

November 16, 2018

Federal Aviation Administration  
Operations Support Group  
c/o Burbank Public Comments  
2200 S. 216th St  
Des Moines, WA 98198

Re: Draft Environmental Review for Proposed SLAPP TWO and OROSZ  
THREE RNAV Standard Instrument Departure Procedures

To Whom It May Concern:

The City of Los Angeles ("City") respectfully submits these comments in response to the Federal Aviation Administration's ("FAA") request for comments on the Draft Environmental Review ("Draft Review") for the proposed SLAPP TWO and OROSZ THREE RNAV Standard Instrument Departure Procedures ("Proposed Procedures"). These comments supplement the comments filed by City Attorney Michael N. Feuer and City Councilmember Paul Krekorian on August 23, 2018.

The City appreciates the FAA making the Draft Review available to the public for its review and comment. However, the Draft Review is insufficient to support a categorical exclusion.

In sum, the Proposed Procedures have both a significant individual and cumulative effect on the environment and are the subjects of considerable controversy on environmental grounds. Among other things, the Draft Review contains insufficient information to support the use of a categorical exclusion and relies upon a flawed, undocumented noise analysis that erroneously ignores the mountainous terrain under the Proposed Procedures. It also contains an incomplete assessment of the effects on National Register-eligible historic districts and properties, parks and other sensitive resources, and fails to contain any assessment of the unique noise-sensitive attributes of these Section 4(f) resources.

At a minimum, an Environmental Assessment (“EA”) and more extensive consultation regarding historic and Section 4(f) resources will be necessary for FAA to proceed with this action. As part of this further analysis, FAA must fully consider, and implement if feasible, an alternative route that would use the US Highway 101 for the right-hand turn on the Proposed Procedures. This corridor is and has been safely and efficiently used by aircraft departing from the Hollywood Burbank Airport (“KBUR”) for decades and would keep more of each departing aircraft’s flight pattern over freeways, industrial areas, and other more compatible land uses.

### **Summary and Background**

The Proposed Procedures would cause a greater concentration of departures from Runway 15 at KBUR; therefore, the Proposed Procedures require thorough environmental review and consideration of alternatives. The existing OROSZ TWO and SLAPP conventional SID procedures provide for a climbing right-turn procedure at 210 degrees and then manual vectors to connect to the TILLR waypoint. These flight tracks are dispersed widely, consistent with conventional departure procedures and manual vectors.

The Proposed Procedures, however, would provide RNAV routes to the south of many of the existing radar flight tracks for the existing procedures, using proposed new waypoints JAYTE and TEAGN south of US Highway 101 in the eastern portion of the Santa Monica Mountains. The Proposed Procedures would concentrate overflights over Studio City and Sherman Oaks, which have residential, historic, park, wildlife and other land uses. Because the new routes will be over the Santa Monica Mountains, the departing aircraft will be much closer to the surface than other portions of the San Fernando Valley to the north.

The FAA must prepare and circulate, at a minimum, an EA for the proposed alternatives that provides a thorough analysis of the range of impacts caused by concentrating flights over sensitive historic, park, residential, school and other resources. Pursuant to FAA Order 1050.1F, FAA cannot rely on a categorical exclusion if “extraordinary circumstances” exist. *See* FAA Order 1050.1F ¶ 5-2. In the case of the proposed shift of the current OROSZ and SLAPP traffic to the new, concentrated corridor, at least the following extraordinary circumstances exist that require the preparation of an EA: (1) impacts to cultural resources protected under the National Historic Preservation Act (*see* FAA Order 1050.1F ¶ 5-2(b)(1)); (2) impacts to properties protected under Section 4(f) of the Department of Transportation Act (*see* FAA Order 1050.1F ¶ 5-2(b)(2)); and (3) impacts on noise levels of noise sensitive areas and impacts on the quality of the human environment that are likely to be highly controversial on environmental grounds (*see* FAA Order 1050.1F ¶ 5-2(b)(7), (10)).

Despite these extraordinary circumstances, the Draft Review is factually incomplete and legally insufficient. The Draft Review fails to provide adequate basic information regarding the Proposed Procedures and their impacts, as outlined below. The best information shows that the Proposed Procedures are not the best means of accommodating Runway 15 departures from KBUR that would ensure safety and efficiency, while reducing incompatibility with underlying land uses. Most critically, it fails to adequately assess the noise impacts associated with the concentration of flight operations in a narrow corridor over elevated terrain, with related effects on schools, historic resources, parks and other critical resources. Because the Proposed Procedures will cause more impacts than reflected or disclosed in the Draft Review, and are highly controversial on environmental grounds, the FAA must prepare an EA.

The City calls on FAA to evaluate and implement an alternative that would keep the east-west portion of the right-hand turn from KBUR Runway 15 over the US Highway 101. This will keep overflights over compatible land uses as much as possible and avoid the noise impacts associated with overflights of elevated and sensitive terrain between the JAYTE and TEAGN waypoints.

Notably, these comments are necessarily preliminary, because the Draft Review did not contain critical information such as the Settlement Agreement that served as one of the identified purposes for the Proposed Procedures or the details regarding how the noise analysis was performed under the Aviation Environmental Design Tool (“AEDT”) Plug-In. The City requested this information from the FAA on October 29, 2018, as part of a request for expedited treatment under the Freedom of Information Act. In addition, the City, as well as U.S. Representative Sherman, City Attorney Feuer, and Council Members Krekorian and Ryu have also requested an extension of the comments period to allow for more time for the public and others to respond to the Draft Review. To date, the City has not received a response. As a result, the City reserves its right to supplement its comments as soon as it receives this essential information that should have been made available when the Draft Review was made public.

1. The Purpose and Need for These Proposed Procedures and the Nature of the Procedures Themselves Are Unclear and Unexplained

The Draft Review is deficient because it never clearly identifies the need for and reasons behind the Proposed Procedures and their particular routing. While the Draft Review discusses complexity in the local airspace and changes in the Open SID procedure design very generally, there is no detailed description for the precise purpose of the routes chosen or the specific waypoints. *See* Draft Review at 3-7. For example, why is the routing of the Proposed Procedures over the mountainous terrain of Studio City and Sherman Oaks necessary? Why are the first legs of the departure paths generally south of historic flight tracks?

Similarly, the Draft Review's invocation of a settlement agreement with Benedict Hills does not provide adequate information to consider this project. Draft Review at 3-4. FAA does not attach the Benedict Hills settlement agreement or describe its contents in any way. Without this information, it is unclear how the Proposed Procedures implement the agreement or whether there are other ways to accomplish it. Nor can the public reasonably comment and assess this purported need. The City has requested a copy of the settlement agreement and sufficient time to consider it prior to submitting comments, but the FAA has not responded to date.

Further, the Draft Review does not convey to the general reader exactly where the Proposed Procedures are located and what they would do. The text descriptions are a technical word salad that is inaccessible to members of the public, even those who are interested and invested in learning more. Draft Review at 8-12. The maps reflecting the proposed procedures are little better. *See e.g.*, Draft Review at 16, 23, 29, 31. The maps capture a huge swath of the area in and beyond the San Fernando Valley, while compressing the areas of change, *i.e.*, the first legs of the departure procedures, into a very small part of the low-resolution image. There is no labeling or discussion for the meaning of the two purple routes south of KBUR or why one of these routes proceeds southwest past JAYTE, but mysteriously stops in the midst of the Santa Monica Mountains. Nor is there any explanation for the intersecting purple Proposed Procedure lines north and west of the Airport. The Draft Review fails in its basic duty to convey exactly what the Proposed Procedures are in a way that is accessible to the public.

While FAA subsequently posted meeting materials on its website that provide somewhat better maps, the reader of the Draft Review would not know these exist and someone who accessed FAA's website when the Draft Review was posted would never know of the existence of these maps. An interested member of the public would naturally seek and benefit from several close-up images, references to street intersections, and references to local geographic landmarks. Yet FAA avoids disclosing any such information, even in purported supplemental materials. Further, the inclusion of new "dispersed path area" without explanation in these meeting materials maps or in the Draft Review further confuses exactly what FAA is doing. Caveats FAA added like the following make it impossible for the City or the general public to know what FAA is proposing and what effects it will have:

- "The magenta lines and their width are not intended to depict a flight corridor or boundary."
- "Shaded areas are added solely to depict the general area where aircraft will be vectored to join the en route segments."

- “They do not depict a route centerline or flight corridor or boundary area, respectively.”<sup>1</sup>

The public is left with no clear idea what FAA IS doing exactly, and how its actions will affect flight patterns. FAA never shows or explains how its very general descriptions of routes, themselves replete with vague caveats, will affect residents, businesses, and land uses. This is exacerbated by the lack of information regarding how this vectoring and distribution of flights past JAYTE was modeled in AEDT – the very heart of FAA’s conclusions regarding environmental impact.

FAA must address these fundamental defects in an EA or EIS.

## 2. FAA Must Consider Alternatives with Fewer Noise Impacts

FAA must thoroughly assess an alternative corridor that would move the proposed JAYTE to TEAGN segment north so that it would overfly the more compatible US Highway 101 corridor. The City requested this alternative corridor in its comments filed with FAA on August 23, 2018. And this alternative corridor was also requested by Benedict Hills and by the Hollywood Burbank Authority. The Draft Review claims that:

An alternative was suggested to laterally move the proposed procedure segment from the JAYTE waypoint to the TEAGN waypoint north to approximately follow US Highway 101. This shift in procedure flight path would place aircraft on a flight path that would be in conflict with the final approach course to the primary arrival runway at Burbank, Runway 08. Therefore, this alternative was eliminated from consideration.

Draft Review at 11. However, this statement is conclusory and unsupported, as well as inconsistent with available information.

First, the arrival flight path into KBUR Runway 08 is more than three miles north of the segment of the US Highway 101 at issue. Second, a shift from the current JAYTE to TEAGN proposal to a US Highway 101 alignment would only move the procedure less than a mile north of FAA’s proposed alignment. Third, aircraft on the Proposed Procedures will already be at 4,000 feet MSL at TEAGN, much higher than the Runway 08 arrival stream by the time that the Proposed Procedures would reach the vicinity of the Van Nuys Airport. For example, arrival aircraft would be at

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[https://www.faa.gov/nextgen/nextgen\\_near\\_you/community\\_involvement/bur/media/Air\\_Traffic\\_Control\\_boards.pdf](https://www.faa.gov/nextgen/nextgen_near_you/community_involvement/bur/media/Air_Traffic_Control_boards.pdf)

approximately 3,000 feet above MSL at VNY using the ILS Y or LOC Y RWY 08 arrival procedures. *See* Attachment A (FAA flight plates for KBUR Runway 08 arrivals).

Fourth, and critically, both the materials FAA posted on its website and the recent KBUR study of flight tracks show aircraft currently and regularly transiting from roughly the interchange of the US Highway 101 and State Route 170 west to the interchange between the US Highway 101 and the Interstate 405. *See, e.g.*, Hollywood Burbank Airport, Flight Path Analysis Final Report (October 2018) (Attachment B); FAA Meeting Display Boards, Air Traffic Control.<sup>2</sup> In fact, the FAA’s display boards show the US Highway 101 corridor as being within the “Dispersed Path Area” of the proposed SLAPP and OROSZ procedures. None of this could be the case if the “flight path □ would be in conflict with the final approach course to the primary arrival runway at Burbank, Runway 08.”

Aircraft can be operated safely on the alternative US Highway corridor, as reflected by the fact that FAA has done so for more than a decade, does so now, and proposes to do so as part of the “dispersed path area” for the Proposed Procedures. FAA’s rejection of a closer look at this alternative and others in the Draft Review is arbitrary and capricious.

### 3. FAA’s Noise Analysis Is Unexplained and Flawed

The Draft Review provides results of a noise screening analysis performed with the AEDT Plug-In, but provides insufficient information regarding how this analysis was performed that would allow the public to adequately comment or have any assurance that FAA’s modeling was reasonable. The City has requested the input and output files for the noise analysis, as well as adequate time to review it, but has not yet received such files from FAA. Among the critical information that the Draft Review lacks (and the City has requested) is: (1) the exact flight tracks modeled; (2) the range of dispersion of aircraft from backbone tracks in the No Action and Proposed Action scenarios; (3) the percentage of aircraft that will stay on the RNAV route through TEAGN, as opposed to being vectored off by air traffic; (4) where those vectored aircraft would likely be; and (5) whether and how these diversions from the RNAV route would be modeled.

FAA’s recently-posted meeting materials showing “dispersed path areas” –never mentioned in the Draft Review –demonstrate that FAA is assuming some spreading of flight noise that could materially affect the results of the AEDT modeling. However,

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[https://www.faa.gov/nextgen/nextgen\\_near\\_you/community\\_involvement/bur/media/Air\\_Traffic\\_Control\\_boards.pdf](https://www.faa.gov/nextgen/nextgen_near_you/community_involvement/bur/media/Air_Traffic_Control_boards.pdf)

there is currently no information about how and why FAA did this, nor any information to test whether the assumptions were reasonable.

One critical methodological detail that the Draft Review does reveal demonstrates that the noise analysis is flawed and must be redone: the AEDT analysis assumes that all of the noise receptors are at the same elevation as the KBUR airfield on the Valley floor. See Draft Review at 22-23 (“Noise exposure calculations were based on a rectangular grid (receptor set) at airport field elevation with evenly spaced grid points (receptors).”). This was an inappropriate and arbitrary approach insofar as the primary areas of change in the noise procedure were over mountainous terrain south and west of the JAYTE waypoint. While the flights would be approximately 1,622 feet over the JAYTE waypoint on the San Fernando Valley floor, the terrain then rises steeply to the south and west, so that receptors underneath or to the side of the Proposed Procedures could be at 1,200 feet or more MSL, and much higher than assumed in the AEDT modeling. This results in substantial underprediction of noise levels for these mountainous areas of Studio City and Sherman Oaks.

FAA’s own guidance shows that this approach is inappropriate.

Varying terrain can greatly affect noise propagation. The terrain feature in AEDT allows for terrain elevation data of the modeling area to be included internally for noise computations. When terrain data are not included, AEDT assumes flat ground at a user-specified receptor elevation.

FAA, Aviation Environmental Design Tool, Technical Manual, Version 2d at 49 (September 2017).<sup>3</sup> “In regions where topography is relatively flat, use of terrain is not required for environmental studies. If there is uncertainty in the use of terrain and its potential influence on noise exposure in a specific study, coordinate with the appropriate reviewing authority.” FAA, Order 1050.1F Desk Reference Appendix C, Guidance on Using the Aviation Environmental Design Tool (AEDT) 2b to Conduct Environmental Modeling for FAA Actions Subject to NEPA at C-15 (July 2015).<sup>4</sup> FAA used terrain in its modeling of noise for the Southern California Metroplex, in acknowledgement that the area cannot be characterized as “generally flat” and requires mountains, hills, etc., to be included in the modeling.<sup>5</sup>

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<sup>3</sup> [https://aedt.faa.gov/documents/aedt2d\\_techmanual.pdf](https://aedt.faa.gov/documents/aedt2d_techmanual.pdf)

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[https://www.faa.gov/about/office\\_org/headquarters\\_offices/apl/environ\\_policy\\_guidance/policy/faa\\_ne\\_pa\\_order/desk\\_ref/media/AEDT2b.pdf](https://www.faa.gov/about/office_org/headquarters_offices/apl/environ_policy_guidance/policy/faa_ne_pa_order/desk_ref/media/AEDT2b.pdf)

<sup>5</sup> E.g., ATAC, *Environmental Assessment for the Southern California Metroplex Project Aircraft Noise Technical Report* at 3-5 (August 2016) (“Detailed terrain data for the entire General Study Area was incorporated from the United States Geological Survey (USGS) 1-degree Digital Elevation Model (DEM) database for the United States. This database provides elevation data at ground points

Here, the terrain is not generally flat, so the use of only the airport elevation for receptors is unreasonable over the Santa Monica Mountains. There is no evidence of any justification for using flat terrain assumptions for mountainous terrain, where many of the changes in the Proposed Procedures will be focused. FAA needs to re-do its noise analyses to capture the effects of the mountainous terrain that place receptors much closer to the departing aircraft than FAA's flat-terrain assumptions.

Further, the choice of grid-point spacing obscures the effects of the concentration caused by the RNAV procedure on the Proposed Procedures. FAA has acknowledged this "noise focusing" factor:

The term used to characterize the concentration of noise is "noise focusing." The actual flight tracks of aircraft flown on conventional [instrument flight procedures] using ground-based Navigational Aids (NAVAIDs) show broad dispersion around the trajectory of the defined procedures. The dispersion is typically based on the performance characteristics of individual aircraft types and pilot technique. In contrast, FAA's experience with satellite-based navigation procedures shows that actual flight tracks and [Next Generation] procedures converge to a much greater degree. Therefore, aircraft flying [Next Generation] procedures and the associated noise are concentrated over a smaller area than would be the case for the same operations using conventional, [non-Next Generation instrument flight procedures.]

FAA Order 7400.2K, Procedures for Handling Airspace Matters at ¶ 32-2-2.e.

The Draft Review's screening analysis covered a vast territory from well north of the San Fernando Valley south to Santa Monica, and from Simi Valley east to Pasadena. It did so with very coarse resolution of a quarter-mile between grid points where noise levels were modeled. *See* Draft Review at 23, 24 ("Grid points were spaced evenly at 0.25 nautical mile (NM) intervals."). The modeling of the vast domain with a coarse grid when only a small portion of the area south and west of KBUR had any actual changes, obscures significant changes for those areas immediately under the concentrated flight paths. It thus averages and hides the real concentrated environmental impacts that would be associated with the Proposed Procedures. FAA

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separated by three arcseconds (approximately 75 m east-west and 75 m north-south in the area). The elevation values for each point are provided at a 1-meter resolution.")

([http://www.metroplexenvironmental.com/docs/socal\\_metroplex/final/SoCal\\_Metroplex\\_Noise\\_Technical\\_Report\\_Final\\_20160822.pdf](http://www.metroplexenvironmental.com/docs/socal_metroplex/final/SoCal_Metroplex_Noise_Technical_Report_Final_20160822.pdf)); FAA, *AEDT 2b Separate Analysis of Southern California Metroplex Environmental Assessment Noise Model Input* at 1 ("Specifically, ATAC inputted the same noise model flight tracks, flight operation distribution among tracks, runway use, grid points, average annual day weather variables, and United States Geographic Geological Survey (USGS) terrain data used for the SoCal Metroplex EA under the NIRS noise model.")

([https://www.faa.gov/nextgen/nextgen\\_near\\_you/community\\_involvement/socal/media/AEDT\\_Analysis.pdf](https://www.faa.gov/nextgen/nextgen_near_you/community_involvement/socal/media/AEDT_Analysis.pdf)).

must re-model the area with the DNL 45 dB and greater (see Figures 8 and 9 of the Draft Review) with greater grid point resolution to allow FAA and the public to understand the effects of concentration with the new RNAV procedures versus the current or historic dispersion of flights.

In addition, FAA's choice of "no action" baseline information based on a 90-day "random" sample from 2017 is unsupported. There is no explanation for why this approach was appropriate and representative, including why a 90-day sample was sufficient. No information regarding the 90 days used or these flight tracks has been provided. Similarly, the use of the 2017 data is suspect for creating a reasonable baseline, because FAA was apparently implementing Southern California Metroplex procedures in early 2017. It was a period of air traffic control adaptation and flux and not necessarily a stable, representative "no action" baseline. The recent Burbank Airport analysis of flight tracks shows the change in the use of procedures in this period. See Attachment B. It also shows that a more complete set of radar tracks is available for analysis. The use of an unrepresentative sample and baseline precludes the ability for FAA to draw any conclusions about the actual effects of the Proposed Procedures.

#### 4. FAA's Land Use Impacts Review Is Incomplete and Inadequate

The Draft Review fails to contain any information about the land uses in the City underlying the proposed route or potential alternatives. The Draft Review discusses land uses and shows a map only for the City of Burbank and not the City. See Draft Review at 16-17. This is inexplicable insofar as the Proposed Procedures pass into the City soon after departure and the primary changes will be over Los Angeles. The Draft Review reflects no analysis or consideration of the land uses in the City, including in the North Hollywood, Valley Village, Studio City, and Sherman Oaks neighborhoods that the Proposed Procedures would overfly. FAA must reassess land use impacts with information regarding Los Angeles land uses and either recirculate the Draft Review or proceed with a Draft EA.

#### 5. FAA Fails To Consider Significant Historic Resource Impacts

Impacts to cultural resources protected under the National Historic Preservation Act, including the historic properties located under or near the proposed routes identified in Attachment C to these comments, are extraordinary circumstances that preclude use of a categorical exclusion. See FAA Order 1050.1F ¶ 5-2(b)(1). Because of the flaws and holes identified in the noise modeling identified above, FAA cannot reasonably assume at this stage that its concentration of flight operations on the Proposed Procedures would not cause substantial increases in noise levels at historic resources.

The Draft Review's sections on historic resources suffer from other critical flaws. First, despite the comments filed by the City on August 23, 2018, that identified many other eligible properties, FAA's analysis was limited to only properties currently listed on the National Register. *Compare* 36 C.F.R. § 800.16(l) (defining "historic" property to mean resources "included in, or eligible for listing in" the NRHP), with Draft Review at 31-32 (showing that FAA only considered already-listed resources). Many more National Register-eligible properties exist that must be included and analyzed. A list of such properties is found in Attachment C to these comments.

Second, FAA shows no consideration of the special noise sensitivity associated with Los Angeles historic resources under or near the Proposed Procedures. This special noise sensitivity related to the eligibility makes use of the usual FAA DNL 65 dB threshold inappropriate. While FAA often considers a DNL 65 decibel threshold when considering effects on historic properties, its guidance expressly recognizes that noise levels below DNL 65 *will* constitute a significant impact or adverse effect for NEPA and NHPA purposes where noise or quiet is a critical attribute or contributing element of the historic status. *E.g.*, FAA Order 1050.1F, Appendix B, *Federal Aviation Administration Requirements for Assessing Impacts Related to Noise and Noise-Compatible Land Use and Section 4(f) of the Department of Transportation Act (49 U.S.C. § 303)*, at ¶¶ B-1.4, B-1.5, and in the 1050.1F Desk Reference at Chapter 8. *See also, City of Phoenix v. FAA*, 869 F.3d 963, 974 (D.C. Cir.2017) ("even in the heart of a city, some neighborhoods might be recognized as quiet oases. ... Thus, it was unreasonable for the agency to rely only on the Part 150 guidelines in concluding that noise from the new flight routes would not substantially impair the affected historic sites. As a result, that conclusion lacks substantial supporting evidence.").

As an example, FAA recommends placing the JAYTE waypoint right on the CBS Studio City property. The CBS Studio City complex is a City-identified historic district that is National Register eligible.

As noted in the LA Survey City-wide inventory of historic resources, the CBS Studio complex is a:

Rare example of a working motion picture/television studio lot; one of the first motion picture studios established in the San Fernando Valley. Originally established in 1928 as Mack Sennett's Studioland; operated as Mascot Studios (1933-1935); Republic Studios (1935-1962); CBS Studio Center (1963-1981); CBS/Fox Studios (1982-1983); CBS/MTM Studios (1984-1991); CBS Studio Center 1992-present.

Rare example of a motion picture studio from the 1920s and one of the earliest studios in the San Fernando Valley; originally established as Mack Sennett's Studioland in 1928.

Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Historic Districts, Planning Districts and Multi-Property Resources at 137 (Feb. 26, 2013) (included as Attachment D). *See also*, <http://www.cbssc.com/history.htm> (history of property as a working studio lot from the 1920s to today).

The CBS Studio complex is eligible and significant under Criteria A, B, and C of the National Register criteria. And, its significance – as reflected in the LA Survey – is tied to its continuing use as a rare working studio lot from the 1920s to today. The site is connected with many early film pioneers such as Mack Sennett, Bing Crosby, Roy Rogers, John Wayne, Joan Crawford and Barbara Stanwyck. The continued and unusual use as a working studio lot contributes to its integrity of feeling and association with historic uses for film and television.

Studio City is uniquely sensitive to the noise focusing that would accompany the RNAV procedures and JAYTE waypoint. As a working studio lot with indoor and outdoor filming, constant and concentrated overflights that would have individual noise events sufficiently loud to interfere with current filming and distract from the historical association with filming old Westerns, Keystone Kops or even Gilligan's Island on the studio lot. The normal DNL 65 dB threshold for ballfields or general historic resources that are significant simply for their architecture does not suffice for this site, where concentrated noise would affect the core significance of this site as a rare remaining studio lot complex that is still a working lot.

These impacts would be significant effects and impacts under NHPA and NEPA, requiring at least an EA and full consultation. Further, such analysis requires consideration both of the DNL noise metric and the single event noise metrics that would be necessary to determine the scope of audibility and speech interference that would impair the historic integrity of the CBS Studio historic district.

Many other affected National Register-eligible properties are uniquely noise sensitive, but the City has not had the opportunity to explore these with the FAA due to the lack of information regarding noise impacts, precise routes in electronic form, and the lack of time with the incomplete Draft Review. Many of the mid-Century modern homes identified in Survey LA in the Santa Monica Mountains were built with a unique indoor-outdoor relationship of spaces. The City's historic officials believe that the outdoor space for many of these historic homes is an extension of the interior architecture itself and therefore quiet is essential to the integrity and continued viability of the design intent for these resources. The City requests that FAA engage in-person consultation with the City's historic preservation officials as soon as possible to discuss these issues and the impacts to the City's historic resources.

Fourth, the Draft Review has no discussion about the effects that the noise focusing phenomenon will have on owners of historic resources who will feel compelled to make

changes to windows, doors and other critical contributing features of historic properties to reduce the effects of concentrated noise. This replacement of critical historic building fabric has been observed elsewhere in the City and poses a fundamental threat to the integrity of all of the historic resources that are National Register eligible and listed in Attachment C to these comments. The National Park Service and others have recognized the central role that windows and doors can play in the integrity of historic resources.<sup>6</sup> FAA must analyze these effects and impacts under both the NHPA and NEPA, as well as consult with the City historic preservation staff regarding them. Because of these indirect effects to eligible historic resources, a categorical exclusion is not available under NEPA or FAA's Order 1050.1F.

#### 6. FAA's Analysis of Park Impacts Is Insufficient

Impacts to park and refuge resources protected under Section 4(f) of the Department of Transportation Act, including the historic properties located under or near the proposed routes identified in Attachment E to these comments, are extraordinary circumstances that preclude use of a categorical exclusion. See FAA Order 1050.1F ¶ 5-2(b)(2). This includes the parks and wildlife refuges of the Santa Monica Mountains Conservancy identified in Attachment E to these comments. The Santa Monica Mountains Conservancy was established by the California State Legislature in 1980 to preserve parkland and wildlife habitat in the Santa Monica Mountains, as well as provide an interlinking system of parks, trails and wildlife habitats. Many of the portions of the Conservancy in the area of concern experience natural quiet and are intended to provide visitors and wildlife with quiet refuges from the urbanized fabric of the City. Because Los Angeles has a deficit of park space on a per capita basis, protecting the attributes of the parks that do exist is critical. The City considers quiet to be a critical element of the Conservancy parks and that FAA's DNL 65 dB threshold of significance normally provided to urban or suburban ballfields to be inappropriate.

And, as an unusual attribute and use, as compared to other cities, these parks are regularly permitted by the City and used for movie shoot sites by the local film and television production industry. In 2017, over 86 permits for movie shoots were issued in the Encino/Studio City area and an additional 374 permits in areas within the Santa Monica Mountain Range. As with the CBS Studio complex historic district, the particular use of these local parks for film and television shoots distinguishes them from more traditional parks for which FAA uses a DNL 65 dB threshold for compatibility. Noise focusing through the proposed RNAV routes that increases the amount of time that noise is audible and/or interferes with speech recognition constitutes a constructive use of these parks for purposes of Section 4(f) and an impact under NEPA that would disqualify the use of a categorical exclusion. FAA must

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<sup>6</sup> <https://www.nps.gov/articles/windows.htm>

conduct at least an EA that would include detailed analysis of the effects on film and other shoots on these parks.

Filming in Los Angeles has been an economic driver for the local economy for nearly 100 years. Hollywood is the Mecca of the film industry and is responsible for supporting jobs throughout Southern California while bringing in an estimated \$3.3 billion dollars in direct spending to the region. (Film LA).

While filming in Los Angeles City Parks is significant to the industry, there are many parks within the flight paths of KBUR that are also critical to public access and quiet contemplation. These include Studio City Recreation Center, Weddington Park, Coldwater Canyon, Wilacre Park, Sepulveda Basin, North Hollywood Park, Runyon Canyon, O'Melvany Park, Los Angeles River and Griffith Park, one of the largest City Parks in the Nation, is part of the eastern flank of the Santa Monica Mountain Range. Many of these parks are where residents and tourists come to enjoy quiet and solitude, either through hiking, cycling, golfing, horseback riding or simply to recreate themselves in an anticipated area of quiet open space amongst the peaceful sounds of nature. In the document, *A Vision for Griffith Park*, (adopted by the Department of Recreation and Parks Board of Commissioners in 2013) it notes the significance of the park(s) along the flight path being a wildlife corridor and a Significant Ecological Area in the Los Angeles County General Plan. The park is a significant link between the western side of the Santa Monica Mountain Range and the Verdugo Mountain Range and is considered one of 34 Bio-Diversity hot spots for conservation worldwide by Conservation International.

7. The FAA Has Failed to Consider the Cumulative Impacts of the Proposed Procedures with Other Past, Present and Reasonably Foreseeable Actions

The Draft Review cursorily dismisses potential cumulative impacts and does not contain any specific recent or current additional actions. This is arbitrary and capricious, because FAA has an affirmative and mandatory duty to consider cumulative impacts. *E.g.*, 40 C.F.R. § 1508.7. As FAA is aware, noise concerns have skyrocketed in the southern San Fernando Valley, Studio City and Sherman Oaks in the last two years. As discussed in the recent report prepared for KBUR and requested by Rep. Sherman, flight tracks from KBUR Runway 15 departures have been moving southward and especially in the last two years. Hollywood Burbank Airport, Flight path Analysis Final Report (October 2018).<sup>7</sup> These changes may be the result of Southern California Metroplex implementation, shifts in aircraft from Santa Monica to Van Nuys Airport, temperature changes, increases in operations at KBUR, and other

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<sup>7</sup> <http://hollywoodburbankairport.com/wp-content/uploads/10-18-18-Landrum-Brown-Flight-Path-Analysis-Final-Report.pdf>

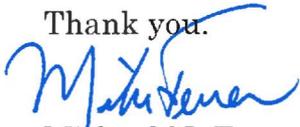
factors. However, there is no discussion of any of these issues in the Draft Review, rendering it insufficient under CEQ and FAA requirements.

FAA must consider the effects of the Proposed Procedures in the context of these past, current and reasonably foreseeable changes. In particular, it cannot rely simply on isolating the incremental effect of the Proposed Procedure changes without considering the recent increase of flight densities in the Studio City and Sherman Oaks areas relating to ATC control of aircraft movement in the vicinity. *See e.g.*, Burbank Report. FAA must do so by re-modeling noise analyses against an earlier baseline than 2017 – either 2015 or 2016 – to allow the true cumulative impact of the noise changes to be considered.

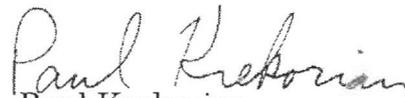
### CONCLUSION

The Draft Review is insufficient to support a categorical exclusion for the Proposed Procedures. Instead, FAA must prepare a Draft EA that addresses the deficiencies in the noise, historic, land use, Section 4(f), cumulative impact and other analyses discussed in these comments. Further, FAA must consider the reasonable alternative that would align the waypoints with the US Highway 101. The City stands ready to consult with and assist the FAA in this process, but also reserves the right to supplement these comments as it receives information it has requested from FAA.

Thank you.



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City Attorney



Paul Krekorian  
Councilmember, Second District



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Councilmember, Fourth District

cc: The Honorable Dianne Feinstein, United States Senator  
The Honorable Kamala Harris, United States Senator  
The Honorable Adam Schiff, United States Representative  
The Honorable Brad Sherman, United States Representative

## Attachments

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|--------------|--|
| Attachment A | Plates for KBUR Runway 08 Arrivals   |
| Attachment B | Hollywood Burbank Airport, Flight Path Analysis Final Report (October 2018)  |
| Attachment C | National Register-Eligible Resources in a Subset of the Area of Potential Effect                                       |
| Attachment D | Background Information Regarding Historic Districts and Resources in Studio City, Sherman Oaks and Other Neighborhoods |
| Attachment E | Parks and Other Section 4(f) Resources Affected by Proposed Procedures   |