

File No. 140311

Committee Item No. 10

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Sub-Committee

Date June 4, 2014

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Airport Commission Resolution No. 13-195</u> |
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Completed by: Linda Wong Date May 30, 2014

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

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

3 **Resolution approving the acquisition of 28 Avigation Easements from various property**  
4 **owners in San Mateo County required for the San Francisco International Airport's**  
5 **Noise Insulation Program (Project); adopting findings that the Project is categorically**  
6 **exempt from environmental review under the California Environmental Quality Act**  
7 **Class 1: Existing Facilities; adopting findings that the acquisition is consistent with the**  
8 **General Plan, and the eight priority policies of Planning Code, Section 101.1; and**  
9 **authorizing the Director of Property and Mayor to execute documents, make certain**  
10 **modifications, and take certain actions in furtherance of this Resolution.**

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

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

18 WHEREAS, The Avigation Easements will be acquired from various property owners in  
19 exchange for soundproofing of properties as part of the Project; and

20 WHEREAS, On September 4, 2013, the San Francisco Airport Commission by  
21 Resolution No. 13-0195, a copy of which Resolution is on file with the Clerk of the Board of  
22 Supervisors under File No. 140311, and which Resolution is incorporated herein by this  
23 reference, approved the Project and authorized the request for Board of Supervisors  
24 acceptance and recordation of said Easements; and

1           WHEREAS, The Director of Planning, by letter dated December 27, 2013, found that  
2 the acquisition of the Avigation Easements is consistent with the City's General Plan and with  
3 the Eight Priority Policies of City Planning Code Section 101.1, which letter is on file with the  
4 Clerk of the Board of Supervisors under File No. 140311, and which letter is incorporated  
5 herein by this reference; and

6           WHEREAS, A template of the Grant of Avigation Easement ("Easement Agreement")  
7 between the City and the various property owners to be used for this Project is on file with the  
8 Clerk of the Board of Supervisors in File No. 140311, which is incorporated herein by this  
9 reference; now, therefore, be it

10           RESOLVED, That the Board of Supervisors adopts the findings as stated in the  
11 December 27, 2013 letter from the Director of Planning that the Project is Categorically  
12 Exempt from environmental review under the California Environmental Quality Act (CEQA)  
13 Class 1: Existing Facilities; and, be it

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


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

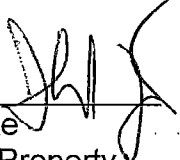
1 FURTHER RESOLVED, That the Director of Property and Mayor are hereby  
2 authorized and urged, in the name and on behalf of the City and County, to accept the deeds  
3 to the easements from the grantors with the terms and conditions of the Easement  
4 Agreements, and to take any and all steps (including, but not limited to, the execution and  
5 delivery of any and all certificates, agreements, notices, escrow instructions, closing  
6 documents and other instruments or documents) as the Director of Property deems necessary  
7 or appropriate in order to consummate the acquisition of the easements pursuant to the  
8 Easement Agreement, or to otherwise effectuate the purpose and intent of this Resolution,  
9 such determination to be conclusively evidenced by the execution and delivery by the Director  
10 of Property of any such documents; and, be it

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

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

17  
18  
19 RECOMMENDED:

20   
21 \_\_\_\_\_  
22 John Martin  
23 Airport Director

24   
25 \_\_\_\_\_  
26 John Updike  
27 Director of Property

<b>Item 10</b> <b>File 14-0311</b>	<b>Department:</b> San Francisco International Airport
<b>EXECUTIVE SUMMARY</b>	
<b>Legislative Objective</b>	
<ul style="list-style-type: none"> <li>• The proposed resolution would (1) approve the acquisition of 28 aviation easements from various property owners in San Mateo County required for the Airport's Noise Insulation Program, (2) adopt findings that the Noise Insulation Program is categorically exempt from environmental review under the California Environmental Quality Act (CEQA), (3) adopt findings that the acquisition is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1, and (4) authorize the Director of Property and the Mayor to execute documents, make certain modifications, and take certain actions in furtherance of the proposed resolution.</li> </ul>	
<b>Key Points</b>	
<ul style="list-style-type: none"> <li>• Aviation easements effectively permit aircraft to fly in airspace above private property when landing or taking off from an airport and restrict property owners from creating any obstructions to the aircrafts' functioning while within the property's airspace.</li> <li>• On August 22, 2012, the Airport submitted an application to receive Federal Aviation Administration (FAA) funding to pay for up to 80 percent of the eligible costs of soundproofing residences located near the Airport in exchange for aviation easements in order to comply with the Airport's Noise Insulation Program. The FAA approved a grant of up to \$1,696,000 on September 19, 2012.</li> <li>• Subsequently, the Airport negotiated to acquire 28 aviation easements from 28 property owners in San Mateo County in exchange for soundproofing of residences. The soundproofing on the 28 properties is expected to be completed by December 2014.</li> </ul>	
<b>Fiscal Impact</b>	
<ul style="list-style-type: none"> <li>• The total cost to complete the soundproofing of the 28 properties in conjunction with the 28 aviation easement acquisitions from property owners is estimated to be \$1,597,514.</li> <li>• The Airport will fund approximately \$750,230, or 47 percent of the total project cost of \$1,597,514 from the Airport's Capital Fund as part of the Airport's Capital Plan. The FAA grant will provide funding for the remaining \$847,284, or 53 percent of the total project cost of \$1,597,514. According to Airport staff, the FAA has allowed the use of grant funds for properties contained within a specific noise impact boundary which only contains 18 of the total 28 properties. FAA grant funds will cover 80 percent of the costs for these 18 properties with the Airport fully funding the costs of the other 10 properties.</li> </ul>	
<b>Recommendation</b>	
<ul style="list-style-type: none"> <li>• Approve the proposed resolution.</li> </ul>	

**MANDATE STATEMENT**

In accordance with Administrative Code Section 23.1, all resolutions and ordinances involving sales, leases, acceptances, and other real estate transactions must be conducted through the Director of Real Estate and are subject to approval by the Board of Supervisors.

**BACKGROUND**

Since 1983, the Airport has implemented the Noise Insulation Program in order to comply with Title 21 of the California Administrative Code that requires the control and reduction of aircraft noise levels in the areas surrounding airports throughout California.<sup>1</sup> Through the Noise Insulation Program, the Airport works with the surrounding communities and the County of San Mateo to acquire avigation easements, which are agreements between property owners<sup>2</sup> and the airport that grant the airport the right-of-flight in the airspace above and in the vicinity of a property, in exchange for providing property owners with noise reduction improvements to their properties.<sup>3</sup> Property owners who participate in the Airport's Noise Insulation Program waive their right to legal action against the Airport except under certain limited circumstances defined in the recording grant of the avigation easement.

Noise insulation improvements are designed to achieve a reduction of aircraft noise through soundproofing of treated properties of at least 5 decibels, and a maximum annual Community Noise Equivalent Level (CNEL) of 45 decibels in the livable areas of the dwellings.<sup>4</sup> Standard soundproofing conducted as part of the Noise Insulation Program includes:

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<sup>1</sup> Title 21 of the California Administrative Code establishes regulations regarding control and reduction of aircraft noise levels in areas surrounding airports within the State, including a) establishing the acceptable level of noise in the vicinity of an airport to be below an annual community noise equivalent level (CNEL) value of 65 decibels, b) establishing noise impact boundaries which are the locus of points around airports for which the annual CNEL to be equal to 65 decibels or less, c) requiring that airports monitor CNEL values within the noise impact boundaries containing residential areas on a continuous basis, d) mandating that airports eliminate incompatible land uses within noise impact boundaries caused by annual CNELs exceeding 65 decibels by reducing the annual CNEL to 65 decibels or lower unless an airport resolves the issue through other specific actions, such as acquiring avigation easements for the affected properties.

<sup>2</sup> The Noise Insulation Program has formed agreements with property owners that live in single-family and multi-family homes and has also included churches and schools as well.

<sup>3</sup> In addition, avigation easement agreements permit the airport to a) create noise, vibrations, air currents, illumination, electronic interference, aircraft engine exhaust and emissions, dust, discomfort, or other environmental effects inherent in aircraft travel, b) restrict or prohibit any construction or installation of any building, structure, improvement, tree, or other object on the property that constitutes an obstruction to air navigation, and c) restrict the creation of electrical or electronic interference with aircraft communications systems, aircraft navigation equipment, or with Federal Aviation Administration (FAA), airline, or airport personnel communication with any aircraft.

<sup>4</sup> The Community Noise Equivalent Level represents the average daytime noise level in decibels during a 24-hour day, adjusted to account for the lower tolerance of noise during evening and night time periods relative to the daytime period. The annual CNEL is the average of the daily CNEL over a 12-month period.

- Replacement of existing windows and doors with new windows/doors that provide noise insulation.
- Installation of attic insulation to mitigate the impact of aircraft noise.
- Installation of fresh air intakes.

Between 1985 and 2012, the Airport's Noise Insulation Program resulted in the Airport acquiring 12,660 aviation easements from property owners located near the Airport in San Mateo County. Table 1 below shows that the total cost to complete the soundproofing in conjunction with the 12,660 aviation easement acquisitions from 1985 to 2012 was \$188,496,997, of which \$135,596,311 or 71.9 percent was funded with Airport funds. The remaining \$52,900,686 or 28.1 percent was funded by Federal Aviation Agency (FAA) grants.

**Table 1: Costs and Funding Sources of the Noise Insulation Program from 1985 to 2012**

Time Period	Airport Funds	Percent	Federal Aviation Administration (FAA) Funds	Percent	Total Cost of Noise Improvements
1985-2000	\$4,210,456	20.0%	\$16,841,822	80.0%	\$21,052,278
1991	10,000,000	100.0%	0	0.0%	10,000,000
1992 – 2000 <sup>5</sup>	102,427,114	82.7%	21,449,920	17.3%	123,877,034
2000 - 2007	18,633,880	58.1%	13,451,881	41.9%	32,085,761
2010-2012	324,861	21.9%	1,157,063	78.1%	1,481,924
<b>Total</b>	<b>\$135,596,311</b>	<b>71.9%</b>	<b>\$52,900,686</b>	<b>28.1%</b>	<b>\$188,496,997</b>

During the initial phases of the Airport's Noise Insulation Program (1985 to 2007), some property owners chose not to participate in the program or failed to respond to invitations to participate and, as a result, no aviation easements for those properties were acquired at the time. Subsequently, some of those properties have been sold to new homeowners who have chosen to participate in the Airport's Noise Insulation Program.

On August 22, 2012, the Airport applied for a Federal Aviation Administration (FAA) grant to pay up to 80 percent of the eligible costs of soundproofing additional homes in exchange for aviation easements for a total projected program cost of \$2,500,000. This application was subsequently revised on September 7, 2012 and approved by the FAA on September 19, 2012 to provide the grant amount of up to \$1,696,000, or 80 percent of the total projected revised cost of \$2,120,000. Upon approval of the grant, the Airport identified 28 properties to be

<sup>5</sup> The FAA funded only 17.3 percent of the cost of soundproofing completed from 1992 to 2000 because a Memorandum of Understanding (MOU) between the Airport and municipalities located near the Airport and signed in 1992 was based on a 1983 FAA-approved Noise Exposure Map, defining areas eligible for Federal reimbursement. Subsequently, when an updated Noise Exposure Map was approved in 1995 by the FAA, a large number of properties were no longer eligible for Federal funding but were still eligible for soundproofing under the MOU.

included in the 2012-2014 phase of the Airport's Noise Insulation Program. On September 4, 2013, the Airport approved the acquisition of the 28 aviation easements associated with these properties (Airport Commission Resolution No. 13-0195).

### DETAILS OF PROPOSED LEGISLATION

The proposed resolution would (1) approve the acquisition of 28 aviation easements from various residential property owners in San Mateo County under the Airport's Noise Insulation Program, (2) adopt findings that the Noise Insulation Program is categorically exempt from environmental review under the California Environmental Quality Act (CEQA), (3) adopt findings that the acquisition is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1, and (4) authorize the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of the proposed resolution.

The soundproofing of the 28 properties for which the aviation easements are to be acquired is expected to be completed by December 31, 2014.

On December 11, 2013, the Director of Planning found the proposed acquisition of the 28 aviation easements to be categorically exempt from environmental review under CEQA and to be consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

### FISCAL IMPACT

As shown in Table 2 below, the cost to acquire the proposed 28 aviation easements from property owners located in San Mateo County is \$1,597,514. The proposed costs will pay for the soundproofing of residences from aircraft noise in exchange for the aviation easements acquired by the Airport from the 28 property owners in San Mateo County. By agreeing to grant aviation easements to the Airport, property owners waive their right to legal action against the Airport except under certain limited circumstances defined in the recording grant of the aviation easement.

**Table 2: Estimated Costs of the Airport's Noise Insulation Program for 28 Aviation Easements**

<b>COSTS OF PROGRAM</b>	<b>Total Cost For All 28 Residences</b>	<b>Average Cost Per Residence</b>
Administration Expenses	\$395,000	\$14,107
Architectural & Engineering Fees	358,914	12,818
Project Inspection Fees	19,000	679
Construction Costs	824,600	29,450
<b>Total Cost</b>	<b>\$1,597,514</b>	<b>\$57,054</b>



Funding for the Airport's Noise Insulation Program to acquire the 28 aviation easements from the 28 San Mateo property owners and to construct the noise insulation improvements will be provided through a combination of FAA grant funds and the Airport's Capital Fund. As shown in Table 3 below, the Airport will provide \$750,230, or 47 percent of the total estimated project costs of \$1,597,514. The FAA grant will provide grant funding for the remaining \$847,284, or 53 percent of the total project costs of \$1,597,514.

According to Mr. Gerardo Fries, Special Projects Manager at the San Francisco International Airport, the FAA grant funds can only be used for 18 of the 28 properties that are located within the previously approved noise impact area. The remaining 10 properties are located within an updated noise impact area, which has not yet been officially approved by the FAA at the time of the grant application and therefore, are not eligible for grant funds. FAA grant funds will pay for 80 percent of the costs for the 18 properties within the specified noise impact boundary while the Airport must pay 100 percent of the costs for the remaining 10 properties.

**Table 3: Source of Funding for the Airport's Noise Insulation Program for 28 Aviation Easements**

<b>FUNDING SOURCES</b>	<b>Funding Amount</b>	<b>Percentage of Total</b>
Federal Aviation Administration (FAA) Grant Funds	\$847,284	53.0%
Airport Capital Funds	750,230	47.0%
<b>Total Funds</b>	<b>\$1,597,514</b>	<b>100.0%</b>

The Airport initiated a competitive bidding process for the construction of the noise improvements on February 21, 2014, and awarded the construction agreement to G. E. Chen Construction on May 6, 2014.

#### **RECOMMENDATION**

Approve the proposed resolution.



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



John Updike  
Director of Real Estate

March 25, 2014

Through Naomi Kelly,  
City Administrator

SFO  
Avigation Easements  
San Mateo County

Honorable Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
MAR 28 AM 10:45

Dear Board Members:

Attached for your consideration is a Resolution authorizing the acquisition of twenty-eight Avigation Easements from various property owners in San Mateo County. The Avigation Easements are required for the San Francisco International Airport's (SFO) Noise Insulation Program.

The State of California Noise Standard for Airports, Title 21, Administrative Code, requires SFO to eliminate land uses within the Noise Impact Boundary. As part of the Noise Insulation Program, the Avigation Easements will be acquired from the property owners in exchange for soundproofing of properties.

In addition to the Resolution, enclosed are:

1. Copy of a sample of Grant of Avigation Easement.
2. San Francisco Airport Commission Resolution Nos. 13-0195 approving the acquisition of these easements.
3. City Planning's letter dated December 27, 2013 stating that the proposed acquisitions for this project are in conformance with the general plan.

140311

If you have any questions regarding this matter, please contact Marta Bayol of our office at 554-9865.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Updike', with a long horizontal stroke extending to the right.

John Updike  
Director of Real Estate

cc: Gerardo Fries, SFO, Special Projects



AIRPORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO  
RESOLUTION NO. 13\_0195

AUTHORIZATION TO ACQUIRE AVIGATION EASEMENTS AS PART OF THE 2012-2014 PHASE OF THE NOISE INSULATION PROGRAM, AND TO REQUEST APPROVAL BY RESOLUTION OF THE BOARD OF SUPERVISORS FOR ACCEPTANCE AND RECORDATION OF 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/or made genuine efforts toward this, and through this work the Airport 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, it is anticipated that in the current and forthcoming phases of the NIP, the Airport will provide acoustic treatment to additional properties and acquire additional easements; and

WHEREAS, this will involve properties that did not participate in previous phases of the NIP because property owners chose not to participate in the program or failed to respond to invitations to participate, and these properties have now been acquired by new owners who would like to have their property insulated in exchange for the grant of an avigation easement to the City; and

WHEREAS, acceptance and recordation of the easements can be processed by the Real Estate Division following a General Plan conformity determination by the Department of City Planning and approval by the Board of Supervisors; now, therefore, be it

RESOLVED, that the Airport Commission hereby authorizes the Director to acquire Avigation Easements for the properties listed in Attachment 1 to the Resolution as part of the ongoing phase (the 2012-2014 Phase) of the Airport's Noise Insulation Program; and be it further

RESOLVED, that the Airport Commission hereby authorizes the Director to request approval from the Board of Supervisors for acceptance and recordation of said easements.

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

*at its meeting of*

SEP 04 2013

  
Secretary

# Attachment 1

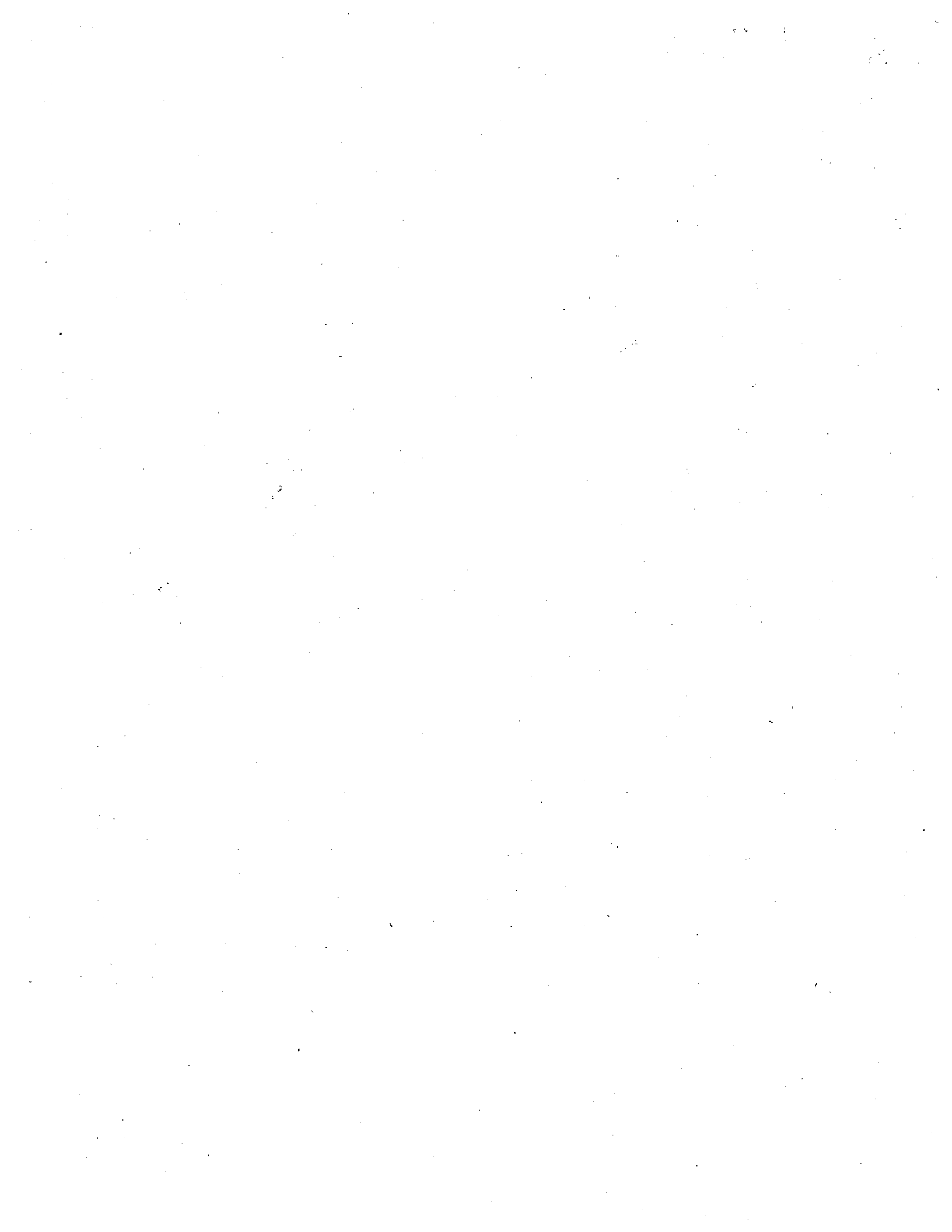
## EXHIBIT 1

San Francisco International Airport Noise Insulation Program - 2012-2014 Phase						
List of Participating Properties						
APN No.	TRA No.	Owner Name	Property Address	City	Units	Year Built
91691320	5029	Nathaniel F. Cayabyab	312 Barbara Ln	Daly City	1	1984
91792100	5029	Genevieve I. Alivio	97 Bromley Ct.	Daly City	1	1972
91792310	5029	Mark A. Quizon & Katrina T. Quizon	20 Camelot Ct.	Daly City	1	1973
91792360	5029	Stephanie Wong & Ban An Shin	34 Camelot Ct.	Daly City	1	1973
91263220	5029	Spencer Quoc Tran & Jacqueline Szewan Ho	233 Dennis Dr.	Daly City	1	1969
91782170	5029	Suzanne Choi & James Choi	904 Gellert Blvd	Daly City	1	1972
91253200	5029	Felix Kury, Nora Kury & Yasmine Kury	804 King Dr.	Daly City	1	1967
91282420	5029	Maria Cyrill N. Enerio, Edward V. Dizon & Don V. Dizon	94 Lycett Cir.	Daly City	1	1979
91455090	5029	Masashi Harada & Tomoko Matsuda	116 Marbly Ave.	Daly City	1	1971
91672290	5029	Teo Sing Seok & Yoke Fong Chou	375 Michelle Ln.	Daly City	1	1989
91192170	5029	Joseph Q. Talavera & Jennie June T. Talavera	209 Morton Dr.	Daly City	1	1967
91205540	5029	Danilo C. Diaz & Noemi P. Diaz	20 Nelson Ct.	Daly City	1	1968
91452060	5029	Phoebe Mauricio	25 Norwood Ave.	Daly City	1	1972
91196010	5029	Cesar P. Restua & Cecille G. Restua	151 Shipley Ave.	Daly City	1	1968
91201080	5029	Eugene Chupkin	266 Shipley Ave.	Daly City	1	1967
91454240	5029	Raymond S. Chang, Lelei Hsieh Chang & Jenny Soe Chang	48 Surrey Ct.	Daly City	1	1971
91261010	5029	Karina L. Zhang & Kathy X. Zhang	163 Warwick St.	Daly City	1	1969

# Attachment 1

## EXHIBIT 1

San Francisco International Airport Noise Insulation Program - 2012-2014 Phase						
List of Participating Properties						
APN No.	TRA No.	Owner Name	Property Address	City	Units	Year Built
20191340	10024	Sundar Pal & Anita Devi Pal	764 3rd Ave.	San Bruno	1	1941
20187080	10024	Salvador Franco	833 5th Ave.	San Bruno	1	1963
20156080	10024	Jessica Laura	866 6th Ave.	San Bruno	1	1992
20162020	10024	Maria Isabel N. Quita & Danilo F. Quita	837 7th Ave.	San Bruno	1	1952
20104210	10024	Lynn M. Knott & Jeffrey T. Knott	924 Green Ave.	San Bruno	1	1936
20124130	10024	Humberto Valencia & Maria Del Carmen Valencia	404 Kains Ave.	San Bruno	1	1940
20103130	10024	YongSheng Zhang & Lijie Zhao	933 Masson Ave.	San Bruno	1	1924
20112140	10024	Juan J. Escobar, Carol Escobar & Jason A. Escobar	815 Mills Ave.	San Bruno	1	1924
14292080	10024	David Kuan	949 Montgomery Ave.	San Bruno	1	1946
20164060	10024	Samuel Pilli & Sunita Pilli, Leighton G. Sheley & Jenny E. Sheley, Cabot L. Sheley & Elaine Sheley	549-573 San Bruno Ave.	San Bruno	5	1934
20156130	10024	Yu Ching Chang & Eric Y. Willkom Jr.	766 Walnut St.	San Bruno	1	1940
<b>28</b>	<b>Properties</b>		<b>TOTALS</b>		<b>32</b>	<b>Units</b>







# SAN FRANCISCO PLANNING DEPARTMENT

## General Plan Referral

*Date:* December 27, 2013

*Case No.:* Case No. 2013.1779R  
SFO Noise Insulation Program

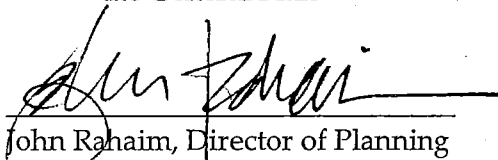
*Block/Lot No.:* n/a

*Project Sponsor:* John Updike, Director of Real Estate  
San Francisco Real Estate Division  
25 Van Ness Ave. Suite 400  
San Francisco, CA 94102

*Applicant:* Same as Above

*Staff Contact:* Lisa Chen – (415) 575-9124  
[lisa.chen@sfgov.org](mailto:lisa.chen@sfgov.org)

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

*Recommended By:*   
John Rahaim, Director of Planning

RECEIVED  
JAN 2 2014  
REAL ESTATE DIV.

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### PROJECT DESCRIPTION

The San Francisco International Airport (SFO), as part of its Noise Insulation Program, proposes to acquire avigation easements on 28 parcels (representing 32 units), located in San Mateo County, and to provide acoustic treatments in return. The State of California Noise Standard for Airports (Title 21, California Administrative Code) requires airports to eliminate incompatible land uses within a "Noise Impact Boundary" unless the airport applied for or received a variance. The proposed acquisition of permanent easements from private property owners in the Noise Impact Boundaries allows SFO to meet the California Administrative Code. The properties that are participating in the Noise Insulation Program are eligible for noise insulation improvements provided by SFO, in exchange for the avigation easements. The submittal is for a General Plan Referral to recommend whether the Project is in conformity

with the General Plan, pursuant to Section 4.105 of the Charter, and Section 2A.52 and 2A.53 of the Administrative Code.

### **ENVIRONMENTAL REVIEW**

On 12/23/13, the Environmental Planning Division of the Planning Department determined that the proposed SFO Avigation Easements are Categorically Exempt from Environmental Review as a Categorical Exemption Class 1 as defined by CEQA, per CEQA Guidelines Section 15301: Existing Facilities

### **GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION**

The Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 as described in the body of this letter and is, on balance, in conformity with the following Objectives and Policies of the General Plan:

### **COMMERCE AND INDUSTRY ELEMENT**

#### **POLICY 1.2**

**Assure that all commercial and industrial uses meet minimum, reasonable performance standards.**

To ensure that commercial and industrial activities do not detract from the environment in which they locate, and may in fact benefit their surroundings, performance standards should be applied in evaluating new developments. The policies of the General Plan provide many of the standards to be used in evaluating development proposals. Other standards are found in various city ordinances and State and Federal laws. As necessary these standards should be reformed and additional standards developed.

*The project will ensure that SFO complies with the Noise Standard for Airports in the California Administrative Code (Title 21).*

### **TRANSPORTATION ELEMENT**

#### **POLICY 2.2**

**Reduce pollution, noise and energy consumption.**

#### **OBJECTIVE 5**

**SUPPORT AND ENHANCE THE ROLE OF SAN FRANCISCO AS A MAJOR**

**DESTINATION AND DEPARTURE POINT FOR TRAVELERS MAKING INTERSTATE,  
NATIONAL AND INTERNATIONAL TRIPS.**

**POLICY 5.1**

**Support and accommodate the expansion of San Francisco International Airport, while balancing this expansion with the protection of the quality of life in the communities that surround the Airport.**

*The project allows SFO to continue to serve its function as a travel hub between the City and other areas and will provide noise insulation and acoustic treatments to reduce noise intrusion and improve the quality of life of affected residents.*

**ENVIRONMENTAL PROTECTION ELEMENT**

**OBJECTIVE 9**

**REDUCE TRANSPORTATION-RELATED NOISE.**

**OBJECTIVE 10**

**MINIMIZE THE IMPACT OF NOISE ON AFFECTED AREAS.**

The process of blocking excessive noise from our ears could involve extensive capital investment if undertaken on a systematic, citywide scale. Selective efforts, however, especially for new construction, are both desirable and justified.

**POLICY 10.2**

**Promote the incorporation of noise insulation materials in new construction.**

State-imposed noise insulation standards apply to all new residential structures except detached single-family dwellings. Protection against exterior noise and noise within a building is also important in many nonresidential structures. Builders should be encouraged to take into account prevailing noise levels and to include noise insulation materials as needed to provide adequate insulation.

*The project will provide noise insulation and acoustic treatments per SFO's Noise Insulation Program to reduce the impacts of airport operations on indoor noise levels.*

On balance, the proposal is in conformity with the General Plan. Any development schemes proposed for the subject parcels after acquisition of the easements for SFO will be subject to separate General Plan Referrals to the Planning Department. Any development proposals

would also have to comply with the local zoning ordinance and pertinent land use policies of the area.

### PROPOSITION M FINDINGS – PLANNING CODE SECTION 101.1

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

#### Eight Priority Policies Findings

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

The proposed project is found to be consistent with the eight priority policies of Planning Code Section 101.1 in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.

*The Project would have no adverse effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.

*The Project would have no adverse effect on existing housing stock or on neighborhood character.*

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

*The Project would have no adverse effect on the City's supply of affordable housing.*

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

*The Project would not result in commuter traffic impeding MUNI's transit service, overburdening the streets or altering current neighborhood parking.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for residential employment and ownership in these sectors be enhanced.

*The Project would not affect the existing economic base in this area.*

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

*The Project would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake.*

7. That landmarks and historic buildings be preserved.

*The project will not have an adverse impact on landmarks and historic buildings.*

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

*The Project would have no adverse effect on parks and open space or their access to sunlight and vista.*

<b>RECOMMENDATION:</b>	<b>Finding the Project, on balance, in conformity with the General Plan</b>
------------------------	---

**Attachments:**

Exhibit A – Residential Noise Insulation Program, 2012-2014 Phase – Project Area Map, Cities of San Bruno and Daly City

Exhibit B – List of Participating Properties

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

I:\Citywide\General Plan\General Plan Referrals\2013\2013.17794R SFO Acquisition Avigation Easements.doc

SFO

# San Francisco International Airport

RESIDENTIAL NOISE INSULATION PROGRAM

2012-2014 PHASE

EXHIBIT A

PROJECT AREA MAP

CITY OF SAN BRUNO

2001 NEM

SAN BRUNO PROPERTY SOLD





# San Francisco International Airport

RESIDENTIAL NOISE INSULATION PROGRAM

2012-2014 PHASE

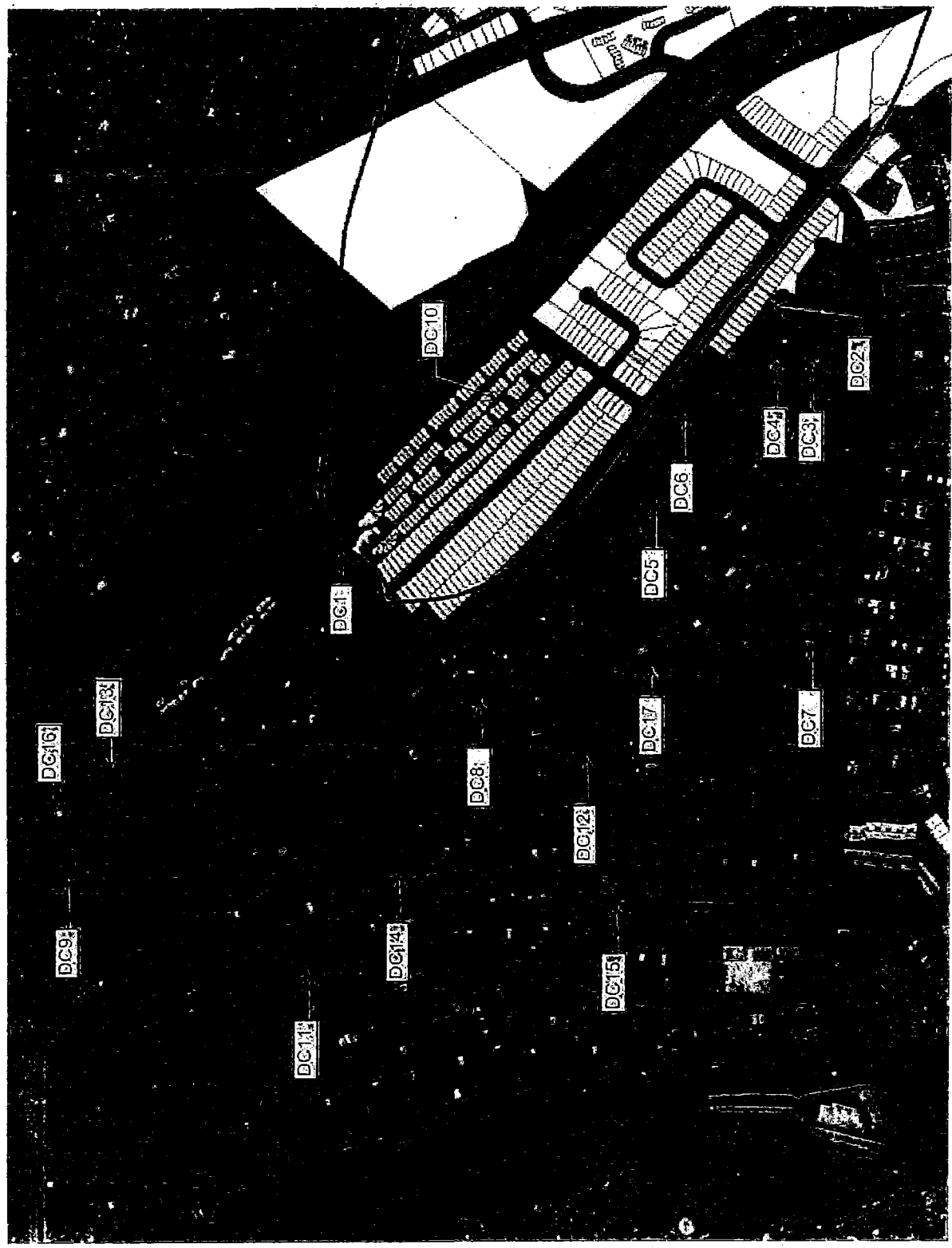
EXHIBIT A

PROJECT AREA MAP

CITY OF DALY CITY

2001 NEMA

DAILY CITY PROPERTY SOLD



**San Francisco International Airport  
Noise Insulation Program, 2012-2014 Phase  
Acquisition of Avigation Easements**

**List of Participating Properties**

House No.	Owner Name	Property Address	Units	Year Built	Construction Date
DC1	Nathaniel F. Cayabyab	312 Barbara Ln. Daly City	1	1984	Feb. - May 2014
DC2	Genevieve I. Alivio	97 Bromley Ct. Daly City	1	1972	Feb. - May 2014
DC3	Mark A. Quizon & Katrina T. Quizon	20 Camelot Ct. Daly City	1	1973	Feb. - May 2014
DC4	Stephanie Wong & Ban An Shin	34 Camelot Ct Daly City	1	1973	Feb. - May 2014
DC5	Spencer Quoc Tran & Jacqueline Szewan Ho	233 Dennis Dr. Daly City	1	1969	Feb. - May 2014
DC6	Suzanne Choi & James Choi	904 Gellert Blvd. Daly City	1	1972	Feb. - May 2014
DC7	Felix Kury, Nora Kury & Yasmine Kury	804 King Dr. Daly City	1	1967	Feb. - May 2014
DC8	Maria Cyril N. Enerio, Edward V. Dizon & Don V. Dizon	94 Lycett Cir. Daly City	1	1979	Feb. - May 2014
DC9	Masashi Harada & Tomoko Matsuda	116 Marbly Ave. Daly City	1	1971	Feb. - May 2014
DC10	Teo Sing Seok & Yoke Fong Chou	375 Michelle Ln. Daly City	1	1989	Feb. - May 2014
DC11	Joseph Q. Talavera & Jennie June T. Talavera	209 Morton Dr. Daly City	1	1967	Feb. - May 2014
DC12	Danilo C. Diaz & Noemi P. Diaz	20 Nelson Ct. Daly City	1	1968	Feb. - May 2014
DC13	Phoebe Mauricio	25 Norwood Ave. Daly City	1	1972	Feb. - May 2014
DC14	Cesar P. Restua & Cecille G. Restua	151 Shipley Ave. Daly City	1	1968	Feb. - May 2014
DC15	Eugene Chupkin	266 Shipley Ave. Daly City	1	1967	Feb. - May 2014
DC16	Raymond S. Chang, Lelei Hsieh Chang & Jenny Soe Chang	48 Surrey Ct. Daly City	1	1971	Feb. - May 2014
DC17	Karina L. Zhang & Kathy X. Zhang	163 Warwick St. Daly City	1	1969	Feb. - May 2014
SB1	Sundar Pal & Anita Devi Pal	764 3rd Ave. San Bruno	1	1941	Feb. - May 2014
SB5	Salvador Franco	833 5th Ave San Bruno	1	1963	Feb. - May 2014
SB9	Jessica Laura	866 6th Ave. San Bruno	1	1992	Feb. - May 2014
SB10	Maria Isabel N. Quita & Danilo F. Quita	837 7th Ave San Bruno	1	1952	Feb. - May 2014
SB11	Lynn M. Knott & Jeffrey T. Knott	924 Green Ave. San Bruno	1	1936	Feb. - May 2014
SB12	Humberto Valencia & Maria Del Carmen Valencia	404 Kains Ave San Bruno	1	1940	Feb. - May 2014
SB13	YongSheng Zhang & LiJie Zhao	933 Masson Ave San Bruno	1	1924	Feb. - May 2014
SB14	Juan J. Escobar, Carol Escobar & Jason A. Escobar	815 Mills Ave. San Bruno	1	1924	Feb. - May 2014
SB15	David Kuan	949 Montgomery Ave. San Bruno	1	1946	Feb. - May 2014
SB16-SB20	Samuel Pilli & Sunita Pilli, Leighton G. Sheley & Jenny E. Sheley, Cabot L. Sheley & Elaine Sheley	549, 559, 569, 571, 573 San Bruno Ave, San Bruno	5	1934	Feb. - May 2014
SB21	Yu Ching Chang & Eric Y. Willkom Jr.	766 Walnut St. San Bruno	1	1940	Feb. - May 2014
28 Properties		TOTALS	32 Units		



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 \_\_\_\_\_, California.
- 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 the San Francisco International Airport ("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 dB CNEL Boundary. The waiver shall not be in effect for property located outside the 65 dB CNEL 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 dB CNEL Boundary and Higher. The waiver shall not be in effect for property located within the 65 dB CNEL 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 dB CNEL (68 dB CNEL and higher), and the waiver shall remain not in effect until two (2) consecutive subsequent quarterly noise maps show the level of noise to have been no more than 3 dB CNEL greater than the baseline.

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

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: \_\_\_\_\_  
Director of Property

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

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

April 17, 2014

File No. 140311

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On April 8, 2014, the Real Estate Division introduced the following legislation:

**File No. 140311**

**Resolution approving the acquisition of 28 Avigation Easements from various property owners in San Mateo County required for the San Francisco International Airport's Noise Insulation Program (Project); adopting findings that the Project is categorically exempt from environmental review under the California Environmental Quality Act Class 1: Existing Facilities; adopting findings that the acquisition is consistent with the City's General Plan, and eight priority policies of City Planning Code, Section 101.1; and authorizing the Director of Property and Mayor to execute documents, make certain modifications and take certain actions in furtherance of this Resolution.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

Handwritten signature of Angela Calvillo in cursive.

By: Andrea Ausberry, Assistant Clerk  
Land Use & Economic Development Committee

Attachment

c: Nannie Turrell, Environmental Planning  
Jeanie Poling, Environmental Planning

*Exempt from CEQA per CEQA  
Guidelines Section 15301,  
Class 1.  
Nannie Turrell  
April 18, 2014*

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: John L. Martin, Airport Director, San Francisco International Airport

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

DATE: April 18, 2014

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by the Real Estate Division on April 8, 2014:

**File No. 140311**

**Resolution approving the acquisition of 28 Avigation Easements from various property owners in San Mateo County required for the San Francisco International Airport's Noise Insulation Program (Project); adopting findings that the Project is categorically exempt from environmental review under the California Environmental Quality Act Class 1: Existing Facilities; adopting findings that the acquisition is consistent with the City's General Plan, and eight priority policies of City Planning Code, Section 101.1; and authorizing the Director of Property and Mayor to execute documents, make certain modifications and take certain actions in furtherance of this Resolution.**

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Cathy Widener, San Francisco International Airport  
Jean Caramatti, San Francisco International Airport

