

From: [Dyanna Volek \(AIR\)](#)
To: [Melgar, Myrna \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Peskin, Aaron \(BOS\)](#)
Cc: [Low, Jen \(BOS\)](#); [Kilgore, Preston \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Major, Erica \(BOS\)](#); [Cathy Widener \(AIR\)](#)
Subject: Follow-up to Airport Item at 04/04 Land Use Meeting
Date: Monday, April 11, 2022 12:37:46 PM
Attachments: [image001.png](#)

Good afternoon, Chair Melgar, Vice Chair Preston, and Member Peskin:

Thank you for considering the avigation easement item at Monday's Land Use Committee meeting. Obtaining the easement is of great value to the Airport as it insulates the Airport from future claims and lawsuits regarding noise and allows the Airport to conduct its industry-leading efforts to mitigate community noise issues through its Noise Insulation Programs. Please find below follow-up information that was requested at the hearing.

Reimbursements for Staff Time

- There is no clear way for the City and County of San Francisco to require reimbursement by the developer for the administration of an avigation easement in favor of the City. The Airport does have MOUs with both the Planning Department and the Real Estate Division to reimburse those departments for staff time spent on General Plan referrals (Planning) and negotiating, obtaining, and recording avigation easements (Real Estate). Each department submits invoices to the Airport for payment.
- The Airport does anticipate receiving over a thousand additional avigation easements (related to both the Airport Land Use Compatibility Plan and the Noise Insulation Program) over the next few years and is exploring options to reduce the administrative burden, including with the Real Estate Division. One possible option is to standardize the process, which would require upfront Board approvals including a narrow waiver of Charter Section 9.118(b) for the acceptance of only form Avigation Easements with standardized language. If this is something you would like to explore, we are happy to set up a time to discuss.

Board Rejection of Easements

- The Airport is required by California regulations to eliminate incompatible land uses, like residences, within its noise impact area. An efficient

method to eliminate such uses under State law is to acquire an avigation easement from the property owner. Once the property owner grants the easement, the San Mateo County Airport Land Use Commission considers the project approved. The City and County of San Francisco has no discretion or approval authority over the project. If the City and County of San Francisco does not accept the avigation easement, the incompatible development would continue, and the City and County of San Francisco would be effectively waiving immunity granted under State law, creating legal exposure for future nuisance claims.

Thank you again for your time and consideration,
Dyanna Volek



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