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**STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION**

BEFORE THE
DEPARTMENT OF TRANSPORTATION
STATE OF CALIFORNIA

Date: 8/11/19

by Emorandi
Administrative Hearings Clerk

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In The Matter of the Noise Variance)
Application of:)
SAN DIEGO COUNTY REGIONAL)
AIRPORT AUTHORITY, SAN DIEGO)
INTERNATIONAL AIRPORT (SDIA),)
Applicant)

Copy - Legal Dpt
D. Probst
B. Reed
J. Knack
GRANT OF VARIANCE

Regarding the above entitled matter, the State of California, Department of Transportation, Division of Aeronautics (Department) makes these findings of fact and determination of the issues and renders its decision as follows:

The San Diego County Regional Airport Authority (Airport Authority) is the proprietor and operator of the San Diego International Airport (SDIA). Ownership and operational responsibilities were transferred to the Airport Authority effective January 1, 2003, from its predecessor in interest, the San Diego Unified Port Authority. The State of California, under statue, has airport noise standards that govern the operation of airports operating under a valid permit issued by the State of California, Department of Transportation, Division of Aeronautics. (Public Utilities Code section 21669.) The noise standards are contained in the California Code of Regulations, title 21, section 5000, et seq. The stated purpose of the noise standards is "to accomplish resolution of existing noise problems in communities surrounding airports and to prevent the development of new noise problems." (Section 5010.)

The noise standards establish an acceptable threshold level of aircraft-related noise levels for individuals living in the vicinity of a California airport. This threshold level is established as 65 decibel (dB) Community Noise Equivalent Level (CNEL) or less. Under Section 5020, and the noise standard requirements, on July 25, 1972, the San Diego County Board of Supervisors passed a

1 resolution designating SDIA to have a noise problem. The noise standards prohibit an airport
2 proprietor from imposing aircraft noise impacts of 65 dB CNEL or greater on persons living in the
3 vicinity of California airports, unless the airport operator has applied for and received a variance
4 from the Department.

5 On April 6, 2015, the Airport Authority timely submitted its application to the Department
6 for a variance from certain provisions of the noise standards as stated in the California Code of
7 Regulations, title 21, section 5012, as follows:

8 The standard for the acceptable level of aircraft noise for persons living in the
9 vicinity of airports is hereby established to be a community noise level equivalent
10 of 65 decibels. This standard forms the basis for the following limitation. No
11 airport proprietor of a noise problem airport shall operate an airport with a noise
12 impact area based on the standard of 65 dB CNEL unless the operator has applied
13 for or received a variance as prescribed in Article 5 of this subchapter.

14 The April 6, 2015 application is attached and identified as Exhibit 1. The Department hereby
15 admits Exhibit 1 as evidentiary proof to support the Airport Authority's request for a variance for
16 SDIA. The application states that a variance is necessary for continued operations at SDIA as
17 achievement of a "zero noise impact area" during the term of the requested variance is
18 technologically and economically impractical and infeasible. (Section 5053 (a).)

19 The last effective variance for SDIA was issued by the Department on May 8, 2012.

20 The Airport Authority states that the Airport Authority has achieved success in complying
21 with the conditions of the 2012 variance. These conditions include the Airport Authority's
22 commitments on funding levels for the Residential Sound Attenuation Program (Quieter Home
23 Program), aircraft noise documentation and reporting, operation of the Airport Noise Mitigation
24 Department, the Airport Noise Advisory Committee and the Noise Information Enhancement
25 Program.

26 The Airport Authority further states in the variance application it has undertaken significant
27 measures to reach members of the public impacted by granting the variance, and that the Airport
28 Authority's outreach efforts have been extensive and comprehensive. The Airport Authority further
states that the lack of interest in expending public resources for a hearing challenging the Airport
Authority's request for a variance is not attributable to a lack of community notice or understanding

1 of the process; but, the Airport Authority has agreed to voluntarily take reasonable and appropriate
2 noise mitigation measures. The Airport Authority states it has complied with each of the seven
3 terms and conditions as ordered in the 2012 variance. The Department does not disagree with these
4 statements.

5 Section 5014 details noise impacted areas and identifies certain land uses as “incompatible
6 land uses.” It identifies four types of land uses deemed incompatible land uses within the noise
7 impact boundary. These are:

- 8 1. Residences including detached single-family dwellings, multi-family
9 dwellings, high-rise apartments or condominiums, and mobile homes;
- 10 2. Public and private schools;
- 11 3. Hospitals and convalescent homes, and;
- 12 4. Churches, synagogues, temples, and other places of worship.

13 SDIA’s noise impact boundary is developed by the Airport Authority by using their noise
14 monitoring equipment and collection process. From data obtained from the Airport
15 Authority’s noise monitoring equipment, annual CNEL contour maps are generated. These maps are
16 provided by the Airport Authority for reporting purposes and are a matter of public record.

17 The Airport Authority states that the Airport Authority has adopted and implemented
18 regulations restricting the uses at SDIA by certain types of aircraft and restricting the use of the
19 airport departures during certain times of day. Time of day restrictions for Stage 3 aircraft prohibit
20 departures between the hours of 11:30 p.m. to 6:30 a.m. daily; and 10:00 p.m. to 7:00 a.m. daily for
21 non-Stage 3 aircraft. And regularly scheduled Stage 2 aircraft were phased out of use at SDIA since
22 January of 1999. There is no noise-related time of day restrictions on arriving aircraft at SDIA.

23 The Airport Authority achieved:

- 24 (1) From June 1, 2012, through March 31, 2015, the Airport Authority
25 completed sound attenuation of 913 dwelling units.
- 26 (2) As of March 31, 2015, there are 189 dwelling units in the pre-construction
27 phase.
- 28 (3) As of March 31, 2015, there were 240 dwelling units in the design phase.
- (4) As of December 31, 2014, there are approximately 4,706 dwelling units
remaining in the noise impact area. This does not include the dwelling
units completed by the Residential Sound Attenuation Program.
- (5) Between July 1, 2012 and January 1, 2015, the Noise Impact Area
decreased from 0.737 square miles to 0.486 square miles.

- 1 (6) The Airport Authority is providing sound attenuation to approximately
250 dwelling units per year.
- 2 (7) The Airport Authority estimates that based on continued funding from the
3 Federal Aviation Administration (FAA) and other conditions as stated in
4 the April 6, 2015 variance application, it will take the Airport Authority an
5 additional 19 years to complete the Residential Sound Attenuation
6 Program or by the year of 2034.
- 7 (8) Regarding the economic and technologic feasibility of complying with the
8 noise standards, sound attenuation is the only feasible strategy for
9 achieving a zero-noise impact area around SDIA.
- 10 (9) The average cost per eligible unit for sound attenuation for single and
11 multi-family units is approximately \$40,000.
- 12 (10) The noise impact will not be affected by granting the variance, as the noise
13 impact area will continue to be incrementally reduced by the Residential
14 Sound Attenuation Program.
- 15 (11) Continued operation of SDIA during the period of the requested variance
16 is essential to the interests of the public (and among other interests) as
17 there is no existing airport in San Diego County to provide such valuable
18 services.
- 19 (12) SDIA is a significant contributor to the region's economic base, providing
20 thousands of jobs.
- 21 (13) SDIA provides approximately \$9 billion in total economic benefit or 4%
22 of the region's total economic output.

23 All public use airports in California operate under the authority of permits issued by the
24 Department. The Department is the entity charged with the responsibility to determine whether an
25 airport with noise problems should be granted a variance. (Section 5053.) The Department accepts
26 the facts, as listed above, one through thirteen, in consideration of the requested variance.

27 Airports having a noise problem are subject to losing their permit authority to operate if they:

- 28 (1) fail to bring the size of their noise impact area down to acceptable limits; or
(2) fail to obtain a variance from the noise regulations allowing them to operate, subject to
reasonable conditions for a specific period.

The maximum permissible noise level for areas of defined "incompatible" land uses around a
designated noise problem airport is a CNEL of 65 decibels (dB), unless the airport proprietor has
applied for as listed above and received a variance as prescribed by the noise standards.

The FAA also takes steps within its jurisdiction to reduce the effects of aircraft noise upon
homeowners, while obeying its Congressional mandate to ensure air safety. The FAA is authorized
with the preemptive right to manage airspace. States are federally preempted from taking direct
regulatory action involving aircraft in flight by using their police powers. (*See City of Burbank v.*

1 *Lockheed Air Terminal, Inc.*, (1973) 411 U.S. 624; *San Diego Unified Port District v. Gianturco*,
2 (1981) 651 F. 2d 1306.) Noise regulations by airports, if acting in their capacity as landlord and
3 property owner, generally withstand judicial scrutiny. However, these local airport regulations must
4 be non-discriminatory and may not result in an undue burden on interstate commerce. In addition,
5 noise and/or access restrictions must adhere to the Airport Noise and Capacity Act of 1990. (See 49
6 U.S.C.A. § 47521 et seq.) As to any regulation of a Stage 3 aircraft, FAA approval is required.

7 In reviewing the variance application, the Department must be guided by the underlying
8 policy that the proprietor of each existing airport having a noise impact area must develop and
9 implement programs to reduce the noise impact area of the airport to an acceptable degree in an
10 orderly manner over a reasonable period of time. (Section 5050.) The Department may grant a
11 variance to a noise problem airport if it is in the public interest to do so, based on these factors:

- 12 (a) The economic and technological feasibility of complying with the noise
standards set forth by State regulations;
- 13 (b) The noise impact should the variance be granted;
- 14 (c) The value to the public of the services for which the variance is sought;
- 15 (d) Whether the airport proprietor is taking good faith measures to the best of
its ability to achieve the airport noise standards.

16 In considering a variance application and balancing that with the noise standard requirements
17 that the noise impact area be zero, the Department must adhere to federal laws, state laws and
18 regulations.

19 Public Utilities Code section 21669 states that:

20 The department shall adopt noise standards governing the operation of aircraft
21 and aircraft engines for airports operating under a valid permit issued by the
22 department to an extent not prohibited by federal law. It shall be the function of
the county wherein an airport is situated to enforce the noise regulations
23 established by the department. (Section 21669.4 (b).)

24 The Airport Authority has several options (although they are not unlimited) to reduce or
25 eliminate the size of the noise impact area, including those listed in Section 5037. For instance, it
26 may encourage the use of less noisy aircraft or departure flight paths and procedures to minimize
27 noise in residential areas. It may also convert incompatible land uses to compatible ones through
28 rezoning, acquisition of aviation easements for airport noise, application of acoustical insulation, or

1 acquisition of property. (Section 5014.) The burden of proof shall be upon the applicant for the
2 variance. (Section 5056.)

3 The determination of whether a noise variance is appropriate, and which conditions are
4 necessary requires balancing the factors in Sections 5053 and 5057, while remembering the
5 limitations placed by federal law and established case law. It is indisputable that it is not
6 technologically or economically feasible during the period of the next variance to reduce SDIA's
7 noise impact area to zero. It is further indisputable that SDIA is extremely valuable to the San Diego
8 region.

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1 **ORDER**

2 The State of California, Department of Transportation, Division of Aeronautics hereby grants
3 the application of the San Diego County Regional Airport Authority (Airport Authority) for a
4 variance from the requirements of the California Code of Regulations, title 21, Chapter 2.5,
5 Subchapter 6, section 5012, subject to these terms and conditions:

6 1. The variance shall be granted for three years beginning on the effective date of this
7 order.

8 2. The Airport Authority shall continue to file the required Quarterly Reports and shall
9 include in those reports the additional information contemplated by the Airport Authority's 2001
10 Noise Information Enhancement Program.

11 3. The Airport Authority's annual report (for each calendar year) shall plot the annual
12 CNEL contours for the 60, 65, 70, 75, and 80 dB CNEL noise contour levels (as developed and
13 reported by the Airport Authority) and shall quantify the areas of incompatible land use.

14 4. The Airport Authority shall continue to maintain an Airport Noise Management
15 Office at SDIA, which shall, among other things, receive and respond to aircraft noise complaints
16 and gather information on an aircraft noise and operations monitoring system. 1 The Airport
17 Authority shall include a status report on this matter with its quarterly reports to the Department.
18 Originals or copies of all public records generated with the operation of the Airport Noise
19 Management Office shall, at a minimum: (i) be maintained at the Airport Management Office for not
20 less than two (2) years; and (ii) be available for public inspection and designation for copying during
21 normal business hours.

22 5. During the period of this variance, the Airport Authority shall continue to implement
23 the Residential Sound Attenuation Program (Quieter Home Program) as agreed to in the previous
24 1997 and 2001 stipulations and incorporated in the 2008 and 2012 orders by the Department,
25 including its efforts to obtain full federal discretionary AIP (Airport Improvement Program) funding
26 to match the annual Airport Authority contribution. The Airport Authority has no obligation under
27

28 1 In addition, the Airport Authority may also maintain offices with the Quieter Home Program.

1 the Residential Sound Attenuation Program, or under this variance, to commit or support other use
2 of any federal AIP funds allocated to the Airport Authority in its capacity as the proprietor of SDIA
3 as "entitlement" funds under the AIP program in any year during which the Quieter Home Program
4 is in effect. In addition, the Airport Authority shall continue to retain its legislative discretion to
5 review and revise elements (other than the funding level commitments, obligations of its
6 stipulations, and the conditions of this variance decision) of the Residential Sound Attenuation
7 Program including, but not limited to, revisions to the eligibility and funding priority provisions of
8 the Quieter Home Program; and that after the term of this variance, retain the right to terminate the
9 Quieter Home Program. However, any such decision to terminate the Quieter Home Program must
10 be demonstrably reasonable and shall not be Farbitrary and capricious.

11 6. The Airport Authority shall continue to implement its 2001 Noise Information
12 Enhancement program, except that the meeting frequency of the Airport Noise Advisory Committee
13 (ANAC) specified in paragraph 1(c), page two, of Attachment C of the 2001 variance stipulation, is
14 revised to require that the ANAC meet quarterly. (Exhibit 2.)

15 7. The Airport Authority shall submit its request for any further extension of the
16 variance to the Department under the current regulations of the State, but within sixty (60) days
17 before the expiration of the variance. A copy of the application shall be provided to each party on
18 the proof of service of this decision, and the previous stipulations.

19 This decision shall become effective **September 2, 2019.**

20 IT IS SO ORDERED this 1st day of August, 2019.

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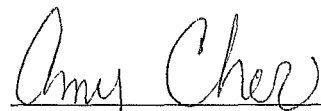
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AMY L. CHOI, State of California,
Department of Transportation,
Chief of the Division of Aeronautics

1 **PROOF OF SERVICE**

2 I, the undersigned, say: I am, and was at all times herein mentioned, a citizen of the United
3 States and employed in the County of Sacramento, State of California, over the age of 18 years and not
4 a party to the within action or proceeding; that my business address is 1120 N Street, Sacramento,
5 California; **GRANT OF VARIANCE** that on August 1, 2019, I enclosed a true copy of the attached:
6 in a separate envelope for each of the persons named below, addressed as set forth immediately below
7 the respective names, as follows:

8 Greater Golden Hills Community Development Corporation
9 1712 Granada Avenue
10 San Diego, CA 92101-1438

11 Greater Golden Hills Community Development Corporation
12 2801 B Street #20, San Diego, CA 92102

13 Lance Murphy
14 4530 Santa Monica Avenue
15 San Diego, CA 92107

16 Roger Britt
17 3346 Goldsmith Street
18 San Diego, CA 92106-1423

19 Devin Flora
20 3512 Browning Street
21 San Diego, CA 92106

22 Roger Griffiths
23 Director of Airports I Department of Public Works I County of San Diego
24 1960 Joe Crosson Drive
25 El Cajon, CA 92020

26 Hirsch Gottschalk
27 2620 Second Avenue
28 San Diego, CA 92103

Paul Webb
2174 Guizot Street
San Diego, CA 92107

Joseph T. Scagilone
3141 Harbor Ridge Lane
San Diego, CA 92103

1 Jane Gawronski
2 4867 Coronado Avenue
3 San Deigo, CA 92107

4 Jack Zimmerman
5 2801 Ocean Front Walk #Z
6 San Diego, CA 92109

7 Jack Bewley
8 9450 Sunset Avenue
9 La Mesa, CA 91941

10 Carl "Rick" Huenefeld
11 US Marine Corps
12 MCRD/Western Recruiting Reg.
13 600 Henderson Ave., Bldg. 31, Suite #222
14 San Diego CA 92140

15 Tait Galloway
16 Senior Planner, Planning Division
17 1221 First Ave., MS 413
18 San Diego, CA 92101

19 Daniel Hazard
20 Senior Community Representative
21 Rep. Susan A. Davis (CA-53)
22 2700 Adams Ave., Ste. 10D
23 San Diego, CA 92116

24 Michael Patton
25 2020 "C" Street, 10th Floor
26 San Diego, CA 92101

27 Mark C. Butler, Ph.D.
28 Center of Effective Organization
29 27 Harbor Drive
30 Galena, IL 61036

31 Erin and William Robbins
32 2430 Euclid Ave.
33 El Cajon, CA 92019

34 Wallace H. Sweet
35 3301 Wisteria Drive
36 San Diego, CA 92106

1 Amy Gonzalez
2 General Counsel
3 San Diego Regional Airport Authority
4 P.O. Box 82776
5 San Diego, CA 92138-2776

6 Kimberly J. Becker
7 President / CEO
8 San Diego County Regional Airport Authority
9 P.O. Box 82776
10 San Diego, CA 92138-2776

11 Ms. Nikki King
12 1346 Granada Avenue
13 San Diego, CA 92102

14 **By Mail:** I caused such envelope(s) to be deposited in the mail at my business address,
15 addressed to the addressee(s) designated. I am readily familiar with The State of California, Department
16 of Transportation, Legal Division's practice for collection and processing of correspondence and
17 pleadings for mailing. In the ordinary course of business at the Department of Transportation, Legal
18 Division, mail is given the correct amount of postage and is deposited on that same day in a United
19 States Postal Service mailbox in the City of Sacramento, California.

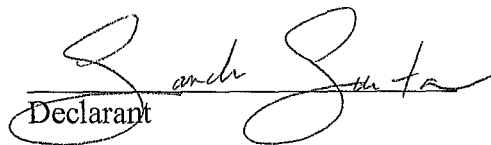
20 **By Personal Service:** I caused such envelope(s) to be delivered in person to the addressee(s)
21 designated.

22 **By Overnight Courier Service:** I caused such envelope(s) to be delivered via overnight courier
23 service to the addressee(s) designated.

24 **By Facsimile:** I caused said document(s) to be transmitted to the telephone number(s) of the
25 addressee(s) designated. A copy of the transmission report showing the transmission was complete and
26 without error is attached hereto.

27 I declare under penalty of perjury under the laws of the State of California that the
28 foregoing is true and correct.

Executed at Sacramento, California, on August 1, 2019.


Declarant

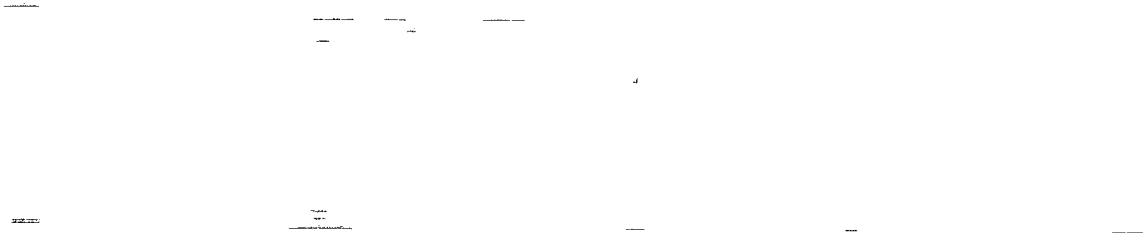


EXHIBIT 1

SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY

P.O. BOX 82776, SAN DIEGO, CA 92138-2776
619.400.2400 WWW.SAN.ORG

April 6, 2015

Mr. Phillip Crimmins
Associate Environmental Planner
Department of Transportation
Division of Aeronautics-M.S. #40
1120 N. Street
P.O. Box 942874
Sacramento, CA 94274-0001

VIA EMAIL AND FEDEX

Re: *California Noise Standard Variance Application: San Diego International Airport*

Dear Mr. Crimmins:

The San Diego County Regional Airport Authority ("Authority"), as the state and federally certificated operator of San Diego International Airport ("SAN" or "Airport"), has enclosed and submits for filing to the Division of Aeronautics, California Department of Transportation (the "Department") its Application for Variance from certain provisions of the California Noise Standards (21 Cal. Code Regs. §§ 5001 *et seq.*) with respect to the continued operation of SAN (the "variance" or the "variance application").

The Department last issued a variance for SAN on May 8, 2012 (effective June 8, 2012) for a period of three (3) years (the "Current Variance"). The Current Variance was granted with no opposition from the community or others. The Authority believes, and the court confirmed, that the reason for the lack of opposition was the extensive and comprehensive outreach measures undertaken by the Authority to reach members of the public that would be impacted by the granting of the variance and the Authority's voluntary agreement to take reasonable and appropriate noise mitigation measures. The Current Variance was granted subject to seven (7) terms and conditions. As discussed in more detail in "Attachment A" to the enclosed variance application, the



SAN DIEGO
INTERNATIONAL
AIRPORT

Authority has complied with each of the seven terms and conditions. The actions taken by the Authority to reduce the noise impact area surrounding SAN include enforcement of the Airport Use Regulations ("AUR") which impose a nighttime "curfew" on aircraft departures from SAN and provide a system by which to assess administrative penalties against aircraft operators who violate the AUR.

In addition, the Authority uses its acoustical home insulation program, the Quieter Home Program ("QHP"), to reduce the number of incompatible land uses within the 65 dB CNEL impact area. Specifically, during the period from June 1, 2012 through March 31, 2015, the Authority completed sound attenuation of nine hundred thirteen (913) dwelling units. As of March 31, 2015, there are one hundred eighty-nine (189) dwelling units beginning construction or in pre-construction and two hundred forty (240) dwelling units in the design phase.

The enclosed variance application is being submitted by the Authority without prejudice to its legal position or the rights with respect to the Authority's interest in and ownership of certain aviation easements to certain properties near SAN, which includes all of the property located within the FAA-accepted Projected 2015 65 decibel (dB) Community Noise Equivalent Level ("CNEL") contour for SAN. The Authority and the San Diego Unified Port District (the former proprietor of SAN) have consistently asserted and continue to assert, in litigation and otherwise, that prescription aviation easements have been acquired and perfected over and in any and all affected property surrounding SAN with respect to aircraft operations, aircraft noise, and other effects of aircraft operations. (e.g., *Britt, et al. v. San Diego Unified Port District*, San Diego Superior Court, Civil Case Nos. 367963, 379755, and 3400165 (consolidated cases), and *Schultz, et al. v. San Diego Unified Port District*, United States District Court for the Southern District of California, Civil Case Nos. 86-1851MLH (CN) (and consolidated cases)).

As you know, under California Noise Standards, the existence of these aviation easements means that there is a "zero" Noise Impact Area (as defined in the Noise Standards) for SAN, and that technically the Authority does not require the issuance of a variance under the Noise Standards for the continued operation of SAN. (21 Cal. Code Regs. §§5001(k), 5051(a)(1), and 505). Nevertheless, the Authority recognizes the public interest in the discussion of issues related to the operation of SAN.

Therefore, consistent with this position, the Authority has decided to submit the enclosed variance application with the understanding that: (1) neither the State of California, nor its political subdivisions, with respect to responsibilities under the Noise Standards (collectively, "the State"), will assert that the Authority's submission of the enclosed variance application constitutes a waiver in any form, or to any degree, of the Authority's right and position with respect to its claims for prescriptive easements; and (2) that it is the voluntary agreement of the State and the Authority that any variance

Mr. Phillip Crimmins

April 6, 2015

Page 3 of 3

proceedings conducted with respect to the enclosed variance application, or the results of such proceeding, will not in any respect operate as a determination as having any *res judicata* or other preclusion effect on any collateral proceeding to which the Authority might be a party.

In addition, submission of this variance application is made without prejudice to any position the Authority may wish to take with respect to the legal authority of the State of California or the Division of Aeronautics (1) to require variances, or (2) to otherwise regulate the operation of SAN as a public airport in light of the Supremacy Clause of the United States Constitution (Art. VI, cl. 2) and the pervasive federal regulation of aircraft and airport operations. Although the Authority does believe that it would be constructive, necessary, or in the best interest of the variance application, as it may later determine it to be necessary, the Authority reserves its rights to assert its position on the prescriptive easement and preemption issues at any appropriate time before, during or after the variance process.

The Authority will provide a copy of this variance application to those identified on the Proof of Service to the Current Variance and the previous stipulations. In addition, the Authority will provide information regarding the variance application on its website and publish an article regarding the variance application in its Noise Matters newsletter, which is available to all residences located within the 65dBCNEL noise contour for SAN. The Authority would appreciate it if the Department would advise the Authority promptly of any objections to the granting of this variance application, or any other communications to the Department from interested parties who might potentially have standing and a legitimate interest in the issuance of a subsequent variance without a hearing.

The Authority appreciates the Department's cooperation and assistance in considering the enclosed variance application. The Authority remains ready to assist the Department in its evaluation of the variance application. If you have questions regarding the variance application, or if there are any additional materials we can provide to you as part of our review, please feel free to contact us at your convenience. We look forward to hearing from you once you have had an opportunity to review the enclosed materials.

Sincerely,



Thella F. Bowens

President/CEO

San Diego County Regional Airport Authority

REQUEST FOR VARIANCE¹
TO NOISE REGULATIONS FOR CALIFORNIA AIRPORTS

1. **Airport Name:** San Diego International Airport (SAN)

2. **Person making Request:** Thella F. Bowens, President / CEO **Date:** April 7, 2015

3. **Specific Variance Requested (Administrative Code Section Number and Description of Request):** The San Diego County Regional Airport Authority ("Authority"), as the state and federally certified operator of SAN submits an Application and Request to the California Department of Transportation, Division of Aeronautics (the "Department") for a variance (the "variance" or the "variance request") from certain provisions of the California Noise Standards (21 Cal. Code Regs. §§5501, *et. seq.*) ("Regulations") with respect to the continued operation of SAN. This request for a variance is based upon the information contained in this request.

4. **Statement Explaining why the Airport Proprietor believes a Variance is necessary:** A variance is necessary for continued operations at SAN. Achievement of a "zero noise impact area", as defined in the Regulations, during the term is technologically and economically impractical and infeasible.

5. **Date airport was officially designated by County Board of Supervisors to have a Noise Problem:** July 25, 1972

6. **Total Annual Flight Operations:** Calendar Year 2014: 191,413

7. **Total Annual Air Carrier Operations:** Calendar Year 2014: 154,033

8. **Noisiest Class of Aircraft using Airport:** Commercial: Stage 3 Aircraft (hush-kitted B727); General Aviation: Stage 2 Aircraft

9. **Size of Noise Impact Area as defined by the Noise Standards for California Airports (measured in square statute miles):** As of January 1, 2015, the area within the 65 dB community noise equivalent level ("CNEL") contour was approximately 0.486 square miles.

10. **Statement describing how the Noise Impact Boundary was located:** The noise impact boundary was located using output from approved noise monitoring equipment and noise contours developed by the Airport Noise Mitigation Office for the calendar year 2014.

11. **Approximate number of homes (single-family dwelling units) enclosed by the 70 dB CNEL Contour line:** There are approximately four hundred (400) single-family residential dwelling units located within the 70 dB CNEL contour line, as defined by the Authority's 2014 annual noise contours.

12. **Actions Taken by the Airport Proprietor to reduce the Noise Impact Area:** Actions taken by the Authority to reduce the noise impact area surrounding SAN include:

¹ The San Diego County Regional Airport Authority has reformatted the Department of Transportation, Division of Aeronautics' Form DOA 618 (11-21-89) and submitted this Request for Variance in this format.

- a. Continued enforcement of the Airport Use Regulations (AURs) which restrict all departures between 2330 and 0630 daily and restrict above-idle engine run-ups between 2330 and 0630.
- b. The Authority has continued to aggressively implement the enhanced residential Sound Attenuation Program (referred to as the "Quieter Home Program" or "QHP") consistent with the requirements of the 10th and 11th Variances. From June 1, 2012 to March 31, 2015, nine hundred and thirteen (913) dwelling units were completed in the QHP. As of March 31, 2015 there are one hundred eighty-nine (189) dwelling units beginning construction or in pre-construction and two hundred forty (240) dwelling units in the design phase.
- c. The Authority continues its Noise Information Enhancement Program ("NIEP") consistent with the requirements of the 11th Variance.
- d. In July 2006, the Authority amended the Airport Use Regulations to double the administrative penalty for operators who failed to comply with the time-of-day departure noise curfew. These Airport Use Regulations are continuously enforced.
- e. The Authority has begun work on establishing a "Fly Quiet Program", a voluntary program wherein the Authority has been working with aircraft operators to operate in a quieter manner which may result in decreases to the Noise Impact Area.

13. **Incremental schedule of noise impact area reductions for the time period prior to compliance:** As discussed in Question 12, a variety of methods have been used to reduce the Noise Impact Area. Between July 1, 2012 and January 1, 2015, the Noise Impact Area decreased from 0.737 square miles to 0.486 square miles.

Implementation of the Quieter Home Program is dependent upon continued availability of federal grant funding, which cannot be guaranteed for a period of time sufficient to complete the QHP. Assuming continued available federal grant and local matching funding availability in constant dollars at its current pace, QHP could be expected to complete approximately 250 dwelling units a year. However, this plan does not address future requirements to insulate churches and hospitals within the Noise Impact Area. Over the time period of the 11th Variance, airlines operating at SDIA have continued making changes to the fleet mix of aircraft operating at SAN, some of which have shown to reduce the Noise Impact Area. However, the Authority has no control over when and what type of aircraft operate at SAN, so can make no guarantee that this fleet mix change process will continue into the future or have a significant effect on the reduction of the Noise Impact Area. For these reasons and because of these uncertainties, a realistic incremental schedule towards achievement of a zero Noise Impact Area cannot presently be identified or stated. For its 2015 fiscal year, the Authority has budgeted sufficient matching funds to provide the QHP with an annual operating budget of \$14.7 million.

14. **Future Date by which the Airport Proprietor expects to achieve compliance with the regulations:** See the information provided in response to Question 13. As of December 31, 2014, there are approximately four thousand seven hundred and six (4,706) dwelling units remaining in the Noise Impact Area. Under the current QHP, the Authority is completing sound insulation to approximately 250 dwelling units per year. If this pace is continued, and if all other conditions are met, including but not limited to continued funding from the FAA, and assuming the Noise Impact Area is not reduced by any other manner, using the calculations of the current Noise Impact Area, it will take the Authority an additional 19 years to complete the Program. Therefore, the future date by which the Authority could achieve compliance with the Regulations would be approximately 2034.

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15. **Statement regarding economic and technologic feasibility of complying with the regulations:** See the responses to Questions 13, 14, and 17. As the Department has previously found, it is presently economically and technologically infeasible for the Authority to achieve compliance with the regulations for SAN at any specific, defined time in the foreseeable future. Sound attenuation is the only feasible strategy for achieving a zero noise impact area around SDIA. Currently, the average cost per eligible unit (single and multi-family units) for sound attenuation is approximately forty thousand dollars (\$40,000). At the current pace of 250 dwellings per year, assuming continuation by FAA and the Authority of the current program funding rate of approximately fourteen million seven hundred (\$14,700,000) per year, using SDIA's current Noise Impact Area, and assuming the current participation rate of ninety percent (90%), the residential sound attenuation program will not be completed for at least nineteen (19) years.
16. **Noise impact should variance be granted:** The noise impact at SAN is described in the Quarterly Noise Reports filed with the Department pursuant to the Noise Standards. This noise impact will not be affected by granting a variance. The noise impact area will continue to be incrementally reduced through the Authority's Quieter Home Program, as described in the responses to Questions 13 and 14.
17. **Value to the Public of services for which the variance is sought:** As the Department has consistently found in prior variance determinations, continued operation of SAN as the region's only significant commercial service airport during the period of the requested variance is essential to the interests of, among others, commercial aviation operators, general aviation operators, the San Diego County business community, shippers and other local users of commercial air cargo services, local public entities, the air travelling public, other users of the airport, and the residents of San Diego County and neighboring counties. No other existing airport in the County is available to provide the services currently provided at SDIA. SDIA is a significant contributor to the region's economic base, providing thousands of jobs and approximately nine billion dollars (\$9,000,000,000) in total economic benefit (4% of the region's total economic output).

ATTACHMENT A

For the convenience of the Department, and as additional information in support of its request for a variance, the Authority has listed below each of the applicable terms and conditions of the Current Variance, followed by a discussion of the manner in which the Authority has complied with each term and condition.

Condition Number One: The variance shall be granted for a period of three years beginning on the effective date of this order.

Compliance with Condition Number One: The Authority is submitting its request for a renewal of the variance in a time and manner required by and consistent with the Current Variance.

Condition Number Two: The Airport Authority shall continue to file the required Quarterly Reports, and shall include in those reports the additional information contemplated by the Authority's 2001 Noise Information Enhancement Program.

Compliance with Condition Number Two¹: Consistent with the Current Variance, the Authority has provided Quarterly Noise Reports to the Department, the San Diego County Noise Hearing Board and the Airport Noise Advisory Committee. The Authority has included in its quarterly reports:

- (1) Aircraft noise measurement criteria;
- (2) Quarterly and annual CNEL data for each of the twenty-three (23) Remote Monitoring Sites ("RMS") as currently reported by the Authority;
- (3) Overall SAN aircraft operations as reported by the FAA Air Traffic Control Tower;
- (4) A separate quarterly operations summary for aircraft arrivals and departures which identifies the loudest 25% of the operations by aircraft type, operator, decibel, point of origination, flight number and time of day during a three (3) day survey period each quarter;
- (5) The operations activity by airline for each quarter and each cumulative six (6) month period ending June 30 and December 31 of each year, which, at a minimum reports the operations by airline and aircraft type;
- (6) A separately quarterly and year-to-date synopsis of community noise and overflight complaint statistics;
- (7) A description of enforcement activity undertaken by the Authority for violations of the Airport Use Regulations ("AUR"), including identification of specific offenders and administrative penalties assessed; and
- (8) The current status of the Residential Sound Attenuation Program ("RSAP") (i.e., QHP), including the steps the Authority has taken to implement the RSAP for eligible residences

¹ The NIEP requires the Authority to provide the following additional information in its Quarterly Noise Reports: (a) the noisiest 25% of the noise events captured by the monitoring system during a three (3) day survey period each quarter; (b) the name of the operator, the flight number, and the operation time of day for each of the listed operations; and (c) the current status of RSAP.

within the FAA accepted projected 2014 65 dB CNEL noise contour, including the number of homes that have been sound attenuated pursuant to the RSAP.

Additionally, quarterly reports contain a roster of current members of the Airport Noise Advisory Committee ("ANAC") and minutes from quarterly meetings held during that period.

Condition Number Three: The Airport Authority's annual report (for each calendar year) shall plot the annual CNEL contours for the 60, 65, 70, 75 and 80 dB CNEL noise contour levels (as currently developed and reported by the Authority) and shall quantify the areas of incompatible land use.

Compliance with Condition Number Three: Consistent with the Current Variance, the Authority has provided annual contour maps to the Department, the San Diego County Noise Control Hearing Board and to the ANAC. The annual contour maps plot the annual CNEL contours for the 60, 65, 70, 75 and 80 dB CNEL noise contour levels and quantify the area of incompatible land use. Additionally, the most current annual noise contour map is posted in electronic format on the Authority's website so that it can be conveniently accessed and downloaded by the general public without having to initiate a public records request.

Condition Number Four: The Airport Authority shall continue to maintain an Airport Noise Management Office at SAN, which shall, among other things, receive and respond to aircraft noise complaints and gather information on an aircraft noise and operations monitoring system. The Airport Authority shall include a status report on this matter with its quarterly reports to the Department. Originals or copies of all public records generated in connection with the operations of the Airport Noise Management Office shall, at minimum: (i) be maintained at the Airport Management Office for not less than two (2) years; and (ii) be available for public inspection and designation for copying during normal business hours.

Compliance with Condition Number Four: Consistent with the Current Variance, the Authority continues to maintain a noise mitigation office at SAN, which, among other things, receives and responds to aircraft noise complaints and gathers information on aircraft operations and noise levels at SAN by use of the aircraft noise monitoring system. In 2014, the Airport Noise Management Office moved locations to co-locate offices with the Quieter Home Program. These offices are located in the community within the noise impact area. This move allows members of the public to easily meet with staff to receive valuable noise information. The Airport Noise Mitigation Department is currently staffed by four (4) persons who are responsible for, among other things, ensuring compliance with the AUR and the Current Variance. The Airport Noise Mitigation Department also administers the Noise Compatibility Program, conducts continuous noise data management using a state-of-the-art computerized flight tracking and noise monitoring system and ensures continuing implementation of the NIEP.

Community noise and overflight complaints are facilitated by a twenty-four (24) hour "hotline" available in English and Spanish. Input from the phone line is monitored and transcribed on a daily basis during

the workweek for information and further investigation, as necessary. A technical specialist promptly investigates complaints and responds personally to community members who request feedback. Referrals are made to outside organizations as required. Community members may provide input through a dedicated email link publicized in the Authority's newsletter and highlighted on the Noise Mitigation page of the Authority's website (www.san.org/airport-projects/airport-noise-mitigation). Additionally, noise complaint data is published in the quarterly noise reports submitted to San Diego County and the Department.

Consistent with the Current Variance, originals or copies of all public records generated in connection with the operation of the Airport Noise Mitigation Office are maintained at the Airport Noise Mitigation Office for two (2) years and are available for public inspection and designation for copying during normal business hours when requested through the Authority's public records request procedure. An electronic version of the request form can be found on the Authority's website (<http://www.san.org/Airport-Authority/About-the-Authority/Public-Records-Request>).

Condition Number Five: During the period of this variance, the Airport Authority shall continue to implement the Residential Sound Attenuation Program (Quieter Home Program) as agreed to in the previous 1997 and 2001 stipulations of the parties, and incorporated in the 2008 order by the Department, including its efforts to obtain full federal discretionary AIP funding to match the annual Airport Authority contribution. The Airport Authority has no obligation under the Residential Sound Attenuation Program, or under this variance, to commit or support other use of any federal AIP funds allocated to the Authority in its capacity as the proprietor of SDIA as "entitlement" funds under the AIP program in any year during which the Quieter Home program is in effect. In addition, the Airport Authority shall continue to retain its legislative discretion to review and revise elements (other than the funding level commitments, obligations of its stipulations, and the conditions of this variance decision) of the Residential Sound Attenuation Program, including, but not limited to, revisions to the eligibility and funding priority provisions of the Quieter Home Program; and that after the term of this variance, retain the right to terminate the Quieter Home Program. However, any such decision to terminate the Quieter Home Program must be demonstrably reasonable and shall not be arbitrary and capricious.

Compliance with Condition Number Five:

1. **Continued Implementation.** The Current Variance extended the RSAP (QHP) for a period of three (3) years. The Authority continues to vigorously implement the QHP. During the period from June 1, 2012 through March 31, 2015, the Authority completed sound attenuation of nine hundred and thirteen (913) dwelling units. As of March 31, 2015, there are one hundred and eighty-nine (189) dwelling units beginning construction or in pre-construction and two hundred and forty (240) dwelling units in the design phase.

Consistent with the requirements of the NIEP, the Authority reviewed existing and new customer information materials produced for the RSAP and distributed to potential participants in the QHP in order to identify ways in which the terms, requirements and operation of the QHP,

including the required avigation easement can best be explained in readily understandable, common-sense terms.

The QHP updated the Programmatic Agreement entered in December 2001 between the Authority, FAA, State Historic Preservation Office, City of San Diego-Historic Resources Board, and the Advisory Council of Historic Preservation. Using this Programmatic Agreement as a guideline, the QHP from August 2001 to June 2008, identified and treated four hundred thirty four (434) historic dwelling units. From July 1, 2008 to May 1, 2011, the QHP identified and treated one hundred thirty five (135) historic dwelling units. From May 1, 2011 to March 31, 2015, the QHP identified and treated two hundred and fifteen (215) historic dwellings. As of March 31, 2015, there were sixteen (16) dwelling units identified as potentially historic in the design process.

The QHP guidelines adopted by the Authority's Board allow for the attenuation of multi-family structures with more than six (6) dwelling units. QHP policy is to prioritize dwelling units for inclusion within a program phase based on the unit's location within SAN's projected 2014 noise impact area and upon length of ownership, with priority given to unit's within the loudest noise impact areas and with the longest length of ownership. The QHP does not give priority to owner occupied versus non owner occupied or to single-family versus multi-family land uses.

2. QHP Funding: Between FY 2012 (beginning July 1, 2011) and FY 2015 (ending June 30, 2015), the QHP will have received approximately \$48 million in FAA AIP funds for the QHP. Total expenditures (including Authority Share) for QHP from July 1, 2011 through end of FY 2015 is approximately \$60 million. The FY 2015 funds are projections of the year end totals.
3. Easement Requirements: All easements that have been executed by eligible property owners in favor of the Authority under the RSAP have been consistent with the requirements of the RSAP as follows:
 - a. The reference contour for purposes of calculating the easement CNEL value is the SAN projected CY2014 Noise Exposure Map ("NEM") accepted by the FAA on November 10, 2010 ; and
 - b. The easement CNEL value of any eligible property in the highest year Projected 2014 CNEL value (rounded up to the nearest whole decibel) affecting any portion of the property, plus 1.5 dB CNEL .

Condition Number Six: The Airport Authority shall continue to implement its 2001 Noise Information Enhancement program, except that the meeting frequency of the Airport Noise Advisory Committee (ANAC) specified in paragraph 1(c), page two, of Attachment C of the 2001 variance stipulation, is revised to require that the ANAC meet quarterly.

Compliance with Condition Number Six:

1. Airport Noise Advisory Committee ("ANAC"):
 - a. ANAC meeting locations moved to the new Airport Noise Mitigation offices. This allows the public, and committee member's easier access to attend the meetings.
 - b. The ANAC met on a quarterly basis, at a day and time determined by the ANAC at the first meeting of a new calendar year.
 - c. Authority staff has requested, by letter, that the various planning boards that nominate members to the ANAC nominate, when relevant and practicable, representatives that reside inside the current SDIA 65 dB CNEL noise contour.
2. Airport Noise Monitoring System ("ANOMS"): The Authority continues to maintain and upgrade the noise monitoring system with newer software upgrades as it becomes available. In addition to software upgrades, the Authority is in the process of upgrading the remaining eleven noise monitoring sites from wooden poles to new steel poles.
3. Web Site: The Authority launched a new, enhanced website in 2014. The new website improves the availability, accessibility and timeliness of the information provided on the Noise Mitigation portion of the Authority's website. Additionally, a web-based flight tracking system accessible to the community is available to provide a portal for independent verification of flight operations from SAN.
4. Newsletter: As indicated above, the Authority provides timely updates via the website. To be efficient with Authority funds, the Authority plans to mail postcard flyers to all residents, living within the noise impact area, announcing the new website and locations to find regularly updated information on the Airport Noise Mitigation programs.
5. Quarterly Noise Report: In addition to the data required under Title 21, and unless the Department objects and otherwise instructs the Authority, the Authority provides the following additional information in its Quarterly Noise Reports ("QNR"):
 - a. QNR Table 2 is supplemented to provide the name of the operator, the flight number and operation time of day for each of the listed operations;
 - b. QNR Table 2 reports the noisiest 25% of noise events captured by the monitoring system during a three-day survey period each quarter;
 - c. The Authority adds a section to the QNR that discusses the current status of the RSAP.
6. Residential Sound Attenuation Program ("RSAP"): The San Diego International Airport Residential Sound Attenuation Program, referred to as the Quieter Home Program ("QHP"), incorporates handouts, fliers, surveys, a dedicated phone line, email address, and a comprehensive internet website to identify terms, requirements, and operations of the QHP. These materials have been prepared in a manner that the Authority believes can best be explained in readily understood, common sense terms. In addition, within the new Airport Noise Mitigation offices, the Authority built a "house" to demonstrate various treatment methods that homeowners may encounter in the Program. This demonstration house allows residents to view treatments first-hand so they understand exactly what retrofits will look like in their home.
7. Aviation Easement Review: Each year, the Authority reviews the language in the aviation easement for ease of understanding for the QHP homeowners. A number of changes to the

document have taken place as a result of input from participating homeowner and as a result of the yearly review.

8. Quieter Home Program-Community Outreach Items. During the Current Variance period, the QHP continues to maintain information on the website (www.san.org/Airport-Projects/Quieter-Home-Program) for participating and prospective homeowners and an informational phone line (619) 400-2660. On the website, participants and prospective homeowners are able to fill out surveys identifying their personal experience with the QHP and are also able to apply for the QHP. The QHP has also established an email address (quieterhome@san.org) that is monitored daily.

Condition Number Seven: The Airport Authority shall submit its request for any further extension of the variance to the Department in accordance with the then regulations of the Department, but, in any case, no later than sixty (60) days prior to the expiration of the variance. A copy of the application shall be provided to each of the parties on the proof of service of this decision, and the previous stipulations.

Compliance with Condition Number Seven: A request for a further variance is submitted by the San Diego County Regional Airport Authority to the Department on April 7, 2015, sixty (60) days prior to the expiration of the Current Variance. Copies of the variance application will be provided to the parties listed on the proof of service to the Current Variance along with the parties to the previous stipulation.

EXHIBIT 2

BEFORE THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
THE SAN DIEGO UNIFIED PORT DISTRICT)
for)
SAN DIEGO INTERNATIONAL AIRPORT,)
Respondent.)
For a Variance from the Department's Noise)
Regulations for California Airports.)

STIPULATION FOR GRANT OF VARIANCE

Attachment C

2001 Noise Information Enhancement Program

For many years, the San Diego Unified Port District has implemented a number of activities which are intended to provide relevant information to the public regarding aircraft noise issues at San Diego International Airport ("SDIA"), and to provide the public with opportunities and a regular forum in which to provide their input and express their views on noise related issues. These include the District's Airport Noise Advisory Committee, which advises the Board of Port Commissioners on noise related issues, the airport noise information section of the District's web site, the District's regular newsletter, *Noise Matters*, the Quarterly Reports filed by the District under the California Noise Standards, and other activities.

In negotiations with the parties who intervened in the administrative proceeding regarding the Port District's application to the California Department of Transportation, Division of Aeronautics ("the Department") for a variance from the California Noise Standards, District staff and counsel have negotiated, and propose for approval and adoption by the Board of Port Commissioners, certain enhancements to the District's program for disseminating noise information to the public and providing the public with opportunities to provide input and comment on noise issues at SDIA. Pursuant to the request of the interveners during the variance negotiations, and consistent with the District's goal of continuously improving information dissemination and public dialogue opportunities regarding airport issues, the District adopts and will provide staffing to implement the following measures as its 2001 Noise Information Enhancement Program. These measures shall be implemented upon, and remain in effect for the period of, the Variance Decision and order of the Department for SDIA under the California Noise Standards.

1. **Airport Noise Advisory Committee (ANAC)**

After approval by the ANAC and Board of Port Commissioners, the District will implement the following actions with respect to the ANAC:

(a) The membership of the ANAC will be increased by adding as an *ex officio* member a representative of the airlines selected by the SDIA Airport Airline Affairs Committee ("SDIA AAAC"), who shall serve a one-year term. The Senior Director, Aviation, will invite the SDIA AAAC to nominate a representative each year to be appointed to the ANAC.

(b) The membership of the ANAC will be increased by adding a general community member (residing inside the current 65 dB CNEL contour for SDIA) who shall serve a two-year term. The appointment shall be made by the Senior Director, Aviation. Prior to making the appointment, the Senior Director, Aviation, shall consult with the Airport Coalition regarding the nomination and, unless there is good cause for nominating some other person to this position, the Senior Director, Aviation, shall appoint the person nominated by the Airport Coalition.

(c) ~~The ANAC shall meet every other month.~~ The ANAC shall meet quarterly.

(d) The ANAC will, at a regular meeting each year, provide special recognition for any airline which has not violated the curfew during the prior year, or which has otherwise made a significant contribution to improving the SDIA noise environment and the airport's relationships with the surrounding communities.

(e) The District will request, by letter, that the various planning boards which nominate members to the ANAC nominate, when relevant and practicable, nominate representatives who reside within the SDIA 65 dB CNEL contour.

2. Airport Noise Monitoring System

The District anticipates and has budgeted for a major upgrade to its noise monitoring system at SDIA, and it anticipates implementing that project during the 2001-02 fiscal year. In designing the upgrade, the District will take the following steps:

(a) The location of individual noise monitors is limited to some extent by the express requirements of the California Noise Standards regulations. However, various community representatives have requested that one of the monitors be located in a specific location which they believe will provide them with noise information they consider to be significant. Therefore, the District will accept suggestions from the Airport Coalition, as a representative of the community, regarding the future location of one of the noise monitoring stations to be implemented as part of the upgrade package.

(b) The District will explore with the selected vendor the availability of enhanced statistical reporting software for the upgraded noise monitoring system. The objective is, where feasible, to use the capabilities of existing available software to provide enhanced statistical information of interest to the community which would be made available publicly, either as part of the quarterly reports or on the District's web site, as appropriate, particularly with respect to individual airline contributions to the total aircraft noise environment around SDIA.

(c) Once installation and certification by the Department has been completed for the new noise monitoring system, the District will, in its Quarterly Reports, provide tables which include information for each noise monitoring station in the new noise monitoring system identifying the quarterly arithmetic average SENEL level recorded by the system for each scheduled commercial operator at SDIA, by individual aircraft type and model (*i.e.*, Boeing 737, 757, A-320, *etc.*). In

addition, the Quarterly Report will be accompanied by a short summary sheet in which the District highlights any such data that reflects a significant or substantial change in recorded average SENEL levels, or individual air carrier operational fleet mixes at SDIA, compared to the prior quarter. A copy of the Quarterly Report, including the summary sheet, will be provided to the Station Manager of each scheduled airline serving SDIA during the period reported, and the District will advise each carrier if the carrier is specifically identified in the summary sheet.

3. Web Site

The District will enhance further the information on, and function of the noise information portion of the District's web site. Objectives of this program include enhancements to: (1) links to other relevant web sites, particularly governmental web sites with noise related information; (2) posting of notices, agendas and minutes of meetings of the ANAC and other local organizations considering aircraft noise related issues, such as the County Noise Control Hearing Board; (3) reports of the proceedings of the District's Curfew Violation Review Panel; (4) archiving historical quarterly noise reports, to the extent they are still readily available to the District and can reasonably be converted to web format; (5) enhancing the usability, to the extent reasonably feasible, of any noise related mapping provided on the site in order to make it easier for individual residents to locate their home in relationship to the airport and the published noise contours; and (6) making reasonable enhancements to information developed by the upgraded noise monitoring system, so long as the enhancements do not compromise the security of the system or the District's ability to effectively enforce its airport regulations.

4. Newsletter

The District publishes periodically a noise information news letter entitled *Noise Matters*. The District will seek to continue to improve information distribution through this newsletter. As part of the current program, the District will undertake to publish *Noise Matters* on a quarterly basis. The District will also review its distribution of *Noise Matters* to determine if the regular mailing and distribution can be more focused on individuals with a specific interest in SDIA noise related issues. Finally, while retaining full editorial prerogatives, the District will periodically make column space available in *Noise Matters* to the Airport Coalition as a community representative to address issues of interest or concern to the community.

5. **Quarterly Noise Reports**

Unless the Department objects and otherwise instructs the District, the District will provide the following additional information in its Quarterly Noise Reports:

(a) Table 2 will be supplemented to provide the name of the operator, the flight number and the operation time of day for each of the listed operations.

(b) Table 2 will report the noisiest 25% of noise events captured by the monitoring system during a three-day survey period each quarter.

(c) The District will add a section to the report to discuss the current status of the RSAP.

6. **Residential Sound Attenuation Program**

The District will review existing and new materials produced for the RSAP and distributed to potential participants in the program. The purpose of this review will be to identify ways in which the terms, requirements and operation of the program, including the required avigation easement, can best be explained in readily understood, common sense, terms.

the workweek for information and further investigation, as necessary. A technical specialist promptly investigates complaints and responds personally to community members who request feedback. Referrals are made to outside organizations as required. Community members may provide input through a dedicated email link publicized in the Authority's newsletter and highlighted on the Noise Mitigation page of the Authority's website (www.san.org/airport-projects/airport-noise-mitigation). Additionally, noise complaint data is published in the quarterly noise reports submitted to San Diego County and the Department.

Consistent with the Current Variance, originals or copies of all public records generated in connection with the operation of the Airport Noise Mitigation Office are maintained at the Airport Noise Mitigation Office for two (2) years and are available for public inspection and designation for copying during normal business hours when requested through the Authority's public records request procedure. An electronic version of the request form can be found on the Authority's website (<http://www.san.org/Airport-Authority/About-the-Authority/Public-Records-Request>).

Condition Number Five: During the period of this variance, the Airport Authority shall continue to implement the Residential Sound Attenuation Program (Quieter Home Program) as agreed to in the previous 1997 and 2001 stipulations of the parties, and incorporated in the 2008 order by the Department, including its efforts to obtain full federal discretionary AIP funding to match the annual Airport Authority contribution. The Airport Authority has no obligation under the Residential Sound Attenuation Program, or under this variance, to commit or support other use of any federal AIP funds allocated to the Authority in its capacity as the proprietor of SDIA as "entitlement" funds under the AIP program in any year during which the Quieter Home program is in effect. In addition, the Airport Authority shall continue to retain its legislative discretion to review and revise elements (other than the funding level commitments, obligations of its stipulations, and the conditions of this variance decision) of the Residential Sound Attenuation Program, including, but not limited to, revisions to the eligibility and funding priority provisions of the Quieter Home Program; and that after the term of this variance, retain the right to terminate the Quieter Home Program. However, any such decision to terminate the Quieter Home Program must be demonstrably reasonable and shall not be arbitrary and capricious.

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 - b. QNR Table 2 reports the noisiest 25% of noise events captured by the monitoring system during a three-day survey period each quarter;
 - c. The Authority adds a section to the QNR that discusses the current status of the RSAP.
6. Residential Sound Attenuation Program ("RSAP"): The San Diego International Airport Residential Sound Attenuation Program, referred to as the Quieter Home Program ("QHP"), incorporates handouts, fliers, surveys, a dedicated phone line, email address, and a comprehensive internet website to identify terms, requirements, and operations of the QHP. These materials have been prepared in a manner that the Authority believes can best be explained in readily understood, common sense terms. In addition, within the new Airport Noise Mitigation offices, the Authority built a "house" to demonstrate various treatment methods that homeowners may encounter in the Program. This demonstration house allows residents to view treatments first-hand so they understand exactly what retrofits will look like in their home.
7. Aviation Easement Review. Each year, the Authority reviews the language in the aviation easement for ease of understanding for the QHP homeowners. A number of changes to the

document have taken place as a result of input from participating homeowner and as a result of the yearly review.

8. Quieter Home Program-Community Outreach Items. During the Current Variance period, the QHP continues to maintain information on the website (www.san.org/Airport-Projects/Quieter-Home-Program) for participating and prospective homeowners and an informational phone line (619) 400-2660. On the website, participants and prospective homeowners are able to fill out surveys identifying their personal experience with the QHP and are also able to apply for the QHP. The QHP has also established an email address (quieterhome@san.org) that is monitored daily.

Condition Number Seven: The Airport Authority shall submit its request for any further extension of the variance to the Department in accordance with the then regulations of the Department, but, in any case, no later than sixty (60) days prior to the expiration of the variance. A copy of the application shall be provided to each of the parties on the proof of service of this decision, and the previous stipulations.

Compliance with Condition Number Seven: A request for a further variance is submitted by the San Diego County Regional Airport Authority to the Department on April 7, 2015, sixty (60) days prior to the expiration of the Current Variance. Copies of the variance application will be provided to the parties listed on the proof of service to the Current Variance along with the parties to the previous stipulation.