



SPECIAL MEETING AGENDA

Date: 11/9/2016
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

Mayor Pro Tem Keith will participate from the following location:
Balboa Bay Resort
1221 West Coast Highway
Newport Beach, CA 92663

6:00 p.m. Special Meeting

- A. Call To Order**
- B. Roll Call**
- C. Pledge of Allegiance**
- D. Public Comment**

Under “Public Comment,” the public may address the City Council on the subjects listed on the agenda. Each speaker may address the City Council once under Public Comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live. The City Council cannot act on items not listed on the agenda and, therefore, the City Council cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

E. Presentations and Proclamations

- E1. Presentation by SamTrans on the Dumbarton Transportation Corridor Study

F. Regular Business

- F1. Approve the introduction of an ordinance that will establish the requirement for landlords to offer 12-month leases to renters and direction to staff on a second ordinance establishing mandatory non-binding arbitration for disputes between renters and landlords and prioritization of other possible actions to address displacement ([Staff Report# 16-191-CC](#))

G. Informational Item

- G1. Update on aircraft noise reduction efforts ([Staff Report# 16-190-CC](#))

H. Adjournment

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At every Special Meeting of the City Council, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the Mayor, either before or during consideration of the item.

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STAFF REPORT

City Council

Meeting Date:

11/9/2016

Staff Report Number:

16-191-CC

Regular Business:

Approve the introduction of an ordinance that will establish the requirement for landlords to offer 12-month leases to renters and direction to staff on a second ordinance establishing mandatory non-binding arbitration for disputes between renters and landlords and prioritization of other possible actions to address displacement

Recommendation

Staff recommends that the City Council review and approve introduction of the attached ordinance which will establish the requirement for landlords to offer 12-month leases to renters and provide direction on a second ordinance establishing mandatory non-binding arbitration for disputes between renters and landlords and prioritize staff efforts on other possible actions to address displacement.

Policy Issues

This action is consistent with the direction given by the Council at the October 25th City Council Meeting to prepare these ordinances for Council review. These ordinances seek to help address the concern that Menlo Park residents may be facing displacement due to the tight regional housing market. The recommended actions are consistent with the City's commitment to improving the affordability of housing in Menlo Park through zoning for and funding the development of below market rate housing in Menlo Park.

Background

Menlo Park is experiencing the same benefits and impacts of the Bay Area's robust economy. The housing market is marked by high home values and rents. At a minimum, the cost of housing is driven by both the high demand from strong employment growth and the limited housing supply, due to a history of low housing production throughout the Bay Area and particularly in Peninsula communities. In many Bay Area communities these pressures result in a potential for the displacement of existing residents.

Unfortunately, displacement is an extremely difficult phenomenon to quantify, because there are multiple reasons why residents may choose to leave an area and there is no requirement for landlords to report rent increases or evictions. In fact, in an Almanac News article from November 4th, a representative of Community Legal Services of East Palo Alto (a non-profit group which advocates for residents) was quoted as saying that it's "functionally impossible" to get accurate information. Staff is not aware of any resource for reliable statistical evidence of displacement in a given area or local municipality. However, there is a great deal of anecdotal evidence that suggests existing residents are experiencing displacement throughout the region and a presumption that Menlo Park residents are subject to the same regional pressures. As such, the likelihood of increasing the potential of displacement has been reviewed as part of a number of project approvals. Unfortunately, since displacement is a cumulative regional impact, it is very difficult to

assign shares of the regional impact to individual projects.

At the October 25th City Council Meeting, the City Council directed staff to return with recommendations for actions that the City Council could take in the short term as well as information that could be used to prioritize possible future actions aimed at further addressing the concerns of possible resident displacement.

Staff provided the Housing Commission with information regarding the City Council's actions on October 25th at its November 2nd regular meeting. The Housing Commission expressed their willingness review and make recommendations on anti-displacement policies, which the City Council may choose to consider in the future.

When considering different policies to address displacement, it is important to note that while cities and counties continue to maintain the ability to implement local rent control laws, they must follow the parameters established in the Costa-Hawkins Rental Housing Act. At the heart of Costa-Hawkins are a number of basic rules:

1. housing constructed after 1995 must be exempt from local rent controls
2. new housing that was already exempt from a local rent control law in place before February 1, 1995, must remain exempt
3. single family homes and other units like condominiums that are separate from the title to any other dwelling units must be exempt from local rent controls
4. rental property owners must have the ability to establish their own rental rates when dwelling units change tenancy

According to the adopted 2015-2023 Menlo Park Housing Element, the City of Menlo Park contains a mixture of housing types, summarized in Table 1. Further research is necessary to determine exactly how many units in Menlo Park may be subject the proposed or other anti-displacement ordinances. In addition, approximately 830 new housing units have been approved or are under construction since the adoption of Housing Element.

Table 1: Menlo Park Housing by Type		
Housing Type	Number of Units	Percentage
Single Family Detached	7,219	55%
Single family Attached	1,051	8%
Multi-family 2 units	394	3%
Multi-family 3-4 units	1,312	10%
Multi-family 5-9 units	918	7%
Multi-family 10-19 units	787	6%
Multi-family 20+ units	1,443	11%
Total	13,124	100%

Adopted 2015-2023 Menlo Park Housing Element

Analysis

Long Term Leases

This memo recommends that the City Council approve introduction of the draft ordinance (Attachment A) which would establish the requirement for landlords to provide renters with the option of a 12-month lease. This ordinance would require landlords to notify renters of the 12-month lease option. If the City Council approves the ordinance, then staff would work with property owners, advocate groups and other stakeholders to provide necessary assistance to ensure landlords are providing this notification. According to the ordinance, this would apply to all rental units within Menlo Park with the following exemptions:

- A single-family dwelling
- Rooms or accommodations in hotels and boardinghouses which are rented to transient guests for a period of less than thirty (30) consecutive days
- Dwelling units in a condominium, community apartment or planned unit development
- Housing accommodations in any hospital, skilled nursing, health or care facility, extended-care facility, nonprofit home for the aged
- Dwelling units in which housing accommodations are shared by landlord and tenant;
- Secondary dwelling units
- Housing accommodations rented by a medical institution which are then subleased to a patient or patient's family
- Dwelling units whose rents are controlled or regulated by any government unit, agency or authority, or whose rent is subsidized by any government unit, agency or authority
- Dwelling units acquired by the city or any other governmental unit, agency or authority intended to be used for public purposes.

Staff included secondary dwelling units within the list of exemptions to be consistent with other City incentives to development these types of units, but wanted to highlight it for Council consideration.

Mandatory Non-binding Arbitration

The City Attorney has identified policy considerations, which require City Council direction, prior to the presentation of a draft ordinance. Staff will incorporate Council's feedback into a draft ordinance and return to Council in January to seek approval. The policy considerations for which staff is seeking Council feedback are listed below:

1. What types of disputes are covered by the Ordinance?

The City will need to decide when the ordinance will apply. For example, will it only apply to disputes concerning rent increases, or will it apply to any dispute between a landlord and tenant, or something in between?

The City of Palo Alto's "Mandatory Response to Request for Discussion of Disputes Between Landlords and Tenants" Ordinance ("PA Ordinance") applies to any "fact-based grievance raised by any tenant, owner, or property manager regarding the occupancy or use of rental property limited to rental rate increases, deposits, repairs and maintenance, utilities, occupants, parking and storage facilities, privacy, quiet enjoyment, or use of common areas."

Similarly, the City of Mountain View's "Rental Housing Dispute Resolution Program" ("MV Ordinance") applies to any "fact-based grievance raised by any tenant or landlord regarding the occupancy or use of a rental unit limited to rent increases over the threshold set forth in Mountain View city Code Section 43.24,

security deposits, thirty-day and sixty day notices to vacate maintenance and repairs, and service reductions, or tenants termination of a lease prior to the end of the lease term." It also provides the limitation that, "[w]ith the exception for disputes regarding security deposits, a tenant may not participate in the Rental Housing Dispute Resolution Program unless he or she is a current tenant of the rental unit."

The application of the City of Campbell's "Rental Increase Dispute Resolution" ordinance ("Campbell Ordinance") is different in that it only applies to rent increase disputes.

2. Who mediates the disputes?

The City will need to decide the appropriate mediation process. For example, when a landlord and tenant are involved in a dispute, do they lodge their complaints with the City, or with an outside third party; how will the mediation process be accomplished; will there be a designated list of mediators; what will happen if the parties are unable to resolve their dispute through the mediation process; who will pay for the fees related to the process? In any case, additional staffing will be necessary to administer and enforce this ordinance.

The MV Ordinance provides that within twenty-one (21) days of learning of the dispute, the landlord or tenant may initiate the program by filing a claim with the "administrator." The MV Ordinance defines "administrator" as the person or entity responsible for implementing the MV Ordinance. The administrator then notifies the parties that a case has been opened, providing everyone with a copy of the claim(s) and initiating the conciliation process. The MV Ordinance defines "conciliation" as a confidential telephone call or other contacts by the administrator or mediator with a landlord and a tenant for the purpose of resolving a rental housing dispute. The conciliation process must be complete within seven (7) days.

If conciliation does not resolve the dispute then one of the parties may request mediation. The administrator is permitted to combine different disputes for efficiency, provided that any party at his/her discretion may opt out of the combined mediation. The MV Ordinance defines mediation as a meeting in which the tenant and landlord have the opportunity to communicate with a mediator to resolve a rental housing dispute with confidential and neutral communications within the meaning of the California Evidence Code. If the parties reach agreement in mediation, then a written agreement is prepared, however that agreement is confidential and may not be used for any other purpose.

If mediation doesn't resolve the dispute, either party may request non-binding arbitration in writing. "Arbitration" is defined by the MV Ordinances as a hearing conducted according to generally accepted rules for arbitrating disputes in Santa Clara County, unless otherwise specified in regulations adopted pursuant to the article. The parties are required to exchange evidence they intend to introduce at arbitration no later than seven (7) days before the arbitration, and objections to the evidence are considered at the hearing. The determination of the arbitrator, with written findings of fact supporting the determination, will be mailed to the parties, but shall only be advisory, not be binding.

The PA Ordinance provides a similar process in that the first step is to file a written request to the city's facilitation administrator. A facilitation administrator has the same definition as administrator in MV Ordinance. Next, the facilitation administrator opens the case and initiates the conciliation process, which is undertaken by the facilitation administrator, other city staff or a mediator, before mediation is scheduled.

Under PA Ordinance, if it is clear that there is no substantial factual basis for the dispute, the facilitation administrator will close the dispute resolution and notify the parties in writing. The dispute resolution will also be closed if the parties agree to engage their own mediator, so long as the party who requests the mediator agrees in writing to bear all costs related to that service.

If the above doesn't occur, the facilitation administrator assigns the request to a mediator who contacts the parties to conciliate and mediate the dispute. Disputes may be combined, as under the MV Ordinance. The

mediator then determines the manner and course of the session. Participation in the mediation is mandatory but voluntary in all respects after the mediator's opening statement. If an agreement is reached it will be confidential and not enforceable for any purpose outside the dispute resolution process, unless all signatories agree.

The Campbell Ordinance first requires the tenant to make a reasonable effort to contact the property owner to resolve the dispute. If that is unsuccessful, the tenant may file a petition for conciliation and mediation with the city's designated agent. The city's conciliation process is a limited intervention in the dispute using letters and telephone and personal conversation in order to secure an agreement. If conciliation does not resolve the dispute, it will be assigned to a mediator. When the mediation does not result in an agreement, either party may request the fact finding committee to render a determination.

The fact finding committee consists of five individuals appointed by the city council, two of whom shall be tenants, two of them shall be rental property owners and one of whom shall be a neutral party and shall act as chairperson. At its discretion, the city council may appoint alternate members to the committee. A tenant member shall not participate in a proceeding involving a property owner from whom he rents, and a property owner shall not participate in a proceeding involving rental property she owns. Members shall serve without monetary remuneration.

The fact finding committee will conduct a hearing where all parties attend or by written proxy. Based on the evidence presented at the hearing, and the standards set forth in the Campbell Ordinance, the committee will make a written determination on whether the proposed rent increase is reasonable. The committee will then mail their findings to the tenant(s) and property owner. The determination of the committee shall not be binding unless agreed to by the parties.

3. *Who do the parties contact to administer the Ordinance?*

The City will need to decide how the ordinance is administered. Specifically, who will the parties contact to lodge complaints; who will provide mediation and/or other related services; who will pay for the mediation and/or other related services; how will notice of the ordinance be provided to tenants?

The PA Ordinance and MV Ordinance direct the parties to contact an "administrator" who is not specifically identified by the Ordinance. The Campbell Ordinance provides that the first person to contact is the "City's designated agent" which is the entity designated by resolution of the city council to facilitate implementation of the ordinance. A call has been placed to all cities to determine the current administrator/designated agent and this memorandum will be updated upon receipt of that information from each city.

The mediation and other services provided by PA Ordinance and Campbell Ordinance are through volunteers. It is unclear if the services provided by the MV Ordinance require payment, and if so, who pays the fees.

All of the Ordinances require the landlords to serve their tenants with a notice providing the tenant with information about the City's ordinance. Specifically, the Ordinances require landlords to provide tenants with specific notice of the ordinance to any tenant receiving notice of a rent increase and when a tenant takes possession of a rental unit. Additionally, the MV Ordinance and PA Ordinance require landlords to register each residential rental unit with the City and pay a fee to reimburse the City for the reasonable cost of maintaining property registration records and related administrative systems. Additional staffing will be necessary to administer and enforce this ordinance.

4. *What penalties are there for failure to comply with Ordinance?*

The City will need to decide what penalties to invoke, if any, against landlords and tenants who fail to participate in required mediation; and to landlords who fail to provide the required notice to tenants.

The MV Ordinance provides that failure of a landlord to participate in good faith in any of the dispute resolution alternates for a dispute involving a rent increase in excess of the threshold (7.2% increase/year) shall void the notice of rent increase for all purposes. Also, failure of a tenant to appear and participate in any step of the MV Ordinance, shall terminate the process for the affected tenant and if the dispute involves a rent increase the rent increase shall be effective as of the date stated in the notice of rent increase. It does not; however impact a landlord or tenant's right to bring action in the courts.

The PA Ordinance provides that failure to provide required notice of the Ordinance to tenants renders any rent increase notice invalid and unenforceable and provides tenants with a defense in any legal action brought by the landlord to collect rent. Further, violations under the Ordinance are punishable as infractions under the Palo Alto Municipal Code.

The penalties provided under the Campbell Ordinance include fines that increase based on the number of violations in a given year.

5. Should the Ordinance contain a sunset provision?

The City should decide if it desires to include a "sunset" provision in this ordinance. For example the MV Ordinance is set to be repealed by September 30, 2019, unless the city council by affirmative vote takes action to retain the ordinance and any amendments thereto.

For reference, similar ordinances in the cities of Campbell, Palo Alto and Mountain View have been attached as Attachments B, C and D.

Council Housing Policy Prioritization

The City Council requested a list of other possible actions that could be taken to address the concern of displacement. Those additional actions are listed in Table 2 along with the two actions anticipated by this report. Staff recommends that the City Council review Table 1 in order to provide feedback on which additional actions staff should review. Should the City Council identify additional actions for staff to review, staff recommends scheduling a study session in early 2017 as an opportunity to provide further information, including the likely need for budget augmentations and additional staff resources.

Table 2: Housing Measures				
Policy	Benefit	Resources Needed	Estimated Time to Completion	Unit Type
Mandatory 12-month Lease Option	Allows renters the option to avoid month to month rent increases	It is likely that there will be an impact on staff resources	Second Reading of Ordinance	Multi-family units of 2 or more with exemptions
Mandatory Non-binding Mediation	Provides renters and landlords the opportunity to address disputes prior to displacement	Contract Mediation Services and additional Staffing for administration and enforcement	2 months	All
Rental Relocation Assistance	Renters are provided with assistance in seeking housing and it creates a	Additional Staffing for administration and enforcement	3-6 months	Multi-family units of 2 or more with exemptions

	financial disincentive to landlords from displacing residents			
Amend BMR Guideline List Eligibility to Allow Displaced Residents to Remain on the List	This action would allow displaced residents to maintain their position on the City's BMR list for up to 3 years	This action can likely be addressed within current resources	2 months	All BMR Units
Displacement Fund	Provides assistance to residents facing displacement	Linkage Fee Nexus Study	12 months	Any
Rent Control	Limits the amount rent can be increased	Additional Staffing for administration and enforcement	12-18 months	Multi-family units
Just Cause for Eviction	Requires landlords to justify eviction actions	Additional Staffing for administration and enforcement	12-18 months	Multi-family units

Impact on City Resources

Depending on how the City Council chooses to proceed, there will likely be a need for additional staffing and consultant resources.

Environmental Review

This discussion is no a project under CEQA.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 24 hours prior to the meeting.

Attachments

Attachment A: Draft City of Menlo Park Mandatory 12-Month Lease Ordinance

Attachment B: City of Campbell Rental Increase Dispute Resolution

Attachment C: City of Palo Alto Mandatory Response to Request for Discussion of Disputes Between Landlords and Tenants

Attachment D: City of Mountain View Rental Housing Dispute Resolution Program

Report prepared by:

Jim Cogan, Housing and Economic Development Manager



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ORDINANCE NUMBER _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO
PARK AMENDING TO ADD A NEW CHAPTER 8.53
[RESIDENTIAL LEASES FOR RENTAL UNITS] OF TITLE 8
[PEACE, SAFETY AND MORALS] OF THE MENLO PARK
MUNICIPAL CODE**

The City Council of the City Menlo Park does hereby ordain as follows:

SECTION 1. FINDINGS AND DETERMINATIONS.

- A. An inadequate supply of rental housing exists in the city and an increasing demand continues to grow for such housing based on the significant number of renters in the city.
- B. The increasing rents combined with a housing shortage places substantial pressure on the city residents who rent housing.
- C. Tenants have a right to a written lease and that a contractual relationship with a landlord may offer some needed assurances of stability and minimize displacement of tenants in a rental housing market affording tenants few and increasingly expensive options.
- D. The City Council of the City of Menlo Park finds and declares an amendment to add Chapter 8.53 [Residential Leases for Rental Units] is necessary for the reasons above.

SECTION 2. AMENDMENT OF CODE. Chapter 8.53 [Residential Leases for Rental Units] is hereby added to Title 8 [Peace, Safety and Morals] is hereby added as follows:

Chapter: 8.53 RESIDENTIAL LEASES FOR RENTAL UNITS

8.53.010 Purpose.

It is found and declared that an inadequate supply of rental housing exists in the city and an increasing demand continues to grow for such housing based on the significant number of renters in the city. The increasing rents combined with a housing shortage places substantial pressure on the city residents who rent housing. The council finds that tenants have a right to a written lease and that a contractual relationship with a landlord may offer some needed assurances of stability and minimize displacement of tenants in a rental housing market affording tenants few and increasingly expensive options.

8.53.020 Definitions.

For purposes of this Chapter, the following definitions apply:

- (1) "Landlord" means an owner, lessor or sublessor, or the agent, representative or successor of any of the foregoing persons who receives, or is entitled to receive, rent for the use and occupancy of any rental unit or portion thereof.
- (2) "Rent" means the consideration, including any bonus, benefit, or gratuity

demanded or received by a landlord or in connection with the use or occupancy of a rental unit.

- (3) "Rental unit" means a dwelling unit (as defined by Section 16.04.290) in the city, which unit is in a multiple-family dwelling (including a duplex), boardinghouse, or lodginghouse and which is used as rental housing. The term "rental unit" shall not include:
- (a) A single-family dwelling;
 - (b) Rooms or accommodations in hotels and boardinghouses which are rented to transient guests for a period of less than thirty (30) consecutive days;
 - (c) Dwelling units in a condominium, community apartment or planned unit development;
 - (d) Housing accommodations in any hospital, skilled nursing, health or care facility, extended-care facility, nonprofit home for the aged;
 - (e) Dwelling units in which housing accommodations are shared by landlord and tenant;
 - (f) Secondary dwelling units;
 - (g) Housing accommodations rented by a medical institution which are then subleased to a patient or patient's family;
 - (h) Dwelling units whose rents are controlled or regulated by any government unit, agency or authority, or whose rent is subsidized by any government unit, agency or authority; or
 - (i) Dwelling units acquired by the city or any other governmental unit, agency or authority intended to be used for public purposes.
- (4) "Tenant" means a person or persons entitled by written or oral agreement to occupy a rental unit to the exclusion of others.

8.53.030 Requirement to Offer Written Lease.

- (1) Offer. If a tenant or prospective tenant wishes to rent a rental unit from a landlord and if said landlord wishes to rent said rental unit to said prospective tenant, the landlord must offer to the tenant or prospective tenant a written lease which has a minimum term of one (1) year. Such offer must be made in writing. Signing of a lease which has a minimum term of one (1) year shall be considered an offer in writing.
- (2) Acceptance. If the tenant or prospective tenant accepts the offer of a written lease which has a minimum term of one (1) year, this acceptance must be in writing. Signing a lease which has a minimum term of one (1) year will be considered an acceptance.
- (3) Rejection. If the tenant or prospective tenant rejects the offer for a written lease which has a minimum term of one (1) year, this rejection must be in writing, and the landlord and tenant or prospective tenant may then enter into an agreement, oral or written, that provides for a rental term of less than one (1) year.
- (4) Rent. If the landlord and tenant enter into a written lease which has a minimum term of one (1) year, such lease must set the rent for the rental unit at a rate or rates certain and these rates shall not otherwise be modified during the term of such lease.
- (5) Renewal of Lease. If both the landlord and tenant wish to continue the rental

relationship, upon the expiration of the initial written lease which has a minimum term of one (1) year, a lease shall be offered again in accordance with the procedures of Section 8.53.030(1)-(4) and the following:

- (a) Leases with a term of one (1) year shall be offered annually.
 - (b) Leases with a term longer than one (1) year shall be renewable at the expiration of each lease period for a minimum term of one (1) year.
 - (c) A landlord shall offer annually a written lease with a minimum term of one (1) year to a tenant who rejected an initial offer of a written lease with a minimum term of one (1) year but who has rented a unit from the landlord for a period of at least twelve (12) months.
- (6) Applicability. This section shall not apply to:
- (a) A unit which is rented on the effective date of the ordinance codified in this chapter, provided that, (A) if the unit is rented subject to a written lease, when the lease in effect for such unit expires, the ordinance codified in this chapter shall then apply; and (B) if the unit is rented without a written lease, within thirty (30) days after the effective date of this ordinance, the landlord shall offer a written lease to the tenant in accordance with this section;
 - (b) An owner-occupied unit that is rented to a tenant for less than one (1) year; or
 - (c) A rental unit occupied by a tenant who subleases that unit to another tenant for less than one (1) year; or
 - (d) A rental unit where the tenancy is an express condition of, or consideration for, employment under a written rental agreement or contract or a unit leased to a corporation.

8.53.040 Notice of Tenant's Right to Lease.

(1) Form. Landlords shall provide all rental unit tenants with a notice summarizing the rights afforded by this ordinance. The notification shall be capitalized text in at least fourteen (14) points in font size and shall state:

THE MENLO PARK CITY CODE PROVIDES YOU WITH THE RIGHT TO A WRITTEN LEASE. LANDLORDS MUST OFFER TENANTS THE OPTION TO ENTER INTO A ONE (1) YEAR WRITTEN LEASE. IT IS THE TENANT'S CHOICE WHETHER TO ENTER INTO SUCH A WRITTEN LEASE WITH A LANDLORD. FURTHER INFORMATION IS AVAILABLE ON THE CITY'S WEBSITE (WWW.MENLOPARK.ORG).

- (2) Language. Landlord shall provide this notification in English and Spanish.
- (3) Manner. Landlord must provide this notice to tenants in writing or electronically if the application and/or lease are processed electronically.

8.53.050 Tenant Remedies.

- (1) Defense to Action to Recover Possession. Failure of a landlord to comply with any of the provisions of this chapter shall provide the tenant with a defense in any legal action brought by the landlord to recover possession of the rental unit.
- (2) Defense to action to collect rent. Failure of a landlord to comply with any of the

provisions of this chapter shall provide the tenant with a defense in any legal action brought by the landlord to collect rent.

(3) Injunctive Relief. A tenant may seek injunctive relief on his or her own behalf and on behalf of other affected tenants to enjoin the landlord's violation of this chapter.

(4) Remedies are Nonexclusive. Remedies provided in this section are in addition to any other existing legal remedies and are not intended to be exclusive.

(5) Nonwaiver. Any waiver or purported waiver by a tenant of his or her rights under this Chapter prior to the time when such rights may be exercised, except a rejection of a one-year lease offered in accordance with 8.53.030(3), shall be void as contrary to public policy.

(6) Infraction. Any person who violates Sections 8.53.030 and 8.53.040 of this Chapter shall be guilty of an infraction, punishable by as provided in section 1.12.010 of this Code.

SECTION 4. SEVERABILITY. If any section of this ordinance, or part hereof, is held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such section, or part hereof, shall be deemed severable from the remaining sections of this ordinance and shall in no way affect the validity of the remaining sections hereof.

SECTION 5. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION. The City Council hereby finds that this ordinance is not subject to the provisions of the California Environmental Quality Act ("CEQA") because the activity is not a project as defined by Section 15378 of the CEQA Guidelines. The ordinance has no potential for resulting in physical change to the environment either directly or indirectly.

SECTION 6. EFFECTIVE DATE AND PUBLISHING. This ordinance shall take effect 30 days after adoption. The City Clerk shall cause publication of the ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city or, if none, the posted in at least three public places in the city. Within 15 days after the adoption of the ordinance amendment, a summary of the amendment shall be published with the names of the council members voting for and against the amendment.

INTRODUCED on the __ day of _____, 2016.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the __ day of _____, 2016, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

APPROVED:

Mayor

ATTEST:

Pamela Aguilar, City Clerk

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Chapter 6.09 - RENTAL INCREASE DISPUTE RESOLUTION^[3]**Sections:***Footnotes:**--- (3) ---**Prior ordinance history: Ords. 1301, 1419, 1460, 1532, 1619 § 1(part), and 1705 § 3.*

6.09.010 - Purpose.

It is found and declared that there is a growing shortage of and increasing demand for housing in the city of Campbell. This circumstance, coupled with increasing inflation, the rising cost of developing new housing, and other factors have put substantial upward pressure on residential rents, that have forced some tenants to move and which is disruptive to a stable living environment.

It is further found and declared that, in order to protect the health, safety and welfare of the citizens of Campbell, and promote and assure fair and reasonable return to property owners while promoting a safe, habitable, well maintained and stable housing environment, the city council enacts this chapter, and encourages property owners to limit rent increases to fair and reasonable amounts, provide greater than minimum advance notice of increases, limit the number of rent increases in any one year to as few as possible, provide well maintained living units, discourage retaliatory evictions, and cooperate with their tenants toward resolving any disputes. These needs include but are not limited to the prevention of excessive and unreasonable rent increases.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.020 - Severability of provisions.

If any provision or clause of this chapter or the application thereof to any person is held to be invalid, such invalidity shall not affect the other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are declared to be severable.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.030 - Definitions.

Unless the context otherwise requires, the definitions set forth in this section govern the construction of this chapter.

"Capital improvements" means those improvements which materially add to the value of the property, appreciably prolong its useful life, or adapt it to new uses which are required to be amortized over the useful life of the improvements of the building pursuant to the straight-line depreciation provisions of the Internal Revenue Code, and the regulations issued pursuant thereto.

"City's designated agent" means the entity designated by resolution of the city council or ordinance of the city to facilitate implementation of this chapter.

"Costs of debt service" means the periodic payment or payments due under any security or financing devices which in obtaining such financing are required to be amortized for a period exceeding sixty months pursuant to the Internal Revenue Code and the regulations issued pursuant thereto, including but not limited to, interest costs of variable or fixed interest rate mortgages.

"Costs of operation and maintenance" means all expenses, exclusive of costs of debt service and costs of capital improvements incurred in the operation and maintenance of the rental unit and the building or complex of buildings of which it is a part, together with common areas, including but not limited to: real estate taxes, business taxes and fees, insurance, sewer service charges, utilities, janitorial service, professional property management fees, pool maintenance, exterior building and grounds maintenance, supplies, equipment, refuse removal, elevator service and security services or systems.

"Costs of rehabilitation" means the costs of any rehabilitation or repair work done on or in a rental unit or common areas of the housing complex containing the rental unit and which work was done in order to comply with an order issued by the Campbell building division, the Campbell community development department, or the Santa Clara County fire department, or its successor, or to repair damage resulting from fire, earthquake, or other natural disaster.

"Eviction" means any action taken by a property owner to remove a tenant involuntarily from a rental unit and terminate the tenancy, whether pursuant to a notice to quit, or by judicial proceedings, or otherwise.

"Fact Finding Committee." The fact finding committee shall consist of five individuals, appointed by the city council, two of whom shall be tenants, two of whom shall be rental property owners and one of whom shall be a neutral party and shall act as chairperson. At its discretion, the city council may appoint alternate members to the committee. A tenant member shall not participate in a proceeding involving a property owner from whom he or she rents residential property. A property owner member shall not participate in a proceeding involving rental property he or she owns. Members shall serve without monetary remuneration.

"Housing services" means those services which have been customarily provided and associated with the use or occupancy of a rental unit, including but not limited to, repairs, replacement, maintenance, painting, light, heat, water, elevator service, laundry facilities and privileges, janitorial services, refuse removal, furnishings, telephone, parking, security, and any other benefits, privileges or facilities and/or those services which are necessary to meet habitability standards for the unit.

"Land" means real property in the technical sense. The meaning of the word includes but is not limited to buildings, parking spaces, and mobile home spaces.

"Lease" means an agreement-written, oral, implied in fact, or implied in law-in which a property owner, for compensation, conveys the right to possess land to someone else for a period of time or from period to period.

"Mediator" means a person designated by the city who is selected based on their training in tenant/landlord law and economics of the rental industry. Mediators are chosen for their background and experience in mediation of tenant/landlord counseling.

"Property owner" means an owner, landlord, lessor or sublessor, who receives or is entitled to receive rent for the use and occupancy of any rental unit or portion thereof, and the agent, representative or successor of any of the foregoing.

"Rent" means the consideration, including any bonus, benefit or gratuity, demanded or received by a property owner for or in connection with the use or occupancy of a rental unit, or the assignment of a lease for a unit, including housing services or subletting.

"Rental unit" means a dwelling unit, mobile home or mobile home lot offered or available for rent in the city of Campbell together with the land and appurtenant buildings thereto, and all housing services, privileges, and facilities supplied in connection with the use or occupancy thereof, which unit is located in a structure or complex containing a multiple dwelling, boarding house, lodging house or mobile home park. The term "rental unit" shall not include:

- (1) Rooms or accommodations in hotels, boarding houses or lodging houses, which are rented to transient guests for a period of less than thirty days; housing accommodations in any hospital, convent, monastery, extended care facility, asylum, nonprofit home for the aged, or in dormitories owned and operated by an institution of higher education, a high school or elementary school;
- (2) Rental units owned or operated by any government agency or whose rent is subsidized by any government agency;
- (3) Rental units, except mobile homes and mobile home lots, located on a parcel containing three or fewer dwelling units.

"Rent increase" means any additional rent demanded of or paid by a tenant for a rental unit or any significant reduction in housing services without a corresponding reduction in the money demanded or paid for rent, or a combination of additional rent demanded or paid and a reduction in housing services.

"Retaliatory eviction" means those acts prohibited by California Civil Code Section 1942.5, or Section 6.09.180 of this chapter.

"Suitable age and discretion" shall have the same meaning as used by state of California Civil Code of Procedures Section 1162.

"Tenant" means a person entitled by a written or oral agreement or by sufferance to occupy a rental unit to the exclusion of others and actually occupies said rental unit.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.035 - Information to tenants.

- (a) On or before the tenant or tenants take possession of the unit, the property owner shall provide to the tenant or tenants executing the rental or lease agreement, the following items:
- (1) An information pamphlet prepared by the city, or the city's designated agent, consisting of no more than two 8 ½ inch by 14 inch sheets of paper, which describes dispute resolution procedures available under this chapter, and which shall be readily available from the city or its designated agent;
 - (2) A written document setting forth the name, address and telephone number of the property owner or the property owner's agents who shall be reasonably available between the hours of nine a.m. to five p.m., Monday through Friday, and authorized to resolve issues concerning rent, evictions, repairs, maintenance, and on-site services; and in the case of emergencies after hours and/or on weekends, a name and phone number shall be given to the tenants of a person or persons responsible for responding to such emergencies or after hour complaints;
 - (3) If the owner of rental property is someone other than the person whose name and address is disclosed pursuant to paragraph 2 of this subsection, the property owner shall also provide the tenant, in writing, with the name, address and telephone number of the owner, or the owner's authorized agent, who shall have the authority to resolve complaints regarding the person and issues identified in paragraph 2 of this subsection, and shall be reasonably available between the hours of nine a.m. to five p.m., Monday through Friday.
- (b) No rent increase shall be effective or enforceable unless the information specified in subsection (a) of this section has been provided to the tenant whose rent is to be increased. The property owner shall maintain a copy of the documents described in this section.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.040 - Rental notices.

- (a) The property owner shall provide the following written notice to any tenant receiving notice of a rent increase:

NOTICE: Chapter 6.09 of the Campbell Municipal Code provides a conciliation and mediation procedure for property owners and tenants to communicate when there are disputes over rent increases (rent increases can include a significant reduction in housing services). To use this non-

binding procedure, the tenants shall first make a reasonable, good faith effort to contact the property owner or the property owner's agent to resolve the rent increase dispute. If not resolved the tenant may then file a petition within 45 calendar days from the date of this notice or within 15 calendar days following the effective day of the increase, whichever is later. There may be other tenants from your complex receiving a similar rent increase, in which case, the petitions will be combined. For more information you should contact the City's designated Agent at _____/_____/_____ (telephone number of the City's designated Agent). Petitioning for conciliation can not guarantee a reduction in the rent increase.

- (b) The name and telephone number of the city's designated agent shall be available from the community development department of the city of Campbell.
 - (c) The notice required by subsection (a) shall be provided to the tenant at the same time and in the same document or attached thereto as the notice of rent increase.
 - (d) The notice required by this section shall be of the same or greater print size as the rest of the document and be conspicuously placed on the document.
 - (e) No rent increase shall be effective absent compliance with this subsection.
- (Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.045 - Service of notice on tenants.

- (a) Method of Service. The notices and information required to be served on the tenant by Sections 6.09.035 and 6.09.040 shall be served on at least one tenant in the unit of suitable age and discretion by one of the following methods:
 - (1) Having the information or notices delivered to the tenant in person; or
 - (2) Sending the notices or information by first class United States mail, postage prepaid, addressed to tenant at the tenant's address.
- (b) Proof of Service. The following methods shall create a rebuttable presumption that the notices or information have been served on the tenant:
 - (1) A copy of the document served on tenant that bears the tenant's signature under the statement: "I hereby acknowledge that I have received a copy of this document;" or
 - (2) A declaration under penalty of perjury by a person who personally served the document, showing the time, place and manner of service, and the name of the tenant of suitable age and discretion upon whom the document was served; or
 - (3) A declaration of proof of service by mail prepared and executed in accordance with California Code of Civil Procedure Section 1013a by the property owner or an agent of the property owner.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.050 - Filing of petition.

- (a) Petitions Generally. Prior to filing a petition, the tenant shall make a reasonable, good faith effort to contact the property owner or the property owner's agent and resolve the rent increase issues, health and safety repair issues, or retaliatory evictions. If unsuccessful, the tenant may file a petition for conciliation and mediation with the city's designated agent. Once the petition is signed and submitted to the designated agent, no tenant's name shall be removed from a petition without his or her written consent.
- (b) Rent Increases. Any tenant who is subject to a rent increase which is not exempt under the provisions of this chapter and who is not in default as to payment of the tenant's rent that is lawfully due may file a written petition which contains the following information:
- (1) A written statement of the tenant, indicating the rental rates before and after the increase;
 - (2) The number of the total units in the complex;
 - (3) The date of the current and previous increase;
 - (4) The name and address of the property manager;
 - (5) Signature and unit number of petitioning tenant.
- (c) Retaliatory Eviction.
- (1) Any tenant who is not in default as to payment of the tenant's rent that is lawfully due and is issued an eviction notice within one hundred-eighty calendar days of filing a rent increase petition, may file a written petition for conciliation and mediation with the city's designated agent containing:
 - (A) The effective date of the eviction;
 - (B) The name and address of the property owner or property manager;
 - (C) The reason given for the eviction, if any;
 - (D) Signature and unit number of petitioning tenant.
 - (2) Nothing contained in this subsection is intended to alter or supersede any rights that the property owner may have to lawfully evict or remove a tenant from possession of a rental unit.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.060 - Timely filing of petition.

- (a) Except as otherwise provided in this chapter, a petition regarding a rent increase or retaliatory eviction must be filed with the city's designated agent no later than forty-five calendar days after the date of the notice of rent increase or notice to quit was served on tenant, or fifteen calendar days from the effective date of the rent increase or notice to quit, whichever is later.
- (b) Notwithstanding subsection (a) of this section, if a tenant has not received lawful notice of a rent increase or eviction, the petition may be filed no later than six months after imposition of the rent increase or eviction.
- (c)

If a petition is timely filed under this section, the tenant may raise in evidence, during mediation, any and all rental increases affecting the petitioners that occurred within one year of the effective date of the currently proposed increase.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.070 - Service of petition on property owners.

A copy of the petition shall be mailed to the manager and/or owners of said complex by the city or its agent within five calendar days of receipt of same.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.080 - Conciliation.

The city or its agent may provide conciliation services to parties engaged in rental increase disputes. This is limited intervention in the dispute using letters and telephone and personal conversation in order to secure an agreement.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.090 - Mandatory mediation.

If a rent increase dispute has not been resolved by conciliation within fifteen calendar days of the filing of the petition, the dispute will be assigned to a mediator and heard within the ensuing twenty-one calendar days.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.100 - Notice and attendance.

- (a) Notice. The city or its agent shall provide written notice to the tenant and property owner at least ten calendar days prior to the mediation hearing, unless otherwise agreed by both parties.
- (b) Attendance. Both the tenant and property owner or their designees, are required to attend the hearing fully prepared and authorized to negotiate in good faith. However, the tenant or the property owner may each reschedule the mediation date one time, with the concurrence of the city's designated agent, to a date not more than one week after the originally noticed mediation date. Concurrence of the city's designated agent will not be unreasonably withheld. Failure of the party who initiated the mediation to attend may be cause for the mediator to dismiss the petition.
- (c) Statement of Reasons. At any time during the mediation, the mediator may request that the parties submit a written statement of reasons in support of the parties' positions. Upon this request, the parties shall submit written statements setting forth the reasons supporting each party's negotiating

position. A written statement that merely sets forth that a party lacks authority to negotiate or is unwilling to negotiate will not comply with this requirement.

- (d) Failure to Attend or Submit a Written Statement in Rent Mediations. In mediations initiated pursuant to Section 6.09.050(b) of the code, the failure of a property owner or the property owner's designee to comply with the attendance or statement requirements of this section shall have the following effect on the rent increase:
- (1) In the event that the property owner or his designee fails to appear at mediation, the rent increase that is the subject of the petition shall be unenforceable until such time as the property owner or his designee schedules and appears for mediation;
 - (2) In the event that the property owner or the property owner's designee fails to comply with a request for a written statement pursuant to subsection (c) of this section, the rent increase that is the subject of the petition shall be unenforceable until such time as the property owner or the property owner's designee submits the written statement.
- (Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.110 - Conduct of the mediation.

The conference shall be conducted by a qualified mediator. The parties shall cooperate with the mediator, stating their positions on all issues, conferring with the mediator and each other and providing at the mediator's request, information and corroboration of their assertion of facts. Parties or their representatives may offer such documents, testimony, written declarations, or other evidence as may be deemed by the mediator to be relevant to the proceedings. If the parties do not reach agreement, the mediator shall prepare a written summary of the mediation and make it available to the city, its designated agent and the fact finding committee within ten calendar days of the mediation. If the parties reach an agreement, the mediator shall put the agreement in writing and the parties shall sign it.

An agreement shall apply only to those tenants who sign a petition and either appear at a mediation conference or, in writing, designate a spokesperson to act in the individual's behalf.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.120 - Fact finding committee.

- (a) Rent Increases. When mediation concerning rent increases does not result in an agreement, either party may request the fact finding committee to render a determination. The request for fact finding shall be filed with the city or its designated agent within twenty-one calendar days of the mediation conference on a form provided by the city or its agent. The fact finding committee will conduct a hearing within twenty-one calendar days of the filing of a request for fact finding.

The city clerk shall provide written notice to the tenant and property owner at least ten calendar days prior to the fact finding committee hearing. If the agreement reached at mediation is breached at any time by either party, the other party may request the fact finding committee to review the situation and render a determination.

(b) Retaliatory Eviction. The results of a mediation concerning retaliatory evictions is not subject to review by the fact finding committee.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.130 - Conduct of fact finding.

The hearing shall be conducted by the members of the fact finding committee. The parties shall attend the hearing in person or by written proxy and cooperate with the committee and each other, and provide at the committee's request, information and corroboration of their assertions of facts. Parties or their representatives may offer such documents, testimony, written declarations or evidence as may be deemed by the committee to be relevant to the proceedings.

Based on the evidence presented at the hearing, and the standards set forth in this chapter, the fact finding committee shall make a written determination whether the proposed rent increase is reasonable. If a written mediation agreement was executed by the parties, the committee shall also render a determination whether that agreement has been breached.

The committee shall then mail their findings to both the tenants and the property owner within ten calendar days of the close of the hearing. The determination of the committee shall not be binding unless agreed to by both parties.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.140 - Determination in a party's absence.

If a party, or that party's representative, fails to attend a properly noticed hearing before the fact finding committee, the committee may, in its discretion and upon proof that the absent party has been given proper notice and a reasonable opportunity to attend, either proceed with the hearing and render a determination, or continue the matter to a more convenient time.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.150 - Standards of reasonableness.

The fact finding committee shall determine whether rent increases are reasonable under the circumstances, taking into consideration that the purpose of this chapter is to protect tenants from arbitrary, capricious, or unreasonable rent increases, while permitting property owners a fair and

reasonable return on their property. The following standards shall be considered:

- (a) Increase or decrease in cost of capital improvements;
- (b) Increase or decrease in costs of maintenance and operation;
- (c) Increase or decrease in costs of debt service;
- (d) Increase or decrease in costs of rehabilitation;
- (e) Increase or decrease in the provision of housing services;
- (f) Existing market value of rents for similar units that are similarly situated;
- (g) Return to property owner.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.160 - Subpoenas.

- (a) The city council may issue subpoenas requiring the attendance of a witness for evidence or testimony in any proceeding commenced under Chapter 6.09 of the Campbell municipal code.
- (b) Subpoenas shall be signed by the mayor and attested to by the city clerk. They may be served as subpoenas are served in civil actions in accordance with the California Code of Civil Procedure.
- (c) If any person duly subpoenaed neglects or refuses to obey a subpoena, or, appearing, refuses to testify or answer any questions which a majority of the city council decide proper and pertinent, the mayor or the mayor's designee shall report the fact to the judge of the superior court of the county for action pursuant to Section 37106 et seq. of the California Government Code.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.170 - Extensions of time.

The parties may extend any of the deadlines or time limits of this chapter by written stipulation, signed by all the affected parties.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.180 - Retaliation.

No property owner shall increase rent, decrease services, cause a tenant to involuntarily quit the leased premises, bring an action to recover possession, or threaten to do any of such acts, or take any other adverse action against a tenant because of the tenant's exercise of the tenant's rights under this chapter.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

6.09.190 - Penalties.

Except as provided in subsection (b) of this section, violation of Section 6.09.180 of this chapter which deals with retaliatory eviction shall be punishable by the following criminal penalties:

- (a) Violation of the provisions in Section 6.09.180 shall be infractions punishable by the following fines:
 - (1) A fine not exceeding one hundred dollars for the first violation;
 - (2) A fine not exceeding two hundred dollars for a second violation within one year;
 - (3) A fine not exceeding five hundred dollars for a third violation within one year;
- (b) Notwithstanding any provision to the contrary, a fourth or subsequent violation of Section 6.09.180 in any one year period shall constitute a misdemeanor, and upon conviction be punishable by a fine of not more than one thousand dollars and/or imprisonment of not more than six months.

(Ord. 1978 Exh. A(part), 1998: Ord. 1946 Exh. A(part), 1997).

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Palo Alto Municipal Code

Chapter 9.72

MANDATORY RESPONSE TO REQUEST FOR DISCUSSION OF DISPUTES BETWEEN LANDLORDS AND TENANTS

Sections:

- 9.72.010 Purposes and findings.
- 9.72.020 Mandatory discussion of rental housing disputes.
- 9.72.030 Applicability.
- 9.72.040 Dispute resolution process.
- 9.72.050 Property registration.
- 9.72.060 Retaliation prohibited.
- 9.72.070 Notice of tenant's rights.
- 9.72.080 Definitions.
- 9.72.090 Penalties.

9.72.010 Purposes and findings.

The city council finds and declares as follows:

- (a) There is an imbalance between the supply of and demand for rental housing in the city of Palo Alto. The imbalance is the result of both a shortage of rental housing and overwhelming market demand.
- (b) The imbalance between supply and demand creates an imbalance of bargaining power between landlords and tenants.
- (c) As a result of these market and bargaining power imbalances, Palo Alto tenants may be unwilling or unable to assert their legal rights and other concerns to their landlords.
- (d) Communication between landlords and tenants is impaired as a result. Moreover, the Palo Alto rental housing market is less responsive to the needs of tenants because "customer service" is not needed to attract and retain tenants.
- (e) These impacts are detrimental to the health, safety and general welfare of Palo Alto and the surrounding region because the stability, security and quality of housing opportunities are reduced.
- (f) These impacts can be reduced by improving communications between landlords and tenants through a fair and reliable process for the conciliation and mediation of disputes.
- (g) Because effective communication must be "two-way," it is essential that all affected parties be required to participate in mediated dispute resolution.

(h) In order to further assure improved communications it is necessary to protect the parties to mediation from retaliation for exercising the rights afforded by this chapter.

(i) The city council recognizes that it is important to monitor and improve the processes established in this chapter on a periodic basis.

(Ord. 4728 § 1 (part), 2002)

9.72.020 Mandatory discussion of rental housing disputes.

All persons (landlords and tenants) residing in, owning, or managing residential rental property to which this chapter applies shall participate in the conciliation and mediation of rental housing disputes as provided in this chapter. The definitions applicable to this chapter appear in Section 9.72.080.

(Ord. 4728 § 1 (part), 2002)

9.72.030 Applicability .

This chapter shall apply to residential rental property as follows:

(a) Any residential rental property containing two or more dwelling units, except two-unit residential rental property in which one of the units is owner-occupied; or

(b) Any residential rental property that is owned by a person or legal entity that owns two or more residential rental properties within the city.

(Ord. 4728 § 1 (part), 2002)

9.72.040 Dispute resolution process.

(a) Any tenant or landlord may request mandatory discussion of rental housing disputes by filing a written request for dispute resolution within twenty-one days of learning the facts that give rise to the dispute. The request must be filed with the city's facilitation administrator, and must provide enough factual information to outline the basic issue or issues being raised.

(b) Within seven days of receiving a written request for dispute resolution, the facilitation administrator will notify both tenant and landlord that a case has been opened and will provide a copy of the request to the responding party. The facilitation administrator will also initiate a conciliation process, to be undertaken by the facilitation administrator, other city staff, or a mediator, before mediation is scheduled.

(c) The facilitation administrator will not open dispute resolution, or will order dispute resolution closed, when it is clear from the written request that there is no substantial factual basis for the dispute, or when the dispute involves the actions or behavior of persons, or conditions, that are not within the control or responsibility of the parties; or when the dispute is frivolous, malicious or vexatious; or when further proceedings are not, in the sole judgment of the facilitation administrator, likely to be productive. Both parties will be notified of the facilitation administrator's action and shall have access to the case summary forms used by the facilitation administrator, which will not contain any confidential communications from the parties. The facilitation administrator will also order dispute resolution closed if the parties agree to engage a mediator of their own choice, so long as the party who requests the mediator agrees in writing to bear all costs related to that service.

(d) The facilitation administrator will promptly assign the request to a mediator who will contact all relevant parties to conciliate and mediate the dispute. The facilitation administrator shall have the authority

to combine different disputes or different parties in the interest of efficiently addressing the disputes, provided that any party may, for reasons of confidentiality or otherwise, opt out of a combined mediation involving more than one tenant or landlord by notifying the facilitation administrator. All communications between the facilitation administrator and the parties as well as between the mediator or conciliator and the parties shall be confidential and subject to the confidentiality guarantees set forth in California Evidence Code Sections 703.5 and 1115 – 1128, as they may be amended or superseded. The mediator assigned to the case will promptly investigate and if necessary disclose any conflict of interest or potential conflict of interest to the parties as soon as the conflict or potential conflict becomes known to the mediator. At the time of disclosure, the parties will have the option of waiving any such conflict as long as the waiver is in writing. The city shall not be obligated to incur any financial obligation in order to assign a mediator. A mediator will not be assigned if there are not qualified volunteers available without cost to the city or parties.

(e) No mediation will be scheduled until at least fourteen days after the parties are notified in order to allow time for conciliation efforts before mediation. Unless all parties agree in writing to waive the time limit, the initial mediation session will be conducted within twenty-eight days of the date the written request for dispute resolution is filed. The landlord's business location shall be considered so that the mediation will be scheduled at a reasonably convenient time taking into account the distance that the landlord must travel to attend the mediation.

(f) If a mediation session is held, the mediator shall provide the parties with an opening statement explaining the nature of the process and the ground rules. Thereafter the mediator will determine the manner and course of the session, including whether to meet with the parties in caucus, provided that the general guiding principle will always be to provide the parties with a full opportunity to air the concerns giving rise to the dispute.

(g) The landlords and/or tenants involved in the dispute shall be obligated to personally appear at a mediation session scheduled by a mediator. All parties must participate in the mediation session until completion of the mediator's opening statement. All parties appearing must have the legal authority to resolve disputes arising under this chapter. Participation in mediation shall be voluntary in all respects after the opening statement. The mediator may, with the consent of all parties, schedule additional sessions as needed.

(h) No party shall be obligated to reach any specific agreement, or to reach any agreement at all, as a result of participating in conciliation or mediation communications. If an agreement is reached, it will be stated in writing by the mediator or by the parties. Any such agreement shall be confidential and will not be enforceable or usable for any purpose outside the dispute resolution process, unless all signatories agree that the document can be disclosed or used in other proceedings.

(Ord. 4728 § 1 (part), 2002)

9.72.050 Property registration.

(a) The landlord of each residential rental property within the city shall register the unit or units with the city, regardless of whether the residential rental property is listed in Section 9.72.030. The registration shall include the name and mailing address of the owner or owners of the property, as well as the name, mailing address and contact telephone number of the person having the legal authority to effectively resolve disputes arising under this chapter.

(b) For the sole purpose of reimbursing the city of Palo Alto for the reasonable costs of maintaining property registration records and related administrative systems, the owner or manager of each residential rental unit to which this chapter applies shall pay a fee in an amount to be set by the Palo Alto city council.

(Ord. 4728 § 1 (part), 2002)

9.72.060 Retaliation prohibited.

No landlord or tenant who has been a party to conciliation and mediation of rental housing disputes pursuant to this chapter may undertake or cause any type of retaliatory act or omission against another party as a result of the other party having invoked or participated in the dispute resolution process. The facilitation administrator upon request shall review an act or omission, including a notice of eviction or an unlawful detainer action, which occurs within six months of the party's participation in conciliation and mediation of rental housing disputes, unless the eviction or action is the result of the unjustified failure or refusal to pay rent. In the event that the facilitation administrator concludes that there is sufficient evidence to investigate an act or omission of retaliation under this provision, the relevant facts will be referred to the city attorney for appropriate remedial action.

(Ord. 4728 § 1 (part), 2002)

9.72.070 Notice of tenant's rights.

(a) Every rental agreement, lease, or other written document evidencing or changing the terms of tenancy for a residential rental property to which this chapter applies shall include or be accompanied by the following: A notice summarizing the rights afforded by this chapter, including but not limited to the protection against retaliation; and the name, address and telephone number of the facilitation administrator. The facilitation administrator shall prepare and publish acceptable notification language, including the name, address and phone number of the city's facilitation administrator. The notification shall be capitalized text at least fourteen points in size and shall state:

THE PALO ALTO MUNICIPAL CODE GIVES YOU THE RIGHT TO MEDIATION OF DISPUTES BETWEEN LANDLORD AND TENANT. YOU MUST REQUEST MEDIATION WITHIN 21 DAYS OF LEARNING ABOUT THE FACTS THAT CREATED THE DISPUTE. CONTACT THE CITY OF PALO ALTO'S FACILITATION ADMINISTRATOR [name, address and phone] FOR FURTHER INFORMATION. THE PALO ALTO MUNICIPAL CODE PROTECTS YOU FROM RETALIATION FOR EXERCISING YOUR RIGHT TO MEDIATION.

(b) The notification shall be provided in English, Spanish, Chinese and Russian in the translated form prepared and published by the facilitation administrator.

(c) Failure to provide this notification shall result in an automatic extension of the twenty-one-day time limit for filing a written request for dispute resolution pursuant to Section 9.72.040(a). The automatic extension shall remain in effect until twenty-one days after written notification is provided by the landlord.

(d) Failure of a landlord to comply with the notice provisions described above or in a form which provides substantially the same information shall render any rental increase notice invalid and unenforceable, and shall provide the tenant with a defense in any legal action brought by the landlord to collect rent in whole or in part based upon the amount of the rental increase, including any unlawful detainer action based on failure to pay rent which includes an unenforceable rental increase amount as a basis for all or part of the unpaid rent alleged in that action. The failure to comply with the notice provisions will be cured only after the proper written notice of tenant's rights, along with a new rental increase notice, has been properly served on the tenant.

(Ord. 5033 § 2, 2009; Ord. 4728 § 1 (part), 2002)

9.72.080 Definitions.

For the purpose of this chapter, the following terms are defined as follows:

(a) "Conciliation" means a confidential telephone call or other contacts by a mediator or the facilitation administrator with a landlord and tenant for the purpose of resolving a rental housing dispute.

(b) "Facilitation administrator" means the person or entity responsible for the routine case intake, mediator assignment and other administrative duties of the dispute resolution process established by this chapter.

(c) "Landlord" means the owner or property manager exercising effective control over the terms and conditions of the tenancy of a residential rental property, including a person with such control delegated through a durable power of attorney.

(d) "Mediation" means a meeting in which landlord and tenant have the opportunity to communicate with a mediator and each other in a face-to-face setting at a neutral location in order to resolve a rental housing dispute under ground rules designed to protect the confidentiality and neutrality of the communications.

(e) "Mediator" means a person who is certified to have completed at least forty hours of basic mediation training with subsequent advanced training, and who has also participated as a mediator or co-mediator in at least ten mediations conducted under the auspices of a recognized community or commercial mediation program, and who has agreed (in a form acceptable to the facilitation administrator) to a statement of mediation ethics and principles, including an acknowledgement of the duty to disclose any conflicts of interest in any specific case.

(f) "Rental housing dispute" means a fact-based grievance raised by any tenant, owner, or property manager regarding the occupancy or use of rental property limited to rental rate increases, deposits, repairs and maintenance, utilities, occupants, parking and storage facilities, privacy, quiet enjoyment, or use of common areas.

(g) "Residential rental property" means any housing structure occupied as a dwelling or offered for rent or lease as a dwelling, whether attached, detached, single or multiple-family.

(h) "Tenant" means the person or entity entitled to occupy a residential rental property at the time that the rental housing dispute arises.

(Ord. 4728 § 1 (part), 2002)

9.72.090 Penalties.

(a) Violations of this chapter shall be punishable as infractions pursuant to Palo Alto Municipal Code Section 1.08.010.

(Ord. 4728 § 1 (part), 2002)

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ORDINANCE NO. 6.16

AN ORDINANCE ADDING ARTICLE II TO CHAPTER 43
OF THE MOUNTAIN VIEW CITY CODE
TO ADOPT A RENTAL HOUSING DISPUTE RESOLUTION PROGRAM

WHEREAS, as published in a July 2015 Trends Report by RealFacts, a rental market data provider, the average monthly asking rent within the City of Mountain View has risen 52.7 percent from 2011 to 2015,¹ while the median household income in Santa Clara has only risen 1.2 percent during that same period;² and

WHEREAS, almost one-third of Mountain View households (32 percent or 10,155 Mountain View households) have incomes less than 80 percent of the area median income (AMI),³ the low-income threshold as defined and annually published by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, Mountain View's 2015-2020 Consolidated Plan data, derived from HUD-provided data, indicated that the most common housing problem is that households are cost burdened,⁴ with 36 percent of renter households (6,485 households) paying more than 30 percent of their income toward housing costs. Additionally, 18 percent of renter households (3,265 households) in Mountain View are severely cost burdened, paying more than 50 percent of their income toward rent; and

WHEREAS, high rents could impact the finances of all households, the 2015-2020 Consolidated Plan documents that lower-income renter households are much more likely than higher-income groups to experience cost burden, with 35 percent of low-income renter households (2,250 households) paying more than 30 percent of their income toward their housing costs, compared to 14 percent of lower-income ownership households (580 households). Additionally, 61 percent of renter households (1,980 households) who pay more than 50 percent of their income toward housing costs are lower income compared to 29 percent of owner households (480 households); and

WHEREAS, according to the Cities Association of Santa Clara County and Housing Trust Silicon Valley, the Association of Bay Area Governments (ABAG) projects that over the next 25 years, 57 percent of all household growth in the Bay Area, which includes the City of Mountain View, will consist of very low- and low-income households; and

WHEREAS, according to the U.S. Census Bureau 2009-2013 American Community Survey, a majority, 57 percent,⁵ of all units in the City are occupied by renter households; and

WHEREAS, according to U.S. Census Bureau 2009-2013 American Community Survey, in 2010, 3 percent of families and 6.8 percent of all people in Mountain View lived below the poverty level, and by 2013, the number of households that had fallen into poverty had increased substantially with 5.7 percent of families and 8.1 percent of all people living below the poverty level; and

¹ RealFacts July 2015 Trends Report.

² 2012 (\$105,000) and 2015 (106,300) HUD published median incomes for Santa Clara County.

³ 2015-20 Consolidated Plan (Page 11): 13 percent (3,950 households) at 0 percent to 30 percent AMI; 32 percent or 10,155 total households earn less than 80 percent AMI broken down as follows: 13 percent/3,950 households at 0 percent to 30 percent AMI; 11 percent /2,595 households at 30 percent to 50 percent AMI; and 8 percent /2,320 households at 50 percent to 80 percent AMI.

⁴ 2015-20 Consolidated Plan (Page 48).

⁵ 2015-20 Consolidated Plan (Page 81) and 2009-2013 American Community Survey data.

WHEREAS, the implementation of rent relief strategies is supported by the City's adopted 2014-23 Housing Element: Goal 2, to provide assistance to households at different income levels to address their housing needs; Policy 2.1, to assist extremely low-, very low-, low-, and moderate-income households in renting a home in Mountain View; and Program 2.4, promoting anti-displacement strategies; and

WHEREAS, excessive rental increases could result in homelessness and the displacement of low-income families; and

WHEREAS, members of the community have expressed their concerns to the City Council regarding the rental housing situation in the City of Mountain View and reported significant/excessive rental increases and the issuance of eviction notices on September 8, September 15, October 6, October 19, October 27, and December 1, 2015; and

WHEREAS, the City Council studied the rental housing situation and rent relief options on a number of occasions, including October 19, 2015; October 27, 2015; and December 1, 2015; and

WHEREAS, increasing poverty in Mountain View, decreasing AMI, and increasing rents have created a growing "affordability gap" between incomes and rents demonstrated by the increase in "overpaying renter households" and overcrowded households; and

WHEREAS, given this increased housing cost burden and poverty faced by many Mountain View residents, excessive rental increases threaten the public health, safety, and welfare of Mountain View residents, including seniors, children, those on fixed incomes, those with very low- to moderate-income levels, and those with other special needs to the extent that such persons may be forced to choose between paying rent and providing food, clothing, and medical care for themselves and their families; and

WHEREAS, by the staff presentations, testimony, and documentary evidence presented at the October 19 and 27, 2015; December 1, 2015; and March 15, 2016 City Council meetings, the City Council has been provided with additional information upon which the findings and actions set forth in this ordinance are based;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW does hereby ordain as follows:

Section 1. Article II is hereby added to Chapter 43 of the Mountain View City Code to read as follows:

"SEC. 43.20. Purpose.

The city council finds there is currently a growing shortage of residential rental units and a low vacancy rate due to an increasing demand for housing within the City of Mountain View. Due to this imbalance, rents have increased rapidly, resulting in an economic hardship to many tenants residing in the community. In order to protect the health, safety and welfare of the citizens of Mountain View, the council desires to protect such tenants from unreasonable rent increases while promoting and assuring a fair and reasonable return to property owners, and maintaining a safe, habitable and stable housing environment. The city council encourages property owners to limit rent increases to fair and reasonable amounts and provide greater than the required minimum advance notice of increases. The council has determined it is in the best interest of the city to assist tenants and property owners in resolving disputes which

may arise from time to time by establishing the Rental Housing Dispute Resolution Program.

SEC. 43.21. Definitions.

For the purpose of this article, the following terms are defined as set forth in this section:

a. "Administrator" means the person or entity responsible for implementing this ordinance and other administrative duties of the Rental Housing Dispute Resolution Program established by this article or regulations adopted pursuant to this article.

b. "Arbitration" means a hearing conducted according to generally accepted rules for arbitrating disputes in Santa Clara County, unless otherwise specified in regulations adopted pursuant to this article.

c. "Arbitrator" means a person who possesses experience in serving as an Arbitrator or hearing officer pursuant to one of the mandatory dispute resolution ordinances related to rental housing in the region and who has completed an orientation and training session for this ordinance.

d. "Base Rent" means the amount of Rent required to be paid by the Tenant to the Landlord in the month immediately preceding the effective date of the Rent Increase.

e. "Conciliation" means a confidential telephone call or other contacts by the Administrator or a Mediator with a Landlord and Tenant for the purpose of resolving a Rental Housing Dispute.

f. "Day" means a calendar day.

g. "Landlord" means a person or entity exercising effective control over the terms and conditions of the tenancy of a Rental Unit, including a person with such control delegated through a durable power of attorney or an owner, lessor or sublessor, or the agent, representative or successor of any of the foregoing persons who receives, or is entitled to receive, Rent for the use and occupancy of any Rental Unit or portion thereof and is authorized to resolve any Rental Housing Disputes, including an owner, lessor or sublessor, or property manager.

h. "Lease" means an agreement, written or oral, implied in fact, or implied in law, in which a Landlord, for compensation, conveys the right to occupy a Rental Unit to the exclusion of others for a period of time or from period to period.

i. "Mediation" means a meeting in which Landlord and Tenant have the opportunity to communicate with a Mediator to resolve a Rental Housing Dispute with confidential and neutral communications, within the meaning of the applicable provisions of the California Evidence Code.

j. "Mediator" means a person who possesses experience in mediating Landlord-Tenant cases in general and who has mediation experience with at least one of the mandatory dispute resolution programs in the region, and who has completed an orientation and training session on this ordinance.

k. "Party" and "Parties" mean Landlord and Tenant collectively and individually.

l. "Rent" means the consideration, including any bonus, benefit or gratuity demanded or received by a Landlord for or in connection with the use or occupancy of a Rental Unit.

m. "Rent Increase" means any additional Rent demanded of or paid by a Tenant for a Rental Unit including any Service Reduction without a corresponding reduction in Rent.

n. "Rental Housing Dispute" means a fact-based grievance raised by any Tenant or Landlord regarding the occupancy or use of a Rental Unit limited to Rent Increases over the Threshold set forth in Mountain View City Code Sec. 43.24, security deposits, thirty (30) day and sixty (60) day notices to vacate, maintenance and repairs, and Service Reductions, or Tenant's termination of a Lease prior to the end of the Lease term.

o. "Rental Unit" means a dwelling unit (as defined in Mountain View City Code Sec. 36.60.11) existing in a single structure with three or more dwelling units being used as residential rental housing.

p. "Service Reduction" means a reduction in the level of benefits, privileges or facilities related to the Rental Unit that have been reduced without a corresponding reduction in Rent and includes but is not limited to repairs, maintenance, painting, light, heat, water, elevator service, laundry facilities and privileges, refuse removal, furnishings, parking and other rights afforded to Tenant as set forth in a Lease for the Rental Unit.

q. "Tenant" means a person or persons entitled by a Lease to occupy a Rental Unit to the exclusion of others.

r. "Tenancy" includes the lawful occupation of a Rental Unit and includes a Lease or Sublease.

SEC. 43.22. Rental Housing Dispute Resolution Program.

a. **Applicability.** Each Tenant and each Landlord shall have the opportunity to utilize the Rental Housing Dispute Resolution Program. The Rental Housing Dispute Resolution Program includes three Dispute Resolution phases: Conciliation, Mediation and nonbinding Arbitration. All Rental Housing Disputes are subject to Conciliation and mandatory participation in Mediation. Rental Housing Disputes involving Rent Increases and Service Reductions may also be subject to mandatory participation in nonbinding Arbitration.

b. With the exception of disputes regarding security deposits, a Tenant may not participate in the Rental Housing Dispute Resolution Program unless he or she is a current Tenant of the Rental Unit.

c. Any Tenant or Landlord may initiate the Rental Housing Dispute Resolution Program by filing a written request for resolution of a Rental Housing Dispute within twenty-one (21) days of learning the facts giving rise to the dispute. The request must be filed with the Administrator, and must provide enough factual information to outline the basic issue or issues being raised within the definition of a Rental Housing Dispute.

d. Within seven (7) business days of receiving a written request for dispute resolution from a party, the Administrator will notify both Tenant and Landlord in writing that a case has been opened and will provide a copy of the request to the other party. The Administrator will initiate Conciliation and complete the Conciliation

process within seven (7) days from the date the Administrator notifies the Parties a case has been opened.

e. If Conciliation does not resolve the dispute within the Conciliation time limit, and one of the Parties requests Mediation in writing within the Conciliation time period described above, the Administrator will send a notice to both Parties setting a Mediation date within fourteen (14) days of the notice. The Administrator shall have the authority to combine different disputes or different parties in the interest of efficiently addressing the disputes, provided that any Party may, for reasons of confidentiality or otherwise, opt out of a combined Mediation involving more than one Tenant or Landlord by notifying the Administrator.

f. No Party shall be obligated to reach any specific agreement, or to reach any agreement at all, as a result of participating in Conciliation or Mediation. If an agreement is reached during Mediation, the Mediator or the Parties will prepare a written agreement. Any such agreement shall be confidential and will not be enforceable or used for any other purpose outside the Rental Housing Dispute Resolution Program, unless the Parties agree the document can be disclosed or otherwise used in other proceedings.

g. If Mediation does not resolve the dispute, either Party may request nonbinding Arbitration in writing within seven (7) business days after the Mediation is completed. Arbitration shall be held within twenty-one (21) days after receipt of the request for Arbitration by the Administrator.

h. After the Rental Housing Dispute Resolution Program is initiated, any subsequent timeline may be extended by mutual consent of the Parties and the Administrator, or the Arbitrator may continue the Arbitration upon good cause shown in a written request from either Party.

i. Failure of a Landlord to appear and participate in good faith in any of the dispute resolution alternatives in the Rental Housing Dispute Resolution Program for a dispute involving Rent Increase in excess of the Threshold shall void the notice of Rent Increase for all purposes. Failure of the Tenant to appear and participate in any step of the Rental Housing Dispute Resolution Program shall terminate the process for the affected Tenant and if the dispute involves a Rent Increase, the Rent Increase is no longer subject to the Rental Housing Dispute Resolution Program and shall be effective the date stated in the Notice of Rent Increase.

j. The Parties shall exchange copies of all evidence they intend to introduce at arbitration no later than seven (7) days prior to the date of the Arbitration. Any objection to evidence proposed to be introduced by a Party will be considered by the Arbitrator at the Arbitration hearing.

k. The determination of the Arbitrator shall be mailed to the Parties together with written findings of fact supporting the determination within seven (7) days of the hearing. The Arbitrator's decision shall be advisory to the Parties and shall not be binding.

SEC. 43.23. Landlord's obligation to provide notice to tenants.

a. In addition to any other notice required to be given by law, Landlord shall provide all Tenants with a notice stating the Rental Unit is subject to the city's Rental Housing Dispute Resolution Program and Right-to-Lease Ordinance as provided in this article and that they can receive copies of these ordinances by contacting the city. Landlord shall provide these notices to prospective and/or affected Tenants upon Leasing a Rental Unit, renewing the Lease of a Rental Unit and with any Notice of a

Rent Increase. Prior to any Rent Increase, every Landlord shall provide their Tenants a notice of Rent Increase as prescribed in this section. This same language shall be included in a clearly visible location on any lease or other rental agreement.

b. Every Landlord of a Rental Unit shall provide a Rent Increase notice as prescribed in this section before demanding or accepting any Rent Increase. All Rent Increase notices shall be in writing, shall show the name, address and phone number of all responsible parties including the person or entity with authority to respond to a Rental Housing Dispute, and shall be personally delivered to the Tenant(s) or posted and mailed to the Tenant(s) at the address of the Tenant's (s') Rental Unit by first-class mail, postage prepaid. Service by mail shall be presumed complete within five (5) days of mailing. This presumption may be rebutted by the Tenant(s).

c. In addition to all other information provided in a Rent Increase notice, each notice of Rent Increase shall substantially state in bold type:

NOTICE: Article II of Chapter 43 of the Mountain View City Code establishes a Rental Housing Dispute Resolution Program and it provides a procedure for conciliation and mediation of rental housing disputes involving rent increases greater than 7.2%, security deposits, 30-day and 60-day notices to vacate, maintenance and repairs, and service reductions, and disputes regarding a Tenant's termination of the lease prior to the end of the lease term. Disputes regarding rent increases greater than 7.2% and Service Reductions may also be subject to nonbinding arbitration. To use the program and secure additional information about the city ordinance, you must contact Administrator [insert name and phone number] within 21 calendar days following receipt of a notice of rent increase or learning the facts giving rise to a dispute regarding a rent increase, a security deposit, 30-day and 60-day notices to vacate, maintenance and repairs, or service reductions or disputes regarding a tenant's termination of the lease prior to the end of the lease term. Further information regarding this ordinance is available on the City of Mountain View's website.

d. No Rent Increase shall be valid for any purpose whatsoever without substantial compliance with this section and any Rent Increase accomplished in violation of this section shall be void. However, a Landlord may cure a violation by serving the Tenant with a notice that complies with this section. No Landlord may take any action to enforce such an invalid Rent Increase.

e. Any Rent increase in violation of this section shall operate as a complete defense to an unlawful detainer action based on failure to pay any invalid Rent Increase. Any Tenant required to pay an invalid Rent Increase may recover all invalid Rent Increase amounts, actually paid by the Tenant, in a civil action.

f. It is the intent of this article that all Landlords are encouraged to provide at least ninety (90) calendar days notice of any Rent Increase in order to allow for orderly operation of the Rental Housing Dispute Resolution Program. At a minimum, all Rent Increases shall meet the notice requirements of state law.

SEC. 43.24. Rent Increases.

a. Rent Increases for Rental Units shall be limited to two (2) increases in any consecutive twelve (12) month period unless otherwise agreed by the Parties in writing.

b. Rent Increases in any twelve (12) month period exceeding 7.2 percent is subject to the Rental Housing Dispute Resolution Program ("Threshold"). [CPI is the Consumer Price Index, All Urban Consumers for the San Francisco-Oakland Area. The

most recent CPI is the bimonthly figure most recently available from the Bureau of Labor Statistics.]

c. Landlord bears the burden of proving a Rent increase in excess of Threshold is reasonable.

SEC. 43.25. Payment of Rent Increase during Rental Housing Dispute Resolution Program.

a. Every Tenant shall pay the existing Base Rent as it becomes due.

b. In the event the dispute remains in the Rental Housing Dispute Resolution Program past the notice period specified in the valid notice of Rent Increase, each affected Tenant shall pay the Landlord the Base Rent and the Rent Increase up to the Threshold in order to continue in the program. Landlord shall provide Tenant with a receipt acknowledging delivery of the Rent.

SEC. 43.26. Factors determining reasonableness of Rent Increases.

The purpose of this article is to permit Landlords a fair and reasonable return on the value of their property, while at the same time protecting Tenants from arbitrary, capricious or unreasonable Rent Increases. If a Rent Increase dispute proceeds to Arbitration, the reasonableness of any portion of the Rent Increase in excess of 7.2 percent will be determined by an Arbitrator.

The determination of reasonableness shall be made with reference to the following standards, unless Arbitrator determines the overall standard of reasonableness requires other standards to be applied in a given case to ensure the above stated purpose is being met:

a. Past history of Rent Increases for the same Rental Unit, including timing and amounts;

b. Market rental rates for similar Rental Units in Mountain View;

c. History of capital improvements, maintenance and repairs, operation and maintenance costs for the Rental Unit, including verified expenses;

d. Any unanticipated increases in other categories of Landlord costs for the Rental Unit within the twelve (12) months prior to the notice of Rent Increase or verified expenses to be incurred in the twelve (12) months following the date of the Rent Increase notice;

e. Increases in Landlord costs due to necessary upgrades or verified significant renovations incurred within twelve (12) months prior to the date of the Rent Increase notice for the Rental Unit or projected increases within the twelve (12) months following the date of the Rent Increase notice;

f. Vacancies in the Rental Unit and whether a vacancy was a Voluntary Vacancy;

g. Service Reductions for the Rental Unit during the Tenant's occupancy of the Rental Unit; and

h. Any serious health, safety, fire or building code violations as defined by Health and Safety Code § 17920.3.

The Arbitrator shall determine the amount of the allowable Rent Increase in excess of the threshold allowed pursuant to Sec. 43.24, if any, in accordance with the standards enumerated in this section.

SEC. 43.27. Burden of proof at arbitration.

a. Landlord bears the burden of presenting evidence to the Arbitrator that the Rent Increase in excess of the Threshold is reasonable.

b. Tenant bears the burden of proving a Service Reduction. Tenant must prove the decrease in service was substantial and the Landlord had notice of the condition but failed to restore the service within a reasonable time after receiving notice of it. Violations of the Mountain View City Code regarding a Rental Unit must be considered. Upon finding a Service Reduction, an Arbitrator may reduce a Rent Increase, order a credit against Rent paid and/or a reduction in future Rent based on the nature of the Service Reduction, the habitability and usability of the Rental Unit and the duration of the Service Reduction.

SEC. 43.28. Subpoenas.

An Arbitrator may, on his/her own initiative, or at the request of a Party, issue subpoenas, or require the production of documents by a Party, provided the Party requesting the subpoena makes a showing of good cause supporting such a request. For the purposes of this article, the city council's authority to issue subpoenas is delegated to the Arbitrator, reserving to the Council full authority to issue subpoenas for the same or other purposes.

SEC. 43.29. Property registration and fees.

a. A Landlord shall register each residential Rental Unit within the City of Mountain View. The registration shall be on forms provided by the city and shall include the name and mailing address of the owner or owners of the property, the person authorized to effectively resolve Rental Housing Disputes arising under this article as well as the name, address and telephone number of the Landlord, and the number of Rental Units at the address.

b. For the sole purpose of reimbursing the City of Mountain View for the reasonable costs of maintaining property registration records and related administrative systems, and the Rental Housing Dispute Resolution Program, the Landlord of each Rental Unit shall pay a fee in an amount to be set by the City of Mountain View for each Rental Unit.

SEC. 43.30. Retaliation.

No Landlord shall increase Rent, cause a Service Reduction, cause a Tenant to involuntarily quit the Rental Unit, bring an action to receive possession, or threaten to do any of such acts or take any other adverse action against a Tenant because of the Tenant's exercise of the Tenant's rights pursuant to this article.

SEC. 43.31. Enforcement.

a. Violation of provisions of this article shall not constitute a crime.

b. At any time, a Tenant may bring action in the courts of the state alleging a violation by the Landlord of the provisions of this article or may seek a court order directing compliance with the provisions of this article.

c. At any time, a Landlord may bring an action in the courts of the state alleging a violation by the Tenant of the provisions of this article or may seek a court order directing compliance with the provisions of this article.

d. Any Rent increase in violation of this section shall operate as a complete defense to an unlawful detainer action based on failure to pay any invalid Rent Increase. Any Tenant required to pay an invalid Rent Increase may recover all invalid Rent Increase amounts, actually paid by the Tenant, in a civil action.

SEC. 43.32. Repeal of ordinance.

By operation of law, this ordinance shall be repealed in its entirety unless by September 30, 2019, the city council by an affirmative vote has taken action to retain the ordinance and any amendments thereto or portions thereof."

Section 2. Nonwaiver. Any waiver or purported waiver by a tenant of rights under this chapter prior to the time when such rights may be exercised, except a rejection of a one (1) year lease offered in accordance with Section 3, shall be void as contrary to public policy.

Section 3. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 4. CEQA. The City Council hereby finds and determines that this ordinance is not subject to the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15183 (Action Consistent with General Plan and Zoning); Section 15378 (No Project); and Section 15061(b)(3) (No Significant Environmental Impact).

Section 5. Severability. If any section, subsection, sentence, clause, or phrase of this urgency ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this urgency ordinance. The City Council declares that it would have adopted this urgency ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

Section 6. Effective Date. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

The foregoing ordinance was regularly introduced at the Special Meeting of the City Council of the City of Mountain View, duly held on the 15th day of March 2016, and thereafter adopted at the Regular Meeting of said Council, duly held on the 26th day of April 2016, by the following roll call vote:

AYES: Councilmembers Clark, Kasperzak, McAlister, and Mayor Showalter

NOES: Councilmembers Inks, Siegel, and Vice Mayor Rosenberg

ABSENT: None

NOT VOTING: None

ATTEST:

APPROVED:

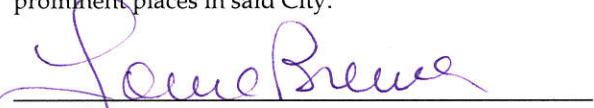


LORRIE BREWER, MMC
CITY CLERK



PATRICIA SHOWALTER
MAYOR

I do hereby certify that the foregoing ordinance was passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 26th day of April 2016, by the foregoing vote, and was published in the *San Jose Post Record* by reference on the 20th day of April 2016, and posted in three prominent places in said City.



City Clerk
City of Mountain View

KB/4/ORD
015-03-15-16o-E-4



STAFF REPORT

City Council

Meeting Date: 11/9/2016
Staff Report Number: 16-190-CC

Informational Item: Update on aircraft noise reduction efforts

Recommendation

This is an informational item and does not require City Council action.

Background

On July 19, 2016, the City Council approved Resolution No. 6332 (Attachment A) calling on the Federal Aviation Administration to reduce aircraft noise over Menlo Park. Councilmember Ohtaki presented this resolution to the Select Committee on South Bay Arrivals and the SFO Roundtable, which have accepted and incorporated the requests in their respective draft reports (Attachment B and Attachment C). These reports are expected to be submitted to Congressional Representatives Eshoo, Speier and Farr after Nov. 17.

Analysis

Requests from the City of Menlo Park Resolution No. 6332 are cross-referenced below to the applicable sections in the Select Committee and SFO Roundtable draft reports:

3. The City Council requests that the FAA reduce the arrivals into San Francisco International (SFO) using the BDEGA or Point Reyes West route over the Peninsula and instead utilize the BDEGA East route over the San Francisco Bay.
 - Select Committee Draft Report Section 2.2 on Pages 13-14
 - SFO Roundtable Draft Response Adjustment 2.a.i on Pages 6-7; Executive Outline #1-7 and 10 and 11 on Pages 13-15; Attachment B pages 24-27
4. If the BDEGA/Point Reyes West route must be utilized, that airplanes be required to fly at a higher altitude over the mid-Peninsula before beginning their U-turn over Palo Alto.
 - SFO Roundtable Draft Response Executive Outline #5 and 10 on Pages 14-15
5. The FAA previously agreed with Representative Eshoo in 2000 that the minimum altitude over the MENLO waypoint be 5,000 feet under visual flight rules (VFR). Under NextGen, the altitude over the MENLO waypoint is 4,000 feet regardless of weather conditions in order to adhere to an Optimized Profile Descent (OPD) of 2.85 degrees. The average altitude over the MENLO waypoint has therefore decreased from 4,928 feet during September 2010 to 4,452 feet in September 2015.
6. The City Council requests that the FAA increase the minimum altitude over the MENLO waypoint during visual flight conditions, as previously agreed with Representative Eshoo.
 - Select Committee Draft Report Section 2.5 on Pages 16-17; Section 2.7 on Page 19; Section 2.8 on Page 19

- SFO Roundtable Draft Response Adjustment 1.a.i.(a) on Page 3, Executive Outline #16-17 on Page 16
7. Several SFO arrival routes converge over the MENLO waypoint resulting in a steady increase from approximately 3,900 airplanes in September 2010 to nearly 5,000 in September 2015.
8. The City Council requests that the FAA disperse arrivals by utilizing other waypoints in addition to MENLO, preferably over the San Francisco Bay.
- Select Committee Draft Report Section 2.5 on Page 17 and Section 2.13 on Pages 23-24; however, concerns about shifting noise expressed by cities of Mountain View and Sunnyvale.
9. The City is vehemently opposed to any modifications to routes that would have the effect of concentrating additional flights over Menlo Park. In particular, any modification of routes which add additional aircraft to a route that approaches the MENLO waypoint would have a substantial noise impact on Menlo Park.
10. After the Select Committee on South Bay Arrivals completes its work, the FAA must put in place a continuous mechanism for gaining feedback from mid-Peninsula communities affected or potentially affected by changes in aircraft routes and procedures.
- Select Committee Draft Report Section 3.1 on Pages 27-28

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 24 hours prior to the special meeting.

Attachments

- A. City of Menlo Park Resolution No. 6332 Calling for Action from FAA
- B. Report of the Select Committee on South Bay Arrivals
- C. SFO Roundtable Response Package to FAA Initiative to Address Noise Concerns

Report prepared by:
Clay J. Curtin, Assistant to the City Manager

RESOLUTION NO. 6332

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK REQUESTING ACTION FROM THE FEDERAL AVIATION ADMINISTRATION TO REDUCE AIRCRAFT NOISE IN THE CITY OF MENLO PARK

WHEREAS, the City of Menlo Park desires to maintain a pleasant quality of life for our residents; and

WHEREAS, the City of Menlo Park will cooperate with all local, State and National agencies and provide its best efforts toward minimizing aircraft noise; and

WHEREAS, the City participates in the San Francisco Airport/Community Roundtable (SFO Roundtable) in an effort to reduce the impacts of commercial flights over the city of Menlo Park; and

WHEREAS, U.S. Representatives Anna Eshoo, San Farr and Jackie Speier have formed a Select Committee on South Bay Arrivals to develop regional solutions to address aircraft noise; and

WHEREAS, the City Council seeks to have its position on aircraft noise articulated to the Federal Aviation Administration (FAA), the Select Committee and the SFO Roundtable.

NOW, THEREFORE BE IT RESOLVED by the Menlo Park City Council as follows:

1. Menlo Park residents have been negatively affected by increased aircraft noise caused by the implementation of the FAA's Next Generation Air Transportation system (NextGen) in 2015.
2. The City Council supports regional cooperation in addressing aircraft noise, and supports the efforts of the Select Committee and the SFO Roundtable to seek out and implement these solutions.
3. The City Council requests that the FAA reduce the arrivals into San Francisco International (SFO) using the BDEGA or Point Reyes West route over the Peninsula and instead utilize the BDEGA East route over the San Francisco Bay.
4. If the BDEGA/Point Reyes West route must be utilized, that airplanes be required to fly at a higher altitude over the mid-Peninsula before beginning their U-turn over Palo Alto.
5. The FAA previously agreed with Representative Eshoo in 2000 that the minimum altitude over the MENLO waypoint be 5,000 feet under visual flight rules (VFR). Under NextGen, the altitude over the MENLO waypoint is 4,000 feet regardless of

weather conditions in order to adhere to an Optimized Profile Descent (OPD) of 2.85 degrees. The average altitude over the MENLO waypoint has therefore decreased from 4,928 feet during September 2010 to 4,452 feet in September 2015.

6. The City Council requests that the FAA increase the minimum altitude over the MENLO waypoint during visual flight conditions, as previously agreed with Representative Eshoo.
7. Several SFO arrival routes converge over the MENLO waypoint resulting in a steady increase from approximately 3,900 airplanes in September 2010 to nearly 5,000 in September 2015.
8. The City Council requests that the FAA disperse arrivals by utilizing other waypoints in addition to MENLO, preferably over the San Francisco Bay.
9. The City is vehemently opposed to any modifications to routes that would have the effect of concentrating additional flights over Menlo Park. In particular, any modification of routes which add additional aircraft to a route that approaches the MENLO waypoint would have a substantial noise impact on Menlo Park.
10. After the Select Committee on South Bay Arrivals completes its work, the FAA must put in place a continuous mechanism for gaining feedback from mid-Peninsula communities affected or potentially affected by changes in aircraft routes and procedures.

I, Pamela Aguilar, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing City Council resolution was duly and regularly passed and adopted at a meeting of said City Council on the nineteenth day of July, 2016, by the following votes:

AYES: Carlton, Keith, Mueller, Ohtaki

NOES: None

ABSENT: Cline

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this nineteenth day of July, 2016.



Pamela Aguilar, CMC
City Clerk

Report of the Select Committee on South Bay Arrivals

This document is a first draft discussion document for review and comment by members of the public and the Select Committee on South Bay Arrivals. It is a first effort attempt to capture the consensus view of the Select Committee, and as such, it is subject to review and revision by the Committee. It does not constitute a set of recommendations by the Select Committee or by the Office of Santa Clara County Supervisor Joe Simitian, which prepared the document. As a first draft, there may well be errors and omissions, which will appropriately be addressed during the course of the Select Committee's remaining three meetings on: October 27, 2016; November 3, 2016; and November 17, 2016.

Discussion Draft – October 20, 2016

Final Report to be Approved November 17, 2016

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DRAFT

TRANSMITTAL LETTER

To be drafted by the Chair of the Select Committee on South Bay Arrivals

DRAFT

GLOSSARY

Air Traffic Control (ATC): A service operated by the appropriate authority to promote the safe, orderly, and expeditious flow of air traffic.

Altitude MSL: Aircraft altitude measured in feet above mean sea level.

Arrival and Departure Procedures: Refers to a published procedure. Once the procedure is assigned, the procedure is designed to be flown with minimal to no communication with Air Traffic Control (ATC).

Decibel: In sound, decibels measure a scale from the threshold of human hearing, 0 dB, upward towards the threshold of pain, about 120-140 dB. Because decibels are such a small measure, they are computed logarithmically and cannot be added arithmetically. An increase of ten dB is perceived by human ears as a doubling of noise.

Day Night Sound Level (DNL): DNL is a measure of the annual average noise in a 24-hour day. It is the 24-hour, logarithmic- (or energy-) average, A-weighted sound pressure level with a 10-decibel penalty applied to the nighttime events that occur between 10:00pm and 7:00am.

DNL Contour: The "map" of noise exposure around an airport. FAA defines significant noise exposure as any area within the 65dB DNL contour; that is the area within an annual average noise exposure of 65 decibels or higher.

Fixes: In aviation, a fix is a virtual navigational point that helps aircraft maintain their flight path. Fix is a generic name often interchanged with waypoint or intersection.

Fleet Mix: The mix or differing aircraft types operated at a particular airport or by an airline.

Frequency Weightings: Used to allow a sound level meter to measure and report noise levels that represent what humans hear. These are electronic filters within a sound level meter that are used to adjust the way in which the instrument measures the noise. The most commonly used Frequency Weightings are 'A', 'C' and 'Z.' DNL incorporates only "A" weighted decibels.

Glide Slope: Generally a 3-degree angle of approach to a runway. Provides vertical guidance for aircraft during approach and landing.

Ground Track: The path an aircraft flies over the ground.

Hold Procedure (Holding): A predetermined maneuver which keeps aircraft within a specified airspace while awaiting further clearance from ATC.

Instrument Flight Rules (IFR): Rules governing the procedures for conducting instrument flight.

NextGen: An encompassing term for the ongoing, wide-ranging transformation of the United States' national airspace system. It has sometimes been described as an evolution from a ground-based system of air traffic control to a satellite-based system of air traffic management.

Optimized Profile Descent (OPD): An arrival procedure that is designed to allow aircraft to use idle engine power and reduce level-offs during descent.

Procedures, general: A published, standardized set of instructions that an aircraft can fly with minimal input from ATC. Procedures are designed with strict separation criteria from other procedures.

Runway: A long strip of land or water used by aircraft to land on or to take off from. For aircraft arriving to San Francisco International Airport, the primary Runways used are Runway 28 Right (28R) and 28 Left (28L), which are parallel to each other.

Sequencing: The lining up of aircraft into a single flow by ATC so that all aircraft are separated to appropriate criteria. This is normally mentioned in association with landing.

Standard Instrument Departure (SID): A published IFR departure procedure from an airport printed for pilot/controller use in graphic form to provide obstacle clearance.

Speed Brakes: Moveable aerodynamic devices on aircraft that reduce airspeed during descent and landing.

Standard Terminal Arrival Route (STAR): A published IFR arrival procedure to an airport printed for pilot/controller use in graphic form.

Time Based Flow Management: TBFM uses time instead of distance to help air traffic controllers sequence air traffic by directing aircraft to be at a specific location at a specific time, which optimizes arrival flow.

Terminal Radar Approach Control (TRACON): FAA air traffic facility that uses radar and non-radar capabilities to provide approach control services to aircraft arriving, departing, or transiting airspace controlled by the facility.

Vector: A heading issued to an aircraft to provide navigational guidance by radar; i.e., a series of instructions from ATC directing an aircraft between two end points.

Visual Flight Rules (VFR): Rules that govern the procedures for conducting flight under visual conditions. The term “VFR” is also used to indicate weather conditions that are equal to or greater than the minimum VFR requirements.

Waypoint: A waypoint is a predetermined reference point in physical space used for purposes of navigation. It is also known as a fix.

SECTION 1: FAA NORTHERN CALIFORNIA INITIATIVE, FEASIBILITY GROUPS 1 THRU 6

In November 2015, the “*FAA Initiative to Address Noise Related Concerns in Santa Cruz/Santa Clara/San Mateo/San Francisco Counties*” was released. Known as the Northern California Initiative, or NorCal Initiative, it included a number of proposed technical solutions that were brought to the FAA to analyze, study, and/or evaluate. On May 16, 2016, the results of Phase 1 of the NorCal Initiative was released, consisting of a Feasibility Study (Study) of the proposed technical solutions. The FAA then grouped the solutions deemed feasible into six groups, as discussed further below in Section 1 of this Report.

1.1 Feasibility Group 1: SFO Class B Amendment

Class B airspace is the restricted airspace around the nation’s busiest commercial airports designed to ensure a higher level of safety for aircraft landing at the airport. It can be visualized as an upside down wedding cake. The airport is at the center of the cake topper with the airspace reaching to 10,000 feet over the airport in a series of concentric circles. To the south, SFO’s Class B airspace reaches roughly to the junction of Summit Road/Skyline Boulevard/Highway 17 (approximately 35 miles from SFO) in the Santa Cruz Mountains.

The FAA has advised the Committee that there is an identified problem in that the SFO Class B airspace, as currently configured, does not fully provide containment of the entire flight path (the so called “SERFR procedure”), which approaches SFO from the south over the Santa Cruz Mountains. As a result, aircraft are required to “level off” to stay within the airspace (or “cake”). Leveling off, however, means aircraft are taken off their Optimized Profile Descent (OPD), or idle descent to final approach. This change in glide path requires aircraft to use speed brakes, increase thrust, or take other actions which in turn generate more noise. This leveling off is presently occurring just off the Capitola coastline (near the point in space known as the EPICK waypoint), as well as over the Mid-Peninsula.

Feasibility Group 1 contains proposals to amend the SFO Class B airspace to fully contain the SERFR procedure by altering the size or shape of the airspace (or the size or shape of the cake layers) to keep aircraft inside the airspace (or cake) and on their OPD. Once the SFO Class B is amended, the expectation is that more flights will fully execute an OPD and no longer need to make altitude and speed adjustments, thereby reducing the noise exposure near the Capitola coastline (i.e., the EPICK waypoint) and over the Mid-Peninsula.

Recommendation: The Select Committee recommends adoption of Feasibility Group 1.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

Technical Note: Feasibility Group 1 encompasses seven of the items in the Study: 1.d.i; 1.d.ii; 2.b.i; 2.c.iii; 2.d.ii; and 3.d.ii.

<p>1.2 Feasibility Group 2: Transition the SERFR Standard Terminal Arrival Route (STAR) Back to the BSR Ground Track Prior to EPICK</p>
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Feasibility Group 2 contains proposals to move the arrival procedure from the south, back west to a similar ground track previously used for the BSR procedure. This design would put the SERFR flight path back over the BSR ground track, roughly 3-4 miles to the west of where the path currently reaches the Santa Cruz County coastline (near the City of Capitola). However, it should be noted that even with a “return to the BSR ground track,” aircraft would not actually fly the same conventional procedure as the previous BSR. The BSR procedure predated NextGen and did not use satellite-based navigation. NextGen uses satellite navigation and Optimal Profile Descents (OPD). These Optimal Profile Descents include some waypoints with an altitude control “window” providing a range of altitudes (from lowest to highest; e.g., 7,000 feet to 9,000 feet) that aircraft must be within when crossing the waypoint. In addition, and speaking generally, the pre-NextGen flights were relatively dispersed as compared to present-day NextGen procedures which consolidate, to a greater degree, flights along a narrower path.

The FAA has advised the Committee that a new flight procedure that is GPS-based and that contains an OPD could be designed to fly the old BSR ground track, as suggested in the proposals

in Feasibility Group 2. The FAA has presented to the Committee a “notional DAVYJ procedure,” a notional concept of this new OPD over the BSR ground track. Because the notional DAVYJ is an OPD route 3-4 miles to the west of SERFR, it has a profile similar to SERFR, at altitudes higher than the SERFR procedure and lower than the old BSR procedure.

Recommendation: The Select Committee recommends: ***TO BE DETERMINED***

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

Technical Note: Feasibility Group 2 encompasses two of the items in the Study: 1.f.i and 3.d.ii.

1.3 Feasibility Group 3: Increasing Percentage of NIITE Flights Which Remain on NIITE Until at Least the NIITE Waypoint
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Feasibility Group 3 applies to nighttime operations, from 1:00am-6:00am. At present, nighttime operations on the NIITE procedure (which does not include all flights at night) depart SFO over the San Francisco Bay (Bay), reach the NIITE waypoint in the Bay north of the Bay Bridge, then turn to the northeast to fly out of the Bay Area over several East Bay communities. About 35 percent of NIITE flights are currently turning early. Because the flights turn earlier, they are at a lower altitude when they turn; and consequently may generate more noise exposure on the ground.

Feasibility Group 3 contains proposals to increase the percentage of these eastbound NIITE flights that remain on the path until reaching the waypoint, thereby reducing early turns which cross land at lower, noisier altitudes. The FAA has advised the Committee that the result should be less noise exposure for some East Bay communities; such change, however, is not expected to provide benefit to residents in the three-county area served by the Committee.

Recommendation: The Select Committee recommends adoption of Feasibility Group 3.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

Technical Note: Feasibility Group 3 encompasses five of the items in the Study: 2.a.ii.a; 2.a.ii.c; 2.g.ii; 3.d.i; and 3.d.ii.

1.4 Feasibility Group 4: Create a New South Transition for the NIITE Standard Instrument Departure (SID)

Feasibility Group 4 also applies to nighttime operations, from 1:00am-6:00am. At present, nighttime operations on the NIITE procedure (which does not include all flights at night) depart SFO over the San Francisco Bay (Bay), reach the NIITE waypoint in the Bay north of the Bay Bridge, then turn to the northeast to fly out of the Bay Area over several East Bay communities. The NIITE procedure does not provide a path for nighttime departures headed to southern destinations.

Currently, nighttime SFO departures headed to southern destinations use the SSTIK departure procedure. These nighttime operations on the SSTIK departure procedure depart SFO over the San Francisco Bay (Bay) to the northeast and quickly loop back around over the Peninsula communities of Brisbane, San Bruno, and South San Francisco to head to southern destinations. Because flights currently departing on the SSTIK procedure make a quick loop from the Bay down over the Peninsula, they do so with related noise exposure for the Peninsula communities below. A number of these communities have asked if other flight paths might be explored.

Feasibility Group 4 proposes that nighttime SSTIK departures use the NIITE procedure up to the NIITE waypoint, which is in the Bay north of the Bay Bridge, then the aircraft would head west out over the Golden Gate Bridge. By keeping the SSTIK departures over the Bay and Pacific Ocean, the aircraft are able to gain altitude over unpopulated areas. As a result, when they are eventually flying over the San Francisco Peninsula on their way to southern destinations they will do so at a higher altitude (and will thus be quieter).

Recommendation: The Select Committee recommends adoption of Feasibility Group 4.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

Technical Note: Feasibility Group 4 encompasses six of the items in the Study: 1.f.iii; 2.a.ii.a; 2.f.i; 2.g.ii; 3.d.i; and 3.d.ii.

1.5 Feasibility Group 5: Increasing Percentage of CNDEL Flights Which Remain on CNDEL Until at Least the CNDEL Waypoint

The CNDEL is a departure procedure from the Oakland International Airport, with aircraft heading northwest over the San Francisco Bay (Bay) to the CNDEL waypoint which is located off the northwesterly end of Alameda Island. Under the current procedure/path, aircraft reach the waypoint and then turn west and south over Brisbane and South San Francisco. Sixty percent of the CNDEL departures are currently turned before the CNDEL waypoint. This means they reach the San Francisco Peninsula sooner and at lower altitudes. These turns are due to spacing and sequencing the CNDEL aircraft with other departing aircraft in the Bay Area airspace.

Feasibility Group 5 contains proposals to increase the percentage of CNDEL departures that stay on the procedure longer and do not turn prior to the CNDEL waypoint, thereby reducing the number turning before the CNDEL waypoint and crossing land at lower, noisier altitudes.

Recommendation: The Select Committee recommends adoption of Feasibility Group 5.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

Technical Note: Feasibility Group 5 encompasses eight of the items in the Study: 1.a.ii; 1.b.i; 1.b.ii; 1.c.ii; 2.a.ii.a; 2.a.ii.b; 3.d.i; and 3.d.ii.

1.6 Feasibility Group 6: Improve Aircraft Set Up and Sequencing Between Facilities

Aircraft are sequenced to ensure they arrive on the final approach course safely and at repeated intervals allowing for airport operational efficiency. Existing metering tools aid in this air traffic management, but aircraft “vectoring” (turning aircraft off the assigned procedure) and “holding” (a maneuver designed to delay an aircraft already in flight while keeping it within a specified airspace) affect a substantial number of flights, especially in congested airspaces such as the San Francisco Bay Area. Vectoring also is a source of noise; it often involves aircraft turning and changes in speed, with increased noise exposure on affected communities.

Feasibility Group 6 contains proposals to use new, more effective, time-based flow management tools currently in development to allow for better sequencing (i.e., spacing) of aircraft to reduce the percentage of aircraft that are vectored or held prior to the final approach path to SFO. New metering tools are not an immediately available fix; however, the technology to create Terminal Sequencing and Spacing (TSS), or time-based flow management, is in development. In the future, the expectation is that such technological advances will allow for aircraft flows to be taken into account and assigned an order well in advance of final approach. The benefit of such technological advances are two-fold: (1) reduced percentage of vectored or turned aircraft and related noise exposure; and (2) greater ability to leave aircraft on Optimized Profile Descent (OPD), with an idle descent that is quieter.

Recommendation: The Select Committee recommends adoption of Feasibility Group 6.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

Technical Note: Feasibility Group 6 encompasses five of the items in the Study: 3.b.i; 3.b.ii; 3.c.i; 3.c.ii; 3.d.ii.

SECTION 2: OTHER POTENTIAL SOLUTIONS

In the course of the Select Committee’s deliberations, a number of additional potential solutions were identified. Each of these proposed “Other Potential Solutions” is discussed further below.

2.1 Airbus A320 Aircraft Family Wake Vortex Generators Retrofit

Airbus’s A320 family of aircraft built before 2014 makes a whistling (or whining) sound on approach due to wing design. The Committee was advised that the whistle (whine) can be reduced by mounting a small air deflector on each wing. The cost of such technology is reportedly modest (\$3,000-\$5,000 per aircraft). The noise reduction from the retrofit has been claimed to be from between 2 to 11 decibels depending on the phase of flight and angle of the aircraft along the approach. Roughly 35 percent of the aircraft arriving and departing SFO need the retrofit.

Recommendation: The Select Committee recommends that the Airbus family aircraft arriving or departing SFO undergo the retrofit at the earliest possible opportunity. The Committee takes notes of the fact that one major airline flying into and out of SFO has proposed to retrofit its fleet over the next 2-3 years. While the commitment to retrofit is welcome news, the Committee finds that the time period is unnecessarily and unacceptably long.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

2.2 Northern Arrivals (BDEGA) into SFO

SFO arrivals from points north arrive via the BDEGA arrival procedure/path. Arriving aircraft reach a point roughly over Daly City and then continue south flying past SFO, using either the Peninsula (the so-called West leg) or San Francisco Bay (the so-called East leg), to essentially make a U-turn and land on Runways 28L and 28R, respectively. The FAA has advised the Committee that the Bodega East leg shares the final approach path into SFO with aircraft arriving from the east on the DYAMD arrival procedure. Aircraft using the East leg, or over-the-bay route, obviously have a dramatically reduced noise exposure versus aircraft using the West leg, which fly over the highly populated Mid-Peninsula.

In years past, there was a roughly equal split of aircraft using the West and East legs of the BDEGA arrival procedure/path. The FAA has advised the Committee that ten years ago, in May 2006, the “split” between the two legs was 52 percent West leg and 48 percent East leg. In May 2016, roughly 70 percent of the arriving aircraft used the Peninsula (the so-called West leg), while roughly 30 percent of arriving aircraft used the San Francisco Bay (the so-called East leg). This overutilization of the Peninsula or West leg negatively affects the highly populated Mid-Peninsula communities.

Recommendation: The Select Committee recommends greater use of the San Francisco Bay (BDEGA East leg) to the fullest extent possible. Indeed, during the overnight hours (11:00pm until 6:00am), when air traffic flows are reduced, the Committee recommends that virtually all aircraft arriving from the north on the BDEGA procedure use the San Francisco Bay (BDEGA East leg).

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

2.3 Woodside VORTAC (Navigational Beacon)

Aircraft fly in the vicinity of the Woodside VORTAC, a ground-based navigational aid, to arrive at SFO. Aircraft activity in this area includes aircraft arrivals from numerous origin points, including but not limited to OCEANIC arrivals, which come in from the west from overseas.

Based on discussions between and among SFO, the FAA, the SFO Airport/Community Roundtable, and local elected officials, a new noise abatement procedure was implemented at the Woodside VORTAC in July 1998. Pursuant to this procedure, for those flights routed over the Woodside navigational beacon, “traffic permitting,” air traffic controllers shall clear SFO OCEANIC arrivals to cross the Woodside VORTAC at or above 8,000 feet mean sea level.

The Committee received numerous reports from the community that this agreement is not currently honored. There are reports of aircraft flying over the Woodside VORTAC at altitudes appreciably lower than 8,000 feet, including at night when residents are particularly sensitive to noise. The Committee also found that there is an authorized Ocean Tailored Arrival (OTA), which

specifically allows arriving OCEANIC aircraft to be at or above the Woodside VORTAC at 6,000 feet. This OTA is also used in the overnight hours when residents are particularly sensitive to noise. The FAA has advised the Committee that while OCEANIC flights represent just four percent of the daytime traffic arriving into SFO, OCEANIC flights represent thirty-six percent of the flights arriving at SFO at nighttime (1:00am-6:00am).

Recommendation 1: The Select Committee recommends that per the current noise abatement procedure, aircraft comply with the obligation to cross the Woodside VORTAC at 8,000 feet mean sea level, traffic permitting. The Committee further recommends that this altitude restriction, to the greatest extent possible and traffic permitting, also be applicable to all vectored flights that are in the vicinity of the Woodside VORTAC.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

Recommendation 2: The Select Committee recommends revision of the Woodside VORTAC Ocean Tailored Arrival to honor the existing noise abatement procedure to cross the Woodside VORTAC at 8,000 feet.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

Recommendation 3: The Select Committee recommends further restrictions to prohibit any overnight crossings at the Woodside VORTAC below 8,000 feet.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

2.4 Overnight Flights

During the hours of 11:00pm-6:00am the number of flights in to and out of SFO is significantly reduced. As a result, there is considerable potential for aircraft to be rerouted over unpopulated or less populated areas, specifically the San Francisco Bay and Pacific Ocean, instead of the Peninsula.

Currently SFO employs a number of overnight noise abatement procedures. Examples include but are not limited to: (a) Nighttime Preferential Runway Use, which maximizes flights over water and minimizes flights over land and populated areas between 1:00am and 6:00am; (b) Ocean Tailored Arrivals, a procedure that allows aircraft to use what is called a continuous, constant descent approach to the airport; and (c) Prohibitions on “run-ups” of mounted aircraft engines for maintenance or test purposes between the hours of 10:00pm and 7:00am daily with limited exceptions.

Recommendation: The Select Committee recommends that the FAA, SFO, and industry users convene with the purpose of establishing new additional overnight noise abatement procedures within the next six months.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

2.5 MENLO Waypoint

The MENLO waypoint is located several city blocks south of the intersection of Willow Road and Highway 101. It is the final waypoint on the SERFR arrival procedure/path, which is an arrival procedure into SFO from the south that approaches the airport from the Santa Cruz Mountains. Aircraft on the SERFR arrival procedure/path then cross the MENLO waypoint to join the final approach path into SFO. The altitude of the MENLO waypoint is currently 4,000 feet. Given its location over a highly populated area, the location and altitude of the MENLO waypoint are problematic and a source of many community complaints.

The FAA has advised the Committee that in June 2016, an average of 183 aircraft arrived each day into SFO on the SERFR procedure/path, representing 30 percent of the arrivals into SFO. The FAA has also advised the Committee that currently 50 percent of the aircraft on the SERFR arrival procedure/path are vectored off the procedure/path prior to the MENLO waypoint. As discussed in Item 2.9 in this Report (Aircraft Vectoring), the vectored SERFR aircraft are eventually sequenced for merging onto the final approach into SFO. The FAA has also suggested that the Committee take note of the fact that there are other aircraft in the vicinity of the MENLO waypoint

that are not related to the SERFR arrival procedure/path. These “other aircraft,” the FAA pointed out, represent 85 percent of the aircraft in the vicinity of the MENLO waypoint.

With all this in mind, it has been suggested that the altitude of the crossing at the MENLO waypoint be increased. It has also been suggested that a different final waypoint be established for the SERFR procedure, located to the east and/or north of the current MENLO waypoint (presumably over a less populated area and at a higher altitude). This suggestion could involve establishment of a new waypoint, or the use of existing waypoints, such as the ROKME or DUMBA waypoints. These waypoints are located in the San Francisco Bay, just to the north and south of the eastern shoreline of the Dumbarton Bridge, respectively. Under this suggestion, aircraft would cross at one of these waypoints, which would be at a higher altitude as compared to the current altitude at the MENLO waypoint, before joining the final approach into SFO.

Recommendation 1: The Select Committee recommends that the FAA increase the altitude crossing at the MENLO waypoint.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

Recommendation 2: Additionally, the Select Committee recommends that the FAA *assess* the feasibility of establishing a different waypoint for entry to the final approach into SFO on the SERFR arrival procedure.

A different waypoint could be established and located either to the east and/or north of MENLO, or by using existing waypoints ROKME or DUMBA. The new waypoint should be at a location that allows flight over compatible land uses (i.e., over water or sparsely populated land masses) and at a high enough altitude to ensure noise exposure of approaching aircraft is minimized. The Committee acknowledges that this recommendation potentially involves working with stakeholders to revise the San Jose International Airport Class C airspace to maintain safety clearance requirements if the ROKME waypoint option is pursued.

The Select Committee does not recommend that a different final waypoint be established for the SERFR procedure, either through the establishment of a new waypoint or by using an existing waypoint, if such an action simply results in “noise shifting.”

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

2.6 Establish Smaller and More Numerous Altitude Control Windows on the New SERFR Arrival Path

An altitude control window at a waypoint provides a range of altitudes (from lowest to highest; e.g., 7,000 feet to 9,000 feet) that aircraft must be within when crossing the waypoint. The FAA has advised the Committee that the range of altitudes is provided because the aircraft fleet mix varies. The last leg of SERFR has only one altitude control window, at waypoint EPICK (just offshore from Capitola on the Santa Cruz County coast) with a range of 10,000 feet to 15,000 feet. By reducing the size of that window by 2,000 feet, so that its range is 12,000 feet to 15,000 feet, aircraft would be at a higher altitude when crossing the EPICK waypoint.

Recommendation: The Select Committee recommends that the FAA decrease the size of the altitude windows on the SERFR procedure or path so that aircraft crossing EPICK do so at a higher altitude.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

2.7 Increase the Altitude and Profile of Descents into SFO

An approach slope is the descent path that aircraft follow on final approach to land on a runway. An approach slope is also known as a glide slope, as the path is ideally a gentle downward slope. A commonly used approach slope in modern aviation is 3.0 degrees from the horizontal.

As SFO, the two main landing runways are 28L and 28R, and they are parallel to each other. Runway 28L has a glide slope of 2.85 degrees, while Runway 28R has a glide slope of 3.0 degrees. The variation in the glide slopes is a function of the two runways being parallel to each other.

Other airports use a steeper glide slope. For instance, the Frankfurt airport is using 3.2 degrees while London City airport uses a glide slope of 5.5 degrees.

If the glide slope on both Runways 28L and 28R at SFO were increased, even if only by 0.15 degrees each, it would allow descending aircraft to begin their descent at a higher altitude, thereby reducing noise exposure on the ground.

Recommendation: The Select Committee recommends that the FAA determine the feasibility of increasing the glide slopes of SFO Runways 28R and 28L.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

2.8 Increase All Altitudes

Aircraft noise is noise pollution produced by any aircraft or its components. The noise is generated during the various phases of a flight, such as when the aircraft is: (a) on the ground while parked using auxiliary power units; (b) while taxiing; (c) during takeoff; (d) while over-flying while enroute; and (e) during landing. Aircraft noise is also generated both underneath and lateral to departure and arrival paths. This latter form of aircraft noise has been the primary source of complaints since the March 2015 implementation of NextGen. At the risk of stating the obvious, the higher the altitude of departure and arrival paths, the quieter the experience is on the ground. Or, in other words, aircraft at higher altitudes tend to be quieter.

Recommendation: The Select Committee recommends that to the greatest extent possible, while still ensuring the safety of the aircraft, that the altitude be increased for all flight procedures/paths in to and out of SFO.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

2.9 Aircraft Vectoring

Vectoring is assigned verbally by FAA air traffic controllers, and generally involves turning aircraft off the assigned procedure/flight path. Vectoring of SFO arrivals over the Mid-Peninsula

is common and principally generated from three sources: (1) arrivals from the north (BDEGA); (2) to a lesser degree, overseas arrivals from the west (OCEANIC); and (3) the roughly 50 percent of the arrivals from the south (SERFR) that are currently vectored off the SERFR procedure/path. These arriving aircraft are vectored to properly sequence them for merging onto the final approach into SFO. It should be noted that while noise generated by vectoring in the first two instances (i.e., BDEGA and OCEANIC) occurs in the vicinity of the MENLO waypoint, the location of these operations is unrelated to the presence of the MENLO waypoint, as discussed further in Item 2.5 in this Report (MENLO Waypoint).

Vectoring can be a source of noise. If the vectoring directive from air traffic control to the pilot includes a change in speed, a turn, and/or an altitude restriction, an increase in noise is a likely result. On the other hand, if the vectoring directive is unrestricted, with the pilot not being given a speed or altitude restriction, it is unlikely that noise will result. The FAA has advised the Committee that vectoring is done for safety reasons, and that the specific directive provided is dependent on the variables present. Consequently, according to the FAA, it is not predictable what the noise exposure will be from vectoring.

Yet, vectoring is the source of many of the noise complaints presented to the Committee by the community. This is due in part because the aircraft vectoring over the Mid-Peninsula do so at low altitudes. In addition, the topography of the Mid-Peninsula is uneven. To further complicate the matter, while some members of the community have complained that vectoring is a source of noise, others warn that efforts to keep greater numbers of aircraft on the established flight paths concentrates even greater amounts of noise on those who live or work under the established flight track (this is the issue some advocates refer to as “sacrificial noise corridors”). So, if you vector, you create noise over a relatively wide area; if you don’t, you concentrate a greater amount of noise on a relative few (a smaller number) who are already heavily burdened.

It has been suggested that the altitude at which aircraft are vectored over the Peninsula be increased, to reduce the noise exposure experienced on the ground. It should be noted, however, that the FAA has advised the Committee that increases in the altitude of the BDEGA West leg

vectored aircraft could require the aircraft to fly somewhat further south, in order to safely descend and make the U-turn to join the final approach into SFO.

Recommendation: The Select Committee recommends that the FAA identify locations that have the most compatible land uses for vectoring, such as over the Pacific Ocean or San Francisco Bay, and vector the SFO arriving air traffic in those locations to reduce noise exposure experienced on the ground.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

2.10 Modify BRIXX Procedure into San Jose International Airport

The BRIXX arrival is an arrival procedure/path from the north into San Jose International Airport (SJC) which runs down the Peninsula, roughly over La Honda and Boulder Creek before turning and flying south and then turning east and north (essentially a big U-turn) to join the final approach into SJC. The BRIXX path intersects with the SERFR arrival path (which approaches SFO from the south over the Santa Cruz Mountains), roughly just to the north of Mount McPherson in the Santa Cruz mountains.

The FAA has advised the Committee that, under NextGen, BRIXX basically overlaid a predecessor path, which was named GOLDN. The change to a satellite based navigation flight path, as opposed to the prior ground track flight path, resulted in the BRIXX arrival path becoming more concentrated; with vectoring moving southward, and moving closer to the designated flight path. The FAA further advised the Committee that roughly 76 percent of the BRIXX flights are vectored or turned off the path prior to the point where BRIXX intersects with SERFR. These changes resulted in complaints from residents in affected residents.

It has been suggested that these complaints be addressed by: (1) moving the intersection of BRIXX and SERFR farther to the north and east, potentially to waypoint EDDYY, which is located roughly over the Rancho San Antonio Open Space Preserve; and (2) increasing the altitude of BRIXX so that it is above the altitude of the SERFR arrival path.

The FAA has advised the Committee that these potential solutions raise a number of concerns. First, moving the flight path as suggested potentially moves noise further into the already impacted Mid-Peninsula area and places arriving aircraft at too high of an altitude too close to SJC. In order for those aircraft to safely land, the aircraft would have to fly even further south to make the necessary turn to the east and the north to join the final approach into SJC, potentially resulting in new noise exposure. Increasing the altitude of BRIXX also potentially limits the FAA’s ability to consider other potential solutions the Select Committee might advance, such as raising the altitude on SERFR.

Recommendation: The Select Committee recommends: ***TO BE DETERMINED***

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

2.11 Modify NRRLI Waypoint on the First Leg of SERFR

In the Carmel Valley (Monterey County), aircraft joining the SERFR arrival procedure/path turn over the Valley to reach the NRRLI waypoint. That turn has created adverse noise exposure on the ground. Prior to the March 2015 implementation of NextGen procedures, aircraft flew over the Carmel Valley in a straight line. It has been suggested that the NRRLI waypoint be moved to where the SERFR procedure/path intersects the coastline near the City of Seaside along the Monterey Bay.

The FAA has advised the Committee that this proposed solution, however, has the potential to move existing noise to another community. For that reason, the Select Committee has not endorsed this solution. The FAA may, however, wish to examine whether this proposed solution, or a variation thereof, could be effectively implemented without shifting noise.

2.12 San Jose International Airport Reverse Flow: Aircraft Arrivals

Under normal conditions, aircraft arriving at San Jose International Airport (SJC) arrive from the south and depart heading north. During inclement weather, or a significant change in wind direction over the San Jose area, the takeoff and landing approaches are temporarily reversed with

aircraft arriving at SJC from the north and departing to the south. This “Reverse Flow” brings arriving aircraft in at lower altitudes to the west of SJC, over the communities of Palo Alto, Mountain View, and Sunnyvale. It has been suggested that the “Reverse Flow” approach could instead arrive from the east of SJC, using a “Normal Flow” departure procedure that is not unused during “Reverse Flow” conditions.

The FAA has advised the Committee that this proposed solution, however, has the potential to move existing noise to another community (a community not represented by the congressional districts that established the Select Committee). For that reason, the Select Committee has not endorsed this proposed solution. The FAA may, however, wish to examine whether this proposed solution, or a variation thereof, could be effectively implemented without shifting noise.

2.13 Redirect Southern Arrivals (SERFR) to an Eastern Approach into SFO

As previously noted, SERFR is a southern arrival procedure/flight path into SFO (i.e., approaching SFO from the south over the Santa Cruz Mountains). Flights on the SERFR procedure include (among others) aircraft from the southwest, such as Phoenix and Houston. In June 2016, the SERFR carried an average of 183 aircraft per day, or 30 percent of the arriving aircraft into SFO.

It has been suggested by some that these aircraft from the southwest be removed from the SERFR arrival procedure, and instead use an eastern approach into SFO. Under this suggestion, aircraft would either use the existing DYAMD arrival procedure (which is for flights arriving at SFO from the east with a flight path that enters the Bay roughly between Milpitas and San Jose), or use a new procedure crossing the FAITH waypoint (which is located at the intersection of Hostetter Road and Morrill Avenue, east of Interstate 680 in East San Jose).

The FAA has advised the Committee that this proposed solution raises a number of potential concerns. In June 2016, the DYAMD already carried the greatest percentage of daily air traffic into SFO, an average of 253 aircraft per day, or 41 percent of the arriving traffic into SFO. The DYAMD arrival procedure also shares the final approach path into SFO with aircraft arriving from the north (on the BDEGA procedure), specifically the 30 percent of BDEGA arrivals that use the

San Francisco Bay approach (the so-called East leg). Increasing the aircraft load on the DYAMD procedure as suggested reduces the opportunity to shift aircraft from the BDEGA Peninsula (so-called West leg) approach onto the BDEGA San Francisco Bay approach (so-called East leg). For that reason, the Select Committee has not endorsed this solution {see Item 2.2 in this Report [Northern Arrivals (BDEGA) into SFO]}.

With regard to creating a new procedure using the FAITH waypoint, the FAA has advised the Committee that this flight path has the potential to conflict with departures out of San Jose International Airport and move existing noise to another community (a community not represented by the congressional districts that established the Select Committee). For those reasons, the Select Committee has not endorsed this solution. However, it has been noted that the existence of an overnight curfew at San Jose International Airport might accommodate a new procedure using the FAITH waypoint as a potential solution in the overnight hours. The FAA may, therefore, wish to examine whether this proposed solution, or a variation thereof (e.g., at night), could be effectively implemented without shifting noise.

2.14 Fan-in Overseas Arrivals (OCEANIC) into SFO

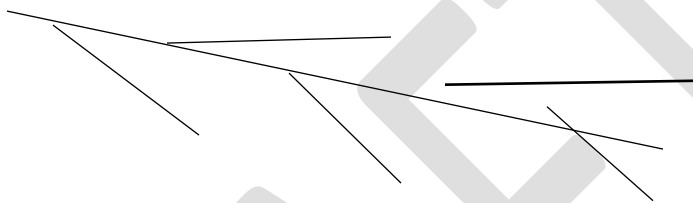
The OCEANIC arrival procedure into SFO comes in from the west from overseas locations, such as Asia, and Hawaii, with aircraft converging into a single path at the PIRAT waypoint which is off the coast. Once on a single path, the aircraft cross the San Francisco Peninsula at the Woodside VORTAC, a navigational beacon located in the Woodside area, and proceed to the final approach into SFO.

It has been suggested that the arriving OCEANIC aircraft could instead be “fanned-in” into the area of the Woodside VORTAC, using that point and other new waypoints to achieve dispersion of the arriving aircraft. The FAA has advised the Committee that it lacks the technology, i.e., metering tools, to implement this proposed solution. The presence of Special Use Airspace (SUA) along the coastline at this location (which restricts civilian aircraft from using that airspace), further constrains the FAA. The FAA has advised the Committee that while this solution might be feasible, there are a very low number of OCEANIC flights (roughly 31 flights per day in June

2016) per day. In addition, the FAA has advised the Committee that this solution also potentially moves noise to other communities. For these reasons, the Select Committee has not endorsed this solution.

2.15 Herringbone Approach to SFO Arrivals

It has been suggested that noise exposure along a specific corridor/flight path could be reduced if flights joined the path at various points, thus creating a “herringbone” or “trident” effect.



The “herringbone” or “trident” is a multiple approach concept for dispersion of arrivals to reduce the number of overflights along a single path. Using this concept, Air Traffic Control would be instructed to distribute arriving aircraft to multiple transition locations along the arrival path, hence the “herringbone” or “trident” patterns.

It has also been suggested that the herringbone approach could be applied to the SERFR arrival procedure, which approaches SFO from the south over the Santa Cruz Mountains. The FAA, however, has advised the Committee that it currently lacks the technology, i.e., metering tools, to implement this proposed solution. The congested San Francisco Bay Area airspace, with three major commercial airports in close proximity to each other, also potentially limits the applicability of this solution. Finally, the FAA has advised the Committee that a herringbone approach would likely result in an increase in vectoring. For these reasons, the Select Committee has not endorsed this solution. The FAA may, however, wish to examine whether this proposed solution, or a variation thereof, could be effectively implemented once the needed technological tools have been developed.

2.16 Return to Pre-NextGen Procedures, Altitudes, and Concentration

A continuous thread to the public input received by the Committee was to simply return conditions, including aircraft procedures, altitudes, and concentration, to “how they were before NextGen.” While the Committee is sympathetic to this input, the FAA has repeatedly indicated that changes to the San Francisco Bay Area airspace pursuant to NextGen are **not** reversible. The FAA has repeatedly advised the Committee that the 2012 federal legislation reauthorizing the FAA required the FAA to adopt and use advanced technology to modernize the air transport system. For these reasons the Select Committee has not endorsed this proposed solution. However, the Select Committee recommends the implementation of a number of solutions to improve NextGen, as discussed throughout this Report.

DRAFT

SECTION 3: LONGER-TERM ISSUES

In the Select Committee’s deliberations several longer-term issues were identified that went beyond the timeframe of the Committee’s work plan. Each of these longer-term issues are of significance and the Committee recommends that resolution be pursued in as timely a manner as possible via appropriate channels.

3.1 Need for an Ongoing Venue to Address Aircraft Noise Mitigation

In the San Francisco Bay Area airspace, noise-related concerns are not confined to a single commercial airport. The three major commercial airports (SFO, Oakland International-OAK, and San Jose International-SJC) that ring the San Francisco Bay (Bay) have a combined 136 arrival and departure procedures (i.e., paths). These arrival and departure procedures crisscross the Bay and, indeed, the entire region. This presents an obvious challenge to those affected by and/or attempting to mitigate aircraft noise. As an example, Santa Cruz Mountains’ residents affected by the SERFR arrival procedure from the south into SFO are also affected by the BRIXX arrival procedure from the north into SJC.

The lack of a venue for these multi-airport impacts to be analyzed and discussed is a flaw that became readily apparent to the Committee in its work.

Recommendation 1: The Select Committee recommends that a permanent entity be established to address issues of aircraft noise throughout the region (“region” yet to be defined). While the Select Committee’s schedule did not permit time to develop a recommended governance structure, some possibilities could include: (1) an adjunct committee of one of the existing community roundtables at either the San Francisco or Oakland International Airports; (2) Association of Bay Area Governments, Regional Airport Planning Committee; (3) Metropolitan Transportation Commission; and/or (4) a wholly new, independent, stand-alone committee/commission devoted to airport noise and/or other regional airport issues.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

Recommendation 2: The Select Committee recommends that that the permanent body may wish to consider several issues which were brought before the Select Committee and which the Committee’s structure and timeline did not allow for in-depth review or study. These matters include Items: 2.11 Modify NRRLI Waypoint on the First Leg of SERFR; 2.12 San Jose International Airport Reverse Flow: Aircraft Arrivals; 2.13 Redirect Southern Arrivals (SERFR) to an Eastern Approach into SFO; and 2.15 Herringbone Approach to SFO Arrivals.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

3.2 Restricted/Special Use Airspace

Special Use Airspace (SUA) are areas designated for operations that require restrictions on aircraft not participating in those operations. These operations are often of a military nature. In the San Francisco Bay Area, there are SUA restrictions (military) along much of the Pacific coastline that constrain the FAA’s flexibility to expand or restructure the use of civilian airspace.

Recommendation: While the Select Committee is not questioning the need for or importance of Special Use Airspace in our region, the Committee recommends that the Members of Congress review the SUA in our area with an eye towards better balancing special use restrictions and civilian aviation needs, particularly in the congested San Francisco Bay Area airspace.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

3.3 Noise Measurement

Following the March 2015 changes to the San Francisco Bay Area airspace that implemented radar-based NextGen technology and new flight procedures/paths, it became readily apparent to the Committee that the FAA’s established noise measurement metrics are inadequate. They do not represent what is being experienced by people on the ground.

The existing metrics do not adequately identify or acknowledge ground level noise exposure, even when noise at the reported levels is enough to be noticeable and disturbing to the public. The shortcoming exists in large measure because the *cumulative* noise level (over a 24-hour period) is not high enough to technically constitute a “significant impact.”

More specifically, the use of a Day-Night Average Sound Level (DNL) alone is ill-suited to assess ground level impacts, particularly from the standpoint of amplitude, duration, time of occurrence, and repetitiveness (concentration of flight paths). In addition, noise analysis at a community level (i.e., over a relatively broad swath) results in a blending of noise that does not reflect more localized impacts. Measuring noise more locally and precisely (e.g., at the census block level) would avoid this “blending” and diluting of noise exposure. The Committee also notes that, on the national level, numerous studies of alternative noise metrics highlight the deficiencies of DNL.

Further, the FAA’s metrics rely on A-Weighting to measure sound pressure levels (e.g., the way the ear hears), commonly expressed in dBA. A-Weighting was originally intended only for the measurement of low-level sounds. Yet it is now commonly used for the measurement of environmental and industrial noise, including aircraft noise, as well as when assessing potential hearing damage and other noise health effects at all sound levels. However, because A-Weighting is applicable to only low levels, it tends to devalue the effects of low frequency noise in particular.

Other frequency weighting, such as “C-” and “Z-” Weightings are available. Use of these frequency weightings yields measurements of *all* noise, instead of only a small fraction of it.

Recommendation 1: The Select Committee recommends that the U.S. Congress require the FAA to adopt supplemental metrics for aircraft noise that characterize the true impact experienced by people on the ground.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

SECTION 4: PROCESS ISSUES

In its deliberations, the Select Committee identified three process issues of note that warrant further consideration and follow-up.

4.1 Who Makes Recommendations to Whom

In the face of widespread concern about aircraft noise over portions of three counties, the Select Committee was empaneled to provide recommendations to Members of Congress on appropriate measures to eliminate or mitigate noise where practicable. The Committee members understood and accepted that assignment, and this Report represents the Committee's best effort to offer such recommendations.

That being said, the mitigation of aircraft noise is a highly technical matter. The Committee was wholly comprised of (elected) lay people. Charging a group of elected lay people with the responsibility for making recommendations in this area seems less than ideal, particularly when the FAA has the requisite expertise and responsibility to manage aircraft traffic in the public interest.

Simply put, notwithstanding the FAA's good faith effort to provide technical expertise to the Committee, the Committee's view is that the process is fundamentally backwards – the FAA should be coming to Members of Congress and their affected constituencies with proposals for review and comment, not the other way around.

Recommendation: Should a similar process be employed here or elsewhere in the country in the future, the Select Committee recommends that, to the greatest degree possible, the FAA be charged with the responsibility for identifying and proposing solutions to mitigate noise concerns, and that community groups and/or elected officials be asked for review and comment.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

4.2 Need for Before/After Noise Monitoring

The lack of aircraft noise monitoring prior to the implementation of NextGen hampered the Committee’s (and the public’s) ability to measure and document the actual impacts of the changes that were implemented in March 2015. Looking ahead, the Committee is concerned that if the FAA fails to perform “before and after” noise measurements before and after the implementation of recommendations contained in this Report, there will likewise be an inability to measure, verify, and document the desired improvements. Accordingly, the Select Committee offers the following recommendation.

Recommendation: The Select Committee recommends that the FAA monitor and document noise exposure of any feasible solutions before and after implementation to ensure impacts are verified, and to determine whether results are of a discernible benefit.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

4.3 Ensuring Compliance

The Committee received significant comment from both the public, and the elected official members of the Committee, about prior understandings, directives, or agreements, including those regarding altitude restrictions, not being adhered to. Such comments suggest the need for compliance monitoring with respect to previously agreed to efforts, and with respect to newly identified noise mitigation efforts.

Recommendation: The Select Committee recommends ongoing compliance monitoring for any set of solutions accepted and implemented by the FAA. The Committee recommends that the Members of Congress ensure that the FAA takes the appropriate steps to measure and guarantee ongoing compliance.

(Vote: ___ Aye, ___ Nay, ___ Absent or Abstain)

APPENDIX A: Vote Record

Recommendation	Simitian	Leopold	Pine	Addiego	Bernald	Bottorff	Hindi	Lane	McPherson	Moody	Waldeck	Wengert	Total
1.1													
1.2													
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3.3													
4.1													
4.2													
4.3													

APPENDIX B: Map of Key Waypoints

TO FOLLOW

DRAFT

APPENDIX C: Maps of Selected Flight Paths

TO FOLLOW


DRAFT



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October 27, 2016

TO: Roundtable members and Interested Persons
FROM: James A. Castañeda, AICP, Roundtable Coordinator 
SUBJECT: Roundtable Response Package to FAA Initiative Results to Address Noise Concerns

The following package of documents make up the Roundtable’s response to the *FAA Initiative to Address Noise Concerns* (Initiative) consideration. The package included a letter introducing the response, an item-by-item response for the items listed in the Initiative, an executive working outline of detailed action steps, and attachments that provide expanded information that details specific procedure operations as they fly today and any changes the Roundtable is requesting. This represents the work of the Technical Working Group, staff, and collaborating with stakeholders.

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| 2. Attachment A: Executive Working Outline | p. 13 |
| 3. Attachment B: Expanded Procedure Discussion Package | p. 21 |
| 4. Attachment C: Letter to FAA Western-Pacific Regional, City of Pacifica | p. 53 |



November 2, 2016

Congresswoman Jackie Speier
155 Bovet Road, Suite 780
San Mateo, CA 94402

Re: *FAA Initiative Phase 1*, SFO Airport/Community Roundtable Response

Dear Congresswoman Speier:

As part of the FAA Initiative process, we look forward to opening a dialogue with the FAA Western Service Center and the Sierra Pacific District Air Traffic Operations to find ways to decrease the noise impact on our residents and improve the quality of their lives.

Throughout the Metroplex process, the Roundtable has been the voice for nearly 1.6 million people in the County of San Mateo and the City and County of San Francisco regarding aircraft noise issues. We take the role of being the voice for our communities seriously, as they have looked to us for the past 35 years to be the bridge between the aviation industry and the public.

Although the FAA sees Metroplex as a necessary evolutionary step in the modernization of the air traffic control system, the initial results have had a substantial negative effect on the surrounding communities which the Roundtable represents. This is reflective in thousands of inquiries and complaints by affected residents. We need a collaborative process that creates better compatibility between flight procedures and the areas around San Francisco and San Mateo County. The Roundtable believes there are opportunities to work together to create the changes necessary to reduce negative noise impacts on our cities, while also maintaining safety in our skies.

In reviewing the FAA Initiative Feasibility Study, there are approximately 29 Adjustments that are under the purview of the Roundtable; of this total, 13 were deemed by the FAA as "Feasible" while 16 were deemed by the FAA as "Not Feasible." Those deemed Not Feasible may likely be remedied by operational changes and pilot and controller outreach, rather than a protracted environmental process to change a procedure. This letter will detail our response to each of the Adjustments.

For some of the Adjustments, there are attachments to the letter that provide additional information on solutions and collaboration. The hope in "packaging" these procedures is to create greater clarity and understanding of what is going on with a particular flight procedure of interest, so that the public can be productive in providing direction to the Roundtable, which will eventually be passed on to the FAA. Our goal is to put forth achievable solutions and identify short and long term actions to alleviate noise for our communities.

None of the Adjustments can be successful without a concentrated collaboration between stakeholders, including your Congressional office, FAA Western Service Center and our local NORCAL TRACON professionals as part of the Sierra Pacific District Air Traffic Operations team. In addition, we strive to include other stakeholders such as San Francisco International Airport, airlines, Congressional representatives, other elected officials, the Select Committee on South Bay Arrivals, as well as the citizens we represent in our communities.

Our SFO Airport/Community Roundtable looks forward to working with you and the FAA to collaboratively develop solutions that reduce noise impacts in our communities, while maintaining safety in our skies.

Very truly yours,

Cliff Lentz, Chair
SFO Airport/Community Roundtable

Elizabeth Lewis, Vice Chair
SFO Airport/Community Roundtable

cc:

Glen Martin, Regional Administrator
Ron Fincher, Director, Air Traffic Operations Western Service Area South
Clark Desing, Director, Western Service Center
Tony DiBernardo, Terminal District Manager, Sierra Pacific District Air Traffic Operations
Don Kirby, Manager, NORCAL TRACON
Tracey Johnson, Manager, Quality Control Group, Mission Services
Mindy Wright, Manager, South Airspace & Procedures Team
Members, SFO Airport/Community Roundtable
Members, Select Committee on South Bay Arrivals
Congresswoman Anna Eshoo
Congresswoman Jackie Speier

Attachments

- A. Executive Working Outline
- B. Expanded Procedure Discussion Package
- C. Letter to FAA Wester-Pacific Region, City of Pacifica

Adjustment - 1.a.i.(a) (Altitude)– Not Feasible

Description: Evaluate raising altitude at MENLO waypoint to 5,000’.

Roundtable Response: This Adjustment contains two items: increasing the altitude at MENLO and establishing a new waypoint. Based on instrument procedure design, the Roundtable understands the altitude at MENLO must remain at the current altitudes. The SFO Aircraft Noise Abatement Office and Northern California TRACON have an agreement that states when able, aircraft will cross the MENLO intersection during visual conditions at 5,000’ AGL and 4,000’ AGL during instrument conditions. The Roundtable requests this agreement stays in place and aircraft cross MENLO at or close to 5,000’ AGL during visual conditions.

Adjustment - 1.a.ii. (Altitude) – Feasible

Description: Analyze reducing impacts of SSTIK, WESLA, and CNDLE departures.

Roundtable Response: This Adjustment contains language regarding three separate procedures.

1. SSTIK – Discontinue flying the SSTIK procedure and revert back to pre-RNAV PORTE/OFF SHORE departure using the SEPDY waypoint.
2. WESLA – This procedure should be flown as charted and allow aircraft to climb unrestricted when there are no other air traffic conflicts.
3. CNDLE – As with the SSTIK, the Roundtable advocates for CNDLE to be flown as charted and vectored for safety purposes only, not for efficiency. The Roundtable would request the FAA to research other possible lateral path options for the CNDLE southbound departures

Additional information regarding the SSTIK and CNDLE can be found in Attachments.

Adjustment - 1.b.i. (Track)– Feasible

Description: Analyze moving the SSTIK and PORTE departures more over water.

Roundtable Response: There are two procedures in this Adjustment; the majority of aircraft fly the SSTIK departure, therefore the comments will focus that procedure. Keeping aircraft over compatible land uses as much as possible is key to noise abatement. For SSTIK, there are two bodies of water to use for aircraft operations; on immediate departure, the San Francisco Bay and later in the Pacific Ocean for points between the existing SSTIK and PORTE waypoints. The Roundtable advocates utilizing water as much as possible for the SSTIK procedure to:

- Fly over the Bay until the SSTIK waypoint, and
- Fly the procedure as charted to PORTE waypoint instead of clearing aircraft to subsequent waypoints downstream from SSTIK, bypassing PORTE. Aircraft bypassing the PORTE waypoint lead to aircraft overflying larger portions of San Mateo County instead of the ocean.

Additional information regarding this Response can be found in Attachment B.

Adjustment - 1.b.ii. (Track)– Feasible

Description: Analyze reducing the impacts of SSTIK, WESLA, and CNDLE departures.

Roundtable Response: There are three procedures in this Adjustment.

1. SSTIK – This Adjustment addresses the track of the procedure. The comments in this

Adjustment relate specifically to the existing track and options for procedure modifications. The SSTIK procedure can be dissected into parts, or segments, to look at how to solve the overall issues by focusing on how the procedure flies: over the Bay, the peninsula, and the ocean. The FAA Initiative Phase 1 shows that 99% of aircraft are compliant with the SSTIK procedure, turning within 1 nautical mile of the initial waypoint that was designed to RNAV-1 standards. While technically this is accurate, the further aircraft are turned before the waypoint, the lower they are over the peninsula. Aircraft turned before the waypoint then compound the noise issue when cleared to waypoints downstream from PORTE.

2. With regard to the existing procedure, the SFO Roundtable would request:
 - a. That southerly vectors not be issued to an aircraft until an aircraft is actually over SSTIK (avoid anticipatory turns approaching SSTIK).
 - b. That the Bay, Golden Gate and ocean be used for overflight as much as possible.
 - c. That existing areas of non-residential land be used for overflight.
 - d. That assigning a southbound heading toward PORTE should be delayed as long as feasible **including flying to the ocean before turning south.**
 - e. That vectoring aircraft down the Peninsula direct to **PORTE and to** waypoints beyond PORTE should be avoided.

With regard to the longer term, the Roundtable would propose to replace the SSTIK with the PORTE departure used prior to NextGen.

3. WESLA – This procedure should be flown as charted and allow aircraft to climb unrestricted when there are no other air traffic conflicts.
4. CNDLE – This procedure should be flown as charted and reduce the amount of aircraft vectored. *FAA Initiative Phase 1, Appendix B* notes that 46% of CNDLE departures are on the procedure; this assumes 54% of aircraft flying the CNDLE departure are vectored. The Roundtable requests the FAA to use this as a baseline to compare conditions in the future when reporting back to this body regarding decreasing vector traffic. As with Adjustment 1.a.ii., the Roundtable requests the FAA research various options as alternate lateral paths for CNDEL southbound departures.

Additional information regarding the SSTIK and the CNDEL can be found in Attachment B.

Adjustment - 1.b.iii. (Track)– Not Feasible

Description: Analyze moving the ILS/Visual Approach to RWY 28L offshore.

Roundtable Response: The Roundtable understands the limitations of an offset to RWY 28L interfering with operations on RWY 28R. This Adjustment is an example of an operational issue that can use controller and pilot outreach to help with noise issues; it is understood that the need for side-by-side operations has increased and with the changes in wake re-categorization, aircraft delays at SFO are at times cut in half due to this type of operation. As part of the outreach, the Roundtable would like to request the following:

- a. Work with SFO Noise Abatement Office on a pilot outreach program to encourage aircraft to stay over water while on approach after receiving their cleared to land instructions.
- b. Work with Northern California TRACON (NCT) to educate controllers on keeping aircraft over water as much as possible, especially during late night hours and when aircraft are

- operating in single-stream and using RWY 28R. Additionally, we would like assurances from the FAA, to the maximum extent possible, not turn aircraft over affected communities prior to nine miles from the SFO VOR (9 DME) final from the airport, consistent with the NCT informal noise abatement agreement.
- c. Determine the feasibility of creating an RNAV (RNP) dual offset approach to Runway 28R and 28L.

Adjustment - 1.b.iv. (Track)– Not Feasible

Description: Analyze offsetting Visual Approaches until passing San Mateo Bridge.

Roundtable Response: The Roundtable understands the limitations of aircraft conducting a stabilized approach and needing to be set up on a final approach outside of the San Mateo Bridge. This Adjustment is an example of an operational issue that can use controller and pilot outreach to help with noise issues.

As part of the outreach, the Roundtable would like to request the following:

- a. Work with SFO Noise Abatement Office on a pilot outreach program to encourage aircraft to stay over water while on approach after receiving their cleared to land instructions.
- b. Work with Northern California TRACON (NCT) to educate controllers on keeping aircraft over water as much as possible, especially during late night hours and when aircraft are operating in single-stream and using RWY 28R.

Adjustment - 1.b.v. (Track)– Not Feasible

Description: Analyze the impact of non-charted visual approaches to RWY 28.

Roundtable Response: The Roundtable understands the limitations of aircraft conducting a stabilized approach and needing to be set up on a final approach outside of the San Mateo Bridge. This Adjustment is an example of an operational issue that can use controller and pilot outreach to help with noise issues.

As part of the outreach, the Roundtable would like to request the following:

- a. Work with SFO Noise Abatement Office on a pilot outreach program to encourage aircraft to stay over water while on approach after receiving their cleared to land instructions.
- b. Work with Northern California TRACON (NCT) to educate controllers on keeping aircraft over water as much as possible, especially during late night hours and when aircraft are operating in single-stream.

Adjustment - 1.c.ii. (Waypoint)– Feasible

Description: Analyze making adjustments to PORTE departure to maximize offshore routing.

Roundtable Response: The majority of aircraft that depart Runway 01L fly a SSTIK departure procedure; the comments relating to Adjustment 1.c.ii. are the same the Roundtable comments on Adjustments 1.a.ii, 1.b.i, and 1.b.ii. with emphasis on the comments for Adjustments 1.a.ii and 1.b.i.

Adjustment - 1.f.ii. (PBN Procedures)– Not Feasible

Description: Evaluate the effect of dispersing flight tracks over a wider range.

Roundtable Response: The Roundtable understands that vectoring is often used to compensate for high flight volumes at SFO and to avoid long delays on the ground. The Roundtable requests to work with the FAA to determine where aircraft can be vectored with the least noise impact and identify locations that have the most compatible land uses for vectoring purposes.

Adjustment - 1.f.iii. (PBN Procedures)– Feasible

Description: Study the feasibility of creating new transitions for the NITTE departure for airports to southbound destinations.

Roundtable Response: The Roundtable supports FAA's efforts to create a noise abatement procedure for nighttime flights that will keep aircraft over compatible land uses, specifically the Bay and ocean, instead of the peninsula. We request a timeline from the FAA for implementation of this procedure, factoring in requirements to run the procedure through the FAA Order JO 7100.41A process.

Additional information regarding a new southbound transition for the NIITE Departure can be found in Attachments.

Adjustment - 1.f.iv. (PBN Procedures)– Not Feasible

Description: Study the possibility of new SFO RNP approaches which will serve RWYs 28 L/R and follow the BSR ground track, curved out over the Bay crossing MENLO at 5,000 -6,000 feet.

Roundtable Response: There are two issues in this Adjustment, creating an RNP approach to Runways 28 L/R and crossing MENLO at 5,000- 6,000 feet. Based on instrument procedure design, the Roundtable understands the altitude at MENLO must remain at the current altitudes. For procedural adjustments, the Roundtable would like approach control to encourage use of the RNAV (RNP) Y procedure to Runway 28R to keep aircraft over the water for as long as possible. The Roundtable suggests the following outreach:

- a. Work with NCT to educate controllers on keeping aircraft over water as long as possible on approach, especially during single-stream operations.
- b. Work with the SFO ANAO to educate pilots on the ability to request the RNP to Runway 28R, given the properly equipped aircraft and flight crew.

Adjustment - 2.a.i. (Sequencing and Vector Points)– Not Feasible

Description: Analyze adjusting air traffic activity in the vicinity of Woodside VOR including altitudes.

Roundtable Response: Aircraft activity over the Woodside VORTAC includes aircraft arrivals from numerous origin points, not just oceanic arrivals. The Initiative addressed one portion of the flights which utilize the Ocean Tailored Approach, which accounts for less than 4% of SFO's traffic. The majority of traffic in this area of southern San Mateo County are 1) vectored flights from southern arrivals on BIG SUR THREE and SERFR TWO STARS and 2) vectored flights from northern arrivals on numerous STARS including but not limited to the GOLDEN GATE SIX, POINT REYES ONE, and BDEGA TWO. Aircraft on STARS from northern origin cities fly down the peninsula, turning back towards the airport over towns and cities in southern San Mateo County over populated terrain that rises to 2,000' mean sea level. Aircraft on arrival from southern origin cities are vectored for traffic over this same geographic area. The Roundtable requests:

- a. The FAA determine the ability of more aircraft to utilize the Bay for arrivals from points

- north instead of the peninsula. This is especially important during nighttime hours; nighttime as defined by the FAR Part 150 is 10 pm – 7 am. Between the hours of 10 pm – 7 am, we would like 100% of the arrivals to use the Bay,
- b. The BDEGA TWO procedure include the waypoints for a down the Bay procedure, as done in BDEGA ONE, and
 - c. The FAA determine altitudes to turn aircraft for vector purposes that minimizes noise.

Additional information regarding the Woodside VOR can be found in Attachment B.

Adjustment - 2.a.ii.(a) (Sequencing and Vector Points)– Feasible

Description: Analyze adjusting air traffic to eliminate early turns over land. Focus on leaving aircraft over water as long as possible.

Roundtable Response: This Adjustment contains references to numerous procedures, which will be addressed in order.

1. NIITE – when aircraft remain on the NIITE procedure, they represent an excellent use of an RNAV-based procedure that places aircraft over the intended waypoints, over a compatible land use, on a consistent basis. We are encouraged by the use of the NIITE procedure and look to see the amount of aircraft vectored off of the NIITE to reduce from the baseline of 25% vectored flights between 10 pm – 12 am and 50% between 1 am – 4 am. It is critical stay on the NIITE procedure given that it is used during late night hours, essential for sleep.
2. HUSSH – the HUSSH is an OAK-based procedure. While these flights do not fly over San Francisco or the peninsula, we continue to encourage its use and reduce vectors off of the HUSSH departure for the same reasons as the NIITE.
3. FOGGG – this procedure is used on runways not commonly used, RWY 10L/R and RWY 19L/R. When weather conditions dictate the use of these runways, we encourage the use of FOGGG as published.
4. GNNRR – the GNNRR TWO departure is a replacement for the legacy GAP SIX departure, flying runway heading from RWY 28L/R. The Roundtable has been the voice for San Mateo County for the past 35 years; in that time, aircraft departing out “the gap” have not been identified as flying a noise abatement procedure. During nighttime periods, it is not the preferential departure runway due to its overflight of thousands of residents in multiple communities that vary in elevation. The Roundtable requests:
 - a. The FAA remove GNNRR TWO in references to flying aircraft over less noise-sensitive areas and the associated inclusion in procedures used over less noise-sensitive areas that total 88%, as noted in this Adjustment, 3rd bullet.
 - b. When available, use the GAP SEVEN departure to avoid any top altitude restrictions for aircraft departing Runway 28L/R out the gap.

Adjustment - 2.a.ii.(b) (Sequencing and Vector Points)– Feasible

Description: Analyze adjusting air traffic to eliminate early turns over land. Keep aircraft on the SSTIK departure until the SSTIK waypoint before turning.

Roundtable Response: This Adjustment contains reference to three procedures; the comments will address each procedure in order.

1. The SSTIK procedure is a replacement for the legacy PORTE procedure; with the new

procedure came a new waypoint for aircraft to make their initial procedure turn. As with many cities within San Mateo County, cities underneath the SSTIK waypoint contain topographic features that can heighten noise from aircraft operations, unlike flying over flat land. When aircraft are turned before the waypoint, they are turning over the peninsula while simultaneously continuing their climb, increasing the noise to communities along its path. Early turns that are cleared to waypoints beyond PORTE add to the aircraft noise profile along the peninsula.

In keeping with comments regarding SSTIK operations in Adjustment 1.a.ii., 1.b.i., and 1.b.ii, the SSTIK procedure can be dissected into segments to increase use of compatible land uses along the entire route. The goal is to increase the amount of wings-level flight over the peninsula to reduce the effect of aircraft climbing and turning over populated areas, letting aircraft gain altitude in a wings level configuration and to minimize their flight path over populated land before starting a turn to the south over the ocean.

The Roundtable requests:

- a. Aircraft use compatible land uses for as long as possible before turning. For the SSTIK procedure, this would be using the Bay to gain altitude before turning over populated areas.
 - b. Define the airspace limitations to the north and east for placement of a waypoint to replace SSTIK. Present these limitations to the Roundtable in graphic and memo formats.
 - c. Define the airspace limitations over the Golden Gate and the ocean to the west of the peninsula for placement of a waypoint to replace or augment PORTE. Present these limitations to the Roundtable in graphic and memo formats.
2. The Roundtable requests aircraft remain on the WESLA procedure, as charted.
 3. While the CNDLE procedure is for OAK departures, the CNDLE and SSTIK share the PORTE waypoint. Aircraft flying the CNDLE departure overfly numerous areas of the City of San Francisco and northern San Mateo County. As requested in Adjustment 1.b.ii., *FAA Initiative Phase 1, Appendix B* notes that 46% of CNDLE departures are on the procedure; this assumes 54% of aircraft flying the CNDLE departure are vectored. The Roundtable requests the FAA to use this as a baseline to compare conditions in the future when reporting back to this body regarding decreasing vector traffic.

Adjustment - 2.a.ii.(c) (Sequencing and Vector Points)– Feasible

Description: Analyze adjusting air traffic to eliminate early turns over land. Keep aircraft on the NITTE departure to at least the NIITE waypoint as much as possible.

Roundtable Response: The Roundtable comments for Adjustment 2.a.ii.(a) apply to this Adjustment; we are encouraged by the use of the NIITE procedure and look forward to a report from the FAA that the number of aircraft vectored off of the NIITE procedure will be reduced.

Adjustment - 2.e.i. (RWY Usage)– Not Feasible

Description: Study the feasibility of increasing the use of RWY 10.

Roundtable Response: RWY 10L/R has historically been the nighttime preferential runway for noise abatement, especially for wide body aircraft that are travelling to destinations in Asia. This Adjustment references the increased use of RWY 10L/R in relation to weather conditions. The

Roundtable understands due to weather conditions RWY 10L/R is unable to be used much of the time, however; the use of RWY 10L/R for portions of nighttime activity will be addressed in Adjustment 2.e.iii.

Additional information regarding the Runway 10 departure and Opposite Direction Operations can be found in the Attachments.

Adjustment - 2.e.ii. (RWY Usage)– Feasible

Description: Study the feasibility of increasing the use of RWY 01 for departures, study the feasibility of proceduralizing the 050 departure heading off RWY 01 at night.

Roundtable Response: For daytime operations, RWY 01L/R are the preferential departure runways while RWY 28L/R are the preferred arrival runways. For nighttime operations, use of RWY 01L/R is the third preference of SFO's nighttime preferential runway use program. For departures using RWY 01L/R for departures during nighttime hours, the Roundtable requests aircraft with southern destinations use the 050 departure heading as much as possible to avoid overflights of the peninsula. The RT is not advocating for Runway 01L/R to be used more during nighttime hours.

Operationally, the Roundtable would like to use the 050 departure heading, NITTE, and new NITTE waypoint for south-bound departures to reduce nighttime overflights of the peninsula.

Adjustment - 2.e.iii. (RWY Usage)– Not Feasible

Description: Study the necessity of extending nighttime operations at SFO. According to the SFO Standard Operating Procedure, the preferred RWY for operations between 0100 and 0600 local time is departing RWY 10 and landing RWY 28.

Roundtable Response:

Since 1988, SFO has had in place a nighttime preferential runway use program¹. The program defines nighttime hours the same as the FAA FAR Part 150 study as 10 pm – 7 am. During this time period, SFO defines the following preferred nighttime preferential runway procedures:

1. The primary goal of the program is to use Runways 10 L/R for takeoff because they offer departure routing over the San Francisco Bay which will reduce the noise impacts over the communities surrounding SFO.
2. When departures from Runways 10 L/R are not possible, the second preference would be to depart Runways 28 L/R on the Shoreline or Quiet Departure Procedures. Both of these procedures incorporate an immediate right turn after departure to avoid residential communities northwest of SFO. The Quiet DP is now the TRUKN procedure that flies up the bay.
3. The third preference is to depart on Runways 01 L/R. While this procedure directs aircraft over the bay, jet blast from these departures affects communities south of SFO.

Over the past 35 years, the Roundtable has worked with the SFO Noise Abatement Office to ensure the nighttime preferential runway use program stayed in place and is used as much as possible between 10 pm – 7 am. Due to daytime delays and traffic volumes, the hours that the preferential runway use program can be used doesn't always span from 10 pm – 7 am. However, we strive to have this preferential nighttime runway use program used as much as possible when traffic allows.

¹ <http://www.flysfo.com/community-environment/noise-abatement/noise-abatement-procedures>

The Roundtable requests:

1. Maximum use of SFO's preferred nighttime preferential runway procedures, including using the TRUKN (up the Bay) and NIITE as replacements for the SHORELINE and QUIET departures.
2. Create a RWY 10R procedure for aircraft to depart RWY 10R, then turn up the Bay to join the NIITE. Currently aircraft depart and turn to heading 330 to fly up the Bay via vector headings issues from NCT. This can be enhanced by creating an RNAV procedure that brings aircraft up the Bay to join the existing NIITE for destinations to the east or on a new NIITE waypoint over the Golden Gate Bridge.

Additional information regarding this Response can be found in Attachment B.

Adjustment - 2.e.iv. (RWY Usage)– Not Feasible

Description: When weather conditions permit, study the increase in use of the Shoreline 7 departure off RWY 28R or 28L.

Roundtable Response: As with previous Adjustments, the Roundtable's goal is to use compatible land uses as much as possible. For the SHORELINE SEVEN departure, and now the TRUKN departure, it is key for aircraft to stay east of Highway 101 for noise abatement. This provides residents of numerous densely populated cities with relief from aircraft overflights all times of the day, especially at night. When conditions permit and aircraft use the TRUKN departure off RWY 28L/R, the Roundtable requests the FAA conduct controller outreach to educate them about aircraft staying east of Highway 101.

Adjustment - 2.f.i. (Instrument Flight Procedures IFP)– Feasible

Description: Study the feasibility of creating new transitions for the NIITE departure for departures to southbound destinations.

Roundtable Response: See Roundtable response to Adjustment 1.f.iii. and more information in Attachment B.

Adjustment - 2.f.ii. (Instrument Flight Procedures IFP)– Not Feasible

Description: When weather operations permits, study the use of the Shoreline 7 departure off of RWY 28R or 28L.

Roundtable Response: See Roundtable response to Adjustment 2.e.iv.

Adjustment - 2.f.iii. (Instrument Flight Procedures IFP)– Not Feasible

Description: Study the use of offset visual approaches in lieu of straight in visual approaches.

Roundtable Response: See Roundtable response to Adjustments 1.b.iii., 1.b.iv., and 1.b.v.

Adjustment - 2.f.iv. (Instrument Flight Procedures IFP)– Not Feasible

Description: Study the usage of the GAP departure.

Roundtable Response: Aircraft departing on GNNRR are many times fully-loaded wide-body aircraft traveling to Europe or Asia. These operations fly over numerous cities that are densely populated.

The Roundtable requests aircraft can climb unrestricted on this procedure.

Roundtable Response: The Roundtable requests aircraft depart without a top altitude restriction when flying “out the gap” on Runway 28L/R.

Adjustment - 2.f.vi. (Instrument Flight Procedures IFP)– Not Feasible

Description: Study the feasibility of increasing the use of the SSTIK departure during the day and the NIITE departure at night.

Roundtable Response: As the Roundtable has requested in previous Adjustments, the SSTIK procedure should be flown as charted, especially flying to the PORTE waypoint instead of down the peninsula to points south of PORTE.

Adjustment - 2.g.i. (Opposite Direction Operations ODO)– Not Feasible – Not Applicable

Description: Review recent implementation of ODO procedures and their impacts in the San Francisco Bay Area.

Roundtable Response: See the Roundtable response in Adjustment 2.e.iii.

Adjustment - 2.g.ii. (Opposite Direction Operations ODO)– Not Feasible – Not Applicable

Description: Review recent implementation of ODO procedures and their impacts in the San Francisco Bay Area.

Roundtable Response: The Roundtable supports the FAA’s efforts to use the 050 heading for noise abatement at night. Please see the Roundtable Response to Adjustments 2.e.i., 2.e.ii., and 2.e.iii.

Adjustment - 3.a.i. (Equitability, Opposite Direction Operations ODO)– Not Feasible – Not Applicable

Description: Review the current nighttime operations to determine if they adequately address preferential RWY usage.

Roundtable Response: In addition to the Roundtable’s response and requests in Adjustments 2.e.i., 2.e.ii., and 2.e.iii relative to runway use at night, the Roundtable requests that SFO’s nighttime preferential runway use program remain unchanged, with the runway use at nighttime remain as follows:

1. The primary goal of the program is to use Runways 10 L/R for takeoff because they offer departure routing over the San Francisco Bay which will reduce the noise impacts over the communities surrounding SFO.
2. When departures from Runways 10 L/R are not possible, the second preference would be to depart Runways 28 L/R on the Shoreline or Quiet Departure Procedures. Both of these procedures incorporate an immediate right turn after departure to avoid residential communities northwest of SFO.
3. The third preference is to depart on Runways 01 L/R. While this procedure directs aircraft over the bay, jet blast from these departures affects communities south of SFO.

Additional information regarding Opposite Direction Operations/Nighttime flights can be found in Attachments.

Adjustment - 3.b.ii. (Interactions and agreements) – Feasible

Description: Review facility agreements to ensure they are effective and efficient with regard to routing and speeds.

Roundtable Response: In its 35-year history, the Roundtable has maintained working relationships with its advisory members, including NCT, airlines, and the FAA airports district office. The Roundtable membership understands how key it is to have representatives from NCT involved with noise abatement at Roundtable meetings, Noise 101 workshops, and as our host for yearly NCT visits. We welcome the opportunity to discuss noise abatement with the controllers and as stated in a previous Adjustment, provide a noise presentation that can be used at NCT during training sessions.



ATTACHMENT A:

EXECUTIVE WORKING OUTLINE SFO AIRPORT/COMMUNITY ROUNDTABLE RESPONSE TO FAA INITIATIVE

ST =Short Term Task

LT = Long Term Task

LIGHT GRAY SHADING = FAA NORCAL TRACON

DARKER GRAY SHADING = FAA Western Service Group

LEAD = Task lead agency:

- SFO** = SFO Airport Manager
- RT** = SFO Airport/Community Roundtable
- NCT** = FAA NORCAL TRACON
- WSC** = FAA Western Service Group
- OKC** = Flight Procedures Oklahoma City

#		LEAD	LT/ ST	ARRIVALS	
1	BDEGA + Other arrivals from north Woodside + Mid-Peninsula	WSC	ST	Safety and traffic flow permitting, go back to historical use of the BDEGA East downwind prior to May 2010.	The RT understands that at certain times of the day, continuous traffic flow on the DYMND arrival causes reduced opportunities to use the BDEGA East downwind. However, when traffic allows (or when a slot can be created), use of the BDEGA east downwind significantly decreases noise to the entire mid-Peninsula.
2	BDEGA + Other arrivals from north Woodside+ Mid-Peninsula	WSC	ST	The FAA has provided, via the Select Committee on South Bay Arrivals, data on BDEGA West and East legs, showing the decline in the use of the East leg, with it being used only 28% of the time in May 2016 versus 42% in May 2010, down from a high in May 2005 of 57%.	Residents would benefit by understanding the limitations on the use of the BDEGA East downwind and the causes underlying what appears to be a significant decrease over the past few years in the utilization of the BDEGA East downwind.
3	BDEGA Other arrivals from north Woodside+ Mid-Peninsula	WSC	LT	If safety is not a factor, request the reinstatement of the FNISH transition in order to facilitate use of the BDEGA East downwind.	Ideally (even if only in visual conditions), it would be beneficial to create a “connection” between FNISH waypoint and a turn on to 28R for the FMS Bridge Visual, Quiet Bridge Visual or similar approach to 28R. This would most benefit non-local pilots who may not be familiar with SFO BDGEA East Downwind procedures.
4	BDEGA Other arrivals from north Woodside+ Mid-Peninsula	WSC	ST	The RT requests the FAA provide data on Golden Gate/BDEGA lateral track locations pre-NextGen and post-NextGen and if new procedures can use headings, not tracks, in procedure design.	The Golden Gate arrival directed a 140° heading from SFO. In the BDEGA, this was changed to a 140° concentrated TRACK from BRIXX waypoint located on SFO. Consider other factors which may also account for aircraft following a different track after NextGen.

Attachment A: Executive Working Outline

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5	BDEGA Woodside+ Mid- Peninsula	WSC	LT	Determine if the BDEGA West downwind can be flown at a higher altitude or over compatible land uses west of Highway 280 without shifting noise to other communities.	It has been suggested that the BDEGA West downwind be flown at a higher altitude notwithstanding the constraints of the BRIXX at 12,000' using more compatible land uses to the west of Highway 280.
6	BDEGA Arrival IN-TRAIL SPACING	NCT	ST	The SFO RT requests that the FAA study whether an increase in in-trail spacing on the BDEGA arrival will result in the decrease in vectoring over the Peninsula	Efficiency to the industry must be balanced with noise and health impacts to the communities as well as increased emissions to the environment.
7	BDEGA Other arrivals from north Woodside+ Mid- Peninsula	NCT	ST	BDEGA NIGHTTIME HOURS During the nighttime hours, every effort should be made for all arrivals from the north to be assigned to the BDEGA East Downwind.	If delay vectors are needed to create a single stream to 28R or to incorporate BDEGA East downwind into the flow, early adjustments to DYMND arrivals might have the least noise impact on residents.
8	SERFR Arrival IN-TRAIL SPACING	NCT	ST	The SFO RT recommends that the FAA increase the in-trail spacing of aircraft on the SERFR Arrival which will decrease the need for vectoring.	The FAA reports that more than 50% of planes on the SERFR Arrival are vectored off their path; some vectors begin as early as Monterey. This vectoring results in many additional flight miles, causing significant increases in noise and emissions. While the RT understands that this recommendation for increased in-trail spacing may result in ground delays at the departure cities, it will be at least partially offset by the reduced amount of airborne flight delays. This planned vectoring merely masks the problem; efficiency must be balanced with noise and health impacts to the communities as well as increased emissions to the environment.
9	SERFR + BSR Woodside+ Mid- Peninsula	WSC	ST	FLIGHT FROM THE SOUTH NIGHTTIME HOURS During nighttime hours only, determine if arrivals from the south (such as on the SERF/BSR) could instead file a route which would terminate to the east of the Bay for an approach to Runway 28R.	During the nighttime hours only , the concept is to allow aircraft to file a routing similar to an LAX-OAK route (such as KLAX-CASTA6-GMN-RGOOD-EMOZOH3 to MYNEE), then from MYNEE (or other) direct ARCHI or ANETE, then conduct a noise-friendlier approach such as the FMS Bridge Visual 28R, Quiet Bridge Visual 28R, RNAV (RNP) Y 28R or if required, ILS 28R.

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10	BDEGA West Downwind OCEANIC SERFR/ BSR ARRIVALS	WSC	LT	<p>NIGHTTIME HOURS APPLICABLE TO SFO AND OAK FLIGHTS During nighttime hours only, whenever aircraft fly over sensitive areas, the RT requests that every effort be made to keep aircraft at a higher altitude than typical daytime altitudes.</p> <p>Consider using extra flight distance over the Bay to 28R to dissipate extra altitude.</p>	<p><i>During nighttime hours only</i>, the goal is for BDEGA arrivals to be assigned the EAST Downwind, the goal for OCEANIC arrivals is for the flights to file for an arrival substantially over water (ex. BDEGA East Downwind) and the goal for SERFR/BSR is to file for an arrival to the east of the Bay.</p> <p>However, in the interim, and at any time flight over sensitive areas is absolutely required, higher altitudes over land might be dissipated by flight over the Bay to a 28R “noise-friendlier” approach. The amount of higher altitude available over land is related to the amount of miles flown to intercept the 28R approach.</p>
11	DYAMD Arrival IN-TRAIL SPACING	NCT	ST	<p>The SFO RT recommends that the FAA increase the in-trail spacing of aircraft on the DYAMD arrival to allow additional opportunities for aircraft to use the BDEGA East arrival, Down the Bay. By routing more flights over the BDEGA East downwind, vectoring noise and emissions over the Peninsula (from SERFR, Oceanic and BDEGA West) will be decreased.</p>	<p>The DYAMD arrival is used by aircraft arriving from the east. This arrival feeds into SFO 28R approaches. The level of vectoring on DYAMD is low and is generally done over unpopulated areas. By increasing the spacing of aircraft on the DYAMD – either for 24 hours of the day or during the hours in which traffic is estimated to exceed a pre-determined level—there should be additional opportunities for aircraft on the BDEGA to be assigned the BDEGA East downwind over the Bay, rather than the BDEGA West downwind over the noise-sensitive Peninsula and will decrease noise and emissions over the Peninsula. Efficiency to the industry must be balanced with noise and health impacts to the communities as well as increased emissions to the environment.</p>
12	RWY 28 APPROACHES Foster City	NCT	ST	<p>Regardless of the time of day, whenever there is a single stream operation to only one runway, aircraft should approach and land only on Runway 28R.</p>	<p>This request is in accordance with NCT SOPs.</p>
13	RWY 28 APPROACHES Foster City	NCT	ST	<p>When landing single stream to 28R or landing both 28L/28R in VMC, aircraft landing 28R should be assigned noise “friendlier” approaches such as FMS Bridge Visual 28R, Quiet Bridge Visual, or RNAV (RNP) Y 28R.</p>	<p>This request is substantially in accordance with the NCT SOPs.</p>
14	RWY 28 APPROACHES Foster City	NCT	ST	<p>NIGHTTIME HOURS ATC should make every effort to coordinate traffic arrivals to create a single stream of traffic to land only on Runway 28R.</p>	<p>Depending on weather conditions, aircraft would be expected to fly the FMS Bridge Visual 28R, the Quiet Bridge Visual, the RNAV (RNP) Runway 28R, (or if conditions require) the ILS 28R or other approach to Runway.</p>

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15	RWY 28 APPROACHES Foster City	OKC *	LT	Determine the feasibility of creating dual offset (VMC or IMC) RNAV, RNAV (RNP) or other type of approach to Runway 28L and to Runway 28R.	This requested concept would create two offset paths with both the 28L path and the 28R path remaining well clear of Foster City and other bayside communities until past the San Mateo Bridge when aircraft would then line up with each runway for landing.
16	MENLO + VICINITY	NCT	ST	In VMC, aircraft should cross the vicinity around the MENLO waypoint and at or above 5,000 feet MSL. Aircraft within the vicinity of MENLO should use the 5,000' altitude when able.	The SFO Aircraft Noise Abatement Office and Northern California TRACON have an agreement that states when able, aircraft will cross the MENLO intersection VMC at 5,000' MSL and IMC at 4,000' MSL.
17	MENLO +Vicinity SFO TIPP TOE VISUAL 28L	FAA	LT	Create a Visual Approach for Runway 28L with a MENLO crossing altitude at or above 5,000' MSL.	While the TIPP TOE Visual Runway 28L is still a published approach procedure, the RT understands that it is little, if at all, used since NextGen. The SFO RT requests that the FAA replace the TIPP TOE Visual with a comparable NextGen Visual Arrival to 28L preserving the TIPP TOE Visual requirement for crossing MENLO at or above 5000'.
DEPARTURES					
18	NIITE HUSSH	WSC	ST	This procedure should be flown as charted including flying over the NIITE flyover waypoint as specified in the departure procedure.	When the NIITE Southbound transition is published, flights should fly the complete published departure unless a 050° Heading is available as an alternative.
19	NIITE HUSSH	WSC	LT	NIITE/HUSSH SOUTH NIGHTTIME HOURS APPLICABLE TO SFO AND OAK FLIGHTS Create a south transition for the NIITE DP that keeps traffic over the Bay and ocean until a high altitude is attained. The south transition to the NIITE DP should also include applicability of that transition to the OAK HUSSH DP	Since the NIITE DP has a transition for westbound traffic to GOBBS waypoint, a southbound transition could follow a track using the PYE 135° radial (which defines GOBBS) from GOBBS to the PORTE waypoint. Some have suggested that the track should remain offshore for some distance beyond PORTE which could be done using a portion of the OFFSHORE Dep.
20	NIITE	NCT	ST	NIITE/HUSSH SOUTH NIGHTTIME HOURS APPLICABLE TO SFO AND OAK FLIGHTS While awaiting the development of a NIITE/HUSSH SOUTH transitions, NCT is requested to use the NIITE DP track to GOBBS and then vectors from GOBBS southbound (keeping offshore) at least until PORTE or further south.	This vector request mirrors the long-standing NCT SOP which reflects, in essence, a vector to GOBBS <i>"Between the hours of 2200 and 0700 local (Sundays to 0800), vector oceanic departures over the Bay to pass over the north end of the Golden Gate Bridge."</i> This request would simply add on a request for a vector from the vicinity of GOBBS southbound to remain well clear of the coastline.

Attachment A: Executive Working Outline

Response to the *FAA Initiative to Address Noise Concerns*

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21	NIITE	NCT	ST	<p>NIITE NIGHTTIME HOURS</p> <p>Determine if Runway 10 take-offs can be authorized to use the NIITE DP. If not, create a departure to allow Runway 10 take-offs to make a left turn up the Bay to NIITE waypoint.</p>	<p>Apparently safety concerns resulted in the removal of the authorization for Runway 10 take-offs to use the NIITE DP. Perhaps these concerns could be reviewed to determine if another departure routing or transition could be created to ensure safety.</p>
22	NIITE	WSC	ST	<p>NIGHT-NIITE/HUSSH: determine if aircraft can file for SFO CUIT Departure or the OAK SILENT Departure and then be vectored IAW NCT SOPs out to GOBBS...and then southbound.</p>	<p>Or perhaps there is a way for the Nighttime Hours southbound aircraft that would normally file for CNDEL/SSTIK, to file for NIITE with a GOBBS transition, then vector past PORTE to an on-course?</p>
23	NIITE	NCT	ST	<p>NIITE NIGHTTIME HOURS</p> <p>While awaiting authorization for Runway 10 departures to use the NIITE DP, the RT requests that aircraft be vectored to mirror the NIITE DP.</p>	<p>While awaiting authorization for Runway 10 departures to use the NIITE DP (or other appropriate procedure), the RT requests that RWY 10 departures be vectored IAW TRACON procedures - up the Bay (~330° heading) to join the NIITE or be vectored up to the vicinity of NIITE, thence vectored to the vicinity of GOBBS (and if southbound), thence via a southbound vector remaining well off the land.</p>
24	050° HEADING	NCT	ST	<p>SFO 050° HEADING NIGHTTIME HOURS APPLICABLE TO SFO AND OAK FLIGHTS</p> <p>The RT supports the use the 050° heading from SFO Runways 01 and a comparable OAK Rwy 30 heading down the Bay at night. Runway 01 departures should not be increased, rather use a 050 heading in lieu of flying a procedure over the peninsula for aircraft with southern departures.</p>	<p>Use of a “down the Bay” heading -- ~ 050° heading for SFO and a comparable heading for OAK south departures is important procedure to reducing noise impact, but not to imply that the Roundtable is requesting increased use of Runways 1 for departure.</p>
25	RWY 28 STRAIGHT OUT DEP NIGHTTIME RWY DEP	NCT	LT	<p>RWY 28/10 NIGHTTIME HOURS STRAIGHT-OUT DEPARTUES</p> <p>During the nighttime hours only—Is there any ability to eliminate or raise the 3,000’ altitude limit on these departures?</p>	<p>Notwithstanding any existing airspace constraints, do the nighttime hours allow any flexibility in these constraints that could allow deleting the 3000’ level-off or do aircraft have the ability to file for the GAP 7 departure that does not have a top altitude.</p>

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26	RWY 28 DEP INCL ODO + NIGHTTIME RWY DEP	NCT	ST	<p>RWY 28/10 NIGHTTIME HOURS</p> <p>Between 10pm and 7am, the RT requests use of SFO preferential runways for departure: Runways 10 then Runways 28 (TRUKN or NIITE) and then Runways 01. The TRUKN is similar to the legacy Shoreline departure up the Bay.</p>	In accordance with NCT SOP.
27	RWY 28 STRAIGHT OUT DEP	NCT	LT	Determine if the existence of a VFR flyway or other conflicting airspace use off the coastline in the vicinity of the extended Runways 28 centerline, leads to Runway 28 straight-out departures being required to level off at 3000’.	If this altitude restriction is due to VFR airspace, determine if a modification of this VFR airspace is warranted in the current Class B Airspace Modification process. If due to other airspace restriction, what actions could be taken to ameliorate this conflict.
28	CNDEL	NCT	ST	This procedure should be flown as charted including flying over the CNDEL flyover waypoint and flying to the PORTE fly-by waypoint as specified in the departure procedure.	Vectors prior to CNDEL may interfere with the ability of SSTIK to be flown as published. Avoid any vectors before CNDEL; after CNDEL, avoid vectors as long as possible, avoid vectors that fly down the Peninsula to waypoints beyond PORTE. If vectoring is required for safety only -- minimize overflight of sensitive noise areas. If vectoring over the Bay and Ocean, use of the NIITE waypoints of NIITE and GOBBS for aircraft routing might be appropriate routing
29	CNDEL	WSC	LT	Determine if a revised southbound transition (with additional waypoints?) for the CNDEL procedure could “contain” the flight paths further west (perhaps over the ocean) to allow expanded clear space for possible modification of the SSTIK departure.	
30	CNDEL	WSC	ST	Determine if a southbound transition for CNDEL could effectively use flight over bodies of water to gain altitude before flying over noise sensitive land use.	Such a southbound transition should not move noise to noise-sensitive areas not under the published CNDEL Departure and should not interfere with a possible expanded SSTIK departure path.

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31	CNDEL	NCT	LT	<p>CNDEL NIGHTTIME HOURS</p> <p>For OAK southbound aircraft, until the NIITE southbound transition has been finalized, use of the NIITE/HUSSH DP or vectors to replicate the NIITE/HUSSH DP with a vector from GOBBS to the south to remain offshore would be a preferred nighttime alternative.</p>	For OAK southbound aircraft, use of the left turn down the Bay (~135° heading) with no flight over sensitive areas is also supported.
32	SSTIK	NCT	ST	Discontinue flying the SSTIK procedure and revert back to the pre-RNAV/OFF SHORE departure using the SEPDY waypoint.	
33	SSTIK	WSC	LT	Move SSTIK N + E as much as feasible to allow maximum altitude gain before turning to fly over land using the historic SEPDY waypoint as a guide.	<p>Create an additional waypoint over the ocean to guide aircraft over water to PORTE such as the legacy WAMMY waypoint associated with the OFFSHORE procedure.</p> <p>Determine if the minimum altitude required at SSTIK can be raised before a left turn (vicinity of SSTIK).</p> <p>Determine if a reduced airspeed (~220kts) can be required until after established in the left turn from SSTIK so aircraft climb at a higher angle of climb approaching land.</p>
35	SSTIK	WSC	LT	Create an RNAV overlay of the OFFSHORE ONE procedure to guide aircraft higher over the Bay before turning to a waypoint located in the ocean.	Using the legacy OFFSHORE procedure, create an RNAV overlay to keep aircraft higher over the peninsula and fly over the ocean instead of down the peninsula and RNAV waypoints at WAMMY or to the west of this point.
36	SSTIK	NCT	ST	Use the OFFSHORE ONE procedure for aircraft departures.	While awaiting the development of an OFFSHORE ONE RNAV overlay, NCT is requested to use the OFFSHORE departure procedure for flights to Southern California destinations such as: LGB, SNA, SAN, SBA and Mexican airspace.
38	DEPARTURE/ ARRIVAL PROCEDURE ASSIGNMENT	WSC	ST	The RT requests that the FAA determine if any aircraft were assigned or re-assigned-- via preferential runway or otherwise-- from one departure or arrival to a different departure or arrival.	

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Response to the *FAA Initiative to Address Noise Concerns*

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39	TAKE-OFF BACKBLAST NOISE	RT/ SFO/ FAA		The RT recommends that SFO allocate funds or work with the FAA to obtain grant money to commission an updated Technical Study of the backblast noise from takeoffs at SFO. The RT will work with SFO to develop Technical Study parameters and will later review and monitor improvements recommended in the Technical Study.	Backblast noise from SFO takeoffs primarily affects the communities south of Runway 1L/1R departures as well homes more distant. Although Runways 10L/10R are used infrequently, backblast from these takeoffs affects communities to the west of Runways 10L/R departures. Since technology improvements are regularly attained, the RT requests that SFO to conduct an up-to-date Technical Study of options to include community input and without limitation on cost of improvements.
40	MID-PENINSULA + VECTORING FAA EQUIPMENT	NCT	LT	The RT requests that the FAA determine if upgraded radar display equipment or notations on the map using symbols would be helpful to TRACON controllers to increase the use of less impactful areas if vectoring is required for safety.	The RT understands that controllers are limited in their ability to effectuate vectoring over more compatible land use. The controllers' display shows very vague outlined areas of Bay, Ocean and land masses. The RT can work with NCT to determine areas that could be identified on the radar scopes as noise sensitive without increasing the complexity of the scopes.
		RT	ST + LT	The SFO Airport and the SFO RT will support the FAA in their efforts. The RT will provide data regarding land use and terrain height for areas throughout the RT region to assist NCT in using less sensitive noise areas for vectoring. SFO and RT will work with airline representatives to encourage use of "noise-friendlier" options for flight planning and operations. The RT will provide community input to the FAA and will make recommendations to the FAA based on community consensus for changes.	
END					



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ATTACHMENT B:

**EXPANDED PROCEDURE DISCUSSION PACKAGE
SFO AIRPORT/COMMUNITY ROUNDTABLE RESPONSE TO FAA
INITIATIVE**

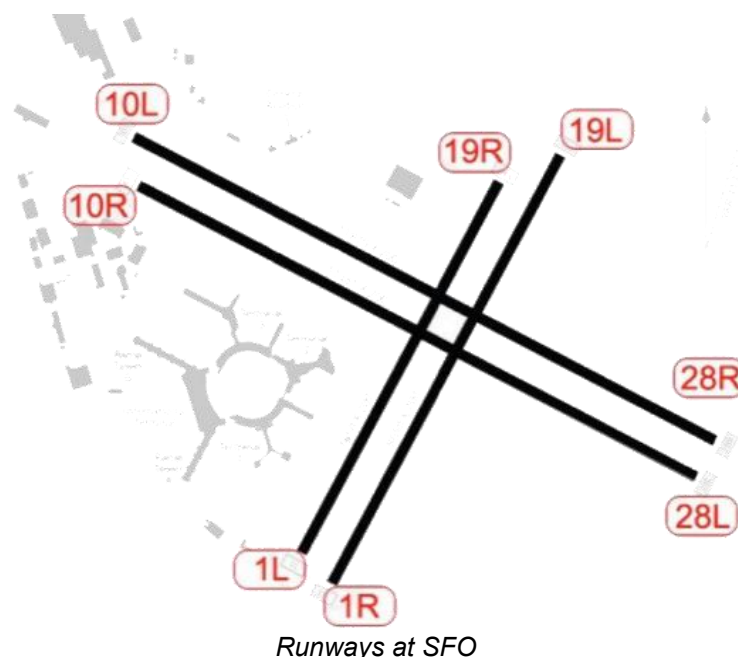
INTRODUCTION

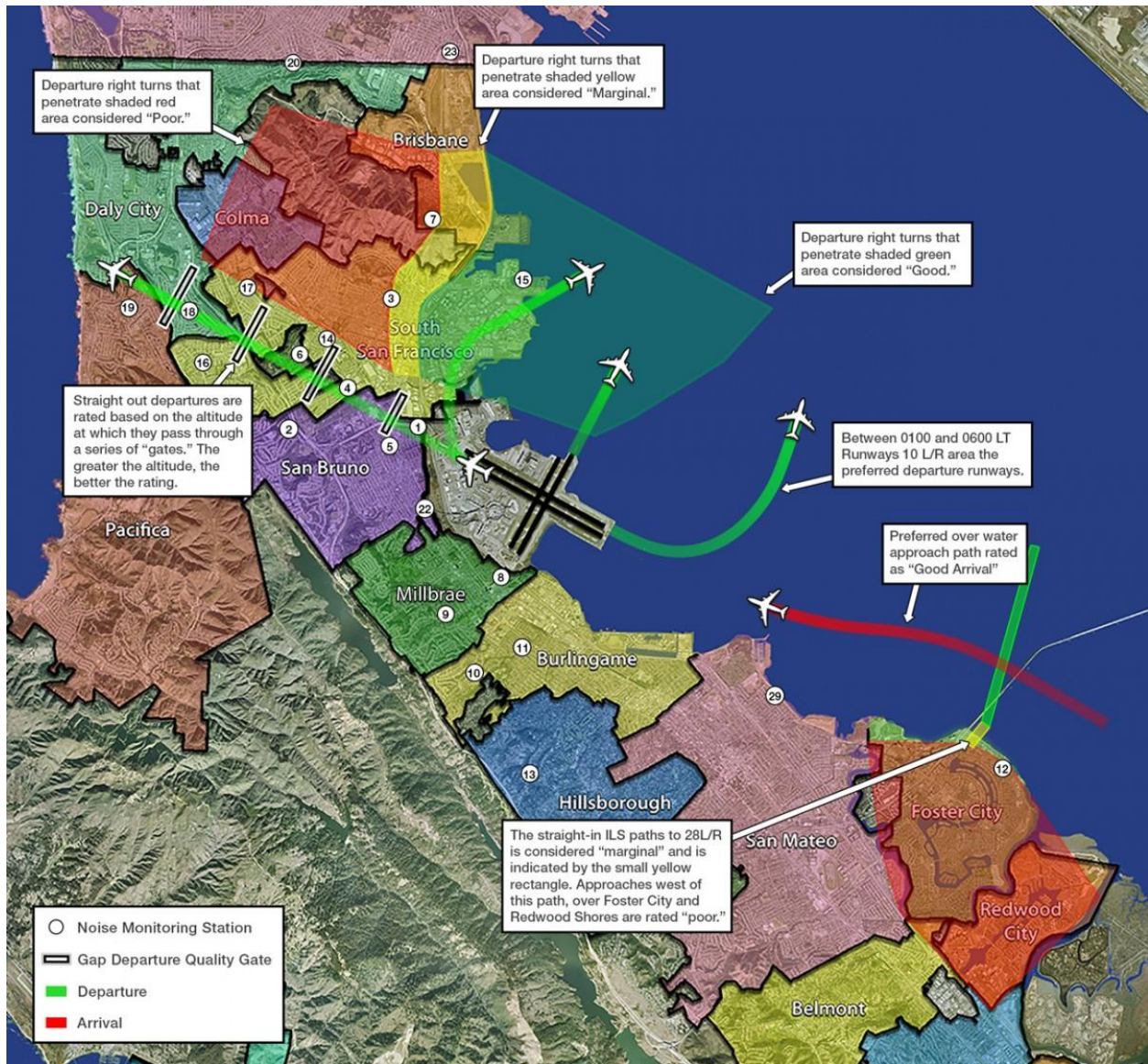
This attachment to the Roundtable's response to the FAA *Initiative* is to expand on information in the letter to Congressional Representatives Speier, Eshoo, and Farr, detailing specific procedure operations as they fly today and any changes the Roundtable is requesting.

Each of the "Attachments" has the following sections:

- **Description** – details the procedure(s) as they are flown today.
- **Executive Working Outline** – Cross-references the items in this Attachment with those in the Executive Working Outline (Attachment A) submitted in the overall package to the Congressional representatives.
- **Primarily Impacted Cities** – notes the cities that are most directly under the flight path(s) of the procedures being described.
- **Noise Issues** – the primary existing noise issues due to the procedure.
- **Roundtable Requests (Short Term, Long Term)** – details what mitigation efforts the Roundtable is requesting the FAA implement either in the short or long term, depending on the detail of the request.
- **Collaboration** – requests the appropriate agencies to work on each mitigation effort. Initial Requested FAA Research – if applicable, requests the FAA research specific operational items related to the mitigation efforts.

There are two airport diagrams shown here; the first one shows the runways with each runway end labeled, and the second is SFO's Fly Quiet map that shows the general parameters of the Fly Quiet program in a graphic format.





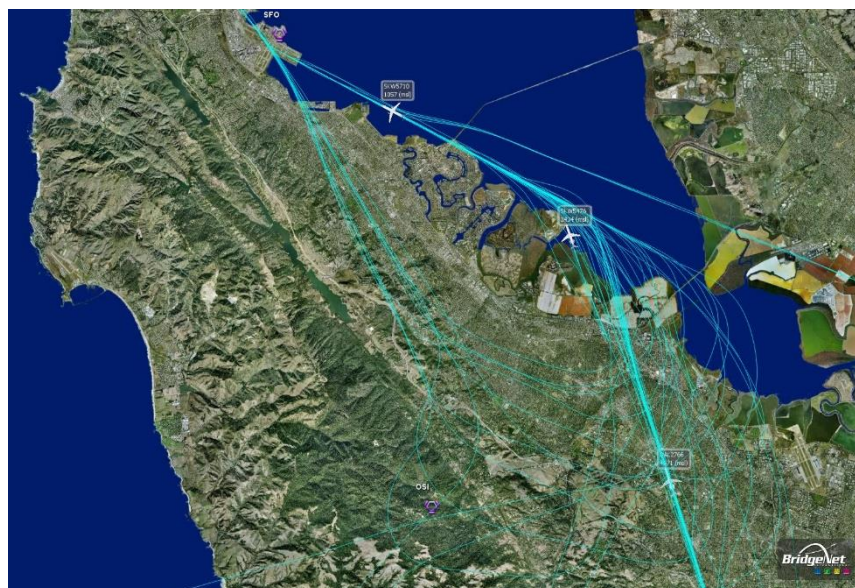
SFO Noise Abatement Office Fly Quiet Program Illustration

In this document, the following abbreviations are used:

- **Mean Sea Level (MSL)** – refers to an aircraft altitude in relation to its location above the average level of the earth's surface.
- **Above Ground Level (AGL)** – refer to an aircraft altitude in relation to its location relative to the ground below.
- **Nautical Miles (NM)** – the length of a mile used for navigation purposes. All references to miles in this document refer to nautical miles.

PROCEDURE: Woodside VORTAC BDEGA+	ADJUSTMENT: 2.a.i.
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WOODSIDE AND MID-PENINSULA



Woodside and Peninsula Flight Tracks

DESCRIPTION: Aircraft fly in the vicinity of the Woodside VORTAC (a ground-based navigational aid) to arrive at SFO and OAK; this discussion will focus on aircraft arriving at SFO. Aircraft fly over the Woodside VOR area when arriving from the ocean as well as vectored aircraft from the south and north.

OCEANIC ARRIVALS: Aircraft that fly over this area from the ocean are typically flying a course and altitude as assigned by ATC. A minority of these oceanic flights are cleared via the Ocean Tailored Arrival (OTA), an optimized profile descent using idle power and crossing Woodside VOR at approximately 6,000' MSL. Oceanic arrivals not on the OTA are assigned to cross Woodside VOR at or above 8,000' MSL when traffic permits. The SFO Noise Abatement Office tracks airline adherence to this procedure on a weekly basis to determine if aircraft crossed the Woodside VOR above 7,700' MSL (because of instrument tolerances an altitude at or above 7,700' is considered to be in compliance with the 8,000' requirement).¹ While the noise office tracks adherence to the procedure 24-hours a day, in its twice-weekly reports, the noise office publishes adherence during the hours of 10:30 pm – 6:30 am.

¹ <http://www.flysfo.com/community-environment/noise-abatement/reports-and-resources/woodside-vor>

SERFR AND OTHER ARRIVALS FROM THE SOUTH: Approximately half of the aircraft that fly over this area from the south, typically on the SERFR arrival, are vectored off course to achieve and maintain required separation distance from other aircraft until the aircraft can be sequenced in line for approach and landing at SFO.

BDEGA AND OTHER ARRIVALS FROM THE NORTH: Aircraft arriving from the north on the BDEGA arrival are instructed to proceed on one of two paths – an east downwind which overflies the Bay (“down the Bay”) or a west downwind flying over SFO then southeast down the length of the Peninsula before making a “U-turn” or teardrop turn toward SFO. Vectoring is utilized to achieve and maintain required separation distance from other aircraft until the aircraft can be sequenced in line for approach and landing at SFO; aircraft must be vectored from the final point on the BDEGA Standard Terminal Arrival Route (STAR) approach procedure, which is over SFO called BRIXX.

EXECUTIVE OUTLINE: BDEGA 1-7, SERFR 8 - 9, BDEGA West 10, DYAMD 11 and MENLO 16

PRIMARILY IMPACTED CITIES: Woodside, Portola Valley, Menlo Park and the surrounding area as well as numerous Mid-Peninsula Cities.

NOISE ISSUES: It is important to note the topographic variety in the Bay Area. The areas in the south Peninsula overflowed by these procedures are located on large, wooded lots that have low ambient noise levels similar to what can be found in a national park setting. There are also peaks in the area that rise to 2,000’ MSL, including the area around the Woodside VOR that is populated. In the early morning and late night hours, aircraft noise is especially prevalent given the low ambient noise levels.

SFO ROUNDTABLE REQUESTS:

Short Term

1. For daytime BDEGA and other arrivals from the north, the Roundtable requests that the FAA use all available opportunities to assign arrivals from the north to an east downwind “down the Bay.” Historically the east leg of the BDEGA arrival has been used up to 57% of the time; in May 2016, the FAA reported use of the BDEGA east leg was 28%, continuing a downward trend of using the east leg for arrivals since May 2010.
2. During the FAA-defined nighttime hours of 10 pm – 7 am, the Roundtable requests every effort should be made to use the Bay for 100% of the arrivals from the north, using the east downwind or the “down the Bay” procedure.

Long Term

1. BDEGA Arrivals from the North: The SFO Roundtable requests reinstatement of BDEGA FINSH transition in order to facilitate increased use of the east downwind (“down the Bay”) to Runway 28R. The BDEGA ONE arrival originally had two transitions from CORKK waypoint – one transition to BRIXX for the west downwind and one transition to FNISH (in the middle of the Bay) for the east downwind. The current BDEGA TWO arrival no longer shows the FNISH transition.
2. BDEGA Arrivals from the North: The SFO Roundtable is available to provide data to the FAA regarding terrain and land use for aircraft arriving on the BDEGA east leg and can work with the FAA to move the east downwind leg of the arrival over compatible land uses. In order to reduce vectoring on the Peninsula, the SFO Roundtable requests the FAA to increase in-trail spacing on the SERFR Arrival, on the DYAMD Arrival (to allow an increase in the BDEGA East Downwind, and determine if an increase in the BDEGA in-trail spacing would decrease vectoring.

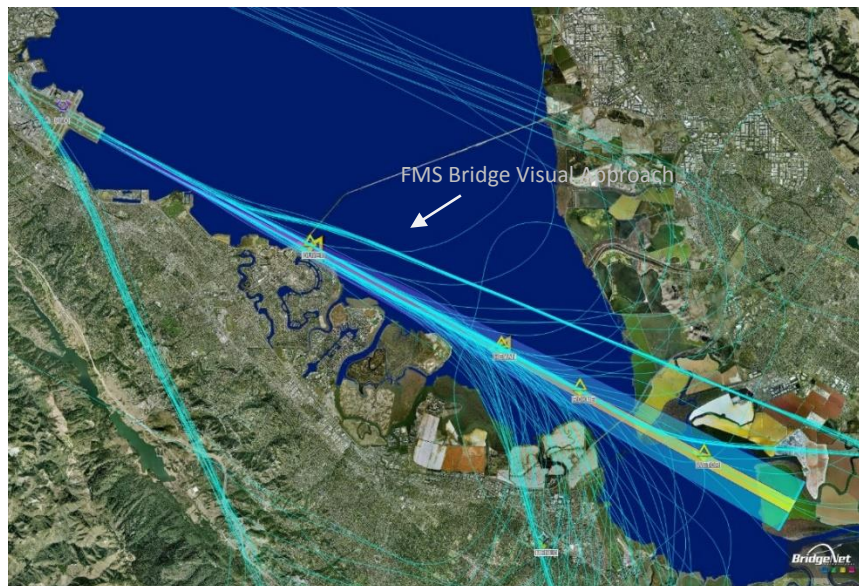
COLLABORATION:

1. The SFO Roundtable is available to provide data to the FAA regarding land use areas to assist in keeping procedures over compatible land uses as much as feasible during the day. The goal during the nighttime hours is to avoid flight over noise-sensitive land uses as much as feasible, even if it means a few additional track miles.
2. The SFO Roundtable will work with local elected officials from the towns, cities, and County to determine the locations of the most appropriate land uses for vector traffic. The SFO Roundtable will work with the FAA to determine if a re-design of the BDEGA STAR West Downwind could be made that would reduce noise without shifting noise to other communities.
3. The SFO Roundtable will work with airline representatives to request that during the night time hours, airlines file oceanic flight plans that follow the path of BDEGA arrival for an FAA assigned east downwind for Runway 28R (down the Bay procedure) instead of flying over the peninsula.
4. The SFO Roundtable will work with airline representatives to request that during the night time hours, airlines file routes from the south to a point east of the Bay in order to use a noise-friendlier approach to Runway 28R.
5. The SFO Roundtable requests that NCT update its SOP to reflect using a “down the Bay” procedure is preferred during nighttime hours.

REQUESTED FAA RESEARCH:

1. Determine if the BDEGA transition to FINSH can be reinstated. If so, determine a timeline for this revised procedure to be included for publication.
2. The SFO Roundtable requests that the FAA research to compare the previous Golden Gate arrival with the current BDEGA arrival to determine what changes have been made in actual flight tracks with regard to location of lateral paths, narrowing of path and concentration of aircraft. The previous Golden Gate arrival directed aircraft to fly a 140° heading after SFO/BRIXX, but the BDEGA directs aircraft to fly a 140° track after BRIXX. While this change seems minor - flying a track instead of a heading - it would result in a more concentrated invariable path, contrasted with using a heading, which, depending on the direction and velocity of wind could create somewhat dispersed paths.
3. The SFO Roundtable requests that the FAA research reasons for the continued increased use of the BDEGA west leg from May 2010 – present.

PROCEDURE: Visual Arrivals, Foster City Arrivals	ADJUSTMENTS: 1.b.iii., 1.b.iv., 1.b.v.
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DESCRIPTION: Runways 28L and 28R are the primary runways for landing at SFO when the airport is using the West Plan which is 85% of the time. Runways 28L and 28R are each served by a precision electronic Instrument Landing System (ILS). The lateral path for the Runway 28L ILS goes over the city of Foster City while the lateral path for Runway 28R ILS is slightly offshore. An ILS approach is used when the SFO weather is IMC (Instrument Meteorological Conditions) and pilots cannot visually see the airport and must rely on their instruments to be guided to the runway.

During VMC (Visual Meteorological Conditions), aircraft flying visually to 28L will generally replicate the Runway 28L ILS lateral path which provides separation from the Runway 28R lateral path. Aircraft flying visually to Runway 28R can fly offset visual approaches such as the FMS Bridge Visual Runway 28R or the RNAV (RNP) Runway 28R. These Runway 28R offset visual courses fly closer to the center of the Bay and do not intercept the Runway 28R ILS lateral path until just past the San Mateo Bridge. There is no offset approach for Runway 28L.

EXECUTIVE SUMMARY: RWY 28 Approaches 12 – 15

PRIMARILY IMPACTED CITIES: Foster City, Menlo Park and other bayside cities.

NOISE ISSUES: Aircraft in a landing configuration is also known as a 'dirty' configuration, which means that the landing gear and flaps are deployed for the impending landing. Each of these pieces of the aircraft that extrude - the flaps, speed brakes, landing gear and the engines all contribute to noise generated by an aircraft on

arrival. When air travels over these extended surfaces, it is disrupted by the different surfaces coming into contact with the air. The more surfaces come in contact with the air, the louder the aircraft will be to those on the ground. At this point, aircraft are approximately seven miles from the airport at altitudes below 2,000' MSL. This can be very disruptive to sleep as well as to activities of daily life.

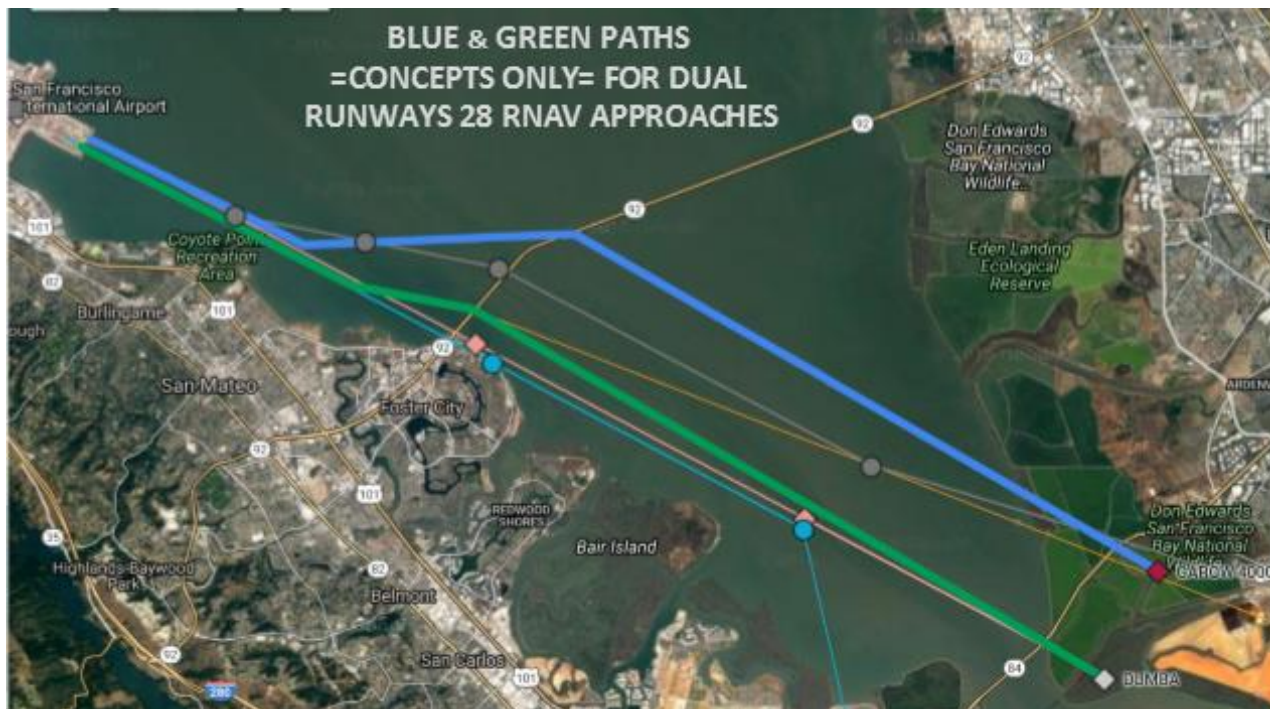
SFO ROUNDTABLE REQUESTS:

Short Term:

1. **Dual Visual Approaches:** Whenever there are arrivals to both Runway 28L and 28R, and VMC conditions allow, aircraft for Runway 28R should be assigned to fly the FMS Bridge Visual Runway 28R or RNAV (RNP) Runway 28R (as capable), Quiet Bridge Visual or other noise friendlier approach to land on Runway 28R.
2. **Single Stream Visual Approaches:** Regardless of the time of day, and when conditions and traffic allow, whenever there is a single stream operation to only one runway, aircraft should arrive only on Runway 28R and should be assigned to fly the FMS Bridge Visual 28R or RNAV (RNP) Rwy 28R (as capable), Quiet Bridge Visual or other "noise friendlier" approach to land on Runway 28R.
3. During the nighttime hours ATC should make every effort to coordinate traffic arrivals to create a single stream of traffic to land only on Runway 28R. Depending on weather conditions, aircraft would be expected to fly the FMS Bridge Visual 28R, the RNAV (RNP) Runway 28R, (or if conditions require) the ILS 28R or other approach to Runway 28R which minimizes noise impact to Foster City and other Bayside communities.
4. With air traffic control anticipating these arrivals to the right runway, efforts can be made to reduce any time spent waiting for aircraft to depart Runway 28L and coordinate these arrivals and departures.

Long Term

1. Research the feasibility of creating dual offset RNAV, RNAV (RNP) or other type of approach to Runway 28L and to Runway 28R which would create two offset paths closer to the middle of the Bay with both Runway 28L path and 28R path remaining well clear of Foster City and other bayside communities until past the San Mateo Bridge when aircraft would then line up with each runway for landing.



TEAL LINE: existing 28L ILS. **PINK LINE:** existing 28R ILS. **GRAY LINE:** existing RNAV (RNP) Y RWY 28R. **ORANGE LINE:** existing FMS Bridge Visual Approach 28R. **GREEN LINE:** Concept for a possible 28L offset RNAV approach. **BLUE LINE:** Concept for a possible 28R offset RNAV approach. ALL POINTS AND LINES APPROXIMATE.

COLLABORATION:

1. The SFO Roundtable will work with NCT management to illustrate the importance of the use of Runway 28R instead of Runway 28L during periods of single stream operations and the critical nature of nighttime operations which might require managing arrival traffic to create a single stream of traffic to 28R.
2. The SFO Roundtable will provide information and community input to the FAA regarding the process of creating, if feasible, of dual satellite-based Runway 28L and 28R offset approaches closer to the middle of the Bay.

REQUESTED FAA RESEARCH:

- There is no additional research requested.

PROCEDURE: NIITE	ADJUSTMENTS: 1.f.iii, 2.a.ii., 2.a.ii.(c)., 2.f.i., 2.f.vi.
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NIITE Procedure

DESCRIPTION: The NIITE departure is designed to be used only during nighttime hours as a noise abatement procedure when the volume is light and typically used by aircraft departing Runway 01 L/R at SFO during nighttime hours; aircraft will use the NIITE departure off Runway 28 L/R, but it is more commonly used off Runway 01. After takeoff, the aircraft flies northeast to a waypoint approximately six miles northeast of SFO called MDBAY. At this point aircraft turn towards the north to the NIITE waypoint, located approximately 12 miles north of MDBAY just north of Treasure Island, then northbound or eastbound aircraft turn to the north to the REBAS waypoint over Richmond, and westbound aircraft fly west to the GOBBS waypoint located approximately 11 miles west of the Golden Gate Bridge in the Pacific Ocean. The GOBBS portion of the procedure is charted, but has not been adopted for use by Northern California TRACON on this procedure. This procedure replaced the conventional navigation QUIET departure.

EXECUTIVE OUTLINE: NIITE/HUSSH 18 – 23

PRIMARILY IMPACTED CITIES: Brisbane, Burlingame, Daly City, Pacifica, Millbrae, San Francisco, South San Francisco and other mid-Peninsula communities.

NOISE ISSUES: Aircraft overflying compatible land uses reduce the number of citizens experiencing aircraft overflights during nighttime hours. Aircraft that can use the NIITE procedure instead of flying over the peninsula can reduce noise impacts for thousands of residents each night. Aircraft flying over the peninsula are overflying areas rich in diverse topography. This impacts how cities under the departure path experience aircraft noise; there are numerous ridges and peaks leading to valleys that experience aircraft noise differently than if it was all flat land. Aircraft using Runway 01 L/R also generate back blast noise from when aircraft start their departure roll to lifting off the ground. This reverberating noise is difficult to mitigate and very intrusive to cities west of Runway 01 L/R.

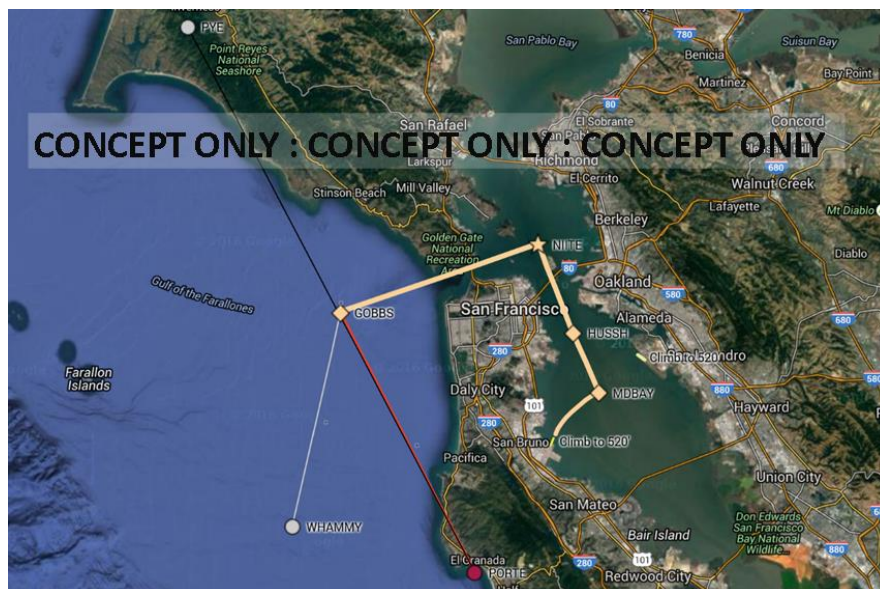
SFO ROUNDTABLE REQUESTS

Short Term

1. Southbound Transition: While undergoing the formal process of amending the NIITE departure to add a transition for southbound aircraft past GOBBS, the SFO Roundtable requests that NORCAL TRACON work with the SFO RT to determine if an interim informal procedure based on TRACON vectors might be feasible during the nighttime hours only to approximate the NIITE departure which would be heading up the Bay to NIITE, then west to GOBBS, then south-south-east to PORTE remaining offshore. While the Roundtable is asking for the NIITE procedure to be used, it is not requesting increased use of Runway 01 L/R for departures, especially at night.
2. Keep aircraft on the NIITE procedure as much as possible to reduce vectoring; aircraft remaining on the NIITE procedure until the REBAS waypoint (for eastbound flights not affecting San Francisco or San Mateo Counties) located near the city of Richmond will keep aircraft over compatible land uses. In the future, when the NIITE southbound transition is implemented, the SFO Roundtable requests that the NIITE south be adhered to in its entirety without vectoring.
3. Runway 10: While undergoing the necessary research and procedure development to enable Runway 10 L/R departures to use the published NIITE departure, the SFO Roundtable requests that NORCAL TRACON use its longstanding noise abatement procedure to vector Runway 10 L/R departing aircraft up the Bay (approximate heading of 330°), then vector as needed for routes of flight such as from NIITE to GOBBS (if the destination is to the west or south), in accordance with guidance for westbound aircraft in NCT 7110.65: *Between the hours of 10:00 pm - 7:00 am local (Sundays to 8:00 am), vector oceanic departures over the Bay to pass over the north end of the Golden Gate Bridge.*

4. While not increasing the actual number of aircraft using Runway 01 L/R, the Roundtable urges the for those aircraft using Runways 1L/1R, that the FAA continue to use the 050° heading option for southbound flights at night instead of the SSTIK procedure for south-bound departures.

Long Term



BEIGE LINE (approximate): Depicts current SFO NIITE Departure. **RED LINE** (approximate): Depicts one concept option for the NIITE Departure South Transition. **LIGHT GRAY LINE** (approximate): Depicts one concept option for the NIITE Departure South Transition

1. NIITE Southbound Transition: The SFO Roundtable is in agreement with FAA *Initiative* Adjustment 2.f.i and formally requests that the FAA add a transition to the NIITE departure for southbound aircraft.

Without presuming to technically design such a south transition, it would seem that this highly desirable southbound destination transition *might* be comprised of a single, simple “add-on” leg, using the existing NIITE departure to the GOBBS waypoint, and thence via already largely existing waypoints and flight paths mirroring much of the PORTE departure to PORTE intersection. In addition, the routing of the OFFSHORE departure may present an additional option. The SFO Roundtable understands that the design of professional flight procedures encompasses far more than a line drawn on a map, and understands that airspace use and airspace restrictions are significant challenges in this process.

The possible southbound transition for the NIITE departure depicted above contains just two concepts to consider. The “add-on” paths depicted seem desirable not only because they keep aircraft largely over the Pacific Ocean, but also because a significant portion of the “add-on” paths are routinely used in the

PORTE and OFFSHORE departures. Many other paths for this southbound transition could be designed that would also keep aircraft over the ocean.

Once implemented, the concept for the NIITE southbound transition would be that during night time hours, the airline dispatcher would file for the NIITE departure with the new southbound transition. At the time of takeoff, if conditions and SFO Tower/TRACON workloads permit, an aircraft departing Runway 01 L/R will be offered the option of the 050° heading down the Bay departure instead of the filed NIITE/south transition.

2. NIITE Departure with Runway 10 takeoffs authorized: The SFO Roundtable requests that the NIITE departure and all transitions be amended to include authorization for its safe use by aircraft taking off from Runway 10 L/R.

COLLABORATION:

NIITE Southbound Transition & NIITE Departure with Runway 10 takeoffs authorized:

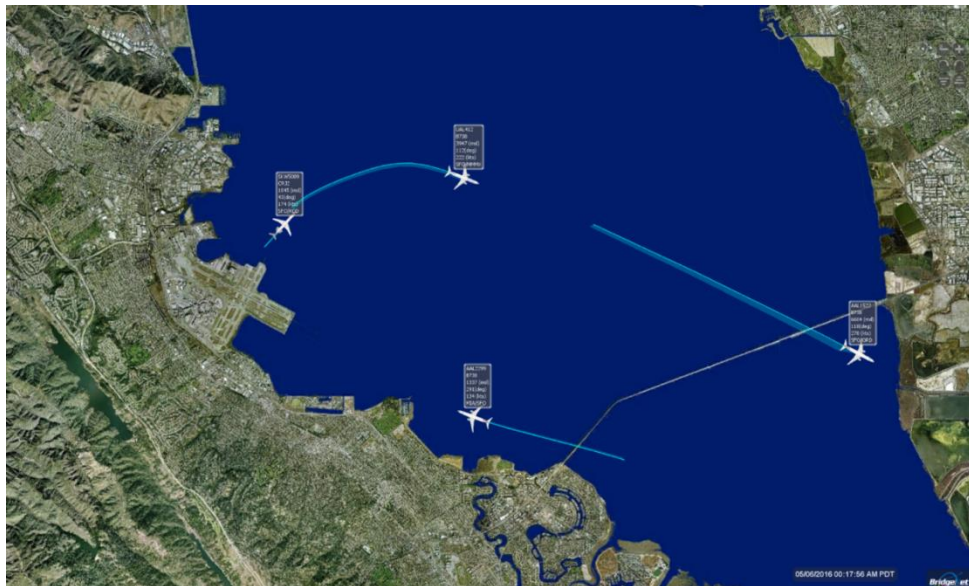
1. The SFO Roundtable will provide input regarding the new southbound transition and will elicit community input and response to the design of the new NIITE southbound transition and Runway 10 L/R NIITE authorization.

REQUESTED INITIAL FAA RESEARCH:

- There is no additional research requested.

PROCEDURE: 050° Heading Off Runway 01

ADJUSTMENTS: 2.e.ii., 2.g.ii.



Runway 01 L/R Flight Tracks

DESCRIPTION:

Aircraft departing during nighttime hours on Runways 1L/1R for southern destinations typically fly the SSTIK departure; the NIITE departure, the published noise abatement procedure, is typically only used for aircraft with northern or eastern destinations. During nighttime hours only and when traffic permits, ATC can assign a Runway 1L/1R departure to fly an initial heading of 050° with further right turns down the Bay until reaching a higher altitude and then direct them on course to their destination. This 050° initial heading can also be used to allow eastbound aircraft to gain additional altitude before turning them onto an easterly heading which reduces noise impact for East Bay residents. The 050° initial heading was originally created through collaboration between the Roundtable and TRACON, to help reduce noise impacts at night.

Typically, aircraft departing from OAK Runway 30 at night will also use the Bay for aircraft to climb before flying over land.

EXECUTIVE SUMMARY: 050 Heading 24

IMPACTED CITIES: Brisbane, Daly City, Pacifica, San Bruno, San Francisco, South San Francisco and other north Peninsula cities.

NOISE ISSUES: Aircraft using compatible land uses reduce the number of citizens experiencing aircraft overflights during nighttime hours. Aircraft that can use the 050° heading procedure instead of flying over the Peninsula and San Francisco can reduce noise impacts for thousands of residents each night. Aircraft flying over the Peninsula are overflying areas rich in diverse topography. This impacts how cities under the departure path experience aircraft noise; there are numerous ridges and peaks leading to valleys that experience aircraft noise. Aircraft using Runway 01 L/R also generate back blast noise from when aircraft start their departure roll to lifting off the ground. This reverberating noise is extremely difficult to mitigate and very intrusive to cities southwest of Runway 01 L/R.

SFO ROUNDTABLE REQUESTS:

Short Term

1. Use the 050° heading at night to the maximum extent feasible for aircraft departures to southern destinations instead of SSTIK or PORTE departure procedures that fly over the Peninsula and San Francisco. The request for maximum use of the 050° heading departure procedure is ***not a request to increase the number of flights using Runways 1L/1R*** since back blast from Runways 1L/1R departures have a noise impact on the cities southwest of the departure end of Runways 1L/1R.
2. The Roundtable also requests the use of a comparable heading down the Bay for southbound flights taking off from OAK.

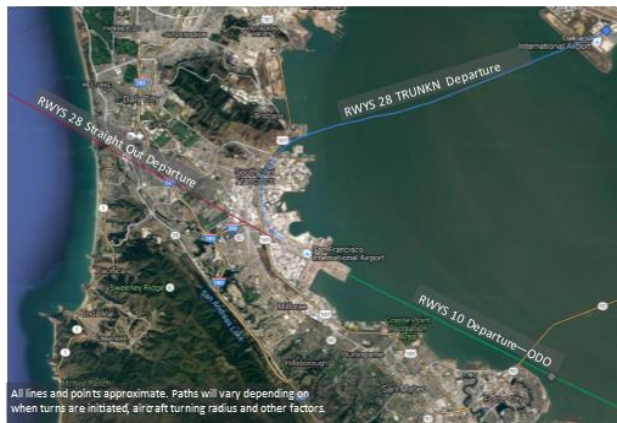
Long Term

Continue flying the 050 heading when able during nighttime hours.

REQUESTED FAA RESEARCH:

- There is no additional research requested.

PROCEDURE: Opposite Direction Operations	ADJUSTMENTS: 2.e.i., 2.e.ii., 2.e.iii., 2.g.i., 2.g.ii.
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Runway 28 Departure Options



Runway 10L/R Radar Flight Tracks

RUNWAYS 28 DEPARTURES including OPPOSITE DIRECTION OPERATIONS

DESCRIPTION: San Francisco International Airport has two pair of intersecting runways. The two runways oriented north and south (1L/19R and 1R/19L) are shorter than the two runways oriented east and west (28L/10R and 28R/10L). The majority of takeoffs use runways 1L and 1R. However, some aircraft which are heavily loaded (fuel, passengers, cargo) cannot safely takeoff from the shorter runways and must use the longer runways (28L and 28R).

When an aircraft requires the longer runway for takeoff, there are typically three departure choices:

1. Runways 28L or 28R flying straight out the “gap” to the ocean coastline. This is the most impactful departure with noise events to residents reaching 100 dBA.
2. Runways 28L or 28R with an immediate right turn after takeoff towards the Bay. (TRUNKN departure procedure, formerly Shoreline, going up the bay).
3. During nighttime hours only, there may be an option to takeoff from Runways 10L or 10R flying over the Bay using a highly regulated procedure called Opposite Direction Operations.

DAYTIME AND NIGHTTIME:

Departing jet traffic flying straight out from Runway 28 are initially climb restricted to 3,000’ MSL to allow for possible VFR traffic in a VFR flyway or other airspace restriction. While the departing jets are not usually kept to 3,000’ MSL for a long time, any level off in this high noise departure is significant.

NIGHTTIME:

SFO has had a long-standing nighttime preferential runway use program in place. This program's goal is to utilize the Bay as much as possible for nighttime procedures to keep aircraft over compatible land uses and not fly over populated areas. For SFO, this means use of the Bay for arrivals and departures as much as possible. The preferred nighttime runway use is to depart to the east from Runway 10 L/R over the Bay, and arrive from the west on Runway 28 L/R, which is the typical arrival runway. This type of operation is called Opposite Direction Operations (ODO) when aircraft depart and arrive over the same flight path but at different points in time.

The ability to use the opposite direction operations procedure is limited. Its use is largely dependent on three factors: 1) weather conditions including ceiling, visibility and wind direction and velocity; 2) performance capabilities of the aircraft (primarily whether it can safely takeoff with even a small amount of tailwind or needs a headwind); and 3) the location and distance of any aircraft approaching to land on Runways 28.

ODO regulations have changed over the years since the inception of SFO's nighttime preferential runway use program. It is now more regulated and the arriving and departing aircraft must have more distance between them to use ODO.

EXECUTIVE SUMMARY: RWY 28 Straight Out Departures 25 – 27

PRIMARILY IMPACTED CITIES: Daly City, Pacifica, San Bruno, San Francisco, South San Francisco.

NOISE ISSUES: The San Francisco Bay area is an area rich in diverse topography. This impacts how cities under the departure path experience aircraft noise; there are numerous ridges and peaks leading to valleys that experience aircraft noise differently than if it was all flat land, including San Bruno Mountain close to the airport and Sweeny and Milagra ridges closer to the ocean. At night, some aircraft that require a longer runway that aren't on an ODO departure typically depart "out the gap" on Runway 28 L/R (i.e. straight out), flying west over numerous densely populated cities. These aircraft include those that are flying long distances to Asia and are large, fully loaded wide body aircraft. The ability to utilize Runway 10 L/R more will greatly alleviate thousands of residents being disturbed by Runway 28 gap departures in the middle of the night.

SFO ROUNDTABLE REQUESTS:

Short Term

1. The SFO Roundtable requests that, during the nighttime hours and traffic permitting, TRACON use a longstanding TRACON procedure for aircraft taking off on Runway 10 L/R by vectoring them north up the Bay (using an approximate 330° heading) and then, if westbound, vectoring them to the Pacific Ocean. The

following excerpts from presentations and TRACON documents show the existing precedent for using this type of procedure.

SFO Tower Noise Abatement Primer (4/3/13) presented to SFO Roundtable Training:
“330 and 050 heading on mid-shift”

NCT 7110.65D (8/20/15):
Between the hours of 2200 and 0700 local (Sundays to 0800), vector oceanic departures over the Bay to pass over the north end of the Golden Gate Bridge.

SFO Tower Noise Abatement Primer (4/3/13) presented to SFO Roundtable Training:
Mid-shift runway 10 oceanic departures taken over north tower GGB (NCT)

2. The SFO Roundtable requests that the SFO Airport Director coordinate with the FAA to maintain the existing SFO ANAO nighttime preferential runway use in place, including Runway 10 L/R as the preferred nighttime runway for takeoffs.
3. The SFO Roundtable requests that the SFO Airport Director work with the Roundtable to coordinate outreach efforts to educate dispatchers and pilots on the importance of considering the use of a Runway 10 L/R ODO departure to the impacted communities.
4. When Runway 28 L/R must be used for nighttime departures, the SFO Roundtable requests use of the GAP SEVEN departure that does not have a top altitude restriction.

Long Term

1. It should be determined if any VFR flyway results in Runway 28 straight-out departures being assigned a 3,000' altitude restriction. If so, determine if a modification of any VFR flyway is warranted in the current Class B Airspace Modification process to allow unrestricted climbs for SFO Runway 28 jet traffic. If the altitude restriction is due to other factors, determine if the other factors can be modified to allow unrestricted climb.
2. Create a procedure that includes the ability of aircraft to depart Runway 10 L/R on a heading that isn't in the direct path of aircraft arriving on Runway 28, such as making an immediate left turn after takeoff or flying to the east of the Runway 28 arrival path to provide lateral separation; for vertical separation, use altitude restrictions for the departing aircraft.

COLLABORATION:

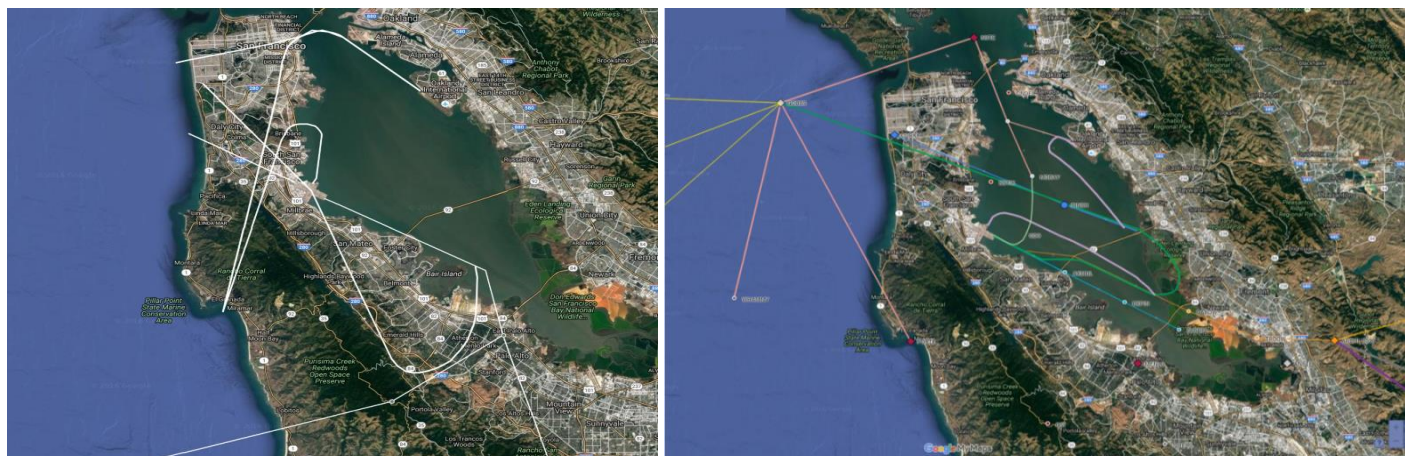
1. The SFO Roundtable will provide information to the FAA to assist in a review of options for aircraft to use Runway 10 L/R that does not use the same flight path as a Runway 28 L/R arrival.
2. The SFO Roundtable urges the consistent use of effective noise abatement procedures such as the long-standing TRACON nighttime noise abatement procedure for aircraft taking off from Runway 10, to fly an approximate 330° heading up the Bay and thence out the Golden Gate.

REQUESTED FAA RESEARCH:

- There is no additional research requested.

PROCEDURE: NIGHTTIME OFFLOADS/ROUTES

ADJUSTMENTS: 3.d.i.



In the illustration at left, the white lines depicts the arrival, departure, approach and take-off paths that have a significant noise impact on residents during the nighttime hours. The alternate flight paths shown in various colors in the illustration at right represent the many recommendations of the SFO Roundtable for alternative procedures and paths during the nighttime hours.

DESCRIPTION: Flights that take-off and land at SFO and OAK during the nighttime hours significantly impact hundreds of thousands of residents in San Francisco and San Mateo counties. Widespread resident reports indicate that their health is being seriously compromised due to aircraft noise causing continual sleep deprivation. The Roundtable believes that because of the serious impact on residents' health, the FAA should take extraordinary steps to decrease aircraft noise at night – including additional miles flown by aircraft.

Many of the nighttime hours are also a time of increased flexibility for ATC due to significantly fewer flight operations and a curfew at Mineta San Jose International Airport beginning at 11:30 pm. These factors allow ATC to increase the use of already existing noise abatement nighttime procedures as well as to consider the possibility of adopting additional noise abatement nighttime procedures.

Nighttime hours are generally stated to be 10:00 pm-7:00 am. (CNEL, SFO Noise Abatement website, TRACON SOP), although the SFO Noise Abatement Office also highlights the hours of 1:00 am - 6:00 am for desired voluntary use of the preferential runway use.

The ability of ATC to utilize alternative nighttime procedures is not tied to the hands on a clock, but rather relies on the decreased number of flights being operated during nighttime hours. Thus, if weather delays cause originally scheduled evening flights to

have their takeoff delayed into the nighttime hours, some nighttime quieter procedures cannot be used until later in the nighttime when flight operations actually decrease.

Several noise abatement departures have been published (NIITE & HUSSH departures for SFO and OAK flights to the north, west and east), SFO Runway 28 take-offs with an immediate right turn by the Bay (TRUKN – formerly Shoreline).

In addition, NORCAL TRACON makes use of additional important nighttime hours' procedures (SFO Runway 1L/R southbound with an initial 050° heading; OAK Runway 30 southbound with an initial ~130° heading; SFO Runway 10L/R Opposite Direction Operations take-off procedure; Runway 28R single stream approaches only; noise abatement approaches to Runway 28R (FMS Bridge Visual, Quiet Bridge Visual, RNAV (RNP) 28R.)

However, there are still flight paths which cause significant noise impact to families in the middle of the night: SSTIK & CNDEL for southbound flights, BDEGA and other arrivals from the north using the **west** downwind, Oceanic arrivals over Woodside to MENLO, 28L approaches over Foster City, SERFR and other arrivals from the south to MENLO.

EXECUTIVE SUMMARY: BDEGA 7, RWY 28 Approach 14, MENLO 17, NIITE/HUUSH 19, 20, 21, 23, 050 Heading 24

PRIMARILY IMPACTED CITIES: San Francisco and the cities in San Mateo County.

NOISE ISSUES: Aircraft fly the Oceanic arrivals during periods of low traffic volumes, typically at night, during late night and early morning hours. The areas in the south peninsula overflown by these procedures are located on large, wooded lots that have low ambient noise levels similar to what can be found in a national park setting. There are also peaks in the area that rise to 2,000' MSL, including the area around the Woodside VOR that is populated. In the early morning and late night hours, aircraft noise is especially prevalent given the low ambient noise levels that can be extremely disruptive to sleep. Although the total number of nighttime flights may not seem high, the impact of these overflights throughout the night is devastating to the residents. As an example, on July 19, 2016, between the hours of 4:33 am and 6:53 am, there were seven flights from the Hawaiian Islands that flew over this area as close as 10 minutes apart as shown below:

- UAL 1557 landed at 4:26am
- UAL 396 landed at 4:33am
- UAL 1746 landed at 4:43am
- UAL 1724 landed at 5:03am
- VIR 48 landed at 5:40am
- UAL 1580 landed at 6:05am
- UAL 1575 landed at 6:53am

SFO ROUNDTABLE REQUESTS

Short Term:

During the **nighttime hours ONLY**, the Roundtable requests:

1. **NIITE/HUSSH transition for southbound flights:** While awaiting the publication of this NIITE southbound transition, it is requested that aircraft be vectored in according with long-standing NCT procedures (SFO 330° heading up the Bay) and (SFO and OAK) out to the ocean and southbound over the Pacific Ocean.) The SFO RT also supports the NCT use of the 050° heading for SFO southbound departures, however not increasing Runway 01 L/R utilization.
2. **NIITE from Runways 10:** While awaiting authorization to use NIITE departure from Runways 10, (or in the failure to obtain such authorization), the RT requests that aircraft be vectored to mirror the NIITE DP.
3. **NIITE/HUSSH transition for southbound flights:** While awaiting the publication of this southbound transition, determine if aircraft can file for SFO CUIT Departure or the OAK SILENT Departure and then be vectored in accordance with NCT SOPs out to GOBBS waypoint and then southbound.
4. **050 Heading:** The RT supports the use the 050° heading from SFO and a comparable OAK Rwy 30 heading down the Bay at night. Runway 01 departures should not be increased; rather use a 050 heading in lieu of flying a procedure over the peninsula for aircraft with southern departures.
5. **Runway 28R nighttime straight-out departures:** Determine if there is any ability to eliminate the 3,000' MSL altitude restriction.
6. **28L approaches over Foster City and north Peninsula:** The SFO RT requests that, all nighttime approaches be managed into a "single stream" of airplanes, that (wind/weather permitting) this single stream of planes only uses noise abatement approaches such as the Runway 28R FMS Bridge Visual, the Runway 28R Quiet Bridge, or the RNAV (RNP) 28R and that this single stream of planes landing only on Runway 28R. If conditions require an ILS approach, it is requested that only Runway 28R be used. Continuing to land on 28R, rather than sidestepping to 28L, can reduce noise to residents from approach thrust and reverse thrust after landing.
7. **Arrivals from the North:** The SFO Roundtable requests that BDEGA and other arrivals from the north be assigned only to the BDEGA East downwind (or similar) for a "noise-friendlier" approach to only 28R

8. **ALL approaches:** The SFO RT requests that, when feasible, during nighttime hours and VMC conditions -- *if any flights fly over sensitive areas* -- every effort be made which would allow aircraft to **remain higher than typical** and are vectored so as to approach single stream using noise-friendlier approaches to land on Runway 28R.
 - If an arrival ***must*** be made over Woodside (Oceanic) or the Peninsula (BDEGA) or from the south (SERFR), every effort should be made to keep aircraft higher than typical. This excess altitude could be expeditiously dissipated by giving the aircraft a slightly longer path over the Bay before intercepting an appropriate noise-friendly visual approach to 28R. The amount of altitude increase over the sensitive land use areas will be related to the available additional distance flown to lose that altitude through whatever lateral path is flown. If the pilot can anticipate the plan, he/she would be prepared for an expeditious descent over the Bay prior to intercepting the typical FMS Bridge Visual or other noise friendlier approach.

Longer Term:

1. **NIITE transition for southbound aircraft: *This is FAA Initiative Feasible item 2.f.i.*** The SFO Roundtable supports an immediate start to designing the southbound transition for SFO and OAK flights on the NIITE departure. This NIITE departure/southbound transition procedure will replace the SSTIK and CNDEL departures during the nighttime hours.
2. **NIITE:** Determine if Runway 10 take-offs can be authorized to use the NIITE DP. If not, create a departure to allow Runway 10 take-offs to make a left turn up the Bay to NIITE waypoint.
3. **BDEGA Arrivals from the North:** The SFO Roundtable requests reinstatement of the FINSH transition to the BDEGA Arrival in order to facilitate increased use of the BDEGA East downwind ("down the Bay") to Runway 28R or the establishment of a similar east downwind transition if there are technical concerns with the original design.
4. **Oceanic:** The SFO RT will work with airline representatives and the FAA to request that all nighttime arrivals from the north file for and fly an approach which utilizes the Bay (such as the BDEGA East downwind) and substantially avoids flight over non-compatible land uses.
5. **SERFR:** The SFO RT will work with airline representatives and the FAA to request that all nighttime arrivals from the south (SERFR) file for a routing and Arrival that would terminate east of the Bay for connection to an approach to SFO Runway 28R.

6. **Nighttime Arrivals:** The SFO Roundtable will work with airline representatives to encourage them to file for SFO arrivals that avoid flight over sensitive areas. If inbound aircraft choose to file for BDEGA, it is requested that only the BDEGA East downwind be assigned to them.

COLLABORATION:

1. The SFO Roundtable will provide any required community data as well as community input to the FAA to support all efforts to improve noise impacts during the important night time hours.

REQUESTED INITIAL FAA RESEARCH:

- There is no additional research requested.

PROCEDURE: CNDEL	ADJUSTMENTS: 1.a.ii, 1.b.ii, 2.a.ii(b)
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CNDEL Departure Flight Tracks

DESCRIPTION: The CNDEL RNAV departure is typically used by aircraft departing Runway 30 at Oakland International Airport (OAK). After takeoff, the aircraft flies north a short distance over the Bay, then flies over the LEJAY and CNDEL waypoints, west of the USS Hornet and the old naval air station Alameda, respectively. After the CNDEL waypoint, the CNDEL departure procedure directs the aircraft to turn left to the PORTE waypoint located just south of Half Moon Bay airport.

For southbound destinations, aircraft will often be vectored prior to the CNDEL waypoint, at the LEJAY waypoint. *FAA Initiative Phase 1, Appendix B* notes that 46% of CNDEL departures are on the procedure; this assumes 54% of aircraft flying the CNDEL departure are vectored. Many of these flights turn south or southwest over the Bay or towards southern portions of the City of San Francisco and cities in northern San Mateo County. Often, this vectoring places CNDEL and SSTIK flights in a position to compete for the same airspace.

Occasionally aircraft will fly over the Golden Gate Bridge, then turn to the south. Also, aircraft will occasionally be vectored over the SFO VOR navigational aid on the airport, then over Millbrae and Burlingame towards the PORTE waypoint or waypoints downstream on their flight plan.

This procedure replaced the conventional navigation SKYLINE and COAST departures.

EXECUTIVE OUTLINE: CNDEL 28 – 31

PRIMARILY IMPACTED CITIES: Brisbane, Burlingame, Daly City, Millbrae, Pacifica, San Bruno, San Francisco, South San Francisco.

NOISE ISSUES: The San Francisco Bay area is an area rich in diverse topography. This impacts how cities under the departure path experience aircraft noise; there are numerous ridges and peaks leading to valleys that experience aircraft noise differently than if it was all flat land. Between aircraft crossing the peninsula from the Bay to the ocean, San Bruno Mountain State Park amplifies noise impacts for Brisbane, due to its elevation relative to the City of Brisbane. For cities closer to the coast, the topography of the coastal range, including Milagra and Sweeny ridges, amplifies noise impacts for Pacifica residents from aircraft flying toward the PORTE waypoint. Planes flying at low altitudes negatively affect all impacted cities.

SFO ROUNDTABLE REQUESTS

As stated earlier, this procedure should be flown as charted and reduce the number of aircraft vectored. Based on a month of data from July 2015, FAA *Initiative Phase 1, Appendix B* notes that 46% of CNDEL departures are on the procedure; this assumes 54% of aircraft flying the CNDEL departure are vectored.

Short Term

1. In the existing procedure, fly the planes on the charted CNDEL departure as published so that they fly over the CNDEL flyover waypoint THEN over the PORTE waypoint as charted. This reduces conflicts with SSTIK coming from SFO and reduces vectoring of both procedures, allowing SSTIK to utilize the Bay to gain altitude before flying over populated areas.
2. Use the Bay and Pacific Ocean for overflight as much as possible. From the CNDEL waypoint, direct aircraft to a waypoint in the Pacific Ocean – potentially to the GOBBS waypoint in the ocean.
3. Use the GOBBS waypoint during nighttime hours to reduce overflights of the Peninsula - (HUSSH departure).
4. In the existing procedure, avoid vectoring aircraft for non-safety reasons prior to the CNDEL waypoint.
5. The SFO RT requests that the assignment of southbound vectors be delayed until the aircraft has reached the ocean and PORTE waypoint to reduce aircraft flying over San Francisco and down the Peninsula. Avoid vectoring aircraft over San Francisco and over the Peninsula direct to waypoints beyond PORTE.

Longer Term

1. Determine if the actual flight tracks of aircraft after CNDEL waypoint could be “contained” to a more limited area such as west of the eastern shore of the Bay (perhaps by an additional waypoint) that would decrease potential conflicts with the SSTIK departure airspace to enable the SSTIK departure to be flown as published.
2. The SFO Roundtable requests that the FAA determine if a southbound transition for the CNDEL procedure could effectively use flight over bodies of water to enable aircraft to gain altitude before flying over noise-sensitive land uses without interfering with a possible expanded SSTIK departure path or shifting noise to other communities.

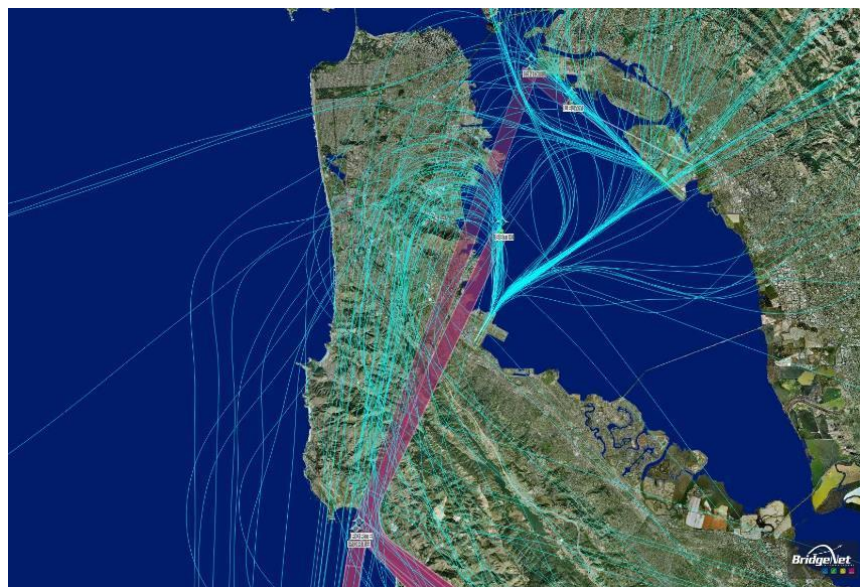
COLLABORATION:

1. The Roundtable is available to provide community input to the FAA with the use of modeling or other tools to determine the effects of other noise friendlier departure paths for flights using the OAK CNDEL departure, especially for CNDEL southbound flights. Such options might include (but are not limited to) flight over the waters of the Bay to the Pacific Ocean or flight over the Bay to SFO and then over the Peninsula (primarily Millbrae and Burlingame) to PORTE or flight down the Bay as far south as feasible, or other options that may become known.

REQUESTED INITIAL FAA RESEARCH:

- There is no additional research requested.

PROCEDURE: SSTIK	ADJUSTMENTS: 1.a.ii, 1.b.i, 1.b.ii, 1.b.iii, 2.a.ii(b)
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SSTIK
Departure, SFO and CNDEL Departures, OAK

DESCRIPTION: The SSTIK RNAV departure is used by aircraft departing SFO Runways 1L and 1R. After takeoff, the aircraft flies north a short distance over the Bay, then flies over the SSTIK waypoint, located east of the City of Brisbane marina. For southbound destinations, after SSTIK, the aircraft then typically makes a left turn to head south to the PORTE waypoint, located just south of the Half Moon Bay airport.

This procedure replaced the conventional navigation PORTE departure. The new SSTIK waypoint is located approximately 1 nautical mile south of the SEPDY waypoint that is associated with the PORTE procedure; SEPDY is located east of the Baylands Soil Processing facilities. The SSTIK waypoint is closer to downtown Brisbane than SEPDY.

EXECUTIVE OUTLINE: SSTIK 29 – 33

PRIMARILY IMPACTED CITIES: Brisbane, Daly City, Pacifica, San Bruno, San Francisco, South San Francisco as well as Millbrae, Burlingame and other Peninsula cities.

NOISE ISSUES: The San Francisco Bay area is an area rich in diverse topography. The topography of San Bruno Mountain State Park amplifies noise impacts for Brisbane, due to its elevation relative to the City of Brisbane, and from low flying planes that are vectored. Similarly, topography of the coastal range, including Milagra and

Sweeny ridges, amplifies noise impacts for Pacifica residents from aircraft flying toward the PORTE waypoint. Planes flying at low altitudes negatively affect all impacted cities.

SFO ROUNDTABLE REQUESTS:

Short Term

Improved utilization of existing flight path and procedures:

1. Discontinue flying the SSTIK procedure and revert back to the pre-RNAV PORTE/OFFSHORE departure using the SEPDY waypoint.
2. Avoid issuing any vectors to aircraft for as long as feasible but no earlier than when an aircraft is actually over the SSTIK flyover waypoint.
3. Avoid vectoring aircraft down the Peninsula direct to waypoints beyond PORTE. Aircraft should fly over the PORTE waypoint on the published procedure.
4. In the existing procedure, use the Bay and ocean for overflight as much as possible.
5. In the existing procedure, utilize existing areas of compatible land use for overflight.
6. For aircraft with destinations in Southern California including Long Beach Airport, John Wayne Airport, San Diego International Airport, Santa Barbara Airport and Mexican airspace, use the OFFSHORE ONE departure. This departure has been an historic procedure that guides aircraft to the ocean instead of down the peninsula.
7. For aircraft with southeast destinations including Phoenix Sky Harbor International Airport and McCarran International Airport in Las Vegas, use the TRUKN departure with a transition at TIPRE or SYRAH. This is consistent with the legacy procedure of using the SFO departure procedure where aircraft were vectored eastbound to the LINDEN VORTAC, a ground-based navigational aid.
8. The Roundtable understands the additional complexities added to air traffic controllers by depicting city locations or densely populated areas on radar displays. However, the Roundtable would like to determine the feasibility of depicting the SEPDY waypoint on the scopes in an effort for aircraft to stay over the Bay as long as possible. This would allow aircraft additional time to climb over the Bay before turning.

Longer Term

1. SSTIK: Determine if a reduced climb airspeed can be assigned until reaching 3,000' MSL or other higher altitude; a slower airspeed will allow the aircraft to climb to a higher altitude in a shorter distance before overflying noise-sensitive land uses. Determine if the minimum required altitude for ATC to initiate a left turn can be raised.
2. Move the SSTIK waypoint north and east as much as feasible to allow maximum altitude gain before turning west to fly over land, using the legacy SEPDY waypoint as a guide. Remain over the Pacific Ocean until attaining a high altitude.
3. Create an OFFSHORE RNAV overlay. An RNAV overlay of the OFFSHORE departure would create a NextGen procedure that can utilize long-standing waypoints in the ocean that are offshore, including waypoints that have historically been over the water. Using these procedure waypoints as a guide, establish RNAV waypoints consistent or west of WAMMY and SEGUL.
4. Create a SSTIK transition over the Golden Gate using GOBBS. Similar to the NIITE procedure, aircraft would depart on the SSTIK procedure flying up the Bay instead of over the peninsula. Aircraft would fly over the Golden Gate Bridge to approximately the GOBBS intersection, then onto a waypoint in the ocean. This could be used for aircraft with southerly destinations in California.

COLLABORATION:

1. The SFO Roundtable will provide community input to the FAA to find an appropriate location for moving the SSTIK waypoint east and north of its current location, again using SEPDY as a guide, so planes can fly over the Bay for a longer period of time, and thus increase altitude before heading west and flying over residential areas.
2. Request the FAA provide modeling or other tools to determine the effects of different waypoint options.
3. The SFO Roundtable requests the FAA to allow planes to fly the charted procedures and to reduce vectoring and when safety is not an issue as well as to use higher altitudes when flying over noise-sensitive land uses and the use of non-residential areas where feasible.
4. The SFO Roundtable will work with the SFO noise office and TRACON to research use of the legacy LINDEN VORTAC transition to determine why it has

Attachment B: Expanded Procedure Discussion Package

Response to the *FAA Initiative to Address Noise Concerns*

November 2, 2016

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not been used within the last few years and determine which city pairs can utilize this corridor via TIPRE or SYRAH.

REQUESTED INITIAL FAA RESEARCH:

1. FAA is requested to determine any conflicting airspace issues which would not be available for the location of a new SSTIK waypoint.

Attachment C: Letter to FAA Western-Pacific Region, City of Pacifica

Response to the *FAA Initiative to Address Noise Concerns*

November 2, 2016

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FAA Western-Pacific Region

Dear Regional Administrator, Glen A. Martin:

Pacifica is one of the first members of the SFO Community Airport Roundtable and has been an active participant since its inception in 1981. Our current representative has been a participant since 2002 and is well aware of the hard work and dedication of members to ensure that the Roundtable mission was consistently clear and steadfast. That Mission is safety in the air and quiet skies for neighborhoods below, without shifting noise impacts to member cities.

In the past, aircraft generally flew higher over Pacifica and mostly over the ocean. Historically, it was only our northern neighborhoods that were affected. Since NextGen, the entire city of Pacifica is under constant assault by aircraft noise. Pacifica residents are irate that their years of endurance and participation in the SFO Roundtable, have resulted in significantly lower flights, and a higher percentage of flights over Pacifica from SFO and Oakland. These and new flight paths down the entire spine of Pacifica have created a substantial deterioration in the quality of life throughout our beloved city. The SFO Roundtable expected NextGen to enhance air travel and result in Quieter Skies, instead it has caused neighborhoods to be severely impacted by constant aircraft noise. Residents are experiencing extreme health issues due to the low, incessant and loud aircraft noise. Roundtable members are shocked that their mission to create quiet skies has been thwarted by flight paths over residential areas. Flight paths should not prioritize the concerns of airline profits over the health concerns of the vast population on the ground.

NextGen has moved aircraft over residential areas throughout the San Francisco Bay area that previously passed over the Ocean, the Bay and non-residential areas. SFO Roundtable members and residents everywhere challenge the underlying reason for such a negative change. We expect both safety in the skies and an equal dedication to the protection of health and safety of the residents below.

We urge the FAA and the Airline Industry to:

- Fly higher over the City of Pacifica
- Direct most flights traversing Pacifica over the ocean and nonresidential areas.
- Research the feasibility of waypoints that direct traffic significantly off the Pacifica coastline: A potential WHALE waypoint 5 miles out due west of Pacifica's most southern and most western point.
- Remove any and all low altitude level offs for all runway 28L and 28R straight out departures

The FAA is the voice of protection for the American Public both in the skies and below. The American Public does treasure air flight opportunities. We also treasure our peace and quiet. We are concerned that the Airline Industry may be more interested in saving time and fuel than respecting a basic quality of life for our specific neighborhoods. We trust that we have Congress and the FAA to champion our safety and quality of life in the skies and in our neighborhoods below. The harsh health impacts in our neighborhoods demand immediate relief. The results of our research listed above are positive changes.

Sincerely:

City Council of Pacifica