

Resolution No. _____ (CCS)

(City Council Series)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA MAKING FINDINGS REGARDING THE ADVERSE ENVIRONMENTAL, HEALTH AND SAFETY EFFECTS OF THE SANTA MONICA AIRPORT; DECLARING THE POLICY OF THE CITY TO CLOSE THE SANTA MONICA AIRPORT TO AVIATION USES AS SOON AS LEGALLY PERMITTED, AND DIRECTING THE CITY MANAGER TO IMPLEMENT ALL LAWFUL ADMINISTRATIVE MEASURES CONSISTENT WITH THESE FINDINGS AND DECLARATIONS

WHEREAS, over the years, voluminous written and oral evidence have been presented to this City Council regarding the origins, history and ownership of the Santa Monica Municipal Airport ("Airport"), and health studies and other written and oral evidence have been presented raising concerns about the serious adverse environmental, health and safety harms and risks that continued operation of the Airport imposes on residents of City of Santa Monica ("City") and the adjacent City of Los Angeles ("Los Angeles");

WHEREAS, the City has endeavored to implement measures to limit the harmful effects of the Airport to the extent of its legal authority, including among other things enforcing noise restrictions, limiting hours of flight operations and enforcing policies to regulate uses and occupancy of property and facilities at the Airport (such as the adopted Leasing Policy);

WHEREAS, corporate aviation interests have spent enormous sums of money and engaged in intensive lobbying and political activity to block such measures for their commercial benefit and without due regard for the health, safety and welfare of the residents of Santa Monica and Los Angeles;

WHEREAS, despite repeated requests from the City and members of Congress who represent the affected residents in this region, the Federal Aviation Administration (“FAA”) has failed and/or refused to allow the City to implement measures intended to reduce the impacts of the Airport;

WHEREAS, because efforts by the City to protect its citizens have been rejected by the FAA, the City initiated litigation with the federal government (“City of Santa Monica vs. FAA” or hereinafter the “FAA Lawsuit”) to confirm that the City has clear and unfettered title to the real property on which the Airport is located, including the right to disposition and use of that Real Property;

WHEREAS, the voters of Santa Monica in November 2014 adopted by an overwhelming vote Santa Monica City Charter, Article VI, Part 640, Regulation, Management and Closure of Santa Monica Airport and Future Use of Airport Land (“Measure LC”), which prohibits new development on Airport land, except for parks, public open spaces and public recreational facilities, unless approved by voters; and limits the uses and development that may occur on the land; and affirmed the City Council’s authority to manage and change land uses at the Airport and to close all or part of it to aviation uses.

NOW, THEREFORE, BASED ON A RECORD COMPRISING ALL THE EVIDENCE PRESENTED TO THE CITY COUNCIL OVER THE YEARS REGARDING THE AIRPORT AND ITS DELETERIOUS EFFECTS ON THE PUBLIC HEALTH, SAFETY AND WELFARE, AS WELL AS THE BENEFICIAL USES OF THE REAL PROPERTY ON WHICH THE AIRPORT IS CURRENTLY LOCATED THE CITY COUNCIL ADOPTS THE FOLLOWING RESOLUTIONS.

RESOLVED, THAT THE CITY COUNCIL FINDS AND DETERMINES

1. The approximately 227 acres on which the Airport currently is located (“Real Property”) was purchased by the City;

2. The Real Property is in the City’s exclusive ownership, and is currently used primarily for general aviation purposes;

3. The City currently has exclusive local legal control over land use on the Real Property, including over leasing and permitting policies;

4. Subject to confirmation in the pending FAA lawsuit or other proceedings, the Real Property is free of obligations to, or rights of, the FAA, including without limitation those asserted under (i) the 1948 Instrument of Transfer; and (ii) the “Grant Assurances” under the Airport Improvement Program;

5. Subject to confirmation in the pending FAA lawsuit or other proceedings, or further legally required FAA approvals, the Real Property known as the “Western Parcel” (other than the runway) is free from obligations to, or rights of, the FAA, including without limitation those asserted under (i) the 1948 Instrument of Transfer; and (ii) the “Grant Assurances” under the Airport Improvement Program;

6. Subject to confirmation in the pending FAA lawsuit or other proceedings, or further legally required FAA approvals; the City has the authority to change the configuration of the Airport runway, and to close the Airport, free from obligations to, or rights of, the FAA, including without limitation (i) the 1948 Instrument of Transfer; and (ii) the those asserted under “Grant Assurances” under the Airport Improvement Program;

7. Should the FAA and corporate aviation interests succeed in compelling the City to continue to use the Real Property and Airport for general aviation purposes, that will impose ongoing adverse environmental, health and safety harms and risks and create dangers to the residents in neighborhoods surrounding the Airport;

8. The Real Property (including any portion of the Real Property such as the Western Parcel) could better serve the needs and interests of the entire community if it were no longer used for general aviation purposes, which benefits only narrow aviation interests;

9. A larger proportion and broader cross-section of the residents of Santa Monica and surrounding communities would benefit from redirection of the Real Property to non-aviation uses consistent with Measure LC;

10. There is a shortage of open space and parklands in the City, particularly in the eastern portion of the City, as documented in the recent LA County Parks Needs assessment;

11. The Real Property is a 227 acre public resource that provides a unique opportunity for the City to create much needed open space and parklands within the City and no other physical asset owned by the City (or which might be purchased by the City) could provide any similar amount of much need open space and parklands;

12. Increasing the availability of open space and parklands would be beneficial to the health, welfare, safety, and enjoyment of the community as a whole, particularly to provide vital parks and open space in an increasingly urbanized setting;

13. Any such creation of open space, parklands, and other uses consistent with the City Charter should be comprehensively planned, should consider the interests of all segments of the community, and will require a significant investment of time and resources;

14. A definitive action by the City to close the Airport and runway, and to transition the Real Property into open space, parklands, or other uses consistent with the City Charter would be conducted in compliance with the California Environmental Quality Act, California Public Resources Code, § 21000 *et seq.* (“CEQA”) and the California Planning and Zoning Law, California Government Code (Sections 65000 *et seq.*) (“State Planning Act”), and other relevant regulatory requirements;

15. Resolution of the FAA lawsuit and other proceedings is necessary and advisable to confirm that the City has the right (as it firmly believes it does) to close the Airport and runway and so transition the Real Property from general aviation purposes to parkland, open space and other purposes consistent with the City Charter;

17. The City nonetheless currently has the legal authority as proprietor of the Airport, owner of the Real Property and regulator under its police powers and other legal power and authority to take certain other actions, including but not limited to: a) determine, change and enforce the terms and conditions for the use and occupancy of the Real Property (such as the Leasing Policy), b) replace private Fixed Based Operators with City operations and set in place a policy for Aeronautical Services at the Airport; and c) begin to plan for the transition of the Real Property to uses consistent with the City Charter, such as compliance with CEQA and the State Planning Act, and other relevant regulatory requirements;

18. In light of the length of time the CEQA and planning processes required, it would be sensible for the City to begin those processes immediately.

FURTHER RESOLVED, THAT THE CITY COUNCIL DECLARES

The City Council intends to:

(A) Terminate the use of all and any part of the Real Property for general aviation, and to close the Airport as soon as legally permitted;

(B) Terminate aviation use on the Western Parcel (other than the runway); change the configuration of the runway by removing that portion currently located on the Western Parcel, and/or establish enhanced safety buffers at both ends of the runway, as soon as each is legally permitted;

(C) Devote the Real Property and Airport to other uses consistent with the City Charter, specifically Measure LC, and in compliance with the California Environmental Quality Act ("CEQA") and the State Planning Act, and other relevant regulatory requirements as soon as practicable thereafter; and

(D) At all times to honor its legally binding contractual obligations, and applicable legal requirements regarding the Real Property and the Airport as may be determined by the City Attorney and City Manager based upon written communications or directives from the FAA and other Federal and State agencies.

FURTHER RESOLVED, THAT THE CITY COUNCIL AUTHORIZES AND DIRECTS AS FOLLOWS:

1. The City Manager is authorized and directed to commence the planning and environmental review processes in accordance with CEQA, the State Planning Act, and other applicable laws and regulations that may be relevant, with the goal of the closure of the Airport and runway on or before June 30, 2018 (and the orderly transition of some and/or all of the Real Property in the meantime), to uses consistent with the City Charter, and take all lawful administrative measures to implement this Resolution.

2. All interested members of the Santa Monica and Los Angeles communities are to be encouraged to participate in the land use planning and related environmental review processes under CEQA, as well as all other related processes that will prepare the City to undertake the transition of the Real Property from general aviation uses to other uses consistent with the City Charter.

3. The City Manager is directed to solicit the views of the federal government, specifically the Federal Aviation Administration and the Environmental Protection Agency, and the appropriate California state and regional regulatory agencies in connection with this environmental review for future land use planning and permitting.

4. In accordance with CEQA, in anticipation future closure of the Airport and runway, the City Manager is directed to ensure that the analysis considers a range of alternative uses of the Real Property on which the Airport is located, consistent with the provisions of Measure LC.

5. The City Manager is directed to implement the "Policy for Establishing Exclusive Public Proprietary 'Fixed Based Operations' And Providing Other Aeronautical

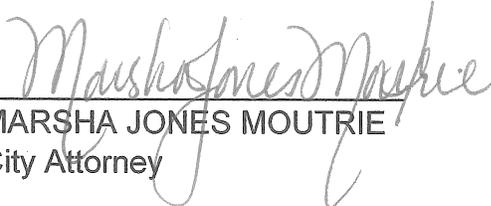
Services at The Santa Monica Airport” that is adopted by the City Council on the same date as this Resolution.

6. The City Council intends for this Resolution to be interpreted broadly in the public interest of protecting the public health and welfare and is not intended to contrary to any applicable laws or regulations. If any part of this Resolution is declared to be invalid, the City Council states that it would have adopted the remainder.

8. Nothing in this resolution shall be construed, interpreted or applied, in any manner that would condition, limit or impede any lawful current or future actions which the City may now or in the future consider or take with respect to the Real Property and the Airport, in exercise of its rights and authority as proprietor of the Airport, owner of the Real Property and regulator under its police powers, or other legal powers and authority.

9. The City Clerk is authorized and directed to attest to the adoption of these resolution, and thereafter they shall be in full force and effect.

APPROVED AS TO FORM:


MARSHA JONES MOUTRIE
City Attorney