

CITY OF SANTA MONICA

A Partial History of the Santa Monica Airport

1917 - 1940: The Early Years

Circa 1917 - Pilots flying World War I biplanes begin using the site as an informal landing strip.

1922 - Donald Douglas forms the Douglas Aircraft Company. He starts producing and testing military and civilian aircraft at the future site of the Santa Monica Airport and also at an abandoned movie studio on Wilshire Boulevard, which is now the site of Douglas Park.

April 15, 1923 - The Army Air Corps dedicates Clover Field, named after World War I pilot Lt. Greayer "Grubby" Clover, who grew up nearby and was killed in action.

1924 - Douglas Aircraft and Clover Field gain fame when Douglas World Cruiser biplanes are the first aircraft to circumnavigate the globe in the weeks between April and September.

April 14, 1926 - The City holds a special municipal election on park bonds to acquire much of the existing Airport property.

July 10, 1926 - The City acquires a portion of Rancho La Ballona commonly known as the Clover Field Parcel for \$755,000.

August 30, 1926 - The Council accepts the Grant Deed for Clover Field.

June 15, 1927 - The Council changes the name of Clover Field to Santa Monica Airport (SMO).

1928 - The City acquires an additional 60 acres to expand the Airport.

1929 - Douglas enlarges its Santa Monica Airport operations, closes other facilities, and begins to ramp-up production and testing of its early airliners, the DC-3 and DC-4.

August 19, 1929 - Pioneer women aviators participate in the first Powder Puff Derby, taking off from Santa Monica and flying to Cleveland, Ohio, where the race ends one week later. Amelia Earhart, Pancho Barnes, and 18 other participants bring international attention to women aviators and to Santa Monica.

The War Years and the 1950's:

1941 - 1944 - During World War II, Douglas Aircraft becomes a major defense contractor, employing up to 44,000 workers who work three shifts, seven days a week. This economic engine transforms the City as thousands of new homes are built for the Douglas workers, creating Sunset Park and other neighborhoods.

1941 - The Federal Government leases most of the Airport from the City to provide protection for Douglas Aircraft and participates in expanding the facility to 227 acres to accommodate the burgeoning production of military aircraft. The expansion includes replacing the old, two-runway, "X" configuration with a single runway, approximately 5,000 feet long, designated as Runway 21 (for departures to the west) and Runway 3 (for departures to the east) and two, full-length parallel taxiways.

May, 1944 - The City enters into the first of its 20-year grant agreements with the Federal Government for Airport improvements. The grant agreements obligate the City to maintain the Airport and operate it in compliance with Federal Regulations. At about that time, pilots trained in the military start returning home, triggering the rapid growth of general aviation.

1948 - With the War ended, the Federal Government relinquishes its leasehold, the City and Federal Government execute the Instrument of Transfer, and the City resumes operation of the Airport. The Airport continues to grow during the 50's and 60's as pilots return home from the Korean and Vietnam Wars.

1949 - Bill Lear opens a manufacturing facility on a ten-acre parcel immediately south of the Airport on Bundy. The company grows to 5,000 employees.

April 9, 1949 - The Federal Government, by quit claim deed, transfers an additional 18-21 acres of Airport land back to the City.

1950's - Douglas continues to expand its propeller-driven commercial airliner business - culminating in the production of the 166,000 pound DC-7C, which is capable of transporting 110 passengers at speeds of up to 400 mph for 5,600+ miles.

1959 - Douglas develops the DC-8 to compete with Boeing's 707, and Douglas proposes that the City lengthen the runway to accommodate this new aircraft and also acquire additional acreage to build new corporate offices. The City declines, and Douglas later shifts jet manufacturing to the Long Beach Airport. However, research and development, missile production, and sub-assembly work continue at the Santa Monica Airport plant for a time. Ultimately, after 50 years at the Airport, Douglas closes down its Santa Monica operation, having manufactured a total of 10,724 aircraft at the Airport plant.

The Post War Era: the Advent of Civilian Jets, and the Early Regulations and Litigation

1960's - The first civilian jets arrive at the Airport as the decade begins. They are "pure jets", about 10 times louder (and more polluting) than present-day fan jets. The noise impacts upon neighborhoods adjacent to the Airport are very significant.

January, 1962 - A public hearing on Airport operations and jet impacts is held at the Santa Monica Civic Auditorium. Later that month, the City Attorney takes the unusual step of issuing a formal opinion on the subject of the City's authority over the Airport. The Opinion states that California law authorizes land acquired for park purposes to be used for airport purposes and that the grant agreements and the transfer documents, executed at the end of World War II, effectively prohibit the City from closing the Airport.

1966 - Western Commander, an established Fixed Base Operator (FBO) at the Airport begins sale and service of the Jet Commander - one of the loudest jet aircraft in the fleet at the time. Western Commander flies prospective buyers to Las Vegas late at night and returns before sunrise. This marketing campaign creates significant, adverse impact for Airport neighbors.

1967 - A large group of Airport neighbors sue the City, claiming that jet operations, which average 5-6 per day, have damaged their property values and created a nuisance. The case eventually makes its way to the California Supreme Court, which decides that, although the plaintiffs' evidence failed to establish their case, the City could be sued by neighbors for Airport impacts on nuisance and other theories. Nestle v. City, 6 Cal.3d 920 (1972). The City reacts by considering a wide range of regulations to shield itself from liability, including a jet ban, jet curfew and even Airport closure.

1968 - The City, having adopted a jet curfew, prosecutes a pilot who violated it. The pilot challenges the validity of the curfew, and the Court of Appeal eventually concludes that adoption of the jet curfew is a valid exercise of the authority to regulate airport usage conferred upon the City by State law. Stagg v. City, 2 Cal.App.3d 318 (1969).

Late 1960's - The growth in General Aviation peaks nationwide. At Santa Monica Airport total operations (takeoffs and landings) reach an all-time high of over 356,000 per year, which equates to 975 per day or 40 takeoffs and 40 landings per hour over 12 hours.

The 1970's - More Controversy, More Regulation, and More Litigation

1974 - The City creates the "Airport Neighbors Forum" (Forum) consisting of representatives of local airport neighborhoods and interested in aviation for the expressed purpose of developing proposals to mitigate aircraft noise.

1975 - The City Council adopts ordinances designed to reduce aircraft noise based upon the Forum's recommendations. These include, among other things, a total jet ban, a ban on

helicopter flying, a noise limit of 100 decibels, a night curfew, and a weekend and holiday ban on touch and go, stop and go, and low approach operations.

1975 - Douglas leaves the Airport to consolidate its operations in Long Beach.

May, 1975 - The California Attorney General issues an opinion stating that the City cannot, at present, "stop using the Airport land for airport purposes because of the existence of contracts including grant agreements, Federal lease agreements, the Federal transfer agreement, State grant agreements and private leases."

1977 - A coalition of Airport users and businesses file suit challenging the City's ordinances. The Federal District Court upholds all of the ordinances except the jet ban. That Ordinance is determined to be unconstitutional because the evidence showed that newer jets were at least as safe as other aircraft and not necessarily noisier. Santa Monica Airport Assoc. (SMAA) v. City, 481 F. Supp. 927(C.D.Cal.1979). The Ninth Circuit eventually affirms the decision, holding that Federal law does not preempt the City as "airport proprietor" from adopting ordinances intended to limit its liability and protect the City's "human environment." 659 F.2d 100 (9th Cir. 1981).

1977 - The Douglas facility is demolished. The City subsequently conducts an economic analysis of the property to determine the best use of the site and explores the possibility of closing the Airport.

The 1980's - Continuing Controversy Resolved With a Landmark Agreement

1980 - The City again conducts an economic impact analysis of the Airport and determines that more revenue could be generated if the Airport were closed and converted to mixed commercial use. The City notifies Airport tenants on month-to-month leases that their tenancies will be terminated in one year. An Airport business operator sues the City, claiming, among other things, that the City's regulation of his fixed-base operation has unlawfully greatly diminished its value. (California Aviation v. City). The case is litigated in both State and Federal court, and the City eventually prevails.

June, 1981 - The City Council adopts Resolution # 6296 declaring its intention to close the Airport when legally possible. The Federal Aviation Administration (FAA) and the Santa Monica Airport Association (the Airport Association) file another lawsuit, challenging that intent and the new, lowered decibel limit. The matter is assigned to the same judge who decided SMAA v. City. He enjoins the new 85 dB limit Ordinance on the grounds that it was a disguised jet ban, and the City reinstates the 100 decibel limit.

1982 - The parties to the lawsuit reach an agreement to conditionally dismiss, providing the City adopts new Airport Master Plan and Noise Mitigation Project by November 1983.

1983 - The City adopts a new Master Plan that creates two new FBOs on the north side of the Airport (away from the residential areas) and releases a significant amount of aviation

land on the south side of the Airport for non-aviation purposes.

1984 - The City's highly charged dispute with the FAA is resolved through the Santa Monica Airport Agreement, which obligates the City to operate the Airport through 2015 but recognizes the City's authority to mitigate aircraft impacts through the existing noise limit, curfew, helicopter ban, and pattern flying restrictions. The 1984 Agreement also limits the number of aircraft tie-downs, removes land from aviation use, and provides for relocating aviation facilities to the north side of the Airport, away from residential neighborhoods.

1986 - The FAA approves the new Airport Layout Plan. The plan designation indicates that Santa Monica Airport is classified as an ARC B-II Airport.

1986-1989 - Airport improvement projects are undertaken, including a runway overlay, new perimeter road, construction of sound walls and installation of aircraft noise mitigation equipment such as the aircraft noise monitoring system. Also, a major portion of the aviation facilities are moved to the north-side of the Airport and others are moved closer to the southern edge of the runway and farther away from homes.

Late 1980's - Airport operations drop to their lowest level since the early 50's. The City Council considers, but ultimately rejects, a proposal for a large business park on Airport residual land at the southeast edge of the Airport (the Reliance development project). The property remains undeveloped until construction of Airport Park.

1990's - Controversy Rekindled By Changes in the Fleet Mix

1990 - Congress passes the Airport Noise & Capacity Act (ANCA), which grandfathers existing noise ordinances/noise restrictions but prohibits airports and their sponsors from adopting new access restrictions based on noise impact without conducting an impact analysis pursuant to Federal regulations. As a result of these new restrictions, Santa Monica's restrictions become among the most restrictive in the nation.

1991 - FAA approves amended Airport Layout Plan again confirming that Santa Monica Airport is an Airport Reference Code B-II airport.

1994 - The City of Santa Monica accepts its most recent Federal grant for airfield improvements, including a blast wall to deflect emissions, runway lights & signage, taxiway slurry seal and restriping, and repair of mid-level tiedown ramps and infield areas.

Mid-1990's - With the booming economy, new development on the Westside, and the advent of fractional ownership of aircraft, jet operations increase from about 5 to 6 per day to around 15 per day. Larger, faster jets in Categories C and D constitute an increasing percentage of jet operations.

1996 - The City begins the process that will enable the construction of Airport Park on the "residual land" set aside by the 1984 Airport Agreement.

1996 - The City convenes an Airport working group consisting of residents, Airport tenants and interested government agencies to review issues involving the Santa Monica Airport. This process eventually yields a lengthy report containing numerous recommendations including conforming Airport usage to the Airport's B-II designation and to current runway design standards.

1998 - The Airport Association files a Federal Administrative (Part 16) complaint with the FAA alleging multiple breaches of the 1984 Agreement. The FAA eventually issues a determination in favor of the City, and the complainant Association seeks review by the 9th Circuit Court of Appeals; ultimately, the case is dismissed in 2006 when new leases are entered into with two limited FBOs.

1999 - The Airport Association files a State court action raising issues similar to the prior Part 16 complaint. Several years later, the Los Angeles County Superior Court rules in favor of the City on 28 of 29 issues; and eventually, the California Court of Appeals dismisses the entire action on grounds that the Association lacked standing to enforce the 1984 Airport Agreement between the City and the Federal Government. The dismissal was subsequently affirmed by the California Supreme Court.

July, 1999 - Los Angeles neighbors file a lawsuit against the City in State court (Cole v. City) seeking damages and injunctive relief claiming that aircraft operations at the Airport created liability for the City based on inverse condemnation, adverse health impacts, and nuisance. Eventually, following a lengthy trial, the Court dismisses all the inverse condemnation claims and most of the other claims. Three plaintiffs receive minimal damage awards.

2000 - 2009: The Controversy Over Runway Safety

2000 - 2002 - The economy booms, the FAA approves fractional (shared) ownership of jets, and the Airport fleet continues to evolve with total jet operations increasing to about 30 to 40 per day. The City initiates a review and study of the Airport's runways and other operational design features to determine their compatibility with the changing fleet. The study concludes, among other things, that the more demanding Category C&D aircraft now account for 5% of jet operations, that the critical design aircraft using the Airport is now the D-II aircraft (the Gulfstream IV), and that the Airport (which has no runway safety areas), lacks sufficient runway safety areas per current FAA design guidelines for all aircraft approach categories. Additionally, the review concludes that the Airport's geographical layout and the close proximity of runway ends to roadways and residential neighborhoods effectively precludes the construction of the traditional graded runway safety areas. Therefore, the report suggests designating runway safety areas by displacing the landing thresholds 300' at both ends of the runway to create safety areas consistent with the Airport's B-II designation by effectively shortening the usable runway; however this would leave the usable runway too short for C&D aircraft.

December 5, 2000 - The City Council approves guidelines for leasing nonaviation property at the Airport for use as artists' studios partly to mitigate the displacement of artists from the community due to rising property values. In the ensuing years, many artists move to the Airport.

July 22, 2002 - The safety recommendations of the Santa Monica Airport Design Standards Study are presented to the Airport Commission.

October 2002 - The FAA initiates a Part 16 complaint against the City challenging "the legality of the Santa Monica Airport Commission's apparent decision to recommend that the Santa Monica City Council adopt and implement the Airport Conformance Program."

December, 2002 - In response to increasing complaints from neighbors about jet emissions and their impact on air quality and health, the City requests that the Southern California Air Quality Management District (SCAQMD) study air quality issues related to SMO. Studies are eventually undertaken, after SCAQMD receives a federal grant. The study concluded that that there were no exceedances of federal air quality standards at the Santa Monica Airport.

December 10, 2002 - The City Council unanimously approves the Conformance Program's concept and directs staff to continue to seek a voluntary agreement with the FAA.

April 29, 2007 - The 7 ½ acre Airport Park is dedicated. It includes soccer fields, a dog park, and new landscaping and hardscape around the park.

November 27, 2007 - After more than five years of unsuccessful negotiations with the FAA about the Conformance Program, the City Council approves on first reading an ordinance that would promote safety and protect adjacent neighborhoods from overruns by conforming the Airport by prohibiting the generally larger, faster Category C&D aircraft from using the Airport.

March 25, 2008 - After further negotiations and Congressional intervention, both fail to yield a resolution, and the City Council adopts the ordinance on second reading.

April, 2008 - The FAA issues a Cease and Desist Order and later obtains a temporary restraining order and a preliminary injunction from the United States District Court prohibiting the City from enforcing the Ordinance. The City appeals the decision to the Ninth Circuit Court of Appeals, where the FAA eventually prevails.

May 27, 2008 - The FAA issues an administrative determination that the Ordinance is inconsistent with Petitioner's contractual obligations under the grant agreements, and the City requests an evidentiary hearing before the Agency.

March 16, 2009 - The FAA conducts a four-day Part 16 Hearing on the validity of the City's Ordinance banning Category C&D aircraft and later issues a decision holding that the Ordinance unreasonably and unjustly discriminates between aircraft and thereby violates the grant assurances, the Instrument of Transfer and the 1984 Agreement. This holding is based

on the conclusions that the Ordinance is not reasonably justified on grounds of safety, alternative safety measures are available to the City, the Ordinance unnecessarily limits the Airport's usefulness, and the City over-estimates its legal risks because the City could show in court that C&D usage does not create a dangerous condition.

March 21, 2009 - The DC-3 *Spirit of Santa Monica* Monument is dedicated at the Airport, celebrating the Airport's rich aviation history and the role aviation played in the growth of the City.

May 12, 2009 - The City Council adopts a plan for enhancing the Airport's environmental sustainability through a list of measures that includes, among other things, working to enhance air quality, reduce noise, minimize the use of hazardous material, maximize recycling and the use of renewable energy.

July 8, 2009 - The FAA Associate Administrator issues a final Agency decision against the City. It holds, among other things, that Federal law preempts the Ordinance and that the Ordinance violates the grant assurance prohibiting unjust discrimination.

September 3, 2009 - The City files an appeal of the final FAA decision in the Federal Appellate Court in Washington, D.C. That Court ultimately rejects the City's arguments and issues a narrow ruling in the FAA's favor, based largely on the well-established principle that courts defer to agency interpretations of their own regulations. Because the D.C. Circuit concludes that the City Ordinance violates the Federal regulation prohibiting unjust discrimination, the Court finds it unnecessary to reach the issue of whether the City's action is also preempted by Federal law. The City assesses the decision and concludes that the narrow decision affords no recognized basis for Supreme Court review and that, if review were nonetheless granted, it might open the door to consideration of other issues raised in the case that were either decided in the City's favor or not decided at all, such as the preemption issue.

November 17, 2009 - A UCLA faculty member in the School of Public Health releases a study of ultra-fine particulate pollution released from jet aircraft at SMO.

Late 2009 - The FAA begins testing a new departure heading of 250 degrees for piston-powered, instrument departures. This routes planes over portions of Ocean Park and results in protests from residents. Scrutiny of departures spawns increasing concerns about pattern flying, in which aircraft repeatedly land and take off, circling over residential neighborhoods.

2010 and Beyond - Planning for the Future

December 1, 2010 - The City Council directs staff to proceed with a comprehensive public process regarding the Airport's future and authorizes hiring consultants to assist. Total Airport operations for the year are down to 104,000, less than one third of their all-time high in the late 1960's.

February 22, 2011 - The City Council authorizes the City Manager to commence Phase I of a three-phased process for developing possible alternatives of future roles for Santa Monica Airport within the community post 2015, with the phases consisting of initial research and surveying, extensive public workshops, and Council hearings and deliberations.

September, 2011 - Residents' general complaints about the Airport and specific complaints about pattern flying connected to flight schools increase significantly after a plane piloted by a student pilot crashes into a home in Sunset Park. The City Manager releases an Information Item listing actions staff is taking to address residents' concerns.

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9/26/11