

RESOLUTION NO. 2023-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA EXTENDING AND EXPANDING THE OPERATIONAL AREA AND APPROVING A CONDITIONAL AIRPORT USE PERMIT FOR JOBY AERO, INC. FOR USE OF RAMP SPACE IN THE AIRCRAFT OPERATIONS AREA OF THE MARINA MUNICIPAL AIRPORT FOR AIRCRAFT FLIGHT TESTING ACTIVITIES AND AUTHORIZING THE CITY MANAGER AND THE AIRPORT MANAGER TO EXECUTE THE CONDITIONAL AIRPORT USE PERMIT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

WHEREAS, Joby Aero, Inc. a Delaware corporation authorized to conduct business in California (“Joby”), is a tenant at the Marina Municipal Airport; and

WHEREAS, Joby seeks to continue conducting aircraft flight testing activities, including aircraft system tests, and manned and unmanned hover tests using the Joby S4 aircraft. The testing activity will continue to take place in the Aircraft Operations Area of the Airport on open ramp space proximate to the testing activities when taking place and include locating a ground control system (GCS) trailer and an antenna next to the identified ramp space; and

WHEREAS, the Joby S4 aircraft has been found airworthy by the FAA as indicated by issuance of a Special Airworthiness Certificate for the aircraft. When operated by a remote pilot operation, the Joby S4 is governed by a Certificate of Waiver or Authorization (COA), FAA Form 7711-1. This COA specifies the Operating Area, Special Provisions, Safety of Flight, Notices to Airmen, Airspace, Air Traffic Control procedures and limitations. The airworthiness and COA are specific to the S4 and are developed in cooperation with Joby as well as other branches of the FAA including Air Traffic Control and Airways; and

WHEREAS, Joby will continue to utilize non-exclusive ramp space for flight testing activities. The Conditional Airport Use Permit (CAUP) identifies the ramp space location for flight tests, the GCS and antenna locations (“**EXHIBIT A**”) and east of the Mega Tent (“**EXHIBIT B**”); and

WHEREAS, the Term of the CAUP is July 18, 2023, through August 31, 2025. The CAUP lists Conditions of Approval which apply to conducting flight tests within the ramp space and contains an Operational Safety Plan (OSP) which provides specific direction to be followed when conducting flight tests within the ramp space; and

WHEREAS, Joby personnel will monitor and communicate with air traffic to direct aircraft and/or vehicles to navigate around the dedicated ramp space when the hover testing activity is taking place and will not otherwise interfere with aircraft moving to or from the fuel farm on the ramp or nearby taxiway. Flight testing activities may occur between civil morning twilight and civil evening twilight subject to wind, weather and lighting conditions and would be conducted intermittently throughout various days each month during the term of this permit; and

WHEREAS, Joby will be responsible for all permits, safety, personnel, and coordination of all safety issues with the Airport Services Manager and Marina Police and Fire Departments, as set forth in the Use Permit conditions and OSP; and

WHEREAS, having Joby at the Marina Municipal Airport is in furtherance of the present and future aeronautical use of the Airport and its facilities; and

WHEREAS, staff has determined that the findings for approval of the CAUP can be made, in that the proposed project as conditioned will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working at the Marina Municipal Airport or be detrimental or injurious to property and improvements near the Marina Municipal Airport or to the general welfare of the City or be detrimental to or interfere with aviation activity at the Marina Municipal Airport; and

WHEREAS, Joby Aero, Inc. will pay \$1000.00 per month for any month during which testing takes place and \$200.00 per month for any month during which the ground control system (GCS) trailer is located in the designated area. These revenues will be recorded in the Airport Enterprise Fund 555, Lic & Permits, Account No. 555.000.000.5200.010; and

WHEREAS, the Conditional Airport Use Permit is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301 (Class 1 – operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Approve an extension to the l Airport Use Permit for Joby Aero, Inc. for use of ramp space in the aircraft operations area of the Marina Municipal Airport for aircraft flight testing activities; and
2. Authorize the City Manager and the Airport Manager to execute the Conditional Airport Use Permit on behalf of the City subject to final review and approval by the City Attorney.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 18th day of July 2023, by the following vote:

AYES: COUNCIL MEMBERS: Visscher, Biala, Medina Dirksen, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

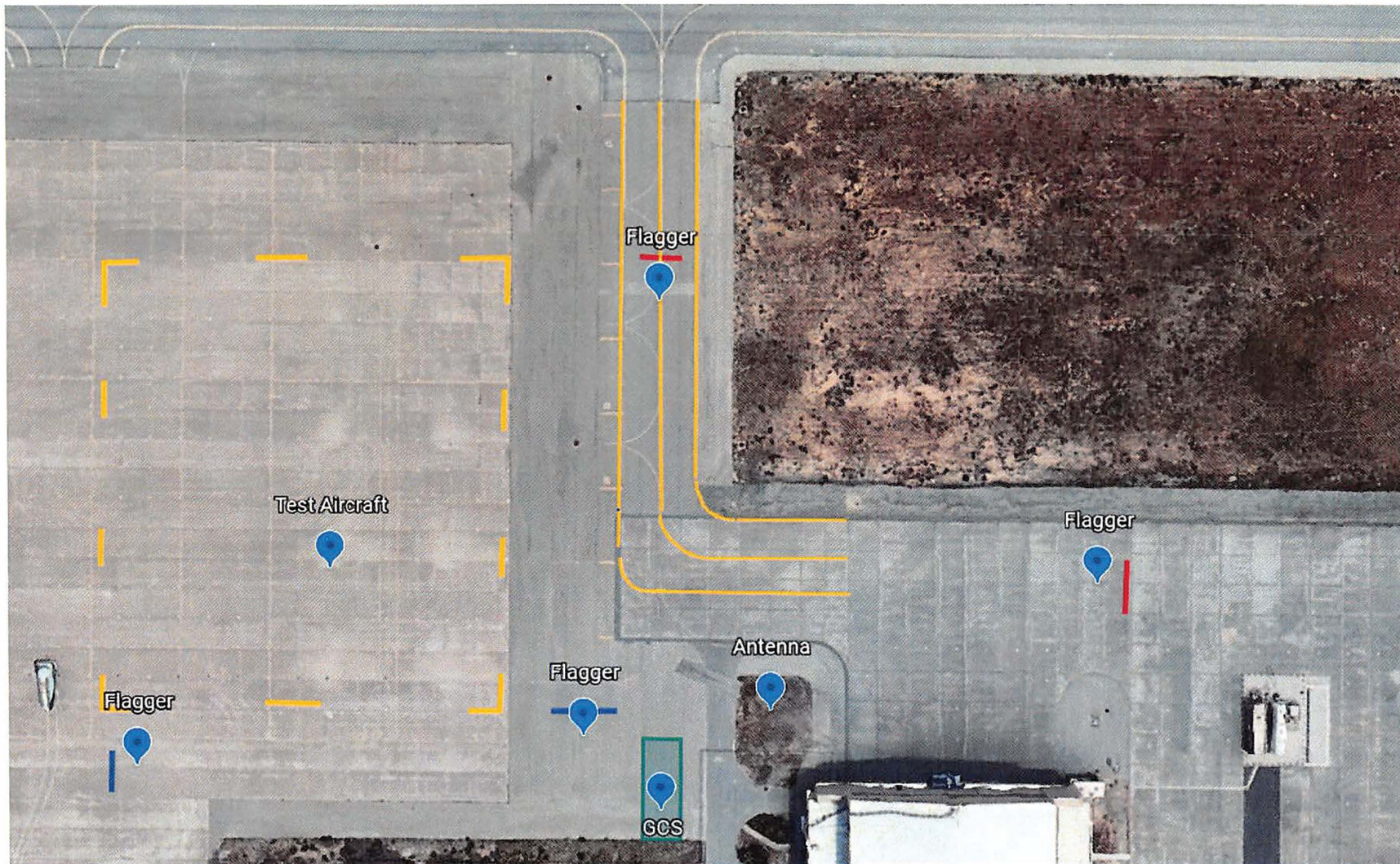
ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

EXHIBIT A

SITE PLAN FOR TEST OPERATIONS





July 13, 2023

Item No. **10g(1)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of July 18, 2023

CITY COUNCIL CONSIDER EXTENDING AND EXPANDING THE OPERATIONAL AREA AND ADOPTING RESOLUTION NO. 2023-, APPROVING A CONDITIONAL AIRPORT USE PERMIT FOR JOBY AERO, INC. FOR USE OF RAMP SPACE IN THE AIRCRAFT OPERATIONS AREA OF THE MARINA MUNICIPAL AIRPORT FOR AIRCRAFT FLIGHT TESTING ACTIVITIES AND AUTHORIZING THE CITY MANAGER AND THE AIRPORT MANAGER TO EXECUTE THE CONDITIONAL AIRPORT USE PERMIT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2023-, approving a Conditional Airport Use Permit for Joby Aero, Inc. for use of ramp space in the aircraft operations area of the Marina Municipal Airport for aircraft flight testing activities; and
2. Authorizing the City Manager and the Airport Manager to execute the Conditional Airport Use Permit on behalf of the City subject to final review and approval by the City Attorney.

BACKGROUND:

Joby Aero, Inc., a Delaware corporation authorized to conduct business in California (“Joby”), is a tenant at the Marina Municipal Airport. Joby conducts aircraft flight testing activities, including aircraft system tests, and manned and unmanned hover tests using the Joby S4 aircraft. The testing takes place in the Aircraft Operations Area of the Airport on non-exclusive open ramp space proximate to the ground control system (GCS) trailer and an antenna next to the identified ramp space.

The Joby S4 aircraft has been found airworthy by the FAA as indicated by issuance of a Special Airworthiness Certificate for the aircraft. When operated by a remote pilot operation, the Joby S4 is governed by a Certificate of Waiver or Authorization (COA), FAA Form 7711-1. This COA specifies the Operating Area, Special Provisions, Safety of Flight, Notices to Airmen, Airspace, Air Traffic Control procedures and limitations.

Airworthiness and COA are specific to the S4 and are developed in cooperation with Joby as well as other branches of the FAA including Air Traffic Control and Airways.

ANALYSIS:

Joby desires to utilize non-exclusive ramp space for flight testing activities. The Conditional Airport Use Permit (CAUP) identifies the ramp space location for flight tests, the GCS and antenna locations (“**EXHIBIT A**”) and east of the Mega Tent (“**EXHIBIT B**”).

The Term of the CAUP is July 18, 2023, through August 31, 2025. The CAUP lists Conditions of Approval which apply to conducting flight tests within the dedicated ramp space areas and contains an Operational Safety Plan (OSP) which provides specific direction to be followed when conducting flight tests within the dedicated ramp space.

Joby personnel will monitor and communicate with air traffic to direct aircraft and/or vehicles to navigate around the ramp space when the hover testing activity is taking place and will not otherwise interfere with aircraft moving to or from the fuel farm on the ramp or nearby taxilane. Flight testing activities may occur between civil morning twilight and civil evening twilight subject to wind, weather and lighting conditions and would be conducted intermittently throughout various days each month during the term of this permit.

Joby will be responsible for all permits, safety, personnel, and coordination of all safety issues with the Airport Services Manager and Marina Police and Fire Departments, as set forth in the Use Permit conditions and OSP. Joby will notify the Airport Services Manager prior to conducting flight testing activities and will be holding two informational meetings to inform the hangar tenants/pilots about this use.

FISCAL IMPACT:

Should the City Council approve this request, Joby Aero, Inc. will pay \$1000.00 per month for any month during which testing takes place and \$200.00 per month for any month during which the ground control system (GCS) trailer is located in the designated area. These revenues will be recorded in the Airport Enterprise Fund 555, Lic & Permits, Account No. 555.000.000.5200.010.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Matt Nelson
Airport Manager
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager/Airport Manager
City of Marina