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6 ZAMPERINI AIRFIELD PRESERVATION SOCIETY

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

ZAMPERINI AIRFIELD PRESERVATION
SOCIETY, a California unincorporated
association,

Petitioner,

v.

CITY OF TORRANCE, a California municipal
corporation and ROES 1 through 100,

Respondents.

CASE NO.:

UNLIMITED JURISDICTION

VERIFIED PETITION FOR WRITS OF:

- (1) ADMINISTRATIVE MANDAMUS
(CCP § 1094.5)**
- (2) TRADITIONAL MANDATE (CCP
§ 1085), OR**
- (3) OTHER EXTRAORDINARY
RELIEF**

[Petitioner's Request to Prepare the Administrative
Record filed concurrently herewith.]

Petitioner ZAMPERINI AIRFIELD PRESERVATION SOCIETY ("ZAPS" or "Petitioner") hereby brings the following Verified Petition for Writs of Administrative Mandamus and Traditional Mandate ("Petition") against Respondent CITY OF TORRANCE ("City" or "Respondent"), and ROES 1 through 100, and allege as follows:

PARTIES

1. Petitioner ZAPS is a California unincorporated association whose members include individuals residing in the City of Torrance who fly airplanes, helicopters, and/or jets from and to Torrance Municipal Airport. ZAPS brings this action on its own behalf and on behalf of the public utilizing the Torrance Municipal Airport. Members of ZAPS have a beneficial interest in this action

because the City's ban of touch and goes, stop and go, taxi-backs, and low approaches affect the members directly as being subject to these bans under Ordinance No. 3930 and its implementing of Torrance Municipal Code sections 51.5.1 through 51.5.7.

2. Respondent City is now, and at all relevant times mentioned herein, a California municipal corporation, a charter city, located in the County Los Angeles and the owner of Torrance Municipal Airport.

3. Respondents 1 through 100 inclusive, whether individual, corporate, associate, or otherwise, are fictitious names of Respondents whose true names and capacities are, at this time, unknown to Petitioner. Petitioner alleges that at all times herein mentioned, each of the Respondents sued herein as ROE was acting for himself/herself, or itself as an agent, servant, and employee of his/her or its co-respondents, and in doing the things hereinafter alleged, was acting within the scope of authority as that agent, servant and employee and with the knowledge, permission and/or consent of his/her or its co-respondents, and each of those factiously named respondents, whether acting for himself/herself or itself or as an agent, corporation, association, or otherwise, is in some way liable or responsible to Petitioner. At the time as Respondents' true names become known to them, Petitioner will seek leave to amend its Petition to insert those Respondents' true names. Reference herein to Respondents, without any other limitation, shall include both the specifically named and fictitiously named Respondents.

VENUE AND JURISDICTION

4. Venue is proper in this Court per Code of Civil Procedure section 395(a) as the acts and omissions complained of herein occurred, and the property affected by those acts is located in Los Angeles County.

5. This Court has subject matter jurisdiction over this matter, pursuant to Code of Civil Procedure sections 1085 and 1094.5. ZAPS is an aggrieved person, as a person who itself or through a representative, appeared at the public hearings of the City Council and objected to the City's adoption and passage of Ordinance No. 3930 ("Touch & Go Ordinance") and promulgation of its implementing Torrance Municipal Code sections 51.5.1 through 51.5.7.

6. This Court has personal jurisdiction over each party in this action because each of them

1 is either organized under the laws of the State of California, incorporated in, and/or qualified to
2 conduct business, or conducting business, in the State of California and the County of Los Angeles.

3 7. The real property which is the subject of this Petition is located at and commonly
4 known as Zamperini Field or Torrance Municipal Airport with the International Civil Aviation
5 Organization (“ICAO”) identifier of KTOA.

6 8. This action is commenced within the time limits imposed for this action under Code of
7 Civil Procedure sections 1085 and 1094.5. Further, ZAPS exhausted all available legal remedies prior
8 to filing this Petition.

9 9. An ordinance is a legislative act that is reviewable by writ of mandate. (*Yes in My Back*
10 *Yard. v. City of Culver City* (2023) 96 Cal.App.5th 1103, 1112-13.)

11 10. In accordance with Code of Civil Procedure section 1094.6(c), ZAPS has concurrently
12 filed a request for City to prepare the administrative record.

13 TORRANCE MUNICIPAL AIRPORT

14 11. On March 5, 1948, the United States executed a Quitclaim Deed to City for a portion
15 of the Torrance Municipal Airport, which was commonly referred to as the Lomita Flight Strip
16 (“Airport”). As part of this Quitclaim Deed, City was required to not “limit its usefulness as an
17 airport.”

18 12. ZAPS is informed and believes, based on its review of publicly recorded documents
19 and publicly available correspondence obtained via the Freedom of Information Act, that on March
20 22, 1956, the United States and the City entered into a deed conveying the “lands or interests in lands”
21 upon which the Airport sits to the City, on the condition that the City “will maintain the project
22 constructed thereon,” i.e., as the Federal Aviation Administration has interpreted (in, e.g. an April 7,
23 2004 letter from Mark McClardy, Manager, Airports Division, FAA, “coordinated with the Airports
24 Division and the Office of the Regional counsel at the FAA Western-Pacific Region, and the Office
25 of Airports and the Office of the Chief Counsel at Headquarters”), that the City maintain the Airport
26 as an airport. This deed was accepted by a resolution approved by the then Mayor of the City on May
27 1, 1956.

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ZAPS'S OPERATIONS AT THE AIRPORT

13. ZAPS has many Airport user members, many of whom have aircraft that are subject to the Touch & Go Ordinance and Torrance Municipal Code sections 51.5.1 through 51.5.7.

CITY'S MULTIPRONG ATTACK ON FLYING AIRCRAFT

14. The City has unleashed a multiprong attack on flying aircraft by imposing a 6-flight school limitation, instituting landings fees, and banning touch and goes, stop and goes, taxi backs, and low approaches. On October 25, 1977, under Subject 10, Airport Noise Ordinance, City Council separately created, approved, and adopted Resolution No. 77-215, a Resolution of the City Council of the City of Torrance Reaffirming a Previously Adopted Policy to Institute a Program of Aircraft Noise Abatement and Directing the City Manager and Other City Officials to Take Certain Steps to Implement Such Program. In the fifth Whereas clause of Resolution No. 77-215, it states, “[T]he volume of flights emanating from Torrance Municipal Airport will be controlled at a level compatible with community tranquility....” Section 1 of Resolution No. 77-215 states, “That it hereby reaffirms the noise abatement policies for the Torrance Municipal Airport which it has previously adopted (supplementary to those polices which are the subject of the noise abatement ordinance), to wit:” Section 1, Item 16 of Resolution No. 77-215 states, “That the number of flight schools on the Airport be limited to six (the number of schools now operating).” (“6-Flight School Limitation.”) Section 1, Item 21 of Resolution No. 77-215 states, “That the City Manager seek alternative training fields for training flights, particularly touch and go and stop and go operations.”

15. In November 1981, City published the Torrance Municipal Airport Aircraft Noise Control and Land Use Compatibility Study (“ANCLUC Report”). On page 1-1 of the ANCLUC Report, it states, “The long history of over 1000 flight operations per day at Torrance Municipal Airport (TOA) has produced conflicts with surrounding residential land uses that were sufficient to cause the City to initiate a comprehensive aircraft noise abatement program.”

16. On December 14, 2021, City Council considered Agenda Item 9H, Community Development – Award Consulting Services Agreement for Airport Noise Monitoring System and Authorize an Additional Environmental Quality Officer. Expenditure: \$627,078 (Non-General Fund). Numerous comments were made complaining about flying aircraft from flight schools.

1 17. On March 29, 2022, City Council considered Agenda Item 9B, Community
2 Development – Accept and File Torrance Municipal Airport (Zamperini Field) Noise Abatement
3 Update. Expenditure: None. During consideration of this Agenda Item, City Council listened to
4 discussions on the Torrance Municipal Code Section 51.2.3(e)'s prohibition on early left turns and the
5 number of flights due to the flight schools at Torrance Municipal Airport. Numerous comments were
6 made complaining about aircraft flying over homes and that something has to be done.

7 18. On November 8, 2022, City Council considered Agenda Item 9I, City Attorney,
8 Community Development, and General Services – Accept and File Torrance Municipal Airport
9 (Zamperini Field) Noise Abatement and Airport Operations Update and Review and Provide Direction
10 on Implementation of Landing Fees. Expenditure: None. During consideration of Item 9I, numerous
11 comments were made complaining about flying aircraft. One commenter said, “The Walteria
12 neighborhood has been bombarded by south training pattern flights from flight schools....” “Torrance
13 should not allow any private flight school to use a public resource for its own benefit while
14 disrespecting the residents who live near that resource and help pay for it through their taxes. The city
15 should either permanently reduce the number of flight schools that can operate out of Torrance
16 Airport...” Another commentor said, “The city should address this issue by incorporating the
17 following enforcement strategies: [¶]...[¶] Restrict the number of training flights, ensuring that they
18 turn at the ocean when making their loops. Currently there are 7 flight training schools at Torrance
19 Airport, which is too many for a municipal airport surrounded by so many residential tracts. There are
20 only two flight training schools each at the Hawthorne and Santa Monica Airports.” Further, Ms.
21 Ramirez gave a staff presentation on Item 9I, in which she said the number of repetitive flights over
22 surrounding neighborhoods has increased, commenting: “An additional tool to curb the number of
23 repetitive flights would be the implementation of landing fees.” Ms. Ramirez also stated, “This is
24 such an increase of touch-and-go landings and pattern work that has increased not only the amount of
25 operations but repetitive flights over surrounding neighborhoods which can be a nuisance to the
26 residents. Council member Lewis stated: “So I am in 110 percent in support of trying to figure out a
27 viable solution if that is landing fees or....” Council member Griffiths agreed: “Again, there are fee
28 for landing fees that should be a no-brainer.” An unidentified speaker stated, “I live north of the airport

1 and like many others, I work fully from home and the low flying planes are loud, nonstop from
2 morning to evening. The touch-and-go flying above makes it near impossible to enjoy my home.”

3 19. Now driven by the residents’ complaints and City Council’s hostility to flying aircraft,
4 City Council embarked on a campaign to severely limit aircraft flying overhead. This hostility has
5 come to a feverous pitch when City Council decided to take a number of actions to curb flying aircraft
6 under City Council Agenda Item 9A, Transportation Committee - Accept and File April 12, 2023
7 Meeting Minutes and Provide Direction Regarding Airport Landing Fees, Air Noise Mitigation
8 Efforts, and Phase Out of Leaded Gas. Expenditure: None on July 25, 2023. The Staff Report for
9 Item 9A stated, “The two general issues with noise impacts on the communities surrounding Torrance
10 Airport are the high frequency of flights generated by flight schools, and the low flight altitude of
11 aircraft turning to the southwest over noise-sensitive neighborhoods immediately after takeoff.” Paul
12 and Mary Livio emailed, “We have lived in Torrance over 40 years and have noticed a marked increase
13 in airplane and helicopter noise over our area hear near Hickory Elementary.” Monique Tippie
14 emailed, “Friday still non stop not that the school is flying over Lomita residents the schools is doing
15 their touch and go till 9:30 pm[.]” During the course of considering Agenda Item 9A, numerous
16 comments were made about noise from flying aircraft. “It is not uncommon to receive complaints of
17 low-flying noisy aircraft west of Anza Avenue and Pacific Coast Highway.” “You know less people
18 are going to want to fly and quite honestly I think that’s really the end goal is to reduce the amount of
19 traffic over our skies.” “A lot of the email complaints that we get is are people that are doing those
20 constant circles over people’s houses.” “The loud noise and frequency of planes is intolerable, I can
21 no longer enjoy my home or yard without constant revving of engines flying low overhead at time
22 them plane going over every minute.” “It would eliminate a ton of noise over all of our HOA area
23 when the pilots miss that they kind of cut right over our neighborhood and that’s what we’re getting
24 this really low you know flying noise.” “Nonstop fly [ing] needs to stop.” “Hopefully, we will be
25 able to hear a little bit without a whole of airplane noise flying overhead.” The reason for the landing
26 fees and the action being considered was to regulate and limit flying aircraft. “The Transportation
27 Committee (Committee) met on December 14, 2022 and April 12, 2023 to receive input and provide
28 direction regarding concerns about the Torrance Municipal Airport - Zamperini Field (Airport). Items

1 discussed were options for reduction of aircraft operations and noise[.]” And, “Discussion from both
2 Torrance residents and the aviation community was heard, each with proposals and feedback as **how**
3 **to best mitigate the noise and frequency of flights in the areas surrounding the Airport.**” (Emph.
4 added.) During public comment on Item 9A, Jim Gates, an officer and member of Torrance Airport
5 Association, Christy Haworth, Michael Calabrese, Lee Unger, Anne Minder, Marilyn McPoland,
6 Richard Smith, Richard Shaw, Marianne Wightman, Eric Hansen, Ronald K. Williams, Oded
7 Yossifor, Lon Sobel, Linda Abrams, Walter Tondu, Venessa Gibson, Emilio H. Morales, Gorge
8 Cohen, Scott Osborn, Betty Taylor, Brandon Mercade, Stephen D. Nordel, Eric Roth, and others
9 objected that landing fees are the answer to reducing flying aircraft.

10 20. Also, during City Council’s consideration of Agenda Item 9A on July 25, 2023,
11 Council member Mattucci stated, “On December 14, 2022, and April 12, 2023, the Transportation
12 Committee met to receive input and provide direction regarding concerns about the Torrance
13 Municipal Airport - Zamperini Field. Items to discuss were operation for reduction of aircraft
14 operations and noise, including the limitation and revision of runways, enforcement of early left turn
15 violations, and the commissioning of a noise study to potentially expand the existing noise monitoring
16 system. Additional topics include the implementation of landing fees and the development of a
17 voluntary letter of agreement between the Torrance based six fixed-wing flight operations and the City
18 of Torrance. Discussion from both Torrance residents and the aviation community was heard, each
19 with proposals and feedback as to how best mitigate the noise and frequency of flights in the area
20 surrounding the airport.” Council member Mattucci also stated, “But banning touch and goes might
21 be a way to at least alleviate some of that traffic over peoples’ house....” Council member Sheikh
22 stated, “So even with the landing fee, I mean, that’s a deterrent, but there is no promise that it would
23 reduce the noise level.” Council member Sheikh also asked a commenter whether landing fees would
24 reduce noise pollution, to which the commenter replied, “Yes, sir.” Council member Mattucci further
25 stated, “So on Item 209 A [sic], approve implementation of landing fees. I’m a big supporter of
26 landing fees.” He went on to say, “And quite honestly, I think that’s the end goal, to reduce the amount
27 of traffic over our skies.” Mr. Lacaria stated, “There are numerous planes that are constantly flying
28 low over homes, circling. We can’t converse in our homes, and it’s really an intolerable situation.

1 There's a lot of solutions. I support COTAR's recommendation of eliminating touch and go landings.”
2 (Transcript, pp. 83:22 - 84:1.) An unidentified speaker said, “I live north of the airport and those under
3 the north path are still suffering from oversaturation due to constant touch and goes.” (*Id.* p. 86:7-10.)

4 21. On July 25, 2023, also during the proceedings on City Council Agenda Item 9A, a
5 motion was made and carried to modify the hours and days for allowed touch and goes.

6 22. On September 12, 2023, City Council considered Agenda Item 9F, City Manager and
7 City Attorney – Reconsideration of a Council Action Not to Ban Touch and Goes at Torrance
8 Municipal Airport – Zamperini Field. Expenditure: None. Numerous written comments were made
9 complaining about flying aircraft. Sara Hwang Slim emailed, “I have been noticing an increase in the
10 number of aircraft flying over our community, and the noise is getting really frustrating. [] I've
11 attached a snapshot of 1 aircraft...performed multiple rounds of touch-and-goes until 6:30pm and 2
12 rounds where the pilot flew about 855 feet above my neighborhood on Tuesday, 9/5.” Dave Roelen
13 emailed, “We Torrance residents live here and are constantly and negatively impacted by low
14 repetitious noisy flights.... Bring the Touch-and-Go issue back before the City Council and
15 permanently solve this worsening problem.” COTAR wrote, “The Coalition for Torrance Airport
16 Reform (COTAR) commends the Council for the actions at its July 25 meeting to protect residents
17 from the impact of excessive flight training operations....” Paula Johnson emailed, “I am a
18 homeowner on Paseo de las Tortugas and the noise of the touch and goes and flights coming over my
19 property continues to be out of control. [] I cannot use my backyard most days.” The Aircraft Owners
20 and Pilots Association wrote, “[P]rohibiting touch-and-goes cannot be done to control noise from
21 aircraft in flight.” Cindy Ramage emailed, “I live right over ‘their’ path and they aren’t using Lomita
22 Blvd. They come right over me and I live right behind south high.” Duncan Gambe emailed,
23 “Interesting to note that if you ask any person from any of the affected areas about the big increase in
24 repetitive, low flying planes and they will all ask: How was this allowed to happen?”

25 23. On October 17, 2023, City Council considered Agenda Item 9G, City Manager and
26 City Attorney – City Council Consideration of a Ban on Touch and Goes at Torrance Municipal
27 Airport – Zamperini Field. Expenditure: None. The staff report contained the staff report for Item 9A
28 from the City Council’s July 25, 2023 meeting, as Attachment B, which reads, “The two general issues

1 with noise impacts on the communities surrounding Torrance Airport are the high frequency of flights
2 generated by flight schools, and the low flight altitude of aircraft turning to the southwest over noise-
3 sensitive neighborhoods immediately after takeoff.” On October 9, 2023, Paul and Mary Livio
4 emailed, “We have lived in Torrance over 40 years and have noticed a marked increase in airplane
5 and helicopter noise over our area hear near Hickory Elementary.” On September 29, 2023, Monique
6 Tippie emailed, “Friday still non stop not that the school is flying over Lomita residents the schools is
7 doing their touch and go till 9:30 pm[.]” Charmaine Uemura emailed, “At this point, I feel selfish to
8 say that we should no longer allow touchdowns at all. There are days I have a plane circling my home
9 every 2-4 minutes and it is extremely loud.” Stuart Ross emailed, “I live on [redacted] St and Madison,
10 The touch and goes are constantly using this intersection as a turning point and climbing point. . . My
11 neighbors and I have to pause our conversation while these planes fly overhead and it destroys the
12 value of the neighborhood. This is not an acceptable solution. There needs to be very limited touch
13 and goes or no touch and goes. Vote Yes on Banning Touch and Goes.” Dave Roelen emailed, “Today
14 was another dangerous day of low and noisy student pilot practice flights over Torrance homes, over
15 and over and over! [¶] You must help Torrance citizens and permanently stop all touch-and-go
16 practice flights at Torrance Airport.” Jim Montgomery emailed, “As a side note, as I type this, a noisy
17 aircraft is flying overhead. [¶] . . . [¶] ps. And yet another one. In the time it took to type this request,
18 three aircraft noisily flying by our house. Please vote to ban touch and gos.” Monique Tippie emailed,
19 “As a resident of Torrance over 40 years I don’t remember planes flying over my house especially the
20 north take off being bombarded by low flying planes and the noise and I have written many letters to
21 invite any councils to sit with me for one day in my backyard and let the city there knows is problems
22 the in air.” Ms. Spatze commented, “I would like to encourage the city council to ban all touch and
23 go exercises at the Torrance Airport. While touch and goes may be a convenient but not necessary
24 time-saving maneuver for pilots, the repetitive looping of touch and goes over surrounding residential
25 neighborhoods should not be tolerated.” Ms. Brunetti stated, “The touch and go training flights mean
26 low-flying student pilots repeatedly circling over Torrance neighborhoods and schools.” Numerous
27 comments were made complaining about flying aircraft.

28 24. On November 28, 2023, City Council conducted a public hearing and the first reading

1 of the “Landing Fees Ordinance” under Agenda Item 10B and approved the Landing Fees Ordinance.
2 Sue LaVaccare emailed, “The majority of Torrance airport users are not Torrance residents, so do not
3 suffer the multiple negative consequences of the unregulated and high-volume aircraft traffic over
4 homes and schools.” Monique Tippie emailed, “To all councils. Please as residents of Torrance over
5 40 years and very much affected with this touch and go and the flight schools flying lower and
6 lower....” Scott Aitchison emailed, “Please minimize noise by reducing flights over New Horizons. I
7 hear same plane go by 4-8 times 5 minutes apart. It goes in circles with others 1 minute behind. Some
8 start at 8 am. Some fly very low and loud. I'm 67 I vote every election. I'm sensitive I have Lupus.
9 Please support flight [plane emoji] reduction doing circles Thank you Scott Aitchison.” Dave Roelen
10 emailed, “And aircraft noise over our residences makes no distinction of aircraft weight or aircraft
11 class ... noise is noise!” Elisabeth Kanyer emailed, “What is the plan for regulating these dangerous
12 groups flying too low disrupting our lives....” Mr. Broen commented, “There is not a person in this
13 room that believes the reason for landing fees is for money.”

14 25. On December 12, 2023, City Council conducted the second reading of the Landing
15 Fees Ordinance and adopted and passed it as Ordinance No. 3927 under Agenda Item 12B. This action
16 amended Torrance Municipal Code sections 51.2.30, “Definition of Revenue Operations” and 51.2.31,
17 “Fee for Revenue Operations,” and repealed section 51.2.32, “Refusal for Clearance.”

18 26. On January 23, 2024, the Touch & Go Ordinance was introduced and approved by City
19 Council under Agenda Item 9H. Janet Katz emailed, “In Torrance, these repetitive take-offs and
20 landings are at low altitudes while taking off over two baseball fields, parks full of children, schools
21 in session, and neighborhoods of homes and apartments, as well as landing over homes and shopping
22 centers.” A commenter complained about flying aircraft, “When weather allows, Sling’s repetitive
23 training and touch and go training flights hover over our neighborhoods over 30, 40, 50 times an
24 hour....”

25 27. On February 1, 2024, the Landing Fee Ordinance went into effect.

26 28. On February 6, 2024, City Council adopted and passed the Touch & Go Ordinance,
27 also known as, Ordinance No. 3930, An Ordinance of the City Council of the City of Torrance,
28 California, Amending Article 5 “Touch (and Stop) and Go, Full Stop-Taxi Back and Low Approaches”

1 of Chapter 1, Division 5 of the Torrance Municipal Code under Item 12A. Thereafter, City
2 promulgated Torrance Municipal Code sections 51.5.1 through 51.5.7 to implement Ordinance No.
3 3930.

4 **THE TOUCH & GO ORDINANCE IS PREEMPTED BY FEDERAL LAW**

5 29. City regulation of flying aircraft is additionally preempted by federal law. As an
6 overarching matter, the regulation of aircraft flight rests solely with the Federal Aviation
7 Administration (“FAA”). Per Title 49 United States Code section 40103(a)(1), “The US Government
8 has exclusive sovereignty of airspace of the United States.” This means that any attempt by City to
9 regulate the airspace above Torrance or the Airport has been preempted. This includes the regulation
10 of flights.

11 30. Both in 2020 and 2022, the FAA repeatedly told City it cannot regulate flight; only the
12 FAA can. In a letter dated February 18, 2020, to the Torrance Airport Association, the FAA stated,
13 “Congress has long vested the FAA with authority to regulate the areas of airspace use, management
14 and efficiency; air traffic control; safety; navigational facilities; and aircraft noise at its source.” In
15 response to a question about Torrance Municipal Code section 5.2.3(e), which prohibits aircraft from
16 turning left until it has reached the ocean or attained an altitude of fifteen hundred (1,500) feet, the
17 FAA readily struck it down explaining:

18 “Because the Torrance code provision applies to aircraft in flight, it is not consistent
19 with the Federal statutory and regulatory framework described above. Enforcement of
20 the provision would be at odds with various court opinions. As noted, state and local
21 governments lack the authority to regulate airspace use, management and efficiency;
22 air traffic control; and aircraft noise at its source. Federal courts have found that a
23 navigable airspace free from inconsistent state and local restrictions is essential to the
24 maintenance of a safe and sound air transportation system.”

25 31. In response, by letter dated August 16, 2021, and then through its attorneys on
26 September 20, 2022, City asked the FAA if the early left turn prohibition was grandfathered. The
27 FAA said no.

28 32. On April 12, 2023, the City’s Transportation Committee was presented with options to
29 provide direction on reducing allowable flights. One of those options was to impose landing fees.

30. On information and belief, ZAPS thereon alleges that Ordinance No. 3930 and

1 Torrance Municipal Code sections 51.5.1 through 51.5.7 were adopted for the improper purpose of
2 limit or preventing aircraft using the Airport from flying over nearby neighborhoods. Regulating
3 flying aircraft is clearly preempted by Federal Law.

4 34. On information and belief, ZAPS thereon alleges that the City's imposition of the 6-
5 flight school limitation, imposition of landing fees, and banning of touch and goes, stop and goes, taxi
6 backs, and low approaches directly and indirectly regulate flying aircraft in the National Air Space,
7 modify the use of the National Air Space without the FAA's consent or approval, and create flight
8 restrictions that can cause dangerous conditions by forcing pilots to choose between violating
9 Ordinance No. 3930 and Torrance Municipal Code sections 51.5.1 through 51.5.7, or engaging in
10 dangerous actions trying to avoid violating Ordinance No. 3930 and Torrance Municipal Code sections
11 51.5.1 through 51.5.7.

12 35. On information and belief, ZAPS thereon alleges that Ordinance No. 3930 and
13 Torrance Municipal Code sections 51.5.1 through 51.5.7 have the effect of regulating aviation safety
14 by uniformly banning low approaches and go arounds, which are typically used to ameliorate an
15 inflight emergency.

16 36. The Federal Aviation Act (49 U.S.C., § 40101 et seq.) ("Federal Aviation Act") and
17 the regulations (*see* 49 U.S.C., § 106) promulgated thereunder have preempted the entire field of
18 aviation safety, which nullifies the conflicting Ordinance No. 3930 and Torrance Municipal Code
19 sections 51.5.1 through 51.5.7.

20 37. On information and belief, ZAPS thereon alleges that Ordinance No. 3930 and
21 Torrance Municipal Code sections 51.5.1 through 51.5.7. impermissibly legislate in a field that is
22 preempted by Federal Law, including the Federal Aviation Act and the regulations (*see* 49 U.S.C., §
23 106) promulgated thereunder.

24 38. On information and belief, ZAPS thereon alleges that Ordinance No. 3930 and
25 Torrance Municipal Code sections 51.5.1 through 51.5.7 are preempted because it conflicts with
26 Federal Law, including the Federal Aviation Act and the regulations promulgated thereunder.

27 39. On information and belief, ZAPS thereon alleges that Ordinance No. 3930 and
28 Torrance Municipal Code sections 51.5.1 through 51.5.7 are expressly and impliedly preempted by

1 the Airport Noise and Capacity Act of 1990 (49 U.S.C., § 47521 et seq.) (“ANCA”) for covered jet
2 and turboprop aircraft and helicopters.

3 40. ANCA prohibits airports from adopting direct or indirect restrictions on operations by
4 aircraft that have a stage 2, stage 3, or higher stage rating (i.e., a measurement of its noise emissions),
5 absent compliance with 14 C.F.R. Part 161, which requires FAA review – and in most cases,
6 affirmative FAA approval – of those restrictions. (49 U.S.C., § 47524.)

7 41. To implement an access restriction which would impact aircraft within the scope of
8 ANCA (i.e., a prohibition on touch-and-go, low approach, and other operations which apply to the
9 stage-rated aircraft operated by Petitioner’s members), among other requirements the airport must
10 conduct a study which addresses six conditions pursuant to Title 14, Code of Federal Regulations
11 (“C.F.R.”) section 161.305, which requires: (i) that the restriction is reasonable, nonarbitrary, and
12 nondiscriminatory; (ii) the restriction does not create an undue burden on interstate or foreign
13 commerce; (iii) the restriction maintains safe and efficient use of the navigable airspace; (iv) the
14 restriction does not conflict with any existing federal statute or regulation; (v) there has been adequate
15 opportunity for public comment on the proposed restriction; and (vi) the restriction does not create an
16 undue burden on the national aviation system; submit the study to the FAA pursuant to 14 C.F.R. §
17 161.311; and obtain affirmative approval of the restriction from the FAA pursuant to 14 C.F.R. §
18 161.313. On information and belief, ZAPS thereon alleges that the City has not made any effort to
19 obtain, and has not obtained, FAA’s review or approval of Ordinance No. 3930 and Torrance
20 Municipal Code sections 51.5.1 through 51.5.7, as required by ANCA for covered stage-rated aircraft.

21 42. Ordinance No. 3930 and Torrance Municipal Code sections 51.5.1 through 51.5.7 are
22 noncompliant and directly conflict with ANCA.

23 43. One member of Petitioner operates a Saab 340 aircraft, which has a Stage 3 rating from
24 the FAA, and as set forth in the attached declaration, desires to perform touch-and-go operations at
25 the airport, but is prohibited from doing so based on the restrictions at issue, despite their non-
26 compliance with ANCA.

27 44. One member of Petitioner is based at the Airport and operates a SF-50 VisionJet
28 aircraft, which has a Stage 3 rating from the FAA and desires to perform touch-and-go operations at

1 the airport, but is prohibited from doing by Ordinance No. 3930 and Torrance Municipal Code sections
2 51.5.1 through 51.5.7, despite its noncompliance with ANCA.

3 45. As of March 8, 2024, City has imposed Ordinance No. 3930 by amending the Torrance
4 Municipal Code with the addition of Article 5 – “Touch (Stop” and Go, Full Stop-Taxi Back and Low
5 Approaches” of Chapter 1, Division 5 (§§ 51.5.1 through 51.5.7) and is enforcing Ordinance No. 3930
6 and implementing Torrance Municipal Code sections 51.5.1 through 51.5.7 against ZAPS’ members,
7 violating its provisions.

8 **ADOPTION OF TOUCH & GO ORDINANCE WAS ARBITRARY AND CAPRICIOUS**
9 **AND NOT SUPPORTED BY SUBSTANTIAL EVIDENCE**

10 46. Ordinance No. 3930 is in the nature of a zoning ordinance because it bans certain
11 aircraft operations from landing on City property (i.e., the Airport), which is a restriction on the use
12 of property.

13 47. Ordinance No. 3930 was adopted and Torrance Municipal Code sections 51.5.1
14 through 51.5.7 were promulgated with the improper purpose to regulate flying aircraft by limiting
15 flights over neighborhoods around the Airport.

16 48. As a result, the City’s adoption of Ordinance No. 3930 and promulgation Torrance
17 Municipal Code sections 51.5.1 through 51.5.7 were, and are, arbitrary and capricious because the
18 City cannot regulate aircraft flying over neighborhoods.

19 **FIRST CAUSE OF ACTION**

20 **(Writ of Administrative Mandamus pursuant to Code of Civil Procedure section 1094.5 to**
21 **Command City to Vacate Ordinance No. 3930 and Repeal of Torrance Municipal Code**
22 **sections 51.5.1 through 51.5.7.)**

23 **[As Against City and ROES 1 through 100]**

24 49. ZAPS realleges and incorporates by reference each paragraph above and below, as
25 though fully set forth herein.

26 50. ZAPS has a beneficial interest in the outcome of the proceedings because its members
27 are subject to the ban of conducting touch and goes, stop and goes, stop and taxi backs, and low
28 approaches at the Airport as a result of Ordinance No. 3930 and Torrance Municipal Code sections

1 51.5.1 through 51.5.7.

2 51. ZAPS's members, as represented by ZAPS, have a clear, present, and legal right to
3 conduct touch and goes, stop and goes, stop and taxi backs, and low approaches at the Airport.

4 52. ZAPS has exhausted all available administrative remedies required to be pursued by it.

5 53. ZAPS lacks any plain, speedy, and adequate legal remedy to challenge City's decision
6 to ban touch and goes, stop and goes, stop and taxi backs, and low approaches at the Airport imposed
7 by Ordinance No. 3930 and Torrance Municipal Code sections 51.5.1 through 51.5.7 because no
8 provision of Torrance Municipal Code, statute or common law provides a legal cause of action to
9 challenge Ordinance No. 3930 or and Torrance Municipal Code sections 51.5.1 through 51.5.7.

10 54. City's adoption of Ordinance No. 3930 and promulgation of Torrance Municipal Code
11 sections 51.5.1 through 51.5.7 were done for the improper purpose of regulating aircraft flying over
12 neighborhoods that are preempted by the FAA's jurisdiction over the national airspace.

13 55. ZAPS seeks this Court's Judgment and issuance of a peremptory writ ordering City to
14 vacate and repeal Ordinance No. 3930 and Torrance Municipal Code sections 51.5.1 through 51.5.7.

15 **SECOND CAUSE OF ACTION**

16 **(Writ of Traditional Mandate pursuant to Code of Civil Procedure section 1085 to Compel**
17 **City to Vacate Ordinance No. 3930 and Repeal of Torrance Municipal Code sections 51.5.1**
18 **through 51.5.7.)**

19 **[As Against City and ROES 1 through 100]**

20 56. ZAPS realleges and incorporates by reference each paragraph above and below, as
21 though fully set forth herein.

22 57. ZAPS has a beneficial interest in the outcome of the proceedings because it and its
23 members are subject to the ban of touch and goes, stop and goes, stop and taxi backs, and low
24 approaches at the Airport.

25 58. City illegally adopted Ordinance No. 3930 and promulgated Torrance Municipal Code
26 sections 51.5.1 through 51.5.7, which are preempted by Federal Law and the FAA's jurisdiction of the
27 national airspace, and thus, Ordinance No. 3930 and Torrance Municipal Code sections 51.5.1 through
28 51.5.7 are invalid as a matter of law.

1 59. ZAPS has exhausted all available administrative remedies required to be pursued by it.

2 60. ZAPS lacks any plain, speedy, and adequate legal remedy to challenge City and ROES
3 1 through 100's adoption of Ordinance No. 3930, promulgation of Torrance Municipal Code sections
4 51.5.1 through 51.5.7, and their decisions to regulate flying aircraft by banning touch and goes, low
5 approaches, stop and goes, and stop and taxi backs in order to regulate aircraft flying over
6 neighborhoods.

7 61. ZAPS seeks this Court's Judgment and issuance of a peremptory writ ordering City to
8 vacate Ordinance No. 3930 and repeal Torrance Municipal Code sections 51.5.1 through 51.5.7.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, ZAPS respectfully prays for Judgment against Respondents, and each of them,
11 as follows:

12 1. For a writ of administrative mandamus pursuant to Code of Civil Procedure section
13 1094.5 commanding City and ROES 1 through 100 to vacate Ordinance No. 3930 and
14 repeal Torrance Municipal Code sections 51.5.1 through 51.5.7.

15 2. For a writ of traditional mandate pursuant to Code of Civil Procedure section 1085
16 commanding City and ROES 1 through 100 to vacate Ordinance No. 3930 and repeal
17 Torrance Municipal Code sections 51.5.1 through 51.5.7.

18 3. For Petitioner's costs of suit.

19 4. For attorneys' fees pursuant to Code of Civil Procedure sections 1021.5 and 1032
20 and/or other applicable law.

21 5. For such other and future relief as the Court deems just and proper.

22
23 DATED: April 22, 2024

ORBACH HUFF & HENDERSON LLP

24
25 By:



Stan M. Barankiewicz II, Esq.

Attorneys for Petitioner

ZAMPÉRINI AIRFIELD PRESERVATION
SOCIETY

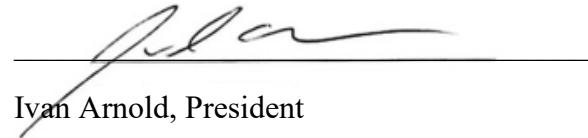
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VERIFICATION

I, the undersigned, declare:

I am the Petitioner in this action. All facts alleged in the above document are true of my own personal knowledge. I have read the above Petition for Writ of Administrative Mandate and Traditional Mandate and know its contents. All facts alleged in the Petition are true of my own personal knowledge.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on April 22, 2024 at Long Beach, California.



Ivan Arnold, President