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July 31, 2013

John Swiecki, Community Development Director
City of Brisbane
50 Park Place
Brisbane, CA 94005

Dear Mr. Swiecki:

RE: C/CAG Staff Comments on the Draft Environmental Impact Report (DEIR) for the
Brisbane Baylands Project Regarding Airport Land Use Compatibility

Thank you for the opportunity to comment on the above-referenced document. The DEIR addresses the consistency of the proposed Baylands Project with the airport land use compatibility plan for the environs of San Francisco International Airport (see text on pp. 4.1-51 and 4.1-52 of the document). The project site is bounded on the east by U.S. Highway 101, on the west and south by Bayshore Blvd., and on the north by the City and County of San Francisco. The site consists of 597 acres of land area and 136 acres of lagoon, for a total of 733 acres (see Enclosure No. 1).

The following are C/CAG staff comments that further address airport land use compatibility and real estate disclosure related to the proposed project.

Airport Influence Area (AIA) Boundary

The C/CAG Board of Directors, in its designated role as the Airport Land Use Commission for the county, is required by state law to prepare and adopt airport land use compatibility plans for the environs of each airport within its jurisdiction. The Board adopted a document entitled *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport November 2012* (SFO ALUCP). The content of the Plan was guided by the relevant provisions in the *California Airport Land Use Planning Handbook October 2011* published by the Caltrans Division of Aeronautics as required by state law.

State law also requires an airport land use commission to establish an airport influence area (AIA) boundary (PUC Section 21675 (c)). The AIA boundary defines a geographic area for ALUCP policy implementation. The adopted SFO ALUCP includes a two-part Airport Influence Area (AIA) boundary: Area A and Area B. Each area is described below.

SFO Airport Influence Area A. This area includes the entire county, all of which is overflowed by aircraft flying to and from SFO at least once a week at altitudes of 10,000 feet or less above mean sea level (see Enclosure No. 2). The following SFO ALUCP policy applies to Airport Influence Area A:

**Letter to John Swiecki, Community Development Director, City of Brisbane, Re: C/CAG Staff
Comments on the Draft Environmental Impact Report (DEIR) for the Brisbane Baylands Project
Regarding Airport Land Use Compatibility**

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“IP-1 Airport Influence Area A – Real Estate Disclosure Area

Within Area A, the real estate disclosure requirements of state law apply. Section 11010 (b)(3) of the Business and Professions Code requires people offering subdivided property for sale or lease to disclose the presence of all existing and planned airports within two miles of the property. The law requires that if the property is located within an “airport influence area” designated by the airport land use commission, the following statement must be included in the notice of intention to offer the property for sale:

NOTICE OF AIRPORT IN VICINITY

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

(B) For purposes of this section, an “airport influence area”, also known as an “airport referral area”, is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.”

The entire project site is located within Area A and is therefore, subject to the real estate disclosure requirement shown above. Compliance with this requirement is the responsibility of the person(s) offering real property for sale or lease within Area A.

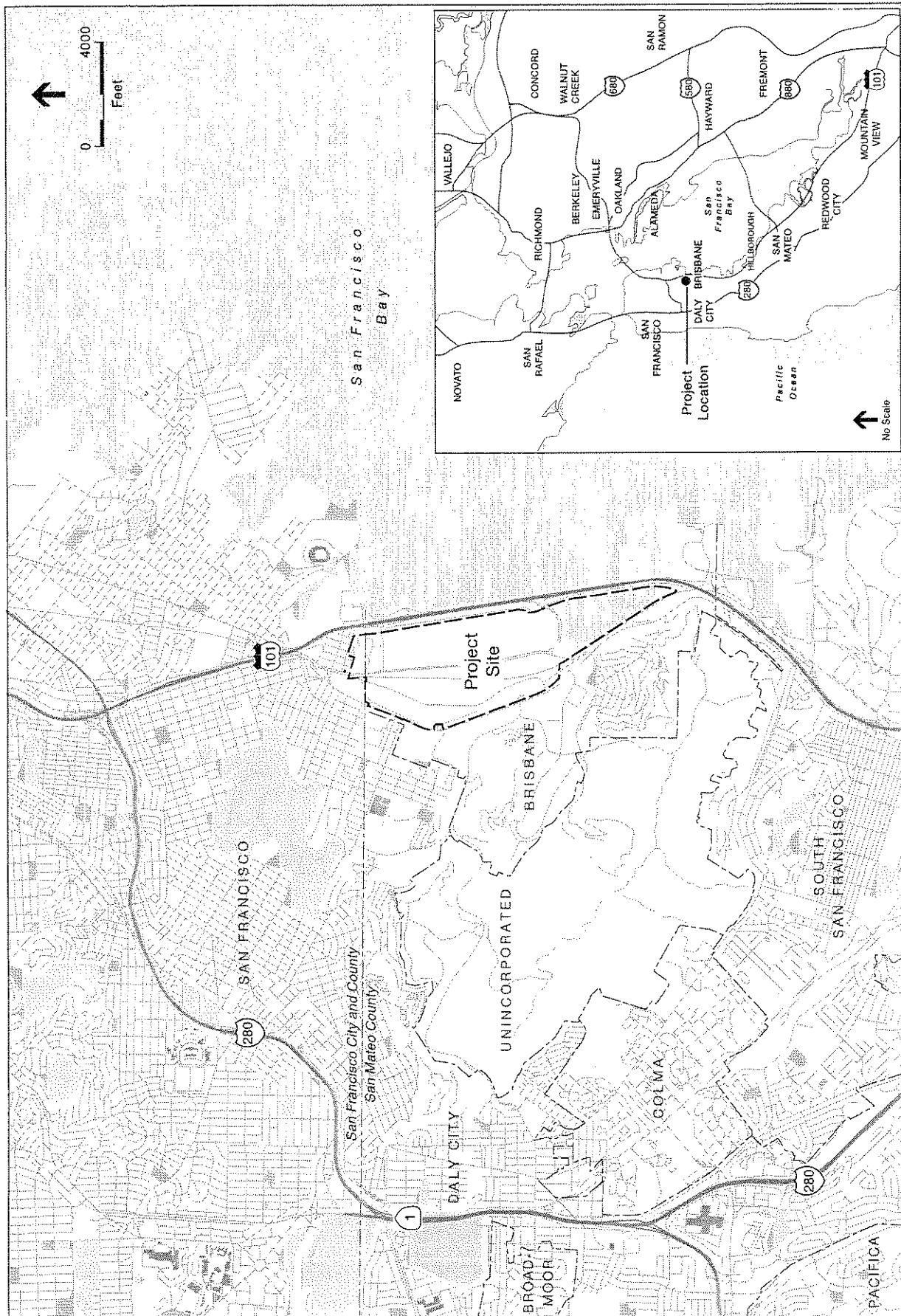
SFO Airport Influence Area B. This boundary defines a smaller area surrounding SFO within which local agencies must submit their proposed land use policy actions to the C/CAG Board for a consistency review related to the relevant the SFO ALUCP land use compatibility policies. The Area B boundary is also known as the airport referral boundary. Real estate disclosure is also required within Area B (see Enclosure No. 3).

The following SFO ALUCP policy applies to Area B:

“IP-2 Airport Influence Area B – Policy/Project Referral Area

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

None of the City of Brisbane is located within Area B and therefore, the Brisbane Baylands Project is not subject to a formal SFO ALUCP consistency review by the ALUC and C/CAG.



Brisbane Baylands . 206069

Figure 3-1

Project Site Location

Enclosure No. 1

SOURCE: ESA

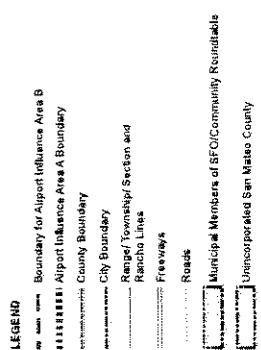


Exhibit IV-1

**AIRPORT INFLUENCE AREA A -
REAL ESTATE ENCLOSURE AREA**

Comprehensive Airport Land Use Plan
For The Environs of San Francisco International Airport

C/CAG

City/County Association of Governments
of San Mateo County, California

FAA NOTIFICATION REQUIREMENTS

A structure proponent must file FAA Form 7460-1, Notice of Proposed Construction or Alteration, for any proposed construction or alteration of a structure that is within the following Notification Criteria described in 14 CFR Part 77.9:

§77.9(a) - A height more than 200 feet above ground level (AGL) at the site.

§77.9(b) - Within 20,000 feet of a runway more than 3,200 feet in width and more than 100 feet above ground level (AGL), a structure or surface that is 1 foot vertically for every 100 feet horizontally from the nearest point of the nearest runway. The 100:1 surface is shown as follows:

20,000 Feet Limit From Nearest Runway

100:1 - Elevation Above Mean Sea Level

Heights of 100:1 Surface Above Ground (AGL)

Terrain Penetrations of Airplane Surface

Less than 30

30-65

65-100

100-150

150-200

200 and more

§77.9(c) - Roadways, railroads, and waterways are evaluated based on heights above surface providing for vehicles by specified amounts or by the height of the highest mobile object traversing the transportation corridor.

§77.9(d) - Any construction or alteration on any public-use or military airport (or airport).

Structure proponents or their representatives may file via traditional paper forms via US mail, or online at the FAA's DE/AA website, <http://dseas.faa.gov>

LEGEND

- ▲ BART Station
- CALTRAIN Station
- Municipal Boundary
- Railroad
- Freeway
- Road

Note:

Per CFR Part 77, developers proposing structures taller than the indicated elevations must file Form 7460-1 with the FAA at least 30 days before proposed construction. However, due to local requirements for a favorable FAA decision as a condition for project approval, it is advisable to file Form 7460-1 as soon as possible because the FAA can take several months to undertake aeronautical reviews.

Source:

Records & Associates, Inc. and Jacobs Consultancy based on 14 CFR Part 77, Subpart B, Section 77.9.

NORTH

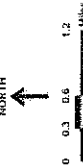


Exhibit IV-10
FAA NOTIFICATION FORM 7460-1
FLIGHT REQUIREMENTS
Comprehensive Airport Land Use Plan
for the Environs of San Francisco International Airport
C/CAG
City/County Association of Governments
of San Mateo County, California

Enclosure No. 4

