

ORDINANCE NO. 3927

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AMENDING TORRANCE MUNICIPAL CODE SECTION 51.2.30 ENTITLED "DEFINITION OF REVENUE OPERATIONS", SECTION 51.2.31 ENTITLED "FEE FOR REVENUE OPERATIONS" AND REPEALING SECTION 51.2.32 ENTITLED "REFUSAL FOR CLEARANCE"

The City Council of the City of Torrance does hereby ordain as follows:

SECTION 1

That Section 51.2.30 and Section 51.2.31 of the Torrance Municipal Code is amended in its entirety and Section 51.2.32 is repealed to read as follows:

"51.2.30 DEFINITION OF LANDING FEES

- a) A landing fee shall be charged to any individual or entity landing an aircraft at Torrance Airport. Military, public safety, and medical operations shall be exempt from landing fees. Landings on private helipads (as used in this section, a private helipad is a helipad that has been authorized by the City of Torrance and is operated and maintained by a leaseholder on their leasehold. A private helipad is not operated or maintained by the City of Torrance nor supported by funds from the City of Torrance) that are operated and maintained by a leaseholder pursuant to a lease with the City of Torrance shall be exempt from landing fees.
- b) Aircraft shall include both fixed wing and rotary wing aircraft for purposes of assessing landing fees.
- c) The Airport Manager shall determine in each case whether or not a landing has taken place that qualifies for being charged a landing fee within the meaning of this Section.

51.2.31 IMPLEMENTATION OF LANDING FEES

Any landing at the Airport, as defined in Section 51.2.30, shall pay to the City for each such landing a fee. This fee amount shall be established by resolution of the City Council."

SECTION 2

Any provisions of the Torrance Municipal Code, or appendices, or any other ordinances of the City inconsistent with this ordinance to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 3

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 4

The proposed ordinance was reviewed pursuant to the California Environmental Quality Act (Pub. Resources Code, §§21000, et seq., "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the "CEQA Guidelines"). Based on that review, this ordinance is exempt from the requirements of CEQA on several grounds. First, the proposed ordinance is not a "Project" subject to CEQA pursuant to CEQA Guidelines Section 15378(b)(4) and (5) because the activity proposed involves general text amendments to the TMC that create a government funding mechanism without any commitment to any specific project with a potential to result in significant impacts on the environment *and* would not cause either a direct or indirect physical change in the environment. Second, even if determined to be a "Project," the proposed ordinance is covered by the "common sense" exemption recognized by CEQA Guidelines Section 15061(b)(3) because it can be "seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." This is because the proposed ordinance relates to the establishment of a landing fee rate structure for Torrance Airport and does not include any physical improvements or other changes to the operating environment at the Airport. Third, the proposed ordinance is also exempt from CEQA Guidelines under Section 15273(a)(1)-(2) and (4) because the contemplated actions and documents establish fees to recover the costs of the City's operating expenses, which include employee wage rates and fringe benefits; the purchasing and/or leasing of necessary supplies, equipment, and materials; and, obtaining funds for capital projects, necessary to maintain service within existing service areas. Fourth, the landing fees are exempt pursuant to Public Resources Code, §21080(b)(8) that creates a statutory CEQA exemption for activities relating to the "establishment, modification, structuring, restructuring, or approval of rates, rolls, fares, or other charges by public agencies". Should the City Council adopt an ordinance amending the TMC pertaining to Airport Landing Fees and adopt a resolution establishing a landing fee, staff shall prepare and file a Notice of Exemption pursuant to Section 15062 of Title 14 of the California Code of Regulations.

SECTION 5

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED and **APPROVED** this 28th day of November 2023.

ADOPTED and **PASSED** this 12th day of December 2023.



Mayor George K. Chen

APPROVED AS TO FORM:
PATRICK Q. SULLIVAN, City Attorney



Tatia Y. Strader, Assistant City Attorney

ATTEST:



Rebecca Poirier, MMC, City Clerk


TORRANCE CITY COUNCIL ORDINANCE NO. 3927

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Rebecca Poirier, City Clerk of the City of Torrance, California, do hereby certify that the foregoing Ordinance was duly introduced and approved by the City Council of the City of Torrance at a regular meeting held on the 28th day of November 2023 and adopted and passed by said Council at a regular meeting held on the 12th day of December 2023 by the following roll call vote:

AYES:	COUNCILMEMBERS	Griffiths, Kaji, Mattucci, and Sheikh.
NOES:	COUNCILMEMBERS	Mayor Chen.
ABSTAIN:	COUNCILMEMBERS	Lewis.
RECUSED:	COUNCILMEMBERS	Kalani
ABSENT:	COUNCILMEMBERS	None.

Date: 12/18/23



Rebecca Poirier, MMC
City Clerk of the City of Torrance