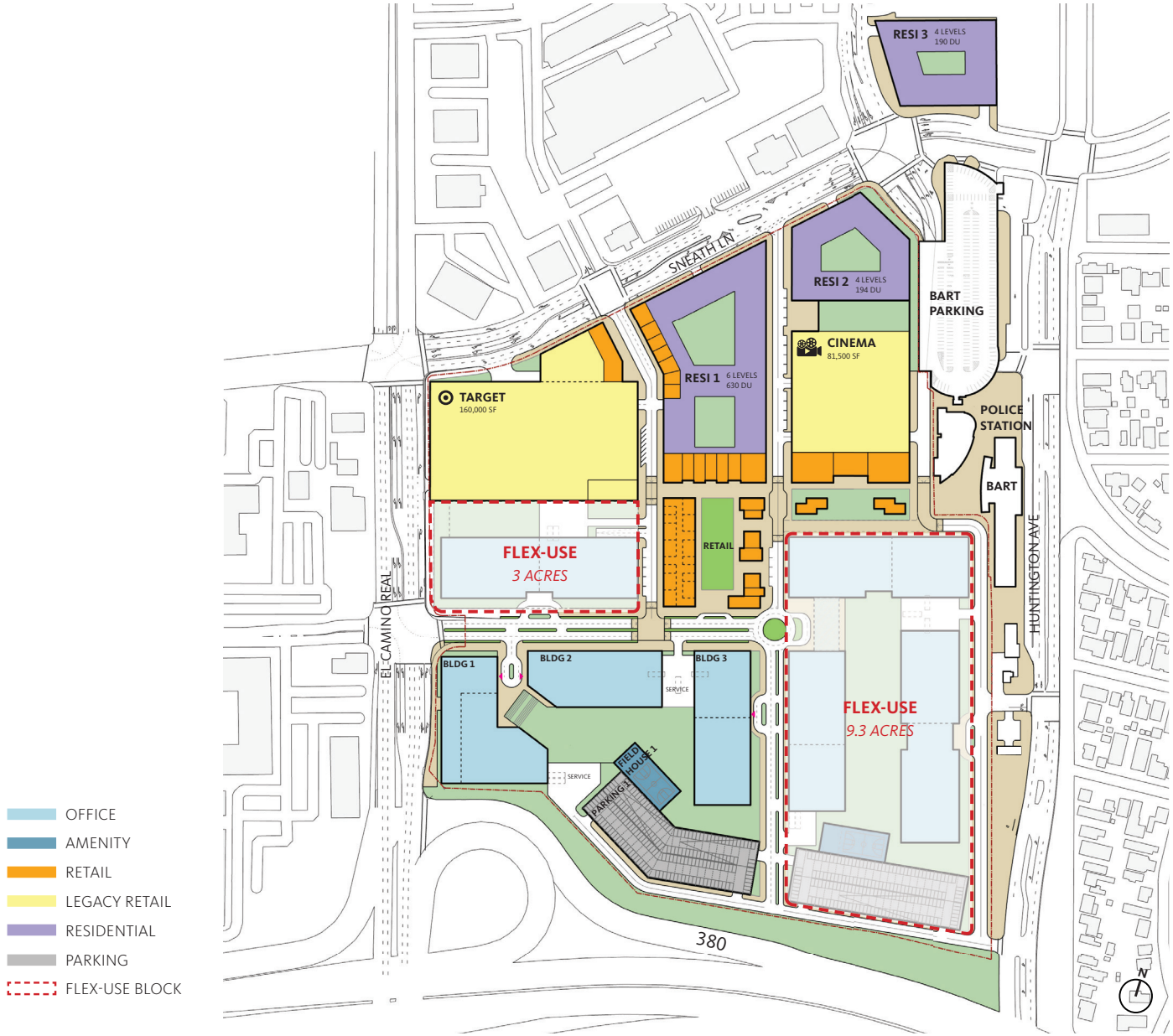
Utilities and Service Systems: The EIR will analyze the net change in demand for water, wastewater, solid waste, and electricity/natural gas as a result of project implementation, and whether existing systems can accommodate any increase in demand.

The EIR will not include detailed evaluations of impacts to:

- Aesthetics: The project qualifies for an exemption from evaluating impacts on aesthetics pursuant to Public Resources Code (PRC) Section 21099(d).
- Agricultural and Forestry Resources: These resources are not present on the project site.
- Mineral Resources: These resources are not present on the project site.
- Wildfire: The project site is not within a wildfire hazard area.

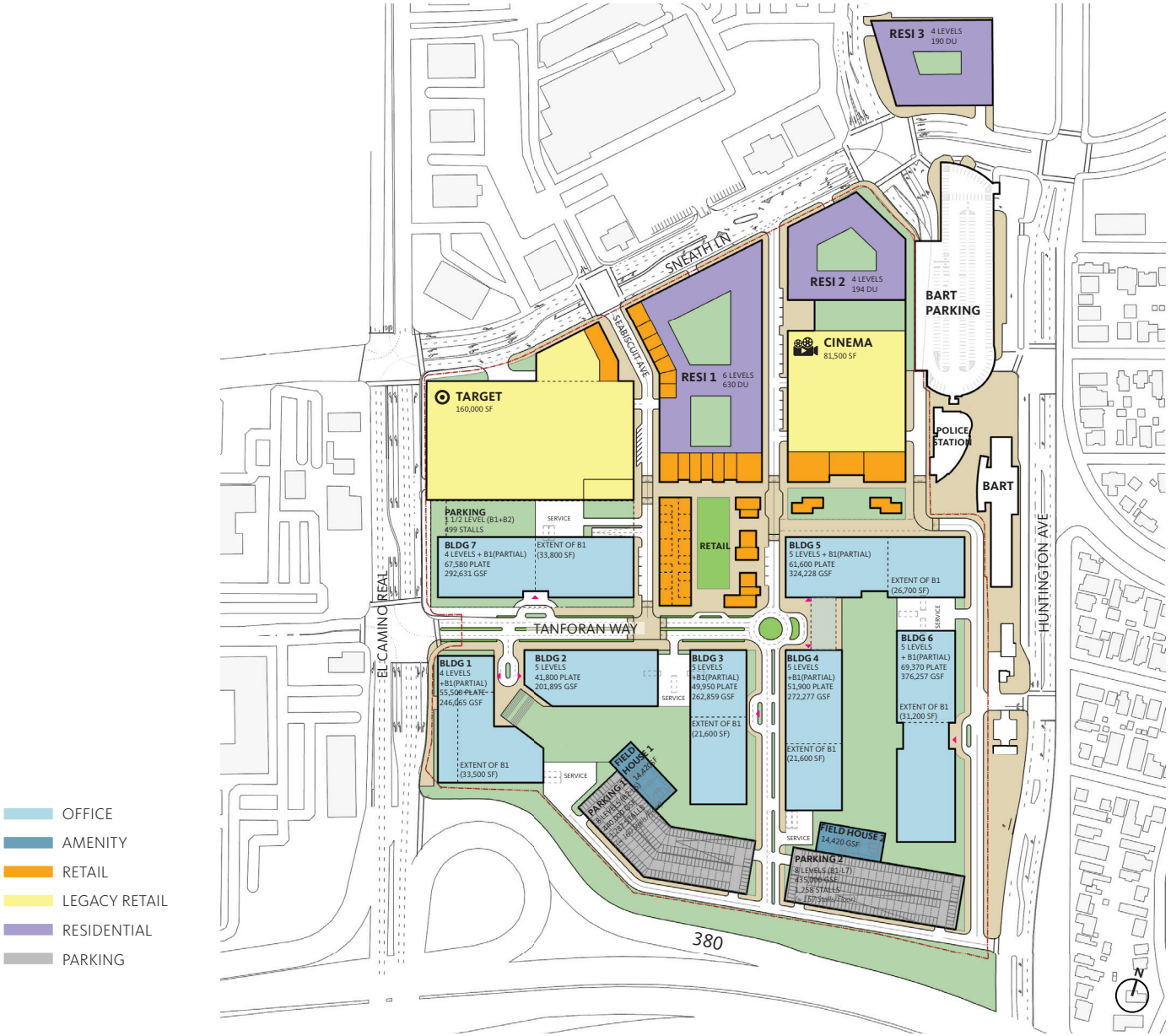


Figure 1
Project Location



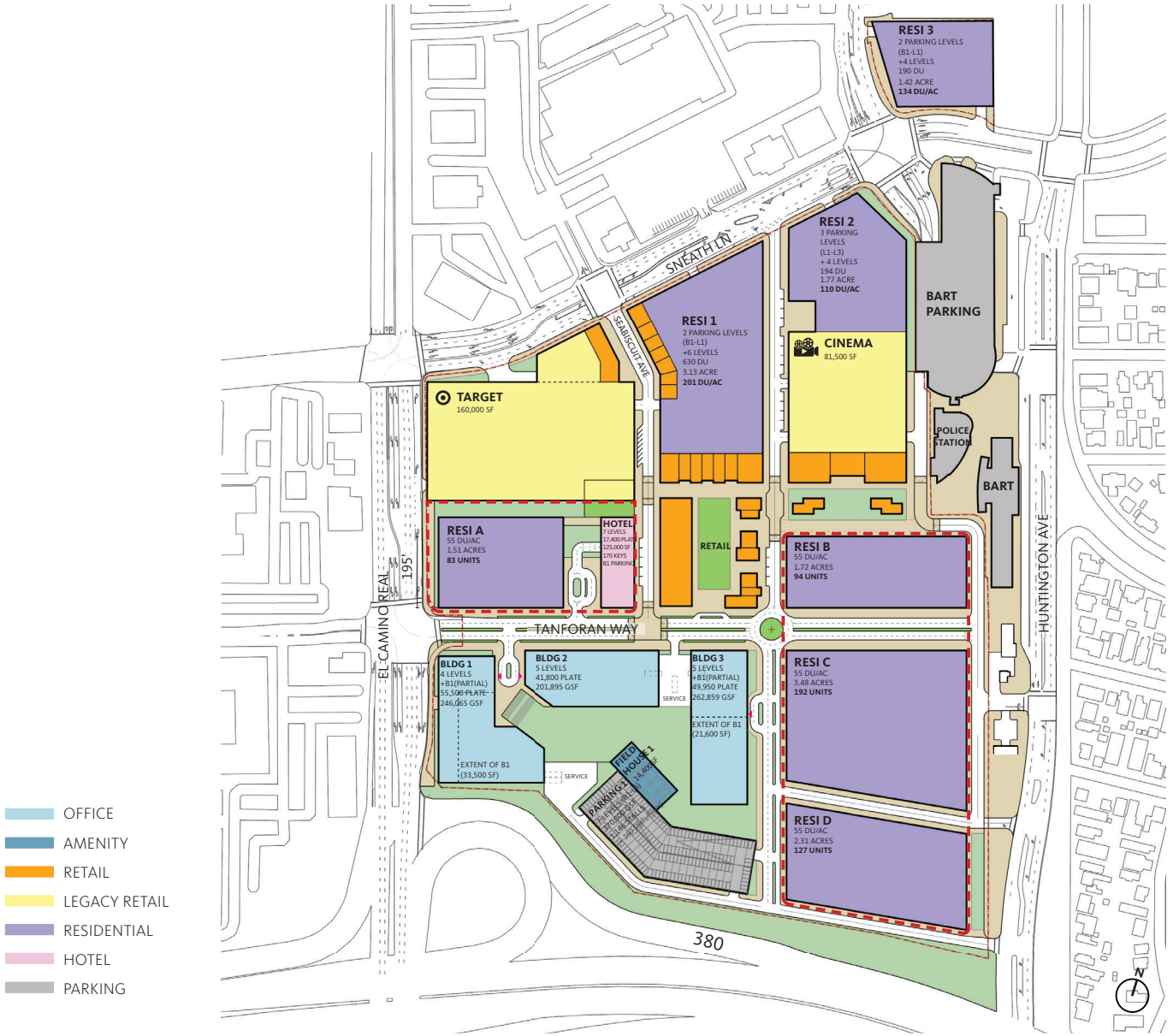
Source: Gensler, 2023.

Figure 2
Site Plan
Tanforan Redevelopment Project



Source: Gensler, 2023.

Figure 3
Scenario A
Tanforan Redevelopment Project



Source: Gensler, 2023.

Figure 4
Scenario B
Tanforan Redevelopment Project

Department of Toxic Substances Control

Yana Garcia
Secretary for
Environmental Protection

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

January 5, 2024

Darcy Smith
Assistant City Manager
City of San Bruno
567 El Camino Real
San Bruno, CA 94117
Tanforan@sanbruno.ca.gov

RE: NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT(DEIR) FOR THE TANFORAN REDEVELOPMENT PROJECT DATED DECEMBER 14, 2023 STATE CLEARINGHOUSE NUMBER 2023120409

Dear Darcy Smith,

The Department of Toxic Substances Control (DTSC) received a NOP of a DEIR for the Tanforan Redevelopment Project. The 44-acre project site is located on six parcels (APNs 014-316-080, 014-316-300, 014-316-310, 014-316-360, 014-316-330, and 014-311-060) at the addresses 1122, 1150, 1178, 1188 El Camino Real and 300 Tanforan Shopping Center in San Bruno. The project site is comprised of The Shops at Tanforan Shopping Center and a vacant parcel north of Sneath Lane and is currently developed with retail uses and surface parking. The project site is generally bounded by Sneath Lane to the north, Huntington Avenue to the east, Highway 380 to the south, and El Camino Real to the west. Directly east of and adjacent to the project site are the Bay Area Rapid Transit (BART) San Bruno station, a BART parking structure, and a joint BART/City police station. The proposed project would demolish all existing uses on the

project site except for the Century at Tanforan Theater, totaling approximately 900,000 square feet of demolition. The proposed project would construct a transit-oriented, mixed-use development including housing, retail uses, private and publicly accessible life-science laboratory and office uses, , privately-owned open space, and a potential hotel. The proposed project site includes a programmed area and two "flex zones." Within the programmed area, the proposed project would construct approximately 250,000 square feet of new and relocated retail space, approximately 1,000 multi-family residential units, approximately 711,000 square feet of life-science laboratory and office uses, an approximately 14,500-square foot amenity building, and a parking garage. The existing 81,500-square foot Century at Tanforan Theater would be remodeled and incorporated into the project, and the existing Target would be relocated to a new retail building in the western portion of the project site.

After reviewing the project, DTSC recommends and requests consideration of the following comments:

1. Due to the historic occupancies and current land uses of adjoining properties, DTSC recommends the City of San Bruno should work with the County of San Mateo who can provide oversight as a certified local agency or enter into DTSC's Standard Voluntary Agreement (SVA) program so that a proper evaluation of the Project can be reviewed by designated DTSC technical staff. The FLUXX portal link is provide and the page also has a link to the Fluxx User Guide that can help you navigate the system. You will need to create a new profile and once in the system, click "Start a Request for Lead Agency Oversight Application." DTSC recommends that once the SVA is signed, a Preliminary Endangerment Assessment Report (PEA Report) be submitted for DTSC review. The PEA Report shall summarize all existing data and provide an evaluation of the possible risk to current and future users of the site. If you have any questions about the application portal, please contact the DTSC Brownfield Coordinator Gregory Shaffer or the Application Portal at applicationportal@dtsc.ca.gov

2. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers*

3. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within approved screening levels for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use.

DTSC appreciates the opportunity to comment on the DEIR for the Tanforan Redevelopment Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via email for additional guidance.

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit

Department of Toxic Substances Control

Tamara.Purvis@dtsc.ca.gov

cc: (via email)

Governor's Office of Planning and
Research State Clearinghouse
State.Clearinghouse@opr.ca.gov

Dave Kereazis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

From:	Wu, Elton H
To:	Tanforan
Cc:	NRLM Public Notices; Wilson, Joanne; Read, Emily; Leung, Tracy; Feng, Stacie
Subject:	TANFORAN REDEVELOPMENT PROJECT- 1122 El Camino Real, San Bruno, CA, 94066
Date:	Monday, January 8, 2024 2:38:44 PM

Hello Darcy Smith,

Thank you for the public notification regarding the Tanforan Redevelopment Project. Please be advised that the SFPUC's San Andreas No. 1 water transmission pipeline is located adjacent to the project site within the El Camino Public Right of Way. Please require that the project sponsor or developer obtain an Underground Service Alert (USA) request prior to commencing construction. If the proposed project involves digging or excavation around or near the SFPUC's pipeline, or utility lines crossing over or under the pipeline, then further review will be required. Please require the project sponsor to coordinate with our Land Engineering Team, Tracy Leung and Stacie Feng, who are copied on this email. This project may require further review under the SFPUC's Project Review process. Additional information regarding Project Review can be found here: https://sfpuc.org/construction-contracts/lands-rights-of-way/project-review-and-land-use-bay-area

If you have any questions or need more information, please contact me.

Thanks,

Elton Wu

Pronouns: He/ Him
Environmental Compliance and Land Planner
SFPUC Water Enterprise
Natural Resources and Lands Management Division
525 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102
cell: (415) 971-7657
ewu@sfwater.org

Hetch Hetchy Regional Water System
Services of the San Francisco Public Utilities Commission

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2150 Webster Street, P.O. Box 12688
Oakland, CA 94604-2688
(510) 464-6000

2024

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8TH DISTRICT

Bevan Dufty
9TH DISTRICT

January 9, 2024

City of San Bruno
City Manager's Office
Attn: Darcy Smith, Assistant City Manager
567 El Camino Real
San Bruno, CA 94066
Email: Tanforan@sanbruno.ca.gov

RE: NOP DEIR for the Tanforan Redevelopment Project

Dear Ms. Smith,

The San Francisco Bay Area Rapid Transit District (BART) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the exciting Tanforan Redevelopment Project. Please note that this comment letter is similar to the one that was sent to the City of South San Francisco for their Southline Project as we felt there were many parallels in your respective projects and potential environmental impacts.

It is vital that the DEIR fully study the impacts to the BART system as well as roadway users that will result from the development, policies, and projects identified by this project. Also, the environmental review should specifically analyze potential impacts in the context of the Metropolitan Transportation Commission's (MTC's) Plan Bay Area.

While BART does not anticipate that the project alone will result in significant impacts to the station and the system, the project sponsors should perform an evaluation of the cumulative impact of the entire project plus all projects under development in the vicinity of Tanforan, including the Southline Project and others, to determine station- and system-level impacts as they relate to vertical circulation, queuing at ticket machines, fare gates, elevators, and escalators, and train crowding. Analysis should include a forecast of the increase in BART ridership to San Bruno Station. BART will be happy to work with the project sponsors to analyze the impacts of the proposed Project on peak hour travel on station capacity as well as line haul capacity to ensure that BART can continue to safely deliver patrons to and from nearby stations.

As you know, starting July 1st, 2020, automobile delay, as described solely by Level of Service (LOS) or similar measure of traffic congestion, is no longer considered a significant impact under the California Environmental Quality Act (CEQA). Agencies analyzing the transportation impacts of new projects must now look at vehicle miles traveled (VMT) instead of LOS. VMT measures how much actual auto travel (additional miles driven) a proposed project would create on California roads. If the project adds excessive car travel onto our roads, the project may cause a significant transportation impact. BART fully supports the shift from LOS to VMT as the true measure of transportation impacts created by a project. The addition of the roadway segment (i.e. roadway capacity) and a parking garage undoubtedly attract a significant amount of vehicle traffic. The single most obvious step to avoid an increase in VMTs is to actually minimize the parking provision and the increase in vehicle roadway capacity as much as possible instead of constructing these components and

then having to put in place mitigations for the associated VMT increase. Please note that BART will not support any mitigation designed to improve LOS (such as roadway widenings), not in small part because such steps generally come with an associated increase in VMT. Finally, every parking space in the project will represent a trip that could have otherwise been taken on BART, on a bus or shuttle, on foot or on a bicycle.

In June 2016, BART adopted a Station Access Policy that seeks to promote safe access to BART, invest in active transportation modes to improve public health, prioritize sustainable access modes with the lowest GHG and pollutant emissions per trip, and to reduce the access mode share of the automobile by enhancing multi-modal access to and from BART stations in partnership with communities and access providers. The goals of BART's Station Access Policy are consistent with the goals of your City policies including its Bicycle and Pedestrian Master Plans and its Climate Action Plan. We urge the City to conduct the environmental review and develop mitigation strategies in light of these shared goals.

Specifically, the increase in VMTs resulting from the addition of parking spaces will also result in increased exposure for all roadway users, particularly vulnerable ones such as bicyclists and pedestrians, which in turn may result in an increase in crashes, injuries, and fatalities in the vicinity of the project. In fact, we are currently coordinating with your City on a Safety Action Plan to identify Vision Zero interventions to the San Bruno BART Station. With that in mind, we urge project sponsors to analyze potential impacts to all roadway users, not just drivers; and to examine strategies such as road diets, corner bulbouts, reduced crossing distances, separated bike lanes, protected intersections, narrower travel lanes, and other mitigations designed to maximize roadway safety for all users, particularly vulnerable ones.

The project is also perfectly positioned to maximize pedestrian and bicycle access due to its proximity to the Centennial Way Trail, directly adjacent to the east side of the site. Aside from being a direct pedestrian and bicycle connection for nearby residents, the Trail provides an excellent opportunity for first/last mile pedestrian and bicycle trips between the site and the BART station. We urge project sponsors to specifically examine impacts to trail users and consider improvements to the trail, particularly at major roadway intersections and at the trail ends at the BART stations, as potential mitigations.

Thank you for the opportunity to comment on this NOP. Please call me if you have any questions.

Sincerely,



Tim Chan
BART Group Manager – Station Area Planning

NATIVE AMERICAN HERITAGE COMMISSION

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NAHC HEADQUARTERS
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nahc@nahc.ca.gov
NAHC.ca.gov

December 19, 2023

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

Re: 2023120409, Tanforan Redevelopment Project, San Mateo County

Dear Ms. Smith:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

a. A brief description of the project.

b. The lead agency contact information.

c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).

d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

a. Alternatives to the project.

b. Recommended mitigation measures.

c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

a. Type of environmental review necessary.

b. Significance of the tribal cultural resources.

c. Significance of the project's impacts on tribal cultural resources.

d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

a. Whether the proposed project has a significant impact on an identified tribal cultural resource.

b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
    a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
    b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
    a. If part or all of the APE has been previously surveyed for cultural resources.
    b. If any known cultural resources have already been recorded on or adjacent to the APE.
    c. If the probability is low, moderate, or high that cultural resources are located in the APE.
    d. If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
    a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
    b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
   a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
   b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
   a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
   b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
   c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
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(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

January 12, 2024

Darcy Smith, Assistant City Manager
City of San Bruno
567 El Camino Real
San Bruno, CA 94117
Tanforan@sanbruno.ca.gov

Subject: Tanforan Redevelopment Project, Notice of Preparation of Draft Environmental Impact Report, SCH No. 2023120409, City of San Bruno, San Mateo County

Dear Darcy Smith:

The California Department of Fish and Wildlife (CDFW) reviewed the City of Bruno's (City) Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Tanforan Redevelopment Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines[1] .

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect fish and wildlife resources of the State. Please be advised, by law, CDFW may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW is providing the Lead Agency name, as the Lead Agency, with specific detail about the scope and content of the environmental information related to CDFW's area of statutory responsibility that must be included in the EIR (Cal. Code Regs., tit. 14, § 15082, subd. (b)).

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines, § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Id., § 1802). For purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW is also submitting these comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority over the Project pursuant to the Fish and Game Code. For example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority, if the Project impacts the bed, channel or bank of any river, stream or lake within the State (Fish & G. Code, § 1600 et seq.). Likewise, to the extent the Project may result in "take," as defined by state law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86). CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065). In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports findings of overriding consideration for impacts that remain significant despite the implementation of all feasible mitigation. Findings of consideration under CEQA, however, do not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration Agreement

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting river, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage

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ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements**.** Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the final EIR and complied with its responsibilities as a responsible agency under CEQA.

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

PROJECT DESCRIPTION AND LOCATION

Proponent: Alexandria Real Estate Equities

The Project site is 44-acres and comprised of The Shops at Tanforan Shopping Center and a vacant parcel north of Sneath Lane and is currently developed with retail uses and surface parking. The Project area is generally bounded by Sneath Lane to the north, Huntington Avenue to the east, Highway 380 to the south, and El Camino Real to the west. The Project is located on six parcels (APNs 014-316-080, 014-316-300, 014-316-310, 014-316-360, 014-316-330, and 014-311-060) at the addresses 1122, 1150, 1178, 1188 El Camino Real and 300 Tanforan Shopping Center in San Bruno.

The Project proposes to demolish all the existing uses on the Project site except for the Century at Tanforan Theater, totaling approximately 900,000 square feet of demolition. The Project would construct a transit-oriented, mixed-use development including housing, retail uses, life-science laboratory and office uses, private and publicly accessible, privately-owned open space, and a potential hotel. The Project site includes a programmed area and two “flex zones.” Within the programmed area, the Project would construct approximately 250,000 square feet of new and relocated retail space, approximately 1,000 multi-family residential units, approximately 711,000 square feet of life-science laboratory and office uses, an approximately 14,500-square foot amenity building, and a parking garage. The existing 81,500-square foot Century at Tanforan Theater would be remodeled and incorporated into the Project, and the existing Target would be relocated to a new retail building in the western portion of the Project site.

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- The CEQA Guidelines (§§15124 & 15378) require that the draft EIR incorporate a full Project description, including reasonably foreseeable future phases of the Project, and that contains sufficient information to evaluate and review the Project's environmental impact. Please include a complete description of the following Project components in the Project description including, but not limited to, the below information. Land use changes resulting from, for example, rezoning in certain areas.

- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.

- Area and plans for any proposed buildings/structures, ground-disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.

- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.

- Construction schedule, activities, equipment, and crew sizes.

ENVIRONMENTAL SETTING

Sufficient information for meaningful review regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project and any alternatives identified in the EIR (CEQA Guidelines, §§ 15125 & 15360). CDFW recommends the EIR provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species (CEQA Guidelines, §15380). The EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see: https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities), and any stream or wetland set back distances the City may require.

Fully protected, threatened or endangered, candidate, and other special-status species that are known to occur, or have the potential to occur, in or near the Project site include, but are not limited to:

Common Name	Scientific Name	Federal Status	State Status	CDFW Status
California Ridgway's rail	*Rallus obsoletus obsoletus*	Endangered	Endangered	FP

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Alameda song sparrow	*Melospiza melodia pusillula*	None	None	SSC
American peregrine falcon	*Falco peregrinus anatum*	Delisted	Delisted	
California red-legged frog	*Rana draytonii*	Threatened	None	SSC
San Francisco gartersnake	*Thamnophis sirtalis tetrataenia*	Endangered	Endangered	FP
hoary bat	*Lasiurus cinereus*	None	None	
Townsend's big-eared bat	*Corynorhinus townsendii*	None	None	SSC
pallid bat	*Antrozous pallidus*	None	None	SSC
Stage's dufourine bee	*Dufourea stagei*	None	None	
Mission blue butterfly	*Icaricia icarioides missionensis*	Endangered	None	
callippe silverspot butterfly	*Speyeria callippe callippe*	Endangered	None	

Notes:

CDFW Status Key: FP = Fully Protected Species; SSC = Species of Special Concern.

Habitat descriptions and species profiles included in the EIR should include robust information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; California Aquatic Resources Inventory; and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB). Only with sufficient data and information from the habitat assessment can the City adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: https://wildlife.ca.gov/Conservation/Survey-Protocols.

Botanical surveys for special-status plant species, including those listed by the California Nartive Plant Society (http://www.cnps.org/cnps/rareplants/inventory/), should also be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and include the identification of reference populations.

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Please refer to CDFW protocols for surveying and evaluating impacts to special-status plants available at: https://wildlife.ca.gov/Conservation/Plants.

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines necessitate the EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. (CEQA Guidelines, § 15126.2). This includes evaluating and describing impacts such as:

- Potential for "take" of special-status species;
- Loss or modification of breeding, nesting, dispersal, and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g. snags, roosts);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic, or human presence;
- Water quality impacts resulting from construction and operation of the Project;
- Impacts both from construction and operation of the Project;
- Impacts to bed, channel, bank, and riparian habitat, and the direct and indirect effects to fish, wildlife, and their habitat.

The EIR should also identify existing and reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to each impact (CEQA Guidelines, § 15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact (e.g., reduction of available habitat for a listed species) should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

The CEQA Guidelines direct the City, as the Lead Agency, to consider and describe in the EIR all feasible mitigation measures to avoid and/or mitigate potentially significant impacts of the Project on the environment based on comprehensive analysis of the potential direct, indirect, and cumulative impacts of the Project. (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370). This should include discussion of take avoidance and minimization measures for special-status species, which should be developed in consultation with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to prepare subsequent EIRs or to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subds. (d) & (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDB. The CNDDB online field survey form and other methods for submitting data can be found here: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data.

The types of information reported to CNDDB can be found here: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

CDFW anticipates that the proposed Project will have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to provide comment on the NOP in order to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jason Teichman, Environmental Scientist at Jason.Teichman@wildlife.ca.gov, or Wesley Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2023120409)
Craig Weightman, CDFW Bay Delta Region - Craig.Weightman@wildlife.ca.gov

California Department of Transportation

DISTRICT 4
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January 17, 2024

SCH #: 2023120409
GTS #: 04-SM-2023-00554
GTS ID: 31542
Co/Rt/Pm: SM/82/19.186

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

Re: Tanforan Redevelopment Project – Notice of Preparation of a Draft Environmental Impact Report (DEIR)

Dear Darcy Smith:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Tanforan Redevelopment Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system.

The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the December 2023 NOP.

Project Understanding
The proposed project would construct 250,000 square feet (s.f.) of new and relocated retail space, 1,000 multi-family residential units, 711,000 s.f. of life-science laboratory and office uses, a 14,500 s.f. amenity building, and a parking garage. This project site is located directly adjacent to State Route (SR)-82 and I-380.

Travel Demand Analysis
With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide (*link*).

If the project meets the screening criteria established in the City's adopted VMT policy to be presumed to have a less-than-significant VMT impact and exempt from detailed VMT analysis, please provide justification to support the exempt status in alignment with the City's VMT policy. Projects that do not meet the screening criteria should include a detailed VMT analysis in the DEIR, which should include the following:

- VMT analysis pursuant to the City's guidelines. Projects that result in automobile VMT per capita above the threshold of significance for existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.

- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential traffic safety issues to the State Transportation Network (STN) may be assessed by Caltrans via the Interim Safety Guidance (*link*).

- The project's primary and secondary effects on pedestrians, bicycles, travelers with disabilities and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.

Construction-Related Impacts
Potential impacts to the State Right-of-Way (ROW) from project-related temporary access points should be analyzed. Mitigation for significant impacts due to construction and noise should be identified. Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits (*link*).

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Lead Agency
As the Lead Agency, the City of San Bruno is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Equitable Access
If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Encroachment Permit
Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement.

The checklist TR-0416 (*link*) is used to determine the appropriate Caltrans review process for encroachment projects. The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. To obtain more information and download the permit application, please visit Caltrans Encroachment Permits (*link*). Your application package may be emailed to D4Permits@dot.ca.gov.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Melissa Hernandez, Associate Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please contact LDR-D4@dot.ca.gov.

Sincerely,

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

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San Francisco International Airport

January 17, 2024

Darcy Smith
Assistant City Manager
City of San Bruno
567 El Camino Real
San Bruno, California 94066

TRANSMITTED VIA EMAIL ONLY
Tanforan@sanbruno.ca.gov

Subject: ***CEQA NOP Comment Letter: Tanforan Redevelopment Project, San Bruno***

Thank you for notifying the San Francisco International Airport (SFO or the Airport) of the availability of the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Tanforan Redevelopment Project (Proposed Project) in the City of San Bruno (City). We appreciate this opportunity to review and provide comments on the NOP.

As the Airport stated in previous letters sent to the City on May 6, 2022 and December 16, 2022, the proposal to redevelop the Proposed Project 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 remains opposed to the development of high-density residential uses on the Proposed Project site.

In addition, three other agencies and organizations submitted letters to the City expressing their concerns over the development of residential uses on the Proposed Project site: the California Department of Transportation on January 25, 2022; the Federal Aviation Administration (FAA) on May 18, 2022; and the SFO Airport/Community Roundtable on May 24, 2022.

Proposed Tanforan Redevelopment Project

The NOP states that the Proposed Project is located on a 44-acre site that consists of six parcels at 1122, 1150, 1178, 1188 El Camino Real and 300 Tanforan Shopping Center (Assessor's Parcel Numbers 014-316-080, 014-316-300, 014-316-310, 014-316-360, 014-316-330, and 014-311-060). The site is generally bounded by Sneath Lane to the north, Huntington Avenue to the east, Interstate 380 to the south, and El Camino Real to the west. One of the parcels is a vacant lot on the north side of Sneath Lane. The site is currently occupied by retail uses and surface parking, collectively known as The Shops at Tanforan. Existing development in the vicinity consists of: commercial uses to the north; the Bay Area Rapid Transit (BART) San Bruno station and parking structure, a joint BART/City police station, single-family residential uses, and commercial uses to the east; Interstate 380 and residential uses to the south; and multi-family residential uses, commercial uses, and the Golden Gate National Cemetery to the west.

The Proposed Project consists of demolishing all existing uses on the site except for the Century at Tanforan movie theater and constructing a mixed-use development. The site includes a programmed area and two flex zones. The programmed area would include 1,000 residential units, approximately 250,000 square feet of new and relocated retail space, approximately 711,000 square feet of life-science laboratory/office uses, an approximately 14,500-square-foot amenity building, public and private open

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO
LONDON N. BREED *MAYOR* | MALCOLM YEUNG *PRESIDENT* | EVERETT A. HEWLETT, JR. *VICE PRESIDENT* | JANE NATOLI | JOSE F. ALMANZA | MARK BUELL | IVAR C. SATERO *AIRPORT DIRECTOR*

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space, and a parking garage. The existing Century at Tanforan movie theater would be remodeled and incorporated into the Proposed Project, and the existing Target would be relocated to a new retail building on the western portion of the site facing El Camino Real.

The two flex zones could be developed with additional residential, life-science laboratory/office, and/or hotel uses with parking. The exact amount and configuration of future development in the flex zones are not known at this time. The DEIR will analyze two land use scenarios for the flex zones.

- One scenario would include an additional 1,289,000 square feet of life-science laboratory/office space and an additional 14,500 square feet of amenity space.
- The other scenario would include 500 additional residential units and a 170-room tourist hotel.

SFO ALUCP Airport Influence Areas

The Tanforan site is within two Airport Influence Areas: Area A – Real Estate Disclosure Area (all of San Mateo County) and Area B – Policy/Project Referral Area (a smaller subarea in the northern part of San Mateo County), as defined by the SFO ALUCP. Within Area A, the real estate disclosure requirements of state law apply (see **Attachment A**). A property owner offering a property for sale or lease must disclose the presence of planned or existing airports within two miles of the property. Within Area B, the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), acting as the designated Airport Land Use Commission (ALUC), shall review proposed land use policy actions, including new general plans, specific plans, zoning ordinances, plan amendments and rezonings, and land development proposals (see **Attachment A**). The real estate disclosure requirements in Area A also apply in Area B. The EIR should identify responsible parties for maintaining compatibility and responsible actions under the C/CAG-adopted SFO ALUCP.

SFO ALUCP Noise Compatibility Policies

As shown in Figure IV-6 of the SFO ALUCP, the Tanforan site is within the Community Noise Equivalent Level (CNEL) 70 A-weighted decibel (dBA) noise contour (see **Attachment B**). As shown in Table IV-1 of the SFO ALUCP, residential uses are not compatible within the CNEL 70 dBA contour (see **Attachment B**). 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, hearing loss, and sleep disruption.[1] This noise exposure is not mitigable for residential uses due to the nature of that development type, which is characterized by operable windows, access to open space, and other design elements which preclude effective mitigation.

As described in the NOP, the Proposed Project includes two flex zone options that could accommodate up to 1,500 residential units on the site, resulting in residents being exposed to extreme and persistent noise from aircraft operations.

[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.

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The Airport appreciates that much of the City lies within the CNEL 65 dBA contour. The commercial and industrial land uses that make up most of the existing land uses within the most noise-exposed areas have served both the community and the Airport well for decades. Now, commercial and industrial areas that have been zoned and used as such for decades are being identified for rezoning and redevelopment to include high-density housing because these areas are located adjacent to high-quality transit (i.e., the San Bruno BART and Caltrain stations and the El Camino Real bus corridor) as defined by the State of California.

The Airport supports practical housing development in the Bay Area to address our region's housing affordability 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, the City is under State obligation to meet a higher Regional Housing Needs Allocation (RHNA), but meeting this obligation cannot come at the expense of future residents' health and well-being.

All development actions related to residential uses within the CNEL 70 dBA contour, including rezoning of a site from nonresidential use to residential use, are determined to be incompatible, under Noise Compatibility Policy NP-4 of the SFO ALUCP. This differs from the CNEL 65 dBA contour, where acoustical treatments are capable of reducing interior noise levels and making residential developments conditionally compatible. Developing residential uses within the CNEL 70+ dBA contour would result in a significant effect on future residents and is identified under research-based federal and state regulations as incompatible. Interior insulation would fail to address noise in outdoor amenity spaces often provided alongside housing. Furthermore, the simple act of opening a window would compromise the efficacy of even the best noise insulation.

In 1983, SFO became the first U.S. airport with an approved noise compatibility program from the FAA. Since then, the FAA and SFO have funded, implemented, and maintained a robust sound insulation program that has allowed SFO to be one of the few public use airports in the State of California to be fully compliant under Title 21 of the California Code of Regulations. Through the Airport's Noise Insulation Program (NIP), millions of FAA and SFO funds have been expended to achieve land use compatibility within the CNEL 65 dBA contour by providing noise insulation improvements to homes, places of worship, and schools to be consistent with federal and state land use compatibility regulations. Between the 1980s and the conclusion of ongoing work at the end of March 2024, the NIP's efforts in San Bruno will have included insulation of 2,669 residential properties plus replacement or repair of insulation improvements that had not met performance expectations in six dwellings with a total cost of approximately $36 million. In addition, seven San Bruno residential properties are scheduled for acoustic treatment and/or re-insulation to be completed by 2025 with a projected investment of $1.5 million. Furthermore, 75 San Bruno properties have been identified as potentially eligible for re-insulation in future phases of the NIP, with FAA and SFO investments estimated between $12 million and $13 million. Redevelopment of the Tanforan site to include high-density residential units would undermine decades of scientifically informed land use planning and millions of dollars expended to safeguard public health and safety.

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The materials and technology used for sound insulation have limited warranties and eventually fail. Residential development within the CNEL 70 dBA contour would render the Tanforan development ineligible for FAA/SFO grants for future sound insulation, including the subsequent repair or reinstallation of insulation materials when they fail over time. Similarly, California Public Utilities Code Section 21678 precludes the City and County of San Francisco/SFO from any liability should the City proceed with the Proposed Project in contravention of the SFO ALUCP noise compatibility policies. There would be no viable aircraft noise abatement or noise mitigation measures that could alleviate the significant and unmitigable noise these future residents may experience, especially from long-haul international air carriers and cargo operators that depart late at night and early in the morning. Due to the weight of the cargo, cargo freighter aircraft typically fly slowly and low to the ground. The Airport will not be able to address noise complaints that are sure to arise from these future residents and will refer them to the City.

The noise exposure effects of the Proposed Project would be unprecedented in the United States. Future residents would be located directly beneath the flight paths of two primary departure runways serving international operations. Airport staff conducted a search to determine if there were any comparable residential densities in the United States based on the same parameters as the proposed housing development at the Tanforan site, including being located within 1.2 miles of the extended centerline of a runway with at least 7,000 feet of takeoff distance available and which is used commonly for departure operations. As shown in **Attachment C**, the Airport's analysis found that there is no other housing of comparable density in the United States. The Proposed Project would result in the densest population per square mile near a major U.S. international airport and would instantly become the most visible and severe example of poor airport land use compatibility planning.

The baseline noise conditions for future residents would be significant but can be avoided if the City identifies other locations for housing outside the CNEL 70 dBA contour. The Airport has noted to the City and the ALUC that the City has failed to take zoning actions at other sites, including 2101 Sneath Lane and 300 Piedmont Avenue, which would increase residential density in compatible areas of the City and therefore reduce or eliminate the need to provide for housing developments within incompatible areas like Tanforan.

SFO ALUCP Safety Compatibility Policies

The land use compatibility criteria for safety zones are provided in Table IV-2 of the SFO ALUCP (see **Attachment D**). The safety compatibility criteria are generally based on the guidelines provided in the *California Airport Land Use Planning Handbook* (Caltrans Handbook),[2] although modifications have been made in recognition of the intense level of existing development in the vicinity of airports. Appendix E of the Caltrans Handbook contains 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.

[2] Caltrans Division of Aeronautics, California Airport Land Use Planning Handbook. Available online at https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-a11y.pdf

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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 in the Safety Zone unless no feasible alternative is available, as determined by the City. Where these uses are allowed, habitable structures shall be provided with at least 50 percent more exits than required by applicable codes. 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.

SFO ALUCP Airspace Protection Policies

As shown on Exhibit IV-17 of the SFO ALUCP (see **Attachment E**), the elevations of the critical aeronautical surfaces at the Tanforan site range from approximately 125 to 145 feet above mean sea level (AMSL), as defined from the origin of the North American Vertical Datum of 1988 (NAVD88). Given that the ground elevation at the Tanforan site ranges from 36 to 55 feet AMSL NAVD88 and assuming that the Proposed Project does not change the ground elevation, the heights of the buildings would need to be no higher than approximately 55 and 90 feet above ground level, depending on horizontal location, to be compatible with the Airspace Protection Policies of the SFO ALUCP. Such compatibility would also be contingent on the issuance of a Determination of No Hazard from the FAA (see below) for any proposed structures and determinations from C/CAG as the designated ALUC.

This determination would not negate the requirement for the developer to also undergo FAA review as described in Title 14 Code of Federal Regulations Part 77 for both (1) the permanent structures and (2) any temporary cranes or other equipment taller than the permanent buildings that would be required to construct those structures. Due to the proximity of the Tanforan site to the Airport and certain procedures from the two primary departure runways (Runways 10L-28R and 10R-28L), both the permanent buildings and temporary cranes or construction equipment must be considered. Any penetrations of the critical aeronautical surfaces adopted in the SFO ALUCP would result in real financial and economic impacts to air carriers, cargo operators, and the City and County of San Francisco/SFO and would potentially reduce airlines' ability to transport the high-value cargo that many City businesses, including potentially the laboratory/office uses proposed at Tanforan, rely upon for their viability.

The inclusion of landscaping and green/living roof features as part of the Proposed Project could attract wildlife and would not be consistent with the airspace protection policies of the SFO ALUCP. Specifically, Airspace Protection Policy AP-4 of the SFO ALUCP states that: "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 … Specific characteristics that may create hazards to aircraft in flight and which are incompatible include: … (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 Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*, and any successor or replacement orders or advisory circulars."

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Landscaping and green/living roof features would attract birds, which pose a significant safety hazard to aircraft and passengers that are taking off or landing at SFO – and to the wildlife. A bird strike that disables an aircraft engine could result in the catastrophic loss of human life, impacting hundreds of passengers and crew on the plane and potentially even more people on the ground.

Airspace Protection Policies AP-1 through AP-4 of the SFO ALUCP are attached as a reminder of incompatible site characteristics, especially as they pertain to wildlife hazards and solar panel or building materials/features that reflect and create bright lights or glare (see **Attachment E**).

EIR Topics

The NOP states that the Proposed Project could result in probable impacts for 15 environmental topics and that the EIR will evaluate these topics in detail. Particular focus should be given to the following topics:

1) ***Project Alternatives*** – One of the project alternatives that should be discussed and analyzed in the EIR is an alternative that does not include any residential uses because residential uses within the CNEL 70 dBA contour are not compatible with the noise compatibility policies of the SFO ALUCP. The Airport does not support any alternative that includes residential uses.

2) ***Aesthetics*** – The Proposed Project site is about one mile northwest of the Airport and is directly beneath one of the primary aircraft departure paths. Light reflected from buildings and unmitigated lighting features from such a location can pose serious safety hazards to pilots and place passengers, flight crew, and people on the ground at risk. The EIR should address how the building design and materials and on-site lighting features would not create new sources of substantial light or glare that pose a safety threat to aircraft operations.

3) ***Air Quality*** – The EIR should include a technical background study that quantifies operation- and construction-related air quality emissions, especially given the size of the Proposed Project site (44 acres) and the extended construction period (multiple years). Criteria air pollutant mass emissions should be calculated for both operational and construction phases. Any significant impacts should be mitigated to the maximally feasible extent including through the use of cleaner construction equipment, electrification, and offsets. All sensitive receptors (i.e., residential uses, workers, healthcare facilities, childcare facilities, and schools) within 1,000 feet of the Proposed Project site, including new sensitive receptors that are part of the Proposed Project, should be included in the health risk assessment modeling. Cumulative impacts should be evaluated by including all existing and planned sources of toxic air contaminants and fine particulate matter ($PM_{2.5}$) within 1,000 feet of the Proposed Project site.

4) ***Biological Resources*** – The EIR should include a technical background study that identifies vegetation communities and wildlife habitat, special-status plant and animal species, sensitive natural communities, and wildlife corridors that are present on the Proposed Project site and in its vicinity. The EIR should analyze whether construction and operation of the Proposed Project would result in any impacts on these biological resources.

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As stated above, the Airport is concerned about proposed landscaping and green/living roof features that could become wildlife attractants. The EIR should discuss how the Proposed Project would reduce or minimize the amount of wildlife attracted to such features.

5) ***Hazards and Hazardous Materials*** – The Appendix G environmental topic checklist of the CEQA Guidelines asks whether a project located within an airport land use plan would result in a safety hazard or excessive noise for people residing or working in the project area. The EIR should discuss whether the Proposed Project would be consistent with the noise and safety compatibility policies of the SFO ALUCP, analyze the Proposed Project's impacts related to resident and worker exposure to safety hazards and excessive noise levels, and identify mitigation measures to address significant impacts.

6) ***Land Use and Planning*** – The Appendix G environmental topic checklist of the CEQA Guidelines asks whether a project would cause a significant physical environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The SFO ALUCP is an adopted plan that establishes policies related to land use development around SFO to ensure that the public's exposure to safety hazards and excessive noise levels are minimized. The EIR should discuss whether the Proposed Project would conflict with the policies of the SFO ALUCP, analyze the Proposed Project's impacts that would result from such conflicts, and identify mitigation measures to address significant impacts.

7) ***Noise*** – The Appendix G environmental topic checklist of the CEQA Guidelines asks whether a project located within an airport land use plan would expose people residing or working in the project area to excessive noise levels. The EIR should discuss whether the Proposed Project would be consistent with the noise compatibility policies of the SFO ALUCP, analyze the Proposed Project's impacts related to resident and worker exposure to excessive noise levels, and identify mitigation measures to address significant impacts.

   As stated above, residential uses within the CNEL 70 dBA contour are not eligible for FAA/SFO grants for future sound insulation, including the subsequent repair or reinstallation of insulation materials when they fail over time. The EIR should disclose this information and explain how the City intends to mitigate this noise impact. Without access to FAA/SFO grants, who will bear the cost of providing and maintaining the sound insulation for up to 1,500 units for the life of the residential development?

   If the City chooses to approve the development of incompatible residential uses within the CNEL 70 dBA contour, then the City will bear the responsibility of addressing the inevitable noise complaints that will be filed by the future residents of the Proposed Project site. The EIR should address how the City intends to address these noise complaints. Any noise complaints filed with the Airport will be referred to the City.

8) ***Public Services*** – The Proposed Project could result in the development of as many as 1,500 residential units, some of which will house families with school-age children. The EIR should analyze whether the local school districts have the capacity to meet this demand. In addition, the influx of residents and employees to the Proposed Project site would increase the demand for fire protection, emergency medical, and police protection services. The EIR should analyze whether the

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City will be able to maintain acceptable response times with the additional demand that the Proposed Project would place on these public services.

9) ***Transportation*** – The Proposed Project site is served by high-quality public transit as defined by the State of California; SamTrans runs bus service along El Camino Real, Sneath Lane, and Huntington Avenue. The San Bruno BART station is adjacent to the Proposed Project site, and the San Bruno Caltrain station is less than 0.50 mile to the south. Despite the proximity and convenience of public transit, the Proposed Project includes at least one nonresidential parking garage for 1,146 vehicles (Figure 4, Scenario B of the NOP). Depending on how the two flex zones are developed, there could be as many as 3,044 nonresidential parking spaces (Figure 3, Scenario A of the NOP). In addition, there could be at least 1,500 residential parking spaces plus guest parking spaces for the residential uses. The amount of proposed parking is contrary to the concept of a transit-oriented development.

   The addition of thousands of vehicles to the surrounding streets has the potential to conflict with and adversely affect public transit, increase vehicle miles traveled, and increase noise levels, air pollutant concentrations, and greenhouse gas (GHG) emissions. The EIR should analyze the Proposed Project's transportation impacts related to public transit delay and vehicle miles traveled and identify applicable measures to reduce these impacts, such as implementation of a transportation demand management program. In addition, the EIR should analyze the noise, air quality, and GHG impacts associated with the addition of thousands of vehicles to the surrounding streets.

10) ***Other Considerations*** – As stated above, the Proposed Project has the potential to penetrate the critical aeronautical surfaces adopted in the SFO ALUCP. Both the permanent buildings and temporary construction equipment (e.g. cranes) that would be required to construct the permanent buildings would need to be evaluated for compliance with the airspace protection policies of the SFO ALUCP. Any penetrations of the critical aeronautical surfaces adopted in the SFO ALUCP would result in real financial and economic impacts to air carriers, cargo operators, and the Airport. In order to increase their altitude during takeoff, larger wide-body aircraft would be required to carry lighter payloads (i.e., passengers, cargo), which would decrease revenue. A limited number of narrow-body aircraft could alternatively depart over San Francisco Bay using Runways 1L-19R or 1R-19L; however, these aircraft already use Runway 1L or 1R when able, so the practical extent of such a shift should be considered extremely limited and would not apply at all when strong westerly winds preclude the use of the shorter runways. The EIR should disclose how implementation of the Proposed Project could affect operations by air carriers, cargo operators, and the Airport, potentially resulting in financial and economic impacts.

* * *

The Airport urges the City to abandon its plans for introducing fundamentally incompatible residential land uses into the CNEL 70 DBA contour. As the Airport has noted in prior letters on both this and other projects, there are alternative locations outside of the CNEL 70 dBA contour for developing housing to meet its Regional Housing Needs Allocation of 3,165 units by the year 2031, and the Airport encourages the City to take advantage of these resources rather than subjecting its future residents to unmitigable noise exposure. If SFO can be of assistance, please do not hesitate to contact me at

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(650) 821-6678 or at nupur.sinha@flysfo.com, or Audrey Park, Environmental Affairs Manager at (650) 821-7844 or at audrey.park@flysfo.com.

Sincerely,

DocuSigned by:
Nupur Sinha
7D552AE6A4CE495...

San Francisco International Airport
Bureau of Planning and Environmental Affairs

Attachments

- Attachment A – SFO ALUCP Airport Influence Areas
- Attachment B – SFO ALUCP Noise Compatibility Policies
- Attachment C – Housing Density Along Runway Centerlines at U.S. Airports
- Attachment D – SFO ALUCP Safety Compatibility Policies
- Attachment E – SFO ALUCP Airspace Protection Policies

cc: Ivar Satero, SFO Airport Director
Geoffrey W. Neumayr, SFO Chief Resilience and Sustainability Officer
Jeff Littlefield, SFO Chief Operating Officer
Cathy Widener, SFO Chief External Affairs Officer
Audrey Park, SFO Environmental Affairs Manager
Laurie Suttmeier, Manager, FAA Western Pacific Region, San Francisco Airports District Office
Mathew Friedman, Chief, Caltrans Division of Aeronautics
Yunsheng Luo, Caltrans District 4, Local Development Review
Sean Charpentier, Executive Director, City/County Association of Governments of San Mateo County
Susy Kalkin, C/CAG Airport Land Use Committee

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Attachment A:

SFO ALUCP Airport Influence Areas

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4.2 Airport Influence Area (AIA)

The AIA for SFO includes two parts: Area A and Area B. Area A is the larger of the two areas and encompasses all of San Mateo County. Area B lies within Area A and includes land exposed to aircraft noise above CNEL 65 dB or lying below critical airspace.

Area A, depicted on **Exhibit IV-1**, includes the entire county, all of which is overflown by aircraft flying to and from SFO at least once per week at altitudes of 10,000 feet or less above mean sea level (MSL). (Appendix L explains the rationale for defining the AIA Area A boundary.)

Area B of the AIA, depicted on **Exhibit IV-2**, is based on a combination of the outer boundaries of the noise compatibility and safety zones, the 14 CFR Part 77 conical surface, and the TERPS approach and One-Engine Inoperative (OEI) departure surfaces.[1] As depicted on Exhibit IV-2, the Area B boundary has been adjusted to follow streets, highways, and corporate boundaries to make it easier to identify and implement. See **Exhibit IV-3** for a close-up view of the northwestern half of Area B and **Exhibit IV-4** for a close-up view of the southeastern half.

The following AIA policies (IP) shall apply to the ALUCP.

IP-1 AIRPORT INFLUENCE AREA A – REAL ESTATE DISCLOSURE AREA

Within Area A, the real estate disclosure requirements of state law apply. Section 11010 of the Business and Professions Code requires people offering subdivided property for sale or lease to disclose the presence of all existing and planned airports within two miles of the property.[2] The law requires that, if the property is within an "airport influence area" designated by the airport land use commission, the following statement must be included in the notice of intention to offer the property for sale:

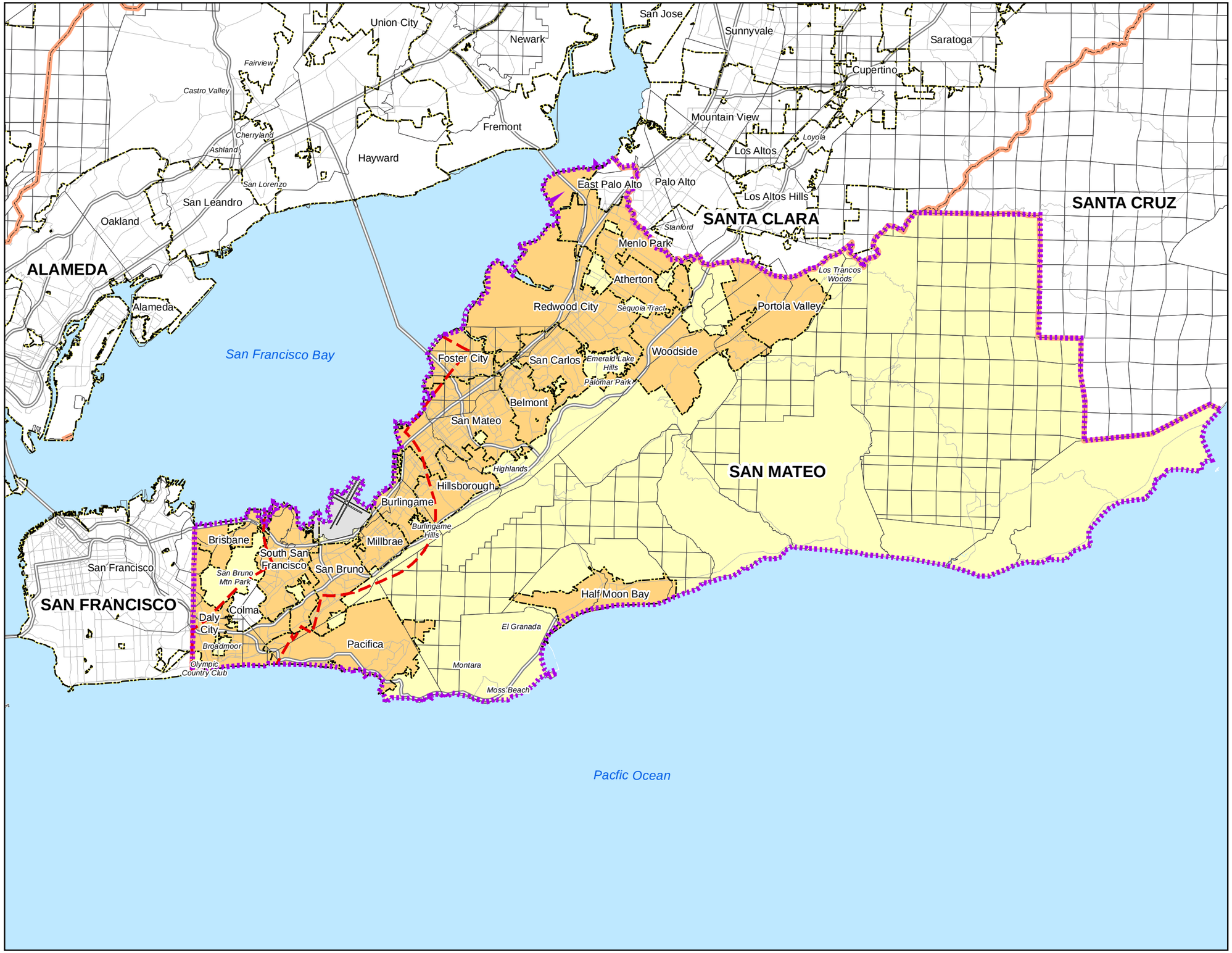
NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

[1] On the northwest side, the Area B boundary corresponds to the 800-foot elevation line of the TERPS approach surface and the OEI departure surface. On the southeast side, the Area B boundary corresponds with the transitional surfaces rising from the flat, central portion of the TERPS surface having an elevation of 210 feet MSL. See Exhibits IV-17 and IV-18 for a detailed depiction of the airspace surfaces.

[2] California Business and Professions Code, Section 11010(b)(13).

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LEGEND

- Boundary for Airport Influence Area B
- Airport Influence Area A Boundary
- County Boundary
- City Boundary
- Range/ Township/ Section and Rancho Lines
- Freeways
- Roads
- Municipal Members of SFO/Community Roundtable
- Unincorporated San Mateo County

NORTH

0 1 2 4 Miles

Exhibit IV-1

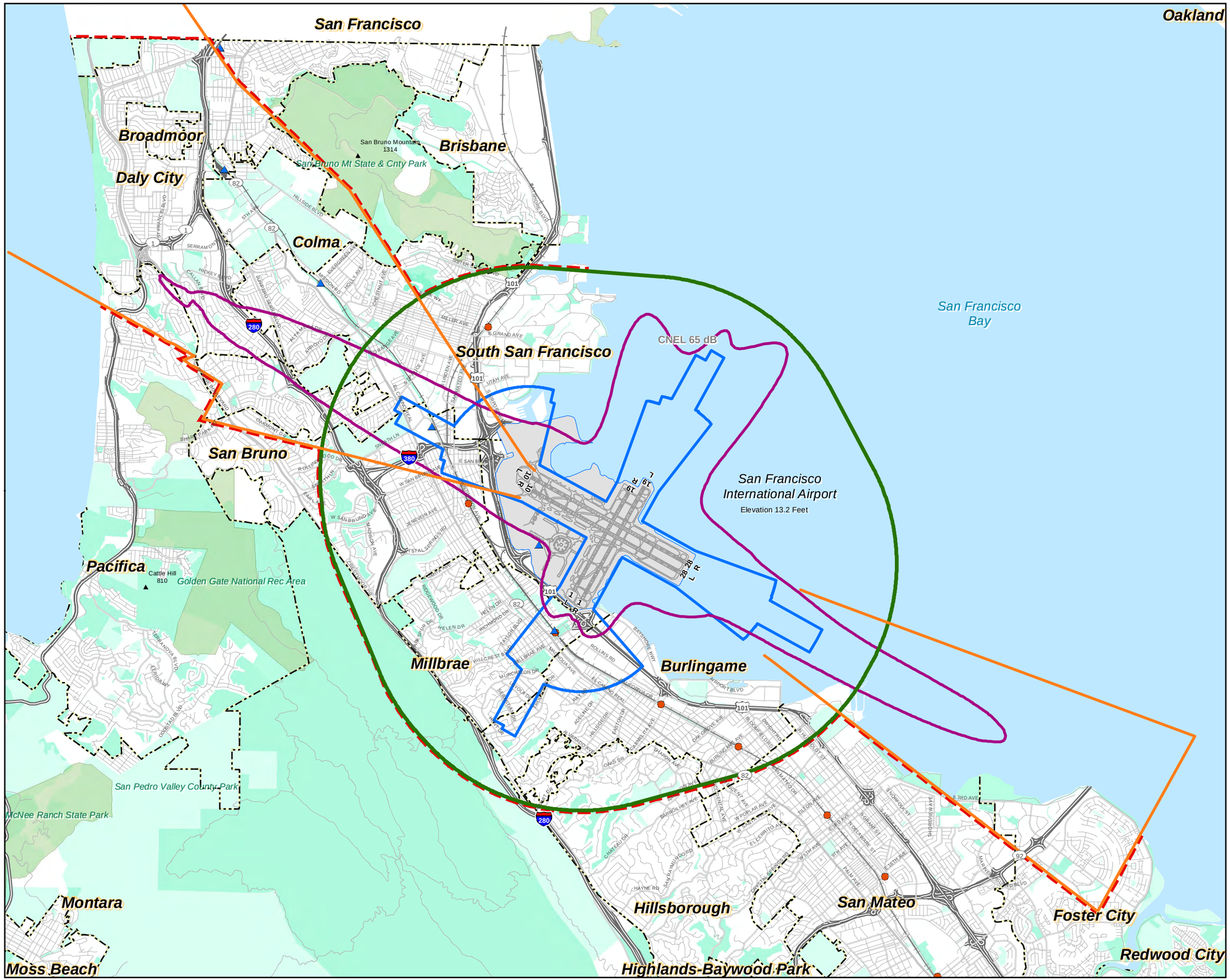
AIRPORT INFLUENCE AREA A - REAL ESTATE DISCLOSURE AREA

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

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LEGEND

- Boundary for Airport Influence Area B
- Outer Boundary of Safety Zones
- CNEL Contour, 2020 Forecast
- 14 CFR Part 77 Conical Surface
- Outer Boundary of TERPS Approach and OEI Departure Surfaces
- Airport Property
- BART Station
- CALTRAIN Station
- Municipal Boundary
- Railroad
- Freeway
- Road
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space

Sources:

100:1 FAA Notification Zone: Ricondo & Associates, Inc. and Jacobs Consultancy, based on 14 CFR Part 77, Subpart B, Section 77.9.

Outer Boundary of TERPS Approach and OEI Departure Surfaces: San Francisco International Airport, Jacobs Consultancy, and Planning Technology Inc., 2009

Safety Compatibility Zones: Jacobs Consultancy Team, 2009; Ricondo & Associates, Inc., 2011

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

NORTH

0 0.325 0.65 1.3 Miles

Exhibit IV-2

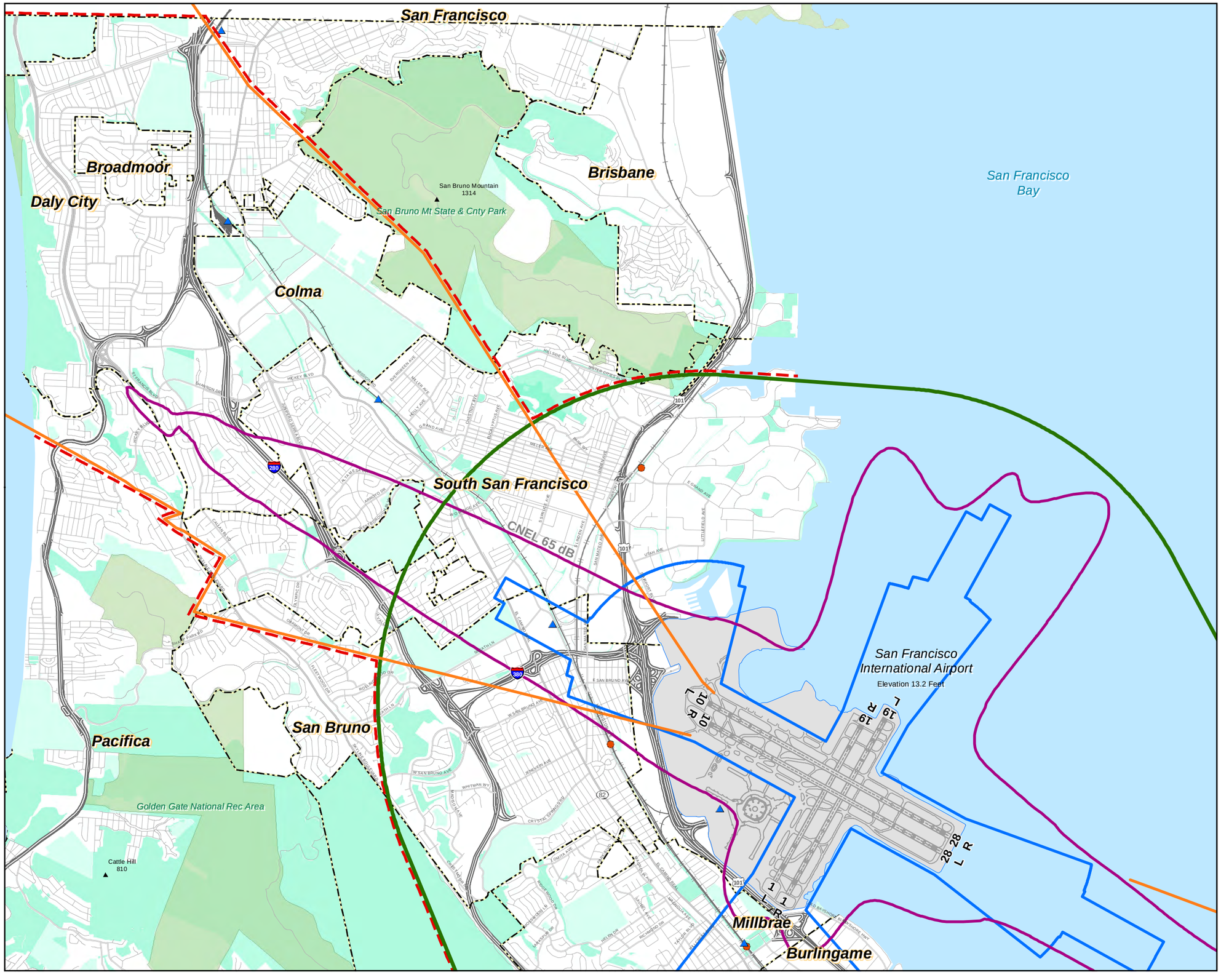
AIRPORT INFLUENCE AREA B --
LAND USE POLICY ACTION/PROJECT REFERRAL AREA

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

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LEGEND

- Boundary for Airport Influence Area B
- Outer Boundary of Safety Zones
- CNEL Contour, 2020 Forecast
- 14 CFR Part 77 Conical Surface
- Outer Boundary of TERPS Approach and OEI Departure Surfaces
- Airport Property
- BART Station
- CALTRAIN Station
- Municipal Boundary
- Railroad
- Freeway
- Road
- Local Park, Golf Course, Cemetery
- Regional Park or Recreation Area
- Open Space

Sources:

100:1 FAA Notification Zone: Ricondo & Associates, Inc. and Jacobs Consultancy, based on 14 CFR Part 77, Subpart B, Section 77.9.

Outer Boundary of TERPS Approach and OEI Departure Surfaces: San Francisco International Airport, Jacobs Consultancy, and Planning Technology Inc., 2009

Safety Compatibility Zones: Jacobs Consultancy Team, 2009; Ricondo & Associates, Inc., 2011

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

NORTH

0 0.2 0.4 0.8 Miles

Exhibit IV-3
AIRPORT INFLUENCE AREA B -- NORTH SIDE
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

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IP-2 AIRPORT INFLUENCE AREA B – POLICY/PROJECT REFERRAL AREA

Within Area B, the Airport Land Use Commission (the C/CAG Board) shall exercise its statutory duties to review proposed land use policy actions, including new general plans, specific plans, zoning ordinances, plan amendments and rezonings, and land development proposals. The real estate disclosure requirements in Area A also apply in Area B. For the purposes of this policy, parcels along the edge of the Area B Boundary that are split by the boundary shall be considered as fully being within Area B.

Portions of unincorporated San Mateo County and the following municipalities are located within Area B:

- Daly City – small part of the city in the Serramonte area
- Colma –the entire town
- Pacifica – north and northeast of the city
- South San Francisco – all but north and west sides of the city
- San Bruno – all but northwest corner of the city
- Millbrae – the entire city
- Burlingame – the entire city
- Hillsborough – the northern part of the town, north of Chateau Drive
- San Mateo – a few blocks in the City of San Mateo
- Foster City – the northern part of the City
- Unincorporated San Mateo County: California Golf Club, Country Club Park, Burlingame Hills, and San Francisco International Airport

The following special districts are located within Area B of the AIA:

- North San Mateo County Sanitation District
- Peninsula Health Care District
- San Mateo County Flood Control District
- San Mateo County Harbor District
- San Mateo County Mosquito & Vector Control District
- Westborough County Water District

The following school districts and community college district are located within Area B:

- Bayshore Elementary School District
- Brisbane Elementary School District
- Burlingame Elementary School District

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- 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.

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Attachment B:

SFO ALUCP Noise Compatibility Policies

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- 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

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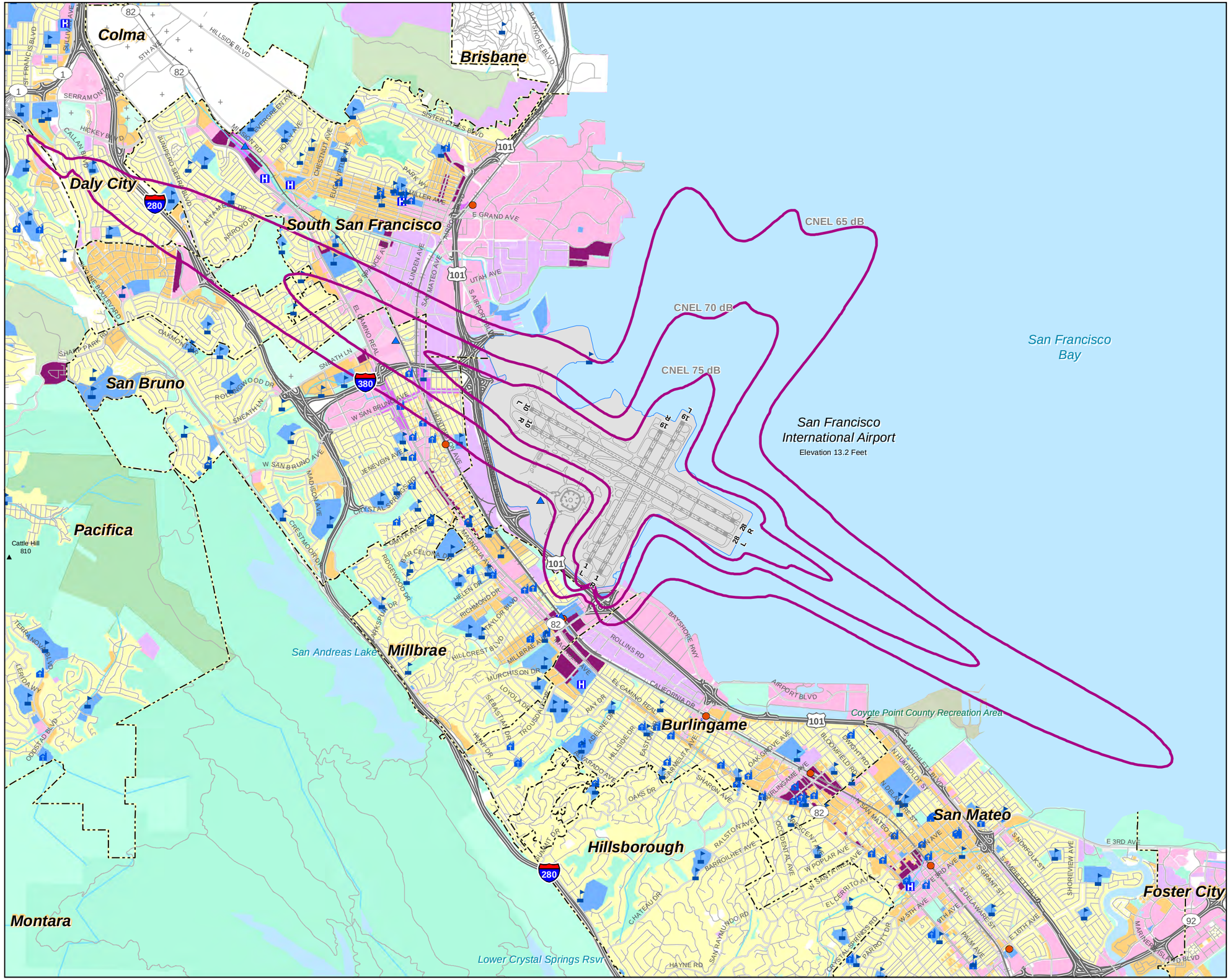
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[3] In 2002, the San Mateo County Board of Supervisors declared that the Airport had eliminated its "noise impact area," as defined under state law -- California Code of Regulations, Title 21, Sections 5012 and 5014.

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

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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

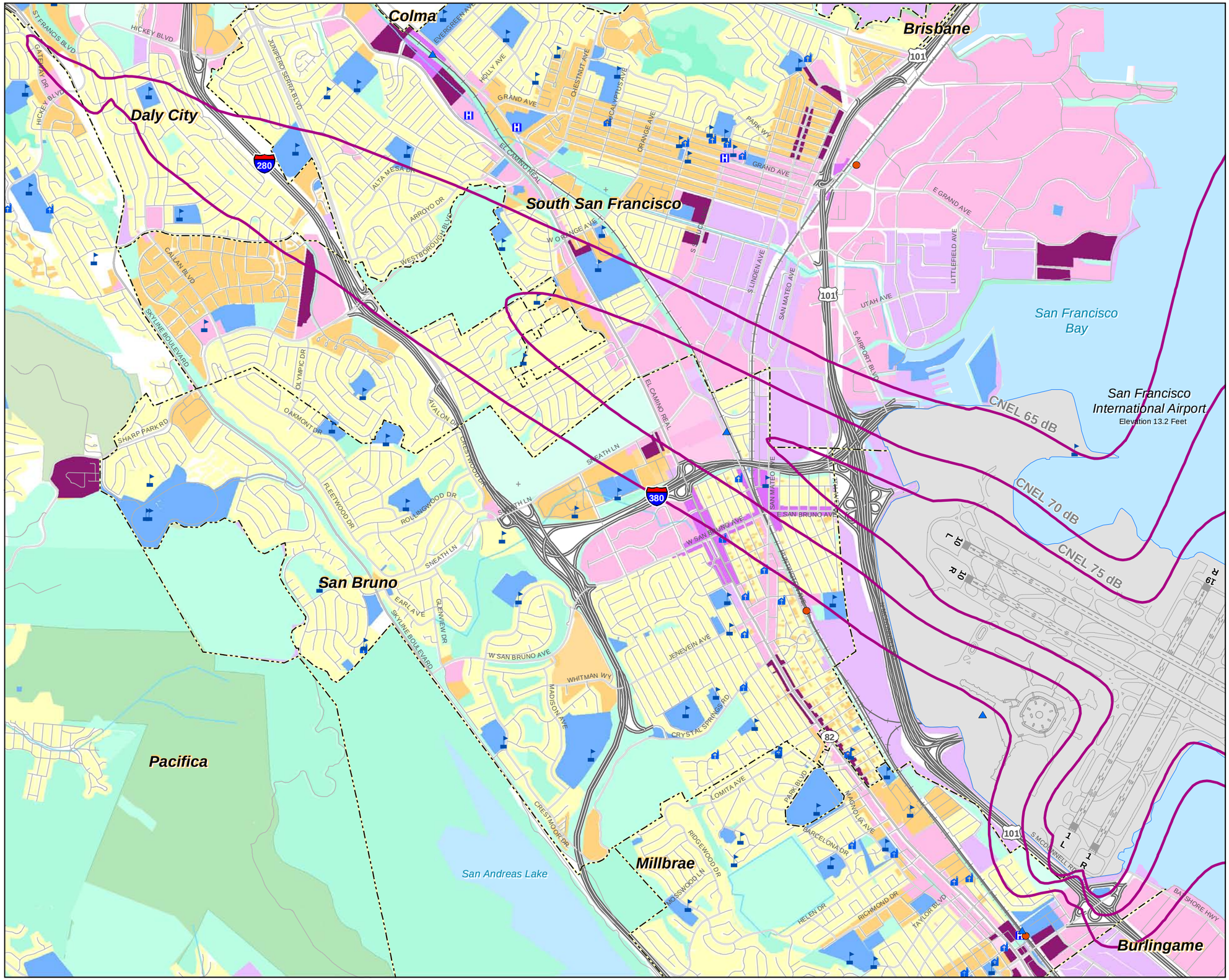
NORTH

0 0.275 0.55 1.1 Miles

Exhibit IV-5
NOISE COMPATIBILITY ZONES
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

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LEGEND

- CNEL Contour, 2020 Forecast
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Sources:

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

NORTH

0 0.1 0.2 0.4 Miles

Exhibit IV-6

NOISE COMPATIBILITY ZONES -- DETAIL

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

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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.

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Table IV-1 Noise/Land Use Compatibility Criteria

	COMMUNITY NOISE EQUIVALENT LEVEL (CNEL)			
LAND USE	**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 1.

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

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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.

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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?

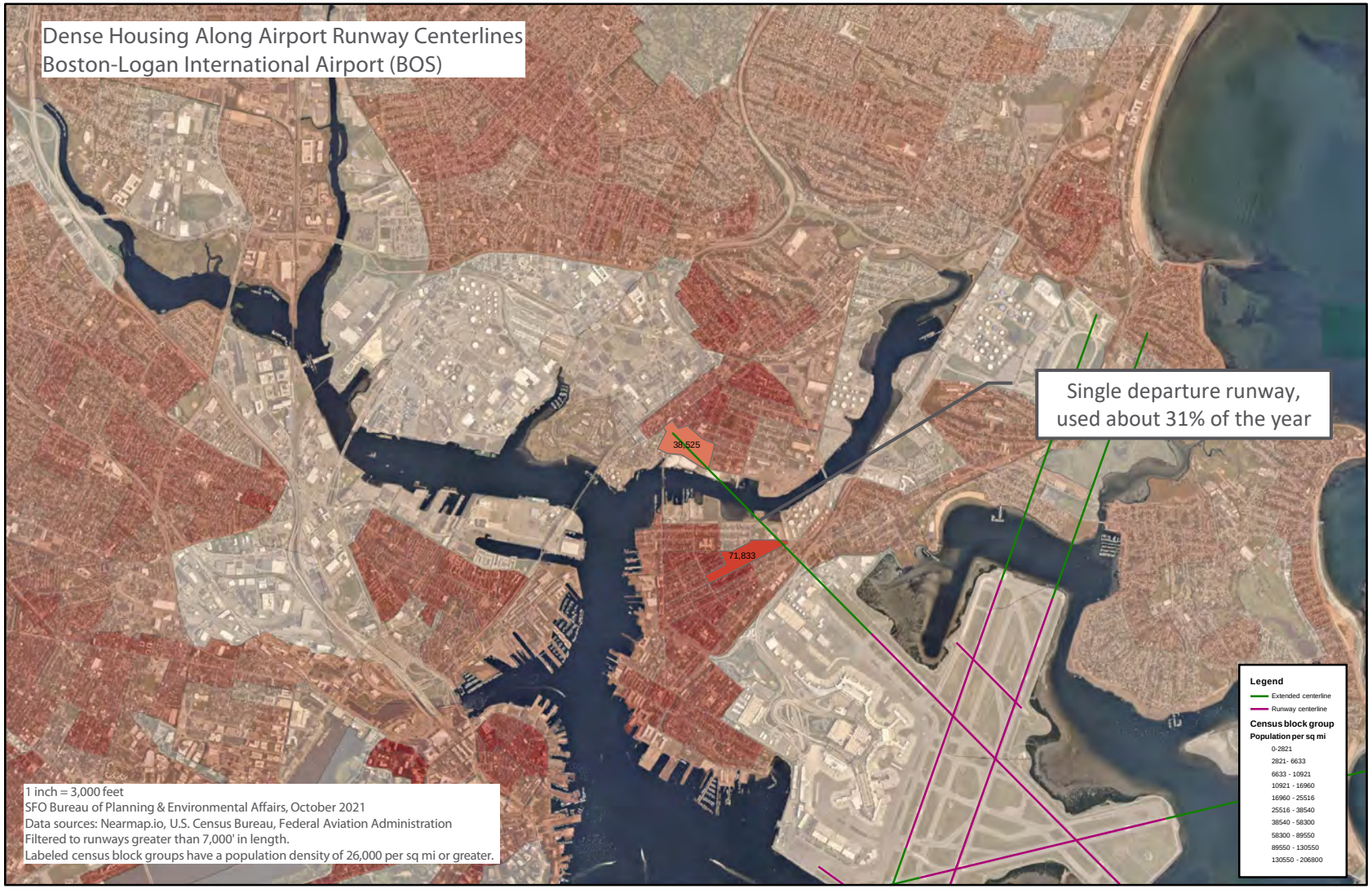
The overall objective of safety compatibility guidelines is to minimize the risks associated with potential aircraft accidents. There are two components to this objective:

- 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.

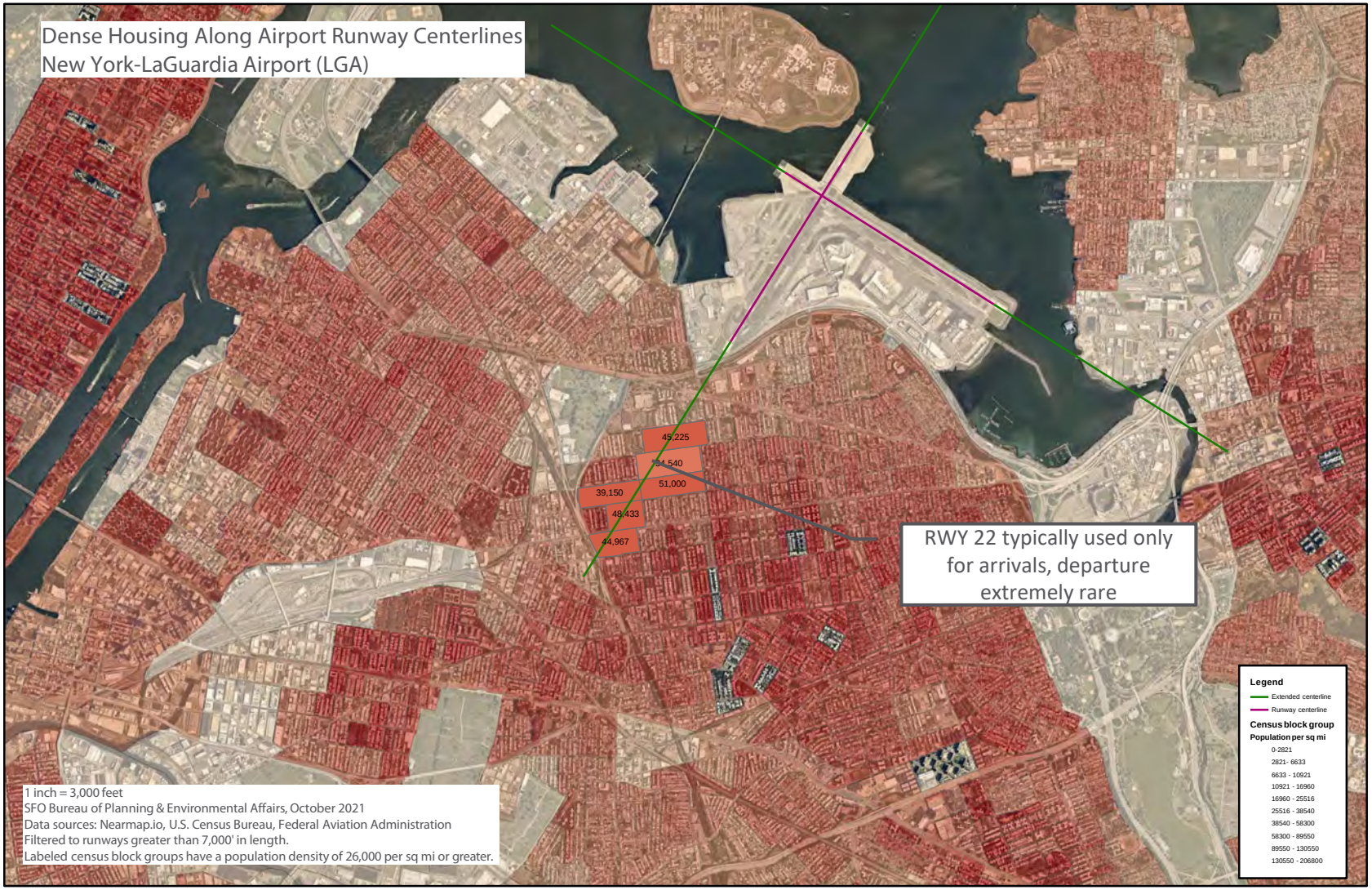
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Attachment C:
Housing Density Along Runway Centerlines at U.S. Airports

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Attachment D:

SFO ALUCP Safety Compatibility Policies

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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.

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- 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.

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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 1is 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.

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to be subject to lower accident risk than the IADZ.

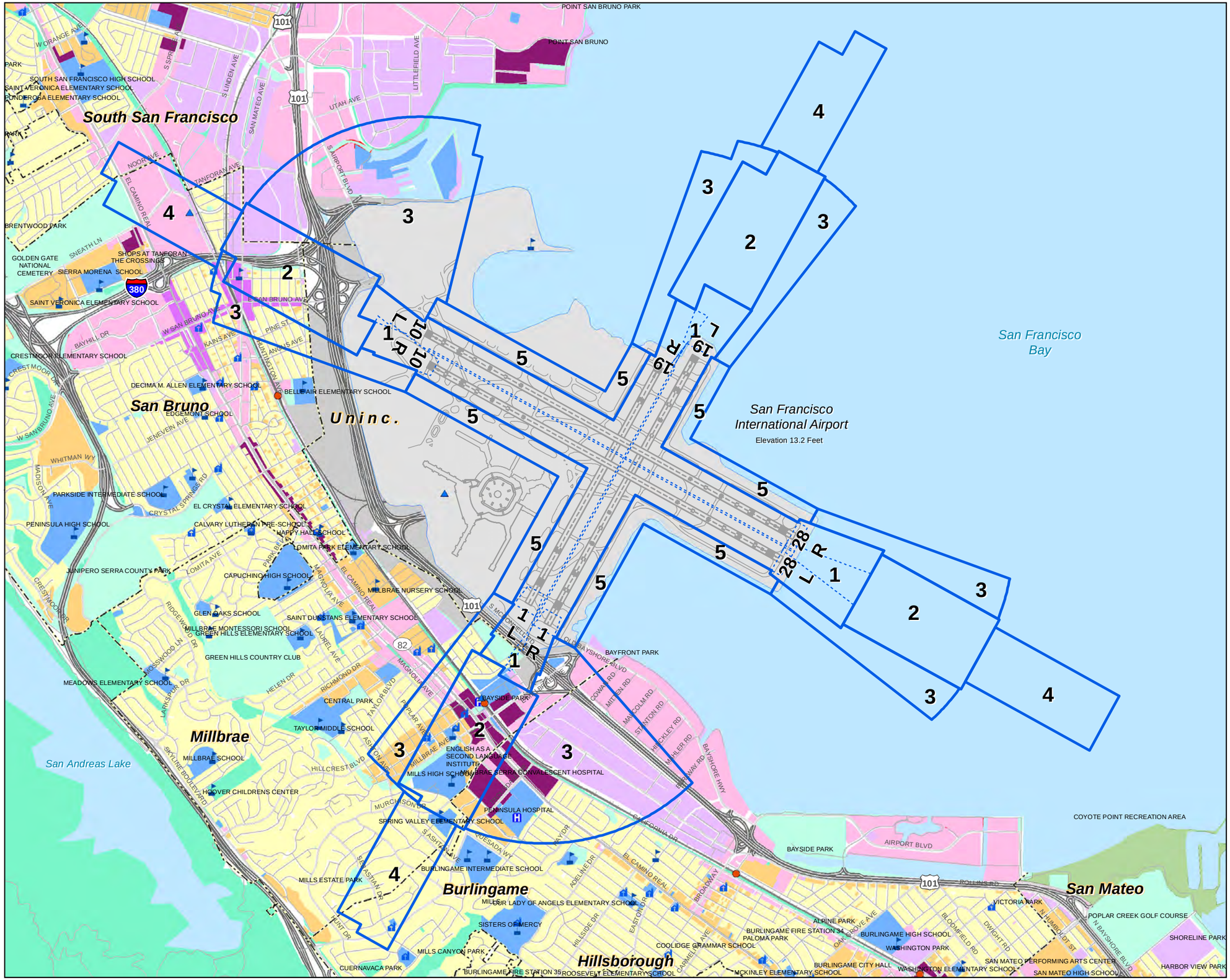
- **Zone 4 -- Outer Approach/Departure Zone (OADZ):** Zone 4, the OADZ, extends along the extended runway centerline immediately beyond the IADZ. It is subject to overflights of aircraft on approach and straight-out departures. At SFO, the OADZ off the west end of Runways 10R-28L and 10L-28R is overflown 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 Zonee

Internal boundaries of ALP-defined areas

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:

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

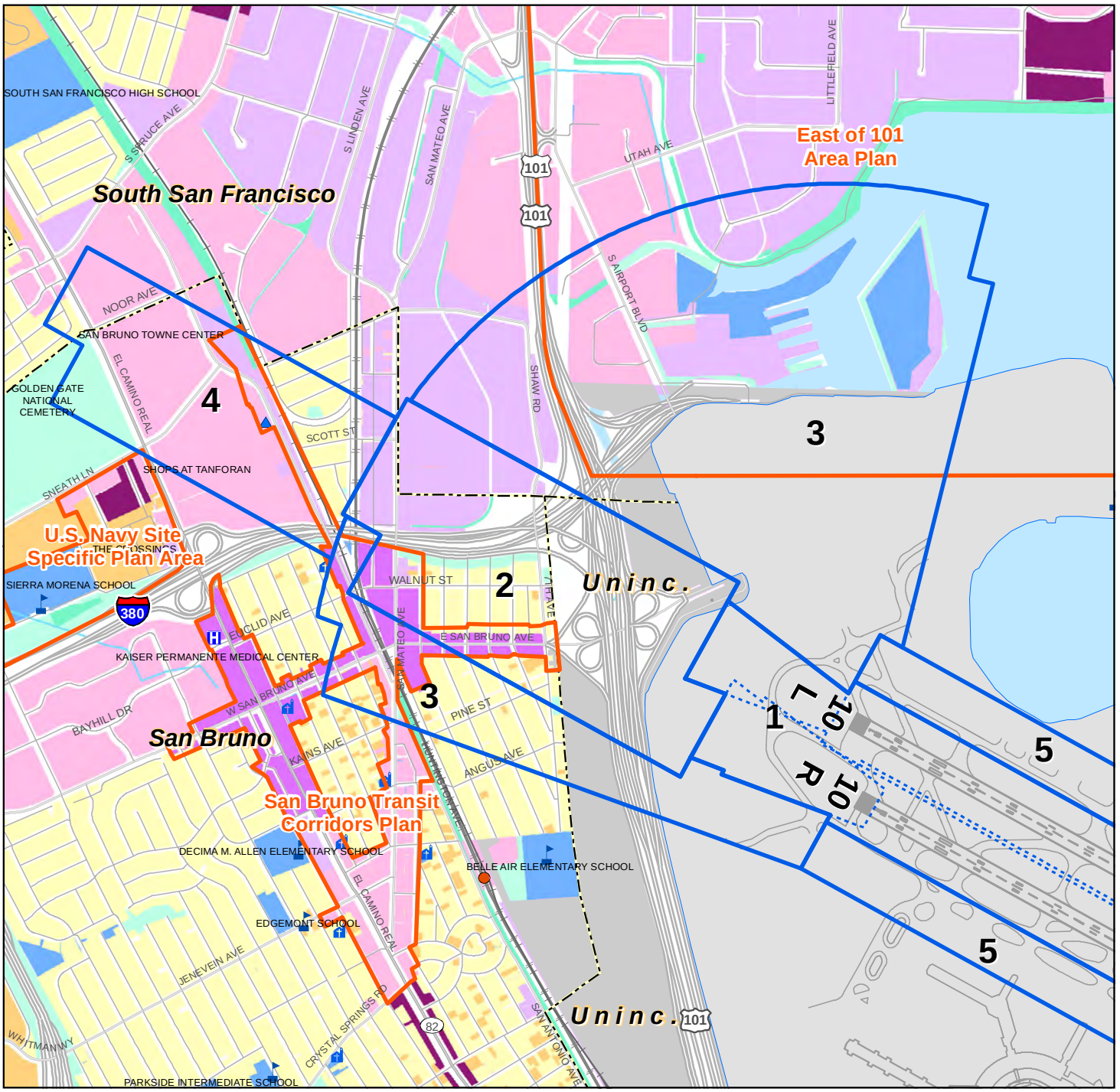
NORTH

0 0.125 0.25 0.5 Miles

Exhibit IV-7
SAFETY COMPATIBILITY ZONES
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

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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
- 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

NORTH

0 0.125 0.25 0.5 Miles

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

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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.

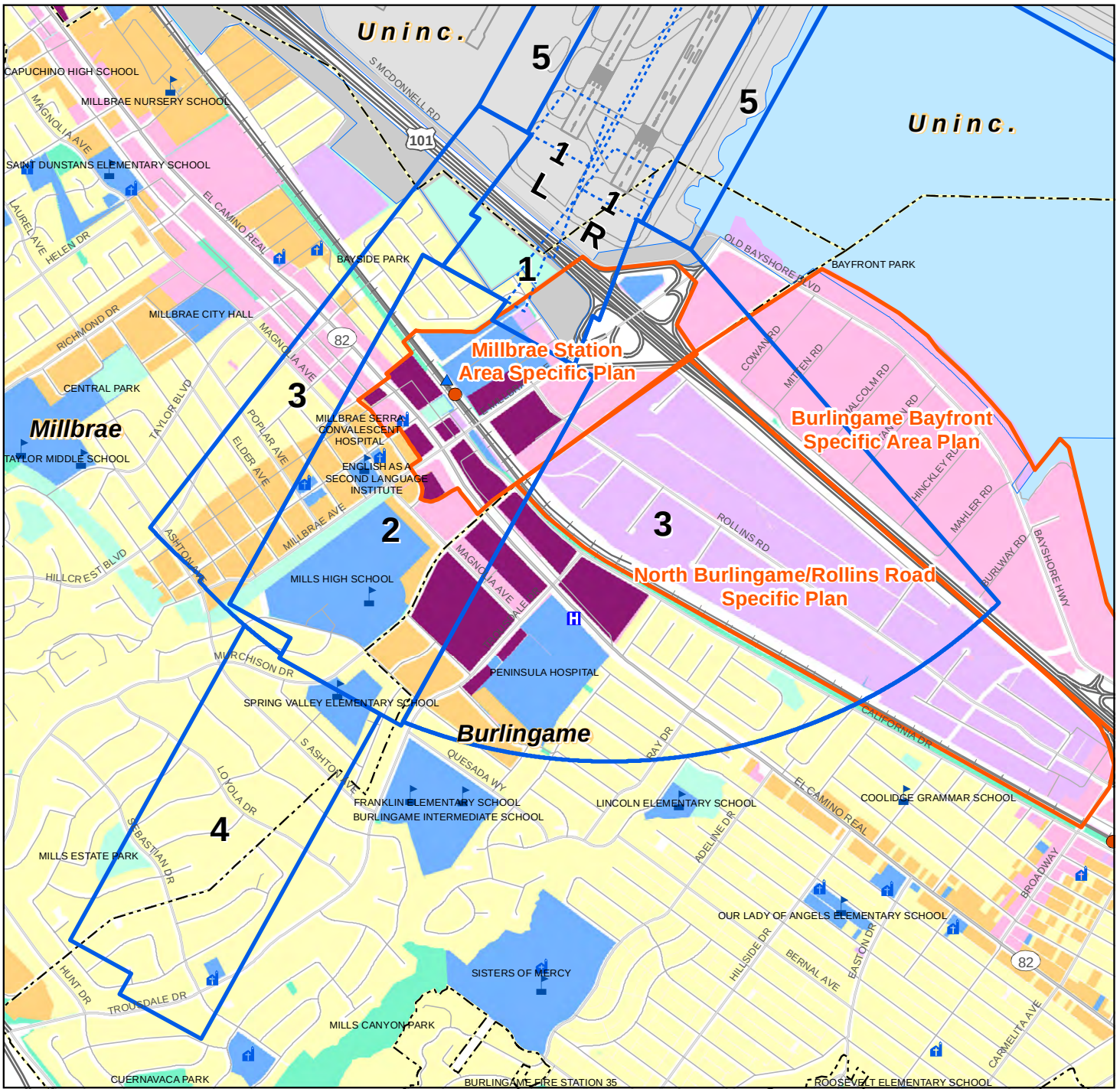
ZONE 1 – RUNWAY PROTECTION ZONE AND OBJECT FREE AREA (RPZ-OFA)

Zone 1 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 1 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.

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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
- 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

NORTH

0 0.125 0.25 0.5 Miles

Sources:

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

ExhibitIV-9

SAFETY COMPATIBILITY ZONES IN THE CITIES OF BURLINGAME AND MILLBRAE

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

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

	LAND USE CRITERIA	
ZONE	**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	---

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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.

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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 1 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.

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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.

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Attachment E:

SFO ALUCP Airspace Protection Policies

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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.

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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

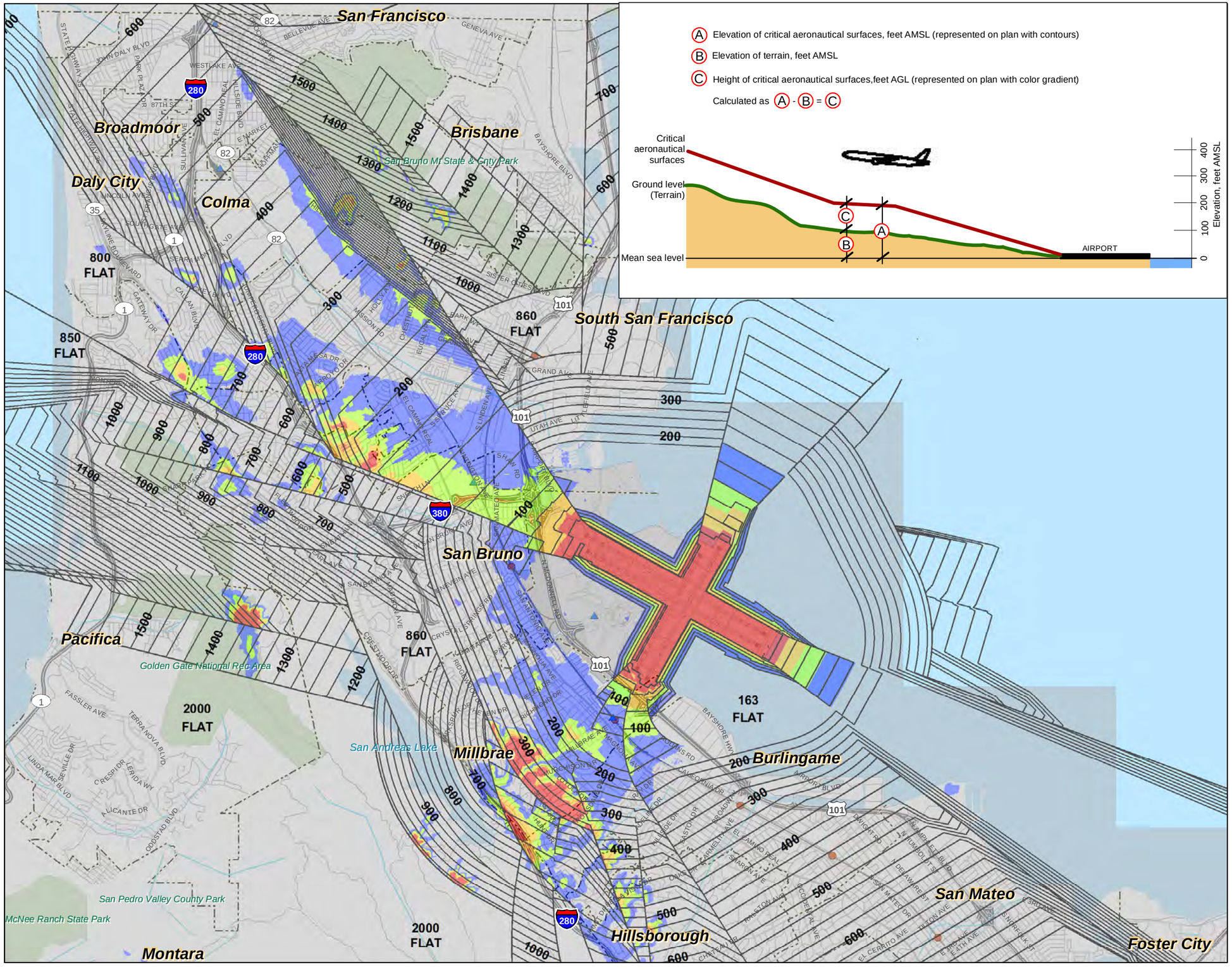
4.5.3 AIRSPACE MAPPING

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.



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

NORTH

0 0.25 0.5 1 Miles

Exhibit IV-17

CRITICAL AERONAUTICAL SURFACES
-- NORTHWEST SIDE

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

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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.

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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

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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-REV1-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
P.O. BOX 942873, MS–40 | SACRAMENTO, CA 94273–0001
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January 17, 2024

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

Electronically Sent <Tanforan@sanbruno.ca.gov>

Re: SCH #2023120409- Tanforan Redevelopment Project

Dear Ms. Smith:

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

Tanforan Redevelopment Project

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

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

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

Noise Compatibility Policies

The SFO ALUCP indicates the proposed Project is within SFO's 70 decibel (dB) Community Noise Equivalent Level (CNEL) contour. The ALUCP states: "Residential uses are not compatible in areas exposed to noise above CNEL 70 dB and typically should not be allowed in these high noise areas. Residential uses are considered conditionally compatible in areas exposed to noise above CNEL 70 dB only if the proposed use is on a lot of record zoned exclusively for residential use as of the effective date of the ALUCP." (SFO ALUCP p. IV-19). The proposed Projects introduction of a non-compatible development within the 70 dB CNEL noise contours is inconsistent with the SFO ALUCP Noise Compatibility Policies.

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

> "The level of noise acceptable to a reasonable person residing in the vicinity of an airport is established as a community noise equivalent level (CNEL) value of 65 dB for purposes of these regulations. This criterion level has been chosen for reasonable persons residing in urban residential areas where houses are of typical California construction and may have windows partially open. It has been selected with reference to speech, sleep and community reaction." (CCR: Title 21 CCR, §5006)
>
> Airport Noise Standard.
> "The standard for the acceptable level of aircraft noise for persons living in the vicinity of airports is hereby established to be a community noise equivalent level of 65 decibels. This standard forms the basis for the following limitation. No airport proprietor of a noise problem airport shall operate an airport with a noise impact area based on the standard of 65 dB CNEL unless the operator has applied for or received

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

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

While construction practices can reduce interior noise levels to 45 dB, residents would not be expected to remain indoors continuously. When outside or when opening windows or doors, they would remain subjected to 70 dB from regular aircraft overflights. These considerations are consistent with Caltrans Aeronautics California Land Use Planning Handbook (Handbook). The Handbook's guidance with the California Building Code (Title 24 CCR, Handbook PG 3-4) seeks to minimize the number of people exposed to frequent and/or high levels of aircraft noise capable of disrupting noise sensitive activities. Title 24 CCR discusses interior noise levels further for "dwellings other than detached single-family residences." For purposes of airport land use compatibility planning, Caltrans advises that 65 dB CNEL is not an appropriate criterion for new noise-sensitive development around most airports. At a minimum, communities should assess the suitability and feasibility of setting a lower standard for new residential and other noise-sensitive development. (Handbook, PG 4-7).

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

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

Safety Compatibility Policies

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

Airspace Protection Policies

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

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

Closing

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

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

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

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

Sincerely,

Tiffany Martinez

Tiffany Martinez
Transportation Planner

c: State Clearing House <state.clearinghouse@opr.ca.gov>
Matthew Friedman, Chief, Office of Aviation Planning, Caltrans <matthew.friedman@dot.ca.gov>
Melissa Hernandez, District 4 LDR Coordinator <melissa.hernandez@dot.ca.gov>
Yunsheng Luo, Senior Transportation Planner District 4 <yunsheng.luo@dot.ca.gov>

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS
OF SAN MATEO COUNTY

Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park • Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County •South San Francisco • Woodside

January 17, 2024

City of San Bruno
City Manager's Office
Attn: Darcy Smith, Asst. City Manager
567 El Camino Real
San Bruno, CA 94066
Email: Tanforan@sanbruno.ca.gov

RE: C/CAG Airport Land Use Committee Staff Comments - Notice of Prep. Tanforan Redevelopment Draft EIR

Dear Ms. Smith,

In response to your notice on the above matter, C/CAG Airport Land Use Committee staff offers the following input for your consideration:

As described in the NOP, the Proposed Project would demolish all existing uses on the site except for the Century at Tanforan movie theater and would construct a transit-oriented, mixed-use development, including housing, retail uses, life-science laboratory and office uses, open space and a potential hotel on the 44-acre site. The project includes a programmed area and two flex zones. The programmed area would include 1,000 residential units, approximately 328,000 square feet of new and/or relocated retail space, approximately 711,000 square feet of life-science laboratory/office uses, and a 14,500-square-foot amenity building. The flex product looks at potential adjustments to alter the square footages/unit counts, with the same mix of land uses.

The Tanforan site is located within both Airport Influence Area (AIA) A and B for San Francisco International Airport, and is accordingly subject to the policies and requirements outlined in the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP). Within AIA A, the Real Estate Disclosure Area, owners of property offering properties for sale or lease must disclose the presence of all existing and planned airports within 2 miles of the property. Additionally, within AIA B, the Policy/Project Referral Area, the San Mateo County Airport Land Use Commission (C/CAG Board) is mandated to review proposed land use policy actions (new general plans, specific plans, zoning ordinances, plan amendments, rezonings and land development proposals) for consistency with the noise, safety and airspace protection policies of the ALUCP.

Noise – The ALUCP Noise Compatibility policies specify noise/land use compatibility factors for properties located within the Noise Impact area, which for SFO is defined by the CNEL 65 dB and greater airport noise contours. The Noise Policies identify uses as compatible, conditionally compatible, or not compatible, depending on use and noise impact contour. Much of the site is

impacted by the CNEL 70+ dB airport noise contour, which the ALUCP identifies as not compatible. Since the Proposed project includes a significant number of new residential units (at least 1,000 units) within the CNEL 70 dB contour, the EIR should disclose this information and explain how the City intends to mitigate this noise impact over the life of the project.

Safety – The ALUCP Safety Compatibility policies identify safety zones and related land use compatibility policies and criteria. Incompatible uses within this zone 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 in the Safety Zone unless no feasible alternative is available. Where these uses are allowed, habitable structures are to be provided with at least 50 percent more exits than required by applicable codes. The EIR should clarify whether any proposed uses would exceed these parameters and evaluate the impacts accordingly.

Airspace Protection Compatibility – The SFO ALUCP airspace policies establish maximum heights for the compatibility of new structures. The policies also stipulate the need for compliance with federal regulations requiring notification of the Federal Aviation Administration of certain proposed construction or alterations of structures. Per ALUCP Policy AP-3, 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 critical aeronautical surfaces map 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. The EIR should evaluate the proposed project in terms of both the FAA Part 77 surfaces and the Critical Aeronautical Surfaces as identified in the SFO ALUCP, and should also discuss any design features that could present potential flight hazards as described in SFO ALUCP Policy AP-4..

Thank you for the opportunity to review and comment on this NOP. If you have any questions, please contact me at kkalkin@smcgov.org.

Sincerely,

Susy Kalkin

Susy Kalkin
ALUC Staff

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

Western-Pacific Region
Office of the Regional Administrator

777 S. Aviation Blvd. Suite 150
El Segundo, CA 90245

January 18, 2024

Ms. Darcy Smith
Assistant City Manager
City of San Bruno
City Manager's Office
567 El Camino Real
San Bruno, CA 94066

via email: Tanforan@sanbruno.ca.gov

Subject: NOP Comments: Draft Environmental Impact Report (EIR) for the proposed Tanforan Redevelopment Project

Dear Ms. Smith:

This letter is in response to the City of San Bruno's EIR Notice of Preparation (NOP) for the proposed Tanforan Redevelopment Project issued on December 15, 2023. The NOP states the proposed project would redevelop the Shops at Tanforan Shopping Center and a parcel north of Sneath Lane to a mixed-use development including residential housing, retail, laboratory and office uses, open space, and a potential hotel. The proposed project is located on approximately 44 acres situated approximately 1 mile northwest of the San Francisco International Airport (SFO). SFO is a Commercial Service - Large Hub airport within the FAA's National Plan of Integrated Airport Systems (NPIAS). The airport and surrounding property are owned and operated by the City and County of San Francisco.

As currently planned, the Tanforan Redevelopment Project would introduce new incompatible land uses into an area already significantly affected by aircraft arrivals and departures from SFO. The FAA's mission is to ensure the safest and efficient use of navigable airspace in the United States.

We draw your attention to our previous comments on this subject, dated May 18, 2022 and May 14, 2008 (enclosure 1). As stated in the 2022 letter, a majority of the proposed project is within the Community Noise Equivalent Level (CNEL) of 70 decibel (dB) contour and is heavily affected by SFO departures from Runways 28L and 28R (see enclosure 2). Please refer to the summary of operations for Runways 28L and 28R provided on page 2 of our May 18, 2022 letter. With continued Airport Improvement Program (AIP) funding being provided by FAA for qualified impacted City of San Bruno residences, no additional AIP funding would be provided for sound insulation for the proposed Tanforan project. Additionally, residential and other noise sensitive land uses built after October 1, 1988 within the 65 dB noise contour are not eligible for federally funded mitigation.

FAA is concerned with introducing residential land use in areas affected by airport noise greater than 65 CNEL, as this could be inconsistent with Executive Orders (E.O.) 12898, Federal Actions to Address

Environmental Justice in Minority Populations and Low-Income Populations[1] and E.O. 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All.

The proposed project includes the construction of building heights ranging from 1 to 8 stories. Projects that have the potential to affect navigable airspace as defined in Title 14, Code of Federal Regulations (CFR) § 77.9 must file a Notice of Proposed Construction or Alteration (Form 7460-1) with the FAA. Due to the location and the proposed building heights, it is strongly recommended that a preliminary review be requested prior to design to ensure compatibility of the proposal. The 7460-1 must be filed at least 45 days prior to the start of construction. Information about the Obstruction Evaluation/Airport Airspace Analysis process and the Form 7460-1 are available at https://oeaaa.faa.gov/oeaaa/external/portal.jsp.

Your attention to these comments is appreciated. If you have any questions, please contact my office at (424) 405-7000.

Sincerely,



Raquel Girvin
Regional Administrator

Enclosures

FAA Letter to San Bruno City_Tanforan 05 18 2022 with enclousures.pdf

[1] 59 CFR 7629, February 16,1994

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 Program[1], 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

[2] Defined in FAA Advisory Circular (AC) 150/5300-13, 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

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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

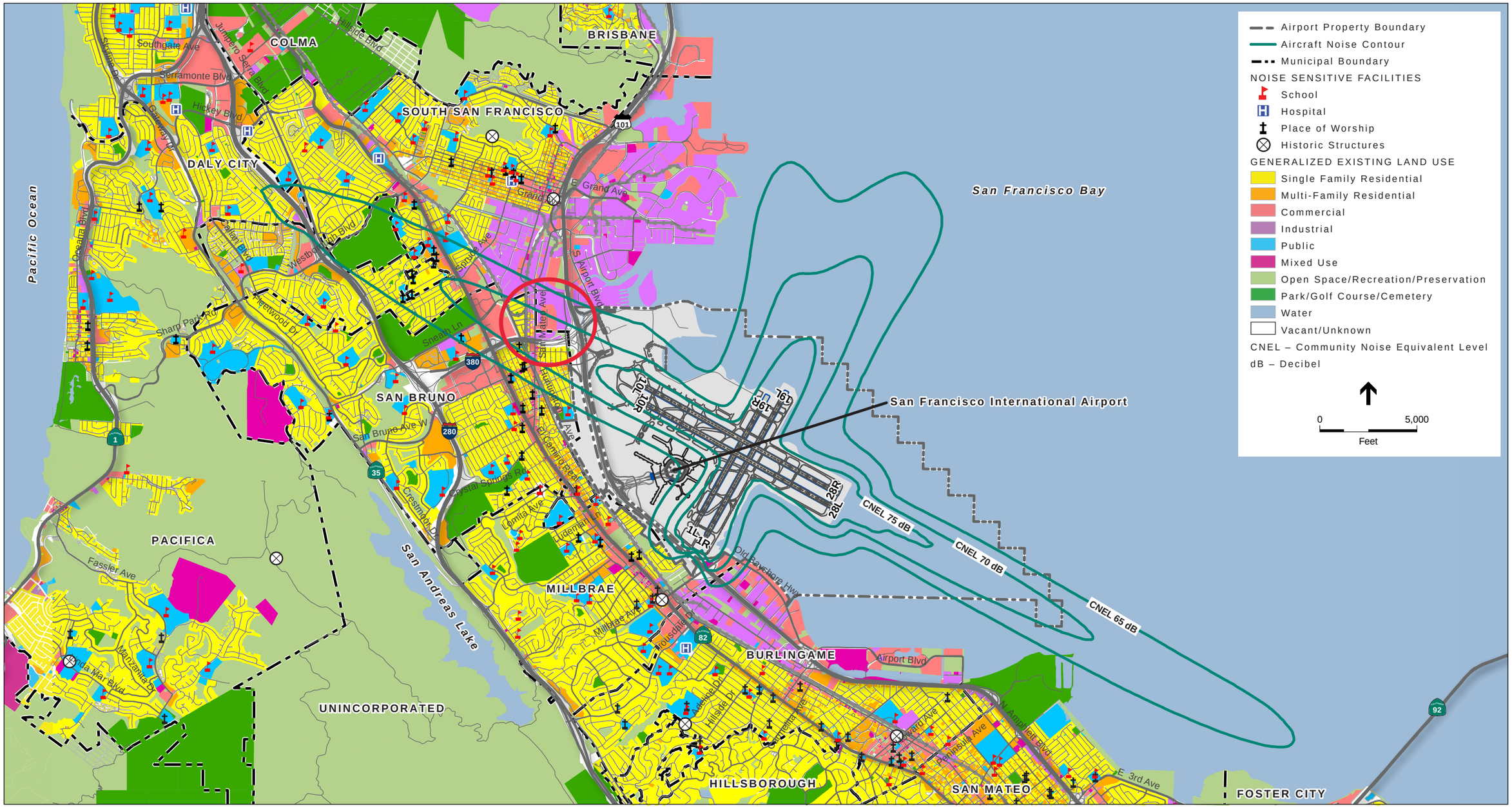
Numbers in parenthesis refer to notes; see continuation of Table 1 for notes and key.

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

Exhibit 5-2

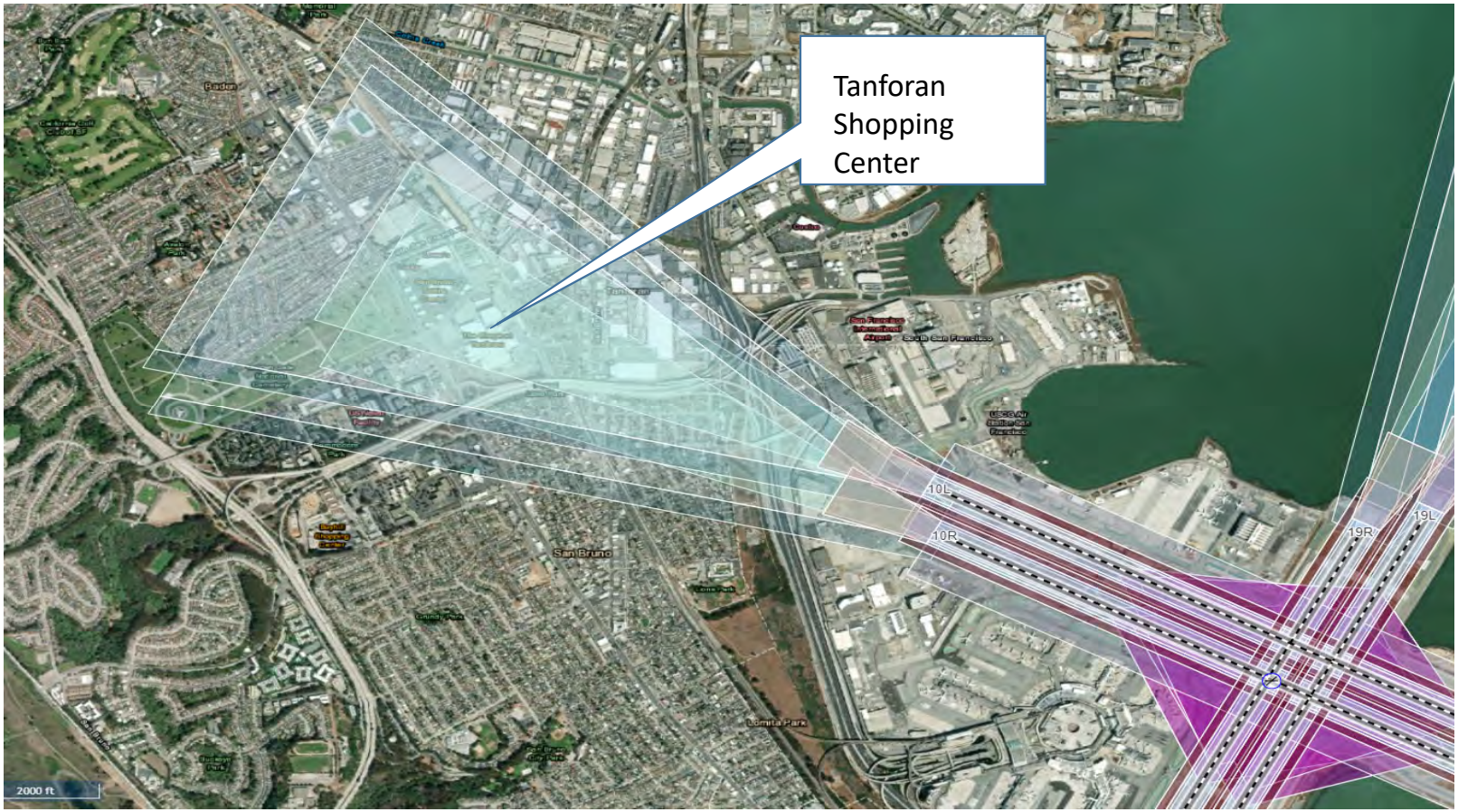
2019 Noise Exposure Map – San Francisco International Airport

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



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Approach/Departure OCS Profiles



Enclosure {5}