C/CAG APPLICATION FOR LAND USE CONSISTENCY DETERMINATION

SUPPLEMENTAL INFORMATION

DATE: MAY 25, 2022
AGENCY NAME: City of South San Francisco
PROJECT NAME/ADDRESS: Genesis Station 121 East Grand Avenue
LATITUDE: 37-39-17.83N NAD83
LONGITUDE: 122-24-14.51W
HEIGHT: 311 ABOVE MEAN SEA LEVEL (AMSL)/295 FT ABOVEGROUND LEVEL (AGL)

REQUEST: The City seeks a consistency determination for a 943,965sq ft (7.44 FAR) office/life science project at 121 East Grand Avenue.

PROJECT DESCRIPTION

The Project proposes two 17-story research and development building "wings" connected through a glass atrium atop a two-story podium. The two-story podium would be designed, landscaped and furnished to provide seating, gathering areas and various access points to the building and total approximately one-acre. The first two floors of the building, Level 1 and Level 2, would provide public amenities and Levels 3 through 17 would include research and development and office uses.

A 700 ft long lighted and landscaped bicycle and pedestrian trail is proposed to traverse the site from the Poletti Way crosswalk along the southern, and eastern frontages of the Project site to Grand Avenue. A passenger drop-off lane is proposed adjacent to the site along Poletti Way. The location compliments the shuttle bus lane constructed as part of the Caltrain Station improvements on the west side of Poletti Way. The Project proposes 49 additional bicycle parking spaces than required by code to assist in meeting the projected demand for bicycle parking in the area. The Project includes a Transportation Demand Management Program (TDM Program) targeting a 47% mode shift. <u>See Attachment 1 "121 East Grand Avenue Site Plan – Project Location" and Attachment 2 "121 East Grand Site Plan and Rendering from Southeast".</u>

Levels 1 and 2 are programmed to include amenities available to the public as well as the occupants of the building. Level 1 would include a 7,573 sq ft main gathering and lobby and a 9,328 sq ft retail space. Retail space considerations include café, restaurant, personal services and a grab and go convenience store. Level 2 amenities are programmed for a 16,264 sq ft fitness/wellness center; a 4,489 sq ft lobby; a 5,134 sq ft pre-function space, a 13,237 sq ft conference center, a 5,546 sq ft restaurant, a 2,342 sq ft café, and a 2,551 sq ft kitchen. Area

calculations may vary. The amenities would be accessed from Arrival Plaza, Poletti Way Plaza, Confluence Plaza, and East Grand Plaza. See Attachment 3 "121 East Grand Amenities Plan".

The Project requires the following legislative, discretionary, and ministerial actions:

- General Plan Amendment for Floor Area Ratio (FAR) greater than 3.5
- Zoning Ordinance Amendment for FAR greater than 3.5
- Agreement to memorialize community benefits agreement between City and Applicant
- Review and adoption of Mitigated Negative Declaration-CEQA Compliance (in administrative draft stage)
- Transportation Demand Management Program-Use Permit to allow a parking reduction in coordination with the TDM Program and to approve an FAR greater than 3.5
- Lot Merger to merge three lots in common ownership that comprise the Project
- Design Review Board (complete and approved, April 2022)
- Bikeway and Pedestrian Advisory Committee (complete and approved, April 2022)
- Demolition and Building Permits-Building Division
- Grading, Hauling, Encroachment and Public Improvement Permits-Engineering and Building Divisions
- Utility Relocation-Engineering and Utility Provider
- General Construction Activity Storm Water Permit Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) as required by State and /or Federal regulations
- Federal Aviation Administration Review (complete and finding of no hazard, September 9, 2021)
- City and County Association of Governments (C/CAG) Airport Land Use Commission (ALUC) (subject of this application)

RELEVANT GENERAL PLAN, SPECIFIC PLAN, ZONING AMENDMENTS AND DEVELOPMENT

Introduction

The City of South San Francisco is in the process of updating their 1999 general plan. The update anticipates permitting densities up to 8.0 FAR in the Project area and has allowed developers to seek the necessary legislative actions that propose projects in compliance with the new vision for the project area.

Draft 2040 General Plan Update: The City anticipates final adoption in mid- to late-summer of 2022. While the update is city-wide, the substantive changes are proposed in the East of 101 and Lindenville. Within the East of 101 Area, the Draft 2040 General Plan Update would allow higher densities near the Caltrain station (higher than the 3.5 FAR envisioned in the DSASP), and reduced densities further away. For the Transit Oriented Research and Development area, a maximum 8.0 FAR is proposed for development in this transit-oriented core area (see following paragraph). See Attachment 4 "Draft 2040 General Plan – East of 101 Sub Area".

Downtown Station Area Specific Plan: The Project is within the city's Transit Oriented/Research and Development Zoning District (TO/RD) implementing the Downtown Station Area Specific Plan (DSASP) adopted in 2014. The TO/RD is identified in two radii, ¼ and ½ mile from the South San Francisco Caltrain Station. The Project is located within 200 feet of the relocated South San Francisco Caltrain Station. The DSASP is an important tool in implementing the City's goals to: (1) provide more opportunities for safe and convenient alternatives to commuting in cars (i.e., mode shift); (2) increase land use densities around the South San Francisco Caltrain station thereby making mode shift options more convenient in response to Assembly Bill 32 (AB 32) and Senate Bill 375 (SB 375) to reduce Greenhouse Gas Emissions and global warming. See Attachment 5 "Downtown Station Area Specific Plan".

RELATIONSHIP OF PROJECT PROPOSAL TO AIRPORT LAND USE COMPATABILITY

Noise: Location of project/plan area in relation to the noise contours identified in the applicable ALUCP. Identify any relevant citations/discussion included in the project/plan addressing compliance with ALUCP noise policies.

The 121 E Grand Project site is located within the CNEL 60 to 65 dB Noise Compatibility Zone, as indicated on the attached ALUCP Exhibit IV-6 "Noise Compatibility Zones – Detail" (Attachment 7).

The Downtown Station Area Specific Plan EIR (DSASP EIR) and 121 East Grand Administrative Draft Initial Study/Mitigated Negative Declaration (121 E Grand Draft IS/MND) both address noise compatibility.

DSASP EIR *(SCH No. 2013102001)* evaluated the impacts that are associated with the increase in development associated with the DSASP. The following mitigation measure is required by the DSASP EIR and is required as part of the building permit process.

Mitigation Measure 4.6-2: Site-Specific Acoustic Analysis – Nonresidential Development. Prior to the approval of building permits for new non-residential land uses where exterior noise level exceeds 70 dBA CNEL, an acoustic analysis shall be performed to determine appropriate noise reduction measures such that exterior noise levels shall be reduced

below 70 dBA CNEL, unless a higher noise compatibility threshold (up to 75 dBA CNEL) has been determined appropriate by the City of South San Francisco. The analysis shall detail the measures that will be implemented to ensure exterior noise levels are compatible with the proposed use. Measures that may be implemented to ensure appropriate noise levels include, but are not limited to, setbacks to separate the proposed nonresidential structure from the adjacent roadway, or construction of noise barriers on site.

121 East Grand Administrative Draft IS/MND *(Knapp 2022)*

Noise measurements were taken at the Project site in April 2022. The noise section of the administrative draft environmental document begins in Section 3 VIII on page 3-87. The existing 24-hour noise levels at the Project site are 73-74 dB, CNEL, at the southwest corner of the Project site, and 69-70 dB, CNEL, at the northernmost point of the Project site. The Project site is less than the 75 dB, CNEL threshold which is considered Conditionally Acceptable for outdoor noise level exposure for non-residential uses, per DSASP EIR, Mitigation Measure 4.6-2 (121 E Grand Admin Draft IS/MND, Knapp 2022).

Public Draft Shape South San Francisco 2040 General Plan *(Draft 2040 General Plan)*

The Draft 2040 General Plan shows the Project site under the 60 dB CNEL contour (Figure 52, 2019 San Francisco International Airport Noise Exposure Map, p 370). C/CAG Noise Compatibility Zones Exhibit IV-6 shows the Project site under the CNEL 65 dB CNEL (see Attachment 7).

The Draft 2040 General Plan, Table 11 'Land Use Compatibility Matrix to Guide New Development' p 373 identifies 50dB CNEL as the interior ambient noise level for commercial uses, such as the Project. No exterior noise thresholds are identified.

Noise Conclusion: The Project is located outside of the Airport noise impact zone.

Safety: Location of project/plan area in relation to the safety zones identified in the applicable ALUCP. Include any relevant citations/discussion included in the project/plan addressing compliance with ALUCP safety policies.

The 121 E Grand Project site is outside all safety boundaries identified in the Comprehensive Airport Land Use Plan for the Environs of San Francisco International Airport (C/CAG, November 2012). See Attachment 8 "Exhibit IV-7 Safety Compatibility Zones".

Airspace Protection: Include relevant citations/discussion of allowable heights in relation to the protected airspace/proximity to airport, as well as addressment of any land uses or design features that may cause visual, electronic, navigational, or wildlife hazards, particularly bird strike hazards.

Building Heights

Exhibit IV-17 "Critical Aeronautical Surfaces-Northwest Side" identifies maximum heights in zones from the airport (see Attachment 10). From the exhibit, it is unclear what the maximum critical aeronautical surface height for the Project site would be. Therefore, the city directed the applicant to undergo Federal Aviation Administration (FAA) review. On September 9, 2021 FAA published a 'Determination of No Hazard to Air Navigation' (FAA Public Notice August 8, 2021, and Final Determination September 9, 2021, ASN 2021-AWP-7652-OE). The FAA Determination concludes that the maximum permitted height at this site is 311 ft above mean sea level / 295 ft above ground level (see Attachment 11 **"**FAA Notice and Determination"). Please note this report includes all the review conducted by the FAA for the Project. The study notes:

- The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

- The closest point of the building will be located approximately 9,914 feet (1.63 nautical miles) north of the RWY 10L threshold at San Francisco International Airport (SFO), CA. The SFO airport elevation is 13 feet above mean sea level.

- To facilitate the public comment process, the 12 corners of the building filed for evaluation were circularized under Aeronautical Study Number 2021-AWP-7652-OE, which is the tallest southeastern-most corner of the building and the highest point of the building closest to the nearest runway.

FAA attached conditions to their review. These conditions are required and shall be restated in conditions of Project approval.

1. The structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4, 5 (Red) and 15.

2. Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

3. An FAA Form 7460-2, Notice of Actual Construction or Alteration is required to be e-filed within five days after the construction reaches its greatest height (7460-2, Part 2).

Land Uses Or Design Features That May Cause Visual, Electronic, Navigational, Or Wildlife Hazards, Particularly Bird Strike Hazards

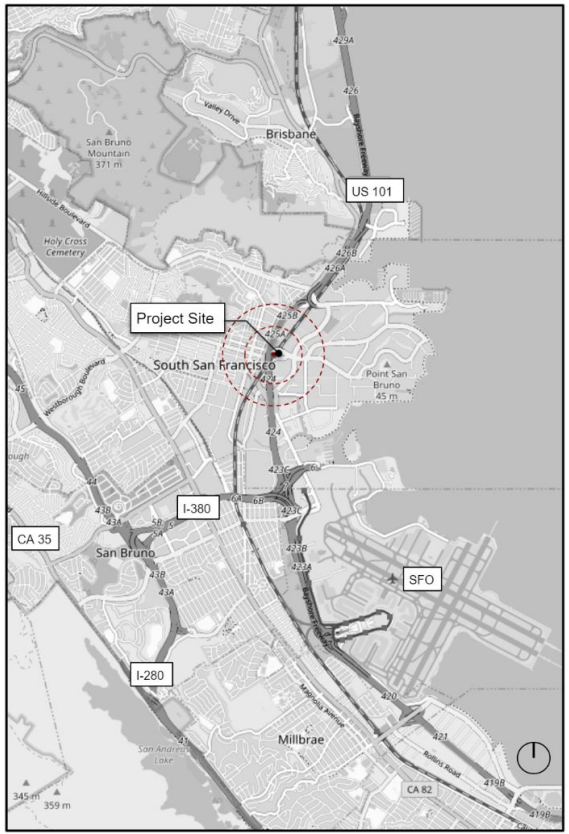
The FAA did not identify any navigational hazards due to visual, electronic, navigational, or wildlife hazards such as bird strike. FAA conditions for Project development are identified on the preceding page. The Project does not include electronic flashing or bright lights. The administrative draft IS/MND analyzes light and glare in Chapter 3, Section I, page 3-1 and found no impacts. The Project does not propose water features that generally attract birds.

Airspace Protection Conclusion: The FAA made a 'Determination of No Hazard to Air Navigation'. The determination was made on September 9, 2021, and no appeal was received challenging the determination. The city permits a maximum height in the TO/RD District to be the maximum height allowed by the FAA (City of South San Francisco Municipal Code Chapter 20, Table 20.280.004-2). FAA conditions shall be identified as conditions of Project approval.

Attachments:

1. 121 East Grand Site Plan – Project Location
2. 121 East Grand Site Plan and Rendering from Southeast
3. 121 East Grand Amenities Plan
4. Draft General Plan 2040 – East of 101 Sub Area
5. Downtown Station Area Specific Plan
6. Downtown Station Area Specific Plan – Allowable Building Heights
7. ALUCP Exhibit IV-6 "Noise Compatibility Zones – Detail" (with 121 E Grand highlighted)
8. ALUCP Exhibit IV-7 "Safety Compatibility Zones" (with 121 E Grand noted as off the exhibit)
9. ALUCP Exhibit IV-14 "14 CFR Part 77 Airport Imaginary Surface North Side" (with 121 E Grand highlighted)
10. ALUCP Exhibit IV-17 "Critical Aeronautical Surfaces – Northwest Side" (with 121 E Grand highlighted)
11. FAA Notice of Determination

Attachment 1 - 121 East Grand Site Plan - Project Location



Attachment 2 - 121 East Grand Site Plan and Rendering from Southeast

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2021-AWP-7652-OE

Attachment 1a

Issued Date: 09/09/2021

Nick Johnson
Johnson Aviation, Inc.
6524 Deerbrook Road
Oak Park, CA 91377

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building 121-3b
Location:	South San Francisco, CA
Latitude:	37-39-17.25N NAD 83
Longitude:	122-24-15.00W
Heights:	16 feet site elevation (SE)
	295 feet above ground level (AGL)
	311 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4,5(Red),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 03/09/2023 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before October 09, 2021. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted to the Manager of the Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on October 19, 2021 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative

impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Daniel Shoemaker, at (206) 231-2989, or dan.shoemaker@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2021-AWP-7652-OE.

Signature Control No: 480828545-494091127 (DNH)
Steve Phillips
Manager, Obstruction Evaluation Group

Attachment(s)
Additional Information
Map(s)

Aeronautical Study Numbers 2021-AWP-7644-OE through 2021-AWP-7655-OE

Abbreviations

AGL - above ground level	AMSL - mean sea level	RWY - runway
VFR - visual flight rules	IFR - instrument flight rules	nm - nautical mile

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Objects Affecting Navigable Airspace

1. LOCATION OF PROPOSED CONSTRUCTION

This proposal is for a 295-foot AGL (311-foot AMSL) office building, which, at its closest point (2021-AWP-7646-OE), will be located approximately 9914 feet (1.63 nm) north of the RWY 10L threshold at San Francisco International Airport (SFO), CA. The SFO airport elevation is 13 feet AMSL.

To facilitate the public comment process, the 12 corners of the building filed for evaluation were circularized under Aeronautical Study Number 2021-AWP-7652-OE, which is the tallest southeastern-most corner of the building and the highest point of the building closest to the nearest runway. The Aeronautical Study Numbers, coordinates, and heights for these 12 corners are:

2021-AWP-7644-OE	37-39-19.59N	122-24-17.32W	265 ft. AGL/281 ft. AMSL
2021-AWP-7645-OE	37-39-17.65N	122-24-13.60W	265 ft. AGL/281 ft. AMSL
2021-AWP-7646-OE	37-39-16.65N	122-24-14.43W	265 ft. AGL/281 ft. AMSL
2021-AWP-7647-OE	37-39-17.99N	122-24-16.99W	265 ft. AGL/281 ft. AMSL
2021-AWP-7648-OE	37-39-16.81N	122-24-18.15W	265 ft. AGL/281 ft. AMSL
2021-AWP-7649-OE	37-39-17.56N	122-24-19.33W	265 ft. AGL/281 ft. AMSL
2021-AWP-7650-OE	37-39-19.26N	122-24-17.25W	295 ft. AGL/311 ft. AMSL
2021-AWP-7651-OE	37-39-17.83N	122-24-14.51W	295 ft. AGL/311 ft. AMSL
2021-AWP-7652-OE	37-39-17.25N	122-24-15.00W	295 ft. AGL/311 ft. AMSL
2021-AWP-7653-OE	37-39-18.32N	122-24-17.06W	295 ft. AGL/311 ft. AMSL
2021-AWP-7654-OE	37-39-17.52N	122-24-17.86W	295 ft. AGL/311 ft. AMSL
2021-AWP-7655-OE	37-39-17.95N	122-24-18.54W	295 ft. AGL/311 ft. AMSL

2. OBSTRUCTION STANDARDS EXCEEDED

The structure is identified as an obstruction under the following Part 77 standard:

a. Section 77.17(a)(2): A height that is 200 feet above ground level or above the established airport elevation, whichever is higher, within three nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 500 feet. The 12 corners of the proposed building would exceed the SFO Part 77.17(a)(2) surface by the following amounts:

2021-AWP-7644-OE	Exceeds by 65 feet.
2021-AWP-7645-OE	Exceeds by 65 feet.
2021-AWP-7646-OE	Exceeds by 65 feet.
2021-AWP-7647-OE	Exceeds by 65 feet.
2021-AWP-7648-OE	Exceeds by 65 feet.
2021-AWP-7649-OE	Exceeds by 65 feet.
2021-AWP-7650-OE	Exceeds by 95 feet.

2021-AWP-7651-OE Exceeds by 95 feet.
2021-AWP-7652-OE Exceeds by 95 feet.
2021-AWP-7653-OE Exceeds by 95 feet.
2021-AWP-7654-OE Exceeds by 95 feet.
2021-AWP-7655-OE Exceeds by 95 feet.

b. Section 77.19(a): The surface of a takeoff and landing area of an airport or any imaginary surface established under 77.17, 77.19, or 77.23. The following corners of the proposed building would exceed the SFO horizontal surface by the indicated amounts:

2021-AWP-7645-OE Exceeds by 118 feet.
2021-AWP-7646-OE Exceeds by 118 feet.
2021-AWP-7647-OE Exceeds by 118 feet.
2021-AWP-7648-OE Exceeds by 118 feet.
2021-AWP-7649-OE Exceeds by 118 feet.
2021-AWP-7651-OE Exceeds by 148 feet.
2021-AWP-7652-OE Exceeds by 148 feet.
2021-AWP-7653-OE Exceeds by 148 feet.
2021-AWP-7654-OE Exceeds by 148 feet.

Section 77.19(b): The surface of a takeoff and landing area of an airport or any imaginary surface established under 77.17, 77.19, or 77.23. The following corners of the proposed building would exceed the conical surface at SFO by the indicated amounts:

2021-AWP-7644-OE Exceeds by 112 feet.
2021-AWP-7650-OE Exceeds by 144 feet.
2021-AWP-7655-OE Exceeds by 148 feet.

3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR: The proposed building would exceed the SFO Part 77.17(a)(2) surface by 65 to 95 feet, the SFO Part 77 horizontal surface by 118 to 148 feet, and the SFO Part 77 conical surface by 112 to 148 feet.

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR: None.

c. The impact on all planned public-use airports and aeronautical facilities: None.

d. The cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures: None.

4. CIRCULATION AND COMMENTS RECEIVED

The proposal was circulated for public comment on 2 August 2021. The public comment period ended on 8 September 2021, and no responses were received as of that date.

5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient use of navigable airspace by aircraft.

6. BASIS FOR DECISION

Part 77 establishes standards for determining obstructions to air navigation. A structure that exceeds one or more of these standards is presumed to be a hazard to air navigation unless the obstruction evaluation study determines otherwise. The fact that a proposed structure exceeds a Part 77 surface does not automatically make it a hazard. In this case, the proposed building would exceed the SFO Part 77.17(a)(2) surface by 65 to 95 feet, the Part 77 horizontal surface by 118 to 148 feet, and the Part 77 conical surface by 112 to 148 feet. However, it would have no effect on instrument procedures, and no VFR issues were identified over the course of the obstruction evaluation or raised as a result of the public comment process. Additionally, the proposed building would have no effect on airport facilities or radio/visual navigation and landing aids, and would have no effect on airspace used by the military. The installation of red obstruction lights on the building will make it more visible to pilots operating in the area at night.

7. CONDITIONS

The proposed building would be located in close proximity to the flight paths of aircraft landing on SFO RWYs 10L/R and aircraft departing RWYs 28L/R. Occupants and people outside the building will be exposed to frequent loud jet aircraft noise and the sight of large commercial aircraft operating at very low altitudes near the building. This determination is based only on the effects its physical structure would have on airspace and air traffic control procedures. It does not address compatible land use issues with regard to San Francisco International Airport, which may include further restrictions based on elevation, safety, and noise. The sponsor should contact the SFO Bureau of Planning and Environmental Affairs, at (650) 821-6678, to ensure the proposed use of the land is compatible with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

NOTE: While the building itself would have no effect on instrument approach or departure procedures at SFO, the cranes used to construct the building may have adverse effects on the instrument procedures. Should the minimum crane height required to construct the proposed building have long-term adverse effects on certain SFO instrument procedures, the crane height restrictions required to avoid those effects may require a reduction of the final height of the building to accommodate the reduced maximum crane height.

TOPO Map for ASN 2021-AWP-7652-OE

Sectional Map for ASN 2021-AWP-7652-OE

Attachement 3

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

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

San Francisco International Airport

June 7, 2022

TRANSMITTED VIA E-MAIL
kkalkin@smcgov.org

Susy Kalkin
ALUC Staff
City/County Association of Governments of San Mateo County
555 County Center, 5th Floor
Redwood City, California 94063

Subject: Application for Land Use Consistency Determination for New Research & Development Building at 121 East Grand Avenue, South San Francisco

Thank you for notifying San Francisco International Airport (SFO or the Airport) regarding the Airport Land Use Commission's (ALUC) land use consistency determination for the proposed construction of two new 17-story, office/research and development building "wings" atop a two-story podium at 121 East Grand Avenue (the Proposed Project) within the City of South San Francisco (the City). We appreciate this opportunity to coordinate with ALUC in considering and evaluating potential land use compatibility issues for the Project.

According to the Application for Land Use Consistency Determination, the Proposed Project is located at 121 East Grand Avenue (Assessor's Parcel Number 015-024-230), at the intersection of East Grand Avenue and Poletti Way, near the South San Francisco Caltrain Station, in the City. The Proposed Project would construct two new 17-story, office/research and development building "wings" connected through a glass atrium atop a two-story podium. The two-story podium would be designed, landscaped, and furnished to provide seating, gathering areas, and various access points to the building. The first two floors of the building, Levels 1 and 2, would provide public amenities, and Levels 3 through 17 would include research and development and office uses. The maximum height of the Proposed Project would be 295 feet above ground level.

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 Community Noise Equivalent Level (dBA CNEL) contour and the safety compatibility zones, and therefore would not appear to be inconsistent with the Noise and Safety Compatibility policies adopted in the SFO ALUCP. While outside of the 65 dB CNEL noise contour, the entire area east of US-101 is subject to frequent overflights, especially at night, due to noise abatement procedures which are intended to limit overflights of residential areas.

As depicted on Exhibit IV-17 of the SFO ALUCP (see Attachment), the lowest critical aeronautical surfaces above the Proposed Project are at an elevation of approximately 700 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 Proposed Project site is around 16 feet AMSL (NAVD88), the maximum height of the building, as currently defined (as 295 feet above ground level), 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 (FAA) for any proposed structures (see below), and determinations from the City/County Association of Governments of San Mateo County as the designated ALUC.

The FAA has issued a "Determination of No Hazard to Air Navigation" for the permanent structure on September 9, 2021, under Aeronautical Study Nos. 2021-AWP-7644-OE through -7655-OE. As a condition to this Determination, the structure will need to be marked/lighted in accordance with the FAA Advisory Circular 70/7460-1M, Obstruction Marking and Lighting, red lights-Chapters 4, 5(Red), and 15. This determination includes temporary cranes or other equipment that may be used during construction of the permanent structure only if they are at or below the maximum height of the permanent structure. However, construction equipment that has a height greater than the studied structure will require the Proposed Project sponsor to submit a separate notice to the FAA as described in 14 Code of Federal Regulations Part 77.

Due to the proximity of the Proposed Project to the Airport, Airspace Protection Policies (AP1 through AP4) from the SFO ALUCP are enclosed as reminders of incompatible site characteristics, especially as it pertains to wildlife attractants, particularly large flocks of birds, that pose threats to safe aircraft operations, 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
7D552AE8A4CE495...

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

Attachment

cc: Sean Charpentier, C/CAG
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

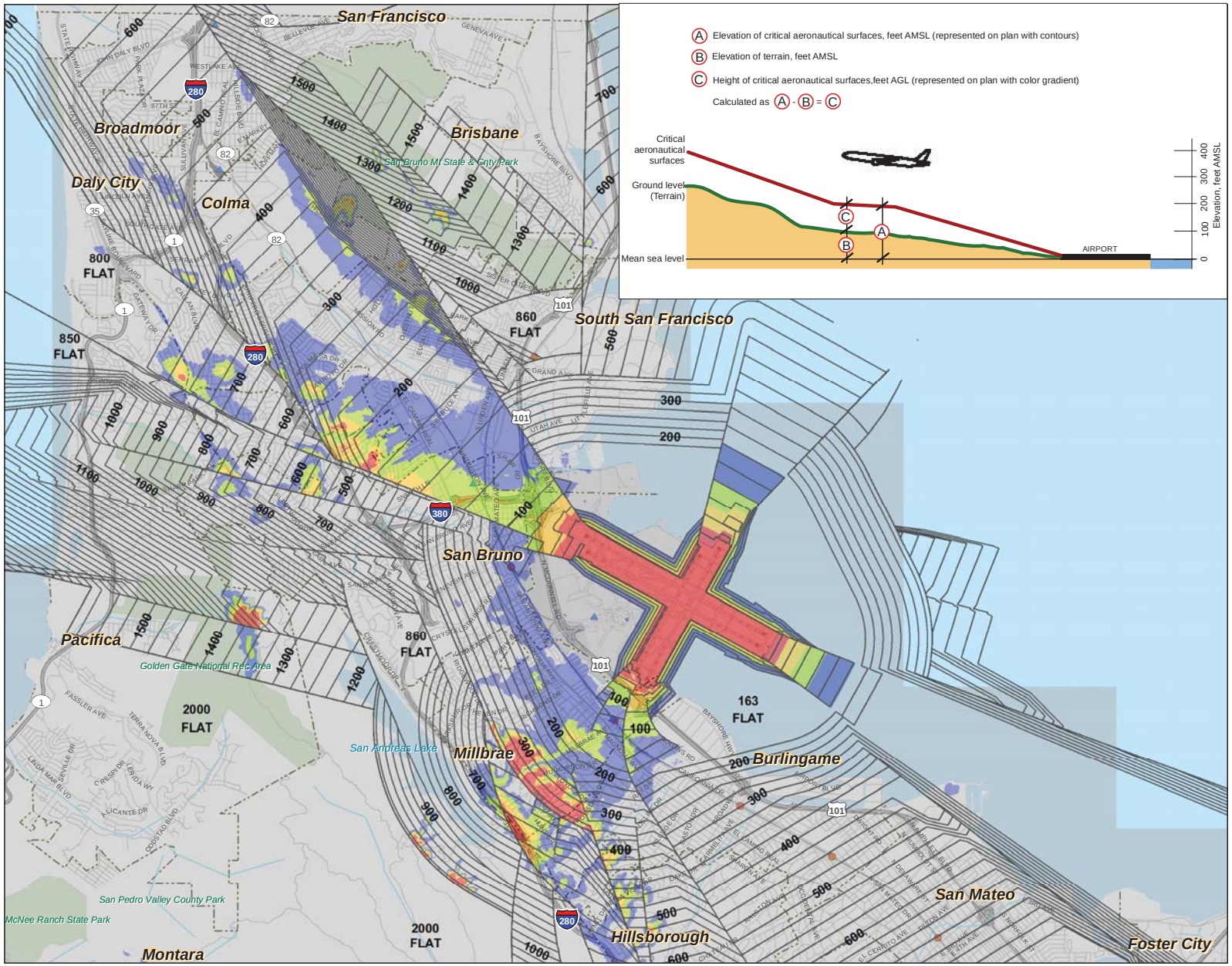
4.5.3 AIRSPACE MAPPING

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.



A Elevation of critical aeronautical surfaces, feet AMSL (represented on plan with contours)

B Elevation of terrain, feet AMSL

C Height of critical aeronautical surfaces,feet AGL (represented on plan with color gradient)

Calculated as A - B = C

LEGEND

A — 100 — Elevation of critical aeronautical surfaces, feet Above Mean Sea Level (AMSL), North American Vertical Datum of 1988 (NAVD88)

C **Height of Critical Aeronautical Surfaces, Feet Above Ground Level (AGL)**

- 35 and lower
- 35- 65
- 65 - 100
- 100 - 150
- 150 and more
- Airport Property
- BART Station
- CALTRAIN Station
- Regional Park or Recreation Area
- Municipal Boundary
- Railroad
- Freeway
- Road

Notes:

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

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

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

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

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-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.