

1 [Acceptance and Recording of Avigation Easement - SyNoor LLC - 410 Noor Avenue, South  
2 San Francisco]

3 **Resolution authorizing the acceptance and recording of an avigation easement by the**  
4 **City and County of San Francisco from SyNoor LLC for the development at 410 Noor**  
5 **Avenue in South San Francisco, California, at no cost to the City and County of San**  
6 **Francisco; to authorize the Director of Property to enter into amendments or**  
7 **modifications to the grant of avigation easement that do not materially increase the**  
8 **obligations or liabilities to the City and are necessary to effectuate the purposes of this**  
9 **Resolution; and making findings under the California Environmental Quality Act and**  
10 **affirming the Planning Department’s determination under the California Environmental**  
11 **Quality Act.**

12  
13 WHEREAS, SyNoor LLC (“Grantor”) owns a 4.74-acre site located at 410 Noor Avenue  
14 in South San Francisco, California on which Grantor proposes construction of a 9,428 square-  
15 foot mixed-use development (the “Development”); and

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

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

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

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

4           WHEREAS, The San Mateo County Airport Land Use Commission (“ALUC”)  
5 determined that the Development was incompatible with the relevant ALUCP noise  
6 compatibility policies and criteria because it was located within the 70 decibel Community  
7 Noise Equivalent Level contour; and

8           WHEREAS, The City of South San Francisco overruled the ALUC’s incompatibility  
9 determination and as a condition of approval of the Development, required the property owner  
10 to grant the City and County of San Francisco (“City”) an avigation easement, a copy of which  
11 is on file with the Clerk of the Board of Supervisors in File No. 230800; and

12           WHEREAS, On June 20, 2023, the Airport Commission by Resolution No. 23-0171, a  
13 copy of which is on file with the Clerk of the Board of Supervisors in File No. 230800 and  
14 incorporated herein by reference, authorized the Airport to request the Board of Supervisors  
15 approval to accept and record the grant of avigation easement; and

16           WHEREAS, The Director of Planning, by letter dated June 29, 2023, which is on file  
17 with the Board of Supervisors in File No. 230800 and incorporated by reference, found that  
18 the acquisition of the avigation easement is consistent with the General Plan, and with the  
19 eight priority policies of Planning Code, Section 101.1; and

20           WHEREAS, The Planning Department has determined that the actions contemplated in  
21 this Resolution comply with the California Environmental Quality Act (Public Resources Code  
22 Sections 21000 et seq.); said determination is on file with the Clerk of the Board of  
23 Supervisors in File No. 230800 and is incorporated herein by reference; and the Board of  
24 Supervisors affirms this determination; now, therefore, be it  
25

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

4           FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of  
5 Property to enter into any additions, amendments, or other modifications to the grant of  
6 avigation easement that the Director of Property determines, in consultation with the Office of  
7 the City Attorney, are in the best interest of the City, do not materially increase the obligations  
8 or liabilities of the City, and are necessary and advisable to complete the transaction and  
9 effectuate the purpose and intent of this Resolution, such determination to be conclusively  
10 evidenced by the execution and delivery by the Director of Property of the grant of avigation  
11 easement and any amendments; and, be it

12           FURTHER RESOLVED, That the Director of Property is authorized, in the name and  
13 on behalf of the City, to accept the grant of avigation easement from the Grantor and to take  
14 any and all steps (including, but not limited to, the execution and delivery of any and all  
15 certificates, agreements, notices, escrow instructions, closing documents, and other  
16 instruments or documents) as the Director of Property deems necessary or appropriate in  
17 order to accept the grant of avigation easement, or to otherwise effectuate the purpose and  
18 intent of this Resolution, such determination to be conclusively evidenced by the execution  
19 and delivery by the Director of Property of any such documents; and, be it

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

RECOMMENDED:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

                  /s/                    
Ivar C. Satero  
Airport Director

                  /s/                    
Andrico Penick  
Director of Property