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CEQA EIR APPEAL

Supplemental Appeal Response

SFO Recommended Airport Development Plan (RADP)

Date:	February 2, 2026
To:	Angela Calvillo, Clerk of the Board of Supervisors
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RE:	**Board File No. 251277** **Planning Record No. 2017-007468APL** **Appeal of Environmental Impact Report Certification for SFO RADP**
Hearing Date:	February 3, 2026
Project Sponsor:	Audrey Park, SFO, (652) 821-7844
Appellant(s):	Rick W. Jarvis with Jarvis Fay LLP on behalf of the City of Palo Alto

This memorandum provides responses to the January 23, 2026 supplemental appeal letter submitted to the board of supervisors (board) regarding the planning commission's certification of the final environmental impact report (FEIR) under the California Environmental Quality Act (CEQA) for the proposed SFO Recommended Airport Development Plan (RADP). The numbering of the responses continues the numbering from the department's January 26, 2026 appeal response to the December 19, 2025 appeal letter (first appeal response).

Supplemental Responses

Response 11: This CEQA appeal constitutes an improper use of CEQA and contravenes the state legislature's explicit directive that CEQA not be used for reasons unrelated to environmental protection.

Section 2(c) of Senate Bill (SB) 131, which was approved by Governor Newsom on June 30, 2025, sets forth the state legislature's directive that:

> "CEQA should **not** be used primarily for **economic interests**, to **stifle competition**, to **gain competitive advantage**, or **to delay a project for reasons unrelated to environmental protection**." (Emphasis added.)

In their supplemental appeal letter, the appellant makes it clear that they filed this CEQA appeal for reasons related to existing aircraft noise, rather than the project's environmental impacts. Specifically, the appellant states, in their January 23, 2026 supplemental appeal letter, that they "**reluctantly**" filed this appeal to ensure that "SFO adequately analyzes **noise impacts from flights arriving at SFO, including impacts on Palo Alto residents**." (Emphasis added.) The appellant further explains at length that their concerns stem from existing conditions stemming from the Federal Aviation Administration's (FAA) implementation of the NexGen Performance-Based Navigation program in the Northern California Metroplex in 2015, which modified certain flight paths over the City of Palo Alto. These conditions are entirely unrelated to the RADP studied in the FEIR.

As discussed throughout the FEIR, as well as the department's January 26, 2026 appeal response, the project would have no impacts related to aircraft noise or paths. This is because implementation of the project would not alter aircraft operations, flight paths, or aircraft noise emissions. The FAA retains exclusive authority over the designation or modification of aircraft flight paths, and neither SFO, nor the City and County of San Francisco, has jurisdiction over such matters.

Based on the language in the supplemented appeal letter, it appears that the appellant filed their appeal to gain leverage in their ongoing requests to SFO regarding FAA action taken in 2015. Because the project would not result in changes to aircraft operations, paths, or noise emissions, the appellant's reliance on CEQA to raise concerns regarding FAA flight path modifications is inconsistent with the Legislature's explicit directive that CEQA not be used to delay or challenge projects for reasons unrelated to environmental protection.

Response 12: The appellant disregards substantial evidence that the RADP would not induce passenger demand or aircraft operations at SFO. The appellant has not provided substantial evidence demonstrating otherwise.

As discussed throughout the FEIR, as well as the department's January 26, 2026 appeal response and Response 11 above, implementation of the project would not induce increases in passenger demand or aircraft operations at SFO.

Airports are unique transportation facilities whose operations are highly regulated by federal agencies, including the FAA. As explained in Appendix C to Draft EIR (DEIR), Airport Facilities to Accommodate Aviation Demand, runway capacity is the primary factor that limits the number of aircraft that can take off and land at SFO. Because the project would not alter the runway capacity, it would not induce additional passenger demand or aircraft operations at SFO.

Air travel demand is driven by the following factors:

- Population and economic conditions, which determine how many people wish to or need to fly; and
- Airline business decisions, including routes, ticket prices, and schedules, disposable income, geographic attributes, and fuel costs.

The RADP is designed to enhance passenger comfort levels and operational efficiency for the number of passengers and flights that SFO can already accommodate. Even without the RADP projects, airlines would continue to operate the same number of flights to meet demand, resulting in these operations occurring in

more crowded and less comfortable facilities. The RADP projects are intended to help maintain an acceptable level of service for the forecast demand that the existing runways can support.

SFO's stated goal of becoming "the premier long-haul and international gateway of choice" as referenced in Appendix C to FEIR is focused on enhancing the quality of service, rather than increasing passenger demand or aircraft operations beyond the capacity of the existing runways. Appendix C states the RADP "reflects" or is consistent with the SFO goal, but does not assert or imply that the RADP is designed to increase passenger demand or aircraft operations at SFO.

The FEIR's assumption that the project would not induce passenger demand or aircraft activities at SFO is supported by substantial evidence in the record and is generally consistent with how passenger projections are developed in the aviation field. The appellant has not provided any substantial evidence demonstrating otherwise. Rather, the appeal reflects a disagreement with the department's responses to the appellant's previous comments, which does not constitute a basis for recirculation under CEQA.

Response 13: The Appellant misstates the law regarding the use of environmental baselines under CEQA. The EIR's use of existing (2019) and future 2045 baselines for specific analysis scenarios complies with CEQA.

Contrary to the appellant's assertion, as explained in DEIR Section 1.A.2, CEQA Guidelines section 15125 allows lead agencies to evaluate project impacts using both existing and future baselines when doing so provides the most meaningful framework for evaluating a project's environmental impacts and the use of an existing baseline alone (e.g., environmental conditions at the time of the issuance of the Notice of Preparation) is misleading to the public and decisionmakers.

The RADP is a major, long-term capital facilities plan with an anticipated construction and implementation period of 20 years, extending through 2045. For this reason, comparing the RADP's air quality, noise, and transportation operational impacts against a future (2045) baseline provides a realistic and informative assessment of the project's incremental effects.

The FEIR presents information concerning total aircraft operations and passengers anticipated to be accommodated at SFO in the future. Section S.2, page S-1, in the Summary states that SFO is anticipated to accommodate 506,000 annual aircraft operations and approximately 71.1 million passengers given the current runway and airfield constraints at SFO. This information is repeated throughout the EIR, including in Section 1.A.2 on page 1-3, Section 2.G.2 on pages 2-15 through 2-17, Chapter 3 on page 3-4, Chapter 3C on page 3.C-9, and in more detail in Appendix C. Page 3.C-9 of the FEIR states, "This future baseline includes the anticipated regional land use, population, and employment growth; the approximately 71.1 million annual passengers at the Airport based on the estimated capacity of the existing runways; and the future projections of Airport employment through 2045, not including subsequent projects that could occur with implementation of the RADP."

Page 3.B-4 of the FEIR states that the primary noise sources consist of aircraft operations and vehicle traffic on U.S. 101 and airport roadways, which would not change in the future. As also stated in the FEIR, ambient noise measurements, which included aircraft noise, were used to document the existing noise environment. Table 2-1 on page 2-17 of the FEIR documents that SFO accommodated 470,164 total annual aircraft operations in 2018, which represents 93 percent of the maximum capacity of SFO (506,000 total annual

aircraft operations). Because the RADP would not cause an increase or change in aircraft operations, it would have no effect on aircraft noise.

While it would be speculative to describe a future baseline with respect to volumes of aircraft - in terms of specific environmental impacts - that would be experienced at SFO in 2045, the EIR's limited use of future baseline for those technical topics (such as operational air quality, noise, and transportation) focuses specifically on impacts that would be attributable to implementation of the RADP and not on other impacts that the RADP would not influence. Since nothing in the RADP would change future aircraft and passenger activities, aircraft operations were considered as part of the future baseline but were not assessed in terms of impact analysis.

This approach enables the public and decisionmakers to evaluate the RADP in the context of reasonably foreseeable regional population and employment growth that would occur irrespective of implementation of the RADP.

By contrast, the appellant's recommended approach - comparing the RADP's impacts against existing (2019) conditions for these topics – would be misleading to the public and decisionmakers. This is because the use of a 2019 baseline could inaccurately suggest that:

- Regional population and employment growth by 2045 will not occur absent the RADP; and
- Most environmental impacts anticipated by 2045 will come from the RADP projects, rather than from broader regional population and employment growth.

Further, as the appellant points out in their supplemental appeal letter, CEQA prohibits lead agencies from using hypothetical or speculative future baselines conditions for impact analysis, such as future baselines invented based on speculative assumptions regarding aircraft noise or air quality emissions at SFO. Thus, the EIR, which presents future baseline conditions where required by CEQA and does not present speculative future baseline conditions, complies with CEQA.

For construction impacts and operational impacts related to environmental topics other than air quality, noise, and transportation, the FEIR appropriately uses existing (2019) conditions as a baseline. For these topics, there is no substantial evidence indicating that the physical environmental conditions that existed in 2019 as presented in the FEIR would change in the future in a way that would substantially change the magnitude and nature of physical environmental impacts resulting from the implementation of the RADP.

In summary, the department appropriately employed two baselines in the FEIR to provide the public and the decisionmakers with conservative yet reasonable estimates of the project's environmental impacts.

Conclusion

For the reasons stated above and in the SFO FEIR and the January 26, 2026 appeal response, the FEIR complies with the requirements of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, and provides an adequate, accurate, and objective analysis of the potential impacts of the proposed project. The appellant has not demonstrated that the planning commission's certification of the FEIR was not supported by substantial evidence in the record. Therefore, the department respectfully recommends that the board uphold the planning commission's certification of the FEIR and deny the appeal.