

AIRPORT COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 23-0171

AUTHORIZATION TO ACQUIRE AN AVIGATION EASEMENT FOR A DEVELOPMENT PROJECT IN SOUTH SAN FRANCISCO AT NO COST, AND TO REQUEST THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND RECORD THE EASEMENT

- WHEREAS, the Airport is required by the State of California Noise Standards for Airports (Title 21, California Code of Regulations) to eliminate incompatible land uses within its noise impact area, and the Airport can eliminate incompatibility under Title 21 by acquiring avigation easements, which acknowledge the right for the passage of aircraft over a property and grant the right to cause noise and other environmental effects of aircraft operations to and from the Airport; and
- WHEREAS, the California Public Utilities Code provides for the adoption of airport land use compatibility plans to safeguard the general welfare of the inhabitants within the vicinity of airports and the public in general; and
- WHEREAS, the City/County Association of Governments of San Mateo County adopted the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (ALUCP), which requires as a condition of approving developments in San Mateo County located within the 65 decibel Community Noise Equivalent Level noise contour for the Airport, that property owners grant the City and County of San Francisco, at no cost, a perpetual avigation easement; and
- WHEREAS, the property owner developing a mixed-use development at 410 Noor Avenue in South San Francisco, California is granting a perpetual avigation easement to the City and County of San Francisco, in accordance with Policy NP-3, Grant of Avigation Easement, of the ALUCP; and
- WHEREAS, following a General Plan conformity determination by the Planning Department and approval by the Board of Supervisors, the Director of Real Estate would sign the avigation easement and Airport staff would record the easement in San Mateo County; now, therefore, be it
- RESOLVED, that the Airport Commission hereby authorizes the Director to acquire an avigation easement for 410 Noor Avenue (APN Numbers 014-183-220, 014-183-270 and 014-183-230) in South San Francisco; 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 easement.

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

JUN 20 2023


Secretary

San Francisco International Airport

MEMORANDUM

June 20, 2023

TO: AIRPORT COMMISSION
 Hon. Malcolm Yeung, President
 Hon. Everett A. Hewlett, Jr., Vice President
 Hon. Jane Natoli
 Hon. Jose F. Almanza

23-0171

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FROM: Airport Director

SUBJECT: Authorization to Accept and Record an Avigation Easement

DIRECTOR'S RECOMMENDATION: AUTHORIZE THE AIRPORT DIRECTOR TO ACQUIRE AN AVIGATION EASEMENT FOR A DEVELOPMENT PROJECT IN SOUTH SAN FRANCISCO AT NO COST TO THE CITY AND COUNTY OF SAN FRANCISCO, AND TO REQUEST THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND RECORD THE EASEMENT.

Executive Summary

Staff seeks authorization to acquire an avigation easement from a property owner located in an area affected by aircraft noise in South San Francisco, at no cost to the City and County of San Francisco. The property owner of a mixed-use development project is granting the Airport an avigation easement, as required by the Airport Land Use Compatibility Plan and a condition of approval of its entitlements from the City of South San Francisco. The avigation easement provides protection to the Airport in that the property owner would acknowledge the City and County of San Francisco's right to permit the flight of aircraft through the airspace above and in the vicinity of the property, and grant the right 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 easement.

Background

The San Francisco International Airport (Airport) is required by the State of California Noise Standards for Airports (Title 21, California Code of Regulations) to eliminate incompatible land uses within its noise impact area. Incompatible land uses include residences, schools, hospitals, and places of worship. The Airport can eliminate incompatibility under Title 21 by acquiring avigation easements, which acknowledge the right for the passage of aircraft over a property, and grant the right to cause noise and other environmental effects of aircraft operations, to and from the Airport.

The California Public Utilities Code provides for the adoption of airport land use compatibility plans to safeguard the general welfare of the inhabitants within the vicinity of airports and the public in general. The City/County Association of Governments of San Mateo County adopted the *Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport* (ALUCP). The ALUCP requires, as a condition of approving developments in San Mateo County located within the 65 decibel Community Noise Equivalent Level (dB CNEL) noise contour for the Airport, that property owners grant the City and County of San Francisco, at no cost, a perpetual avigation easement.

A property owner is developing a mixed-use development at 410 Noor Avenue (APN Numbers 014-183-220, 014-183-270 and 014-183-230) in South San Francisco, California. Because the project is located inside of the 65 dB CNEL noise contour, the San Mateo County Airport Land Use Commission (ALUC) determined that development was inconsistent with relevant ALUCP noise compatibility policies and criteria. In granting the development entitlements on December 1, 2020, the City of South San Francisco overruled the ALUC's

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AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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IVAR C. SATERO
AIRPORT DIRECTOR

inconsistency determination and imposed as a condition of approval, the requirement that the property owner grant an avigation easement to the City and County of San Francisco, as required under Policy NP-3, Grant of Avigation Easement, of the ALUCP.

Acceptance and Recordation of Easements

With Airport Commission authorization, Staff can submit the easement signed by the property owner to the Real Estate Division. Following a General Plan conformity determination by the San Francisco Planning Department and approval by the Board of Supervisors, the Director of Real Estate would sign the avigation easement and Airport staff would record the easement in San Mateo County.

Recommendation

I recommend the Commission authorize the Director to acquire an avigation easement for 410 Noor Avenue (APN Numbers 014-183-220, 014-183-270 and 014-183-230) in South San Francisco, and request the Board of Supervisors' approval to accept and record the easement.



Ivar C. Satero
Airport Director

Prepared by: Geoffrey W. Neumayr
Chief Resiliency & Sustainability Officer

Attachment