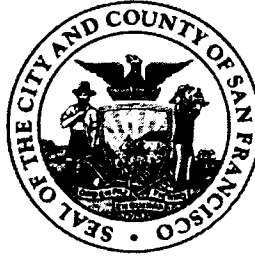


BOARD of SUPERVISORS



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

## MEMORANDUM

TO: John Rahaim, Director, Planning Department

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

DATE: January 6, 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 Department on December 17, 2013:

**File No. 131185**

**Resolution approving the acquisition of 33 Avigation Easements from various property owners in San Mateo County to replace expiring Avigation Easements 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 General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing the Director of Property 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: Scott Sanchez, Zoning Administrator  
Sarah Jones, Chief, Major Environmental Analysis  
AnMarie Rodgers, Legislative Affairs  
Monica Pereira, Environmental Planning  
Nannie Turrell, Environmental Planning

*Exempt from CEQA  
per CEQA Guidelines  
Section 15301, Class 1,  
Existing Facilities.  
(See Attached)  
Nannie L. Turrell  
January 9, 2014*



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

3 **Resolution approving the acquisition of 33 Avigation Easements from various property**  
4 **owners in San Mateo County to replace expiring Avigation Easements required for the**  
5 **San Francisco International Airport's Noise Insulation Program (the Project); adopting**  
6 **findings that the Project is Categorically Exempt from environmental review under the**  
7 **California Environmental Quality Act (CEQA) Class 1: Existing Facilities; adopting**  
8 **findings that the acquisition is consistent with the General Plan and eight priority**  
9 **policies of Planning Code, Section 101.1; and authorizing the Director of Property to**  
10 **execute documents, make certain modifications and take certain actions in furtherance**  
11 **of this Resolution.**

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

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

19 WHEREAS, On October 30, 2012 and August 12, 2013, the San Francisco Airport  
20 Commission by Resolution Nos. 12-0243 and 13-0186, copies of which Resolutions are on file  
21 with the Clerk of the Board of Supervisors under File No. 131185, and which Resolutions are  
22 incorporated herein by this reference, approved the Project and authorized the request for  
23 Board of Supervisors acceptance and recordation of said Easements; and,

24 WHEREAS, The Director of Planning, by letter dated October 11, 2013, found that the  
25 acquisition of the Avigation Easements is consistent with the City's General Plan and with the

1 Eight Priority Policies of City Planning Code Section 101.1, which letter is on file with the Clerk  
2 of the Board of Supervisors under File No. 131185, and which letter is incorporated herein by  
3 this reference; and,

4 WHEREAS, A template of the Grant of Avigation Easement ("Easement Agreement")  
5 between the City and the various property owners to be used for this Project is on file with the  
6 Clerk of the Board of Supervisors in File No. 131185, which is incorporated herein by this  
7 reference; therefore, be it

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

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

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

24 FURTHER RESOLVED, That the Director of Property are hereby authorized and  
25 urged, in the name and on behalf of the City and County, to accept the deeds to the

1 easements from the grantors with the terms and conditions of the Easement Agreements, and  
2 to take any and all steps (including, but not limited to, the execution and delivery of any and all  
3 certificates, agreements, notices, escrow instructions, closing documents and other  
4 instruments or documents) as the Director of Property deems necessary or appropriate in  
5 order to consummate the acquisition of the easements pursuant to the Easement  
6 Agreements, or to otherwise effectuate the purpose and intent of this Resolution, such  
7 determination to be conclusively evidenced by the execution and delivery by the Director of  
8 Property of any such documents; and, be it

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

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

15  
16 RECOMMENDED:

17  
18 \_\_\_\_\_  
19 John Martin  
20 Airport Director

21 \_\_\_\_\_  
22 John Updike  
23 Director of Property  
24  
25





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

13.1274 R



John Updike  
Director of Real Estate

RECEIVED

SAN FRANCISCO DEPARTMENT OF PLANNING  
CATEGORICALLY EXEMPT PROJECT

September 3, 2013

SEP 04 2013

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
CITYWIDE POLICY

**CLASS 1: Existing Facilities**  
The proposed project involves negligible or no expansion of existing use.

San Francisco International  
Airport  
Noise Insulation Program  
Acquisition of Avigation  
Easements

John Rahaim  
Director of Planning  
Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

*[Signature]* 9/28/13  
A. [Signature] Planning Dept. Monica Casalia, Director  
**Environmental Planner**

Attention: Maria Oropeza-Mander

Dear Mr. Rahaim:

Enclosed is a General Plan Referral application for the acquisition of avigation easements as part of the San Francisco International Airport's (SFO) Noise Insulation Program. The State of California Noise Standard for Airports (Title 21, California Administrative Code) requires airports to eliminate incompatible land uses within the "Noise Impact Boundary, unless the airport applied for or received a variance. Acquiring the avigation easements allows SFO to meet the California Administrative Code requirements. The avigation easements provide protection to SFO in that the property owners grant the City and County of San Francisco the right to permit the flight of aircraft through the airspace above and in the vicinity of the properties, and to impose noise, sound, vibration and other environment effects incidental to the operation of the aircraft. Attached is an exhibit (Exhibit A) showing the Noise Impact Boundaries for SFO.

Attached also is a list of properties and property owners that are participating in the Noise Insulation Program (Exhibit B). These properties are eligible for noise insulation improvements and SFO will provide acoustic treatments and obtain avigation easements in return.

Should you have any questions or need additional information, please call Marta Bayol of my staff at 554-9865. We appreciate your consideration of this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Updike', written over a horizontal line.

John Updike  
Director of Real Estate

cc: Gerardo Fries, SFO Business and Finance Division  
Donnie Wong, Planning Finance  
Howard Wong (#6643)