



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 26, 2011
TO: Mayor and Councilmembers
FROM: Airport Administration, Airport Department
SUBJECT: Easements At The Airport

RECOMMENDATION:

That Council approve and authorize the City Administrator to execute an Addendum to Amendment of Avigation, Noise, and Runway Protection and Navigational Aids Easement, As Amended, between the City, as Grantee, and Santa Barbara Realty Holding Company, LLC, a Delaware limited liability company, and Santa Barbara Realty Development, LLC, a Delaware limited liability company, as Grantor, to clarify building restrictions in the Runway Protection Zone.

DISCUSSION:

Background

In 1998, the Sares-Regis Group, doing business as Santa Barbara Realty Holding Company, LLC, purchased 92.3 acres of property comprised of the former Delco property located immediately west of the Airport. The property, when purchased by Sares-Regis was encumbered with an easement for navigation equipment and an easement for avigation and noise. An avigation easement grants the right to use the airspace directly above a parcel of real property located in close proximity to an airport, allows for aircraft operation above the property, and restricts or prohibits objects or improvements that create a flight safety hazard.

With the implementation of the Runway Safety Area project, a shift of the main runway 800 feet to the west and construction of a 500 foot by 1000 foot safety overrun area, certain Federal Aviation Administration (FAA) navigation aids required relocation to the Sares-Regis property and a runway protection zone was created on the property. On May 22, 2001, Council adopted an ordinance approving a binding Memorandum of Understanding (MOU) and accepting the grant of the Amendment of Avigation and Noise Easement, and Runway Protection Zone and Navigational Aids Easement ("2001 Easement") with Santa Barbara Realty Holding Company, LLC. The easements were purchased by the City for the amount of \$4,925,000 and funded with FAA Airport Improvement Program grants.

The MOU and 2001 Easement provided for the existing 1972 and 1986 Avigation easement on the property to remain in place and granted restrictions on land uses in the area of the future Runway Protection Zone. It also established an 800 foot wide object free area on the extended runway centerline on the property for FAA to relocate, construct, maintain and repair the navigation aids and access road.

Additionally, the 2001 Easement insured mutual compatibility between the Runway Safety Area project and Sares-Regis's proposed Cabrillo Business Park project which involved redevelopment of the property to create a modern research and development park.

When the Runway Safety Area project and relocation of FAA navigation was completed, a Second Amendment to the 2001 Easement was approved by Council on April 21, 2009 to more accurately reflect the location and maintenance of the improvements.

Addendum to Amendment of Avigation, Noise and Runway Protection Zone and Navigational Aids Easement, As Amended.

Sares-Regis submitted an application to amend its land use development plan for the property which was approved by the City of Goleta. The amended plan permitted Sares-Regis to pursue development of four proposed buildings within a portion of its property. One of the buildings (Building 3) is proposed to be constructed in the Runway Protection Zone and is therefore governed by the terms of the 2001 Easement.

Building 3 is proposed for warehouse use, a use that is permitted under the terms of the 2001 Easement, subject to restrictions. In order to insure that the construction of Building 3 is consistent with the purposes of the 2001 Easement, certain additional restrictions and permissions must be added to the 2001 Easement. The proposed Addendum to the 2001 Easement includes the following restrictions to Building 3:

- 1) Permanent occupancy is limited to 25 persons
- 2) No public assembly is allowed
- 3) Interior space shall not exceed 33,000 square feet of which no more than 6,000 square feet shall be used as administrative office or support space
- 4) Roof mounted equipment shall not exceed 30 feet above finished grade
- 5) Plants or trees within the RPZ area shall not exceed 25 feet in height
- 6) If required by FAA regulations, Sares-Regis shall submit a Form 7460 Notice of Proposed Construction.

These new limitations do not contain any monetary requirements.

SUBMITTED BY: Karen Ramsdell, Airport Director

APPROVED BY: City Administrator's Office