

BOARD of SUPERVISORS



City Hall  
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April 17, 2014

File No. 140311

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> 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 Turrell  
April 18, 2014*

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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. \_\_\_\_\_, and which Resolution is incorporated herein by  
23 this 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. \_\_\_\_\_, and which  
5 letter is incorporated 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. \_\_\_\_\_, 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 \_\_\_\_\_  
22 John Martin  
23 Airport Director

23

24 \_\_\_\_\_  
25 John Updike  
26 Director of Property

