

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Andrico Penick, Director, Real Estate Division

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: September 15, 2021

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by the Airport Commission on September 7, 2021:

**File No. 210914**

**Resolution authorizing the acceptance and recording of an avigation easement by the City and County of San Francisco from SHAC Adrian Court Apartments LLC for the development at 1 and 45 Adrian Court in Burlingame, California, at no cost to the City and County of San Francisco; and affirming the Planning Department's determination under the California Environmental Quality Act.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [erica.major@sfgov.org](mailto:erica.major@sfgov.org).

1 [Acceptance and Recording of Avigation Easement - SHAC Adrian Court Apartments LLC - 1  
and 45 Adrian Court, Burlingame]

2  
3 **Resolution authorizing the acceptance and recording of an avigation easement by the**  
4 **City and County of San Francisco from SHAC Adrian Court Apartments LLC for the**  
5 **development at 1 and 45 Adrian Court in Burlingame, California, at no cost to the City**  
6 **and County of San Francisco; and affirming the Planning Department’s determination**  
7 **under the California Environmental Quality Act.**

8  
9 WHEREAS, SHAC Adrian Court Apartments LLC, a Delaware limited liability company  
10 (“SHAC”), owns a 2.83-acre parcel located at 1 and 45 Adrian Court in Burlingame, California,  
11 which it proposes to develop as a 265-unit, mixed-use residential community (the  
12 “Development”); and

13 WHEREAS, The San Francisco International Airport (the “Airport”) is required by the  
14 State of California Noise Standards for Airports (Title 21, California Code of Regulations) to  
15 eliminate incompatible land uses within its noise impact area; and

16 WHEREAS, The Airport can eliminate incompatibility under Title 21 by acquiring  
17 avigation easements; and

18 WHEREAS, The California Public Utilities Code provides for the adoption of airport  
19 land use compatibility plans to safeguard the general welfare of the inhabitants within the  
20 vicinity of airports and the public in general; and

21 WHEREAS, The City/County Association of Governments of San Mateo County  
22 adopted the Comprehensive Airport Land Use Compatibility Plan for the Environs of San  
23 Francisco International Airport (the “ALUCP”); and

24 WHEREAS, The ALUCP requires, as a condition of approving the Development, that  
25 SHAC grant the City and County of San Francisco, at no cost to City and County of San

1 Francisco, an avigation easement, a copy of which is on file with the Clerk of the Board of  
2 Supervisors in File No. 210914; and

3 WHEREAS, On October 6, 2020, the Airport Commission by Resolution No. 20-0187, a  
4 copy of which is on file with the Clerk of the Board of Supervisors under File No. 210914 and  
5 incorporated by reference, authorized the Airport to request Board of Supervisors approval to  
6 accept and record the grant of avigation easement; and

7 WHEREAS, The Director of Planning, by letter dated August 27, 2020, which is on file  
8 with the Board of Supervisors under File No. 210914 and incorporated by reference, found  
9 that the acquisition of the avigation easement is consistent with the City's General Plan, and  
10 with the eight priority policies of City Planning Code, Section 101.1; and

11 WHEREAS, The Planning Department has determined that the actions contemplated in  
12 this Resolution comply with the California Environmental Quality Act (California Public  
13 Resources Code Sections 21000 et seq.); said determination is on file with the Clerk of the  
14 Board of Supervisors in File No. 210914 and is incorporated herein by reference; the Board  
15 affirms this determination; now, therefore, be it

16 RESOLVED, That in accordance with the recommendations of the Airport Commission  
17 and the Director of Property, the Board of Supervisors approves and authorizes the Director of  
18 Property to accept the grant of avigation easement; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
20 Property to enter into any additions, amendments, or other modifications to the grant of  
21 avigation easement that the Director of Property determines, in consultation with the Office of  
22 the City Attorney, are in the best interest of the City, do not materially increase the obligations  
23 or liabilities of the City, and are necessary and advisable to complete the transaction and  
24 effectuate the purpose and intent of this Resolution, such determination to be conclusively  
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1 evidenced by the execution and delivery by the Director of Property of the grant of avigation  
2 easement and any amendments; and, be it

3 FURTHER RESOLVED, That the Director of Property is authorized, in the name and  
4 on behalf of the City and County, to accept the grant of avigation easement from SHAC and to  
5 take any and all steps (including, but not limited to, the execution and delivery of any and all  
6 certificates, agreements, notices, escrow instructions, closing documents, and other  
7 instruments or documents) as the Director of Property deems necessary or appropriate in  
8 order to accept the grant of avigation easement, or to otherwise effectuate the purpose and  
9 intent of this Resolution, such determination to be conclusively evidenced by the execution  
10 and delivery by the Director of Property of any such documents; and, be it

11 FURTHER RESOLVED, That within thirty (30) days of the grant of avigation easement  
12 being fully executed by all parties, the Director of Property shall provide a copy of the grant of  
13 avigation easement to the Clerk of the Board for inclusion in the official file.

14 RECOMMENDED:

15  
16 /s/ \_\_\_\_\_  
17 Ivar C. Satero  
18 Airport Director

19 Andrico Penick

20 /s/ \_\_\_\_\_  
21 Andrico Penick  
22 Director of Property

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