

# 1.0

## INTRODUCTION

This Environmental Impact Report (EIR) has been prepared by Los Angeles World Airports (LAWA) to evaluate the environmental impacts resulting from the proposed project. LAWA is the lead agency for the project pursuant to the California Environmental Quality Act (CEQA). The EIR is intended to assist LAWA and the City of Los Angeles in deciding the content and potential adoption of an ordinance to phase out operations of noisier aircraft at VNY.<sup>1</sup> The EIR would be considered by the LAWA Board of Airport Commissioners (BOAC) prior to making a recommendation on the proposed ordinance and forwarded to the Trade, Commerce and Tourism (TCT) Committee of the Los Angeles City Council for approval. The TCT Committee would review the EIR prior to making a recommendation to the full City Council for approval or denial of the proposed ordinance. The City Council has the ultimate responsibility of considering the environmental impacts of the project and making decisions on whether to certify the EIR and adopt the ordinance.

## 1.1 Project Background

### 1.1.1 Background on Proposed Phaseout

On September 27, 1989, the BOAC requested that the Executive Director investigate and prepare proposals to phase out Stage 2 aircraft from VNY.<sup>2</sup> On June 13, 1990, BOAC approved Resolution No. 17154, which proposed three noise abatement regulations for VNY: (1) a 1-hour extension of the starting time of an existing nighttime departure curfew; (2) a limit on operations of certain noisier aircraft (known as the Non-Addition Rule and described further below); and, (3) a 7-year

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<sup>1</sup> Operations, as used throughout this EIR, are defined as takeoffs and landings.

<sup>2</sup> The Federal Aviation Administration (FAA) has established noise standards that aircraft must meet to receive new or revised "type" or "airworthiness" certificates. These standards are defined in 14 Code of Federal Regulations (CFR) Part 36, Noise Standards: Aircraft Type and Airworthiness Certification (Part 36). For aircraft with maximum takeoff weights of 12,500 pounds or more and for all jet aircraft, Part 36 identifies four classes or "stages" of aircraft with respect to their relative noisiness: Stage 1 aircraft have never been shown to meet any noise standards, either because they have never been tested, or because they have been tested and failed; Stage 2 aircraft meet original noise limits, set in 1969; Stage 3 aircraft meet more stringent limits, established in 1977; and Stage 4 aircraft meet the most stringent limits, established in 2005. Aircraft of all stages currently operate at VNY.

phaseout of operations of noisier aircraft not affected by the Non-Addition Rule. BOAC subsequently approved, and the Los Angeles City Council adopted, the first two proposed regulations.<sup>3</sup>

Prior to adoption of these regulations, FAA confirmed in writing to LAWA that, because they were proposed prior to October 1, 1990, they were “exempt from the notice and analysis requirements of 14 Code of Federal Regulations (CFR) Part 161... Specifically, the Stage 2 restrictions in the proposal would be exempt under 49 United States Code (U.S.C.) 47533.”<sup>4</sup> (Section 47533 exempts “any proposed airport noise or access restriction at a general aviation airport if the airport proprietor has formally initiated a regulatory or legislative process before October 2, 1990.”)

All three of these regulations are based on departure noise levels published in FAA Advisory Circular ~~(AC) 36-336-3A, as amended (AC 36-3H)~~, Estimated Airplane Noise Levels in A-Weighted Decibels. The Non-Addition Rule and noisier aircraft phaseout both addressed operations of aircraft with noise levels that equal or exceed 77 dBA.<sup>5</sup> The 77 dBA limit was selected because at the time the ordinance was adopted, no Stage 3 aircraft based at VNY equaled or exceeded it. Briefly, the Non-Addition Rule prohibits additional non-Stage 3 aircraft with noise levels that equal or exceed 77 dBA from being parked, tied-down, or hangared at the airport for more than 30 days in any calendar year, subject to exceptions for major maintenance, repair, and refurbishment.

The phaseout proposed in Resolution No. 17154 implemented a restriction on all operations of aircraft that equal or exceed 77 dBA through the following four-step schedule:

- On or after January 1, 1991: No aircraft may arrive or depart VNY whose AC 36-3 takeoff noise level equals or exceeds 85 dBA.
- On or after January 1, 1993: No aircraft may arrive or depart VNY whose AC 36-3 takeoff noise level equals or exceeds 83 dBA.
- On or after January 1, 1996: No aircraft may arrive or depart VNY whose AC 36-3 takeoff noise level equals or exceeds 80 dBA.

<sup>3</sup> Appendix B.5 describes all of the existing VNY noise management measures. The departure curfew and Non-Addition Rule are described in Sections B.5.2.6 and B.5.2.7, respectively. Appendix B.6 reproduces Ordinances 171889 and 173215, which added these two regulations to the Van Nuys Airport Noise Abatement and Curfew Regulation (Ordinance 155727).

<sup>4</sup> August 28, 1997 letter from Susan L. Kurland, FAA Associate Administrator for Airports, to Mr. Breton K. Lobner, Senior Assistant Los Angeles City Attorney. In 1990, the U.S. Congress enacted the Airport Noise and Capacity Act (ANCA) (Pub. L. No. 101-508, 104 Stat. 1388, as recodified at 49 United States Code (U.S.C.) 47521 et seq.). Certain ANCA provisions directed the FAA to establish a national program to review noise and access restriction proposals that affect operations of aircraft classified as Stage 2 and Stage 3 under federal noise standards. FAA implemented this program through Federal Aviation Regulation Part 161 (14 CFR Part 161, Notice and Approval of Airport Noise and Access Restrictions). ANCA limited the applicability of the Part 161 review process to Stage 2 restrictions proposed after October 1, 1990, and to Stage 3 restrictions that first became effective after October 1, 1990.

<sup>5</sup> The departure curfew uses a more stringent 74 dBA limit, selected when the curfew was first enacted in 1981, because that was the departure noise level of the loudest twin piston powered aircraft operating at VNY.

- On or after January 1, 1998: No aircraft may arrive or depart VNY whose AC 36-3 takeoff noise level equals or exceeds 77 dBA.

On April 17, 2006, BOAC adopted Resolution No. 22980, which readopted the proposal for the 7-year phaseout of Stage 2 aircraft originally proposed in Resolution No. 17154. Resolution No. 22980 also instructed the Executive Director to report back to BOAC on LAWA's plan for pursuing the Stage 2 phaseout independent of an ongoing Part 161 study that was initiated in 2005 to pursue several proposed noise-based operating restrictions at VNY. LAWA provided that Stage 2 phaseout report on July 17, 2006, which ultimately led to the BOAC approval of the August 20, 2007, draft ordinance language (Appendix A). The proposed ordinance is the basis of the project examined in this EIR, and proposes the following phaseout schedule:

- On or after January 1, 2009: No aircraft may arrive or depart VNY whose AC 36-3, ~~as amended~~, takeoff noise level equals or exceeds 85 dBA.
- On or after January 1, 2011: No aircraft may arrive or depart VNY whose AC 36-3<sub>2</sub> takeoff noise level equals or exceeds 83 dBA.
- On or after January 1, 2014: No aircraft may arrive or depart VNY whose AC 36-3<sub>2</sub> takeoff noise level equals or exceeds 80 dBA.
- On or after January 1, 2016: No aircraft may arrive or depart VNY whose AC 36-3<sub>2</sub> takeoff noise level equals or exceeds 77 dBA.

The dBA levels proposed for restriction by this ordinance language are identical to those proposed by Resolution No. 17154; only the dates have changed. Because the updated phaseout schedule includes a 7-year timetable, it is no more restrictive than the original proposal. Three other factors make the updated phaseout proposal less restrictive compared to the original proposal. First, in and of itself, the 18-year deferment of implementation represents a significant easing. Second, the fleet of potentially affected aircraft has shrunk since 1989 due to retirements and replacements. For example, the active North American fleet of Learjet 24 and 25 aircraft decreased from 426 in 1989 to 324 by the end of 2007, while the active North American fleet of Gulfstream II and III aircraft decreased from 372 to 357 over the same time period. As a result, the number of operations from these types of aircraft also declined. Third, LAWA has further modified the original proposal to incorporate exemptions for operations of two classes of "historic" aircraft, for operations related to major repair and maintenance, and for permanent departures of non-compliant aircraft. Chapter 2, Project Description, describes these exemptions in detail.

## 1.1.2. Alternatives to the Proposed Phaseout

In addition to the ordinance proposed in the project, this EIR also analyzes the impacts of a variation on the phaseout ordinance. This would include in the ordinance an exemption for all Stage 3 and Stage 4 aircraft, or Alternative 2.<sup>6</sup> As part of the data collection and analysis process conducted for this EIR, LAWA

<sup>6</sup> This alternative is analyzed in this EIR to an equal level of detail as the project. The full explanation of the alternative and the alternatives analysis is presented in Chapter 5.

determined that a small number of operations at VNY are conducted by Stage 3 aircraft that exceed phaseout noise limits. These aircraft are Boeing 727 aircraft that were certified as Stage 2 aircraft in 1990 when LAWA first proposed the phaseout. Subsequent to that date, operators of these aircraft made modifications to reduce their operational noise emissions that resulted in their recertification as Stage 3 aircraft. This was done to comply with another provision of ANCA that required a national phaseout of Stage 2 aircraft with maximum certificated takeoff weights over 75,000 pounds by January 1, 2000. Prior to passage of ANCA, LAWA had no basis for anticipating these Stage 2 aircraft would be recertified as Stage 3, so when LAWA proposed the noisier aircraft phaseout at VNY, there was no basis for anticipating the intended Stage 2 phaseout would also affect Stage 3 aircraft.

LAWA anticipates there will be very few operations of these Stage 3 727s at VNY in the future. According to estimates performed in preparation of the Noise Analysis Technical Report, jointly prepared by HMMH and SH&E in August 2008 (included as Appendix B of this EIR), the forecasts of *total annual operations* in these aircraft for the 4 phaseout years are as follow:

- 2009: 38 annual operations – approximately 19 arrivals and 19 departures
- 2011: 35 annual operations – approximately 18 arrivals and 18 departures
- 2014: 32 annual operations – approximately 16 arrivals and 16 departures
- 2016: 19 annual operations – approximately 10 arrivals and 10 departures

As discussed previously, ANCA and Part 161 only exempt Stage 3 restrictions that first became effective on or before October 1, 1990. The intent of the project's proposed ordinance was to achieve this Part 161 exemption, but the project's noisier aircraft phaseout would not be exempt from the Part 161 review process if it restricted Stage 3 aircraft operations, no matter how small in number. To address this situation, this EIR considers Alternative 2, which exempts Stage 3 and 4 aircraft.<sup>7</sup> The ordinance proposed in Alternative 2 is identical to that of the project, except that it includes an additional exemption that would allow all aircraft certified as either Stage 3 or Stage 4 to continue to operate out of VNY, regardless of their takeoff noise levels. The phaseout ordinance proposed in Alternative 2 is provided as Appendix A.1 of this EIR. This alternative reduces noise and air quality impacts at LAX, when compared to the project because it would result in fewer project-related diversions to LAX, but would result in greater noise and air quality impacts at VNY because it would result in more aircraft remaining at VNY than compared to the project.

The additional exemption proposed in Alternative 2 follows the precedent LAWA set when it adopted the one-hour extension of the nighttime departure curfew and the Non-Addition Rule, both of which incorporated a Stage 3 exemption that was not included in the original proposal. The addition of the Stage 3 exemption did not

<sup>7</sup> ANCA and Part 161 are silent on their applicability to Stage 4 aircraft, because that class of aircraft did not exist at the time they were adopted. There is no reason to believe that any Stage 4 aircraft would ever exceed the most stringent 77 dBA phaseout limit. However, this alternative exempts Stage 4 aircraft based on the logic that it is appropriate to exempt the quietest class of aircraft.

jeopardize the exemption of these regulations from the Part 161 review requirements. To the contrary, the FAA specially noted in the previously cited correspondence<sup>8</sup> that addition of the Stage 3 exemption “would satisfactorily resolve concerns expressed in the FAA’s letter to the President of the City Council, John Ferraro, dated July 17, 1996.”<sup>9</sup>

### 1.1.3 Additional Airports Affected by Proposed Phaseout

LAWA predicts that some of the aircraft affected by the project’s proposed phaseout would be retired following the adoption of the ordinance, while certain phased out aircraft could be expected to use other Southern California regional airports. Therefore, this EIR has been prepared to assess the environmental effects at those airports identified as the most likely recipients of the shifted operations, referred to as “diversion airports” throughout this EIR. Those airports include LAX; BUR; CMA; Chino Airport (CNO); and WJF. An explanation of the methods used to identify the diversion airports is provided in full in Section 7.2 of the Noise Report (Appendix B.7 of this EIR) and summarized in ~~Section~~ Sections 2.2 and 4.2 of the EIR.

## 1.2 CEQA Process

This environmental document has been prepared pursuant to the CEQA of 1970, as amended (Public Resources Code [PRC] §21000 *et seq.*) and the State CEQA Guidelines (14 California Code of Regulations [CCR] Chapter 3, §15000 *et seq.*) These regulations require that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority prior to taking action on those projects.

LAWA, as the lead agency, has determined that an EIR is the appropriate level of documentation for compliance with CEQA for the proposed project in accordance with the provisions of the State CEQA Guidelines.

The overall purposes of the CEQA process are to:

- Ensure that the environment and public health and safety are protected in the face of discretionary projects initiated by public agencies or private concerns;
- Fully disclose the project’s environmental effects to the public, to agency decision makers who will approve or deny the project, and to responsible and/or trustee agencies charged with managing resources that may be affected by the project; and

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8 August 28, 1997 letter from Susan L. Kurland, FAA Associate Administrator for Airports, to Mr. Breton K. Lobner, Senior Assistant Los Angeles City Attorney

9 July 17, 1996 letter from Susan L. Kurland, FAA Associate Administrator for Airports, to The Honorable John Ferraro, President, City Council of the City of Los Angeles. This letter noted that without a Stage 3 exemption, the one-hour curfew extension would be subject to Part 161 review requirements “as it applies to Stage 3 aircraft.”

- Provide a forum for public participation in the decision-making process with respect to environmental effects.

As defined by Section 15378 of the State CEQA Guidelines, a project is any action that “has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” Section 15093 of the State CEQA Guidelines requires the decision makers to balance the benefits of a proposed project against any unavoidable environmental risks it may have. If the benefits of the project outweigh the unavoidable adverse environmental impacts, the decision makers may adopt a statement of overriding considerations, finding that the environmental effects are acceptable in light of the project’s benefits to the public. The environmental review process as set forth under CEQA is outlined below.

## 1.2.1 Scoping Process

The process of determining the scope, focus, and content of an EIR is known as scoping. The purpose of scoping is to solicit input from members of the public and applicable local, state, and federal agencies, organizations and individuals, to identify the range of actions, alternatives, potential environmental effects, and methods of assessment to be analyzed in the EIR. Pursuant to Sections 15082 and 15083 of the state CEQA Guidelines, LAWA has completed a public noticing and scoping process for the EIR.

### 1.2.1.1 Notice of Preparation

On October 22, 2007, consultants for LAWA sent out by certified mail a written Notice of Preparation (NOP) for the project. The NOP was sent to a total of 35 interested or potentially affected parties, 7—seven of which were state or federal agencies determined to be relevant to the project.<sup>10</sup> The other 28 parties included selected regional airports and businesses at VNY. A Notice of Completion (NOC) for the NOP was also sent to the State Clearinghouse to assist in their distribution of the NOP to agencies. In a separate public outreach distribution conducted by LAWA, other interested parties, including the potential diversion airports and all other airports within a 60-mile radius from VNY, received the NOP by regular mail. The NOP and NOC are provided in Appendix C.

The intent of the NOP was to advise interested and potentially affected parties, as determined in consultation with LAWA and VNY staff, of the formal start of the CEQA process for the project, of the start of the 30-day public comment period on the NOP (November 1 through November 30, 2007) and of the public scoping meeting being held in Van Nuys on November 15, 2007. Following the close of the NOP scoping period, any comments received from interested and/or potentially affected agencies and parties were documented for use in preparing the EIR.

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<sup>10</sup> Pursuant to Section 15082(a) of the State CEQA Guidelines, the NOP was submitted to all responsible agencies and any federal agency involved in approving the project. There are no trustee agencies responsible for natural resources affected by the project; therefore, no trustee agencies were included in the NOP submittal.

Other applicable filings of the NOP for the project included the following:

- On October 23, 2007, LAWA filed the NOP with the Los Angeles County Clerk's office.
- On October 25, 2007, LAWA filed the NOP with the Los Angeles City Clerk's office.

### **1.2.1.2 Public Scoping Meeting**

On November 15, 2007, LAWA held a public scoping meeting from 6:00 PM to 8:30 PM at the Van Nuys Airtel Plaza Hotel, 7277 Valjean Avenue, Van Nuys, California. Approximately 20 members of the public and interested parties attended the meeting. Comments were not recorded at the meeting as people were free to visit various information stations and talk informally about the project with LAWA staff and consultants. Spanish-speaking interpreters were present to maximize participation. As part of LAWA's outreach effort, approximately 165 affected or interested parties were mailed a notice of the public scoping meeting, and both the NOP and public scoping meeting were noticed in *The Daily News* and *The Los Angeles Times*, two general circulation newspapers of Los Angeles County.

A total of 12 written comment letters were received during the 30-day NOP review period. Comments were primarily supportive of the project's efforts to reduce noise for affected parties in the vicinity of VNY. Other comments primarily focused on the need to evaluate the potential noise and air quality effects of the project on the potential reliever airports. The comment letters, as well as a summary table of the issues addressed, are provided in Appendix C of this EIR.

## **1.2.2 Draft EIR**

### **1.2.2.1 Contents**

After the public scoping phase has been completed, the next step in the CEQA EIR process is preparation of a Draft EIR and submission of that document to the CEQA-mandated public review process. CEQA has established requirements addressing the analyses that must be presented in an EIR. These analyses address:

- all significant effects on the environment that would result from the proposed project,
- any significant effects on the environment that cannot be avoided if the project is implemented,
- any significant effects on the environment that would be irreversible if the project is implemented,
- any growth-inducing impacts of the proposed project,
- any cumulative impacts of the proposed project,

- an explanation supporting the exclusion from analysis in the EIR of any effects that were determined to be less than significant,
- mitigation measures proposed to minimize the significant effects on the environment, and
- alternatives to the proposed project.

The Draft EIR was completed in September 2008 and submitted for public review, as discussed below.

### 1.2.2.2 Public Review of the Draft EIR

As required under Section 15105 of the CEQA Guidelines, the Draft EIR for this project ~~is being~~ was made available for review and comment for a period ~~of that was initially planned to last 45 days, from October 2, 2008 to November 15, 2008. During the public review period, LAWA received a request to extend the public review period, and LAWA honored this request and extended the review period to December 1, 2008. Copies of the Draft EIR were sent to the State Clearinghouse in Sacramento for circulation to interested state agencies, and copies were sent directly to responsible, trustee, and local agencies. Copies ~~are~~ were also available for review by members of the public at the Los Angeles City and County Clerks' offices during normal business hours. An electronic copy of the Draft EIR ~~will be~~ was available on LAWA's website: <http://www.lawa.org/vny/vnyEnvironment.cfm>.~~

Written comments on the Draft EIR ~~will be~~ were accepted at the mailing address shown below, and ~~will be~~ were accepted electronically via a link provided in the web address shown below.

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Phone: (310) 646-3853 x 1003  
Website: <http://www.lawa.org/vny/vnyEnvironment.cfm>

On October 7, 2008, LAWA staff held a public workshop on the Draft EIR, pursuant to Section 15087(i) of the State CEQA Guidelines, at which LAWA received verbal and written comments on the Draft EIR. That same day, LAWA staff also made a presentation to the VNY Citizens Advisory Council on the project and the Draft EIR. LAWA held an additional public workshop on the Draft EIR on November 5, 2008, following the request to extend the public review period.

### 1.2.3 Final EIR

After the close of the Draft EIR public review period, LAWA ~~will compile~~ compiled and ~~review~~ reviewed all comments from agencies, organizations, and individuals pertaining to the Draft EIR. LAWA has written responses to the comment letters;



~~and has incorporated the letters and responses into this Final EIR as Chapter 7. They will then prepare a~~ In accordance with Section 15132 of the State CEQA Guidelines, the Final EIR, which will include includes the components listed below:

- comments received on the Draft EIR,
- written responses to all comments,
- a list of commenter's, and
- a discussion of revisions or additions to the Draft EIR, if any, made in response to the comments.

~~The~~ This Final EIR will be reviewed by the BOAC, the TCT Committee, and the City Council prior to a decision on certification of the EIR and potential adoption of the project.

## 1.3 Document Organization

This ~~Draft~~ Final EIR is organized as shown below:

- The Table of Contents lists the contents and page numbers of the document.
- The Executive Summary presents a brief summary of the findings of the EIR.
- Chapter 1, Introduction, introduces the proposed project and provides background and history to the project, as well as a description of the CEQA process, public scoping, and document organization.
- Chapter 2, Project Description, describes the project characteristics and identifies how the project would affect VNY and the diversion airports.
- Chapter 3, Environmental Setting, describes the setting of the proposed project and diversion airports.
- Chapter 4, Impacts and Mitigation Measures, identifies the environmental resources focused out of this EIR, analyzes potential effects of the proposed project on noise and air quality, and discusses the potential for mitigation to reduce those effects to a less-than-significant level.
- Chapter 5, Other CEQA Considerations, provides analyses of project alternatives, cumulative impacts, growth-inducing impacts, and any significant irreversible environmental changes resulting from the project.
- Chapter 6, References and List of Preparers, provides the bibliographic and expert authorities cited in the text and a list of individuals and organizations responsible for preparing this EIR.
- Chapter 7, Responses to Comments on the Draft EIR, presents the letters from agencies and jurisdictions, organizations, and individuals received by LAWA during the public review period for the Draft EIR, and LAWA's responses to those comments.

- Appendix A, VNY Phaseout Ordinance, provides a copy of the proposed ordinance approved by BOAC on August 20, 2007; Appendix A.1 provides a copy of the modified ordinance associated with Alternative 2.
- Appendix B, Noise Technical Report, provides the supporting data used to prepare the Noise analysis presented in Section 4.2 of this EIR.
- Appendix C, Notice of Preparation, Notice of Completion, and Scoping Comments, which summarizes the comments received during the 30-day public NOP review period.
- Appendix D, Air Quality Technical Materials, provides the supporting data used to prepare the air quality analysis presented in Section 4.3 of the EIR.

This Final EIR incorporates revisions to the text as it appeared in the Draft EIR that have been made in response to certain comments on the Draft EIR, or to make clarifications to minor errors recognized after publication of the Draft EIR. Deletions are shown in strikethrough text (~~text~~) and additions are shown in underline text (text). In addition to these changes, the Final EIR includes an updated version of Appendix D, Air Quality Technical Materials, which contains revised input and output sheets from computer modeling, changes to which are too minute and repetitive to feasibly show in strikethrough/underline text.