



REPORT TO THE BOARD OF AIRPORT COMMISSIONERS

 <u>Denise Sample (Aug 25, 2021 11:10 PDT)</u> Approved by: Denise Sample, Managing Director		<u>Meeting Date:</u> <p style="text-align: center;">9/2/2021</p>																									
 <u>David Jones (Aug 25, 2021 11:12 PDT)</u> Reviewed by: Samantha Bricker, Chief Sustainability and Revenue Management Officer		<u>CAO Review:</u> <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Pending <input type="checkbox"/> N/A																									
 <u>D Dazé (Aug 25, 2021 11:49 PDT)</u> <p style="text-align: center;">City Attorney</p>		<table border="1"> <thead> <tr> <th>Reviewed for</th> <th>Date</th> <th>Approval Status</th> <th>By</th> </tr> </thead> <tbody> <tr> <td>Finance</td> <td>8/19/2021</td> <td><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA</td> <td>JS</td> </tr> <tr> <td>CEQA</td> <td>8/18/2021</td> <td><input checked="" type="checkbox"/> Y <input type="checkbox"/> N</td> <td>VW</td> </tr> <tr> <td>Procurement</td> <td>8/16/2021</td> <td><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Cond</td> <td>LK</td> </tr> <tr> <td>Guest Experience</td> <td>8/20/2021</td> <td><input checked="" type="checkbox"/> Y <input type="checkbox"/> N</td> <td>TB</td> </tr> <tr> <td>Strategic Planning</td> <td>8/13/2021</td> <td><input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA</td> <td>KC</td> </tr> </tbody> </table>		Reviewed for	Date	Approval Status	By	Finance	8/19/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	JS	CEQA	8/18/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	VW	Procurement	8/16/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Cond	LK	Guest Experience	8/20/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	TB	Strategic Planning	8/13/2021	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	KC
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 <u>Justin Erbacci (Aug 25, 2021 13:40 PDT)</u> Justin Erbacci, Chief Executive Officer																											

SUBJECT

Approve a twenty-five-year Easement Agreement with the United States Department of the Army for a remote airport noise monitoring site located in the Sepulveda Flood Control Basin at Van Nuys Airport.

RECOMMENDATIONS

Management RECOMMENDS that the Board of Airport Commissioners:

- ADOPT the Staff Report.
- DETERMINE that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Article III, Class 4 (7) of the Los Angeles City CEQA Guidelines.
- APPROVE a twenty-five-year Easement Agreement between the City of Los Angeles and the United States Department of the Army for the continued operation and maintenance of a remote noise monitoring site as a benefit to the general public, as referenced in this report.
- AUTHORIZE the Chief Executive Officer to execute the Easement Agreement between the City of Los Angeles and the United States Department of the Army, upon approval as to form by the City Attorney and upon approval by the Los Angeles City Council.

DISCUSSION

1. Purpose

To allow Los Angeles World Airports (LAWA) the use of federal property located at 6335 Woodley Avenue in order to continue to operate and maintain a noise monitoring site located in the Sepulveda Flood Control Basin at Van Nuys Airport (VNY).

2. Prior Related Action

- December 4, 2001, Board Order NO AO-4799 (VNA-7949)
The Board of Airport Commissioners (Board) approved a five-year license agreement (VNA-7949) with the United States Department of the Army (US Army) for the operation and maintenance of a noise monitoring site located in the Sepulveda Flood Control Basin.
- January 8, 2007, Board Order NO AO-5046 (VNA-8387)
The BOAC approved a five-year agreement with the US Army for the operation and maintenance of a noise monitoring site located in the Sepulveda Flood Control Basin.

3. Current Action

LAWA has utilized an area owned by the US Army located in the Sepulveda Flood Control Basin (Basin) since 1989 for the operation and maintenance of a remote noise monitoring site. This solar-powered site consists of a microphone and electronic hardware mounted on a 25-foot aluminum pole and a crushed rock access road. The current License Agreement (No. VNA-8387) is on a month-to-month status.

There are seven noise monitoring stations around VNY that monitor noise levels from aircraft flying to and from the Airport. The area owned by the US Army is located on the south side of the airport and offers an ideal location for monitoring noise from departure flights. LAWA reports noise data collected from equipment mounted in these sites to the County of Los Angeles Aviation Division on a quarterly basis in compliance with the California Administrative Code, Title 21, Chapter 2.5, Subchapter 6 – Noise Standards. The data from the noise monitor located in the Basin also is used in the Quiet Departure Program for jets, which serves as the cornerstone of the VNY annual Friendly Flyer Awards Program.

The US Army has agreed to issue an Easement Agreement to LAWA for a term of twenty-five years for a one-time payment of \$14,890 paid to the US Army for the drafting and issuance of the successor Agreement. A long-term lease is the most beneficial for LAWA as this location has been used to meet Title 21 requirements for over 30 years, and will continue to be needed to ensure compliance for the foreseeable future. During the term of this Agreement, LAWA also will be able to benefit from the cost savings derived by avoiding the fee payments associated with the repeated issuances of five-year License Agreements.

Agreement Summary		
	Prior Terms	Proposed Terms
Term:		
Commencement	July 1, 2006	April 1, 2020
Expiration	June 30, 2011	March 31, 2045
Cancellation Provision	10-day notice in writing	30-day notice in writing
Rent	None; one-time processing fee of \$5,000	None; one-time processing fee of \$14,890
Premises	64 square feet of paved land	No change

How this action advances a specific strategic plan goal and objective

This action advances this strategic goal and objective: **Sustain a Strong Business; Diversify and grow revenue sources, and manage costs.** Approval of the twenty-five-year Easement Agreement will result in cost savings to LAWA by eliminating the one-time processing fee payments and related administrative costs associated with the issuance of short-term License Agreements for the continued use of this essential noise monitoring site.

Fiscal Impact

Approval of this Easement Agreement will not have a fiscal impact on the Fiscal Year 2021-22 Los Angeles World Airports Operating Budget. A one-time processing fee of \$14,890 was paid on June 11, 2019.

4. Alternatives Considered

- ***Take No Action***
Taking no action would result in the loss of a vital site needed to maintain compliance with the California Administrative Code, Title 21, Chapter 2.5, Subchapter 6 – Noise Standards.
- ***Alternative Locations***
This site is essential to the mandatory noise monitoring program at VNY. There are no other viable alternatives at this time.

APPROPRIATIONS

No appropriation of funds is required for this action.

STANDARD PROVISIONS

1. Issuance, renewal or amendment of any lease, license or permit to use land involving minor alterations to the condition of the land is exempt from California Environmental Quality Act (CEQA) requirements pursuant to Article III, Class 4 (7) of the Los Angeles City CEQA Guidelines.
2. The proposed document(s) is/are subject to approval as to form by the City Attorney.
3. Actions taken on this item by the Board of Airport Commissioners will become final pursuant to the provisions of Los Angeles City Charter Section 606.

4. This action is not subject to the provisions of the Living Wage/Service Contractor Worker Retention Ordinances.
5. This action is not subject to the provisions of the Business Enterprise (BE) Programs.
6. This action is not subject to the provisions of the Affirmative Action Program.
7. This action does not require a Business Tax Registration Certificate number.
8. This action is not subject to the provisions of the Child Support Obligations Ordinance.
9. This action is not subject to the insurance requirements of the Los Angeles World Airports.
10. This action is not subject to the provisions of Charter Section 1022 (Use of Independent Contractors).
11. This action is not subject to the provisions of the Contractor Responsibility Program.
12. This action is not subject to the provisions of the Equal Benefits Ordinance.
13. This action is not subject to the provisions of the First Source Hiring Program.
14. This action is not subject to the provisions of Bidder Contributions CEC Form 55.
15. This action is not subject to the provisions of MLO Bidder Contributions CEC Form 50.
16. This action is not subject to the provisions of the Iran Contracting Act.

Attachment – Location Map

