

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 124 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 of "not a project" under the California Environmental Quality Act; and**
7 **authorizing the Director of Property to execute documents, make certain modifications,**
8 **and take certain actions in furtherance of this Resolution, as defined herein.**

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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 October 6, 2020, by Resolution No. 20-0187, on January 18, 2022, by
17 Resolution No. 22-0008, and on May 17, 2022, by Resolution No. 22-0094, the San Francisco
18 Airport Commission authorized the request for Board of Supervisors acceptance and
19 recordation of the 124 Easements now presented for acceptance and recordation; copies of
20 which Resolutions are on file with the Clerk of the Board of Supervisors under File No.
21 230401, and which Resolutions are incorporated herein by this reference; and

22 WHEREAS, The Director of Planning, by letters dated May 10, 2022, and December
23 14, 2022, which are on file with the Board of Supervisors under File No. 230401 and
24 incorporated by reference, found that the acquisition of the avigation easement is consistent

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1 with the General Plan, and with the eight priority policies of the Planning Code, Section 101.1;
2 and

3 WHEREAS, The Planning Department has determined that the actions contemplated in
4 this Resolution are “not a project” under the California Environmental Quality Act (California
5 Public Resources Code, Sections 21000 et seq.); said determination is on file with the Clerk of
6 the Board of Supervisors in File No. 230401 and is incorporated herein by reference; and the
7 Board affirms this determination; and

8 WHEREAS, Templates of the Grant of Avigation Easements ("Easement Agreement")
9 between the City and the various property owners used for this Project are on file with the
10 Clerk of the Board of Supervisors in File No. 230401, which is incorporated herein by this
11 reference; now, therefore, be it

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

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

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

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

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9 RECOMMENDED:

10 /s/
11 _____
12 Ivar C. Satero
13 Airport Director

14 /s/
15 _____
16 Andrico Penick
17 Director of Property

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AIRPORT COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 22-0094

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, as part of the Airport's Noise Insulation Program (NIP), between the 1980s and 2000s, the Airport obtained approximately 12,600 avigation easements and insulated approximately 15,200 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 phases 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, since 2018, the Airport implemented the Replacement Initiative (RI) to address complaints of deficiencies in workmanship and/or installation of improvements installed in prior phases of the NIP, and to acquire new avigation easements in exchange for modifications and or replacements of eligible improvements; and

WHEREAS, as part of the ongoing phases of the RI, the Airport recently obtained 62 new avigation easements granted by owners of residential properties; and

WHEREAS, the 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 Airport 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 Airport 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

MAY 17 2022


Secretary



MEMORANDUM

May 17, 2022

TO: AIRPORT COMMISSION
Hon. Eleanor Johns, President
Hon. Malcolm Yeung, Vice President
Hon. Everett A. Hewlett, Jr.
Hon. Jane Natoli
Hon. Jose F. Almanza

22-0094
- MAY 17 2022

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

Staff seeks authorization to acquire and record avigation easements for 62 residential properties located in the vicinity of the Airport, in areas affected by aircraft noise. Owners of residential properties included in the Replacement Initiative (RI) of 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 the properties, and grant the right to impose noise, sound, vibration, and other environmental effects incidental to the operation of aircraft. Staff also 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.

THIS PRINT COVERS CALENDAR ITEM NO. 10

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYOR

ELEANOR JOHNS
PRESIDENT

MALCOLM YEUNG
VICE PRESIDENT

EVERETT A. HEWLETT, JR.

JANE NATOLI

JOSE F. ALMANZA

IVAR C. SATERO
AIRPORT DIRECTOR

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 has involved insulating more than 15,200 properties and acquiring more than 12,600 avigation easements.

During previous phases of the NIP, some property owners chose not to participate in the program or failed to respond to invitations to participate and, as a result, the Airport did not acquire avigation easements for those properties. Since 2010, the Airport implemented additional phases of the NIP to insulate some eligible properties that were not treated in earlier phases. In 2018, the NIP was further expanded through the Second Chance Initiative (SCI). The SCI provides another opportunity to participate in the NIP for all the properties located inside the current NEM that failed to accept invitations to participate in previous phases of the NIP, in exchange for granting the Airport avigation easement.

For early phases of the NIP, the Airport was not responsible for the management of or oversight of the program. Rather, the Airport provided funds to the impacted jurisdictions to implement the NIP on their own. This resulted in inconsistencies in policy application, product offerings, and quality of installations. Since 2018, through the RI, the Airport has implemented additional phases of the NIP to address complaints of deficiencies in manufacture and/or workmanship of improvements (such as windows and doors) installed in prior phases of the NIP. The RI provides an opportunity to address these complaints for properties located inside the current NEM through modification or replacement of eligible improvements, in exchange for new perpetual avigation easements.

As part of the RI, the Airport recently obtained 62 perpetual avigation easements. A list of these properties is attached as Attachment 1 to the resolution.

In light of the ongoing COVID-19 crisis and its impact on Airport finances, Staff has considered the financial implications of acceptance and recordation of the avigation easements, and has determined that the cost is a very small percentage of the total cost of the RI. Furthermore, the cost of acceptance and recordation of the easements is included in the overall budget of the program.

Acceptance and Recordation of Avigation Easements

With Commission authorization, Airport staff can 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 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: Geoffrey W. Neumayr
Chief Development Officer
Planning, Design & Construction

Attachments

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

Final Address List		
Assessor Parcel #	Address	City
020177410	552 4th Ave.	San Bruno
020177090	539 5th Ave.	San Bruno
020173130	657 E. Angus Ave.	San Bruno
020114120	819 Easton Ave.	San Bruno
020115320	553 Euclid Ave.	San Bruno
020106130	917 Hensley Ave.	San Bruno
020166070	711 7th Ave./ 767 Pine St.	San Bruno
013078030	412 Alhambra Rd.	South San Francisco
013081030	463 Alhambra Rd.	South San Francisco
010253170	327 Altamont Dr.	South San Francisco
010264300	366 Altamont Dr.	South San Francisco
013232170	380 Alta Vista Dr.	South San Francisco
013083230	332 Avalon Dr.	South San Francisco
013083260	344 Avalon Dr.	South San Francisco
013212060	223 Brentwood Dr.	South San Francisco
013194210	230 Brentwood Dr.	South San Francisco
010362180	64 Capay Cir.	South San Francisco
010361010	65 Capay Cir.	South San Francisco
013034120	20 Carlsbad Ct.	South San Francisco
013085030	11 Dana Ct.	South San Francisco
010361340	78 Escanyo Dr.	South San Francisco
010353040	107 Escanyo Dr.	South San Francisco
013035150	16 Fairway Dr.	South San Francisco
013101140	304 Granada Dr.	South San Francisco
013102090	349 Granada Dr.	South San Francisco
013171650	58 Greenwood Dr.	South San Francisco
013033300	752 Haven Ave.	South San Francisco
013165160	228 Hazelwood Dr.	South San Francisco
013166050	231 Hazelwood Dr.	South San Francisco
013163050	311 Hazelwood Dr.	South San Francisco
013154120	411 Hazelwood Dr.	South San Francisco
013043210	708 Hill Ave.	South San Francisco
010363010	21 Jacinto Ln.	South San Francisco
013042190	108 Knoll Cir.	South San Francisco

013213110	206 Manor Dr.	South San Francisco
013212120	222 Manor Dr.	South San Francisco
010253230	330 Newman Dr.	South San Francisco
010253240	334 Newman Dr.	South San Francisco
013191220	150 Northwood Dr.	South San Francisco
013201110	155 Northwood Dr.	South San Francisco
013201030	171 Northwood Dr.	South San Francisco
013191070	202 Northwood Dr.	South San Francisco
013204140	232 Pinehurst Way	South San Francisco
013113790	357 Ponderosa Rd.	South San Francisco
013113810	377 Ponderosa Rd.	South San Francisco
013034320	260 Rainier Ave.	South San Francisco
014173170	137 Ramona Ave.	South San Francisco
013214370	234 Rockwood Dr.	South San Francisco
013172180	319 Rockwood Dr.	South San Francisco
013172160	323 Rockwood Dr.	South San Francisco
010268030	225 Southcliff Ave.	South San Francisco
013083150	327 Valencia Dr.	South San Francisco
013082200	366 Valencia Dr.	South San Francisco
013074100	437 Valencia Dr.	South San Francisco
013053140	516 Valverde Dr.	South San Francisco
010362090	5 Verano Dr.	South San Francisco
010363130	8 Verano Dr.	South San Francisco
010334270	110 Verano Dr.	South San Francisco
013193220	220 Wildwood Dr.	South San Francisco
014171270	22 Wilms Ave.	South San Francisco
014171330	34 Wilms Ave.	South San Francisco
013052180	443 Yellowstone Dr.	South San Francisco

AIRPORT COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 22-0008

AUTHORIZATION TO ACQUIRE AVIGATION EASEMENTS AS PART OF THE 2019 PHASE OF THE NOISE INSULATION PROGRAM, AND TO REQUEST THE 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 obtained approximately 12,600 avigation easements, insulated approximately 15,200 eligible structures, and thereby eliminated all 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 has implemented additional phases of the NIP to insulate properties that were not treated in earlier phases of the NIP, and to acquire avigation easements in exchange for insulation; and

WHEREAS, as part of the ongoing 2019 Phase of the NIP, the Airport recently obtained 56 avigation easements granted by owners of residential properties; and

WHEREAS, the 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 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
= JAN 18 2022
at its meeting of


Secretary



MEMORANDUM

January 18, 2022

TO: AIRPORT COMMISSION
Hon. Larry Mazzola, President
Hon. Eleanor Johns, Vice President
Hon. Everett A. Hewlett, Jr.
Hon. Jane Natoli
Hon. Malcolm Yeung

22-0008
= JAN 18 2022

FROM: Airport Director

SUBJECT: Authorization to Accept and Record Avigation Easements for the 2019 Phase of the Noise Insulation Program

DIRECTOR'S RECOMMENDATION: AUTHORIZE THE AIRPORT DIRECTOR TO ACQUIRE AVIGATION EASEMENTS AS PART OF THE 2019 PHASE OF THE NOISE INSULATION PROGRAM AND TO REQUEST THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND RECORD THE AVIGATION EASEMENTS.

Executive Summary

Staff seeks authorization to acquire avigation easements for 56 residential properties located in the vicinity of the Airport in areas affected by aircraft noise. The avigation easements were granted by owners of residential properties included in the 2019 Phase of the Airport's Noise Insulation Program (NIP). 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 the properties, and grant the right to impose noise, sound, vibration, and other environmental effects incidental to the operation of aircraft. Staff also seeks authorization to request the Board of Supervisors' approval to accept and record the avigation easements.

In light of the ongoing COVID-19 crisis and its impact on Airport finances, Staff has considered the financial implications of accepting and recording the avigation easements and determined that the easements would be acquired at no cost to the City and County of San Francisco.

Background

The State of California Noise Standard for Airports (Title 21, California Code of Regulations) requires airports to eliminate incompatible land uses within the "Noise Impact Boundary" (this is the contour of the area around the airport affected by aircraft noise). Incompatible land uses include residences, schools, hospitals, and places of worship. The Airport can eliminate the incompatibility by insulating the properties (reducing the interior noise level to less than 45 decibels) and 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 has involved insulating more than 15,200 properties and acquiring more than 12,600 avigation easements.

During previous phases of the NIP, some property owners chose not to participate in the program or failed to respond to invitations to participate and, as a result, the Airport did not acquire avigation easements for those properties. Subsequently, since 2010, the Airport has implemented additional phases of the NIP to insulate properties that were not treated in earlier phases of the NIP, including through the Second Chance Initiative. The Second Chance Initiative provides another opportunity to properties located inside the current Noise Impact Boundary to participate in the NIP, in exchange for avigation easements. As part of the 2019 Phase of the NIP, the Airport recently obtained 56 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, Airport staff can 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 Director, through the Real Estate Division, to: (1) acquire avigation easements for the properties identified in Attachment 1 to the resolution, and (2) request the Board of Supervisors' approval to accept and record the avigation easements.



Ivar C. Satero
Airport Director

Prepared by: Geoffrey W. Neumayr
Chief Development Officer
Planning, Design & Construction

Attachments

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

2019 Grant - Final Address List		
APN No.	Property Address	City
91603310	291 Hampshire Court	Daly City
91602020	77 Plymouth Circle	Daly City
91601380	98 Plymouth Circle	Daly City
91603450	429 Verducci Drive	Daly City
20192270	724-726 2nd Avenue	San Bruno
20187180	832 2nd Avenue	San Bruno
20191120	719 4th Avenue	San Bruno
14264170	10 Atlantic Avenue	San Bruno
14267260	77 Atlantic Avenue	San Bruno
20112370	836 Masson Avenue	San Bruno
20113050	869 Masson Avenue	San Bruno
10251070	367 Arbor Drive	SSF
10342220	222 Arroyo Drive	SSF
10370110	227 Arroyo Drive	SSF
10315070	129 Berenda Drive	SSF
10362160	60 Capay Circle	SSF
10361030	61 Capay Circle	SSF
13034170	11 Carlsbad Court	SSF
13233060	280 Conmur Street	SSF
13124010	382 Dorado Way	SSF
14171580	360 El Cortez Avenue	SSF
14173010	116 Francisco Drive	SSF
10324070	131 Lomitas Avenue	SSF
10251020	387 Newman Drive	SSF
13191050	206 Northwood Drive	SSF
13152020	416 Northwood Drive	SSF
13280020	3 Pisa Court	SSF
13280140	8 Pisa Court	SSF
13280030	10 Pisa Court	SSF
13280040	11 Pisa Court	SSF
13280050	12 Pisa Court	SSF
13280060	14 Pisa Court	SSF
13280080	16 Pisa Court	SSF
13280150	18 Pisa Court	SSF
13280060	22 Pisa Court	SSF
13171660	309 Rockwood Drive	SSF

APN No.	Property Address	City
13271200	102 Rosa Flora Circle	SSF
13271020	103 Rosa Flora Circle	SSF
13271190	104 Rosa Flora Circle	SSF
13271030	105 Rosa Flora Circle	SSF
13271040	107 Rosa Flora Circle	SSF
13271180	108 Rosa Flora Circle	SSF
13271060	111 Rosa Flora Circle	SSF
13271170	112 Rosa Flora Circle	SSF
13271100	119 Rosa Flora Circle	SSF
13271120	123 Rosa Flora Circle	SSF
13271130	124 Rosa Flora Circle	SSF
13271260	125 Rosa Flora Circle	SSF
13271280	129 Rosa Flora Circle	SSF
13271230	136 Rosa Flora Circle	SSF
13271220	138 Rosa Flora Circle	SSF
13271210	140 Rosa Flora Circle	SSF
13131040	281 Taylor Drive	SSF
13011210	736 W Orange Avenue	SSF
13051090	436 Yellowstone Drive	SSF
13052160	451 Yellowstone Drive	SSF

AIRPORT COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. **20-0187**

AUTHORIZATION TO ACQUIRE AVIGATION EASEMENTS AS PART OF THE 2016-2019 PHASE OF THE NOISE INSULATION PROGRAM AND FOR A DEVELOPMENT PROJECT IN BURLINGAME, AND TO REQUEST THE 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 obtained approximately 12,600 avigation easements, insulated approximately 15,200 eligible structures, and through this work eliminated all incompatible land uses, thereby meeting the State of California Noise Standard for Airports (Title 21 of the California Code of Regulations); and
- WHEREAS, since 2010, the Airport has implemented additional phases of the NIP to insulate properties that were not treated in earlier phases of the NIP, and to acquire avigation easements in exchange for insulation; and
- WHEREAS, the recently completed 2016-2019 Phase of the NIP included insulation of nine dwellings in exchange for perpetual avigation easements granted by the homeowners; and
- WHEREAS, the developer of a mixed-use project in Burlingame, California is granting a perpetual avigation easement to the City and County of San Francisco, as required under Policy NP-3 (Grant of Avigation Easement) of the Airport Land Use Compatibility Plan; and
- WHEREAS, the Real Estate Division can accept and record the easements 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 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 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
OCT 6 2020
at its meeting of _____

Secretary



MEMORANDUM

October 6, 2020

TO: Airport Commission
Hon. Larry Mazzola, President
Hon. Eleanor Johns, Vice President
Hon. Richard J. Guggenlime
Hon. Everett A. Hewlett, Jr.
Hon. Malcolm Yeung

20-0187

OCT 6 2020

FROM: Airport Director

SUBJECT: Authorization to Accept and Record Avigation Easements

DIRECTOR'S RECOMMENDATION: AUTHORIZE THE AIRPORT DIRECTOR TO ACQUIRE AVIGATION EASEMENTS AS PART OF THE 2016-2019 PHASE OF THE NOISE INSULATION PROGRAM AND FOR A DEVELOPMENT PROJECT IN BURLINGAME, AND TO REQUEST THE BOARD OF SUPERVISORS' APPROVAL TO ACCEPT AND RECORD THE EASEMENTS.

Executive Summary

Staff seeks authorization to acquire avigation easements from the property owners located in the vicinity of the Airport, in areas affected by aircraft noise. The easements are acquired in exchange for noise insulation of properties as part of the 2016-2019 Phase of the Airport's Noise Insulation Program (NIP). Additionally, the developer of a mixed-use development project in Burlingame is granting the Airport an avigation easement, as required by the Airport Land Use Compatibility Plan. The easements provide protection to the Airport in that property owners will grant the City and County of San Francisco the right to permit the flight of aircraft through the airspace above and in the vicinity of the properties, and to impose noise, sound, vibration and other environmental effects incident to the operation of aircraft. Staff also seeks authorization to request the Board of Supervisors' approval to accept and record the 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 "Noise Impact Boundary" (this is the contour of the area around the airport affected by aircraft noise). Incompatible land uses include residences, schools, hospitals and places of worship. The Airport can eliminate the incompatibility by insulating the properties to meet an interior noise standard of 45 decibels and/or obtaining avigation easements.

THIS PRINT COVERS CALENDAR ITEM NO. 9

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED MAYOR LARRY MAZZOLA PRESIDENT ELEANOR JOHNS VICE PRESIDENT RICHARD J. GUGGENHIME EVERETT A. HEWLETT, JR. MALCOLM YEUNG IVAR C. SATERO AIRPORT DIRECTOR

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 has involved insulation of more than 15,200 properties and acquisition of more than 12,600 avigation easements.

During previous phases of the NIP, some property owners chose not to participate in the program or failed to respond to invitations to participate and, as a result, the Airport did not acquire easements for those properties. Subsequently, because some of these properties had been sold to new owners who wanted to participate in the NIP, the Airport expanded the Program to invite owners of such properties if located inside the Noise Impact Boundary. The 2016-2019 Phase of the Program included insulation of nine of these dwellings in exchange for perpetual avigation easements.

Further, a developer proposes building a 265-unit mixed-use project at 1 Adrian Court and 45 Adrian Court in Burlingame, California. Because the project is partially located inside of the Noise Impact Boundary, the San Mateo County Airport Land Use Commission conditionally approved the proposed development, pending the property owner granting an avigation easement to the City and County of San Francisco, as required under Policy NP-3 (Grant of Avigation Easement) of the Airport Land Use Compatibility Plan.

A list of the ten properties for which avigation easements have been collected is attached as Attachment 1 to the Resolution.

Acceptance and Recordation of Easements

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

Recommendation

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



Ivar C. Satero
Airport Director

Prepared by: Geoffrey W. Neumayr
Chief Development Officer
Planning, Design & Construction

Attachments

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

APN No.	Property Address	City	Comments
91691270	322 Barbara Ln	Daly City	Easement granted in exchange for noise insulation improvements
24176160	3 Corte Comoda	Millbrae	Easement granted in exchange for noise insulation improvements
20206080	545 2nd Ave	San Bruno	Easement granted in exchange for noise insulation improvements
20204130	519 4th Ave	San Bruno	Easement granted in exchange for noise insulation improvements
20168230	760 4th Ave	San Bruno	Easement granted in exchange for noise insulation improvements
20177130	525 5th Ave	San Bruno	Easement granted in exchange for noise insulation improvements
20104230	940 Green Ave	San Bruno	Easement granted in exchange for noise insulation improvements
14275060	1083 Montgomery Ave	San Bruno	Easement granted in exchange for noise insulation improvements
14267260	77 Atlantic Ave	San Bruno	Easement granted in exchange for noise insulation improvements
025169350	1 Adrian Court and 45 Adrian Court	Burlingame	Easement granted per Policy NP-3 of the Airport Land Use Compatibility Plan



GENERAL PLAN REFERRAL

December 14, 2022

Case No.: 2022-011372GPR
Property Address: 767 Pine Street/711 7th Avenue, San Bruno, CA
552 4th Avenue, San Bruno, CA
657 East Angus Avenue, San Bruno, CA
553 Euclid Avenue, San Bruno, CA
539 5th Avenue, San Bruno, CA
819 Easton Avenue, San Bruno, CA
917 Hensley Avenue, San Bruno, CA
5 Verano Drive, South San Francisco, CA
16 Fairway Drive, South San Francisco, CA
21 Jacinto Lane, South San Francisco, CA
34 Wilms Avenue, South San Francisco, CA
65 Capay Circle, South San Francisco, CA
78 Escanyo Drive, South San Francisco, CA
137 Ramona Avenue, South San Francisco, CA
150 Northwood Drive, South San Francisco, CA
155 Northwood Drive, South San Francisco, CA
202 Northwood Drive, South San Francisco, CA
223 Brentwood Drive, South San Francisco, CA
230 Brentwood Drive, South San Francisco, CA
260 Rainier Avenue, South San Francisco, CA
327 Altamont Drive, South San Francisco, CA
330 Newman Drive, South San Francisco, CA
334 Newman Drive, South San Francisco, CA
349 Granada Drive, South San Francisco, CA
366 Altamont Drive, South San Francisco, CA
366 Valencia Drive, South San Francisco, CA
411 Hazelwood Drive, South San Francisco, CA
412 Alhambra Road, South San Francisco, CA
437 Valencia Drive, South San Francisco, CA
516 Valverde Drive, South San Francisco, CA
752 Haven Avenue, South San Francisco, CA
8 Verano Drive, South San Francisco, CA
11 Dana Court, South San Francisco, CA
20 Carlsbad Court, South San Francisco, CA

171 Northwood Drive, South San Francisco, CA
220 Wildwood Drive, South San Francisco, CA
225 Southcliff Avenue, South San Francisco, CA
228 Hazelwood Drive, South San Francisco, CA
232 Pinehurst Way, South San Francisco, CA
304 Granada Drive, South San Francisco, CA
344 Avalon Drive, South San Francisco, CA
357 Ponderosa Road, South San Francisco, CA
377 Ponderosa Road, South San Francisco, CA
708 Hill Avenue, South San Francisco, CA
22 Wilms Avenue, South San Francisco, CA
58 Greenwood Drive, South San Francisco, CA
64 Capay Circle, South San Francisco, CA
107 Escanyo Drive, South San Francisco, CA
108 Knoll Circle, South San Francisco, CA
110 Verano Drive, South San Francisco, CA
206 Manor Drive, South San Francisco, CA
222 Manor Drive, South San Francisco, CA
231 Hazelwood Drive, South San Francisco, CA
234 Rockwood Drive, South San Francisco, CA
311 Hazelwood Drive, South San Francisco
319 Rockwood Drive, South San Francisco, CA
323 Rockwood Drive, South San Francisco, CA
332 Avalon Drive, South San Francisco, CA
443 Yellowstone Drive, South San Francisco, CA
463 Alhambra Road, South San Francisco, CA

Project Sponsor: San Francisco International Airport

Applicant: Audrey Park – (650) 821-7844

audrey.park@flysfo.com

San Francisco International Airport, Bureau of Planning and Environmental Affairs

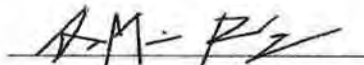
P.O. Box 8097

San Francisco, CA 94128

Staff Contact: Reanna Tong – (628) 652-7458

reanna.tong@sfgov.org

Recommended By:



AnMarie Rodgers, Citywide Director

For: Rich Hillis, Director of Planning

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

Project Description

As part of its Noise Insulation Program (NIP) the San Francisco International Airport (SFO) proposes to acquire noise easements on 65 parcels located in San Mateo County and to provide acoustic noise insulation treatments on the owners' properties in return for the aviation easements.

The California Administrative Code requires airports to eliminate incompatible land uses within a noise impact boundary unless the airport applied for or received a variance. California Administrative Code § 5014 (21 CA ADC § 5014) states that residences are not compatible with the noise impact area unless an aviation easement for aircraft noise has been acquired by the airport proprietor. The proposed acquisition of permanent aviation easements for aircraft noise aka "noise easement" from several private property owners allows SFO to meet the code requirements. A noise easement conveys the right to subject the property to noise, vibration, fumes, dust, and fuel particle emissions associated with normal airport activity.

The SFO Noise Insulation Program provides acoustical improvements to single-family residential properties inside the 65-dB noise contour, or a specific area where the average daily aircraft noise level is equal to or greater than 65 decibels as designated by the FAA. These improvements are paid mainly with Federal Aviation Administration (FAA) grants and offered at no cost to eligible property owners. Acoustic treatment is performed on eligible properties in exchange for signed noise easements.

There are a total of 60 easement parcels under this application. Homeownership participation in the NIP is voluntary and only properties meeting eligibility requirements established by the FAA may apply.

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 proposed easements to CCSF 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 10.3

Construct physical barriers to reduce noise transmission from heavy traffic carriers.

The project will provide acoustic noise insulation treatments to reduce the impacts of airport operations on indoor noise levels.

OBJECTIVE 1

PROMOTE LAND USES THAT ARE COMPATIBLE WITH VARIOUS TRANSPORTATION NOISE LEVELS.

Policy 11.1

Discourage new uses in areas in which the noise level exceeds the noise compatibility guidelines for that use.

Policy 11.2

Consider the relocation to more appropriate areas of those land uses which need more quiet and cannot be effectively insulated from noise in their present location, as well as those land uses which are noisy and are presently in noise-sensitive areas.

The proposed project meets the requirements of the California Administrative Code by addressing issues related to compatibility between airport operation noise and proposed new land use developments.

TRANSPORTATION ELEMENT

OBJECTIVE 2

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.2

Reduce pollution, noise and energy consumption.

The proposed project plans to mitigate against noise pollution from SFO operations at the 65 parcels. It will provide acoustic noise insulation treatments to reduce noise intrusion and improve the quality of life of affected residents.

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

Policy 4.1

Protect residential areas from the noise, pollution and physical danger of excessive traffic.

The proposed project plans to mitigate against noise pollution from SFO operations in a residential area. It will provide acoustic noise insulation treatments to reduce noise intrusion and increase personal comfort.

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 proposed easements would allow SFO to conduct passage of aircraft and the right to cause noise and other incidental effects of aircraft operations to and from SFO. This allows SFO to continue to serve its function as a travel hub between the City and other areas.

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 not have a negative effect on existing neighborhood-serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail, in either San Francisco County or San Mateo County.

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 not have a negative effect on housing or neighborhood character in San Francisco County. It will protect residents within and near the airplane path of travel from noise pollution.

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

The Project would not have an 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 transit service or overburdening the streets or neighborhood parking in San Francisco County.

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 not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired for San Francisco County.

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

The Project would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The Project would not have an adverse effect on the City'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 not have an adverse effect on the City'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:

Noise Exposure Map
General Plan Referral Properties



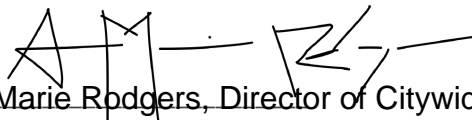
GENERAL PLAN REFERRAL

May 10, 2022

Case No.: 2022-003614GPR
Property Address: 322 Barbara Lane, Daly City, CA
3 Corte Comoda, Millbrae, CA
545 2nd Avenue, San Bruno, CA
519 4th Avenue, San Bruno, CA
760 4th Avenue, San Bruno, CA
525 5th Avenue, San Bruno, CA
940 Green Avenue, San Bruno, CA
1083 Montgomery Avenue, San Bruno, CA
77 Atlantic Avenue, San Bruno, CA
291 Hampshire Court, Daly City, CA
77 Plymouth Circle, Daly City, CA
98 Plymouth Circle, Daly City, CA
429 Verducci Drive, Daly City, CA
724-726 2nd Avenue, San Bruno, CA
832 2nd Avenue, San Bruno, CA
719 4th Avenue, San Bruno, CA
10 Atlantic Avenue, San Bruno, CA
77 Atlantic Avenue, San Bruno, CA
836 Masson Avenue, San Bruno, CA
869 Masson Avenue, San Bruno, CA
367 Arbor Drive, South San Francisco, CA
222 Arroyo Drive, South San Francisco, CA
227 Arroyo Drive, South San Francisco, CA
129 Berenda Drive, South San Francisco, CA
60 Capay Circle, South San Francisco, CA
61 Capay Circle, South San Francisco, CA
11 Carlsbad Court, South San Francisco, CA
280 Conmur Street, South San Francisco, CA
382 Dorado Way, South San Francisco, CA
360 El Cortez Avenue, South San Francisco, CA
116 Francisco Drive, South San Francisco, CA
131 Lomitas Avenue, South San Francisco, CA
387 Newman Drive, South San Francisco, CA
206 Northwood Drive, South San Francisco, CA

416 Northwood Drive, South San Francisco, CA
3 Pisa Court, South San Francisco, CA
8 Pisa Court, South San Francisco, CA
10 Pisa Court, South San Francisco, CA
11 Pisa Court, South San Francisco, CA
12 Pisa Court, South San Francisco, CA
14 Pisa Court, South San Francisco, CA
16 Pisa Court, South San Francisco, CA
18 Pisa Court, South San Francisco, CA
22 Pisa Court, South San Francisco, CA
309 Rockwood Drive, South San Francisco, CA
102 Rosa Flora Circle, South San Francisco, CA
103 Rosa Flora Circle, South San Francisco, CA
104 Rosa Flora Circle, South San Francisco, CA
105 Rosa Flora Circle, South San Francisco, CA
107 Rosa Flora Circle, South San Francisco, CA
108 Rosa Flora Circle, South San Francisco, CA
111 Rosa Flora Circle, South San Francisco, CA
112 Rosa Flora Circle, South San Francisco, CA
119 Rosa Flora Circle, South San Francisco, CA
123 Rosa Flora Circle, South San Francisco, CA
124 Rosa Flora Circle, South San Francisco, CA
125 Rosa Flora Circle, South San Francisco, CA
129 Rosa Flora Circle, South San Francisco, CA
136 Rosa Flora Circle, South San Francisco, CA
138 Rosa Flora Circle, South San Francisco, CA
140 Rosa Flora Circle, South San Francisco, CA
281 Taylor Drive, South San Francisco, CA
736 W Orange Avenue, South San Francisco, CA
436 Yellowstone Drive, South San Francisco, CA
451 Yellowstone Drive, South San Francisco, CA

Project Sponsor: San Francisco International Airport
Applicant: Cindy J. Lee – (415) 554-9872
cindy.j.lee@sfgov.org
City and County of San Francisco Real Estate Division
25 Van Ness Avenue
San Francisco, CA 94102
Staff Contact: Reanna Tong – (628) 652-7458
reanna.tong@sfgov.org



Recommended By: AnMarie Rodgers, Director of Citywide Policy SF Planning, For
Rich Hillis, Director of Planning

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

Project Description

As part of its Noise Insulation Program (NIP) the San Francisco International Airport (SFO) proposes to acquire noise easements on 65 parcels located in San Mateo County and to provide acoustic noise insulation treatments on the owners' properties in return for the aviation easements.

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The SFO Noise Insulation Program provides acoustical improvements to single-family residential properties inside the 65-dB noise contour, or a specific area where the average daily aircraft noise level is equal to or greater than 65 decibels as designated by the FAA. These improvements are paid mainly with Federal Aviation Administration (FAA) grants and offered at no cost to eligible property owners. Acoustic treatment is performed on eligible properties in exchange for signed noise easements.

The first nine parcels listed were approved for easements as part of application 2021-001607GPR. An additional 56 parcels have since been added, for a total of 65 easement parcels under this application. Homeownership participation in the NIP is voluntary and only properties meeting eligibility requirements established by the FAA may apply.

Environmental Review

Real estate transaction only. 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 proposed easements to CCSF 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.

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OBJECTIVE 5

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The Project would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired for

San Francisco County.

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

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7. That the landmarks and historic buildings be preserved;

The Project would not have an adverse effect on the City's Landmarks and historic buildings.

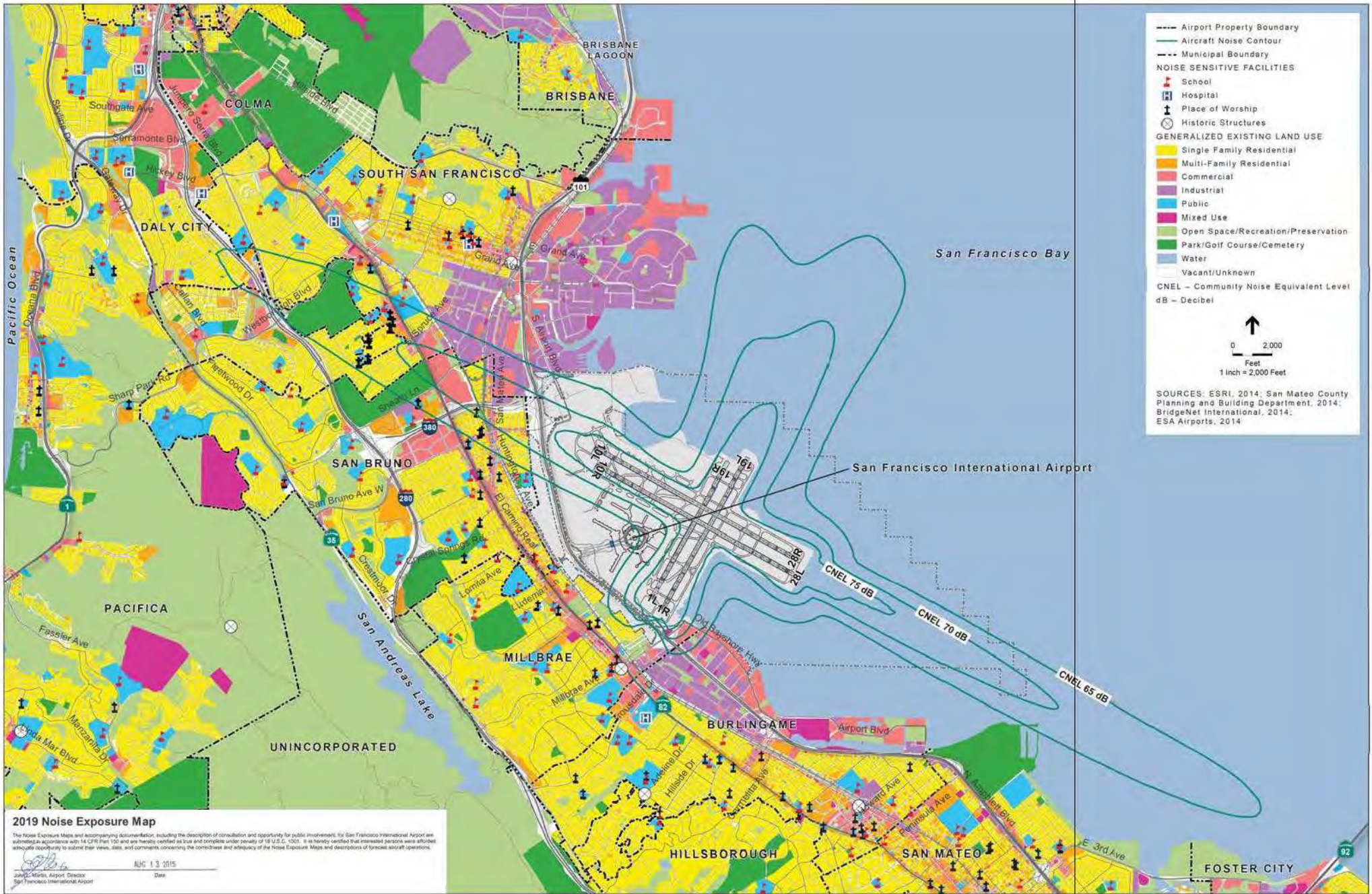
8. That our parks and open space and their access to sunlight and vistas be protected from development;

The Project would not have an adverse effect on the City'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:

Site Maps

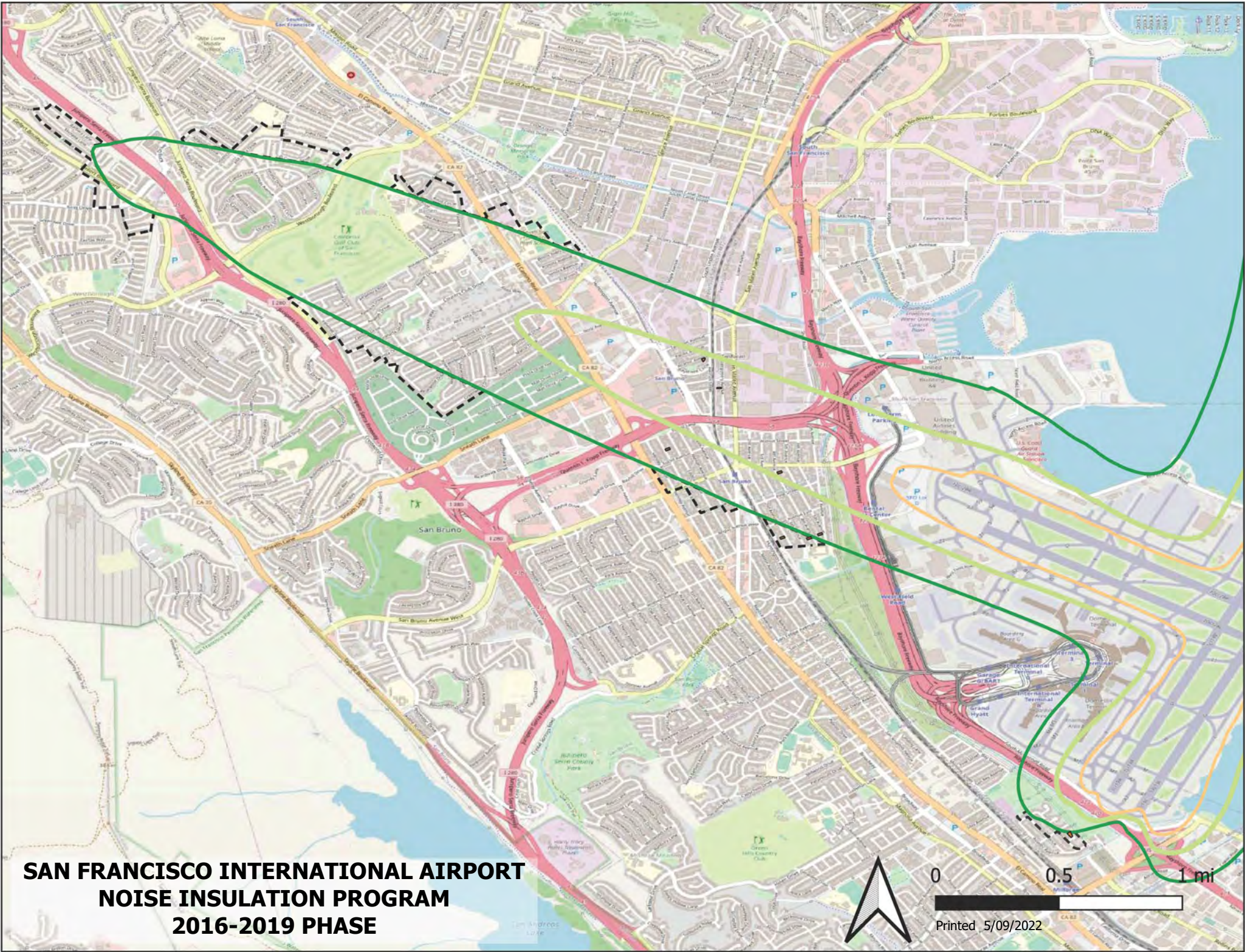


--- Airport Property Boundary
 --- Aircraft Noise Contour
 --- Municipal Boundary
NOISE SENSITIVE FACILITIES
 [Icon] School
 [Icon] Hospital
 [Icon] Place of Worship
 [Icon] Historic Structures
GENERALIZED EXISTING LAND USE
 [Yellow] Single Family Residential
 [Orange] Multi-Family Residential
 [Red] Commercial
 [Purple] Industrial
 [Blue] Public
 [Pink] Mixed Use
 [Green] Open Space/Recreation/Preservation
 [Light Green] Park/Golf Course/Cemetery
 [Light Blue] Water
 [White] Vacant/Unknown
 CNEL – Community Noise Equivalent Level
 dB – Decibel

0 2,000
 Feet
 1 Inch = 2,000 Feet

SOURCES: ESRI, 2014; San Mateo County Planning and Building Department, 2014; BridgeNet International, 2014; ESA Airports, 2014

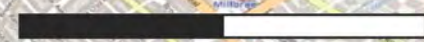
2019 Noise Exposure Map
 The Noise Exposure Maps and accompanying documentation, including the description of consultation and opportunity for public involvement, for San Francisco International Airport are submitted in accordance with 14 CFR Part 150 and are hereby certified as true and complete under penalty of 18 U.S.C. 1001. It is hereby certified that interested persons were afforded adequate opportunity to submit their views, data, and comments concerning the correctness and adequacy of the Noise Exposure Maps and descriptions of forecast aircraft operations.
 [Signature]
 AUG 13 2015
 Date
 [Signature]
 Airport Director
 San Francisco International Airport



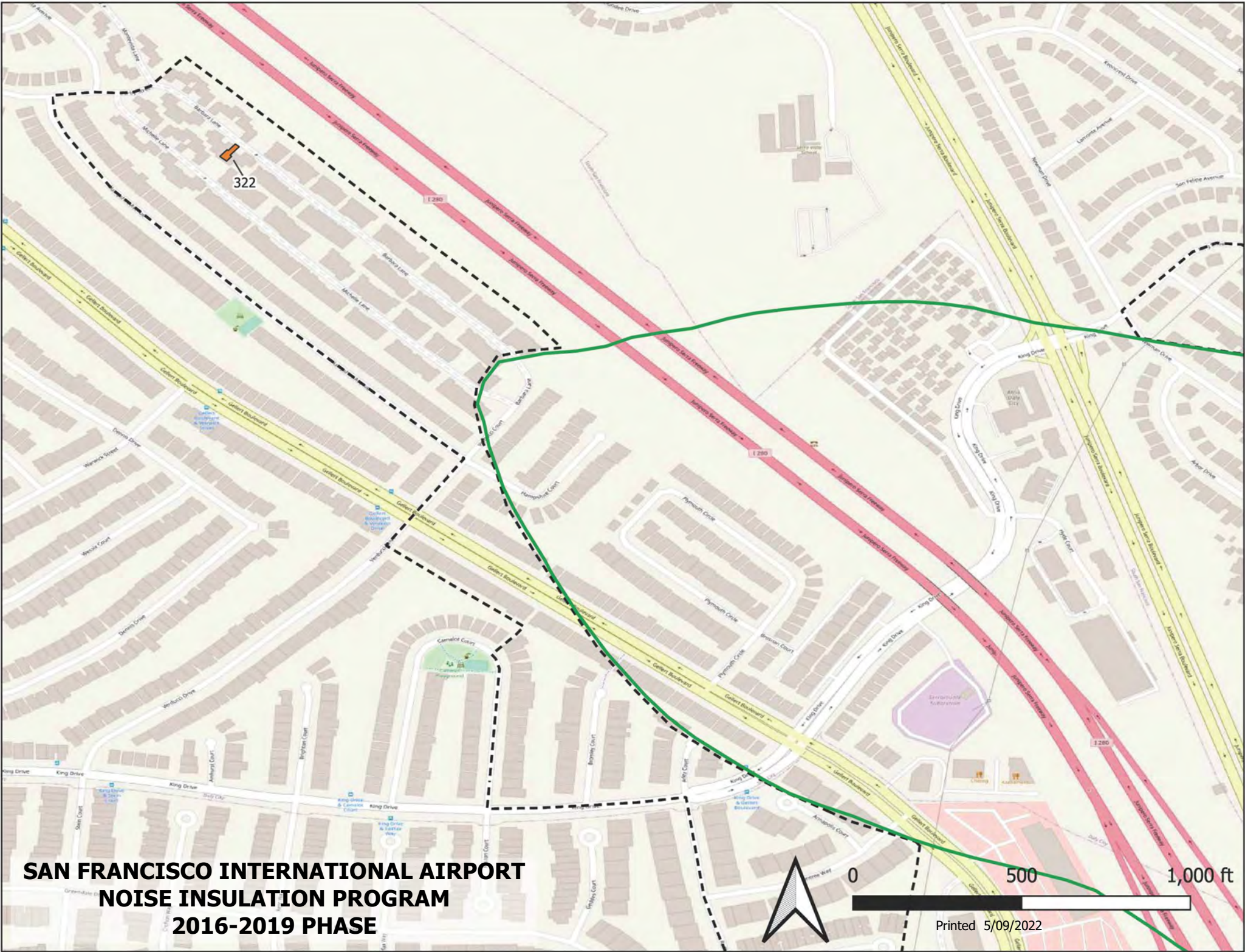
**SAN FRANCISCO INTERNATIONAL AIRPORT
NOISE INSULATION PROGRAM
2016-2019 PHASE**



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Printed 5/09/2022

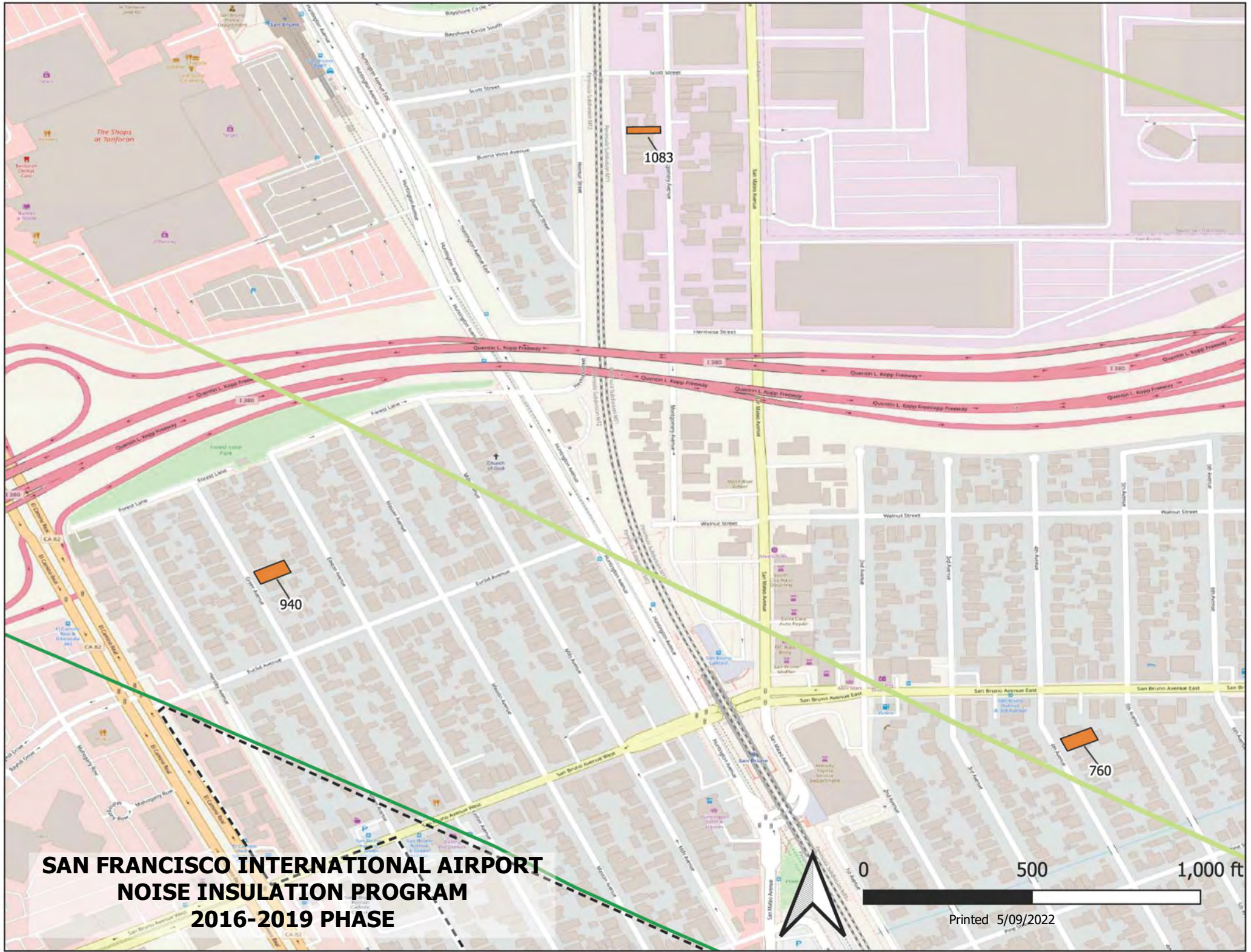


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**SAN FRANCISCO INTERNATIONAL AIRPORT
NOISE INSULATION PROGRAM
2016-2019 PHASE**



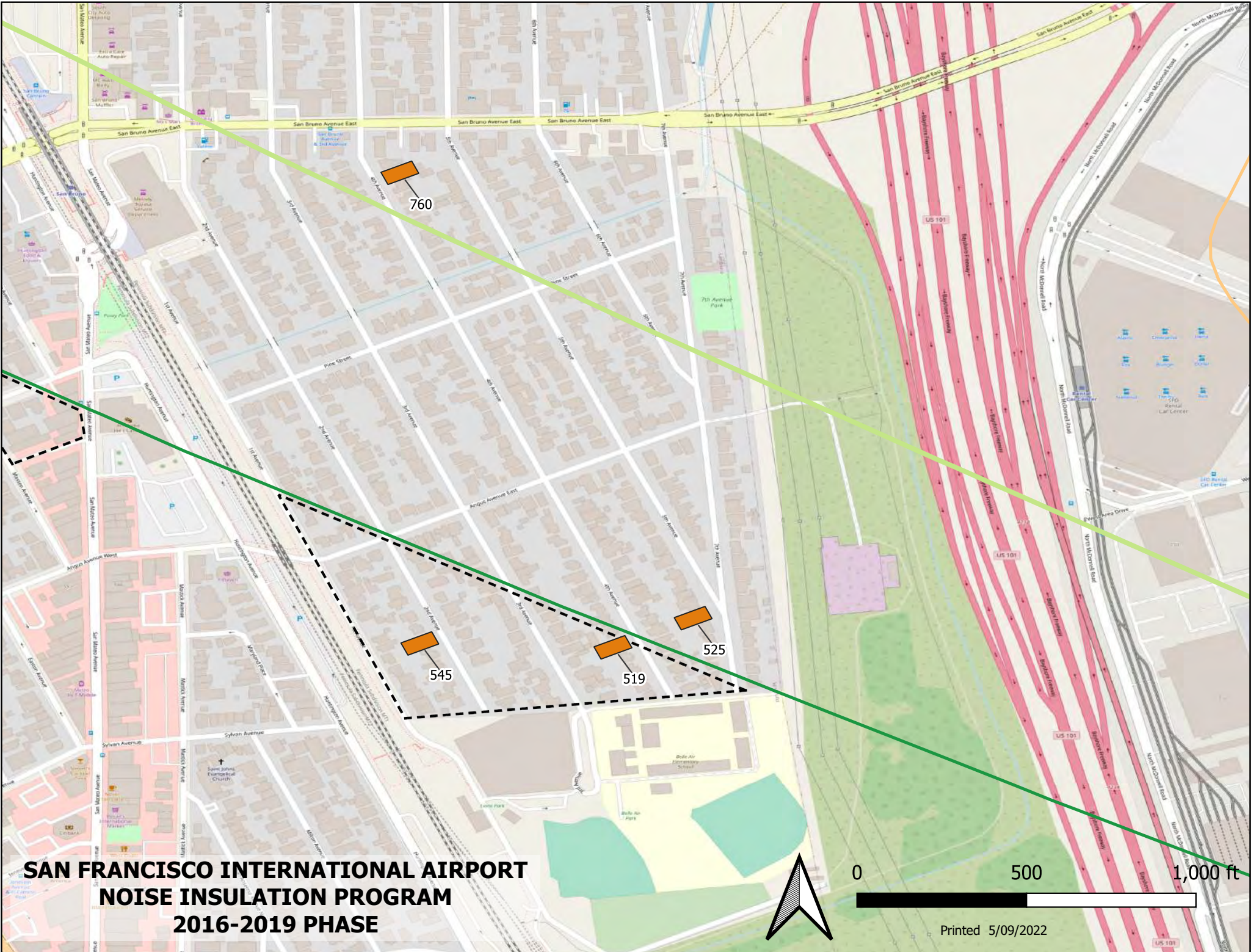
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**SAN FRANCISCO INTERNATIONAL AIRPORT
NOISE INSULATION PROGRAM
2016-2019 PHASE**



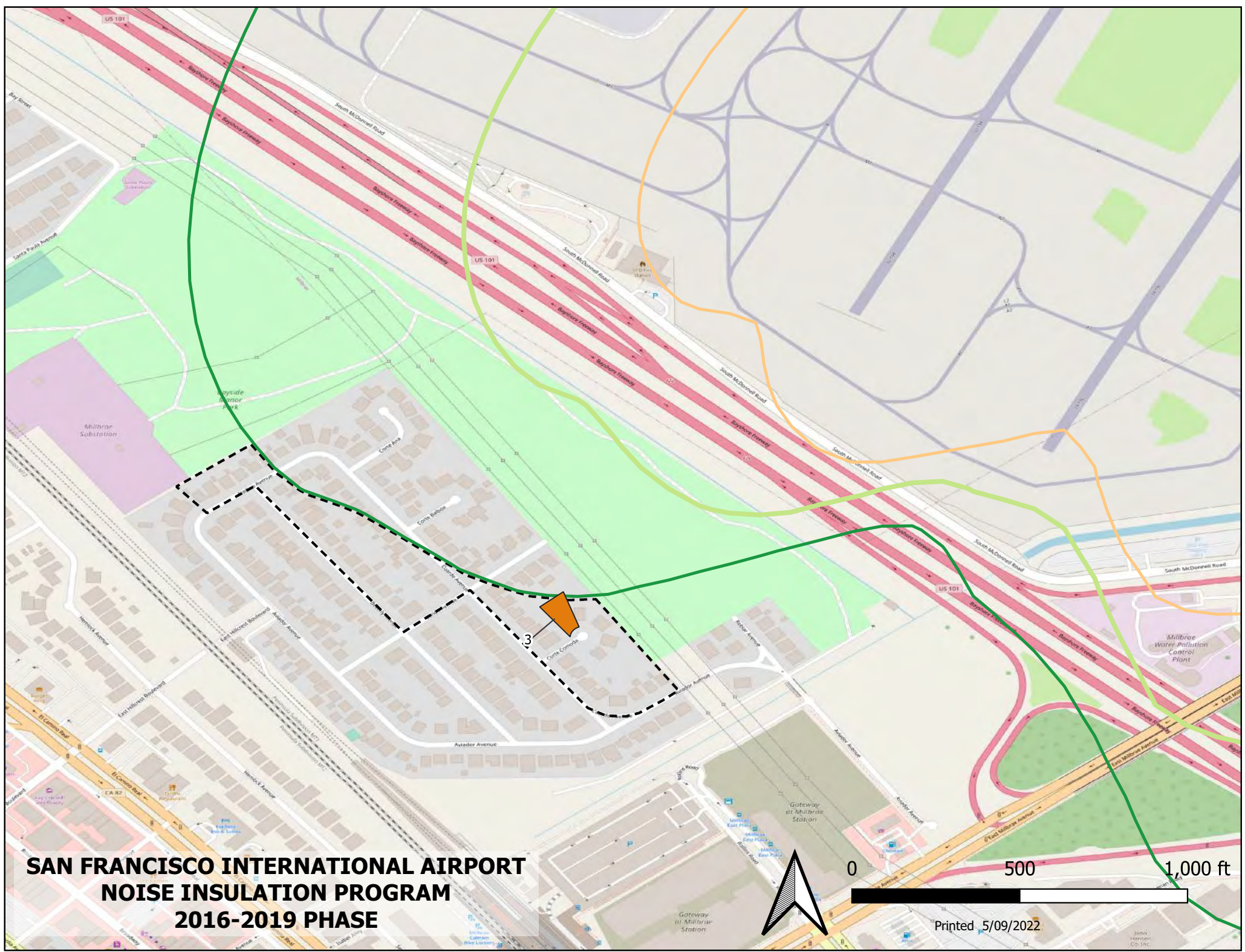
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**SAN FRANCISCO INTERNATIONAL AIRPORT
NOISE INSULATION PROGRAM
2016-2019 PHASE**



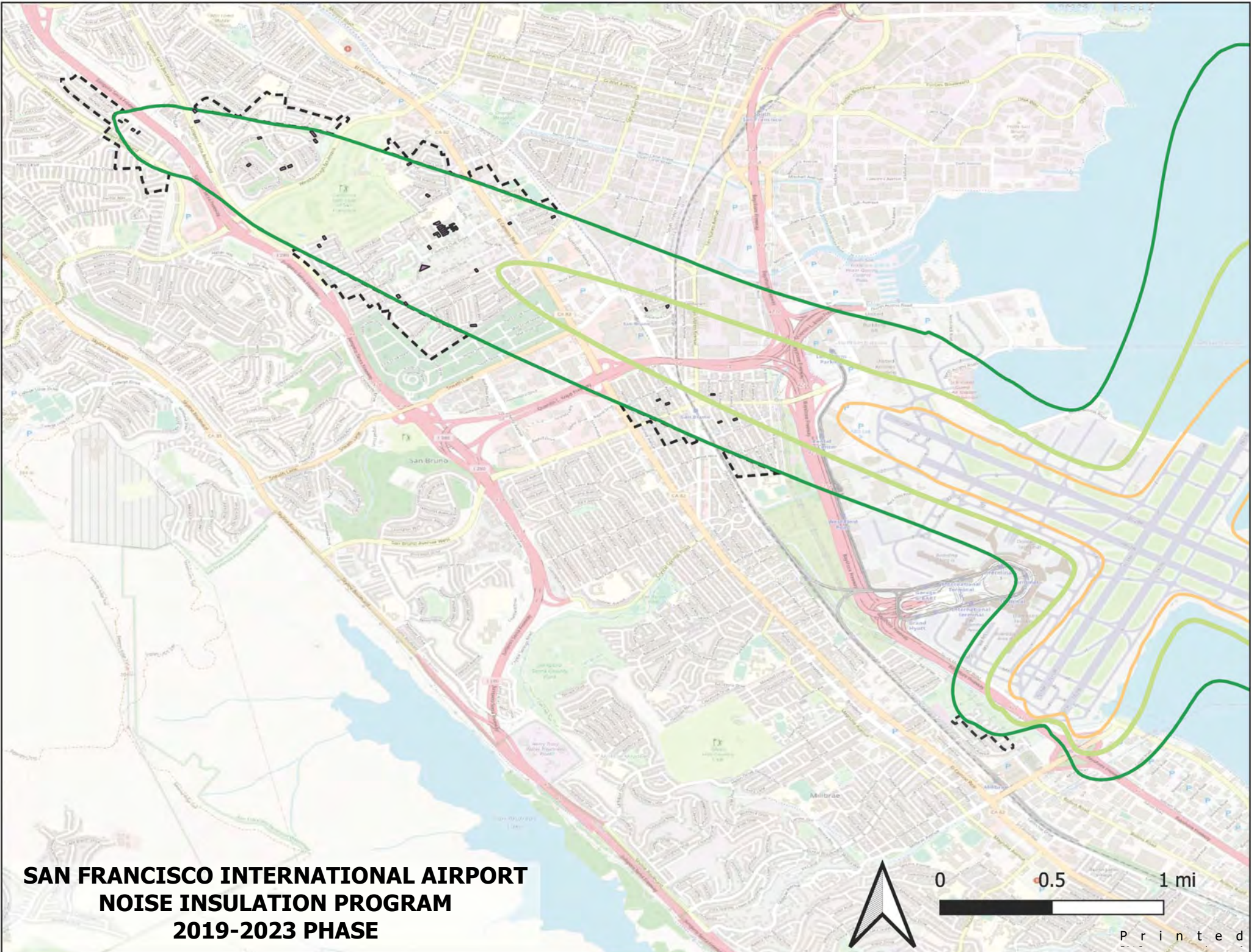
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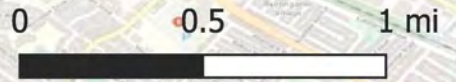
**SAN FRANCISCO INTERNATIONAL AIRPORT
NOISE INSULATION PROGRAM
2016-2019 PHASE**

0 500 1,000 ft

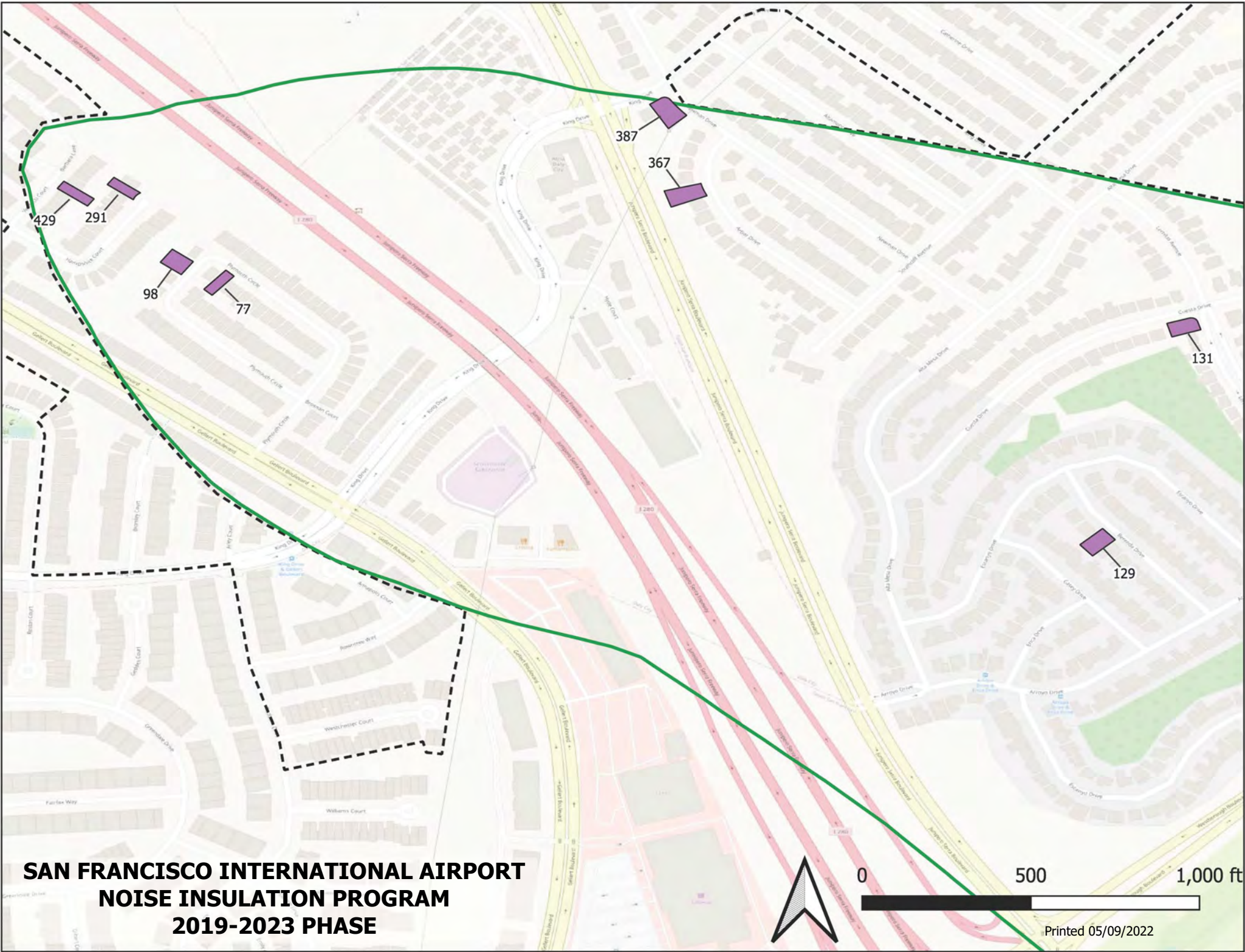
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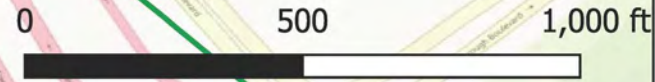
**SAN FRANCISCO INTERNATIONAL AIRPORT
NOISE INSULATION PROGRAM
2019-2023 PHASE**



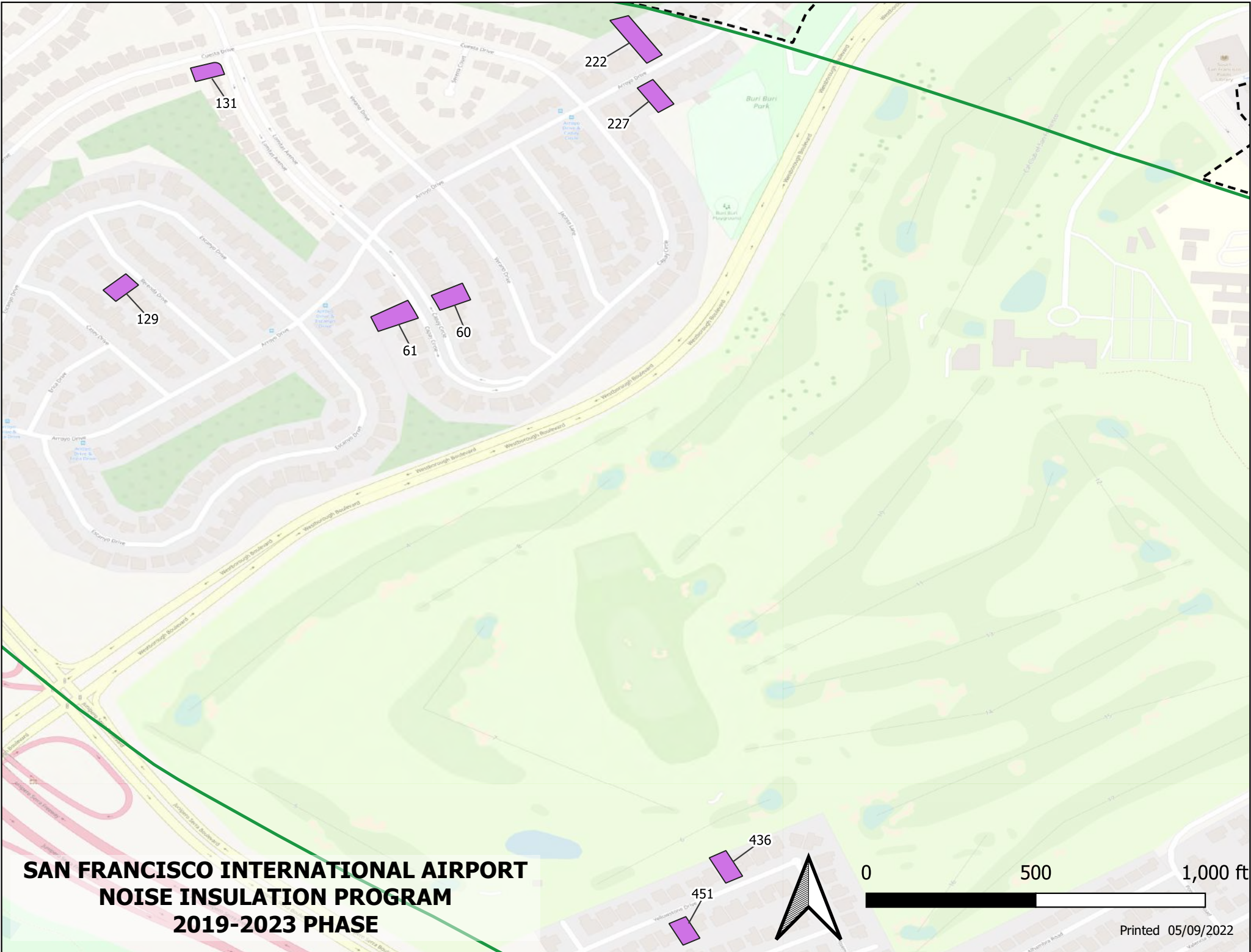
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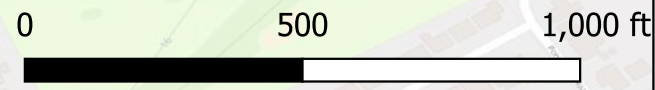
**SAN FRANCISCO INTERNATIONAL AIRPORT
NOISE INSULATION PROGRAM
2019-2023 PHASE**

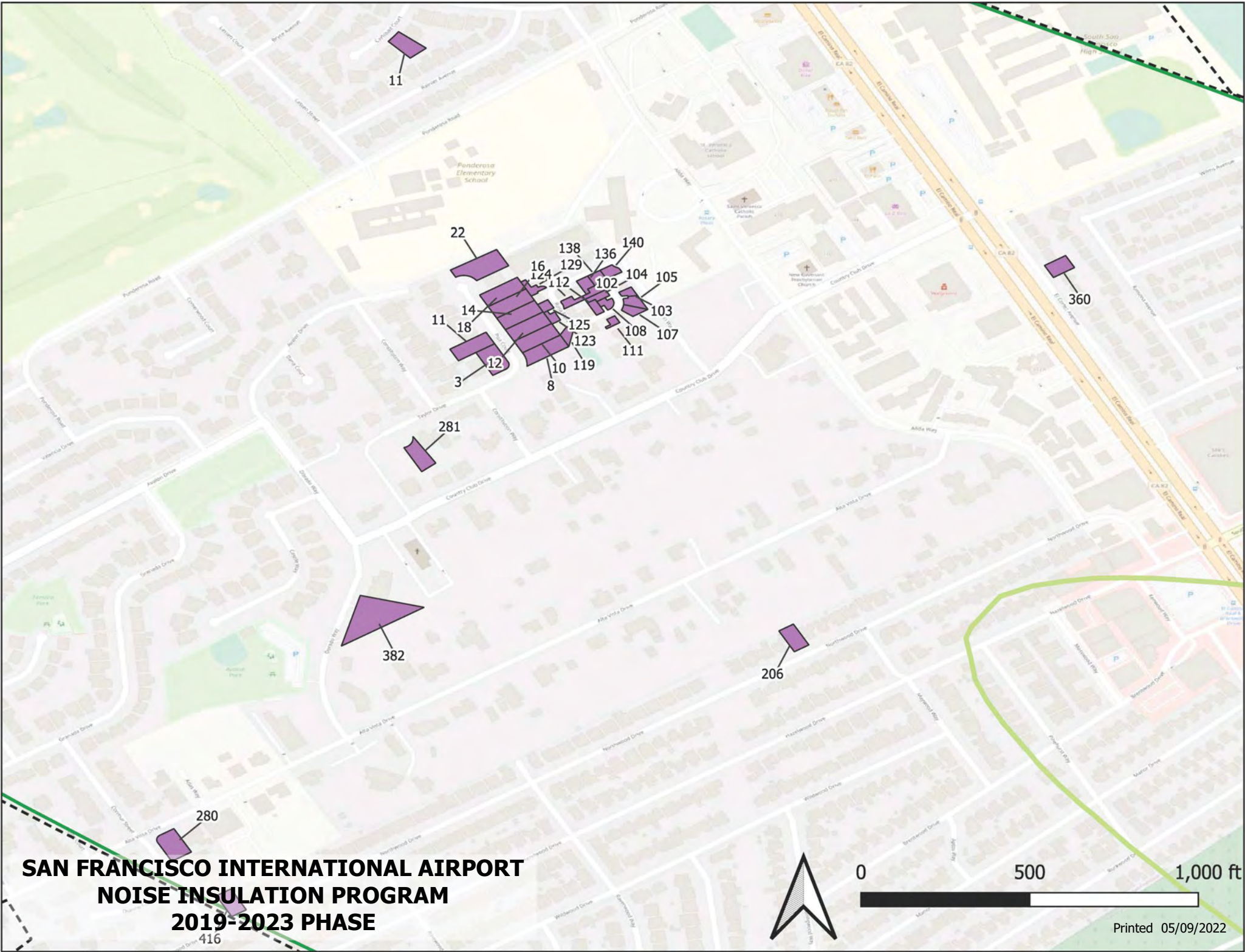


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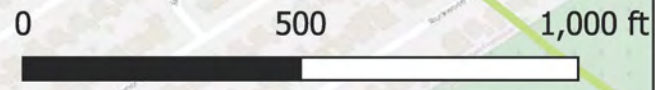


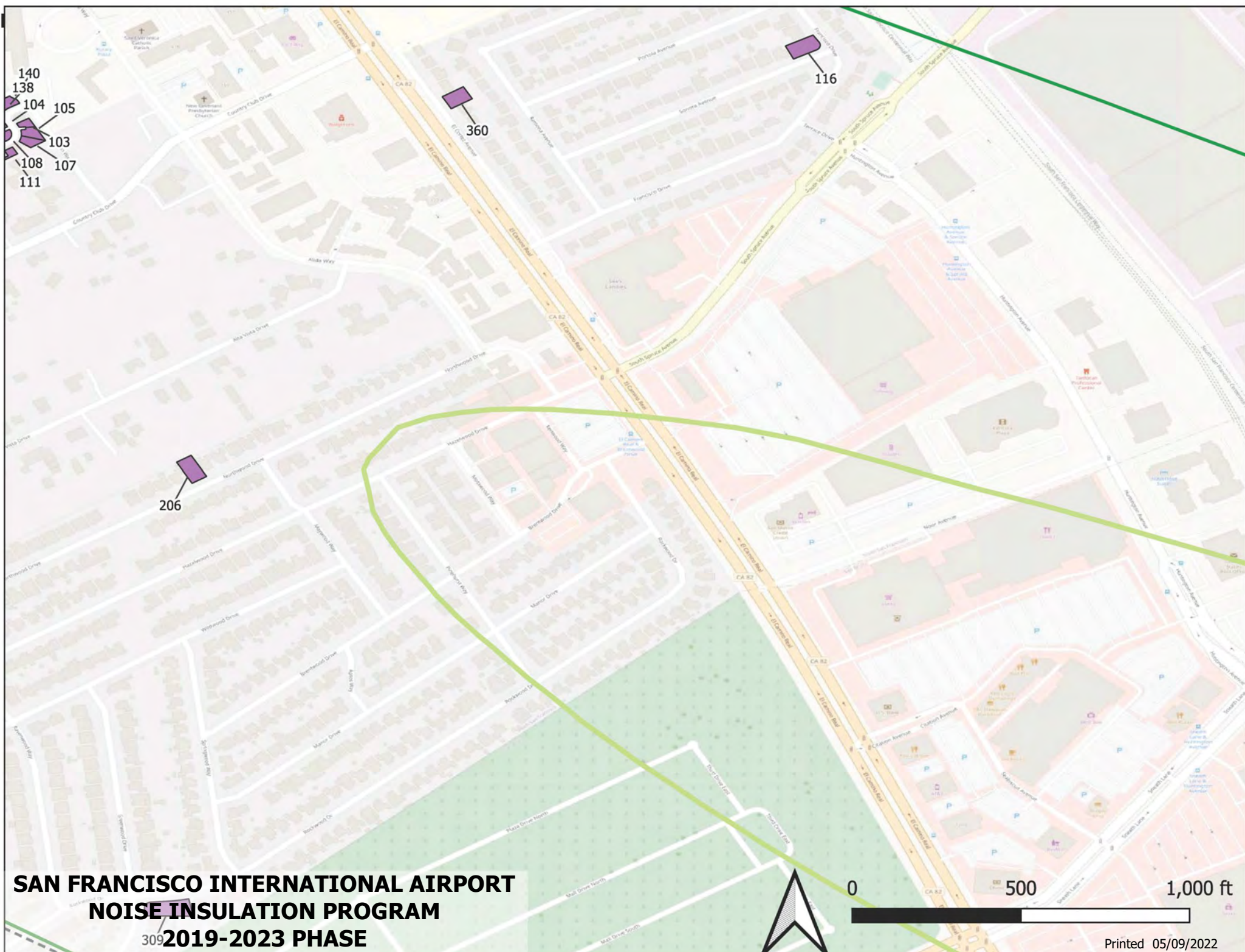
**SAN FRANCISCO INTERNATIONAL AIRPORT
NOISE INSULATION PROGRAM
2019-2023 PHASE**





**SAN FRANCISCO INTERNATIONAL AIRPORT
NOISE INSULATION PROGRAM
2019-2023 PHASE**





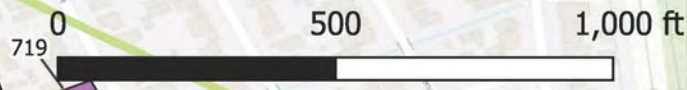
**SAN FRANCISCO INTERNATIONAL AIRPORT
NOISE INSULATION PROGRAM
2019-2023 PHASE**

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**SAN FRANCISCO INTERNATIONAL AIRPORT
NOISE INSULATION PROGRAM
2019-2023 PHASE**



Printed 05/09/2022



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
<p>Project description for Planning Department approval.</p> <p>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</p> <p>FULL PROJECT DESCRIPTION ATTACHED</p>		

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"/>	<p>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:</p> <p>(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.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p>FOR ENVIRONMENTAL PLANNING USE ONLY</p>
<input checked="" type="checkbox"/>	<p>Other _____</p> <p>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.</p>
<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"/>	<p>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.)? (refer to <i>The Environmental Information tab on the San Francisco Property Information Map</i>)</p>
<input type="checkbox"/>	<p>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?</p> <p>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. (refer to <i>The Environmental Information tab on the San Francisco Property Information Map</i>)</p>
<input type="checkbox"/>	<p>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?</p>
<input type="checkbox"/>	<p>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.</p>
<input type="checkbox"/>	<p>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? (refer to <i>The Environmental Information tab on the San Francisco Property Information Map</i>) If box is checked, Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>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? (refer to <i>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.</p>
<input type="checkbox"/>	<p>Seismic Hazard: <input type="checkbox"/> Landslide or <input type="checkbox"/> Liquefaction Hazard Zone:</p> <p>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? (refer to <i>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.</p>
<p>Comments and Planner Signature (optional): Don Lewis</p>	

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

PROPERTY IS ONE OF THE FOLLOWING: (refer to Property Information Map)	
<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. (Attach HRER Part I) <input type="checkbox"/> Reclassify to Category A a. Per HRER b. Other (specify): <input type="checkbox"/> Reclassify to Category C (No further historic review)
<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 (Analysis required)</i> :
<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

<input checked="" type="checkbox"/>	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
<p>Once signed or stamped and dated, this document constitutes a n exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>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.</p>		

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.
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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.

Planner Name:	Date:

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

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 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:
- _____
- B. CITY is the owner and operator of the San Francisco International Airport (“SFO”).
- C. GRANTOR has been offered the opportunity to participate in a publicly funded program (“Noise Insulation Program”) which will cause changes to be made to GRANTOR’s Real Property which 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 said 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. CITY requires as a condition precedent to GRANTOR’s participation in said Noise Insulation Program the grant by GRANTOR of 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 herein 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, of any and all kinds now or hereafter known, 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.

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 and emissions, dust, discomfort or other environmental effects incident to aircraft operations, and any and all resulting 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 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, or to use or permit the use of Real Property in such a manner as to create 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. Baseline. The 65 dB Community Noise Equivalent Level (CNEL) noise contour map filed by SFO on the most recent quarterly noise map (hereinafter the "Quarterly Noise Map") filed by SFO 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 GRANTOR's Real Property.

3. Waiver of Legal Actions and Exceptions. 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. However, this waiver shall not apply under the circumstances specified below.

3.1 For Property Located Outside the 65 dBCNEL Boundary. The waiver shall not be in effect for property located outside the 65 dBCNEL noise contour boundary as shown on the Quarterly Noise Map, 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 GRANTOR's Real Property exceeds 68 dB CNEL or higher, and the waiver shall remain not in effect until two (2) consecutive subsequent quarterly noise maps show the level of noise to be at or lower than 68 dB CNEL.

3.2 For Property Located Within the 65 dBCNEL Boundary and Higher. The waiver shall not be in effect for property located within the 65 dBCNEL noise contour boundary and higher, as shown on the Quarterly Noise Map, 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 GRANTOR's Real Property exceeds the baseline CNEL level as stated in Section 2 by more than 3 dBCNEL (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.

3.3. 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 GRANTOR's Real Property for the purposes of this Section 3.

4. 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, falling objects or other occurrences causing direct physical injury to persons or direct physical damage to property.

5. 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 the said SFO, or otherwise flying through the airspace above or in the vicinity of Real Property.

6. Covenants Run with the Land. These covenants and agreements run with the land (Real Property) in perpetuity and any grantee, heir, agent, successor, 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

Director of Property

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, a California municipal corporation, is hereby accepted by order of its 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: _____

Attachment: Exhibit "A" — Legal Description of Real Property

GRANTEE:
CITY AND COUNTY OF
SAN FRANCISCO

By: _____
Mayor

APPROVED AS TO FORM

DENNIS J. HERRERA
City Attorney

By: _____
Deputy City Attorney

SAMPLE

Exhibit "A"
Property Description

For APN/Parcel ID(s): _____

SAMPLE 1

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

APPROVED LEGAL DESCRIPTION

By: _____
Bradley Luken
City and County Surveyor

GRANTEE:
CITY AND COUNTY OF
SAN FRANCISCO

By: _____
Mayor

APPROVED AS TO FORM

DENNIS J. HERRERA
City Attorney

By: _____
Deputy City Attorney

Attachment: Exhibit A – Legal Description of Real Property

EXHIBIT A

[LEGAL DESCRIPTION OF REAL PROPERTY]

SAMPLE 2



San Francisco International Airport

March 1, 2023

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 124 Avigation Easements

Enclosed for your consideration is a Resolution authorizing the acquisition of 124 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. 20-0187 (October 6, 2020), 22-0008 (January 18, 2022), and 22-0094 (May 17, 2022) 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 May 10, 2022, and December 14, 2022); and
- Copies of two sample Grant of Avigation Easements. “Sample 1” corresponds to work performed prior to August 1, 2020 and “Sample 2” corresponds to work performed after January 27, 2022.

Please contact Cathy Widener, SFO Acting 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, Acting Chief of External Affairs and Director of Government Affairs

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYOR

ELEANOR JOHNS
PRESIDENT

MALCOLM YEUNG
VICE PRESIDENT

EVERETT A. HEWLETT, JR.

JANE NATOLI

JOSE F. ALMANZA

IVAR C. SATERO
AIRPORT DIRECTOR