

File No. 131185

Committee Item No. 1

Board Item No. 5

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date February 3, 2014

Board of Supervisors Meeting Date Feb. 11, 2014

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input checked="" 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 checked="" 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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OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date January 30, 2014

Completed by: AA Date 2-5-14

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 (Project); adopting**
6 **findings that the Project is categorically exempt from environmental review under the**
7 **California Environmental Quality Act, Class 1: Existing Facilities; adopting findings that**
8 **the acquisition is consistent with the General Plan, and the eight priority policies of**
9 **Planning Code, Section 101.1; and authorizing the Director of Property to execute**
10 **documents, make certain modifications, and take certain actions in furtherance of this**
11 **Resolution.**

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

23 WHEREAS, The Director of Planning, by letter dated October 11, 2013, found that the
24 acquisition of the Avigation Easements is consistent with the City's General Plan and with the
25 Eight Priority Policies of City Planning Code Section 101.1, which letter is on file with the Clerk

1 of the Board of Supervisors under File No. 131185, and which letter is incorporated herein by
2 this reference; and

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

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

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

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

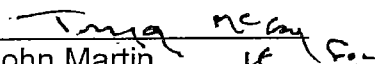
23 FURTHER RESOLVED, That the Director of Property are hereby authorized and
24 urged, in the name and on behalf of the City and County, to accept the deeds to the
25 easements from the grantors with the terms and conditions of the Easement Agreements, and

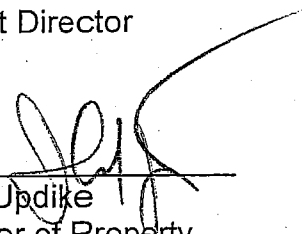
1 easements from the grantors with the terms and conditions of the Easement Agreements, and
2 to take any and all steps (including, but not limited to, the execution and delivery of any and all
3 certificates, agreements, notices, escrow instructions, closing documents and other
4 instruments or documents) 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 John Martin
19 Airport Director

20 
21 John Updike
22 Director of Property



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



John Updike
 Director of Real Estate

December 3, 2013

Through Naomi Kelly,
 City Administrator

SFO
 Avigation Easements
 San Mateo County

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 12/3/13 11:51 AM

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 thirty-three replacement Avigation Easements from various property owners in San Mateo County. The Avigation Easements currently in place will be expiring in 2014 and replacement 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 to replace expiring Avigation Easements.

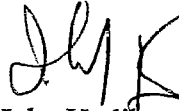
In addition to the Resolution, enclosed are:

1. Copy of a sample of Grant of Avigation Easements.
2. San Francisco Airport Commission Resolution Nos. 12-0243 and 13-0186 approving the acquisition of these replacement easements.
3. City Planning's letter dated October 11, 2013 stating that the proposed acquisitions for this project are in conformance with the general plan.

13/1/85

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

RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

Director of Property
Real Estate Division
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 ("Easement") is executed and delivered as of this 17 day of APRIL between **NORALIZA SALAZAR, AN UNMARRIED WOMAN** ("GRANTORS") and the City and County of San Francisco, a municipal corporation of the State of California ("City" or "Grantee").

WHEREAS, GRANTORS are the owners of that certain real property located at: **361 BARBARA LANE, DALY CITY, CA 94015** in San Mateo County, CA and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein as though set forth verbatim (hereinafter "Grantors' Property"); and

WHEREAS, CITY is the owner and operator of the San Francisco International Airport ("SFO") and is desirous of acquiring an avigation easement upon Grantor's Property to permit imposition upon such property of vibration, discomfort, inconvenience, interference with use and enjoyment, and any consequent reduction in market value, all due to the operation of aircraft to and from San Francisco International Airport (hereinafter SFO); and

WHEREAS, GRANTOR(S) are desirous of providing an avigation easement upon Grantors' property to replace and correct an earlier grant of avigation easement based upon prior noise insulation work provided by SFO for GRANTORS' Property that mistakenly contained a 20 year term, and

WHEREAS, Section 21652 of the Public Utilities Code of the State of California authorizes CITY to obtain such easement;

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO THAT:

1. GRANTORS do hereby grant, convey and assign to the CITY, and its successors, an easement for the purpose of permitting the imposition of vibration, discomfort, inconvenience, 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 Property.

(a) GRANTORS waive any rights to legal actions against CITY, its successors or assigns, for monetary damages or other redress due to impacts described in Section 1 of the granted rights of easement associated with aircraft operations in the air or on the ground at SFO.

(b) The waiver shall not be in effect 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 GRANTORS' Property exceeds the baseline CNEL level as stated in Section (a) 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.

(c) 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 GRANTORS' Property for the purposes of this Section.

(d) The Annual Community Noise Equivalent Level map and boundaries for the year ending December 31, 1993 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, shall be the basis for determining the baseline level for the GRANTORS' Property.

2. The easement granted herein shall become effective upon execution of this Document by the GRANTORS and the CITY.

3. The covenants contained in this Grant of Easement are for the mutual benefit of CITY and SFO, and the benefits and burdens created by this instrument shall inure to and be binding upon the successors, heirs, and assigns of GRANTORS and shall inure to and be binding upon the successors, heirs, and assigns of CITY as owner and/or operator of SFO.

4. CITY shall cause this Grant of Easement to be recorded in the Office of the Recorder of the County of San Mateo within thirty (30) days of the date of its acceptance by CITY.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed this 17 day of APRIL, 2013.

GRANTORS

Noraliza Salazar

NORALIZA SALAZAR

STATE OF CALIFORNIA
COUNTY OF San Mateo

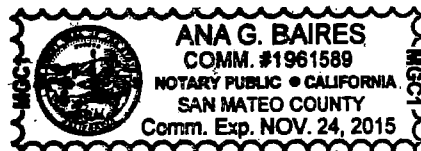
on April 17, 2013 —, before me Ana G. Baires,

a Notary Public in and for said State, personally appeared Noraliza Salazar
_____ , who

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledge to me that she/~~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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Ana G Baires

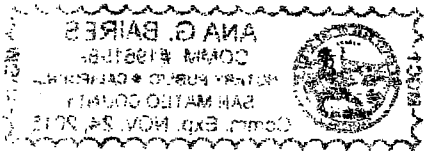
(Seal)

Certificate of Acceptance

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, is hereby accepted pursuant to 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: _____
John Updike
Director of Property



APPROVED AS TO FORM
DENNIS J. HERRERA, City Attorney

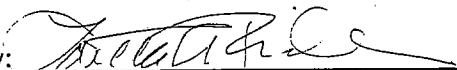
By: 
Deputy City Attorney

EXHIBIT "A"

Property Address:

361 BARBARA LANE, DALY CITY, CA 94015 in the County of SAN MATEO.

Assessor's Parcel No.:

091-672-610-2

Apparent Legal Description:

PARCEL I:

LOT 190, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "RECORD OF SURVEY OF A PORTION OF SERRAMONTE HIGHLANDS BEING A LOT LINE ADJUSTMENT OF LOTS 1 THROUGH 42, 66 THROUGH 134, AND 174 THROUGH 212 AS DESIGNATED ON THE MAP ENTITLED "SERRAMONTE HIGHLANDS" FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, CALIFORNIA ON APRIL 25, 1980 IN BOOK 101 OF MAPS AT PAGES 33 THROUGH 37 CITY OF DALY CITY, SAN MATEO COUNTY, CALIFORNIA", FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA ON AUGUST 31, 1987 IN BOOK 10 OF LICENSED LAND SURVEYOR'S MAP AT PAGES 107,108 AND 109.

PARCEL II:

AN UNDIVIDED INTEREST IN THE COMMON AREA AND APPURTENANT EASEMENTS.

AIRPORT COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 12.0243

APPROVAL OF ACQUISITION OF PERPETUAL AVIGATION EASEMENTS TO REPLACE EXPIRING EASEMENTS AND AUTHORIZATION TO REQUEST BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND RECORD THE EASEMENTS

- WHEREAS, as part of the Airport's Noise Insulation Program (NIP), between the 1980s and 2000s the Airport insulated approximately 15,200 structures in exchange for the grant of avigation easements, and/or made genuine efforts toward this, and through this work the Airport eliminated all incompatible land uses inside the Noise Impact Boundary (the contour of the area around the Airport affected by aircraft noise), thereby meeting the State of California Noise Standards for Airports (Title 21 of the California Code of Regulations, hereafter "State Regulations"); and
- WHEREAS, in order to eliminate incompatible land uses for residential uses constructed on or after January 1, 1989, the State Regulations require the Airport to obtain avigation easements from the property owners; and
- WHEREAS, in some cases, the Airport's form of avigation easements contained a term of 20 years and 187 of these easements were for residences located inside the current Noise Impact Boundary constructed on or after January 1, 1989, with easement expiration dates starting in 2014; and
- WHEREAS, the Airport can continue meeting the State Regulations if the expiring easements are replaced with perpetual easements before the expiration date or if the Airport makes a genuine effort to acquire the replacement easements; and
- WHEREAS, Airport staff undertook an extensive outreach program to ask the owners of these properties for assistance to replace the expiring easements with perpetual ones; and,
- WHEREAS, the Airport proposed a payment of \$100 per property to the owners who agreed to grant the perpetual easements in order to compensate them for their time and effort, and also agreed to pay for all costs related to the execution, notarization and recordation of the new easements, using funds budgeted in the Airport's Capital Plan for these payments; and
- WHEREAS, the owners of 42 of these residences, which are listed in Attachment 1 to this Resolution, agreed to the Airport's request; and
- WHEREAS, acceptance and recordation of the easements can be processed by the Real Estate Division of the City and County of San Francisco 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 approves the acquisition of perpetual Avigation Easements to replace expiring easements for the properties with addresses listed in Attachment 1 to the Resolution; and be it further
- RESOLVED, that the Airport Commission hereby authorizes the Director to request the Real Estate Division of the City and County of San Francisco to process and to seek approval from the Board of Supervisors to accept and record said easements.

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

at its meeting of

OCT 30 2012

ATTACHMENT 1

SAN FRANCISCO INTERNATIONAL AIRPORT - NOISE INSULATION PROGRAM
 PROPERTIES IN CURRENT NOISE IMPACT BOUNDARY WITH 20-YR AVIGATION EASEMENTS
 FOR WHICH OWNERS HAVE AGREED TO GRANT NEW EASEMENTS IN PERPETUITY

	APN Number	Site Number	Site Street	City	Owner First Name	Owner Last Name
1	091-691-490	267	Barbara Lane	Daly City	Subagio Sugiharto & Theresia R.	Winarsari
2	091-691-500	269	Barbara Lane	Daly City	Gilda T Wong & Irene	Wong
3	091-691-350	308	Barbara Lane	Daly City	Carlito & Cecilia	Adiaz
4	091-691-540	307	Barbara Lane	Daly City	Joseph & Barbara	Besaco
5	091-691-590	317	Barbara Lane	Daly City	Jeffery H	Littlefield
6	091-691-250	320	Barbara Lane	Daly City	Francesco & G	Nozzolino
7	091-691-240	328	Barbara Lane	Daly City	Aiwarya	Palanisamy
8	091-682-550	331	Barbara Lane	Daly City	Aleksandr I. & Ella N. V.	Eydeberg
9	091-682-600	332	Barbara Lane	Daly City	Janet L	Holland
10	091-682-490	334	Barbara Lane	Daly City	Margaret C	Shugrue
11	091-682-580	337	Barbara Lane	Daly City	Vincent & Pamela	Gin
12	091-682-440	348	Barbara Lane	Daly City	Dafin & Mary	Hernandez
13	091-672-610	361	Barbara Lane	Daly City	Noraliza	Salazar
14	091-672-550	364	Barbara Lane	Daly City	Andy	Loong
15	091-672-450	364	Barbara Lane	Daly City	Susana Vizconde & Reuben S	Bartolome
16	091-672-440	368	Barbara Lane	Daly City	Hermia & Krzysztof	Wazner
17	091-672-780	391	Barbara Lane	Daly City	Jairo	Medeiros
18	091-691-120	306	Michelle Lane	Daly City	Celda Almeida	DeFaria
19	091-691-160	309	Michelle Lane	Daly City	Fuad	Makhmudov
20	091-691-100	310	Michelle Lane	Daly City	Myra	Lang
21	091-691-090	314	Michelle Lane	Daly City	Benjamin Moon Sing & Alice Mi Po	Wong
22	091-691-040	322	Michelle Lane	Daly City	Frank	Mizuo
23	091-691-230	323	Michelle Lane	Daly City	James	Calacal
24	091-682-210	334	Michelle Lane	Daly City	Danny	Joe
25	091-682-320	341	Michelle Lane	Daly City	Victor & Beta P	Santiago
26	091-682-150	348	Michelle Lane	Daly City	Daniel & Rose	Chiu
27	091-682-350	349	Michelle Lane	Daly City	Hedy	Mul
28	091-682-130	350	Michelle Lane	Daly City	Alice Y	Ma
29	091-682-370	351	Michelle Lane	Daly City	Ronald	Kunzaki
30	091-682-120	362	Michelle Lane	Daly City	Lucy	Chua
31	091-682-380	363	Michelle Lane	Daly City	Sai Min	Wong
32	091-682-110	364	Michelle Lane	Daly City	Hwa Seung	Lee
33	091-682-100	368	Michelle Lane	Daly City	Haflin L.	Kelly
34	091-672-210	369	Michelle Lane	Daly City	Roy & Amy	Low
35	091-682-070	362	Michelle Lane	Daly City	Zakharly & Dagnya	Feygin
36	091-672-250	367	Michelle Lane	Daly City	Michael & Diana	Tom
37	091-672-270	371	Michelle Lane	Daly City	Diana E	Oquendo
38	091-672-300	377	Michelle Lane	Daly City	Jeffrey H & Heather H	Wong
39	091-672-170	380	Michelle Lane	Daly City	Jimmy C	Yee
40	091-672-150	382	Michelle Lane	Daly City	June	Dayao
41	091-672-360	389	Michelle Lane	Daly City	Dorothy Wal-Kuen	Tam
42	091-672-370	391	Michelle Lane	Daly City	Proctor & Jennie J	Yuen

AIRPORT COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 13 0186

APPROVAL OF ACQUISITION OF ADDITIONAL PERPETUAL AVIGATION EASEMENTS TO REPLACE EXPIRING EASEMENTS, AND AUTHORIZATION TO REQUEST BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND RECORD THE EASEMENTS

- WHEREAS, as part of the Airport's Noise Insulation Program (NIP), between the 1980s and 2000s the Airport insulated approximately 15,200 structures and acquired approximately 12,600 grants of avigation easements, and/or made genuine efforts toward insulation or acquisition of easements, and through this work the Airport eliminated all incompatible land uses, thereby meeting the State of California Noise Standards for Airports (Title 21 of the California Code of Regulations, hereafter "State Regulations"); and
- WHEREAS, in order to eliminate incompatible land uses for residential uses constructed on or after January 1, 1989, the State Regulations require the Airport to obtain avigation easements from the property owners; and
- WHEREAS, in some cases, the Airport's form of avigation easements contained a term of 20 years and 184 of these easements were for residences located inside the current Noise Impact Boundary (the contour of the area around the Airport affected by aircraft noise) and constructed on or after January 1, 1989, with easement expiration dates starting in 2014; and
- WHEREAS, the Airport can continue meeting the State Regulations if the expiring easements are replaced with perpetual easements before the expiration date or if the Airport makes a genuine effort to acquire the replacement easements; and
- WHEREAS, in 2012 Airport staff undertook an extensive outreach program to ask the owners of the 184 properties for assistance to replace the expiring easements with perpetual ones; and
- WHEREAS, the Airport proposed a payment of \$100 per property to the owners who agree to grant the perpetual easements in order to compensate them for their time and effort, and also agreed to pay for all costs related to the execution, notarization and recordation of the new easements, using funds budgeted in the Airport's Capital Plan for these payments; and
- WHEREAS, as a result of these outreach efforts, the owners of 42 residences agreed to grant perpetual easements at that time and the Commission approved acquisition of these easements on October 30, 2012, through Resolution No. 12-0243; and
- WHEREAS, as a result of additional outreach efforts undertaken in the first half of 2013, the owners of two additional properties have agreed to grant replacement easements (these properties are listed in the attached Exhibit A); 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 approves the acquisition of the additional perpetual Avigation Easements to replace expiring easements for the properties with addresses listed in Exhibit A to this Resolution; and be it further
- RESOLVED, that the Airport Commission hereby authorizes the Director to request the City's Real Estate Division to process and to seek approval from the Board of Supervisors to accept and record said easements.

*I hereby certify that the foregoing resolution was adopted by the Airport Commission
at its meeting of*

AUG 12 2013

175

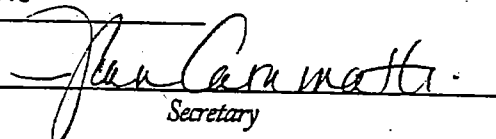

Secretary

EXHIBIT A

**SAN FRANCISCO INTERNATIONAL AIRPORT - NOISE INSULATION PROGRAM
INITIATIVE TO REPLACE NON-PERPETUAL AVIGATION EASEMENTS IN NOISE IMPACT BOUNDARY
WITH PERPETUAL EASEMENTS**

**RESULTS OF 2013 OUTREACH EFFORT - ADDITIONAL PROPERTIES WITH NON-PERPETUAL EASEMENTS FOR
WHICH OWNERS HAVE AGREED TO GRANT REPLACEMENT EASEMENTS**

	APN Number	Site Number	Site Street	City	Owner's Name	Owner's Name
1	091-682-280	333	Michelle Lane	Daly City	Adolfo Alano Jr.	Elizabeth Alano
2	091-672-310	379	Michelle Lane	Daly City	Edwin C. Balingit	Victoria Mortero



SAN FRANCISCO PLANNING DEPARTMENT

General Plan Referral

Date: October 11, 2013

Case No.: Case No. 2013.1274R
SFO Acquisition of Avigation Easements


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 Kahaim, Director of Planning

RECEIVED
OCT 18 2013
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 avigation easements on 44 parcels, 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 avigation 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 10/08/13, the Environmental Planning Division of the Planning Department determined that the proposed acquisition of avigation easements is Categorical Exempt from Environmental Review as a Categorical Exemption Class 1 as defined by CEQA, per CEQA Guidelines Section 15301: Existing Facilities. The proposed project involves negligible or no expansion of existing uses.

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

Attachments:

Exhibit A – Residential Noise Insulation Program – Daily City Replacement Easements
Exhibit B – Property owners proposed to be included in the easement

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

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BOARD of SUPERVISORS



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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