

ORDINANCE NUMBER 2251 (CCS)  
(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA  
ADDING SECTION 10.04.06.220 TO THE SANTA MONICA MUNICIPAL CODE  
CONFORMING USE OF SANTA MONICA MUNICIPAL AIRPORT TO ITS FEDERALLY  
DESIGNATED SPECIFICATION OF ARC B-II

WHEREAS, the City of Santa Monica owns and operates a busy municipal airport which is immediately adjacent to dense residential neighborhoods at both ends of its runway but which has no buffer zones or Runway Safety Areas to protect airport neighbors and users against the risk of accidents occurring during takeoffs and landings; and

WHEREAS, as the proprietor and operator of the Santa Monica Municipal Airport, the City must keep the Airport safe for Airport neighbors, pilots, passengers and others; and

WHEREAS, the City's duty to keep the Airport safe is recognized by both state and federal law; and

WHEREAS, Airport safety is of particular concern to the City because of the Airport's unique circumstances; and

WHEREAS, those unique circumstances include the very close proximity of homes and arterial streets to the ends of the runway, the lack of any buffer zones or Runway Safety Areas between the Airport and surrounding residential and commercial

development, and the Airport's physical location on a plateau with steep downhill grades at either end of the runway; and

WHEREAS, in the dense residential neighborhoods bordering the Airport at each end of the runway, homes are within 300 feet of the runway's ends and directly within the flight path; and

WHEREAS, these residential neighborhoods are separated from the Airport only by busy arterial streets which run along the Airport's western and eastern boundaries; and

WHEREAS, in addition to the residential neighborhoods bordering the Airport to the east and west, a gasoline station is situated opposite the eastern end of the runway and heavily utilized public facilities are located in the residential neighborhood to the west, including a child care facility; and

WHEREAS, the Airport is thus entirely surrounded by residential and other urban development with no buffer zones or Runway Safety Areas to separate Airport operations from the densely populated neighborhoods around it; and

WHEREAS, the Airport is situated on a plateau which drops off steeply about 40 feet to the west and southwest and which is bordered by hilly terrain to the east and west; and

WHEREAS, the natural terrain exacerbates the risks inherent in the proximity of homes to the runway ends, and it limits the options for enhancing safety and

WHEREAS, in past decades, the Airport's lack of buffer zones and safety areas, proximity to homes and unusual topography did not raise the same safety concerns as

exist today because of the sharp increase in aircraft with greater Runway Safety Area requirements; and

WHEREAS, the Airport was designed to accommodate a fleet of general aviation aircraft with slow approach speeds; and

WHEREAS, in the last several decades, both the composition of the Airport's fleet and the intensity of operations have changed substantially; and

WHEREAS, in the 1960's jets began using the Airport and disputes arose between the City and the federal government about Airport impacts and operations; and

WHEREAS, these disputes were litigated and eventually settled in 1984 with the Santa Monica Airport Agreement ("1984 Agreement") between the City and the Federal government which guides the City's actions in operating the Airport today; and

WHEREAS, the 1984 Agreement recognizes that the Airport is designed to accommodate general aviation aircraft consistent with Group II Design Standards as set forth in the FAA Advisory Circular 150/5300.4B, dated February 24, 1983; and

WHEREAS, that federal Advisory Circular states that "the standards, recommendations and guidance material in this Advisory Circular define an airport suitable for the less demanding Aircraft Approach Category A and B airplanes, i.e., airplanes with approach speeds of less than 121 knots ... ."; and

WHEREAS, consistent with the 1984 Agreement, the Airport Layout Plan, approved by the FAA on August 20, 1991, assigns an Airport Reference Code designation of B-II to the Airport and obligates the City to operate the Airport accordingly; and

WHEREAS, pursuant to federal law, the B-II designation means that the Airport is designed to serve aircraft whose approach speeds are less than 121 knots; and

WHEREAS, current FAA standards require Runway Safety Areas to protect against the dangers of aircraft overruns, and

WHEREAS, FAA Order 5200.8 (Runway Safety Area Program) provides that all federally obligated airports should provide a Runway Safety Area for aircraft overruns consistent with the standards of FAA Advisory Circular 150/5300-13 (Airport Design); and

WHEREAS, the Santa Monica Airport is currently a federally obligated airport because the City accepted federal airport grants through 1994; and

WHEREAS, the Order also applies because the FAA has declared that "Runway Safety Area standards cannot be modified or waived like other airport design standards" Advisory Circular 150/5300-13CHG7; and

WHEREAS, in the years since 1984, the City's safety concerns arising from the lack of Runway Safety Areas have grown because there has been a rapid increase in Airport use by Category C and D aircraft which exceed the Airport's design standards because their higher landing speeds require 1,000 foot Runway Safety Areas; and

WHEREAS, over the last twenty-five years, the number of category C and D aircraft using the Airport has increased ten fold; and

WHEREAS, in 2002, the Santa Monica City Council addressed these growing safety concerns by approving an Aircraft Conformance Program which would conform operations at the Airport to federal standards applicable to Airport Reference Code B-II airports; and

WHEREAS, to implement a key component of the conformance program, the City submitted an Airport Layout Plan (ALP) to the FAA on September 8, 2004 designed to bring the Airport within FAA standards by establishing Runway Safety Areas for Category A and B aircraft; and

WHEREAS the Airport Layout Plan submitted by the City in 2004 is consistent with both the FAA Runway Safety Area standards to accommodate Category A and B aircraft and the City's obligation to accommodate such aircraft pursuant to the 1984 Agreement; and

WHEREAS, the FAA has failed to approve or disapprove the City's proposed safety plans despite the fact that they reflect federal safety standards and comport with the City's rights and responsibilities under the 1984 Agreement; and

WHEREAS, instead of approving the City's safety plans, the FAA has challenged the City's right to even consider them, disputed their legality, and delayed and forestalled their implementation, and

WHEREAS, the City of Santa Monica has engaged in exhaustive discussions with the FAA for over five (5) years in response to the FAA's insisting upon alternative and lesser proposals; and

WHEREAS, the FAA's proposals are inadequate because they fail to provide Runway Safety Areas that even come close to meeting the FAA's published standard of 1000 feet (or the equivalent stopping power provided by an arresting system bed) for Category C and D aircraft, which are defined by the FAA as those aircraft with approach of 121 knots or more; and

WHEREAS, during the City's lengthy but unavailing attempts to cooperatively resolve its dispute with the FAA, the number of Category C and D aircraft using the Airport has continued to grow and has increased by about 40%, from about 6,700 in 2001 to about 9,000 in 2006; and

WHEREAS, despite the growing safety risks, on August 28, 2007, the FAA Associate Administrator for Airports made a presentation to the Santa Monica City Council; and his presentation confirmed that the FAA's final offer for resolving the Runway Safety Area issue by agreement with the City would not even come close to meeting the FAA's own published standards for safety areas for Category C and D aircraft; and

WHEREAS, FAA guidance formally recognizes the risk of overruns: "Aircraft can and do overrun the ends of runways, sometimes with devastating results." AC No. 15015220-22A; and

WHEREAS, a catastrophic overrun may occur at any airport but is particularly likely to occur if there are inadequate Runway Safety Areas and the airport is closely surrounded by residential neighborhoods; and

WHEREAS, runway overruns occur throughout the country every year; and

WHEREAS, in 2002 a Category B aircraft skidded off the west end of the runway at the Airport and the pilot and passenger were both killed in the accident; and

WHEREAS, this year in Santa Barbara a private aircraft overran the runway by over 300 feet; and

WHEREAS, in Burbank a commercial jet overran the runway, traveled through the fence at the airport boundary, and finally came to rest in a gasoline station; and

WHEREAS, recently in Teterboro, a private aircraft overran the runway, crossed an adjacent roadway and came to rest in a commercial center; and

WHEREAS, the overruns at Santa Barbara and Teterboro involved Category C and D aircraft like those currently operating at the Santa Monica Airport; and

WHEREAS, a similar overrun in Santa Monica would likely result in the aircraft plummeting into the residential neighborhood that lies just below the west end of the runway – a risk that the City must take steps to avert; and

WHEREAS, this ordinance will greatly enhance Airport safety, but it will not impose any unlawful or unreasonable burdens; and

WHEREAS, with the addition of appropriate safety areas, the Airport's single runway of less than 5,000 feet in length can safely accommodate general aviation aircraft with slower approach speeds, that is those designated by Federal Aviation Administration as Category A and B aircraft because they have approach speeds of less than 121 knots; and

WHEREAS, the adoption of this ordinance will not ban or prevent any person from using the Airport or discriminate based upon an aircraft's type of power plant; nor will it unjustly discriminate against any type of aircraft; rather, the distinction made by this ordinance constitutes a reasonable safety measure that is based on distinctions contained in federal standards and that is consistent with the City's legal authority and contractual rights and obligations under the 1984 Agreement; and

WHEREAS, adopting this ordinance will not affect the vast majority of aircraft which utilize the Santa Monica Airport and will impact only the small percentage of aircraft which are not compatible with the Airport facilities; and

WHEREAS, only about 7% of current airport operations will be affected by this ordinance; and

WHEREAS, the sole burden caused by this ordinance will be that a small number of persons who travel by private aircraft will need to either use different aircraft to fly to or from Santa Monica or use another of the region's airports; and

WHEREAS, that minimal burden upon private aircraft operators is far outweighed by this ordinance's safety benefits to thousands of Airport neighbors, pilots, passengers, and the City; and

WHEREAS, in striking the balance between, on the one hand, the convenience of a few; and, on the other, the safety of many, the City, as a prudent Airport proprietor, must exercise its authority and fulfill its most basic duty, protection of public safety

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 10.04.06.220 is hereby added to the Santa Monica Municipal Code to read as follows:

**Section 10.04.06.220. Conformance Requirements.**

(a) **Statement of Purpose and Authority.** This section is enacted pursuant to the authority of the City of Santa Monica as the owner, operator and proprietor of the Airport to make reasonable regulations intended to protect the safety of persons living adjacent to the Airport and flying in aircraft using the Airport This section comports with agreements

between the City and the Federal Aviation Administration recognizing the City's obligation to serve category A and B aircraft at the Airport and its right to prohibit or limit any other given type, kind or class of aeronautical use of the Airport if such action is necessary for the Airport's safe and efficient operation.

(b) **Prohibition.** No person operating a category C or D aircraft, as defined by the FAA's standards, shall land at or depart from the Santa Monica Municipal Airport.

(c) **Emergency Exception.** The prohibition contained in this section does not apply to the operator of fixed wing aircraft who believes in good faith, based on special circumstances, that a bona fide emergency exists such that it is absolutely necessary that the aircraft depart or land at the Santa Monica Municipal Airport in order to preserve life or property.

(d) **Penalties and Remedies.** Any person who is convicted of violating this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not greater than One Thousand Dollars (\$1,000) or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment. Additionally, any person, including the City, may enforce this section by means of a civil action for legal or equitable relief; and, nothing in this section shall


preclude any person from seeking any other remedies  
afforded by law.

SECTION 2. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

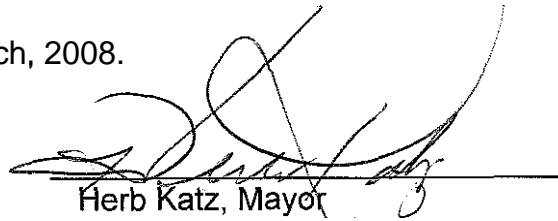
SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:

  
MARSHA JONES MOUTRIE  
City Attorney

Approved and adopted this 25th day of March, 2008.

  
Herb Katz, Mayor


State of California )  
County of Los Angeles ) ss.  
City of Santa Monica )

I, Maria M. Stewart, City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2251 (CCS) had its introduction on March 25, 2008, and was adopted at the Santa Monica City Council meeting held on February 26th, 2008, by the following vote:

Ayes:	Council members:	Genser, Holbrook, McKeown, O'Connor, Shriver Mayor Pro Tem Bloom, Mayor Katz
Noes:	Council members:	None
Abstain:	Council members:	None
Absent:	Council members:	None

A summary of Ordinance No. 2251 (CCS) was duly published pursuant to California Government Code Section 40806.

ATTEST:

  
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Maria M. Stewart, City Clerk