



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

Board of Supervisors

**DATE:** October 14, 2002

**BOARD MEETING DATE:** October 29, 2002

**TO:** Honorable Board of Supervisors

**FROM:** Airport Subcommittee of the Board of Supervisors

**SUBJECT:** Acceptance of Report of the Environmental Services Agency (Planning and Building Division) Regarding San Francisco International Airport's Noise Mitigation Program

**Recommendation**

Accept the Report prepared by the Planning and Building Division of the County Environmental Services Agency which concludes that, based on data reported for the fourth quarter of 2001, San Francisco International Airport ("SFIA") has, through the work performed under its Aircraft Noise Insulation Program, eliminated non-conforming land uses within the SFIA "noise impact boundary."

**Background**

The California Public Utilities Code directs the California Department of Transportation ("CalTrans") to adopt Noise Standards Regulations for airports (the "Regulations"). Pursuant to the Regulations, approximately thirty years ago, the San Mateo County Board of Supervisors adopted an ordinance declaring that SFIA is a "noise problem airport."

These Regulations establish that "the acceptable level of aircraft noise for persons living in the vicinity of airports is . . . a community noise equivalent level ['CNEL'] of 65 decibels," and that "[n]o airport proprietor of a noise problem airport shall operate with a *noise impact area* based on the standard of 65 dB CNEL unless the operator has applied for or received a variance . . ." Cal. Code Regs. tit. 21, § 5012 (emphasis added).

The Regulations, in turn, define “*noise impact area*” as “the area within the *noise impact boundary*<sup>1</sup> that is composed of *incompatible land use*.” Cal. Code Regs. tit. 21, § 5001(k) (emphasis added). Finally, these Regulations set forth, in pertinent part, that “*incompatible land uses*” consist of most types of residences within the noise impact boundary, unless an aviation easement for aircraft noise has been acquired by the airport, or the airport has made a “genuine effort” to acoustically treat the residence or acquire such an aviation easement, or both; and, unless an aviation easement for aircraft noise has been acquired for the property in question, public and private schools of standard construction, hospitals and convalescent homes, and places of worship. Cal. Code. Regs. tit. 21, § 5014.

It follows from the foregoing that, to the extent that incompatible land uses within the noise impact boundary have been eliminated, an airport does not require a CalTrans variance.

### **Discussion**

As noted, San Mateo County has designated SFIA a “noise problem airport,” and, subsequent to being so designated, SFIA has applied for, and received from CalTrans several variances to operate, notwithstanding the existence of incompatible land uses. SFIA continues to operate under a CalTrans variance, the most recent of which was granted in 1998. In 2001, SFIA filed an application for another variance<sup>2</sup>, which CalTrans has not yet ruled on, in light of SFIA’s claim, discussed below, that it has eliminated all incompatible land uses in the airport’s noise impact boundary, and therefore no longer requires a variance. CalTrans has asked for a report summarizing the County’s position with respect to SFIA’s claims.

One component of the CalTrans variances has been the requirement that SFIA provide funding for an aircraft noise insulation program which has, as its goal, the insulation of all residences and other incompatible land uses within the airport’s noise impact boundary in exchange for an aviation easement for aircraft noise from all participating property owners. Through this program, which began in 1983, SFIA has provided funding for acoustical treatment to local government jurisdictions having incompatible land uses within the noise impact boundary.<sup>3</sup>

SFIA recently submitted reports to the County and to CalTrans, which are based on data for the fourth quarter of 2001, and which assert that, through SFIA’s funding of the aircraft noise insulation program, it has insulated (or made a genuine effort to insulate) all residences and several schools and churches in the airport’s noise impact boundary and that, consequently, it has eliminated all incompatible land uses.

Personnel from the Environmental Service Agency’s Department of Planning have

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<sup>1</sup> “Noise impact boundary is the locus of points around an airport for which the annual CNEL is equal to the airport noise standard established in Section 5012.” Cal. Code Regs. tit. 21, § 5001(l).

<sup>2</sup> While CalTrans airport noise variances are valid for three year periods, they remain effective during any period in which CalTrans considers applications for a new variance.

<sup>3</sup> The eligible jurisdictions are Daly City, Millbrae, Pacifica, San Bruno, South San Francisco, and San Mateo County.

investigated the claims of SFIA and have prepared a written report (the "Report"). According to the Report, the Planning Department audited the fourth-quarter 2001 data submitted by SFIA. This audit included a meeting with SFIA's Finance Department staff to review the airport's data and the County's evaluation of it, and a review of a sampling of residential parcels within the SFIA noise impact boundary to determine whether the title for these parcels reflects the existence of an aviation easement for aircraft noise (or, alternatively, whether there exist records to show that SFIA made a genuine effort to obtain such as an easement).

The Report concludes that SFIA's data accurately reflects that, as of the fourth quarter of 2001, all nonconforming land uses within the airport's noise impact boundary have been eliminated. It follows that, as of that time, SFIA does not require a CalTrans variance in order to operate. Submission of a copy of the Report to CalTrans will allow that agency to forego processing of SFIA's pending variance application.

Although the Report concludes that SFIA is in compliance with the State Noise Standards, this determination does not mean that there are no longer airport noise impacts in affected communities or that the SFIA noise problem has been "solved." SFIA assures the County that it will continue to administer and manage existing noise abatement programs, rules, regulations and procedures that evolved from past variance conditions. SFIA also assures the County that it will continue to work with the County local communities and the Airport/Community Roundtable to monitor new developments in the noise impact area to identify any potential new incompatible land uses.

**Vision Alignment**

Approval of the Report will further the County's goal of providing the impetus for broader regional solutions in land use and transportation.

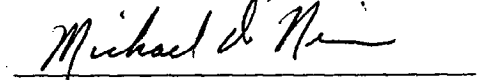
**Fiscal Impact**

Approval of the Report will have no fiscal impact.

MARK CHURCH, SUPERVISOR



MICHAEL NEVIN, SUPERVISOR



cc: Marcia Raines, Director, Environmental Services Agency  
Terry Burnes, Planning Administrator  
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