

Memorandum

TO: HONORABLE MAYOR AND
COUNCIL

FROM: John Aitken

SUBJECT: SEE BELOW

DATE: January 3, 2018

Approved

D. D. S. L.

Date

1/11/18

**SUBJECT: AD HOC ADVISORY COMMITTEE REQUEST TO AMEND ADOPTED
COMMITTEE OPERATING GUIDELINES**

RECOMMENDATION

- (a) As recommended by the Ad Hoc Advisory Committee on South Flow Arrivals on November 17, 2017, consider the following motions and amend the operating principles adopted when establishing the Committee at the October 3, 2017 Council Meeting:
- (1) Approve the Committee's request that no recommendation can be adopted that impacts a city not invited to participate on the Committee; and
 - (2) Approve the Committee's recommendation to invite the cities of East Palo Alto, Newark, and Fremont to participate on the Committee as voting members.
- (b) In addition, staff recommends a third action to inform the Ad Hoc Advisory Committee of the current City of San José's Council policy directive to oppose changes in "legislation, policies, regulations, guidelines or procedures that would result in an increase of aircraft noise impacts on San José residents without an increased benefit to the community."

OUTCOME

Approval of these recommendations would provide the Ad Hoc Advisory Committee on South Flow Arrivals with additional direction on their requests to modify their operating parameters as established at the October 3, 2017 Council meeting.

Staff supports the Ad Hoc Advisory Committee's first motion. However, given the limited impact of South Flow operations on East Palo Alto, Newark, and Fremont and the limited number of noise complaints from these regions, the second motion is not supported.

BACKGROUND

On October 3, 2017, Council adopted staff's recommendation to establish the Ad Hoc Advisory Committee on South Flow Arrivals. The Committee was established in response to complaints from residents from several Santa Clara County cities located west and north of the Airport about the noise impacts when weather conditions require Airport operations to go into "south flow" operations (i.e. landing aircraft arrive from the north and take off heading south). The aircraft noise from the northern arrivals have generated complaints from a number of nearby cities with the great majority of complaints coming from the City of Sunnyvale residents.

Council approved the establishment of the Committee to review south flow operations and make recommendations to the Federal Aviation Administration (FAA) to reduce the noise impacts of south flow arrivals on October 3, 2017. The Committee's overall charge is to:

1. Gather input, concerns, and comments from the general public on the south flow issue;
2. Identify and discuss possible measures to address the procedure's noise impacts; and
3. Recommend potentially "feasible" options for FAA consideration.

As part of its actions, Council also adopted a series of staff-recommended "operating parameters" to guide the Committee's deliberations. The adopted operating parameters are:

- *Timeline* – The Committee has 120 days to complete its review. The 120 days starts with the first working scheduled meeting.
- *Adopting Recommendations* – No recommendation can be adopted that impacts a city that is not represented on the Committee.
- *Invited Jurisdictions* – All cities and the County of Santa Clara are welcome to participate. Participation is voluntary, not mandatory.
- *Voting* – Each jurisdiction will have one vote, except the City of San José, which will have two votes. Votes will be cast by the jurisdiction's primary representative or, if the primary delegate is unable to attend, the jurisdiction's alternate representative.
- *Definition of Consensus* – Any recommendation to be advanced to the FAA will require a consensus. The support of at least two-thirds of the Committee membership will be needed to advance a recommendation to the FAA.
- *Determining "Feasibility" of Recommendations* – The FAA has the sole authority to determine if a proposed measure is considered "feasible."
- *Final Report* – Airport staff will draft the final report for Committee approval.

Twelve of the County's fifteen jurisdictions expressed interest in serving on the Committee. The Committee held its first (and, thus far, only) meeting on November 17, 2017. During the meeting, the Committee adopted two motions that would amend two of the adopted operating parameters related to:

- 1) *Adopting Recommendations* and
- 2) *Invited Jurisdictions*.

The purpose of this memo is to provide background information on the Committee's motions and to offer staff's recommendations.

ANALYSIS

The Committee's two adopted motions, the reasons for the motions, and staff's recommendations are as follows:

The Impact of Committee Recommendations on Jurisdictions Not Represented on the Committee

The Committee wishes to amend the parameter that states, "*No recommendation can be adopted that impacts a city **not represented** on the Committee*" to say that "*No recommendation can be adopted that impacts a city **not invited** to participate on the Committee.*"

Reason: The Committee believes recommendations that only affect cities that are represented on the Committee precludes the Committee from discussing some possible solutions that would reduce the noise impacts of south flow arrivals. Three jurisdictions – Milpitas, Gilroy, and the County of Santa Clara – have thus far not expressed interest in participating on the Committee and are thus currently not represented on the Committee. The issue of the impact of Committee recommendations on cities not represented on the Committee was discussed in the context of the absence of the City of Milpitas precluding discussion of a greater use of the little used "eastern approach," which would bring more south flow arrival flights up the eastern side of San José (as opposed to western Santa Clara County) where flights would turn somewhere over Milpitas on final approach to the Airport. Under the current parameters, without Milpitas' presence on the Committee, the option of the greater use of the eastern approach cannot be considered because of its potential impact on Milpitas. Some Committee members felt Milpitas' absence had the de facto impact of a "veto" on considering solutions that may affect that city.

The Committee's adopted motion would allow recommendations to be adopted that could impact any city that was invited to participate on the Committee, whether or not that city actually elects to participate on the Committee. As staff understands the motion, the only cities that could not be impacted by a Committee recommendation would be cities not invited to participate on the Committee. The motion passed the Committee on a 13-0 vote.

Staff Comments/Recommendation: The 2016 Select Committee on South Bay Arrivals did consider a recommendation of the greater use of the eastern approach to reduce the impact of south flow arrivals on those cities that are most impacted (Sunnyvale, Mountain View, and Palo Alto). However, the Committee did not adopt the recommendation because the FAA pointed out that it had the potential “to move existing noise to another community (a community not represented by the congressional districts that established the Select Committee).” In that instance, the City of Milpitas was neither represented nor invited.

For purposes of providing the Committee with the opportunity to discuss the full range of possible solutions, staff supports the Committee’s recommendation to amend the operating parameter to state that Committee recommendations could impact cities invited to participate, whether or not those cities choose to do so.

However, for the sake of transparency, it is important to point out that the City has an established legislative position opposing changes in “legislation, policies, regulations, guidelines or procedures that would result in an increase of aircraft noise impacts on San José residents without an increased benefit to the community.” In voting to establish the Ad Hoc Committee on October 3, 2017, Mayor Liccardo reiterated the City’s opposition to any effort that would result in moving aircraft noise over San José. It is recommended that this Council policy directive be clearly communicated to the Ad Hoc Advisory Committee so they understand, in advance, the City of San José’s likely opposition to any efforts that would result in moving more aircraft noise over San José. San José residents already experience aircraft noise when airport operations are in north flow, which is over 85 percent of the time.

While staff does not oppose a Committee discussion of the greater use of the eastern approach, this discussion does not mean that the City would change its legislative position on moving aircraft noise over San José.

Invite the Cities of East Palo Alto, Newark, and Fremont to Participate on the Committee

In determining who to invite to participate on the Committee, staff invited all Santa Clara County cities and the County. However, a small number of south flow flight arrivals overfly parts of the cities of East Palo Alto (San Mateo County), Newark, and Fremont (Alameda County) as the flights make their turns for final approach to the Airport (see Attachment A). Because they are impacted by south flow arrivals, the Committee believes the three cities should be invited to participate on the Committee.

Reason: The Committee believes that because the three cities, like nearly all the Santa Clara County cities on the Committee, are impacted by south flow arrivals, participation on the Committee should not be limited to only Santa Clara County cities but should include the three cities outside of Santa Clara County that are also impacted. Sunnyvale was identified as an example of a city that was left out of discussions about commercial landings in San Mateo County that have resulted in noticeable noise impacts on Sunnyvale. Another example are the cities of Palo Alto, Los Altos, and Mountain View who are not part of the SFO

Airport/Community Roundtable group that addresses noise-issues related to San Francisco International Airport because the group's membership is limited to San Mateo County cities only. There was also concern if the three cities were not invited, potential solutions impacting these three cities would be precluded from Committee discussion. If the three cities were invited, motion #1 above would also apply: As invited cities, any solutions that impacts the three cities could also be considered for the Committee's recommendations. The motion by the Ad Hoc Advisory Committee on South Flow to include East Palo Alto, Newark, and Fremont passed with a 11-2 vote with Mayor Hendricks and Council Member Jones dissenting.

Staff Comments/Recommendation: In determining which jurisdictions to invite to participate, participation was limited to Santa Clara County cities. East Palo Alto, Newark, and Fremont experience some south flow overflights. However, the three cities were not greatly impacted by south flow overflights, so the decision was made to limit invitations to Santa Clara County cities only.

In reaching that conclusion, the number of south flow overflights and noise complaints received from the three cities (as well as Milpitas) for the period of November 2016 to October 2017 was reviewed.

Total South Flow Flights	Total Flights/ East Palo Alto	Total Flights/ Newark	Total Flights/ Fremont	Total Flights/ Milpitas
11,337 (100%)	1,330 (11.7%)	365 (3.2%)	110 (0.97%)	648 (5.7%)

In reviewing noise complaints from the three cities covering two fiscal years (FY16 and FY17), there were a total of eight complaints – all from one household in Fremont, none related to south flow overflights. Based on this information, these three cities were not significantly impacted and as such were not included in the initial recommendation to Council when creating the Ad Hoc Advisory Committee on South Flow.

Given that these three cities are not significantly impacted by south flow overflights and the City's current policy against increasing noise without increased benefit to the community, staff does not support the Ad Hoc Advisory Committee's motion to expand membership to include East Palo Alto, Newark, and Fremont. Based on the operating parameters of the Committee, the exclusion of these cities (as uninvited and unrepresented cities) would preclude the discussion of potential solutions that could impact these regions.

If the Council does select to include these three cities for the purpose of Committee discussion, this would not presume any support from the Council for a solution that may impact these cities. Council reserves the right to determine its policy position on the Committee's recommendations once the process is complete and the full language of the recommendation is available.

EVALUATION AND FOLLOW-UP

Staff will share the outcome of this memo with the Ad Hoc Advisory Committee on South Flow Arrivals. Should the Ad Hoc Committee have any follow up questions or additional motions, staff will bring these back to the Council.

PUBLIC OUTREACH

This memorandum will be posted to the City Council Agenda website for the January 23, 2018 meeting. The requests outlined in this memo were raised in the November 17, 2017 organizational meeting of the Ad Hoc Advisory Committee on South Flow Arrivals. Members of the public were invited to provide input at the meeting. Some members of the public expressed support for the ideas represented in these motions, as they wanted an open discussion about options which could include the moving of air traffic to other neighborhoods.

COMMISSION RECOMMENDATION/INPUT

The Airport Commission voted in their February 2017 meeting by a vote of 7-0 to recommend the formation of a body to address the South Flow arrivals. At the November 13, 2017 Commission meeting, Airport staff provided the Commission with an overview of the plans for the Ad Hoc Committee's organizational meeting set to take place on November 17, 2017. As the Ad Hoc Committee made the two motions after the Commission meeting, the Commission has not had an opportunity to provide specific input on these motions.

COORDINATION

This report was coordinated with the City Attorney's Office.

CEQA

Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.

/s/
JOHN AITKEN
Director of Aviation

For questions, please contact Matthew Kazmierczak, Manager of Strategy and Policy at (408) 392-3640.