

Measure LC

Measure LC was passed by Santa Monica voters on November 6, 2014, with 15,434 votes (60.45%) in favor, and 10,096 votes (39.55%) against. The ballot question for Measure LC stated:

MEASURE LC: Shall the City Charter be amended to: (1) prohibit new development on Airport land, except for parks, public open spaces and public recreational facilities, until the voters approve limits on the uses and development that may occur on the land; and (2) affirm the City Council's authority to manage the Airport and to close all or part of it?

Measure LC added to the City Charter new Section 640, which states:

Subject only to limitations imposed by law, the City Council shall have full authority, without voter approval, to regulate use of the Santa Monica Airport, manage Airport leaseholds, condition leases, and permanently close all or part of the Airport to aviation use.

If all or part of the Airport land is permanently closed to aviation use, no new development of that land shall be allowed until the voters have approved limits on the uses and development that may occur on the land. However, this section shall not prohibit the City Council from approving the following on Airport land that has been permanently closed to aviation use: the development of parks, public open spaces, and public recreational facilities; and the maintenance and replacement of existing cultural, arts and education uses.

After LC's passage, on January 30, 2017, the City entered into the Consent Decree with the FAA under which the City is obligated to operate the Airport through December 31, 2028, after which date the City may decide to close the Airport.

Prior to December 31, 2028, while the City is obligated to continue to operate the Airport, the Airport land may not be permanently closed to aviation use, and, under Measure LC, the City Council retains authority, without voter approval, to regulate use of the Santa Monica Airport and manage Airport leaseholds. This authority is subject to limitations imposed by the Consent Decree and certain FAA standards incorporated by the Consent Decree. In particular:

(1) Under the Consent Decree, the City's required operation of the Airport through December 31, 2028 is required to comply with the standards set out in grant assurances 19, 22, 23, 24, 25, and 30. These impose a number of limitations, including that the City ensure that space at the Airport is available for any aeronautical users who desire space at the Airport. Thus, for example, the City is obligated to ensure that it maintains sufficient airplane storage/parking to accommodate all those who wish to use the Airport for this aeronautical purpose. The City has been, and remains, involved in litigation challenging its compliance with the grant assurances to which it remains subject under the Consent Decree.

(2) Under the Consent Decree, the City is free to shorten the runway to 3,500 feet (which the City has done) and to "use the property no longer needed for the Airport with a shortened or reconfigured runway" for "non-aeronautical uses" but only so long as those non-aeronautical uses are "safe and compatible with the operation of the Airport." The FAA has reserved its rights to disapprove any use it believes does not meet this requirement.

(3) Under the Consent Decree, while the Airport remains in operation, all of the Airport land also remains subject to an aviation easement that requires, among other things, that the City maintain "unobstructed use and passage of all types of aircraft in and through the airspace at any height or altitude above the surface of the land." The FAA has the ability to challenge uses it believes do not comply with the aviation easement.

After December 31, 2028, if the Airport land is permanently closed to aviation use, the City Council's authority over that land will no longer be subject to the Consent Decree, but will be limited by Measure LC, with the result that:

- (1) The City Council may approve the development of parks, public open spaces, and public recreational facilities on this land.
- (2) The City Council may approve the maintenance and replacement of any cultural, arts, and education uses in existence at the time of the closure of the land.
- (3) The City Council may not approve any other new development of the land until the voters have approved limits on the uses and development that may occur on the land.