

***The Community's Position and Demanded Actions
Related to Santa Monica Airport Leasing Policy and Proprietor Rights
March 2016***

Position Statement

The City of Santa Monica must establish “local control” of the Santa Monica Airport to bring immediate relief to residents of Santa Monica and the entire Westside of Los Angeles as mandated by voters in the 2014 election. It must assert its proprietor rights as the undisputed owner of the airport land and take lawful measures to terminate tenancies that are inconsistent with the health, safety, and welfare of the community. The residents demand action from our elected officials and City staff to reduce flight operations over homes and schools, even without closing the airport or runway to aviation use at this time. Meanwhile, the remaining legal issues with the FAA related to the Western Parcel and the Instrument of Transfer Parcel should be resolved as quickly as possible.

Current Situation

Beginning July 2015, existing aviation tenants at the Airport (including Atlantic Aviation, American Flyers, Justice Aviation, and Krueger Aviation) have had no rights to continued leases. Their leases are now expired, but their month-to-month holdover tenancies are perpetuating harmful impacts on the community. No laws, agreements, or federal obligations require the City to continue any leasing to these holdover aviation tenants. To bring relief to the community, the City must order and organize use of the land and buildings at the Airport pursuant to written Airport Leasing Policy, lease agreements, and other land use rights.

Demanded Actions

1. **The City must lawfully act on its proprietor rights** and immediately: (a) give Notice to Vacate to any tenant who does not have a written lease agreement as of April 1, 2016; (b) refuse future rent payments from such tenants for any occupancy after March 31, 2016; (c) establish a non-discriminatory Airport Leasing Policy that prohibits any future leases for tenant uses that are incompatible with the neighborhood community; (d) invite all tenants in writing to apply for a lease at Santa Monica market rates that are the same for both aviation and non-aviation uses pursuant to the Airport Leasing Policy. These actions should begin with Atlantic Aviation, the largest Fixed Base Operator and worst polluter at the Airport. These actions will maintain proper and legal order at the Airport and are well within the proprietor rights of the City. Tenants who remain without a current lease are not in lawful possession of the property and should be the subject of immediate legal action.
2. **The City Manager should issue a written Airport Policy Memo** to make clear that: (a) consistent with the FAA's 2000 Director's Determination and 2003 Final Agency Decision (Docket Number 16-99-21), both the continued operations and potential future closure of the airport are a “local land use matter”; (b) the airport runway and FAA tower presently remain open for aviation; (c) FAA safety and access regulations presently govern the runway; (d) tie-downs and hangar spaces are presently available to support operations by transient aircraft; (e) no guarantee of future availability is made nor implied.
3. **The City should engage outside counsel** who shall report directly to the City Manager to begin work now on: (a) tenant evictions and (b) anticipated filing for a federal injunction against the City by aviation interests. Community representatives request an opportunity to review and provide input on both the Airport Leasing Policy and Airport Policy Memo.