

APPENDIX A
DRAFT PHASEOUT ORDINANCE

PREFACE TO APPENDIX A

Appendix A of the Final EIR incorporates minor revisions to the version presented in the Draft EIR. The name of the City Clerk has been revised to reflect a recent staffing change. In Appendix A.1, “Code of Federal Regulation” has been corrected to read “Code of Federal Regulations.” These text changes are not shown in strikethrough/underline text.

APPENDIX A

DRAFT PHASEOUT ORDINANCE

DRAFT PHASEOUT ORDINANCE WITH HISTORIC AND MAINTENANCE AIRCRAFT
EXEMPTIONS

ORDINANCE NO. _____ (DRAFT – VNY)

An ordinance approving a Regulation proposed by Resolution No. 17154 and revised by Resolution No. _____ of the Board of Airport Commissioners of the City of Los Angeles amending Ordinance No. 155,727, known as the Van Nuys Noise Abatement and Curfew Regulation, to add Sections 5.2 and 5.3, thereby adopting maximum noise levels for aircraft operations at Van Nuys Airport.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The Regulation, proposed by Resolution No. 17154 of the Board of Airport Commissioners on June 13, 1990, and revised by Resolution No. _____, is hereby approved. The Regulation contained in Resolution No. _____ provides an additional noise abatement regulation for aircraft at Van Nuys Airport (VNY).

Sec. 2. Ordinance No. 155,727 of the City of Los Angeles is amended by adding two new sections to read as follows:

Sec. 5.2. Aircraft Operations - Maximum Noise Levels. No person shall pilot, operate, or permit to be operated any aircraft in violation of the following:

(a) On or after January 1, 2009: No aircraft may arrive or depart the Airport whose Advisory Circular 36-3A, as amended (AC-36-3), takeoff noise level equals or exceeds 85 dBA.

(b) On or after January 1, 2011: No aircraft may arrive or depart the Airport whose AC 36-3 takeoff noise level equals or exceeds 83 dBA.

(c) On or after January 1, 2014: No aircraft may arrive or depart the Airport whose AC 36-3 takeoff noise level equals or exceeds 80 dBA.

(d) On or after January 1, 2016: No aircraft may arrive or depart the Airport whose AC 36-3 takeoff noise level equals or exceeds 77 dBA.

Sec. 5.3. Exemptions from Maximum Noise Levels. The following aircraft shall be exempt from the provisions of Section 5.2 of this Regulation:

(a) Military aircraft and any government-owned or operated aircraft involved in law enforcement, emergency, fire or rescue operations.

(b) Aircraft of a type or class not included in AC 36-3 for which evidence has been furnished to the Board that the departure noise of the aircraft will not

exceed the applicable takeoff noise level restriction set forth in Section 5.2 of this Regulation. An applicant for an exemption under this subsection shall provide appropriate information to validate the aircraft's ability to comply with this Regulation. The Board reserves the right to validate the aircraft's compliance ability through the utilization of actual flight noise measurements.

(c) Aircraft that have been identified by the Federal Aviation Administration in writing as having a lower takeoff noise level than the applicable takeoff noise level restriction in Section 5.2.

(d) Aircraft engaged in a bona fide medical or life-saving emergency for which acceptable evidence has been submitted in writing to the General Manager within 72 hours prior to or subsequent to the arrival or departure.

(e) Aircraft exempted by federal or state law for a bona fide medical or life-saving emergency.

(f) Historic Aircraft: Exemptions shall be provided to historic aircraft under the following conditions:

(1) Aircraft of types first flown prior to January 1, 1950, shall be exempt from the provisions of Section 5.2 of this Regulation.

(2) Military aircraft of types first flown on or after January 1, 1950, shall be exempt from the provisions of Section 5.2 of this Regulation until January 1, 2016.

(3) The Board shall review the exemption provisions related to historic aircraft on or before January 1, 2019, and every ten years thereafter, to consider and recommend appropriate revisions to this section of the Regulation.

(g) Repair and Maintenance: Until January 1, 2016, exemptions shall be provided to aircraft conducting operations associated with performance of major repairs or major alterations, required maintenance inspections related to major repairs or major alterations, or systems installations and warranty work (collectively, "work") provided all of the following conditions are fully satisfied:

(1) Prior to the day of arrival of the aircraft the Airport Manager receives a written "work notice" containing the anticipated date of arrival, the name of the aircraft owner and operator, the aircraft type and registration "N" number, the name of the company or entity contracted to perform the work, a description of the work to be performed, and an estimate of the duration of the stay; and

(2) The aircraft is not being charged a tie-down fee or other use fee by an Airport tenant; and

(3) The aircraft owner or operator obtains a written permit from the Airport Manager authorizing an exemption under this subsection prior to or within 24 hours of arrival of the aircraft at the Airport; and

(4) The application for the aforementioned written permit identifies any flight test operations that will be conducted at VNY that are associated with the work; and

(5) The aircraft owner or operator complies with all conditions and terms stated in the written permit granted by the Airport Manager, including but not limited to mandatory daytime hours for flight arrivals, departures, and any test operations associated with the work; and

(6) The aircraft owner or operator provides written notice of departure to the Airport Manager within 24 hours of departure from the Airport.

For purposes of this exemption, “major repairs” and “major alterations” are defined by FAR Part 43, Appendix A and do not include “preventive maintenance” as defined by FAR Part 43, Appendix A.

(h) Permanently departing aircraft: A one-time exemption shall be provided to an aircraft departing the Airport on a permanent basis provided the aircraft owner or operator obtains a written permit from the Airport Manager authorizing an exemption and the owner and operator complies with all conditions set forth in that permit.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

KAREN KALFAYAN, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

LYNN MAYO, Deputy City Attorney

Date

File No.

APPENDIX A.1

**DRAFT PHASEOUT ORDINANCE
(ALTERNATIVE 2)**

DRAFT PHASEOUT ORDINANCE WITH HISTORIC, MAINTENANCE, AND STAGE 3
AND STAGE 4 AIRCRAFT EXEMPTIONS

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- (d) On or after January 1, 2016: No aircraft may arrive or depart the Airport whose AC 36-3 takeoff noise level equals or exceeds 77 dBA.

Sec. 5.3. Exemptions from Maximum Noise Levels. The following aircraft shall be exempt from the provisions of Section 5.2 of this Regulation:

- (a) Aircraft certificated as Stage 3 or Stage 4 pursuant to 14 Code of Federal Regulations Part 36.
- (b) Military aircraft and any government-owned or operated aircraft involved in law enforcement, emergency, fire or rescue operations.
- (c) Aircraft of a type or class not included in AC 36-3 for which evidence has been furnished to the Board that the departure noise of the aircraft will not exceed the applicable takeoff noise level restriction set forth in Section 5.2 of this Regulation. An applicant for an exemption under this subsection shall provide appropriate

information to validate the aircraft's ability to comply with this Regulation. The Board reserves the right to validate the aircraft's compliance ability through the utilization of actual flight noise measurements.

(c) Aircraft that have been identified by the Federal Aviation Administration in writing as having a lower takeoff noise level than the applicable takeoff noise level restriction in Section 5.2.

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KAREN KALFAYAN, City Clerk

By _____
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