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David W. Slayton,
Executive Officer/Clerk of Court,
By J. Ballesteros, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

10 Long Beach Small Aircraft Noise Reduction 11 Group,

Case No.: TBD 25LBCP00240

12 Plaintiff,

**VERIFIED PETITION FOR WRIT OF
MANDAMUS**

14 CITY OF LONG BEACH, a public entity;
15 and DOES 1 THROUGH 25, inclusive.

16 || Defendants.

COMES NOW Petitioner Long Beach Small Aircraft Noise Reduction Group, who alleges as follows:

INTRODUCTION

24 1. This Petition for Writ of Mandate is brought under Code of Civil Procedure section
25 1085 by the Long Beach SANeR Group (“Petitioner”), a California nonprofit public benefit
26 corporation, seeking to compel the City of Long Beach (the “City”, “Respondent” or “Long Beach”)
27 to enforce its duly enacted municipal law—Chapter 16.43 of the Long Beach Municipal Code, titled
28 the Airport Noise Compatibility Ordinance (“Noise Ordinance” or “Chapter 16.43”).

1 2. The City has failed to enforce material provisions of the Noise Ordinance relating to
2 General Aviation (“GA”) training operations at Long Beach Airport (“LGB”), resulting in persistent
3 violations, environmental degradation, and deterioration of quality of life for Long Beach residents,
4 including members of the Petitioner.

5 3. The Noise Ordinance is a binding legislative enactment, grandfathered under the
6 Airport Noise and Capacity Act of 1990 (“ANCA”) and enforceable under state law. The City has a
7 ministerial and mandatory duty to enforce its provisions.

8 4. Petitioner seeks issuance of a peremptory writ directing the City to enforce the Noise
9 Ordinance's limitations on the timing and location of training operations and single-event noise
10 exposure (SENEL) restrictions applicable to GA operations.

PARTIES

12 5. At all material times hereto, Petitioner is a California 501(c) nonprofit public benefit
13 corporation organized for the purpose of addressing the environmental and community impacts of
14 GA noise, with its principal place of business in Long Beach, California. Petitioner includes residents
15 of Long Beach and surrounding neighborhoods adversely affected by the City's failure to enforce the
16 Noise Ordinance.

17 6. Petitioner is informed and believes, and based thereon alleges, that at all times
18 material hereto, Respondent CITY OF LONG BEACH is a municipal corporation organized under
19 the laws of the State of California. It owns and operates Long Beach Airport, also known as
20 Daugherty Field (“LGB” or the “Airport”) and is responsible for enforcing Chapter 16.43 of its
21 Municipal Code. (Respondent CITY OF LONG BEACH, and DOES 1-25 are hereafter collectively
22 referred to as “Respondents” or “Defendants”)

23 7. Petitioner is ignorant of the true names and capacities of Respondents sued herein as
24 DOES 1 through 25, inclusive, and therefore sues these Respondents by such fictitious names.
25 Petitioner will amend this Complaint to allege their true names and capacities when ascertained.

26 8. Petitioner is informed and believes, and based thereon alleges, that each of the
27 fictitiously named Respondents is responsible in some manner for the occurrences herein alleged,
28 and that Petitioner's damages as herein alleged were actually and proximately caused by their

1 conduct.

2 9. Petitioner is informed and believes, and based thereon alleges, that at all times
3 material hereto, each Respondents was the agent, servant, authorized representative, spouse,
4 predecessor, successor, co-conspirator, employer and/or employee of each co-defendant, and in doing
5 the things and acts herein alleged, was acting within the course and scope of said relationship(s); and
6 further, that each Respondents has ratified and/or endorsed the acts of each remaining co-defendant.

7 10. Petitioner is informed and believes, and based thereon alleges, that at all times
8 material hereto, each of the entity Respondents are or were affiliated/related entities, were or are
9 conducting said business in Long Beach, California.

10 11. Petitioner is informed and believes, and based thereon alleges, that the personal
11 property assets referred to in this Complaint are physically located in Long Beach, California or
12 elsewhere in the State of California and are in possession of Defendants.

13 **JURISDICTION AND VENUE**

14 12. Jurisdiction is proper under Code of Civil Procedure § 1085 because Petitioner seeks
15 to compel the City to perform a ministerial duty imposed by law.

16 13. Venue lies in this Court under Code of Civil Procedure § 393(b) because the City is a
17 local agency and the acts and omissions at issue occurred within this county.

18 **EXHAUSTION OF REMEDIES**

19 14. Petitioner has no plain, speedy, or adequate remedy in the ordinary course of law.
20 Petitioner has repeatedly brought violations to the City's attention through correspondence and
21 administrative complaints. Despite this, the City has failed to take effective enforcement action.

22 **FACTUAL BACKGROUND**

23 15. Petitioner repeats and realleges each and all of the allegations of paragraphs 1 through
24 14, inclusive, and incorporates those allegations at this place by this reference as though set forth in
25 full.

26 **The Long Beach Airport, also known as Daugherty Field.**

27 16. LGB is a municipally owned and operated airport located in the heart of Long Beach,
28 California. It is surrounded by dense residential neighborhoods whose residents are directly affected

1 by aircraft noise. Figure 1 below shows the densely populated neighborhoods in close proximity to
2 the Airport.

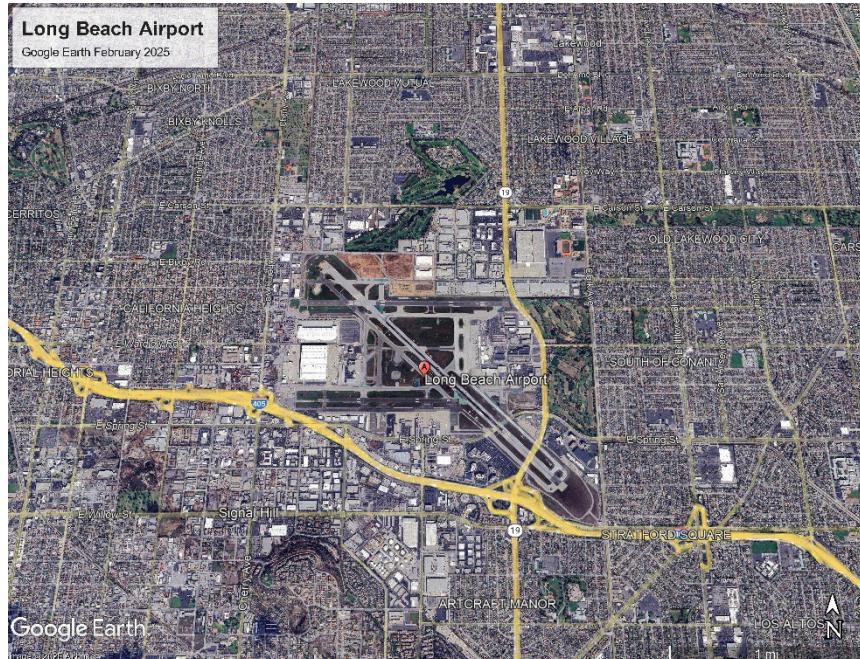


Figure 1 (Source: Google Earth, downloaded May 5, 2025)

15 17. LGB has three runways.

16 a. Runway 12/30 runs from the Southeast corner of the Airport to the Northwest
17 portion of the Airport. It is 10,000 feet long and 200 feet wide. It is the primary
18 runway for commercial and scheduled operations at the Airport.

19 b. Runway 8L/26R runs East to West and is 6,192 feet long and 150 feet wide. It
20 intersects with Runway 12/30 near the Northwest end of Runway 12/30. It is
21 used primarily for GA operations as well as some commercial operations.

22 c. Runway 8R/26L also runs East to West and is 3,918 feet long and 100 feet
23 wide. It is located South of 8L/26R and to the West of Runway 12/30. It is
24 used almost exclusively by GA operations.

25 18. LGB is home to at least six flight schools offering programs for private pilot licenses
26 to commercial and airline transport pilot certifications. In addition, training flights from other airports
27 in the region routinely use LGB for training operations.

28 |||

Noise Regulation at LGB

19. In 1981, the City adopted its first noise control ordinance. Shortly thereafter, years of litigation ensued over the ordinance.

20. Beginning in 1992, to avoid further litigation, the City negotiated a Stipulated Final Judgment, which the Federal district court adopted on May 18, 1995.

21. Among other things, the stipulation provided that the City could enforce Chapter 16.43 – its newly-adopted airport noise regulations. The ordinance approved by the court remains in effect today.

22. Section 16.43.020 defines “Training Operation” as “Touch and Go, Stop and Go, Practice Low Approach, and Practice Missed Approach, *or any of them*. (Ord. C-7320 § 2, 1995).” (emphasis supplied).

23. Section 16.43.030 "Prohibited activities" states: "Training Operations. No Touch and Go, Stop and Go, Practice Low Approach, or VFR Practice Missed Approach shall be conducted at the Airport except between seven a.m. and seven p.m. on weekdays and between eight a.m. and three p.m. on Saturdays, Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day; provided, however, that if any such holiday falls on Saturday or Sunday and, as a result, a holiday is observed on the preceding Friday or succeeding Monday, then such Friday or Monday, as the case may be, shall be considered to be a holiday for purposes of this Section. Except for instrument training, Training Operations shall be conducted only on Runways 25R/7L and 25L/7R."

24. On November 5, 1990, the U.S. Congress passed ANCA. ANCA primarily applies to airports imposing restrictions on “Stage 2” aircraft operations proposed after October 1, 1990, and to airports imposing restrictions on Stage 3 aircraft operations that became effective after October 1, 1990. GA aircraft generally do not meet the definition of either Stage 2 or Stage 3 aircraft.

25. In an April 21, 2003, letter, the Federal Aviation Administration (“FAA”) declared that “Chapter 16.43 represents a ‘new restriction imposed by an airport operator to replace such disallowed restriction, if such new restriction would not prohibit aircraft operations in effect on November 5, 1990 ... Thus, by operation of 49 U.S.C. § 47524(d)(5)(B) and 14 C.F.R. § 161.7(b)(6),

1 Chapter 16.43 is exempted ..." from ANCA.

2 **Petitioner's Complaints Unheeded**

3 26. Petitioner has repeatedly complained to the City and the Airport regarding training
4 operations taking place outside of the hours allowed under Chapter 16.43, specifically Chapter
5 16.43.030.A.

6 27. Despite Petitioner's complaints, the City and Airport have allowed training operations
7 to occur during prohibited hours, causing significant noise disturbances to the residents of Long
8 Beach, and the members of the Petitioner organization.

9 28. Training operations in violation of Chapter 16.43 occur almost every day. For
10 example, between January 1, 2024, and June 30, 2024, 2,736 training operations occurred between
11 7:00 p.m. and 7:00 a.m. on weekdays. Exhibit 1. In addition, 2,883 operations occurred between 3:00
12 p.m. and 8:00 a.m. on Saturdays, Sundays, or specified holidays mentioned in the ordinance. Exhibit
13 1.

14 29. Upon information and belief, as a direct result of increased regulatory burdens and
15 heightened operational fees imposed at neighboring airports, including Torrance Airport (Zamperini
16 Field), Hawthorne Municipal Airport, and Santa Monica Airport, flight training operations have been
17 displaced and redirected to Long Beach Airport (LGB). These restrictive measures have rendered
18 those airports less viable for flight training providers, thereby incentivizing such operations to
19 relocate to LGB. Consequently, this regional shift has substantially increased the volume of flight
20 training activities at Long Beach Airport, amplifying its operational impact on the surrounding
21 community.

22 30. For example, at Torrance Airport (Zamperini Field) the airport all touch-and-go
23 operations are banned, and taxi-back and low approaches are restricted to 10:00 a.m. – 4:00 p.m.
24 Monday through Friday. [https://www.torranceca.gov/government/city-departments/general-
25 services/torrance-airport/noise-abatement-information](https://www.torranceca.gov/government/city-departments/general-services/torrance-airport/noise-abatement-information) (last accessed on May 22, 2025).

26 31. The Airport's own 2023 GA report confirms the rapid increase in GA operations, and
27 the use of Runways 26L/8R and 26R/8L, which have been designated for training, has increased
28 sharply. These training operations are audibly and visibly disruptive to thousands of residents.

1 32. Most operations are conducted by for-profit flight schools that treat LGB as a training
2 hub. These flight schools often conduct back-to-back takeoffs and landings outside the lawful hours
3 under the guise of “taxi back” operations.

4 33. The City-issued reports confirm the “taxi back” operations, and FAA radar tracks
5 reviewed by Petitioner show these repeat circuits often occur in patterns identical to touch-and-go
6 maneuvers.

7 34. The City has taken the position that unless a maneuver is specifically labeled as one
8 of the enumerated training types in Chapter 16.43, it is not subject to the ordinance. This view is
9 contrary to the plain meaning, legislative history, and administrative interpretation of the ordinance.

35. Evidence, including the City's own Community Guide to Aircraft Noise, pilot syllabi, FAA Advisory Circular 90-66B, and the Noise Abatement Lesson Plan used by local flight schools, confirm that taxi-back circuits are functionally indistinguishable from touch-and-go training.

Aircraft Noise Is a Public Health Concern

36. Extensive scientific and governmental research has shown that aircraft noise has
serious adverse health effects and is a public health issue that needs to be addressed.

16 37. The FAA's Neighborhood Environmental Survey (2021) concluded that a substantial
17 proportion of the population experiences significant annoyance from aircraft noise at levels below
18 the traditional 65 DNL threshold. The survey found that over 63% of subjects exposed to 65 dB DNL
19 were highly annoyed—a rate more than double that used in earlier FAA models (FAA Neighborhood
20 Environmental Survey, Jan. 2021, DOT/FAA/AEE/2021-01).

38. The FAA's own policy documents acknowledge that community noise exposure has quantifiable economic and health impacts, and that CNEL and DNL metrics alone underrepresent actual human annoyance and harm (FAA Order 1050.1F, App. B, and FAA Environmental Review Manual).

25 39. Peer-reviewed studies, including Basner et al., 2014 (BMJ 348:g3071), and EEA
26 Technical Report No. 11/2010, have linked nighttime noise exposure to increased risks of
27 hypertension, myocardial infarction, and cognitive decline.

28 40. The U.S. Environmental Protection Agency has determined that continuous exposure

1 above 55 dB outdoors or 45 dB indoors leads to adverse public health effects, including sleep
2 disruption and elevated stress hormone levels. (EPA, "Information on Levels of Environmental Noise
3 Requisite to Protect Public Health and Welfare," March 1974)

4 41. The World Health Organization's Environmental Noise Guidelines for the European
5 Region found strong evidence that transportation noise contributes to cardiovascular disease,
6 cognitive impairment in children, sleep disturbance, tinnitus, and mental health symptoms. The WHO
7 recommended an annual average of no more than 45 dB DNL for aircraft noise exposure (World
8 Health Organization, 2018, ISBN 9789289053563).

9 42. Real estate market analyses published in the Journal of Real Estate Finance and
10 Economics and studies from the Harvard School of Public Health have shown that residential
11 property values near airports subject to aviation noise decline between 7% and 15%, depending on
12 noise levels, frequency, and duration (Espey & Lopez, 2000; Nelson, 2004; Chay & Greenstone,
13 2005).

14 43. Petitioner's members have documented violations and submitted these to the City. The
15 City has failed to act or issue fines, has declined to use its alternative enforcement mechanisms, and
16 continues to shield violators from accountability.

17 44. The City maintains a Noise and Operations Monitoring System (ANOMS) capable of
18 identifying individual operations, yet continues not to pursue clear ordinance violations.

19 45. The City claims that Chapter 16.43.030.A cannot be changed to include "taxi back"
20 operations without losing the "grandfather" status of the entire Chapter 16.43. However, no
21 amendment to Chapter 16.43 is necessary. The definition of "training operation" in Chapter 16.43
22 includes "Touch-and-Go, Stop and Go, Practice Low Approach, and Practice Missed Approach
23 Operation, or *any of them*," indicating that the "taxi back" operations are indeed training operations
24 and should be subject to the curfew hours.

25 46. Moreover, the City and Airport have previously interpreted Chapter 16.43.030.A to
26 apply to *all* training operations, as evidenced by their "Community Guide to Aircraft Noise" (p.6),
27 and the Long Beach Airport Association's "History of LGB's Noise Compatibility Ordinance" (p.2).
28 These documents are attached as Exhibits 2 and 3 this Complaint.

1 47. The noise from these training operations has caused Petitioner's members emotional
2 distress, loss of property value, and sleep loss, which has resulted in a diminished quality of life.

3 48. The City's refusal to enforce Chapter 16.43 has rendered the ordinance ineffective,
4 violated Petitioner's members' rights, and constitutes an abdication of the City's nondiscretionary
5 ministerial duty.

FIRST CAUSE OF ACTION FOR WRIT OF MANDAMUS

(Against City of Long Beach)

8 49. Petitioner realleges the allegations contained in paragraphs 1 through 46 as though
9 fully set forth herein.

50. A writ of mandate is available under California Code of Civil Procedure (“CCP”) section 1085 to compel the performance of an act which the law specially enjoins as a duty resulting from an office, trust, or station, or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled, and from which the party is unlawfully precluded by that inferior tribunal, corporation, board, or person.

15 51. At all times relevant herein, Respondents had a clear, present, and ministerial duty to
16 enforce the noise ordinance as stipulated in Long Beach Municipal Code Chapter 16.43, specifically
17 Chapter 16.43.030.A, which prohibits training operations between 7:00 PM and 7:00 AM during the
18 week and between 3:00 PM and 8:00 AM on Saturdays, Sundays, and major holidays.

19 52. Mandate lies to enforce a nondiscretionary duty to act on the part of a court, an
20 administrative agency, or officers of a corporate or administrative agency. *Hendrix v. Sup. Ct* (2011)
21 191 Cal. App. 4th 889, 893. Respondents have a nondiscretionary duty to enforce the noise ordinance
22 and prevent training operations from occurring during prohibited hours to protect the public health.

23 53. Respondents' failure to enforce the ordinance constitutes an abuse of discretion. An
24 abuse of discretion remediable by mandate may consist of a misinterpretation of a statute or case law,
25 or an improper ruling under the particular facts.

26 54. Respondents have narrowly defined prohibited activities, excluding “taxi-back”
27 operations from the definition of training operations, despite their clear inclusion under the ordinance.
28 This misinterpretation of the ordinance constitutes an abuse of discretion.

1 55. The noise from these training operations has caused Petitioner's members emotional
2 distress, loss of property value, and sleep loss, resulting in a diminished quality of life. Mandate will
3 lie where it appears discretion could be exercised in only one way. *San Diego Gas & Elec. Co. v.*
4 *Sup.Ct.* (2007) 146 Cal.App.4th 1545, 1549.

5 56. Petitioner has no other plain, speedy, or adequate remedy to compel Respondents to
6 enforce the noise ordinance and prevent training operations during prohibited hours. Mandate will
7 issue only if it appears that there is no other adequate remedy at law and that the petitioner will suffer
8 irreparable injury if the writ is not granted. CCP Section 1086; *Omaha Indemnity Co. v. Sup.Ct.*
9 (Greinke) (1989) 209 Cal.App.3d 1266, 1274-1275.

10 57. Petitioner has a beneficial interest in the outcome of this proceeding in that
11 Respondents have illegally and improperly deprived Petitioner and Petitioner's members of their
12 statutory and constitutional rights to a quiet and peaceful environment and diminished the value of
13 their property.

14 58. The decision of Respondents to allow training operations during prohibited hours is
15 invalid, as it violated Petitioner's rights by failing to enforce the noise ordinance, constituting a
16 prejudicial abuse of discretion by failing to proceed in the manner required by law and by rendering
17 and relying on a decision which is not supported by law, and where the evidentiary findings are not
18 supported by the evidence.

PRAYER FOR RELIEF

20 WHEREFORE, Petitioner prays for judgment against Defendants, and each of them, as
21 follows:

22 1. For the issuance of a peremptory writ of mandate commanding the City of Long Beach
23 to enforce Chapter 16.43 against all training operations, including taxi-back operations,
24 during the prohibited hours.

25 2. For a declaration that taxi-back operations fall within the definition of “training
26 operations” under Chapter 16.43;

27 3. For injunctive relief prohibiting the City of Long Beach from authorizing or tolerating
28 training operations that violate Chapter 16.43;

1 4. For attorney's fees under Code of Civil Procedure § 1021.5.
2 5. For the costs of suit herein; and
3 6. For such other and further relief as the Court deems just and proper.

4

5 Dated: May 30, 2025

LEECH TISHMAN NELSON HARDIMAN, INC.

6 By:

7 */s/ Steven M. Taber* _____

8 Steven M. Taber

9 *Attorneys for Plaintiff, Long Beach Small*
Aircraft Noise Reduction Group

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VERIFICATION

I, Lisa Dunn, declare:

4 I am the Co-founder, for Long Beach Small Aircraft Noise Reduction Group, which is the
5 Petitioner in the above-entitled action. I have been authorized to make this verification on its
6 behalf.

7 I have read the foregoing Verified Petition and Complaint and know the contents thereof.
8 The same is true of my own knowledge except as to those matters which are therein alleged on
9 information and belief, and as to those matters, I believe them to be true.

10 I declare under penalty of perjury under the laws of the State of California and the United
11 States that the foregoing is true and correct.

12 Executed on May 30, 2025 at Long Beach, California


Lisa Dunn