



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

**C-3**

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May 20, 2008

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Adopt resolution reaffirming and supporting the City's existing Airport Noise Compatibility Ordinance and the current airline flight slot, curfew, and weight based commuter carrier limitations contained therein.

DISCUSSION

Pursuant to your request on May 6, 2008, the City Attorney has prepared the attached resolution for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

  
MICHAEL J. MAIS  
Assistant City Attorney

MJM:kjm  
A08-01349

1 RESOLUTION NO.

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH REAFFIRMING AND  
5 SUPPORTING THE CITY'S EXISTING AIRPORT NOISE  
6 COMPATIBILITY ORDINANCE AND THE CURRENT  
7 AIRLINE FLIGHT SLOT, CURFEW, AND WEIGHT BASED  
8 COMMUTER CARRIER LIMITATIONS CONTAINED  
9 THEREIN

10  
11 WHEREAS, in 1995, the City adopted its "Airport Noise Compatibility"  
12 Ordinance (the "Ordinance") as Chapter 16.43 of the Long Beach Municipal Code; and

13 WHEREAS, said Ordinance was adopted as part of a proposed settlement  
14 of longstanding Airport noise litigation between the City and a number of air carriers and  
15 other users of the Long Beach Municipal Airport; and

16 WHEREAS, the Ordinance reflects a reasonable balance between the valid  
17 concerns of the Long Beach Community pertaining to noise related issues and the  
18 demand for a safe, fair and efficient national transportation system; and

19 WHEREAS, taking into consideration environmental, social, economic, legal  
20 and other matters, the Ordinance places reasonable and non-arbitrary limitations on the  
21 number of daily air carrier, commuter carrier, industrial, and general aviation flights  
22 operating to and from the Long Beach Municipal Airport; and

23 WHEREAS, the Ordinance also establishes reasonable weight based  
24 restrictions on Commuter Air Carriers, limiting said commuter carriers to operating aircraft  
25 having a certificated maximum takeoff weight of less than seventy-five thousand (75,000)  
26 pounds, and likewise establishes reasonable curfew hours for both Air and Commuter  
27 Carriers based upon certain established Single Event Noise Limits; and

28 WHEREAS, as the proprietor of the Municipal Airport, the City's goal of

1 reducing flight related noise through reasonable and rational regulation of flight traffic in  
2 order to enhance and improve the human environment is a legitimate one, and is in  
3 keeping with federal, state and local laws and regulations relating to Airport operation;  
4 and

5 WHEREAS, the City's "2010 Strategic Plan" establishes a goal and vision  
6 that the City strive to retain a clean, safe, healthy and prosperous environ where  
7 residents, business and government act as partners to balance growth, the environment,  
8 and cultural and neighborhood interests in order to create healthy places for people of all  
9 lifestyles, cultures, and perspectives to flourish, live, learn and contribute; and

10 WHEREAS, the current noise, flight, curfew, and weight based restrictions  
11 at the Long Beach Airport as embodied in the Ordinance are in keeping with those  
12 visions and goals expressed by the City Council, and in the City's 2010 Strategic Plan;  
13 and

14 WHEREAS, the Southern California region has also embraced the City's  
15 efforts and vision toward balanced growth and environmental responsibility through the  
16 adoption of the Southern California Association of Government's ("SCAG") 2001, 2004  
17 and proposed 2008 Regional Transportation Plans, the Aviation Element of which, calls  
18 for the Long Beach Municipal Airport to accommodate a level of airline passengers  
19 through the year 2025 which is consistent with the activity levels established and  
20 permitted by the City's existing Noise Compatibility Ordinance; and

21 WHEREAS, the Census 2000 data reveals that the City of Long Beach has  
22 a population of 461,522 persons, which population ranked Long Beach as the 52nd  
23 densest city over 50,000 persons in the United States, and furthermore that the Long  
24 Beach Municipal Airport is located in the heart of the City thereby having a profound  
25 effect on the many citizens residing adjacent to the Airport or who are otherwise affected  
26 by the flight patterns emanating from the airport; and

27 WHEREAS, on May 14, 2002 (Resolution No. C-28020), and on December  
28 23, 2003 (Resolution No. C- 28306), the City Council adopted resolutions affirming its

1 continued commitment to the goals and vision of the City related to the operation of the  
2 Airport, as said goals and vision are expressed in the Airport Noise Compatibility  
3 Ordinance; and

4 WHEREAS, recent events and inquiries from certain airlines related to the  
5 adjustment of weight based restrictions for Commuter Air Carriers has once again caused  
6 the City Council to re-evaluate and re-affirm its commitment to the Ordinance and the  
7 protections said Ordinance provides to the residents of the City.

8 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
9 follows:

10 Section 1. That a quality living and learning environment in stable  
11 neighborhoods is a principal goal of the City. That in order to achieve said goal it is  
12 necessary and important to balance the sometimes conflicting legitimate and essential  
13 needs of residential, environmental, educational, and air commerce related interests in a  
14 thorough, realistic, and practical approach in order to insure that the City maintains a  
15 superior quality of life for its citizens, tourists and other visitors.

16 Section 2. That the City reaffirms and supports the reasonable and  
17 legitimate noise, weight and flight related restrictions as established by Chapter 16.43 of  
18 the Long Beach Municipal Code, which restrictions strike a balance between the  
19 legitimate environmental and social concerns of the City's residents and the need for an  
20 efficient national air transportation system.

21 Section 3. This resolution shall take effect immediately upon its adoption  
22 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_ by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City Clerk

OFFICE OF THE CITY ATTORNEY  
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