



NATIVE AMERICAN HERITAGE COMMISSION

February 28, 2022

Kelly Beggs, Contract Senior Planner
City of Brisbane
50 Park Place
Brisbane, CA 94005

RECEIVED

MAR 07 2022

Comm. Dev. Dept. Brisbane

CHAIRPERSON
Laura Miranda
Luiseño

Re: 2022020665, Sierra Point Towers Project, San Mateo County

VICE CHAIRPERSON
Reginald Pagaling
Chumash

Dear Ms. Beggs:

PARLIAMENTARIAN
Russell Atebery
Karuk

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).

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

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.

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

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.

EXECUTIVE SECRETARY
Christina Snider
Pomo

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

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

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

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, subs. (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

From: [Teresa M.](#)
To: [Beggs.Kelly](#)
Subject: Sierra Point Towers Project
Date: Thursday, March 10, 2022 9:43:56 AM

Good morning,

Thank you for informing us of the NOP of the EIR for the Sierra Point Towers Project. Please note that Barbara Bernardini retired in 2016. The best contact person here for information of this nature is:

John Rossi
Partner
SSF Scavenger Co.
PO Box 348
So. San Francisco, CA 94080
johnr@ssfscavenger.com
650.589.4020 x4114

SSF Scavenger would like to make sure that all new construction includes adequate space to store and service waste collection bins. Senate Bill 1383 and Brisbane Municipal Code require the separation of recyclables/compostables from garbage. This typically means 5 waste streams: recyclable containers, paper, cardboard, organics, and garbage. We provide collection bins that are emptied by our trucks. Tenants must provide interior collection bins that comply with SB 1383/ BMC. Tenants must also inform their staff of SB 1383 requirements at least once per year.

It will be important to involve us in plan review early in the process. John can confirm that adequate space has been allotted and that our trucks can efficiently and safely provide service. It is assumed that the city will be requiring secure enclosures that discourage vectors and illegal dumping.

Again, thank you for providing this opportunity to give input.

Best,
Teresa

Teresa Montgomery
South San Francisco Scavenger Company /
Blue Line Transfer, Inc.
650.589.4020 x4105
www.ssfscavenger.com

Recently strengthened by local ordinances, Senate Bill 1383 requires Californians to separate organic waste such as yard trimmings, food scraps, food-soiled paper, clean paper & cardboard from landfill-bound garbage. If you are not already making full use of your **green and **blue** bins, it's time to start!**

TO: Brisbane Planning Commission
FROM: Dana Dillworth
RE: NOP Sierra Point Towers
Tuesday, March 15, 2020

How is anyone able to make comments if you footnote that the “proposed square footages and other elements of the project may be subject to continued refinement after publication of this NOP and prior to consideration of project approval. The analysis in the EIR will evaluate the maximum development potential for the proposed project.”

How is anyone able to judge “the maximum development potential” when you haven’t presented it? This seems to be premature or insufficient information for circulation.

Based on the most recent EIR’s for 3000-3500 Marina Boulevard, the original plans submitted followed the mentioned design guidelines. The town reviewed and approved two buildings with a third parking structure of a modest height with solar panels. Over multiple “design” revisions and a new commission, including a request for lot division, the dedicated parking changed, heights exceeded those allowed in the plan, any sustainability or zero waste measures were removed and parking was placed under a newly created mound. None of that could have been foreseen from its initial application. I conclude that similarly, this NOP has insufficient information to be adequately responsive to unstated environmental concerns.

Changes to 3000-3500 Marina were allowed from different interpretations of the design guidelines. You have never looked at the cumulative impacts if every building “used its maximum potential.” (Incorporate by reference all meetings of the presentation of the Sierra Point design guidelines (initially introduced as “Creating a Public Realm”) and any reference to Mr. Bill Prince saying that the FAR’s are “zero” to 4.8, not a straight 4.8 across the board.” (Meetings started on or before June 25, 2007.)

Safety Impacts:

The original design guidelines were for office uses, a hotel convention center, retail, and marina. All short-term uses. The roadways were never designed for heavy, continuous drayage nor for so many buildings to service. It didn’t expect that neighbors would be manufacturing potentially toxic or contagious bio-genetic agents.

Since the height limits suggested were higher in the center stepping down to the lower shore buildings, they never considered potentially harmful toxic or contagious biochemical agent releases into the atmosphere. Do the shorter, already built buildings in Sierra Point need higher ventilation stacks to prevent cross contaminations or exposures to workers in the higher buildings?

Traffic Impacts:

Healthpeak created dangerous roadways in South San Francisco around the Cove and Veteran’s Boulevard. Semi-trucks double park around the fringes making commutes an unsafe nightmare. There are blind spots where pedestrians, runners, and bicyclists merge into traffic. You need to look at how many entry and exit points are proposed around this landlocked campus as each are opportunities for accidents to happen or otherwise slow others down in an emergency or evacuation.

You should consider a one-way round-about, even widening the streets. All lanes heading east on Sierra Point should be one-way onto Marina Boulevard, also one-way, to avoid cross-traffic cutting in and out of the service yards (trucks with limited visibility.)

Best idea would be to have all trucks docking along the east parking structure. You might have to design covered walkways, make them solar. Service exits and transit hub access seems a dangerous combination, please review.

Sustainability:

Where are the details about water usage and conservation, singularly and cumulatively? We are in and out of droughts often coming with restrictions and higher prices. If heavy water using businesses can operate elsewhere, they should be encouraged to move to a more water-rich state or alternatively you need to specify how 4-5 or more heavy water using biotech buildings at “maximum development potential” are needed or beneficial. (Based on prior “design changes” and include what you know about the three-tower project that has been presented from Universal Paragon.)

You need a use study of whether we need any more biotech campuses or office buildings (post lockdown) and exactly what we (as a community, not the developer) need to do to plan for our future. This is sorely needed. We haven’t truly upgraded our General Plan in any depth in 30 years. A while back we did a study that determined that hotels weren’t needed... is there an equivalent study for today’s conditions or do we keep looking the other way?

We look forward to any innovations toward Zero energy usage, through water capture techniques,(you have a plaza, how about some cisterns?) or design features that consider solar or wind energy capture. The folks at 3000-3500 Marina Boulevard mentioned wind studies, however none were presented. Wind has a very strong presence coming off the south side of San Bruno Mountain. You could insert turbines in future covered walkways (you know they are going to come back asking for them...) and cloak the buildings with sustainable features like rooftop gardens, vertical wind stations, natural ventilation, and solar massing.

Aesthetics: - a box is a box, is a box. Please ask the designers to get another program. We were schooled on James Wines Green Architecture.

The story of moving heights. At the advent of the planning process for “Creating the Public Realm” at Sierra Point, a “story” was considered to be ten feet. With a pitched roof, a two-story building would be 25 feet tall. Then came the “story” height for biotech, which had to include extra ventilation edging toward 15-foot stories. It is hard to believe that now a two story building is defined as 45 feet high.

Every addition in volume creates a space that requires more heating than the smaller volume. These differences go unnoticed, but have great impacts on energy usage... as one can question if 1 story is 22.5 feet in this instance, are the proposed 14 story buildings 315 feet tall? There is no information provided to understand what planning measures are in place.

Public Safety in the event of an earthquake or accidental release.

This seems to be a greater issue as the “maximum build out” impacts seems to only look at height and volume not the safety of the landfill below. How many people between the two to six (or more?) buildings proposed here may have to evacuate under emergency conditions? How will you protect them if liquefaction renders their ground impassable?

Your enormous garage could serve as a helicopter port to evacuate or transport people during emergencies. Public safety needs a greater umbrella than to approve the design as is.

In conclusion, there has to be more information presented to make adequate review of impacts. We will provide more comments, but it seems a vapid gesture absent sufficient information needed to make fully responsive comments.

Clara Johnson
159 Lake St.
Brisbane, CA 94005

3/15/22

Brisbane Planning Commission
c/o John Swiecki, Planning Director
& Kelly Beggs, Principal Planner

Note: Please forward to the Planning Commission before tonight's meeting

Subject: Sierra Point Towers Comments

Dear Planning Commissioners

I am commenting on the Sierra Point Towers Project. I believe that the project is too large at about 850,000 square feet plus the extremely large nine story parking lot. The project does not leave enough open area around the buildings in this sub section of Sierra Point that is surrounded by Sierra Point Parkway and Marina Blvd. Crowding the buildings causes a tension which is at odds with the surrounding development.

The parking lot is overwhelming. I realize that the parking must be above ground but there must be a way to reduce the bulky appearance of it or actually reduce the size of it. I know this new lot is intended to provide parking for the two existing buildings, as well as the new ones. My understanding is that employers with 100 or more employees or more are required by law to have programs that reduce vehicle traffic and therefore reduce congestion and the creation of greenhouse gases. This means that there will be fewer parking spaces needed. The reduction of people working in the office because they are working at home means that there will be some reduction in the number of parking spaces needed. Have these two circumstances been considered in the calculation of parking needs? The existing two buildings' employers could provide data on the recent history of employer parking needs. I know that it is important to meet the needs for parking but they may have been overestimated. The construction of a new parking structure is an important opportunity to place a solar array on the roof. It improves the energy profile of the project. Some parking lots feature hanging plants cascading down the buildings sides. they soften the impact of the building's appearance and they produce oxygen.

Building #1 should be reduced in height to twelve stories to match the context of the existing buildings built for Hitachi and the "Darth Vader" black building across the street. The landscaping and streetscape amenities should be improved and enhanced to offset the loss of open area. The foot print of Buildings 1 and 2, the parking lot and amenities building should be reduced to lessen the amount of lost open area. The office buildings and the amenities building should feature operable windows to address both emerging airborne infectious diseases and sick new building syndrome caused by off gassing of building materials and furnishings. The glass exterior of the office buildings is visually disturbing. It would be

preferable to have more imaginative building design. The glass exterior needs to be calmed down. Has a realistic assessment of the impact of sea level rise been done to account for expected sea levels in the coming decades? Has that sea level rise been considered when judging how Sierra Point will be accessed in the future? Are you requiring the buildings to allow for childcare space and space for employees to both rest and exercise?

The purpose of my comments is to improve the design so that it will serve the aesthetic, environmental and quality of life needs of the occupants and the general public and be consistent with the high quality of life that being in Brisbane should provide.

Thank you for your attention. I wish you good luck in your task.

Sincerely

Clara A. Johnson

clara-a-johnson@sbcglobal.net

415 468 4195



San Francisco International Airport

March 25, 2022

TRANSMITTED VIA E-MAIL and U.S. MAIL
kbeggs@brisbaneca.org

Kelly Beggs
Consulting Planner
City of Brisbane
50 Park Place
Brisbane, California 94005

Subject: Sierra Point Towers Project EIR

Dear Kelly Beggs:

San Francisco International Airport (SFO or the Airport) staff have reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Sierra Point Towers Project (the Proposed Project), located in the City of Brisbane. We appreciate this opportunity to provide comments on the Draft SEIR.

According to the NOP, the Proposed Project is located at 2000 Sierra Point Parkway and 8000 Marina Boulevard on the Sierra Point Peninsula, at the southern end of the City of Brisbane. The Proposed Project includes the demolition of an existing parking garage and surface parking lots and construction of two new office/life sciences buildings (Buildings 1 and 2), an amenity building, and a parking garage. Building 1 would be approximately 14 stories tall and 494,340 square feet. Building 2 would be approximately 9 stories tall and 317,000 square feet in size. These buildings would be connected by a multi-level connector of 11,880 square feet. The amenity building would be two stories tall and 40,000 square feet in size. The proposed 12-story parking structure would contain approximately 3,771 parking spaces. The proposed project would also include common and public outdoor recreational space and associated circulation and infrastructure improvements.

The Proposed Project site is inside Airport Influence Area B as defined by the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (SFO ALUCP). The Proposed Project site would be located outside the 65 decibel (dBA) Community Noise Equivalent Level (CNEL) contour and the Safety compatibility zones, and therefore would not appear to be inconsistent with the Noise or Safety Compatibility policies adopted in the SFO ALUCP.

As described in Exhibit IV-17 of the SFO ALUCP (see Attachment), the critical aeronautical surfaces at the Proposed Project location would be at an elevation of at least 500 feet as defined from the origin of the North American Vertical Datum of 1988 (NAVD88). Thus, the estimated maximum elevation of the Proposed Project (218 feet NAVD88)¹ would be below the critical aeronautical surfaces and the Proposed Project would not appear to be incompatible with the Airspace Compatibility Policies of the SFO ALUCP, subject to the issuance of a Determination of No Hazard from the Federal Aviation Administration (see below) for any

¹ The total proposed elevation of GOP 4 North was not provided in the Draft SEIR. The proposed elevation was calculated by conservatively assuming 16 feet per floor. The tallest structure is 12 stories. At 16 feet per floor, the height above ground would be 192 feet. At an elevation of 20 feet, the estimated maximum elevation of any structure at the Proposed Project would be 218 feet.

Kelly Beggs, City of Brisbane
March 25, 2022
Page 2 of 2

proposed structures and determinations from the City/County Association of Governments of San Mateo County as the designated Airport Land Use Commission.

This determination does not negate the requirement for the Proposed Project sponsor to undergo Federal Aviation Administration review as described in 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 which would be required to construct those structures.

Due to the proximity of the Proposed Project to the Airport and certain aircraft procedures from Runway 10L-28R, Airspace Protection Policies (AP-1 through AP-4) from the SFO ALUCP is enclosed as reminders of incompatible site characteristics, especially as it pertains to solar panels and building materials/features that reflect and create bright lights/glare.

* * *

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

Sincerely,

DocuSigned by:

Nupur Sinha

7D552AE6A4CE495...

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

Attachment

cc: Susy Kalkin, ALUC
Audrey Park, SFO

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.

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.

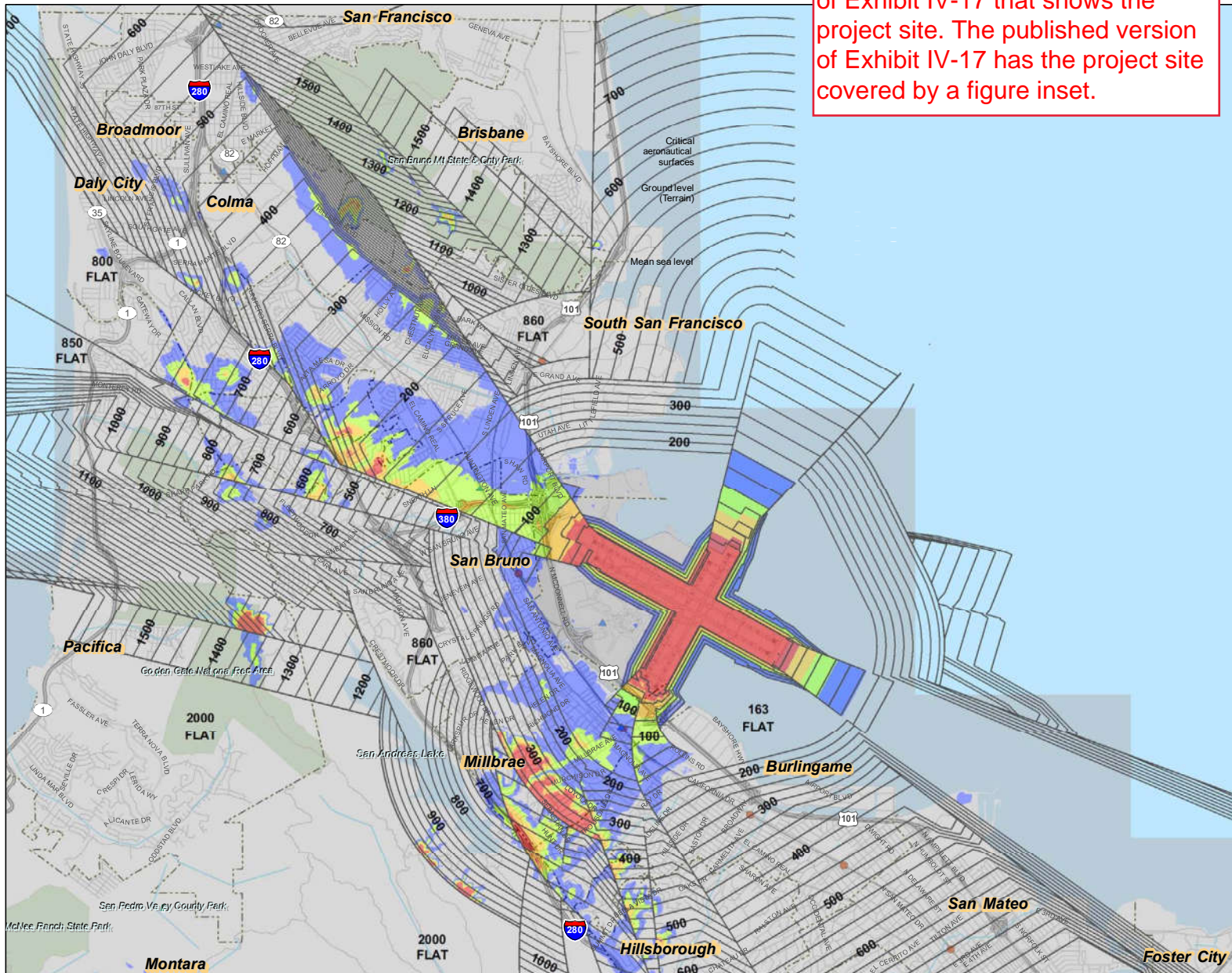
Close-up views of the north and south sides of the Part 77 surfaces are provided in **Exhibit IV-14** and **Exhibit IV-15**, respectively. Additionally, **Exhibit IV-16** provides an illustration of the outer approach and transitional surfaces located on the southeast side of the Part 77 surfaces.

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.

Note that this is a modified version of Exhibit IV-17 that shows the project site. The published version of Exhibit IV-17 has the project site covered by a figure inset.

Attachment 5



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:

- 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.
- 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 Modified to remove inset (Ricordo & Associates, Inc., March 2022).

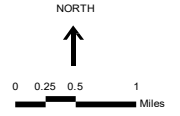


Exhibit IV-19, which is provided for information purposes only, depicts a profile view of the lowest critical airspace surfaces along the extended centerline of Runway 10L-28R – the TERPS Obstacle Departure Procedure (ODP) surface, representing standard all-engines departures, and the approximate OEI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

4.5.4 AIRSPACE PROTECTION POLICIES

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

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

AP-1.1 Local Government Responsibility to Notify Project Sponsors

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

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

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

AP-2 COMPLIANCE WITH FINDINGS OF FAA AERONAUTICAL STUDIES

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

AP-3 MAXIMUM COMPATIBLE BUILDING HEIGHT

In order to be deemed consistent with the ALUCP, the maximum height of a new building must be the lower of (1) the height shown on the SFO critical aeronautical surfaces map (Exhibits IV-17 and IV-18), or (2) the maximum height determined not to be a “hazard to air navigation” by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

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

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

AP-4 OTHER FLIGHT HAZARDS ARE INCOMPATIBLE

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

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

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

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

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

4.5.5 iALP AIRSPACE TOOL

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

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

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

California Department of Transportation

DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



March 29, 2022

SCH #: 2022020665
GTS #: 04-SM-2022-00426
GTS ID: 25843
Co/Rt/Pm: SM/101/23.68

Kelly Beggs, Consulting Planner
City of Brisbane
50 Park Place
Brisbane, CA 94005

Re: Sierra Point Towers Project Notice of Preparation (NOP)

Dear Kelly Beggs:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Sierra Point Towers 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 following comments are based on our review of the February 2022 NOP.

Project Understanding

The proposed project includes demolition of the existing parking garage and surface parking lots on the project site and construction of three new buildings and a new parking garage. Two existing office buildings on the project site would be retained and incorporated into the site design to create a life science campus. In total, the proposed project would result in approximately 863,220 square feet of new building construction and retention of 427,283 square feet of existing building space, for a total of approximately 1,290,503 square feet of office/life science uses, and a total of 3,858 parking spaces. The project site is located roughly 0.1 miles east of the United States Route (US)-101/Sierra Point Parkway interchange in the City of Brisbane.

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 Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide ([link](#)).

"Provide a safe and reliable transportation network that serves all people and respects the environment"

If the project meets the screening criteria established in the City's adopted Vehicle Miles Traveled (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 Draft Environmental Impact Report (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.
- 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.

Mitigation Strategies

Location efficiency factors, including community design and regional accessibility, influence a project's impact on the environment. Using Caltrans' Smart Mobility Framework Guide 2020 ([link](#)), the proposed project site is identified as a Suburban Area where community design and regional accessibility is moderate.

Given the place, type and size of the project, the DEIR should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions from future development in this area. The measures listed below have been quantified by California Air Pollution Control Officers Association (CAPCOA) and shown to have different efficiencies reducing regional VMT:

- Traffic calming measures;
- Limiting parking supply;
- Ridesharing programs, Commute Trip Reduction programs, bike sharing programs;
- Transit and trip planning resources such as a commute information kiosk;
- Real-time transit information system;

- Transit access supporting infrastructure (including bus shelter improvements and sidewalk/ crosswalk safety facilities);
- Increased transit accessibility;
- Bus rapid transit;
- Discounted transit programs;
- VMT Banking and/or Exchange program;
- Increased density;
- Increased location efficiency;
- Increased mixed-use development;
- Orientation of Project towards non-auto corridor;
- Pedestrian network improvements;
- Provide local shuttles to increase transit outreach;
- Employer-based vanpool;
- School pool program; and
- Telecommuting programs and alternative work schedules

Using a combination of strategies appropriate to the project and the site can reduce VMT, along with related impacts on the environment and State facilities. TDM programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets.

Please reach out to Caltrans for further information about TDM measures and a toolbox for implementing these measures in land use projects. Additionally, Federal Highway Administration's Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8). The reference is available online at: <http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

Transportation Impact Fees

Please identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified. We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.

Lead Agency

As the Lead Agency, the City of Brisbane 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.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D4@dot.ca.gov.

Sincerely,



MARK LEONG
District Branch Chief
Local Development Review

c: State Clearinghouse