



**MEMORANDUM**

October 6, 2020

TO: Airport Commission  
Hon. Larry Mazzola, President  
Hon. Eleanor Johns, Vice President  
Hon. Richard J. Guggenlime  
Hon. Everett A. Hewlett, Jr.  
Hon. Malcolm Yeung

FROM: Airport Director

SUBJECT: Authorization to Accept and Record Avigation Easements

DIRECTOR'S RECOMMENDATION: AUTHORIZE THE AIRPORT DIRECTOR TO ACQUIRE AVIGATION EASEMENTS AS PART OF THE 2016-2019 PHASE OF THE NOISE INSULATION PROGRAM AND FOR A DEVELOPMENT PROJECT IN BURLINGAME, AND TO REQUEST THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND RECORD THE EASEMENTS.

**Executive Summary**

Staff seeks authorization to acquire avigation easements from the property owners located in the vicinity of the Airport, in areas affected by aircraft noise. The easements are acquired in exchange for noise insulation of properties as part of the 2016-2019 Phase of the Airport's Noise Insulation Program (NIP). Additionally, the developer of a mixed-use development project in Burlingame is granting the Airport an avigation easement, as required by the Airport Land Use Compatibility Plan. The easements provide protection to the Airport in that property owners will grant the City and County of San Francisco the right to permit the flight of aircraft through the airspace above and in the vicinity of the properties, and to impose noise, sound, vibration and other environmental effects incident to the operation of aircraft. Staff also seeks authorization to request the Board of Supervisors' approval to accept and record the easements.

**Background**

The State of California Noise Standard for Airports (Title 21, California Code of Regulations) requires airports to eliminate incompatible land uses within the "Noise Impact Boundary" (this is the contour of the area around the airport affected by aircraft noise). Incompatible land uses include residences, schools, hospitals and places of worship. The Airport can eliminate the incompatibility by insulating the properties to meet an interior noise standard of 45 decibels and/or obtaining avigation easements.

THIS PRINT COVERS CALENDAR ITEM NO. 9

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED MAYOR    LARRY MAZZOLA PRESIDENT    ELEANOR JOHNS VICE PRESIDENT    RICHARD J. GUGGENHIME    EVERETT A. HEWLETT, JR.    MALCOLM YEUNG    IVAR C. SATERO AIRPORT DIRECTOR

Since the 1980s, the Airport has worked with the surrounding communities and the County of San Mateo to eliminate incompatible land uses and, through these efforts, the Airport has met all California Code of Regulations requirements. This has involved insulation of more than 15,200 properties and acquisition of more than 12,600 avigation easements.

During previous phases of the NIP, some property owners chose not to participate in the program or failed to respond to invitations to participate and, as a result, the Airport did not acquire easements for those properties. Subsequently, because some of these properties had been sold to new owners who wanted to participate in the NIP, the Airport expanded the Program to invite owners of such properties if located inside the Noise Impact Boundary. The 2016-2019 Phase of the Program included insulation of nine of these dwellings in exchange for perpetual avigation easements.

Further, a developer proposes building a 265-unit mixed-use project at 1 Adrian Court and 45 Adrian Court in Burlingame, California. Because the project is partially located inside of the Noise Impact Boundary, the San Mateo County Airport Land Use Commission conditionally approved the proposed development, pending the property owner granting an avigation easement to the City and County of San Francisco, as required under Policy NP-3 (Grant of Avigation Easement) of the Airport Land Use Compatibility Plan.

A list of the ten properties for which avigation easements have been collected is attached as Attachment 1 to the Resolution.

#### **Acceptance and Recordation of Easements**

With Commission authorization, Airport staff can submit the easements signed by the property owners to the Real Estate Division. Subsequently, the Real Estate Division can accept and record the easements, following a General Plan conformity determination by the Department of City Planning and approval by the Board of Supervisors.

#### **Recommendation**

I recommend the Commission authorize the Director to: (1) acquire avigation easements for the properties identified in Attachment 1 to the Resolution, and (2) request the Board of Supervisors' approval to accept and record the easements.



Ivar C. Satero  
Airport Director

Prepared by: Geoffrey W. Neumayr  
Chief Development Officer  
Planning, Design & Construction

Attachments

**ATTACHMENT 1 - LIST OF PROPERTIES FOR WHICH  
AVIGATION EASEMENTS HAVE BEEN COLLECTED**

| <b>APN No.</b> | <b>Property Address</b>            | <b>City</b> | <b>Comments</b>   |
|----------------|------------------------------------|-------------|---|
| 91691270       | 322 Barbara Ln                     | Daly City   | Easement granted in exchange for noise insulation improvements              |
| 24176160       | 3 Corte Comoda                     | Millbrae    | Easement granted in exchange for noise insulation improvements              |
| 20206080       | 545 2nd Ave                        | San Bruno   | Easement granted in exchange for noise insulation improvements              |
| 20204130       | 519 4th Ave                        | San Bruno   | Easement granted in exchange for noise insulation improvements              |
| 20168230       | 760 4th Ave                        | San Bruno   | Easement granted in exchange for noise insulation improvements              |
| 20177130       | 525 5th Ave                        | San Bruno   | Easement granted in exchange for noise insulation improvements              |
| 20104230       | 940 Green Ave                      | San Bruno   | Easement granted in exchange for noise insulation improvements              |
| 14275060       | 1083 Montgomery Ave                | San Bruno   | Easement granted in exchange for noise insulation improvements              |
| 14267260       | 77 Atlantic Ave                    | San Bruno   | Easement granted in exchange for noise insulation improvements              |
| 025169350      | 1 Adrian Court and 45 Adrian Court | Burlingame  | Easement granted per Policy NP-3 of the Airport Land Use Compatibility Plan |

AIRPORT COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 20-0187

**AUTHORIZATION TO ACQUIRE AVIGATION EASEMENTS AS PART OF THE 2016-2019 PHASE OF THE NOISE INSULATION PROGRAM AND FOR A DEVELOPMENT PROJECT IN BURLINGAME, AND TO REQUEST THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND RECORD THE EASEMENTS**

- WHEREAS, as part of the Airport's Noise Insulation Program (NIP), between the 1980s and 2000s the Airport obtained approximately 12,600 avigation easements, insulated approximately 15,200 eligible structures, and through this work eliminated all incompatible land uses, thereby meeting the State of California Noise Standard for Airports (Title 21 of the California Code of Regulations); and
- WHEREAS, since 2010, the Airport has implemented additional phases of the NIP to insulate properties that were not treated in earlier phases of the NIP, and to acquire avigation easements in exchange for insulation; and
- WHEREAS, the recently completed 2016-2019 Phase of the NIP included insulation of nine dwellings in exchange for perpetual avigation easements granted by the homeowners; and
- WHEREAS, the developer of a mixed-use project in Burlingame, California is granting a perpetual avigation easement to the City and County of San Francisco, as required under Policy NP-3 (Grant of Avigation Easement) of the Airport Land Use Compatibility Plan; and
- WHEREAS, the Real Estate Division can accept and record the easements following a General Plan conformity determination by the Department of City Planning and approval by the Board of Supervisors; now, therefore, be it
- RESOLVED, that the Airport Commission hereby authorizes the Director to acquire Avigation Easements for the properties listed in Attachment 1 to this Resolution; and, be it further
- RESOLVED, that the Airport Commission hereby authorizes the Director to request the Board of Supervisors' approval to accept and record the easements.

*I hereby certify that the foregoing resolution was adopted by the Airport Commission*  
at its meeting of \_\_\_\_\_

OCT 6 2020

  
Secretary



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