



## CITY OF NEWPORT BEACH AVIATION COMMITTEE AGENDA

Civic Center Community Room, 100 Civic Center Drive, Newport Beach, CA  
92660

Monday, September 23, 2019 - 5:30 PM

***Aviation Committee Members:***

Council Member Jeff Herdman, Chair  
Council Member Brad Avery, Vice Chair

Nancy Alston  
Jeffrey Cole  
Alan Guenther  
Roger Ham  
Anthony Khoury  
Stephen Livingston  
Hugh Logan  
Thomas Meng  
Bonnie O'Neil  
Jack Stranberg  
Sharon Ray  
Cameron Verdi

**Staff Members:**

Tara Finnigan, Deputy City Manager  
Aaron Harp, City Attorney

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The Aviation Committee meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Aviation Committee agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Committee and items not on the agenda but are within the subject matter jurisdiction of the Aviation Committee. The Chair may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Shirley Oborny, Executive Assistant to the City Manager, at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3001 or soborny@newportbeachca.gov.

**NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT**

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the City Manager's Office 24 hours prior to the scheduled meeting.

1. **WELCOME/CALL MEETING TO ORDER (Council Member Jeff Herdman, Chair)**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**

[Minutes - August 26, 2019](#)

**4. CURRENT BUSINESS**

*Public comments are invited on agenda items. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name. The Committee chair has the discretion to extend or shorten the speakers' time limit on agenda items. The Committee chair will ask for Committee member comments and questions before asking for public comments.*

1. City Initiatives:
  - a. General Aviation Improvement Program (GAIP) Update
  - b. Departures Study
  - c. Lobbying Efforts
2. John Wayne Airport Update (Nick Gaskin will present)
  - a. New Viewpoint Complaint Management System
  - b. Capacity Allocation Plan
  - c. Delta Airlines' New 220s
3. Formation of Additional Subcommittees - Staff is recommending the formation of additional subcommittees to enable small groups of committee members to accomplish work on specific focus areas approved by the Aviation Committee (Committee), between its regularly scheduled committee meetings.

[Staff Report](#)

**5. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

*Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Aviation Committee. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee chair has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers.*

**6. ITEMS FOR THE NEXT MEETING'S AGENDA**

**7. NEXT MEETING - October 28, 2019, 5:30 p.m.**

**8. ADJOURNMENT**



**CITY OF NEWPORT BEACH**  
MINUTES of the  
**AVIATION COMMITTEE**  
(draft until approved by the Committee)

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MEETING DATE & LOCATION: **Monday, August 26, 2019, 5:30 p.m.** at the Civic Center Community Room, 100 Civic Center Dr., Newport Beach, CA 92660

**ATTENDANCE:**

Committee membership:

Council Member Jeff Herdman, Chairman  
Council Member Brad Avery, Vice Chairman  
Nancy Alston – SPON representative  
Jeffrey Cole – District 6  
Alan Guenther – District 1  
Roger Ham – Newport Coast representative  
Anthony Khoury – AWG representative  
Stephen Livingston – General Aviation  
Hugh Logan – District 7  
Thomas Meng – District 4  
Bonnie O'Neil – District 3  
Jack Stranberg – Member at Large  
Sharon Ray – District 2  
Cameron Verdi – District 5

Staff: City Manager Grace Leung, Deputy City Manager Tara Finnigan, City Attorney Aaron Harp, Executive Assistant to the City Manager Shirley Oborny

City consultant: Tom Edwards

1. **WELCOME/CALL MEETING TO ORDER**

Vice Chairman Avery called the meeting to order at 5:30 p.m.

2. **ROLL CALL**

Chairman Herdman and Committee Members Logan and O'Neil were absent.

3. **APPROVAL OF MINUTES**  
**July 22, 2019 Minutes**

**Motion** to approve the minutes of the July 22, 2019 meeting with the location of the meeting corrected to reflect the Civic Center Community Room was made by Committee Member Meng and seconded by Committee Member Ham. The motion carried unanimously with Chairman Herdman and Committee Members Logan and O'Neil absent.

4. **CURRENT BUSINESS**

**(a) Presentation on the 1985 John Wayne Airport Settlement Agreement (as amended) and General Aviation Noise Ordinance**

1. Historical Overview of the 1985 Settlement Agreement & Amendments

2. Current Settlement Agreement Provisions
3. General Aviation Noise Ordinance & Nighttime Restrictions on Commercial and General Aviation
4. Noise Monitors and Measurement

City Attorney Aaron Harp used a PowerPoint presentation (see attached) to relay the history and current terms of the 1985 John Wayne Airport Settlement Agreement, the General Aviation Noise Ordinance (GANO), and the noise monitors. Seven noise monitors are located in Newport Beach. Under the GANO, nighttime hours are defined as 10 p.m. to 7 a.m. Monday through Saturday and 10 p.m. to 8 a.m. on Sunday. Mr. Harp said the last commercial aircraft violation of GANO occurred in 2004 and provided data on general aviation GANO violations.

Committee Member Alston requested future presentations include information about aircraft exemptions.

Committee Member Guenther attended the recent Aviation Commission meeting and learned that the newer airplanes will be approximately 6 dB quieter than current airplanes.

Committee Member Khoury hoped the Aviation Committee would begin evaluating the frequency of noise.

Committee Member Ray remarked that Newport Beach is important to the County because of the number of jobs in Newport Beach and the tax revenues generated by Newport Beach citizens.

In response to questions from Committee Members, Mr. Harp reported the limit on average daily departures (ADD) applies to Class A aircraft, which are the noisier aircraft. Class E aircraft are limited by the cap on Million Annual Passengers (MAP). City Attorney Harp indicated violations of the ADD and MAP have not occurred. Mr. Edwards explained that the difference between Community Noise Equivalent Level (CNEL) and Single Event Noise Exposure Level (SENEL). The current limit on ADDs is 85, but the limit will increase to 95 on January 1, 2021. Mr. Harp explained that negotiations will likely begin in 2025 to extend the Settlement Agreement beyond 2030. The County agreed to extend the curfew to at least 2035. The Airplane Noise and Capacity Act of 1990 (ANCA) does not allow reductions in the limits contained in the Settlement Agreement. Mr. Edwards explained that the County calibrates noise data daily and quarterly. The County and City have hired independent consultants to evaluate the noise data, and the consultants have found the data to be correct.

Heidi Hendi remarked that aircraft continuously fly over her home in Dover Shores from 2 p.m. until the curfew on Sundays, and the noise is much greater now.

An unidentified speaker stated she receives a weekly report from Airnoise.io, and those reports indicate most flights travel less than 2,000 feet over her home.

An unidentified speaker reported a noise monitor at her home on Lido Isle registers airplane noise at 85-90 dB. Southwest flights appear to be the primary problem.

Jim Mosher advised that another metric, time above, is not a part of the Settlement Agreement and not monitored. Time above has gotten worse and the duration longer with each extension of the Settlement Agreement. He said one seems to be enforcing the mitigation measures contained in the Environmental Impact Report (EIR) that accompanies the Settlement Agreement.

Mr. Harp explained that without the Settlement Agreement, airlines could schedule as many flights as possible at all hours of the day and night. Departing aircraft formerly had to reach higher

altitudes in a shorter period of time in order to comply with noise standards. Because aircraft are quieter now, they do not have to rise as quickly on takeoff. City Manager Grace Leung advised that airlines are voluntarily meeting with her, consultants, and community members to model and test departure procedures. Mr. Harp noted flight patterns are not governed by the Settlement Agreement. Information about the City's lawsuit against the Federal Aviation Administration (FAA) regarding the Metroplex project will be presented in a future meeting.

**(b) Update on the Status of the John Wayne Airport General Aviation Improvement Program (GAIP) Request for Proposals**

Deputy City Manager Tara Finnigan utilized a PowerPoint presentation (see attached) to provide an update on the GAIP. She gave an overview of what currently exists for general aviation at the airport and what the Board of Supervisors approved for the GAIP on June 25. Staff believes the Request for Proposals for Fixed Base Operators will be presented to the Airport Commission on September 4. The City is asking the County to further restrict the General Aviation Facility hours, to maintain the current mix of general aviation aircraft, and to move JetSuiteX to the main terminal. The City is communicating with Supervisor Steel's office and will provide comments to all Supervisors.

In reply to Committee Members' queries, Ms. Finnigan reported staff will meet with Fixed Base Operators (FBO) to explain the City's goals. She said the County's rent structure may also limit the number of small aircraft.

**(c) Consider the formation of a GAIP Subcommittee**

The recommendation is to create a GAIP Subcommittee and select five members of the Aviation Committee to work on the Subcommittee. The sole purpose of the Subcommittee will be to analyze the GAIP (Including the Request for Proposals, responses thereto, and proposed Lease Agreements) and provide recommendations to the Aviation Committee related thereto. The Subcommittee will be an ad hoc committee, that is not subject to the Brown Act, and shall terminate upon the award of all ground leases by the County of Orange for the GAIP. Subcommittee activities will be reported to the full Aviation Committee at its monthly meeting.

Ms. Finnigan reported the Subcommittee would be advisory to the Aviation Committee.

**Motion** to approve the selection of Committee Members Cole, Livingston, and Ray and Chairman Herdman to serve on the GAIP Subcommittee by Committee Member Livingston and seconded by Committee Member Khoury. The motion carried unanimously with Chairman Herdman and Committee Members Logan and O'Neil absent.

**(d) John Wayne Airport Update**

1. Plan Year 2020 Capacity Allocations
2. Status of the Viewpoint Complaint Collection and Management System

Nicholas Gaskins of JWA could not attend the meeting. Ms. Finnigan shared a copy of the County staff report (see attached) with details of the Plan Year 2020 Capacity Allocations. The City has asked the County Board of Supervisors to relocate JetSuiteX from the General Aviation area to the main terminal. In its August 21, 2019 staff report, JWA staff recommended the passenger allocation for JetSuiteX continue at approximately 95,000, if it remains in the FBO area. If JetSuiteX wishes to increase its passenger allocation, it will need to move to the main terminal. The Airport Commission approved staff's recommendation, and the matter will be presented to the Board of Supervisors on September 10.

Vice Chairman Avery requested members of the community provide their input to the Board of Supervisors as a way to reinforce the City's feedback.

Ms. Finnigan said JWA staff will provide information about the Viewpoint System at the committee's September meeting.

5. **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

In response to Charles Klobe's question, Vice Chairman Avery advised there is not current federal standard for particulate matter. Committee Member Meng noted the City previously had an air quality study performed. The 2009 study is available on the City website.

Jeanne Massingill commented that people need to be made aware of issues.

Jim Mosher understood that JetSuiteX's charter operation would continue at the FBO if its commercial operations moved to the main terminal. He said the Aviation Committee should review the amount being spent on airport efforts. Ms. Finnigan clarified that JetSuite is the charter operation and JetSuiteX is the airline operation. Mr. Edwards explained that if JetSuiteX elects not to take the 100,000 extra seats, they could be given to other commuter carriers or the E carriers.

Charles Klobe said JWA's goal is to get JetSuiteX to decide as soon as possible if it will move to the main terminal in 2020.

6. **ITEMS FOR THE NEXT MEETING'S AGENDA**

Vice Chairman Avery indicated the Aviation Committee's next meeting will include the formation subcommittees, review of Council Policy A-17, and updates on the GAIP and other relevant topics.

Committee Members requested agenda items to discuss a letter to residents regarding airport matters, the pros and cons of a pollution study, and subcommittees for noise, negotiations with airlines, curfew, pollution, and communications.

7. **NEXT MEETING – Monday, September 23, 2019, 5:30 p.m.**

8. **ADJOURNMENT**

Vice Chairman Avery adjourned the meeting at 7:19 p.m.

# City Attorney's Office



100 Civic Center Drive  
Newport Beach, CA 92660  
(949) 644-3131

# Development of the Airport

## *The 80s*

In the 80s, the County proposed a new master plan that called for:

- Much larger terminal (12 times the size of the existing terminal).
- Up to 73 departures a day.
- Up to 10.24 million annual passengers.





# Lawsuit Against County of Orange



- The City, Stop Polluting Our Newport and Airport Working Group filed a lawsuit against the County of Orange over the airport expansion plans.

# 1985 Settlement Agreement

In 1985, the County, the City, Stop Polluting Our Newport and Airport Working Group entered a settlement agreement:

- Term – 20 Years.
- Limited Average Daily Departures (“ADDs”).
- Limited Million Annual Passengers (“MAP”).
- Limited terminal size, loading bridges, parking spaces etc.



# Airport Noise and Capacity Act 1990s



- ANCA adopted shifting authority for noise abatement away from local government and airport proprietors to the FAA.
- JWA Settlement Agreement grandfathered.

# 2003 Amendment

- Extended term to 2015.
- Increased the number of Class A ADDS to 85.
- Increased MAP to 10.8.
- Increased permitted loading bridges from 14 to 20.
- Removed limitations on terminal size and parking spaces.



# Today's Settlement Agreement

## *Term of Agreement*



- The restrictions in the Settlement Agreement will continue until December 31, 2030.
- The curfew exemption will continue at least December 31, 2035.



# Today's Settlement Agreement

## *Limitation on Class A ADDs*



- Maintained 85 Class A ADDs through December 31, 2020.
- Increased to 95 Class A ADDs from January 1, 2021, through December 31, 2030.

# Today's Settlement Agreement

## *Class "A" Aircraft*

- Class "A" are noisier aircraft.
- Class "A" Aircraft generate SENEL (when averaged over a calendar quarter) are no greater than:



Noise Monitor	Class A db SENEL
NM 1S	102.5
NM 2S	101.8
NM 3S	101.1
NM 4S	94.8
NM 5S	95.3
NM 6S	96.8
NM 7S	93.7

**COSTA MESA**

**JOHN WAYNE AIRPORT  
ORANGE COUNTY**

**IRVINE**

**NEWPORT BEACH**

1S

2S

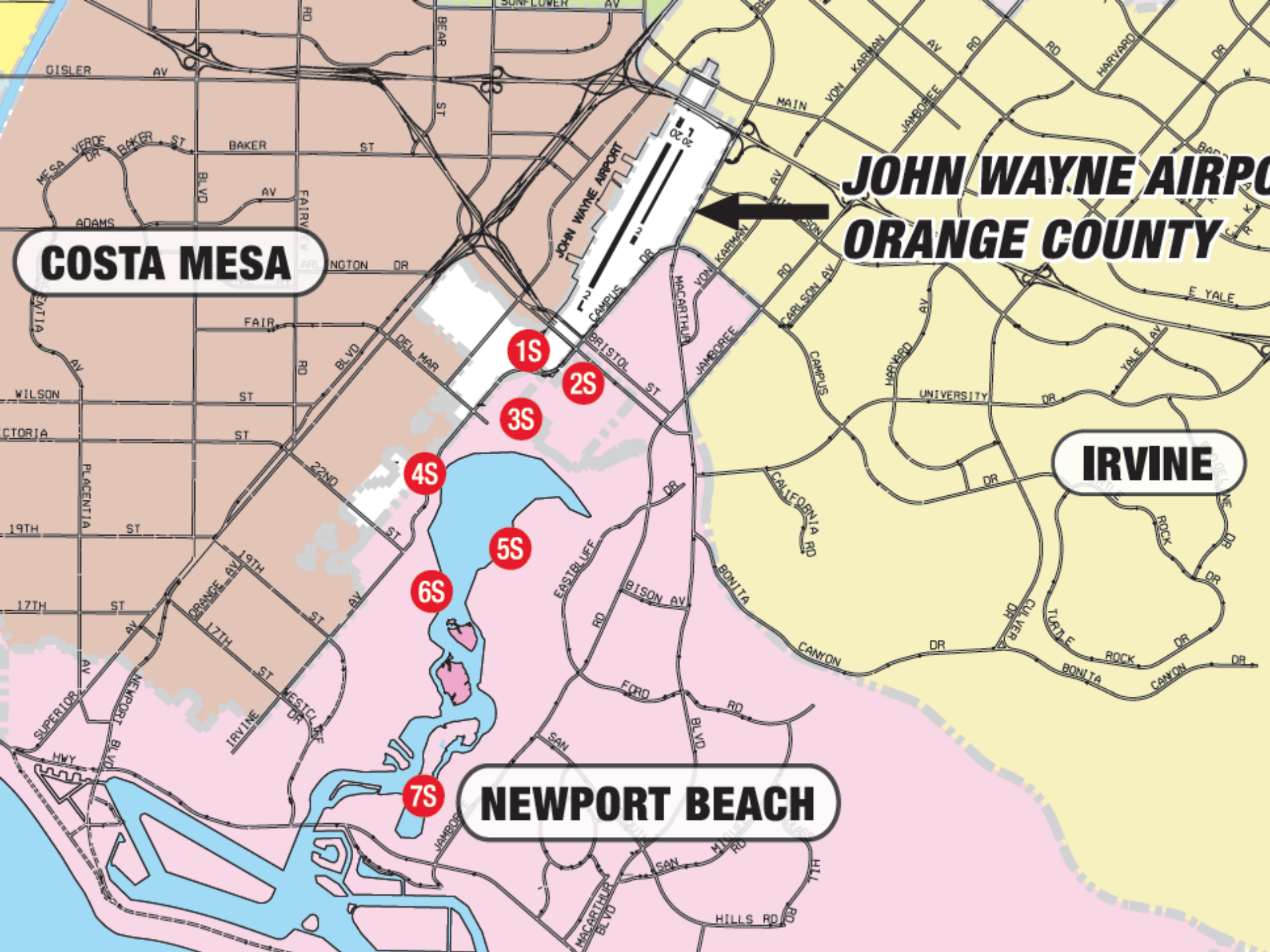
3S

4S

5S

6S

7S





# Today's Settlement Agreement

## *Million Annual Passenger Limits*



- **Phase 1:** 10.8 MAP through December 31, 2020.
- **Phase 2:** 11.8 MAP from January 1, 2021, through December 31, 2025.
- **Phase 3:** Either 12.2 or 12.5 MAP from January 1, 2026 through December 31, 2030.

# Today's Settlement Agreement

## *Class "E" Aircraft*

- Class "E" are the quieter aircraft.
- Class "E" Aircraft generate SENEL (when averaged over a calendar quarter) are no greater than:



Noise Monitor	Class E db SENEL
NM 1S	94.1
NM 2S	93.5
NM 3S	90.3
NM 4S	86.6
NM 5S	87.2
NM 6S	87.2
NM 7S	86.6

# Limitation on Class “A” Aircraft Facility Constraints

- Maintained limit on loading bridges until December 30, 2020.



# GANO

## GANO - Commercial

- Commercial Aircraft may not depart John Wayne Airport between the hours of 10:00 p.m. and 7:00 a.m. (8:00 a.m. on Sundays); or arrive between the hours of 11:00 p.m. and 7:00 a.m. (8:00 a.m. on Sundays)



# GANO

## *General Aviation*

Noise Monitor	db SENEL
NM 1S	87.5
NM 2S	87.6
NM 3S	86.7
NM 4S	86.7
NM 5S	86.7
NM 6S	86.7
NM 7S	86.7

- No person shall operate any general aviation aircraft at night at John Wayne Airport if it generates SENEL level at noise monitoring stations, either on takeoff or landing, which is greater than the designated SENEL Levels.



# Penalties

## *Commercial*



- Quarterly average.
- Noise violation = denial of use of aircraft type for noise class.
- 2017 violations: 0  
(last violation was in 2006).

# Penalties

## *General Aviation*



- Single event.
- 3 noise violations within 3 years = denial of use for 3 years.
- 2017 violations: 140 (124 first; 15 second; and 1 third).

# Noise Decibels

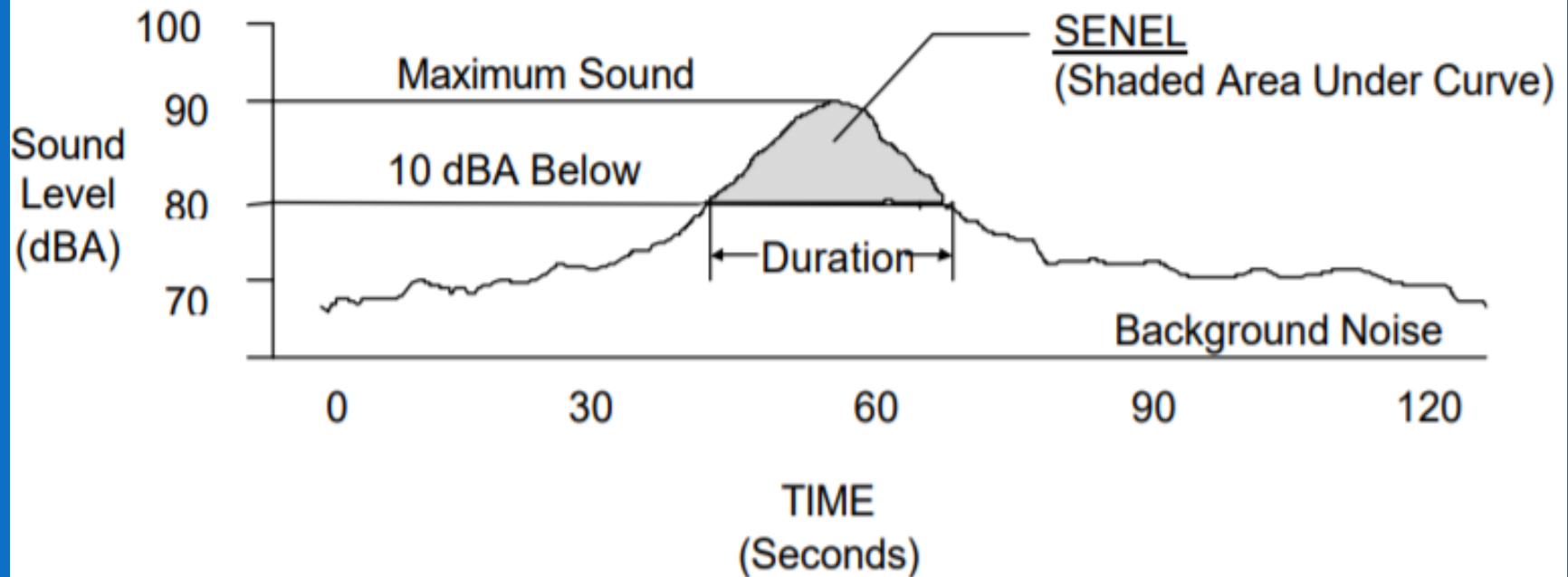
Level in decibels	Everyday example	Times more intense	Times louder
10dB	Rustling or falling leaves.	1	1
20dB	Watch ticking.	10	2
30dB	Birds flying by.	100	4
40dB	Quiet conversation.	1,000	8
50dB	Louder conversation.	10,000	16
60dB	Quiet traffic noise.	100,000	32
70dB+	Louder traffic	1 million	64
80dB+	Loud highway noise at close range	10 million	128



# Today's Settlement Agreement

## Measuring Noise

### Single Event Noise Exposure Level (SENEL)



Questions?

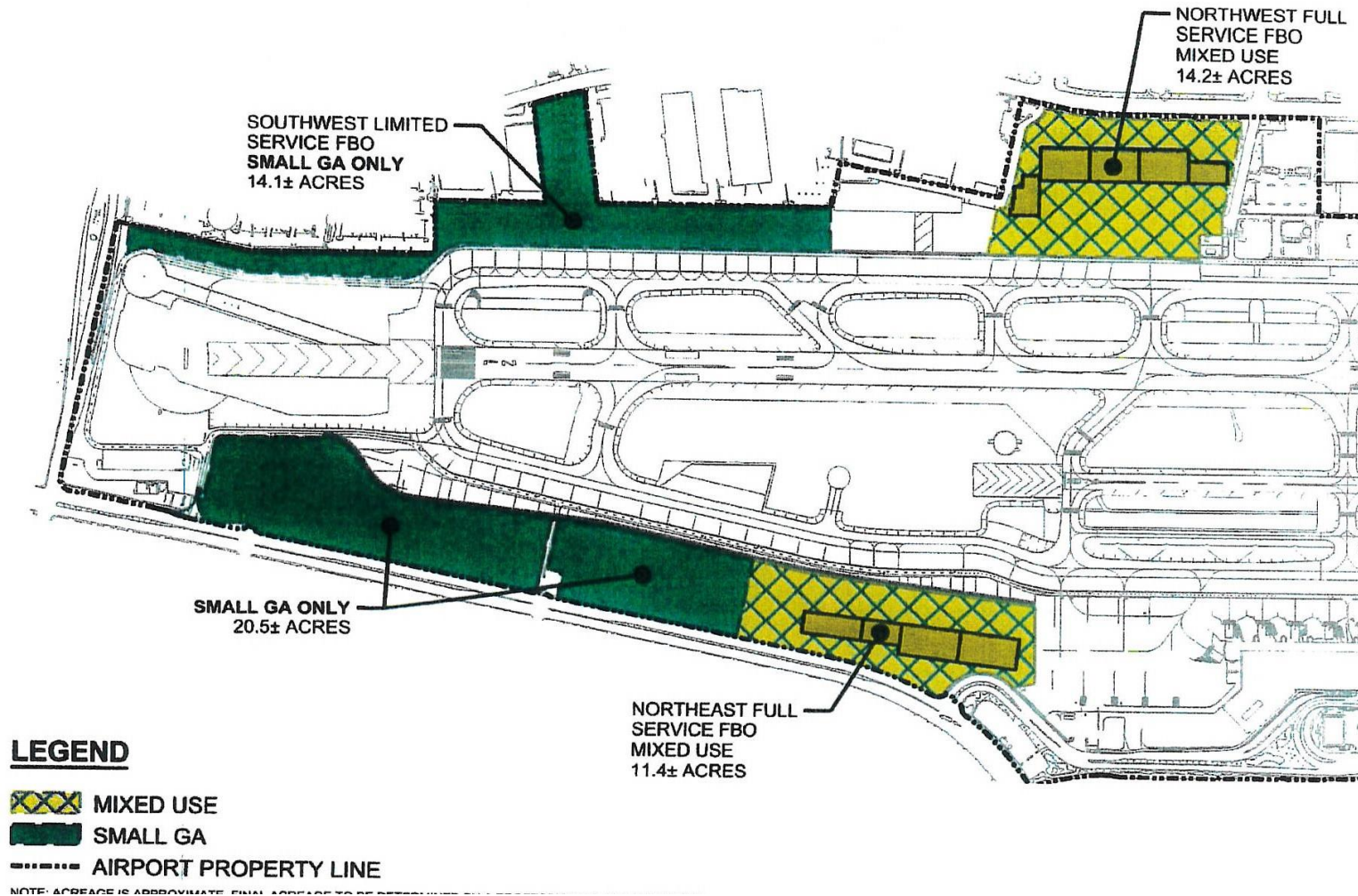
Aaron Harp 644-3131

# General Aviation Improvement Program Update

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August 26, 2019

# Land Use Restrictions



# Comparison

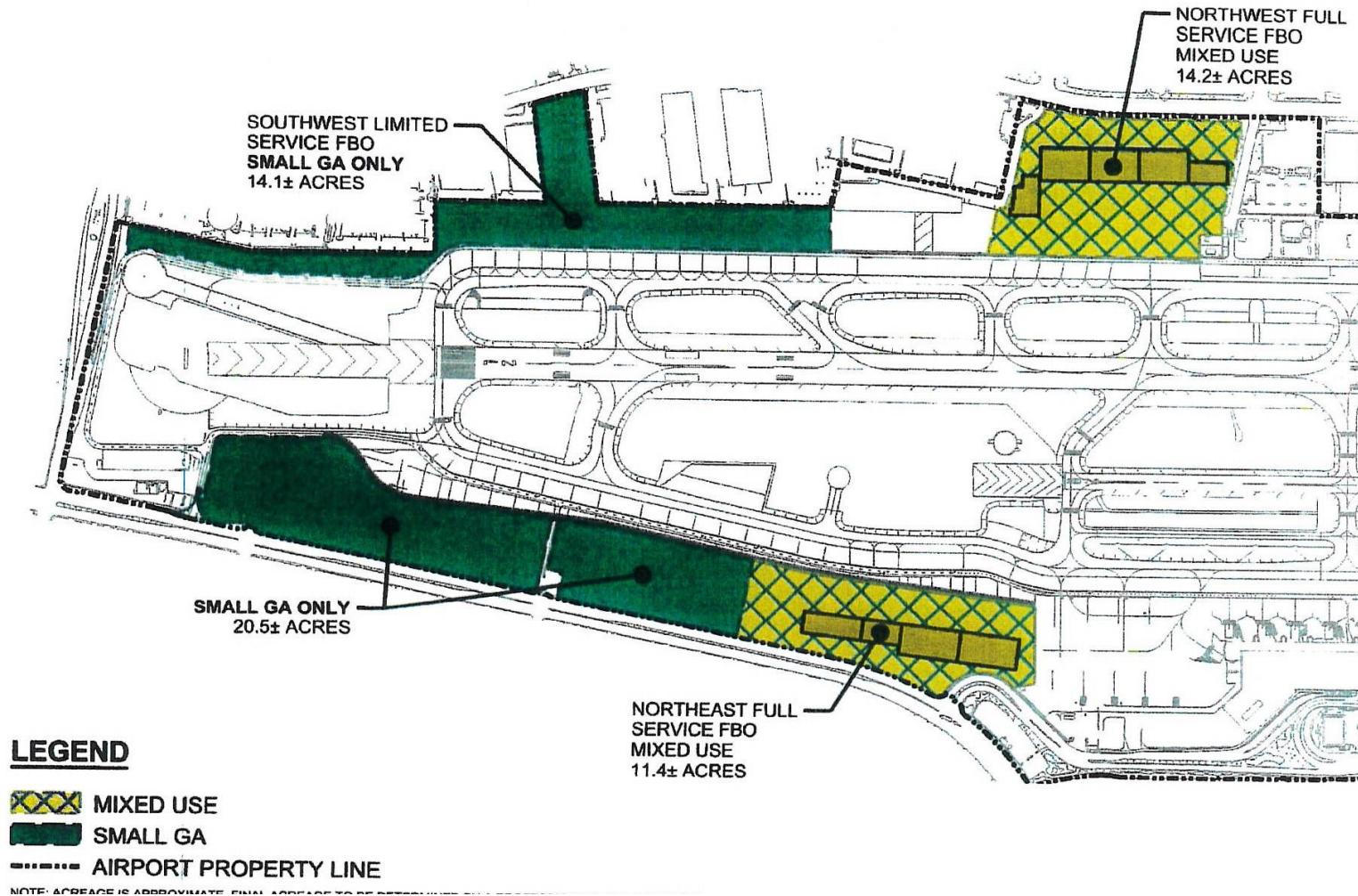
## Today

- About 31 acres for small GA
- About 29 acres for GA jets
- Two full-service FBOs
- No GAF

## Project

- About 34.6 acres for small GA
- About 25.6 acres for GA jets
- Two full-service FBOs
- Optional GAF, 5 a.m. – 11 p.m.

# Land Use Restrictions





# Small General Aviation

- Small GA Jet defined as wingspan of 49' or less OR less than 12,500 lbs.
- About nine models of small GA jets currently
- Approximately 14 small GA jets currently based at JWA

# Small Jets (Under 49' wingspan)

## **Embraer**

Phenom 100 - 40.4'

## **Cessna**

M2/Mustang- 47.3'

CJ2+ - 49.1'

## **Learjet**

L45XR - 47.1'

L60 - 43.9'

## **Hawker**

Premier 1A - 44.6

Hawker 400XP - 43.6'

## **Honda Jet**

Honda jet - 39.8'

## **Cirrus**

Vision jet- 38.7'



# City's GAIP Team

- City Council - Mayor Dixon, Council Members Herdman and Muldoon
- City Staff – City Manager, City Attorney, Deputy City Manager
- Legal Consultant – Cooley LLP
- Aviation Consultant – Tom Edwards
- Local Government Affairs Consultant – Townsend Public Affairs
- *Aviation Committee GAIP Subcommittee - pending*

# Our Main Points

1. Further restrict the GAF hours
2. Ensure the GA Mix is maintained
3. Move JetSuiteX to the main terminal

# Next Steps

Next 6 - 9 months (estimated):

1. County Request for Proposals to Airport Commission
2. Board of Supervisors – September 10, 2019
3. Fixed Based Operators Respond to RFP - Late 2019
4. County selects Fixed Base Operators – Spring 2020

2020 – 2026 or 2027

- ❖ Estimated project completion. As proposed, project built in 14 phases over 7 years

# General Aviation Improvement Program Update

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August 26, 2019

# General Aviation Facility Hours

Airport	Hours
McClellan-Palomar	9 a.m. – 5 p.m.
San Diego International	9 a.m. – 11 p.m.
Calexico International	8 a.m. – 8 p.m.
Brown Field Customs Office	6 a.m. – 10 p.m.

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**DRAFT**



**AGENDA STAFF REPORT**

Agenda Item

4

ASR Control 19-000927

**MEETING DATE:** 09/10/19  
**LEGAL ENTITY TAKING ACTION:** Board of Supervisors  
**BOARD OF SUPERVISORS DISTRICT(S):** 2  
**SUBMITTING AGENCY/DEPARTMENT:** John Wayne Airport (Approved)  
**DEPARTMENT CONTACT PERSON(S):** Barry A. Rondinella (949) 252-5183  
Eric R. Freed (949) 252-5043

**SUBJECT:** John Wayne Airport Capacity Allocations for 2020 Plan Year

**CEO CONCUR**  
Pending Review

**COUNTY COUNSEL REVIEW**  
No Legal Objection

**CLERK OF THE BOARD**  
Consent Calendar  
3 Votes Board Majority

**Budgeted:** N/A

**Current Year Cost:** N/A

**Annual Cost:** N/A

**Staffing Impact:** No

**# of Positions:**

**Sole Source:** N/A

**Current Fiscal Year Revenue:** N/A

**Funding Source:** N/A

**County Audit in last 3 years:** No

**Prior Board Action:** 09/11/2018 #7, 10/17/2017 #6, 10/25/2016 #12, 10/27/2015 #8

**RECOMMENDED ACTION(S):**

1. Find that Final Environmental Impact Report 617, previously certified by the Board of Supervisors on September 30, 2014, reflects the independent judgment of the County of Orange and satisfies the requirements of the California Environmental Quality Act for the John Wayne Airport Capacity Allocations for the 2020 Plan Year, which is a necessarily included element contemplated as part of the whole of the action.
  - a. The circumstances of the project are substantially the same as described in Environmental Impact Report 617, which adequately addressed the effects of the proposed action. No substantial changes have been made in the project; no substantial changes have occurred with respect to the circumstances under which the project is being undertaken; and no new information of substantial importance to the project, which was not known, or could not have been known, when Environmental Impact Report 617 was certified, has become known. Thus, no further environmental review is required.
  - b. Environmental Impact Report 617 is adequate to satisfy the requirements of California Environmental Quality Act for the John Wayne Airport Capacity Allocations for Plan Year 2020.
  - c. All mitigation measures are fully enforceable pursuant to California Environmental Quality Act (Public Resources Code) Section 21081.6(b) and have either been adopted as conditions, incorporated as part of the project design, or included in the procedures of project implementation.

2. Authorize the Airport Director to allocate Class A and Class E Average Daily Departures and Seat Capacity to Qualified Commercial Passenger and Commercial Cargo Air Carriers and Passenger Capacity to Qualified Commuter Passenger Air Carriers for the 2020 Plan Year (January 1, 2020, through December 31, 2020), as reflected on Attachments A and B and in a manner consistent with the terms of the Phase 2 Commercial Airline Access Plan and Regulation.
3. Authorize the Airport Director to withdraw Seat Capacity during the 2020 Plan Year, if it becomes necessary to ensure compliance with the 10.8 million annual passenger limit at John Wayne Airport, consistent with the requirements set forth in Section 6 of the Phase 2 Commercial Airline Access Plan and Regulation.
4. Authorize the Airport Director to allocate or reallocate any additional Regular or Supplemental Average Daily Departures and any necessary associated Seat Capacity, which may become available during the 2020 Plan Year in a manner consistent with the terms of the Phase 2 Commercial Airline Access Plan and Regulation.
5. Authorize the Airport Director to allocate additional Supplemental Seat Capacity to Qualified Commercial Passenger Air Carriers during the 2020 Plan Year if it is determined that such allocations can be made without jeopardy to the 10.8 million annual passenger limitation of the Phase 2 Commercial Airline Access Plan and Regulation.
6. Authorize the Airport Director to waive Section 5.1.1 of the Phase 2 Commercial Airline Access Plan and Regulation and allocate up to 30 Remain Overnight positions for Commercial Air Carrier use during the 2020 Plan Year, pursuant to Section 5.1.1, as reflected in Attachment A, and provide authority to withdraw the additional three Remain Overnight positions for safety or operational purposes, as required.
7. Authorize the Airport Director to allocate additional Supplemental Passenger Capacity and Remain Overnight positions to Qualified Commuter Carriers during the 2020 Plan Year if it is determined that such allocations can be made without jeopardy to the 10.8 million annual passenger limitation.
8. Find that the County of Orange retains and reaffirms its sole and exclusive discretion to require mandatory withdrawals of operational capacity in any form if the County of Orange determines such action to be appropriate to ensure continued compliance with the 10.8 million annual passenger limitation or for any other reason, consistent with the requirements set forth in Section 6 of the Phase 2 Commercial Airline Access Plan and Regulation.

#### **SUMMARY:**

Approval of the proposed allocation of Regulated Average Daily Departures, Seat Capacity, Remain Overnight Capacity and Passenger Capacity to scheduled Commercial Passenger Air Carriers, Commercial Cargo Carriers and Commuter Passenger Air Carriers will provide John Wayne Airport with the necessary authority to ensure compliance with the County of Orange's Phase 2 Commercial Airline Access Plan and Regulation for the 2020 Plan Year (January 1, 2020, through December 31, 2020).

#### **BACKGROUND INFORMATION:**

Regulation of the maximum permissible number of Average Daily Departures (ADDs) is one of two principal restraints imposed on John Wayne Airport (JWA) operations by the County of Orange (County) to control aircraft noise in residential areas around JWA. The maximum permissible number of ADDs has been an element of the County's regulation of JWA since 1972.

There are two defined classes of ADDs in the Phase 2 Commercial Airline Access Plan and Regulation (Phase 2 Access Plan), Class A and Class E. The class of aircraft permitted the highest relative single event noise level is Class A. The quietest class of aircraft is Class E. The County allocates up to 14 permanent Class E ADDs; however, the maximum permissible Class E Authorized Departures is not directly regulated by the 1985 Settlement Agreement, as amended. Rather, the maximum permissible number of Class E Authorized Departures is limited by the current 10.8 million annual passengers (MAP).

The Phase 2 Access Plan identifies both "Regular" and "Supplemental" capacity allocations. The principal difference is that Regular ADDs are allocated on a long-term basis, while Supplemental ADDs are allocated on a short-term basis, usually for one Plan Year. Pursuant to the 2014 Settlement Amendment, there are 85 Class A ADDs, along with four Class A Cargo ADDs through December 31, 2020. The Regular ADDs are the foundation for Air Carrier operations at JWA, while the Supplemental ADDs are allocated each Plan Year to maximize operational capacity while maintaining sufficient flexibility to ensure that total passenger service level remains within the MAP limitation.

The Board of Supervisors (Board) previously approved capacity allocations on September 11, 2018, October 17, 2017, October 25, 2016 and October 27, 2015. In connection with the annual process for allocating operating capacity for the 2020 Plan Year, and consistent with past Plan Year allocations, JWA requested that each interested incumbent and new entrant Air Carrier and Commuter Carrier submit its capacity requests for the 2020 Plan Year. JWA staff has carefully reviewed those requests and all related information. This report contains JWA's specific allocation recommendations for the 2020 Plan Year and a discussion of the basis for those recommendations.

The recommendations provided in this report achieve several objectives: (1) accommodate, to the extent possible, the ADD, Seat Capacity, Remain Overnight (RON) and Passenger Capacity requests received from the incumbent Air Carriers and Commuter Carriers; (2) provide internal County controls in order to ensure compliance with the 10.8 MAP limitation and the annual cap on numbers of Regulated ADDs and (3) meet all other legal and regulatory obligations.

Attachment A identifies the specific ADD, Seat Capacity and RON allocations for incumbent Air Carriers recommended by JWA for the 2020 Plan Year. The recommended Passenger Capacity and RON allocations to incumbent Commuter Carriers for the 2020 Plan Year are set forth in Attachment B.

#### **Allocation of Class A ADDs to New Entrant Allocations**

The Phase 2 Access Plan provides that potential new entrant Air Carriers and Commuter Carriers have priority on the waiting list based upon the dates when the County first received their written requests to commence service at JWA. Although JWA has, both in recent years and historically, been able to provide new entrant opportunities for Air Carriers and Commuter Carriers on the waiting list, based upon the allocation requests of the incumbent Air Carriers and Commuter Carriers for the 2020 Plan Year, the unfulfilled allocation requests for the upcoming Plan Year, and the limited County-controlled capacity that is currently available for allocation to new entrants, JWA is not recommending a capacity allocation to a new entrant Air Carrier or Commuter Carrier for the 2020 Plan Year.

#### **Associated Operating Groups**

The Phase 2 Access Plan allows Air Carriers and Commuter Carriers operating at JWA to declare annually the formation of an Associated Operating Group (AOG) for purposes of conducting operations at JWA. AOGs are typically formed by Air Carriers and Commuter Carriers interested in sharing capacity among AOG members. Alaska/Horizon and Delta/Compass/WestJet have requested to operate as members of two separate AOGs during the 2020 Plan Year.



The Phase 2 Access Plan includes a number of regulations, which apply to the allocation of capacity to, and operation of, AOGs. These provisions require that Air Carriers and Commuter Carriers conducting operations as an AOG be treated as a single carrier with respect to the allocation of capacity. The historical purpose for these provisions is to ensure against a group of Affiliated Carriers gaining an advantage over competitors solely because of the way in which they have chosen to organize themselves for business purposes.

The recommended allocation of capacity to these Air Carriers reflects AOG provisions of the Phase 2 Access Plan. The AOG allocations are set forth in Attachment A.

#### **Allocation of Permanent Class E ADDs**

The Phase 2 Access Plan allows an allocation of a total of 14 permanent Class E ADDs by means of a trade-out voluntarily undertaken by the Air Carriers. Specifically, one Class A ADD can be traded for two permanent Class E ADDs. Southwest Airlines currently operates all 14 of these permanent Class E ADDs through December 31, 2020, as set forth in Attachment A.

#### **Allocation of Class A ADDs Currently Under Direct County Control**

As a result of Air Carrier operational decisions and changes in the airline industry that have occurred over the past few years, the County currently has within its control three Class A ADDs. In recent Plan Years, JWA has requested authorization to allocate County-controlled Class A ADD capacity on a supplemental basis for a period of one Plan Year. However, because of the amount of Seat Capacity requested for use during the 2020 Plan Year, including the maximum presumptive seat capacity that has been requested and allocated for use during the 2020 Plan Year, and in order to maintain JWA's MAP limitation, JWA is not able to allocate any additional County-controlled Class A ADDs to the Commercial Passenger Air Carriers on a supplemental basis for use during the 2020 Plan Year. The three County-controlled Class A ADDs will remain in County control. JWA staff requests the ability to allocate this capacity on a supplemental basis during the 2020 Plan Year in the event JWA determines that it can allocate this capacity on a short-term basis and still maintain the MAP limitation.

#### **Allocation of Class A Departures for Cargo Operations**

The Phase 2 Access Plan provides the County with the ability to allocate up to four Commercial Cargo Class A ADDs and the discretion to allocate up to two of these four Commercial Cargo Class A ADDs to passenger carriers when not needed for cargo operations at JWA. This capacity, however, may only be allocated on a supplemental basis for one Plan Year in any year where those ADDs have not been requested by Commercial Cargo Carriers.

Neither FedEx nor UPS has requested any additional operating capacity beyond the two Cargo Class A ADDs, one each, that have been allocated to them through December 31, 2020. Although JWA has, both in recent years and historically, been able to provide Cargo Class A ADD capacity for incumbent Air Carriers on a supplemental basis, because of the amount of Seat Capacity requested for use during the 2020 Plan Year, including the maximum presumptive Seat Capacity that has been requested and allocated for use during the 2020 Plan Year, and in order to maintain the MAP limitation, JWA is not able to allocate the two Cargo Class A ADD capacity for use on a supplemental basis during the 2020 Plan Year. These two Cargo Class A ADDs will remain in County control and JWA is requesting the ability to allocate this capacity on a supplemental short-term basis in the event JWA determines that it can allocate this capacity on a short-term basis during the 2020 Plan Year and still maintain the MAP limitation.

#### **Allocation of Seat Capacity**

A total of 15,830,484 seats were requested by the incumbent Air Carriers as part of the 2020 Plan Year allocation process. JWA is requesting authorization to allocate a total of 11,831,743 seats for the 2020

Plan Year. Historically, the number of seats allocated exceeds the 10.8 MAP limitations because Air Carrier load factors (seats filled vs. seats available) are less than 100 percent.

A total of 10,672,999 seats are recommended for allocation in support of Class A operations. A total of 1,158,744 seats are recommended for allocation in support of Class E operations. The recommended Seat Capacity allocation would accommodate all of the seats requested for use during the 2020 Plan Year with the exception of 2,893,929 seats requested by Southwest Airlines, 518,397 seats requested by Delta Air Lines and 586,415 seats requested by Alaska Air Lines. The specific Seat Capacity allocation recommendations for the Air Carriers are reflected in Attachment A.

### **Capacity Withdrawal**

Section 6 of the Phase 2 Access Plan provides provisions, which permit the County to withdraw operational capacity at such times, on such conditions, and for such reasons as the County, in its sole and exclusive discretion, determines are appropriate to ensure that the MAP limitation is not exceeded during any Plan Year, or for any other reason. If the Airport Director determines that there is a substantial risk that Regularly Scheduled Commercial Users operating at JWA will exceed the MAP limitation during any Plan Year for any reason other than the violation of the Phase 2 Access Plan by any specific Air Carrier or Commuter Carrier, the Airport Director will advise all Air Carriers and Commuter Carriers of recommendations for capacity withdrawals. In formulating and presenting recommendations for capacity withdrawals, the Airport Director will formulate recommendations which, to the extent practicable and feasible: (1) maintain an appropriate level of equity and fairness among all approved users of JWA; (2) will best serve the interests of the air traveling public using JWA and (3) which are consistent with the policies and objectives of the County in its management and operation of JWA.

Although there is no capacity withdrawal priority among the operational categories set forth below, and as further described in Section 6 of the Phase 2 Access Plan, in many circumstances, JWA presently expects that it generally will prefer and recommend capacity withdrawals, to the extent necessary and required, in the following order: (1) Seat Blocks; (2) Supplemental Authorized Departures; (3) Supplemental Passenger Capacity; (4) Regulated ADDs and then (5) Passenger Capacity. However, if capacity withdrawals are required by the County, any withdrawal recommendations will be structured in a manner that best serves the interests of the County, local communities and the air traveling public; and the withdrawal will be structured in light of then-existing circumstances, facts and commercial operation patterns at JWA.

### **Allocation of Air Carrier RONS**

The allocation of RON aircraft parking positions to the Air Carriers and Commuter Carriers has long been a significant issue to the carriers. The limited physical facilities available at JWA for overnight parking of Air Carrier and Commuter Carrier aircraft requires that the County, in the interests of safe and efficient operations at JWA, and in support of the appropriate mix of uses of JWA, limit the number of Air Carrier and Commuter Carrier RON positions, control the location and use of those RON positions and place certain other restrictions on RON activity at JWA.

A total of 28 RON positions were requested for allocation for the 2020 Plan Year. Although the Phase 2 Access Plan provides for an allocation of only 27 Air Carrier RONS, JWA requests authority from the Board to waive the Section 5.1.1 RON limit for the 2020 Plan Year and requests that the Board provide JWA with the authorization to allocate up to 30 RONS for use during the 2020 Plan Year in accordance with Section 5.3 of the Phase 2 Access Plan and consistent with past Plan Year allocation requests. The recommended RON allocations (gate and apron) for Air Carriers fulfill all 28 of the gate and apron RON position requests for the 2020 Plan Year and are reflected in the last two columns of Attachment A.

If JWA determines at any time during the 2020 Plan Year that the allocation of up to 30 RON positions will jeopardize, in any manner, the safe and efficient operations at JWA or will place undue restrictions on RON activity at JWA, JWA requests Board authorization to withdraw any RON capacity over the 27 RON positions that the Phase 2 Access Plan currently authorizes for allocation.

#### **Allocation of Passenger Capacity to Commuter Carriers**

Two Qualified Commuter Air Carriers, SkyWest Airlines (Delta Connection and United Express) and Delux (JetSuiteX), have requested Passenger Capacity allocations for the 2020 Plan Year. SkyWest has requested an allocation of 307,142 passengers. Delux has requested an allocation of 293,608 passengers.

Section 3.5.1 of the Phase 2 Access Plan creates a priority for the allocation of 400,000 Authorized Passengers to Commuter Carriers in each Plan Year. The incumbent Commuter Carriers have requested an allocation of passengers above the 400,000 passengers that have been "prioritized" for use by Commuter Carriers; therefore, JWA recommends that 200,000 passengers be allocated to SkyWest for use during the 2020 Plan Year and 200,000 passengers be *conditionally* allocated to Delux for use during the 2020 Plan Year. Please see the discussion below relating to the allocation conditions of 200,000 passengers to Delux for the 2020 Plan Year. Therefore, JWA recommends that a total of 400,000 passengers (200,000 conditionally) be allocated for Commuter Carrier use during the 2020 Plan Year. This proposed allocation of Commuter Carrier capacity is reflected in Attachment B.

During the 2018 Plan Year, Delux requested that it be permitted to operate at ACI Jet's Fixed Base Operator (FBO) leasehold. The request was made in lieu of operating out of the Thomas F. Riley Terminal, an operational plan which was previously granted. Under Section 8.1.7(b) of the Phase 2 Access Plan, discretion is provided to the Airport Director to permit a Commuter Air Carrier to operate at an FBO. Pursuant to Section 8.1.7(b) of the Phase 2 Access Plan, Delux was conditionally permitted to operate at ACI Jet's FBO leasehold during the 2018 Plan Year subject to completion of the necessary environmental review and analysis relating to parking and traffic impacts of its operations, implementation of any necessary related mitigation, and payment of all required rents, fees and charges. Delux was permitted to conduct limited operations out of the ACI Jet's FBO leasehold for the 2018 and 2019 Plan Years.

Delux has again requested to operate at ACI Jet's FBO leasehold during the 2020 Plan Year. However, the Board recently approved the General Aviation Improvement Program (GAIP) for JWA which provides a plan for compliance with FAA airfield requirements, as well as the development of two full-service FBOs, one limited-service FBO and other general aviation services. In light of the GAIP, and to avoid unduly complicating the redevelopment of general aviation facilities at JWA, JWA recommends that Delux only be permitted to operate at ACI Jet's FBO leasehold to the extent that its operations fall within the 2019 Plan Year operations levels (i.e., 95,070 passengers). To the extent that Delux wishes to provide operations over its current allocation of 95,070 passengers during the 2020 Plan Year, Delux must move all of its operations to the Thomas F. Riley Terminal. Put simply, Delux can either operate 95,070 passengers at ACI Jet's FBO leasehold during the 2020 Plan Year or move its operations entirely to the Thomas Riley Terminal and provide operations for up to 200,000 passengers out of that facility similar to the manner in which SkyWest is operating at the Terminal.

JWA also requests authority to make supplemental allocations of additional Authorized Passengers during the 2020 Plan Year, if actual operations during the Plan Year indicate that supplemental capacity allocations would not jeopardize the 10.8 MAP limitations.

**Allocation of RONs to Commuter Carriers**

In addition to its Passenger Capacity request, both SkyWest and Delux have requested an allocation of two RON positions each for the 2020 Plan Year. Consistent with this request, JWA requests authority to allocate two RON positions to SkyWest and two RON positions to Delux (on the commercial ramp) for the 2020 Plan Year.

Based on the above, JWA seeks Board approval of the proposed Capacity Allocations for the 2020 Plan Year.

**Compliance with CEQA:** The proposed action is a necessarily included element of the project considered in Final EIR No. 617, certified by the Board of Supervisors on September 30, 2014, for the JWA Settlement Agreement Amendment, which adequately addressed the effects of the proposed action. No substantial changes have been made in the project, no substantial changes have occurred in the circumstances under which the project is being undertaken, and no new information of substantial importance to the project, which was not known, or could not have been known, when the Final EIR No. 617 was certified, has become known; therefore, no further environmental review is required.

**FINANCIAL IMPACT:**

N/A

**STAFFING IMPACT:**

N/A

**ATTACHMENT(S):**

Attachment A - Plan Year 2020 Commercial Carrier and Commercial Cargo Carrier Capacity Allocation  
Attachment B - Plan Year 2020 Commuter Carrier Capacity Allocation

**ATTACHMENT A**  
**Plan Year 2020**  
**Commercial Air Carrier and Commercial Cargo Carrier Capacity Allocation**  
**(Effective 1/1/20)**

JOHN WAYNE AIRPORT: PLAN YEAR 2020										
Commercial Air Carrier and Commercial Cargo Carrier ADD, Seat Capacity, and RON Allocations										

CARRIER	CLASS A CAPACITY				CLASS PE CAPACITY	CLASS E SEAT CAPACITY		TOTAL SEAT CAPACITY	RON SPACES	
	REGULAR CLASS A ADDs	COUNTY-CONTROLLED CLASS A ADDs	SUPPLEMENTAL CLASS A ADDs	TOTAL CLASS A ADDs	REGULAR CLASS PE ADDs	CLASS E SEAT CAPACITY	APPROX CLASS E ADDs equiv.		Gate	Apron
Alaska / Horizon <sup>1</sup>	15			15		271,777	5	1,835,329	4	
American	18			18				2,152,952	3	2
Delta/ Compass / WestJet	13			13		243,991	3	1,582,819	4	1
FedEx <sup>2</sup>	0.724			0.724						
Frontier	2			2				267,912		
Southwest	17			17	14	518,051	5	3,833,279	6	2
United <sup>1</sup>	17			17		124,925	2	2,159,452	3	3
UPS <sup>3</sup>	0.615			0.615						
<b>TOTALS:</b>	<b>83.339</b>			<b>83.339</b>	<b>14</b>	<b>1,158,744</b>	<b>15</b>	<b>11,831,743</b>	<b>20</b>	<b>8</b>

**Notes:**<sup>1</sup>United and Alaska affiliate SkyWest will operate Class E Seat Capacity.<sup>2</sup>FedEx was allocated 265 departures for PY 2020.  $265/366 = 0.724$  of one (1) Class A ADD.<sup>3</sup>UPS was allocated 225 departures for PY 2020.  $225/366 = 0.615$  of one (1) Class A ADD.

JOHN WAYNE AIRPORT: PLAN YEAR 2020										
ASSOCIATED OPERATING GROUPS - Individual Carrier Operations Proposal										
Alaska	12			12		214,286	4	1,610,942	3	
Horizon	3			3		57,491	1	224,387	1	
Delta	8			8		243,991	3	1,262,203	3	1
Compass	4			4				222,528	1	
WestJet	1			1				98,088		

**ATTACHMENT B**  
**Plan Year 2020**  
**Commuter Carrier Capacity Allocation**  
**(Effective 1/1/20)**

JOHN WAYNE AIRPORT: PLAN YEAR 2020 Commuter Carrier Passenger and RON Allocations		
CARRIER	2020 PASSENGER CAPACITY  PASSENGERS ALLOCATED	2020 RONs  RON SPACES
Skywest	200,000	2
(Delta Connection)	152,000	2
(United Express)	48,000	
Delux <sup>1</sup>	200,000	2
<b>TOTALS:</b>	400,000	4

**Note:**

<sup>1</sup>If operations exceed 95,070 passengers annually, all operations must operate from the Thomas F. Riley Terminal.







# NEWPORT BEACH

## Aviation Committee Staff Report

September 23, 2019

Agenda Item No. \_\_\_\_

**TO:** CHAIR AND MEMBERS OF THE AVIATION COMMITTEE

**FROM:** Grace K. Leung, City Manager - 949-644-3001,  
gleung@newportbeachca.gov

**PREPARED BY:** Tara Finnigan, Deputy City Manager,  
tfinnigan@newportbeachca.gov

**PHONE:** 949-644-3035

**TITLE:** Formation of Subcommittees

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### **ABSTRACT:**

Staff is recommending the formation of additional subcommittees to enable small groups of committee members to accomplish work on specific focus areas approved by the Aviation Committee (Committee), between its regularly scheduled committee meetings.

### **RECOMMENDATION:**

Approve the formation of three new subcommittees – Technical Matters / Departures, Government Relations, Communication & Outreach – and select no more than three to four members to serve on each.

### **DISCUSSION:**

The formation of subcommittees enables small groups of committee members to accomplish work on specific focus areas approved by the Aviation Committee (Committee), between its meetings. Subcommittees are expected to report their activities, and present any recommendations developed, to the full Committee meeting during its regularly scheduled meetings. Any subcommittees formed will be ad hoc committees, not subject to the Brown Act.

At its August 26 meeting, the committee approved the formation of a General Aviation Improvement Program (GAIP) subcommittee comprised of Committee Members Jeff Cole, Stephen Livingston, Sharon Ray and Chairman Jeff Herdman. The sole purpose of the Subcommittee is to analyze the GAIP, including the Request for Proposals, responses thereto, and proposed Lease Agreements, and provide recommendations to the Aviation Committee related thereto. This subcommittee's work will terminate with the award of all GAIP-related ground leases by the County of Orange.

Staff is now recommending the formation of the following additional subcommittees:

1. **Technical Matters / Departures** – Members of this subcommittee will participate in the current study of departure procedures and development of strategies that air carriers can adopt to reduce the noise and environmental impacts of their aircraft. The subcommittee will work with City staff and City consultants as needed. It will sunset after making a recommendation to the Aviation Committee in regard to departure procedures and possible next steps.
2. **Government Relations** – Members of this subcommittee will review and recommend updates to the City's government relations strategy as it pertains to its airport and aviation efforts. The subcommittee will work with City staff and City consultants as needed. It will sunset after making a recommendation to the Aviation Committee in regard to the government relations strategy and its implementation.
3. **Communication & Education** – Members of this subcommittee will review and recommend changes to the City's community outreach and education program related to its airport and aviation efforts. The subcommittee will work with City staff and City consultants as needed. It will sunset after making a recommendation to the Aviation Committee in regard to updating and implementing the communication and education program.

Staff recommends limiting the size of each subcommittee to no more than three to four committee members. Staff also recommends that committee members are assigned to serve on only one subcommittee at a time to balance the workload and enable all members to participate in subcommittee activities if they choose.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).