

File No. 241166

Committee Item No. 1

Board Item No. 21

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: January 13, 2025

Board of Supervisors Meeting:

Date: January 28, 2025

Cmte Board

<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 type="checkbox"/>	<input 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 / DRAFT Mills Act 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
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Airport Commission Reso No. 24-0243 – November 19, 2024</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>General Plan Referral Memo – November 12, 2024</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>CEQA Determination – September 20, 2022</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Sample Avigation Easement</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>AIRPORT Transmittal Memo – November 22, 2024</u>
<input type="checkbox"/>	<input type="checkbox"/>	<u> </u>
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<input type="checkbox"/>	<input type="checkbox"/>	<u> </u>

Prepared by: John Carroll

Date: January 10, 2025

Prepared by: John Carroll

Date: January 24, 2025

Prepared by:

Date:

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

3 **Resolution authorizing acceptance and recording of 132 Avigation Easements from**
4 **various property owners in San Mateo County required for the San Francisco**
5 **International Airport's Noise Insulation Program; affirming the Planning Department's**
6 **determination under the California Environmental Quality Act; and authorizing the**
7 **Director of Property to execute documents, make certain modifications, and take certain**
8 **actions in furtherance of this Resolution, as defined herein.**
9

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

13 WHEREAS, Incompatibility with an airport use may be eliminated if the properties are
14 insulated to meet an interior noise standard of 45 decibels and/or the airport proprietor has
15 obtained an avigation easement for said properties; and

16 WHEREAS, On November 19, 2024, by Resolution No. 24-0243, the San Francisco
17 Airport Commission authorized the request for Board of Supervisors acceptance and
18 recordation of the 132 Easements now presented for acceptance and recordation; copy of the
19 Resolution is on file with the Clerk of the Board of Supervisors under File No. 241166, and the
20 Resolution is incorporated herein by this reference; and

21 WHEREAS, The Director of Planning, by letters dated November 12, 2024, which are
22 on file with the Board of Supervisors under File No. 241166 and incorporated by reference,
23 found that the acquisition of the avigation easement is consistent with the City's General Plan,
24 and with the eight Priority Policies of City Planning Code, Section 101.1; and
25

1 WHEREAS, The Planning Department has determined that the actions contemplated in
2 this Resolution are “not a project” under the California Environmental Quality Act (California
3 Public Resources Code, Sections 21000 et seq.); said determination is on file with the Clerk of
4 the Board of Supervisors in File No. 241166 and is incorporated herein by reference; and the
5 Board affirms this determination; and

6 WHEREAS, Templates of the Grant of Avigation Easements ("Easement Agreement")
7 between the City and the various property owners used for this Project are on file with the
8 Clerk of the Board of Supervisors in File No. 241166, which is incorporated herein by this
9 reference; now therefore, be it

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

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

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

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

RECOMMENDED:

/s/
Ivar C. Satero
Airport Director

/s/
Andrico Penick
Director of Property

AIRPORT COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 24-0243

AUTHORIZATION TO ACQUIRE AVIGATION EASEMENTS AS PART OF THE NOISE INSULATION PROGRAM, AND TO REQUEST THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND RECORD THE EASEMENTS

- WHEREAS, the State of California Noise Standard for Airports (Title 21, California Code of Regulations) requires airports to eliminate incompatible land uses within the 65-decibel Noise Exposure Map; and
- WHEREAS, as part of the Airport's Noise Insulation Program (NIP), between the 1980s and 2000s, the Airport acquired and recorded at least 12,600 avigation easements by insulating eligible structures to eliminate incompatible land uses, and met the State of California's Noise Standard for Airports (Title 21 of the California Code of Regulations); and
- WHEREAS, since 2010, the Airport implemented additional initiatives of the NIP to insulate some properties that were not treated in earlier phases of the NIP, and to acquire avigation easements in exchange for installing sound insulation; and
- WHEREAS, as part of the ongoing phases of the NIP, the Airport recently obtained 132 new avigation easements granted by owners of residential properties; and
- WHEREAS, the City and County of San Francisco's Real Estate Division can accept and record the easements following a General Plan conformity determination by the Planning Department and approval by the Board of Supervisors; now, therefore, be it
- RESOLVED, that the Airport Commission hereby authorizes the Director to acquire avigation easements for the properties listed in Attachment 1 to this Resolution; and, be it further
- RESOLVED, that the Airport Commission hereby authorizes the Director, through the Real Estate Division, to request the Board of Supervisors' approval to accept and record the easements.

I hereby certify that the foregoing resolution was adopted by the Airport Commission
at its meeting of NOV 19 2024


Secretary

MEMORANDUM
November 19, 2024

TO: AIRPORT COMMISSION
Hon. Malcolm Yeung, President
Hon. Jane Natoli, Vice President
Hon. Jose F. Almanza
Hon. Mark Buell

24-0243

NOV 19 2024

FROM: Airport Director

SUBJECT: Authorization to Accept and Record Avigation Easements for the Noise Insulation Program

DIRECTOR'S RECOMMENDATION: AUTHORIZE THE AIRPORT DIRECTOR TO ACQUIRE AVIGATION EASEMENTS AS PART OF THE NOISE INSULATION PROGRAM AND TO REQUEST THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND RECORD THE AVIGATION EASEMENTS.

Executive Summary

The Director seeks authorization to acquire and record avigation easements for 132 residential properties within the vicinity of the Airport that may be affected by aircraft noise. Owners of residential properties included in the Airport's Noise Insulation Program (NIP) granted the avigation easements. The avigation easements provide protection to the Airport in that property owners acknowledge the City and County of San Francisco's right to permit the flight of aircraft through the airspace above and in the vicinity of their properties, and grant the right to impose noise, sound, vibration, and other environmental effects incidental to the operation of aircraft. The Director seeks authorization to request, through the Real Estate Division, the Board of Supervisors' approval to accept and record the avigation easements.

Background

The State of California Noise Standard for Airports (Title 21, California Code of Regulations) requires airports to eliminate incompatible land uses within the 65-decibel Noise Exposure Map (NEM). This is the contour of the area around an airport affected by aircraft noise. Incompatible land uses include residences, schools, hospitals, and places of worship. The Airport can eliminate incompatible uses by insulating the properties whose interior noise level is greater than 45 decibels (with the goal of reducing said level by 5 decibels) and/or obtaining avigation easements.

Since the 1980s, the Airport has worked with the surrounding communities and the County of San Mateo to eliminate incompatible land uses and, through these efforts, the Airport has met all California Code of Regulations requirements. This resulted in the Airport acquiring and recording at least 12,600 avigation easements to date. Even though all incompatible land uses have been eliminated, the Airport has maintained the NIP to be a good neighbor to the surrounding communities.

9
THIS PRINT COVERS CALENDAR ITEM NO. _____

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYOR

MALCOLM YEUNG
PRESIDENT

JANE NATOLI
VICE PRESIDENT

JOSE F. ALMANZA

MARK BUELL

IVAR C. SATERO
AIRPORT DIRECTOR

Prior to 2008, the Airport did not manage the NIP directly. Rather, it provided funding to local jurisdictions who then oversaw the work. This led to inconsistencies in policy, product offerings, and installation quality. During those previous phases of the NIP, some property owners chose not to participate in the Program or failed to respond to participation invitations; as a result, the Airport did not acquire avigation easements for those properties.

In 2008, the Airport assumed complete management of the NIP. In 2010, the Second Chance Initiative (SCI) was implemented to give homes that did not participate in previous NIP phases another opportunity to partake in the Program. Additionally, in 2018, the Repair and/or Replacement Initiative (RRI) was introduced to address community concerns about deficiencies in earlier installations. Most recently, in 2022, the Expanded Eligibility Initiative (EEI) was established to re-insulate properties with noise insulation treatments installed before 1993, marking the 30-year average end of installed material lifespan. In terms of eligibility, all three NIP initiatives require homes to be within the current Federal Aviation Administration approved NEM and grant the Airport perpetual avigation easements in exchange for program benefits.

As part of the various initiatives of the NIP, the Airport recently obtained an additional 132 perpetual avigation easements. A list of these properties is attached as Attachment 1 to the Resolution.

Acceptance and Recordation of Avigation Easements

With Commission authorization, Staff will submit the avigation easements signed by the property owners to the Real Estate Division. Subsequently, following a General Plan conformity determination by the Planning Department and approval by the Board of Supervisors, the Real Estate Division can accept and record the avigation easements.

Recommendation

I recommend the Commission authorize the Airport Director, through the Real Estate Division, to: (1) accept the avigation easements for the properties identified in Attachment 1 to the Resolution, and (2) request the Board of Supervisors' approval to execute and record the avigation easements.



Ivar C. Satero
Airport Director

Prepared by:

Judi Mosqueda
Chief Development Officer
Design & Construction

Attachments

ATTACHMENT 1
LIST OF PROPERTIES FOR WHICH AVIGATION EASEMENTS
HAVE BEEN COLLECTED

Final Address List		
Assessor Parcel #	Address	City
024161200	9 Corte Ana	Millbrae
024162070	323 Cuardo Ave	Millbrae
024176250	104 Lerida Ave	Millbrae
013223200	105 Lerida Ave	Millbrae
020192380	796 2nd Ave	San Bruno
020192390	796a 2nd Ave	San Bruno
020191260	722 3rd Ave	San Bruno
013184040	588 5th Ave	San Bruno
020172030	693 7th Ave	San Bruno
020112210	826 Masson Ave	San Bruno
013213140	36 Pacific Ave	San Bruno
020157160	670 Walnut St	San Bruno
010325160	233 Alta Mesa Dr	South San Francisco
010311130	332 Alta Mesa Dr	South San Francisco
013232170	380 Alta Vista Dr	South San Francisco
010253140	339 Altamont Dr	South San Francisco
010351010	362 Arroyo Dr	South San Francisco
013084150	288 Avalon Dr	South San Francisco
010352010	125 Berenda Dr	South San Francisco
013203120	201 Brentwood Dr	South San Francisco
013213040	207 Brentwood Dr	South San Francisco
013222190	217 Brentwood Dr	South San Francisco
013194190	226 Brentwood Dr	South San Francisco
013034180	7 Carlsbad Ct	South San Francisco
10351050	113 Casey Dr	South San Francisco
013113580	462 Comerwood Ct	South San Francisco
013214060	490 Comerwood Ct	South San Francisco
013114050	433 Constitution Way	South San Francisco
010313150	237 Cuesta Dr	South San Francisco
013085070	432 Dorado Way	South San Francisco
010341150	237 El Campo Dr	South San Francisco
010333310	234 El Campo Dr	South San Francisco

Commission Package Subject: Authorization to Accept and Record Avigation
Easements for the Noise Insulation Program

Assessor Parcel #	Address	City
010355210	42 Escanyo Dr	South San Francisco
010354170	75 Escanyo Dr	South San Francisco
010321040	117 Escanyo Dr	South San Francisco
014171020	129 Francisco Dr	South San Francisco
013102090	349 Granada Dr	South San Francisco
013101300	380 Granada Dr	South San Francisco
013092180	400 Granada Dr	South San Francisco
013095120	409 Granada Dr	South San Francisco
013172440	1 Greenwood Dr	South San Francisco
013184100	110 Greenwood Dr	South San Francisco
013184070	116 Greenwood Dr	South San Francisco
013184060	118 Greenwood Dr	South San Francisco
013213070	122 Greenwood Dr	South San Francisco
013192110	202 Hazelwood Dr	South San Francisco
013192140	208 Hazelwood Dr	South San Francisco
013193070	209 Hazelwood Dr	South San Francisco
013193060	211 Hazelwood Dr	South San Francisco
013193040	215 Hazelwood Dr	South San Francisco
013223100	221 Hazelwood Dr	South San Francisco
013166090	223 Hazelwood Dr	South San Francisco
020176030	225 Hazelwood Dr	South San Francisco
013165170	226 Hazelwood Dr	South San Francisco
013166070	227 Hazelwood Dr	South San Francisco
013191180	230 Hazelwood Dr	South San Francisco
013212190	236 Hazelwood Dr	South San Francisco
013163010	319 Hazelwood Dr	South San Francisco
013033160	701 Hill Ave	South San Francisco
013033070	719 Hill Ave	South San Francisco
010264010	357 King Dr	South San Francisco
013192070	103 Manor Dr	South San Francisco
013221120	110 Manor Dr	South San Francisco
013212110	111 Manor Dr	South San Francisco
013221140	114 Manor Dr	South San Francisco
013215120	116 Manor Dr	South San Francisco
013201060	206 Manor Dr	South San Francisco
013166150	212 Manor Dr	South San Francisco
013214120	215 Manor Dr	South San Francisco

Commission Package Subject: Authorization to Accept and Record Avigation
Easements for the Noise Insulation Program

Assessor Parcel #	Address	City
013194020	220 Manor Dr	South San Francisco
013212120	222 Manor Dr	South San Francisco
013212090	227 Manor Dr	South San Francisco
013213110	228 Manor Dr	South San Francisco
024176240	201 Maywood Way	South San Francisco
013203100	204 Maywood Way	South San Francisco
013193110	215 Maywood Way	South San Francisco
010253250	338 Newman Dr	South San Francisco
013164020	150 Northwood Dr	South San Francisco
013191200	154 Northwood Dr	South San Francisco
013222050	158 Northwood Dr	South San Francisco
013201090	159 Northwood Dr	South San Francisco
013166100	162 Northwood Dr	South San Francisco
013115070	165 Northwood Dr	South San Francisco
013191130	168 Northwood Dr	South San Francisco
013201030	171 Northwood Dr	South San Francisco
013191070	202 Northwood Dr	South San Francisco
013191220	203 Northwood Dr	South San Francisco
013165100	221 Northwood Dr	South San Francisco
013151100	440 Northwood Dr	South San Francisco
013203070	201 Pinehurst Way	South San Francisco
0131165100	345 Ponderosa Dr	South San Francisco
014172010	4 Portola Ave	South San Francisco
014172040	10 Portola Ave	South San Francisco
013034240	212 Rainier Ave	South San Francisco
013034280	236 Rainier Ave	South San Francisco
013034300	248 Rainier Ave	South San Francisco
013182030	121 Ravenwood Way	South San Francisco
013165200	107 Rockwood Dr	South San Francisco
013113510	115 Rockwood Dr	South San Francisco
013212150	117 Rockwood Dr	South San Francisco
013192080	120 Rockwood Dr	South San Francisco
013164040	123 Rockwood Dr	South San Francisco
013193170	138 Rockwood Dr	South San Francisco
013165150	143 Rockwood Dr	South San Francisco
013214240	208 Rockwood Dr	South San Francisco
013215190	213 Rockwood Dr	South San Francisco

Commission Package Subject: Authorization to Accept and Record Avigation
Easements for the Noise Insulation Program

Assessor Parcel #	Address	City
024171010	214 Rockwood Dr	South San Francisco
013214290	218 Rockwood Dr	South San Francisco
013214320	224 Rockwood Dr	South San Francisco
013194110	227 Rockwood Dr	South San Francisco
013271090	117 Rosa Flora Cir	South San Francisco
010334080	8 Serena Ct	South San Francisco
010267010	247 Southcliff Ave	South San Francisco
013211110	111 Springwood Way	South San Francisco
013215150	114 Springwood Way	South San Francisco
013114160	280 Taylor Dr	South San Francisco
013052120	548 Valverde Dr	South San Francisco
010362100	3 Verano Dr	South San Francisco
010334250	106 Verano Dr	South San Francisco
013043040	724 W Orange Ave	South San Francisco
013193130	202 Wildwood Dr	South San Francisco
013194080	205 Wildwood Dr	South San Francisco
013193150	206 Wildwood Dr	South San Francisco
013193160	208 Wildwood Dr	South San Francisco
013211140	210 Wildwood Dr	South San Francisco
013193220	220 Wildwood Dr	South San Francisco
013223020	224 Wildwood Dr	South San Francisco
013166130	230 Wildwood Dr	South San Francisco
013166140	232 Wildwood Dr	South San Francisco
013193010	234 Wildwood Dr	South San Francisco
013053320	523 Yosemite Dr	South San Francisco
013051200	532 Yosemite Dr	South San Francisco

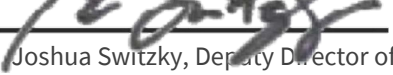
Commission Package Subject: Authorization to Accept and Record Avigation
Easements for the Noise Insulation Program



GENERAL PLAN REFERRAL

November 12, 2024

Case No.: 2024-010248GPR
Block/Lot No.: N/A – Various properties in San Mateo County, see attached list
Project Sponsor: San Francisco International Airport, Bureau of Planning and Environmental Affairs
Applicant: Audrey Park – (650) 821-7844
audrey.park@flysfso.com
San Francisco International Airport
P.O. Box 8097
San Francisco, CA 94128
Staff Contact: Amnon Ben-Pazi – (628) 652-7428
Amnon.Ben-Pazi@sfgov.org

Recommended By: 
Joshua Switzky, Deputy Director of Citywide Planning
for Rich Hillis, Director of Planning

Recommendation: Finding the project, on balance, is **in conformity** with the General Plan

Please note that a General Plan Referral is a determination regarding the project's consistency with the Eight Priority Policies of Planning Code Section 101.1 and conformity with the Objectives and Policies of the General Plan. This General Plan Referral is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.

Project Description

As part of its Noise Insulation Program (NIP), San Francisco International Airport (SFO) proposes to acquire avigation easements on 132 properties in San Mateo County and provide acoustic noise insulation treatments on the properties in return for the avigation easements.

An avigation easement is a property right that allows an airport to use the airspace above or in the vicinity of property located near the flight path of aircraft using the airport's runways. The avigation easement includes the right to generate noise, vibrations, electronic interference, aircraft engine exhaust, fumes, or other environmental effects that may result from the lawful operation of aircraft in such airspace. In addition, the avigation easement restricts property owners from creating any obstructions to aircraft operations while within the property's

airspace. By granting an avigation easement, a property owner waives the right to bring a lawsuit against the airport for the environmental effects of aircraft operations. This waiver is binding on the property owner's successors and subsequent owners of the property.

SFO has acquired thousands of avigation easements in connection with the NIP. The NIP was established as part of SFO's effort to eliminate incompatible land uses in the surrounding communities, as required by Title 21 of the California Code of Regulations (Title 21). Title 21 establishes the acceptable level of noise for persons living in the vicinity of an airport to be below an annual community noise equivalent level (CNEL) value of 65 decibels (db). Title 21 requires airports to eliminate incompatible land uses (i.e., residences, schools, places of worship) within the 65 db CNEL contour. Airports may do so by providing noise insulation or by making a genuine effort to do so.

Since 1983, SFO has worked with the surrounding communities and the County of San Mateo to eliminate incompatible land uses by providing insulation in exchange for avigation easements through the NIP. In 2001, SFO fully satisfied the requirements of Title 21 by eliminating all incompatible uses within the 65 db CNEL contour by offering and/or providing noise insulation, though not all homeowners accepted. While SFO is no longer required to insulate residences under Title 21, it continues to offer noise insulation through the NIP in the spirit of being a considerate neighbor. In addition, in 2018 SFO expanded the NIP through implementation of the Replacement Initiative, to repair and/or replace eligible noise insulation improvements installed in previous phases of the NIP that subsequently failed.

Environmental Review

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

General Plan Compliance and Basis for Recommendation

As described below, the Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 and is, on balance, in conformity with the Objectives and Policies of the General Plan.

Note: General Plan Objectives are shown in **BOLD UPPER CASE** font; Policies are in **Bold** font; staff comments are in *italic* font.

ENVIRONMENTAL PROTECTION ELEMENT

OBJECTIVE 10

MINIMIZE THE IMPACT OF NOISE ON AFFECTED AREAS.

Policy 10.2

Promote the incorporation of noise insulation materials in new construction.

The Project would offer noise insulation to 132 properties in communities surrounding SFO.

TRANSPORTATION ELEMENT

OBJECTIVE 5

SUPPORT AND ENAHNCE 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 would help protect the quality of life in communities that surround the Airport.

Planning Code Section 101 Findings

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project is found to be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

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 effect on neighborhood-serving retail uses in San Francisco or on opportunities for resident employment in and 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 neighborhoods;

The Project would have no effect on housing or neighborhood character in San Francisco.

3. That the City's supply of affordable housing be preserved and enhanced;

The Project would have no effect on the San Francisco's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The Project would have no effect on MUNI transit service and would not overburdening San Francisco's streets or 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 resident employment and ownership in these sectors be enhanced;

The Project would have no effect on the diversity of San Francisco's economic base or on future opportunities for resident employment or ownership in the industrial and service sectors.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The Project would have no effect on San Francisco's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The Project would have no effect on San Francisco's 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 effect on San Francisco's parks and open space and their access to sunlight and vistas.

Recommendation: Finding the project, on balance, is in conformity with the General Plan

Attachments:

SFO Noise Insulation Program - 2024 Avigation Easements - Property List.pdf

SFO Noise Insulation Program - 2024 Avigation Easements

Final Address List			
#	Assessor Parcel #	Address	City
1	024161200	9 Corte Ana	Millbrae
2	024162070	323 Cuardo Ave	Millbrae
3	024176250	104 Lerida Ave	Millbrae
4	013223200	105 Lerida Ave	Millbrae
5	020192380	796 2nd Ave	San Bruno
6	020192390	796a 2nd Ave	San Bruno
7	020191260	722 3rd Ave	San Bruno
8	013184040	588 5th Ave	San Bruno
9	020172030	693 7th Ave	San Bruno
10	020112210	826 Masson Ave	San Bruno
11	013213140	36 Pacific Ave	San Bruno
12	020157160	670 Walnut St	San Bruno
13	010325160	233 Alta Mesa Dr	South San Francisco
14	010311130	332 Alta Mesa Dr	South San Francisco
15	013232170	380 Alta Vista Dr	South San Francisco
16	010253140	339 Altamont Dr	South San Francisco
17	010351010	362 Arroyo Dr	South San Francisco
18	013084150	288 Avalon Dr	South San Francisco
19	010352010	125 Berenda Dr	South San Francisco
20	013203120	201 Brentwood Dr	South San Francisco
21	013213040	207 Brentwood Dr	South San Francisco
22	013222190	217 Brentwood Dr	South San Francisco
23	013194190	226 Brentwood Dr	South San Francisco
24	013034180	7 Carlsbad Ct	South San Francisco
25	10351050	113 Casey Dr	South San Francisco
26	013113580	462 Comerwood Ct	South San Francisco
27	013214060	490 Comerwood Ct	South San Francisco
28	013114050	433 Constitution Way	South San Francisco
29	010313150	237 Cuesta Dr	South San Francisco
30	013085070	432 Dorado Way	South San Francisco
31	010341150	237 El Campo Dr	South San Francisco
32	010333310	234 El Campo Dr	South San Francisco
33	010355210	42 Escanyo Dr	South San Francisco
34	010354170	75 Escanyo Dr	South San Francisco
35	010321040	117 Escanyo Dr	South San Francisco
36	014171020	129 Francisco Dr	South San Francisco
37	013102090	349 Granada Dr	South San Francisco
38	013101300	380 Granada Dr	South San Francisco
39	013092180	400 Granada Dr	South San Francisco
40	013095120	409 Granada Dr	South San Francisco
41	013172440	1 Greenwood Dr	South San Francisco
42	013184100	110 Greenwood Dr	South San Francisco

SFO Noise Insulation Program - 2024 Avigation Easements

#	Assessor Parcel #	Address	City
43	013184070	116 Greenwood Dr	South San Francisco
44	013184060	118 Greenwood Dr	South San Francisco
45	013213070	122 Greenwood Dr	South San Francisco
46	013192110	202 Hazelwood Dr	South San Francisco
47	013192140	208 Hazelwood Dr	South San Francisco
48	013193070	209 Hazelwood Dr	South San Francisco
49	013193060	211 Hazelwood Dr	South San Francisco
50	013193040	215 Hazelwood Dr	South San Francisco
51	013223100	221 Hazelwood Dr	South San Francisco
52	013166090	223 Hazelwood Dr	South San Francisco
53	020176030	225 Hazelwood Dr	South San Francisco
54	013165170	226 Hazelwood Dr	South San Francisco
55	013166070	227 Hazelwood Dr	South San Francisco
56	013191180	230 Hazelwood Dr	South San Francisco
57	013212190	236 Hazelwood Dr	South San Francisco
58	013163010	319 Hazelwood Dr	South San Francisco
59	013033160	701 Hill Ave	South San Francisco
60	013033070	719 Hill Ave	South San Francisco
61	010264010	357 King Dr	South San Francisco
62	013192070	103 Manor Dr	South San Francisco
63	013221120	110 Manor Dr	South San Francisco
64	013212110	111 Manor Dr	South San Francisco
65	013221140	114 Manor Dr	South San Francisco
66	013215120	116 Manor Dr	South San Francisco
67	013201060	206 Manor Dr	South San Francisco
68	013166150	212 Manor Dr	South San Francisco
69	013214120	215 Manor Dr	South San Francisco
70	013194020	220 Manor Dr	South San Francisco
71	013212120	222 Manor Dr	South San Francisco
72	013212090	227 Manor Dr	South San Francisco
73	013213110	228 Manor Dr	South San Francisco
74	024176240	201 Maywood Way	South San Francisco
75	013203100	204 Maywood Way	South San Francisco
76	013193110	215 Maywood Way	South San Francisco
77	010253250	338 Newman Dr	South San Francisco
78	013164020	150 Northwood Dr	South San Francisco
79	013191200	154 Northwood Dr	South San Francisco
80	013222050	158 Northwood Dr	South San Francisco
81	013201090	159 Northwood Dr	South San Francisco
82	013166100	162 Northwood Dr	South San Francisco
83	013115070	165 Northwood Dr	South San Francisco
84	013191130	168 Northwood Dr	South San Francisco
85	013201030	171 Northwood Dr	South San Francisco

SFO Noise Insulation Program - 2024 Avigation Easements

#	Assessor Parcel #	Address	City
86	013191070	202 Northwood Dr	South San Francisco
87	013191220	203 Northwood Dr	South San Francisco
88	013165100	221 Northwood Dr	South San Francisco
89	013151100	440 Northwood Dr	South San Francisco
90	013203070	201 Pinehurst Way	South San Francisco
91	0131165100	345 Ponderosa Dr	South San Francisco
92	014172010	4 Portola Ave	South San Francisco
93	014172040	10 Portola Ave	South San Francisco
94	013034240	212 Rainier Ave	South San Francisco
95	013034280	236 Rainier Ave	South San Francisco
96	013034300	248 Rainier Ave	South San Francisco
97	013182030	121 Ravenwood Way	South San Francisco
98	013165200	107 Rockwood Dr	South San Francisco
99	013113510	115 Rockwood Dr	South San Francisco
100	013212150	117 Rockwood Dr	South San Francisco
101	013192080	120 Rockwood Dr	South San Francisco
102	013164040	123 Rockwood Dr	South San Francisco
103	013193170	138 Rockwood Dr	South San Francisco
104	013165150	143 Rockwood Dr	South San Francisco
105	013214240	208 Rockwood Dr	South San Francisco
106	013215190	213 Rockwood Dr	South San Francisco
107	024171010	214 Rockwood Dr	South San Francisco
108	013214290	218 Rockwood Dr	South San Francisco
109	013214320	224 Rockwood Dr	South San Francisco
110	013194110	227 Rockwood Dr	South San Francisco
111	013271090	117 Rosa Flora Cir	South San Francisco
112	010334080	8 Serena Ct	South San Francisco
113	010267010	247 Southcliff Ave	South San Francisco
114	013211110	111 Springwood Way	South San Francisco
115	013215150	114 Springwood Way	South San Francisco
116	013114160	280 Taylor Dr	South San Francisco
117	013052120	548 Valverde Dr	South San Francisco
118	010362100	3 Verano Dr	South San Francisco
119	010334250	106 Verano Dr	South San Francisco
120	013043040	724 W Orange Ave	South San Francisco
121	013193130	202 Wildwood Dr	South San Francisco
122	013194080	205 Wildwood Dr	South San Francisco
123	013193150	206 Wildwood Dr	South San Francisco
124	013193160	208 Wildwood Dr	South San Francisco
125	013211140	210 Wildwood Dr	South San Francisco
126	013193220	220 Wildwood Dr	South San Francisco
127	013223020	224 Wildwood Dr	South San Francisco
128	013166130	230 Wildwood Dr	South San Francisco

SFO Noise Insulation Program - 2024 Avigation Easements

#	Assessor Parcel #	Address	City
129	013166140	232 Wildwood Dr	South San Francisco
130	013193010	234 Wildwood Dr	South San Francisco
131	013053320	523 Yosemite Dr	South San Francisco
132	013051200	532 Yosemite Dr	South San Francisco



CEQA Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
SFO: Noise Insulation Program 2022-2030		
Case No.		Permit No.
2022-009072ENV		
<input type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
Project description for Planning Department approval. The City and County of San Francisco, by and through the San Francisco Airport Commission, proposes to continue to administer the voluntary Noise Insulation Program (NIP) in San Mateo County through to 2030. Under the NIP, San Francisco International Airport (Airport) would continue to offer acoustic treatments of eligible properties located in San Mateo County if located within the 65 decibel Community Noise Equivalent Level (CNEL) aircraft Noise Exposure Map, as adopted by the Federal Aviation Administration (FAA) under 14 Code of Federal Regulations, Part 150. The SFO NIP consists of two initiatives that provide for: (1) the replacement of failing noise insulation at properties previously insulated under the NIP (Replacement Initiative); and (2) the acoustic treatment of eligible properties not previously insulated because owners declined participation in the NIP (Second Chance Initiative). Acoustical treatments under either initiative could include replacement of windows, doors, interior ventilation mechanical systems, and/or insulation of attics. In exchange for the treatment, the Airport would obtain an aviation easement that would be filed with the San Francisco Department of Real Estate. Individual building permits, subject to individual city requirements, would be obtained from those jurisdictions within San Mateo FULL PROJECT DESCRIPTION ATTACHED		

STEP 1: EXEMPTION TYPE

The project has been determined to be exempt under the California Environmental Quality Act (CEQA).	
<input type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. FOR ENVIRONMENTAL PLANNING USE ONLY
<input checked="" type="checkbox"/>	Other _____ Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.
<input type="checkbox"/>	Common Sense Exemption (CEQA Guidelines section 15061(b)(3)). It can be seen with certainty that there is no possibility of a significant effect on the environment. FOR ENVIRONMENTAL PLANNING USE ONLY

STEP 2: ENVIRONMENTAL SCREENING ASSESSMENT

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g. use of diesel construction equipment, backup diesel generators, heavy industry, diesel trucks, etc.)? <i>(refer to The Environmental Information tab on the San Francisco Property Information Map)</i>
<input type="checkbox"/>	Hazardous Materials: If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? Note that a categorical exemption shall not be issued for a project located on the Cortese List if box is checked, note below whether the applicant has enrolled in or received a waiver from the San Francisco Department of Public Health (DPH) Maher program, or if Environmental Planning staff has determined that hazardous material effects would be less than significant. <i>(refer to The Environmental Information tab on the San Francisco Property Information Map)</i>
<input type="checkbox"/>	Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? If yes, archeology review is required.
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? <i>(refer to The Environmental Information tab on the San Francisco Property Information Map)</i> If box is checked, Environmental Planning must issue the exemption.
<input type="checkbox"/>	Average Slope of Parcel = or > 25%, or site is in Edgehill Slope Protection Area or Northwest Mt. Sutro Slope Protection Area: Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, or (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area? <i>(refer to The Environmental Planning tab on the San Francisco Property Information Map)</i> If box is checked, a geotechnical report is likely required and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic Hazard: <input type="checkbox"/> Landslide or <input type="checkbox"/> Liquefaction Hazard Zone: Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area, or (4) grading performed at a site in the landslide hazard zone? <i>(refer to The Environmental tab on the San Francisco Property Information Map)</i> If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
Comments and Planner Signature (optional): Don Lewis	

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: <i>(refer to Property Information Map)</i>	
<input type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input checked="" type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER


Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER

Check all that apply to the project.	
<input type="checkbox"/>	1. Reclassification of property status. <i>(Attach HRER Part I)</i> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <input type="checkbox"/> Reclassify to Category A a. Per HRER b. Other <i>(specify)</i>: </div> <div style="text-align: center;"> <input type="checkbox"/> Reclassify to Category C <i>(No further historic review)</i> </div> </div>
<input type="checkbox"/>	2. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	3. Interior alterations to publicly accessible spaces that do not remove, alter, or obscure character defining features.
<input type="checkbox"/>	4. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	5. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.

<input type="checkbox"/>	6. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	7. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	8. Work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (Analysis required):
<input type="checkbox"/>	9. Work compatible with a historic district (Analysis required):
<input type="checkbox"/>	10. Work that would not materially impair a historic resource (Attach HRER Part II).
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input type="checkbox"/>	Project can proceed with exemption review. The project has been reviewed by the Preservation Planner and can proceed with exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature:	

STEP 6: EXEMPTION DETERMINATION
TO BE COMPLETED BY PROJECT PLANNER

	No further environmental review is required. The project is exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: N/A - not a project under CEQA	Signature: Don Lewis
		09/20/2022
	Once signed or stamped and dated, this document constitutes an exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination to the Board of Supervisors can only be filed within 30 days of the project receiving the approval action.	

Full Project Description

The City and County of San Francisco, by and through the San Francisco Airport Commission, proposes to continue to administer the voluntary Noise Insulation Program (NIP) in San Mateo County through to 2030.

Under the NIP, San Francisco International Airport (Airport) would continue to offer acoustic treatments of eligible properties located in San Mateo County if located within the 65 decibel Community Noise Equivalent Level (CNEL) aircraft Noise Exposure Map, as adopted by the Federal Aviation Administration (FAA) under 14 Code of Federal Regulations, Part 150. The SFO NIP consists of two initiatives that provide for: (1) the replacement of failing noise insulation at properties previously insulated under the NIP (Replacement Initiative); and (2) the acoustic treatment of eligible properties not previously insulated because owners declined participation in the NIP (Second Chance Initiative).

Acoustical treatments under either initiative could include replacement of windows, doors, interior ventilation mechanical systems, and/or insulation of attics. In exchange for the treatment, the Airport would obtain an avigation easement that would be filed with the San Francisco Department of Real Estate. Individual building permits, subject to individual city requirements, would be obtained from those jurisdictions within San Mateo County.

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

MODIFIED PROJECT DESCRIPTION

Modified Project Description:

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

<input type="checkbox"/>	Result in expansion of the building envelope, as defined in the Planning Code;
<input type="checkbox"/>	Result in the change of use that would require public notice under Planning Code Sections 311 or 312;
<input type="checkbox"/>	Result in demolition as defined under Planning Code Section 317 or 19005(f)?
<input type="checkbox"/>	Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption?

If at least one of the above boxes is checked, further environmental review is required

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
<p>If this box is checked, the proposed modifications are exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed to the Environmental Review Officer within 10 days of posting of this determination.</p>	
Planner Name:	Date:

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City and County of San Francisco
Real Estate Division
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102
Attention: Director of Property

GRANT OF AVIGATION EASEMENT

This Grant of Avigation Easement is executed and delivered as of this _____ day of _____, 20____, by

_____ (GRANTOR) and the City and County of San Francisco, a political subdivision of the State of California (CITY or GRANTEE), with reference to the following facts:

Recitals

A. GRANTOR is the owner of that certain property ("Real Property"), legally described in Exhibit A, attached hereto and incorporated herein by reference, the street address of which is: _____, California.

B. CITY is the owner and operator of the San Francisco International Airport ("SFO").

C. CITY has offered GRANTOR the opportunity to participate in a publicly funded program ("Noise Insulation Program"), which will cause changes to be made to GRANTOR's Real Property that may result in the reduction of aircraft noise currently being imposed on the interior of the structure or structures located on Real Property. The funding source for the Noise Insulation Program will include funding from the CITY, acting in its proprietary capacity as the owner and operator of SFO, and may include funding from the United States Government pursuant to 14 Code of Federal Regulations Part 150.

D. As a condition precedent to GRANTOR's participation in the Noise Insulation Program, CITY requires GRANTOR to grant a permanent, non-exclusive easement, rights, and servitudes (the "Avigation Easement") in favor of CITY. The Avigation Easement will be recorded by CITY in the chain of title in the County of San Mateo Recorder's Office.

Grant of Avigation Easement

1. Grant. GRANTOR, individually and for the heirs, successors, and assigns of GRANTOR, hereby grants, conveys, and assigns to CITY and its successors a perpetual and assignable Avigation Easement in and over the Real Property for the purposes described below.

1.1 Passage of Aircraft. The Avigation Easement shall include, for the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, of any aircraft, in, through, across, or about any portion of the airspace above and within the vicinity of the Real Property, with such rights of use and passage by aircraft without restriction as to frequency, type of aircraft, and proximity to the surface of the Real Property, so long as the exercise of such rights is not in violation of then applicable federal laws governing flight operations. The term “aircraft” shall mean any and all types of aircraft, whether now in existence or hereafter manufactured and developed, and shall include, but is not limited to, jet aircraft, propeller-driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters, and all other types of aircraft or vehicles now in existence or hereafter developed for the purpose of transporting persons or property through the air.

1.2 Noise and Other Incidental Effects. The Avigation Easement shall include the right to cause within and to enter or penetrate into or transmit through any improved or unimproved portion of Real Property and within all airspace above Real Property, such noise, sounds, vibrations, air currents, illumination, electronic interference, and aircraft engine exhaust, fumes, and emissions, dust, or other environmental effects incident to aircraft operations, and any and all resulting interference with use and enjoyment, including but not limited to discomfort, fear, and interference with sleep or communication, and any consequent reduction in market value, due to the operation of aircraft taking off, landing, or operating in the vicinity of SFO, upon GRANTOR’s Real Property.

1.3 Interference with Air Navigation/Communications. In furtherance of this Avigation Easement, GRANTOR covenants that it will not construct, install, permit, or allow any building, structure, improvement, tree, or other object on the Real Property to constitute an obstruction to air navigation, create glare or contain misleading lights, or to use or permit the use of Real Property in such a manner as to create noise, electrical, or electronic interference with aircraft communications systems, aircraft navigation equipment, or with Federal Aviation Administration, airline, or airport personnel communication with any aircraft.

2. Waiver of Legal Actions. GRANTOR, together with its successors in interest and assigns, hereby waives its right to legal action against CITY, its successors, or assigns, for monetary damages or other redress due to impacts, as described in Section 1.2 of the granted rights of easement,

associated with aircraft operations in the air or on the ground at SFO, including future increases in the volume or changes in location of said operations.

3. Negligent or Unlawful Acts Excepted. This grant of Avigation Easement shall not operate to deprive the GRANTOR, its successors, or assigns, of any rights which it may from time to time have against any air carrier or private operator for negligent and/or unlawful operation of aircraft to, from, or in or about SFO, nor does this Avigation Easement include or authorize aircraft landing, explosion, crash, or falling objects causing direct physical injury to persons or direct physical damage to property.

4. Easement Benefit. The Avigation Easement shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the San Francisco International Airport, and shall be deemed in gross, being conveyed to CITY for the benefit of the CITY and any and all members of the general public who may use said easement, taking off from, landing upon, or operating such aircraft in or about SFO, or otherwise flying through the airspace above or in the vicinity of Real Property.

5. Covenants Run with the Land. These covenants and agreements run with the land (Real Property) in perpetuity, and any grantee, heir, agent, successor, or assign of the GRANTOR who acquires any estate or interest in or right to use Real Property shall be bound by this Avigation Easement for the benefit of CITY, and its agents, successors, and assigns.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed this ____ day of _____, 20 ____.

GRANTORS

(STATE OF CALIFORNIA)
(COUNTY OF SAN MATEO)

On this ____ day of _____, in the year 20____, before me _____ a
Notary Public in and for said State, personally appeared _____

☐ personally known to me OR

☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/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.

ATTEST:

WITNESS my hand and official seal

Notary Public in and for said State

CERTIFICATE OF ACCEPTANCE

As required under Government Code Section 27281, this is to certify that the interest in real property conveyed by the GRANT OF AVIGATION EASEMENT dated _____, from the [GRANTOR'S NAME], [an individual/individuals], to the City and County of San Francisco, a municipal corporation ("Grantee"), is hereby accepted by order of its Board of Supervisors' Resolution No. _____, adopted on _____, and Grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

CITY AND COUNTY OF SAN FRANCISCO,
a municipal corporation

By: _____
Andrico Penick
Director of Property

Attachment: Exhibit A – Legal Description of Real Property

EXHIBIT A

[LEGAL DESCRIPTION OF REAL PROPERTY]

SAMPLE

November 22, 2024

Angela Calvillo
Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94102-4689

Subject: San Francisco International Airport, Noise Insulation Program – Request to Accept and Record 132 Avigation Easements

Enclosed for your consideration is a Resolution authorizing the acquisition of one hundred thirty-two (132) Avigation Easements (“Avigation Easements”) from various property owners located in San Mateo County. The Avigation Easements are required for the San Francisco International Airport (“SFO”) Noise Insulation Program (“NIP”).

The State of California Noise Standard for Airports (Title 21 of the California Code of Regulations) requires airports with a designated noise impact area to address the impact of noise. As part of the NIP, SFO will acquire the Avigation Easements from participating property owners in exchange for the installation of sound improvements at each of the properties.

Also enclosed are:

- San Francisco Airport Commission Resolution Nos. 24-0243 (November 19, 2024) approving the acceptance and recordation of these easements and the corresponding Memoranda to the Airport Commission;
- San Francisco Planning Department’s determination of “not a project” under CEQA Guidelines Sections 15378 and 15060(c)(2) (dated February 26, 2020, and September 20, 2022);
- San Francisco Planning Department’s General Plan Referrals (dated November 12, 2024); and
- Copy of sample of a Grant of Avigation Easement

Please contact Cathy Widener, SFO Chief of External Affairs and Director of Government Affairs at 650-821-5023 or by email at cathy.widener@flysfo.com if you have any questions or concerns regarding this matter.

Very truly yours,

Kantrice Ogletree/s/

Kantrice Ogletree
Commission Secretary

Enclosures

cc: Nupur Sinha, Director of Planning and Environmental Affairs
Cathy Widener, Chief of External Affairs and Director of Government Affairs