

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 **General Plan, and the eight priority policies of Planning Code, Section 101.1; and**
9 **authorizing the Director of Property and Mayor to execute documents, make certain**
10 **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

25

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.

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19 RECOMMENDED:

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21 _____
22 John Martin
23 Airport Director

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24 _____
25 John Updike
26 Director of Property