

Communication from Public

Name: Comments of Van Nuys Airport Association
Date Submitted: 02/07/2024 04:18 PM
Council File No: 23-1339
Comments for Public Posting: Comments of Van Nuys Airport Association - See Attached

February 5, 2024

Hydee Feldstein Soto, Esq.
Los Angeles City Attorney
200 North Main Street
Los Angeles, CA 90012
hydee.feldstein.soto@lacity.org

RE: Proposed Van Nuys Airport Specific Plan

Dear Ms. Soto:

I respectfully submit this letter on behalf of the Van Nuys Airport Association (“VNAA”). The VNAA represents the interests of tenants and users of the Van Nuys Airport (“VNY”), who collectively are interested in ensuring the continued prosperity and utility of the airport, as well as the important economic, public safety and other services that it provides to the Los Angeles area. As you know, VNY is administered by Los Angeles World Airports (“LAWA”), a department of the City.

Two members of the City Council, Nithya Raman (District 4) and Imelda Padilla (District 6) have introduced a motion (no. 23-1339) instructing the Department of City Planning to develop a Specific Plan for the development of VNY. While not expressly stated, the motion is intended to advance an effort to impose both a short-term moratorium and long-term restrictions on aeronautical projects at the airport, in response to demands from a relatively small – yet vocal – group of airports neighbors who previously have demanded the restriction of flight operations at VNY, by either direct or indirect means.

Relatedly, both Members have communicated to stakeholders, including neighbors and members of VNAA, of their intent to oppose any development leases that may be pending before the City Council to the extent those leases relate to aeronautical uses at VNY. Apparently, this policy will apply until a Specific Plan is in place. However, Council Member Padilla also has instructed LAWA to continue to publish non-aeronautical RFPs, without any delay premised on the pendency of a new Specific Plan.¹

A Specific Plan that impedes and discriminates against aeronautical uses, as well as any formal or informal effort to impose moratoria on the development of aeronautical facilities at VNY, *is inconsistent with both federal statutes and obligations that the City has assumed pursuant to agreements with the federal government.*

Van Nuys Airport was acquired by the City from the federal government in 1949, pursuant to a surplus property deed, which imposes conditions on the operation of the airport – including that the property “be used for airport purposes for the use and benefit of the public, on reasonable terms and without unjust discrimination.” These requirements are *perpetual* in duration. Similarly, the City for decades has accepted grants from the FAA via its Airport Improvement Program (“AIP”), which impose similar long-term obligations on the City’s stewardship of VNY.

¹ Transparency is also a concern for VNAA, including that these matters may be on the agenda for a February 8 meeting of the Trade, Travel and Tourism Subcommittee – but despite the requirements of the Brown Act, neither the meeting nor an agenda for that meeting has been publicly noticed.

In interpreting airports' obligations, the FAA has been emphatic that they may not impose arbitrary burdens and/or delays on aeronautical development. "Pursuing lease terms, plans, or managerial processes, that unnecessarily limit the airport's aeronautical utility by restricting development is inconsistent with the City's Federal obligations. It is unreasonable for an airport operator to refuse to develop a Federally obligated airport in response to aeronautical demand, as the airport was conveyed for this very purpose and Federal grant funds have been expended for the purpose of enhancing the aeronautical utility of the airport." See Grayson v. DeKalb County, Georgia, FAA Docket No. 16-05-13, Director's Determination, at 13-14 (February 1, 2006). The current proposal for a Specific Plan appears to be directly at odds with that guidance.

Moreover, all publicly owned airports in the United States are subject to the requirements of the Airport Noise and Capacity Act ("ANCA"), which was adopted by Congress in 1990 to prevent piecemeal local restrictions on the use of airports from disrupting the national airspace system. The statute prohibits, absent a detailed study process and approval by the FAA, both direct and indirect access restrictions. See, e.g., 14 C.F.R. § 161.5; *Millard Refrigerated Services, Inc. v. FAA*, 98 F.3d 1361, n.4 (D.C.Cir. 1996). In this case, the current proposal for a Specific Plan appears to be an impermissible attempt to accomplish by indirect means what the City cannot accomplish directly – i.e., discouraging flights by preventing development – since it should be undisputed that only the FAA has the authority to regulate the use of airspace.

The VNAA has been and continues to be interested in working with the City to ensure that the value of the airport is understood and utilized, as well as to assist with the development and implementation of voluntary measures that can minimize its impact on neighbors. But the City should understand that the proposal now at issue is misguided and may have severe negative consequences. If the City is in violation of its obligations, not only may the FAA suspend its eligibility for AIP funding – not limited to grants for VNY, but also for Los Angeles International Airport ("LAX") – but further may take other actions, up to and including the reversion of VNY to federal government ownership. Stakeholders at the airport also will be able to request remedies, in an FAA administrative proceeding or in court.

We appreciate your attention to these matters. If I or the VNAA can be of assistance in further explicating these issues, we certainly can be available to engage further.

Sincerely,



Jol A. Silversmith

cc: Paul Krekorian - Council President, City of Los Angeles
Imelda Padilla – Council Member, District 6, City of Los Angeles
Hugo Soto-Martinez – Council Member, District 13, City of Los Angeles
Tim McOsker – Council Member, District 15, City of Los Angeles
Brian Ostler - General Counsel, LAWAQ
Mark McClardy – Director, FAA Office of Airports, Western Pacific Region
Joe Manges – Division Counsel, FAA Office of Chief Counsel

Communication from Public

Name: Scott Goldman

Date Submitted: 02/07/2024 04:19 PM

Council File No: 23-1339

Comments for Public Posting: Please do not be distracted by the investor's (Bonseph Helinet LLC) exploitation of Helinet's operations. This is NOT about Helinet. Helinet exists and operates on the property now, and it will exist and operate on the property once the proposal is REJECTED. This is NOT about medical flights. This is about a foreign investment firm and their partners trying to pull focus away from the fact that Bonseph Helinet is introducing Jets to a property WITHOUT meeting the City's need or expectation for critical modernization upgrades that will help reduce the toxic auxiliary power unit and apron idling emissions that will harm adjacent business and public spaces, as well as the Valley collectively in cumulative air pollution. NO development lease at VNY should ever again be approved by City Council without the capital investment funds being utilized for Jet blast or sound barriers walls, electrified hangars and ramps and tree canopy borders to help combat climate change temperatures and filter green house gas pollutants from the jets. REJECT Bonseph Helinet and deny contractual rights to afford the City options that ensure a development that meets its best interest and goals, and the interests of the surrounding area. Valley residents are putting City Council on notice that IF they approve this deal or any other lease that does not include the before-mentioned mitigation measures, that you will inflicting direct and indirect harm on adjacent and surrounding areas and exasperating a public nuisance crisis harming health and well-being of the City's citizens.

Communication from Public

Name: Millie Rivero
Date Submitted: 02/08/2024 07:01 AM
Council File No: 23-1339

Comments for Public Posting: I have been a resident of North Hills West for the last 23 years. My home is located about 1.5 miles from the airport. When we moved here, we knew the airport was there (I used to attend the air shows there) but most of the traffic was from small planes. This traffic was fairly quiet, always during the daytime hours, except for the occasional emergency landings or air ambulances. Life was good. As private jets have moved into VNY in the last few years, life for my family and me have become hell. The rumble of jet engines warming up and getting ready to take off wakes us up at all hours of the night and we have no peace or quiet during the daytime either unless the weather is so bad that keeps most planes grounded. We have upgraded our home to have all double pane windows and doors and R30 insulation; but this is not enough to keep the jet engines noise out of our life. PLEASE, do not allow the airport to expand. What we really need is to move these big private jets out of our neighborhood. My family and I deserve to have a good night sleep without all the airport rumbling at all hours of the night and day

Communication from Public

Name: Josh C

Date Submitted: 02/07/2024 11:23 AM

Council File No: 23-1339

Comments for Public Posting: While VNY is an economic pillar of the local community and a mecca for small-engine aircraft hobbyists, there has been a slow but unyielding scope creep of noise and pollution in the name of serving the medium to large private business jets over the needs of the community. While the airport has a stated 77 dBA noise limit for airframes, ALL stage 3 aircraft are exempted by Ordinance 181106 SEC 5.3 - including gigantic private 737s, MD-87s and other vessels larger than even many of the ones that land at BUR and LAX. Additionally, the Part 135 loophole allows semi-private jet commuter operations like NetJets to stream hundreds of small connecting flights in and out of VNY on a weekly basis - sometimes with flights as short and wasteful as to OC or SB. Thirdly, the FAA move to NextGen nav pushing the PPRRY waypoint southward to deep over small businesses and residences on Ventura Blvd creates a constant stream of noise and pollution below, an issue that was unnoticeable until 2019 when the change happened. This takeoff pattern over the Santa Monica mountains also lowers the climb envelope of the jets, pushing them closer to residences rather than the more gradual departure to the northerly direction - which is actually at city preference. I would humbly suggest City Council consider the following measures to abate noise and balance the economic needs of the community for VNY as part of the minimum operational network with a community need for peace and quiet from an airport NOT designed for commercial-sized jets. 1) remove the blanket Stage 3 exemption and lower the airframe noise rating to 74 dB at all times (as it currently is from 10pm to 7am). This limitation would reroute the large, loud international private jets of billionaires to airports DESIGNED for 737s etc such as BUR and LAX. This would automatically remove most of the worst offenders for noise and pollution without significantly cutting airport traffic/revenue, and restrict some of the older jet airframes notorious for loud engines and unmitigated atmospheric pollution. 2) pressure the FAA to move the PPRRY waypoint northward back over the uninhabited Sepulveda basin dam, rather than residences/neighborhoods as it is now. With the wind-down of Santa Monica airport, the pressure is on to make VNY a sustainable aviation hub for the valley - and we certainly need it. However, what we do not need is billionaire heavy international jets screaming through our skies at all hours,

and flight paths over homes. Through a couple easy, common sense measures it should be easily possible to update the noise ordinance from 1990 to filter out such oversized polluters, while maintaining the priority for local hobbyists and smaller light jets that do not create as much noise pollution. Thank you!