

AIRPORT COMMISSION
SAN FRANCISCO INTERNATIONAL AIRPORT
CITY AND COUNTY OF SAN FRANCISCO
INTER-OFFICE MEMORANDUM

TO: Javad Hadizadeh, Aviation Management **DATE:** October 6, 2022
FROM: Audrey Park, Bureau of Planning and Environmental Affairs
SUBJECT: Notification of Environmental Review: New 2023 Lease and Use Agreement

VIA EMAIL ONLY

State Law: California Environmental Quality Act (CEQA): Lead Agency: SF Planning Department – Environmental Planning Division	COMPLETED
<p>On October 6, 2022, the San Francisco Planning Department – Environmental Planning Division (SF Planning) determined that the project identified as “2023 Lease and Use Agreement” between SFO and airlines/tenants is exempt from the requirements of CEQA per CEQA Guidelines as a Common Sense Exemption under section 15061(b)(3) (SF Planning Department File No. 2022-009712ENV).</p> <p>Table 1 includes a list of CEQA-related Action Items regarding your project. The CEQA Exemption issued by SF Planning is provided as Attachment A to this memo.</p> <p>Please include the attached CEQA Exemption from the SF Planning Department if the 2023 Lease and Use Agreement is subject to SF Board of Supervisors approval. Proof of CEQA compliance is one of the Board Clerk required elements.</p> <p>SFEP has published this exemption the “Public Agency Exemptions” header of its website: https://sfplanning.org/resource/ceqa-exemptions</p>	
Federal Law: National Environmental Policy Act (NEPA): Lead Agency: Federal Aviation Administration – SF Airports District Office (FAA SF ADO)	NOT APPLICABLE
<p>As a federally obligated public use airport, SFO adheres with NEPA and the Federal Aviation Administration (FAA) Orders 1050.1F and 5050.4B. Environmental review by the FAA under NEPA is not applicable to this project.</p>	

As always, should you have any questions or require further assistance, please feel free to call me at extension 1-7844.

Attachments

- cc SFO Planning S. Murphy, AVM
K. Bumen, C&F C. Stuart, CAT
G. Neumayr, PDC C. Davis, CAT
D. Volek, EA

TABLE 1: PROJECT ACTION ITEMS FOR PROJECTS WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTIONS¹

1	CHANGES TO PROJECT SCOPE	TIMING
	<p>Contract Manager/Project Manager (PM/CM) to notify BPEA of any changes to the final lease terms (“Project”) to confirm Environmental Reviews and Approvals remain valid for the Project as revised.</p> <p>PM/CM Action Item: Notify your assigned BPEA staff of project scope changes.</p>	<p>Throughout project development.</p>
2	SAN FRANCISCO ADMINISTRATIVE CODE, CHAPTER 31	TIMING
	<p>Background: All San Francisco Departments must adhere to Chapter 31 of the Administrative Code, which implements the CCSF-specific CEQA requirements. Under Chapter 31, the Airport must provide public notice when it takes the “Approval Action” for a project, which is the first action taken committing the Airport to the project. Please note the Approval Action listed in the CEQA Exemption approval. Notify your assigned BPEA staff if you do not believe the correct approval action is listed.</p> <p>PM/CM Action Item: You must follow the correct procedure for noticing the Approval Action for your project to trigger the 30-day CEQA appeal period:</p> <ul style="list-style-type: none"> For Approval Actions that will be <u>taken by the Commission</u>, notify BPEA staff to include the appropriate language in the Commission package (Box Item 3 Below). The 30-day CEQA appeal period starts from the date of a properly noticed public Airport Commission meeting taking the Approval Action. For Approval Actions <u>other than a formal Commission action</u>, you must notify your assigned BPEA staff as soon as the Approval Action occurs. The 30-day CEQA appeal period starts from the date that the SF Planning Department posts the notice on its website that the Approval Action has occurred. <p>Consequences of Not Correctly Noticing an Approval Action: If an exemption determination for a project is not properly noticed at an Airport Commission meeting or posted on the SF Planning Department’s website, an appeal may be filed within 30 days following the discovery of the exemption determination. When an appeal to a project is filed:</p> <ul style="list-style-type: none"> Construction activities must be stopped until the appeal is resolved. Bond funding cannot be released until the 30-day appeal period has been closed and there are no remaining risks for an appeal of the project. 	<p>Upon receipt of CEQA Exemption approval.</p>
3	FORMAL ACTIONS REQUIRING AIRPORT COMMISSION APPROVAL(S)	TIMING
	<p>PM/CM Action Item: Send your full Airport Commission package (agenda/blue sheet, Memorandum, and Resolution) to your assigned BPEA staff, who will review it to make sure that it satisfies Chapter 31 requirements, including public notification requirements on the Commission agenda. <u>Please ensure the provided Chapter 31 language is not deleted or modified during reviews and routing of your Airport Commission package.</u></p> <p>[SAMPLE AIRPORT COMMISSION PACKAGE ON NEXT PAGE]</p>	<p>Notify BPEA prior to full routing of Commission package</p>

¹ This memo guidance does not apply to projects with stand-alone environmental reviews (i.e., Negative Declaration and Environmental Impact Report). BPEA staff will insert language for you. Do not use this template for Negative Declarations and EIRs.

3	FORMAL ACTIONS REQUIRING AIRPORT COMMISSION APPROVAL(S) (CONTINUED)	TIMING
	<p>AGENDA SHEET SUMMARY OF ITEM:</p> <p>Please add the following stand-alone paragraph at the end of the summary.</p> <p>This action constitutes the Approval Action for the Project for purposes of the California Environmental Quality Act, pursuant to Section 31.04(h) of the San Francisco Administrative Code.</p> <p>MEMORANDUM</p> <p>Include the following paragraph before the “Recommendation” paragraph:</p> <p><u>Environmental Review:</u></p> <p>On October 6, 2022, the San Francisco Planning Department, Environmental Planning Division, has determined that the 2023 Lease and Use Agreement is exempt from review under the California Environmental Quality Act (“CEQA”) (Public Resources Code Section 21000, <i>et seq.</i>) and Section 15061(b)(3) of the CEQA Guidelines as a common sense exemption. This exemption determination is available on the Planning Department’s website (Planning Department File No. 2022-009712ENV). This action constitutes the Approval Action for the 2023 Lease and Use Agreement for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.</p> <p>RESOLUTION</p> <p>RESOLUTION RECITALS:</p> <p>....</p> <p>WHEREAS, on October 6, 2022, the San Francisco Planning Department, Environmental Planning Division determined that the 2023 Lease and Use Agreement is exempt from review under the California Environmental Quality Act, (Public Resources Code section 21000, <i>et seq.</i>) (“CEQA”), CEQA Guidelines §15061(b)(3) exemption as a common sense exemption, and Chapter 31 of the San Francisco Administrative Code (Planning Department File No. 2022-009712ENV); now, therefore, be it</p> <p>RESOLVED, that the Commission hereby affirms and incorporates by reference the Planning Department’s determination that the Project is exempt from review under CEQA; and, be it further</p> <p>RESOLVED, that the Commission hereby authorizes the _____</p>	

ATTACHMENT A

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
COMMON SENSE EXEMPTION
SAN FRANCISCO PLANNING DEPARTMENT,
ENVIRONMENTAL PLANNING DIVISION**



CEQA Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
SFO: 2023 Lease and Use Agreement		
Case No.		Permit No.
2022-009712ENV		
<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 enter into a new 2023 Lease and Use Agreement between the San Francisco International Airport and airlines for a term of 10 years, and to update standard legal provisions. The existing lease and use agreement expires June 30, 2023. There would be no physical expansions or modifications to SFO facilities as a result of the proposed project.</p> <p>Approval Action: Airport Commission Approval to execute 2023 Lease and Use Agreement</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 type="checkbox"/>	Other _____
<input checked="" 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"/>	Common Sense Exemption: No further environmental review is required. The project is exempt under CEQA. It can be seen with certainty that there is no possibility of a significant effect on the environment.	
	Project Approval Action: Airport Commission Approval to Execute Agreement	Signature: Don Lewis 10/06/2022
	Once signed or stamped and dated, this document constitutes a n exemption pursuant to CEQA Guidelines and Chapter 31of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination to the Board of Supervisors can only be filed within 30 days of the project receiving the approval action.	

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 to the Environmental Review Officer within 10 days of posting of this determination.	
Planner Name:	Date: