

File No. 140311

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date April 28, 2014

Board of Supervisors Meeting Date _____

Cmte Board

- | | | |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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Completed by: Andrea Ausberry Date April 24, 2014

Completed by: _____ Date _____

1 [Avigation Easements - San Mateo County - San Francisco International Airport's Noise
2 Insulation Program]

3 **Resolution approving the acquisition of 28 Avigation Easements from various property**
4 **owners in San Mateo County required for the San Francisco International Airport's**
5 **Noise Insulation Program (Project); adopting findings that the Project is categorically**
6 **exempt from environmental review under the California Environmental Quality Act**
7 **Class 1: Existing Facilities; adopting findings that the acquisition is consistent with the**
8 **City's General Plan, and eight priority policies of City Planning Code, Section 101.1;**
9 **and authorizing the Director of Property and Mayor to execute documents, make**
10 **certain modifications and take certain actions in furtherance of this Resolution.**

11
12 WHEREAS, The San Francisco International Airport (SFO) is required by the State of
13 California Noise Standard for Airports (Title 21, California Administrative Code) to eliminate
14 incompatible land uses within the Noise Impact Boundary; and

15 WHEREAS, Incompatibility with an airport use may be eliminated if the properties are
16 insulated to meet an interior noise standard of 45 decibels and/or the airport proprietor has
17 obtained an Avigation Easement; and

18 WHEREAS, The Avigation Easements will be acquired from various property owners in
19 exchange for soundproofing of properties as part of the Project; and

20 WHEREAS, On September 4, 2013, the San Francisco Airport Commission by
21 Resolution No. 13-0195, a copy of which Resolution is on file with the Clerk of the Board of
22 Supervisors under File No. 140311, and which Resolution is incorporated herein by this
23 reference, approved the Project and authorized the request for Board of Supervisors
24 acceptance and recordation of said Easements; and

1 WHEREAS, The Director of Planning, by letter dated December 27, 2013, found that
2 the acquisition of the Avigation Easements is consistent with the City's General Plan and with
3 the Eight Priority Policies of City Planning Code Section 101.1, which letter is on file with the
4 Clerk of the Board of Supervisors under File No. 140311, and which letter is incorporated
5 herein by this reference; and

6 WHEREAS, A template of the Grant of Avigation Easement ("Easement Agreement")
7 between the City and the various property owners to be used for this Project is on file with the
8 Clerk of the Board of Supervisors in File No. 140311, which is incorporated herein by this
9 reference; now, therefore, be it

10 RESOLVED, That the Board of Supervisors adopts the findings as stated in the
11 December 27, 2013 letter from the Director of Planning that the Project is Categorically
12 Exempt from environmental review under the California Environmental Quality Act (CEQA)
13 Class 1: Existing Facilities; and, be it

14 FURTHER RESOLVED, That in accordance with the recommendations of the San
15 Francisco Airport Commission and the Director of Property, the Board of Supervisors hereby
16 approves the Easement Agreements and the transaction contemplated thereby in
17 substantially the form of such easement agreements presented to this Board; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
19 Property to enter into any additions, amendments or other modifications to the Easement
20 Agreements (including, without limitation, the attached exhibits) that the Director of Property
21 determines are in the best interest of the City, that do not materially increase the obligations
22 or liabilities of the City, and are necessary or advisable to complete the transactions
23 contemplated in the Easement Agreements and effectuate the purpose and intent of this
24 Resolution, such determination to be conclusively evidenced by the execution and delivery by
25 the Director of Property of the Easement Agreements and any amendments thereto; and, be it

1 FURTHER RESOLVED, That the Director of Property and Mayor are hereby
2 authorized and urged, in the name and on behalf of the City and County, to accept the deeds
3 to the easements from the grantors with the terms and conditions of the Easement
4 Agreements, and to take any and all steps (including, but not limited to, the execution and
5 delivery of any and all certificates, agreements, notices, escrow instructions, closing
6 documents and other instruments or documents) as the Director of Property deems necessary
7 or appropriate in order to consummate the acquisition of the easements pursuant to the
8 Easement Agreement, or to otherwise effectuate the purpose and intent of this Resolution,
9 such determination to be conclusively evidenced by the execution and delivery by the Director
10 of Property of any such documents; and, be it

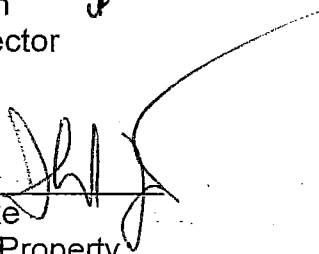
11 FURTHER RESOLVED, That within thirty (30) days of the Easement Agreements
12 being fully executed by all parties the Director of Property shall provide the Easement
13 Agreements to the Clerk of the Board for inclusion in the official file; and, be it

14 FURTHER RESOLVED, All actions heretofore taken by the Director of Property with
15 respect to the matters addressed in this Resolution are hereby approved, confirmed and
16 ratified.

17
18

19 RECOMMENDED:

20 
21 _____
John Martin
22 Airport Director

23 
24 _____
John Updike
25 Director of Property



Edwin M. Lee, Mayor
Naomi M. Kelly, City Administrator



John Updike
Director of Real Estate

March 25, 2014

Through Naomi Kelly,
City Administrator

SFO
Avigation Easements
San Mateo County

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2014 MAR 28 AM 10:45

Honorable Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Board Members:

Attached for your consideration is a Resolution authorizing the acquisition of twenty-eight Avigation Easements from various property owners in San Mateo County. The Avigation Easements are required for the San Francisco International Airport's (SFO) Noise Insulation Program.

The State of California Noise Standard for Airports, Title 21, Administrative Code, requires SFO to eliminate land uses within the Noise Impact Boundary. As part of the Noise Insulation Program, the Avigation Easements will be acquired from the property owners in exchange for soundproofing of properties.

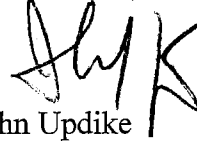
In addition to the Resolution, enclosed are:

1. Copy of a sample of Grant of Avigation Easement.
2. San Francisco Airport Commission Resolution Nos. 13-0195 approving the acquisition of these easements.
3. City Planning's letter dated December 27, 2013 stating that the proposed acquisitions for this project are in conformance with the general plan.

140311

If you have any questions regarding this matter, please contact Marta Bayol of our office at 554-9865.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Updike', with a long, sweeping horizontal line extending to the right across the top of the signature block.

John Updike
Director of Real Estate

cc: Gerardo Fries, SFO, Special Projects

AIRPORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
RESOLUTION NO. 13_0195

AUTHORIZATION TO ACQUIRE AVIGATION EASEMENTS AS PART OF THE 2012-2014 PHASE OF THE NOISE INSULATION PROGRAM, AND TO REQUEST APPROVAL BY RESOLUTION OF THE BOARD OF SUPERVISORS FOR ACCEPTANCE AND RECORDATION OF 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/or made genuine efforts toward this, and through this work the Airport 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, it is anticipated that in the current and forthcoming phases of the NIP, the Airport will provide acoustic treatment to additional properties and acquire additional easements; and

WHEREAS, this will involve properties that did not participate in previous phases of the NIP because property owners chose not to participate in the program or failed to respond to invitations to participate, and these properties have now been acquired by new owners who would like to have their property insulated in exchange for the grant of an avigation easement to the City; and

WHEREAS, acceptance and recordation of the easements can be processed by the Real Estate Division 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 the Resolution as part of the ongoing phase (the 2012-2014 Phase) of the Airport's Noise Insulation Program; and be it further

RESOLVED, that the Airport Commission hereby authorizes the Director to request approval from the Board of Supervisors for acceptance and recordation of said easements.

I hereby certify that the foregoing resolution was adopted by the Airport Commission

SEP 04 2013

at its meeting of _____


Secretary

Attachment 1

EXHIBIT 1

San Francisco International Airport Noise Insulation Program - 2012-2014 Phase						
List of Participating Properties						
APN No.	TRA No.	Owner Name	Property Address	City	Units	Year Built
91691320	5029	Nathaniel F. Cayabyab	312 Barbara Ln	Daly City	1	1984
91792100	5029	Genevieve I. Alivio	97 Bromley Ct.	Daly City	1	1972
91792310	5029	Mark A. Quizon & Katrina T. Quizon	20 Camelot Ct.	Daly City	1	1973
91792360	5029	Stephanie Wong & Ban An Shin	34 Camelot Ct.	Daly City	1	1973
91263220	5029	Spencer Quoc Tran & Jacqueline Szewan Ho	233 Dennis Dr.	Daly City	1	1969
91782170	5029	Suzanne Choi & James Choi	904 Gellert Blvd	Daly City	1	1972
91253200	5029	Felix Kury, Nora Kury & Yasmine Kury	804 King Dr.	Daly City	1	1967
91282420	5029	Maria Cyrill N. Enerio, Edward V. Dizon & Don V. Dizon	94 Lycett Cir.	Daly City	1	1979
91455090	5029	Masashi Harada & Tomoko Matsuda	116 Marbly Ave.	Daly City	1	1971
91672290	5029	Teo Sing Seok & Yoke Fong Chou	375 Michelle Ln.	Daly City	1	1989
91192170	5029	Joseph Q. Talavera & Jennie June T. Talavera	209 Morton Dr.	Daly City	1	1967
91205540	5029	Danilo C. Diaz & Noemi P. Diaz	20 Nelson Ct.	Daly City	1	1968
91452060	5029	Phoebe Mauricio	25 Norwood Ave.	Daly City	1	1972
91196010	5029	Cesar P. Restua & Cecille G. Restua	151 Shipley Ave.	Daly City	1	1968
91201080	5029	Eugene Chupkin	266 Shipley Ave.	Daly City	1	1967
91454240	5029	Raymond S. Chang, Lelei Hsieh Chang & Jenny Soe Chang	48 Surrey Ct.	Daly City	1	1971
91261010	5029	Karina L. Zhang & Kathy X. Zhang	163 Warwick St.	Daly City	1	1969

Attachment 1

EXHIBIT 1

San Francisco International Airport Noise Insulation Program - 2012-2014 Phase						
List of Participating Properties						
APN No.	TRA No.	Owner Name	Property Address	City	Units	Year Built
20191340	10024	Sundar Pal & Anita Devi Pal	764 3rd Ave.	San Bruno	1	1941
20187080	10024	Salvador Franco	833 5th Ave.	San Bruno	1	1963
20156080	10024	Jessica Laura	866 6th Ave.	San Bruno	1	1992
20162020	10024	Maria Isabel N. Quita & Danilo F. Quita	837 7th Ave.	San Bruno	1	1952
20104210	10024	Lynn M. Knott & Jeffrey T. Knott	924 Green Ave.	San Bruno	1	1936
20124130	10024	Humberto Valencia & Maria Del Carmen Valencia	404 Kains Ave.	San Bruno	1	1940
20103130	10024	YongSheng Zhang & Lijie Zhao	933 Masson Ave.	San Bruno	1	1924
20112140	10024	Juan J. Escobar, Carol Escobar & Jason A. Escobar	815 Mills Ave.	San Bruno	1	1924
14292080	10024	David Kuan	949 Montgomery Ave.	San Bruno	1	1946
20164060	10024	Samuel Pilli & Sunita Pilli, Leighton G. Sheley & Jenny E. Sheley, Cabot L. Sheley & Elaine Sheley	549-573 San Bruno Ave.	San Bruno	5	1934
20156130	10024	Yu Ching Chang & Eric Y. Willkom Jr.	766 Walnut St.	San Bruno	1	1940
28	Properties		TOTALS		32	Units



SAN FRANCISCO PLANNING DEPARTMENT

General Plan Referral

Date: December 27, 2013

Case No.: Case No. 2013.1779R
SFO Noise Insulation Program

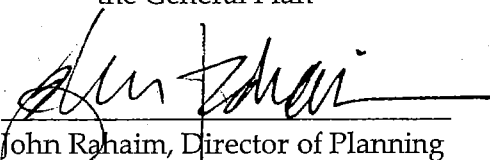
Block/Lot No.: n/a

Project Sponsor: John Updike, Director of Real Estate
San Francisco Real Estate Division
25 Van Ness Ave. Suite 400
San Francisco, CA 94102

Applicant: Same as Above

Staff Contact: Lisa Chen – (415) 575-9124
lisa.chen@sfgov.org

Recommendation: Finding the project, on balance, in conformity with
the General Plan

Recommended By: 
John Rahaim, Director of Planning

RECEIVED
JAN 2 2014
REAL ESTATE DIV.

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The San Francisco International Airport (SFO), as part of its Noise Insulation Program, proposes to acquire aviation easements on 28 parcels (representing 32 units), located in San Mateo County, and to provide acoustic treatments in return. The State of California Noise Standard for Airports (Title 21, California Administrative Code) requires airports to eliminate incompatible land uses within a "Noise Impact Boundary" unless the airport applied for or received a variance. The proposed acquisition of permanent easements from private property owners in the Noise Impact Boundaries allows SFO to meet the California Administrative Code. The properties that are participating in the Noise Insulation Program are eligible for noise insulation improvements provided by SFO, in exchange for the aviation easements. The submittal is for a General Plan Referral to recommend whether the Project is in conformity

with the General Plan, pursuant to Section 4.105 of the Charter, and Section 2A.52 and 2A.53 of the Administrative Code.

ENVIRONMENTAL REVIEW

On 12/23/13, the Environmental Planning Division of the Planning Department determined that the proposed SFO Avigation Easements are Categorical Exempt from Environmental Review as a Categorical Exemption Class 1 as defined by CEQA, per CEQA Guidelines Section 15301: Existing Facilities

GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

The Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 as described in the body of this letter and is, on balance, **in conformity** with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

POLICY 1.2

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

To ensure that commercial and industrial activities do not detract from the environment in which they locate, and may in fact benefit their surroundings, performance standards should be applied in evaluating new developments. The policies of the General Plan provide many of the standards to be used in evaluating development proposals. Other standards are found in various city ordinances and State and Federal laws. As necessary these standards should be reformed and additional standards developed.

The project will ensure that SFO complies with the Noise Standard for Airports in the California Administrative Code (Title 21).

TRANSPORTATION ELEMENT

POLICY 2.2

Reduce pollution, noise and energy consumption.

OBJECTIVE 5

SUPPORT AND ENHANCE THE ROLE OF SAN FRANCISCO AS A MAJOR

**DESTINATION AND DEPARTURE POINT FOR TRAVELERS MAKING INTERSTATE,
NATIONAL AND INTERNATIONAL TRIPS.**

POLICY 5.1

Support and accommodate the expansion of San Francisco International Airport, while balancing this expansion with the protection of the quality of life in the communities that surround the Airport.

The project allows SFO to continue to serve its function as a travel hub between the City and other areas and will provide noise insulation and acoustic treatments to reduce noise intrusion and improve the quality of life of affected residents.

ENVIRONMENTAL PROTECTION ELEMENT

OBJECTIVE 9

REDUCE TRANSPORTATION-RELATED NOISE.

OBJECTIVE 10

MINIMIZE THE IMPACT OF NOISE ON AFFECTED AREAS.

The process of blocking excessive noise from our ears could involve extensive capital investment if undertaken on a systematic, citywide scale. Selective efforts, however, especially for new construction, are both desirable and justified.

POLICY 10.2

Promote the incorporation of noise insulation materials in new construction.

State-imposed noise insulation standards apply to all new residential structures except detached single-family dwellings. Protection against exterior noise and noise within a building is also important in many nonresidential structures. Builders should be encouraged to take into account prevailing noise levels and to include noise insulation materials as needed to provide adequate insulation.

The project will provide noise insulation and acoustic treatments per SFO's Noise Insulation Program to reduce the impacts of airport operations on indoor noise levels.

On balance, the proposal is **in conformity** with the General Plan. Any development schemes proposed for the subject parcels after acquisition of the easements for SFO will be subject to separate General Plan Referrals to the Planning Department. Any development proposals

would also have to comply with the local zoning ordinance and pertinent land use policies of the area.

PROPOSITION M FINDINGS – PLANNING CODE SECTION 101.1

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project, demolition and replacement of the Chinese Recreation Center, is found to be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

Eight Priority Policies Findings

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

The proposed project is found to be consistent with the eight priority policies of Planning Code Section 101.1 in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.

The Project would have no adverse effect on existing housing stock or on neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced.

The Project would have no adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project would not result in commuter traffic impeding MUNI's transit service, overburdening the streets or altering current neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for residential employment and ownership in these sectors be enhanced.

The Project would not affect the existing economic base in this area.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake.

7. That landmarks and historic buildings be preserved.

The project will not have an adverse impact on landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project would have no adverse effect on parks and open space or their access to sunlight and vista.

RECOMMENDATION:	Finding the Project, on balance, in conformity with the General Plan
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Attachments:

- Exhibit A – Residential Noise Insulation Program, 2012-2014 Phase – Project Area Map, Cities of San Bruno and Daly City
- Exhibit B – List of Participating Properties

cc: Marta Bayol, San Francisco Real Estate Division
Lisa Chen, Planning Department

I:\Citywide\General Plan\General Plan Referrals\2013\2013.17794R SFO Acquisition Avigation Easements.doc



San Francisco International Airport

RESIDENTIAL NOISE
INSULATION PROGRAM

2012-2014 PHASE

EXHIBIT A

PROJECT AREA MAP

CITY OF SAN BRUNO

2001 NEM

SAN BRUNO PROPERTY SOLD





San Francisco International Airport

RESIDENTIAL NOISE INSULATION PROGRAM

2012-2014 PHASE

EXHIBIT A

PROJECT AREA MAP

CITY OF DALY CITY

2001 NEMA

DAILY CITY PROPERTY SOLD



**San Francisco International Airport
Noise Insulation Program, 2012-2014 Phase
Acquisition of Avigation Easements**

List of Participating Properties

House No.	Owner Name	Property Address	Units	Year Built	Construction Date
DC1	Nathaniel F. Cayabyab	312 Barbara Ln. Daly City	1	1984	Feb. - May 2014
DC2	Genevieve I. Alivio	97 Bromley Ct. Daly City	1	1972	Feb. - May 2014
DC3	Mark A. Quizon & Katrina T. Quizon	20 Camelot Ct. Daly City	1	1973	Feb. - May 2014
DC4	Stephanie Wong & Ban An Shin	34 Camelot Ct Daly City	1	1973	Feb. - May 2014
DC5	Spencer Quoc Tran & Jacqueline Szewan Ho	233 Dennis Dr. Daly City	1	1969	Feb. - May 2014
DC6	Suzanne Choi & James Choi	904 Gellert Blvd. Daly City	1	1972	Feb. - May 2014
DC7	Felix Kury, Nora Kury & Yasmine Kury	804 King Dr. Daly City	1	1967	Feb. - May 2014
DC8	Maria Cyrill N. Enerio, Edward V. Dizon & Don V. Dizon	94 Lycett Cir. Daly City	1	1979	Feb. - May 2014
DC9	Masashi Harada & Tomoko Matsuda	116 Marbly Ave. Daly City	1	1971	Feb. - May 2014
DC10	Teo Sing Seok & Yoke Fong Chou	375 Michelle Ln. Daly City	1	1989	Feb. - May 2014
DC11	Joseph Q. Talavera & Jennie June T. Talavera	209 Morton Dr. Daly City	1	1967	Feb. - May 2014
DC12	Danilo C. Diaz & Noemi P. Diaz	20 Nelson Ct. Daly City	1	1968	Feb. - May 2014
DC13	Phoebe Mauricio	25 Norwood Ave. Daly City	1	1972	Feb. - May 2014
DC14	Cesar P. Restua & Cecille G. Restua	151 Shipley Ave. Daly City	1	1968	Feb. - May 2014
DC15	Eugene Chupkin	266 Shipley Ave. Daly City	1	1967	Feb. - May 2014
DC16	Raymond S. Chang, Lelei Hsieh Chang & Jenny Soe Chang	48 Surrey Ct. Daly City	1	1971	Feb. - May 2014
DC17	Karina L. Zhang & Kathy X. Zhang	163 Warwick St. Daly City	1	1969	Feb. - May 2014
SB1	Sundar Pal & Anita Devi Pal	764 3rd Ave. San Bruno	1	1941	Feb. - May 2014
SB5	Salvador Franco	833 5th Ave San Bruno	1	1963	Feb. - May 2014
SB9	Jessica Laura	866 6th Ave. San Bruno	1	1992	Feb. - May 2014
SB10	Maria Isabel N. Quita & Danilo F. Quita	837 7th Ave San Bruno	1	1952	Feb. - May 2014
SB11	Lynn M. Knott & Jeffrey T. Knott	924 Green Ave. San Bruno	1	1936	Feb. - May 2014
SB12	Humberto Valencia & Maria Del Carmen Valencia	404 Kains Ave San Bruno	1	1940	Feb. - May 2014
SB13	YongSheng Zhang & Lijie Zhao	933 Masson Ave San Bruno	1	1924	Feb. - May 2014
SB14	Juan J. Escobar, Carol Escobar & Jason A. Escobar	815 Mills Ave. San Bruno	1	1924	Feb. - May 2014
SB15	David Kuan	949 Montgomery Ave. San Bruno	1	1946	Feb. - May 2014
SB16-SB20	Samuel Pilli & Sunita Pilli, Leighton G. Sheley & Jenny E. Sheley, Cabot L. Sheley & Elaine Sheley	549, 559, 569, 571, 573 San Bruno Ave, San Bruno	5	1934	Feb. - May 2014
SB21	Yu Ching Chang & Eric Y. Willkom Jr.	766 Walnut St. San Bruno	1	1940	Feb. - May 2014
28 Properties		TOTALS		32 Units	

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

City and County of San Francisco
Real Estate Department
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

GRANT OF AVIGATION EASEMENT

This Grant of Avigation Easement is executed and delivered as of this _____ day of _____, 20____, by _____ (GRANTOR) and the City and County of San Francisco, a political subdivision of the State of California (CITY or GRANTEE), with reference to the following facts:

Recitals

- A. GRANTOR is the owner of that certain property ("Real Property"), legally described in Exhibit "A," attached hereto and incorporated herein by reference, the street address of which is _____, California.
- B. CITY is the owner and operator of the San Francisco International Airport ("SFO").
- C. GRANTOR has been offered the opportunity to participate in a publicly funded program ("Noise Insulation Program") which will cause changes to be made to GRANTOR's Real Property which may result in the reduction of aircraft noise currently being imposed on the interior of the structure or structures located on Real Property. The funding source for said Noise Insulation Program will include funding from the CITY, acting in its proprietary capacity as the owner and operator of the San Francisco International Airport ("SFO"), and may include funding from the Unites States Government pursuant to 14 Code of Federal Regulations Part 150.
- D. CITY requires as a condition precedent to GRANTOR's participation in said Noise Insulation Program the grant by GRANTOR of a permanent non-exclusive easement, rights and servitudes (the "Avigation Easement") in favor of CITY. The Avigation Easement will be recorded by CITY in the chain of title in the County of San Mateo Recorder's Office.

Grant of Avigation Easement

1. Grant. GRANTOR, individually and for the heirs, successors and assigns of GRANTOR, hereby grants, conveys and assigns to CITY and its successors, a perpetual and assignable Avigation Easement in and over the Real Property for the purposes described herein below.

1.1 Passage of Aircraft. The Avigation Easement shall include for the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, of any aircraft, of any and all kinds now or hereafter known, in, through, across or about any portion of the airspace above and within the vicinity of the Real Property, with such rights of use and passage by aircraft without restriction as to frequency, type of aircraft and proximity to the surface of the Real Property, so long as the exercise of such rights is not in violation of then applicable federal laws governing flight operations.

1.2 Noise and Other Incidental Effects. The Avigation Easement shall include the right to cause within, and to enter or penetrate into or transmit through, any improved or unimproved portion of Real Property, and within all airspace above Real Property, such noise, sounds, vibrations, air currents, illumination, electronic interference and aircraft engine exhaust and emissions, dust, discomfort or other environmental effects incident to aircraft operations, and any and all resulting interference with use and enjoyment, and any consequent reduction in market value, all due to the operation of aircraft to and from SFO upon GRANTOR's Real Property.

1.3 Interference with Air Navigation/Communications. In furtherance of this Avigation Easement, GRANTOR covenants that it will not construct, install, permit or allow any building, structure, improvement, tree, or other object on the Real Property to constitute an obstruction to air navigation, or to use or permit the use of Real Property in such a manner as to create electrical or electronic interference with aircraft communications systems, aircraft navigation equipment, or with Federal Aviation Administration, airline, or airport personnel communication with any aircraft.

2. Baseline. The 65 dB Community Noise Equivalent Level (CNEL) noise contour map filed by SFO on the most recent quarterly noise map (hereinafter the "Quarterly Noise Map") filed by SFO with the State of California, Department of Transportation, Division of Aeronautics, in accordance with Section 5025 of Title 21 of the California Code of Regulations, shall be the basis for determining the baseline level for the GRANTOR's Real Property.

3. Waiver of Legal Actions and Exceptions. GRANTOR, together with its successors in interest and assigns, hereby waives its right to legal action against CITY, its successors or assigns, for monetary damages or other redress due to impacts, as described in Section 1.2 of the granted rights of easement, associated with aircraft operations in the air or on the ground at SFO, including future increases in the volume or changes in location of said operations. However, this waiver shall not apply under the circumstances specified below.

3.1 For Property Located Outside the 65 dB CNEL Boundary. The waiver shall not be in effect for property located outside the 65 dB CNEL noise contour boundary as shown on the Quarterly Noise Map, if three (3) of any four (4) quarterly noise report maps, as reported to the State of California, for any calendar year show that the noise level imposed on GRANTOR's Real Property exceeds 68 dB CNEL or higher, and the waiver shall remain not in effect until two (2) consecutive subsequent quarterly noise maps show the level of noise to be at or lower than 68 dB CNEL.

3.2 For Property Located Within the 65 dB CNEL Boundary and Higher. The waiver shall not be in effect for property located within the 65 dB CNEL noise contour boundary and higher, as shown on the Quarterly Noise Map, if three (3) of any four (4) quarterly noise report maps, as reported to the State of California, for any calendar year show that the noise level imposed on GRANTOR's Real Property exceeds the baseline CNEL level as stated in Section 2 by more than 3 dB CNEL (68 dB CNEL and higher), and the waiver shall remain not in effect until two (2) consecutive subsequent quarterly noise maps show the level of noise to have been no more than 3 dB CNEL greater than the baseline.

3.3. Exceptions. Any change in the noise level, as reported on a quarterly noise map for SFO filed with the State of California, Department of Transportation, Division of Aeronautics, in accordance with Section 5025 of Title 21 of the California Code of Regulations, which reflects a change in noise level which results from the temporary increased use of certain runways, due to construction or repair of other runways, or due to any other cause or causes beyond the control of CITY (e.g., weather or wind conditions, but not flight pattern shifts authorized by the Federal Aviation Administration) shall not be used to compute the noise level imposed on GRANTOR's Real Property for the purposes of this Section 3.

4. Negligent or Unlawful Acts Excepted. This grant of Avigation Easement shall not operate to deprive the GRANTOR, its successors or assigns, of any rights which it may from time to time have against any air carrier or private operator for negligent and/or unlawful operation of aircraft to, from, or in or about SFO, nor does this Avigation Easement include or authorize aircraft landing, explosion, crash, falling objects or other occurrences causing direct physical injury to persons or direct physical damage to property.

5. Easement Benefit. The Avigation Easement shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the San Francisco International Airport, and shall be deemed in gross, being conveyed to CITY for the benefit of the CITY and any and all members of the general public who may use said easement, taking off from, landing upon, or operating such aircraft in or about the said SFO, or otherwise flying through the airspace above or in the vicinity of Real Property.

6. Covenants Run with the Land. These covenants and agreements run with the land (Real Property) in perpetuity and any grantee, heir, agent, successor, assign of the GRANTOR who acquires

any estate or interest in or right to use Real Property shall be bound by this Avigation Easement for the benefit of CITY, and its agents, successors and assigns.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed this ____ day of _____, 20 ____.

GRANTORS

(STATE OF CALIFORNIA)
(COUNTY OF SAN MATEO)

On this ____ day of _____, in the year 20 ____, before me _____ a
Notary Public in and for said State, personally appeared _____

personally known to me OR

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

ATTEST:

WITNESS my hand and official seal

Notary Public in and for said State

This is to certify that the Interest in real property conveyed by this deed dated _____ from the first part _____ to the City and County of San Francisco, a California municipal corporation, is hereby accepted by order of its Board of Supervisors' Resolution No. 18110, Series of 1939, approved August 7, 1957, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

By: _____
Director of Property

GRANTEE:
CITY AND COUNTY OF
SAN FRANCISCO

By: _____
Mayor

APPROVED AS TO FORM

DENNIS J. HERRERA
City Attorney

By: _____
Deputy City Attorney

Attachment: Exhibit "A" – Legal Description of Real Property

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

April 17, 2014

File No. 140311

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On April 8, 2014, the Real Estate Division introduced the following legislation:

File No. 140311

Resolution approving the acquisition of 28 Avigation Easements from various property owners in San Mateo County required for the San Francisco International Airport's Noise Insulation Program (Project); adopting findings that the Project is categorically exempt from environmental review under the California Environmental Quality Act Class 1: Existing Facilities; adopting findings that the acquisition is consistent with the City's General Plan, and eight priority policies of City Planning Code, Section 101.1; and authorizing the Director of Property and Mayor to execute documents, make certain modifications and take certain actions in furtherance of this Resolution.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk
Land Use & Economic Development Committee

Attachment

c: Nannie Turrell, Environmental Planning
Jeanie Poling, Environmental Planning

*Exempt from CEQA per CEQA
Guidelines Section 15301,
Class 1.
Nannie T. Turrell
April 18, 2014*

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

MEMORANDUM

TO: John L. Martin, Airport Director, San Francisco International Airport

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: April 18, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by the Real Estate Division on April 8, 2014:

File No. 140311

Resolution approving the acquisition of 28 Avigation Easements from various property owners in San Mateo County required for the San Francisco International Airport's Noise Insulation Program (Project); adopting findings that the Project is categorically exempt from environmental review under the California Environmental Quality Act Class 1: Existing Facilities; adopting findings that the acquisition is consistent with the City's General Plan, and eight priority policies of City Planning Code, Section 101.1; and authorizing the Director of Property and Mayor to execute documents, make certain modifications and take certain actions in furtherance of this Resolution.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Cathy Widener, San Francisco International Airport
Jean Caramatti, San Francisco International Airport