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Via Email
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January 23, 2026

Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Re: File No. 251277 – City of Palo Alto's Appeal of California Environmental Quality Act (CEQA) Certification of FEIR for SFO Recommended Airport Development Plan (RADP) Project, Case No. 2017-007468ENV

Appeal Hearing Scheduled for **Tuesday, February 3, 2026, 3:00 p.m.**

Dear Clerk of the Board of Supervisors:

The City of Palo Alto (Palo Alto) hereby submits this additional documentation in support of its appeal in the above-referenced matter, for consideration by the Board of Supervisors.

Preliminary Statement

The City of Palo Alto reluctantly pursues this CEQA appeal of SFO's Recommended Airport Development Plan (RADP). Palo Alto would much prefer to devote its energy toward a collaborative resolution with SFO over its noise and other environmental concerns, including permanent, continuous noise monitoring in Palo Alto and implementation of limited reasonable (and realistic) operational changes to mitigate noise impacts suffered by Palo Alto residents. After Palo Alto filed its appeal letter on December 19, it attempted to schedule a meeting with SFO management. Those attempts were not successful, leaving Palo Alto with no choice but to pursue the present appeal. Palo Alto remains open to a continuance of the February 3 hearing to allow time to discuss a resolution of its concerns without the appeal hearing.

Introduction

The San Francisco International Airport (SFO) is proposing adoption of the Recommended Airport Development Plan (RADP), which plans for development of extensive future projects at SFO, including a new terminal with up to thirteen new passenger gates (Boarding Area H) and multiple improvements to other existing terminals, plus new parking and rental car facilities, and other facilities to accommodate long term aircraft operations and passenger activity, all of which

will help SFO accommodate an estimated 506,000 annual aircraft operations (a 7.7% increase from the 2018 pre-COVID peak of 470,164 operations) and 71.1 million annual passengers.

While SFO has prepared a Final Environmental Impact Report (FEIR) for the RADP, that FEIR does not comply with the requirements of the California Environmental Quality Act ("CEQA"). Specifically, it fails to adequately analyze (or even disclose) the increased noise and air quality impacts that will occur from the substantial increase in flights that the RADP is intended to accommodate and facilitate. Rather, it takes the remarkable position that the RADP's proposed improvements to SFO will not actually cause any increase in future flight operations and that those increases will occur regardless of whether any of these improvements are constructed. The FEIR does not analyze the project's impacts against existing conditions and, without explaining why existing conditions would be misleading or without informative value to the public, the FEIR artificially assumes that the project baseline are the conditions that will exist at SFO in the year 2045, by which time it assumes that SFO will be operating at maximum projected capacity (506,000 annual operations and 71.1 million passengers). It thus limits its analysis of the RADP's impacts regarding noise and air quality to an artificial comparison of 2045 conditions with and without the RADP's improvements being constructed. (But, as further explained below, it does not even actually perform THAT analysis – the FEIR actually contains NO information as to what the 2045 noise baseline will even be and almost no information as to the 2045 air quality baseline.)

Palo Alto is thus appealing the November 20, 2025, decision of the San Francisco Planning Commission to certify the FEIR. Moreover, on December 16, 2025, the San Francisco Airport Commission prematurely approved the RADP, before the Planning Commission's decision became final, in violation of both CEQA and applicable provisions of the San Francisco Administrative Code. The Airport Commission is obligated to rescind that premature approval and defer further action until after the Board of Supervisors resolves the pending CEQA appeal.

A. Palo Alto residents suffer distinct noise impacts from SFO arrivals under recent FAA procedures

Palo Alto is particularly interested in ensuring that SFO adequately analyzes noise impacts from flights arriving at SFO, including impacts on Palo Alto residents. The attached analysis prepared the Concerned Residents of Palo Alto demonstrates the following:

Beginning in 2015, the FAA implemented NextGen Performance-Based Navigation in the Northern California Metroplex, and in particular the Bay Area, replacing radar-directed routes with precise, satellite-based routes called RNAVs, eliminating some arrival routes, and reducing the in-trail spacing between two aircraft on the same route. All these changes affected where airplanes flew, and especially which arrival route they used to reach SFO.

In Palo Alto, a unique convergence of 3 SFO arrival routes (including 2 RNAV routes), combined with lower altitudes, new speed requirements, and other Metroplex changes fundamentally changed how many, how often, and how loudly aircraft fly over Palo Alto for over ten years now.

As part of these NextGen changes in the Bay Area, the FAA:

- **Reshaped the SFO Class B airspace** allowing aircraft to fly lower over Palo Alto, which increases noise because planes are closer to the ground. In addition, because of new speed requirements over Palo Alto, planes are now using speed brakes, flaps, and engine power changes that produce noise.

- **Introduced two new RNAV arrival routes,** SERFR in 2015 and PIRAT in 2019, that directly affected Palo Alto. These RNAV routes are flown precisely and narrowly in a 0.2-mile corridor, rather than being previously dispersed over a 3-mile or wider corridor. Furthermore, the new route designs changed ground tracks and require pilots to deploy flaps and apply speed brakes over Palo Alto instead of over the Bay, thus creating new noise on the ground.

- **Established a new, lower altitude, major convergence point over Palo Alto for 3 SFO arrival routes over the Peninsula** by replacing the 5,000 ft MENLO waypoint near US 101 and the Dumbarton Bridge with the 4,000 ft SIDBY waypoint over the Eleanor Pardee Park in Palo Alto.

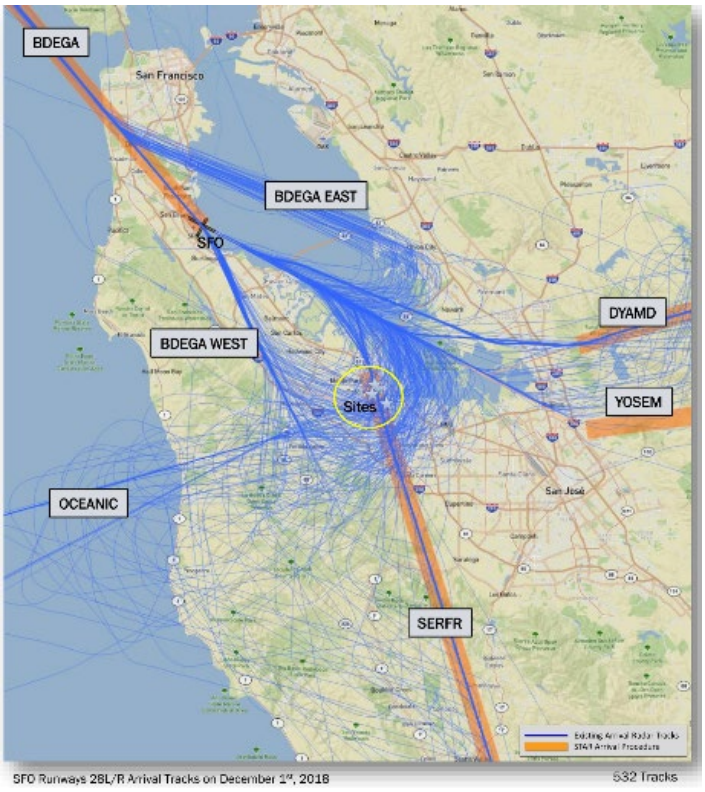
In addition, the growth in SFO traffic compounded the NextGen effects. As shown on the visuals below, SFO arrivals increased 46.6% between 2013 and 2019.

As a result, aircraft that once flew across a broad area are now locked into very narrow corridors, flying the same exact paths over the same Palo Alto residential neighborhoods, many times each day, often less than 2 minutes apart, at all hours of the day except between 1am and 4am unless weather conditions cause delays. Palo Alto is uniquely affected because the FAA selected SIDBY as the convergence point for 3 SFO arrival routes that account for over 50% of SFO, which translates into 250 to 350 SFO arrivals per day depending on the season and weather conditions.

In short, in addition to SFO traffic increase, NextGen not only added flights through a different route usage but also concentrated arrival flights over Palo Alto, lowered them, and made them louder, creating persistent and repeated noise impacts that are not experienced in the same way by neighboring cities away from SFO. Additional SFO growth will further intensify impacts over Palo Alto.

The following visuals show how SFO arrivals have affected Palo Alto:

- **3 major arrival routes intersect over Palo Alto:** SERFR (south arrivals), BDEGA WEST (north arrivals), and OCEANIC (west arrivals), which became PIRAT RNAV in 2019. The graph displays the ground tracks of SFO arrivals for one day December 1, 2018 (source: SFO Report #2019-007 by BridgeNet. The circled area represents Palo Alto. The 4 stars in the circled area represent 4 SFO temporary noise monitors.



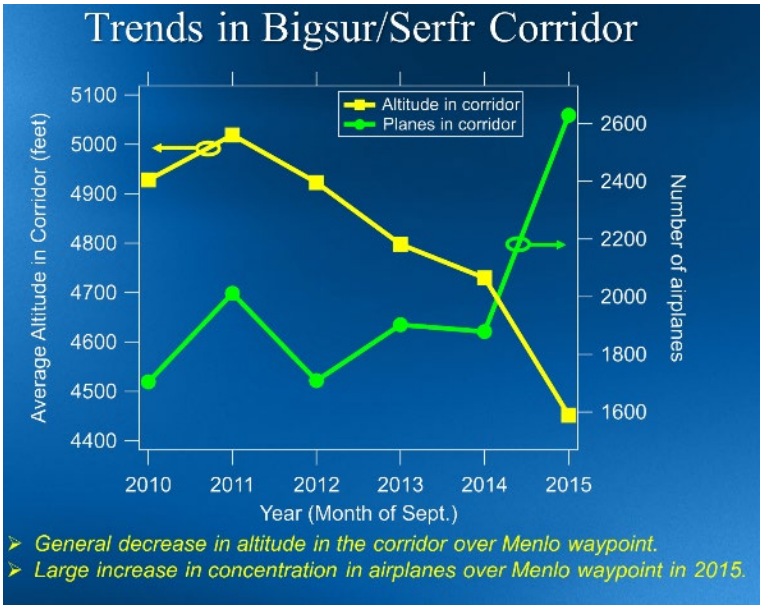
- **While SFO traffic went down 3% in 2015, the number of planes over the MENLO waypoint increased by about 40%.**

    - As part of NextGen, the FAA stopped using the MENLO waypoint near US 101 and the Dumbarton Bridge and used the new SIDBY waypoint over Eleanor Pardee Park in Palo Alto.

    - MENLO was a waypoint near US 101 and the Dumbarton Bridge at 5,000 ft over East Palo Alto. MENLO was used by the BSR (Big Sur) SFO arrival route before BSR was replaced by the SERFR RNAV arrival route. Originally SERFR used MENLO at 4,000 ft, which was later replaced by the SIDBY waypoint at 4,000 ft.

- SFO traffic went down from 32,954 operations in September 2014 to 31,900 operations in September 2015 (source: SFO Airport Director's Reports).

- In contrast, and as shown on the graph below, 2600 planes in September 2015 overflew the MENLO waypoint while only 1600 planes overflew the MENLO waypoint increased by about 40% from September 2014 to September 2015: As shown by the green line in the graph, over 2,600 planes in September 2015 overflew MENLO while fewer than 1,850 planes overflew MENLO in September 2014 (Source: Sky Posse Los Altos and Palo Alto 2016).

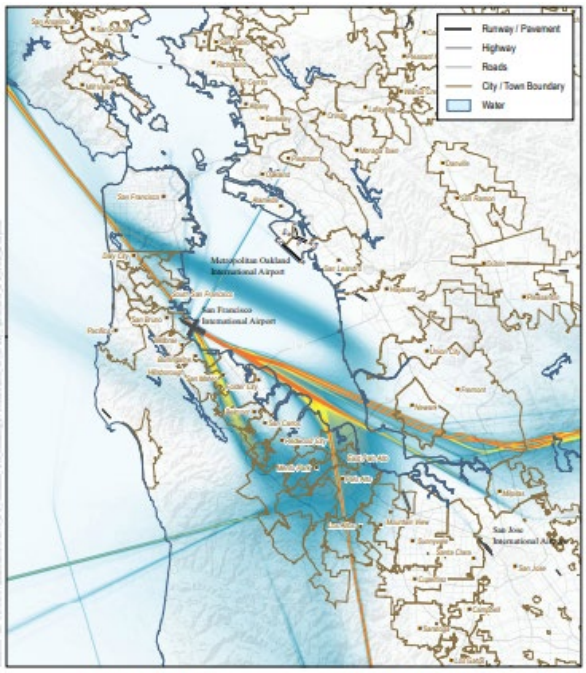


- **SFO arrivals increased 46.6% between 2013 and 2019.** There were 154,435 SFO arrivals in 2013 and 226,338 SFO arrivals in 2019 (source: SFO report 2021). In addition, as shown on the graphs, the number of planes and concentration over Palo Alto drastically increased:

  - The 2013 graph shows one narrow corridor over Palo Alto (SERFR) while 2019 shows 2 narrow corridors (SERFR, PIRAT) intersecting over Palo Alto. In addition, BDGA-West arrivals became concentrated and more numerous over the Peninsula.

  - Additionally, 2013 graph shows a low flight density blue zone over Palo Alto (based on a scale of 154,435 flight tracks) while the 2019 graph shows a medium flight density yellow zone over Palo Alto (based on a scale of 226,338 flight tracks).

- Overall, the 2013 graph shows a low flight density blue zone over Palo Alto (based on a scale of 154,435 flight tracks) while the 2019 graph shows a medium flight density yellow zone over Palo Alto (based on a scale of 226,338 flight tracks). Going from a blue density zone on a lower scale to a yellow density zone on a higher scale indicates a substantial increase in SFO arrival traffic over Palo Alto. In addition, what is not shown on the slides is that this drastic increase in the number of flights over Palo Alto took place at low altitudes around 4,000 ft and that early speed brakes and flap deployment routinely occurs over Palo Alto because of poor FAA design decisions upstream.



B. The RADP FEIR's purported use of a 2045 baseline to analyze future noise and air quality impacts violates CEQA

While acknowledging that the purpose of the RADP is to accommodate a substantial future growth in airline operations at SFO, the FEIR declines to disclose the noise and air quality impacts that will result from such growth. Rather, the FEIR insists that the RADP improvements will not actually cause ***any*** increase in air traffic at SFO and that such increases will occur regardless of any of the RADP improvements (even regardless of whether SFO constructs an additional terminal with up to a net increase of eight to thirteen new passenger gates). However, CEQA mandates that EIRs analyze environmental impacts based on existing conditions (referred to as the current baseline) or justify the use of future conditions as the baseline with substantial evidence that existing conditions would be either misleading or without informative value to decision-makers and the public. The RADP FEIR fails to provide this justification while taking the extremely unusual approach of using the year 2045 as its baseline for analysis of noise, air quality, and traffic impacts – or at least it purports to. In taking this approach, the FEIR violates CEQA in several respects, including the following:

1. Even assuming that the FEIR could properly use the year 2045 as the baseline for analysis of the RADP's noise and air quality impacts, it violates CEQA by failing to actually disclose what those baseline conditions will be.

As discussed further below, the FEIR violates CEQA by analyzing the RADP's environmental impacts based on a baseline of "existing" environmental conditions that is twenty years in the future. But even assuming this approach was proper, the FEIR does not include any information as to what baseline noise conditions will be in the year 2045, and it includes almost no information as to what baseline air quality conditions will be in that year.

In the FEIR's chapter on "Noise and Vibration," its discussion of Existing Conditions ONLY discusses noise conditions that exist in the 2019-2023 timeframe. (See DEIR, pp. 3.B-4 through 3.B-11.) For example, Table 3.B-2 only discloses noise monitoring results as measured in 2019 (with a few measurements from 2021 and one from 2023). But it includes NO data or estimates as to what noise conditions will actually be in the year 2045. The FEIR's noise analysis thus fundamentally FAILS to contain the basic information that it would need to conduct a baseline analysis of year 2045 conditions. Its discussion of "Noise Impacts from Aircraft Noise" is limited to a two-paragraph qualitative discussion that includes no information of what aircraft noise will be in the year 2045. (DEIR, p. 3.B-55.) And its discussion of cumulative noise impacts only discusses noise from construction equipment, vehicular traffic, and noise from RADP improvements themselves, with no mention of noise from aircraft in the year 2045 (the proverbial elephant in the room). (DEIR, pp. 3.B-58 through 3.B-60.) Nor is any such information included in the DEIR's Noise Technical Appendix, which solely discusses "Existing" noise levels as of 2019-2023, with no discussion of anticipated cumulative 2045 noise levels. (See, e.g, DEIR, Appendix F, at pp. 7-13.) As with the DEIR chapter itself, Appendix

F's discussion of "2045 Future Baseline" conditions is limited to construction and traffic noise with no mention of aircraft noise levels. (DEIR, Appendix F, at pp. 41-45.)

Likewise, the FEIR's chapter on Air Quality only discusses the existing air quality conditions based on data from 2019-2023, and makes no attempt to estimate or otherwise disclose the purported 2045 baseline conditions. (See, DEIR pp. 3.C-2 through 3.C-15.) The only exception is that, under its analysis of cumulative conditions, Table 3.C-18 of the chapter does (at least) include limited information as to some future estimated PM2.5 and cancer risks in the year 2045 (DEIR, p. 3.C-79), but without any discussion of any other air quality metrics in 2045, and certainly no discussion of air quality impacts from the future increase in flights.

By comparison, the DEIR's chapter on Transportation and Circulation actually does devote seven pages to a description of the "2045 Future Baseline without RADP Conditions." (See DEIR, pp. 3.A-13 through 3.A-19.) The lack of an equivalent description of 2045 future baseline conditions in the noise and air quality chapters is a fatal flaw in the FEIR's purported attempt to use the year 2045 as its baseline for analysis of noise and air quality impacts.

2. <u>In any event, the FEIR's purported use of the year 2045 as its purported baseline for analysis of noise and air quality impacts violates CEQA</u>.

"In determining whether a project's impacts are significant, an EIR ordinarily compares those impacts with existing environmental conditions, which are referred to as the 'baseline' for the impact analysis." (Kostka & Zischke, Practice Under the California Environmental Quality Act, § 12.19.) "A long line Court of Appeal decisions holds … that the impacts of a proposed project are ordinarily to be compared to the actual environmental conditions existing at the time of CEQA analysis, rather than to allowable conditions defined by a plan or regulatory framework." (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 320-321 [citing many cases as well as CEQA Guidelines § 15125, subd. (a)].) The Supreme Court has emphasized that "the baseline for CEQA analysis must be the existing physical conditions in the affected area," that is, the real conditions on the ground, rather than the level of development activity that *could or should* have been present according to a plan or regulation." (*Id*., at 321, internal quotations and citations omitted.) In other words, the FEIR should have analyzed the operational impacts of the RADP against present-day conditions, and not hypothetical conditions presumed to exist in the future.

Indeed, by conducting its environmental analysis based on what may occur in the future, the FEIR violates section 15125, subdivision (a)(3), of the CEQA Guidelines, which mandates: "***An existing conditions baseline shall not include hypothetical conditions, such as those that might be allowed, but have never actually occurred, under existing permits or plans, as the baseline.***"

The FEIR seeks to justify its use of the year 2045 as the baseline under subdivision (a)(2) of section 15125 of the CEQA Guidelines, which states: "A lead agency may use projected future

conditions (beyond the date of project operations) baseline as the sole baseline for analysis only if it demonstrates with substantial evidence that use of existing conditions would be either misleading or without informative value to decision-makers and the public. Use of projected future conditions as the only baseline must be supported by reliable projections based on substantial evidence in the record."

To support its use of 2045 as the baseline, Appendix C of the DEIR includes a discussion arguing that future growth in use of SFO is primarily constrained by its runway system capacity and weather conditions (e.g. fog), and that future development of the RADP improvements will not themselves impact future growth in use, but rather will only accommodate such future uses at a better level of service. But its assertion that the RADP improvements will play no role in encouraging both airlines and passengers to make greater use of SFO remains unsupported. Indeed, its analysis admits that the purpose of the RADP is to make SFO "the premier long-haul and international ***gateway of choice***, … [thereby] facilitating the economic growth of the San Francico Bay Area …." (DEIR, Appendix C, at p. 29.) This verbiage expressly recognizes that SFO expects future users to ***choose*** to make greater use of its airport, thereby contributing to an increase in flight activity. Additionally, the analysis relies on inapposite federal case authorities that were *not* decided under CEQA (but rather addressed federal NEPA law), which included language suggesting that, in some circumstances, an airport's development of terminal improvements would not necessarily cause a growth in airline usage. But even those federal cases upon which the DEIR relies expressly recognize that terminal improvements ***do*** have ***some*** potential effect on increased usage of airports. (See, e.g., *City of Los Angeles v. F.A.A.* (1998) 138 F.3d 806, 808 ["In any event, the FAA doesn't say that modernizing the terminal will have *no* effect on usage. If congestion in the terminal gets bad enough, some passengers might switch airports."].) The FEIR fails to include substantial evidence to support its counter-intuitive conclusion that the RADP improvements will have no foreseeable impact on future increases in flights at SFO.

C. <u>The Airport Commission must set aside its premature approval of the RADP</u>.

On December 16, 2025, the San Francisco Airport Commission ***has already approved the Airport Development Plan*** in apparent reliance upon the Planning Commission's November 20, 2025, certification of the FEIR, even though that certification is not final and is still subject to the present appeal. In so doing, the Airport Commission has further violated provisions of CEQA that mandate that EIRs be subject to certification by elected officials before they become final. (See CEQA Guidelines § 15090, subdivision (b).) The Airport Commission has likewise violated Section 31.16, subdivision (b)(3) of the San Francisco Administrative Code, which prohibits commissions from approving projects subject to an EIR before administrative appeals of the certification of such EIRs have been resolved. The Airport Commission is thus obligated to set aside its December 16, 2025, approval of the RADP and defer further action until this appeal is resolved.

Conclusion

Again, Palo Alto regrets having to pursue the present appeal and would be happy to meet with SFO representatives to discuss a cordial resolution of it that would avoid action by the Board of Supervisors, if there is interest in continuing this appeal hearing to a later date. But, in the absence of such negotiations, Palo Alto respectfully urges the Board of Supervisors to set aside the Planning Commission's certification of the RADP FEIR, and requests that the Commission likewise set aside its premature approval of the RADP.

Very truly yours,

JARVIS FAY LLP

Rick W. Jarvis

Encl: "Why Palo Alto Experiences Distinct Arrival Noise Impacts Under New FAA Procedures"

c (via email):
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Concerned Residents of Palo Alto

AICA
AVIATION-IMPACTED COMMUNITIES ALLIANCE

Why Palo Alto Experiences Distinct Arrival Noise Impacts Under New FAA Procedures

What Changed for Palo Alto and Why It Matters

Beginning in 2015, the FAA implemented NextGen Performance-Based Navigation in the Northern California Metroplex, and in particular the Bay Area, replacing radar-directed routes with precise, satellite-based routes called RNAVs, eliminating some arrival routes, and reducing the in-trail spacing between two aircraft on the same route. All these changes affected where and how airplanes flew, and especially which arrival route they used to reach SFO.

In Palo Alto, a unique convergence of 3 SFO arrival routes (including 2 RNAV routes), combined with lower altitudes, new speed requirements, and other Metroplex changes fundamentally changed how many, how often, and how loudly aircraft fly over Palo Alto for over ten years now.

As part of the NextGen changes in the Bay Area, the FAA:

- **Reshaped the SFO Class B airspace** allowing aircraft to fly lower over Palo Alto, which increases noise because planes are closer to the ground.
- **Introduced two new RNAV arrival routes** (SERFR in 2015 and PIRAT in 2019) causing more flights over the same Palo Alto neighborhoods resulting in more aircraft noise. These 2 RNAV routes are flown precisely and narrowly in a 0.2-mile-wide corridor, rather than being previously dispersed over a 3-mile or wider corridor. Furthermore, the FAA made poor design decisions that resulted in more noise than expected because the new routes require pilots to deploy flaps, apply speed brakes, or increase engine power to maintain air speed or altitude over Palo Alto instead of over the Bay. Such maneuvers create a lot of additional noise on the ground.
- **Established a new, lower altitude, major convergence point over Palo Alto for 3 SFO arrival routes over the Peninsula** by replacing the 5,000 ft MENLO waypoint near US 101 and the Dumbarton Bridge with the 4,000 ft SIDBY waypoint over the Eleanor Pardee Park in Palo Alto.

In addition, the **growth in SFO traffic compounded the NextGen effects**. As shown on the visuals below, **SFO arrivals increased 46.6% between 2013 and 2019**.

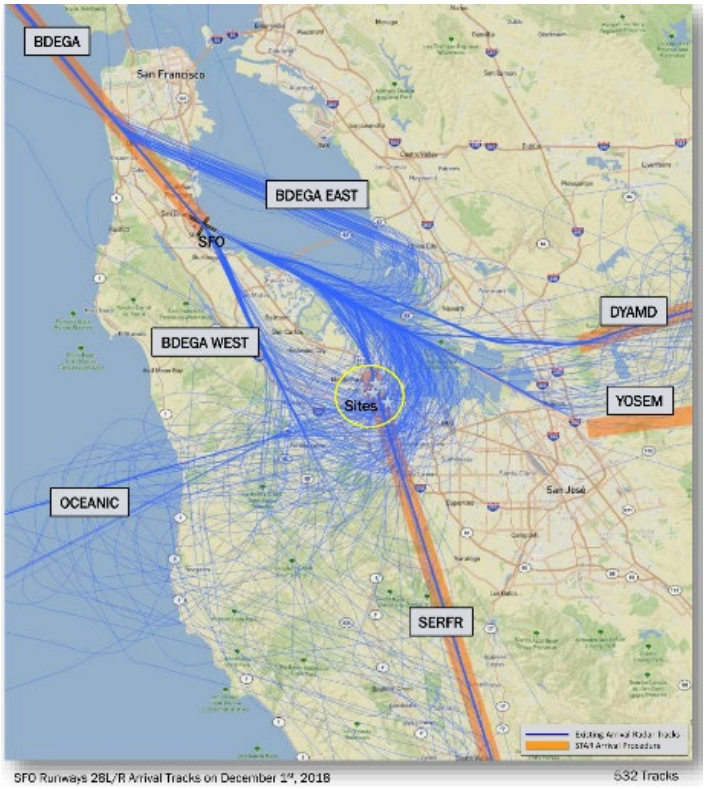
As a result, aircraft that once flew across a broad area are now locked into very narrow corridors, flying the same exact paths over the same Palo Alto residential neighborhoods,

hundreds of times each day, often less than 2 minutes apart, at all hours of the day except between 1am and 4am unless weather conditions cause delays. Palo Alto is uniquely affected because the FAA selected SIDBY as the convergence point for 3 SFO arrival routes that account for over 50% of SFO, which translates into 250 to 350 SFO arrivals per day depending on the season and weather conditions.

In short, NextGen not only added flights through a different route usage but also concentrated arrival flights over Palo Alto, lowered them, and made them louder, creating persistent and repeated noise impacts that are not experienced in the same way by neighboring cities away from SFO. Simultaneously, SFO traffic growth aggravated the effects. Additional SFO growth will no doubt further intensify aircraft noise impacts over Palo Alto.

The following visuals show how SFO arrivals have affected Palo Alto:

- **3 major arrival routes intersect over Palo Alto:** SERFR (south arrivals), BDEGA WEST (north arrivals), and OCEANIC (west arrivals), which became PIRAT RNAV in 2019. The graph displays the ground tracks of SFO arrivals for one day December 1, 2018 (source: SFO Report #2019-007 by BridgeNet. The circled area represents Palo Alto. The 4 stars in the circled area represent 4 SFO temporary noise monitors.



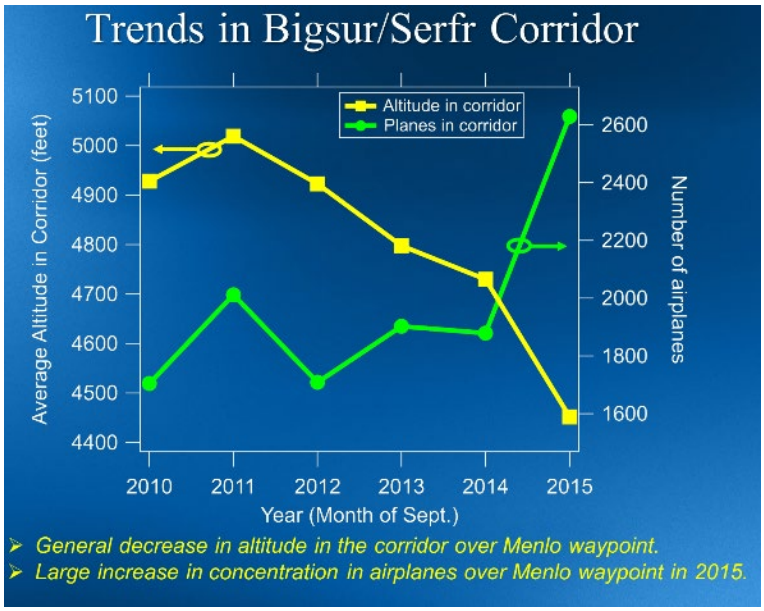
- **While SFO traffic went down 3% in 2015, the number of planes over the MENLO waypoint increased by about 40%.**
    - As part of NextGen, the FAA stopped using the MENLO waypoint near US 101 and the Dumbarton Bridge and used the new SIDBY waypoint over Eleanor Pardee Park in Palo Alto.

- MENLO was a waypoint near US 101 and the Dumbarton Bridge at 5,000 ft over East Palo Alto. MENLO was used by the BSR (Big Sur) SFO arrival route before BSR was replaced by the SERFR RNAV arrival route. Originally SERFR used MENLO at 4,000 ft, which was later replaced by the SIDBY waypoint at 4,000 ft.

- SFO traffic went down from 32,954 operations in September 2014 to 31,900 operations in September 2015 (source: SFO Airport Director's Reports), representing a 3% decrease in operations.

- In contrast, and as shown on the graph below, traffic over the MENLO waypoint increased by about 40% from September 2014 to September 2015: as shown by the green line in the graph, over 2,600 planes in September 2015 overflew MENLO while fewer than 1,850 planes overflew MENLO in September 2014 (Source: Sky Posse Los Altos and Palo Alto 2016).

- Note also the decrease in average altitude over the MENLO waypoint from over 4,700 ft in September 2014 to 4,450 ft in September 2015 (yellow line in the graph).



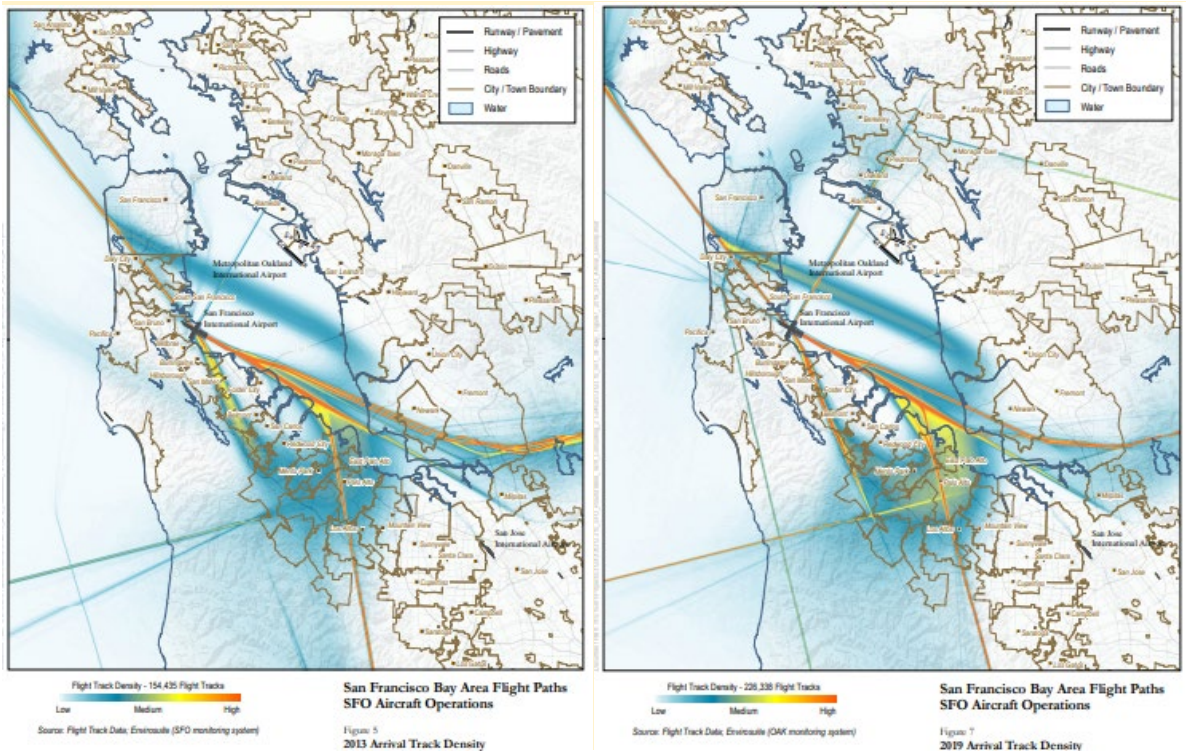
- **SFO arrivals increased 46.6% between 2013 and 2019**. There were 154,435 SFO arrivals in 2013 and 226,338 SFO arrivals in 2019 (source: SFO report 2021). In addition, as shown on the graphs below, the number of planes and concentration over Palo Alto drastically increased:

    - The 2013 graph shows **one narrow corridor over Palo Alto (BSR) while 2019 shows 2 narrow corridors (SERFR, PIRAT) intersecting over Palo Alto. In addition, BDGA-West arrivals became concentrated and more numerous over the Peninsula.**

        - BSR, SFO arrivals from the south, was replaced by SERFR in 2015.
        - OCEANIC, SFO arrivals from the west, was replaced by PIRAT in 2019.
        - BDEGA-West, SFO arrivals from the north, was concentrated through

NextGen changes.

- Overall, the 2013 graph shows a low flight density blue zone over Palo Alto (based on a scale of 154,435 flight tracks) while the 2019 graph shows a medium flight density yellow zone over Palo Alto (based on a scale of 226,338 flight tracks). **Going from a blue density zone on a lower scale to a yellow density zone on a higher scale indicates a substantial increase in SFO arrival traffic over Palo Alto.** In addition, what is not shown on the slides is that this drastic **increase in the number of flights over Palo Alto took place at low altitudes around 4,000 ft and that early speed brakes and flap deployment routinely occurs over Palo Alto because of poor FAA design decisions upstream.**



Respectfully Submitted,

Marie-Jo Fremont
Co-Founder, Concerned Residents of Palo Alto
Chief Policy Officer, Aviation-Impacted Communities Alliance (AICA)

Darlene Yaplee
Co-Founder, Concerned Residents of Palo Alto
President and Co-Founder, Aviation-Impacted Communities Alliance (AICA)