



# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Common Sense Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Name</b>		<b>Block/Lot(s)</b>
SFO: 2011 Airline Lease and Use Agreement Extension		
<b>Case No.</b>		<b>Permit No.</b>
2020-010550ENV		N/A
<input type="checkbox"/> <b>Addition/ Alteration</b>	<input type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input type="checkbox"/> <b>New Construction</b>
<p><b>Project description for Planning Department approval.</b></p> <p>The City and County of San Francisco, by and through the San Francisco Airport Commission (Airport Commission), proposes to extend the term of the 2011 Lease and Use Agreement (2011 Lease) between the San Francisco International Airport (SFO or Airport) and airlines for up to five years, starting July 1, 2021, and to update standard legal provisions. The purpose of the project is to extend the term of the existing 2011 Lease to allow additional time for the Airport and airlines to negotiate a new lease. The requirements of the 2011 Lease would continue to only apply to leaseholds on City/Airport property and cannot apply to on-aircraft operations.</p> <p>There are no physical changes that would result from the proposed project. No airport facilities, including terminals, would be expanded as a result of the modification of the 2011 Lease. The changes to the 2011 Lease would not have the potential of adversely affecting the environment and would not result in construction or expansion of the physical facilities located at the Airport. Any airline improvements undertaken within the leased premises would be limited to interior tenant improvement work occurring within the existing facilities and would not result in an expansion of the Airport.</p>		

### STEP 1: EXEMPTION DETERMINATION

<b>The project has been determined to be exempt under the California Environmental Quality Act (CEQA).</b>	
<input checked="" type="checkbox"/>	<b>Common Sense Exemption (CEQA Guidelines section 15061(b)(3))</b>

### STEP 2: CEQA IMPACTS

#### TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<b>Air Quality:</b> 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., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	<b>Hazardous Materials:</b> 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? <i>If the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i>

<input type="checkbox"/>	<b>Transportation:</b> Does the project involve a childcare facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Archeological Resources:</b> 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, archeo review is required ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Archeological Sensitive Area</i> )
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography</i> ). If yes, Environmental Planning must issue the exemption.
<input type="checkbox"/>	<b>Slope = or &gt; 25%:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Topography</i> ) <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones</i> ) <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? ( <i>refer to EP_ArcMap &gt; CEQA Catex Determination Layers &gt; Seismic Hazard Zones</i> ) <b>If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</b>
<b>Comments and Planner Signature (optional):</b>	
The project site is listed on the GeoTracker database with both "Completed – Case Closed" sites and "Open" cases. Since the proposed project does not involve construction activities, it can be clearly demonstrated that the project has no potential to have significant environmental effects with respect to hazardous substances on the site.	

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

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

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

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.


<input type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. <b>Garage work.</b> 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. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. <b>Addition(s)</b> 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.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

**STEP 5: CEQA IMPACTS – ADVANCED HISTORICAL REVIEW  
TO BE COMPLETED BY PROJECT PLANNER**

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. <b>Interior alterations to publicly accessible spaces.</b>
<input type="checkbox"/>	3. <b>Window replacement</b> of original/historic windows that are not “in-kind” but are consistent with existing historic character.
<input type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):

<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments): (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation <input type="checkbox"/> Reclassify to Category A <input type="checkbox"/> Reclassify to Category C a. Per HRER or PTR dated (attach HRER or PTR) b. Other (specify):
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.</b>	
<input type="checkbox"/>	<b>Project can proceed with exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b>	

**STEP 6: EXEMPTION DETERMINATION  
TO BE COMPLETED BY PROJECT PLANNER**

<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is exempt under CEQA. There is no possibility of a significant effect on the environment.</b>	
	<b>Project Approval Action:</b> Airport Commission approval of modification to 2011 Lease and Use Agreement.	<b>Signature:</b>
		 Don Lewis 11/18/2020
Once signed or stamped and dated, this document constitutes an exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.		

## 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. |
|--------------------------|---|

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 within 10 days of posting of this determination.

**Planner Name:**

**Date:**

**From:** [Teresa Rivor \(AIR\)](#)  
**To:** [Gina Priest \(AIR\)](#)  
**Subject:** FW: Notification of Environmental Review: 2011 Lease and Use Agreement Extension  
**Date:** Wednesday, December 2, 2020 9:11:07 AM  
**Attachments:** [image001.png](#)  
[Lease and Use Extension - Memo to PM CEQA Only.pdf](#)

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Hi Gina:

I thought you might want to file this with all the stuff we will be doing for the upcoming lease modification. This is a very interesting step that we have taken.

Best,  
TR

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**From:** David Kim (AIR) <[david.t.kim@flysfo.com](mailto:david.t.kim@flysfo.com)>  
**Sent:** Monday, November 23, 2020 9:21 AM  
**To:** Teresa Rivor (AIR) <[Teresa.Rivor@flysfo.com](mailto:Teresa.Rivor@flysfo.com)>  
**Subject:** RE: Notification of Environmental Review: 2011 Lease and Use Agreement Extension

Hi Teresa:

Generally all projects that require discretionary action must go through CEQA review. What's considered a "project" can be open to interpretation. Some of the more obvious projects are construction projects like the Shoreline Protection Program and Runway 28R reconstruction. Others are less obvious; for example, we considered the ban on plastic bottles to be a "project", and thus, we did CEQA environmental review on that. Often we will conduct environmental review on less obvious "projects" because it provides a level of legal protection in case that action becomes challenged. People who are against projects (or project proponents) will often go after whether or not a project went through the CEQA process.

So, out of an abundance of caution, we considered the 2011 Lease and Use Extension to be a "project" and took it through our normal environmental review. The outcome, as determined by SF Planning and as we expected, is that the project is exempt from CEQA review. The last "step" in this process is once the Airport Commission approves of this Lease and Use Extension, there is a 30-day appeal period for the environmental review. Once that review period closes, the project is protected from any future attacks on the validity of the environmental review. (To my knowledge, we have never received any comments during any of our 30-day review processes.)

I hope that answers your question! I know it was long, but I'm hoping it provides a clear explanation for the CEQA review process!

Feel free to reach out if you have any other questions.

**David T. Kim, PhD SFO**  
Tel 650-821-1426 | Mob 650-255-9539

[Shoreline Protection Program](#)

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**From:** Teresa Rivor (AIR) <[Teresa.Rivor@flysfo.com](mailto:Teresa.Rivor@flysfo.com)>  
**Sent:** Monday, November 23, 2020 9:07 AM  
**To:** David Kim (AIR) <[david.t.kim@flysfo.com](mailto:david.t.kim@flysfo.com)>  
**Subject:** RE: Notification of Environmental Review: 2011 Lease and Use Agreement Extension

Hi David:

Good morning.

Thanks for the invite. In this case, best that I do not, he would have included me since I report to him.

Is this just routine, as the application noted? Really because the lease is older, and involves so many airlines?

Have a great day.

Best,  
TR

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**From:** David Kim (AIR) <[david.t.kim@flysfo.com](mailto:david.t.kim@flysfo.com)>  
**Sent:** Monday, November 23, 2020 8:59 AM  
**To:** Teresa Rivor (AIR) <[Teresa.Rivor@flysfo.com](mailto:Teresa.Rivor@flysfo.com)>  
**Subject:** RE: Notification of Environmental Review: 2011 Lease and Use Agreement Extension

Hi Teresa –

Javad also requested some time to discuss this. Do you want to join our 10am call this morning?

**David T. Kim, PhD SFO**  
Tel 650-821-1426 | Mob 650-255-9539  
[Shoreline Protection Program](#)

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**From:** Teresa Rivor (AIR) <[Teresa.Rivor@flysfo.com](mailto:Teresa.Rivor@flysfo.com)>  
**Sent:** Friday, November 20, 2020 5:08 PM  
**To:** David Kim (AIR) <[david.t.kim@flysfo.com](mailto:david.t.kim@flysfo.com)>  
**Subject:** RE: Notification of Environmental Review: 2011 Lease and Use Agreement Extension

Hi David:

Thank you for sending the information. When you have a minute, can you share with me the purpose of this notification as we are contemplating a lease modification with the airlines? Your guidance would be appreciated.

Best,  
TR

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**From:** David Kim (AIR) <[david.t.kim@flysfo.com](mailto:david.t.kim@flysfo.com)>  
**Sent:** Friday, November 20, 2020 11:33 AM  
**To:** Javad Hadizadeh (AIR) <[javad.hadizadeh@flysfo.com](mailto:javad.hadizadeh@flysfo.com)>  
**Cc:** Kevin Bumen (AIR) <[kevin.bumen@flysfo.com](mailto:kevin.bumen@flysfo.com)>; Geoff Neumayr (AIR) <[Geoff.Neumayr@flysfo.com](mailto:Geoff.Neumayr@flysfo.com)>; Judi Mosqueda (AIR) <[Judi.Mosqueda@flysfo.com](mailto:Judi.Mosqueda@flysfo.com)>; Ronda Chu (AIR) <[Ronda.Chu@flysfo.com](mailto:Ronda.Chu@flysfo.com)>; Joe Nurisso (AIR) <[Joe.Nurisso@flysfo.com](mailto:Joe.Nurisso@flysfo.com)>; Nicole Sanders (AIR) <[Nicole.Sanders@flysfo.com](mailto:Nicole.Sanders@flysfo.com)>; Donna Lee (AIR) <[donna.v.lee@flysfo.com](mailto:donna.v.lee@flysfo.com)>; NIIRO, NICHOLAS (CAT) <[Nicholas.Niirro@sfcityatty.org](mailto:Nicholas.Niirro@sfcityatty.org)>; ABOLA, BROOKE (CAT) <[Brooke.D.Abola@sfcityatty.org](mailto:Brooke.D.Abola@sfcityatty.org)>; STUART, CHRISTOPHER (CAT) <[Christopher.Stuart@sfcityatty.org](mailto:Christopher.Stuart@sfcityatty.org)>; Teresa Rivor (AIR) <[Teresa.Rivor@flysfo.com](mailto:Teresa.Rivor@flysfo.com)>; Nupur Sinha (AIR) <[nupur.sinha@flysfo.com](mailto:nupur.sinha@flysfo.com)>; Christopher DiPrima (AIR) <[christopher.diprima@flysfo.com](mailto:christopher.diprima@flysfo.com)>; Nile Ledbetter (AIR) <[nile.ledbetter@flysfo.com](mailto:nile.ledbetter@flysfo.com)>; Nixon Lam (AIR) <[Nixon.Lam@flysfo.com](mailto:Nixon.Lam@flysfo.com)>; Susan Tam (AIR) <[Susan.Tam@flysfo.com](mailto:Susan.Tam@flysfo.com)>  
**Subject:** Notification of Environmental Review: 2011 Lease and Use Agreement Extension

***Via email only; no hard copy to follow***

Hi Javad:

Please find attached a memorandum with CEQA environmental approval for the subject Project, as issued by the SF Planning Department (CEQA).

Reminder:

1. Please notify me and the City Attorney's Office when you plan on going to the Airport Commission so that we may include the appropriate CEQA language according to Chapter 31 of the San Francisco Administrative Code.

The attachment will also filed here: <S:\Global\BPEA\2020 Environmental Reviews>

Please let me know if you have any questions.

PS Let me know if you don't need to be on this distribution list.



**David T. Kim, PhD**

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(preferred pronouns: he/him/his)

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